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HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968

STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

PROCEEDINGS

No. 1

THURSDAY, OCTOBER 17, 1968

INCLUDING

Appendix "A":

Revised Main Estimates (1968-69) of the Department of Veterans Affairs

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ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

29079—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault
and Messrs.

Bigg,
Boulanger,
Émard,
Guay (*St. Boniface*),
Hopkins,
Knowles (*Norfolk-Haldimand*),
Latulippe,
MacRae,
Marshall,
McIntosh,
Mongrain,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Whicher—(20).

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

Mr. Francis replaced Mr. Rochon on October 11, 1968

Mr. Weatherhead replaced Mr. Roy (Timmins) on October 15, 1968

HOUSE OF COMMONS
TUESDAY, October 8, 1968.

Resolved,—That the following Members do compose the Standing Committee on Veterans Affairs:

Messrs.

Bigg,	Latulippe,	Rochon,
Boulanger,	Legault,	Roy (*Timmins*),
Émard,	MacRae,	Saltsman,
Guay (*St. Boniface*),	Marshall,	Stafford,
Hopkins,	McIntosh,	Thomas (*Moncton*),
Knowles (*Norfolk-Haldimand*),	Mongrain,	Turner (*London East*),
	Peters,	Whicher—(20).

FRIDAY, October 11, 1968.

Ordered,—That the name of Mr. Francis be substituted for that of Mr. Rochon on the Standing Committee on Veterans Affairs.

TUESDAY, October 15, 1968.

Ordered,—That the name of Mr. Weatherhead be substituted for that of Mr. Roy (Timmins) on the Standing Committee on Veterans Affairs.

WEDNESDAY, October 16, 1968.

Ordered,—That, saving always the powers of the Committee of Supply in relation to the voting of public moneys, the items listed in the Revised Main Estimates for 1968-69, relating to Veterans Affairs, be withdrawn from the Committee of Supply and referred to the Standing Committee on Veterans Affairs.

Attest.

ALISTAIR FRASER
The Clerk of the House of Commons

29079—1½

MINUTES OF PROCEEDINGS

THURSDAY, October 17, 1968.

(1)

The Standing Committee on Veterans Affairs met this day at 11.30 o'clock a.m., for the purpose of organization.

Members present: Messrs. Bigg, Emard, Francis, Guay (*St. Boniface*), Hopkins, Knowles (*Norfolk-Haldimand*), Latulippe, Legault, MacRae, Marshall, Mongrain, Saltsman, Stafford, Thomas (*Moncton*), Turner (*London East*), Weatherhead, Whicher—(17).

The Clerk attending and having called for nominations for the election of a Chairman, it was moved by Mr. Guay (*St. Boniface*), seconded by Mr. Whicher that Mr. Francis be elected Chairman of this Committee.

Mr. Thomas (*Moncton*) moved, seconded by Mr. Turner (*London East*),

Agreed,—That nominations be closed.

The Clerk put Mr. Guay (*St. Boniface*) motion and it was *resolved* in the affirmative. Mr. Francis took the Chair and thanked the Committee for the honour.

The Chairman called for nominations for the election of a Vice-Chairman.

It was moved by Mr. Marshall, seconded by Mr. Knowles (*Norfolk-Haldimand*),

That Mr. MacRae be elected Vice-Chairman.

Mr. Hopkins moved, seconded by Mr. Mongrain,

That Mr. Legault be elected Vice-Chairman.

On motion of Mr. Guay (*St. Boniface*), seconded by Mr. Marshall,

Agreed,—That nominations be closed.

The Chairman put Mr. Marshall's motion which was defeated by a show of hands (Yeas 3 Nays 9).

The Chairman declared Mr. Carl Legault elected Vice-Chairman of this Committee.

Thereupon, Mr. Emard made allusion to the procedure used in the selection of Committee officials.

On motion of Mr. Mongrain, seconded by Mr. Latulippe,

Mr. Mongrain moved, seconded by Mr. Bigg,

That the Committee print the Minutes of Proceedings and Evidence of this Committee in both English and French under the same cover. It was *agreed* that this motion be referred to the Steering Committee for its consideration and report.

Agreed,—That the Committee print 500 copies in English and 250 copies in French of its Minutes of Proceedings and Evidence, with the understanding that additional copies will be printed when required.

It was moved by Mr. Mongrain, seconded by Mr. MacRae,

Agreed,—That the Sub-Committee on Agenda and Procedure be comprised of the Chairman, the Vice-Chairman and one (1) other member of this Committee from each party be appointed by the Chairman after the usual consultations with the Whips of the different parties.

Moved by Mr. Marshall, seconded by Mr. Legault,

Resolved,—That the items listed in the Revised Main Estimates for 1968-69 relating to the Department of Veterans Affairs be printed as an appendix in Issue No. 1 of the Proceedings of this Committee (*See Appendix "A"*).

The Committee directed the Clerk to provide copies of the Report of The Committee To Survey The Work And Organization Of The Canadian Pension Commission as well as twenty-five (25) copies of the Summary of Recommendations of the said Report.

The Chairman asked the Clerk to read the Orders of Reference.

At 12.10 o'clock p.m. the Chairman adjourned the Committee to the call of the Chair.

D. E. Levesque,
Clerk of the Committee.

APPENDIX "A"

VETERANS AFFAIRS

REVISED ESTIMATES, 1968–69

VETERANS AFFAIRS

No. of Vote	Service	1968-69	1967-68	Change	
				Increase	Decrease
		$	$	$	$
(S)	Minister of Veterans Affairs—Salary and Motor Car Allowance (Details, page 559)	17,000	17,000		
	ADMINISTRATION				
1	Departmental Administration (Details, page 559)	5,742,000	5,702,200	39,800	
	WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS				
5	Administration, including the expenses of the War Veterans Allowance Board (Details, page 560)	6,596,400	6,452,400	144,000	
10	War Veterans Allowances, Civilian War Allowances and Assistance in accordance with the provisions of the Assistance Fund Regulations (Details, page 562)	108,680,000	115,721,000	.....	7,041,000
15	Other Benefits, including Education Assistance, Hospital Insurance Premiums or payments in lieu thereof re recipients of War Veterans Allowance and Civilian War Allowance, repayments under subsection (3) of section 12 of the Veterans' Rehabilitation Act in such amounts as the Minister of Veterans Affairs determines, not exceeding the whole of amounts equivalent to the compensating adjustments or payments made under that Act, where the persons who made the compensating adjustments or payments received no benefits under the Veterans' Land Act, or where, having had financial assistance under the Veterans' Land Act, are deemed by the Minister on termination of their Veterans' Land Act contracts or agreements to have derived thereunder either no benefits or benefits that are less than the amounts of the compensating adjustments or payments, and grants as detailed in the Estimates (Details, page 563)	3,446,200	2,710,200	736,000	
(S)	War Service Gratuities, Re-Establishment Credits and repayments under section 13A of the War Service Grants Act of compensating adjustments made in accordance with the terms of the Veterans' Land Act (Details, page 564)	510,000	505,000	5,000	
—	Appropriation not required for 1968-69 (Details, page 564)	.....	1	.....	1
		119,232,600	125,388,601	.....	6,156,001

No. of Vote	Service	1968–69	1967–68	Change	
				Increase	Decrease
		$	$	$	$
	PENSIONS				
20	Administration (Details, page 565).....	3,201,000	3,212,000	.....	11,000
25	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; Newfoundland Special Awards; Burial Grants; and Gallantry Awards (World War II and Special Force) (Details, page 566)	225,229,000	198,979,000	26,250,000	
		228,430,000	202,191,000	26,239,000	
	TREATMENT SERVICES				
30	Operation and Maintenance including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year for hospital and related services (Details, page 567).....	53,780,000	55,574,900	.....	1,794,900
35	Hospital Construction, Improvements, Equipment and Acquisition of Land including contributions to Provinces and other authorities towards such costs (Details, page 569).....	6,569,000	6,076,000	493,000	
38	Treatment and Related Allowances (Details, page 570).....	3,080,000	2,610,000	470,000	
		63,429,000	64,260,900	.....	831,900
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT				
40	Administration of Veterans' Land Act; Soldier Settlement and British Family Settlement; upkeep of property, Veterans' Land Act, including engineering and other investigational planning expenses that do not add tangible value to real property, taxes, insurance and maintenance of public utilities; and to authorize, subject to the approval of the Governor in Council, necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act and to correct defects for which neither the veteran nor the contractor can be held financially responsible, and for such other work on other properties as may be required to protect the interest of the Director therein (Details, page 570).....	5,414,000	5,338,600	75,400	

No. of Vote	Service	1968–69	1967–68	Change	
				Increase	Decrease
		$	$	$	$
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT (Continued)				
45	Grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under section 38 of the Veterans' Land Act, grants to veterans settled on Dominion Lands in accordance with an agreement with the Minister of Indian Affairs and Northern Development under section 38 of the Veterans' Land Act and grants to Indian veterans settled on Indian Reserve Lands under section 39 of the Veterans' Land Act (Details, page 572)	110,000	130,000	.....	20,000
(S)	Provision for reserve for conditional benefits, Veterans' Land Act (Details, page 573)	3,520,000	3,508,000	12,000	
		9,044,000	8,976,600	67,400	
	SUMMARY				
	To be voted	**421,847,600**	402,506,301	19,341,299	
	Authorized by Statute	**4,047,000**	4,030,000	17,000	
		425,894,600	**406,536,301**	**19,358,299**	

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		Approximate Value of Major Services not included in these Estimates		
		Accommodation (provided by the Department of Public Works)	2,910,500	2,250,100
		Accommodation (in this Department's own buildings)	8,775,000	8,011,800
		Accounting and cheque issue services (Comptroller of the Treasury)	3,608,600	3,935,800
		Contributions to Superannuation Account (Treasury Board)	6,076,700	4,367,300
		Contributions to Canada Pension Plan Account and Quebec Pension Plan Account (Treasury Board)	879,500	862,800
		Employee surgical-medical insurance premiums (Treasury Board)	160,300	417,900
		Employee compensation payments (Department of Labour)	124,400	182,600
		Carrying of franked mail (Post Office Department)	73,600	56,600
			22,608,600	20,084,900
		Statutory—Minister of Veterans Affairs—Salary and Motor Car Allowance		
		Salary (1)	15,000	15,000
		Motor Car Allowance (1)	2,000	2,000
			17,000	**17,000**
		ADMINISTRATION		
		Vote 1—Departmental Administration		
		Salaried Positions:		
		Executive, Scientific and Professional:		
1	1	Deputy Minister ($24,840)		
1	1	Senior Officer 3 ($20,500–$25,750)		
4	4	Senior Officer 1 ($16,500–$21,250)		
2		($18,000–$21,000)		
8	2	($16,000–$18,000)		
20	6	($14,000–$16,000)		
17	37	($12,000–$14,000)		
5	6	($10,000–$12,000)		
	7	($8,000–$10,000)		
2		(Part Time)		
		Administrative and Foreign Service:		
1		($16,000–$18,000)		
8	1	($14,000–$16,000)		
11	14	($12,000–$14,000)		
30	10	($10,000–$12,000)		
30	30	($8,000–$10,000)		
4	19	($6,000–$8,000)		
		Technical, Operational and Service:		
3	3	($8,000–$10,000)		
7	6	($6,000–$8,000)		
23	10	($4,000–$6,000)		
2	15	(Under $4,000)		

Positions (man-years)		Details of Services		Amount	
1968-69	1967-68			1968-69	1967-68
				$	$
		ADMINISTRATION (Continued)			
		Vote 1 (Continued)			
		Salaried Positions: (Continued)			
		Administrative Support:			
3	3	($8,000-$10,000)			
50	53	($6,000-$8,000)			
348	345	($4,000-$6,000)			
69	88	(Under $4,000)			
		Local Assistance Abroad:			
13		(Full Time)			
662	661				
(661)	(661)	Salaries	(1)	3,949,000	3,965,000
		Allowances	(1)	8,000	7,200
		Travelling Expenses—Staff	(2)	90,000	75,000
		Freight, Express and Cartage	(2)	5,000	13,500
		Postage	(2)	10,000	5,600
		Telephones and Telegrams	(2)	54,000	43,000
		Publication of Departmental Reports and other Material	(3)	12,000	8,500
		Advertising and Publicity	(3)	45,000	35,000
		Corps of Commissionaires Services	(4)	32,000	27,500
		Last Post Fund	(4)	460,000	435,000
		Books of Remembrance	(4)	12,000	2,500
		Memorial and Remembrance Ceremonies	(4)	113,000	143,000
		Rental of Office Machines	(5)	65,000	60,400
		Repairs and Upkeep of Equipment	(6)	5,000	5,000
		Battlefields Memorials	(6)	100,000	95,000
		Maintenance of Departmental Cemeteries and Plots	(6)	36,000	44,000
		Campaign Stars and Medals, including cost of distribution	(7)	3,000	3,000
		Stationery, Supplies and Office Machines	(7)	150,000	145,000
		Office Furnishings and Fixtures	(9)	18,000	20,000
		Commonwealth War Graves Commission	(10)	555,000	538,000
		Sundries	(12)	20,000	31,000
				5,742,000	**5,702,200**
			Expenditure		
		1965-66	$ 2,665,251		
		1966-67	5,218,947		
		1967-68 (estimated)	5,690,000		
		WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS			
		Vote 5—Administration, including the expenses of the War Veterans Allowance Board			
		VETERANS' WELFARE SERVICES			
		Salaried Positions:			
		Executive, Scientific and Professional:			
1	1	Senior Officer 1 ($16,500-$21,250)			
3		($10,000-$12,000)			
7		($8,000-$10,000)			
		Administrative and Foreign Service:			
2	2	($14,000-$16,000)			
4		($12,000-$14,000)			
16	4	($10,000-$12,000)			
58	37	($8,000-$10,000)			
300	72	($6,000-$8,000)			

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			$	$
		WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS (Continued)		
		Vote 5 (Continued)		
		VETERANS' WELFARE SERVICES (Continued)		
		Salaried Positions: (Continued)		
		Technical, Operational and Service:		
	161	($6,000-$8,000)		
5	115	($4,000-$6,000)		
18	4	(Under $4,000)		
		Administrative Support:		
4	2	($8,000-$10,000)		
44	45	($6,000-$8,000)		
449	448	($4,000-$6,000)		
133	155	(Under $4,000)		
		Local Assistance Abroad:		
2		(Full Time)		
1,046	1,046			
(1,046)	(1,046)	Salaries....(1)	5,762,500	5,600,000
		Travelling Expenses—Staff....(2)	250,000	252,000
		Travelling Expenses—Applicants, Recipients and Others....(2)	2,000	17,000
		Postage....(2)	39,000	38,000
		Telephones and Telegrams....(2)	73,500	60,000
		Professional and Special Services....(4)	1,000	18,000
		Corps of Commissionaires Services....(4)	38,000	37,000
		Training—Educational Services....(4)	6,200	2,500
		Rental of Office Machines....(5)	34,000	30,000
		Repairs and Upkeep—Motor Vehicles....(6)	7,000	7,500
		Repairs and Upkeep—Equipment and Furnishings....(6)	10,000	17,000
		Stationery, Supplies and Office Machines....(7)	44,000	44,000
		Materials and Supplies....(7)	5,000	5,000
		Office Furnishings and Fixtures....(9)	15,000	30,000
		Acquisition of Motor Vehicles....(9)	10,000	10,000
		Sundries....(12)	3,800	2,500
			6,301,000	6,170,500
		Expenditure		
		1965-66.... $ 3,942,308		
		1966-67.... 5,831,476		
		1967-68 (estimated).... 6,162,000		
		WAR VETERANS ALLOWANCE BOARD—ADMINISTRATION		
1	1	Chairman ($20,750)		
1	1	Deputy Chairman ($18,500)		
5	5	Member ($16,250)		
		Salaried Positions:		
		Administrative and Foreign Service:		
2		($10,000-$12,000)		
1	3	($8,000-$10,000)		
		Administrative Support:		
1	1	($8,000-$10,000)		
9	10	($6,000-$8,000)		
6	9	($4,000-$6,000)		
5	1	(Under $4,000)		
31	31			

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS (Continued)		
		Vote 5 (Continued)		
		WAR VETERANS ALLOWANCE BOARD—ADMINISTRATION (Continued)		
(31)	(31)	Salaries....(1)	275,000	263,000
		Pensions—Retired Board Members....(1)	5,000	5,000
		Travelling Expenses—Staff....(2)	2,500	2,000
		Postage....(2)	300	300
		Telephones and Telegrams....(2)	2,500	1,500
		Stationery, Supplies and Office Machines....(7)	6,000	6,000
		Office Furnishings and Fixtures....(9)	4,000	4,000
		Sundries....(12)	100	100
			295,400	281,900
		Expenditure		
		1965–66.... $ 230,531		
		1966–67.... 276,661		
		1967–68 (estimated).... 279,000		
		Total, Vote 5....	**6,596,400**	**6,452,400**
		Expenditure		
		1965–66.... $ 4,172,839		
		1966–67.... 6,108,137		
		1967–68 (estimated).... 6,441,000		
		Vote 10—War Veterans Allowances, Civilian War Allowances and Assistance in accordance with the provisions of the Assistance Fund Regulations		
		WAR VETERANS ALLOWANCES AND CIVILIAN ALLOWANCES		
		North West Field Force....	11,000	13,000
		South African War....	430,000	568,000
		World War I....	54,535,000	63,600,000
		World War II and Special Force (Korea)....	42,500,000	40,400,000
		Dual Service (World Wars I and II)....	1,845,000	2,045,000
		Civilian War Allowances....	2,960,000	2,495,000
		(10)	102,281,000	109,121,000
		Expenditure		
		1965–66.... $ 99,901,624		
		1966–67.... 103,629,448		
		1967–68 (estimated).... 99,000,000		
		ASSISTANCE IN ACCORDANCE WITH THE PROVISIONS OF THE ASSISTANCE FUND REGULATIONS....(10)	6,399,000	6,600,000
		Expenditure		
		1965–66.... $ 5,699,092		
		1966–67.... 5,867,068		
		1967–68 (estimated).... 6,550,000		
		Total, Vote 10....	**108,680,000**	**115,721,000**

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS (Continued)		
		Vote 10 (Continued)		
		Expenditure		
		1965–66 ... $105,600,716		
		1966–67 ... 109,496,516		
		1967–68 (estimated) ... 105,550,000		
		Vote 15—Other Benefits, including Education Assistance, Hospital Insurance Premiums or payments in lieu thereof re recipients of War Veterans Allowance and Civilian War Allowance, repayments under subsection (3) of section 12 of the Veterans' Rehabilitation Act in such amounts as the Minister of Veterans Affairs determines, not exceeding the whole of amounts equivalent to the compensating adjustments or payments made under that Act, where the persons who made the compensating adjustments or payments received no benefits under the Veterans' Land Act, or where, having had financial assistance under the Veterans' Land Act, are deemed by the Minister on termination of their Veterans' Land Act contracts or agreements to have derived thereunder either no benefits or benefits that are less than the amounts of the compensating adjustments or payments, and grants as detailed in the Estimates		
		Correspondence Courses ... (4)	18,000	21,000
		Children of War Dead (Education Assistance) ... (10)	811,000	856,000
		University and Vocational Training ... (10)	52,000	49,000
		Training and Aftercare of Blinded Pensioners by Canadian National Institute for the Blind ... (10)	73,000	65,000
		Special Welfare and Placement Services ... (10)	17,200	17,200
		Grant to Army Benevolent Fund ... (10)	18,000	18,000
		Grant to Royal Canadian Legion ... (10)	9,000	9,000
		Awaiting Returns Allowances ... (10)	33,000	37,000
		Assistance to Canadian Veterans—Overseas District (10)	36,000	30,000
		Repayments under Section 12(3), Veterans Rehabilitation Act ... (10)	4,000	5,000
		Hospital Insurance Premiums, or Payments in lieu, for Recipients of War Veterans Allowance and Civilian War Allowance ... (10)	2,375,000	1,603,000
			3,446,200	**2,710,200**
		Expenditure		
		1965–66 ... $ 1,155,148		
		1966–67 ... 2,663,687		
		1967–68 (estimated) ... 2,668,200		

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		WELFARE SERVICES, ALLOWANCES AND OTHER BENEFITS (Continued)		
		Statutory—War Service Gratuities, Re-Establishment Credits and Repayments under section 13A of the War Service Grants Act of compensating adjustments made in accordance with the terms of the Veterans' Land Act		
		STATUTORY—WAR SERVICE GRATUITIES (CHAP. 289, R.S.).....(10)	10,000	5,000
		Expenditure		
		1965–66..... $ 2,263		
		1966–67..... 8,356		
		1967–68 (estimated)..... 5,000		
		STATUTORY—RE-ESTABLISHMENT CREDITS (CHAP. 289, R.S.).....(10)	250,000	300,000
		Expenditure		
		1965–66..... $ 216,974		
		1966–67..... 182,727		
		1967–68 (estimated)..... 175,000		
		STATUTORY—REPAYMENTS UNDER SECTION 13A OF THE WAR SERVICE GRANTS ACT OF COMPENSATING ADJUSTMENTS MADE IN ACCORDANCE WITH THE TERMS OF THE VETERANS' LAND ACT.....(10)	250,000	200,000
		Expenditure		
		1965–66..... $ 195,731		
		1966–67..... 211,405		
		1967–68 (estimated)..... 250,000		
		Total, Statutory Item.....	**510,000**	**505,000**
		Expenditure		
		1965–66..... $ 414,968		
		1966–67..... 402,488		
		1967–68 (estimated)..... 430,000		
		Appropriation not required for 1968–69		
		To provide that, effective the 1st day of July, 1967, the definition of "civilian" for the purposes of Part XI of the Civilian War Pensions and Allowances Act be read and construed as though for paragraph (g) of subsection (1) of section 75 of the said Act there were substituted the following: (g) a person who served in the United Kingdom with the Newfoundland Overseas Forestry Unit during World War II (i) for a period of more than six months, or (ii) for any period, if the service was terminated on medical grounds.....(1)	.....	1

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			$	$
		PENSIONS		
		Vote 20—Administration		
1	1	Chairman, Canadian Pension Commission ($23,500)		
1	1	Deputy Chairman, Canadian Pension Commission ($21,000)		
15	15	Commissioner ($18,500)		
		Salaried Positions:		
		Executive, Scientific and Professional:		
1	1	Medical Officer 6 ($21,840-$22,880)		
15	15	($18,000-$21,000)		
39	39	($16,000-$18,000)		
1	1	($14,000-$16,000)		
		Administrative and Foreign Service:		
1		($12,000-$14,000)		
2	1	($10,000-$12,000)		
7	3	($8,000-$10,000)		
5	11	($6,000-$8,000)		
		Technical, Operational and Service:		
4	4	($8,000-$10,000)		
11		($6,000-$8,000)		
	11	($4,000-$6,000)		
		Administrative Support:		
4	3	($8,000-$10,000)		
35	37	($6,000-$8,000)		
176	178	($4,000-$6,000)		
36	37	(Under $4,000)		
354	358			
(354)	(358)	Salaries.....(1)	2,705,000	2,675,000
		Allowances.....(1)	.....	5,000
		Travelling Expenses—Staff.....(2)	85,000	83,000
		Travelling Expenses—Applicants, Pensioners and Escorts.....(2)	185,000	200,000
		Postage.....(2)	14,000	13,500
		Telephones and Telegrams.....(2)	30,000	18,500
		Professional and Special Services.....(4)	54,000	85,000
		Repairs and Upkeep of Equipment.....(6)	4,000	4,000
		Stationery, Supplies and Office Machines.....(7)	30,000	30,000
		Office Furnishings and Fixtures.....(9)	15,000	25,000
		Compensation for Loss of Earnings.....(10)	75,000	70,000
		Sundries.....(12)	4,000	3,000
			3,201,000	**3,212,000**
		Expenditure		
		1965-66..... $ 2,858,096		
		1966-67..... 3,120,072		
		1967-68 (estimated)..... 3,212,000		

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			$	$
		PENSIONS (Continued)		
		Vote 25—Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; Newfoundland Special Awards; Burial Grants; and Gallantry Awards (World War II and Special Force)		
		PENSIONS FOR DISABILITY AND DEATH, INCLUDING PENSIONS GRANTED UNDER THE AUTHORITY OF THE CIVILIAN GOVERNMENT EMPLOYEES (WAR) COMPENSATION ORDER, P.C. 45/8848 OF NOVEMBER 22, 1944, WHICH SHALL BE SUBJECT TO THE PENSION ACT; AND INCLUDING NEWFOUNDLAND SPECIAL AWARDS		
		North West Field Force and General	3,000	8,000
		The Flying Accidents Compensation Order	82,000	66,000
		World War I	67,600,000	60,650,000
		World War II	149,475,000	131,335,000
		Civilians, World War II	765,000	707,000
		Defence Forces—Peacetime Services	4,490,000	3,720,000
		Special Forces (Korea)	2,350,000	2,025,000
		Newfoundland Special Awards	35,000	38,000
		Burial Grants	400,000	400,000
		(10)	225,200,000	198,949,000
		Expenditure		
		1965-66 $185,532,099		
		1966-67 195,883,055		
		1967-68 (estimated) 206,792,000		
		GALLANTRY AWARDS—WORLD WAR II AND SPECIAL FORCE (10)	29,000	30,000
		Expenditure		
		1965-66 $ 27,226		
		1966-67 27,326		
		1967-68 (estimated) 28,000		
		Total, Vote 25	**225,229,000**	**198,979,000**
		Expenditure		
		1965-66 $185,559,325		
		1966-67 195,910,381		
		1967-68 (estimated) 206,820,000		

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		TREATMENT SERVICES		
		Vote 30—Operation and Maintenance including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year for hospital and related services		
		TREATMENT SERVICES—OPERATION OF HOSPITALS AND ADMINISTRATION INCLUDING AUTHORITY, NOTWITHSTANDING THE FINANCIAL ADMINISTRATION ACT, TO SPEND REVENUE RECEIVED DURING THE YEAR FOR HOSPITAL AND RELATED SERVICES		
		Salaried Positions:		
		Executive, Scientific and Professional:		
1	1	Senior Officer 3 ($20,500–$25,750)		
72	73	Medical Specialist 2 ($17,500–$25,750)		
6	6	Medical Officer 6 ($21,840–$22,880)		
81	37	($18,000–$21,000)		
6	46	($16,000–$18,000)		
31	9	($14,000–$16,000)		
7	35	($12,000–$14,000)		
22	12	($10,000–$12,000)		
115	64	($8,000–$10,000)		
102	175	($6,000–$8,000)		
175	205	(Under $4,000)		
1	1	(Part Time)		
		Administrative and Foreign Service:		
6		($14,000–$16,000)		
5	2	($12,000–$14,000)		
14	10	($10,000–$12,000)		
63	36	($8,000–$10,000)		
10	36	($6,000–$8,000)		
		Technical, Operational and Service:		
1	1	($12,000–$14,000)		
9	8	($8,000–$10,000)		
288	224	($6,000–$8,000)		
4,879	4,345	($4,000–$6,000)		
412	1,374	(Under $4,000)		
1	2	(Part Time)		
		Administrative Support:		
5	5	($8,000–$10,000)		
81	86	($6,000–$8,000)		
793	798	($4,000–$6,000)		
328	382	(Under $4,000)		
1		(Part Time)		
		Prevailing Rate Positions:		
1,396	1,466	(Full Time)		
8,911	9,439			
(8,910)	(9,438)	Continuing Establishment	43,310,000	42,400,000
(75)	(75)	Casuals and Others	300,000	300,000
(8,985)	(9,513)	Salaries and Wages (1)	43,610,000	42,700,000
		Overtime (1)	789,000	721,000
		Night Differential Payments for Operating Services (1)	217,000	211,000
		Unemployment Insurance Contributions (1)	46,000	57,000
		Nursing Assistants—Trainees' Allowances (1)	60,000	62,000
		Laboratory Technicians—Trainees' Allowances (1)	60,000	66,000
		Travelling Expenses—Staff (2)	250,000	210,500
		Travelling Expenses—Patients and Escorts (2)	710,000	765,000
		Freight, Express and Cartage (2)	50,000	53,000

29079—2½

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		TREATMENT SERVICES (Continued)		
		Vote 30 (Continued)		
		TREATMENT SERVICES—OPERATION OF HOSPITALS AND ADMINISTRATION ETC. (Continued)		
		Postage (2)	65,000	65,000
		Telephones and Telegrams (2)	207,000	205,000
		Publication of Medical Services Journal, Canada (3)	13,000	13,500
		Hospitalization in other than Department of Veterans Affairs Institutions (4)	7,660,000	7,799,000
		Fees—Doctors and Consultants, Department of Veterans Affairs Institutions (4)	2,456,000	3,452,000
		Corps of Commissionaires Services (4)	780,000	804,000
		Canadian Red Cross Society—Arts and Crafts Program (4)	161,000	133,000
		Funerals (4)	620,000	550,000
		Cemetery Charges (4)	176,000	145,000
		Grave Markers (4)	213,000	150,000
		Laundry (4)	340,000	308,000
		Medical Education—Tuition (4)	80,000	16,500
		Service Contracts—Building (4)	110,000	100,000
		Prosthetic Service—Department of National Health and Welfare (4)	650,000	828,000
		Prescription Service—Drugs (4)	1,809,000	1,590,000
		Other Professional and Special Services (4)	4,680,000	5,316,000
		Rental of Buildings, Works and Land (5)	149,000	69,400
		Repairs and Upkeep of Buildings and Works, including Land (6)	752,000	547,000
		Repairs and Upkeep of Equipment (6)	300,000	254,000
		Stationery, Supplies and Office Machines (7)	225,000	185,000
		Repair Supplies (7)	300,000	298,000
		Materials and Supplies (7)	8,121,000	8,403,000
		Light and Power (7)	355,000	372,000
		Water Rates, Taxes and Other Public Utility Charges (7)	165,000	161,000
		Sundries (12)	35,000	52,000
			76,214,000	76,661,900
		Less—Recoverable Costs—Treatment of Patients, Staff Meals and Accommodation, etc (13)	22,800,000	21,452,000
			53,414,000	55,209,900

	Expenditure	Revenue
1965–66	$ 71,959,445	$24,645,036
1966–67	75,400,049	23,430,726
1967–68 (estimated)	77,027,000	22,400,000

		TREATMENT SERVICES—MEDICAL RESEARCH		
		Salaried Positions:		
		Executive, Scientific and Professional:		
1	1	($16,000–$18,000)		
1	1	($12,000–$14,000)		
5	5	($8,000–$10,000)		
6	6	($6,000–$8,000)		
1	1	(Part Time)		

Positions (man-years) 1968-69	Positions (man-years) 1967-68	Details of Services		Amount 1968-69	Amount 1967-68
				$	$
		TREATMENT SERVICES (Continued)			
		Vote 30 (Continued)			
		TREATMENT SERVICES—MEDICAL RESEARCH (Continued)			
		Salaried Positions (Continued)			
		Technical, Operational and Service:			
12	12	($6,000-$8,000)			
33	33	($4,000-$6,000)			
1	1	(Part Time)			
60	60				
(59)	(59)	Salaries	(1)	226,000	228,000
		Travelling Expenses—Staff	(2)	3,000	3,000
		Travelling Expenses—Patients and Escorts	(2)	1,000	1,000
		Fees of Specialists engaged in Research	(4)	118,000	115,000
		Other Professional and Special Services	(4)	5,000	5,000
		Special Research Drugs	(7)	1,000	1,000
		Research Supplies	(7)	12,000	12,000
				366,000	365,000
			Expenditure		
		1965-66	$ 417,726		
		1966-67	417,764		
		1967-68 (estimated)	365,000		
		Total, Vote 30		**53,780,000**	**55,574,900**
			Expenditure / Revenue		
		1965-66	$ 72,377,171 / $24,645,036		
		1966-67	75,817,813 / 23,430,726		
		1967-68 (estimated)	77,392,000 / 22,400,000		
		Vote 35—Hospital Construction, Improvements, Equipment and Acquisition of Land including contributions to Provinces and other authorities towards such costs			
		OPERATION OF HOSPITALS			
		Hospital Construction and Improvements	(8)	5,226,000	4,772,000
		Construction or Acquisition of Equipment, Furnishings and Fixtures	(9)	1,292,000	1,254,000
				6,518,000	6,026,000
			Expenditure		
		1965-66	$ 1,684,304		
		1966-67	2,938,102		
		1967-68 (estimated)	5,688,000		

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			$	$
		TREATMENT SERVICES (Continued)		
		Vote 35 (Continued)		
		MEDICAL RESEARCH		
		Acquisition of Equipment and Furnishings.....(9)	51,000	50,000
		Expenditure		
		1965-66..... $.....		
		1966-67.....		
		1967-68 (estimated)..... 50,000		
		Total, Vote 35.....	**6,569,000**	**6,076,000**
		Expenditure		
		1965-66..... $ 1,684,304		
		1966-67..... 2,938,102		
		1967-68 (estimated)..... 5,738,000		
		Vote 38—Treatment and Related Allowances....(10)	**3,080,000**	**2,610,000**
		Expenditure		
		1965-66..... $ 2,621,200		
		1966-67..... 2,579,615		
		1967-68 (estimated)..... 2,818,000		
		SOLDIER SETTLEMENT AND VETERANS' LAND ACT		
		Vote 40—Administration of Veterans' Land Act; Soldier Settlement and British Family Settlement; upkeep of property, Veterans' Land Act, including engineering and other investigational planning expenses that do not add tangible value to real property; taxes, insurance and maintenance of public utilities; and to authorize, subject to the approval of the Governor in Council, necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act and to correct defects for which neither the veteran nor the contractor can be held financially responsible, and for such other work on other properties as may be required to protect the interest of the Director therein		
		ADMINISTRATION OF VETERANS' LAND ACT; SOLDIER SETTLEMENT AND BRITISH FAMILY SETTLEMENT		
		Salaried Positions:		
		Executive, Scientific and Professional:		
1	1	Director of Soldier Settlement and Director, Veterans' Land Act ($20,000)		
1	1	($16,000-$18,000)		
1		($10,000-$12,000)		
		Administrative and Foreign Service:		
10	1	($14,000-$16,000)		
	9	($12,000-$14,000)		
40	2	($10,000-$12,000)		
155	53	($8,000-$10,000)		
87	125	($6,000-$8,000)		

Positions (man-years)		Details of Services	Amount	
1968-69	1967-68		1968-69	1967-68
			$	$
		SOLDIER SETTLEMENT AND VETERANS' LAND ACT (Continued)		
		Vote 40 (Continued)		
		ADMINISTRATION OF VETERANS' LAND ACT; SOLDIER SETTLEMENT AND BRITISH FAMILY SETTLEMENT (Continued)		
		Salaried Positions (Continued)		
		Technical, Operational and Service:		
2	2	($12,000-$14,000)		
1	1	($10,000-$12,000)		
	2	($8,000-$10,000)		
15	116	($6,000-$8,000)		
2	2	($4,000-$6,000)		
		Administrative Support:		
1	2	($8,000-$10,000)		
38	39	($6,000-$8,000)		
232	274	($4,000-$6,000)		
71	27	(Under $4,000)		
657	657			
(657)	(657)	Continuing Establishment	4,460,000	4,325,000
(8)	(8)	Casuals and Others	23,000	30,000
(665)	(665)	Salaries and Wages (1)	4,483,000	4,355,000
		Travelling Expenses (2)	350,000	367,000
		Postage (2)	42,500	42,500
		Telephones and Telegrams (2)	62,500	55,000
		Freight, Express and Cartage (2)	2,000	200
		Professional and Special Services (4)	379,000	416,000
		Expenses of Regional Advisory Committees and Provincial Advisory Boards (4)	4,000	4,000
		Educational and Photographic Services (4)	6,500	7,500
		Repairs and Upkeep of Motor Vehicles (6)	3,100	3,000
		Repairs to Office Furnishings (6)	2,000	3,500
		Repairs to Office Machines and Equipment (6)	2,900	1,500
		Stationery, Supplies and Office Machines (7)	47,500	46,500
		Office Furnishings and Fixtures (9)	2,000	6,500
		Motor Vehicles—Purchase and Replacement (9)	3,000	2,500
		Sundries (12)	7,000	2,000
			5,397,000	5,312,700
			Expenditure	
		1965-66	$ 4,340,324	
		1966-67	5,043,260	
		1967-68 (estimated)	5,414,700	
		UPKEEP OF PROPERTY, VETERANS' LAND ACT, INCLUDING ENGINEERING AND OTHER INVESTIGATIONAL PLANNING EXPENSES THAT DO NOT ADD TANGIBLE VALUE TO REAL PROPERTY, TAXES, INSURANCE AND MAINTENANCE OF PUBLIC UTILITIES		
		Consulting Engineers, Surveyors, etc. (4)	1,000	1,000
		Maintenance of Public Utilities (6)	6,000	8,800
		Taxes (10)	6,500	12,500
		Sundries (12)	500	600
			14,000	22,900
			Expenditure	
		1965-66	$ 28,314	
		1966-67	28,911	
		1967-68 (estimated)	60,000	

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		SOLDIER SETTLEMENT AND VETERANS' LAND ACT (Continued)		
		Vote 40 (Continued)		
		TO AUTHORIZE, SUBJECT TO THE APPROVAL OF THE GOVERNOR IN COUNCIL, NECESSARY REMEDIAL WORK ON PROPERTIES CONSTRUCTED UNDER INDIVIDUAL FIRM PRICE CONTRACTS AND SOLD UNDER THE VETERANS' LAND ACT AND TO CORRECT DEFECTS FOR WHICH NEITHER THE VETERAN NOR THE CONTRACTOR CAN BE HELD FINANCIALLY RESPONSIBLE, AND FOR SUCH OTHER WORK ON OTHER PROPERTIES AS MAY BE REQUIRED TO PROTECT THE INTEREST OF THE DIRECTOR THEREIN ..... (6)	3,000	3,000
		Expenditure 1965–66 ..... $..... 1966–67 ..... 1,910 1967–68 (estimated) 300		
		Total, Vote 40	**5,414,000**	**5,338,600**
		Expenditure 1965–66 ..... $ 4,368,638 1966–67 ..... 5,074,081 1967–68 (estimated) 5,475,000		
		Vote 45—Grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under section 38 of the Veterans' Land Act, grants to veterans settled on Dominion Lands in accordance with an agreement with the Minister of Indian Affairs and Northern Development under section 38 of the Veterans' Land Act and grants to Indian veterans settled on Indian Reserve Lands under section 39 of the Veterans' Land Act		
		GRANTS TO VETERANS SETTLED ON PROVINCIAL LANDS IN ACCORDANCE WITH AGREEMENTS WITH PROVINCIAL GOVERNMENTS UNDER SECTION 38 OF THE VETERANS' LAND ACT, AND GRANTS TO VETERANS SETTLED ON DOMINION LANDS IN ACCORDANCE WITH AN AGREEMENT WITH THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT UNDER SECTION 38 OF THE VETERANS' LAND ACT ..... (10)	90,000	110,000
		Expenditure 1965–66 ..... $ 111,065 1966–67 ..... 95,417 1967–68 (estimated) 80,000		

Positions (man-years)		Details of Services	Amount	
1968–69	1967–68		1968–69	1967–68
			$	$
		SOLDIER SETTLEMENT AND VETERANS' LAND ACT (Continued)		
		Vote 45 (Continued)		
		GRANTS TO INDIAN VETERANS SETTLED ON INDIAN RESERVE LANDS UNDER SECTION 39 OF THE VETERANS' LAND ACT.....(10)	20,000	20,000
		Expenditure		
		1965–66..... $ 19,258		
		1966–67..... 9,228		
		1967–68 (estimated)..... 20,000		
		Total, Vote 45.....	**110,000**	**130,000**
		Expenditure		
		1965–66..... $ 130,323		
		1966–67..... 104,645		
		1967–68 (estimated)..... 100,000		
		Statutory—Provision for reserve for conditional benefits, Veterans' Land Act.....(10)	**3,520,000**	**3,508,000**
		Expenditure		
		1965–66..... $ 3,202,633		
		1966–67..... 3,541,213		
		1967–68 (estimated)..... 3,675,000		

OFFICIAL REPORT OF MINUTES

OF

PROCEEDINGS AND EVIDENCE

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Translations under the direction of the Bureau for Translations, Secretary of State.

ALISTAIR FRASER,

The Clerk of the House.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968

STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

TUESDAY, OCTOBER 29, 1968

Respecting

Revised Main Estimates (1968-69) of the Department of Veterans Affairs

---

Statement by The Honourable Jean-Eudes Dubé, Minister of Veterans Affairs.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

29081—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs.

Bigg,	Latulippe,	Stafford,
Boulanger,	MacRae,	Thomas (*Moncton*),
Émard,	Marshall,	Turner (*London East*),
Guay (*St. Boniface*),	McIntosh,	Weatherhead,
Hopkins,	Mongrain,	Whicher—(20)
Knowles (*Norfolk-Haldimand*),	Peters,	
	Saltsman,	

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

Mr. Laniel replaced Mr. Hopkins on October 25, 1968

ORDER OF REFERENCE

HOUSE OF COMMONS

FRIDAY, October 25, 1968.

Ordered,— That the name of Mr. Laniel be substituted for that of Mr. Hopkins on the Standing Committee on Veterans Affairs.

ATTEST

ALISTAIR FRASER
The Clerk of the House of Commons

29081—1½

MINUTES OF PROCEEDINGS

TUESDAY, October 29, 1968.
(2)

(*Text*)

The Standing Committee on Veterans Affairs met this day at 10:40 o'clock a.m. The Chairman, Mr. Lloyd Francis, presided.

Members present: Messrs. Bigg, Boulanger, Émard, Francis, Latulippe, Legault, MacRae, Mongrain, Peters, Saltsman, Stafford, Turner (*London East*), Weatherhead—(13).

In attendance: From the Department of Veterans Affairs: Honourable J. E. Dubé, Minister; Mr. E. A. Coté, Deputy Minister; Mr. F. T. Mace, Assistant Deputy Minister; Dr. J. S. Hodgson, Assistant Deputy Minister; Mr. Peter Curd, Executive Assistant; Mr. C. K. H. Kendall, Special Assistant to the Minister; Mr. T. A. Murray, Assistant Departmental Secretary; Mr. E. J. Rider, Director General, Veterans Welfare Services; Mr. K. S. Ritchie, Director General, Treatment Services; Mr. R. W. Pawley, Director General, Soldiers Settlement and VLA Branch; Mr. J. E. Walsh, Director, Financial Management. *From the War Veterans Allowance Board:* Mr. W. T. Cromb, Chairman; Mr. W. G. H. Roaf, Deputy Chairman; Mr. P. Benoit, Executive Assistant. *From the Canadian Pension Commission:* Mr. T. D. Anderson, Chairman. *From Royal Canadian Legion:* Messrs. Robert Kohaly, President, Donald M. Thompson, Secretary General and Murray MacFarlane, Chief Pensions Officer. *From The War Amputations of Canada:* Mr. H. C. Chadderton, Executive Secretary.

The Committee proceeded to the study of the Revised Main Estimates (1968-69) of the Department of Veterans Affairs.

The Chairman called Item (1), Departmental Administration and introduced the Honourable J. E. Dubé, Minister of Veterans Affairs and

Messrs. Robert Kohaly, President, Donald M. Thompson, Secretary General and Murray MacFarlane, Chief Pensions Officer, all of the Dominion Command, Royal Canadian Legion. Also Mr. H. C. Chadderton, Executive Secretary, The War Amputations of Canada and Secretary of the "Wood's Commission".

The Minister introduced his officials and read a statement.

The Committee posed questions to the Minister.

It was *agreed* that the Minister's statement be appended to this day's evidence. (*See Appendix "B"*).

It was moved by Mr. Peters, seconded by Mr. Weatherhead,

Resolved,—That the Committee increase the printing of its Minutes of Proceedings and Evidence from 500 to 1000 copies in English and from 250 to 500 in French.

Mr. Mongrain moved, seconded by Mr. Latulippe,

That all Steering Committees meet together and study the possibility of the printing of Committee Proceedings in Bilingual and Parallel form.

Mr. Peters moved,—That the Chairman ask the Standing Committee on Procedure of the House to deal with this important and pressing problem.

The Committee *agreed* that Mr. Mongrain withdraw his motion.

At 11:00 o'clock a.m. the Chairman adjourned the Committee to 9:30 a.m. on Tuesday, November 5, 1968.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, October 29, 1968

• 0942

The Chairman: Gentlemen, I call the meeting to order. Mr. Stafford and Mr. McIntosh, I am told, are on their way over and we have to leave this room at 11 o'clock. The first item on the agenda is calling of Item 1 of the departmental administration estimates.

I am very pleased to see so many people in attendance. Especially we are delighted to have with us this morning the Minister of Veterans Affairs, the Hon. Jean-Eudes Dubé, who will make a statement. I believe Mr. Dubé is going to introduce the officials of the Department with his statement and will say a bit about their background.

We also have with us this morning some other distinguished guests who are very welcome indeed and I would like to introduce them briefly. The President of Dominion Command of the Royal Canadian Legion, Mr. Kohaly. You are very welcome, Mr. Kohaly. I understand that you come from the West and that you are a lawyer by profession.

We have with us the Secretary General of the Legion, Mr. Donald Thompson; and we have with us also the Chief Pensions Officer, Mr. Murray MacFarlane. We are very happy to have you here, Mr. MacFarlane.

We have also one other guest I would like to introduce—a man who is Secretary of the Woods' Commission and who is Executive Secretary of the War Amputations of Canada, Mr. Chadderton.

I now call upon the Minister.

The Hon. Jean-Eudes Dubé (Minister of Veterans Affairs): Mr. Chairman and gentlemen, I am delighted to have been invited to appear before the Committee on Veterans Affairs in order to present for the first time the estimates of my Department. As the hon. Members will appreciate, I was appointed as the Minister in July of 1968 and I will not, of course, have mastered all the details pertaining to my portfolio.

In our study of the estimates we will be assisted by officials from the Department of Veterans Affairs, the Canadian Pension Commission and the War Veterans Allowance Board. These two agencies, the Commission and the Board, are separate and distinct from the Department although they report to the Minister of Veterans Affairs.

Since I have taken over this portfolio I have come to realize how well structured the Department is and how competent the Department, Commission and Board officials are, and when I speak in terms of competency I mean their effectiveness in achieving the broad objectives set out by Parliament under the Veterans Charter. I have also found that those members of my Department, of the Commission and the Board with whom I have had dealings have a great understanding of veterans' problems and a very sympathetic approach to all matters affecting those persons who are still receiving direct service from the Department and these agencies.

I think, Mr. Chairman, it would be appropriate for me to now introduce to the Committee some of the officials who may be of assistance to the Committee.

[*Interpretation*]

Mr. Chairman, I would like to introduce my Deputy Minister, Mr. Ernest Côté, who served overseas for five years during the Second World War; he was an officer of the Royal 22nd Regiment and served in England, Normandy, Belgium and Holland. Mr. Côté also served in two other federal departments before being appointed Deputy Minister of Veterans Affairs on March 1, 1968.

[*English*]

We have the Chairman of the Canadian Pension Commission, Mr. T. D. Anderson, who is sitting next to Mr. Côté. Mr. Anderson served from 1941 to 1945 in Canada and in Europe as RCAF aircrew. Mr. Anderson has been the Commission chairman for nine years and, previous to this appointment he served as the Dominion Secretary of the Royal Canadian Legion. He has a great knowledge of veteran's problems and will be of considerable help to the Committee.

Next is Mr. F. T. Mace, Assistant Deputy Minister of the Department of Veterans Affairs. Mr. Mace served with distinction as an ordinance officer in World War II and has been with the Department for 20 years. He has served in a number of capacities including, for a period, that of acting Deputy Minister. Mr. Mace has a wealth of knowledge of the Department and I have found his judgment and appreciation of the problems to be unexcelled.

• 0950

Then, Dr. J. S. Hodgson, Assistant Deputy Minister, who has had a very wide variety of experience, apart from his World War II experience as a naval officer. He has been associated with the Unemployment Insurance Commission, the Central Mortgage and Housing Corporation, he was Assistant Secretary to the Cabinet and at one time he was Assistant Deputy Minister (Finance) for the Department of National Defence. He joined the Department of Veterans Affairs the first of this month.

We then have Mr. W. T. Cromb, Chairman of the War Veterans Allowance Board, who also has had a very long and distinguished regimental affiliation. In his case it was with the Loyal Edmonton Regiment, and he served overseas in World War II. Mr. Cromb worked in the Department of Veterans Affairs as a regional administrator, and for the last eight years he has been Chairman of the War Veterans Allowance Board. Mr. Cromb, who is now standing up, is no stranger to you. He has appeared before this Committee, of course, and he has a great knowledge of matters affecting veterans allowances, and his sympathetic and dynamic approach to their solution is very well known by the veterans.

Then we have Mr. Jack Walsh, who served mainly in Italy during World War II. He is the Director of Financial Management. He has been with the Department for ten years. Mr. Walsh brings with him a considerable experience with the new financial management processes which were adopted as a result of the Glassco Commission recommendations.

There are many more officers of the Department here this morning, and they will be introduced later on as they are called by the Committee to appear before you and to testify as to their various branches.

I believe as Minister of Veterans Affairs, and you as members of this Committee on Veterans Affairs, that we have a duty to consider the problems affecting the veterans of Canada. As you may know, there are still one million veterans in this country. Of course, the very large majority of our veterans have been rehabilitated. Nevertheless, 14 per cent of our veterans are pensioned, about 8 per cent are in need of veterans' allowances and about 1 per cent of their number are continuously in need of hospital care. As many of us are new to the subject matter of this Department, it would seem a useful thing for all of us if we examined at greater length than usual the matters facing the Department and which arise out of these estimates, so that we can better focus our attention on the solutions to these problems.

In general it is fair to say that while the Veterans Charter which, as you know, is embodied in a series of acts, was successful after World War II in rehabilitating the vast majority of Canada's fighting forces into the Canadian economy, there still remains a number of individuals who have been physically or mentally maimed by war and who are still in need of assistance. The compensation approved by Parliament after World War I—and improved greatly in 1944 for these people who were physically maimed—is a continuing debt on the nation. It is a tangible expression of the nation's gratitude to those who voluntarily physically assumed the defence of the country in time of need. There also still remains a number of people who are economically distressed and for whom provision is being made in these estimates under the War Veterans Allowances heading.

• 0955

Turning to the 1968-1969 Estimates, and these are the estimates which are before us now, I think it would be helpful if I spoke about the figures in broad terms. Our total estimates amount to about $426 million. Of this sum of $426 million, about $108 million is devoted to War Veterans Allowances and it is estimated that $225 million will be needed to pay pensions under the Pension Act. These items, pensions and allowances, therefore account for over 75 per cent of the departmental estimates. Treatment services this year are estimated to cost $63 million, or something less than 15 per cent of the total expenditures. The administration of the Veterans Land Act and Welfare Services and General Administration account for the bal-

ance. It should be noted, however, that the establishment of veterans under the Veterans' Land Act is provided for by loans from a revolving fund which has an authorized ceiling of $530 million. The loans for the fiscal year are NOT reflected in these Estimates.

The *increases* in the Departmental Estimates *over* 1967-68 amount to $19.3 million. These increases are due largely to a pension increase in the amount of $26 million voted by Parliament in March 1968 and also by a slight increase in Treatment Services. On the other hand, because largely of the Guaranteed Income Supplement, the charge to War Veterans Allowances will likely diminish by $7 million or a *net increase* of $19.3 million for the Department.

The continuing workload of the Canadian Pension Commission includes disability pensions to 139,000 veterans plus another 30,000 pensions to widows, orphans and parents. War Veterans Allowances are paid to 85,000 veterans and veterans' dependants. Treatment is provided for an average daily patient load of 8,000 veterans; and there are other benefits to about 930 veterans and their immediate families, such as education for the children of the war dead.

So much, then, Mr. Chairman, for the continued compensation for loss of life and limb, and to widows of veterans; although I should also underline that a very large percentage of veterans in this category have learned to live with their disabilities and are quite competitive in making a substantial contribution to the nation's economy.

[*Interpretation*]

As indicated above, Mr. Chairman, the Hospital Treatment Services Branch of the Department continues to treat 8,000 patients a day. The 9 hospitals in the Department constitute the largest hospital network in Canada.

The policy is to give the best possible service to the veterans. This implies a constant quest for better techniques and methods of treatment. The fact is that veterans require more and more treatment for chronic diseases and less of what might be termed active treatment. The result is that it becomes more and more difficult for our institutions to maintain a high standard of care unless they affiliate themselves with university hospitals and provincial establishments. It is for this reason that the government adopted the policy of affiliating our establishments with university, municipal or provincial authorities, so as to be up to date in the field of treatment needed by veterans.

The members of this Committee will certainly recall the affiliation in October 1966 of the Sunnybrook Hospital with the University of Toronto. All I can say is that this affiliation seems to be quite satisfactory. In addition, an agreement was made in March of 1968 for the affiliation of the Ste. Foy Hospital to the medical centre of Laval University. The transfer was made on September 1, 1968, and the official ceremony will take place before the end of the year.

• 1000

An agreement was also made last spring to affiliate the Lancaster Hospital with the General Hospital in Saint John, New Brunswick. This agreement provides for a transfer on July 1, 1970.

I might add that similar agreements were made and implemented some years ago in the provinces of Newfoundland, Saskatchewan and Alberta.

It seems that this approach is quite justified especially since medical insurance and hospital programs are becoming increasingly available throughout the country.

To come back to the affiliation of the 9 hospitals managed by the Department, some of our hospitals are in modern and satisfactory buildings. It will be possible, apparently, to reach agreements after the necessary consultations with the provinces or other authorities providing an allocation of money is made available to cover capital expenditures. However some of our hospitals are still old wooden military barracks some fifty years old. It is not possible to ask for a new hospital to take over the hospitals and the veterans in such conditions. This is why in some cases we must build anew. This is true of the Ste. Anne de Bellevue Hospital in Montreal which started building in June 1968.

All things considered, during the next few years, the estimated cost in 1968 of the improvements will be about $75 million. I believe that it is wise to repeat here what my predecessor, the Honourable Roger Teillet, said in the Commons on March 16, 1964, concerning the agreements to be reached with bodies other than the Department:

> At this point I would like to make it unequivocally and emphatically clear that no such agreements will be entered into by the government unless certain sine

qua non conditions are met. These conditions, three in number, are as follows: First, accommodation for the treatment of service connected disabilities among veterans must be immediately available at all times, and treatment must be provided in accordance with standards prescribed by the Department of Veterans Affairs. Second, community institutions of acceptable standards must be available to look after the workload created by other classes of veterans, which means that such veterans will be able to obtain treatment in their own communities, near their own friends and families. Finally, satisfactory arrangements must be made for the continued employment of professional and other staffs now serving in our institutions.

[*English*]

Mr. Chairman, the rehabilitation phase of the Department's program is now drawing to a close. As of October 31, 1968, which is the last day of this month, several of the benefits under the Veterans Charter are being phased out. October 31st is the final date for (a) using Re-establishment Credit, (b) claiming War Service Gratuity, (c) purchasing Veterans Insurance, and (d) establishing eligibility under the Veterans' Land Act. This phasing out was agreed to by Parliament in 1962.

I should emphasize that in the case of the Veterans' Land Act it is only the period for qualification under the Act that is terminating at the end of this month. Veterans who have established their eligibility will have until March 31, 1974, or up to 5½ years, in which to obtain new loans under the Act.

These changes were well publicized in the newspapers and otherwise, and the fact that some 5,000 applications are being received each week by VLA leads me to believe that the notices given have been fully adequate.

The strong demand from veterans for VLA assistance is partly related to the deadline for establishing eligibility, but it has been rising gradually over the years. Ten years ago, VLA loans were running at about $18 millions a year. Five years ago the total had risen to $30 millions, and in the last two years it was $83 millions and $103 millions respectively, the average for the five years being approximately $60 millions.

During 1968 the government was obliged to take steps to moderate the use of public funds for this purpose, as for others, and it set the figure for this year specifically at $74 millions, which was 25 per cent above the five-year average. The officers of the Veterans' Land Administration worked out a procedure designed to ensure that the veterans with the greatest need would receive first consideration and that those who could afford to do so would be asked to wait until the beginning of the 1969-70 fiscal year for their loans. Veterans whose loans were deferred have been most co-operative, and their understanding attitude is greatly appreciated. I think that this understanding springs from the fact that veterans are aware of the fact that governments must sometimes dampen down inflationary pressures in the Canadian economy; and that those who suffer most from inflation are those who have limited incomes or who have to rely on pensions.

Members of the Committee will have noted that a Resolution has been placed on the Order Paper relating to an amendment to the Veterans' Land Act. This amendment would permit certain interest rates under the Act to be established from time to time in relations to the cost of money in the economy in general. I shall be dealing with this matter more fully when Parliament considers the resolution and the amending bill. The Committee will appreciate that at the present time I cannot anticipate the debate in the House.

The Veterans Welfare Services constitute an important part of the Department's and related agencies' work. This Branch does practically all the welfare and social investigations for the War Veterans Allowance Board and for the Canadian Pension Commission. Indeed, it provides the district management of, and adjudication and processing functions for, the War Veterans Allowances and Civilian War Allowances. Involved in these matters is the provision of grants (such as the educational grants to the children of War Dead), as well as benefits and allowances and, indeed the extension of social case work and rehabilitation counselling services to those veterans who are qualified for these purposes.

• 1010

No doubt you are wondering about the future of the Woods Committee Report which as you know is The Survey of the Work and Organization of the Canadian Pension Commission, which was presented to my predecessor, The Honourable Roger Teillet, in March, 1968. This report was commissioned by Minister Teillet in 1965. The Woods Com-

mittee did a very thorough study of the organization and operation of the Canadian Pension Commission and has made some very far-reaching recommendations. Many of these recommendations will require major amendments to the Pension Act if they are to be put into effect.

On the other hand, there are several suggestions which can be adopted by the Canadian Pension Commission without legislative amendment. In a number of cases this has already been done, and in others, the Canadian Pension Commission officials involved are working out the most effective means by which to implement the proposals. Some of these proposals are rather involved and will call for extensive changes in the existing organization. However, each Member of the Standing Committee now has a copy of the Report which you will be asked to deal with very shortly. Perhaps that is all that need be said regarding the Report at this time. As soon as the Committee has considered the 1968-69 Estimates, the Woods Committee Report will then be referred to you.

Quite apart from the Woods Committee Report, there is the question of basic rates of pay and allowances for disability pensions. As you may know, the question of the basis upon which pension rates should be paid, as well as how these rates might be regularly reviewed, was considered by a committee made up of officers of the Department and the Canadian Pension Commission. The Committee made two separate confidential reports to me on these two matters which are now in my hands.

In this connection, I think it is important to know that there have been three revisions of the pension rates since 1964. The first one was effective from September 1, 1964, and represented a 10 per cent increase across the board. The second one became effective on September 1, 1966, and was a 15 per cent increase in the basic rates only, (that is the pension for the veterans only) and the widow's pensions. The third one, which went into effect on January 1, 1968, was a 15 per cent increase, again across the board and including all pensioners. Since these reports to which I referred a moment ago contain some very complicated suggestions and would have far-reaching effects on the whole structure and future of the pensions I feel that I should take sufficient time to consider them most carefully before putting forward any specific proposals. I have these questions under consideration at the moment, and I want to assure you that they are not being overlooked.

As you are no doubt aware, the question of the rates was not included in the terms of reference of the Woods Committee, although I realize that they made some reference to it.

Meanwhile, I should point out that the work of the Canadian Pension Commission must go on, as claims for pensions continue to reach the Commission in substantial numbers. It is of interest to note that applications from the peacetime servicemen and women, while still comprising less than 12 per cent of total claims, have in recent months shown a moderate increase. The great bulk of all claims still arises out of service in the two Great Wars.

• 1015

It would be useful, at this stage, to say something about the general administration of the Department.

In the area of personnel management, the Department has given a high priority to manpower planning and staff development. By means of staff training, attendance at Public Service Commission sponsored courses and university courses and seminars, employees are being encouraged to develop their skills. A comprehensive program of personnel appraisal aimed at identifying potential skills as well as training needs is also part of the program of career planning. The Department is participating in the Public Service Commission's sponsored "Career Assignment Program" which combines an extensive staff course with systematic assignment of persons selected amongst the participating departments.

In accordance with the recommendations of the Woods-Gordon financial management study which, in 1964, followed the Glassco Commission and related specifically to the Department of Veterans Affairs, all field units of the Department now report directly to one of the Head Office program managers. As a result, delegation of responsibility and accountability are much more clearly defined. A modern system of budgetary control utilizing the Comptroller of the Treasury's computers has replaced the former accounting system, giving all local managers prompt and detailed financial information on their operations. This decentralization of responsibility is already paying dividends in better management. A system of "Operations Audit" has

been introduced this year and the reports of the auditors are proving to be of benefit to managers at all levels.

In a Department of 11,300 employees and 5 major programs, communication between staff and management is always somewhat difficult to achieve. I welcome, therefore, the recent initiative of the Department in establishing *"Carillon"*, a "house organ" to be published every two or three months by the Departmental staff to provide a two-way stream of information between staff and management and to develop, to the highest degree possible, the *esprit de corps* of this Department. Copies of the first issue are available to Members of this Committee.

Members of the Committee will also be interested to know that, on the 50th anniversary of the end of World War I, which is this year, the Government is organizing a veterans' *pilgrimage* overseas and a series of ceremonies will be organized in Ottawa culminating in a State Dinner in November to be attended by the Governor General, the Prime Minister and two former Prime Ministers who are themselves veterans of the first war. 100 members representing units of World War I will proceed early in November to the World War I battlefields in France and Belgium. Another 100 veterans will be brought to the nation's capital for Remembrance Services on November 11th. I was deeply honoured that one of my predecessors, Brig. the Honourable Milton F. Gregg, should have agreed to be Honorary Commandant of the overseas contingent. In his task this year, Brig. Gregg will be assisted by Brig. J. L. Melville, as Commandant, and my Deputy Minister, Mr. Côté, will be of the group in order to facilitate this pilgrimage.

• 1020

This, Mr. Chairman, I know, has been a rather long statement. But this being my first appearance and several of the members on this Committee being themselves newly elected and therefore new members on this Committee, I felt I had to cover most of the areas of the Department. I understand it has been traditional for this Committee to be non-partisan and I trust we will want to continue this somewhat unique tradition.

May I thank the members of the Committee for the courteous hearing which they have given me this morning and may I add also that the officials of the Department will be available to answer detailed questions in the course of your study of the Estimates.

The Chairman: Mr. Dubé, I know I speak for all members of the Committee in thanking you very much for the statement.

One or two have indicated that they have questions that they would like to direct to you, with your permission?

Mr. Peters: Mr. Chairman, I am sure we all appreciated Mr. Dubé's remarks. They were fairly comprehensive. I am sure that as he learns about the department he can help us, too.

This has always been a very interesting department because it has been non-partisan.

I noticed that in your remarks you referred to the dropping of a number of our programs. It is my opinion that some of them perhaps should not have been dropped.

As I understand it, there was originally in the act a termination period for these which probably could not have been chosen at that time without there having been a consideration of...

Mr. Mongrain: On a point of order, Mr. Chairman, the French translation is not working. Oh, it is on now.

[*English*]

Mr. Boulanger: I want to raise a point of order on what the interpreter has just said that here we go again. He has been speaking for half an hour, and according to his arrangement that is all he has to do. He has no replacement.

In Quebec we teach that we should be bilingual in our relations and with our neighbours. Perhaps we should set the example here and arrange at least for an interpreter to be replaced when he should be. He has already done half an hour's work, and it was very good. Now he is alone and he has to stop.

The Chairman: All I can say is...

Mr. Boulanger: Now he has to start another half an hour. It may be that most of us understand. I do not know about Mr. Latulippe, but I am having a hard time. If I do not raise this point this morning someone else will. If this man does not continue on duty we will have half an hour without translation.

I am not suggesting that we stop. I just want to point out that we have to be extremely careful in our Committee to arrange for translation for the French members in line with the bilingualism that we talk about.

[*Interpretation*]

I spoke to you in English for that reason.

[*English*]

I am suggesting that we make sure that we are setting an example.

[*Interpretation*]

The Chairman: Mr. Boulanger, I have done my best, as have the others who work here on the Hill. We must have translators. But, unfortunately, we are short of them this morning. The Clerk told me earlier that the person translating had to leave. I hope we can finish soon and...

[*English*]

I hope our proceedings will not take too long. We knew that this little problem existed, and we have done our best to try to meet the requirements. If there is a little difficulty it will not be for a long period. It is not from the lack of effort to have the translation services available.

Mr. Boulanger: Mr. Chairman, on the same point of order, I understand what you have tried to do, but that does not meet the argument.

I have been here since 1962, and this is typical of what happens. It is not your fault. I know that we do our best. In the old days, in 1962, we had such members as Mr. Grégoire and others who kept fighting this all the way. We were accused on our side of not defending the right to bilingual translation services. Therefore, I have raised it this morning. I am not directing any criticism at you, Mr. Chairman. It is a question on which you always have to give the same answer.

• 1025

I do not know why people are not coming here to work as translators. Is it a question of salary? We lost one three weeks ago. She went to work in New York in the United Nations because she was not getting the proper treatment.

The Chairman: You have made a point, Mr. Boulanger. I do not know what we can do by further discussion at this stage. I would ask you and other Members of the Committee to bear with the situation and see if we can proceed. I have no alternative. I have nothing more constructive to suggest at this point.

Mr. Mongrain?

Mr. Mongrain: On a point of order, Mr. Chairman. I hope you take note of what Mr. Boulanger says and that you insist as much as possible that those responsible for this situation find ways and means of improving the situation as soon as possible. There is no motion, but I agree with what Mr. Boulanger has just said.

Mr. Boulanger: There is no question of making a motion. He knows this is a problem. We will not have any translation for half an hour, but carry on. I will try to follow as much as I can and if I miss any words, I will let you know.

[*Intepretation*]

The Chairman: Very well, sir.

[*English*]

Mr. Peters: Mr. Chairman, what I was saying is that some of our veterans' legislation, including the Veterans' Land Act, as the Minister has mentioned, is terminating in October, at the end of this month. I would think that when we or those who were here passed that Act in the days after the war, this period of 1968 was a long piece away. I suppose it was 20 years. There was an automatic termination date set.

This is one of the projects, I think, that the Canadian Government, as far as veterans are concerned, could be highly proud of. I think it certainly set a pattern and those who have been in the Veterans' Land Act have been outstanding people. I am thinking of Rutherford and others who developed this program, which later was accepted as the type of farm legislation for credits in all fields.

I am wondering if the Minister would not consider at this time an automatic extension of this period of time so that this and several other projects could be continued. The argument, I suppose, is that there is an age category that would take advantage of this.

In the light of the Farm Credit Corporation, for instance, that we are discussing in the House at the present time, we are finding that the age of people who apply for loans is considerably higher than we expected it was going to be. Almost 3 per cent of the applications for loans are from people over 60 years of age, and I am just wondering if the Minister would not feel that this is the kind of program that he should extend, perhaps by order in council, and then bring to the House for consideration after the Committee has had some period of time to discuss it.

So far as I know, on the Veterans Affairs Committee we have never discussed the termination of the Veterans' Land Act, and it may well be that there is good reason to continue this piece of legislation. I wonder if the Minister has been advised by his officials of the advantages of extending this and whether he has any advice to offer the Committee as to what can be done if it is the wish of the Committee to extend the Veterans' Land Act beyond the end of this month.

I was particularly interested in the statement he made that the loans have gone up very greatly in the last five years, and I know that in my own area some people have made application hurriedly to get under it. I was just wondering if the Minister would not consider extending this for a period of time so that the Committee can have a look at it. Maybe we would then make the recommendation, after discussion, that the Veterans' Land Act be continued for another period of time.

Mr. Dubé: Mr. Chairman, first of all I should make it quite clear that what expires at the end of the month is not the V. L. Act. It is just the time for qualification. Once veterans have qualified themselves, and this they must do before October 31, they still have until 1974 to make their application for the actual loan.

• 1030

Now to answer your broader question, my understanding is this. This legislation was all part of the Veterans' Charter, and the purpose of the Veterans' Charter at the end of the Second World War, around 1944, was to provide measures of rehabilitation; and I think I am correct in saying that at the time, in 1944, there were no set dates for that. There was just a general intent to help veterans to be re-established.

In 1962 it was felt that after so many years veterans had by that time been rehabilitated and re-established and that some of these programs would have to be phased out. As I said, this decision was made in 1962. We must face the fact that the war ended in 1944, almost 25 years ago. But the main measures, of course, will continue.

If you recall what I said in my statement, financially the most important item is still the pensions, on which we spend about $200 million a year; then allowances, about half of that—close to $100 million a year; then treatment. As to the Veterans' Land Act, as I said, it will continue until 1974.

The Department has made quite an effort to publish the deadline date in the papers. For the past five or six months notices have appeared everywhere and it is obvious that the publicity has been successful because applications for qualification are coming in by the hundreds and by the thousands. So veterans do know now that they have to qualify themselves before the end of the month. It would be placing the Minister or anyone in a very difficult position if I were at the same time to tell you there is a deadline and then to tell you that there is no deadline. The deadline has been established and that is it.

Mr. Peters: Well, Mr. Minister, in light of the fact that there have been thousands of applications I do not see anything under the Veterans' Charter that could not fit in with other policies. If veterans are in a position to take advantage of it, I think special consideration, because they are veterans, should be given to allow this, and for this reason I think there would be some justification for it. Certainly it would not be just my opinion; it would have to be the opinion of the other members as well, from their own experience in their own ridings.

But it would seem to me that if there is still a large number—and you say that because of the notices that were put in the paper this has certainly accelerated it—and if there is still this anxiety on the part of veterans to take advantage of that type of legislation, it would be within the purview of this Committee's deliberations, I would presume, to recommend that kind of legislation. And rather than making the recommendation, all I am asking is that the Minister give some consideration to an extension of this until it can be discussed, because to my knowledge it has really never been discussed by the Committee. We do have legislation providing for termination in 1962, but still, at the time, it was a long piece off, and this has been one of the problems with the termination of that type of legislation.

The Chairman: I wonder if we can pursue this any further at this point. The item before us is the Estimates and there will be other opportunities for discussion. I think, Mr. Peters, as you are on the Steering Committee, if you want to raise further items for consideration at a later date...

Mr. Peters: Except that the Minister is going to have to make this decision soon because of the termination date of the 31st of this month.

An hon. Member: Tomorrow.

Mr. Peters: It comes tomorrow, and either he makes the decision or you introduce a new piece of legislation or re-introduce legislation.

• 1035

Mr. Dubé: There will be no decision before tomorrow. But, of course, as Mr. Chairman says, the Committee is master of its own rules and if it wishes to discuss that in particular, the Director General of the Veterans' Land Administration will be available at any time. As a matter of fact, I expect the Committee will discuss all angles of all programs and not only that one.

[*Interpretation*]

Mr. Boulanger: Mr. Chairman, if you would allow me to expand on what my colleague has said, on the week-end, I also had a somewhat alarming experience, although I agree with you that the advertising is quite good.

There is a Mr. Drapeau in Montreal, I believe, who works in the Department and was on television in Montreal. However, I found out on Saturday and Sunday, after seeing the Legion preparations for the November 11 holiday, where I met many members of both the Legion and Naval Veterans Association of Canada, that there is still a surprisingly large number of people who, through ignorance, do not know their rights or who, through lack of attention, have not taken advantage, or not realized what it was necessary to do.

They had to go to one of the meetings Mr. Drapeau asked for, in order to be entitled. This sounds silly but that is how it was. I told them that it was not necessary to go to a meeting to get a form. There are some people—I do not know how many and there is the danger we might lose some—who might not avail themselves of their privileges because, through ignorance, they are not doing what they should. They don't read or get around and meet people. I met three over the week-end.

Mr. Dubé: It is not the Minister's or the Department's wish to be unjust. It is difficult to say what will take place after a deadline. The deadline has not yet arrived. I think we have to wait for this deadline.

[*English*]

The Chairman: If I can interrupt this line of questioning, it does seem to me the deadline has been published quite adequately and previous sessions of the Committee were better formed to anticipate the extension—the possible extension. I would like to pass to the next question, bearing in mind our own deadline of time. Mr. MacRae had his hand up. Then Mr. Mongrain and then Mr. Émard.

Mr. MacRae: I want to ask Mr. Dubé—you have mentioned certain hospitals that have been transferred now to civilian authority and there are certain others in the process of being transferred—is it the intention to transfer all veterans hospitals eventually from the Department to civilian authority?

Mr. Dubé: If it is the intention to transfer all hospitals?

Mr. MacRae: Yes, all of them.

Mr. Dubé: I do not know if I would word the policy in these terms, but the substance of the problem is this, that as you may realize most of our veterans are not getting any younger and the sicknesses which are being dealt with in our hospitals are mostly now chronic cases. You will realize that if a hospital has only, or too great, a proportion of chronic cases, it will become more and more difficult to attract doctors and nurses to deal with them because it is obvious that young doctors coming out of medical school, or nurses, will want to work in hospitals that have active cases. So we feel that it is for the welfare of the veterans—those who are patients, those who are sick—that they get the best possible service. And it is felt the best possible service is to link our hospitals with institutions which have active treatment cases. It may involve the transfer of all our hospitals. It may involve another formula. We will have to adapt ourselves to changing times. But the basic principle, at least in my mind, is to give the patients, the veterans, the best possible medical service. At the present time this is being done by transfer.

Mr. MacRae: What is the answer then to the question, Mr. Dubé. Is it the intention to transfer all veterans hospitals eventually to civilian authority? That is the answer I was seeking.

• 1040

Mr. Dubé: I would think so. Of course, as I said in my statement, there are transfers which would be very difficult to make and

there are others which would be easier. Each case will have to be judged on its own merits. If you wish a direct policy from me, the only thing I could say would be that the Department will have to do what is best to give the best possible medical service, and it looks like transfers at least in those cases.

Mr. MacRae: Another question, Mr. Chairman. You mentioned, Mr. Dubé, that certain changes have been made in regulations as a result of the Woods Committee report? Could you give a brief rundown of those fairly quickly so we know just exactly what is happening?

Mr. Dubé: Yes. I think that this question would be better answered by Mr. Anderson, the Chairman of the Canadian Pension Commission. He is here if you want him to give an answer now, or he could give it at a later date.

The Chairman: We will be going into the Woods Committee report in fairly substantial detail following the estimates, Mr. MacRae.

Mr. MacRae: I would like to ask about what is happening to the Woods Committee report very briefly since we are on that. How many committees in the Department are working on it. Mr. Dubé, at the moment? I presume you have committees working on it as well as individuals, giving it a great deal of individual study. What committees do you have working on it?

Mr. Dubé: There is one committee, an interdepartmental committee, working on it, studying it, and preparing advice to the Minister.

Mr. MacRae: So there is one official committee working?

Mr. Dubé: I know of one, yes.

Mr. MacRae: Just one. That will be fine. Thank you, Mr. Chairman.

Mr. Mongrain: Mr. Chairman, I have two quite brief remarks. I apologize before making them, as I realize they might not be quite in order. We are discussing the Minister's statement. However, I believe that these remarks have to be made as soon as possible. I have read from the minutes—I have an English copy right here—and would like to point out that it says...

[*English*]

Thereupon, Mr. Emard made allusion to the procedure used in the selection of Committee officials.

[*Interpretation*]

This is not an adequate record. Unless Mr. Emard objects, I think we should add a sentence or two to explain what types of allusions were made by Mr. Emard. If we have to refer to this four or five months from now we will not know what he said. And what he said was important and worth-while.

Secondly, I would like to propose, Mr. Chairman, that at our request you convene a meeting of all steering committees of all the committees to discuss this question of simultaneous publication in both languages of the committees' proceedings. I know that in one committee a solution to this problem was found and this is something that should apply to all committees. It would be most useful if the steering committees could meet to settle this question once and for all.

The Chairman: Moved by Mr. Mongrain, seconded by Mr. Latulippe that the steering committees meet to discuss the matter of simultaneous interpretation and publication.

Mr. Mongrain: Not only to discuss it, but to find a solution to the problem. I believe that one has been found but I am not going to discuss it now.

[*English*]

The Chairman: Moved by Mr. Mongrain, seconded by Mr. Latulippe, that the steering committees get together and seek a means of resolving the method of publication in the two official languages of the *Minutes of Proceedings and Evidence.*

[*Interpretation*]

Is that all right, Mr. Mongrain?

Mr. Mongrain: Yes.

[*English*]

The Chairman: Is there any further discussion?

Mr. MacRae: The steering committees or...

The Chairman: He wants the steering committees of the different committees to get together and treat it as a general problem. That is my understanding.

Some hon. Member: In other words, there would be a half a dozen people from, say, 20 committees or so—

The Chairman: Something like that. There are 24 committees with an average of 6—144 people.

Mr. Mongrain: I say steering committees, but it might not be necessary that we have them all. Most of the members are from the same party and that is why I mentioned the steering committees?

Mr. Peters: Mr. Chairman, I am in agreement with this because I think we have to solve this vexing problem, but I would think that this should be referred to the Procedure Committee of the House where they have a representation. And I presume if the referral was made in this motion from this Committee to the Procedure Committee of the House, this matter could probably be expedited by that Committee better than setting up an *ad hoc* committee of all the steering committees of the various Committees. It seems to me there would be a considerable duplication of this Committee, and I would be prepared to move an amendment that this Committee recommend the immediate attention of the Committee on Procedure of the House to solve this particular problem.

• 1045

Mr. Mongrain: That would suit me, Mr. Chairman, and I would second that.

The Chairman: Would you like to withdraw your motion?

Mr. Peters: Well, he can make the motion, but there is a motion I would like to...

Mr. Mongrain: Let us withdraw our motion and if Mr. Peters wants...

[*Interpretation*]

The Chairman: Does Mr. Latulippe agree?

Mr. Mongrain: But you specify immediately.

[*English*]

Mr. Peters: I would move, then, Mr. Chairman, that this committee ask the Committee on Procedure of the House to take under advisement the subject of printing committee reports in both languages and that they be charged with bringing in a report «*tout de suite*».

Mr. Mongrain: I would second that, Mr. Chairman.

The Chairman: Moved by Mr. Peters, seconded by Mr. Mongrain that the matter be referred to the Committee on Procedure of the House with the recommendation that they deal with it as soon as possible. Any further discussion? Motion carried.

[*Interpretation*]

The Chairman: Mr. Émard.

Mr. Émard: Mr. Chairman, my question has to do with the Veterans' Act by which lands are granted to veterans. I would like to know if it is the wish of the Committee or the wish of the Department represented here to reduce the area of land required by the Department for veterans to establish themselves for grant purposes. From my own experience—I settled this year on one of those lots—I was obliged to buy land at $10,000 in a swamp area.

Mr. Dubé: A swamp.

Mr. Émard: In a swamp area because I wanted to stay within the confines of the village where I live. This law might have been a good one 20 or 25 years ago, when it was easy to obtain land outside city limits, on the outskirts of Montreal or Toronto, for example, but you know that today land sells at an exorbitant price and, in my case, we also have taxes for sewers in proportion to the length thereof.

• 1050

Also, there are a lot of taxes which I have to pay because I have too much land. I would have been satisfied with the 10,000 square feet of land but with this new reduction, I was able to get about 17,000 square feet of land. If I could sell a part of this land, I would have less taxes to pay and it would cost me less.

I am sure that there are a lot of veterans today who cannot avail themselves of this Act because land is to too expensive in the first place and it is difficult to find a large piece of land, and also because you have to pay additional taxes when you have a very large lot. I know that the Department has already reduced the size—in the first place, it was half an acre, then it became 17,000 feet—but I think that if it were possible to limit this to 10,000 square feet many people could take advantage of the opportunity.

Mr. Dubé: Mr. Chairman, we must not forget that the original purpose of this law was

to help veterans settle on a farm, to embark on agriculture. That is why there was a limit of land. With the passing of the years, we have reduced this to half an acre.

I agree that half an acre of land is quite a large lot and that it is very expensive, mainly in cities such as Montreal, Ottawa or Toronto. But the objective of the law is still the same. The objective has not changed. The objective of the law is not to replace the Central Mortgage and Housing Corporation's help in housing, but to help veterans settle on the land and farm.

There is an exception, and that is when you have a veteran with at least a 50 per cent pension because of disability. Then we reduce this half acre of land by 20 per cent, I think. But the main objective of the law was to help the farmer. The same problem was faced by my predecessor and he had a study carried out on it. Then I came to the conclusion that the law should stick to its objective, that is to say to help the veteran settle as a farmer. This law has been in existence since 1944; it is coming to an end. Do you think it is worthwhile to change it now and to make an ordinary housing law out of it similar to the Central Mortgage and Housing Corporation? Would there not be a duplication of the Central Mortgage and Housing Corporation? That is the problem.

Mr. Émard: Mr. Minister, I believe that your Department has recognized the fact that we had too much land already because you consented to reduce the requirement from one acre to half an acre. You know that the law itself is not applied very much. I know no veteran who cultivates a piece of land next to his house. I do not know of one. Maybe there are many of them, perhaps farther from Montreal, but I do not believe the law is applied as it was conceived because, personally, I would have to cultivate my land, which is full of rocks; and all the people I know are not cultivating their land.

We have a surplus of farmers at the present time and the agricultural produce is being sold at very low prices, at lower prices than it should sell, and all the farmers are complaining. So, I do not believe that veterans who want to settle on a piece land think it necessary to have lots of that size. Furthermore, by following this up I am sure you would help many people settle down.

It would not be a duplication of the Central Mortgage and Housing Corporation Act because the Act dealing with land for veterans has a lot of advantages which are not available under the Central Housing and Mortgage Corporation Act. I think that veterans are really entitled to what you offer in the Act and it would be a shame if they could not make use of it, especially at the present time when it is so difficult to build because interest rates are so high. By reducing the size of lots you would give veterans a good chance of benefiting from the $600 available under the Act—no, I think $1,400—repayable within ten years.

I think the first mortgage is $6,000, with the interest around 4 per cent. The other $12,000 you may obtain at 5 per cent. These interest rates are much better than those of the Central Mortgage and Housing Corporation and I think the veterans have a right to benefit from them. Therefore, could you help them by giving them the possibility of availing themselves of this?

Mr. Dubé: Thank you very much, Mr. Emard, for what you said. When the Director of this Act is before you, perhaps the Committee will have the chance to discuss the matter in greater detail.

• 1055

[*English*]

The Chairman: Mr. Emard has raised a question. I think we can deal with this, as the Minister has indicated, when the Director General of the Veterans' Land Administration is before the Committee. Are there any other questions? I have this 11 o'clock deadline.

Mr. Latulippe?

[*Interpretation*]

Mr. Latulippe: I agree entirely regarding the loans to veterans made in this way because the veterans certainly contributed to many things that the rest of the population did not contribute to. Veterans must enjoy certain advantages and benefits. I believe that these advantages should be considered and that the veterans should enjoy them because, as Mr. Emard said, there are many veterans who do not cultivate their land. I do not know of any myself.

Mr. Mongrain: Who grow grass...

Mr. Latulippe: Who grow grass? I do not know of any of them. For all of them, it is a place to live during the winter because, under those conditions, areas of that size are no longer cultivated. Veterans cannot benefit from this Act as they should. This Act should

be amended so that they might have the advantages that they are entitled to, which would be logical. In the cities of Montreal and Toronto I heard that it was very difficult. But it is difficult in any municipality, as it is where I live, a municipality numbering some eight thousand people, where they have to go a great distance to obtain a piece of land large enough to build on. And if they were able to take advantage of this, I think it would make their situation easier and would give them the possibility of doing something, of accomplishing something. Otherwise, they cannot benefit from it. It would be to the advantage of the veterans and of the Committee to study this matter very thoroughly so as to enable veterans to participate fully in the loans made available to them.

[*English*]

The Chairman: It is now very close to 11 o'clock and we must leave this room because another committee must take over. There is one item I would like to raise. Do we have permission of the Committee to append the statement of the Minister to the Minutes of Proceedings and Evidence? I think it would be very helpful if it were reproduced. And is there any other item to be raised?

Mr. Mongrain: One question Mr. Chairman. Could the Minister tell us which of those gentlemen will be here at our next meeting?

[*Interpretation*]

Mr. Dubé: I believe that the Procedure Committee will have to meet. The Committee will decide on the proper order. It will be up to your Committee and to your Chairman to decide. Our officials are available to you in the order you will request.

[*English*]

The Chairman: Thank you very much, Mr. Minister.

APPENDIX "B"

Notes of an address by the Honourable J. E. Dubé, Minister of Veterans Affairs, to the Parliamentary Committee on Veterans Affairs—October 29, 1968.

I am delighted to have been invited to appear before the Committee on Veterans Affairs to present, for my first time, the estimates of my Department. As Honourable Members will appreciate, I was appointed as Minister in July, 1968 and will not, of course, have mastered all the details affecting my portfolio.

In our study of the Estimates we will be assisted by officials from the Department of Veterans Affairs, from the Canadian Pension Commission and the War Veterans Allowance Board. These two agencies, as members will appreciate, are separate and distinct from the Department though they report to the Minister of Veterans Affairs. From the time I have taken over this portfolio, I have come to realize how well structured the Department is and how competent are the Departmental, Commission and Board officials. When I speak in terms of competency I mean that they are effective in achieving the broad objectives set out by Parliament under the Veterans Charter. I have also found that those members of the Department, of the Pension Commission and the Board, with whom I have had dealings, have a great understanding of the veterans' problems and a sympathetic approach to all matters affecting those persons who are still receiving direct service from the Department and these agencies.

I think it might be appropriate for me to introduce here to the Committee some of the officials who may be of assistance to it:

Monsieur le Président, il y a d'abord, mon sous-ministre, *M. E. A. Côté* qui a servi outremer cinq ans durant la deuxième guerre mondiale. Officier du Royal 22e Régiment, il a servi en Angleterre, en Normandie, en Belgique et en Hollande. M. Côté a servi auprès de deux autres ministères fédéraux avant d'être nommé sous-ministre des anciens combattants le 1er mars, 1968.

Then there is the Chairman of the Canadian Pension Commission, *Mr. T. D. Anderson.* He served from 1941-45 in Canada and in Europe as R.C.A.F. Air Crew. Mr. Anderson has been Commission Chairman for 9 years and served, previous to this appointment, as Dominion Secretary of the Royal Canadian Legion. He has a great knowledge of veterans' problems and will be of considerable use to the Committee.

Mr. F. T. Mace, Assistant Deputy Minister of the Department of Veterans Affairs, served with distinction in World War II as an Ordnance Officer and has been with the Department for 20 years, serving in a number of capacities, including, for a period, Acting Deputy Minister. Mr. Mace has a wealth of knowledge of the Department and I have found that his judgment and appreciation of the problems is unexcelled.

Dr. J. S. Hodgson, Assistant Deputy Minister, has had a wide variety of experience apart from World War II as a Naval Officer. He has been associated with the Unemployment Insurance Commission, Central Mortgage and Housing Corporation, as Assistant Secretary to Cabinet and, at one time, as Assistant Deputy Minister (Finance), Department of National Defence, and joined the Department of Veterans Affairs the first of this month.

Mr. W. T. Cromb, Chairman, War Veterans Allowance Board, has had a long and also very distinguished regimental affiliation with the Loyal Edmonton Regiment, served overseas in World War II. He worked in the Department of Veterans Affairs as a Regional Administrator and, for the last 8 years has been Chairman of the War Veterans Allowance Board. Mr. Cromb is no stranger to you because of his knowledge of matters affecting veterans allowances and his sympathetic and dynamic approach to their solution.

The Director of Financial Management, *Mr. Jack Walsh,* served mainly in Italy during World War II and has been with the Department for 10 years. He brings with him a considerable experience of the new financial management processes adopted as a result of the Glassco Commission recommendations.

There are other officers of the Department who will be brought in as may be required.

I, as Minister of Veterans Affairs and you, as members of the Veterans Affairs Committee, have a duty to consider the problems affecting the veterans of Canada. They represent one million Canadians. Admittedly, the very large majority have been rehabilitated. Nevertheless, 14% of them are pensioned, and about 8% are in need of veterans allow-

ances while about 1% of their number are continuously in need of hospital care. So many of us are new to the subject-matter of this Department that it would seem a useful thing for us all if we examined at greater length than usual the matters facing the Department, and arising out of these estimates so that we can then better focus our attention on the solution to these problems.

In general, it is fair to say that, while the Veterans Charter (embodied in a series of Acts) was successful after World War II in rehabilitating the vast majority of Canada's fighting forces into the Canadian economy, there still remain a number of individuals who have been physically or mentally maimed by war and who are in need of assistance. The compensation approved by Parliament after World War I and improved greatly in 1944 for those people who were physically maimed is a continuing debt on the Nation—a tangible expression of its gratitude to those who voluntarily assumed physically the defence of the country in time of need. There still remain, too, a number of people who are economically distressed and for whom provision is being made in these Estimates under the War Veterans Allowances heading.

Turning now to the 1968-69 Estimates, I think it would be helpful if I spoke about the figures in broad terms. Our total estimates amount to about $426 millions. Of this sum, about $108 millions are devoted to War Veterans Allowances while $225 millions are estimated to be needed to pay pensions under the Pension Act. These items account, therefore, for over 75% of the departmental estimates. Treatment Services are estimated to cost, this year, $63 millions or something less than 15% of the total expenditures. The administration of the Veterans Land Act and Welfare Services and General Administration Account for the balance. However, it should be noted that the establishment of veterans under the Veterans' land Act is provided for by loans from a revolving fund which has an authorized ceiling of $530 millions. The loans for the fiscal year are NOT reflected in these Estimates.

The *increases* in the Departmental Estimates *over* 1967-68 amount to $19.3 millions. The increases are due largely to a pension increase ($26 millions) voted by Parliament in March 1968 and by a slight increase in Treatment Services. On the other hand, because largely of the Guaranteed Income Supplement, the charge to War Veterans Allowances will likely diminish by $7 millions or a *net increase* of $19.3 millions for the Department.

The continuing workload of the Canadian Pension Commission includes disability pensions to 139,000 veterans plus another 30,000 pensions to widows, orphans and parents. War Veterans Allowances are paid to 85,000 veterans and veterans' dependants. Treatment is provided for an average daily patient load of 8,000 veterans; and there are other benefits to about 930 veterans and their immediate families, such as education for the children of the war dead.

So much, then, for the continued compensation for loss of life and limb, and to widows of veterans; although I should also underline that a very large percentage of veterans in this category have learned to live with their disabilities and are quite competitive and making a substantial contribution to the nation's economy.

Tel qu'indiqué plus haut, les services de Traitements hospitaliers du Ministère continuent à soigner 8,000 patients par jour. Les 9 hôpitaux du Ministère constituent le plus grand réseau hospitalier du Canada. La ligne de conduite est de donner le meilleur service possible aux anciens combattants. Ceci implique la recherche constante de meilleures techniques et modalités de traitement. Le fait est que les anciens combattants requièrent de plus en plus de traitements destinés à palier aux maladies chroniques et de moins en moins de traitements dits «actifs». Il en résulte qu'il devient de plus en plus difficile pour nos institutions de maintenir un standard élevé de soins à moins qu'elles ne s'affilient aux hôpitaux universitaires et aux institutions provinciales. C'est pour cette raison que le gouvernement a adopté la politique d'affilier nos institutions à celles des compétences universitaires ou provinciales ou municipales afin d'être à la page dans le domaine des soins requis par les anciens combattants. Les membres de ce Comité se souviendront peut-être de l'affiliation, en octobre 1966, de l'hôpital Sunnybrook à l'Université de Toronto. A tout compter, cette affiliation s'avère bien satisfaisante. En plus, un accord a été conclu en mars 1968 visant l'affiliation de l'hôpital Ste-Foy au Centre hospitalier de l'Université Laval. Le transfert a été effectué le 1er septembre 1968 et des cérémonies officielles marqueront ce fait avant la fin de l'année. Un accord a été conclu le printemps dernier pour affilier l'hôpital Lancaster avec l'hôpital générale à Saint-Jean, au Nouveau-Brunswick; cet accord prévoit un transfert le 1er juillet 1970.

Il serait peut-être bon de signaler que des accords similaires ont été conclus, il y a de ça quelques années, et mis en vigueur en rapport avec les traitements hospitaliers des anciens combattants des provinces de Terre-Neuve, de la Saskatchewan et de l'Alberta.

Il semble bien que cette ligne de conduite est bien justifiée d'autant plus que les programmes d'assurances médicales et hospitalières semblent en voie de se généraliser à travers le pays.

Pour revenir aux affiliations des 9 hôpitaux gérés par le Ministère, certains de nos hôpitaux sont d'une construction assez moderne et satisfaisante. Il sera possible (semble-t-il) de conclure des accords, après les consultations requises, avec les autorités provinciales ou autres moyennant certaines mises de fonds en immobilisations. Par contre, quelques-uns de nos hôpitaux sont, en réalité, d'anciennes baraques militaires en bois dont certaines sont vieilles de 50 ans. Il n'est pas possible de demander à un autre hôpital de prendre à sa charge, et ces hôpitaux et les anciens combattants dans de pareilles circonstances. C'est pourquoi, dans certains cas, nous devons construire à neuf. C'est le cas de l'hôpital de Ste-Anne-de-Bellevue dont la construction a été mise en chantier le 6 juin 1968. A tout compter, au cours des prochaines années, le coût estimatif en 1968 de ces améliorations sera d'environ $75 millions.

Je crois qu'il est bon de répéter ici ce que mon prédécesseur, l'honorable Roger Teillet, disait aux Communes le 16 mars 1964, relativement aux conventions à conclure avec les organismes autres que ceux du Ministère:

> «Qu'il me soit permis ici de clarifier avec insistance et sans équivoque le point suivant: le gouvernement ne conclura aucune entente de ce genre, à moins que certaines conditions *sine qua non* ne soient remplies. Voici quelles sont ces conditions, au nombre de trois: *Premièrement*, des locaux devront être immédiatement disponibles en tout temps pour le traitement des invalidités des anciens combattants attribuables à leur service, et ce traitement devra leur être fourni selon les normes prescrites par le ministère des Affaires des anciens combattants. *Deuxièmement*, des établissements de la collectivité, aux normes acceptables, devront être à la disposition des autres catégories d'anciens combattants, ce qui signifie que ceux-ci pourront obtenir des traitements dans leur propre localité, près de leurs amis et de leurs familles. *Enfin*, des arrangements satisfaisants devront être pris pour assurer le maintien de l'emploi du personnel professionnel et autre actuellement en service dans nos établissements.»

The rehabilitation phase of the Department's program is now drawing to a close. As of October 31, 1968 several of the benefits under the Veterans Charter are being phased out. October 31st is the final date for (a) using Re-establishment Credit, (b) claiming War Service Gratuity, (c) purchasing Veterans Insurance and (d) establishing eligibility under the Veterans' Land Act. This phasing out was agreed to by Parliament in 1962.

I should emphasize that in the case of the Veterans' Land Act it is only the period for qualification under the Act that is terminating at the end of this month. Veterans who have established their eligibility will have until March 31, 1974, or up to 5½ years, in which to obtain new loans under the Act.

These changes were well publicized in the newspapers and otherwise, and the fact that some 5,000 applications are being received each week by VLA leads me to believe that the notice given has been fully adequate.

The strong demand from veterans for VLA assistance is partly related to the deadline for establishing eligibility, but it has been rising gradually over the years. Ten years ago, VLA loans were running at about $18 millions a year. Five years ago the total had risen to $30 millions, and in the last two years it was $83 millions and $103 millions respectively, the average for the five years being approximately $60 millions.

During 1968 the government was obliged to take steps to moderate the use of public funds for this purpose, as for others, and it set the figure for this year specifically at $74 millions, which was 25% above the five-year average. The officers of the Veterans' Land Administration worked out a procedure designed to ensure that the veterans with the greatest need would receive first consideration and that those who could afford to do so would be asked to wait until the beginning of the 1969-70 fiscal year for their loans. Veterans whose loans were deferred have been most co-operative, and their understanding attitude is greatly appreciated. I think that this understanding springs from the fact that veterans are aware of the fact that governments must sometimes dampen down inflationary pressures in the Canadian economy;

and that those who suffer most from inflation are those who have limited incomes or who rely on pensions.

Members of the Committee will have noted that a Resolution has been placed on the Order Paper relating to an amendment to the Veterans' Land Act. This amendment would permit certain interest rates under the Act to be established from time to time in relations to the cost of money in the economy in general. I shall be dealing with this matter more fully when Parliament considers the resolution and the amending bill. The Committee will appreciate that at the present time I cannot anticipate the debate in the House.

The Veterans Welfare Services constitute an important part of the Department's and related agencies' work. This Branch does practically all the welfare and social investigations for the War Veterans Allowance Board and the Canadian Pension Commission. Indeed, it provides the district management of, and adjudication and processing functions for, the War Veterans Allowances and Civilian War Allowances. Involved in these matters is the provision of grants (such as the educational grants to the children of War Dead), as well as benefits and allowances and, indeed the extension of social case work and rehabilitation counselling services to those veterans who are qualified for these purposes.

No doubt you are wondering about the future of the Woods Committee Report which is The Survey of the Work and Organization of the Canadian Pension Commission, presented to my predecessor, The Honourable Roger Teillet, in March, 1968. This report was commissioned by Minister Teillet in 1965. The Woods Committee did a very thorough study of the organization and operation of the Canadian Pension Commission and has made some very far-reaching recommendations. Many of these will require major amendments to the Pension Act if they are to be put into effect.

On the other hand, there are several suggestions which can be adopted by the Canadian Pension Commission without legislative amendment. In a number of cases this has already been done, and in others, the Canadian Pension Commission officials involved are working out the most effective means by which to implement the proposals. Some of these proposals are rather involved and will call for extensive changes in the existing organization. However, each Member of the Standing Committee now has a copy of the Report which you will be asked to deal with shortly. Perhaps that is all that need be said regarding the Report at this time. As soon as the Committee has considered the 1968-69 Estimates, the Woods Committee Report will then be referred to you.

Quite apart from the Woods Committee Report, there is the question of basic rates of pay and allowances for disability pensions. As you may know, the question of the basis upon which pension rates should be paid, as well as how these rates might be regularly reviewed, was considered by a committee made up of officers of the Department and the Canadian Pension Commission. The Committee made two separate confidential reports on these two matters which are now in my hands.

In this connection, I think it is important to know that there have been three revisions of the pension rates since 1964. The first one was effective from September 1, 1964, and represented a 10% increase across the board. The second one became effective on September 1, 1966, and was a 15% increase in the basic rates only, (that is the pension for the veterans only) and the widows' pensions. The third one, which went into effect on January 1, 1968, was a 15% increase, again across the board and including all pensioners. Since these reports to which I referred a moment ago contain some very complicated suggestions and would have far-reaching effects on the whole structure and future of the pensions I feel that I should take sufficient time to consider them most carefully before putting forward any specific proposals. I have these questions under consideration at the moment, and I want to assure you that they are not being overlooked.

As you are no doubt aware, the question of the rates was not included in the terms of reference of the Woods Committee, although I realize that they made some reference to it.

Meanwhile, I should point out that the work of the Canadian Pension Commission must go on, as claims for pensions continue to reach the Commission in substantial numbers. It is of interest to note that applications from the peacetime servicemen and women, while still comprising less than 12% of total claims, have in recent months shown a moderate increase. The great bulk of all claims still arises out of service in the Great Wars.

It would be useful, at this stage, to say something about the general administration of this Department.

In the area of personnel management, the Department has given a high priority to manpower planning and staff development. By means of staff training, attendance at Public Service Commission sponsored courses and university courses and seminars, employees are being encouraged to develop their skills. A comprehensive program of personnel appraisal aimed at identifying potential skills as well as training needs is also part of the program of carrer planning. The Department is participating in the Public Service Commission's sponsored "Career Assignment Program" which combines an extensive staff course with systematic assignment of persons selected amongst the participating departments.

In accordance with the recommendations of the Woods, Gordon financial management study which, in 1964, followed the Glassco Commission and related specifically to the Department of Veterans Affairs, all field units of the Department now report directly to one of the Head Office program managers. As a result, delegation of responsibility and accountability are much more clearly defined. A modern system of budgetary control utilizing the Comptroller of the Treasury's computers has replaced the former accounting system, giving all local managers prompt and detailed financial information on their operations. This decentralization of responsibility is already paying dividends in better management. A system of "Operations Audit" has been introduced this year and the reports of the auditors are proving to be of benefit to managers at all levels.

In a Department of 11,300 employees and 5 major programs, communication between staff and management is always difficult to achieve. I welcome, therefore, the recent initiative of the Department in establishing *"Carillon"*, a "house organ" to be published every two or three months by the Departmental staff to provide a two-way stream of information between staff and management and to develop, to the highest degree possible, the *esprit de corps* of this Department. Copies of the first issue are available to members of this Committee.

Members of the Committee will be interested to know that, on the 50th anniversary of the end of World War I, the Government is organizing a veterans *pilgrimage* overseas and a series of ceremonies will be organized in Ottawa culminating in a State Dinner in November to be attended by the Governor General, the Prime Minister and two former Prime Ministers. 100 members representing units of World War I will proceed early in November to the World War I battlefields in France and Belgium. Another 100 veterans will be brought to the nation's capital for Remembrance Services on November 11th. I was deeply honoured that Brig. the Honourable Milton F. Gregg should have agreed to be Honorary Commandant of the overseas contingent. In his task this year, Brig. Gregg will be assisted by Brig. J. L. Melville, as Commandant, and my Deputy Minister will be of the group in order to facilitate this pilgrimage.

This, Mr. Chairman, has been a rather long statement. But this being my first appearance and several of the members of the Committee being newly elected, I felt I had to cover most of the areas of the Department. It has been traditional for this Committee to be non-partisan and I trust we will want to continue this somewhat unique tradition. May I thank the members of the Committee for a courteous hearing and say that the officials of the Department will be available to answer detailed questions in the course of your study of the Estimates.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968

STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

TUESDAY, NOVEMBER 5, 1968

Respecting

Revised Main Estimates (1968-69) of the Department of Veterans Affairs

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WITNESSES:

From the Department of Veterans Affairs: Mr. F. T. Mace, Acting Deputy Minister; Mr. J. E. Walsh, Director Financial Management and Mr. P. E. Reynolds, Director of Legal Services and Chief Pensions Advocate.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

29083—1

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Laniel,
Latulippe,
MacRae,
Marshall,
McIntosh,
Mongrain,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—(20)

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

TUESDAY, November 5, 1968.
(3)

[*Text*]

The Standing Committee on Veterans Affairs met this day at 11.15 o'clock a.m. The Vice-Chairman, Mr. Carl Legault, presided.

Members present: Messrs. Bigg, Boulanger, Émard, Guay (*St. Boniface*), Laniel, Legault, MacRae, Marshall, Thomas (*Moncton*), Turner (*London East*), Weatherhead, Whicher—(12).

In attendance: From the Department of Veterans Affairs: Mr. F. T. Mace, Acting Deputy Minister; Mr. T. A. Murray, Assistant Departmental Secretary; Mr. P. E. Reynolds, Director, Legal Services and Chief Pen. Adv.; Mr. D. K. Ward, Deputy Chief Pensions Advocate; Mr. E. J. Rider, Director General, Veterans Welfare Services; Mr. R. J. Wood, Chief Budget & Administration, Welfare Services; Mr. J. E. Walsh, Director, Financial Management; Mr. R. A. Hanson, Chief, Financial Services Division; *From the War Veterans Allowance Board:* Mr. W. T. Cromb, Chairman; Mr. P. Benoit, Executive Assistant; *From the Canadian Pension Commission:* Mr. T. D. Anderson, Chairman, Mr. A. L. Fortey, Secretary; Mr. F. G. Stockley, Chief, Budget & Administration; Mr. F. G. Whitall, Claims and Review Branch; *From the Royal Canadian Legion:* Mr. D. M. Thompson, Secretary General; Mr. Leo J. Trottier, Pensions Officer; *From the War Amputations of Canada:* Mr. H. C. Chadderton, Executive Secretary.

The Clerk read the First Report of the Subcommittee on Agenda and Procedure as follows:

YOUR SUBCOMMITTEE RECOMMENDS

That we meet on the following days and dates to study the Departmental Estimates:

Tuesday, November 5
Tuesday, November 19
Tuesday, November 26

On November 5—Item (1) Departmental Administration will be studied and allowed to stand pending last minute questions. This will be followed by: Item 5, Welfare Administration; Item 10, Allowances and Assistance Fund; Item 15, Other Benefiits.

On November 19—Item 20, Pensions Administration; Item 25, Pensions and Gallantry Awards; Item 30, Treatment—Operation and Maintenance; Item 35, Treatment—Hospital Construction.

On November 26—Item 38, Treatment and Related Allowances; Item 40, V.L.A. Administration etc.; Item 45, V.L.A. Grants to Veterans; Complete Item (1) Departmental Administration.

Mr. Émard moved, and it was
Agreed,—That the Report of the Subcommittee be adopted as read.

29083—1½

The Committee resumed the study of Item (1), Departmental Administration.

The Chairman introduced Mr. F. T. Mace, Acting Deputy Minister who explained the administration of the Department of Veterans Affairs and answered questions posed by the Committee.

It was *agreed* that Item (1) stand pending last minute questions.

Item 5—Welfare Administration was adopted.

At 12.40 o'clock p.m., on motion of Mr. Laniel, the Committee adjourned to Tuesday, November 19, 1968.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, November 5, 1968

• 1112

The Vice-Chairman: Gentlemen, I see a quorum. We shall proceed, because time is passing fast.

The first item on the Agenda is the Report of the Steering Committee. I will ask Mr. Levesque to read it.

(See Minutes of Proceedings)

The Vice-Chairman: Gentlemen, you have heard the Report of the Steering Committee. Would someone move that it be adopted as read?

Mr. Émard: I so move.

Mr. Bigg: I will second the motion.

Motion agreed to.

On Item No. 1, Departmental Administration.

The Chairman: Gentlemen, I thought perhaps we could hear a statement by Mr. Mace and deal with Item 1 and then let it stand and proceed with Item 5. That would afford us the opportunity of coming back to Item 1 if any general discussion is desired after the votes are passed. Mr. Mace?

Mr. F. T. Mace (Assistant Deputy Minister, Department of Veterans Affairs): Mr. Chairman, perhaps my first remark should be to say that we are pleased to be here. The officials of the Department rather welcome this opportunity to discuss, in a somewhat informal atmosphere, the Estimates of the Department and to provide you gentlemen with whatever information you may require.

• 1115

It may be appropriate, particularly because we have a number of new Members on the Veterans Affairs Committee, to preface my remarks with a few short explanatory comments on the organization of the Department.

You should bear in mind, first of all, that the Department is, in part, a sort of troika. It consists of three separate entities, namely, the Department itself, the Canadian Pension Commission and the War Veterans Allowance Board. These three entities operate quite separately, but nevertheless report to Parliament through the one minister, the Minister of Veterans Affairs. Although they do operate separately they nevertheless work together very, very closely.

The Estimates of all of these three entities are brought together under the Estimates of the Department of Veterans Affairs but are shown quite separately, with one slight exception, in these Estimates.

The Department consists mainly of four basic programs: Veterans' Land Act, Treatment Services, Welfare Services, and Veterans Bureau. You will see that these programs are recognized in the Estimates and you will, with one exception, be dealing with these different programs. The exception is the Veterans Bureau which is included in the vote that we now have under consideration. I will come back to this particular aspect a little later.

The Departmental Administration vote is a sort of conglomerate vote. It covers mainly all the expenses relating to the operation of headquarters in Ottawa, with the addition that "Legal Services", which is included in Departmental Administration, also contains the legal services which operate in the field. All our statistics listed are part of "Legal Services", and "Legal Services" is integrated with the Veterans Bureau.

Therefore, we have a Directorate of Legal Services and a Chief Pension Advocate. This official wears two hats, but for budget and Estimates purposes he is part of the Departmental Administration vote.

Included in this head office organization we have, of course, all the expenses related to the Minister and his staff, apart from the provision of the Minister's salary and motor car allowance, which, of course, is a statutory provision; but all of the Minister's travelling expenses, and so on, are contained in this vote.

We have, of course, the staffs of the Deputy Minister, the two Assistant Deputy Ministers and the various ancillary services which are germane to any department, namely, personnel services; financial services; and, in our case, an engineering division which takes care of the construction and maintenance of our departmental hospitals.

Then we have services such as our departmental secretary, public relations, management services, internal audit and records which, in the Department of Veterans Affairs, is quite a large operation because, as you are probably aware, we still maintain in our possession the records of the veterans of both World War I and World War II, and we have a very large War Service Records Division which is located out at Tunney's Pasture.

Off hand, I think that pretty well covers the subdivisions of the head office administration which, as I said before, makes up this sort of conglomerate vote of Departmental Administration.

• 1120

Unless you have any particular questions about our organization I will turn to page 560 of the Blue Book, gentlemen, where we have the details of the vote. Perhaps I should give you some general information about certain of the items contained in that vote because I am sure that, for some of you this may be the first opportunity you have had to consider them.

You will notice that this vote remains relatively stable. If you look at the positions the variation there is that 662 positions are provided in these Estimates as opposed to 661 for the previous year; and the vote total is in the neighbourhood of $5,742,000 as opposed to $5,702,000. This, I think, points up that there is not too much change in this particular vote from time to time.

Perhaps we could now get down to the details of the make-up of this vote.

Salaries are self-evident. Allowances are primarily foreign service allowances which we pay to staff that we employ in London, England, and on the Continent.

Incidentally, there was one omission in my description of our organization. This vote also provides for the staff that we employ in our London, England, office, and on the Continent, relative to the maintenance of battlefield memorials.

Travelling Expenses: As I said before, this item includes those expenses incurred by the Minister and his staff.

Freight, Express and Cartage: That is a self-evident administrative expense. The reduction there is accounted for by the fact that we now charge the different programs with such expenses as arise from the shipping of stationery supplies from our central stationery stores.

Postage: This, once again, is an obvious expense. The increase here was in anticipation of the increase in postage rates, which actually has not yet come about.

Telephones and Telegrams: There is no particular problem here.

Publication of Departmental Reports and other Material: Although I am not too sure I believe this includes the new departmental magazine. I think you gentlemen got a copy of "Carillon", which was distributed to you last year, and of which we have just had our first issue. This costs about $2,000. Included in that item, of course, is the normal departmental report that all departments are required to table in the House.

Advertising and Publicity: As you will notice, this is a little bit heavier this year. One of the expenses we were faced with, of course, was to ensure that adequate publicity was given to the close-off of certain veterans' benefits. We made provision for the reprinting of a number of our information booklets, to the extent of some $14,000. As you gentlemen may be aware, we issue a certain number of booklets on war veterans' allowances under VLA. These are give-away booklets and are available to veterans. They describe the details of the particular veterans' benefit involved.

Corps of Commissionaires Services: This is exactly what it says. The rates paid to the commissionaires, of course, is in accordance with the contract which is negotiated with the Corps through the Department of Defence Production. They contract with the Corps for service required by the Federal Government as a whole and we merely employ under the terms of that contract. This, primarily, is provision for the ceremonies which took place last year. Relative to last year's figure, there was a big ceremony at Vimy on the occasion of fiftieth anniversary of Vimy Ridge; and this year, of course, as you know, we are incurring considerable expense in commemorating the fiftieth anniversary of the end of World War I.

• 1125

The Last Post Fund: I am not sure whether or not this was explained at the last meeting.

It is a body incorporated under a Dominion or Federal charter, I suspect, the main purpose of which is to ensure that any indigent veteran is buried in a proper manner. Having taken care of the burial of this veteran the Fund recovers from the Department the cost of that funeral and burial.

Books of Remembrance: The main expense here is the production of a Book of Remembrance relative to the Newfoundland veterans who gave their lives in World War I and World War II. Books of Remembrance were being produced, I expect, or on the way, prior to Confederation, so that there are a few Newfoundlanders in the books which are deposited in the House, but this is the production of a special book. It is under way now and in due course it will be deposited in the Memorial Chamber in the House of Commons alongside the other books.

Rental of Office Machines: This is a self-evident administrative cost, as is that of Repairs and Upkeep of Equipment.

Battlefield Memorials: This is an item of expense incurred partly by the Department but probably to a greater extent by the Commonwealth War Graves Commission, on our behalf in maintaining the 13 Canadian Battlefield Memorials which are located in Belgium and France. The most notable of those are the wonderful memorial at Vimy Ridge and, so far as Newfoundland people are concerned, the memorial at Beaumont Hamel Park which commemorates the glorious deeds of the Royal Newfoundland Regiment.

Maintenance of Departmental Cemeteries and Plots: This item relates to those relatively few departmental cemetery plots which are owned by the Department. We do own a number of small cemeteries, or a plot within a cemetery, as is the case here at Beechwood in Ottawa, and we are faced with the annual maintenance of these particular plots.

In addition, we are also in a position, through the provision of these funds, to give some assistance to a civilian cemetery which has a veterans' corner which we do not feel is up to reasonable standards. We can assist them financially to bring this plot up to an adequate standard of condition.

Campaign Stars and Medals:—this is a very small item now. There are still those who have not yet asked for their medals or campaign stars arising from World War II, primarily. We do have to continue a small item for expense.

Stationery, Supplies and Office Machines: Once again this is a self-evident administrative cost; as is Office Furnishings and Fixtures which you see is of moderate amount.

The Commonwealth War Graves Commission: The largest item in this vote, apart from salaries, is Canada's share amounting to roughly 9.6 per cent and based on the percentage of Canadian dead to the total number of graves, in the various Commonwealth war graves cemeteries all over the world.

Canada, of course, is represented on the Commonwealth War Graves Commission by the Canadian High Commissioner in London.

It acts as a completely Commonwealth body. It administers and maintains all of these cemeteries and certain other C.W.G.C. memorials such as the one at Brookwood in England, which is a memorial to all the airmen of the Commonwealth who have no known graves. Canada, as do the rest of the countries of the Commonwealth, shares proportionately in the cost of operating the Commission.

• 1130

Sundries: This is a small slush fund which everybody needs once in awhile.

That gives us, as I said, a grand total of $5,742,000.

Mr. Chairman, I think and hope that I have covered the details of this Vote adequately but I would be quite happy to answer any questions, if there are any

I will be assisted by Mr. Jack Walsh, our Director of Financial Management. One of Mr. Walsh's prime responsibilities is the production of these estimates.

The Vice-Chairman: Thank you very much, Mr. Mace.

Gentlemen, the officials of the Department were presented to you at the last meeting. I would like to bring to your attention that we also have with us today Mr. Thompson, the Dominion Secretary-General and, with him, Mr. Trottier of the Royal Canadian Legion.

We are now ready for questions, Mr. Émard.

Mr. Émard: Mr. Mace, may I speak French?

Mr. Mace: I am sorry, but my French is not too good.

The Vice-Chairman: We have interpreters present.

[*Interpretation*]

Mr. Émard: Mr. Mace, I'm surprised to see that there is no increase of the amount allocated for salaries in your Department. Could you explain this, in view of the generous increase given to many employees?

[*English*]

Mr. Mace: I think the main reason, Mr. Émard, is the fact that the provision in 1967-68 of $3,965,000 was, in fact, more than the actual expenditure which was in the neighbourhood of $3,785,000. So in fact there is very close to $200,000 increase in the salaries provision.

Mr. Émard: How many employees do you have throughout the whole Department?

Mr. Mace: I think it is in the neighbourhood of 11,000.

Mr. Émard: Many of the hospital employees, around where I live anyway, which is Ste. Anne de Bellevue, have received retroactive pay amounting to quite a large amount of money and it seems to me that if you multiply 11,000 employees throughout your Department by the retroactive pay increase that has been given out the amount of $200,000 is not enough.

Mr. Mace: Of course the item you are looking at, Mr. Émard, only covers roughly the 660 employees in head office.

Mr. Émard: Oh, I see.

Mr. Mace: In so far as the hospital staff is concerned I would suggest that this might be covered when you come to the Treatment Services vote. You will notice there that there is a much larger increase in the salaries provision.

Mr. Émard: How many Commissionaires are there in the Corps of Commissionaires? Maybe I have the wrong slant on this whole thing. Is this figure only for the Corps of Commissionaires working for your Department here in Ottawa?

Mr. Mace: Yes, this is so. This is the provision for the Commissionaires who are just working here at the head office building.

Mr. Émard: I will have further questions later.

Mr. Mace: You will note that the Corps of Commissionaires Services under Treatment Services are provided for in the amount of $780,000. We employ by far the greater number of commissionaires in our hospitals. This is just at the head office building.

• 1135

The Vice-Chairman: Does this complete your line of questioning?

Mr. Émard: Yes, for now, Mr. Chairman.

The Vice-Chairman: Are there any other questions.

Mr. Laniel: I am just trying to make a comparison. Would a comparison between our participation in the maintenance of our cemeteries abroad—I am looking at the Commonwealth War Graves Commission—and our participation in the maintenance of departmental cemeteries and plots in Canada indicate that we do more for our cemeteries abroad than we do for them in Canada?

Mr. Mace: The answer is yes, of course, Mr. Laniel, because we actually do not own very many cemetery plots here in Canada.

Mr. Laniel: There is an increase of perhaps 3 per cent in our contribution to the Commonwealth War Graves Commission compared to the previous year and a reduction of nearly 20 per cent for the maintenance of departmental cemeteries and plots. What is the reason for this?

Mr. Mace: Could I refer back to what I said when I was explaining this item. This also includes a provision whereby we can help non-departmental cemeteries. If any cemetery has a soldier's plot and we become aware of the fact, that this plot is not in very good condition—the stones have been allowed to sink and the landscaping generally is not up to an adequate standard—we can suggest to the cemetery that this should be improved and if they are not in a very good financial position we are then in a position to offer them some assistance. Many cemeteries are not in good financial position because, as you probably realize, the perpetual maintenance charge which was levied many years ago is now inadequate, even if it were funded, to cover the cost of that maintenance at today's prices. However, once we have contributed to this, the chances are this will not have to be done again. I suspect that our program last year was a little heavier in this respect than it is expected to be this year.

Mr. Laniel: There is a reason for my question. The people in continental Europe and U.K. seem more concerned about cemeteries,

they seem to be closer—perhaps it is because they were involved in the war, and I am wondering if the Department is doing enough here in Canada. I am not so sure that you should just sit back and wait for people to ask you for money. Also, we have in Canada memorials of Canadian wars with the United States which I believe are looked after by Northern Development. I do not agree with that because when we speak of veterans I think we should speak of all veterans and these should include people that have made Canadian history—not only those who protected democracy in the world but those who have protected this country and perhaps have established the basis of this country. I think the Department should look into the possibility of making an inventory of memorials and cemeteries and doing some general long-term planning. We go abroad to participate in all kinds of ceremonies and I wonder if we, as a veterans organization, as a veterans department do our share and participate sufficiently in the commemorations of battles and wars that were fought in Canada.

Mr. Mace: I think you are quite right with regard to the attitude of the Europeans and the way in which they maintain their cemeteries. These people have lived with many wars and I think they are more conscious of this.

I think one of the reasons against our achieving the same sort of level of maintenance is our climate. If you go out to Beechwood Cemetery during the wintertime it is just a mass of snow, which is not the case of course in the cemeteries in England, France or Belgium. But I would suggest, sir, that there is no criticism of the condition of the cemeteries that we ourselves own and maintain. I am sure that you would find the soldiers' plot out at Beechwood Cemetery in very, very good condition, comparable to what you would find generally in Europe.

• 1140

Mr. Laniel: I did attend a week ago the commemoration of the 155th anniversary of the Battle of Chateauguay at Allans Corner, and if it had not been for the local people of the local veterans' association, that would have been it. There was actually no involvement from the Department and I am sure the Department did not find out about it, I cannot blame the Department directly, but I think there is a lack of co-ordination and there might be some planning for the years to come.

Mr. Mace: Well, this is a very interesting thought, Mr. Laniel, and I will bring it to the Minister's attention. Concerning your other comment about national memorials this is, as you say, the responsibility of the other department and, of course, as you know they have quite a big job. There are hundreds of memorials that they take care of—the bigger ones like the Citadel in Halifax, Fort Henry, and so on and, as you know, the rehabilitation of the big Louisburg fort, I guess.

I suggest to you that it might be better in the long run if you did have an agency that was specializing in the maintenance of these memorials. We have no responsibility relative to any memorials in Canada; this is certainly the case at the moment.

Mr. Laniel: I have another question on another line. Do you know what is the situation right now at the different Polish cemeteries in Europe, like the ones at Monte Cassino and Bretteville-sur-Laize, I think, in France? Well, I think that one the French government has decided to look after it, but do you know whether anyone has checked the situation, especially the one at Monte Cassino where we found that the stones were quite deteriorated when we passed a few years ago?

Mr. Mace: No, I am not aware, sir, of this situation at all. May I ask you a question? Is this a cemetery in which the...

Mr. Laniel: It is not administered by the Commonwealth War Graves Commission and there is a political involvement there, I know. I am just asking the question because I think you should be concerned, although you are not directly responsible. The veterans' association, mainly through the Army, Navy and Air Force, has been in contact with the Italian government and the French government and there has been correspondence. I am just asking a question about the situation as it is now.

Mr. Mace: I am sorry; I have no information on that, Sir. I will check. Our departmental secretary generally has responsibility for this area of activity and he is in Montreal but will be back at noon. I will check with him this afternoon to see whether we know, but I do not think we are aware of this situation. You said at Monte Cassino, did you?

Mr. Laniel: I have forgotten the right name of it, but it is at Monte Cassino.

Mr. Mace: Yes.

Mr. Laniel: Thank you.

The Chairman: Mr. MacRae?

Mr. MacRae: I notice from page 560 that the expenditures almost doubled in 1967. Of course, I realize this is passed, but whenever we are dealing with the taxpayers' money we have a certain latitude. What would be the major reason, Mr. Mace, for the almost double expenditures there?

• 1145

Mr. Mace: I think this is rather misleading, Mr. MacRae. It comes about solely from the reorganization of the Department and the regrouping of expenditures.

As you know, we used to have a district administration organization. This has disappeared and part of those expenditures have been absorbed within the programs. You will remember I referred to the Veterans Bureau and the legal expenses. All of the district legal expenses and the Veterans Bureau costs are now brought into this vote.

Mr. MacRae: It is just that everything did not cost twice as much one year as it did the year before. Is regrouping the answer?

Mr. Mace: That is right. The reorganization of the Department and a reshuffling of the budget, as it were.

Mr. MacRae: I thank you. Now, my next question deals with the Corps of Commissionaires that are employed. You mention in your headquarters here, they were contracted for through the Department of Defence Production. Is it general throughout the whole of the Department that all Corps of Commissionaires that are hired for the Department of Veterans Affairs no matter where they may be, have been contracted through Defence Production?

Mr. Mace: Not only employment by the Department of Veterans Affairs, Mr. MacRea, but employment by the federal government. All Commissionaires employed by the federal government right across Canada are employed under the terms of the contract negotiated by the Defence Production with the Corps. I am not sure of this, but I think the rates that are established in contracts are regional and in accordance with information provided by the Department of Manpower and Immigration relative to the local level of comparable kinds of employment.

Mr. MacRae: The unfortunate part of that, of course, is that, for example, a Commissionaire in St. John, New Brunswick, could be paid less per hour for services than, say, one here in Ottawa.

Mr. Mace: That is so.

Mr. MacRae: Or one in Newfoundland or elsewhere. That is so, is it not?

Mr. Mace: Yes, that is so; it is a prevailing rate factor and, of course, this always is a problem

Mr. MacRae: My next question has to do with employment. Positions in the Department of Veterans Affairs, as in practically all government departments, are filled by open competition, with the veterans preference still written into the Act. I was wondering whether you in the Department of Veterans Affairs are finding as the years go by that more and more non-veterans are applying and being accepted.

I realize that on the stenographic and hospital orderly levels, and things like that, that would automatically follow but I was wondering, in other more senior positions, whether you are now going outside of the veterans preference in your employment.

Mr. Mace: Most of the senior positions that become vacant from time to time are filled from within the house...

Mr. MacRae: In service?

Mr. Mace: By promotion of the second in command of the group, and so on. This does not always apply and on occasion we have gone outside of the Department but not outside of the federal government. There have been a few lateral transfers. I think the one that comes readily to mind is that of our Director of Personnel Administration. When our previous chap died, the Public Service Commission, as part of career development, felt it desirable to move one other director, and the Director of the Personnel Administration in the Post Office was, in fact, transferred to our Department.

I might say that this was very useful to us because we got a well-qualified and experienced personnel administrator and in our Department, where the personnel problems are quite extensive because of our mix of the different kinds of people we have on the staff, an experienced personnel administrator was absolutely essential. Quite frankly, we did not have anyone on the staff that could justifiably have moved up into that post.

• 1150

Mr. MacRae: Thank you. Perhaps this might better be a question for Mr. Reynolds when he does appear, but are you able to get across the nation good Pensions Advocates? I raise this question for the reason that we have an exceptionally good one in St. John's, a very, very able man, but I was wondering how you are managing to get top flight lawyers in this department.

Mr. Mace: Mr. MacRae, this will be the only opportunity for Mr. Reynolds to appear because his interest is in this vote. May I ask Mr. Reynolds to reply to your question?

Mr. Reynolds (Director of Legal Services and Chief Pensions Advocate, Department of Veterans Affairs): I am glad to know that the Pensions Advocate in Saint John is a top-flight man, as we consider he is one of the best we have. As far as recruiting is concerned, we have had to go to non-veterans to get solicitors, to get the calibre of solicitor we expect to get. We are not always successful in finding veterans. Of course, veterans are now getting on in age and to get a good young chap, we have recruited non-veterans. We have three solicitors who we think are good and up to scratch who are non-veterans in Legal Services.

Mr. MacRae: Thank you.

Mr. Whicher: Might I ask how many of those you have in Canada?

Mr. Reynolds: How many solicitors?

Mr. Whicher: Yes.

Mr. Reynolds: There are 49 I think. That includes solicitors and pensions advocates.

Mr. Whicher: And those are placed where the population warrants?

Mr. Reynolds: Yes. They are in every district in Canada in which the Department has an office.

Mr. Whicher: There would be one in London, Ontario, I presume?

Mr. Reynolds: There are two in London, Ontario.

The Vice-Chairman: A supplementary from Mr. Boulanger.

Mr. Bigg: Are these full-time men or are they allowed to practice?

The Vice-Chairman: I am sorry but Mr. Bigg, will follow after.

[*Interpretation*]

Mr. Boulanger: Are all these lawyers hired on a permanent basis or are some of them taken on part-time?

[*English*]

The Vice-Chairman: Are they employed on a permanent basis or are they part time?

Mr. Reynolds: Yes, we have two part-time lawyers, one in Newfoundland and another one in Charlottetown. All the rest are full time.

The Vice-Chairman: A supplementary, Mr. Guay.

Mr. Guay (St. Boniface): I would like to ask how many you have in the greater Winnipeg area?

Mr. Reynolds: There are three solicitors in Winnipeg.

Mr. Guay (St. Boniface): My next question, Mr. Chairman, would be...

The Vice-Chairman: I am sorry, is this the same as the supplementary?

Mr. Guay (St. Boniface): Could you tell me, sir, if you have any out of the St. Boniface constituency?

Mr. Reynolds: That I would not know.

Mr. Guay (St. Boniface): You would not know. Could he get the information though, Mr. Chairman.

Mr. Mace: I am not too sure, sir. Would you clarify your question? We do not have an office in St. Boniface. Our district office is in the City of Winnipeg.

Mr. Guay (St. Boniface): I know that.

Mr. Mace: Are you asking whether the gentlemen who are on our legal staff in the Winnipeg office reside in the St. Boniface constituency?

Mr. Guay (St. Boniface): In a way, Mr. Chairman, this could be the case. I am just wondering if consideration has been given whereby one solicitor would be picked out of the St. Boniface constituency to serve in that particular position.

Mr. Mace: We have never, to the best of my knowledge, considered such a procedure,

sir. If a vacancy occurs in the Winnipeg office and this is filled by a promotional competition, then of course this is open to all of the legal personnel who might be in Manitoba. We do not restrict it to any particular area at all.

Mr. Guay (St. Boniface): I would like to emphasize here to the gentleman that when I say St. Boniface, this does not include the City of St. Boniface only, but rather the constituency which is much larger than St. Boniface.

Mr. Mace: Yes.

The Vice-Chairman: I believe Mr. Whicher has a supplementary also. Is it a supplementary question, Mr. Whicher?

Mr. Whicher: Yes, it is, Mr. Chairman, I come from a rural riding where we do not have any of these. As a matter of fact, I think the closest is about 150 miles from my home, so in a sentence or two could you tell us their duties?

Mr. Reynolds: The Pensions Advocate's duties?

Mr. Whicher: Yes.

• 1155

Mr. Reynolds: The duty of a Pensions Advocate, roughly speaking, is to assist, on request, any pension applicant to prepare and present his claim, right from the original application, through to appeal board hearings, if necessary.

Mr. Whicher: The people with whom I have been associated in the Royal Canadian Legion—as a matter of fact, I am a welfare officer in the Legion at the present time—go to the people in the Department of Veterans Affairs and the Veterans Bureau, and I have never run into a case where we had to use one of these gentlemen. I have always found that, generally speaking, the pension board is co-operative and they listen attentively. But having never appeared before a pension board, does the veteran always have somebody with him, one of these Pensions Advocates to help him?

Mr. Reynolds: Yes. When a case goes to an appeal board, he is almost invariably represented by the Veterans Bureau, or by a veterans' organization, or by outside counsel.

Mr. Whicher: I understand that. But when he is represented by a veterans' association, the Royal Canadian Legion, or the war service bureau or something of that nature, where does this lawyer come in to help?

Mr. Reynolds: When he is represented by a veterans' organization?

Mr. Whicher: Yes.

Mr. Reynolds: They probably would not have an outside counsel. If they thought it was necessary to get somebody to assist them, they would get an outside counsel who would assist the veterans' organization presenting the case.

Mr. Whicher: And this fee would be paid for by the government?

Mr. Reynolds: It could be taxed, yes. The Commission have credits. I might say it is not usual to have outside counsel. The number of cases that are presented by outside counsels constitute a very small per cent.

Mr. Whicher: Are these services of the Canadian Corps of Commissionaires not outside counsel?

Mr. Reynolds: No, that is quite different altogether.

Mr. Mace: I wonder if I could explain, sir. The Canadian Corps of Commissionaires is an organization which endeavours to provide employment for older veterans. These are mainly the retired people who have finished their careers in, we will say, the Public Service. They have gone beyond 65. They are still in good health, and they apply to the Canadian Corps of Commissionaires, and if they are taken on they are given a uniform and then their work, generally, is what I might call quasi-security. You see them on duty at the entrances to the various government buildings. These are the Canadian Corps of Commissionaires, nothing to do with Legal Services.

Could I just add one other point, sir, on the question that you were answering earlier? Keep in mind that as far as the veteran is concerned, there is nothing mandatory about whether he uses the services. The services of the Veterans Bureau, through the Pensions Advocate, are there for him if he wishes. He does not have to use them, but he can use these lawyers, our lawyers, or he can go to the Royal Canadian Legion or to one of the veterans' organizations and use their welfare officers. But most of them do, in fact, use our Veterans Bureau for obvious reasons because they are experts in this field and they get pretty good attention, I can assure you.

The Vice-Chairman: Gentlemen, I believe we are following through on supplementaries at the moment. Other gentlemen have indicated that they would like to ask other questions, but I put them down for the second round. Now, I understand that Mr. Émard has a supplementary. Would yours be a supplementary, Mr. Émard?

Mr. Émard: It is just while Mr. Reynolds is here. I wonder if we could learn a little more about these Pensions Advocates because I really thought—and I think I am not the only one to think so—that they were to defend the interests of the Department, not of the soldiers. I think you will find many people think the same.

• 1200

Mr. Mace: This is not so, sir, if I might interject for a moment. The Pensions Advocate is interested only in the veteran's side of the case. It is his job to prepare the case relative to the application for pension and to present it in as good a manner as he can do so, from a legal point of view, and in the event that it goes to appeal to do exactly the same thing, to represent the veteran. This is his main intent and I am sure this is followed exclusively. Is that right, Mr. Reynolds?

Mr. Reynolds: That is right.

Mr. Émard: How can you get these services? Where do you apply?

Mr. Reynolds: At any district office of the Department. There is a Pensions Advocate on the strength of the district office. There is one in every province, and of course in Quebec there are offices in Montreal and Quebec City.

Mr. Guay (St. Boniface): I have a short supplementary, Mr. Chairman. Are they full time?

Mr. Mace: With the two exceptions that Mr. Reynolds referred to, in Charlottetown and Newfoundland.

Mr. Guay (St. Boniface): So they do not do any other work but devote their full time to this.

Mr. Mace: This is so.

The Vice-Chairman: Have you a supplementary, Mr. Bigg?

Mr. Bigg: Mr. Reynolds, do you think that you have enough staff for this job? I know any time that I have been near these men on behalf of veterans they seem to be extremely busy. Could we make any recommendations in this regard?

Mr. Reynolds: Yes, I think they are busy but we try and assure there is what we consider sufficient staff to cope with the workload. You always run into a problem in some places where there is not enough work for two but slightly too much for one, and that always creates a bit of a problem in those areas.

Mr. Bigg: Could you have a floating staff, say, in Ottawa, from which someone could go out and help in such cases. Obviously, to the veteran his case is extremely important and at times he is in need of legal help. Could you not have a couple based with the Department in Ottawa who would be available to go out and take over for a period of, say, two months when the load is heavy? I think there is a problem here. As you said yourself, there is sometimes a lag.

Mr. Reynolds: Yes, but I do not know of any district at the moment in which I think that they are understaffed.

Mr. Mace: I might say, Mr. Bigg, that what you are suggesting has been done on occasion. Occasionally we have run into sickness—the Pensions Advocate gets ill and Mr. Reynolds comes to me and we usually arrange then to loan the Pensions Advocate, say, from Saskatoon to Regina for two days a week or something like this.

I think generally we are able to cope reasonably well with the workload.

The Vice-Chairman: Gentlemen, on supplementaries I have Mr. MacRae and then Mr. Thomas.

Mr. Thomas (Moncton): I am sorry, but mine is not a supplementary.

The Vice-Chairman: Then to complete the first round I have Mr. Weatherhead and Mr. Thomas.

Mr. MacRae, was yours a supplementary?

Mr. MacRae: Yes, a brief one. What is the salary of your Pensions Advocate, Mr. Reynolds?

Mr. Reynolds: From about $10,000 to $19,000—including myself, $21,000.

Mr. MacRae: Thank you.

The Vice-Chairman: Mr. Weatherhead, you are next.

Mr. Weatherhead: Mr. Mace, I notice in your Last Post Fund that the figure for last year was $435,000, and it is about $460,000 this year. I was wondering just about now many funerals this would cover, what the average cost of the funeral would be, and how many there might be?

• 1205

Mr. Mace: We have the figures for 1966-67, Mr. Weatherhead, which is a year earlier than what you are asking. There were 1,777 burials in that year. There is of course a gradual increase in this figure and there has been over the past several years. If I might give you the figures for say, three years, in 1964-65 it was 960, in 1965-66 it was 1,100, in 1966-67 it was 1,177. So I suspect that in 1967-68 it will probably be in the neighbourhood of close to 1,400. This is because of the increase in ages.

[*Interpretation*[

Mr. Boulanger: I want to check something. What will be the average cost of the funeral? Have you given it already?

[*English*]

Mr. Mace: You also were asking for the average cost of the burials, Mr. Weatherhead?

Mr. Weatherhead: Yes.

Mr. Mace: In so far as the Last Post Fund is concerned these are covered by regulations approved by the Governor in Council. The amounts that may be paid for the burial of a person are made up of a number of entities. First of all, there is a sum not exceeding $240 so the funeral director for the regular funeral. The cost of the grave and the cost of the opening and closing thereof obviously will vary according to the cemetery in which the man is buried. We can pay for the cost of the grave marker which is provided by the Fund and the cost of erecting it. And there are certain other expenditures which we might pay relative to transferring the body from one place to another.

Mr. Weatherhead: Mr. Mace, in these cases does the Government bear the entire cost of the funeral or does it sometimes just bear part of the cost?

Mr. Mace: The Last Post Fund quite frequently is able to recover part of the cost of the funeral from other sources. I think in some cases the local municipality might make a partial grant towards the cost of the burial. We do not enter into these negotiations at all, as you could understand. This is entirely up to the Last Post Fund. They do recover certain amount of monies in which case it reduces the claim on the Department.

Mr. Weatherhead: Thank you.

Mr. Laniel: I have a supplementary on that?

The Vice-Chairman: A supplementary, Mr. Laniel?

Mr. Laniel: Just on a point of clarification. You gave a limitation figure but is there not a regulation preventing further expenses beyond that. On two occasions a few years ago I looked after the burial of a veteran. In the one case we raised some money through the family but then we had trouble with the Fund because we were told that we had collected $1,000 for that particular family. We collected that money not to bury the veteran but to look after the children and the dependants. We managed, but I think we tricked you.

Mr. Mace: Not us, sir, this is a matter for the Last Post Fund.

Mr. Laniel: No, I mean the Fund.

Mr. Mace: We do not enter into these negotiations.

The Vice-Chairman: Gentlemen, before proceeding on the first round I will recognize Mr. Bigg on a supplementary. I would like to bring to your attention that I have on the first round Mr. Thomas, Mr. Marshall and Mr. Boulanger.

Mr. Bigg: Do you know if it is possible for any veteran to have one of these stones whether or not they use the Fund? Is it possible for all veterans to get a soldiers' marker if they are willing to pay for it themselves or out of their estate?

Mr. Mace: I would think so, Mr. Bigg.

Mr. Bigg: Are they not a standard stone?

Mr. Mace: Yes they are a standard stone.

Mr. Bigg: Are they not made by Government . .

Mr. Mace: No. Are you talking about our stones or the Last Post Fund stones, because there is a slight difference.

Mr. Bigg: Is there?

Mr. Mace: Oh, yes. The Last Post Fund have their own distinctive stone. I am not too sure where they get them from but I presume from local stone masons. I presume if anyone wanted to have a stone similar to the Last Post Fund stone or similar to our stone it would just be a case of having a local stone mason make one.

I might tell you one other thing which is of interest. There are three areas in which we do in fact have more cemetery space than we really need or will need in the foreseeable future, and in such cases we will permit a veteran, if he wishes, to be buried with the boys—provided of course he does then accept and erect a marker on that plot. However there is a restriction on this because there are only certain places—Beechwood is one where we have surplus grave space. It is only in those locations where we have the surplus grave space that we can do this.

• 1210

The Vice-Chairman: Mr. Thomas?

Mr. Thomas (Moncton): Mr. Chairman, being a new member I am not even sure if this is a proper question to be asking at this time—it may not even be within our terms of reference. However, I feel with Mr. Mace here that possibly I can get the answer to my question. This is something that has been bothering me and I know a great many veterans are concerned with it. I have looked through the items and I do not see anything here to provide for it, so I guess I will put my question under vote 1. My question concerns the fact that the voting of funds to provide for re-establishment credits under Veterans' Land Act and so on is to take care of applications that have been approved but cannot be finalized because funds have run out. I am wondering, what is the provision? Will these funds be voted by Parliament to take care of the vast number of applications that have been approved?

Mr. Mace: Mr. Thomas, this is more properly a question which should be raised when you discuss the vote of the veterans' land administration. There is a specific vote relative to VLA, Item 40. I suggest that you might get greater detail when Mr. Pawley, the Director, is here.

The first part of your question slightly confused me because you said something about money for re-establishment credits. Did you mean that sir?

Mr. Thomas (Moncton): No. I probably used loose phraseology there. I am thinking about Veterans' Land Act.

Mr. Mace: Yes. The Veterans' Land Act of course, is financed through a revolving fund, but this problem of the lack of funds which occurred this year was a matter for over-all government financing, as you know. I would suggest, sir, that you might better have Mr. Pawley talk to you about this and he will tell you more of the problems better than I can. Is that all right?

Mr. Thomas (Moncton): Yes, but actually there is nothing provided under Item 40.

Mr. Mace: Under Item 40? No. You see, the Veterans' Land Act operates on a revolving fund. In other words, it has had authority to spend up to $530 million. It does not have to go to Parliament for funds each year. The only time it has to go to Parliament is if it wishes to increase that upper level of its total expenditure and this year there was no provision for any more money in the revolving fund.

This is not quite the same as the amount of cash available because, even though you have the authority to spend up to $530 million, if the Government runs out of money and cannot give you the money to finance those expenditures you get into a situation such as we did this year. There was no cash available; this was the problem.

Mr. Thomas (Moncton): I have one more supplementary, sir. I do not want to dog this too much, but my point is that the veteran's concern right now is with the fact that this money is not available, and when will it be available? Where can we find the answer to this? What is the point of getting an application approved and on file in an office with no indication of whether that will be expedited by 1971 or 1972 or 1974? He might have to wait until 1974.

The Vice-Chairman: Gentlemen, as indicated that particular question could be put at the time that particular item is under discussion, and I see time is running on. We are dealing with a particular item at the moment along the general line. I wonder whether Mr. Thomas would consider that?

Mr. Mace: I could give you a partial answer, sir. I cannot give you an answer to the question of when the funds will be available. We can hope that they will be available in

the near future. Obviously, it is to our advantage; we have these chaps wanting to settle under VLA. Of course, they will have until 1974 to settle and I expect that funds will be available before then.

• 1215

The Vice-Chairman: I believe Mr. Whicher has a supplementary. Is it on the same subject?

Mr. Whicher: Yes; Just a short question. Surely there are large funds coming in each month from repayments by these soldiers. Is that money being re-loaned immediately?

Mr. Mace: It is true that all the proceeds, the repayment of principals, are credited back into the revolving fund. The veterans' land administration can, in fact, use that money again for other loans.

Mr. Whicher: Are you doing it?

Mr. Mace: Oh, yes. This has been done.

Mr. Whicher: The reason I ask is because I agree with the last member. In my area I do not know of one application that has been processed in the last two or three months because of the lack of funds.

Mr. Mace: The commitments that have been made, sir, may have anticipated the receipt of the repayment of principal and therefore, that money is already committed before it ever comes in so it does not provide for the financing of any further projects.

Mr. Whicher: I have one more question, then. How much money do you need? You should be able to answer that. How much money would you say that the Veterans' Land Act needs to look after the applications that are going to come and have come?

Mr. Mace: I am sorry, sir. I am afraid I cannot answer that question because you are asking me what the outstanding commitments are and I just do not know. Mr. Pawley is the expert on this matter and he can answer you. It is a lot of money, I can tell you that.

Mr. Marshall: Mr. Mace, my question has to do with Newfoundland. I have several complaints from various parts of Newfoundland that the veterans affairs representatives cannot visit outports and rural communities as often as they would like and they have requested more representation a number of times and the stationing of a representative on the west coast of Newfoundland. Is this possible? It appears that they are not complaining about the efficiency of the organization but the fact that because of the size of Newfoundland the representative cannot get out to different parts often enough.

Mr. Mace: All I can say is that I am fully aware of this problem. I know that we have looked at it several times but we have come to the conclusion that we will just have to continue the way we are now. The situation that you described does not exist solely in Newfoundland so it is a question of an administrative decision or a management decision about how far we are going to go in this sort of thing.

As you know, the question of increased employment is a problem in the Public Service; there are controls on how many people we can have, and the net result has been, sir, that we have just felt that we could not justifiably station a man in Corner Brook or in many other parts of the country where I know people would love to see people there. We have to do the next best thing and just hope that we can arrange visits of these welfare officers frequently enough to keep the veterans reasonably satisfied. We will never lick this problem completely but we do our best.

Mr. Marshall: They will just keep pestering you until . .

Mr. Mace: Yes, I realize that too well. That is one of the crosses a civil servant bears, sir.

The Vice-Chairman: Is that all on that, Mr. Marshall? Mr. Boulanger?

[*Interpretation*]

• 1220

Mr. Boulanger: When I visit my friends of the Legion—I have been in the Veterans Committee for a few years—I always hear the same complaint. I often wonder whether they are right or wrong. They always claim that our service is too slow regarding demands or requests to adjust pensions. They always complain that too much time is spent before they get the answers which are necessary to appeal their case. This is the general complaint. I have noticed that there is better service given although the general complaint is still that answers to their requests or to what they consider themselves entitled are too slow in coming forth.

Could you give me some idea regarding the procedure to follow in the case of a request to

change a pension or to increase a pension, and so forth? I have to answer those questions quite often and I am somewhat embarrassed at times.

[*English*]

Mr. Mace: Well, Mr. Boulanger, this is certainly a topic on which I am not really competent to give you an answer because this is a matter for the administration of the Canadian Pension Commission and you remember I referred to it as a separate entity although I dealt through our Minister. I would suggest, sir, that your question should be directed to Mr. Anderson who will appear when you come to consider Item 20.

This is not a matter for the Department.

The Vice-Chairman: Gentlemen, I would like to bring to your attention that we are now going into the second round. I have the name of Mr. Laniel, Mr. Émard, Mr. Guay and Mr. MacRae. As you realize, it is now 12.20 p.m.

Mr. Laniel: I would like to make two points, Mr. Chairman. Mr. Mace, first—I do not know, maybe this has been done before—I would like to congratulate the Department for this publication *Carillon Canada*. I think the presentation is exceptionally good, but could you tell me what will be its distribution? Is it only for the Department?

Mr. Mace: Theoretically, sir, this is so. It is basically an in-house organ, a means of communicating to our staff what goes on in the Department. We felt that really we were not quite good enough in this particular activity; so this is really an in-house organ. The Deputy Minister approved the general distribution, but I really cannot say accurately to whom it will go. Did you have some thoughts about who might get it?

Mr. Laniel: I do not think perhaps it could be distributed to all veterans, but maybe it should be distributed to all veterans' clubs and veterans' branches so they would have a copy, and you could use it for transmitting information to veterans' associations.

Mr. Mace: Incidentally, Mr. Walsh tells me that the distribution of this does include the members of the Veterans Affairs Committee, for example.

I would suggest to you, sir, that the cost of distributing this magazine to all the Legion Branches and the branches of the Army and Navy and so on, would be rather prohibitive. I am afraid we have the Treasury Board looking over our shoulder on how much money we can spend on this publication. I have forgotten what the ceiling was, but I have an idea that it was in the neighbourhood of $10,000. This one issue that you have in your hand costs, at the moment, just short of $2,000; maybe it was $1,980 and I think there is another charge of $100 for photographic work.

Mr. Laniel: You do not know for how many copies?

Mr. Mace: I have forgotten now, but we did print more copies this time than we would ordinarily do because it was a first issue. I am afraid it would be a question of cost, sir. As you know, we do endeavour to disseminate information to veterans. We use *The Legionary* of the Canadian Legion and pay them for inserting quite large advertisements—half page advertisements—relative to various aspects of veterans' legislation or questions which are current on veterans' benefits. I think we have a pretty good way of getting this information out to the veterans. I would question, sir, whether we would be able to have as large a distribution of the magazine as you are suggesting.

Mr. Laniel: You spoke of Treasury Board. My other question cannot be answered by you, but I would like to have it on record. I think there should be an item on your administration vote. Item 1, allowing for travelling expenses for members of the Committee on Veterans Affairs who attend national conventions of veterans' associations, so that we will not have to wait to get a list from the Minister who goes there and stays one day. We could have an expense allowance made available to members of the Committee who are concerned about veterans, so they could stay there for a week and really participate and at least listen to what is said at conventions rather than just read about it later; and maybe we could contribute sometimes. I know you cannot answer that, but I have suggested that before. It might be very difficult because other committees might ask for the same thing, but I think it could be made flexible enough that there could be representation.

• 1225

Mr. Whicher: We all agree with that, Mr. Chairman.

Mr. Laniel: I have a question for you, if I may, Mr. Chairman. I think it is a shame that we could not have copies of No. 2 of our *Proceedings* printed for this morning. I think, after a week, there is something wrong with the House of Commons Committee Branch, or the printing department. I do not blame the Clerk though.

The Vice-Chairman: Mr. Émard?

Mr. Émard: Mr. Chairman, I would like to ask Mr. Mace for some clarification as to what has been said before. You mentioned, sir, that your Department would in certain cases help some cemeteries as long as there were soldiers buried there. Did you say as long as there are soldiers buried there, or as long as there are lots in which to bury the soldiers in the cemetery?

Mr. Mace: I think the situation, sir, is that many cemeteries have set aside a small section in which veterans can be buried, and this is known as the "soldiers' corner" or the "veterans' corner". It is this kind of cemetery installation, if you want to call it that, that I had in mind when I was explaining what we can do to help these people renovate these soldiers' plots.

I might explain to you that this arose from a visit that was paid us some years ago, I think it was by the Director General of the Commonwealth War Graves Commission. He toured Canada with the local representative of the Canadian agency and inspected not only the places where the CWGC might have a small cemetery installation, but looked at veterans' graves generally. He was somewhat critical of the condition in which he found them. As a result of this we persuaded the Board and obtained authority to provide funds whereby we could assist civilian cemeteries in renovating and improving the standard of their veterans' corners. Now, I do not think that we have gone so far as to do anything in regard to individual graves, because in a cemetery where there are several thousand people buried, with a veteran here and a veteran there, it might be a rather a difficult thing to do. Where they have concentrated these in a veterans' corner or a soldiers' plot, we like to help them to improve the landscaping, and sometimes the stones have sunk and they have to reset them on a cement base, and so on. This is what we have done.

Mr. Émard: As an ex-labour man, I was quite concerned with your statement previously that the rates paid to commissioners are regional.

Mr. Mace: Yes.

Mr. Émard: I would like to know who negotiates for the commissioners. Is this the Alliance or do they have a special negotiating committee?

Mr. Mace: I am sorry I cannot answer the question, sir, because we are not involved in the negotiations at all. As I said, it is the Department of Defence Production that handles all the contractual arrangements to a great extent for the federal government. They do it, and I really do not know who they deal with. I presume they deal with the head office of the Corps, which is in Montreal; whether or not they find it necessary to bargain through a labour organization, I really do not know. We could find out for you if you would like to know.

Mr. Émard: No, I will be able to find out. Could you let me know what the approximate rates are for commissioners—the hourly rates?

Mr. J. Walsh (Director of Financial Management, Department of Veterans Affairs): They vary quite widely, depending on the geographic location. It may be over $1 to over $2, I would say.

Mr Mace: I would suggest that maybe we might be able to look at the contracts, and table or provide you with a list of the rates which are paid, and which prevail in the major centres in which we are interested. Would that be satisfactory?

Mr. Émard: Yes.

Mr. Laniel: I hope it will not be lower than the $125 minimum which prevails in Canada.

Mr. Mace: It should not.

The Vice-Chairman: Mr. Guay?

Mr. Guay: This is really a supplementary to the previous question.

The Vice-Chairman: I have you down on the second round, Mr. Guay, so you can proceed.

• 1230

Mr. Guay: In these cemeteries where you have a location for veterans—an entire area—and at the same time you may have other veterans who are buried in private lots, is it

possible and is there any financial help given where it is the wish to transfer someone from a private lot to the veterans' area?

Mr. Mace: We have no authority to do that, sir, at the moment. I have never heard this question raised before. As far as I know, we have never had a request to rebury a veteran in a plot.

These veterans plots, sir, were established by the different cemeteries quite early in the game and generally I think what happens is if somebody dies they probably ask whether the deceased is a veteran or not and, if he is, they ask whether he wants to be buried in the veterans corner. In many cases of course they do not wish to be buried there because they may wish to be buried next to their wife and so on.

Mr. Guay (St. Boniface): The reason I asked this question is that two of the boys were killed in this family—one in Southern England and the other in a mid-air crash in Canada—and the one was buried in a family plot in this particular cemetery which would be 300 feet from the veterans plot and everytime that they visited the plot, particularly on commemoration days and so on they would have to leave the group. The family were wondering if any financial help could be given to them if they wanted to have him moved.

Mr. Mace: I have never heard of this, sir. This is rather an interesting situation. Perhaps this could be brought to the attention of the Department. You know, there are quite frequently ways of doing things which are not exactly prescribed. There may be some funds available. Some of the trust funds that we are given have pretty loose terms of reference. I would be very interested in learning about this and if they would like to write to me and tell me about it I could certainly look into it and do what I could.

The Vice-Chairman: Mr. MacRae.

Mr. MacRae: Mr. Chairman, I will be very brief because I think our time is just about up for today.

Because of World War I starting in 1914 and World War II in 1939 we are having a great many commemorations, anniversaries, and so on. There is one taking place this week. However, June 6 next year will be the anniversary of the D-Day invasion of Normandy which was perhaps the largest operation of its kind in the history of the world. What is happening at this moment in the Department about commemorative services for that event? I raise this point because the Americans and the British will be putting great quantities of people into Normandy. Of course, as you know very well, we had the Third Canadian Division there on that day, D-Day, June 6, and already people who went to France on D-Day or served in Normandy and are interested in going back have asked me what the department is doing about it at this point?

Mr. Mace: Right at this very point, sir, we have not done too much because we have been rather fully occupied with the development of the ceremonies in Europe and here relative to next weekend.

I can tell you that there is an interdepartmental committee, of which I am Chairman, established to deal with ceremonies. Just as soon as next weekend is over we will probably hold a fairly early meeting to consider the very question that you are raising. We are already aware of a number of regimental associations who have organized visits to France on June 6 and who intend to hold, in many cases, regimental ceremonies. We do know of course that, as you say, the British and the Americans have already reserved a certain number of rooms in hotels. I am not too sure but I rather fancy that we may have done the same thing, though at a somewhat more modest level.

• 1235

We have prepared a draft paper which the members of the interdepartmental committee have now in their possession for study preliminary to us meeting as soon as we can get next weekend out of the way and can find a day that we can get together and start talking about what form the celebrations might take in June 1969. When we do come to an agreement then it will be a question of submitting the whole plan to the Cabinet for the government's approval.

Mr. MacRae: I intend to go personally in some capacity so I was interested in that for that reason.

Thank you, Mr. Chairman.

The Vice-Chairman: Gentlemen, I wonder if we could now stand Item 1. It was intended to tackle Items 5, 10 and 15. Would you have any objection to proceeding for a short while longer so that we can take up Item 5 which is Administration, including the expenses of the War Veterans Allowance Board.

An hon. Member: No objection.

Mr. MacRae: Mr. Chairman, will we not have the Chairman of the War Veterans Allowance Board with us on another occasion? For example, if we pass now that would not mean that we would be forfeiting our right to question...

The Vice-Chairman: On Item 1, you mean?

Mr. MacRae: ... at some future time. For example, Item 5 is the administration of the War Veterans Allowance Board.

Mr. Mace: No, Item 5 is the administration of the Veterans Welfare Services. This is the departmental activity on welfare and also the administration of the War Veterans Allowance Board.

Of course, Mr. Cromb is also involved with Item No. 10 which is the War Veterans Allowances and he will be available for discussion. So you could get him on either one or the other. If you pass Item 5 now you could still get him on Item 10. Item 5 will concern Mr. Rider who is the Director General of Veterans Welfare Services, he is also involved in Item No. 15.

The Vice-Chairman: Are there any questions on Item 5. If not, shall Item 5 carry?

Item agreed to.

10. War Veterans Allowances, Civilian War Allowances and Assistance in accordance with the provisions of the Assistance Fund Regulations.

Mr. MacRae: If I may raise a point, Mr. Chairman, you see, what we are doing at this moment if I understand correctly, is passing an item for $108 million. Is that right?

The Vice-Chairman: Yes.

Mr. MacRae: We have 10 members of this Committee here and if I heard correctly—I am subject to correction—if this is now passed then we are through with War Veterans Allowances—it is completed. Is that right?

The Vice-Chairman: Yes.

Mr. MacRae: My only thought is that we are passing an awful lot of money awfully quickly.

Mr. Whicher: And a very important lot of money too. It is one of the most important items in the whole veterans business today.

Mr. Mace: May I make it quite clear, Mr. Chairman, that Item 10 consists of two basic parts: provision for War Veterans Allowances in the amount of $102 million, which is the big item and which is of concern to Mr. Cromb, the Chairman of the War Veterans Allowance Board, and then a smaller amount but still some considerable amount of money, $6,400,000 roughly for the assistance fund which is the responsibility of Mr. Rider. Now these two items make up this Vote No. 10.

The Vice-Chairman: Gentlemen, would it perhaps meet your pleasure to adjourn and to meet on Item 10 at the next meeting?

Mr. MacRae: I would agree to that. I think it would be quite wise to do that.

The Vice-Chairman: Yes, I think it would be the best thing to do.

Was it the understanding that we adjourn until two weeks from today?

An hon. Member: Yes, Tuesday, November 19.

Mr. Laniel: I so move.

Mr. Whicher: I second the motion.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968

STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

TUESDAY, NOVEMBER 19, 1968

Respecting

Revised Main Estimates (1968-69) of the Department of Veterans Affairs

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WITNESSES:

From the Department of Veterans Affairs: Mr. F. T. Mace, Acting Deputy Minister; Mr. E. J. Rider, Director General, Veterans Welfare Services. *From the War Veterans Allowance Board:* Mr. W. T. Cromb, Chairman.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

29191—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs.

Bigg,	Latulippe,	Stafford,
Boulanger,	MacRae,	Thomas (*Moncton*),
Émard,	Marshall,	Turner (*London East*),
Guay (*St. Boniface*),	McIntosh,	Weatherhead,
Knowles (*Norfolk-Haldimand*),	Mongrain,	Whicher—(20)
Laniel	Peters,	
	Saltsman,	

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

TUESDAY, November 19, 1968.
(4)

(*Text*)

The Standing Committee on Veterans Affairs met this day at 9.45 o'clock a.m. The Chairman, Mr. Lloyd Francis, presided.

Members present: Messrs. Émard, Francis, Guay (*St. Boniface*), Laniel, Legault, MacRae, Marshall, Mongrain, Saltsman, Turner (*London East*), Weatherhead—(11).

In attendance: From the Department of Veterans Affairs: Messrs. F. T. Mace, Acting Deputy Minister; C. F. Black, Departmental Secretary; E. J. Rider, Director General, Veterans Welfare Services; R. J. Wood, Chief Budget & Administration Welfare Services; K. S. Ritchie, Director General, Treatment Services; J. E. Walsh, Director, Financial Management. *From the War Veterans Allowance Board:* Messrs. W. T. Cromb, Chairman; P. Benoît, Executive Assistant. *From the Canadian Pension Commission:* Messrs. T. D. Anderson, Chairman; A. L. Fortey, Secretary; F. G. Stockley, Chief, Budget & Administration; F. G. Whitall, Claims and Review Branch. *From the Royal Canadian Legion:* Mr. D. M. Thompson, Secretary General. *From The War Amputations of Canada:* Mr. H. C. Chadderton, Executive Secretary.

The Committee resumed the study of the Revised Main Estimates 1968-69.

The Chairman called *Item 10*—War Veterans Allowances and introduced the witnesses.

Messrs. Mace and MacRae respectively made corrections to their evidence adduced at the meeting of November 5. (*See Evidence*).

After thorough examination, Item 10 was carried.

On *Item 15*—Other Benefits, Mr. Cromb made a brief statement and tabled a booklet entitled War Veterans Allowances.

It was *agreed* that the tables—War Veterans Allowance and Civilian War Pensions and Allowances Recipients on Strength by Wars—be appended to this day's evidence. (*See Appendix "C"*).

Item 15, was carried.

At 11.00 o'clock a.m., the Chairman adjourned the Committee to Tuesday, November 26, 1968.

D. E. Levesque,
Clerk of the Committee.

29191—1½

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, November 19, 1968.

• 0945

The Chairman: Gentlemen, I think I see a quorum. Is it agreed that we proceed?

Mr. Mace would like to make a short remark, then we will have a statement from Mr. Cromb, the Chairman of the War Veterans Allowance Board.

Mr. F. T. Mace (Acting Deputy Minister, Department of Veterans Affairs): Thank you, Mr. Chairman. I have had the opportunity of running over the advance copy of the record of our last meeting which was held on Tuesday, November 5, and I think I should clarify a recorded answer to a question by Mr. Whicher which appears on page 26 of those minutes.

Mr. Reynolds is recorded as having indicated that where a veteran chooses to hire an outside lawyer to plead his case relative to an application for pension or an appeal against the Commission's decision that it is possible that the government, through the Commission, might in fact pay these legal fees. It does not exactly say this but what it does say in Mr. Reynolds recorded answer is this:

> It could be taxed, yes. The Commission have credits. . . .

I thought it desirable that I should make it quite clear to you that while the veteran has the privilege of using the services of the veterans' bureau or of the veterans' organization if he wishes, and these are available to him at no charge, if he chooses to get an outside lawyer this is his own responsibility and he is responsible for paying the bill for those legal services which he thus obtains. However, I would tell you that in order to protect the veteran to some extent that bill can be referred to the Canadian Pension Commission. In fact, those counsel fees are required under Section 23 of the Pension Act to be approved by the Commission. So that they tax a bill and ensure that a veteran is paying a reasonable fee for the services which he got. In that way I think we do afford the veteran some protection. Then he pays it himself. There is no question that we pay the bill under these circumstances.

Thank you, Mr. Chairman.

The Chairman: Mr. MacRae.

Mr. MacRae: Mr. Chairman, I just wanted to make a small correction in the report. I was discussing the Pensions Advocates and on page 25, the first column, the sixth line, I am reported as saying:

> . . . in St. John's . . .

It should read:

> . . .in Saint John, New Brunswick. . .

A stenographer called me to clarify, if I meant St. John's Newfoundland or Saint John, New Brunswick, but possibly she did not understand me. I was referring to the Pensions Advocate in Saint John, New Brunswick at that point.

The Chairman: Mr. Cromb.

Mr. W. T. Cromb (Chairman, War Veterans Allowance Board, Department of Veterans Affairs): Mr. Chairman, before making some opening remarks on the task of the War Veterans Allowance Board and the District Authorities I would ask your permission to table the material which I am having distributed. It consists of a table showing the number of recipients of War Veterans Allowances by wars on strength as of August 31, 1968, with the annual liability, and also a similar table dealing with recipients of Civilian War Allowances.

May I have your permission to do this?

The Chairman: I believe we should have a motion to append this.

Mr. MacRae: I so move.

Motion agreed to.

(See Minutes of Proceedings and Evidence)

• 0950

Mr. Cromb: Mr. Chairman, with your permission, I would like to make a brief statement on the task of the War Veterans Allowance Board and the War Veterans Allowance

District Authorities in the carrying out of the provisions of the War Veterans Allowance Act and Part XI of the Civilian War Pensions and Allowances Act.

The purpose of the War Veterans Allowance Act is to provide allowances to those otherwise eligible veterans, who by reason of age or infirmity are unable to make their way in the employment field. It also provides allowances for widows and orphans.

The benefits of the War Veterans Allowance Act apply *mutatis mutandis* to Part XI of the Civilian War Pensions and Allowances Act for the assistance of certain groups of civilians who performed meritorious service in either World War I or World War II.

For accounting reasons, the estimates of the War Veterans Allowance Board have been lumped together with the estimates of the Veterans Welfare Services Branch of the Department of Veterans Affairs, under Votes 5 and 10. I mention this by way of explanation, that while I will answer all questions pertaining to the War Veterans Allowance Board, some questions may concern the Veterans Welfare Services Branch and I will refer those to the appropriate officials present.

The War Veterans Allowance Board is a statutory body which reports to Parliament through the Minister of Veterans Affairs. Members of the Board are appointed by the Governor in Council. The Board is a quasi judicial body and its decisions are final. As the Minister is charged with the administration of the Act, the Board is administratively co-ordinated with the Department of Veterans Affairs and has the assistance of Departmental services in carrying out its task. The administrative staff is assigned to the Board by the Minister.

The administration of the War Veterans Allowance Act is decentralized through the establishment of 19 District Authorities in the offices of the Department across Canada. All members of the District Authorities are employees of the Department and are appointed by the Minister with the approval of the Governor in Council, to adjudicate on matters arising under the Act in the regions in which they are appointed. All applications must be made to the District Authority in the first instance.

The Board acts as a court of appeal for recipients or applicants, who may feel aggrieved at the decision of a District Authority.

The Board exercises functional control over the District Authorities and directs the policy which maintains uniformity across the country.

The War Veterans Allowance Act came in to operation in 1930 and is frequently referred to as the "burnt-out pension". Since 1930 some 300,000 recipients have received benefits under the Act.

With me today is Mr. Pierre Benoit, Executive Assistant to the Chairman. We will do our best to answer your inquiries on the work of the Board and the District Authorities, during your consideration of the estimates.

The Chairman: Thank you, Mr. Cromb.

Mr. Legault: Mr. Cromb, would you enlighten me on those recipients under section 5(1) of the War Veterans Allowance Act.

Mr. Cromb: Section 5(1) refers to a widow who would be receiving the married rate for a year following the death of her husband.

Mr. Legault: That is a special category.

Mr. Cromb: It is a discretionary award and a special award. The widow would get the married rate for a period of a year following the death of her husband to make readjustment that frequently follows.

Mr. Legault: I understand that to qualify for War Veterans Allowances a veteran has to serve 365 days overseas. Because of the small numbers of World War I veterans still living who would qualify for War Veterans Allowances is any thought being given to relaxing this provision? Also, I have heard that some of these veterans who served only in Canada have, in some instances, found themselves in a much worse condition than if they had served overseas—especially if they served in the Hudson's Bay area or some other like area. Will any consideration be given to those veterans who remained in Canada and were posted to such areas in Canada, thereby not having what may be considered overseas service.

• 0955

Mr. Cromb: Mr. Chairman, the 365 days requirement applies to Canadians, or allies who served with them in the United Kingdom during World War I. Whether changes would be made to broaden the eligibility is something which is really beyond my scope. It would be a matter of government policy and would require government action to amend

the Act. I would not be able really to say that that would be done. Submissions have been made from time to time and have been considered. The Act of course is always under review but so far as any plans are concerned I would not have any authority to indicate anything of that sort.

Mr. Legault: Would you be aware if this is dealt with in the Woods Report?

Mr. Cromb: No, the Woods Report refers to the Canadian Pension Commission, not to the War Veterans Allowance Board. There is nothing in the Woods Report that has to do with the War Veterans Allowance Board.

Mr. Legault: I would like to refer also to those veterans who were enlisted and who served all their time in the armed forces here in Canada. I am speaking of those who perhaps intended to go overseas but because of their qualifications were held here in Canada to act as instructors or to perform some special duties on the Coast. The same provision has applied to them. If they had not served 365 days in the United Kingdom they would not be considered for any pension or allowances. Is any consideration being given to such a group.

Mr. Cromb: Well, to be eligible a person must have either service in a theatre of actual war, be in possession of a pension of not less than 5 per cent, or have dual service—that is, he must have served in two wars, say, in Canada, not having gone overseas in either case.

Service in Canada only has not been considered. The concept of the War Veterans Allowance Act from the start was service in a theatre of actual war where the veterans preaged due to their war service. This has been modified in some instances, in particular with the dual service veterans.

Mr. Legault: To your knowledge has any thought been given to considering the service given by such men for pension purposes or for allowance purposes?

Mr. Cromb: Yes, consideration has been given to briefs that have been presented over the years from veterans organizations but up to this point it had not been felt that the service was sufficient to qualify them under the original concept of the War Veterans Allowance Act, which is service in a theatre of actual war and the hardships that go with that.

Mr. Legault: So that none of them have ever obtained any consideration whatsoever under these circumstances.

Mr. Cromb: Not service in Canada, no, except that if they possess a 5 per cent pension then they will be eligible for War Veterans Allowances.

Mr. Legault: Thank you, Mr. Cromb.

The Chairman: Are there any other questions?

Mr. MacRae: Colonel Cromb, is it not true that the number of First War recipients of War Veterans Allowances is now steadily declining.

Mr. Cromb: That is right.

Mr. MacRae: At this moment I believe we have 28,502. Would you have at hand the figures for the last two or three years previous to this?

Mr. Cromb: Yes, we have.

• 1000

Mr. MacRae: Colonel Cromb, by the same token is it not correct that the number of recipients of World War II is steadily increasing at a very slow but gradual rate.

Mr. Cromb: They are increasing at a fair rate. As a matter of fact, in about three years the number of World War II recipients will have topped the number of World War I recipients on strength. That is the trend, and it is quite marked at the present time. First of all, the decrease in the number of approved applications for World War I has been on the decline for about five years and the number of approved applications for veterans from World War II is gradually increasing—and the tempo is increasing also. It is estimated that in possibly three years or a little less there will be more veterans of World War II on the Allowances than of World War I.

Mr. Laniel: Could you tell us what is the direct relation between the Assistance Fund and the Allowance, as to the determination of amounts that are allocated to veterans in receipt of Veterans Allowance.

Mr. Cromb: Mr. Chairman, the Assistance Fund is in an amount between the War Veterans Allowance rate and the income ceiling, but I would ask, Mr. Laniel, if you could direct that question to Mr. Rider, who will be following me. It is his task to administer the Assistance Fund.

Mr. Laniel: The reason I ask this is because it is difficult sometimes for us and for other people to deal with two sections of the Department in relation to a case. We contact the War Veterans Allowance people and find out finally from a file that someone is also in receipt of an amount from the Assistance Fund, and I find it difficult, looking at a case, to find out what is the basis of allocation of an amount, actually.

Mr. Cromb: Perhaps it might be simpler if Mr. Rider were to answer that question right now on the Assistance Fund and how it operates.

Mr. E. J. Rider (Director General, Veterans Welfare Services Branch, Department of Veterans Affairs): The Assistance Fund is authorized by an Order in Council under the Department of Veterans Affairs Act. The purpose of it is to supplement War Veterans Allowance where the individual does not have an income equal to the ceiling established in the War Veterans Allowance Act, and shows need. The assistance may be paid as a continuing monthly supplement, that is, so much each month, or in the case of emergency it can be paid as a single grant.

Mr. Laniel: Is there any part of this to be reimbursed at any time?

Mr. Rider: No. There is no reimbursement of the Assistance. It is purely a grant, either on a monthly basis, or to meet an emergency on a single grant basis.

Mr. Laniel: Which means that any veteran who would need domiciliary care could get extra money from the Fund, I imagine, on that basis?

Mr. Rider: Not normally, if domiciliary care is provided in a departmental institution. But we have many veterans and widows who have to have partial care in private homes, for example, and are in receipt of War Veterans Allowance. Then if their cost shows a need for Assistance Fund supplementation, it is paid. But Assistance Fund supplementation cannot be such as to exceed the ceilings under the War Veterans Allowance Act.

Mr. Laniel: But who is the authority as to the determination of the amount. Is it you or your section of the Department, or does it come under the War Veterans Allowance people?

Mr. Rider: As Colonel Cromb explained, the District Authority makes the decisions in the districts on War Veterans Allowances. The members of the District Authority are normally officers of the Veterans Welfare Services Branch. These same officers, still acting as the District Authority in a sense, also approve payments under the Assistance Fund and so, at the point of decision, the same people make the decision on both W.V.A. and the Assistance Fund. Where an application is taken for W.V.A., and it is obvious to the welfare officer who is taking the application that there will be a leeway for Assistance Fund and that there is need, he will take an application for the Assistance Fund at the same time as he takes the application for the War Veterans Allowance.

• 1005

Mr. Laniel: You are not limited by any budget from one year to another. The money available to one single veteran could vary. Actually, it is the amount between the total need and the allowance the veteran is in receipt of at that moment. Is that right?

Mr. Rider: That is right. Assistance Fund is based upon a needs test which is carefully controlled, and the income of the veteran is measured against his needs. If he needs more than is paid in War Veterans Allowance, then an Assistance Fund supplement may be paid. It will depend on the needs of the individual family, but always restricted by the ceiling in the War Veterans Allowance Act which we cannot exceed.

Mr. Laniel: In some cases complications arise from all that. By the time the inquiry is done and by the time the money can be paid or made available, you find some people have been in difficult situations—the landlord wants to throw them out, or things like that. Procedures are started, but sometimes I find that the inquiries are not fast enough, concerning the allocation of extra money. I understand that you cannot be everywhere, but I just wanted to mention it. This completes my questioning, Mr. Chairman.

The Chairman: You have anticipated the next item, to some degree. I do not know, Mr. Rider, whether you intended to make a statement. I think it is only proper to let questions proceed. It is probably a logical way.

Mr. Rider: I think so, Mr. Chairman. I may say to Mr. Laniel's last statement—I know it was not a question but a statement—that we have only so many welfare officers to travel throughout Canada, and we cannot

have welfare officers in all places at all times. Our welfare officers are responsible for geographic areas. Very often they have two or three different road loops within these areas, and as a case load builds up, this determines which loop they take, according to where the case load exists. So it is difficult sometimes to get to people as quickly as we would like to. There are also problems, of course, of distances. It does take time to travel and to get from place to place to see all the people we would have to see.

Mr. Laniel: But to get around that problem, does the Department at any time think of giving some kind of allocation to welfare officers of veterans' associations, whereby you could ask these people to qualify themselves in the administration of part of War Veterans Allowance, not only to take people to other people. You would then have more people available to you who could supply you with information, if you had a compensation. This is just something that has come to my mind. Sometimes when I see the welfare officers of some of the branches work and work for nothing, as they do, if they would be in receipt of a compensation you could ask from them qualifications and a better knowledge of the law, of the standard, and maybe they could supply you with information that you could depend on. It might put them in a difficult situation. I do not know what the veterans' associations would think of that, but this could be an improvement as to the situation concerning the shortage of people. Or you could do it through the Manpower and Immigration Department.

Mr. Rider: We have a very close working relationship with all these people—with the welfare officers in the veterans' organizations and with the Manpower and Immigration Department. Indeed, the individual welfare officer often has his own contacts, with people interested in veterans in a community, and these people do not hesitate to telephone the district office if they run across a case where there is an urgent need.

• 1010

Mr. Laniel: With the new setup in the Manpower and Immigration Department, is there one person in each office who among his responsibilities, looks after veterans and seeks information for your Department, or supplies information to your Department, or is that done as it has been done for many years, where you have veterans working for the unemployment office or Le Service National de Placement and it is done principally because they like the veterans?

Mr. Rider: There is a person in each manpower office who is trained by the Department to work with veterans. I cannot say that this happens in all areas throughout Canada, but I know that many districts run schools of instruction for welfare officers from Legion branches to assist them in a better understanding. I think one of the main problems, Mr. Laniel, is that it is one thing to fact find—in other words, get facts—but in dealing with something like the assistance fund there is a basic problem, and welfare counselling enters into this and plays a major part in it. We try to train our welfare officers to provide this counselling. At times the need is not always for more money, but for better administration of the money which has already been obtained. So, welfare counselling is quite important in this area.

I might add that some of the delays occur because of a problem with which we are faced—and we are going to be faced with it in greater proportions—the age of many of our veterans. They do not always understand, they find it difficult to understand, so it takes them a long time to get information when it is required, and all of these things add up to the delays which occur.

Mr. Laniel: A veteran can earn up to $900 a year and not disqualify himself for veterans allowance. Does that same rule apply to the assistance fund?

Mr. Rider: No, sir. While certain monies are allowed under the War Veterans Allowance Act, the assistance fund is strictly based on the need—the budget against the expenses, and in this case it is their total income.

Mr. Laniel: So when you have a veteran who really wants to help himself, you are always behind with him because you have to catch up with his earnings and check them and see how everything is going.

Mr. Rider: Yes, that is necessary, Mr. Laniel.

Mr. Laniel: Thank you.

The Chairman: Mr. MacRae.

Mr. MacRae: I had not finished my questioning a little while ago, Mr. Chairman, and I believe Colonel Cromb had some figures he wanted to give me.

Mr. Cromb: Mr. MacRae, if I start in 1960 will that be all right?

Mr. MacRae: That would be fine.

Mr. Cromb: The number of World War I veterans—this is veterans, not widows—in 1960 was 38,955; in 1961, 38,570, in 1962, 41,-170; in 1963, 41,224; in 1964, 40,267; in 1965, 39,166; in 1966, 36,954; in 1967 34,465 and in 1968, 29,705.

• 1015

The number of World War II veterans in 1960, was 6,613; in 1961, 7,508; in 1962, 9,336; in 1963, 11,243; in 1964, 13,154; in 1965, 15,075; in 1966, 17,371; in 1967, 19,091 and in 1968, 20,730. Mr. Chairman, those are veterans recipients of war veterans allowances.

Mr. MacRae: Yes. Evidently you are using a different cut off date there from the one in your table, are you not? It would appear so because there is a slight difference in the figures.

Mr. Cromb: These are all as of March 31, 1960, to March 31, 1968, inclusive.

Mr. MacRae: Yes, that is true, and your other table is August 31. One final question, Mr. Chairman. You may not have these figures, Mr. Chairman, but what is the number of World War I veterans estimated to be alive as of the last date you mentioned, and also the number of World War II veterans who at this point are still considered to be alive. You may not have that information. If not, you could perhaps give it to me later.

Mr. Cromb: We have it and we will get it for you.

Mr. MacRae: That is fine, Mr. Chairman. Thank you.

The Chairman: Mr. Legault, do you have a supplementary?

Mr. Legault: Do you have any indication from these figures as to the projection of this table, say, for the following years until you reach the height for World War II veterans? I see the trend of the World War I veterans is diminishing quite substantially at the moment. Would the increase of World War II veterans be quite substantial?

Mr. Cromb: Yes. The projection we have made indicates that the peak load in numbers for the whole program will be reached in 1985. Our costs will be less at that time because the Canada Pension Plan will have been in operation ten years by 1976 and all Canadians will receive old age security in 1970 at the age of 65, but the projection shows that our peak in numbers will be reached in 1985.

Mr. Legault: Do you have any figures, Mr. Cromb, on that peak in numbers?

Mr. Cromb: The peak in numbers for World War II veterans?

Mr. Legault: World War II veterans, yes.

Mr. Cromb: Mr. Chairman, I have those figures for Mr. MacRae. From the last census the estimated number of World War I veterans alive today is 121,000, and the number of World War II veterans, also taken from the last census, who are alive today is estimated at 840,000—I am speaking of 1968—and the total number of World War I and World War II veterans is 961,000.

• 1020

Mr. MacRae: Thank you.

The Chairman: Do you have any further comments, Mr. Legault, on the questions you were asking?

Mr. Legault: No.

The Chairman: Are there any other questions?

Mr. Legault: The question I was asking at that time was if there were any figures as to the projected peak for 1985? However, it is all right, Mr. Cromb.

Mr. Cromb: Is it all right?

Mr. Legault: Yes.

The Chairman: Are there any other questions?

Mr. Mongrain.

[*Interpretation*]

Mr. Mongrain: Mr. Chairman, I would like to draw the attention of the responsible people of the Department to a case which took place in my own riding, because it may take place elsewhere in the country. A veteran who has something wrong with his eyes is called regularly to Montreal which is eighty five miles from his home to have drops put in one of his eyes. Furthermore, the man told me that the person that receives him there

does not speak French at all, while he himself does not speak English at all. He also told me that on three or four occasions he was treated in the wrong eye.

I realize that had he been smart, he could have made himself understood. But nevertheless, he made three or four trips to have drops put in his healthy eye.

Mr. Laniel: Mr. Mongrain, I think your question should be addressed to the treatment section where Doctor Ethier could answer it.

[*English*]

The Chairman: I was just asking if this was a question of treatment and I was letting Mr. Mongrain develop his question. Certainly we will discuss treatment services.

[*Interpretation*]

Mr. Mongrain: Mr. Chairman, I am not through yet. First of all, I think it is inconceivable to ask a veteran to travel eighty five miles just to get a few drops put in one of his eyes. His return trip has to be paid, and so has his room as he has to sleep there, along with his meals, all of which costs seventeen, eighteen or nineteen dollars to the government. This is inconceivable because a nurse could give him the same treatment at home.

Moreover, it is not normal to have people who do not speak English treated by people who do not speak French. My question was submitted to the officials of the Department. We can discuss it again when we...

The Chairman: Mr. Mongrain, we are presently discussing No. 10, "War Veterans' Allowances".

Mr. Mongrain: I arrived late. I was not aware of this.

The Chairman: You will be able to ask your questions later.

Mr. Mongrain: Perhaps this will give these gentlemen time to find the answers.

[*English*]

• 1025

Mr. Guay (St. Boniface): On that particular subject of the Financial Requirements in this particular book, I am a little concerned about these because I have some experience in welfare and I think your difficulty here in certain aspects by this particular quotation in the second paragraph where we may read:

> Personal property includes cash on hand

and so on,

> ...and certain real estate.

I am just making a conclusion; maybe I am wrong, but it is in the form of a question. If a veteran by chance has personal real estate to the value of more than $2,500 jointly with his wife, then he is more or less penalized if he requires help by the fact that owns that property.

Mr. Cromb: No, Mr. Chairman. There are two kinds of property that we are speaking of here. There is personal property which is cash on hand or in the bank and if he is a married man he may have $2,500 in the bank in cash.

Mr. Guay (St. Boniface): I see.

Mr. Cromb: He also may have an interest in real property, that is his home, up to $10,000 without its affecting his allowance at all. If he has a larger equity than $10,000, 5 per cent is charged on the amount over the $10,000. A few of our recipients have an equity of more than $10,000. Some do, but many do not, but they may have an equity in their property of $10,000 without its affecting the allowance at all. So there are two kinds of property; the real property which is the veteran's home and his personal property which is the cash he may have in the bank.

Mr. Guay (St. Boniface): It does not say that in this particular book on page 9. Possibly elsewhere in the book it shows that he can have real property.

Mr. Cromb: Yes, it does say that on page 17, Mr. Guay.

Mr. Guay (St. Boniface): Thank you.

Mr. Saltsman: I was very interested in the figures that you gave us of the number of World War I veterans who are living. The figure is 121,000—is that correct—of which 30,000 are in receipt of War Veterans Allowances. Is this corrected for 1968? I see it is 29,705, to be exact. Could you give us some indication of how many veterans of this 121,000 who are living today are in receipt of either a pension or an allowance of some kind? It is rather shocking to realize that almost one out of every four veterans from World War I living today is in receipt of a Veterans Allowance.

The Chairman: Yes, but if you look at people over sixty the proportion in receipt of

assistance is something like one in three or one in two of the general population.

Mr. Saltsman: Well, yes, this is...

The Chairman: World War I veterans is an older age group.

Mr. Saltsman: Yes. I was just wondering how the veterans of World War I compare with the general population.

The Chairman: It would appear to be not greatly dissimilar in proportions.

Mr. Mace: Mr. Saltsman, the number of the World War I veterans who are in receipt of a disability pension as of September of this year is 30,660. I should add just a note of caution here. Do not just add those to the War Veterans Allowance recipients and assume that some 60,000 of the 120,000 who are alive are in receipt of some benefit because there will be a great number of duplications there. Quite a number of the veterans who are in receipt of War Veterans Allowances under Mr. Cromb are, in effect, pensioners and get their War Veterans Allowance because they are pensioners. So, as I say, just a note of caution as to how you interpret these things.

Mr. Saltsman: Do you have any total figure of what percentage of the 121,000 are in receipt of one kind of pension or another from the Department of Veterans Affairs?

Mr. Cromb: We do not have that, Mr. Saltsman.

Mr. Mace: Could I also, sir, add a note of caution, too, about this figure of 121,000? We endeavour to obtain this information at the time that any general census is being taken. It is surprising that a number of people who are asked questions by the census taker will not answer, so it is questionable whether, in fact, this 120,000 is accurate. I sometimes feel that perhaps there are quite a number of veterans who do not want to say they are veterans for some reason or other, so really we do not get an accurate figure, but I think it is a good indication of the general veteran population of WWI.

Mr. Saltsman: As a point of interest, do you anticipate that these kinds of percentages will exist with World War II veterans? The figures are much better for World War II veterans which is natural because they are younger and probably were better trained, and the facilities for their coming out of the service were somewhat improved over World War I. The percentage there is much smaller; it is very small compared with World War I. Do you figure it will go very high?

• 1030

Mr. Cromb: We figure that the pattern following World War II in so far as War Veterans Allowances are concerned will be very similar to what happened following World War I. War Veterans Allowances became operative in 1930, and from then on the first people who came on the allowances were those who were medically unfit and under age. There was quite a large number. In fact, almost 50 per cent were under the age of 60. They were around 55, 54, 57 and so on, and the same pattern is being followed pretty well in World War II; that is the group that comes on first. They are those who had a limited opportunity for education during the depression years and those who are medically unfit for employment and are receiving the allowance. That pattern is practically the same as it was following the First World War.

I might add that at the present time, following World War II, more pension schemes are available than there were following World War I. There are the Canada Pension Plan and the Old Age Security Pension and many other industrial pensions from various companies that were not available following World War I.

Mr. Saltsman: Thank you.

The Chairman: Are there any further questions?

Mr. Laniel: Mr. Cromb, could you give me an explanation of the last paragraph of page 25, under Treatment and Funeral and Burial Expenses. It reads:

> Veterans who are recipients of awards under the Act may be granted, from the Department, medical treatment *in Canada only* for any condition in accordance with the Veterans Treatment Regulations.

The reason for my asking you to expand on this is that I know of instances of veterans who are in need but who may not qualify for an allowance being accepted at a veterans' hospital. They have no money to pay for any treatment, but when they come out you hand them a bill. You call them back three months later for another check-up and you hand them another bill. I do not know how these people can get out of it.

Mr. Cromb: Mr. Chairman, this treatment is not a part of the War Veterans Allowance Act. It is an ancillary benefit. It was for the convenience of veterans that it was included in this booklet.

That is a question that should really be directed to Dr. Ritchie.

The Chairman: Dr. Ritchie has one or two questions.

Are there other questions? Has any member anything else to ask Colonel Cromb?

Mr. Laniel: I move that we carry Item 10.

The Chairman: I believe Mr. Rider has something to say on this item, following Colonel Cromb's testimony. Is that right?

Mr. Rider: Yes sir, if there are any further questions on the Assistance Fund, which is part of this Vote, I will try to answer them. I think I indicated the general philosophy of the Assistance Fund earlier.

The Chairman: If there is nothing further, shall we carry Item 10?

Mr. Guay (St. Boniface): May I ask one question? I notice in the introduction you mention the fact that:

> Civilian war allowances may be paid to eligible groups—

Mr. Cromb: Mr. Chairman, under the Civilian War Pensions and Allowances Act, Part XI is designed to provide similar benefits to certain groups of civilians who served during either World War I or World War II. They are the Canadian merchant seamen of both wars; the non-Canadians who served in Canadian merchant ships in either war; Canadian V.A.D.'s of World War I; Canadian fire fighters of World War II; Canadian welfare workers of World War II; Canadian trans-Atlantic air crew of World War II; the Newfoundland overseas forestry unit of World War II; and those who are in possession of a pension under Parts I to X of the Civilian War Pensions and Allowances Act. The benefits of the War Veterans Allowance Act supply *mutatis mutandis* to Part XI of that Act.

• 1035

The Chairman: Are there any questions?

Shall Item 10 carry?

Item agreed to.

On Item 15: Other Benefits, including Education Assistance, Hospital Insurance Premiums or payments in lieu thereof re recipients of War Veterans Allowance and Civilian War Allowance, repayments under subsection (3) of section 12 of the Veterans' Rehabilitation Act in such amounts as the Minister of Veterans Affairs determines, not exceeding the whole of amounts equivalent to the compensating adjustments or payments made under that Act, where the persons who made the compensating adjustments or payments received no benefits under the Veterans' Land Act, or where, having had financial assistance under the Veterans' Land Act, are deemed by the Minister on termination of their Veterans' Land Act contracts or agreements to have derived thereunder either no benefits or benefits that are less than the amounts of the compensating adjustments or payments, and grants as detailed in the Estimates $3,446,200.

(S) War Service Gratuities, Re-Establishment Credits and repayments under section 13A of the War Service Grants Act of compensating adjustments made in accordance with the terms of the Veterans' Land Act $510,000.

The Chairman: I gather that Mr. Rider has something to say on this one also. Is that right?

Mr. Rider: Yes. In relation to Item 15 I would like to outline to the Committee the objectives of the Welfare Services Program.

The primary objective of the Program is to expose social handicaps of individuals to corrective or compensatory processes. To meet this primary objective four secondary objectives have been established.

The first is to administer assigned statutes, orders in councils and executive orders.

The second is to facilitate the conduct of other programs through the provision of adjudication as in War Veterans Allowances and Administrative and Administrative Support Services.

The third one is to provide direct services to clients; to assist them to remain self-sufficient as long as possible; to restore self-sufficiency where this is impaired; to understand their responsibilities in relationship to benefits provided; and to make effective use of alternative or complementary services.

Our final objective is to strengthen our collateral working relationships, that is, our

relationships with city social welfare agencies, provincial government agencies and private agencies.

That is all I want to say at the outset, Mr. Chairman.

The Chairman: Thank you, Mr. Rider.

Are there questions that members of the Committee wish to ask?

Mr. Weatherhead?

Mr. Weatherhead: The second biggest item in this Vote is children of War Dead (Education Assistance). Can Mr. Rider expand a little on the type of education assistance, and the number of children involved. Is this mainly for college education, Mr. Rider?

Mr. Rider: The Children of the War Dead Education Assistance Act, Mr. Chairman, is to assist pensioned children, that is, children the father of whom was a pensioner and who, following the father's death, are pensioned. This means that the father must have died from the pensionable condition, or been in receipt of a pension of 50 per cent or more.

The concept of the Act is to assist these children to obtain post-secondary education. This is not restricted to university education but can be any post-secondary education where the type of course the child wishes to take requires a high school leaving certificate for entry.

To date about 4,470 children have been approved under this program. There are currently about 300 to 325 new cases a year. The training strength is normally about 800 to 850 in training at any one time.

The Act does provide that the period of training shall be four academic years, or 36 months, whichever is the lesser. You will realize that university students with about eight months a year get the four academic years in 32 months, but the young lady who wishes to be a nurse will have three years' full-time training. They are covered both by allowances while they are training and the payment of the fees where fees are required.

The pension for the child whose parent has died is $68 a month. While they receive this pension they receive $34 a month additional allowance. At age 21 when this pension ceases and the allowance is increased to be equal to the total amount they were receiving before they were 21.

The Act also provides that in cases where the Minister is of the opinion that the student's progress and achievements in his course of study are such that it would be in the interest both of the student and the public the payments may be continued where the educational program has not been completed within the basic time period. This change was made in 1961-62 because we found that there were young people going through for medicine, for example, who were assisted for four years and when the assistance was cut off some of them were having to give up their courses because they could no longer afford them. So now the Minister has the power to extend the period of training when such a case occurs.

• 1040

Mr. Weatherhead: Mr. Rider, do I gather, then, that the educational benefits would cover all the university fees and residence fees plus a monthly allowance of about $34?

Mr. Rider: No, Mr. Chairman, this is not quite correct. We pay the allowance to assist with the maintenance of the child, and we may pay fees up to but not exceeding $800 in any one year.

Mr. Weatherhead: So the maximum would be $800 for fees plus the $34?

Mr. Rider: Well, it adds up to $102 per month when you take the pension and the allowance.

Mr. Weatherhead: Mr. Rider, about how many students will be taking advantage of carrying on after the four year academic period? Is it a very large number?

Mr. Rider: No, sir. This is not a very large number. There were 81 children approved during 1967-68, for example, and during that year there were 128 children who were continuing their training under extension.

Mr. Weatherhead: Is it the general attitude of the Department or the Board, Mr. Rider, to let them carry on, say, with a master of arts course or medicine or law or that sort of thing if they have satisfactory academic requirements for the previous four years?

Mr. Rider: That depends on the occupational goal of the individual, Mr. Chairman. For example, it is quite common for a teacher who wishes to teach high school to take four years university and then to have to take a year at a College of Education. Provided the student passes all the subjects taken in the final year of the normal entitlement extension

may be granted, and during extension the student must pass each subject he takes and must take the full courses that the university establishes for that year. This is the academic requirement.

Mr. Weatherhead: Thank you, Mr. Chairman.

The Chairman: Mr. Laniel?

Mr. Laniel: You have two amounts that seem to be fixed. They are grants to the Army Benevolent Fund and the grants to the Royal Canadian Legion. I imagine that those are for courses organized by the Legion.

Mr. Rider: No, sir, these are fixed grants. For example, the grant to the Army Benevolent Fund is paid to assist in the cost of administration of the fund. The grant to the Royal Canadian Legion is a grant that was established as early as 1928 to assist the Legion in maintaining its service bureau, which consists of members of the Legion's staff who assist veterans in their problems aimed primarily at assisting people who wish to get disability pensions.

Mr. Laniel: Are any other veterans' associations helped in the same way?

• 1045

Mr. Rider: No sir; not that I know of.

Mr. Laniel: Do they not give them...

Mr. Rider: The Royal Canadian Legion is the only veterans' association that I know of that runs a service bureau.

Mr. Guay (St. Boniface): I have a supplementary. This $9,000, of course, will fluctuate. It does not stay at the same amount each year, does it?

Mr. Rider: This is a fixed amount paid annually, sir.

Mr. Guay (St. Boniface): It is a fixed amount?

Mr. Rider: Yes, sir.

Mr. Guay (St. Boniface): Would not their costs for this operation be greater today than they were some 10 or 20 years ago?

Mr. Rider: Oh, yes sir. The amount has remained static, though. I believe it was set at $9,000 in 1933 and has not changed. I am sure that the costs of operating the service bureau for the Royal Canadian Legion are much, much higher than this. This is merely a grant of financial assistance.

Mr. Laniel: And they never come back for extra amounts.

The Chairman: Mr. MacRae?

Mr. MacRae: I want to ask a supplementary question on the Children of War Dead (Education Assistance) Act, Mr. Rider. I understood you to say there were roughly 350 new students taken on this past year?

Mr. Rider: Yes, sir.

Mr. MacRae: The terms of the Act are very roughly that the child must be a child of a man who was killed in action or who died of his wounds. Is that not true, for the most part?

Mr. Rider: Or 50 per cent pension or more.

Mr. MacRae: That would account, then, for the number that are still being taken on, because the children of those who died in action, or died of their wounds have pretty well been educated by now.

Mr. Rider: Yes, they are pretty well through their educational life now. We do get cases of veterans being granted pensions still and, of course, if they die of a pensioned condition is that their children are eligible. Quite a large number of the children now are the children of 50 per cent pensioners who died.

Mr. MacRae: Thank you. That answers that question. Would you be able to provide at a later date if you do not have it at the moment the number of children who have partly or fully finished their education under the Children of War Dead (Education Assistance) Act?

Mr. Rider: There have been 1,817 who have completed the program they set out to do to March 31, 1968.

Mr. Guay (St. Boniface): Excuse me, I have a supplementary. Compared with the number of those who participated in this particular program, what is the average, roughly?

Mr. Rider: The total number approved for assistance has been 4,471. Now, many of these children do not complete their studies. There have been 1,817 who completed them; there were 858 in training as of March 31; there were 181 deferred for one reason or another—perhaps for sickness or some other good

reason their training is deferred. There is always a number suspended in between sessions. The university sessions close at regular periods, but in other post-secondary education there will be some suspended all the time.

Mr. Cromb: Mr. Chairman, may I interject just for a moment? In view of Mr. MacRae's interest in the input into this program, I thought I should just remind him that this Act also applies to the children of members of the regular force who are killed in service or who die as a result of a disability arising out of service. Therefore, we do have this younger element still covered by this statute.

Mr. MacRae: I had not realized there was that group as well.

The Chairman: Mr. Weatherhead?

Mr. Weatherhead: Mr. Chairman, I have a supplementary. If about 4,400 were approved and about 1,800 have completed their educational program in this category, of the balance what percentage have dropped out of their educational program because of financial problems? Would this situation be a very minor one in comparison to losing interest in the course or the course being too difficult for them? Do you get a number of applicants, Mr. Rider, saying that despite all the assistance you give them, they still cannot carry on with the course for financial reasons?

Mr. Rider: Well, sir, if we have a case where the child complains that he cannot carry on, we go to one of the benevolent funds and ask them to assist financially and they will do this. I think some may drop out because of financial problems. I rarely see it in the work that goes across my desk as a reason for discontinuation, but no doubt there are some who do so.

Mr. Weatherhead: Would it be fair to say that with the assistance of the benevolent fund and so on almost every case could be looked after so far as the financial requirements of the student are concerned?

• 1050

Mr. Rider: I think so, sir, when you realize that this is an Act to assist these children. It does not pretend in the first place to cover every cost he may have. There is no means test whatsoever in this legislation. A child may have a scholarship, but it is not considered. This is something he has earned by hard work. He is allowed to have his scholarship and assistance under the Act too.

Mr. Weatherhead: Thank you.

The Chairman: If there are no other questions shall Item 15 carry?

Item 15 agreed to.

There is a statutory item relating to War Service Gratuities. This item does not have to be voted but if any members of the Committee wish to ask questions concerning it they may do so. The details are on page 564.

Mr. MacRae: Mr. Rider, would you have any idea of approximately how much is still owing in War Service Gratuities which has never been collected. It would have to be an approximation, of course.

Mr. Rider: No, sir, because a liability as such is not set up. The gratuity was only calculated when application was made for it, so there was no liability. The same thing applies to re-establishing credits. You will remember that the veteran could take his re-establishment credits or take training or settle under V.L.A. so no liability as such could be established. But when an application is received for the first time the calculation for the gratuity is made and then, as you know, the re-establishment credit was equal to the basic gratuity.

Mr. MacRae: Of course. Then you could give me the number of veterans who have not applied, could you not, or has that been calculated?

The Chairman: Was not the answer to that question provided earlier?

Mr. MacRae: Perhaps it was.

Mr. Rider: With the re-establishment credits the remaining liability at June 1968 was about $7¾ million. There were some 54,000-odd active accounts in respect of people who had not applied for their gratuity or who had only partly used it.

During the past two months we have been flooded with correspondence and applications and, to be quite truthful with you, it has been impossible even to get any record of the number of applications which have been taken in all the district offices and in head office. We have had people tied up just doing nothing else.

The Chairman: This is because of the close-off date.

Mr. Rider: Yes.

Mr. MacRae: Thank you, Mr. Chairman.

Mr. Laniel: Mr. Chairman, perhaps my question should be put to Mr. Pawley. Are those veterans who are attempting to qualify under the Veterans' Land Act, before October 31 obliged to reimburse their gratuities or can they wait until such time as they make a loan under Part X of the Act.

Mr. Rider: Mr. Chairman, the normal time fot repayment of the re-establishment credit was when the man applied for a loan to settle. But, as you will remember, the Veterans' Land Act was amended—I think it was 1965—to provide that the Director of the Veterans' Land Act could repay the credit or the training costs and treat it as part of the loan to the veteran. As a result, the man does not now have to find the money himself, he can carry it as part of his debt to the Director of the Veterans' Land Act.

Mr. Laniel: Thank you.

The Chairman: Are there any other questions on this item? As I said, this item is statutory and does not have to be voted as part of the estimates. It is presented for information purposes only.

If there are no other questions I think this would be a good time to adjourn because it is now nearly 11 o'clock. I understand that we will proceed with pensions, next week, followed by Treatment Services.

The next meeting will be on Tuesday morning at 9.30 a.m.

APPENDIX "C"

WAR VETERANS ALLOWANCE BOARD

October 22, 1968.

WAR VETERANS ALLOWANCE ACT

Recipients
On Strength by Wars as at
August 31, 1968

	Veterans	Widows	Sec. 5(1)	Orphans	Total
NWFF ..	—	13	—	—	13
South Africa .	160	388	9	—	557
WW I ...	28,502	24,099	1,345	75	54,021
WW II ..	21,502	4,962	562	241	27,267
Dual Service	1,010	488	37	2	1,537
Special Forces .	249	23	1	5	278
Total ..	51,423	29,973	1,954	323	83,673

Annual Liability—$99,321,000

CIVILIAN WAR PENSIONS AND ALLOWANCES ACT PART XI

Recipients on Strength by Wars
As at August 31, 1968

	Civilians	Widows	Sec. 5(1)	Orphans	Total
WW I ...	204	80	9	—	293
WW II ..	1,422	282	33	5	1,742
Total ..	1,626	362	42	5	2,035

Annual Liability—$2,960,000

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968

STANDING COMMITTEE

ON

VETERANS AFFAIRS

OFFICIAL REPORT OF MINUTES

OF

PROCEEDINGS AND EVIDENCE

Chairman: Mr. LLOYD FRANCIS

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HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968

STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5

TUESDAY, NOVEMBER 26, 1968

Respecting

Revised Main Estimates (1968-69) of the Department of Veterans Affairs

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WITNESSES:

From the Canadian Pension Commission: Mr. T. D. Anderson, Chairman; Dr. W. F. Brown, Chief Medical Adviser. *From the Department of Veterans Affairs:* Dr. K. S. Ritchie, Director General, Treatment Services.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

29193—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs.

Bigg,
Boulanger,
Émard,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
MacRae,
Marshall,
McIntosh,
Mongrain,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—(20).

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

(*Text*)

TUESDAY, November 26, 1968.
(5)

The Standing Committee on Veterans Affairs met this day at 9:45 o'clock a.m. The Chairman, Mr. Lloyd Francis, presided.

Members present: Messrs. Bigg, Émard, Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Legault, MacRae, Saltsman, Thomas (*Moncton*), Turner (*London East*), Weatherhead (12).

In attendance: From the Department of Veterans Affairs: Messrs. F. T. Mace, Acting Deputy Minister; C. F. Black, Departmental Secretary; Dr. K. S. Ritchie, Director General, Treatment Services; Mr. W. Cavanagh, Administration Assistant, Treatment Services. *From the War Veterans Allowance Board:* Mr. W. T. Cromb, Chairman. *From the Canadian Pension Commission:* Mr. T. D. Anderson, Chairman; Dr. W. F. Brown, Chief Medical Adviser; Messrs. A. L. Fortey, Secretary; F. G. Stockley, Chief, Budget and Administration. *From the Royal Canadian Legion:* Messrs. D. M. Thompson, Secretary General; J. E. A. Lamy, Executive Assistant. *From the War Amputations of Canada:* Mr. H. C. Chadderton, Executive Secretary.

The Committee resumed consideration of the Revised Main Estimates 1968-69.

The Chairman called Item 20 Pensions Administration and introduced Mr. T. D. Anderson, President of the Canadian Pension Commission who explained the functions of the Commission.

It was *agreed* that Items 20 and 25, Pensions Administration and Pensions for Disability and Death be considered simultaneously.

After examination, Items 20 and 25 were approved.

On Item 30, Treatment Services, the Chairman introduced Dr. K. S. Ritchie, Director General.

It was agreed that the following statements namely,

(*a*) Descriptive Summary of Treatment Services
(*b*) Comments on Recommendations of Glassco Commission
(*c*) Future of Treatment Services

be made available to the members of the Committee.

At 11:00 o'clock a.m., the questioning of the witnesses continuing, the Chairman adjourned the Committee to 2:00 p.m., on Thursday, November 28, 1968.

D. E. Levesque,
Clerk of the Committee.

(Text)

EVIDENCE

(Recorded by Electronic Apparatus)

Tuesday, November 26, 1968

• 0948

The Chairman: I see a quorum.

The first witness this morning is Mr. Anderson who is here on behalf of the Canadian Pension Commission. I believe we are dealing with Item 20 of the estimates.

Department of Veterans Affairs
Pensions

20 Administration..$3,201,000

The Chairman: Mr. Anderson?

Mr. T. D. Anderson (Chairman, Canadian Pension Commission): Mr. Chairman, I thought perhaps in view of the fact that we have a very large number of new members on the Standing Committee, it might be of interest to them to have just a brief outline at the organization of the Commission and the way in which it operates. I have a list of the commissioners and some details with regard to them which the Committee might wish to have in the record. I can give that to the Clerk and this could be taken care of in that way with your approval.

The Chairman: Does that meet with the approval of the Committee?

Some hon. Members: Agreed.

Mr. Anderson: I will just run through this briefly and then it will be available for the record too.

The Canadian Pension Commission is an independent quasi-judicial body operating under the Pension Act of 1919, as amended, and reporting to Parliament through the Minister of Veterans Affairs. It consists at present of 12 members who have been appointed for terms of up to 10 years, one of whom is the Chairman who holds rank as a deputy head of a department, and one the Deputy Chairman. In addition, there are four ad hoc members appointed for one year with provision for re-appointment annually as required. Six members are normally absent from Ottawa sitting in various parts of Canada as Appeal Boards. Each Board is made up of three Commissioners.

• 0950

The Commission is concerned primarily with pension claims arising out of service in the Armed Forces in time of war, as well as in peacetime. It has, in the words of the Pension Act

> 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.

Incidentally that is a quote from Section 5 of the Act.

The Commission also has final jurisdiction to determine any question of interpretation of the Act. There is no provision for appeal from its decisions other than to its own Appeal Boards, which consist of three members who had not previously adjudicated upon the case under appeal, and such appeals are limited to the basic questions of entitlement in respect of disability or death. It is also responsible for the administration of the Civilian War Pensions and Allowances Act together with like duties in respect of pensions under various other measures relating to civilians, including the Royal Canadian Mounted Police Pension Continuation Act.

No provision is made for services in the Commission's organization. The reason for this is that staff, accommodation, custody of files, accounting, issue of cheques and virtually all other services are provided by the Department of Veterans Affairs and the Department of Finance. Most of the work done within the organization of the Commission itself stems directly from its statutory judicial functions. In this regard it is of interest to note that years ago the Commission was organized as a separate department of government, was housed in a separate building, kept its own files, had its own accounting

service, and so on. Today it is housed in the same building with the Department of Veterans Affairs. There is but one file for one veteran and the fullest possible use is made of administrative services of other departments. This practice has eliminated overlapping in many cases.

There are many other activities of the Commission, for example, the Commission is in constant touch with the Canadian office of the British Ministry of Social Security in respect of supplementary awards under the Pension Act to Canadians who served in the Imperial Forces, medical examination of Imperial Pensioners now resident in Canada, information concerning residents of Newfoundland who served with Imperial Forces prior to Union and other relevant matters. In addition, the Commission

(a) maintains liaison with the Department of External Affairs concerning Canadian pensioners resident abroad, and incidentally we have some pensioners even in Russia

(b) maintains liaison with Commonwealth High Commissioners and foreign embassies regarding matters of joint concern

(c) maintains close liaison with the Unemployment Insurance Commission and Old Age Security Administration to avoid overpayment of pensions under the Pension Act

(d) on request, medically examines pensioners of other governments now resident in Canada

(e) medically examines RCMP pensioners for assessment purposes.

(f) maintains close liaison with the Department of National Defence in respect of pension claims based upon peacetime service in the Regular Force

(g) maintains liaison with all departments of government in respect of matters coming under the Flying Accidents Compensation Order

(h) maintains liaison with Provincial Hospitals' Administration, Children's Aid Societies, Provincial Public Trustees and various welfare agencies throughout Canada

(i) maintains a working relationship with Workmen's Compensation Boards in all provinces—Section 21 of the Pension Act

(j) administers various Trust Funds established by private individuals for the benefit of veterans.

As at June 30, 1968, the total number of pensions in payment was 168,297 with a total liability of $222,708,504 per annum. Now, this is just a brief outline of the organization and the line authority function of the various units.

The Chairman is the administrative head of the organization controlling operations at Head Office and in the District Offices of the Canadian Pension Commission. The Commissioners are directly responsible to the Chairman, and in his absence, to the Deputy Chairman, in the matter of their movements, assignments and duties; otherwise they act as a body without any actual administrative or line authority over the staff of the Commission. Transcribing services are provided to the Commissioners by a pool of senior stenographers, each of whom is assigned to two or three Commissioners to provide secretarial services.

At Head Office the Chairman has two Staff Officers responsible directly to him, Pension Counsel who is a legal officer and provides legal advice and service to the Chairman and the Commissioners as well as legal advice and direction to the administrative staff at Head Office and a Chief, Budget and Administration, who acts for the Chairman liaison with the Service Directorates of the Department at Head Office and in the District Offices and carries out general managerial responsibilities and special assignments at Head Office and in the District Offices of the Canadian Pension Commission.

The Secretary reports direct to the Chairman and to the Pension Commission. It is his responsibility to maintain records relevant to previous decisions of the Pension Commission, amendments to legislation and to promulgate policy statements issued by the Commission. In his capacity as spokesman for the Commission and by issuing instructions regulating procedure, forms and applied policy, the Secretary maintains control over the processing of pension claims at Head Office and in the District Offices of the Commission. In a similar manner, he is responsible for the quality and volume of all correspondence emanating from the administrative staff. Branch and Divisional chiefs maintain constant liaison with the Secretary and it is the responsibility of the Secretary to co-ordinate the work and preserve a common procedure and applied policy.

The Chief Medical Adviser is responsible directly to the Chairman for the operation of the Medical Advisory Branch at Head Office and to provide professional direction to Pension Medical Examiners in the field. At Head Office there is a Deputy Chief Medical Adviser and the Branch is divided into five divisions, each headed by a chief specializing in a special field of medicine and supported by a staff of Medical Advisers. A staff of stenographer-assistants is assigned, one to each Medical Adviser, and the Branch has a small central clerical group and a transcribing pool.

The Medical Advisers at Head Office review the medical reports and recommendations received from District Offices together with the relevant original records of service, x-ray reports, etc. Their case summaries and recommendations concerning original claims and reviews are passed to the Commission for decision.

• 0955

The Chief of the Claims and Review Branch is responsible to the Chairman for the operation of the Branch, maintaining close liaison with the Secretary, in relation to policy and procedure. The Branch is divided into four general areas, two dealing with the review of cases falling under certain sections of the legislation, one dealing with the receipt and checking of Forms of Administration, and a stenographic pool.

It is the responsibility of the Claims Branch to review, summarize and submit to the Commission for decision all non-medical aspects of pension claims as well as strictly non-medical awards, including dependents' and children's allowances, dependent parents' awards, orphans, widows' claims, etc. They also review and prepare claims under the associated Canadian and Foreign Legislation.

The Assistant Secretary has overall responsibility for the Secretariat, assisted by a Chief of the Secretariat. He has line responsibility to the Secretary, Canadian Pension Commission. The Secretariat is divided into a Correspondence section, an Allocation and Signing section, a Bilingual section and a Transcribing section.

The work of the Secretariat is mainly to promulgate routine and special decisions of the Pension Commission to the pensioner and other interested persons and agencies and to answer general enquiries and correspondence received at Head Office. It also has the responsibility to carefully examine all notices of decision before despatch to ensure that the correct procedure has been followed and that the case has been reviewed by the proper officers and sections.

The Appeal Board Division is directly under the control of the Deputy Chairman, and the staff is divided into two major groups; Court Reporters who travel with Appeal Boards, recording evidence and acting as Court Registrars, and a clerical section responsible for the preparation of Appeal Board papers and the clerical tasks required before and after Appeal Board sessions.

There are nineteen District Offices of the Canadian Pension Commission located in Districts and Sub-District Offices of the Department of Veterans Affairs in Canada. Department of Veterans Affairs provides administrative services and assigns staff. The District Canadian Pension Commission staff is headed by a Senior Pension Medical Examiner and in the larger District Offices there is a complement of Junior Pension Medical Examiners. Under the Senior Pension Medical Examiner is a clerical and stenographic staff varying in numbers according to the size of the District. In five of the larger District Offices there is a field investigational staff of Welfare Officers and in the remainder of the District Offices this service is carried out on request by the Departmental District Welfare Services.

It is the responsibility of the District Pension Medical Examining Officer or Officers to obtain medical reports by medical examination of applicants and pensioners and from Specialists on the staff of Department of Veterans Affairs District Treatment Services and Consultants who work for Treatment Services on a part-time basis. The Pension Medical Examiner submits his recommendations together with all medical reports to Head Office for the consideration and decision of the Commission.

The District administrative staff carry out the supporting clerical tasks required to bring veterans to District Office for examination; counsel pensioners and their dependents, administer pensions and obtain factual, lay information required by Head Office in the consideration of certain types of claims.

That completes the outline of the organization and operation of the Commission, Mr. Chairman.

The Chairman: Thank you, Mr. Anderson. I believe Mr. Laniel indicated that he had a question he would like to ask you.

Mr. Laniel: Maybe more than one, Mr. Chairman. I notice in the Estimates an appreciable increase in the awards to veterans of World War II, and also of World War I, and others. Could you tell me, Mr. Anderson, does that mainly come from increase in awards, revision of cases, or do you get new applications—completely new applications for pension—now that we have reached 25 years after the war?

Mr. Anderson: The chief reason for the increase, Mr. Chairman, is the legislation which, effective as of January 1, 1968, granted a 15 per cent increase in the basic rate of pension. This is the chief reason. I do not know that there is any other particular reason for this increase. That increase, I believe, amounted to something in the nature of $30 million, or close to it—somewhere between $25 million and $30 million—so that would, I think, account largely for the increases which occurred in the 1968-69 fiscal year.

Mr. Laniel: Still, if you look at these figures, it does not correspond, especially for the World War I veterans, to the increase of $7 million. It does not represent 15 per cent, does it?

• 1000

Mr. Anderson: Well, there are other factors that enter into the picture here, of course. World War I veterans are dying at a very fast rate now, so that there is an automatic decrease occurring there annually. One rather offsets the other, and it is very difficult to compare the two, in view of the other factors which influence the picture.

Mr. Laniel: Has the Commission completed the revision of the Hong Kong veterans' file?

Mr. Anderson: Yes, some time ago. This was completed over a year ago.

Mr. Laniel: Last year when you appeared in front of the Committee, about this time last year, I got the impression that at that time it was not quite complete, and I wonder if the Pension Commission could make available, to the Committee, some comparison figures or charts that would show us exactly what has happened concerning these Hong Kong veterans, as to the increases in awards from that revision.

Mr. Anderson: Yes indeed. I do not believe we have that with us today, but it can certainly be obtained without too much difficulty. Yes, we can provide that for you.

Mr. Laniel: Has the Commission looked at the recommendations of the Committee that studied the Richardson Report two years ago? It probably has looked at it, but has it looked at it as to the increased cost that these recommendations would represent? If you remember, the basic recommendation was on the assumption that reaching a level of disability, it might have become more and more difficult from a middle figure of around 30 or 35 per cent to establish exactly the nature of the disability, especially concerning avitaminosis and the effects of being a prisoner of war. The Committee did make a recommendation, as to the consideration of the Hong Kong veterans who had reached such a level, to compensate and consider them as being of 50 per cent at the same time, allowing them to take advantage of the survivors' benefit which was what they were really asking for. By looking at the figures you could present to us, this would give the Committee an idea as to the necessity of coming back to that Report some day, and maybe putting the pressure either on the Commission or on the Minister as far as those veterans are concerned.

Has the Commission considered at all the possibility of at least reviewing the files of other prisoners of war, or maybe call them in for re-examination at this stage now that we have past the 25-year time figure?

Mr. Anderson: Yes, sir, we have indeed. As a matter of fact our Medical Advisory Branch are conducting a review of the files at the moment.

Mr. Laniel: Will that be followed by an examination of the veterans?

Mr. Anderson: Where it would appear to be indicated, yes. Where there is evidence that there should be a re-examination.

Mr. Laniel: How may veterans do we have who were prisoners of war?

Mr. Anderson: I am afraid I have not got that figure at hand right at the moment, but that again is something that we could obtain for you.

The Chairman: Veterans or pensioners? Veterans receiving pensions.

Mr. Laniel: Pensioners.

Mr. Anderson: Yes. We would not have the other figure, I would not think. At least it would have to be obtained from National Defence because we would not necessarily have this. We should have the figure on pensioners.

• 1005

Mr. Laniel: So this means that the Commission is aware of the fact that these people might have suffered more than other veterans, and is considering the possibility of ensuring constant contact with these people, at least at this time, so that their cases can be re-examined, if necessary.

Mr. Anderson: That is right, sir, yes very much so.

Mr. Laniel: Thank you.

The Chairman: Do other members of the Committee want to put questions to Mr. Anderson?

Mr. Anderson: I had hoped, sir, I might just go through these items in the Estimates, if that is—satisfactory. The administrative estimates are on page 565 of the Revised Estimates, and I would just like to go through the details of those.

Salaries, of course, are obvious, and I do not think they require any further explanation, unless there are some questions about them. The only question which might arise in connection with salaries is the personnel establishment. We have at the moment 178 persons on Head Office establishment, and 176 in the districts, a total of 354. That I believe is establishment, and not personnel. Am I correct? Yes.

The Chairman: So there may be some positions not filled.

Mr. Anderson: That is right. There are a number of positions that are not filled. The total staff reduction resulting from the closing of the CPC District Office in London will leave three positions, and there is a transfer of one position of Welfare Officer in London, Ontario, to the Welfare Service. The increase in Head Office establishment is due to the transfer of three medical officer's positions to supplement the Medical Adviser's staff.

Allowances—this is an item which represents special allowances foor overseas employees for example the Pension Medical Examiner in London. Since our London, England, Office has now closed this has been abolished; there is no need for it any more.

Travelling Expenses, $85,000—that is provision for the cost of travel of Appeal Boards of the Commission, their support staff and Welfare Officers and so on, including, of course, the court reporters who accompany them.

Travelling Expenses—Applicants, Pensioners and Escorts, $185,000—that is to cover traveling and other expenses of pensioners or applicants called for medical examination or attendance at an Appeal Board. This is return transportation. Travelling costs are paid. That amounts to $185,000; at least it did last year. Then there are the rates—train fare, berth, personally owned automobile at 4½ cents a mile and so on. There is also a $14 per day allowance for loss of earnings.

• 1010

The Chairman: I believe Mr. Bigg has a question he would like to ask.

Mr. Bigg: Mr. Chairman, are we going to have an opportunity to ask a few questions about the Army Benevolent Fund? I understand it comes under this.

Mr. Anderson: No, this does not come under our jurisdiction.

Mr. Bigg: Not at all?

Mr. Anderson: No.

The Chairman: Mr. Émard?

[*Interpretation*]

Mr. Émard: Mr. Chairman, do you believe that the sum of $500 is enough to cover the new postal fees if we take into account the recent increase?

The Chairman: An increase of $500.

Mr. Émard: Yes, an increase of $500. Do you think this is enough to cover the recent increase in the price of stamps and in postal fees?

[*English*]

The Chairman: The postal increases.

Mr. Anderson: Yes, of course.

[*Interpretation*]

Mr. Émard: How can you explain the increase of about ⅔ for telegrams and telephones, representing between $18,500 and $30,000?

[*English*]

Mr. Anderson: This arises out of a change in the telephone system, Mr. Chairman. There was a new system adopted generally throughout the government last year in which long distance calls were paid for on a kind of per phone basis. There are very few long distance telephone calls made on a good many of our telephones particularly those of the medical advisory people. Nevertheless we have had to pay our share on a per capita basis which has caused a very sharp increase in our general telephone costs. It is a centralized system where the whole works is thrown into the pot and everybody pays his share regardless of how many phone calls he makes. This is what has caused the increase there.

Mr. Laniel: You mentioned earlier that your London office had been closed. Who is looking after the Canadian veterans in the United Kingdom now?

Mr. Anderson: We have one employee still on the staff with DVA.

Mr. Laniel: Mr. Chambers?

Mr. Anderson: No, Mr. Chambers is a Department of Veterans Affairs employee, but he supervises the employee we have looking after our work there.

Mr. Laniel: The amount of $5,000 that you have in the estimates of 1967-68 does not represent a big amount. Was that the salary of half a man, or half an employee? I do not see too many civil servants paid that amount of money a year.

Mr. Anderson: No, that did not represent a salary Mr. Chairman. That represented only extra allowances for an employee outside the country. There are extra allowances given to people who are serving on the government staff in foreign countries and this was just that allowance.

Mr. Laniel: I notice a decrease in your professional and special services from $85,000 to $54,000. What is the reason for such a decrease? What were these professional and special services? What is meant by them?

Mr. Anderson: There was a decrease in 1968-69 because a large proportion of the charges was transferred to treatment services in order to cost these in total. In other words, the reduction was all handed over to the treatment services because they took on this responsibility from us.

Mr. Laniel: When I first asked the question I extended it to Item 25. Are we actually only on Item 20?

• 1015

The Chairman: At the moment we are on Item 20, but can we go over to Item 25 also, Mr. Anderson? It seems to me that the two are so closely related that we might, if the Committee agrees.

Mr. Anderson: It is quite all right with me, sir.

25 Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; Newfoundland Special Awards; Burial Grants; and Gallantry Awards (World War II and Special Force) 225,229,000

Mr. Laniel: Exactly what are the burial grants in the amount of $400,000 related to?

Mr. Anderson: There is provision in section 35 of the Pension Act which makes it possible for us to pay a burial grant to a pensioner whose estate is insufficient to cover the cost of the burial. This represents the amount of money we pay out under that particular section of the Act.

Mr. Laniel: Then that is not related at all to our cemeteries overseas or anything like that.

Mr. Anderson: No.

Mr. Laniel: I guess that is all, Mr. Chairman.

The Chairman: Mr. Weatherhead?

Mr. Weatherhead: Mr. Chairman, I wonder if Mr. Anderson could give me, a new member, a brief resume of our actual pension amounts, our maximum figures, how they are calculated and that sort of thing?

Mr. Anderson: Briefly, Mr. Chairman, as of September 30 of this year, we had a total of 41,371 World War I veterans and the total liability was $68,251,498. These are for World War I veterans alone.

Mr. Weatherhead: Excuse me, Mr. Chairman, I was thinking more along the lines of individual pensioners and what maximum pension would be paid to, say, a totally incapacitated pensioner.

Mr. Anderson: Oh yes, the rates. The 100 per cent pensioner would receive $265 as a basic pension; he would receive an additional $73 if he were married; he would receive $34 for the first child, an additional $26 for the second child and an additional $20 for the third and each additional child.

Mr. Weatherhead: Then, Mr. Chairman, I suppose as the disability percentage decreases, the rate would decrease *pro rata.*

Mr. Anderson: Yes, that is right. It decreases *pro rata.*

Mr. Weatherhead: Thank you, Mr. Chairman.

The Chairman: Mr. MacRae?

Mr. MacRae: Mr. Anderson, how large is your backlog now of cases awaiting hearing and also how large is your backlog of cases waiting to be heard by your appeal boards?

Mr. Anderson: I think with reference to the number of cases pending in the medical advisory branch, Dr. Brown, the chief medical adviser, could probably answer that question. Could you give us an answer to that, Dr. Brown?

Dr. W. F. Brown (Chief Medical Advisor Canadian Pension Commission): Between 500 and 600.

Mr. MacRae: Between 500 and 600. And the number of appeals?

Mr. Anderson: The number of appeals was approximately 400 as of a month ago. This figure always goes up somewhat at this time of the year, so it may have increased somewhat during the 30-day period.

Mr. MacRae: Approximately how long is the delay before an appeal can be heard now, Mr. Anderson?

Mr. Anderson: In terms of straight hearings it would be five weeks, I would think. In the case of appeals it is very difficult to estimate any average period there because, as you know, they must be prepared by the veterans' advocates and they have to take the necessary time to obtain the evidence in support of the claim. Frequently they have to be referred for examination not only once but perhaps several times, before being finalized. I would hesitate, Mr. Chairman, to quote an average figure there; I do not know that we have one. They can run up to a year or more at times because of the difficulty now in obtaining the necessary evidence.

• 1020

Mr. MacRae: That is perhaps one criticism that we occasionally hear; the length of time before a man's case can be heard on first or second hearing, or sometimes on appeal, and I know you get that criticism.

Do you feel that you have adequate numbers of people to hear your appeals? You now have two appeal boards in the field all the time, Mr. Anderson, do you not? You mentioned that.

Mr. Anderson: Yes, that is right.

Mr. MacRae: Do you feel that that is adequate?

Mr. Anderson: Certainly it is adequate to our purposes so far, Mr. Chairman. If necessary, of course, we could put a third appeal board on the road temporarily.

Mr. MacRae: Have you done that?

Mr. Anderson: We have done it on occasion.

Mr. MacRae: When you get too big a load.

Mr. Anderson: That is right.

Mr. MacRae: Fine, thank you.

The Chairman: I believe Mr. Knowles has a question.

Mr. Knowles (Norfolk-Haldimand): Mr. Chairman, I am a new member on this Committee too. How long has the basic rate of $265 been in effect, and is there any mechanism whereby this can be adjusted to compensate for the increased cost of living? Is this reviewed periodically or not, or how can it be done?

Mr. Anderson: To answer your first question, Mr. Knowles, it has been in effect since January 1, 1968. That is the latest date on which basic pension rates were increased. These are reviewed periodically, and in the previous four years increases were granted on three different occasions. They are increased fairly regularly, but this, of course, is a matter for Parliament to decide; increased rates are strictly a question of legislative amendment.

The Chairman: Are there any other questions? Mr. Bigg?

Mr. Bigg: When there is a 100 per cent pension being paid a veteran, is it customary to pay his wife that extra $3,000 in addition to her pension or allowance?

Mr. Anderson: Are you speaking now, Mr. Bigg, about attendant's allowance?

Mr. Bigg: Yes.

Mr. Anderson: No, so long as the pensioner remains alive the wife receives nothing in the way of pension; all pension is paid to the man, including the attendant's allowance, clothing allowance and anything else.

Mr. Bigg: So you might pay for a nurse, but you would not pay his wife if she was doing the nursing.

Mr. Anderson: We would pay him. We do not require that these people employ attendants if their wives do the job. We pay the man the $3,000 without question; there is no question as to who is doing it.

Mr. Bigg: If he is a veteran and you pay him the attendant's allowance, it is up to him to employ whom he wishes?

Mr. Anderson: That is right. We do not question his use of the $3,000 at all.

The Chairman: Mr. Laniel?

Mr. Laniel: I notice under Item 25 the Newfoundland special awards. My neighbour here tells me that that is related to World War I veterans. Is that right? It is in the amount of $35,000.

Mr. Anderson: The Newfoundland special awards are paid to a certain group of people in Newfoundland who were receiving pensions from some source other than their own pension legislation down there, and there was no way in which we could pay these pensions under the terms of our legislation. So the government agreed at the time of Confederation that they would take over this responsibility and continue these pensions at whatever rate was in payment at the time of Confederation.

Mr. Laniel: Why do you say "at the time of Confederation"? Newfoundland did not come within Confederation until 1949.

Mr. Anderson: That is right. That is when the government assumed this obligation—in 1949.

The Chairman: Mr. Anderson means at the time Newfoundland joined Confederation.

Mr. Anderson: Yes.

Mr. Laniel: I see. Does that concern both World War I and World War II?

Mr. Anderson: Yes, it does.

• 1025

Mr. Laniel: We have sometimes had complaints about veterans' making application for pension on aggravation of pre-enlistment disabilities. I imagine it is very difficult for a veteran to prove without any doubt that there had been aggravation of a pre-enlistment disability. This is where I think the Pension Commission should take advantage of the benefit of the doubt. There has been an increase in the allocation of pensions for those cases in the past few years. Is the Pension Commission paying better attention to these cases and do you tend to go as far as making an investigation that will go back many years as to establish really if there has been aggravation? Aggravation might not have shown up really during the term of service of the veteran but still the conditions in which the veteran has been during the war might have had an effect on this kind of disability and we often refer cases to you and we get the impression that it is very easy to get a "no" answer very quickly.

Mr. Anderson: I should point out first of all, Mr. Chairman, that in granting aggravations we do not require that the man's condition shall have worsened because of the fact that he served. For instance, if an individual enlists with a certain condition which is obvious or is recorded or we are aware of it at the time of his enlistment and it worsens during the period of his service—for instance, a condition like arthritis will naturally worsen—we consider that to be aggravation.

We do not try to establish whether or not the conditions under which he served caused it to get worse; we are satisfied to accept the fact that it is worse and we consider that aggravation. It is a problem at times to ascertain whether or not the condition did worsen and you have, of course, such conditions as congenital conditions which it is difficult to assess at the time of enlistment, but medical people will tell us that these are not conditions which arise from any particular cause but they are inherent in the individual at the time of his birth.

There are problems in connection with this and they are all very carefully explored and examined, of course, at the time that they apply. We do give them very careful study and consideration at that time, but one of the points I wanted to make clear is that we do not necessarily require that the aggravation be caused by the fact that the man served. If he is worse when he came out than he was when he went in, then we grant aggravation so far as we are concerned.

The Chairman: Mr. Bigg?

Mr. Bigg: I have had several cases concerning heart disease. I suppose this is one of the most difficult problems. I know of one or two cases—and mind you, I am not a doctor—where it seems to me that the condition was aggravated by war and yet it seems to be very difficult to prove in medical terms, particularly heart disease. Is that correct?

Mr. Anderson: This is an answer which, again, I think it is necessary to have a doctor give. Dr. Brown, I think, has made a very careful study of this particular matter and I think he can tell you very clearly just what the problem is here. Dr. Brown would you like to take over?

Dr. Brown: Mr. Chairman, it is very difficult at times to ascertain whether or not there was worsening of his cardiovascular system between the date of his enlistment and the date of his discharge. Recent studies across the world have led us to believe that atherosclerosis which is the main danger point in this cardiovascular system begins in childhood. There is no question about it, and it is due to many causes.

Now, if he served overseas and if he developed heart disease during his period of service and there is no record, he gets aggravated pension entire unless it was recorded or obvious at the time of enlistment. Otherwise, if he served in Canada and he did have a frank coronary thrombosis in the service he usually gets a high degree of aggravation, possibly four-fifths—three-fifths to four-fifths. If he has a few twinges of pain, it might be to a lesser degree. Does that answer your question?

Mr. Bigg: I am thinking of a case where a boy perhaps has had rheumatic fever but did not declare it when he went in. Naturally, on the way into the Army you play down your health troubles to get in. If you want to serve your country you do not tell them about the measles you had when you were small and coming out also, in a great many cases, soldiers cover up their difficulties, too. They say they are all right. They are anxious to get back to the farm or wherever it is. Then 20 years later they have a heart attack and naturally they think that three or four years of fighting did not do it any good.

• 1030

Dr. Brown: Possibly it did not. Actually in the pathology of rheumatic heart disease they tend to break down around the fortieth to the forty-fifth year.

Mr. Bigg: There are three cases I can think of who are getting that now. They are on war veterans allowance instead of being pensioned.

Dr. Brown: Yes. If there is nothing during his period of service it is harder to grant a degree of aggravation or rule that it was incurred during his service.

Mr. Bigg: I think this is in line with what the other gentleman said about where the benefit of the doubt rule might come in. War Veterans Allowance is practically the same amount of money but it is often a question of pride. He feels in one case he is on relief and in the other that he is getting something he is more or less entitled to.

Dr. Brown: If he has any vestige of rheumatic heart disease, rheumatic fever, during his period of service, the Commission would certainly take it into consideration.

Mr. Legault: Mr. Chairman, may I ask the Doctor a question to clarify a point? When you consider these pension applications in an Appeal Board, if an enlisted man, in this particular case Navy, who was never called upon for an overseas posting but whose duties were on the Eastern Coast, had a record of a somewhat slight heart disease during the enlisted time, would that case be considered for a pension?

Dr. Brown: He would certainly be considered for a pension. Now, whether he would be granted a pension or not, I could not say. It depends upon the facts of the case.

Mr. Legault: The particular case I am dealing with is one where the man's medical report indicated that he had some malfunction of the heart at the age of about 12 or 13

but which seemed to improve, and then some 25 years afterwards he was afflicted with a heart attack.

Dr. Brown: In this type of case one really should review the documentation before one gives an answer. In other words, he had a pre-enlistment condition which was recorded prior to his enlistment?

Mr. Legault: Yes.

Dr. Brown: Then the question of whether there was aggravation of this during his service arose. Now, if there is material worsening of his heart condition, the chances are the Commission would grant an aggravation of his condition.

Mr. Legault: Thank you very much, Doctor Brown.

The Chairman: Are there other questions?

Mr. Guay (St. Boniface): Mr. Chairman, I would like to ask a question, if I may. Are you satisfied, sir, that in the administration of your section of the Department you have ample money to look after its responsibilities? With your qualifications and as an employee of the government is there anywhere in the budget for your section where there could be savings benefiting the government, whereby we would not have to question you about whether you have too much money here or not enough there? Have you any recommendations to make?

Mr. Anderson: We have always maintained a very careful record of our expenses and so on and, in spite of the fact, Mr. Chairman, that the number of claims reviewed annually has not decreased substantially over the years we have, through improving the efficiency of operations, reduced our staff consistently through the years. Our administrative costs have never been as high as two per cent of the total amount of money we pay out. The Pension Commission has always taken the attitude that if we have any money to spare we will see that the pensioners get it rather than the high-priced help. This has been a common practice with the Commission for many, many years.

• 1035

We are constantly reviewing our staff organization with a view to further increasing our efficiency. We occasionally do go to the government for additional funds if we are trying to introduce some new measure but by and large, except for the increases in salaries and other costs and so on, we have continually reduced our administrative costs over the years, or at least we have not allowed them to increase very sharply. I am not too sure, Mr. Guay, whether that is exactly what you are getting at here.

Mr. Guay (St. Boniface): Possibly I could ask another question. Are you satisfied with the Estimates you now have and from the knowledge that you have of your Department are things functioning well and in the manner in which you expect them to function? Are you satisfied with what you have, that the amount given to you is sufficient for the ultimate you are aiming for, or in some little other areas—this is what I want to get the forethought on—do you have in the back of your mind that you possibly could save some money but rather than take a chance on it you might as well add it on?

I am speaking, for example, amongst other things of stationery supplies and office machines for which every year there seems to be a substantial amount. I am not criticizing here; I do not want you to get the wrong idea. Are you satisfied that you have sufficient or is it your opinion as an honest man and the head of a Department that if it were your own business you could cut expenses and still give the service you are giving at present?

Mr. Anderson: No, I can answer that quite honestly, sir, by saying that I do not think we could reduce our expenses substantially without reducing our services under existing circumstances. I think we would have to reduce the service. As a matter of fact, we have had to go back this year for a slight increase in our administrative expenses because of a loss of staff, and so on and, as you know, new staff appointments have been frozen lately. Also I can honestly say that whenever there has been the need for additional funds to maintain our efficiency we have never run into any difficulty in getting them up to this point, so I have been perfectly satisfied with this aspect.

Mr. Bigg: On the same point, are you satisfied that you have enough legal help to look after the appeal boards, and so on?

Mr. Anderson: Yes, we have.

The Chairman: Are there any other questions?

Mr. Laniel: Just a question of personal satisfaction. Can a veteran who is in receipt of a pension adopt a child and receive an allowance for that child?

Mr. Anderson: Yes, sir; he can receive additional pension.

Mr. Laniel: Then the same thing would happen if a veteran had a common law wife who had children?

Mr. Anderson: That is right. He would receive an additional pension for both her and the children.

Mr. Laniel: Thank you.

Mr. Guay (St. Boniface): I have a supplementary on that one, Mr. Chairman. If a veteran adopted a child since the war, would the child be entitled to the same benefits as if it were his own?

Mr. Anderson: It is a matter of Commission policy that if any veteran takes any child into his home under his care he will get additional pension for that child.

The Chairman: Are there any other questions? If not, will Items No. 20 and No. 25 carry?

Items 20 and 25 agreed to.

The Chairman: Thank you, Mr. Anderson, for your appearance before the Commitee.

We will now go to Dr. Ritchie of the Treatment Services who is the next witness I propose to call. Dr. Ritchie?

• 1040

Dr. K. S. Ritchie (Director General, Treatment Services): Mr. Chairman, and members of the Committee, I have no prepared statement to give you in so far as the treatment services are concerned. In his opening remarks to the Committee my Minister made it quite clear what the functions of the Department were and what action we have taken in providing treatment services for veterans.

As you are aware, we originally had 11 hospitals. Two have been transferred; these are Sunnybrook Hospital in Toronto and Ste. Foy Hospital in Quebec City. We have also completed an agreement for the transfer of Lancaster Hospital at Saint John, New Brunswick which will not come into effect until 1970.

Generally speaking, I might say that we now have a total of 6,258 beds in active treatment hospitals, we have 385 in veterans' homes, giving us a total number of beds of 6,643. The average occupancy of these institutions is 78.4 per cent or 5,205 patients.

In addition to our hospital beds we do provide treatment to veterans throughout Canada under the doctor-of-choice plan, where the individual veteran has a choice of going to his own family doctor and receiving treatment within certain limitations under the veterans treatment regulations.

I do not think I have anything more of a general nature to say other than that I do have a statement of the historical functions of the treatment services, what the plans are now and what our ideals are for the future, which could be made available to the Committee if the Chairman should so desire.

The Chairman: What is the wish of the Committee?

Mr. Laniel: I move that the statement referred to be made available to the Committee.

The Chairman: It is a lengthy statement?

Dr. Ritchie: Yes, it is a rather lengthy statement. I do not have it with me at the present time. I have had it reproduced but I must apologize for the quality of reproduction—it is a little difficult to read.

The Chairman: I have had a chance to look it through, Dr. Ritchie, and I am sure it would be of assistance to the members of the Committee. Could we arrange to have copies sent to individual members of the Committee following this meeting?

Dr. Ritchie: Yes, Mr. Chairman.

The Chairman: Are there any questions you wish to ask of Dr. Ritchie?

Mr. Bigg: Mr. Chairman, on this matter of transferring hospitals over I can see the present problem of having large institutions very well equipped and so on perhaps standing idle when municipal hospitals are overcrowded but is this not predicating the whole movement on the fact that we are not going to need military hospitals in the future?

Dr. Ritchie: No, Mr. Chairman, this is not the case at all. First, I would like to correct a possible misunderstanding. We do not have vacant beds which could be used for civilians.

Actually most of our institutions are overcrowded at the present time. It has been the continuing policy of the Department that where we have vacant beds we will admit veterans for domiciliary care. So that in effect although we show there is an average of 75 per cent occupancy throughout our hospitals—when normally an 80 per cent occupancy is a good rate for most institutions—there are very few vacant beds. The vacancies are largely in psychiatric units where I am sure we have nobody else who could use them or would want to use them.

It is not our objective really to get out of the hospital field purely to dispose of our responsibility. Our main object in interesting outside bodies in taking over our hospitals is to ensure that the standard of medical care available to veterans will be maintained at an adequate level, and this is really the sole objective of transferring the hospitals.

• 1045

Many of you well know—certainly Mr. Émard knows—the situation that prevailed in St. Anne's Hospital from World War I to World War II, and we are only now taking the first step to replace this institution which was a very temporary and non-fire resistant structure.

What we hope is always to be able to maintain an adequate standard of care for veterans. Because our patients are getting older all the time our institutions become less attractive to the practising profession, to technicians and so forth, so we do have difficulty in maintaining adequate staff. You would be surprised probably to realize that 74 per cent of our patients in hospitals have been there for a period of over five years, that approximately 70 per cent of our patients are 65 years of age and over, which means that we have a steadily increasing aging population.

The Chairman: More geriatric hospitals than general hospitals in some respect.

Dr. Ritchie: Well certainly we are all geriatric, we are all getting older, but we do have a far larger percentage because of the nature of the patient groups that we are looking after and responsible for. This will tend to increase and there is no way of overcoming this other than by becoming part of an active treatment community hospital and then we can ensure that the active treatment facilities of the community are available to veterans.

We could equip our hospitals, we could rebuild them on the same basis as the local civilian hospital but we still would not be able to staff them because of our type of patient load.

Mr. Bigg: It is not entirely treatment. I do not see why a municipal hospital should be able to staff any better than a veteran's hospital.

Dr. Ritchie: It is purely because of the active treatment complex within the civilian hospital. You see, it has a far greater range of active treatment patients. They have the very young and they have the very old as well. Many hospitals have very old patients but they also have obstetrics and a younger group of patients, which is of interest to clinicians.

Mr. Bigg: You mean that the younger doctors and nurses do not like to work with an entire group 65 years of age and up?

Dr. Ritchie: They are less attractive, certainly.

Mr. Laniel: Dr. Ritchie, you said you had over 6,000 active treatment beds.

Dr. Ritchie: Yes.

Mr. Laniel: Out of which 78.4 per cent was the average occupancy. Can you break that down into active treatment patients and chronic patients?

Dr. Ritchie: The census of our institutions as of October 1968 showed that there was a total of 48 per cent of what we term long-term cases. This included 17 per cent domiciliary care and 31 per cent extended care, which is the long-term chronic. And we had 37 per cent which were active treatment and 15 per cent mental.

Mr. Laniel: How many beds will you have in the new treatment centre at Ste. Anne de Bellevue?

Dr. Ritchie: 630 beds, I believe it is, or 670—I am not quite sure. (672 is the actual figure)

Mr. Laniel: How many beds are there now?

Dr. Ritchie: When I mentioned the figure of 630 beds, this is in the new wing. There will be no reduction in the total beds in St. Anne's Hospital because there will be a modernization of the present psychiatric wing to maintain the total bed capacity.

Mr. Laniel: Will the new hospital replace all the old first war buildings that are there?

Dr. Ritchie: Completely.

Mr. Laniel: I do not understand exactly where the 37 per cent domiciliary care patients are. Did you say that you had 300 domiciliary care people outside of hospital?

Dr. Ritchie: No, I do not think I said that.

Mr. Weatherhead: I think the reference was to the 385 beds in veterans' homes.

• 1050

Dr. Ritchie: Oh, yes. These are in veterans' homes located in Saskatoon, in the Rideau veterans' home, and at Edmonton. These are three separate institutions for the care of veterans.

Mr. Laniel: What is the reaction of long-term veteran patients who are transferred to such veterans' homes where they receive minimum but sufficiently adequate treatment.

Dr. Ritchie: We have had no adverse reaction at all. As you are aware, we have a very excellent veterans' home in Edmonton and our problem is to keep veterans away rather than to attract them to it. The same thing applies to Saskatoon. Where the quality of our institution is adequate there is no problem getting patients transferred. There used to be difficulty in transferring chronic patients who had reached the domiciliary phase in their treatment to such an institution, but since these have been modernized there is no difficulty at all.

Mr. Laniel: Are you planning the construction of such institutions in the near future in the Montreal area?

Dr. Ritchie: No. The only construction being planned at the present time in the Montreal area is the new wing of the St. Anne's Hospital.

Mr. Laniel: It is under construction right now.

Dr. Ritchie: Yes.

Mr. Laniel: At a recent meeting I asked a question of Mr. Cromb. It is at the bottom of page 25 of the War Veterans Allowances information booklet on "Treatment and Funeral and Burial Expenses" where it says:

> Veterans who are recipients of awards under the Act may be granted, from the Department, medical treatment *in Canada only* for any condition in accordance with the Veterans Treatment Regulations.

I would like you to expand on the Veterans Treatment Regulations, in reference to the cases of veterans, let us say, who are not in receipt of pensions or allowances but are in a situation where they cannot pay for treatment. As veterans they are accepted in your hospitals and you hand them a bill every time they come out. You call them back for re-examination or check-up and hand them another bill. These bills mount up. What happens to these bills if they do not pay them?

• 1055

Dr. Ritchie: Mr. Chairman, may I answer the first part of the question first. The type of case you are referring to is what we refer to in the Veterans Treatment Regulations as Section 13 and Section 23. Section 13 is where the veteran qualifies on economic grounds for treatment through the Department. Under the terms of Section 13 the Department is not responsible for the medical care of that patient. We recommend to the medical staff that they make some adjustment to the fee charged to the veteran, based on his economic ability to pay. Therefore, when this patient is discharged from hospital he may or he may not receive an account from the doctor for his professional services. In so far as the Section 23 case is concerned any veteran who has served in the Armed Forces, whether it be in Canada or overseas, can elect to go to a departmental hospital if a bed is available on the understanding that he will assume the cost of hospitalization, and also the cost of any medical fees involved. He is now covered under hospital insurance so that there is no hospital account, but unless he has some form of medical insurance then he would be billed directly for the medical care he received from the attending staff at the hospital.

Mr. Laniel: What is the advantage in his going to the veterans' hospital?

Dr. Ritchie: The main advantage, Mr. Chairman, is the fact that he can get a bed when he could not normally get into a civilian hospital. If he applies for admission to a civilian hospital he would be faced with a long waiting list whereas if he applies to our hospital he would probably get in on very short notice.

Mr. Laniel: Yes, but from looking at these bills I got the impression that they were mainly for professional services.

Dr. Ritchie: Yes, that is right. This is what they are. These are the medical fees being charged by the attending doctor and this is what the man is responsible for if he goes in under Section 13 or 23 of the Veterans Treatment Regulations.

Mr. Laniel: What happens if he can prove to you that he cannot afford to pay the bill?

Dr. Ritchie: Well, of course, this he does when he qualifies for Section 13 treatment. Before he is admitted to hospital he declares his economic status to the treatment entitlement officer. Presumably this determines what his economic status is.

Mr. Laniel: You would not go as far as forcing someone to get provincial aid or extra allowances under the assistance plan, or something like that, so that he will be able to pay you—or do you go as far as that?

Dr. Ritchie: No. We claim actually that the payment of the doctor's account is a matter of concern between the doctor and the patient, and not the Department.

Mr. Laniel: Yes, but the doctor is an employee of the Department?

Dr. Ritchie: Only part-time employees of the Department may bill a veteran for care.

The Chairman: I am sorry to have to interrupt at this point but we have to leave this room at 11 o'clock, Mr. Laniel.

Mr. Laniel: Mr. Chairman, this completes my questioning.

The Chairman: Dr. Ritchie I am sure will be available at the next meeting of the Committee and you will have an opportunity to continue your questioning. The question of when the next meeting takes place has to be raised with the steering committee. The group responsible for co-ordinating committees suggests we meet on Thursday at 2 o'cock. I hope this is agreeable to the members of the Committee. The suggestion was that we might be able to conclude our examination of the estimates.

Dr. Ritchie: Mr. Chairman, I have a meeting in Montreal on Thursday.

Mr. Legault: This is unfortunate.

The Chairman: There are two other members who indicated questions. Mr. Turner has not had a chance to ask questions and Mr. MacRae has some further questions. I think we will have to defer them. Would you be available later Thursday or is it not likely? Thursday is just not a satisfactory day?

Dr. Ritchie: No, I was planning to come back on Friday.

Mr. F. T. Mace (Acting Deputy Minister, Department of Veterans Affairs): Mr. Chairman, may I interject. As you know you still have the veterans land administration and I would suggest, if there is a problem with Dr. Ritchie, we proceed with the VLA on Thursday afternoon at your convenience and then revert to Dr. Ritchie on the following Tuesday.

• 1100

Mr. Laniel: Mr. Chairman, is Thursday not going to be reserved for committees? Will we sit in the evening on committees too?

The Chairman: I had hoped if we could have a meeting at 2 o'clock perhaps we could conclude the VLA section and then one final meeting could conclude the treatment services and the item on administration which could be held in the evening.

Mr. Laniel: This is why I bring this question to Dr. Ritchie. Is it possible for him to come back for an evening session?

The Chairman: Is Thursday evening a possibility, Dr. Ritchie?

Dr. Ritchie: I could make it back on Thursday evening if this is your desire.

Mr. Laniel: This would give us a chance to conclude.

The Chairman: I would have to take this up with the co-ordinating committee. I could not say off hand. There are other committees that are planned and the time that was suggested for us was 2 o'clock on Thursday afternoon. It seems to me we will complete all but the rest of this item at that time and then perhaps we may have to have one further meeting with Dr. Ritchie.

Thank you gentlemen, thank you Dr. Ritchie.

OFFICIAL REPORT OF MINUTES
OF
PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations and/or a translation into English of the French.

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Translations under the direction of the Bureau for Translations, Secretary of State.

ALISTAIR FRASER,

The Clerk of the House.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968

STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6

THURSDAY, NOVEMBER 28, 1968

Respecting

Revised Main Estimates (1968-69) of the Department of Veterans Affairs

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WITNESSES:

From the Department of Veterans Affairs: Mr. R. W. Pawley, Director General, Soldiers Settlement and VLA Branch; Mr. A. D. McCracken, Administration and Finance, VLA Branch; Mr. H. Lamb, Superintendent of Construction Division, VLA Branch.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

29195—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs.

Bigg,	Latulippe,	Saltsman,
Boulanger,	MacRae,	Stafford,
Émard,	Marshall,	Thomas (*Moncton*),
Guay (*St. Boniface*),	McIntosh,	Turner (*London East*),
Knowles (*Norfolk-Haldimand*),	Mongrain,	Weatherhead,
Laniel,	Peters,	Whicher—(20).

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

Mr. Gibson replaced Mr. Émard on November 27, 1968.
Mr. Émard replaced Mr. Gibson on November 27, 1968.

ORDER OF REFERENCE

HOUSE OF COMMONS
WEDNESDAY, November 27, 1968.

Ordered,—That the name of Mr. Gibson be substituted for that of Mr. Émard on the Standing Committee on Veterans Affairs.

Ordered,—That the name of Mr. Émard be substituted for that of Mr. Gibson on the Standing Committee on Veterans Affairs.

ATTEST

ALISTAIR FRASER
The Clerk of the House of Commons

29195—1½

(*Text*)

MINUTES OF PROCEEDINGS

THURSDAY, November 28, 1968.
(6)

The Standing Committee on Veterans Affairs met this day at 2:10 p.m. The Chairman, Mr. Lloyd Francis, presided.

Members present: Messrs. Bigg, Boulanger, Émard, Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Latulippe, Legault, MacRae, Saltsman, Thomas (*Moncton*), Turner (*London East*), Weatherhead, Whicher (15).

In attendance: From the Department of Veterans Affairs: Dr. J. S. Hodgson, Assistant Deputy Minister; Messrs. C. F. Black, Departmental Secretary; R. W. Pawley, Director General, Soldiers Settlement and VLA Branch; W. Strojich, Director, Farm Services, Soldiers Settlement and VLA Branch; H. Lamb, Superintendent of Construction Division VLA Branch; N. G. MacArthur, Director, Property Division VLA Branch; A. D. McCracken, Administration and Finance, VLA Branch. *From the Royal Canadian Legion:* Mr. D. M. Thompson, Secretary General, Dominion Command.

The Committee resumed study of the Revised Main Estimates 1968-69.

The Chairman called Items 40 and 45, Administration of Veterans Land Act and Grants to Veterans Settled on Provincial Lands and introduced Mr. R. W. Pawley, Director General, Soldiers Settlement and Veterans Land Act who read a statement.

The Committee proceeded to the questioning of the witnesses.

Items 40 and 45 were severally examined and carried.

At 4:00 o'clock p.m., the Committee adjourned to the call of the Chair.

D. E. Levesque,
Clerk of the Committee.

(Text)

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, November 28, 1968.

• 1411

The Chairman: I think I see a quorum. With your approval, I will call Item 40, dealing with Soldier Settlement and Veterans' Land Act, followed by Item 45, in the Revised Estimates.

Soldier Settlement and
Veterans' Land Act

40 Administration of Veterans' Land Act; Soldier Settlement and British Family Settlement; upkeep of property, Veterans' Land Act, including engineering and other investigational planning expenses that do not add tangible value to real property, taxes, insurance and maintenance of public utilities; and to authorize, subject to the approval of the Governor in Council, necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act and to correct defects for which neither the veteran nor the contractor can be held financially responsible, and for such other work on other properties as may be required to protect the interest of the Director therein . . . $5,414,000

45 Grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under section 38 of the Veterans' Land Act, grants to veterans settled on Dominion Lands in accordance with an agreement with the Minister of Indian Affairs and Northern Development under section 38 of the Veterans' Land Act and grants to Indian veterans settled on Indian Reserve Lands under section 39 of the Veterans' Land Act. . . $110,000

(S) Provision for reserve for conditional benefits, Veterans' Land Act. $3,520,000

$9,044,000

The Chairman: We have with us today Mr. R. W. Pawley, Director General of the Veterans' Land Act. He has a prepared statement which he would like to put on record.

Mr. R. W. Pawley (Director General, Soldiers Settlement and Veterans' Land Act Branch, Department of Veterans Affairs):

Mr. Chairman and gentlemen, before we start I would like to introduce my right-hand man, Mr. Arthur McCracken, Director of Administration and Finance Services.

Several other officials from our administration are present. If it is necessary, I will ask them to answer questions, and I will introduce them at that time.

The Veterans' Land Act, enacted in 1942, and one of the three main rehabilitation plans under the Veterans Charter, was designed to provide financial assistance to the returned soldier of World War II. Later its provisions were made available to those who served in Korea. Although the deprivations faced by the soldier settlers on a Western homestead around 1920 were not experienced to the same degree, nor were the hazards of pioneer life after the War of 1812 in existence, nevertheless VLA still remains a modern version of the application of land grants to soldiers, a method used in the past to develop and consolidate our rich Canadian heritage.

The history of land settlement schemes reveals that complete total economic success was not achieved by all or many of the participating individuals, but the contributions made toward the initial development of resources paved the way for others to achieve success. After nearly 25 years' experience, there is every indication that the VLA scheme will be judged an individual economic success as well as being instrumental in enriching the human resources of Canada.

In broad terms, it will have touched the lives of over one-half million people represented by veterans and their immediate families, which was about the size of the rural population of Alberta in 1961. The Director has bought 9 million acres of farm land and over 536,000 acres for small holdings, which is as great as the amount of improved land in Ontario in 1966; and he has established a

population of veterans and their families in homes equal to that of the City of Ottawa. It is estimated that before lending operations under the Act cease, another group equivalent to the population of Regina will have been settled. In the aggregate, the Act will have provided homes on small holdings to a veteran population equal to that of the City of Vancouver, including suburbs. This degree of impact becomes even more significant with the realization that a large number of the properties are located in areas in which normal credit facilities are not readily available and, through the sound use of loans, the buildings have been renovated into modern comfortable houses representing a satisfactory security risk.

Times have changed since the end of the war and our program has been overshadowed by others but this does not lessen our pleasure to report to this Committee. Briefly, I would like to give you a broad synopsis of the Veterans' Land Act so that you may have a better understanding of our Estimates for 1968-69.

• 1415

The work of VLA touches many areas of Canadian business but our prime job has to do with the buying of property on behalf of veterans. It is essential that staff be well-trained. The broad requirements for all functions—farms, small holdings, construction—are difficult to find in one person. By means of a well-defined training program, in most cases one field officer will look after at least two of the functions. It is our objective to train selected staff to perform all three main functions. If this can be achieved, then costs of administration in the field will be further reduced.

ORGANIZATION

There are three administrative levels each with a definite role and a task to perform. Head Office at Ottawa, with a staff of 69, is primarily concerned with policy matters, coordination between Regions and directing the operations. We have 7 Regional areas, each managed by a Regional Director who is responsible for making the decisions and administering the Act in his area on behalf of myself. Each Region is comprised of from 2 to 5 Districts (24 in the aggregate) each of which is under the control of a District Manager who has line responsibility for dispersed field officers. We have 190 field officers who are responsible for the application of the provisions of the Act within their designated field areas. I have delegated at least 95 per cent of my decision-making authority to Regional Directors thereby making the Administration almost completely decentralized.

THE PROGRAM

The volume of business and data associated with each phase of our program is revealed in the Annual Report of which you have a copy. In order to show a clearer comparison and to update the data to the end of this fiscal year, supplemental information has been provided. Consequently, it is not intended to dwell too long on these features. I would like, however, to discuss some of the highlights of our program.

A typical grain-baby beef farmer on the dark brown soils on the Prairies with a fixed investment of about $60,000 can carry a $40,000 mortgage if he has total cash receipts of about $15,225 annually. His cash expenses, including a revolving amount annually to be applied toward capital replacement, would be about 58 cents on every dollar of income. The living allowance for his family of three would be about $4,000.

As the result of analysing thousands of farm account books, this sort of basic information on various types of farms has been gleaned and represents the actual circumstances as they may apply to others in a similar type and size of operation. Developed from these farm records, which cover periods of good and poor years, basic formulae are now being used to test a farmer's repayment ability with the simple knowledge of his anticipated income. Although judgment of managerial quality is essential, we have been loaning large sums of money by a relatively simple deduction of the farmer's Debt Carrying Capacity. The use of this approach has greatly reduced the time spent in processing loans and has been a beneficial tool for the farmer in determining the effectiveness of loans for various purposes. We are satisfied that with some further refinement, and proper interpretation by qualified farm advisers, this new approach can be used with an even higher degree of dependence on its application.

Immediately after the war, the VLA staff influenced the veteran's establishment along helpful and beneficial lines. Currently, the pressure of work which is accompanied by some inevitable health problems as our staff of World War II veterans grows older, pre-

cludes providing as great an advisory service as was rendered in the past. Now, "visits" by our field officers must be confined to essential matters and, whenever it is reasonable and practical for them to do so, veterans must expect to seek consultation with the official in his office.

In this same vein, within recent years we have deliberately avoided "paternalism" and depended on the veteran's judgment to select and decide on what may be his best interests. For the most part, this has been satisfactory both to the veterans and ourselves; and has established that veterans can and should accept more responsibility for the quality of certain aspects of a property which can be assessed only with difficulty. In this connection, I refer to such features as wells, septic tanks, hidden defects, etc. Accordingly, the Director resists, within reason, any undue efforts to hold him financially responsible when some of these amenities do not prove completely adequate.

About 10 years ago, 60% of the new houses constructed under the Act were build by veterans taking their own construction contract. Today, this percentage has been reduced to 52% with the balance built by fully bonded contractors.

LEGAL AND TECHNICAL IMPLICATIONS

The Director has taken title to around 100,000 properties. Of these, he has deeded back to veterans, at their request, or because the conditions of the contract were fulfilled, about 53,500 titles. In addition, to permit the owner veteran to sell off land nearly 17,600 conveyances have been prepared. Since inception the Director has granted 9,400 easements for the purpose of bringing new services to the area or improving these existing, and entered into 5,300 surface, oil and gas leases.

• 1420

The Director is a corporation sole and does not have the benefits associated with a Board of Directors but he is delegated broad powers by the Act and Regulations which permit the application of good business practice normally required by owners of property. As a consequence, there must be a national consistency to the application of the provisions of the Act. Because geographical and provincial differences exist, and since the Regional Directors must administer and make decisions on behalf of the Director, the need of effective administrative co-ordination is of great importance.

TOPIC HIGHLIGHTS

At the present time, there are a number of matters which I am sure will evoke some questions or discussion. I wish to refer to them in the following order: (1) termination dates; (2) loan limitations; (3) minimum acreage; and (4) interest rates.

1. In order to terminate the lending operations under the Act in an orderly manner and to permit forward planning as it relates to manpower and financial resources, while, at the same time, giving veterans a reasonable period in which to take advantage of its provisions, three terminable dates have been established. The first is now past, October 31, 1968, beyond which no further applications to qualify for the provisions of the Act have been accepted. The second date is March 31, 1974, after which no loan applications from veterans not already established will be accepted. The third date is March 31, 1977, after which no loans of any nature will be made.

The effect of the first cut-off date was underestimated. Over 150,000 have established their eligibility of which 90,000 were received during the 10 months prior to October 31, 1968. There were about 600 received data after November 1, 1968. It is estimated that from 30,000 to 50,000 of those eligible will be established.

2. Consistent with the government's action to strengthen the economy, funds for loans to veterans were limited this year to about 25% above the previous 5-year average. Since the Director is permitted to re-loan money repaid on the principal debt, $34 million was estimated from this source and the amount released by the Department of Finance was pegged at $40 million. Subsequently, the estimated revenue return was dropped because of crop conditions in Western Canada making available about $73 million.

Each Region was budgeted accordingly but because of a rush in business, which had gained impetus the previous year, loan funds were fully committed in four out of the seven Regions by July. As a means of accommodating those to whom an immediate loan could not be made, the Director undertook to commit loans to be advanced from next year's funds. it is estimated there will be 1,000 deferred loans committing an amount of about $14 million.

3. The subject of minimum acreages for small holdings has been raised on countless

occasions. The original concept of the Act, whether this may be thought wrong or right under present-day conditions, was associated with part-time farming. The intent was to provide a means for a veteran to supplement his income from a small parcel of land. Notwithstanding the fact this concept arose from experience in the "hungry thirties", there are thousands of those established under the Act, who are secure and happy in the kind of living offered by these conditions. To change now would be like changing the rules in the middle of the game. If the change were made to that of a city lot basis, such action would break faith with a large number of veterans who had chosen to buy a home in the city at higher carrying charges and without the further aid of a grant. Further, any veteran who had a mortgage on a house in any location would undoubtedly qualify and I indicated to the Standing Committee in 1966 that the minimum cost to the government in grants, administrative costs, etc., would be nearly $500 million. In addition, the government would be required to make available an estimated $3 billion for long-term loans, even if only 20% of the one million veterans were to participate.

4. Discussion on interest rates must be limited because of the pending Bill to be presented and considered by the government. The rate of 3½% on the repayable amount of the first $6,000, which is $4,000 for small holders and $3,200 for farmers, was established in 1942, and was then slightly higher than the return on long-term bonds. In 1954, an amendment to the Act made available an additional loan amount with an interest rate of 5%. It was not until 1965 that the cost of money, as represented by the return on bonds, exceeded 5%. Until 1965, therefore, the government was in effect not subsidizing interest rates except for any new amounts loaned at 3½%.

ADMINISTRATIVE COSTS

On page 2 of the supplementary data material made available to you we have shown our current forecast of costs for 1968-69, as well as our actual expenses for last fiscal year. You will note we anticipate our total expenditures will be some $41,000 less than provided in the Estimates and about $21,000 less than our costs in 1967-68.

• 1425

Despite the fact our average staff strength to date this year is some 4% less than last year, salary requirements will be up approximately $138,000 because of the provision for general increases.

Most of the increase in salary costs is offset by the decrease in Professional and Special Services—mainly legal fees—which is directly related to the limitation on the loan funds available this year.

There is a sizeable reduction forecast this year, as compared to last, of expenditures in the Sub-Vote for Upkeep of Property. This is due to the transfer of ownership of public utility systems to the municipalities in which the VLA subdivisions concerned are located. We have not, however, been able to dispose of as many subdivision lots as expected and this, coupled with generally higher property taxes, will increase our requirements for this particular item.

I made reference earlier to the delegation of responsibility to Regional Directors. In keeping with the principles recommended by the Glassco Commission, such delegation in VLA encompasses matters related to the planning of operations within their Regions within the context of overall plans and policies, and of exercising control over expenditures within their approved budgets.

• 1430

In comparison with the volume and multitypes of business we are doing in widely dispersed areas of the country, I consider our administrative costs are modest and reasonable in size, and I believe much credit in this respect is attributable to the effective manner in which Regional Directors are exercising their financial management responsibilities.

In conclusion, I would like to record a tribute to the VLA staff, but with particular commendation to those in the field. The fiscal year 1967-68 registered the highest volume of business since inception. This was accomplished with one-third of the staff compared to 1947 which was next in line. During the current year, an extremely difficult public relations task has been accomplished with only minor criticism.

My predecessor, who on occasion is mentioned with praise, retired from VLA 10 years ago. Notwithstanding the credit which one may receive, any contribution to the growth of an organization does not happen without the initiative and strong support of the staff. I am proud to commend the VLA staff who, if

all details were known, have done much during this year to protect the image of the Department.

The Chairman: I now ask members to ask their questions. Mr. MacRae and Mr. Émard.

Mr. MacRae: Mr. Chairman, I have a number of questions for Mr. Pawley. First of all, on page 8 you discuss the financing of the Veterans' Land Act. Now, there will be $33 million, I believe, repaid in loans this year. Therefore, Mr. Pawley, the government is making available roughly $40 million. Is that correct?

Mr. Pawley: That is true.

Mr. MacRae: Mr. Chairman, just how is that $40 million handled through Parliament? I made just a cursory examination of the estimates, but I do not see a figure of $40 million there anywhere.

The Chairman: We have items 40 and 45 before us and your point is that the $40 million does not appear as a block item.

Mr. MacRae: I do not believe it does.

Mr. Pawley: Mr. Chairman, this amount is included in the Veterans' Land Act fund which is a revolving fund. In order to explain it more precisely, I would like to direct this question to my financial manager, Mr. McCracken.

Mr. A. D. McCracken (Director, Administration and Finance Services, Department of Veterans Affairs): I wonder whether you would care to look at page 3 of the red book? You will note that we make reference to the balance of $530 million in the fund. The fund was set up at the time the Act was amended in 1965. It was established at that time at $380 million. The loans and investment item in the estimates last year of $150 million increased the total of the fund to $530 million. This is the global size of the fund.

We are the dependent on the government for funds in addition to the repayment of principal that comes in. The government still has to make funds available to us for lending within the over-all $530 million, and the amount the government has made available to us this year in addition to the principal recoveries is $40 million.

Our estimate of $33 million plus the $40 million is new money. This gives us an aggregate of $73 million for actual expenditure this year on loans.

• 1435

Mr. MacRae: What is the necessary administrative machinery for getting your $40 million?

Mr. Pawley: The loan fund of $530 million indicates a ceiling. Now, the cash that is available for loans—and this, of course, includes all our investment in land which is some $430 million—the balance represents money which we can loan out plus any income from revenue or principal repayments.

Each year when the government looks at its financial circumstances it decides at that time whether there is any need to restrict funds for this purpose. As a consequence, instead of using unlimited amounts from this fund if they were available, we were limited to using only $40 million of that amount available.

Mr. MacRae: I am sure you can see the line of my questioning. I am now coming to this point: roughly how many do you have at this point qualified for the Veterans' Land Act who have not yet received any benefits?

Mr. Pawley: That is on page 5. It is 158,600.

Mr. MacRae: Now, what is the average size of loan, Mr. Pawley?

Mr. Pawley: Are you talking about small holdings?

Mr. MacRae: Yes.

Mr. Pawley: About $15,000, on the average.

Mr. MacRae: That is pretty close to $2 billion, then.

Mr. Pawley: Yes, if they were all established.

Mr. MacRae: If they were all established, it will take approximately $2 billion and yet the ceiling, as presently constituted, is roughly one-quarter of that. Am I right in my reasoning?

Mr. Pawley: This would be the situation, Mr. MacRae, if they were all established. We do not expect that 158,000 will be established.

Mr. MacRae: From your broad experience, how many do you expect might be established?

Mr. Pawley: Between 30,000 and 50,000; we think roughly about one-third.

Mr. MacRae: So roughtly about $600 million or $700 million is what you project you are going to need in the next six years, between now and 1974.

Mr. Pawley: Yes.

Mr. MacRae: Roughly $100 million a year. I want to establish a figure.

Now I come to the point of all of these questions up to this stage. How many may ask for qualification this year who will be waiting for qualification, waiting for grants?

Mr. Pawley: There are 30,000 to 50,000. Let us say about one-third of this group of 160 roughly, perhaps 25 per cent to 33 per cent may be established before March 31, 1974. This is five and a half years and the rate would be around 5,000 or 6,000 a year.

Mr. MacRae: Mr. Pawley, how much money do you have on hand at this moment, roughly?

Mr. Pawley: Do you mean, to loan?

Mr. MacRae: Yes.

Mr. Pawley: We have not any, sir.

Mr. MacRae: None at all? How many veterans are there at this moment that are actively seeking loans?

Mr. Pawley: Well, this is very difficult to answer.

Mr. MacRae: I understand of course, Mr. Pawley, you are now using next year's money at this point.

Mr. Pawley: Yes, we have deferred loans. We have approved loans on paper and committed ourselves to lend money to veterans to the extent of about $14 million out of next year's budget.

Now, it is very difficult for me to answer your question except in a general manner. I can give you the number of loans that we have made this year as opposed to last year, if this will help and I can tell you that in order to come within the budget of $73 million or $74 million, we had to reduce our lending activity by about 40 per cent this year.

Up to the end of September we have approved 4,000 loans. In the same period last year we approved 5,500. In addition to this, we have approximately 1,000 loans committed, so if we had money to meet the loan requests this would mean that this particular year we would have had to date roughly 5,000.

• 1440

Mr. MacRae: I am sure, Mr. Chairman, that all members of Parliament are in the same position. We are getting a great number of letters from men who wish to establish themselves under the Veterans' Land Act but unfortunately cannot do so because there are no funds available in this year's grant and Mr. Pawley is now using next year's established fund.

I think it is our job as a committee to try to help Mr. Pawley and the people we represent by trying to get more funds. I am not too sure of the way we should go about these things, but that is the objective, I think, we have to work towards. We have to recommend towards that objective as well.

I have a very brief question and then I will finish because I realize there are others who wish to ask questions.

Mr. Pawley, would this be correct? If a veteran applied for Veterans' Land Act assistance before, let us say, the end of September of this year but he had not qualified before the end of October, is he automatically disqualified at that point? By applying, I mean writing to the Department and getting an answer.

Mr. Pawley: Oh, I think he would probably qualify.

Mr. MacRae: You mentioned a figure of 600 who applied after the first of November. Did you look after those?

Mr. Pawley: No, we cannot look after all of them but we can look after some. Some applications were delayed, others had applied previously and forgotten about it and we still had the records, but just how many we can qualify out of this number we really do not know yet. We still have a little better than 40,000 applications sitting on a table over there that we have not even had time to look at yet. It will be the middle of March before we have this job completed.

Mr. MacRae: Mr. Chairman, I have other questions, but I will pass at this moment so that others might ask their questions.

The Chairman: I would like to put a question following Mr. MacRae's comments. Are we to understand that the entire fund of $530 million has been lent at this point?

Mr. Pawley: No.

Mr. McCracken: No, Mr. Chairman. At the end of 1967-68 the balance in the fund was $128 million and we estimate that at the end of March, 1969 we will have a theoretical balance within the context of that $530 million maximum of $88 million.

The Chairman: Presumably, it is at the discretion of Treasury Board before you can lend further amounts. Is that right?

Mr. McCracken: That is right. It is dependent on the amount of new money that the Department of Finance makes available in conjunction with the return of principal paid by veterans.

Mr. Whicher: How much money do you estimate will be required next year to look after all the applications that you believe will come to your Department? What is the total you will require so that we do not run into this mess that we are in this year whereby half way through the year the money ran out?

The Chairman: The console operator is having some difficulty. Will you speak louder, Mr. Whicher, please.

Mr. Whicher: How much money do you estimate your Department will require to look after all applications you expect will be approved for next year?

• 1445

Mr. Pawley: Mr. Chairman, that is an extremely difficult question to answer. I have to premise it with some constraints or limitations. One of them is the possibility that interest may go up. If the interest rate increases, I really do not know what effect this might have on the volume of loans that we might make next year.

I think we must admit that land is becoming increasingly difficult to acquire. If it had been a normal year we would have expected that our volume of business next year would be about $110 million.

Mr. Whicher: Instead of the $40 million?

Mr. Pawley: No, that was for this year. I am saying if there were no constraints on our lending activity for next year we have estimated in our forecast that the volume of loans would amount to about $110 million compared to the $73 million that we will loan this year during which time there have been some limitations.

Mr. Whicher: Are you asking Treasury for $110 million?

Mr. Pawley: We have indicated our requirements, this went up in our program review last March, and no decision has been made in this connection.

Mr. Whicher: The reason I ask this question is that if you need $110 million I think this committee should back you to the hilt. I cannot see any reason, when these men are qualified under law, that they should not be permitted to go ahead now with their building requirements. If you need $110 million, I intend as an individual member to see to the best of my ability that you get it, but I do not want to ask for $110 million if you only ask for $75 million.

The Chairman: If I could intervene here, Mr. Whicher—Mr. Pawley may want to take a moment or two before he comments—there is still a balance of a million or so in the approved funds that has not been used.

Mr. Whicher: That does not mean that you can get $80 million because last year they only got "X" number of dollars. There was still $80 million there but they did not get it.

The Chairman: I presume there was some administrative discussion in the light of the circumstances.

Do you have a supplementary question, Mr. Guay?

Mr. Guay (St. Boniface): Under the terms of the Act would money be available to the Department if and when required? This question is somewhat similar to that which has been asked. Let us say that the Department has on hand numerous applications from veterans who have qualified. Is there a hitch in the Department on money being made available to finalize these applications? If there is, then I would go along with the previous speaker.

Mr. Pawley: I think, Mr. Chairman and hon. members, you must realize that this is bordering on a policy matter which I do not want to be accused of—

The Chairman: drumming up business.

Mr. Pawley: —interfering with. I think that probably the record of VLA speaks for itself. We have always attempted to accommodate the veterans.

• 1450

On the other hand, if there is a national situation developing, I as a veteran who has probably had as much wartime experience as many feel that I have as much right to participate in solving this problem as one who does not have this kind of war experience. As a consequence, I have to admit that I would like to have funds available so that we can go along in this program uninterrupted, but when there are circumstances which prevent this I am afraid I have to accept pretty much what I am told. Nevertheless, I think I have been given full opportunity to express my feelings about the entire matter.

The Chairman: Mr. Bigg.

Mr. Bigg: It seems to me that this is perhaps brought on by the fact that we put on a cut-off date. Perhaps this emergency would not be as great if we had some extension of time—a moratorium on this cut-off date. Maybe your department then would not be so pressed for immediate loans. It seems to me the veteran is being panicked into immediate action where he might have waited for retirement or a change in his job before demanding this immediate attention.

Do you have enough staff to handle this emergency situation? Is there anything we can do to facilitate the processing of these applications. If we could give an extension of time to process them I am sure some veterans would be willing to put off their loan if they were sure that they would be processed and considered for final treatment.

Mr. Pawley: Mr. Chairman, I would like to explain that this 150,000 or 160,000 are not loan applications; these are people who merely established their eligibility so that at some time in the future they can take advantage of the Act. There is really no direct association between the volume of applications for qualification and the number that were established. Now there is some but not entirely. I do not think this is the problem.

Mr. Bigg: The staff is no problem?

Mr. Pawley: I do not think so. We do have staff and will have staff in places where the work is not going to generate to the same extent as it does in other places. For example, in the three prairie provinces our farm business is apt to decline faster than where the small holding business predominates and we may be required to do some shifting of staff for a period of, let us say, four or five years. I think we can deal with this. As much as I appreciate the support, I really do not think this is the problem.

As far as the cut-off date is concerned, I do not feel that this would solve anything. It would just postpone a situation of which we have gotten over the first hump and, to tell you the honest truth of the matter, I do not think I would want to do it again.

I think we must accept the fact that in order to earn a grant under the Act veterans of 50 years of age and over must live on the property at least 10 years. I think as a consequence we must expect that this Act at some time in the future must be drawn to its termination. I was given the job several years ago of trying to lay plans to draw it to an orderly termination. This is what we are attempting to do. While I admit it seems to be much more difficult than we anticipated, at least we got over the first hurdle fairly successfully. I am convinced that the number of veterans who want to take advantage of the Act have had ample opportunity. Nevertheless, I agree there will be those who will be left out in the cold. I do not think the cut-off date would solve any of our problems.

Mr. Weatherhead: Mr. Chairman, I have a supplementary. Do I gather, Mr. Pawley, that the VLA actually does not have the $88 million on hand at the present time?

Mr. Pawley: That is right. We have $88 million on paper but we have no authorization to spend it. We have spent all the money that we can.

Mr. Weatherhead: It is not really cash in the bank that you have control over. What sort of money would you have on hand, or has it all been spent?

Mr. McCracken: Roughly $20 million, which is committed. We will be disbursing this money at progress stages as houses are completed and as we get title to property.

• 1455

Mr. MacRae: Is the $14 million of next year in that, Mr. Pawley?

Mr. Pawley: In the $20 million?

Mr. MacRae: Yes.

Mr. Pawley: No, this is over and above it.

Mr. Weatherhead: And so every year, Mr. Pawley, you get so much principal and inter-

est I suppose back, or do you just count the principal?

Mr. Pawley: Just the principal.

Mr. Weatherhead: You just count the principal. You get so much principal back and then you have to go to the goverment each year for the balance of your requirements, is that correct?

Mr. Pawley: That is right.

Mr. Legault: We have talked a lot about committed loans. Is it your intention, Mr. Pawley, to continue with this line of action in the future?

Mr. Pawley: I do not think I can answer that. I think it depends entirely on what the Department of Finance does in connection with making money available for next year.

Mr. Legault: I understand that committed loans are approved loans. However, as the money is unavailable the applicant on the basis of the approval, can obtain funds from the bank on payment of their interest rates until the loan is provided? Do you find this a satisfactory arrangement?

Mr. Pawley: Yes, it is all right.

Mr. Legault: It does make more money available?

Mr. Pawley: Yes. It is all right. I have to admit, however, that the director is taking some risk in this connection. We already have had one case where a veteran has died with this kind of commitment. So what do you do in dealing with this as far as the widow is concerned? If the veteran is buying the property, he has to take title on his own. He pays his own legal fees. I think the chances that the title will be good is all right, but what if it is not? So there is an element of risk here, which I think we are prepared to take in these circumstances. Just how long we might continue on that basis, I am not too sure, sir.

Mr. Legault: Thank you very much.

The Chairman: Mr. Émard.

[*Interpretation*]

Mr. Émard: Mr. Chairman, I will have questions later, during the meeting, but first of all, I would like to make a few comments.

The Chairman: Yes.

Mr. Émard: Thank you. I would like to congratulate Mr. Pawley and his staff for the fine work he has done in the application and administration of the VLA. Your decision to delegate powers to regional directors has succeeded, and I noticed this personally when I built a house myself, this year. I greatly appreciated the technical assistance and inspection and the promptness with which they settled the problems that came up.

Last night I had the opportunity of reading the debates of this committee for the year 1948, and I was most pleasantly surprised to see the difference in the administration between the two plans: the former Land settlers' plan and the VLA.

Now, despite what you said in your statement this afternoon, I would like to come back on this minimum area requirement for veterans' lands.

• 1500

The VLA promulgated in 1942, but its scope and financial provisions have been changed since. The part of the Act we are concerned with particularly this afternoon, is Part 1 and 3, b) Part time farmers, people who work land while having another job.

The minimum area of land required was two acres at the beginning, is now reduced to 21,780 square feet, i.e. half an acre, and the Veterans Department can grant an additional reduction of as much as 20 per cent and in certain cases; nevertheless this means a minimum area of 17,424 square feet. In agreeing to reduce this minimum area required, the department recognizes that conditions have changed. Today, very few veterans farm a half acre, except for grass, and a great number of veterans who settled on land live near cities or in small urban centers, and the great amount of land required for the building of a house under the VLA does not offer any particular advantage in my opinion. On the other hand, there are many disadvantages involved. The cost of the land near large centers is very high. Secondly, the size of the area of the land as you know increases the amount of taxes to be paid. Third, in many localities, the cost of the utilities, sewers, water, paving of streets, sidewalks, etc., is calculated on the size of the land along the sidewalk, the frontage in other words, and fourthly the upkeep of the lot can be very expensive.

A great number of veterans qualified for the October 31, 1968 deadline and their average age, we are told, is from 45 to 50 years,

and as they must use their credit within the next five years, they will still not have reached the age of retirement and will not be interested in cultivating this land.

So the area of the land presently required by the department will prevent a great number of them from taking advantage of this Act for which they have become qualified.

I would suggest that the Committee recommend to the department a minimum area of 10,000 square feet, which would reduce the cost price of the land, would reduce the taxes, and make participation in the plan more accessible to a greater number of veterans.

[*English*]

The Chairman: Would you care to comment, Mr. Pawley?

Mr. Pawley: Mr. Chairman, this is a matter of government policy and I can do no more than provide my Minister with facts and figures as I see them. This has to some extent been presented in my opening remarks. I would point out, however, that in 1961 when the acreage was reduced from three acres to half an acre somewhere around 20,000 veterans had been established on this acreage. I would be less than honest if I said there was no difficulty. I agree there is a problem, but because this is a policy decision, I do not think that I can really comment on it.

• 1505

Mr. Bigg: Whether or not the policy is right, can we not ask whether it works to the satisfaction of your administrators?

Mr. Pawley: I have personally gone up and down the side roads and visited many of these small holdings, across Canada. I agree with some of the things that have been said—they are perfectly right—but for every situation that appears to be detrimental you have a counteracting situation which is extremely favourable. While I have no data nor proof, I think certainly those that I have visited are very happy with this kind of living.

In addition to that, prior to 1961 and 1962, when the minimum acreage was two and three acres this was also an off-size parcel of land which did not fit at that time. In spite of that it was a godsend to many veterans who were able to sell off land and I know of numbers of cases where they have actually utilized this extra land and paid off their homes completely. I cannot support some of the weaknesses of it but I can support some of the good features of it. Beyond that and what I said in my statement I do not think I can really comment unless there are other questions.

The Chairman: Mr. Boulanger?

Mr. Boulanger: Well, I was reading an argument; It is in English. They say here, and I want to check this with you, if a change were made to that of a city loan basis when you talk one hundred by one hundred, "succession will break faith." Do you think that such action according to that declaration would break faith with a larger number of veterans who have chosen to buy homes in the city at higher carrying charges without the further aid of a grant? Is the figure right when they say in the standing committee of 1956:

> The minimum cost to the government in grants, administrative costs, etc., would be nearly $500 million.

And they say in addition:

> The government would be required to make available an estimate of $3 billion for long term loans even if only 20 per cent of the one million veterans were to participate.

Are these figures correct?

Mr. Pawley: Yes.

Mr. McCracken: This was before we had a maximum ceiling established of 158,000 veterans who were qualified. This was two years ago and we had not yet reached it. If the change had been made at that time, we could have anticipated that perhaps every veteran who was not already settled under VLA might have come forward and wanted to settle on a city-sized lot. I have just multiplied; I hope these figures are right. It is 158,000 veterans at an average cost of $15,000 and it comes out to $2.370 billion and that would just be the capital cost.

The Chairman: In other words, if you were to reduce the minimum size to a city lot and Mr. Émard was, I think, suggesting this...

Mr. Émard: Usually what we call a city lot is 50 by 100 feet. But let us say when you come to 100 by 100, it is still called a city lot.

The Chairman: The suggestion is it would take a lot of money.

Mr. McCracken: That is right.

[*Interpretation*]

Mr. Émard: Even the case of a lot which will be smaller say, 6,000 square feet, as I suggested I was not think of them setting in town. I was thinking of suburbs around the cities where veterans are now going to settle, but there are difficulties involved in the purchase of a half-acre. Why should we not give the opportunity to more veterans to settle?

• 1510

[*English*]

The Chairman: Would you care to comment, Mr. Pawley or Mr. McCracken?

Mr. McCracken: There are two points that I might mention with regard to taxes and the cost of land. It is probable that it would cost a veteran as much or more to buy a city lot or two city-sized lots as it costs him to buy a half acre of land in the suburbs or rural areas. Another point is that with regard to taxes a man who is on a half acre in the suburbs, or rural areas or smaller communities, is not paying more generally in the way of taxes than a man who owns a property in the city, a city-sized lot or 10,000 square feet. This applies particularly if the city property is serviced with water, sewer, paved roads, curbs, sidewalks, street lighting and the majority of the services are payable by the veteran on a local improvement basis.

[*Interpretation*]

Mr. Émard: At the present time, most veterans who will be settling soon, will not settle in cities, but in the periphery of the cities as I did myself, and I know many others who want to do likewise. But because of veterans who want to settle on a small lot have to work away from home, they cannot make enough to live on the lot they have, so they have to either work in cities or in urban centers, and you see very few veterans now who will settle far in the country, because all veterans who work in the cities tend to settle in the periphery, or in the suburbs around the cities. For instance where I live, you could buy two acres of land twenty years ago, cheaper than you could buy a half acre lot today, and that is what I think should be considered, when the veterans who are going to settle are people who work away from home. So they cannot live too far away from where they work, otherwise transportation will be too costly and take too long. So they have to be near large centers, and he has to pay a great deal for a half acre in addition to sewer, water and all the overheads.

[*English*]

Mr. McCracken: I think it is true that across the country the majority of veterans are located around metropolitan areas—this is where the general population is—but this is not to say that the veterans are, in fact, being established immediately close to the centre of the metropolitan areas as distinct from the surrounding surburban areas or in satellite communities.

One could take the Ottawa area and find that veterans are being established in communities such as Richmond and Russell and the periphery of the city. Perhaps it is true; if you wanted to get a half acre of land in the immediate Ottawa area today it would cost you perhaps $10,000 or $12,000, but by the same token, to get a city lot in Ottawa today it is probably going to cost you the same amount of money. This is not what it is costing veterans who are being established, in general.

[*Interpretation*]

Mr. Émard: In my case, when I suggest 10,000 square feet, I am not talking about a city lot, I am talking about an urban area.

Mr. Legault: A rural area.

Mr. Émard: A rural area but surrounding, we could call this semi-rural.

• 1515

Why do you insist on 20,000 or 21,000 square feet. A veteran who settles on a half acre could settle just as well on 10,000 square feet. Personally, I do not need a great deal of the land I have it costs me extra money to keep my land up. I had 10,000 feet, a hundred by a hundred, it would be easy to buy in a semi-urban area, and I would be satisfied. 10,500 sq. ft. of lawn around the house would certainly be enough for me. So why is the Department insisting on another 10,000 square feet which in reality serves no purpose?

[*English*]

Mr. Pawley: There again I have to admit the point is well taken. But this happens to be the law. If you change the law, what does this cost the government? As a consequence, the other features become important. I cannot recall the basis upon which I estimated $500 million in 1966, but knowing now that we will have between 30,000 and

50,000 veterans, we can put it on that basis. Obviously we would have twice or three times as many if they reduce the acreages and let many come in.

Even on $50,000 the conditional grant is $1,400. The cost of legal fees and administrative costs is roughly another $500. This amounts to $100 million for 50,000 establishments. In addition to that, in the past the interest advantage represented about $3,000—an advantage to a veteran under lower interest rates. So in addition this would be another $150 million. You can see quite easily that by doubling that you can get up to $500 million without too much trouble.

I think this is probably the decision the government has to make in the whole gamut of priorities for public money. I would, however, like to explain that we have not disregarded this problem.

A disability pensioner who is in receipt of a pension of 50 per cent or more is not required to have half an acre. He can be settled on a small lot. Two years ago when we found that many veterans were unwell, from prolonged illness or accident, the government amended the regulations and these people no longer require a half an acre. They can be settled on a city-sized lot. Subsequent to that when we realized there were so many cases which had 200 or 300 square feet less than half an acre, the regulation was changed again to permit a 20 per cent reduction.

I think we have been trying our best to get over this matter so that it would not be too onerous. I think we have recognized the problem. We have recognized the problem almost to the extent that there is really no solution to it unless the government is prepared to make quite large expenditures.

Mr. Whicher: How much re-establishment credit would be paid back on that $500 million?

Mr. McCracken: It is an average of $400 roughly per veteran, Mr. Whicher.

The Chairman: Mr. Knowles.

Mr. Knowles (Norfolk-Haldimand): To comment on what has been said in this regard, if you do consider any changes, you have to consider the fact that more and more municipalities across the country now have by-laws and subdivisions which strictly regulate the size of the properties that can be sold and purchased. This must be taken into consideration when we are discussing any arbitrary size of lot.

The question, Mr. Chairman, I was going to ask related to what was discussed previously regarding the cut-off date of October 31. As you and all members are aware, human nature being what it is, somebody did not see this and we have people asking if there is any opportunity for them to take advantage of it.

I had some glimmer of hope when you suggested that a great many applications now under consideration would not be processed perhaps, and that if a person now applied, he might be considered if there were funds available and these funds were not taken up by the present applications. Would that be possible?

Mr. Pawley: I am afraid not, sir. The law is specific. It is in the Act. October 31, 1968 is the deadline.

• 1520

Mr. Knowles (Norfolk-Haldimand): When was that put in the act?

Mr. Pawley: In 1965. I think it received fair publicity across Canada. It was advertised a great deal, but obviously there are people who missed it. This seems to be always the case.

Mr. Knowles (Norfolk-Haldimand): I have had people ask me about this. What steps did you take, so that I can give a satisfactory explanation? This was advertised in the press. Are there any other means of advertising it?

Mr. Pawley: About a year ago, each of the regional offices across Canada contacted local newspapers and there were stories on the cut-off date in practically every community in Canada. They were usually associated with another story, becase the cut-off date did not seem to newspapers themselves to make much news, but other things did.

It was advertised in the Royal Canadian Legion publication on several occasions. It was put up in post offices. Then the last advertising was in the *Weekend* magazine which has a circulation of more than two million.

We figure that the actual publicity must have reached at least 50 to 60 per cent of all Canadian homes. We are assuming that the same proportion went to veterans who would be interested. In addition to that, of course,

the Legions have been publicizing it. One trade union in Ontario warned its members that the cut-off date was October 31. There has been a great deal of participation in one way, shape or form.

Mr. Knowles (Norfolk-Haldimand): Mr. Chairman, I would like to compliment the administration of the Veterans' Land Act, as one who has had personal knowledge from having the benefit of it. I want to say what a fine job they have done and a great number of people, as the report suggests here, have been helped by it. Thank you, Mr. Chairman.

Mr. Bigg: I think we are on policy at this particular point. Is it not true that supposing we did theoretically tie up $2 billion in this type of housing, this money has to come from somewhere. It is a national investment. There is a positive side to this as well as the fact that we are earmarking money. It is causing employment, it is taking the bottleneck off other housing shortages.

I do not think we can look at it from strictly the balancing of books point of view even if that is valid in the way we keep these books. Is not this money we lend out to veterans all coming back in employment? This money does not disappear down the well somewhere. It goes back into circulation.

Although on paper it is owed somewhere, it is still working.

Mr. Pawley: I do not think I can say anything more on that observation, Mr. Chairman, other than to say it is a matter of government policy in priorities. I do not think I can go beyond that.

Mr. Bigg: No, but the veterans who write to us are asking us what we are doing about forming government policy. Although I realize the question might be difficult for a civil servant to answer, we have to answer these questions, and we are just asking you as much as we can without embarrassing you to help us decide what the policy should be in a very non-partisan way.

The Chairman: I do not know how far the witness can comment on that, Mr. Bigg. I am sure you have reservations yourself about how much he can say.

Mr. Pawley: I would just like to make this observation. About 60 per cent of the small-holding purchases we make are homes that already exist. I am not too sure whether or not this kind of financing contributes as much to the economy as would new home home construction which accounts for about 40 per cent of our business.

The Chairman: Mr. Guay.

Mr. Guay (St. Boniface): A supplementary question.

• 1525

[*Interpretation*]

But before putting my question, Mr. Pawley, I should mention that I appreciate very much the efforts in Winnipeg where your staff help the veterans, also for their courtesy, competence and so on. I know that, if a veteran makes an application, they get in touch with him often before the deadline.

Do you have a priority system to process the request you have on hand now?

[*English*]

Mr. Pawley: No, we do not have a priority system, sir. If a veteran has put in an application and has had no reply, he can give us his name and we will qualify him rather than dig up his application, which we will assume has been received. We will qualify him from his records if there is this degree of urgency. If the intent to qualify is there, even if we have lost the letter, I think it would probably be acceptable if we get an affidavit from the veteran that he actually did submit a request.

In the three Prairie Provinces qualifications are processed in the respective regional offices, and they are almost completely caught up.

Mr. Bigg: So, in other words no one can complain of any hardship created by their application being held in abeyance, if it is in order?

Mr. Pawley: No, I do not think so, sir. As long as they let us know.

Mr. Bigg: Thank you.

The Chairman: Mr. Boulanger is next, and then Mr. Thomas and Mr. Laniel.

• 1530

[*Interpretation*]

Mr. Boulanger: Thank you Mr. Chairman. Mr. Pawley, I am supporting the Rough Riders, but I wish to associate myself with those who congratulated you and your staff. Usually, I do not do that, because when we

ask questions we never know what kind of answers or what kind of reception we get. It is with pleasure that I congratulate you. You are not yet perfect, we are all human. I have heard many complaints. So you have not yet reached perfection. In fact, I very often had complaints about your Department, and the main complaint I hear comes from veterans. But it is hard to give them satisfaction on all points. People complain about delays in your Department. They complain about you taking six months to deal with a request which would take about half the time if the answer came from private industry. Can a war invalid acquire real estate under the amendment you began to explain a while ago? What are you giving him? Can he buy a house on a small lot? How many cases of this kind have you settled so far? Do you understand my question?

[*English*]

Mr. McCracken: We have not maintained exact figures on this, Mr. Boulanger. We made an estimate in the middle of the summer and in the last year there were some 150 veterans who have disabilities for which they were not receiving a pension from the Canadian Pension Commission but they had a disability that equated with a 50 per cent or more disability pension if they were receiving one. There were approximately 150 of these established on properties of less than half an acre or 17,000 square feet in the past year. There should be no delay in settling a veteran of this kind. We require an opinion from the doctors of the Canadian Pension Commission that this man's physical condition equates with a disability of 50 per cent or more.

[*Interprétation*]

Mr. Boulanger: The Act was amended. How long ago was it amended to allow changes of this kind?

[*English*]

Mr. McCracken: The regulations were amended in 1965 concerning a man who has a disability equating with a 50 per cent or more disability pension.

Mr. Boulanger: So when a veteran claims that he waited three years to get an answer, maybe he is exaggerating?

Mr. McCracken: He wrote the wrong office.

[*Interpretation*]

Mr. Boulanger: Let us take the case of a veteran who pays off his mortgage in 15 or 20 years. He has two sons who by this time are in university, and now he is in need of money. He feels that the cheapest way for him to get that money is to get a mortgage from the Veterans' Land Act. Has this been brought to your attention? Is that allowed by the Act? Could a veteran obtain such a loan? In the name of common sense could you grant such a loan on a mortgage-free house to a veteran at 3½ per cent.

Mr. McCracken: Yes there have been cases but not many.

Mr. Boulanger: But it is possible?

Mr. McCracken: Yes.

[*English*]

If a veteran who has to borrow money to put his son through law school, or for medical costs, has placed a mortgage on his property and comes to VLA and wants a loan to discharge that mortgage, and the property is suitable for settlement under the Veterans' Land Act, we will make the veteran a loan to pay off his mortgage. We do not look behind the reason for the mortgage, provided the property is suitable.

[*Interpretation*]

Mr. Boulanger: So you certainly are aware of the situation and you have had cases. How then do you go about helping a veteran in need who has been saving all his life and now has to meet commitments of $4,000-5,000?

• 1535

If he had no mortgage on his house and now wants to arrange a first mortgage with the Department of Veterans Affairs, what happens? That's the point!

[*English*]

Mr. McCracken: The money we can advance under the Veterans' Land Act has to be to discharge a mortgage.

Mr. Boulanger: Oh, now I know why he is confused.

The Chairman: Mr. Thomas is next.

Mr. Thomas: Mr. Chairman, I have two short questions. They are more a matter of interpretation. I want to make sure my interpretation is correct.

First, in connection with the three terminable dates, I understand the first date, October 31, 1968 is the deadline to establish eligibility

for a loan. The second date, March 31, 1974 is the deadline for accepting applications for loans.

Mr. Pawley: For new establishments, to qualify for a loan.

Mr. Thomas: Let us say a veteran applies for a loan on March 30, 1974. Does he still have three years? It is the third terminable date which confuses me. It says the third date is March 31, 1977, after which no loans of any nature will be made.

Mr. Pawley: The distinction here, Mr. Chairman, is that at the 31st of March, 1974 the veteran must have an application in for a loan on a new establishment, one which has not been established before. He has a year after that during which he must utilize those funds. This means that all new establishments under the Act will have been completed within a year after 1974. There are some 14,000 farmers under the Act who can get additional loans and will be eligible for them up until that time. In addition to that, if a veteran is established as a small holder but has not used the maximum amount of money available, he will be able to apply for an additional loan to make permanent improvements on the existing house. The date March 31, 1977 is the date by which he must have an application in for any additional loan.

Mr. Thomas: Thank you, that answers my question. The other question is this: I understand there is also a provision that the parcel of land does not necessarily have to be in one piece, that is, in certain circumstances, if it is found that it is not possible to get the required size of lot, he can have a piece of land adjacent but not contiguous.

Mr. Pawley: In the first place we like to get a parcel of land contained in one boundary. On the other hand, if there is no more land available and he does have to get additional land to meet the acreage and there is another lot across the road or there is a right-of-way between his property and the next lot or if land can be acquired at the back of the lot, we have no objection.

Mr. Thomas: It would have to be reasonably adjacent.

Mr. Bigg: We are saying straight opposite.

Mr. Pawley: Yes, right-of-way. We used to do this in two acres and gradually that second parcel got further and further away. When it got five miles down the road, we thought that was going a trifle too far. It has to be adjacent or across the road so that it can reasonably be construed as being part of it.

Mr. Thomas: It would not necessarily abut on the other piece?

Mr. Pawley: No, I do not think so.

The Chairman: Mr. Laniel.

• 1540

Mr. Laniel: I know, Mr. Pawley, that you have always been concerned about the fact that there has been a smaller interest of Quebeckers so far as VLA is concerned. If you look at the figures right now, the number of veterans established in the province of Quebec is only five per cent. There are 3,493 out of 56,952. I supose the proportion would be about the same as far as money is concerned. For my own interest, could you tell me if there has been an increase? What is the proportion by provinces of the applications which make up the 90,100 that were made in the 10 months prior to October 31 last. I am not asking for accurate figures, but I want to know if there has been an increase.

Mr. Pawley: From April 1 to September 30 this year we qualified in the province of Quebec 6,394 veterans as compared to 3,222 in the same period last year, which is approximately a 100 per cent increase.

At that time we had a backlog at head office of 16,000 applications which we had not yet processed. With the 40,000 some odd applications which we received during the month of October, or were postmarked not later than midnight October 31, we had some 51,000 applications on hand. Of that number I think there were somewhere in the area of 5,000 or 6,000 from the province of Quebec. Some 2,800 of these applications were brought to Ottawa with the compliments of Mr. Drapeau—a real estate company that did quite a bit of publicity work.—I say "real estate company": it was a company, at any rate, which did quite a considerable amount of advertising in the last two weeks in Montreal and in Quebec. Two of the gentlemen associated with this firm brought some 2,800 applications to Ottawa on October 29 or 30. We have processed something in the area of 2,300 of those applications. We found that 14 of the veterans who had completed applications were already established under the Veterans' Land Act and that a considerable number of others were already qualified. So, the purpose for which they completed applications tends

to escape us. We inquired of one veteran in Quebec and he said "Well, this was sort of a solidarity of comrades". But this 2,800 represented about one-third to a quarter of the applications we have on hand from the province of Quebec or had on hand at the end of October.

Mr. Laniel: Now that you have brought up that question of the firm which opened an office in Montreal—I do not know what street; but I have heard of it in Valleyfield too—are you aware if there have been any strings attached to the processing of these applications?

Mr. Pawley: To the best of our knowledge, there are no strings.

Mr. Laniel: In your distribution of money over the next six years, how do you go about it? Is that done among the provinces? Is it by province, population, date of application or qualification? Are there any guidelines?

Mr. Pawley: In the first place it is done by the regional director within the province or the region. In the case of Montreal, it is the regional director for Quebec. He estimates his requirements in this connection and as a rule it is based on the volume of loans made in the previous year. This may be tempered upwards or downwards in accordance with how he assesses the economic circumstances and other things which influence these loans. The pattern of loans in VLA for a number of years has been pretty constant. This is the basis upon which we allocated funds for this year, strictly on the basis of the activity for the previous year.

• 1545

Mr. Laniel: If you find out that the province is trying to catch up will it get some sort of a priority so that it can catch up not only in the last year, 1974?

Mr. Pawley: I think, Mr. Chairman, that any organization of the nature of ours always has a little bit of money available to put into places where it is most needed. We do this on occasion. While I do not think we have done it for the Province of Quebec, we have done it for at least one other region where they were caught a little short.

The Chairman: Mr. Turner?

Mr. Turner (London East): Mr. Pawley, have you had any requests from the veterans' organizations that the cut-off date should be extended, or are they satisfied with the present date?

Mr. Pawley: Yes, there is a Legion resolution at the Penticton convention that the date be extended. I think they have been informed along the same lines that I have attempted to indicate today. I cannot say, however, whether they are satisfied because this is not my prerogative; I really do not know. I think, however, that they have generally accepted what we are trying to do in this connection. I have not had any recent criticism or any comments from the Legion officially.

Mr. Turner (London East): In different discussions, do you talk it over with officials of the different veterans' organizations?

Mr. Pawley: I think it is safe to say that my relationship with the Royal Canadian Legion and other veterans' organizations is really pretty close and I have discussed this with the officials of the Legion.

The Chairman: Are there any other questions? Mr. MacRae?

Mr. MacRae: I would like to ask Mr. Pawley a number of questions. On page 7 of his brief the average cost of small holdings in Atlantic Canada for 1967-68 is shown to be $11,172. For example, in British Columbia, just to take the other end of the scale, it is $18,953; in other words, $7,800 difference. Mr. Pawley, is that accounted for by the cost of land, the cost of labour and the cost of materials or do they just build bigger and better houses in British Columbia?

Mr. Pawley: I am going to introduce Mr. Hugh Lamb who is the Director of Construction for our administration and who has an intimate knowledge of this question. I would like to introduce Mr. Lamb.

Mr. H. Lamb (Director of Construction, Department of Veterans Affairs): I am sorry, Mr. MacRae, I did not quite get the question. I was trying to find this but I did not have it.

Mr. MacRae: I was commenting, Mr. Lamb, on the difference between the cost of small holdings in Atlantic Canada, and in Quebec too, and those in British Columbia. Between Atlantic Canada and British Columbia there is a difference in small holdings under the Veterans' Land Act of $7,800. What is the reason?

Mr. Lamb: While my business is predominantly building houses, I understand this is the average cost of small holdings. There is a slight difference here but in general the greatest costs are in British Columbia. I think

from what I see across the country that generally they are a bit better off on the West Coast than we are on the East Coast. We find this almost every time. We find, for instance, in house construction that the costs are usually higher out there. The people prefer a bit bigger house too and they also have the income. They can afford this.

An hon. Member: Land and labour are higher as well.

• 1550

Mr. Pawley: I would like to draw your attention to the fact that the prices paid for land in the Maritimes are very much less than they are in British Columbia or Ontario. These figures may be a little misleading. I will not admit any sins here, but this is a sampling of the loans made in these respective areas, and while I think they reflect the situation they may not be accurate. However, regardless of that, the kind of costs reflected in these amounts for each of the provinces or regions is consistent with our experience throughout.

Mr. MacRae: I want to ask Mr. Pawley another question that I think will be of interest to other members of the Committee. What is the status of the merchant mariners of World War II? How do they qualify under the Veterans' Land Act? Do they qualify only if they are pensioners with a disability pension?

Mr. McCracken: That is correct.

Mr. Pawley: Only if they are in receipt of a disability pension or a disability incurred while they were serving on a ship during World War II.

Mr. MacRae: I take it then, Mr. Chairman, the only way we can correct that would be through legislative action. It is not your interpretation, of course; you are bound by the regulations as you are by all regulations.

My second question along that line is in connection with Canada's peacetime army. Let us say that a man enlisted in 1946 or 1954, and so on. If he is discharged and receives a disability pension, does he qualify?

Mr. McCracken: No, he must have served on Active Service during World War II or with the special force in Korea before July, 1953.

Mr. MacRae: That is the cut-off date and that is the way the regulations read under every part of the Act you administer. I did have other questions. However, Mr. Émard explored them very thoroughly. I thank you, Mr. Chairman.

The Chairman: Are there any other questions?

An hon. Member: Do the RCMP qualify?

Mr. Pawley: No, they do not, unless they have served.

The Chairman: If there are no other questions shall items 40 and 45 carry?

Items 40 and 45 agreed to.

The Chairman: I think that is all we have for today. Thank you, Mr. Pawley, and members of your staff.

For various reasons we will not be able to meet this evening. I anticipate we will meet on Tuesday morning at 9.30.

OFFICIAL REPORT OF MINUTES
OF
PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations and/or a translation into English of the French.

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Translations under the direction of the Bureau for Translations, Secretary of State.

ALISTAIR FRASER,

The Clerk of the House.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968

STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7

THURSDAY, DECEMBER 5, 1968

Respecting

Revised Main Estimates (1968-69) of the Department of Veterans Affairs.

Including

1. First Report to the House
2. Index to witnesses
3. Index to appendices

WITNESSES:

From the Department of Veterans Affairs: Mr. F. T. Mace, Assistant Deputy Minister, Dr. K. S. Ritchie, Director General, Treatment Services.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1968

29442—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs.

Bigg,	Latulippe,	Saltsman,
Boulanger,	MacRae,	Stafford,
Émard,	Marshall,	Thomas (*Moncton*),
Guay (*St. Boniface*),	McIntosh,	Turner (*London East*),
Knowles (*Norfolk-Haldimand*),	Mongrain,	Weatherhead,
Laniel,	Peters,	Whicher—(20)

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

Mr. Lessard (*Lac-Saint-Jean*) replaced Mr. Guay (*St. Boniface*) on December 2, 1968.

ORDER OF REFERENCE

HOUSE OF COMMONS

MONDAY, December 2, 1968.

Ordered,—That the name of Mr. Lessard (*Lac-Saint-Jean*) be substituted for that of Mr. Guay (*St. Boniface*) on the Standing Committee on Veterans Affairs.

ATTEST:

ALISTAIR FRASER
The Clerk of the House of Commons

29442—1½

REPORT TO THE HOUSE

FRIDAY, December 6, 1968.

The Standing Committee on Veterans Affairs has the honour to present its

FIRST REPORT

In accordance with its Order of Reference dated October 16, 1968, your Committee has held seven meetings and made a careful study of the Revised Main Estimates 1968-69 relating to the Department of Veterans Affairs namely, Items 1, 5, 10, 15, 20, 25, 30, 35, 38, 40 and 45.

During its consideration of these Estimates, your Committee benefited from the assistance of the Minister, the Honourable Jean-Eudes Dubé, the Deputy Minister, Mr. E. A. Côté, the Assistant Deputy Minister, Mr. F. T. Mace, and senior officers of the Department. Assistance was also received from Mr. W. T. Cromb, Chairman of the War Veterans Allowance Board and Mr. T. D. Anderson, Chairman of the Canadian Pension Commission.

Your Committee commends the said Items to the House.

Your Committee was favorably impressed by the evidence given by officers of the Department, by heads of the various divisions and the manner in which they answered questions posed by the Committee.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 1 to 7 inclusive*) is tabled.

Respectfully submitted,

LLOYD FRANCIS,
Chairman.

(*Text*)

MINUTES OF PROCEEDINGS

THURSDAY, December 5, 1968.
(7)

The Standing Committee on Veterans Affairs met this day at 9:40 o'clock a.m. The Chairman, Mr. Lloyd Francis, presided.

Members present: Messrs. Bigg, Boulanger, Émard, Francis, Laniel, Legault, MacRae, Marshall, Mongrain, Turner (*London East*), Weatherhead, Whicher—(12).

In attendance: From the Department of Veterans Affairs: Mr. F. T. Mace, Assistant Deputy Minister; Mr. C. F. Black, Departmental Secretary; Dr. K. S. Ritchie, Director General, Treatment Services; Mr. W. Cavanagh, Administrative Assistant, Treatment Services; Mr. J. E. Walsh, Director, Financial Management; *From the Royal Canadian Legion:* Mr. D. M. Thompson, Secretary General; *From The War Amputations of Canada:* Mr. H. C. Chadderton, Executive Secretary.

The Committee resumed the consideration of the Revised Main Estimates 1968-69.

The Chairman called Items 30, 35 and 38 relating to Treatment Services and Hospitals Construction and the Committee proceeded to the question of the witnesses.

After thorough examination, Items 30, 35 and 38 were carried.

Item (1) Departmental Administration, was carried.

The Chairman declared the Revised Main Estimates (1968-69), relating to the Department of Veterans Affairs, duly completed.

It was agreed,—That the Chairman report the Estimates to the House as its First Report.

The Chairman suggested that the members of the Committee should study the Wood's Report preparatory to its review by the Committee in the near future.

At 11:00 o'clock a.m., the Committee adjourned to the call of the Chair.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

December 5, 1968

• 0943

The Chairman: I wonder if we could see a quorum. We have to leave this room promptly at 11 o'clock because another group is taking over.

We are considering items 30, 35 and 38 of Treatment Services of the Department of Veterans Affairs.

Dr. Ritchie had opened with a statement, a number of members had asked him questions, but we were not able to conclude the discussion. He is with us again this morning.

Dr. Ritchie, is there anything you wanted to add to the record at this time?

Dr. K. S. Ritchie (Director General, Treatment Services, Department of Veterans Affairs): Mr. Chairman, at an earlier meeting Mr. Mongrain had brought up the question concerning a veteran who, on being discharged from one of our hospitals, was presented with an account from his physician for medical services; also, when this veteran reported back to the out-patient clinic he was again presented with an account for medical services.

The only explanation I could give to Mr. Mongrain's inquiry, without the actual record of the individual veteran, would be that this veteran must have been admitted either under section 13 of the Veterans Treatment Regulations or section 23 of the Veterans Treatment Regulations, and in both these instances the veteran is responsible for the payment for any medical services provided by members of the attending staff.

I think this is as far as I could go, in answer to Mr. Mongrain, without having some specific knowledge of the veteran concerned.

The Chairman: That is fine. Are there any questions members of the Committee would like to ask Dr. Ritchie at this point? I think Mr. Émard indicated he had a question.

Mr. Émard: Could you give us just a general idea of what sections 13 and 23 cover?

Dr. Ritchie: Under section 13 of the Veterans Treatment Regulations a veteran is qualified on certain economic grounds for admission to hospital. Under the terms of his admission he is provided with free hospital services but he is responsible for payment of the doctor because this is not a service which is included under the Veterans Treatment Regulations.

• 0945

The only thing that we do in this respect, with reference to the section 13 patient, is to try to indicate to our medical staff that they should take into consideration the economics of the veteran himself in presenting an account—that is, consider whether or not they should submit an account at all or whether or not it should be adjusted in accordance with the man's economic situation.

In section 23, however, the man does not qualify on any economic ground. This is purely a matter of a desire on the part of a veteran who cannot qualify under any other section of the Veterans Treatment Regulations for treatment, therefore he signs an agreement at the time of his admission to hospital to assume the full cost of hospitalization and medical care. With hospital insurance, of course, he does not have to assume any hospital expenses. And under Medicare, he would again be covered. So in provinces where Medicare exists he would be normally covered as a resident of that province.

Mr. Legault: A supplementary?

The Chairman: Yes, Mr. Legault?

Mr. Legault: A case in mind, Dr. Ritchie is that of a veteran who did not qualify because his record did not indicate any justification for the minimum 5 per cent pension. This man today is afflicted with a serious heart disease and I understand that an operation could correct this. Would this person be con-

sidered for treatment or for particular attention by your branch of the Department?

Dr. Ritchie: Mr. Chairman, any veteran should always attempt to qualify. It is the objective of our Entitlement & Admissions section to qualify any veteran under the Veterans Treatment Regulations if at all possible. If this man presented himself for treatment we would investigate his economic situation to see whether or not he could qualify under section 13—this is on straight economic grounds. If he was not able to qualify then he would qualify under section 23, whereby he would have to assume the responsibility for payment of his attending doctor.

Under section 13 the man must also meet certain other requirements—that he has overseas service, but this is not a requirement for section 23.

Mr. Legault: Are you allowed some discretion in such cases? I find this a little difficult to accept. Here we have a man with no overseas service—an enlisted man whose services were required on the coast. He spent all his time serving in the Navy—not on the high seas but on the coast itself, so he cannot qualify because of the 365-day overseas requirement.

Dr. Ritchie: It is true that he would not be able to qualify under section 13. I do not know that the area of legislating for the entitlement to this type of person is a responsibility of the Department.

The Chairman: It is a matter of legislation.

Dr. Ritchie: We are working within the legislation that is available to us at the present time.

Mr. Legault: Thank you very much, Dr. Ritchie.

The Chairman: Dr. Ritchie, are there many such cases that come to your attention?

Dr. Ritchie: I think there are probably a considerable number of people who have service in Canada only, who could not so qualify.

The Chairman: Were you aware of some, Mr. Legault?

Mr. Legault: I am aware of this one.

Dr. Ritchie: You will appreciate that if they have a disability pension—

Mr. Legault: Yes, he would qualify but he has no disability pension.

• 0950

Dr. Ritchie: I understood that you were aware of this when you prefaced your question by the fact that he had no 5 per cent pension . . .

Mr. Legault: No.

Dr. Ritchie: . . . or could not meet this requirement.

Mr. Legault: Thank you very much, Dr. Ritchie.

The Chairman: Are there other questions?

Mr. Laniel: I have a couple of very short questions.

I notice an item in your Estimates marked Prosthetic Service—Department of National Health and Welfare". Do you have a prosthetic service now within the Department or has that been completely taken over by the Department of National Health and Welfare?

Dr. Ritchie: Mr. Chairman, we do maintain a very minor function in so far as prosthetic services are concerned within the Department, but all prosthetic appliances now—such as artificial limbs, are supplied through the Department of National Health and Welfare, through our former prosthetic services. We do however continue to issue hearing aids, socks and various other minor items of prosthetic supplies to veterans through our own treatment facilities.

Mr. Laniel: So that the greater part of that amount is paid to the Department of National Health and Welfare for prosthetics that you buy from them.

Dr. Ritchie: This is true.

Mr. Laniel: Does "Hospitalization in other than Department of Veterans Affairs Institutions" include the Tri-Service Hospital in Ottawa; and is this where you send the veterans of this area—or are they sent to Toronto or Montreal?

Dr. Ritchie: Yes, we send all of our patients in the Ottawa area to the National Defence Medical Centre, otherwise known as the Tri-Service Hospital.

What is the particular item in question, Mr. Laniel?

Mr. Laniel: Item 30 in the amount of $7,660,000.

Dr. Ritchie: This would be everything that is supplied in the National Defence Medical Centre and, for instance, in Sunnybrook Hospital in Toronto now too.

Mr. Laniel: And eventually Quebec...

Dr. Ritchie: Quebec will now be under this clause, yes.

Mr. Laniel: And actually this amount will tend to increase as the policy of transferring hospitals to public administration is carried on.

Dr. Ritchie: This is very difficult to estimate. If there were not other influences on the cost of hospitalization to the Department this would naturally tend to increase with the transfer of institutions, but with the assuming of certain costs by hospital services commissions and the medical plans this cost could be decreased.

Mr. Laniel: What standard does a hospital use to charge you for a service?

Dr. Ritchie: I am sorry, I did not hear the first part of your question.

Mr. Laniel: Are you paying for beds or are you paying for specific treatment? Are you paying for beds to be kept aside?

Dr. Ritchie: No, we are not paying for beds to be kept aside; we are only paying for those beds that are being occupied by entitled veterans. In these instances we pay the full per diem rate for that individual hospital, which includes all hospital services.

Mr. Laniel: You do not get any discount because of the fact that you supplied the building?

Dr. Ritchie: No. The contract is that we will pay the per diem rate.

Mr. Laniel: Thank you.

The Chairman: Mr. Weatherhead?

Mr. Weatherhead: Dr. Ritchie, I wonder if you could review the arrangements between your Department and, I believe, the University of Toronto with respect to Sunnybrook Hospital in Toronto at the present time? Would you briefly give us the highlights on that?

Dr. Ritchie: The highlights are rather difficult. This is a long agreement. Briefly, we have entered into an agreement for the priority use of 1,200 beds at Sunnybrook Hospital for veterans. Of these, 630 will be for active treatment patients and 570 will be for chronic and domiciliary case.

• 0955

We have agreed to pay for any veterans who are not covered under a hospital plan. So that we have to assume the responsibility for pensioners—War Veterans Allowance recipients are covered—and any entitled classification.

In the out-patient clinic we are paying the actual cost of any investigative or diagnostic service that is provided by the hospital and we are also paying the medical fees which are related to any such services.

Under the agreement the hospital also agreed to take over all of our hospital employees at rates of pay comparable to those they received in the public service, and with similar benefits.

Mr. Weatherhead: Dr. Ritchie, you said that there would be 1,200 beds reserved, divided between the active patients and the chronic and domiciliary care patients. Would most of these beds be occupied at the present time at Sunnybrook?

Dr. Ritchie: I would like to make a correction here. I do not think I said that these beds were reserved for veterans. We have priority use of 1,200 beds within the institution. The agreement has stated that where any of these beds are not required for the treatment of entitled veterans, they may be used by the hospital for civilians. There is no intention to keep any of these 1,200 beds vacant.

Mr. Weatherhead: Because of emergency situations that would develop from time to time would there not have to be a certain minimum number of beds kept aside for veterans at any given time?

Dr. Ritchie: The agreement states that at any such time as an entitled veteran requires treatment he shall be admitted up to the limit of 1,200 patients.

Mr. Weatherhead: In your experience, is this arrangement working well at Sunnybrook Hospital?

Dr. Ritchie: I would say that it is working very well under all the circumstances pertraining to the transfer and the program for modernization of the hospital in order that

veterans and others might be provided with a high standard of medical care. I am not aware of any veteran requiring treatment who has been refused admission to the institution. There have been some patients who have reported to the institution and probably not been admitted, but this was on an expert medical opinion.

Mr. Weatherhead: So there really is no waiting list for veteran trying to get into the hospital.

Dr. Ritchie: There is no waiting list for active treatment patients waiting to get into the hospital. There are however a number of domiciliary care patients who have made application and have not been admitted because we are utilizing to the full the 570 beds which have been designated for this purpose.

Mr. Weatherhead: Is it the University of Toronto that actually carries on the hospital now, or who is doing that?

Dr. Ritchie: The University of Toronto is responsible for the administration of the hospital.

Mr. Weatherhead: How many other beds would there be that would be used by the university? In other words, how many beds were released, in effect, to the university?

Dr. Ritchie: Actually the hospital is now operating below 1,200 beds and yet there are as many civilians being admitted on a monthly basis as there are veterans. The reason the number of beds is decreased right at the present time is the large number of alterations that are taking place within the institution and the program for the actual construction of new facilities has not as yet been implemented.

• 1000

Mr. Weatherhead: Am I correct in assuming that the 570 beds for chronic and domiciliary care patients are all occupied but that the 630 beds reserved for active veteran patients are more or less equally divided between the veterans and the non-veterans?

Dr. Ritchie: I can give you the actual statistics here. On the Department's active treatment strength at the present time, we have a total of 169 patients. There are 193 chronic, and 284 domiciliary care cases, for a total of 646. There are 259 non-departmental active treatment patients in the institution. This is the report as of the 30th of September.

Mr. Weatherhead: So that would make it about 900 patients at the present time.

Dr. Ritchie: A total of 905 patients.

Mr. Weatherhead: Thank you.

Mr. Whicher: I have a supplementary question. Is the Royal Canadian Legion happy with this set-up now? I remember when the transfer took place originally there was a membership protest. I was wondering how they are now?

Dr. Ritchie: Mr. Chairman, I do not think I should answer for the Legion.

The Chairman: They will be appearing in connection with other matters later, Mr. Whicher. You will certainly have a chance then to ask them, but maybe you can put your question another way now.

Mr. Whicher: Have you had any complaints from the Legion? Can I put it this way, have you had any serious complaints?

Dr. Ritchie: I would like to answer your question directly. We have had complaints, certainly. We have had complaints in the hospitals we operate ourselves. The complaints that we are receiving in reference to Sunnybrook are not dissimilar from those in other institutions.

We visited the hospital just a short time ago with the Minister and we approached a number of patients. One of them said he was very happy with the treatment, but the meals were not hot when he got them. This complaint is about the change whereby certain patients formerly went to a cafeteria service, and now they are provided with tray service at their bedsides. The hospital is exploring this, and they are investigating the use of what is known as the pellet system for serving hot meals. This is a service where a metal pellet is put into a metal container and the hotplate is put on top of it, so that it is kept hot. This is a program which is being implemented within the hospital at the present time.

The Chairman: Do you have any further questions, Mr. Whicher?

Mr. Whicher: No.

Mr. Bigg: Could you tell us in a word or two why we need $118,000 for research?

Dr. Ritchie: I would like to say that we need a great deal more than this.

Mr. Bigg: In what field? What is the activity where we need this?

Dr. Ritchie: If you are going to run a good active treatment teaching hospital—this is the type that supplies the best care to the patient—you must offer to the medical staff certain facilities to teach and to do research, or will you will not be able to attract the medical staff to the institution.

This is not purely a selfish motive on their part. It is our desire to be involved in research, because we feel that this is the only way in which we can improve the standard of care we are giving our veteran patients. We are investigating a number of conditions which are probably more prevalent in the aging group of patients, the older veterans. We are investigating chronic chest diseases, cardiac and cardiovascular diseases, which are of particular reference, we feel, to the care of our patient load.

• 1005

Mr. Bigg: Is this predominantly medical or social.

Dr. Ritchie: This is entirely medical. I am sorry, may I modify this. We have two projects going which are—there is one in prosthetic services in Toronto, and there is another minor project which is non-medical in nature, but it is closely allied to our own requirement.

Mr. Bigg: You said that this amount is inadequate. What sort of figure were you aiming at? Double?

Dr. Ritchie: I think this would be a poor time to actually increase the volume of research in which we are engaged, because of the situation that we are in with respect to the transfer of hospitals. As hospitals engaged in research are transferred, such as Sunnybrook, we use the moneys that were being used in that institution to augment the programs in other institutions.

Mr. Bigg: The reason I asked was because with the transfer I was wondering why we needed this money if we were getting out of the field.

Dr. Ritchie: We still have a number of major hospitals conducting research.

Mr. MacRae: Dr. Ritchie, the Richardson report made a very comprehensive study of the Hong Kong prisoners of war. In connection with the other prisoners of war, those who were taken prisoner at Dieppe, those who were shot down and so on, has there ever been a study made as to the effects of these men's imprisonment, especially under the Nazi regime?

Dr. Ritchie: I do not believe there has been any special study done on other groups of prisoners of war by our Department.

Mr. MacRae: Would you know whether or not studies have been made by other governments, the United States or Great Britain, for example, in this particular area?

Dr. Ritchie: I cannot answer that question. I could investigate and report back.

Mr. MacRae: In the course of your work have you had much to do with these cases? Have any of them been brought to your attention? I am thinking of the psychological effects of imprisonment on the men who were taken at Dieppe. Avitaminosis, of course, and apathy, and all the other disabilities.

Dr. Ritchie: A number of cases have been brought to our attention. We have dealt with them as individuals. I do not think that these people as a group have presented any unusual problems on which one could generalize. Dr. Richardson in his investigations may have come up with some results contrary to this, but I am not aware of them.

Mr. MacRae: I was referring to the brief that was presented a year ago on the Dieppe prisoners of war, specifically. I imagine you have seen it. It was presented to the Committee on Veterans Affairs.

Dr. Ritchie: This is a report to the Pension Commission, is it?

Mr. MacRae: It says: This brief is presented to the Standing Committee on Veterans Affairs by the National Dieppe Prisoner of War Association with the Assistance of Pathology of the Captivity of the Prisoner of War: Works of the International Medical Conference, Brussels, 1962, and Later Effects of Imprisonment and Deportation, International Conference Organized by the World Veterans Federation, and so on. It is a very comprehensive document on this particular group of men who were taken at Dieppe and who numbered, I suppose, about 3,000. Of course, there were a great many killed.

Dr. Ritchie: I must confess that I do not have this document.

Mr. MacRae: I imagine it will be made available to you if you do not have it. It is an excellent document outlining the difficulties of this particular group of veterans.

Doctor, I would like to ask you, in connection with the psychiatric treatment of our veterans, where is the major portion of this done? I am thinking of those who have battle exhaustion. At Ste. Anne-de-Bellevue, is that the major centre in Canada?

Dr. Ritchie: The Department operates two psychiatric wings at chronic hospitals. One of these is at Ste. Anne's Hospital outside of Montreal. The other is at Westminster Hospital at London, Ontario. We do, however, have psychiatric services in all of our general hospitals, but no special beds for those people who are committed as mental patients.

• 1010

Mr. MacRae: Is any specific research being done in this area?

Dr. Ritchie: Yes, this is the area in which we are conducting research. There are a number of projects, both at Queen Mary Veterans Hospital, Ste. Anne's Hospital, and Westminster Hospital.

Mr. MacRae: Is that extensive research?

Dr. Ritchie: I would say extensive. It involves a large portion of the funds which are available for research.

Mr. MacRae: Which Mr. Bigg was asking about a few moments ago. Do you find that as the years go by there are more and more patients reporting in need of this specific treatment?

Dr. Ritchie: I would say that there are fewer patients who are hospitalized. They may be reporting to out-patient clinics, but with the new methods of treatment of psychiatric disorders, fewer of these people are hospitalized.

Mr. MacRae: The treatment with drugs, do you mean?

Dr. Ritchie: Yes.

Mr. MacRae: Thank you, Mr. Chairman.

The Chairman: Are there any other questions that members of the Committee want to raise?

Mr. Laniel: Mr. Chairman, I am ready to accept the votes, but we have one member we are trying to get hold of. He is at the Public Accounts Committee. He is coming over, if we could wait for a while.

The Chairman: We were just generally discussing Items 30, 35 and 38. If we could agree on these we might go back to Item 1 which was stood in case there are any other general questions. Is there anything else that anyone wants to raise with these three. I call those three together: 30, 35 and 38. Are there any other questions?

[*Interpretation*]

Mr. Émard: Mr. Chairman, I would like to ask Dr. Ritchie, how the work is proceeding at the Sainte-Anne-de-Bellevue hospital. Is it going according to plan?

[*English*]

Dr. Ritchie: Mr. Chairman, actually the work at St. Anne's Hospital is proceeding far more rapidly than we anticipated. We expected that the construction would be spread over a three-year period, whereas it now appears that it will be completed within two years. It is proceeding ahead of plan.

[*Interpretation*]

Mr. Émard: What architects are in charge of the work at Sainte-Anne-de-Bellevue?

[*English*]

Dr. Ritchie: I wonder if I could ask Mr. Mace if he has the answer to this question. I do not think I have the information at hand concerning the name of the architect.

Mr. F. T. Mace (Acting Deputy Minister, Department of Veterans Affairs): I am sorry, Mr. Chairman, I do not have the exact information. I am speaking from memory. There are two architectural firms involved. One is a Montreal firm and the other is from Winnipeg. I am sorrry, I do not have the names of these firms. We could get them on the phone very easily for you. Mr. Walsh, could you have Mr. McCallum get on the phone?

[*Interpretation*]

The Chairman: Have you any other questions?

• 1015

Mr. Émard: I am told that the firm of architects responsible for building the hospital have their headquarters in Winnipeg, I think;

and this could cause some difficulties because apparently, the firm of architects in Montreal only works for the Winnipeg firm on a sub-contract and they therefore do not have very much authority.

Could you tell me what company has the contract to build this hospital?

[*English*]

Dr. Ritchie: Mr. Chairman, we will have to get the answers to these questions. I do not have them. Omega Construction...

[*Interpretation*]

Mr. Émard: Does this company build itself or does it let the building out on sub-contract? If so, what kind of work does the Omega Company actually do itself?

[*English*]

Dr. Richie: This is completely out of my field.

Mr. Mace: Perhaps I could make one point clear at the moment. You must realize that the appointment of architects, the calling for tenders and the awarding of the contract do not fall within the jurisdiction of the Department of Veterans Affairs. These are matters for the Department of Public Works.

[*Interpretation*]

Mr. Émard: But, what I want to know is, isn't it departmental policy to use local labour, when something is being built?

[*English*]

The Chairman: Mr. Émard, your question in one for either the Committee on Public Accounts or the Committee on Public Works. I doubt that the witnesses before this Committee today are competent to answer that kind of question.

They would be responsible for the administration of the program in the buildings after they assume them; they would not be responsible for the details of construction, or for the policies of those who were doing the actual contracting.

[*Interpretation*]

Mr. Émard: Mr. Chairman, with regard to local labour, I think this is the Veterans department or the government department concerned, that should introduce a clause in the contract, as it is done in various other departments so that a certain number of local workers should be taken on. I can understand that the questions I asked should be addressed to the Public Works, but I think ... perhaps something that you could take into consideration in the future. This causes of a great deal of trouble, because companies come from outside Montreal, and they don't use any labour in the county and the local people, as you know, in our county there is a lot of unemployment, a lot of workers who are carpenters, daily workers. And they have to come and from Montreal work in Sainte-Anne-de-Bellevue. Of course, each company has a right to hire its workers, but eventually, should specify in your contract so that a certain percentage of local labour should be taken into consideration.

[*English*]

The Chairman: Mr. Émard, I understand your question, but I must, unfortunately, say that I do not think that the witnesses before us can answer it.

It is a question which could very properly be asked in the Committee on Public Works, or possibly even on Public Accounts, but I regret that I will have to excuse the witnesses with us today. It is beyond their sphere of competence. They may wish to comment.

Perhaps, Mr. Mace, you would like to comment?

Mr. Mace: I am not too sure, Mr. Chairman, that my comments will be too accurate.

• 1020

I recognize Mr. Emard's point. If I may go back to one he made earlier, I suspect that in the major contract a good deal of the work associated with the construction of the hospital is sub-contracted for; but, of course, this is a matter for the major contractor. I also suspect that in the sub-contracting field, where the firms are naturally smaller—electrical firms, planning firms, and so on—the chances are that there is a very high content of local labour.

I was under the impression, however, that the point that Mr. Émard is making is contained in the Public Works contract. Now, as I say, I am on rather thin ice here, but...

The Chairman: Perhaps someone from Public Works should answer that.

Mr. Mace: Yes.

The Chairman: The Deputy Minister of Public Works is the man who could answer it. If it is the Committee's wish we could call him as a witness.

[*Interpretation*]

Mr. Émard: I would to know, what I wanted to say, a moment ago, was when the Veterans Affairs was in contact with the Public Works department, to ask them to build the hospital or some other buildings, couldn't they specify that a certain number of workers should be hired in the area?

[*English*]

The Chairman: Mr. Mace, do you wish to comment on the question?

Mr. Mace: The only point I could make, sir, is that our Minister might be somewhat reluctant to dictate to one of his colleagues how he should run his business.

However, Mr. Émard, we might look into this and find out what it is, because I am almost sure that there is some clause in the contracts, relative to labour employment which prevents this very thing that you object to.

If I may refer to your earlier question, the firm or architects is St. Jacques, Mongenais, Blankstein and Russell. These are associated architects, and make up a consortium of the architects in Montreal and in Winnipeg.

We are not aware of any difficulties which have arisen because of one architect being in Montreal and the other in Winnipeg. I thought everything was going very well. Dr. Ritchie said that the construction was going ahead at a terrific pace; and we are having a little trouble financing...

[*Interpretation*]

Mr. Émard: I would like to explain to you that my comments have nothing to do with the actual building but the hiring of people in the area. And, I think that you must have some contact within the union movement, because there are some carpenters who wanted to make a fuss because of the failure to employ local labour and they wanted to get in touch with all the papers in the county to stop the work because no local manpower is being hired. So, I told them to wait a little while, but I think, that in this case they are right.

The Chairman: Being an ex-president of a union, you know that Mr. Laniel.

Mr. Émard: Just one more question.

[*English*]

Mr. Laniel: On this point, I presume Mr. Émard is aware that the same phenomenon repeats itself in all kinds of governmental construction. If I am a contractor and I have the lowest bid that gives me the liberty to hire the people I want. I do not think the government can impose employees on a contractor.

I do not imagine that it is because it is a government contract he can go so far as putting a restriction into that contract once it is given.

I do not know; sometimes I am disappointed, too, but things like that happen.

[*Interpretation*]

The Chairman: Mr. Émard.

Mr. Émard: I would like to know whether you intend to transfer the new Sainte-Anne's Hospital to the citizen authorities, or is your department going to keep it?

[*English*]

The Chairman: Dr. Ritchie.

Dr. Ritchie: As you know, our intention is to transfer all departmental hospitals to other jurisdictions.

• 1025

We have had certain discussions with the provincial authorities on their possible interest in Ste. Anne's Hospital. These have not yet reached any degree of unanimity. No decision has been made by the provincial authorities on whether or not they were really sincerely interested in taking over the institution, but it is conceivable that at some future date it could be transferred to another jurisdiction.

The Chairman: Does that answer your question, Mr. Émard?

Mr. Émard: Yes; very well.

Mr. Laniel: On that particular point, I am surprised to hear you say that. I have always had the impression that the department's policy was to transfer some of the hospitals but I also had the impression that Ste. Anne's Hospital in Ste. Anne de Bellevue would remain a departmental hospital where chronic cases could be gathered together and also to permit the department to have at least one institution to establish standards. If you start transferring all of your institutions your research on treating veterans who are chronic or active cases will be lost. I do not think the approach will be the same.

It may be a matter of policy, but even in medical terms would it not be of advantage to the veterans to keep at least one hospital, especially the one in Ste. Anne de Bellevue, which will be of new construction and have all the new gadgets and facilities?

The Chairman: Dr. Ritchie?

Dr. Ritchie: Mr. Chairman, for clarification, purposes, may I say that a statement was made by the Minister that we feel that Ste. Anne's Hospital will be with us for some considerable time. We are certainly nowhere near any sort of agreement. There are really no discussions which would lead us to believe that there is any hope of transferring this institution. Therefore, it is likely to remain with us.

On the matter of establishing standards for chronic care, there is at the present time far more development within community hospitals than in ours, so that we can probably look forward to improvement in techniques from civilian rehabilitation institutes which are now very actively engaged in this particular field.

I have a statement here to the effect that in Quebec there are no provincial mental hospitals at present. These are all private institutions in the Province of Quebec. We know that the provincial government is not interested in entering into the operation of any institutions.

The Chairman: The net result, Dr. Ritchie, is that the situation for the future is far from clear, and that you have no assurance, or indication, that the province or anyone else is willing to take the institution over?

Dr. Ritchie: That is very true.

Mr. Laniel: I really question that policy. I accept the transfer and I also accept the argument, but I am scared that if you get rid of most, or all, of these institutions the veterans will, with time, become like any other individual, and be treated as such.

For their service to their country they should get special treatment in my opinion; and if all the hospitals disappear and all of the services are rented from somebody else the population will probably lose contact with the veterans, and the younger population will not have too much to remember.

Dr. Ritchie: Mr. Chairman, Mr. Laniel has expressed concern that we should turn over a chronic-care institution to a community agency to operate on behalf of the Department.

We know what happened to Ste. Anne's Hospital between World War I and World War II. It was a chronic-care institution. It deteriorated very badly.

• 1030

The present concept in hospitals throughout Canada is that chronic-care wings must be established in close affiliation with active treatment hospitals in order that the standards of care for the chronically ill will be maintained at adequate levels, and this is the practice that is being followed throughout Canada now.

Active treatment hospitals want to establish chronic care wings. There is a lot of transition from the active care facilities to the chronic care facilities. It must be a two-way street so that chronic patients who have an acute illness may have the facilities of the active treatment institution immediately available to them. I think it would be a retrograde step to say that we should keep only a chronic care facility without the ability to have more direct control over any active treatment that the man required.

Mr. Laniel: Did you ever consider the possibility, instead of considering a transfer to civilian hospitals like Ste. Anne de Bellevue, of transfer to National Defence, where you find people more closely related to veterans and the activities of veterans?

Dr. Ritchie: Mr. Chairman, the Department has been engaged very actively recently with the Department of National Defence in reviewing any areas in which we have a common interest in order that both the treatment facilities of our Department and the Department of National Defence might be conjoined in one program with resultant economy to the government.

The Chairman: Mr. Bigg?

Mr. Bigg: My question is along the same line. It seems to me that most of the thinking along this line has been on the assumption that we are not going to have any more wars and that when we are finished with the veterans of World War II that will be the end of the problem so far as veterans are concerned. I believe this is wishful thinking at best. I think we should keep some continuity because, as the last speaker just said, we

should have a flexible program because in the event of war or national emergency there will be a great need for military hospitals.

I think the standard of care in the military hospitals I have visited is superior to that of civilian hospitals, and I am afraid that the standards will drop if we turn them over completely to provincial or municipal hospitals. To be quite blunt, I think military nurses have a greater sympathy for the veteran, whether he is a chronic or an active patient. If we lose this completely I think we will lose something important in building national character and national service.

I do not know whether you want to comment on that or not. In other words, I would like to see us able to make a rapid transfer back to active military hospitals if we happened to need them. All the hospitals I know of today are pretty well crowded. I should like to think that our service boys will always have that very high standard that the Department has maintained.

Dr. Ritchie: Mr. Chairman, I cannot speak for the policy to be established by future governments in the event of another war, but I think it is reasonable to expect that possibly we might not enter into a program of building special facilities for veterans in the nature of independent hospitals, but that what we should do is build more veterans' wings to active treatment hospitals which are providing the services in the community.

• 1035

We did this in a number of areas after the World War II. We had wings in Edmonton, Regina, Saskatoon and Ottawa. We built a wing in St. John's, Newfoundland. These have all functioned very satisfactorily and there is an immediate availability of all the active treatment facilities of the community under such circumstances. There is no problem in transition when the veteran's need declines and the community's need increases.

I think another factor we must recognize, too, is that with medical insurance around the corner there is probably less need for special facilities for veterans because possibly everybody will be covered in one way or another. For those that are not covered we would continue to assume the financial responsibility as entitled veterans.

Mr. Bigg: You confirm my fears. This is the very thing I am a little afraid of. When we generalize medicine I am not sure that the standard you have been able to maintain in veterans' hospitals is going to be kept up. I would feel that I was in a sort of alien queue.

The Chairman: I think, with all due respect, we are into an area of anticipating policy and I do not know how far Dr. Ritchie can go.

Mr. Bigg: No; perhaps this is in the field of education and I am just wondering whether the medical people who, I am sure, advise the Department, may not have been a little blind to this thing which we feel here is necessary. I am sure I share with other members of the Committee the worry that for immediate efficiency, or immediate economy perhaps, we may be losing the very important long-term view that at all times we want to maintain the very highest standards, especially for the worst cases in places like Deer Lorge Hospital in Winnipeg. I do not know how you could replace that with any form of civilian institution.

Dr. Ritchie: Mr. Chairman, I now have an opening for the remark that I wanted to make; you referred to Deer Lodge Hospital. It may surprise you to learn that we have been criticized by the Manitoba Hospital Services Commission for not reaching the level of treatment facilities available to the community at large in our own hospital. They have hesitated in entering into an agreement with the Department for the transfer of Deer Lodge Hospital because there are so many things that we need to do to come up to the community standard.

Now, as veterans I think each of us who has been involved in the operation of a hospital always feels that his hospital is the best one in the community, and if we continue to think in this way we are apt to become retrograde. We must keep up to date with the community and we are not doing this in all areas, and this is why we want to enter into a program with community facilities so that veterans will always have the best possible facility available to them.

Mr. Bigg: Surely again you are confirming our argument. What is needed, then, is to upgrade Deer Lodge Hospital even more. Certainly at the end of World War II Deer Lodge Hospital was a comparatively fine institution. If we slip behind civilian standards we should spend more money and do more research and get more staff to make sure that

our veterans' hospitals always maintain this very high standard as an example to civilian hospitals.

Dr. Ritchie: Mr. Chairman, in his opening remarks I think the Minister made it quite clear that departmentally we are having a great deal of difficulty in finding adequately trained people to operate our institutions because of the aging group of patients that is no longer attractive to many of the professional and technical services required. If we are going to be able to provide adequate facilities it means that we must become part of a major active treatment complex. We cannot continue to run chronic care institutions with a staff that is not interested.

The Chairman: Can I switch, Mr. MacRae, to Mr. Laniel who has had his hand up recently?

• 1040

Mr. Laniel: I just want to continue with that point. Sometimes I ask myself questions about the modernized high standards of hospitalization you are talking about. I wonder whether it is not a myth. I do not know; high standards give me the impression that the human approach to hospitalization has been put aside and I wonder, sir whether you have been hospitalized in the past year.

I could give you examples. When you go to a big hospital in Montreal for just a medical examination that should take two or three days, you have to stay there for three weeks because of the fact that the clinics are full and the services they give are not so good. Perhaps the medical part of it is very good, even exceptionally good, but I wonder whether patients do not become numbers. What worries me is that veterans might become just numbers in a big hospital. That is the only thing I worry about.

Dr. Ritchie: Well, as you know, in any agreement that has been negotiated we have insisted on a priority use of adequate beds for the veterans' treatment load. This should give us the ability to treat any veteran requiring care. You may have to sacrifice something in the way of ability to get into hospital and to get treatment as rapidly as you do in some of our institutions, although I doubt that this is actually a fact, because we find that the patient-day-stay in our institutions is higher than that in other hospitals which is an indication that there are delays in our hospitals as well.

One of the most common complaints we have in hospitals is that you have to wait sometimes to be seen in out-patient clinics. You have all heard in your own areas that certain people have to wait for diagnostic procedures and for operating procedures. This is prevalent in all institutions and it may be more pronounced in civilian hospitals because possibly at present they are congested with chronic care patients that are using the ward facilities.

There is no doubt, though, in my mind that we in the Department are beginning to be not as well qualified to provide the care as we were before, and it is simply due to the fact that we cannot attract the type of staff that we need to look after these people.

Mr. Bigg: Is it due entirely to the type of work you are doing? Is pay comparable? Are your nurses as well paid as they are in civilian hospitals?

Dr. Ritchie: Pay is not something over which we have control. In answer to your question, though, we attempt to keep the pay comparable but in practice we have found, as in other government departments, that probably the government rates of remuneration lag behind those established under collective bargaining in the local hospitals.

We know, for instance, that certain agreements for nurses will become effective on January 1 of the coming year. We do not know when we will be able to adjust our salaries to match the rates approved for the community. This is a matter for collective bargaining and it is completely outside of our jurisdiction at the present time.

The Chairman: I am a little worried about time. Mr. Émard had his hand up. Who are the others? Did you have any further questions, Mr. Bigg?

Mr. Bigg: No, I just want to say that although this, as you say, is out of your jurisdiction, I think this is one of the causes. I think we could get adequate staff...

Dr. Ritchie: Supplementary to your question and that was, is it purely a matter of salary, no, it is not; it is the type of patient.

• 1045

Mr. Bigg: No, but it is an important item and I suggest that it is not the lack of beds in

our military hospitals that is causing the trouble at all but, as you say, it is a factor of keeping continuity in treatment in the right proportion. Money is a very mundane approach, but if you were offering your nurses comparable salaries I suggest you might still be able to recruit an adequate nursing staff to handle the changing situation of the veterans.

Dr. Ritchie: Even if our salaries were comparable to those outside I think you would find we would have to offer nurses a premium to work in departmental hospitals.

Mr. Bigg: I, for one, would be quite willing to offer a slight premium if it would ensure the spiritual aspect of medical treatment within the department.

Mr. Laniel: Mr. Chairman, there is just one thing I might add. Dr. Ritchie might not be able to comment on his own responsibility in the Department of Veterans Affairs, but perhaps the problem I raised will solve itself. If I am right, I understand that provincial governments are looking at the possibility of orientating their policy to the provision of clinics which would free beds in the hospital and might correct the situation. Is that a fact?

Dr. Ritchie: Yes, this is true. They are trying to do more and more services on an outpatient basis through the diagnostic facilities of the hospital to free the beds within the institutions for those patients who actually need to be admitted.

The Chairman: Yes, Mr. Mongrain?

Mr. Mongrain: I raised a point the other day, Mr. Chairman, and I was declared out of order. I suppose this is the time to raise it now.

First, I have a case in my riding which I do not really understand. I don't know if it is still going on, but this man was brought to Montreal occasionally to have a doctor put drops in one of his eyes. I feel it is not necessary for him to travel 85 miles for that, because we have doctors and we have hospitals. Secondly on at least two occasions his appointment in Montreal was for 9:00 o'clock or 9:30 o'clock in the morning, which meant he had to travel the night before. He had to sleep overnight and have his meals which were paid for by the Government, of course, and then they put in three drops and he returned home. He could have had an appointment at 12:30 or one o'clock and returned by the train at six o'clock. It would be less expensive—if it is absolutely necessary that he go there. He tells me that he does not speak English at all, does not understand a word of English, and his doctor does not understand a word of French, and that at least twice the doctor put the drops in the wrong eye because he could not explain his case. However, it surprises me that a man would have to go to Montreal for three drops in one eye.

Dr. Ritchie: In the wrong eye.

Mr. Mongrain: Even if it is the wrong eye.

I am also surprised to learn that there is a doctor at the Queen Mary Veterans Hospital in Montreal who is not bilingual, at least not sufficiently bilingual so as to be able to understand his patients.

Dr. Ritchie: Mr. Chairman, I would like to answer these questions one at a time. First, in so far as the requirement for any veteran to attend a departmental hospital is concerned, this must depend on whether or not, in the opinion of the consultant at the particular hospital, this man needs to come to hospital for such care. We do operate a doctor-of-choice plan whereby the veteran may be seen in his own community by his family physician and we will pay the account. All that this man has to do is apply to the Department to receive his treatment from his local doctor. Unless there is some very definite reason from the point of pensions or because of the particular type of treatment concerned, this man would be given authority to be treated locally by his own doctor.

In so far as his reporting to the hospital is concerned, we admit that this is an expensive proposition. He has to lose a lot of his own time but if, in order to provide him with the best possible care, he must come in for this treatment then we feel this is justified. In other words, he would only be called in when it was felt by the Department's consultants that this man could not get adequate treatment in his own community.

• 1050

Mr. Mongrain: As far as he is concerned, time is no problem because he is pensioned by the Department.

Dr. Ritchie: All right; if he is pensioned, there is still no reason why he could not be

treated for minor conditions by his own family physician, if he applies. This particular man may want to go to Montreal for other reasons.

Mr. Mongrain: He probably enjoys the trip.

Dr. Ritchie: In reference to the availability of bilingual staff for the treatment of any Francophone in the Province of Quebec, in the Queen Mary Veterans Hospital we are quite well supplied with either bilingual medical staff of Francophones and in this particular service Dr. Duclos, who is a Francophone, is in charge of the service. We do have problems in securing resident staff and possibly this man was treated by a member of the resident staff who may not have been able to speak French. Certainly the French language facility was available within the Department, if there was any problem. Our difficulty in Montreal is to find somebody who also speaks French and English because we have some who have difficulty in either language.

Mr. Mongrain: Yes. If he can go to his own doctor in his home town, that would settle the whole thing.

Dr. Ritchie: That is right, but he must make application to the Department to do that.

Mr. Mongrain: I will tell him that.

The Chairman: Does that answer your question, Mr. Mongrain?

Mr. Mongrain: Yes.

The Chairman: Are there any other questions?

Shall Items 30, 35 and 38 carry?

Items agreed to.

The Chairman: We deferred Item No. 1 on Departmental Administration. I will call this one again. Are there any questions the members of the Committee want to ask?

Mr. Laniel: I have no question, Mr. Chairman, but as a suggestion, in reporting the Estimates to the House could we ask the Minister to refer the annual report to the Committee so that we might leave the door open for any presentation of briefs to the Committee? I do not know what the Steering Committee has in mind on that?

The Chairman: Mr. Laniel, I would like to take this up with the Steering Committee, if I may. The intention at this point is to make the first report of the Committee which would be a report on the Estimates which was the item referred to us by order of the House. The Committee will be adjourned and recalled at the call of the Chair because we have had every indication we are going to have the Report of the Committee to Survey the Organization and Work of the Canadian Pension Commission as our item in the new year, and there will probably be a new set of Estimates in April. Certainly, we will have a very active program in the new year reviewing the Report of the Committee to Survey the Organization and Work of the Canadian Pension Commission and I am sure there will be a number of opportunities to raise almost any item that you want to raise before this Committee.

Mr. Bigg: Mr. Chairman, is any special notice required in order to bring a motion on the question of making sure that the staff's salaries be reviewed with the idea of keeping up the high standard of the Departments and serving them better?

The Chairman: No. At this point we have specific items of Estimates before us. The report of the Committee will be presented to the House and the Estimates, as I understand it, have to be adopted by the House in a Committee of the Whole. I think at that point, Mr. Bigg, it would be in order to present a motion before Committee of the Whole of the House. The intention of the Committee was to make it easier to pass but not to skip any of the formalities, as I understand the procedure.

Shall Item No. 1 carry?

Some hon. Members: Carried.

Mr. MacRae: Mr. Chairman, I have a number of questions. I have been trying to get your eye. I presume it would be Mr. Mace who would answer. I would like to ask about veterans insurance. What is the maximum for which a veteran can be insured?

Mr. Mace: Ten thousand dollars.

Mr. MacRae: Has that always been the sum?

Mr. Mace: Yes.

Mr. MacRae: Have there been representations made in the last years to have the amount raised, in view of the increase in the cost of living, for a veteran who is not insurable other ways and who might wish to take out more insurance?

• 1055

Mr. Mace: The $10,000 limit has always been in effect, Mr. MacRae, and to the best of my knowledge there has been no pressure to change that maximum amount.

Mr. MacRae: There has been no pressure from any source?

Mr. Mace: No.

Mr. MacRae: The second point I want to raise, Mr. Chairman, is in connection with our future sessions but I mention it now for the benefit of the other members of this Committee. I realize that this is a very sincere, very conscientious group of men who are sitting here dealing with the problems of veterans. When we come to the Report of the Committee to Survey the Organization and Work of the Canadian Pension Commission, I think it would be an excellent idea if the Minister of Veterans Affairs were here for every session. We quite likely will be meeting once or twice a week. If we meet once a week, it is one and one half hours; if we meet twice a week, it is three hours. The Minister of Veterans Affairs is new to his portfolio. I am sure he is conscientious and interested. Some members of the Committee are new to the work they are doing. I think it would be an excellent idea if the Minister of Veterans Affairs could sit in on the discussions rather than just read them in due course in the written report. I would like to make that suggestion through you that the Minister be invited to attend. I am sure he could find the time.

The other thing I would like to ask would perhaps be for Mr. Mace to answer. I would appreciate it, Mr. Mace, if you would make a chart for me showing the organization of the Department in the Atlantic regions listing the senior officials of the Canadian Pension Commission, of the War Veterans Allowance Board and of the Department of Veterans Affairs. I happen to know most of them personally but I am not too sure in view of certain changes.

Perhaps that could also be done for, say, Quebec, Ontario, the Prairies and for British Columbia. I have in mind that it would be of help to those new members of the Committee who might wish to deal with officials occasionally on a local level. They would know exactly who to write to. If I have a war veterans allowance problem I write to Colonel Cromb, if a pension problem I write to Mr. Anderson, a departmental problem to the Minister or one of the senior officials, and I have always got excellent service. I would like a chart for the Atlantic region and some of the other members might like to have one for their regions.

The Chairman: Mr. MacRae, I would be happy to raise with the Minister these two points: the first one is his availability concerning the discussion of the Report of the Committee to Survey the Organization and Work of the Canadian Pension Commission. The only reservation I have is just how many meetings we are going to have and how much time the Minister can devote to them. However, I will be happy to review it and discuss it with him. On the second one, could I present a suggestion from the Committee to him that he consider an informational package giving, by regions, the administrative structure and the chain of command and the persons responsible for key areas of the Department? Is this your suggestion?

Mr. MacRae: That is my suggestion, Mr. Chairman.

The Chairman: If I could report that to the Minister I am sure he would be delighted to consider it and appreciate the very kind suggestion that you are making. I think it would be helpful.

Mr. Mace: Mr. Chairman, Mr. MacRae, to whom did you suggest this be made available—to members of the Committee?

Mr. MacRae: I was thinking of this Committee, yes, because we are most directly concerned here in this particular institution with the problem of war veterans.

The Chairman: It does seem to me that this is the kind of thing the Minister should review and should set up. It is a kind of service that he should provide, I think, to members of parliament generally, who are interested in his Department and I am sure he will be happy to consider the suggestion.

Mr. MacRae: Thank you, Mr. Chairman.

The Chairman: Are there any other items before this Committee? Shall Item No. 1 carry?

Item 1 agreed to.

The Chairman: Shall we report the Estimates of the Committee? The Committee will adjourn to the call of the Chair, in the New Year. The Steering Committee will be called in the New Year.

May I call the attention of the honourable members of the Committee to the fact that we have quite a documentation on the Report of the Committee to Survey the Organization and Work of the Canadian Pension Commission. You have all got some reading material and may I suggest that you take advantage during this period to try to get over as much of it as you can. Believe me, there is a lot of material to cover. It will help a great deal if you can do this. Also we are getting submissions from the various organizations of the veterans who are interested in appearing before the Committee and perhaps you can look through their submissions too, because I think most of you have received something at this stage from them. You probably will get more. We have a major agenda in the New Year, and if you can take advantage of this recess and cover as much of the reading material that is in your hands as possible, it will help.

Thank you, very much.

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OFFICIAL REPORT OF MINUTES
OF
PROCEEDINGS AND EVIDENCE

This edition contains the English deliberations and/or a translation into English of the French.

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Translations under the direction of the Bureau for Translations, Secretary of State.

ALISTAIR FRASER,

The Clerk of the House.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament

1968

STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 8

TUESDAY, JANUARY 28, 1969

Respecting

Bill C-152, An Act to amend the Veterans' Land Act
Including Second Report to the House

WITNESSES:

From the Department of Veterans Affairs: Mr. R. W. Pawley, Director General, Soldiers Settlement and VLA Branch; Mr. A. D. McCracken, Director, Administration and Finance VLA Branch.

From the Royal Canadian Legion: Mr. Justice Redmond Roche, First Vice-President, Dominion Command; Mr. Donald M. Thompson, Dominion Secretary.

THE QUEEN'S PRINTER, OTTAWA, 1969

29444-1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs,

Badanai,	Laniel,	Peters,
Bigg,	Latulippe,	Saltsman,
Émard,	LeBlanc (*Rimouski*),	Stafford,
Guay (*St. Boniface*),	MacRae,	Thomas (*Moncton*),
Knowles (*Norfolk-Haldimand*),	Marshall,	Turner (*London East*),
	McIntosh,	Weatherhead,
		Wicher—(20)

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

Mr. Badanai replaced Mr. Mongrain on January 21, 1969.

Mr. Guay (*St. Boniface*) replaced Mr. Lessard (*Lac-St. Jean*) on January 21, 1969.

Mr. Leblanc (*Rimouski*) replaced Mr. Boulanger on January 27, 1969.

ORDER OF REFERENCE

HOUSE OF COMMONS
WEDNESDAY, January 22, 1969.

Ordered,—That Bill C-152, An Act to amend the Veterans' Land Act be referred to the Standing Committee on Veterans Affairs.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

REPORT TO THE HOUSE

THURSDAY, January 30, 1969.

The Standing Committee on Veterans Affairs has the honour to present its

SECOND REPORT

Pursuant to its Order of Reference dated January 22, 1969, your Committee has considered Bill C-152, An Act to amend the Veterans' Land Act, and has agreed to report it without amendment.

A copy of the Minutes of Proceedings and Evidence relating to this Bill (*Issue No. 8*) is tabled.

Respectfully submitted,

LLOYD FRANCIS,
Chairman.

29444-1½

MINUTES OF PROCEEDINGS

(*Text*)

TUESDAY, January 28, 1969.
(8)

The Standing Committee on Veterans Affairs met this day at 9.45 o'clock a.m. The Chairman, Mr. Lloyd Francis, presided.

Members present: Messrs. Badanai, Émard, Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Legault, LeBlanc (*Rimouski*), MacRae, Marshall, Saltsman, Weatherhead, Whicher—(13).

In attendance: From the Department of Veterans Affairs: Mr. R. W. Pawley, Director General, Soldiers Settlement and VLA Branch; Mr. A. D. McCracken, Director, Administration and Finance VLA Branch; Mr. N. G. MacArthur, Director of Property, Soldiers Settlement and VLA Branch; Mr. W. Strojich, Director, Farm Services, Soldiers Settlement and VLA Branch; Mr. H. Lamb, Director of Construction, Soldiers Settlement and VLA Branch. *From The Royal Canadian Legion:* Mr. Justice Redmond Roche, Dominion 1st Vice-President; Mr. Donald M. Thompson, Dominion Secretary; Mr. H. H. Hanmer, Service Officer.

The Chairman called Bill C-152, An Act to amend the Veterans' Land Act, and introduced Mr. R. W. Pawley, Director General, Veterans Land Act Branch, and Mr. A. D. McCracken, Director of Administration and Finance.

Mr. Pawley read a statement and the Committee *agreed* to hear representation from The Royal Canadian Legion. The Chairman introduced Mr. Justice Redmond Roche, Dominion 1st Vice-President and Mr. Donald M. Thompson, Dominion Secretary. Mr. Justice Roche read a statement and answered questions posed by the Committee.

Messrs. Pawley and McCracken were recalled and the Committee continued the study of Bill C-152.

At 11.00 o'clock a.m. the Committee adjourned to 2.30 o'clock p.m. this day.

AFTERNOON MEETING
(9)

The Committee resumed at 2.40 p.m., the Chairman, Mr. Francis, presiding.

Members present: Messrs. Badanai, Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Legault, LeBlanc (*Rimouski*), MacRae, Marshall, Peters, Weatherhead, Whicher—(12).

In attendance: Same as morning sitting.

The Committee continued the questioning of the witnesses.

29444-2

The examination being concluded, the Committee proceeded to the clause by clause study of the Bill.

Clauses 1 to 9 were carried.

The title carried.

The Bill carried.

It was agreed, that the Chairman report Bill C-152 without amendments, as the Committee's SECOND REPORT to the House.

Mr. MacRae paid tribute to Mr. Pawley and his officials for the excellent administration of the Veterans' Land Act.

The Chairman thanked the witnesses and the Officials of the Dominion Command, The Royal Canadian Legion for their presentation.

At 3.50 o'clock p.m., the Committee adjourned to the call of the Chair.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

Tuesday, January 28 1969

• 0930

The Chairman: I believe I see a quorum of the committee. We have a reference before us from the House of Commons of Bill C-152, an act to amend the Veterans Land Act.

We have with us this morning from the department Mr. Pawley, who I believe is competent to give evidence on the bill itself and its administration. If it is agreeable to the committee I would like to invite Mr. Pawley to step forward and testify in regard to the clause by clause examination of the bill which has been referred to us.

Bill C-152 was read a second time on Wednesday, January 22 in the House of Commons, as reported at pages 4633 – 4639 of *Hansard*. Following the debate in the house it was referred to this committee. I believe the procedure at this stage is clause by clause examination.

Mr. Pawley, are there any comments that you would care to make at this stage of the bill?

Mr. R. W. Pawley (Director General, Soldiers Settlement and Veterans Land Act Branch): Mr. Chairman, I should like to make a few introductory remarks, after which I would ask Mr. McCracken to deal primarily with the clause by clause discussion.

While we are prepared to spend as much time as the committee desires on a discussion of Bill C-152, I should like to review a few of the salient points which may help better to understand the changes that are being proposed.

If the bill is passed, then it is necessary to have new or amended regulations written, and subsequently approved by the Governor in Council. Therefore it is our hope to try to explain the provisions of the bill and to indicate, if applicable, the recommendations of the Director on matters of related administrative policy.

The Director cannot exercise authority except that delegated by the Act and its regulations, and he must try to anticipate problems resulting from changes and ensure that authority is provided.

Any proposal with respect to regulations will represent my recommendation to the minister, and cannot be taken as final.

As mentioned by the minister, the interest rate established in 1942 on the repayable portion of the $6,000 Part I loan was 3 1/2 per cent. At that time the cost of money was around 3 per cent. In 1954 the Part III loan was introduced and the rate was set at 5 per cent, the same as that under the Farm Loan Board and 1.6 per cent above the cost of money at that time. In 1965 farm loans were increased to $40,000, with the interest rate at 6-3/8 per cent tied to the Farm Credit Act on any loan over $20,000. By 1965 the Part III interest rate on loans under $20,000 was the same as the cost of money–5 per cent–and the rate on loans in excess of $20,000 exceeded the cost of money by 1-3/8 per cent.

Historically, therefore, the Part III loan amount carried a rate normally greater than the rate that the government paid for its money. Since the 3 1/2 per cent interest rate on Part I loans represented a benefit, along with the conditional grant which is still available to all veterans, any underwriting of interest under the act has been confined primarily to Part I loan amounts.

The rate on farm loans in excess of $20,000 has been tied to the Farm Credit Act since 1965, and as a consequence when its rate changed to 7-3/4 per cent in December, 1968 the V.L.A. loans in this same category changed at that time.

The close historical association between V.L.A. and Farm Credit legislation seemed to be a logical course to continue when considering future rates for veterans being established under the act. Further, the government was desirous of establishing a common base to prevent a proliferation of interest rates being charged by different credit agencies. The course adopted, therefore, simply has all Part III loan amounts in excess of $6,000 follow the rate prescribed by the Farm Credit Act, rather than amounts over $20,000 only.

Although interest rates may be changed at April 1 or October 1 only, it is possible that the rate may be higher or lower on the date it was approved, as opposed to the date the contract agreement becomes effective. If this happens, the veteran will be given the lower interest rate. If a veteran makes a prepayment over and above his normal payment as called for in the agreement, such prepayment will apply to the debt bearing the highest interest rate. Further, the new rates apply only to new loans made after the bill becomes law.

I should like to give you an example of the loan repayment under a typical contract agreement, and compare it with that currently in effect. I should like to emphasize that any statements that we might make today are proposals as they affect the regulations or policy, and are not firm.

To the small holder with a repayable debt of $14,000 over 30 years, the monthly cost with the interest rate at 3 1/2 per cent and 5 per cent, as it is at the present time, is $70.85. If the interest rate goes from 5 per cent to 7-3/4 per cent on Part III loans, then the monthly cost is $87.68, an increase roughly of $17 per month.

That completes my statement, Mr. Chairman. If you wish a clause by clause study, Mr. McCracken will deal with that and I would be prepared to answer any further questions that may be directed to me at the time.

The Chairman: Are there any questions? If there are none, I propose to call the bill clause by clause, unless there are objections. Thank you, Mr. Pawley.

Mr. MacRae: I understand the Legion is to make a statement. Would it not be better to have this statement made before we consider the bill clause by clause? It would seem to me that after we have considered the bill and agreed to it, a statement would not have the same weight.

The Chairman: What is the wish of the committee?

Some hon. Members: Agreed.

The Chairman: Then, with the consent of the committee, I shall ask Mr. Justice Roche, representing the Royal Canadian Legion, to take a seat here—he wishes to read a letter into the record, I understand. Mr. Justice Roche is, I believe, First Vice-President of the Legion. We are very pleased to hear from him.

Mr. Justice Redmond Roche: Thank you, Mr. Chairman. May I introduce my associates, Mr. Thompson, the National Secretary, and Mr. Hanmer, the National Service Officer. The Legion appreciates very much this opportunity to outline briefly our views about Bill C-152, which is an act to amend the Veterans Land Act.

[*Translation*]

Hon. Judge Redmond Roche: The Legion representatives regret that their national president is not present this morning to give you the legion's point of view.

[*English*]

The Royal Canadian Legion is pleased that the government has retained, except under Section 21, the interest rate at 3-1/2 per cent on loans up to $6,000. We commend the Minister of Veterans Affairs and the government on maintaining this rate, which has been in effect since the introduction of the legislation in 1942, as part of the Veterans Charter, and which has been of considerable benefit in providing land settlement for Canada's war veterans.

The Royal Canadian Legion and, we are sure, all veterans who may still wish to take advantage of the legislation, regret to see the introduction of Bill C-152. While this will undoubtedly result in an increase in rates of interest on loans over $6,000 and under $20,000, we do, however, recognize the sharp increases in recent years in mortgage rates, bond interest and the rate of interest on money loaned by the Bank of Canada. It is our understanding that from the time the act was amended in 1954 to provide additional assistance through loans at the rate of 5 per cent, until 1965, the cost of money as represented by the return on bonds never exceeded 5 per cent and, therefore, the government was not during this period required to subsidize interest rates.

Since the government now deems it necessary to provide that the rate of interest on those additional loans shall be fixed by the Governor in Council, we ask that the rate be that paid by the government to secure the necessary funds. We believe that administrative costs should be borne by the government.

We trust, therefore, Mr. Chairman, that you and your colleagues will give very careful consideration to the proposed amendments, and the effect they will have on the many thousands of veterans who have indicated their intention to take advantage of the legislation during the next five years. In comparison with veterans settled since the war, they may indeed find themselves in a much less privileged position. This, because the cost of settlement has increased to a greater extent than have wages and salaries, will stem principally from land speculation in most urban areas, particularly the larger centres of population. Suitable lots on which veterans might settle under the Veterans Land Act are virtually unobtainable, except at grossly exaggerated prices which the average veteran cannot afford. This burden, we believe, should be borne in mind when interest rates are under consideration, for, coupled with increased rates, it will deter thousands from proceeding with a settlement. We suggest that a reduction in the size of the lot would go a long way toward solving this problem.

Because of the financial situation in 1968, the government placed an income ceiling of $7,000 gross taxable income on applicants seeking settlement under the act. This, according to the Director of the Veterans Land Act, resulted in an estimated one thousand applications being deferred. We have not as yet been advised of the removal of this income ceiling. We therefore urge you to recommend the immediate removal of this restriction, and the guaranteeing of the present interest rates being made applicable on all applications which were deferred last year.

In summary, therefore, we:

(i) commend the government for maintaining the 3 1/2 per cent rate of interest on basic loans under Part I,

(ii) recommend the new rate of interest on loans over $6,000 be the same as that paid by the government to borrow the money and that the government bear administrative costs,

(iii) ask that consideration be given to reducing the size of the lot, and

(iv) recommend removal of the income ceiling imposed in 1968 and 1969.

These are the brief comments of the Canadian Legion, and they are respectfully submitted.

The Chairman: Thank you very much. Are there any questions anyone would like to ask at this point?

Mr. Badanai: I should like to ask the witness if he could tell us, approximately, the number of applications deferred last year.

Mr. Justice Roche: One thousand, approximately.

Mr. Whicher: This figure of $7,000 is one I have myself asked about. Are you sure it is correct?

The Chairman: The question refers to the $7,000 figure–the income ceiling placed in 1968.

Mr. Whicher: Does it mean that anyone making $10,000 a year could not apply for a loan?

Mr. Justice Roche: That is a question which the Director responsible for this area of the legislation is much more qualified to answer than I.

The Chairman: May I suggest that the question be deferred until later, then?

Mr. Legault: Because of the relationship between the brief we have just heard and the presentation by Mr. Pawley, may I ask whether Mr. Pawley will be at the table as a witness, also?

The Chairman: I believe it is our intention, following a discussion with the present witness, to come back to Mr. Pawley.

Mr. Legault: A question to Mr. Justice Roche. He talked about the cost of money to the government. Would he understand this to be the rate as charged by the Bank of Canada?

Mr. Justice Roche: That is what I would say.

Mr. Legault: And when you talk about the administrative costs, I always assumed that the cost of money does bear the cost of administering these funds, so when you talk about the cost you really mean the rate as paid out by the Bank of Canada without referring to the cost of money?

Mr. Justice Roche: That is right. Here again, the Director could give you a better answer. For instance, on loans above $20,000 there was one per cent charged by the government for administrative costs.

The Chairman: I believe the officials of the department will be prepared to answer questions in detail on that aspect.

Mr. Legault: The two final recommendations of the Legion necessarily cannot be considered in connection with this bill, though they will no doubt be considered further when we are dealing with other legislation, or other recommendations. I take it the suggestions with regard to removal of the income ceiling imposed in 1968 and a reduction in the size of the lot will be considered in the course of further committee meetings. Am I to understand this, Mr. Chairman?

• 1005

The Chairman: A piece of legislation has been referred to us and some of the points raised are beyond the scope of the bill. It is the committee's business to consider what is appropriate. I am afraid some of the points raised go beyond the terms of the bill.

Mr. Legault: Are we considering clause 2 at the moment and making recommendations about it?

The Chairman: That is my understanding.

[*Translation*]

Mr. Laniel: I wonder if Mr. Roche could answer that.

Did you calculate how much more the government would have to pay for its loans if the rate of interest was increased by 1 and 3/8 per cent?

How much does that represent each month for a $20,000 loan?

The Chairman: Have you made any calculations?

[*English*]

Mr. Laniel: Actually, I am trying to find what the costs will be to veterans. I understand that a veteran is allowed to earn up to $6,000 to be eligible to come under the provisions of this act. I am wondering in what position this amendment will put them. My second question ought to be directed to Mr. Pawley. I wonder if anyone here could answer it. What will be the difference between the new interest rate and the rate of interest that Central Mortgage and Housing mortgages, for example, would bear?

[*Translation*]

The Chairman: May I suggest that Mr. Laniel put that question later to Mr. Pawley.

[*English*]

Mr. Justice Roche: Perhaps Mr. Thompson could answer that.

Mr. Thompson: Mr. Chairman, I think Mr. Legault said that the ceiling was not affected by the bill, and strictly speaking that is correct. We have included that point in our submission because in effect the act said that certain people could apply to be settled if they were eligible to be settled under the act, at certain interest rates. Because of difficulties the government encountered it felt it necessary to impose an income ceiling. They said that anyone whose gross income exceeded $7,000 would not come under the act. At the present time the applications of certain persons who applied to be settled last year are being held in abeyance. It is proposed under this bill to raise interest rates, and it seems that those people who could not take advantage of the law as it was passed by parliament were restricted from exercising their legal rights. Now those applications that, so to speak, were shelved because of the provisions of the law will come off the shelf, and be processed at the higher rate than the law presently provides for. They can be settled at the new rate. We suggest that the law is to be modified by this bill. Those who applied last year and were under normal circumstances eligible found difficulty in having their applications processed. Now their applications will be processed at the higher rate. The bill affects this latter group. Special consideration will be given to ensure, also, that the old rates apply to those who applied before, and were eligible for settlement under the law before that law was amended by the bill.

Mr. Laniel: I know it is important to improve the bill, but I am wondering about what will happen to those people whose applications have been turned down, on the basis they did not have a lot corresponding in size to dimensions laid down in the act, or because their incomes were too high. If they filled in an application for a loan in the past will they remain qualified to receive a loan in future?

Mr. Thompson: I understand that once a man is qualified he remains qualified.

Mr. Laniel: Was October 31 not the closing date for applications under the old act?

Mr. Thompson: As I say, I understand that once a man has been qualified he remains qualified. The legislation has been drawn in such a way, I believe, that he remains qualified.

The Chairman: I believe our departmental officials could answer that question more specifically.

Mr. Laniel: Perhaps Mr. Pawley could take this matter up.

Mr. Guay (St. Boniface): Mr. Chairman, could Mr. Hanmer let the committee know how many veterans coming under the ceiling have applied for loans. Can we be told how many veterans have applied for loans and how many would qualify for loans under the present bill.

Mr. Hanmer: We do not have the exact figures. I would prefer not to give a figure that is not correct. I think the correct figure could be obtained from the director.

The Chairman: Has anyone else any questions? If not, may I thank our distinguished witnesses. Thank you gentlemen.

I will now call the departmental witnesses, Mr. R.W. Pawley, Director General, Soldiers Settlement and Veterans Land Act Branch, and his assistant, Mr. A.D. McCracken, Director of Administration and Finance, Veterans Land Act Branch.

Does the committee wish to examine the bill clause by clause?

Mr. Whicher: Could we settle the matter of the $7,000 ceiling, first? Could Mr. Pawley confirm the facts of the brief and give us some background information on the matter? Is there any chance that the income ceiling, for instance, will be lowered in future? Could Mr. Pawley comment on the matter?

Mr. Pawley: Mr. Chairman, late in 1967 because of economic circumstances existing at that time my minister agreed to have our loan budget reduced for the current fiscal year to a ceiling of $74 million. This had the effect of reducing funds available for lending by about 30 per cent, or roughly $30 million. It became clear to us that some guide lines would need to be introduced so that funds could be made available to veterans from one end of Canada to the other pretty well on the same basis. To do the job fairly, some research was conducted. We learned from our files and establishments of the previous year that approximately 60 per cent of all veterans established under the Veterans' Land Act in the previous year had been earning an annual income of $7,000 or less. As a consequence of this research, guide lines were introduced so that veterans earning $7,000 a year or less and wishing to become established as small holders would not be denied a loan so long as we had funds. Furthermore, if any individual earning $7,000 a year and over wished to buy a piece of property the director was prepared to commit himself to make a loan to that individual. That is, that individual who wanted to buy the proper-

ty of his choice had to make satisfactory interim arrangements by himself for the financing of his property until after April 1, 1969, after which time the director's commitment would become effective.

Two or three other guide lines were introduced. Since new construction increased the amount of goods and services available in the country we did not want to limit it. But we did impose a ceiling of roughly 1,400 houses, I think it was, which was approximately the same number as for the previous year. Our farm lending was little affected and was primarily dealt with by our field staff in each individual case, and basically on a needs test. If he could afford to pay for a loan from a bank, then we encouraged him to carry out this method. In addition, any small holding veteran who is already established under the act may be entitled to an additional loan if he has not reached the ceiling under this act. Loans in this category were suspended, except where the welfare of the veteran and his family were in jeopardy or where the property had to be protected because of some unexpected contingency. It was on this basis that we carried out our 1968-69 lending program.

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As far as deferred loans are concerned, when I reported to this committee just prior to the new year I estimated an amount at that time of 1,000 as at the end of December. However, the actual figure was over 1,400, representing a commitment of the director of $21 million. These are currently being processed, and these transactions will be completed shortly after April 1. These are cases where veterans have, through various means, been able to finance the property in the meantime, and the director has committed himself to a loan, and is then picking up the tab in whatever manner it may be after April 1.

As far as next year is concerned I have as yet been given no specific amount of funds which may be released from our loan fund for the fiscal year 1969-70, and as a consequence I am not in a position at this time to indicate what may be the decision in this regard.

The Chairman: Thank you, Mr. Pawley. Mr. Laniel you have a question?

Mr. Laniel: My question, Mr. Chairman, will be the same as I put to Mr. Justice Roche. I am trying to find out the difference in dollars that it would make if the government would consider the suggestion of the Legion just to charge the rate paid by the government to secure the necessary funds available for any money, and I think this is a difference of 1-3/8 per cent or 1-3/4 per cent.

Mr. McCracken: A difference of 1 per cent.

Mr. Laniel: One per cent?

Mr. McCracken: Yes.

Mr. Laniel: That would just represent in real practice on either a $20,000 or $40,000 loan –

Mr. McCracken: I have a rough calculation for a veteran who is established as a small holder. The increase in rate applies for a small holder under Part III, the same as for a farmer. The amount of money involved is $10,000 and a rough calculation is that 1 per cent per $1,000 over 30 years would be approximately $4 per month.

The Chairman: Does that answer your question, Mr. Laniel?

Mr. Laniel: Yes; but how does that rate compare with the one charged by Central Mortgage and Housing?

Mr. McCracken: With the Central Mortgage and Housing Corporation at the present time, the National Housing Act rate, is 9-3/8 per cent.

Mr. Laniel: This means that the veteran still gets a fairly good advantage?

Mr. McCracken: Yes. The composite or average rate between the basis of 3-1/2 per cent and 7-3/4 per cent is, I think, approximately 6-1/2 per cent.

Mr. Laniel: Yes.

The Chairman: Six and a half per cent as compared to 9-3/8 per cent.

Mr. Whicher: That would be $12 a month difference on $10,000.

Mr. Pawley: $12.50 between C.M.H.C. –

Mr. McCracken: The C.M.H.C. or N.H.A. rate would be much greater than that, Mr. Whicher.

Mr. Whicher: At $12 a month interest –

Mr. McCracken: It is $4 I am talking about here, which is the difference of 1 per cent in relation to $10,000.

Mr. Whicher: That's right, so 6-1/2 and 9-3/8 per cent is 3 per cent.

Mr. McCracken: The 9-3/8 rate is charged on the whole amount.

Mr. Pawley: The interest rate exceeds ours by 3 per cent. On every $1,000 over 30 years the annual payment is $51.03 or roughly $51. This includes principal. To compare it with a comparable figure of 2 per

cent, which is about the amount of increase that this interest rate will be, roughly from 4-1/2 on the average previously or currently, to 6-1/2 per cent if the interest rate is 7-3/4. Then the annual payment at an increase of 2 per cent on $1,000 over 30 years is $44.66.

The Chairman: Mr. Pawley, I think what you are trying to do is quite clear. Mr. Whicher was trying to arrive at a rough rule of thumb of the difference between a composite rate of approximately 6-1/2 per cent on a loan, part of which would be at 3-1/2 per cent and part at the rate prescribed by regulation, and the average C.M.H.C. rate now of about 9-3/8 per cent. He indicated the difference would be $12 a month and Mr. McCracken said it would be something more than that because of the C.M.H.C. loan being over the whole amount.

Mr. Pawley: Yes.

The Chairman: I think those are approximately the answers you wanted, Mr. Whicher. This is the magnitude of the difference you wanted to know.

Mr. Laniel: That is what I was looking for.

Mr. Whicher: Yes.

The Chairman: It would be more than $12 a month, probably $14 or $15.

Mr. Guay (St. Boniface): I fail to understand the reason why we are trying to place veterans in the category of a farm loans act or C.M.H.C. I believe that veterans are unique. They are certainly not in the farmers' category, and neither are they applying under C.M.H.C. I am wondering if Mr. Pawley would state the reason why we are really making reference to the veteran or trying to place him in the same category. I know it is a matter of interest, but I think even at that the veterans might possibly be placed in a separate category.

The Chairman: Mr. MacRae has a series of questions. I intended to ask Mr. MacRae to proceed with his questions.

Mr. MacRae: Mr. Guay can go ahead.

The Chairman: Do you want to reply on Mr. Guay's comment?

Mr. Pawley: Initially the Veterans Land Act was farm legislation, Mr. Guay.

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In the early stages, I would say until probably 1960, the predominance of the work load was with the farm population. As a consequence it has been tied to the Farm Credit Act or its predecessor act the Farm Loans Act. While I agree that we like to think of veterans as being a little separate from others, we have established this relationship. It goes back actually I think, from the point of view of information, to what happened in respect of the Veterans Land Act initially. I think many of the experiences under the Farm Loan Board and other farm legislation found their way into the Veterans Land Act. Later many of our experiences under the Veterans Land Act found their way into the Farm Credit Act. Much of the farm credit legislation now is patterned after the Veterans Land Act.

So we have had this rather tight relationship over the years. I think it would be hard to break away from it and be isolated. In its current policy the government wants to have a base rate for all credit agencies. So if we should go from the farm credit people with whom we have associated for years and, let us say, go to Central Mortgage and Housing Corporation, which administers the National Housing Act, this would probably tend to be a disadvantage to the veteran who wishes to be established as a small holder, because his interest rate would be tied to the National Housing Act.

So, on balance, it seems to me it is reasonable to continue to relate it to the Farm Credit Act. We still have 15,000 farmers. Granted, our work load now is mainly small holdings, but not in the prairie provinces, including the province of Manitoba, where it is about 50-50. I do not think we could have broken away from this tradition.

Mr. Guay (St. Boniface): I will make one short statement, Mr. Chairman, and then let Mr. MacRae ask his questions. When he has finished, then perhaps I could continue. Personally I feel that things can be changed. We do not always have to follow the old rule, but can set out new rules. I do not believe we should always follow the old system. Can a new system not be implemented whereby the veterans would be in a unique category, or would this throw everything out of kilter and bring about a problem for you? As I mentioned earlier, I think the veterans should be unique and separated from the others. I do not think they should be tied to anybody else's apron strings. Possibly we might be able to give them just a little advantage over the others.

Mr. Weatherhead: I think Mr. Guay is forgetting that with the 3-1/2 per cent interest given on the first $6,000 the veterans are indeed in a preferred category to farmers under the farm credit legislation. I believe they are in a little better position than the farmers who come under the other act, and that Mr. Guay's objection might be partly satisfied on that basis.

Mr. Guay (St. Boniface): I would like to say that I was quite aware of the 3-1/2 per cent. I had in mind

the demand of the Legion, because I think they have a very good point. I believe they had a very nice presentation.

The Chairman: Mr. MacRae has been patient. At this point I think he should have the opportunity to put his questions.

Mr. MacRae: I shall be brief, Mr. Chairman. Mr. Pawley, I presume the $7,000 ceiling which was imposed by ministerial direction did not need the sanction of parliament. Is that correct?

Mr. Pawley: That is correct. This was strictly an administrative decision.

Mr. MacRae: I wondered whether I missed something last year when I first saw it in Judge Roche's letter. The reason for its being there was simply a shortage of funds.

Mr. Pawley: Yes. So far as I am concerned this limitation applied only to the one year.

Mr. MacRae: What you were actually doing here was penalizing the man who because of his initiative, hard work and so on was able to earn more than $7,000 a year. Therefore the man who likely would be a better prospect was prohibited. That is not meant to be undue criticism, but it is what happened, is it not?

Mr. Pawley: I do not think so. I believe what we wanted to try to do was funnel the funds to those people who are a little less fortunate than those who may be earning in excess of $7,000. I think it is axiomatic that if a person is earning a good salary he can be established much easier than the fellow who does not have too much money to play around with.

What we really wanted to do was help the chap who was making what we consider to be a minimum wage. We did not stop the other people who were making more. We said to them, "Sorry we cannot help you this year, but if you can find a property which you wish to buy we will commit ourselves to a loan which you can finance in the interim, and then we will take any responsibility associated with that property; but we are sorry we do not have the funds to advance to you this year." So we did not in effect deny him. Granted, some of them could not make these arrangements. At the end of this fiscal year we will probably have 2,000 deferred loans. Compared to a little less than 10,000 loans which we made the previous fiscal year, we will make a little better than 7,000 loans this year both actual and deferred.

We know that, yes, some people are disappointed; but we feel in the circumstances there were fewer disappointments than would have been the case otherwise. I think you will understand that the Veterans Land Act administration has never been faced with this kind of a problem. It commonly happens with mortgage companies under the National Housing Act, and so on. We had to do something in these circumstances and it seemed to us that this was a reasonable approach. We could visualize that if we had no guide lines and it became widely known that the V.L.A. was short of funds, then I think the people we would have had to help, because it is easier to help them, would have been those who had greater than average incomes.

Mr. MacRae: Thank you Mr. Pawley and Mr. Chairman.

Mr. Marshall: I should like to follow on in respect of Mr. Guay's question. I cannot reconcile why there is a Veterans Land Act, with this rate of interest, when any veteran can obtain a loan under the Farm Improvement Loans Act, or if he is in a certain category under the National Housing Act. Where is the benefit in the Veterans Land Act, and why do we have two acts which are very similar?

Mr. Pawley: I am not too sure what is behind your question. I do not know whether you are suggesting that the Veterans' Land Act should be part of the National Housing Act or whether it should be part of the Farm Credit Act.

Mr. Marshall: I am just saying that a veteran should be in a different category. I imagine the purpose behind this was that the veteran would receive a little advantage, but he is not getting an advantage because all we are talking about are rates of interest, and making this thing pay.

Mr. Pawley: The prime advantage under the Veterans Land Act right from the start—and is continuing—is that Part I provides the 3-1/2 per cent interest rate for all veterans plus a $1,400 conditional grant for small holders, and a maximum of $2,320 for farmers, at the end of 10 years occupation of the property.

Treated from there on it is the same. I have a hard job to try to think up some reason why veterans should be treated differently at this stage, because I think you must remember that the act is actually being brought to an orderly termination, and the first termination date for establishment is 1974. I think you will recognize that for me, at least, to convince the government to make any great changes in this kind of plan is very difficult. I do not like to hide behind the well known phrase that "this is government policy", but I am afraid I can only recommend and suggest up to a point. However, what I have said today is what I believe.

The Chairman: Have you any further question, Mr. Marshall?

Mr. Marshall: No.

Mr. Guay (St. Boniface): I would like to follow up what I originally intended with Mr. Pawley and I appreciate his answers. You, Mr. Pawley, must know now what the total applications are.

Mr. Pawley: 158,000 qualified, not established.

Mr. Guay (St. Boniface): Is there any possibility that with the change of policy–I will use the phrase "change of policy" rather than the phrase "difference of interest rate" for any amounts over the $6,000–that you may reduce the numbers of interested applicants?

Mr. Pawley: We think there will be a dampening effect. We just cannot estimate what the decrease might be. I have had my own staff try and give me some idea, and it ranges from a small amount up to 20 per cent. My own feeling is that the dampening effect will vary across Canada in accordance with other conditions that exist, which probably do as much to prevent veterans from coming under the Veterans Land Act as would an increased interest rate. I think this is primarily a desire of where people want to live. Under the Veterans Land Act this is suburban or beyond suburban areas.

Mr. Guay (St. Boniface): It is a possibility then that because of this increase over the amount mentioned in the bill some of the applicants would feel they would be unable to proceed, and there would possibly be another group that, because of the waiting period for their applications to be processed, would become disinterested. Is that possible?

Mr. Pawley: I don't think the latter is possible. If a veteran wants to be established now, and he has not been processed, we are prepared to dig out his application and proceed without delay. He merely has to request this. So far as the first part of your question is concerned, I don't doubt but what there will be people disappointed.

Mr. Guay (St. Boniface): Under this new policy.

Mr. Knowles (Norfolk-Haldimand): In the Legion presentation, which was very well presented, they pointed out the fact that the persons deferred–we have been speaking a great deal about those–were deferred through no fault of their own, but rather through lack of funds. Is there any way that they can be given some preference, that these interest rates would not be applied to the full extent in their case? Surely there should be some recognition given to the fact that they had their applications in at the proper time, and that they are in no way to be held responsible for this. I know that we are up against solid facts, that we cannot get money at the rates that you have been getting it until now. But still, Mr. Pawley, have you given any consideration as to what means might be applied to give some preference in these cases?

Mr. Pawley: Are you talking about – ?

Mr. Knowles (Norfolk-Haldimand): The deferred, the 1,400.

Mr. Pawley: I want to make this clear. If the Director has commited himself to a deferred loan for any veteran, and as I say there are 1,400 as of the end of December, this loan in effect has been approved and the old interest rate will apply. As we continue to defer loans the interest rate will not be changed on those approved before this bill becomes law. However, with respect to veterans who came in and could not find it possible to carry out interim financing or make arrangements with a vendor, which is usually the case, there was no commitment made to this group. So far as the 150,000 that are qualified outside of this, are concerned, who may be in the mill, there has been no commitment made to them, nor is it possible to make a commitment so far as interest rates are concerned.

Mr. Knowles (Norfolk-Haldimand): I was referring to this group of 1,400.

Mr. Pawley: They are protected, sir.

Mr. Weatherhead: Mr. Chairman, I know that Mr. Pawley has spoken of these 1,400 people who will be getting the present interest rates; but, Mr. Pawley, what about the other people who have applied for establishment, say in the last six months or so, but whose loans have not yet been approved? How many of these people are there, and what is their situation?

Mr. Pawley: If they have applied in the last six months and have had a specific property–we don't accept applications until there is a specific property–these people will either have had their loans approved or deferred, and the director will have committed himself in exactly the same manner as I explained previously. The key word in this connection is a loan that has been approved. We have approved a deferred loan.

Mr. Weatherhead: Can you say, Mr. Pawley, whether money will be forthcoming for these approved loans after April 1?

Mr. Pawley: Absolutely. There is no doubt about this whatsoever. We know that we will have at least $35 million of our own money to spend from our own resources. This is revenue which we receive from principal payments, and we expect we will get some on top of that to release from our own loan fund; but we can get up to the extent of $35 million without any concern at all, and we are quite a bit short of that yet.

Mr. Weatherhead: You mentioned that there was $22 million committed to these people who have got other interim financing in the meantime, and in addition there are a number of people who have been

approved in recent months who will get the money after April 1?

Mr. Pawley: Yes, that is right. Every year we carry over about $25 million of funds that have been committed the previous year, but not spent. We will not spend them in that fiscal year but we will earmark the first $25 million of the next fiscal year's funds to meet those payments to which we have made commitments. We are in no different position with a deferred loan than we have been previously. By virtue of the fact that our loan fund was almost exhausted by September, this means we are spending more money for property this year sooner than we would have previously, with the result that normally we could carry over $25 million. This year we will carry over $30 million, both deferred and funds committed to veterans that are already under way, so I don't think we are taking any risk here whatsoever.

Mr. Weatherhead: Are any loans actually being approved at present or are we waiting for the passage of this legislation?

Mr. Pawley: We are in fact approving loans because we are making sure that the whole $74 million that we had available this year is paid out on loan expenditures. Now on that basis, so that we won't lapse any cash funds in the fund, we are in fact paying out money for loans right now that had been previously committed. We are certainly still approving deferred loans with no let up. However, I should explain that the winter does slow us down pretty badly.

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Mr. Weatherhead: When do you expect that you will know how much additional money will be available for 1969-70?

Mr. Pawley: I am rather hopeful that we will know within the next two weeks.

The Chairman: There are two other members of the committee who have indicated they would like to ask questions. First, Mr. Émard, who has not yet asked any.

[*Translation*]

Mr. Émard: Mr. Chairman, Mr. Pawley: I am surprised to see that the veterans' status seems to deteriorate with the years and I wonder if the resistance to this deterioration is as strong within the Department of Veterans Affairs as it was before.

I need not give you any examples, but everybody is aware that certain benefits given to the veterans are being reduced and I would like to know how far we can go.

It has been said a while ago in reply to one of Mr. Guay's (St-Boniface) questions, I believe that a veteran is allowed approximately as much merit as a farmer. However, in my opinion, the merits of a veteran are much greater than those of a farmer's, especially when applying for a loan from the Government. It also seems to me that in certain cases, to facilitate the administration, the interests of a farmer and those of a veteran were mixed. In fact, I think this is the only reason.

The members of the Veterans Affairs Committee think that the Department of Veterans Affairs should take a stronger stand in protecting the advantages that were so hard to acquire. There is really not much time left to take advantage of many of those benefits, especially the Veterans' Land Act and the Soldier Settlement Act, As this law will be repealed in 1974, I wonder why the same conditions could not be maintained until 1974.

I admit that there are certain economic problems—and I am not an expert in this field—in fact I know very little about it—which may force the government into a bad position concerning the appropriation of funds to enforce this law. In my opinion, the recommendations submitted by the Legion are sensible, mainly the second one, where the surplus should be based on the cost to the Government to obtain those funds.

I also think that it should be mentioned in the Bill for if the actual latitude is left to the Bill, nobody knows where this could lead us.

I remember one case. When we were examining the amendments to the Bank Law, when the current interest rate was 6 per cent and when the Banks requested a free interest rate, we received all kinds of promises from the bank authorities who said: No, the interest rate will increase very, very little, maybe one per cent. That was a year ago and the interest rate has already increased, I think, by three per cent, not counting all the supplementary expenses.

Therefore, I wonder what the interest rate on veterans' loans will become, if we let the Government absolutely free to increase this rate. I know it is difficult in certain cases to borrow money these days because the interest rate is so high, but I think that the Government should make certain sacrifices towards the veterans.

The veterans who, up to this day, have not taken advantage of the loans that the Government offered them, have as much right to our consideration as those who have taken advantage of them 20 years ago.

In my opinion, we should take that in consideration.

Another point I have touched concerns the third recommendation submitted by the Royal Canadian Legion where it is suggested that the areas of the lots should be reduced. In my opinion, in many cases, this

would help the veterans and moreover would reduce the expenses for many of them.

The Chairman: Many members of the Committee have to be present at the External Affairs and National Defence Committee meeting at 11 o'clock.

I wonder if it is the wish of the committee to adjourn at the present time, because I know we are going to have a problem in that a number of members here wish to be at the External Affairs and National Defence Committee hearing at 11 o'clock. We are scheduled to meet again in this same place at 2.30 this afternoon. Possibly at that time we could start with Mr. Émard's series of questions, if Mr. Pawley wishes to comment. Is that agreed?

Some hon. Members: Agreed.

Mr. Laniel: Mr. Chairman, perhaps we should ask Mr. Émard if he will be available this afternoon to hear the answer. If not, perhaps we should take a few minutes now to listen to Mr. Pawley.

The Chairman: Will you be here this afternoon, Mr. Émard?

Mr. Émard: I have three committees this afternoon, Mr. Chairman.

The Chairman: Then let us give Mr. Pawley the opportunity to reply.

Mr. Pawley: Far be it from me to give any opinion as to whether or not the status of a veteran or the department is deteriorating. Actually, sir, I am still pretty proud of the department, and think we remain a viable organization. Most of the things you have touched on are matters of policy and I must probably hide behind this to some extent. But I think it is my responsibility to suggest that there is an inherent danger of making veterans unpopular by continuing to put them in a highly preferred position.

It seems to me that the position in which they are placed at the present time means that the initial benefits to any veteran have not been denied; they still receive these benefits. To put them in a more preferred position than this would, I am inclined to think, make them become a little more unpopular with those people across Canada who are probably in dire circumstances.

I think we have to accept that conditions, including acreage conditions, the kind of establishments and the amount of money that is needed, have changed a great deal. To make any great change to correspond with these changed conditions at this stage seems to be a pretty difficult thing to do, when you consider that in 1974 we are going to terminate the act, as far as new establishments are concerned. I think I have already said too much about the acreage program, and I do not think my feelings have changed in this connection from those I expressed at the previous meeting of the committee. I do not think I can add anything more to what has been said previously in this connection.

The Chairman: Thank you, Mr. Pawley, We will meet at 2.30 this afternoon in this room. I hopy we will have a quorum at that time. Would members please take the same seats. It would assist the *Hansard* Reporters a great deal if you would this afternoon take the same seats that you occupied this morning.

AFTERNOON SITTING

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The Chairman: Gentlemen, I believe I see a quorum and with your consent we will now proceed. Just before we adjourned we had been putting questions to Mr. Pawley and Mr. McCracken of the Department of Veterans Affairs. Are there any other questions hon. members would care to ask at this point?

Mr. Laniel: Mr. Chairman, my question has relation to the cost of money. I have confined my questions to this subject in order to find out how much money costs the veterans and why the government has decided to increase the rate of interest this coming year in respect of the $35 million now available. Can you tell me what it is costing to make this $35 million available? Do you know that figure? If we are to make loans, I should like to know whether the interest charge is based on the cost of the money to the government for all these services. I am not sure that this basis is real so far as the interest rate on V.L.A. loans is concerned. Does this represent the cost of the money to V.L.A. or does it represent an average? Is there a difference between the two costs, and will we be making money as a result of the difference?

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Mr. Pawley: I am not sure, Mr. Chairman, that I understand Mr. Laniel's precise question. If you will permit me to try to interpret it, I think your question was: Since we get $35 million back in revenue which we relend, is this money costing us that much interest rate or as much interest rate as is being proposed?

It is a difficult question to answer without a little preparation, but let me try. In the initial stages when the cost of money was 3 per cent, money was lent at 3-1/2 per cent. In other words, any veteran who got a loan when it was costing the government this amount of money went for 25 years on his agreement for sale and theoretically was always paying back money that cost 3 per cent.

As the cost of money increased, the same thing happened. In other words, currently the cost of money to the government is 6-3/4 per cent. This is

calculated on the base rate yielded by long term bonds and is determined by the Bank of Canada. In effect this man would continue to pay back money that cost 6-3/4 per cent.

The Veterans Land Act has depended on the Department of Finance and government appropriations every year to provide new money. As a consequence, the cost to the government of borrowing money at the present time is 6-3/4 per cent. The fact that $35 million is now coming to us means that the government has to borrow less money. Whether or not they are entitled to collect 6-3/4 per cent on this money I do not think is for me to say, but if this money did not come in as revenue and we had to use it, it would cost the government 6-3/4 per cent.

I do not know whether I have come even close to answering your question, Mr. Laniel.

Mr. Laniel: Yes, that is what I was trying to get. I know that the government has to put up additional money at different periods. Since there is some return to the V.L.A. and this contribution comes from the government from year to year, I was wondering whether we could build up some average cost figure for that money, especially now this legislation is going to terminate at a definite date. I think we would be able to build up the average cost of interest on money within the administration for V.L.A. purposes which might even be 1 or 2 per cent lower than the cost of money to the government today.

Mr. Pawley: I will answer another question here that I think you asked. You asked how much more money a veteran would pay in interest under the proposed as compared with the former figures. Did you ask that question?

Mr. Laniel: I asked that before.

Mr. Pawley: Yes. A small holder who had a maximum repayable debt of $14,000 would pay under the old system $11,506. Under the proposed rates he would pay $17,554. This is interest only. Add to that the $14,000 principal to get the total amount he would repay.

Would you be interested in knowing how much a farmer would pay?

Mr. Laniel: Yes, please.

Mr. Pawley: With the repayment of $37,200 over a 30 year period, on the old basis he would pay $42,486. At the new proposed rates he would pay $56,495.

I should like to explain something in this connection. Granted, if a new farmer were established under the Act and he borrowed $40,000 on the new proposed rates and went for 30 years, he would, in effect, pay this amount of interest. Generally speaking, however, in our system of lending money to farmers on what we call an open-ended mortgage type of agreement where he can pay off the principal and then some back and reborrow, we have found that the average loan to commercial farmers is in the vicinity of $13,000.

In addition, if he already has a debt at 3-1/2 per cent interest, or money at 5 per cent interest, or money at 6-3/8 per cent interest, those debts will continue at that same rate for the period for which the money has already been designated. The interest rate will apply only to the new money that the farmer gets. So in effect, while he does pay increased interest, it is not quite as onerous upon him as these figures may imply. I am not minimizing the fact that he does pay more money, but it is not quite as onerous upon him in these circumstances.

In other words, what he is really doing is probably taking a loan at a higher rate of interest for a relatively short period. If he is able to get a good crop of wheat or receive some other money unexpectedly, he can use that to pay off the debt. Then when he is in a position to reborrow, he can come back to us. Granted, he has to pay the higher rate of interest again.

I do not know whether Mr. McCracken has any further comment on your former question.

Mr. McCracken: I have some figures here, Mr. Laniel, that are related to government long term bond yields, as put out in the weekly report of the Bank of Canada. This is the basis for the National Housing Act rate.

I was looking back to 1954, 1955, when Part III first came into the Veterans Land Act with a 5 per cent interest rate. At that time the long term bond yield was 3.9 per cent. This is on the basis of averaging four quarters; that is the figures that are reported at the end of each quarter are averaged over the year.

Mr. Laniel: And we were charging 5 per cent?

Mr. McCracken: We were charging 5 per cent. On that basis of calculation the long term bond yield did not get up to the 5 per cent mark until 1959 or 1960.

It hovered between 5.2 and 4.9 for four or five years. The average on a quarterly basis in 1965-66 was 5.3; for 1966-67 it was 5.5, for 1967-68 it was 6.8 and for the first three quarterly periods of the current year, taking the figures as of December 31, September 30 and June 30, it was 6.7. During the past three and three-quarter fiscal years up to the end of December this year we have lent approximately $180 million under part III of the act, the bulk of it at the 5 per cent rate, some of it at 6-3/4 per cent and some of it, in the last month or so, at 7-3/4 per cent. The average long term bond yield for that period of three years and nine months was 6 per cent. In the last year it was

6.4 per cent and in the first three quarters of this year it was 6.7 per cent. In the Bank of Canada weekly statement as of last Wednesday, January 22, the long term average yield cited was 7.13 per cent. The cost of money to the government on the basis of 91-day bills and 182-day bills last week was 6.36 and 6.57 respectively. This is the source of cash for the government's day to day operations.

Mr. Laniel: If we were to take an average of the cost over the whole period we might come close to a figure of five point something–it would be over five, I guess.

Mr. McCracken: It would, particularly if it were related to the amount of money lent. In other words, there has been a greater amount of money lent under part III in recent years, and this would raise the rate –

Mr. Laniel: Because of the change in the act which permitted smaller lots?

Mr. McCracken: Plus the fact that in 1965 Part III of the act was amended to make substantially more money available–from $20,000 to $40,000 for farmers and from $6,000 to $10,000 for small holders.

Mr. Guay (St. Boniface): The only other question I should like to ask relates to what was said this morning. Mr. McCracken told us that while the government has to borrow money every year to meet the lending needs, some of the money used for this purpose is derived from repayments and from interest charged. Is this money not used again, together with the funds the government makes available? I want to be clear about this. The government might have to borrow $30 million but the administration could also use the money which had come in in the meantime. My question is: has anyone figured out what the over-all cost to the government would be for helping veterans under the Veterans Land Act on the basis of the figures now at hand, taking into consideration the amendments made in Bill C-152? What would be the cost to government of doing all this and helping out the veterans? I understand we shall recover all the money we are lending to them. Has anyone sat down and figured this out?

Mr. Pawley: I think we have attempted to do this, Mr. Guay, but not too accurately–not accurately enough for me to go on record. But I can give some indication. The interest we collect annually now is in the vicinity of $13 million. This will increase quite substantially if the new interest rates come into effect. Our administrative costs amount to a little more than $5 million.

It was not until 1957 or 1958 that our interest return actually equated with the cost of administration. It must be remembered, however, that in the cost of administration nothing is charged against V.L.A. for borrowing money from the government and if you really wanted to work out the debit and credit you would have to add to the debit the cost of borrowing the money from the government.

Our administrative cost in relation to the mean yearly principal outstanding is in the vicinity of 1.45 per cent including legal charges. If you take legal charges out it comes to about 1.28 per cent. In other words, about 1.25 per cent is the cost of administering the Veterans Land Act. This excludes such things as accommodation and all the other things that as yet we are not paying for.

Mr. Guay (St. Boniface): The reason I asked that question was, really, to get exactly the indication which has now been given me, that we are not really handing anything out to the veterans, except to finance them. The money is recoverable.

Mr. Pawley: I think I must agree with you, sir, that that is the case. I think I can go one step further. To project this until the time the act is ended, in all probability we can say that the act will have paid for itself on the interest returned.

Mr. Whicher: But not, of course, in regard to the initial $6,000 and the interest on that?

Mr. Pawley: No, in effect that is a feature which represents a recognition of war service and it probably will never be totally recovered. But from the point of view of part III loans and the interest rates attached thereto, notwithstanding the fact that the interest rate is lower, ultimately, in the long run, it takes a very limited staff to administer the act and there will be enough interest collected probably to pay for the administration of the act.

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Mr. Guay (St. Boniface): My last question is about the 1,400 persons–I think the figure was 1,400–who have been mentioned here. The members of that group need help, surely.

Mr. McCracken: They will be given the benefit of the existing rate of interest. Their applications have been approved and they will not be subject to whatever rates of interest will be developed after the act has been amended.

Mr. Guay (St. Boniface): You are referring, I take it, to those who earn $7,000 a year or less.

Mr. Pawley: I should think that most in that group earn more than $7,000.

Mr. Guay (St. Boniface): Is there any way we can accelerate the requests of those earning $7,000 a year or less? Are they getting preference? I think those veterans need assistance most. Is that not the case?

Mr. Pawley: I think we can say this: we have tried our level best to make sure any person in this category does not suffer hardship. It will be found that wherever he could the Director has leaned over backwards and I am satisfied that those earning less than $7,000 a year have been taken care of to the best of our ability. I say that notwithstanding the fact that some in this group probably have not been taken care of. I am confident, however, that the majority have been taken care of.

So far as the other group of deferred applications is concerned, we have protected the interest of members of that group and under appropriate conditions we are prepared to go ahead with our commitments to the members of that group without any hesitation whatever. Those who have not made the requisite interim arrangements unfortunately are out in the cold. We cannot do anything about them. It must be remembered that the Director works under the direction of an act of parliament and any commitment made must be legally valid. The Director can go his own way to a certain extent, but not very far.

The undertakings given with respect to deferred loans have worked out very well from our point of view. In two or three cases the veteran had died after having received our commitment. In those instances where the veteran had assumed an obligation to purchase a property we are without exception recommending to the Governor in Council that the loan be proceeded with on behalf of the widow. I am confident that the Governor in Council will approve. As I say, we have tried to lean over backwards in helping our veterans.

The Chairman: Are there any other questions?

Mr. Peters: I have a question to do with what I understand is termed the revolving fund. Borrowings under the Veterans' Land Act at some time are paid back. I take it that those moneys go back to the treasury. My question is, to what extent do the borrowings made under the act return to the treasury?

Mr. McCracken: Mr. Peters, until 1965 loans made under the Veterans Land Act were made as a result of an annual appropriation by parliament. When the act was amended in 1965 a revolving fund of $380 million was established. Of course, until the Department of Finance actually provides us with the money this is a paper figure. In 1967-68, by an appropriation under an item in the estimates, the revolving fund was increased from $380 million to $530 million.

The first charge against the fund was the value of the outstanding principal indebtedness on all agreements for sale then existing. Last year, our recovery of principal into the fund was approximately $30 million. We estimate that this year that recovery will be $33 million and next year it will be $35 million. The amount of this figure has some relation to crop, harvesting and marketing conditions in the west. But those are the three figures I can give you off the top of my head. Do they answer your question?

Mr. Peters: Then, really, a very small proportion of the money lent goes back into the revolving fund. Most of the money goes back to the treasury and not to the Veterans Land Act lending authority.

Mr. McCracken: All the principal we recoup with respect to agreements for sale is paid back to the fund. I have just referred to the amounts that were recovered last year. Last year it was $30 million, this year it is $33 million and next year it will be $35 million. The recovery will go up by about $2 million to $3 million per year.

Mr. Peters: But the money the V.L.A. people put out exceeds those amounts.

Mr. McCracken: In 1967-68 we approved $103 million in loans. During that period we recovered on existing contracts the principal sum of $30 million. There is no direct relationship between the amount of principal we recover and the money we lend in any one year.

Mr. Peters: The money that was originally borrowed and returned bears interest at 3 per cent. That is the original rate it was lent at.

Mr. McCracken: I do not profess to be an economist, Mr. Peters, but I think some economists might suggest that if the government had to borrow the money it lent at 7 per cent the rate of interest to be applied to moneys recovered on principal and lent again should also bear the rate of 7 per cent.

Mr. Peters: But the money is taken from the revolving fund. The government is not lending new money but old money that has been paid back.

Mr. McCracken: Money lent again under Part III would not be lent at 3-1/2 per cent. It would bear interest at 5 per cent or 7-3/4 per cent, because those are the rates our loans bear now.

Mr. Peters: I am not sure I understand you or agree with you. If you borrowed money originally at 3-1/2 per cent from the government and you paid that money back through a revolving fund established by the government, you are repaying money which originally bore a rate of interest of 3-1/2 per cent, 5 per cent or whatever it was. The point is that the money would be returned and relent. In effect you are relending original money. You need not borrow that money again. It comes back into the fund and it ought to carry the original rate of interest. Doing it that way would cost the government the difference between $30 million and $125 million.

Mr. Pawley: I do not wish to disagree, sir, but I do not think that is quite correct. If a veteran borrowed money 25 years ago at 3-1/2 per cent under an agreement with the Director, that money cost the government 3 per cent. But the government never recovered that money at 3 per cent. That is, we never paid the government 3 per cent for money which cost it 3 per cent. At the end of 25 years the veteran, we will say, has paid back his loan which carried the rate of 3-1/2 per cent. He is square with the world. If he wants to borrow an amount equivalent to his original loan he will use new money that the government provides. It does not matter whether he wants to build a house or anything else. He will borrow new government money. Veterans must then pay 6-3/4 per cent on that money regardless of what happens to it.

The Chairman: That is after the first $6,000.

Mr. Peters: You are saying, then, that you receive the money that is paid back and you pay the treasury for that borrowing. I take it you do not pay the treasury until the borrowing has been repaid. Therefore, from what I can make out the fund is not a revolving fund. It works in a way that is similar to the operation of the Farm Credit Corporation, which has a sort of limited revolving fund.

Mr. Pawley: The revolving fund applies only to principal payments. The interest paid goes back to the Receiver General of Canada. We cannot re-use interest paid; we can only re-use the principal.

Mr. Peters: I do not understand finance either, but it seems to me that if money originally paid out is paid back to a revolving fund and that money is lent out again it should carry the rate of interest originally charged. The interest rate should not vary and that, I think, was Mr. Laniel's point. If the fund is diluted with new money I suppose a different rate might apply. Perhaps any new rate arrived at could be a compromise between the old rates applicable to original money and new rates applicable to new money. But the new rate ought to be different from that charged with respect to Central Mortgage and Housing loans.

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The Chairman: I wonder if I could help by asking one question of Mr. Pawley. Do you have authority, Mr. Pawley, to lend under any other basis than the loan regulations, the first 6 thousand at 3-1/2 and the next amount as prescribed? Do you have any authority to deviate from that?

Mr. Pawley: No, we cannot deviate from that. I think what is probably confusing Mr. Peters is the fact that he has some difficulty in separating the cost of money to the government from what a veteran pays to the director for his loan. These are two entirely separate things.

Mr. Peters: My difficulty is with regard to the revolving fund where the money has been over a period of time and is diluted with new money put in by the government. In the revolving fund, and you clarified this, the interest rate went back to the treasury as a repayment on the borrowing. In other words, money put into the revolving fund to the tune of $300 million or something of that nature was money they borrowed at that interest rate and the interest rate is now being paid by the veteran back to the Treasury Board, but the money that comes back in probably is used again and does not carry any interest rate. It certainly does not carry any new interest rate. It would seem that Mr. Laniel's point would be right, that there must be a dilution of the interest rate because of the revolving fund.

The Chairman: Mr. Whicher had his hand up and I think his question is related.

Mr. Whicher: I borrowed under the V.L.A. at 3-1/2 per cent. I paid it all back. It is in the fund now. Where is it? It will be in your fund, won't it? It cost you 3 per cent to borrow.

Mr. Pawley: I presume this is right.

Mr. Whicher: That $5,400 I paid back is now diluted with 7, 6 and 5 per cent money. Mr. Peters and Mr. Laniel are quite right. Instead of putting the rate at 7-1/2 you should be able to lend to the veteran at 6-1/2 per cent.

Mr. Pawley: I don't know how I can really explain it, but the purpose of the Veterans Land Act fund was not to set up a revolving fund for the purpose of charging or crediting any interest. This was never figured at that time. It has only been within recent years when interest rates have risen to the extent which they have that it has become a question. The revolving fund itself was simply a means of having a fund in which our revenue would flow so that every year we would not have to go back to parliament to ask for new funds. The government had the power to establish this fund and did so at that time on the basis that it would simply keep us in funds without having to go back and take up the time of parliament for something which was pretty routine for many years. The interest rate has never been a consideration under the Veterans Land Act, either when we borrow or get it from the Department of Finance, from appropriations, or from the revolving fund. I do not think I can actually answer your question because I do not think the revolving fund is there for that purpose.

Mr. Whicher: The $5,400 which I repaid cost you 3 per cent. You are going to lend it at 7-3/4 per cent. I as a veteran and member of this committee do not think that is being square with the veterans.

Mr. Laniel: May I intervene here? The answer given Mr. Peters has helped me to see this differently. The government has been paid interest on the $5,400 you repaid. It went back to the government to permit them to pay interest on the government bonds that were issued but because of the fact that the government itself from year to year had to repay the bonds on the market, that money had to be replaced from year to year. They have to pay a higher rate of interest and possibly this is the reason it cannot be done that way.

Mr. Peters: That was in the estimates one year. We raised that money. It is tax money which was raised and spent this way. It is the same situation as if this money was spent to build a bridge. In this case the revolving fund money is there as well as the interest. I was not aware of this. The borrowing cost of 3 per cent was paid, but the money originally raised by an estimate is in the fund.

Mr. Laniel: It was not taxation.

Mr. Peters: The Chairman said it was out of the estimates. It was an expenditure that year and most of our expenditures are not recoverable. In this case I presume it is not recoverable. However, we hope some day it will be recovered.

The Chairman: I believe Mr. Pawley has some comments on this.

Mr. Pawley: Let me return to Mr. Whicher's case. Mr. Whicher repaid us at 3-1/2 per cent, assuming the money is there. Let us follow this money paid back by Mr. Whicher into the account. This could go to two areas. If it so happened that at precisely the same moment another veteran came along and made a new loan, we would lend him some money out of this fund at 3-1/2 per cent. There is the possibility however, that your $3,200 Part I loan—I don't know when you paid this back—

Mr. Whicher: Quite some time ago. As a matter of fact I gave you a cheque for the whole amount.

Mr. Pawley: If it was before the revolving fund was established then it went to the government coffers and it could go to any source or place that the government wished. Now this other veteran comes along and still wants money. The government in effect has to take money, whether it is new money or your money, which they have to pay out—.

Mr. Whicher: That's right.

Mr. Pawley: —at whatever interest rate they have to pay to get their money, and this is what the veteran would have to be charged.

Mr. Peters: You really do not put his money back into the revolving fund, then?

Mr. Pawley: It may or may not. We put paper money in there.

Mr. Whicher: If this were a personal case and I borrowed $5,400 from you 25 years ago and repaid you ten years ago, this money would have cost you 3 per cent and you are now getting 7 per cent, if you still have the money.

Mr. Pawley: Nobody ever paid the government for the use of this money in such a case.

Mr. Whicher: You paid the interest of 3-1/2 per cent.

Mr. Pawley: This is during the period that it was loaned. Granted, they got it at 3-1/2 per cent, but over a 20 or 25 year period.

The Chairman: I wonder if the committee really wants to pursue this much further? I think we have exhausted the arguments on the nature of the fund. I do not like to be unfair to Mr. Marshall whom I was calling by the wrong name this morning, for which I apologize.

Mr. Marshall: When the Veterans Land Act first came into being it was designed to help the war veterans get the lowest possible rate of interest. We have reached the stage now where a veteran who might be a fisherman could take advantage of the fishermen's loans or a farmer could take advantage of the farm improvement loans. It appears now that the object is to put the Veterans Land Act on a paying basis. I would like to ask your comments, Mr. Pawley, on recommendations Nos. 2, 3 and 4 of the Canadian Legion, primarily recommendation No. 2. What is the object now? There is no more benefit to the veteran, so we might as well forget about it. Why is the government wasting money in setting up the Veterans Land Act administration if it is of no advantage to the veteran? What are we here for?

Mr. Pawley: I submit that up until 1965, or even from inception in 1954, when the cost of money was greater than the 5 per cent rate which was charged at that time the circumstances were no different than what is being proposed now. The proposal here is to bring the interest rate on part III loans up to an amount about one per cent above the cost of money. In 1954 the 5 per cent rate was about one per cent above the cost of money. During those intervening years from 1954 to 1964 it was almost continuously in excess of the cost of money. In 1965 when they brought in farm loans of $20,000 and over it was 1.38 or 1-3/4 per cent above the cost of money, at least that portion of the loan.

So in defence of what is being attempted the circumstance which will exist with making it 7-3/4 per cent, which is one per cent above the cost of money, is very little different from what has been the case since 1954. The advantages contained under part I of the Act at 3-1/2 per cent, $1,400 conditional grants, and so on, are continuing.

Mr. Whicher: I note that the costs of the administration are starting to go down.

Mr. Pawley: They are going down now. In 1946 or 1947 there was a staff of 1,700 people in the Veterans Land Act administration and at the present time we have currently under 600, while the volume of business we did last year and anticipate we will probably do this coming year moneywise is greater than it was in 1946 or 1947 and not too much different in the volume of loans.

From the point of view of staff the figure will go down gradually. Costs may not go down to any great extent because as you know costs such as salaries and so on continue to increase each year.

In getting back to trying to answer these questions, I really cannot comment on them in my position. I hate to seek refuge in this kind of statement, but I think this is government policy. I have tried to put my point of view across. I do not think we did too well in Mr. Peters case and Mr. Laniel's case when discussing the interest rate so far as the revolving fund is concerned, but if you will give me more time and a quiet place I might be even able to convince you about that.

Mr. Knowles (Norfolk-Haldimand): I have one comment, Mr. Chairman. I am wondering whether Mr. Pawley would agree it is a valid comment to say that the veterans now applying for loans which are being approved are more those who perhaps are older in point of years and that those who become older find that often the ravages of their war service or wounds begin to show up so that they are in a less favourable position to take advantage of a loan. If that is the case, should they not be given more consideration now than they were at earlier times?

Mr. Pawley: We have recognized this. Actually there is a section in the regulations that if a veteran who may not have a disability pension is sick, to the extent that it equates with a 50 per cent disability pension, we are prepared to waive the requirement of the half acre of land. We will do this provided the man can obtain an opinion from a doctor in the pensions commission.

Mr. Laniel: Actually because the interest goes back to the government and does not remain in the revolving fund it will not help increase the amount of money that is available for veterans loans.

Mr. Pawley: This is true. We have to depend on the government to make money available to us each year.

Mr. Laniel: Plus the amount in principal that you accumulate.

Mr. Pawley: That is right.

Mr. Laniel: Thank you.

Mr. Pawley: We have no other source. We cannot go to the public to borrow money.

[*Translation*]

Mr. Leblanc (Rimouski): Mr. Chairman, I shall speak French. If a veteran has a loan and passes away, is his widow oblige to continue paying his debt?

Mr. Pawley: The property devolves on the widow in every way if she wishes to continue. In many cases we have life insurance which protects the debt to the Director. About 1,400 or 1,500 veterans also have this kind of insurance. In those circumstances the widow of course can remain on the property without any debt whatsoever. The property simply passes to her and she becomes in effect the veteran.

Mr. Leblanc (Rimouski): If insured.

Mr. Pawley: No; regardless.

Mr. Leblanc (Rimouski): Then this also would increase the cost of the administration. This is where the costs are involved in respect of the interest, I presume. This would be money that is recoverable in a case like that.

Mr. Pawley: Yes. She pays the remaining debt.

The Chairman: Unless there is some insurance to liquidate the debt.

Mr. Pawley: Yes, unless there is insurance to liquidate the debt. She continues to pay the Director on the same basis.

The Chairman: Then she would require that the insurance be free of the indebtedness.

Mr. Pawley: Yes. This is a good feature if she can get it.

Mr. Weatherhead: I have a question on a slightly different point. I am not sure I understand the situation, Mr. Pawley. If this bill goes through I gather you will be adjusting the interest rates on April 1 and October 1 each year. I am not sure if this affects all the mortgages or agreements in force at that time or only the new applications from that time on.

Mr. Pawley: It just affects the new applications after the date when this bill becomes law in the future.

Mr. Weatherhead: So if the interest rate drops substantially, say three or four years from now, the veterans who borrowed in the meantime will still have to pay the higher rate, the rate that the money was at at the time they borrowed it.

Mr. Pawley: That is correct, sir.

The Chairman: If there are no further questions I propose we go on to clause by clause examination of the bill.

On clause 1.

Mr. Pawley: I would ask Mr. McCracken to deal with the clauses in the bill.

Mr. McCracken: Establishments under section 15 of the act are made on a mortgage basis. If a veteran who gets a section 15 mortgage establishment wants to get additional loans, additional money, he can do this under Part III. If a veteran settled on a mortgage basis under section 15 sells his property and assigns the mortgage between himself and the Director, then under the existing provisions of section 15(2) the interest rate payable on the outstanding mortgage indebtedness by the assignee shall be 5 per cent rather than 3 1/2 per cent.

The amendment proposed to section 15(2) provides that in the future the rate of interest payable by the assignee would be the rate or rates in effect at the time of sale by the veteran as established by regulation. This amendment would relate to future settlements only to be made under section 15, and it is contemplated that the rate which would be prescribed by regulation would be the rate applicable to loans under Part III at the time the veteran is established. In other words, if it was 6 3/4 per cent after the bill was given royal assent and we settled the veteran on a mortgage basis under section 15, then the mortgage would provide that if at some future date he sold and assigned his mortgage the interest rate payable by the assignee would be that 6 3/4 per cent rate.

Mr. Guay (St. Boniface): If a veteran were to make a loan and for unforeseen circumstances he had to sell his property within a relatively short period, this could turn out to be very costly to him, particularly if the sale of the land in question was only equal to the land loan.

Mr. McCracken: This is rather unlikely because the amount we can actually lend under section 15 is 40 per cent of the value of the property. We can then make additional money available to the man under Part III of the act up to the equivalent of 75 per cent of market value. I doubt if the assignee under the contract was going to pay what could be termed an economic interest rate, that this would have an adverse affect on the man being able to sell his property.

The Chairman: Shall clause 1 carry?

Some hon. Members: Carried.

Clause agreed to.

On clause 2.

Mr. McCracken: Mr. Chairman, I want to mention that clauses 2, 3 and 4 all deal with the same type of situation.

The Chairman: Is it agreed that we take the three together? They are all derivative in effect from the basic change.

Some hon. Members: Agreed.

Mr. McCracken: Clause 2 pertains to section 16 of the act. Section 16 provides that if the veteran under contract fails to keep a property insured against fire then the Director may do so and charge the premium to the veteran's account. At the present time the act provides that the cost of that—what we call a special advance—shall be 5 per cent.

Clause 3 deals with section 16A of the act which has a similar provision that if a veteran who is a participant in the V.L.A. Group Life Insurance Plan does not pay the premium, then the Director may do so and charge the cost of the life insurance premium to the veteran's account and the interest shall be at the rate of 5 per cent.

Clause 4 deals with section 17 of the act which provides that if a veteran does not pay the taxes on his property then the Director may do so and charge the cost of the tax arrears to the veteran's account and the interest rate shall be at 5 per cent until the money is repaid.

These three clauses, 2, 3 and 4, provide that the rate in future instead of being 5 per cent would be established by regulation, and it is contemplated that the rate that would be charged would be the highest rate specified in the veteran's contract or the rate that is applicable under Part III, at the time the contract is made, whichever is the higher. This would not have any bearing on any existing contracts. This would relate to new contracts to be made in the future. The relationship here is the cost of the money to the government in relation to the special advances that have to be paid out.

The Chairman: Are there any questions?

Clause 2 agreed to.

Clauses 3 and 4 agreed to.

On clause 5.

Mr. McCracken: There are two changes in clause 5 which deals with section 21 of the act. When an agreement of sale is rescinded the property is repossessed by the Director and advertised for sale. In the interval between rescission and resale, interest continues to be charged on the outstanding principal indebtedness and on any costs incurred by the Director for taxes, insurance, repairs, etc.

Although the amendment to paragraph (e) of section 21 (2) deletes reference to specific rates of interest, the principle is maintained, that is, interest is charged on the oustanding principal indebtedness at the same rate or rates as called for in the agreement of sale.

The amendment to paragraph (f) of section 21(2) also deletes reference to a specific rate of interest and provides that, on any costs incurred by the Director after rescission of a contract, interest will be charged at the rate or rates in effect at the time of rescission.

It is contemplated that the rate that would be charged would be the highest rate that was in effect under the contract, or the rate applicable to loans under Part III of the act on the date the contract was rescinded, whichever is the higher. The same principle applies to the latter point I have made as to clauses 2, 3 and 4 which we have just discussed.

The Chairman: Are there any questions?

Clause agreed to.

On clause 6.

Mr. McCracken: At the time a veteran is established, section 25B of the act authorizes the Director to use part of the Part III loan funds to repay the amount of re-establishment credit, or university training allowances of nine months or less, that the veteran had received.

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Section 25B now provides that the interest rate to be charged on the loan that is used for this purpose will be 5 per cent. The amendment in clause 6 provides that in future the rate of interest will be specified by regulation. In practice it is contemplated that the rate will be the same as that applicable to loans made under Part III.

The Chairman: Are there any questions on clause 6? Shall clause 6 carry?

Clause agreed to.

On clause 7.

Mr. McCracken: Section 68 now establishes the rates of interest payable on part III loans, that is, 5 per cent on debt amounts up to $20,000, and the rate set for the Farm Credit Act on debt amounts greater than $20,000. The amendment to section 68 provides that the rate or rates of interest payable on a part III loan will be the rate or rates in effect at the time the loan is approved, as established by the Governor in Council. The intention is that the rate or rates of interest to be charged on part III loans will be the base rate or rates charged under the Farm Credit Act.

The Chairman: Are there any questions? Shall clause 7 carry?

Clause agreed to.

On clause 8.

Mr. McCracken: Clause 8 is an omnibus authority-making clause of the bill which provides authority for the Governor in Council to prescribe the rates of interest applicable to the various sections referred to in the bill.

The Chairman: Shall clause 8 carry?

Clause agreed to.

On clause 9.

Mr. McCracken: Clause 9 covers a point that has been raised by a number of members. It provides that any loan approved pursuant to an application for financial assistance received before September 13, 1968, which was the date notice of motion was given with respect to this bill, or before the bill is given royal assent, will bear interest at the old or existing rates of interest.

Mr. MacRae: Mr. Chairman, I have a question in connection with this clause. The cut-off date was October 31, was it not?

Mr. McCracken: That was for qualification. It had nothing to do with the loan application date.

Mr. MacRae: So up to that point everybody is completely covered, that is, all those people who applied previously?

Mr. McCracken: Everybody who applied for qualification up to October 31, 1968, is eligible to apply for a loan. This clause in the bill relates to people who have already made application for financial assistance or who make application for financial assistance and have loans approved on their behalf up to the date the bill is given royal assent.

Mr. MacRae: Thank you.

The Chairman: Are there any further questions? Shall clause 9 carry?

Clause agreed to.

The Chairman: Shall the title carry?

Title agreed to.

The Chairman: Shall the bill carry?

Bill agreed to.

The Chairman: I believe that completes the reference of the house to this committee. Is there any other point that any member wishes to raise at this stage?

Mr. MacRae: Mr. Chairman, I would like to express on my own behalf, on behalf of those of my party and, if I may be so bold, on behalf of other members of the committee, appreciation and congratulation to the witnesses for the excellent presentation they have made.

I think the Veterans Land Act is one of the best administered of all government legislation. We must never forget that these gentlemen are responsible for the administration of the act; they are not responsible for policy or regulations. They have administered their department and its functions extremely well, and are to be congratulated. I am very grateful for what I have learned today.

The Chairman: I am sure that expression of gratitude is unanimous. I should also like to express the appreciation of the committee for the excellent presentation made today by the representatives of the Royal Canadian Legion, Mr. Justice Roche, Mr. Hanmer and Mr. Thompson. Are there any other items to come before this committee?

Mr. Badanai: I move that we adjourn, Mr. Chairman.

The Chairman: A motion to adjourn is before the committee. The committee is adjourned.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968-1969

STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 9

THURSDAY, APRIL 17, 1969

Respecting

Main Estimates 1969-70 of the Department of Veterans Affairs.

WITNESSES:

(*See Minutes of Proceedings*)

The Queen's Printer, Ottawa, 1969

29446—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs,

Badanai	Laniel	Saltsman
Bigg	Latulippe	Stafford
Boulanger	MacRae	Thomas (*Moncton*)
Emard	Marceau	Turner (*London East*)
Gibson	Marshall	Weatherhead—(20)
Knowles (*Norfolk-Haldimand*)	McIntosh	
	Peters	

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

Mr. Gibson replaced Mr. Whicher on April 17, 1969.
Mr. Marceau replaced Mr. Guay (*St. Boniface*) on April 17, 1969.

ORDER OF REFERENCE

HOUSE OF COMMONS
THURSDAY, February 20, 1969.

Ordered,—That Votes 1, 5, 10, 20, 25, 30, 35, 38, 40 and 45 relating to the Department of Veterans Affairs be referred to the Standing Committee on Veterans Affairs.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

29446—1½

MINUTES OF PROCEEDINGS

[*Text*]

THURSDAY, April 17, 1969.
(9)

The Standing Committee on Veterans Affairs met this day at 9.05 a.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Badanai, Emard, Francis, Gibson, Laniel, Legault, Marceau, Marshall, Saltsman, Thomas (*Moncton*), Turner (*London East*), Weatherhead—(12).

Also present: Mr. David MacDonald, M.P.

Appearing: The Honourable Jean-Eudes Dubé, Minister of Veterans Affairs.

Witnesses: From the Department of Veterans Affairs: Dr. J. S. Hodgson, Deputy Minister; Mr. E. J. Rider, Director General, Welfare Services; Mr. W. T. Cromb, Chairman, War Veterans Allowance Board; Mr. T. D. Anderson, Chairman, Canadian Pension Commission.

The Chairman introduced the Minister who read a statement and answered questions posed by the members.

The Chairman thanked the Minister who retired.

Dr. Hodgson was called and introduced his Officials.

The Committee began the study of the Estimates 1969-70 (New Format).

Item (1) was allowed to stand.

On Item 5, Welfare Services, etc., Mr. Rider made a statement and answered questions.

After discussion Item 5 was carried.

On Item 10, Pensions Program, Mr. Anderson answered questions.

The examination of the witness continuing, at 11.00 a.m., on motion of Mr. Laniel, the Committee adjourned to Wednesday, April 23, 1969.

D. E. Levesque,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

[Text]

EVIDENCE

(Recorded by Electronic Apparatus)

Thursday, April 17, 1969

• 0909

The Chairman: Good morning, gentlemen. I think we have a quorum.

Mr. Dubé, the Minister, must attend a Cabinet meeting this morning and will have to leave about 9:45 a.m. So he will make a short statement for the record and then will be available for questions. Without further ado, I will ask Mr. Dubé to make his statement.

Hon. Jean-Eudes Dubé (Minister of Veterans Affairs): Thank you, Mr. Chairman. The first part of my remarks will be in English and the second part in French. Mr. Chairman and Gentlemen, I am very happy again to have this occasion of appearing before the Standing Committee on Veterans' Affairs this time to present the 1969-70 estimates of my Department. As only six months have passed since I spoke to the Committee at some length about the 1968-69 estimates, my remarks this morning will be somewhat briefer and less detailed.

As you may know, the Minister of Veterans' Affairs has a broad responsibility for five programs.

First, the Program of Welfare Services, Allowances and Other Benefits is one that seeks to ensure that all persons eligible for War Veterans Allowance, Civilian War Allowance and other veterans benefits are assisted to the full extent of the provisions of the various statutes affected.

The second is the Pension Program administered by the Canadian Pension Commission, which is a quasi-judicial body reporting to Parliament through the Minister of Veterans' Affairs. Under this program, pensions for disability and death are provided as set forth in the Pension Act. The program also includes the adjudication of claims for pensions under several other statutes including The Civilian War Pensions and Allowances Act, the RCMP Superannuation Act and the RCMP Pension Continuation Act.

A third program is concerned with the provision of treatment services to veterans and to other designated classes of patients as authorized by the Veterans Treatment Regulations.

Fourth, the Soldiers' Settlement and Veterans' Land Act program seeks to effect the successful settlement of qualified veterans as farmers, small holders, commercial fishermen and homesteaders, including Indian veterans on reserves.

The fifth of the programs, Departmental Administration, is concerned with the effective and efficient provision of a number of common professional and administrative services.

As you will notice, the total estimates for 1969-70 amount to about $417 million. Of this sum approximately $96 million is for War Veterans' Allowances and $224 million is devoted to pensions under the Pension Act: thus, like last year, these two items, War Veterans' Allowances and pensions, comprise over 75 per cent of the departmental estimates. A further sum of $69 million is allowed for treatment services and $5.6 million for the departmental administration program. The loans for the establishment of veterans under the Veterans' Land Act are of course not included in these estimates, but are provided through a revolving fund whose authorized ceiling is set at $530 million. A sum of just over $9 million however is contained in the estimates to cover VLA administration and a reserve for conditional benefits.

The over-all total of $417 million for the departmental estimates represents a *reduction* of $4.6 million over last year. The cost of the Treatment Services program has risen by an estimated $5.3 million, reflecting the fact that the cost of providing hospital services to veterans continues to increase in line with similar services in hospitals for the general public. This increase however is more than offset

• 0915

by a reduction of $5 million in the Welfare Services program (including War Veterans'

Allowances) and a reduction of $4.6 million in the Pensions program.

Mr. Chairman, I should like to speak briefly about each of the five programs in turn. The largest element of the Welfare Program arises under the War Veterans' Allowance Act 1952 and refers to the provision of allowances to those otherwise eligible veterans who by reason of age or infirmity are unable to make their way in the employment field. The Act also makes provision for allowances for widows and orphans. A companion measure, Part XI of the Civilian War Pensions and Allowances Act, authorizes the payment of similar allowances to certain groups of civilians who performed meritorious service in either World War I or World War II.

The War Veterans' Allowance Board is a statutory body which reports to Parliament through the Minister of Veterans' Affairs. It is administratively co-ordinated with the Department and has the assistance of Departmental services in carrying out its task. During the period covered by the estimates it is anticipated that a total of 87,000 recipients will receive benefits under this program. Although this projection represents a modest increase in the number of recipients, the total expenditure is expected to be lower than last year because an increasing number of those concerned will also be in receipt of income in the form of Old Age Security Pension, Guaranteed Income Supplement or other pension plans.

The Welfare Program includes many other elements, all designed to promote the maintenance and betterment of the life-chances of socially vulnerable individuals, or of their immediate kin, in recognition of wartime military service. Mention might however be made of the Assistance Fund which provides supplementary assistance to War Veterans' Allowance recipients on the basis of need: expenditures for the purpose of the Assistance Fund are estimated at $7 million for the year 1969-70.

It will be recalled that October 31 of last year was set as the final date for the claiming of War Service Gratuity or generally of Re-establishment Credit, or for purchasing Veterans' Insurance, and also for the establishment of eligibility to be settled under the terms of the Veterans' Land Act. This step was taken as part of a program approved by Parliament in 1962 for the orderly termination of certain features of the Veterans' Charter.

Turning now to the Pension Program, the most important question that will come before you is the Report of the Woods Committee. As I announced in the House during February, the government intends to refer this Report, together with a White Paper outlining the government's policy on it, to this Committee during the present Session. I know that you will study both documents with interest, and I can assure you that the government will give the most careful consideration to your conclusions.

In the meantime I might mention that a number of the recommendations of the Woods Committee that do not require legislative authority are now either in effect or in the process of implementation.

[*Interpretation*]

Mr. Chairman, the question of basic rates of pensions was not included in the terms of reference of the Woods Committee, but as you know they referred to it in their report. In addition the matter was studied by a committee made up of officers of the Department and the Canadian Pension Commission, and this Committee has made two separate confidential reports to me. It is important to note that all pension rates were increased by 15 per cent, effective as of January 1, 1968. I want to assure you that the question of the rates to be fixed from time to time under the Pension Act, and also under the War Veterans' Allowance Act, is being kept under active study. Members of the Committee will recognize, I am sure, that any change in these rates would be a matter of government policy and would be announced in the usual way.

With regard to the day-to-day work of the Canadian Pension Commission I am informed that the volume of claims remains at a high level, and that during the fiscal year 1967-68 over 13,000 entitlement claims were dealt with by the Commission. However the number of pensions in payment as of December 31, 1968 was 166,689, representing a decrease of 9,000 over the past three years. This decrease of course reflects the fact that most surviving World War I veterans or their widows are now well over 70 years of age; furthermore the number of World War II pensions in payment has also declined by 1,400 in the past two years. Nevertheless, while the annual number of claims is decreasing slightly, the claims themselves are becoming more and more difficult to handle because the evidence in their support becomes harder to obtain with each year that passes.

Now I should like to say a word about the Treatment Program. Members of the Committee will recall that last year I mentioned that the Department was continuing its efforts directed toward the transfer of veterans hospitals to other jurisdictions provided that satisfactory arrangements could be made. As you are aware, Sunnybrook and Ste. Foy Hospitals have now been transferred and Lancaster Hospital, Saint John, is slated for transfer on July 1, 1970. Discussions have continued with various provincial authorities, and although considerable interest has been shown, no specific negotiations for agreements have actually been initiated.

With the passage of time, many of the Department's facilities are becoming obsolescent, and their maintenance or replacement must be continued so that we may discharge our responsibility for the care of veterans. This updating process is essential also to make the properties attractive to communities as permanent facilities for both veterans and the general public. It is for these reasons that Parliament will be asked to approve an

• 0920

increased appropriation for hospital construction. The major part of this proposed expenditure is for the new wing at Ste. Anne de Bellevue where construction is proceeding very satisfactorily.

The introduction of Medicare plans in six of the ten Canadian provinces will already lead to some decrease in the cost to the Department for professional services. Furthermore with the aging of veterans, the proportion of chronic care patients is steadily increasing, and these require more extensive nursing care than either acute or domiciliary patients.

With regard to the fourth program, the Veterans' Land Act, a total of 158,000 veterans have been qualified but not settled. It is of course impossible to predict at this time how many of them will actually apply for VLA loans before March 31, 1974, five years hence, which is the closing date for applying for loans for new settlements. The current estimate however is that the average number of applications in each of the next five years would be slightly under 6,500, as compared with 5,500 in 1967-68 and 4,000 during the past year.

Last year it was found advisable to follow a guideline based on a taxable income ceiling of $7,000 in order to channel the available money to those with lower incomes. Applicants earning more than $7,000 were informed that, if they were able to make private interim purchase arrangements for suitable properties, they would receive a VLA deferred-loan commitment effective April 1, 1969. Generally speaking, veterans recognized the need for this guideline, and over 1,400 obtained forward-loan commitments. I am happy to state that, although financial pressures still continue, VLA lending operations are being resumed without any salary or other limitations on new settlement loan applications.

In other words, we have loaned this year without requesting this limit of $7,000 dollars, which existed last year.

Over the past year, one of the recurrent complaints concerning the Veterans' Land Act was perhaps related to the minimum acreage requirement under the part-time farming provisions of the Act. From 1946 to 1961 the minimum size was either two or three acres, depending on the cost of the land and a suitable water supply. In 1961 the minimum was reduced to half an acre, and in 1965 the Director was given discretionary authority to accept properties containing 20 per cent less than half an acre. Special concessions were also authorized in respect of seriously disabled veterans.

It is realized that, particularly in or near large metropolitan areas, land is scarce and costly. Nevertheless in the last few years, more veterans have been locating suitable properties than at any time since immediately after World War II. Members of the Committee will recognize that the Veterans' Land Act is agriculturally-oriented: it is not primarily housing legislation. Bearing in mind the nature and purpose of the Act, which is to assist veterans in settling on farms, the conclusion has again been reached that the minimum acreage should not be reduced to city-lot size, as this would result in duplication if not conflict with the provisions of the National Housing Act. Furthermore such a reduction would be deemed to be unfair to many veterans, as it would be tantamount to changing the rules near the end of the game.

I might perhaps recall the fact that the Veterans' Land Act was amended during this Session of Parliament to provide that the interest rate on loans in excess of $6,000 would be fixed from time to time by the Governor-in-Council instead of being fixed in the statute itself. As I have said, it is anticipated that the demand for loans will remain active under the new circumstances.

The fifth program provides professional and administrative services for the Department as a whole. Without going into detail, I should say that these services include matters such as Operations Audit, Architecture and Engineering, Financial Management, Public Relations and Personnel Administration. In a Department having some 11,000 employees, the fields of manpower planning and staff development are of particular importance, and these have been receiving special emphasis.

Apart from the five programs to which I have just referred, the Department engages in a variety of other activities affecting veterans. In this connection I would like to mention the ceremonies conducted last autumn to commemorate the 50th anniversary of the end

• 0925

of World War I.

On that occasion, as you will remember, 100 representative veterans proceeded as pilgrims to the World War I battlefields in France and Belgium, and another 100 veterans were brought to the nation's capital for Remembrance Services on November 11th. It seems to have been generally agreed that the various ceremonies were well conceived and expertly carried out, both in Canada and overseas. In the words of the Honourable Milton F. Gregg, V.C., a former Minister of Veterans Affairs, who was commandant of the overseas contingent, and I quote: "I consider the operation a great success, and I think also it has helped in Canada's relations with people in the places visited in France and Belgium".

In June of this year, special ceremonies will be held in Normandy by the Government of France to mark the 25th anniversary of the D-Day landings, and Canada will again participate. I recently made an announcement in general terms on this program, and details will be announced from time to time.

May I be allowed, Mr. Chairman, to thank all the members of the Committee for the attention they have kindly given me. The Senior officials of the Department who are here this morning, as well as those of the Canadian Pension Commission, as well as the War Veterans Allowances Commission will be ready to answer detailed questions, in order to help you in the consideration of the budget.

[*English*]

In concluding perhaps I should underline that we have a new Deputy Minister in the person of Dr. J. S. Hodgson, who was a new Assistant Deputy Minister when we last met; and we have two new Assistant Deputy Minister, Dr. K. S. Ritchie, who was previously head of Treatment Division, and Mr. W. B. Brittain who is presently a member of the Treasury Board. Thank you very much.

The Chairman: Thank you, Mr. Minister. I believe there are one or two members of the

• 0930

Committee who indicated they wanted to ask questions. Mr. Laniel.

[*Interpretation*]

Mr. Laniel: Mr. Minister, first, I wish to thank you on behalf of the Committee for the most complete statement that you gave us this morning. I am sure it was appreciated by all the members. However, we might have a few general questions to put. I know that you will be busy at 10 o'clock, but if you want to come again before the Committee, you will be most welcome.

[*English*]

I do not know, Mr. Chairman, how much latitude you are going to give me. I have three or four points to bring up with the Minister.

The Chairman: Could I offer just one caution? The Minister's time is limited and there are at least one or two other people who also have questions.

Mr. Laniel: Yes.

[*Interpretation*]

My first question, Mr. Minister, is the following: If I refer to the answer which you gave to Mr. Stanley Knowles on the 14th of April, on the report of the Woods Commission and on the publication of a White paper, I was glad to note that a first draft of it had been made and handed to the Cabinet. But you mentioned this morning that certain recommendations from the Woods Commission which would not require legislation, had already been put into application or were about to be put into application. Could you tell the Committee what measures dealing with these recommendations in the Woods Report you have already put into application?

Mr. Dubé: Certainly and I believe that the Committee could question Mr. Anderson, the Chairman of the Canadian Pension Commission on that subject and who could give details about the recommendations which have already been carried out.

Mr. Laniel: Briefly, Mr. Anderson will have the authority to give us these details.

• 0935

[*English*]

The Chairman: And he will appear before the Committee.

[*Interpretation*]

Mr. Laniel: My second question bears on the decision of the Department to transfer the maintenance of the Vimy Cemetery and the Beaumont-Hamel Cemetery to the Commonwealth War Graves Commission. I asked you a question recently in the House and you gave me an excellent reply, nevertheless, may I be allowed to repeat the arguments which I put forward at that time. I was opposed to this decision which might be difficult to reconsider. But as far as I am concerned, I believe that Vimy Cemetery among others, is quite different from all the other cemeteries or memorial parks in Europe, on the Continent, and I would be rather inclined to wish that the Department would set up an expansion program. Is the Department now considering the possibility of building in Vimy, before too long, a memorial building marking the end of the second World War, and this would include a museum and also have facilities for the numerous Canadians and Europeans who go to Vimy every year.

Mr. Dubé: In reply to the first part of the question, you are no doubt aware, Mr. Laniel, that we have 13 memorial monuments in Europe, France and Belgium, 11 of which are already administered by the Commonwealth War Graves Commission and the Canadians, and this includes the members, who have had the opportunity of travelling in Europe, have seen the excellent services rendered by the Commonwealth War Graves Commission.

The two most important monuments, Vimy and Beaumont-Hamel, are still administered by the Canadian government with people on the site. What we propose to do is this, we would not so much change the maintenance but rather the administration. In other words, the people on site at Beaumont-Hamel and at Vimy will be the same, i.e. Canadians. The guidelines and the policy will still be that of the Department of Veterans Affairs.

The only change would be to have, not the maintenance, but the administration as such in the hands of the most highly competent people, i.e. people from the Commonwealth War Graves Commission.

At present, those who administer are people from our office in London.

Mr. Laniel: They are closing down. Mr. Minister, you are busy closing down.

Mr. Dubé: We are not busy closing down. This could happen, but we never decided to close down in London. On the contrary, you may have seen in the newspapers recently that one of our ex-Assistant Deputy Ministers had been appointed to go to London.

Mr. Laniel: He hasn't arrived yet.

• 0940

Mr. Dubé: No, because he is very sick.

Mr. Laniel: Yes?

Mr. Dubé: Mr. Mace. The purpose is to continue to have Canadian control and to continue to have Canadians on site, and to have the supervision and the administration done by the most competent people. The Commonwealth War Graves Commission has given proof of its competence as far as the other Canadian and foreign monuments are concerned, which are very very well administered in Europe. Those people who are on site right now have no reason to fear that they will have to move.

Mr. Laniel: I am not questioning the competence of the Commonwealth War Graves Commission, but I wonder whether this decision will not reduce the authority of our representative in Vimy. If my information is correct, it might not be your own intention, Mr. Minister, but some of your officials recommend the closing of the office in London. Automatically, you will have to give a certain amount of authority to the Commonwealth War Graves Commission and, as far as I am concerned, I think this will lead to reduction of the authority of the truly Canadian representation in Vimy. Taking into account the political context in France right now, I am afraid of this. And I think that this will push Vimy further and further away from Canada rather than reinforcing the local administration in Vimy, and to provide for long-term expansion and development of the cemetery.

Mr. Dubé: I certainly appreciate your arguments, Mr. Laniel, and anyhow, the decision is not yet taken and you shall also have the opportunity to put questions to the officials, who will follow me, on this subject. They may quite possibly give you details which

wil be still more specific than those I have just given you.

As a summary, and I stress this point, what we intend to change is not at all the Canadian control and policy, neither is it on site maintenance, but rather the supervision, the administration. We are convinced, unless you can prove the contrary, that the administration and supervision can be done in a more competent way by a commission of experts rather than by officials in offices in London.

The Chairman: Are there any other questions, Mr. Laniel?

Mr. Laniel: I do not wish to have the floor too long, Mr. Chairman, but on the subject of Vimy and of our parks, particularly Saint-

• 0945

Julien, could the Department consider the possibility of making representations to the Department of Health and Welfare, in order to find the means of granting the right to an old age pension to Mr. Paul Piroson who, for 25 years or 50 years, I believe, looked after Vimy Cemetery, and to Mr. Jérôme Verfaille who was in Saint-Julien. These are two men who have spent their lives, even during the war, even during the Second World War in the case of Mr. Verfaille, to take care of these plots of Canadian soil in Europe, and who have been retired and are receiving a pension from the Department. Mr. Piroson was staying in Vimy on Canadian soil and we refuse to recognize their right to old age security. That is my final question.

Mr. Dubé: This is the first time that this request has been brought to my attention, and I shall be glad, Mr. Laniel, to treat it with all due consideration.

The Chairman: You have to see the Department of National Health and Welfare.

Mr. Laniel: They don't want to understand. Perhaps that by having another Minister on our side, that might help us.

The Chairman: Mr. Émard.

Mr. Émard: I have only one comment, Mr. Chairman. Not too long ago, your Department was authorized to increase, that is not to increase, but rather to remove the maximum limit of the 5 per cent interest rate for loans on veterans' housing and land, do you remember that? Now, I have been told that the interest rate went up immediately from 5 to 7½ per cent—I do not know whether or not this is true—and that this would even be increased somewhat more.

Some veterans complain that it will now be absolutely impossible for them to make use of the Veterans' Land Act because it will become too costly. One of them wrote to me recently that according to the former 5 per cent rate, he had to pay somewhat in excess of $77 per month for the reimbursement and that, henceforth, he will have to pay, I believe, $109 per month for the reimbursement. I may be wrong about this, but in my opinion, a veteran is a citizen who is entitled to special privileges, because he has earned them.

Yesterday evening, I was listening to Minister Hellyer on TV, and he was saying that some citizens would be able to buy a house for about $16,000 and pay an interest rate of about 6, 7, and 8 per cent, I believe. I find it rather curious that a veteran who, in my opinion, is entitled to certain special privileges, because he has earned them, cannot have better conditions than those enjoyed by an ordinary citizen who has never done any military service. Don't you think that we are being somewhat unfair towards veterans in this Veterans' Land Act which has already been passed?

You mentioned a while ago that the maximum loan for veterans' lands is $530 million. Now, if I understand correctly, the money we are now loaning to veterans who wish to settle down comes from this $530 million fund.

So, I do not know whether you are obliged to apply a higher rate of interest when you re-loan this money or whether you draw from the fund that has been at your disposal for numerous years, at an interest rate that is definitely lower than 7½ per cent. It might be too late to do something, but I know that it will be very difficult in future for many veterans.

The Chairman: Excuse me, Mr. Émard, but as you know, the Minister will have to leave us very shortly. Do you wish to reply to this question, sir?

Mr. Dubé: Yes. To give a brief reply to this question, first, nothing stops a veteran from availing himself of the offer which you mentioned a moment ago, and which Mr. Hellyer mentioned on TV. That offer regarding housing...

Mr. Émard: No, that's not what we are dealing with.

Mr. Dubé: ...does not stop any veteran from availing himself of it, but I am convinced that they will not want to do it because the measure we are proposing is still the best. We must not forget that the rate of 3½ per cent for the first $6,000, and this was part of the veterans' charter, has not been eliminated. There is no other loan in the country for which a borrower only has to pay 3½ per cent for the first $6,000. For the balance of the loan, the veteran only has to pay the cost of the money, what it costs the government to have the money, plus 1 per cent for administration costs. If you combine those two rates together, you will see that the rates offered to the veterans are very advantageous.

• 0950

Certainly, everything is going up; the rates throughout the country are going up, but it is difficult to compare what exists in 1969 with what was existing in 1945, for instance. But if you compare the rates which are effective in 1969, you will see that the rates offered to the veterans are still the best in the country.

[*English*]

The Chairman: I hesitate to interrupt, but we are concerned about time. Are there other members of the Committee who want to ask questions? Mr. Marshall?

Mr. Marshall: Will the Minister be returning, Mr. Chairman?

The Chairman: Mr. Dubé?

Mr. Dubé: Yes, I am willing to come back. Of course, if we can conclude in a few minutes I will stay here until 10 or 10.15 a.m.

The Chairman: Did you have a question, Mr. Marshall?

Mr. Marshall: Mr. Chairman and Mr. Dubé, I am concerned about the lack of communication I find in the Province of Newfoundland since it came into Confederation. I get very many letters stating that people do not know of the advantages under the various programs of the Department of Veterans Affairs. I wonder if something could be done to step up this communication or to make a survey to see why this is going on. I do not blame the people in the Department. I just feel that there are not enough veterans' representatives in Newfoundland to look after the details, and I find that a lot of the people just do not know anything about the programs. It appears like a breakdown in communication or a weakness in communication.

Mr. Dubé: Is there any program in particular that you feel is being neglected from the point of view of contact? Which one of the five programs that I have discussed this morning would have been neglected?

Mr. Marshall: I had in mind the Veterans' allowances, mainly. For example, in western Newfoundland, the representative comes up periodically—once every two or three months, I do not know the number of times he comes up—but it appears that it is very difficult for a person to go 300 miles to see the veterans' representative when he, first of all, cannot afford it and secondly, he does not know, through a lack of communication, that the representative is there. I get screaming letters about war veterans who are in dire need, but nobody has every told them about the advantages under the Veterans' Land Act and they are not aware of them.

Mr. Dubé: I would be very pleased to look into the matter. If you would be kind enough to send me copies of these letters I will make sure that an agent goes there to see those people as quickly as possible.

Mr. Marshall: I can deal with the various members of the Department, but I think there should be an over-all survey done by the people in Newfoundland because I am sure there is a lack of communication somewhere.

Mr. Dubé: Good enough. We will look into that.

Mr. Marshall: That is the only question I have, Mr. Chairman.

Mr. Thomas (Moncton): Mr. Chairman and Mr. Dubé, I think it was at the last meeting of this Committee when we were discussing Bill C-152, or whatever the number was, on the increase in interest rates that the President of the Royal Canadian Legion presented a brief. One of his recommendations was a reduction in the size of the lot—reducing the acreage—that is necessary to qualify under VLA and at that time we were told it was outside the scope of the Act, which it was, so it could not be discussed. However, you referred to this briefly and if I understood the interpreter correctly, your position is that you cannot modify this section of the Act because you would be modifying the law before its application. I cannot quite follow

• 0955

you there because we have modified the Act in respect to the interest rates and we have

modified the Act several times by reducing acreage, so what is the great objection now to reducing this acreage to a point where veterans could qualify?

Mr. Dubé: The main objection is that the purpose of the Act was to assist veterans in becoming farmers. The purpose of the Act never was to enter into competition with Central Mortgage and Housing Corporation. It was to help veterans become farmers, to establish themselves, to become settlers on parcels of land. There have been several reductions in the size of the lot, but it was never contemplated that its purpose was to assist veterans in settling within city limits just as ordinary residents. The purpose was to make farmers out of the veterans.

You see, at that time the veterans had a choice of several possibilities and that was one of them. Other veterans chose to further their education; others chose a cash grant and others decided to establish themselves on farms. It is felt that if we were to change the rules near the end of the game—and it is near the end of that program because, as you know, October 31 was the deadline for qualification—it would be unfair to those who had to make a choice immediately after the war.

Mr. Thomas (Moncton): I submit, sir, that we have already changed the rules of the game several times. At the time I left the service in 1945, the Act—we called it the small holdings act—was so designed that in order to qualify you had to have three acres. They were trying to make farmers of all the veterans and I think it was soon realized that only a very small percentage of those coming out of the services had the training necessary to make a success of a small holding. I always felt that the government and the Department modified their thinking and altered the Act to assist veterans to get established in homes, not necessarily farms. Also, in view of the fact that the cost of land was going up so rapidly it was realized that the size of holdings had to be reduced from three acres. I think the first change brought it down to an acre and a half. It is now down to three-quarters of an acre. I think it has been changed four or five times, so I submit that that reasoning is still valid. You have changed the rules of the game several times and I think it is time to change them again.

In other words, I think this stipulation, considering the cost of land today, means that a good many veterans just cannot qualify. I would like the government to give some consideration to reducing this qualification to a point where most veterans could qualify.

The Chairman: Mr. Laniel?

Mr. Laniel: Mr. Chairman, I am sorry to come back again. My question relates to VLA and I know that I can bring it up when Mr. Pawley is in front of us, but still there is a question of principle involved in my inquiry. Mr. Dubé, I got the impression that the Veterans' Land Act was personal to each veteran —each individual veteran—but when it comes to cases where a husband and wife are both veterans that rule does not apply because there is an intepretation in your Department based on the intent that the Veterans' Land Act was designed to encourage the rehabilitation of veterans in the agricultural industry and only one of the two, the man or the wife, has the right to benefit from the advantage of the Veterans' Land Act. Maybe I could agree with that in principle in order to prevent veterans from taking financial advantage of it, but where veterans are forced by their employment to move from one end of the country to the other after they have abided by the rules and occupied a farm for the 10 years, taken all the advantages of a loan to the husband or to the wife and a few years later the second veteran, the wife or the husband, applies for a loan under the Veterans' Land Act to re-establish in another part of the country, the application is disqualified. In the particular case I have in mind, all this was done after some advice had been given by some regional people of your Department.

However, my question relates to the principle involved. Is this directly related to the individual veterans, to the advantage of the veteran under the Veterans' Land Act? In the case I just mentioned, both the man and the woman were under fire in Europe during the war.

Mr. Dubé: Of course, I was not around then, but I presume that the principle behind it was to establish the veterans on one farm, not on two farms. It was not intended to split the family in two, but I can see your point, too. There are two veterans, not one, and you

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would think that they would be entitled to two loans. Perhaps it would be possible to combine both loans on the same lot, but in

principle I can see why this policy is followed. They do not want to encourage the wife to live on one farm and the husband to live on the other farm.

Mr. Laniel: To prevent abuses, I agree with that. Is there a possibility that such special cases could be looked at because from the correspondence that I have seen, this seems to be only an interpretation of your staff?

The Chairman: It must be an infrequent occurrence.

Mr. Dubé: This is the first time this has come to my attention, too.

Mr. Laniel: I will bring the case to Mr. Pawley's attention.

Mr. Dubé: You can discuss this with him when he appears before the Committee. No doubt there will be other cases to discuss, but off-hand I think we should encourage the veteran and his wife to remain on the same farm.

The Chairman: Are there any other questions that any member of the Committee wants to ask the Minister? If not, Mr. Dube, on behalf of the Committee I would like to thank you very much for coming this morning and for your presentation.

Mr. Dubé: Thank you very kindly.

The Chairman: I believe Mr. Hodgson might like to say a word or two and introduce some of the officials. There have been some changes possibly in the Department. Would you like to introduce those who are present Mr. Hodgson.

Dr. J. S. Hodgson (Deputy Minister, Department of Veterans Affairs): Mr. Chairman, and gentlemen, some of the officials who are in attendance will be known to you, but if you will permit me I will just run down the line and identify those that my Minister has not already referred to. Of course, at the end of the line you know the Chairman of the Canadian Pension Commission, Mr. Anderson; beside him Mr. Walsh, the Director of Financial Management in the Department; next to him Mr. Black, the Department Secretary; next to Mr. Black is Mr. Rider, Director General of Veteran Welfare Services; the next gentleman was referred to by the Minister, Dr. Ritchie, one of the new Assistant Deputy Ministers of the Department and formerly Director General of Treatment Services; next to Dr. Ritchie is Mr. Pawley, whom you know, of course, Director General of Veterans Land Act—I will skip over the next few gentlemen—the Chairman of the War Veterans Allowance Board, Mr. Cromb, who is well known to you; beside him Mr. Way the Chief of Public Relations. I will skip over some other gentlemen, who I wish were in the Department but who are not, to Mr. Don Ward, the Acting Chief Pensions Advocate who completes the line.

The Chairman: I wonder if I could also at this point extend an invitation to some other gentlemen, Mr. Donald Thompson, who is Secretary General of the Royal Canadian Legion, and who has been with us before. From the War Amputations of Canada, Mr. Chadderton who is Executive Secretary. From the Army, Navy and Air Force Association, Mr. Jack Nevins, who is the Dominion Secretary Treasurer.

Members of the Committee, the steering committee met earlier this week and we decided to recommend to you a few dates for meetings. We had Wednesday of next week in mind at 3.30 p.m., I believe, as well as Friday at 9.30 a.m. These are not the usual hours for committees but we run into the problem of getting rooms, so many committees are meeting at the same time. The Wednesday meeting is in Room 208, and the Friday meeting is in Room 308. Could you make a note of that please. Notices will go to you in the usual way.

Mr. Badanai: Mr. Chairman, what Friday do you mean, tomorrow?

The Chairman: No, a week from tomorrow, Wednesday of next week and Friday of next week. We will not meet any further this week. Thank you, Mr. Badanai.

We recommended also that we review the estimates in the new format. The estimates are also reprinted in the Blue Book as before but I believe every member has received this format of estimates and the steering committee recommended that we proceed on this format. If it is your wish I would like to stand Item 1 which is our usual procedure

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and possibly call an item which deals with Veterans Welfare Program. Item 1 is Administration, and Item 5 is the War Veterans Allowance Board. If that is your wish, I invite Mr. Rider and Mr. Cromb to come forward and possibly they might have something to say at this point.

DEPARTMENT OF VETERANS AFFAIRS

Welfare Services, Allowances and Other Benefits

5 Administration, including the expenses of the War Veterans Allowance Board—$7,099,000

Do either of you gentlemen care to make a statement for the record at this point?

Mr. E. J. Rider (Director General, Veterans Welfare Services, Department of Veterans Affairs): I have a statement, Mr. Chairman. I would like to say a few words about the Veterans Welfare Services Branch as distinct from the War Veterans Allowance Board, for as you know, the two form one program.

The Veterans Welfare Services Branch has a very varied program and is involved not only with the administration of statutes and regulations but also in the provision of services to individuals, to other branches of the Department and to the Canadian Pension Commission and relating to the War Veterans Allowance Act.

During the fiscal year 1968-69 three phases of this program, which were primarily post-discharge benefits, were terminated in accordance with the close-off dates placed in the appropriate legislation by Parliament in 1962. These were the payments of war-service gratuities and re-establishment credits both under the War Service Grants Act, and the issue of Veterans Insurance policies under the Veterans Insurance Act. As these items played a major role in assisting veterans to become re-established in civil life I would like, with your permission, Mr. Chairman, to say a few words about each.

War Service Gratuities

As you will remember each member of the forces during World War II was entitled to be paid a gratuity at the rate of $7.50 for each completed period of thirty days paid service, and an additional amount of 25 cents per day for such service which was spent overseas. This formed what was known as the basic gratuity.

In addition, a supplementary gratuity of seven days pay and allowances, at the rate payable at the time of discharge, for each one hundred and eighty-three days of overseas service was paid.

In recent years, the number of applications for gratuities have been very small, five to ten cases a year, and during the close-off period between April 1 and the end of October there were about forty applications received. In total, in this program some $469.8 million were paid out and the most busy years were, of course, 1945-46 and 1946-47 when over $200 millions a year were paid out in each year.

The next item discontinued, generally, was Re-establishment Credits. The credits were established as an amount equal to the basic gratuity, which I mentioned earlier, and were available to a veteran to help in his re-establishment as an alternative to settlement under the Veterans' Land Act, or to training under the Veterans Rehabilitation Act. The credit was not a cash payment but was applied against the cost of purchases made in most cases with a down payment by the veteran. The purposes for which the credit could be used were broad and covered the purchase, repair, modernization or discharge of indebtedness on his home. It covered the purchase of furniture and equipment for the home; the purchase of or provision of working capital for tools for a business; the payment of premiums on insurance schemes established by the Government of Canada, and the purchase of educational books and equipment. The largest single purpose used was the

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purchase of furniture for veterans homes as they re-established themselves after they came back to Canada. More than one and one half million applications were approved at a cost of some $184 million. In total, some $315 million were expended as re-establishment credits.

The third item is Veterans Insurance. It concerns the issue of new policies, which has been discontinued. This insurance was intended to provide life insurance coverage to veteran policyholders to the same extent that such coverage could be obtained through good commercial life companies but without the same stringency of medical requirements. More than 56,000 policies have been issued. Prior to the close-off year, the number of policies being issued was dropping off very quickly to about forty per month. However, during the period from April to October 1968—mainly in the month of October 1968—some 1,700 policies were issued. At the present time there are about 26,000 policies with a face value of $83 million insurance in force. Since 1945 there have been some 2,300 lapses, 20,000 cash surrenders and 6,160 death claims. Of course, the business of the administration of policies in force will continue.

In its current operations the Welfare Services Branch uses about 300 Welfare Officers to counsel on departmental benefits, war veterans allowances, the assistance fund, some aspects of the Pension Act, forces benevolent funds, social welfare and employment problems, other governmental programs, both federal and provincial, and in addition, these officers make reports and often provide recommendations in their reports.

Most of these officers work in the district or subdistrict offices, or in the metropolitan or urban areas surrounding them, because this is where the majority of veterans live. However, there are about 100 welfare officers who work in field areas and are responsible for the activities carried on in the geographic area allotted to them. Between the urban and field areas the officers travel, by a number of means, about one and one-half million miles a year.

Welfare Officers conduct more than a quarter of a million interviews a year, and the time per interview varies according to the content. For example, Mr. Chairman, the average time to take an application for war veterans allowances along with the coincidental counselling to ensure that the veteran, or widow, is aware of his or her rights and also, his or her responsibilities under the legislation, is about 50 minutes; while the average time for an interview conducted relating to veterans insurance takes about 20 minutes. So they vary quite a lot.

You may be interested to know, Mr. Chairman, that some 59 per cent of the interview work relates to war veterans allowances, pensions, and functions administered by other branches of the Department; while social welfare and rehabilitation counselling, including the Assistance Fund, accounts for some 26 per cent of the interviewing work. Of all the interviews conducted about 10 per cent result in a referral being made to some agency other than the welfare services. These referrals may be to other DVA branches or agencies, like the Canadian Pension Commission, to employers, to veterans organizations, to provincial government agencies or to private and public agencies. In all cases where referral is used it is because the other body either administers the benefits which are going to be involved or is specialized in such a way which would ensure for the veteran better service than we, ourselves, would be able to provide for him.

In addition to the Welfare Officers there are some 150 staff, mainly clerical, who perform the clerical processing functions relating to war veterans allowances and the Assistance Fund. A further 250 provide general clerical, stenographic and typing services for the branches across the country. The balance of the staff consist of supervisors, advisers,

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and a staff of some 230 who work in the District Central Registries and provide a file and mail function to all the departmental services in the field. Thank you, Mr. Chairman.

The Chairman: Thank you, Mr. Rider. Are there questions that members of the Committee would like to ask? Mr. Marshall?

Mr. Marshall: You mentioned, sir, that you have 300 Welfare Officers. Can you give me a breakdown—it does not have to be narrow—by regions and by provinces? I would accept it later in the mail if—

Mr. Rider: I take it you are primarily interested in Newfoundland?

Mr. Marshall: Right.

Mr. Rider: The welfare officers have two grades, what we call the WP1 and the WP2. In Newfoundland, there are eight such welfare officers; the same number that there is in the Regina district, southern Alberta, or in the Victoria office which looks after Vancouver Island, or the Quebec district, which is Quebec City and most of eastern Quebec including the Gaspé Peninsula. Those districts all have the same number.

The Chairman: Possibly, Mr. Rider, you could prepare a table for the next meeting of the Committee?

Mr. Rider: I would be pleased to do that, Mr. Chairman.

Mr. Marshall: How do you determine the number, by area, or by number of people, by population?

Mr. Rider: By a combination of the number of veterans, workload and mileage that it is necessary to travel. We do have to take mileage into consideration as it takes time to travel. This uses up man-years for us.

Mr. Marshall: What I am concerned about is the fact that the area of Newfoundland is so isolated. Veterans, who are up in the northern districts where nobody ever sees them, and who cannot get to the urban centres to see their welfare officer, are denied

the rights. It appears that they just do not know enough about it to know that there are advantages under the veterans acts to take advantage of. This is what I am getting at.

Mr. Rider: I know that through the kindness of the provincial government we use their people in northern Newfoundland on occasion.

Mr. Marshall: Have you found this satisfactory though?

Mr. Rider: Every summer we have a boat that goes around the coast. Now whether this is the north shore or the south shore I could not say at the moment, I would have to check. There used to be two boats but now we are down to one because of the increase in the number of roads in Newfoundland.

Mr. Marshall: Yes.

Mr. Rider: Actually our job of getting to people there is much simpler than it was 10 years ago.

Mr. Marshall: I hate to belabour the point, Mr. Chairman, I will ask one question. The reason I have been concerned about this is the fact that I get a lot of letters from community leaders who are concerned. A veteran comes to them and says," I need help." They write to me and say, "Will you send me all the information possible on how these people can get help." I know there are veterans representatives in Newfoundland but evidently somebody is not seeing them. This is why I mentioned before to the Minister that there is a lack of communication or education somewhere. I just want to bring it to your attention.

Mr. Rider: Sir, I know your main concern is in the area of war veterans allowances and civilian allowances.

Mr. Marshall: And pensions.

Mr. Rider: There are pamphlets, and if these people would just write to the district office in Newfoundland they would send the pamphlets out and answer any questions by correspondence.

Mr. Marshall: I have already told them this but it seems at this late date that something must have been missing along the line. I will deal with you directly on it.

Mr. Rider: All right, sir.

Mr. Marshall: Thank you, Mr. Chairman.

Mr. Laniel: Mr. Chairman just on this point, last year the Committee was provided with a list of the principal staff of the Department, the hospitals and the regions and I think that that would be very useful again. I wonder if Dr. Hodgson could make this available to the Committee again so that members who were not on the Committee last year could have it. Probably you could get it from the Department, or I could show a copy to you. It is a three or four page document giving the name and responsibility of everybody in the Department.

Dr. Hodgson: This would be a breakdown showing the people by programs and by localities.

Mr. Laniel: Yes, by localities. I do not know how complete it is but it does cover Ste. Anne de Bellevue and Queen Mary, and so on.

Dr. Hodgson: I will be very happy to do that, sir.

Mr. Laniel: That was not my question, Mr. Chairman. I wanted to ask Mr. Rider—this is a leading question—who is looking after the veterans welfare service in London right now, since your man there retired at the end of last month?

Mr. Rider: In London, England, sir?

Mr. Laniel: Yes.

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Mr. Rider: I understand that Col. Chambers has very recently left, but there always has been a welfare officer there by the name of Clark who deals directly with the veterans. He has been in London, England for quite a long time; he was junior to and then took over from a Mr. Whelan who was there before that. At the present time Mr. Clark deals with the veterans who come in with welfare problems.

Mr. Laniel: Is there anything new about the Canadian veterans in the United Kingdom and the restrictions that apply to them when qualifying for veteran's allowance under which they have to come back to Canada for one year if they want to qualify? Is that just forgotten or is this under study?

Mr. Rider: This is something that Col. Cromb will have to tell you about because it is a matter of War Veterans Allowance. I can tell you that payments from the fund for

needy veterans overseas are now being made to some 230 veterans is the United Kingdom.

Mr. Laniel: Are these under the Assistance Fund?

Mr. Rider: It is a type of assistance, it is not under the Assistance Fund as such. It is a payment which pays to them the difference between the National Assistance rates and the ceilings established for National Assistance, now known as Supplementary benefits, under the British Ministry of Social Welfare. This was established a few years ago and some 230 Canadians now receive payments from Canada to make up this difference between the National Assistance they can get and the ceilings under that legislation.

Mr. W. T. Cromb (Chairman, War Veterans Allowance Board): Mr. Chairman, in answer to Mr. Laniel, the purpose of the payment of the allowance overseas was originally to permit recipients who lived in Canada—those who were in receipt of the allowance in Canada—to proceed either on extended holidays or to live outside the country for any length of time, without any time limit at all. It was not contemplated at that time that applications could be made by veterans outside Canada; the War Veterans Allowance Act is based on a means test and it is extremely difficult to contemplate the administration of the means test for people who have not been in Canada and have not made their application here. There are no district authorities outside Canada.

The number of Canadians living outside of Canada is not limited just to the United Kingdom; there are a great many in the United States and in other parts of the world, that is one of the reasons—the main reason—why it was placed in the Act that a recipient must live at least 12 months in Canada and leave as a recipient in order to take the allowance with him. A number have done that. There are about 500 or so recipients of war veterans allowances who live outside Canada. Just to give you an idea of the problem, there are 282 in the United Kingdom now receiving war veterans allowances, 275 in the United States, there are 45 in Italy, and then there are 2's and 3's all over the world, so it is a problem that would effect more than just the United Kingdom.

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Mr. Laniel: If I take what you said, I get the impression that the policy has not been changed, there is not much chance of a change coming; it is not being re-examined in any way? Really, some of these veterans were back in Canada and because they went abroad afterwards they cannot take advantage of veterans allowances unless they come back, qualify in Canada, and then move back to England. That sounds silly to me. How anyone on welfare in Canada can move to England on welfare, I do not know.

Mr. Cromb: The matter of policy of course, is the Government's.

Mr. Laniel: I know.

Mr. Cromb: However, there are quite a number who have come from the United Kingdom, have lived in Canada a year and have gone back; others have come from the United States and so on. That has been done. It has been considered but no changes have been made.

Mr. Laniel: I have a specific question. Are the benefit equivalents under war veterans allowance different than under part II of the Civilian War Allowance which applied to the Corps of Canadian Fire Fighters and other people?

Mr. Cromb: The benefits are similar.

Mr. Laniel: Do they get the same benefits?

Mr. Cromb: The benefits are exactly the same, they have the same rates and ceilings; the same things exactly.

Mr. Laniel: Thank you.

The Chairman: Are there any other questions? If there are no other questions I wonder if we could just look at the items and review them at this point. This is Vote 5 which is to be found on pages 12 to 20 in our new format. On page 12, we see a General Summary of the Budgetary Expenditures and the statutory items for War Service Gratuities and so on. Pages 14, 15, 16 and 17 give details. Are there any questions that any member wants to raise at this point to ask of the witnesses before us.

If there are no further questions shall we carry Item 5?

Item 5 agreed to.

The Chairman: Thank you, Mr. Cromb and Mr. Rider.

The next item, if we follow the sequence of the booklet is the Canadian Pension Commission. This item is to be found at page 20 of

the General Summary with the details on pages 22 to 25.

Mr. T. D. Anderson (Chairman, The Canadian Pension Commission): Mr. Chairman, on the occasion of my last appearance before the Committee I read into the record, as you will recall, a brief outline of the organization of the Commission and the manner in which it operates and so on. I had not planned on repeating that performance today unless you think it is necessary, sir.

The Chairman: Whatever the wish is of the Committee.

Mr. Anderson: The history is contained in the Minutes of the last meeting, but if anybody feels he would like me to go through this again in order to give new members this information I am quite prepared to do so.

The Chairman: Mr. Marceau would like to see it put on the record again.

Mr. Anderson: Fine, now I will try to control the speed here because I know it is difficult for the interpreters. First of all, I think it

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would be well to run through the manner in which the Commission operates and the manner in which it was established.

The Canadian Pension Commission is an independent quasi-judicial body operating under the Pension Act of 1919, as amended, and reporting to Parliament through the Minister of Veterans Affairs. It consists at present of twelve members who have been appointed for terms of up to ten years, one of whom is the Chairman who holds rank as a Deputy Head of a Department, and one the Deputy Chairman. In addition, there are four ad hoc members appointed for one year with provision for re-appointment annually as required. Six members are normally absent from Ottawa sitting in various parts of Canada as Appeal Boards. Each Board is made up of three Commissioners.

The Commission is concerned primarily with pension claims arising out of service in the armed forces in time of war, as well as in peacetime. It has in the words of the Pension Act "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."

That is a direct quote from Section 5(1) of the Pension Act, by the way.

The Commission also has final jurisdiction to determine any question of interpretation of the Act. There is no provision for appeal from its decisions other than to its own Appeal Boards, which consist of three members who had not previously adjudicated upon the case under appeal, and such appeals are limited to the basic question of entitlement in respect of disability or death. It is also responsible for the administration of the Civilian War Pensions and Allowances Act together with like duties in respect of pensions under various other measures relating to civilians, including the Royal Canadian Mounted Police Pension Continuation Act.

No provision is made for services in the Commission's organization. The reason for this is that staff, accommodation, custody of files, accounting, issue of cheques and virtually all other services are provided by the Department of Veterans Affairs and the Department of Finance. Most of the work done within the organization of the Commission—

The Chairman: Excuse me a moment, there is a question here.

Mr. Thomas (Moncton): Mr. Chairman, I am sorry to interrupt, but on a point of order, I think Mr. Anderson is reading almost verbatim his original presentation.

Mr. Anderson: That is right—that is what I said in the beginning.

Mr. Thomas (Moncton): I think you were misunderstood. I think in the interest of saving time—all this was reported in the Proceedings and Evidence of Issue 5—would it not be better to have the members read this report as it is quite a lengthy report?

The Chairman: This was the purpose of the original question.

Mr. Thomas (Moncton): Yes, I think it was misunderstood.

The Chairman: There must be unanimous consent before we could dispense with a reading of it.

Mr. Anderson: I will withdraw then, Mr. Chairman.

The Chairman: In that case, if there is no further comment, I wonder if the members have any questions on this particular item of the estimates?

Mr. Laniel: I do. I just want to put to Mr. Anderson the question I put to the Minister about the possibility of his enumerating the recommendations that are found in the Woods' Committee Report that already have been implemented, are about to be implemented or the ones that do not cost money.

The Chairman: Mr. Laniel's question was .

Mr. Laniel: No, the Minister did not say, those that cost no money, he said those that need legislation. There are many, you know, and we hope that they will compensate for the long study that you are undertaking.

Mr. Anderson: Yes, Mr. Chairman, I can do that quite readily. I have all the information here. I think I should say before I proceed to enumerate these that there are quite a number of the recommendations which, while they do not in themselves require legislative amendment to the Act, their implementation will depend to a great extent on certain amendments to the legislation. So the only ones which we are now free to act upon are those which do not require a legislative amendment or those which do not depend on legislative amendment. I can run through those quickly for your information, Mr. Chairman.

The first recommendation I have listed here is:

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1. "That the Canadian Pension Commission decide initial interpretation of sections of the Pension Act in its own discretion"

We have been doing this for years so we will just continue it. That is simple.

2. "That the Canadian Pension Commission institute a procedure whereby any Commissioner may request an interpretation of any clause of the Pension Act".

This also has been in effect for many years. At the moment, as you know, the Commission has the final word with regard to the interpretation of any section. There is an item in the legislation itself which provides that the Commission has the final right of interpretation of any section of the Act. So if an individual Commissioner seeks an interpretation, all he has to do is ask that this be put on the agenda of a general meeting and the question will be resolved for him at that time.

Again I also think, in part at least, this depends to some extent upon some of the other amendments which are proposed in the Woods' Committee Report such as the one to set up the Appeal Board. I think it was intended in this recommendation to provide for a member to go to the new Appeal Board they have suggested if and when it is convenient and to obtain an interpretation of any section of the legislation.

The third one is rather lengthy. It deals with various administrative matters such as pension law providing interpretation of various sections of the Pension Act and Section 7(3) hearings. I had better read it in whole.

3. That the Canadian Pension Commission issue directives and/or administrative instructions on the following subjects:

a) Pension law providing interpretation of various sections of the Pension Act;

b) Section 7(3) Hearings;

c) The procedure for application for compassionate pension;

d) The purpose of compassionate pension;

e) Medical Advisory Branch matters;

f) Supplementary benefits;

g) Broad and flexible guidelines regarding assets, income and expenditures for determination of "dependent condition";

h) Administrative instructions.

There are, of course, already a very large number of such directives available. They have been drawn up in the process of our operations over the years. Normally they have been filed in subject files dealing with that particular feature of the Act and they have never at any time been gathered into any concise loose-leaf folder which can be distributed, although the items themselves have, for many years, been distributed to people who are interested such as the Veterans' Bureau, the Service Bureau of the Legion and other veterans' organizations as well as other people who have a direct interest—in pensions, that is.

We now are proceeding. The work is almost completed, I am happy to say—to have these gathered together and put in a loose-leaf folder which can be added to or taken away from as is necessary. These books, when they are completed, will be distributed to those people who are interested. As changes are made, and there will be, of course, as we go along, they will be incorporated and sent out to persons concerned.

Mr. Laniel: Could I interrupt to ask a supplementary question? In these suggestions or recommendations to your personnel, is the Woods' Committee report itself to be considered as an official document of reference? There is so much background that I do not think you can include all the implications in a memo or a recommendation to your staff. Is that considered a document of reference on the interpretation of your changes?

Mr. Anderson: What you are suggesting, Mr. Laniel, I suppose is, have these particular recommendations the approval of the Minister, for example. They have, of course, been discussed with him and he has agreed that this sort of thing is something that can be done without legislative amendment and is quite proper. In other words, it can be done under the existing legislation. This is the basis on which...

Mr. Laniel: The reason I asked the question was that some people might get the impression that the Canada Pension Commission might absolve itself sometimes by saying, "We have been doing this allthe time". If the Woods' Committee went to the trouble of including it as a specific recommendation, it might mean that they are not completely satisfied with the way it has been done. This

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was why I asked if the report was to be considered as an official document of reference, at least, so that we could at a later date—committees or other people involved in veterans' problems—refer to the report and could give a broader interpretation to your decision.

Mr. Anderson: To answer the first part of your question, I think it is true that the Woods' Committee, while they realized that this was being done in part or in certain instances, were not completely satisfied that it was being done to the extent that it should be done. This was the basis on which their recommendations were made, of course, we are now attempting so far as is humanly possible to do what they recommend.

The Chairman: Excuse me, Mr. Laniel, I know what your are getting at, but I think all that can be said at this point is what the Department is doing. Later we will have a more specific document referring to the Woods' Committee.

> That the Chairman of the Canadian Pension Commission institute a quality control procedure consisting of a review of statements of case, transcripts of examiners, selected decisions.

This has also been done over many years perhaps not to the entire satisfaction of the Woods' Committee as you will realize if you have read their study, but a very adequate quality control procedure over Commission decisions reached prior to Appeal Board decisions has always been in effect. These are all carefully checked by either the Claims Branch or the Medical Advisory Branch and if they deviate from established Commission policy, they are referred to the Chairman or Deputy Chairman who then takes them to the board room for discussion and final decision. At that stage, all of the items mentioned, that is, the statements of case, transcript of examiners, selected decisions and so on, are considered by the full meeting of the Commission.

There is not now and never has been any provision in the Pension Act

> whereby the decision of an Appeal Board may be questioned by the Chairman or any one else. It would be contrary to the Pension Act to do so since the Act states that the decision of an Appeal Board is final and binding on all concerned.
>
> Appeal Boards sit in judgment on previous decisions of the Commission. Members of the Appeal Boards are, of course, well aware of all matters of Commission policy regarding the application of the various sections of the Pension Act.

So that we have no real authority to control decisions of an Appeal Board. They are sitting in judgment on our previous decisions.

> 5. That the Chairman of the Canadian Pension Commission ensure the maximum standardization of adjudication and that the following procedures be instituted:
>
> a) A digest to record relevant decisions and comments;
>
> b) Memoranda be issued to Commission or staff where quality control procedure has indicated a variance with Commission standards;
>
> c) Policy directives be issued. The provisions of this recommendation have also been in effect for many year. Any outstanding claim involving a question of new or revised Commission policy is documented and recorded in the Secretariat.

Now, it is perhaps the manner in which this has been done that the Woods' Committee criticized more than anything else. Here again, it is desirable to have these gathered in a more concise and readily available way and this is being considered at the moment.

It would, of course, be unnecessary even under this recommendation to document other than unusual decisions. It is no great problem to obtain any file at any time should it be needed for reference purposes. Memoranda reference procedures are regularly issued to the appropriate personnel and as indicated above, policy directives are adopted at every general meeting and distributed to those to whom they are of interest.

6. That standard application form for entitlement claims and standard form for Commission decisions be utilized where practical. This recommendation has been in effect for many years.

We have been using a standard application form for many years for entitlement claims.

• 1045

Here again, it was suggested previously that a form be adopted for use in applying for claims under Section 25 and so on and in some of the other discretionary sections which is being done now. I have no doubt that these forms can be improved upon and they have, in fact, been changed a number of times over the years. The question of their improvement is constantly under study.

7. That the Canadian Pension Commission may in its discretion accept informal applications for pension.

Well, of course, this is something we have always been doing and we will continue to do that.

8. That a recruiting and staff development policy be undertaken to ensure that the Claims and Review Branch of the Canadian Pension Commission has sufficient personnel to adjudicate on routine decisions of the Commission as proposed in other recommendations.

A recruiting and staff development policy is the subject of constant consideration by our personnel people and deals with all branches of the Commission, including the Claims Branch.

This, I think, was designed largely to ensure that if and when the recommendations regarding the extended responsibilities of the Claims Branch were put into effect, we would be in a position to recruit additional staff to take care of that situation.

9. That a Standing Advisory Committee be established consisting of members of the Canadian Pension Commission, the Department of National Defence and the Veterans' Bureau.

We already have the membership listed for this Committee. It has not held any meetings yet because there are a number of items in the report of the Woods' Committee itself that have to be cleared, I think, before we can proceed, but it is my hope that we will have meetings of this Committee in the not too distant future.

10. That Section 25 of the Pension Act remain in its present form, and that

(1) the Canadian Pension Commission make fuller use of it to approve pension awards, or any addition to pension in circumstances where the Commission considers that such should be paid, but where no other enabling section of the Act would permit payment.

Well, this is precisely what the section is designed to do, of course, and it is what we intend to do with it. We are constantly considering ways of expanding the use of this section and have done so. For instance, a few years ago we did extend the benefits of this section to a considerable group of Canadian veterans living in the U..K and on the continent who, because of the fact that they were outside of the country, were ineligible for War Veterans Allowance and we are paying them small pensions under Section 25 to compensate.

The Commission is constantly studying means by which the use of Section 25 can be expanded and so on, and I think I have explained the remainder of that to you.

11. That, where a compassionate pension under Section 25 is awarded to a widow, her pensionable children be made eligible for educational benefits under the Education Assistance Act.

This, of course, is something that is not our responsibility. This is the responsibility of the Department, but I believe they have gone ahead with the necessary amendments to the children of War Dead Assistance Act to take care of this situation.

12. That the Table of Disabilities regarding the payment of attendance allowance be amended to make it clear

that all levels contained therein, other than maximum or minimum amounts and general subdivisions, are to be used as guidelines, and that actual awards are to be made in keeping with the extent to which the individual is dependent based upon carefully considered and unbiased judgment.

An item providing for this was introduced on February 20, 1969, into the Table of Disabilities and, of course, the Table of Disabilities is something which we can amend on our own at any time.

However, it should be pointed out that the entire Table of Disabilities is designated as a guide only and has always been treated as such by the Canadian Pension Commission.

13. That the operation of the Medical Advisory Branch be expedited as follows:
a) Medical Advisers not to perform clerical duties;
b) A clerical section be established to
i) screen files,
ii) prepare precis of non-medical material,
iii) when, appropriate, prepare precis of medical history.

The Medical Advisory Branch has now been relieved of most of the clerical duties by a special clerical section which was set up on November 1968, although the procedure has been partially in effect since December of 1965. The section is being steadily expanded as the work requires. There is, in fact, a competition in process at the moment to provide additional personnel for this section. The clerical section is doing precisely what is recommended in this proposal.

14. That the role of the Medical Adviser be restricted to that of providing medical opinion to the Canadian Pension Commission.

1. The Medical Advisers of the Canadian Pension Commission have been directed to avoid, where practical, the inclusion of recommanded decisions in the medical precis. This is particularly true of recommendations which involve an interpretation of a section of the Pension Act rather than interpretation of medical evidence.

I think it is natural to assume that when it comes to interpreting medical evidence which is put before the Medical Advisers, it is their job to interpret that for us and guide us along the proper medical lines in that respect. The complaint I think which the Woods' Committee found most common in this regard was that the Medical Advisers were not only interpreting the medical evidence, but they were interpreting the Pension Act, as well. This is something we are trying to get away from.

2. In certain cases of degenerative or congenital conditions which are obviously pre-enlistment in origin, part of the medical advice must be to the effect that this is so.

• 1050

That is, a layman is not particularly well equipped to decide whether a condition is pre-enlistment or whether it was incurred during service. In the event that it was aggravated during service, the extent to which is has been aggravated and so on. This is largely a medical problem so that we have to be guided to a very considerable extent by the advice given us by our Medical Advisers.

3. Since the newly-appointed Commissioners always require to be given a certain amount of training while our daily work is being carried on, the most effective and efficient means by which this training can be given is by having our experienced Medical Advisers include recommended decisions in the medical precis.

In some cases this also would include even recommended interpretations, at least, of certain sections of the Act during the training period for these people.

Commissioners are free to, and frequently do, question such recommended decisions and discuss them with other Commissioners, the Chairman, Deputy Chairman or the Chief Medical Adviser before writing a final decision.

The Commission is frequently severely criticized for delays in adjudicating claims. Therefore, every effort must be made to ensure that the staff is used effectively and efficiently.

15. That the Medical Adviser's White Slip be replaced by a "Medical Adviser's Precis" based upon the following principles:

a) Medical Adviser's Precis not confidential and to be placed on the file;

b) It shall contain Medical Adviser's opinion with respect to medical aspects of the claim;

This goes back to the previous recommendation to some extent at least.

c) The medical opinion shall contain a summary of all previous medical advice given;

d) The precis shall not contain an opinion as to whether or not the applicant qualifies under the Pension Act.

This was the chief objection, I think, of some of the Medical Adviser's reports.

I might say, before I comment on the action taken, that this has been a rather difficult one for a variety of reasons which I think will become clear to you when I outline just what we have done about this.

Again, while we are doing our best to implement this recommendation, there are certain problems which are not easy to deal with. For example, when the medical precis containing the service medical history is placed on the veteran's file, this service medical history becomes available to any one who wishes to draw and study the file. There are a good number of veterans, as indeed there are people generally, who do not wish to have their medical history revealed in this way. The Commission has always been of the opinion that their wishes should be respected. These files are available to a very large number of public servants.

Arrangements are already in existence whereby any one designated by the veteran may draw the medical precis for properly authorized purposes. That is to say, the veteran himself can let anyone look at the file that he wants to.

Surely if a veteran wants someone to study his file and authorizes him to do so, he should, on the other hand, have a perfect right to refuse to allow his medical history to be reviewed by others. A veteran's medical history is a matter between himself and the doctor or doctors who compiled it. If he wants someone else to see it for any reason, he is always free to give his authority to do so. When he applies for pension consideration, he is, of course, authorizing the Commissioners and the Veterans' Bureau to review his medical history and he is always free to grant the same authority to any one else if he wishes to. Our medical advisers have, as most doctors would, registered strong objection to any extension of the present procedure.

The medical advisers would also appear to have a valid complaint when they register some dissatisfaction with the suggestion that they should be required to summarize other doctors' precis. I think this recommendation can be best dealt with by simply ensuring that all medical precis are available to the person or persons duly authorized to review them. Of course, this is already in effect. Again, the question of whether or not an opinion regarding the decision should be expressed by the medical adviser depends largely on whether the opinion is or is not a medical opinion as against an interpretation of the Pension Act.

16. That the Commission undertake a study to determine whether or not a section should be established within the Commission to determine which cases should be submitted to the Medical Advisory Board for opinion.

This was simply a suggestion that we look into this situation and decide whether or not action was necessary. We have done so and we feel that the present system is working adequately.

17. That the staff of the Commission and the Department be authorized to counsel persons respecting benefits under section 34(5).

A letter was sent out to all the people concerned in this regard advising them that they were free to do this at any time.

18. That provision be made for the method of assessment of a disability where the award of entitlement is retroactive.

This poses a difficult problem, of course, because you are sometimes faced with the necessity of assessing a disability when the man is dead. You can only do it on the basis of the evidence available and on the basis of autopsy reports and so on and so forth. We try to get the very best possible evidence to base our assessments on in such cases.

• 1055

19. That the Canadian Pension Commission staff where practical arrange for the review of a pensioner's assessment at the time of his discharge from Treatment strength and in long term treatment cases arrange, if practical, for the assessment

to be reviewed during the period of treatment.

The proposed procedure has been in effect for several years, but there are certain problems which may arise. First, it is impossible to examine seriously ill patients for assessment purposes. The doctor in charge just will not let us. He says, "This man is too sick to be examined and you will have to leave him alone." We cannot do anything in that case.

Second it is impossible to properly assess a disability immediately following surgery or some other form of treatment until such time as the result of the medication have taken effect. This, of course, means that in a number of cases, at least, we would have to wait for some time before a disability could be adequately assessed.

We have to wait until his condition settles down and whatever medical treatment has been given has taken effect and so on in order to adequately assess the long term or permanent disability.

20. That Newfoundland pension applicants to the Ministry of Social Security of the British Government be assisted by the Canadian Pension Commission, the Department of Veterans Affairs, including the Veterans' Bureau, in the preparation of their applications to the extent authorized by the British Ministry.

Officials in our District Office in St. John's Newfoundland, have very excellent relations with the British Department of Health and Social Security, that is the Department which deals with disability pensions for the British, as indeed have the officials at Head Office in Ottawa. Everything possible is done to assist these veterans.

21. That the present practice of appointing professionally trained personnel including medical doctors, lawyers and recently retired ex-members of the peacetime forces be continued; and that in making such appointments a practical ration of the appropriate professions be considered in the light of the requirements of the Commission.

This recommendation is being carried out. We have always done so and we are just continuing to do so.

22. That the provisions of Departmental instructions which permit access to files and disclosure of information to prospective employers or insurance companies be amended to provide that the information will only be disclosed when, in the opinion of departmental officials, the disclosure is in the best interests of the veteran and when the consent of the veteran has been obtained.

I am advised by the Departmental Secretary that the regulations have now been amended in accordance with this proposal.

Those are the 22 recommendations which we have put into effect or are in the process of putting into effect. As I say, there are a number of others which cannot be dealt with until such as time as certain amendments to the legislation have been effected.

The Chairman: Thank you. Members of the Committee, I wonder if this would be a good time to interrupt. If we could have a transcript of this proceeding available before the next meeting it would give members of the Committee an opportunity to study the points raised. I know this is going to create a bit of a problem with the Committees Branch because they are very much overworked at this point. However, we will see what can be done.

With the approval of those present I would like to thank you very much, Mr. Anderson. I believe we should adjourn now.

Mr. Laniel: I move we adjourn, Mr. Chairman.

The Chairman: Thank you.

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968-1969

STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 10

WEDNESDAY, APRIL 23, 1969
FRIDAY, APRIL 25, 1969

Respecting
Main Estimates 1969-70 of the Department of Veterans Affairs

WITNESSES:

(*See Minutes of Proceedings*)

INCLUDING THIRD REPORT TO THE HOUSE

29672—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs,

Badanai,	LeBlanc (*Rimouski*),	Peters,
Bigg,	Laniel,	Saltsman,
Cullen,	Latulippe,	Stafford,
Guay (*St. Boniface*),	MacRae,	Thomas (*Moncton*),
Groos,	Marshall,	Weatherhead—(20).
Knowles (*Norfolk-Haldimand*),	McIntosh,	
	Murphy,	

(Quorum 11)

D. E. Levesque,
Clerk of the Committee.

Mr. Guay (*St. Boniface*) replaced Mr. Marceau on April 17, 1969.
Mr. Whicher replaced Mr. Gibson on April 17, 1969.
Mr. Boulanger replaced Mr. Turner (*London East*) on April 23, 1969.
Mr. Groos replaced Mr. Emard on April 25, 1969.
Mr. Murphy replaced Mr. Whicher on April 25, 1969.
Mr. Cullen replaced Mr. Boulanger on April 25, 1969.

REPORT TO THE HOUSE

TUESDAY, April 29, 1969.

The Standing Committee on Veterans Affairs has the honour to present its

THIRD REPORT

Pursuant to its Order of Reference of Thursday, February 20, 1969, your Committee has considered the following items listed in the Main Estimates 1969-70:

Votes 1, 5, 10, 20, 25, 30, 35, 38, 40 and 45, relating to the Department of Veterans Affairs.

Your Committee commends them to the House.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 9 and 10*) is tabled.

Respectfully submitted,

LLOYD FRANCIS,
Chairman.

29672—1½

[*Text*]

MINUTES OF PROCEEDINGS

WEDNESDAY, April 23, 1969.
(10)

The Standing Committee on Veterans Affairs met this day at 3:30 p.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Badanai, Bigg, Boulanger, Émard, Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), LeBlanc (*Rimouski*), Legault, Marshall, Saltsman, Thomas (*Moncton*), Weatherhead, Whicher—(14).

Witnesses: From the Canadian Pension Commission: Mr. T. D. Anderson, Chairman. *From the Department of Veterans Affairs:* Dr. J. S. Hodgson, Deputy Minister; Mr. D. K. Ward, Deputy Chief Pensions Advocate; Mr. R. W. Pawley, Director General, Soldiers Settlement and V.L.A. Branch; Mr. A. D. McCracken, Director, Administration and Finance, V.L.A. Branch.

The Committee resumed the study of the Estimates 1969-70.

On Item 10, Pensions Program, Mr. Anderson, assisted by Dr. Hodgson and Mr. Ward, answered questions posed by the Committee.

Item 10 was carried.

On Item 20, Soldiers Settlement and Veterans' Land Act Program, Messrs. Pawley and McCracken answered questions.

Item 20 was carried.

At 5:00 p.m., the Committee adjourned to Friday, April 25, 1969.

[*Text*]

FRIDAY, April 25, 1969.
(11)

The Standing Committee on Veterans Affairs met this day at 9:30 a.m. The Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Cullen, Francis, Groos, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Latulippe, Legault, Marshall, Murphy, Saltsman, Thomas (*Moncton*), Weatherhead—(13).

Witnesses: From the Department of Veterans Affairs: Dr. K. S. Ritchie, Assistant Deputy Minister and Mr. W. S. Cavanaugh, Assistant Director of Administration, Treatment Services.

The Committee resumed consideration of the Estimates 1969-70.

The Chairman called Item 15, Treatment Services Program and introduced the witnesses.

Dr. Ritchie, with the assistance of Mr. Cavanaugh answered questions posed by the members.

After discussion Item 15 and Item (1) were carried.

This completed the Estimates 1969-70 relating to the Department of Veterans Affairs.

It was *agreed* that the answer to Mr. Marshall's question at the meeting of April 23, 1969, re: Number of Welfare Officers by District be included in this day's evidence.

At 10:15 a.m., the Committee adjourned to the call of the Chair.

D. E. Levesque,
Clerk of the Committee.

EVIDENCE

(Recorded by Electronic Apparatus)

Wednesday, April 23, 1969.

• 1546

The Chairman: Gentlemen, we now have a quorum.

At the last meeting of the Committee we had Mr. Anderson of the Canadian Pension Commission who put a statement on the record. I indicated at that time that if we were fortunate we could have the transcript before the next meeting and have an opportunity to study it before resuming the questioning of the witness. The transcript, however, just came today. The Committees Branch is very badly overworked and have inadequate facilities. There is no question about that. What is your wish? Do you want to go ahead and question Mr. Anderson at this point, or do you want to wait until you have had a chance to study the transcript? What is the wish of members of the Committee?

Mr. Badanai: I would like to ask a question. With reference to part of a statement that was made at our last meeting, I find that one of the most common complaints arising out of patient claims is the rejection by medical boards.

The Chairman: Excuse me, Mr. Badanai. I am thinking of the procedure. Is it the wish of the Committee to proceed with further questioning of Mr. Anderson at this point?

Mr. Saltsman: If there are questions to be directed to Mr. Anderson, I would move that we proceed that way.

The Chairman: Fine, that is the wish. Mr. Badanai, you may proceed.

Mr. Badanai: What I want to establish is the policy of the department with regard to medical examination of applicants for reconsideration of claims which have been rejected. I have had several cases of a similar nature where they were either rejected by the Board of Examiners and they refused to accept an independent doctor's report on the case. Now one of the things I would like to know is the policy of the Department with regard to that. Why is it that they reject, and they do not wish to accept, a report by an independent doctor—by an applicant's own doctor, for example?

Mr. T. D. Anderson (Chairman, Canadian Pension Commission): Mr. Chairman, I am not exactly clear on the point here, but I think the question being asked is: When an individual—I want to get this clear if you do not mind—goes to his own private doctor and gets a diagnosis or gets a statement of something to the effect that this condition did arise out of service, or some such thing as that, the question as I understand it is: Why do we not accept that? Is this your point?

Mr. Badanai: No, the question is: Why do they not accept that report? Once it is rejected by the medical examiners, appointed by the Department and the applicant is not satisfied, he goes to his own doctor, and the applicant claims that the diagnosis by the established board was not correct according to his own views. Then his own doctor makes a report, but that is not considered by the Department as being valid for the claimant.

• 1550

Mr. Anderson: Well, I would first of all like to assure you, Mr. Chairman, and members of the Committee, that all medical reports that come to the Commission are always considered.

Mr. Badanai: And always rejected.

Mr. Anderson: No, not necessarily. They are frequently supported; they are not invariably rejected. Some of them are, I will agree. There is no question about that. Some of our own medical advisers' reports are not accepted entirely if they are not considered to be in line with what the other evidence appears to indicate, but it is not true that we reject every piece of medical evidence which comes to us from other than our own medical advi-

sers or, as I have mentioned, pension medical examiners; we do, quite frequently, accept such medical evidence and grant the entitlement on that basis.

Mr. Badanai: Well, it is rather strange, but my experience with several applicants is that they were turned down and no dependent medical report was considered by the Department. I have the evidence of that and I shall furnish you with it.

Mr. Anderson: That is fine. I would certainly like to have any cases of that type in order that we might look at them.

The Chairman: Are there other questions that members of the Committee want to place? Mr. Boulanger, Mr. Legault and Mr. Marshall.

Mr. Legault: I have a supplementary. Do I gather from this that a report from an independent doctor has some value in your evaluation of a case?

Mr. Anderson: Oh, yes.

Mr. Legault: Could I bring you down to this from your statement at the last meeting, Mr. Anderson, that what you did not consider was their interpretation of the Act, and that created some problems and not the medical reports that they presented.

Mr. Anderson: This is so. By statute the only persons who can interpret the Act at the moment are the Pension Commissioners so that we do not accept, without question, an interpretation of the legislation by someone outside, naturally.

Mr. Legault I just wanted to repeat your statement of the last meeting that it was the interpretation of the Act that you did not accept.

Mr. Anderson: That is right, but certainly all medical evidence which is submitted is considered by the Commission when the claim is being adjudicated.

Mr. Guay (St. Boniface): On a point of order. You just made the statement, and I am sure you did not mean it that way—I am not being smart—that only the Board could make the interpretation of the Act.

Mr. Anderson: The Act, that is right.

Mr. Guay (St. Boniface): I was going to say that I do not believe you meant it that way. I think that possibly you could give an interpretation of the Act but yours would not be as valid as theirs, because they are the final authority. But surely there are many men in your Department who could give us an interpretation of the Act. Do you understand what I mean?

Mr. Anderson: Yes. I should clear that. The Act states that the Commission shall have the last word on the question of interpretation of any section the Act.

Mr. Guay (St. Boniface): Right.

The Chairman: Now, the next person I have is Mr. Boulanger who had his hand up, followed by Mr. Marshall.

Mr. Boulanger: Thank you, Mr. Chairman. First, I am glad to be back with you again after having been in hospital for a month or so. I was away for quite some time but I am in very good health now and also I had the occasion to celebrate my 25th wedding anniversary last Saturday, so I might ask for a pension myself. That is what I was coming to. But as a veteran, I might ask for a raise in pension.

Mr. Whicher: They ought to give your wife a pension.

Mr. Boulanger: In any case, whatever happens to me I am in perfect shape right now and I am right in the mood to start fighting again.

• 1555

I do not know what was said earlier while I was away for so long as I said, but there is one thing that I never did get an answer for, Mr. Anderson, and I am still looking for one. You and your people have said you will try to improve this main complaint of veterans who are always saying that it takes time, or it is delayed for one reason or another. They are all complaining, and I still did not get an answer. I would like to know today why private enterprise could settle, let us say, in two weeks, what the committee or the Department of Veterans Affairs takes 3, 4, 5 and sometimes 6 months? You said that you were going to study that. Or was it you?

The Chairman: We are talking about applications under the Pension Commission.

Mr. Boulanger: Yes. Did you succeed in improving that? Will our veterans stop complaining to M.P.s that they do not have the

service they are looking for as far as time is concerned, or waiting for answers? Has anything been done to improve that, with staff, or whatever it is?

Mr. Anderson: Yes, Mr. Chairman. We are trying all the time to improve and speed up the process, but as you know there are a number of steps which must be gone through. There is a first application, second application, and then to appeal, and sometimes there are a number of renewal applications in between, and so on. On each occasion new evidence has to be compiled and the process does take time. Frequently we have to search for witnesses. For instance, an individual will say, "My pal who was with me at Dieppe...", or somewhere like that, "...back in 1945..." or 1944 or somewhere around that time. "...saw this." So we, or the Pensions Advocate, proceed to see if we can find his pal and get a statement from him. This may take months sometimes, but it is a question of obtaining evidence in most cases. There are tremendous delays in obtaining evidence. Of course, the farther away from the war we get, the more difficult it is to obtain this evidence. It gets more and more complicated all the time.

There are other causes, of course. Sometimes there are unavoidable delays in the actual preparation. For instance, dealing with Appeal Board claims, when the summary of evidence goes out to the individual, he is supposed to check it over and send it back with his comments as to how satisfactory it is and for any additions he wants to make. Not infrequently the applicants themselves will sit on these summaries for months and not send them back. So I could enumerate dozens of reasons for the delays.

I must also admit, of course, that there are occasional delays in our own operations. We just do not dispatch them as quickly as we should under some circumstances; but these are delays that we do certainly get after and try to correct. There are some delays that you will just never be able to get away from. The mere fact that you have several hearings to begin with is bound to result in some delay.

Mr. Boulanger: You have less hearings now than 15 years ago. There is no doubt about that.

Mr. Anderson: No, as a matter of fact we do not; there are as many claims coming in today as there were 15 years ago.

Mr. Boulanger: Now?

Mr. Anderson: Yes, right now.

Mr. Boulanger: There are as many claims?

Mr. Anderson: That is right.

Mr. Boulanger: What are the figures?

Mr. Anderson: It varies. Some years it is down and some years it is up, but on the whole it maintains a fairly steady flow at about the same rate.

Mr. Boulanger: That gives me an answer and as I said, this is the main complaint we receive...

Mr. Anderson: Yes, I realize that.

Mr. Boulanger: ...most of the time from veterans. There is not very much we can do except to ask you.

Mr. Anderson: That is correct.

Mr. Boulanger: I know now from the way you have answered that you are doing your best, but whatever you can do to improve the matter will save us answering letters and things like that.

Mr. Anderson: I can assure you, sir, we will; we will keep trying.

The Chairman: Mr. Guay.

Mr. Guay (St. Boniface): Mr. Chairman, I was not at the last meeting and I possibly do not understand really what the discussion is about. I would not want to remain quiet and possibly let it be thought that I agree with the comment that has been made pertaining to the Department. I would like to say, if I understand the comments properly, that I have been quite impressed by the service I have been getting from the Department of Veterans Affairs in all the phases of my requests to the Department while I have been here since last fall. In fact, I was going to compliment them for the excellent reports, the effective and relatively quick reports they give us, and I want to emphasize this.

Now, if I am not talking possibly of the same matter which has been mentioned, then I would like the matter identified so I will know what the problem is that we have on the floor.

The Chairman: I believe Mr. Marshall indicated he had a question.

• 1600

Mr. Marshall: Mr. Chairman, I apologize again for being too provincial but the Lord knows Newfoundland has many problems, and I just want to clarify a couple. It has to do with Pensions Advocates, Mr. Anderson. I understand there is only a part-time Pensions Advocate in Newfoundland and it appears from reports I get that he is an excellent individual, but as a part-time Advocate he cannot handle the number of cases that come up. Am I right in stating this, or what reports do you have as to cases coming from Newfoundland?

Mr. Anderson: First of all I think I had better say this. We, of course, have no control over the Pensions Advocate. There is a Chief Pensions Advocate who looks after that so it is not our responsibility to decide whether there shall be a full-time or a part-time, or one or two or three Advocates in any particular area.

What really happens when we are dealing with Appeal Board claims, which is of course the level at which the Advocates do most of the work, is that we wait until the Advocate indicates to us that there are a certain number of claims ready for hearing. For instance, we do not send somebody down to Newfoundland every day because there may be a case there. We have to wait until there are a reasonable number of cases so that we can justify the expense, but as soon as the advocate advises us that there are a certain number of claims ready for hearing, then we despatch an appeal board down there to hear the claims. I cannot say that I have any evidence to indicate that there have been any holdups in that regard as far as I am concerned. I think, perhaps, this is a question to which the Chief pension Advocate might give you a much better answer than I can.

Mr. Marshall: Am I out of order in directing the question in this regard to you?

Mr. Anderson: As I say, I cannot give you the detailed answers to the question. All I can do is express my own opinion from the point of view of the Pension Commission. As I say, it appears to have been quite satisfactory as far as we are concerned.

The Chairman: Perhaps I could just ask the Deputy Minister which point this question should be directed to in the course of the estimates concerning the Pensions Advocate.

Dr. J. S. Hodgson (Deputy Minister): Entirely as the Committee may wish, Mr. Chairman. Mr. Ward, the acting Chief Pensions Advocate is in attendance and could, I am sure, comment at this point if you wish.

The Chairman: Would the Committee like him to comment at this point? What is your wish?

Some hon. Members: Agreed.

The Chairman: All right. Mr. Ward, would you care to comment on this?

Mr. D. K. Ward (Acting Chief, Pensions Advocate): Yes. I may say at the outset that this problem is constantly under review. That is to say, we keep our eye on the volume of cases in the part-time Pensions Advocate districts that we have, but our figures show, and this is for last year, that there were only 18 appeal board claims in the whole province of Newfoundland that were handled by the veterans bureau. You will appreciate, of course, that a full-time advocate who is not kept busy is not likely to render the very best and effective service that we require from our advocates. At the present time, and as far as I can make out for the forseeable future, the volume of work in Newfoundland for the veterans bureau is such that it would not warrant the services of a full-time advocate. I may say that Mr. Morgan who is the incumbent advocate in Newfoundland at the present time is a remarkably good advocate, fully conscientious, and I have every confidence in his abilities.

Mr. Marshall: I have every confidence too, but it appears to me that the reason there are not as many applications is because there is, as I expressed the other day in Committee, a lack of communication, through nobody's fault. I think part of this is due to the fact that the Newfoundlander served under the imperial forces. What relationship is there in your Department with regard to cases which you have to go to the British pensions people for? Where do you connect up there? It would appear that after the terms of Confederation it became your responsibility. Is that right?

Mr. Ward: Our responsibility is statutory and is limited to representing those claimants who can present a claim under the Pension Act. There are some Newfoundlanders who can present claims to the British authorities.

We offer what you might call unofficial assistance in such cases until they are turned down by the British authorities or their pension is granted by the British authorities and is supplemented to Canadian rates. Then we can step into the picture officially and offer

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our full assistance. At that stage their claim would be under the Pension Act. However, while their claims are under British jurisdiction, we do not officially act as representation or advocates, but we do offer every possible unofficial assistance we can to the individual applicant.

Mr. Marshall: I wonder if I may ask if some opportune time could be taken for someone from the Pension Commission to visit legion branches in Newfoundland. I know that the Canadian Legion are doing an excellent job in making representations in their behalf, but I feel that a lof of people do not know how to apply, where to apply, and where they are justified. Is there anything that could be done to educate them in the channels and the things they have to go through to obtain a pension?

Mr. Anderson: Yes. Mr. Chairman. There are several sources of information available to them. The welfare officers, for example, are well aware of all these circumstances. As you mentioned, the Canadian Legion branches who, of course, are well versed in this sort of information are more than anxious to help where they can. The only time that members of The Canadian Pension Commission visit any of the provinces, of course, except for me and perhaps the Deputy Chairman, is when the appeal Boards go there to hear appeals.

We have never had sufficient in the way of staff to go around and to visit to any very great extent, other than just the district offices, and so on. This would, I am sure you will appreciate, require a pretty extensive staff to do what you are suggesting—visit all Legion branches, and so on, and discuss these matters with them. We are quite prepared, however, to send out any thing in the way of written information and that sort of thing through the welfare offices, through the Legion branches, through anybody. We are more than anxious to be of any assistance we can.

Mr. Marshall: I would just like to finish up and say that the welfare officers on the provincial side are overtaxed too, because there are so many welfare problems. I still feel that a lot of people are being left out through nobody's fault. I feel that you would find a lot more cases if some sort of channel could be set up on an educational basis or if these people would be found. In a lot of cases they just do not know, and they...

Mr. Anderson: Right.

Mr. Boulanger: When you say that you go with the appeal Board to, say, Newfoundland, is there a public notice to say that you are going there on appeal? Does it appear publicly that the Board will be sitting on appeal on such a date? Is it...

Mr. Anderson: Those people who are interested are, of course, notified. Yes.

Mr. Boulanger: Notified, but you have no public advertisements about it.

Mr. Anderson: No. We sit, you see, so far as Newfoundland is concerned, only in St. John's.

Mr. Boulanger: On particular cases?

Mr. Anderson: That is right, sir; yes.

Mr. Marshall: I presume that the applicants are allotted on the basis of workload? Would that be correct? I compare for example, Nova Scotia which has two-full time advocates, New Brunswick which has one full-time, and a little place like North Bay which has a full time advocate. Would this be because of the workload?

Mr. Anderson: That is right, sir. That is right. That is the basis on which they are allocated.

Mr. Marshall: So if we could find the work it would warrant putting on a full-time man. Thank you, Mr. Chairman.

The Chairman: Mr. Knowles, I believe, has indicated that he has a question.

Mr. Knowles (Norfolk-Haldimand): Thank you, Mr. Chairman. This might be considered supplementary to one of the earlier questions in the matter of the veteran trying to obtain satisfaction where there is a dispute. How far has the Department gone towards implementing one of the recommendations of the Woods Report in setting up an independent tribunal, separated from the present pension board, to act as a referee in these cases?

The Chairman: The Woods Committee Report will be the subject of a separate

investigation by this Committee. Our Item at the moment is the Estimates and I hope that the Committee would not go over too far in that direction. By the same token, Mr. Anderson did make some remarks in the record of the last meeting. I do not know how far he wants to comment on that question at this point.

Mr. Anderson: I would just say, sir, that it is a legislative matter which will have to be dealt with by the legislature.

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Mr. Knowles (Norfolk-Haldimand): Has it been recommended to the Deputy Minister and to the Deputy Minister's Minister?

The Chairman: No, Mr. Knowles. We will have the White Paper. We will have a thorough investigation on this aspect of the Woods Committee recommendation.

Mr. Knowles (Norfolk-Haldimand): Thank you, Mr. Chairman.

The Chairman: Mr. Guay had his hand up.

Mr. Guay (St. Boniface): It was in reference to a previous speaker, the one before the previous speaker, who spoke with regard to certain applications and the manner in which you dealt with them, and with regard to your meetings. Could you tell us, Mr. Anderson, how many meetings you held last year with the Board and how many actual days they were sitting in total?

Mr. Anderson: Appeal board sessions?

Mr. Guay (St. Boniface): Across Canada. While you are looking it up, you might as well tell us the total number of applications that you dealt with.

Mr. Anderson: No, it is not here. Oh, yes, here we are. What page is that?

Applications for disability and dependants pensions considered by the Canadian Pension Commission in 1967-68: World War I, 5,532; World War II, 23,254; Special Force—that is the Korean people and so on, 642; Regular force, 2,982; and a total of 32,410. These are just at the first and second hearing levels or the initial and renewal hearing levels. Appeal boards: 1967-68, 1,060—a total of 1,060 across Canada. That, incidentally, is . . .

Mr. Guay (St. Boniface): Perhaps I have a wrong impression here which possibly should be clarified. Do you mean to tell me that the Pension Board reviewed all those totals that you have just mentioned in one year?

Mr. Anderson: That is right, sir.

Mr. Guay (St. Boniface): You mentioned two years there, I presume . . .

Mr. Anderson: Well, it is the year 1967-68.

Mr. Guay (St. Boniface): The fiscal year, you mean?

Mr. Anderson: The fiscal year, yes.

Mr. Guay (St. Boniface): It is one year spread over parts of two calendar years.

Mr. Anderson: Yes. This is at Commission level. As I say, first and second hearings and at appeals—32,000 claims were dealt with at Commission level.

Mr. Guay (St. Boniface): How about the Appeal Board then?

Mr. Anderson: 1,060 were dealt with at Appeal Board level.

Mr. Guay (St. Boniface): How many meetings would be involved in your 1,060 applications?

Mr. Anderson: This would be hard to say. We generally deal with four or five at a hearing—at each sitting.

Mr. Guay (St. Boniface): Thank you, Mr. Chairman.

The Chairman: Are there any further questions members wanted to ask Mr. Anderson at this point?

May I remind the members of the Committee of the new format of the Estimates. We are dealing with the pensions program at pages 20, 21, 22, 23, 24 and 25 of this booklet form of the Estimates. Please note that the Votes are not in the same number as in the old format of the Estimates. We are calling them on the new format.

Vote 10, of the new format on page 20 of this booklet.

Pensions Program

Vote 10—Expenses of the Program including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; Newfoundland Special Awards;

Burial Grants; and Gallantry Awards World War II and Special Force)—$223,785,000

Shall this Vote carry?

Some hon. Members: Carried.

Item agreed to.

The Chairman: Pages 22, 23, 24 and 25 are further amplifications. Shall these items carry?

Some hon. Members: Carried.

The Chairman: Thank you, Mr. Anderson. I think this is all that we have at this point.

With the permission of the Committee, I believe Mr. Pawley of the Soldier Settlement and Veterans Land Act program is here and I think there might be some reasons why it would be more convenient for everyone concerned if we were to deal with that item ahead of the treatment services. Is there any objection if we do that?

Some hon. Members: No, Mr. Chairman.

The Chairman: This is page 32 of the format dealing with Soldier Settlement and VLA Program Vote 20, pages 32, 33, 34, 35 and 36.

Soldier Settlement and Veterans' Land Act Program

Vote 20—Expenses of the Program; upkeep of property, eVterans' Land Act, including engineering and other investigational planning expenses that do not add tangible value to real property, taxes, insurance and maintenance of public utilities; and to authorize, subject to the approval of the Governor in Council, necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act and to correct defects for which neither the veteran nor the contractor can be held financially responsible, and for such other work on other properties as may be required to protect the interest of the Director therein and Grants.—$5,655,000

Mr. Pawley, could you come forward, please?

Mr. Guay (St. Boniface): Are you going to take those now?

The Chairman: Yes, we are dealing with pages 32 and those following under the new format.

Mr. Guay (St. Boniface): I have it.

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The Chairman: At the end of the proceedings, I intend to go through on the old format to make sure that there is no misunderstanding and that nothing has been omitted, but we are starting on page 32 of the new format. Mr. Pawley, did you want to make any opening remarks?

Mr. R. W. Pawley (Director General, Soldier Settlement and VLA Branch): Well. Mr. Chairman, not too extensive. I would, however, like to make a few corrections or clarify some of the statements made last week. I will take only a very few minutes on this.

As far as minimum acreage is concerned under the part-time farming provisions or small holdings as they are normally called, right after World War II there was not a stipulated size but at that time, and in accordance with the intent of the Act, half-acre lots seemed to be the pattern, and as a consequence of this, there were some 2,500 or 2,800 half-acre lots developed in subdivisions across Canada.

As a result of this rather popular piece of legislation for veterans, it was visualized in 1946 or thereabouts that cities were virtually being ringed with half-acre parcels of land and at that time planning boards and an orderly land use program were not in existence. As a consequence, and in order to force these small holders farther out into rural areas, in 1946 the minimum acreage was changed to two acres. At the time, under two acres, the Director was given 20 per cent discretion. In other words, he could purchase a lot 20 per cent less than two acres, 1.6 acres, if there was no other land available.

In 1961 the half-acre minimum, which was the pattern initially, was established. In 1967, the Director was given a 20 per cent discretion to a half acre and he can go down to 17,434 square feet if no other land is available. At the same time in 1967 it was decided that those people who had a health problem equating with a 50 per cent pension could be established on something less than a half-acre of land.

It was the policy and the practice right from inception to establish war disability pensioners who were in receipt of a pension in excess of 50 per cent on something less

than a half-acre. I would prefer to skate around this subject. There are a few more features that I would like to discuss very briefly as they relate to the Act.

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Initially the Veterans Land Act, the successor to the Soldiers Settlement Act, was drafted to assist veterans who wanted to go into farming. The part-time farming or the small holding was an afterthought and actually grew out of the depression of the thirties. People, at that time, found they could survive better by growing their own food for the table. So part-time farming or small holding, in effect, was really an afterthought. Right from the start and through the years the administration has tried to cling to the intent of the Act, that is, agricultural purposes.

One of the problems here is that this phase of our operation—small holdings—has been particularly popular with veterans but not too popular with municipalities because of the same problems that existed in 1946. Compared to that time, planning and land use around urban towns, villages, and even in rural areas is currently controlled to a much greater extent. I think that the Minister made a statement that the Veterans' Land Act was never intended to be housing legislation. Possibly over the years this point has been completely lost; and currently, because of housing problems, many veterans are looking ot VLA to provide solutions. In support of this statement, let me remind you that out of the one million veterans of World War II and those in the Korean forces, slightly more than 10 per cent have been assisted under the provisions of the Act. In a survey in Ontario covering all the properties that were purchased by us in 1968, 52 per cent were over .6 acres, while 18 per cent were ten acres or more.

A feature in the Act itself permits pensioners, disability pensioners, and those who are ill to the extent of a 50 per cent disability pension, and the number in this category established in 1968 was 9 per cent. So it can, I think, be stated, with a fair degree of confidence, that we are really clinging to the original agriculture intent of the Act. Last year, 1968-69, we made a total of 7,122 loans compared with 9,900 loans the previous fiscal year. The value of the loans approved, that is the 7,122, amounted to $81,144,000. Now, the actual expenditure in this connection was $70,500,000.

Mr. Bigg: Was that fresh money there?

Mr. Pawley: No, this is actual money that was expended for loans.

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The Chairman: These would be commitments for new loans?

Mr. Pawley: No, the commitment for the new loans amounted to $81,144,000.

Mr. Badanai: Do you have the breakdown by province?

The Chairman: Excuse me, just before we leave this, Mr. Pawley has indicated the commitment for new loans and an actual expenditure under that commitment amounting to something less than the total commitment. Is that right?

Mr. Pawley: That is right.

The Chairman: So there is no misunderstanding of that. Fine. Now, the question is about the provincial breakdown. Is that available Mr. Pawley?

Mr. Pawley: Mr. McCracken, I think, will be able to give that to us.

Mr. A. D. McCracken (Director, Administration and Finance, VLA Branch, Department of Veterans Affairs): This is with regard to the value of loans approved in 1968-69. In British Columbia $15,190,000, in Alberta $7,-859,000, in Saskatchewan $8,882,000, in Manitoba $5,541,000, in Ontario $30,517,000, in Quebec $3,562,000, Atlantic $9,589,000 for a total of $81,144,000.

The Chairman: That answers your question Mr. Badanai?

Mr. Whicher: Could I ask a question?

The Chairman: Mr. Whicher.

Mr. Whicher: I am sorry. I know I have just missed this point, but you said that it was $81,144,000 and the actual expenditure was...

The Chairman: That was a commitment for new loans, I understand. It was $81.1 million.

Mr. Whicher: You used that much money for new loans?

Mr. Pawley: No, we committed that much money for new loans. Funds, Mr. Chairman, are committed this year, but because there is

house-construction involved or we do not get title to the property before the end of the fiscal year we have to carry over that unspent money into the next fiscal year. Hence the difference between the two amounts. In one given year we actually spend about 80 per cent of the amount of loans that are approved in that year.

Mr. Whicher: Yes, but you used all that you had.

Mr. Pawley: That is right. We used all we had in this particular circumstance.

Mr. Marshall: Mr. McCracken, could I get a breakdown of the Atlantic provinces? When you have the time, would you send it to me?

Mr. McCracken: I can send it to you. I am afraid that I do not have it here.

Mr. Marshall: Thank you.

The Chairman: Are there further questions? Mr. Knowles.

Mr. Knowles (Norfolk-Haldimand): Just one point. I wonder if the amount of money that you have available bears any relationship to the fact that the Department has not seen fit to go into the small lot, the housing lot type of thing for veterans? Would that be related to the amount of money that you have? Would there just not be money enough to handle all of them? Would that be part of the reason?

Mr. Pawley: It has been estimated that to reduce the acreage to the size of a city-size lot would require the government to put up at least $1 billion in loan funds—or possibly $1.5 billion. This is not too sophisticated an estimate, but it is pretty close.

Mr. Knowles (Norfolk-Haldimand): So in reality this was, perhaps, the prime reason why the VLA could not go into this house-and-lot type of housing?

Mr. Pawley: I think that it is a reason.

Mr. Knowles (Norfolk-Haldimand): Yes, but it was not designed for that, I understand.

Mr. Pawley: No, this is it basically; and probably hindsight is much better. Maybe there should have been a housing provision in 1942 for veterans. I do not know.

Mr. Knowles (Norfolk-Haldimand): Arising out of that, since the time for making new applications expired last October, you know now exactly how many applications will have to be processed. Would it be possible now, from here on in to grant loans for huosing lot settlements of veterans?

Mr. Pawley: Well, the $1.5 billion was based on the number of those who are qualified to participate in the benefits of the Act now.

Mr. Knowles (Norfolk-Haldimand): As of now?

Mr. Pawley: Yes.

Mr. Knowles (Norfolk-Haldimand): Yes. I see.

Mr. Pawley: 158,000—somewhere in that vicinity.

Mr. Knowles (Norfolk-Haldimand): So, from the point of view of costs, this is just not feasible—is that the idea? Unless we can convince the government we should pry loose this much money—is that it?

The Chairman: Mr. Weatherhead.

Mr. Weatherhead: Thank you Mr. Chairman. Mr. Pawley, I believe the date for closing off the applications was October 31 last. Is that correct?

Mr. Pawley: For qualifications, yes.

Mr. Weatherhead: About how many applications have come to you since that time, sir?

Mr. Pawley: Between 500 and 600.

Mr. Weatherhead: Is consideration being given to dealing with these applications in some way?

Mr. Pawley: Some of these have been approved because they had made application before and they had forgotten about it; but we had not. Others we can do nothing about.

Mr. McCracken: There are 500 in the category that the Act does not permit us to do anything about, because the Act is specific in saying that the veterans had to be qualified as of October 31, 1968. This is the 500 to which I am referring.

Mr. Weatherhead: Mr. Chairman, acts can always be changed if necessary, and that is for us to do, not for the officials to comment on. Are there still applications coming in, Mr. Pawley?

Mr. Pawley: I do not think we have received any for some time now, although I had a phone call two weeks ago from a lady in Ottawa, saying that she had not realized that the deadline had passed.

Mr. Guay (St. Boniface): If I may interject, Mr. Chairman, I phoned your Department and they did not even know that it had been advertised. I am sure we will still get some of those.

The Chairman: Mr. Bigg?

Mr. Bigg: Is the deadline the same for crippled veterans, say for 100 per cent pension, or are they bound by the same...

Mr. Pawley: No, it is the same for everyone.

Mr. Weatherhead: Mr. Chairman, if I might continue, as far as applications for actual loans for this year are concerned, do we have enough money at the present time still to fill applications for this year, or are we working on...

Mr. Pawley: We are operating at the present time with no guidelines. In other words, we are approving loans now without any limitations.

Mr. Weatherhead: Therefore, if a veteran applies at the present time in April, 1969, he could, if qualified, obtain a loan later on this year. Is that right?

Mr. Pawley: Providing, of course, he meets all the terms of the Act. I see no problem.

Mr. Weatherhead: Last year I believe you had quite a backlog of applications, did you not, for immediate loans?

Mr. Pawley: Yes. We had actually deferred 1,400 loans from last year to this fiscal year. We started to process these in January and I think that the majority of them are now processed.

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Mr. Weatherhead: And there is no backlog at the present time for present applications?

Mr. Pawley: Outside of the normal backlog of those that are in the mill. Now, there might be some of these others, because we always have difficulty in getting good title and if title problems develop. As a consequence, some may be delayed.

Mr. Weatherhead: Thank you, Mr. Chairman.

The Chairman: Mr. Whicher.

Mr. Whicher: Mr. Pawley, I want to ask you about Indians living on Indian reservations. Some years ago when the maximum loan was $6,000, because of the fact that you could not take a mortgage on Indian property, you gave them a grant of the total amount, namely $2,320, for their homes or whatever it might be. This was an outright grant. What do you do with an application by an Indian citizen now?

Mr. Pawley: We approve them. We still continue to give them a grant.

Mr. Whicher: What is the maximum now that he would get?

Mr. Pawley: It is $2,320. The same as it always has been.

Mr. Whicher: You see why I ask you this. Is the total benefit, that is, the total of what we might describe as free money, no matter how large the loan may be, is the total free money $2,320 now?

Mr. Pawley: Well, the $2,320 is an outright grant.

Mr. Whicher: Yes.

Mr. Pawley: If they get a grant under the Act for purposes of whatever they are going to do on the reserve, whether this be housing, or farming, or whatever the case may be, this is the total amount that they can obtain from the Veterans Land Administration.

Mr. Whicher: Just one more question. Suppose that I went under the VLA now for the highest amount a veteran could borrow under this Act, is $2,320 the maximum grant that I would receive?

Mr. Pawley: Yes, if you were an Indian.

Mr. Whicher: I want to know what it is.

Mr. Pawley: I am sorry. I must correct that. I just could not let that opportunity go by.

Mr. Whicher: I have been described as such and I do not mind it.

Mr. Pawley: I would like to correct that and I apologize.

Mr. Whicher: Do not apologize. I consider that a compliment.

Mr. Pawley: The $2,320 not only applies to Indians who are established on a reserve, but it also applies to others who want to homestead in the Yukon, in the Northwest Territories, or under the provincial land schemes of any province. The $2,320 is the maximum grant.

Mr. Bigg: Could an Indian qualify normally apart from this type of loan, or do you insist on giving him a grant? Could he take an ordinary VLA farm?

Mr. Pawley: Yes. If he takes a $2,320 grant and during the course of the 10 year period, or sooner, in certain circumstances, he earns that grant, then he has had all the assistance that is available. But he may repay that grant at the interest rate prescribed and come under the Act.

Mr. Bigg: He could then take a farm later.

Mr. Pawley: Yes, but there is very little advantage to this at the current time, because the interest rate now is nearly the same as he could get under the Farm Credit Corporation.

The Chairman: I have a number of other members who wish to ask questions. There is Mr. LeBlanc, Mr. Knowles, Mr. Boulanger and Mr. Emard. Mr. LeBlanc.

Mr. LeBlanc (Rimouski): In your breakdown by provinces you said, if I understood correctly, that Ontario receives about $30 million and Quebec about $3,562,000. Could you explain this great difference between the two provinces?

Mr. Pawley: I think we provided information last year to answer that. I think it simply boils down to the fact that the business is less and there are fewer veterans in Quebec. His-

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torically this has been the case. Percentage-wise, whether this is as great a percentage in the province of Quebec as in other provinces, I would not be prepared to say, I think perhaps it is a little lower.

You do have some problems in the province of Quebec in that your prime settlement area is south of the St. Lawrence River, except in the odd isolated case. I think probably this and many other things—probably the hon. gentleman can add to that, because I answered this question for him last year and if I remember correctly I think I did provide you with some statistics.

Mr. Bigg: Is it not the fact that northern Ontario is still a pioneer country? People are leaving the farms in Quebec and in northern Ontario they are still going to the land. At least they have been since the war.

Mr. Pawley: I think our settlement in northern Ontario is probably a little scanty in the most northerly parts, but I do not think the same situation applies to Northern Ontario as it does to the Province of Quebec.

The Chairman: Mr. LeBlanc.

Mr. LeBlanc (Rimouski): I will speak in French because it is easier for me.

[*Interpretation*]

If I understood well, veterans that have requested a loan before October 31st, 1968, and signed all their forms before that date, borrowed money at the former rate of interest. Am I right?

[*English*]

Mr. Pawley: This is not quite correct. The October 31 deadline applied to what we call being qualified to participate in the benefits of the Act. In other words, these people have established their eligibility. The applications they made were not applications for financial assistance. This comes later when they have located a property, and they have until March 31, 1974 to make that application for financial assistance provided they have been qualified.

The Chairman: Mr. LeBlanc.

[*Interpretation*]

Mr. LeBlanc (Rimouski): On what date was the new 7¾ per cent rate enforced?

[*English*]

The Chairman: On what date did the new interest rate take effect?

Mr. Pawley: February 26. It went up to 7 ¾ per cent and on April 1 it went up to 8 per cent.

[*Interpretation*]

Mr. LeBlanc (Rimouski): Finally, is it possible that the capital funds were exhausted during the month of August of last year?

[*English*]

The Chairman: Mr. Pawley, were the revolving funds exhausted at some time about the month of August of last year?

Mr. Pawley: Yes, about the month of August.

The Chairman: Mr. LeBlanc.

Mr. LeBlanc (Rimouski): Thank you.

Mr. Pawley: No, I am sorry, I think I had better correct that. We still have funds in the revolving fund. The amount of money that had been approved for loans last year was exhausted in August.

Mr. LeBlanc (Rimouski): Thank you.

The Chairman: To clarify the record, Mr. Pawley, there will always be cash coming back from the repayment of previous loans. It is a question of the flow, is it not?

Mr. Pawley: That is right, Mr. Chairman.

Mr. Guay (St. Boniface): It is a revolving fund.

Mr. Pawley: Yes, a revolving fund. We spend the revenue before we get it, but we make sure we do not overspend.

The Chairman: Mr. Knowles is the next one on my list of questioners.

Mr. Knowles (Norfolk-Haldimand): Perhaps I am labouring this point, Mr. Chairman, but you mentioned a figure of something over a billion dollars if we were able to settle the veterans who wanted the city lot holdings. When you mentioned the estimate of over $1 billion, would that take into consideration their value at an average of so much per farm? Was this the way you arrived at that?

Mr. Pawley: No. To give it a bit more exactly, out of the 158,000, if they were all established as small holders, the maximum amount of money that the government would advance for each case is $15,000. When you multiply this it comes to $1.37 billion.

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Mr. Knowles (Norfolk-Haldimand): Of that number of applicants perhaps not all of them would want small holdings. They might want farms, and in that case it would be even more per veteran I suppose, would it not?

Mr. Pawley: Yes, this is true, although we are not too concerned about the farms, Mr. Chairman. I think we have made adequate provision to deal with farm loans regardless of what comes, but this is controlled by the average age of farmers, which is now well over 50, and as a consequence their days of borrowing large sums of money are almost past.

Mr. Knowles (Norfolk-Haldimand): One other question. I imagine I am not peculiar to any other member here. I imagine they are all getting requests from veterans to find out whether something could be done to admit the use of VLA funds for city lots. What is the feeling of the Department? Is there any use pursuing this at all? Could we as legislators...

The Chairman: I really think, Mr. Knowles, it is not fair to ask a civil servant this question.

Mr. Knowles (Norfolk-Haldimand): Yes, I know, I have put him on the spot. That is our job.

The Chairman: Mr. Thomas.

Mr. Thomas (Moncton): A supplementary question, Mr. Chairman. The thought just struck me that when this came up last fall, you had how many applications, 1,500 or 1,488? How many have qualified and been certified eligible for a loan?

Mr. Pawley: One hundred and fifty-eight thousand.

Mr. Thomas (Moncton): One hundred and fifty-eight thousand. At that time you estimated that only a certain percentage of those would ever actually carry through with an application for a loan. Would this then not reduce your figure? It might be half of that.

Mr. Pawley: This is in relation to half an acre. I am assuming that of this 158,000, if the rules of the game were changed and you could become established on a small city lot, everybody who has a mortgage would want to come under these provisions. On that basis, with a favourable rate of interest that does exist, I do not think there would be any doubt about it that 100,000 would want to be established, or more.

Mr. Thomas (Moncton): One hundred thousand, so then your figure, instead of being a billion dollars would be maybe...

Mr. Pawley: It might be a little less.

Mr. Thomas (Moncton): There is quite a difference between 100,000 and 158,000. It is only two-thirds.

The Chairman: I think there is an indication of the order of magnitude of the sums involved.

Mr. Thomas (Moncton): It is all hypothetical.

Mr. Pawley: I would like to make a correction of that. Mr. McCracken, says his arithmetic is not too good. It is $2.37 billion.

Mr. Thomas (Moncton): A billion may be right then. Thank you.

The Chairman: I have two more members who have indicated they have questions, Mr. Boulanger and Mr. Émard. Mr. Boulanger.

Mr. Boulanger: Mr. Chairman, I am talking about the future and you know you will have to be prepared, I suppose. There is a survey going on in the United States about this new way of living, buying apartments. You must have heard by now that there will probably be serious talk about...

Mr. Pawley: You mean condominiums?

Mr. Boulanger: ... buying an apartment of two and a half rooms and things such as this.

Mr. Pawley: You are talking of a condominium.

The Chairman: I believe the word, Mr. Boulanger, is condominium—to purchase a unit in an apartment block.

Mr. Boulanger: Yes. I am interested in our future and you may have to gather information about it. I was at a public meeting at the Canadian Legion in Montreal East a few weeks ago, and it seems that there are many people who would go for the idea of buying apartments of two or three rooms on a $6,000, $8,000 or $10,000 basis, and people seem to think that it will be the new way of living for older men. Have you started any research on that? Have you had any requests about it? Have people asked you about that?

Mr. Pawley: Of course, we are familiar with it and some representations have been made, but it is even further beyond the intent of the Act than a small city lot. I would hazard a pretty good guess that our Act would never be used for that purpose.

• 1650

Mr. Boulanger: As it is now?

Mr. Pawley: As it is now.

The Chairman: Mr. Émard.

Mr. Boulanger: I would like to say more about that and maybe I am not in order, or maybe it is too late. This is definitely coming and we will have to start taking about making a study of it. At that meeting we were talking about, a veteran would now be able to buy an apartment of two and a half rooms for him and his wife for $6,000. This will be coming soon, and I suppose the government will have to do something about it.

Mr. Pawley: I do not want it to be construed that I am critical of this particular scheme. I think it is a very good approach. But this is housing, and the provisions of the housing act are administered under the National Housing Act. Veterans becoming established today can make the same kind of decisions as those 900,000 veterans who did not come under the VLA, but went out and paid the going rate of interest for their housing accommodation under the National Housing Act or from some other source of mortgages.

The Chairman: Mr. Boulanger.

Mr. Boulanger: Perhaps your Department would consider it if you had a two-acre parking lot?

The Chairman: Have you any other questions?

[*Interpretation*]

Mr. Émard: Mr. Chairman, Mr. Pawley said earlier that approximately 1,400 applications had been deferred last year for reasons I am not aware of.

What will become of these 1,400 applications if one considers that, as you told Mr. LeBlanc, the maximum rate of interest of 5 per cent has been raised to 7 or 8 per cent. I would like to know, with regard to those 1,400 applications that have been deferred, whether a veteran who wanted to build last year, but builds this year, will benefit from the former 5 per cent interest rate of will have to pay the new rate of interest?

[*English*]

The Chairman: Mr. Pawley.

Mr. Pawley: Yes; if these veterans had a deferred loan and this deferred loan applied to a specific property and had received the approval of the director through his regional officials, then the former rate of interest would apply.

[*Interpretation*]

Mr. Émard: But what happens in the case where the Department of Veterans Affairs has told veterans that their application would be taken into consideration, but that nothing would be done this year, and that they would have to wait till next year?

[*English*]

Mr. Pawley: I am sorry. This does not ring true, sir. We have some cases in the deferred category which, in effect, were not approved before the deadline or before the interest increased, which was February 26. For example, if we got an application from a veteran, let us say February 20, and had to process that application, appraise the property, and so on, it would be physically impossible for us to have this approved by February 26. There have been some veterans caught in this kind of squeeze and, naturally, they are not

• 1655

very happy about it. We are trying to deal with this problem and, I have to admit, we do have a bit of a problem in this area. But the 1,400, to the best of my knowledge, are all clear.

[*Interpretation*]

Mr. Émard: There is another question which puzzles me. I am under the impression that legislation in order to abolish this maximum of 5 per cent was passed around January or February. . .

The Chairman: Yes, approximately.

Mr. Émard: . . .and apparently it seems to be retroactive to the preceding month of September.

[*English*]

Mr. Pawley: No, this is not right sir. It is not retroactive unless the application was for some reason or other not approved. If it was approved before the February 26, then this man goes on the old interest rates. But if it was not approved until after the February 26, then he must go on the new interest rate.

The Chairman: Mr. Pawley, to clarify, would there not be a number of people who were qualified as of the cut off date last year but did not have specific applications approved?

Mr. Pawley: Oh, yes, this is right.

The Chairman: And is this not the problem that Mr. Émard is talking about. You are saying that everyone that had a specific application approved went under the old interest rate up to and including February 26. But even though a person might be qualified without a specific approval after that date, he would have to go on the new rate. Is that right?

Mr. Pawley: There was some misunderstanding in a letter that went out. I think this letter had gone to quite a number of veterans. We found out about it and were able to correct it. I think that in every one of these cases, sir, we did correct. To the best of my knowledge we have the problem solved in the Province of Quebec. If there are single isolated cases. I would be pleased to hear about them, but we cannot promise anything because we cannot break the law. However, we are prepared to do whatever we can about it.

The Chairman: Mr. Émard?

[*Interpretation*]

Mr. Émard: A veteran who borrows $15,-200, i.e. the maximum loan allowed, refunds, over a 25-year period at the old 5 per cent rate of interest, approximately $77 a month.

Over a 25-year period, what would be the amount refundable each month at the present rate of interest, on a loan of the same size?

[*English*]

Mr. Pawley: The repayable amount is $14,-000. This is the maximum that a veteran established under the Act pays back. Over a 30-year period it is $90.32 a month, not including taxes. Previously, this was $70.85 a month.

[*Interpretation*]

Mr. Émard: And over a period of 25 years, now?

I would like to know what would be the amount refundable for a loan of that size, over a 25-year period rather than a 30-year period.

[*English*]

Mr. Pawley: We have not got the exact figures, sir. It would be about a fifth more.

The Chairman: Could you undertake for the next meeting of the Committee to have an answer to Mr. Émard's question?

Mr. Pawley: Yes.

[*Interpretation*]

Mr. Émard: I have been told that the repayment of an amortized loan over a 25-

year period was, according to the former interest rate, approximately $77 a month, and according to the new rate, approximately $109 a month.

[*English*]

The Chairman: Mr. Émard suggests that on a straight 25-year amortization period on a maximum loan under the old arrangement it is about $77 a month. Now it is about $109, he thinks. He would like to know if this is so.

• 1700

Mr. Pawley: I think we will have to give you those exact figures. I might say that we do not really write too many over 25 years unless it is requested.

The Chairman: But this is on a 25 year amortization.

Mr. McCracken: This is on a 25 year basis, but it is not above $100 a month.

Mr. Pawley: We will get it.

The Chairman: The witness will have a specific answer to your question, Mr. Émard, at the next meeting. Now are there any other questions?

Mr. Bigg: What is the rate now?

Mr. Pawley: 8 per cent.

The Chairman: Are there other questions? If not, I wonder if we could carry the item dealing with VLA? This is under the format Vote 20 on pages 32, 33, 34, 35 and 36 in the new format of the estimates.

Item agreed to.

The Chairman: It is now 5 o'clock. The next meeting of the Committee is called for Friday morning at 9.30 in Room 308. The notices will go out in the usual fashion.

I would like to thank Mr. Pawley, Mr. Anderson, Mr. Hodgson, Mr. McCracken and others who have appeared today. Thank you.

Friday, April 25, 1969

• 0936

The Chairman: Is there any objection to seeing a quorum at this point so that we may hear one of the witnesses? There are other members that will be here but a number of us are going to have to leave at 1025 this morning, so with your permission I would like to see a quorum.

The first item today is the Treatment Services program of the Department and we have Doctor Ritchie with us. I think we should first congratulate Dr. Ritchie. He is now an Assistant Deputy Minister in the Department and has been promoted since last adjournment. Dr. Ritchie, is there any comment you would like to make or do you want to invite questions from the members?

Dr. K. S. Ritchie (Assistant Deputy Minister, Department of Veterans Affairs): Mr. Chairman, in view of the fact that there has not been any change in the organization or the administration of the treatment services since the Committee met last October, I feel that we should proceed direct to questioning if this is satisfactory to you. I have a prepared statement, but I do not think it would contribute anything at this time.

The Chairman: We are dealing with the Estimates for the Treatment Services program. We are using the new format of the Estimates for the benefit of the members who have just joined the Committee. We are dealing with pages 26, 27, 28, 29, 30, and 31 on the format and Vote 15 on the new format. On the old format of the Estimates the votes are numbered differently. Are there any questions that any member of the Committee would like to ask Dr. Ritchie at this point on the Treatment Services program of the Department? Yes, Mr. Weatherhead?

Mr. Weatherhead: Mr. Chairman, a few months ago when we were discussing the provisious years' Estimates I was asking Dr. Ritchie some questions on Sunnybrook Hospital in Toronto and just how the situation was after the transfer of its administration to, I believe, the University of Toronto. Dr. Ritchie, I was wondering now whether you have anything further to report of how conditions are there, whether you received any complaints recently from the Legion or others with respect to this or just the situation in general?

Dr. Ritchie: As you say, we have been trying to keep a pretty close observation on Sunnybrook because this was the first hospital to be transferred to another authority. During the last year, we have followed both the admission of patients and the quality of care

that is being given under the administration of the University of Toronto as a teaching hospital. We have been quite satisfied with the way in which the veterans are being treated. It is true, there have been some criticisms of the treatment that is being afforded to veterans in the area, but these are not any greater than they are in any hospital that is under the direct supervision of the Department, so that we do not feel there is any condition to be concerned about at the present time. In the agreement, there was provision made for the construction of a new wing.

• 0940

This has not been planned or started up to the present time. I was in Toronto discussing the plans for the future during the early part of this month. Everything seems to be proceeding quite satisfactorily from our point of view.

Mr. Weatherhead: Mr. Chairman, Dr. Ritchie mentioned that there were no greater criticisms at Sunnybrook than in some other hospitals still directly under the Veterans' administration. What would some of these main criticisms be, Dr. Ritchie?

Dr. Ritchie: Mr. Chairman, one of the criticisms, of course, was the non-admission of entitled veterans. This is a question of whether or not the veteran is really entitled to admission. This question arises in most of our institutions when a veteran reports to the institution desiring admission, is not qualified, and is turned away and referred back to his own private practitioner. We have had criticisms about the standard of meal service and this we have in all our institutions but, when you consider that the staff for the most part is the same staff that was there when we were operating the institution, with the normal attrition and replacement going on I think the standard has been maintained pretty well. If anything, I would say that it has been improved. We probably have a better witness on the Committee than myself because the Legion and a member of the Committee have visited Sunnybrook Hospital to see just how things were.

Mr. Weatherhead: Mr. Chairman, Mr. Ritchie mentioned an agreement with respect to a proposed new wing at Sunnybrook Hospital. I wonder if he could give us more particulars about this new wing, what it will be for, who will be paying for it, and this sort of thing?

Dr. Ritchie: The agreement calls for the construction of a 400-bed wing for chronic and domiciliary care patients. The federal government will assume the full cost of constructing and equipping this wing under the terms of the agreement.

Mr. Weatherhead: Mr. Chairman, this wing will be just for veterans, will it?

Dr. Ritchie: It is a wing for chronic and domiciliary care patients and the Department holds a priority for use of beds for this purpose within the institution. There is a total of 570 beds for this purpose.

Mr. Weatherhead: I thought, Mr. Chairman, that there were a number of beds vacant at Sunnybrook at the present time. Is that the case and, if so, why would a new wing be considered?

Dr. Ritchie: There are beds vacant at Sunnybrook as you have stated. There are beds vacant in all institutions. The question of whether or not one should construct this new wing is one which we have in hand at the present time because our experience in the past two years has indicated that there is a somewhat fewer number of patients being admitted than we had forecast.

Mr. Weatherhead: So, there has been no final decision about the wing . . .

Dr. Ritchie: No; no decision has been reached because we have not yet determined what the continuing load of the Department will be. Also, they have not been able to determine locally, through the university and the Ontario Hospital Services Commission, the size of a hospital that they will be authorized to construct. These are matters which are being dealt with at the provincial and the university levels at the present time.

Mr. Weatherhead: Thank you, Mr. Chairman.

The Chairman: Are these items for construction in the present estimates, Dr. Ritchie?

Dr. Ritchie: Yes.

The Chairman: Mr. Groos indicated that he wanted to ask some questions.

Mr. Groos: Well, I wanted to say, Mr. Chairman, that because of my interest in veterans' hospitals I made a visit to Sunnybrook

Hospital with officials of the Dominion Command and Ontario Command of the Royal

• 0945

Canadian Legion. I was anxious to see how the transfer was going and whether there were any lessons to be learned in the event of future transfers at other hospitals. The remarks that Dr. Ritchie made just now I can substantiate. One of the main problems seemed to be that the domiciliary wing had not yet been built. I think our feeling and when I say ours, I am speaking for myself and I believe I also speak for the Royal Canadian Legion representatives who were there—was that in the event of any future transfer perhaps it might be advisable not to make the final transfer effective until such time as those domiciliary beds had actually been made available or constructed.

The other point, the one that Dr. Ritchie mentioned, Mr. Chairman, was the admission or admissibility for admission of patients who arrive at the hospital on a recommendation of their own doctor. There was some question in our minds of whether or not the method of operating the entry was as good as it could be, in that maybe papers were not available for the patients at the time to prove the admissibility. Depending upon the time of day the person arrived, there might not be sufficient staff to make a proper decision of whether he was admissible or not. I think our feeling was that if there were any doubt about it the person should be admitted until such time as he could be given a proper test of admissibility.

I would like to go on and say that I was very struck by the upgrading that had been done in parts of the hospital and the general atmosphere that prevailed in those parts compared with the atmosphere that has prevailed in those parts of the hospital which had yet to be done. I was very much impressed with the change in spirit and atmosphere of the staff and the patients. The mixing of the veterans with civilian patients seemed to me to be a good thing. I am not qualified to comment on the standard of care, but it would seem to be above reproach.

Concerning those two points, in the event of any future transfers any promises should be fulfilled before the final signature is made. Second, the point of admissibility of patients might bear further looking into.

The Chairman: Any comments, Dr. Ritchie?

Dr. Ritchie: Mr. Chairman, I would like to comment particularly on the question of the admissibility of patients. This has been of concern to us and was one of the subjects that we discussed with the Medical Advisory Committee and members of the Trustees of the hospital at our meeting earlier this month. It was pointed out that in negotiating the agreement for the transfer of a hospital the negotiators, on behalf of the university, had indicated their willingness to grant this priority of admission to veterans. It was with this intent that we had entered into the final standing of an agreement.

It was obvious, I think, that in a number of cases this priority of admission was not being observed by new members of the staff. They agreed to discuss this at their Medical Advisory Committee to ensure that there was a priority given to veterans. There was considerable discussion on what we meant by priority and I think we were able to clarify it for them. That was, that we did not want any veteran, regardless of his physical condition, admitted to the hospital above anybody else but that one must take into consideration the treatment requirements of any individual. Then, for the same type of disability, the veteran should have the priority of admission.

• 0950

An acute care patient would always have priority over a chronic care patient. An emergency would always have priority over an acute case, regardless of whether it was a veteran or not.

The Chairman: I believe Mr. Thomas indicated he had some questions.

Mr. Thomas (Moncton): Mr. Chairman, I would like to ask Dr. Ritchie a short question in connection with Lancaster Hospital. I was late getting in and possibly it has been asked.

The Chairman: No.

Mr. Thomas (Moncton): The proposed close-out date now is 1970, is it not—is it July?

Dr. Ritchie: Mr. Chairman, the date for transfer is proposed as July 1, 1970.

Mr. Thomas (Moncton): Right. Now this would be predicated on proper facilities being available at Saint John General to handle these cases, would it not? In other words, you would have to make sure that Saint John

General has the facilities to give these patients the type of care they require before they would be able to make any transfer, before you close up Lancaster.

Dr. Ritchie: Mr. Chairman, I think this question brings us back to the question that Mr. Groos also brought forward in his discussion of the areas that should be considered in negotiating future agreements, and that is that the facility must be available before the actual transfer is made. I think if we insisted on this, we would see a great delay in providing the actual requirements for the proper care of our own patients. For instance, if we had insisted on this, our veteran patients in Toronto would not be benefitting from the improved facilities within the hospital at the present time because the new wing has not been built.

But there are a great many improvements that have been implemented; we think this is a good progressive step. Now if we have to delay until such time as a new wing is completed, in your particular instance in Lancaster Hospital in association with the Saint John General, we do not know when we would be able to transfer the responsibility for the administration of the hospital. Our feeling is that we can transfer the responsibility for the administration to another corporate body and this corporate body can carry on exactly the same way that we are in this present facility, and probably develop these facilities for the greatest use of the community as well.

One of big problems in delaying transfer, and where we are even considering the possibility of transfer somewhere to another corporate body, is the fact that we tend to hold back on modernization which should be carried out if we are going to maintain our standards of treatment. I think if we held back until the new wing to the Saint John General Hospital was completed, we might prejudice the care of veterans. This my view.

Mr. Thomas (Moncton): Mr. Chairman, I am glad to hear Dr. Ritchie say that because I think there has been a misconception in the Saint John area. They do not realize that the Lancaster facilities will probably be carried on as such under a different administration, you are probably aware of the major cutback in hospital spending in New Brunswick and the indications are now that we will not have enough facilities for our civilian patients for some time because it has been cut back. So I can assure these people that certainly these patients will not be removed from Lancaster until such time as proper facilities are available at the Saint John General. In other words, you carry on the same facilities under different administration, possibly.

Dr. Ritchie: Mr. Chairman, I hesitate to say that you should give this assurance, because if the transfer is made effective July 1 it might be far better for our veterans to be transferred for specialized services to the Saint John General. In other words, they should be treated in the area that has the best facilities for their care, and if the whole complex is under the administration of Saint John General Hospital, then they have authority to move the patient wherever it would be best for him.

Mr. Thomas (Moncton): That is a fine answer, Dr. Ritchie, thank you.

The Chairman: I have three more names on my list; Mr. Knowles, Mr. Cullen, Mr. Laniel. Mr. Knowles?

Mr. Knowles (Norfolk-Haldimand): Thank you, Mr. Chairman. This concerns admission of veterans into veterans hospitals. I would like to ask Dr. Ritchie if it is necessary that the veteran should have some record in his file or in his history of an ailment, an injury, that requires treatment before he can be admitted to a veterans hospital, or can any veteran be admitted at any time?

Dr. Ritchie: Mr. Chairman, I think this is a concept that probably needs clarification to a great many people and that is that a veterans hospital is not open to every veteran. It is only open to entitled veterans, and a veteran may qualify for admission under a number of ways. The first one is for treatment of a condition for which he holds pension entitlement, and this is what the veterans hospitals were originated for. This, incidentally, at the present time is one of the minor groups that is being treated within our institutions.

A very major group is the War Veterans Allowance recipients. Now, any War Veterans Allowance recipient is entitled to come into a departmental hospital if he so desires, because the War Veterans Allowance recipient is entitled to complete medical care.

A veteran may also qualify on certain economic grounds for admission to hospital if he has meritorious service, but a veteran who

has served in Canada only does not have this qualification at all except that if he desires to come to a departmental hospital and he is willing to pay the cost of his hospitalization and medical care, then he may be admitted if a bed is available, but he has no priority of admission. He is really a civilian from our point of view.

Mr. Laniel: A supplementary question on this. When you say the cost of the medical care it is that portion over and above the hospitalization benefits, I imagine?

Dr. Ritchie: Mr. Chairman, the question of willingness to bear the cost of hospitalization and medical care of course is something that every veteran, every civilian will probably be able to say he has under both the hospital insurance plan and the medical care plan, so that he would only have to bear the cost of any adidtional medical services involved.

Mr. Knowles (Norfolk-Haldimand): I am going to pursue this just a little bit farther. You used the term as one of the grounds for admission "meritorious service". Would you mind elaborating a little on what that includes? Is this service overseas?

Dr. Ritchie: I think I will ask Mr. Cavanagh to clarify that situation for us so that I will not make any mistakes. I have an understanding of it, but I am not sure.

Mr. W. S. Cavanagh (Assistant Director Administration, Treatment Services, Department of Veterans Affairs): Mr. Chairman, actually the term "meritorious service" means essentially overseas service in either World War I or World War II, or in Korea. For the World War I veteran it included in the same term at least 365 days' service in England prior to November 11, 1918. That essentially is what is meant by "meritorious service".

Coupled with that, I should add, is the fact that Dr. Ritchie mentioned, that is the man who served in Canada only, and therefore could only come in as a paying patient. But this man might have a 5 per cent disability pension because of a disability incurred in Canada, and he gets that same sort of protection in the other way. It is either to have this overseas service, or be in receipt of disability pension.

The Chairman: Mr. Legault, I think, had a supplementary.

Mr. Legault: When you talk about overseas service, something that confuses me is that an enlisted man—in this particular case I am referring to, one in the Navy whose services were required here in Canada on the East coast—was never posted overseas. Yet he had been trying to get overseas throughout the war but cannot be considered because of this specification that he has not been overseas and has not served 365 days. Is there any consideration, or do you know of any cases that could be considered under such a condition?

• 1000

Mr. Cavanagh: Mr. Chairman, no, there are not. Of course, there are many, many cases perhaps where this is genuinely true. A man definitely wanted to get overseas, and that was his wish, but for a variety of reasons he did not. But if unfortunately he did not, the fact was that he wanted to and had the desire. As a matter of fact, the War Veterans Allowance Act on which our qualifications for treatment under the Veterans Treatment Regulations are based are essentially the same and there, too, overseas service is the requirement. In the case you mentioned which I believe I am aware of—I looked into it pretty thoroughly—he never served outside of Canada, of course.

Mr. Legault: Is this being discussed at the moment to include these cases?

Mr. Cavanagh: Mr. Chairman, I do not know whether I can answer that or not, because I think before we would consider changing it, for treatment purposes it would be a matter of the lead being given by a change to the statute.

The Chairman: It is a legislative...

Mr. Cavanagh: It is a legislative change.

The Chairman: ...restriction on policy, I would think, at this point.

Mr. Laniel: As a point of clarification on this, Mr. Chairman, if we take the example of someone who has been at sea, his service is considered as overseas service even if he did not cross to England.

Mr. Legault: When you talk about being at sea, the person I am referring to necessarily was out at sea to test boats after doing some repairs, but it is not considered as being service at sea.

Mr. Cavanagh: This again, Mr. Chairman, is a matter that can be determined in the individual case. Of course, some of those people who served in the navy did have sea time for the purpose of the War Service Grants Act for their war service gratuity and if they did, in fact, proceed beyond the three mile limit this would be a matter of record on their file and they would have received an overseas supplement for it. There are quite a number of cases such as Mr. Laniel has mentioned of men who basically were stationed in Canada but did have a small amount of sea time service which is recorded as such, and which would qualify them as having had service outside the Western hemisphere.

Mr. Legault: Thank you.

The Chairman: Mr. Knowles?

Mr. Knowles (Norfolk-Haldimand): Just to pursue this idea of admission to veterans hospitals, if I could be just a little more specific without being out of order, Mr. Chairman, I would like to refer to a lady who served in the Medical Corps during the war in England, and I think her duties included the closing of some of the veterans hospitals there after the war was over.

She now has had a mental breakdown and is in an Ontario hospital, and is out on weekends. Her husband is also a veteran and they feel that if she were admitted to Westminster hospital in London she would receive more compassionate and understanding treatment, more personal treatment, which is so essential to such a condition. Now, I am wondering whether it is possible to transfer such a patient from an Ontario hospital to the Westminster veterans hospital in London.

Mr. Cavanagh: Mr. Chairman, I am aware of the case about which Mr. Knowles is speaking because I believe he has written to the Minister about it.

Mr. Knowles (Norfolk-Haldimand): That is right.

Mr. Cavanagh: Unfortunately, no. Certainly she has the service; she served overseas for several years, I believe, and she also receives a small pension for something quite unrelated to her mental condition.

But essentially the mental and psychiatric wings of our two hospitals at Westminster and St. Annes are primarily for treatment of veterans who are pensioned for a nervous or mental condition. Of course, she is not.

Second, the only other possible way that she might even qualify for treatment for a mental condition by the Department is on a means test basis to qualify for War Veterans Allowance, and I gathered that she would not.

Mr. Knowles (Norfolk-Haldimand): No, this is not the problem.

Mr. Cavanagh: So, unfortunately...

Mr. Knowles (Norfolk-Haldimand): It is more on compassion grounds, you see. I think he feels, and she does too, that perhaps it would be one method of treating her case, a side effect if you like, and I would appreciate your reviewing the file to see whether you can find any way of doing something about this. It may be out of order, but I would like you to have another look at it.

Mr. Cavanagh: Well, Mr. Chairman, I will certainly look at it again.

Mr. Knowles (Norfolk-Haldimand): Thank you, very much.

The Chairman: I believe Mr. Cullen has been waiting patiently.

• 1005

Mr. Cullen: Thank you, Mr. Chairman. I think first of all that it is fortuitous that in substituting for our colleague today we should be discussing this particular subject, and perhaps the matter has been raised before.

Before I get into my questioning I would like to say that I feel that through the process of osmosis my father was district administrator for DVA in North Bay for some number of years and I had occasion to hear his beefs and also the things that he was very high on, and one of the things he was very high on was treatment services. He always felt that this was the area that gave him the least trouble, not so much concerning who qualified, but once the service was undertaken. Second, he had occasion to be in Sunnybrook for a period of time for an operation and he came out of there just high in his praise of the kind of treatment he received, so he was always very high on your particular area, sir.

As you know, I attended a meeting with the Dieppe POW's Association with the Minister and I have asked a couple of ques-

tions in the House. Just recently I asked the Minister if the Department had completed its study of the records to determine if there were a common grain of complaint running through the Dieppe POW's—I think they listed a series of complaints. Is it your department that is loking into this specific area.

Dr. Ritchie: Mr. Chairman, I am aware of it, of course. I was present at the meeting when the commitment was made to review the entitlement to treatment at Dieppe prisoners of war, particularly with reference to their eligibility for pension, and we have set up a study. This has been delayed somewhat because we have been waiting for the list of names of Dieppe prisoners of war which the Association was going to provide to us.

We felt that we would like to review the files of people that could be contacted for further study in the event that it was decided this was the proper thing to do. the study is ready to go but we have not started reviewing the files as of this moment, but I am getting our Research and Statistics Division to start the study immediately.

Mr. Cullen: Concerning the list that the veterans undertook to provide, I did have a communication with them and they were shooting for a date of April 15 but they were not too optimistic. I understand that the list still has not been received.

Dr. Ritchie: No.

Mr. Cullen: Have you received portions of the list? This organization is broken down into groups across the country. Have you received any...

Dr. Ritchie: Mr. Chairman, to my knowledge no section of this has been received. I presume, therefore, that it is being coordinated through the one office of the Association.

Mr. Cullen: I also understood from a communication I had from the Minister, however, that you are not waiting solely for the list. Some work is being done at the present time.

Dr. Ritchie: This is true.

Mr. Cullen: Thank you, Dr. Ritchie.

The Chairman: Mr. Laniel?

Mr. Laniel: Mr. Chairman, I too have one question concerning Ste. Anne de Bellevue, but first, concerning admissibility to a veterans hospital, something just come to my mind. I do not know whether this has ever been asked and maybe it is too late to ask it because women veterans are getting older, but if a woman veteran with entitlement went to your hospital in a state pregnancy, do you have a maternity ward there and would she be entitled to treatment?

Dr. Ritchie: Mr. Chairman, it has been some time since we have had to deal with a case of pregnancy in a veterans hospital. We can cope with it in an emergency. I think it would be much more desirable for the veteran to seek care in a maternity hospital within the community, but if she should land on our doorstep we would have to treat her.

Mr. Laniel: Thank you. About Ste. Anne de Bellevue, I noticed that you have in this year's Estimates an amount of $9 million which leaves a balance for future years of $1.5 million approximately. Does this mean that this hospital will be completed and in operation before the end of this year, or will it be longer than that? What about that fire that occurred? Is that delaying you in any way?

• 1010

Dr. Ritchie: Mr. Chairman, in response to the first question about the amount of funds included in the Estimates for Ste. Anne's hospital, when the estimate was put in it was hoped that the hospital would be completed early in the spring of next year so that it would be pretty well finalized in the current fiscal year. It does not look as though this will be possible at the present time. This, of course, is due to the fire which we unfortunately had and this affected most seriously the upper two floors and a portion of the central block of the hospital. Because of the fire the cement which had not completely set was destroyed and is going to have to be replaced on the top two stories in one wing and in the central block.

This will necessitate a delay of approximately two months. This will have to be cut off and repoured.

Mr. Laniel: Was that loss covered by insurance in any way? What kind of contract is that? I hope it is not a cost plus contract?

Dr. Ritchie: No, it is not a cost plus contract. This is a responsibility of the contractor and we presume he is covered by insurance, but this is his problem.

Mr. Laniel: Yes, as long as he is covered by insurance or that he can support it himself. What are the plans for Queen Mary Veterans Hospital?

Dr. Ritchie: Mr. Chairman, this is a difficult question to answer at this stage because, as the Minister has stated on a number of occasions and before the opening meeting of this Committee, it is the intention of the Department to transfer all of the Department's hospitals to other jurisdictions. We have been talking to the provincial authorities with reference to both Queen Mary Veterans Hospital and Ste. Anne's Hospital. We had hoped that we would be able to enter into early negotiations for the transfer of Queen Mary Veterans Hospital before this date, but so far we have not been able to come to the negotiating table to draw up an agreement.

Mr. Laniel: What has been the deal? Would the province be asking for capital expenditure or improvements before you do transfer the building, or something like that?

Dr. Ritchie: Mr. Chairman, frankly any details of proposals for an agreement have not really been discussed in this way.

Mr. Laniel: Thank you, Mr. Chairman.

The Chairman: Thank you, Mr. Laniel. Are there any other members of the Committee who want to ask questions of the witness? Mr. Groos?

Mr. Groos: May I ask a very short one? It is not a question. I wanted to say that although I was not able to observe anything of this nature in Sunnybrook Hospital, I do feel that the facilities for women patients at the Veterans Hospital in Victoria are very inadequate. I would like to place before you the suggestion that this be looked into to see whether some upgrading of those facilities could be done and done quickly. There has been a slight improvement in the last year, but it does not satisfy me that it is as much as it should be.

Dr. Ritchie: Mr. Chairman, I would like to comment on this matter to the effect that it does not satisfy us either. The modern trend is toward small ward accommodation. We would hope that in any hospital that we have to maintain we will subdivide the large wards into small ward accommodation with private or shared ablution facilities, so that it would make it possible to use ward accommodation—small wards—for either male or female patients and that the facilities would be interchangeable. This would raise very considerably the standards of the care now being afforded to some female patients in our institutions.

Mr. Groos: I should hope, Mr. Chairman, that the Department is not holding back on the upgrading of these facilities for women patients in the view of a possible transfer.

• 1015

Vote 15 agreed to.

The Chairman: Thank you, Dr. Ritchie, and gentlemen.

We stood Vote 1 dealing with Departmental Administration. In the new format these are pages six to eleven inclusive. I wonder if Mr. Hodgson, the Deputy Minister, would like to come forward at this point.

Are there questions that members of the Committee would like to ask dealing with this item?

Vote 1 agreed to.

The Chairman: This the item dealing with Departmental Administration and it is Vote 1 in the format, pages six to eleven inclusive.

At this stage I would like to insert, with the permission of the Committee, a letter from Mr. E. J. Rider, Director General, Welfare Services. Mr. Rider encloses a table giving the breakdown of the 300 welfare officers employed by the Department by districts. I believe this information was requested and I think Mr. Marshall in particular asked for it last time. Is there agreement to insert this into the written record of the Committee' Proceedings?

Some hon. Members: Agreed.

The Chairman: Just to make sure that there is no confusion or misunderstanding about what we have done, we have examined the estimates on the new format. The actual terms of reference of the Committee were on the old format. The Order of the House was that Votes 1, 5, 10, 20, 25, 30, 35, 38, 40 and 45 relating to the Department of Veterans Affairs be referred to the Standing Committee on Veterans Affairs.

These votes are in the format in which they appear in the Blue Book of Estimates. The

procedure we have adopted has treated these items with different votes and headings and a different distribution of the detail under the votes. To clarify the terms of reference, with the agreement of the Committee, I would like to call these items in the terms in which they were referred to us by Order of the House.

Votes 1, 5, 10, 20, 25, 30, 35, 38, 40, and 45 agreed to.

The Chairman: Are there any other items that any member of the Committee wishes to raise at this point? If not, the Committee will adjourn to the call of the Chair. Thank you very much, gentlemen.

THE QUEEN'S PRINTER, OTTAWA, 1969

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
1968-1969

STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 11

WEDNESDAY, JULY 2, 1969

Respecting

Subject-matter and Principles relating to the Report of the Committee appointed to Organize and Weight of the Canadian Pension Commission

HOUSE OF COMMONS

First Session—Twenty-eighth Parliament
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STANDING COMMITTEE

ON

VETERANS AFFAIRS

Chairman: Mr. LLOYD FRANCIS

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 11

WEDNESDAY, JULY 2, 1969

Respecting

Organization and Procedure relating to the Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

29674—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis

Vice-Chairman: Mr. Carl Legault

and Messrs.

Badanai,
Bigg,
Cullen,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae,
Marshall,
McIntosh,
Murphy,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Weatherhead—20.

D. E. Levesque,
Clerk of the Committee.

ORDER OF REFERENCE

HOUSE OF COMMONS,
THURSDAY, June 26, 1969.

Ordered,—That the report of the committee appointed September 8, 1965, to survey the organization and work of the Canadian Pension Commission, tabled on March 26, 1968, be referred to the Standing Committee on Veterans Affairs.

ATTEST:

ALISTAIR FRASER,
The Clerk of the House of Commons.

29674—1½

[*Text*]

MINUTES OF PROCEEDINGS

WEDNESDAY, July 2, 1969.
(12)

The Standing Committee on Veterans Affairs met this day at 4:00 o'clock p.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Badanai, Cullen, Francis, Groos, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Legault, Marshall, Peters, Saltsman, Stafford, Thomas (*Moncton*), Weatherhead—(14).

Also present: Messrs. Turner (*London East*) and Whicher.

The Chairman read the Order of Reference and the Committee discussed the procedures to follow in the study of the Woods Committee Report.

Moved by Mr. Badanai,
Resolved,—that the Committee meet on September 15, 1969 to begin its review of the Woods Report.

It was agreed that all major Veterans' organizations be invited to send briefs prior to September 15, 1969.

Mr. Laniel moved, and *it was agreed,*
That the Chairman be authorized to hold meetings, to receive and authorize the printing of evidence when a quorum is not present.

At 4:35 p.m., the Committee adjourned to the call of the Chair.

D. E. Levesque,
Clerk of the Committee.

[Text]

EVIDENCE

(Recorded by Electronic Apparatus)

Wednesday, July 2, 1969.

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The Chairman: On Thursday, June 26, the House passed an order that the report of the Committee appointed September 8, 1965, to survey the organization and work of the Canadian Pension Commission tabled on March 26, 1968, be referred to the Standing Committee on Veterans Affairs. In accordance with the terms of reference, I think we should plan a series of meetings. The steering committee met last week and recommended that we hold hearings starting on Monday, September 15, and that we meet on a daily basis and invite the veterans organizations to appear and present evidence on the report of the Woods Commission. Is there any comment or discussion on this?

Mr. Peters: It would be my hope that we could start hearings right away, not necessarily on the veterans organizations but that we could have everything ready so that the first meeting in September would be for actually calling in witnesses.

Mr. Legault: Well I believe, Mr. Chairman, that that is the intention, to have everything ready for September 15, so that whenever we come in it would be to hear these witnesses immediately.

Mr. Badanai: It would mean we would be meeting on the fifteenth, not any earlier.

The Chairman: We would meet on Monday, September 15, and at that time there would be the first of the veterans organizations present and invited to give evidence at that time.

Mr. Legault: We could get organized to hear quite a few briefs then.

Mr. Guay (St. Boniface): If I may, Mr. Chairman, I do not mind going on record about this. I think we have delayed so long that 15 days will not make too much difference. I agree with Mr. Peters. I would not mind sitting right now even, to start the ball rolling, and properly, and if we do that, I do not see why the beginning of October would not be sufficient, because we have another committee that will be sitting. Several members of this Committee are serving on it. We will already be busy in September, and it will

• 1600

mean for us that we will probably be sitting most of September, if this was the case, and I do not see any justification for us to sit the complete month of September in this particular regard. So possibly consideration may be given to accelerating the matter as Mr. Peters has said. At the present time we could get everything lined up, and 15 days then will not make that much difference at that late time of the year. October 1 would not make too much difference.

Mr. Marshall: We cannot plan to sit now. We do not know how long we will be here and when we will leave. We would be taking a chance by calling all these veterans organizations and suddenly finding that we are not going to be here.

Mr. Badanai: I do not agree that we should be sitting now because people have made arrangements. Some of our members ...

Mr. Guay (St. Boniface): On a point of order, Mr. Chairman. I think I may have been misunderstood. I did not mean to start the hearing now, but rather to get organized now for the fall meetings.

The Chairman: This is what Mr. Badanai is saying. I do not think there has been any misunderstanding.

Mr. Badanai: Well, what I am driving at is this, that I do not agree to be meeting now, at the present time, when we are just about to finish up our work in the House. I think September 15 is an ideal time to be meeting. Other committees will be meeting earlier than September 15 and I am a member of two or three committees, too, but how can we arrange our work if we have to wait for some other committee to be meeting on a certain date and we will meet this week or the following week? The first thing we know it will be October.

Mr. Groos: I wonder, Mr. Chairman, if it would be a good idea that we find out what committees will be meeting and that we cross-check the membership to make sure, and perhaps re-arrange . . .

The Chairman: Mr. Groos, I have had discussions with the House leader and there have been discussions in the steering committee and I think that a number of these things have been informally sounded out. There are problems, but there are problems whichever way it is done.

Mr. Groos: All I am worried about is that we should not have three committees up here and members are called to each of the committees and therefore we have trouble getting quorums.

The Chairman: This is a problem for the Whip's Office.

Mr. Legault: You should bring to the attention of Mr. Groos the second point that you were going to bring out. That is the question of being able to hear these witnesses without the necessity of having a quorum.

The Chairman: Right. That is the second recommendation of the steering committee.

Mr. Legault: This would eliminate the objection.

The Chairman: Now, is there a motion on the date the Committee should set to invite representatives of the veterans associations to appear?

Mr. Badanai: I so move. I move that the Committee meet on September 15.

Mr. Legault: I second that motion.

The Chairman: Is there any discussion on that motion? Mr. Thomas.

Mr. Thomas (Moncton): I have already sat on one or two committees, and this sounds like a re-run of what we have discussed in other committees. The general feeling seems to be that you can call meetings for September 15, but it is very, very doubtful if you will have quorums, and if you bring in witnesses you are going to find yourself in the position of having witnesses here and no quorum. The feeling seems to be that if all these committees decide to meet in September, the bodies just cannot be spread around. I am on three committees. I cannot serve on three committees.

The Chairman: The intention also is to take advantage of the rules which permit us to pass a motion dispensing with the need of a quorum to hear witnesses and take evidence. We could not, of course, make any decisions. And with that motion, which I hope would be presented following this one, we could then set up a regular program in September. There are problems whatever date we pick or whatever time we choose.

Mr. Thomas (Moncton): Just to elaborate. I am not convinced of the necessity or the desirability of this because, after all, here is a report that has been held up for almost a year and a half. Aside from the fact that it could have been presented sooner, I do not see why we should be rushed now, suddenly in the last week of the session, to bring this report in. It could have been brought in several months ago and we could have gone a long way on it. I, for one, do not feel any compulsion to get back here early to handle this report.

The Chairman: Mr. Knowles.

Mr. Knowles (Norfolk-Haldimand): I was wondering if we know about the time the House would reconvene again in the fall. I suppose there is no indication yet of that.

The Chairman: It will not be before the first week in October.

Mr. Knowles (Norfolk-Haldimand): This would be prior then to the reconvening of the House—the meetings of this committee?

The Chairman: Yes.

Mr. Weatherhead: Mr. Chairman, in the correspondence that you have had with the veterans organizations I wonder if you know about how many days we might be sitting on these hearings.

The Chairman: It is very difficult to say at this time.

Mr. Weatherhead: It might be more than one week?

The Chairman: I would think so.

Mr. Peters: There are 11 organizations.

The Chairman: There are 13 organizations, I believe.

Mr. Guay.

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Mr. Guay (St. Boniface): I would like to speak again, Mr. Chairman. I think that even though you would not have a quorum, it would be an insult, a definite insult, to those witnesses we would be hearing if we were not here en masse, in full committee, to hear them out so that we can make the appropriate decisions. I think that for only a few to hear them would be an insult.

The next thing I would like to mention is that everyone seems to be, in a sense of the word, trying to do everything now and to make a great big show and to say we are going to hear them in September. What has been going on since Easter, really? I feel that we could certainly have done something to hear them, and now some of them will be taking their holidays, whether it is July, August or September. Let us not kid ourselves, even members of those organizations will be taking their holidays in September, as some of us will have to. I think that it is very important that for two weeks difference, now that we are late, we make sure that not only the delegations are going to be here to be heard but also that a full quorum of the Committee be here. So in that case I would suggest that everything be organized to hear them, certainly, but what is all the excitement about September 15?

I am one of those who has felt right along that these various delegations should have been heard before the end of this session. Just because we are going to make a big announcement now to say that we are going to meet September 15, to me this does not show that I am more sincere about it now than I was before. I think that it would possibly be even better if we were to tell these organizations we were not able to give them consideration before this, but starting September 29, which is two weeks after September 15, we will have a quorum and we are in business from then on. Then at least we will be sure.

Right now you may go on record and say all right, we will sit on September 15. But nobody can really say for sure that the members are going to be here. We could only be a few, and I do not think that this would do them justice. I would be one who would oppose the motion that is on the floor at the moment and say let us get this thing organized, but organized well, and September 29 would be early enough. Even if we had to work nights, I would not mind it. Accelerate it and show them that we mean business. But just to go through the process of saying September 15 for the sake of making an announcement, I do not go for it.

Mr. Laniel: Mr. Chairman, as far as I am concerned I agree with quite a bit of what has been said, and as Mr. Guay has mentioned, it might be an insult to veterans organizations and it will put some of us in a heck of a position if by any chance we cannot be here. We are interested and this will be the summer recess, and I think the problem is not necessarily the problem of the Committee on Veterans Affairs, it is the problem of all the committees. I think there should be a meeting, and probably there has been, but this thing will have to be settled very quickly and very soon with the House leader.

There should be a meeting of all the chairmen of all the committees because this question of reconvening the Standing Committees of the House of Commons in advance is a good move but it has to be planned and not improvised, and it has to be planned in general. We should not use the chairman within his own committee to solve the problem that should be solved by the government and by the House leader.

The Chairman: There have been discussions with the House leader and with the others and there has been some consultation.

Mr. Laniel: Mr. Chairman, we do not want to let you down, and I am ready to co-operate. I am ready to vote for sitting on September 15, but it is against my best judgment and my better feelings too.

The Chairman: Are there any other speakers? Mr. Peters.

Mr. Peters: Mr. Chairman, I agree with what has been said and I think this is probably the crux of it, that we are not really in a position to know the number of people who are going to be here. I agree with Mr. Guay that this is one committee at least where we should be able to put on a good face of attendance, and we are not going to. I am sure we are not. I am on the Agriculture Committee and I understand it is going to travel; I understand the Transport Committee is going to travel; I understand there are a couple of other ones that are going out. Northern Affairs is going to be travelling; Regional Development is going to travel. You are going to have three people here. True,

you can hold the meetings but, Mr. Chairman, I would rather move an amendment that we meet Tuesday, this Tuesday, and start the hearings with all the members here rather than start them with only three or four members in the Committee. I think the subject is important enough that everybody on the Committee should have an opportunity and because the other committees are going to travel you are not going to have that opportunity. I would rather go ahead now and get in two or three meetings with a full committee then I would meet those extra three or four days before and find that we are only three or four people here.

The Chairman: Mr. Peters I do not think that would be an amendment I really think you ought to defeat that motion and offer that as a new one. It seems to me the principle of whether we meet next week or September is really fundamentally not an amendment it is a different motion. I think now Mr. Badanai and Mr. Cullen.

Mr. Badanai: I would only ask Mr. Chairman, you had a conversation or an agreement with the Chairman of Committees and they assigned you the date of September 15. On that premise I think we should pass a resolution to that effect.

Mr. Cullen: I heard Mr. Peters talk and others about getting ready, and as I understand it—I am only a part-time member of this Committee filling in—there are something like a 148 recommendations. Talking about getting ready, I think there is going to be a necessity for doing a great deal of homework. I would not want a veteran to come here, for example, on Tuesday and say, "We are speaking to you on the Canada Pension Act and such and such and so and so". If the fellow has not done his homework, he is next to useless as a member of this Committee.

Speaking personally I would like to spend the summer getting ready and reading. The Legionary of February 29 has a good article; Mr. Knowles mentioned it in the House and I made mentioned it myself, which summarizes a lot of these things in bringing them down to form. You are talking about 148 recommendations and some of these organizations are only keen on about four or five of them. Is there going to be some help for this Committee to get ready; that is, a breakdown of the recommendations, what areas they specifically cover or is that going to be our own homework to do and then meet with the Veterans. I think it premature frankly to meet them on Tuesday because I do not know how many have done their homework. I have done a bit of reading on it but I do not think I am prepared to ask intelligent questions of the Legion group, for example, who have been working on this for two years.

Mr. Guay (St. Boniface): That is important. Mr. Chairman, if I may, I think what has been mentioned by the last speaker is very important because I think that we should do our reading before we hear them and then be in a position to ask intelligent questions. I think it is very important.

The Chairman: Are there others? Mr. Marshall.

Mr. Marshall: Most of the 13 briefs have to deal with certain recommendations and they are all pretty common are they not?

An hon. Member: That is right.

Mr. Marshall: So I think the homework you have to do on each particular brief is much more restricted than appears at first.

The Chairman: Yes.

Mr. Marshall: Yes.

Mr. Cullen: I am accepting that but we are talking about three volumes of over 1,300 pages. I am talking about doing the homework on the Woods Report itself, not on the briefs presented by the individuals, but I think if you do your homework on the Woods Report you might take an area that you are particularly keen on—the Pension Commission as one area—and make that your baby and you are going to ask no questions on anything except those on that particular matter, or amputees as an area. I did not mean the briefs we would have to do our homework on, I meant on the report itself.

The Chairman: Mr. Laniel and then Mr. Whicher.

Mr. Laniel: That is all fine but we are not supermen, nor better experts than experts themselves, nor better experts than the Department. I think we will be losing a hell of a lot of time if we start questioning too quickly before we get the White Paper, because some of these things might have been accepted, at least partly by the Government, which we do not know. All these things link together so this is why I am not all that fussy to sit early unless the government presents its White Paper before the end of this session. I

have my doubts on this, but at least if you do not have that on hand you cannot make a really comprehensive study with what the government is going to do, otherwise you are
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just beginning from a big book.

The Chairman: You repeat the Woods Committee work.

Mr. Laniel: Yes, and you are missing one of the very important documents that you need.

Mr. Whicher: I missed the original motion, Mr. Chairman, did you commit this Committee in your wisdom to meet on September 15?

The Chairman: The steering committee met last week and this was the recommendation that came out of their meeting. It was discussed informally with those whose responsibility it is to co-ordinate the work of other committees. The indication was that this would be a satisfactory program for us. On this basis a motion has been made by Mr. Badanai, seconded by Mr. Legault, that we meet on Monday, September 15, and at that time invite some of the veterans associations to appear and give evidence. That is the motion we are discussing.

Mr. Whicher: I certainly would not want to let the chairman down or the steering committee, if they expressed this feeling to other people in higher places in good faith, but on the other hand I have every sympathy with what Mr. Guay and others have said. I do not think you are going to get too many back here on September 15. I think that these are some of the most important people in Canada these Veterans association, and I think they deserve a really good hearing with full attendance. For that reason if there is any way that the Chairman and the steering committee could suggest that it be held off first; certainly until we get the White Paper, and second, until the earliest date towards the end of September in my opinion in order to get a good crowd here. That is my feeling, but if we did not get the White Paper until October 15, I do not think we should have the briefs until the fifteenth.

The Chairman: We will have it before then.

Mr. Whicher: We will have it?

The Chairman: I have been told this.

Mr. Whicher: That is my feeling. I do not want to vote against the Chairman but I do not think there will be too many here.

The Chairman: Is there further discussion? Mr. Saltsman?

Mr. Saltsman: Mr. Chairman, I would like to support the motion that we meet on the fifteenth, and it seems to me inconceivable that the White Paper would not be available before that date. Surely there is an obligation on the government to have the White Paper ready on time. Second, I find it very difficult to comprehend the argument that if a meeting is called on September 15 that some members of Parliament will not be here. I go on the assumption that their primary business is here in Ottawa...

Mr. Whicher: The Agriculture Committee is travelling on that date.

Mr. Saltsman: You have the same kind of problem during the regular Parliamentary session, where you have people on two different committees, one of which may be travelling and the other...

An hon. Member: You cannot stagger the hours.

Mr. Saltsman: Pardon.

An hon. Member: No, you cannot stagger them.

Mr. Saltsman: So the bodies are not here and I think the problem is serious enough and the veterans are impatient enough that we should commence our work as quickly as possible.

The Chairman: In answer to Mr. Peters' point a minute ago, I think some staggering of hours during this period is possible. You do not have to meet every hour of the day. The steering committee could meet part of the time to possibly release sometimes during the day to avoid the worst conflicts.

Mr. Peters: Mr. Chairman, could you take a poll of those...

The Chairman: We have a motion.

Mr. Peters: I was just going to ask if we could take a straw vote of those who were on committees that were going to be travelling out of town because this would be a fairly good indication how many could be here physically.

Mr. Guay (St. Boniface): Did you ask about travelling out of town on other committees?

Mr. Peters: I mean on a committee. I mean other committees.

Mr. Guay (St. Boniface): Not on personal business.

Mr. Peters: There is Northern Affairs, there is Regional Development; there is Agriculture. These bodies are not even going to be here.

The Chairman: The only comment I can make is that any particular time there is going to be an active committee program this fall. There will be committees travelling. I am not prepared to accept the principle that this is the bottom committee on the totem pole, that every other committee is going to be given precedence over this one. It seems to me that any time you pick you have the same problem this fall. I fail to see why we should not vote on a resolution that has been presented to us.

Mr. Thomas (Moncton): Mr. Chairman, I have expressed my opposition to meet in Sep-

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tember and I would pose this question. It is fine to say the White Paper will be ready, what if the White Paper is not ready, Mr. Chairman? We have been told the last three months that it would be useless for us to sit to discuss the Woods Report unless the White Paper was available to us. What if we decide to meet on the fifteenth and the White Paper is not ready?

The Chairman: The only comment I have is if the Committee decides to meet on the fifteenth there will be an organized agenda for the Committee at that time and there will be witnesses called. The Committee will have decided on its orders and the way in which it does its business. There are terms of reference before us which we did not have before. This was passed on June 26. We have our terms of reference and that is the difference. I think we are now instructed to do a job and the Committee will do its job, I am sure.

Mr. Thomas (Moncton): What has changed in the last three months?

The Chairman: Well, there is an order from the House, that is the difference.

Mr. Thomas (Moncton): No, but we have been told for three months that there would be no point in our sitting until the White Paper is available. We were told that.

The Chairman: As far as I am concerned, we have an order of instruction, an order of reference from the House and we are acting in accordance with it; we did not have one prior to that date.

Mr. Laniel: Mr. Chairman, what does the motion really say? That we will organize our sitting from the 15th to what time?

The Chairman: It does not set any terminal date, it says that we have meetings commencing on Monday, September 15, and that we invite representatives of the veterans associations to come and present evidence.

Mr. Laniel: May I add a comment, Mr. Chairman? With all the reservations I have, I am ready to support the motion as long as the work is organized in such a way that is concentrated in a maximum of four days in that week and that is all. If we can make progress in four full days of sitting, which is the equivalent of one full month's sittings, at least, during the session, I would agree with that.

The Chairman: May I comment that there are one or two problems, not the least of which is staff in getting transcripts of reports. I believe in the principle of concentrated sittings and making the very best use of the time of the members who are here and I think it is up to the Committee to do that, but there are certain physical limitations on how many hours we can sit a day and still get transcripts from the Committee Reporting Service. Short of that, I agree with everything you have said, Mr. Laniel.

Is there further discussion? Mr. Saltsman?

Mr. Saltsman: If an amendment to that motion could be entertained, I would like to tack on something to the effect that if this motion is passed the Committee urge the government to have its White Paper ready in September.

The Chairman: With all due respect, I do not think that is in order. I think there is a motion concerning the time which the Committee will hold its hearings. You have heard the motion. Is there further discussion on that? Shall the motion carry?

Motion agreed to.

The Chairman: I believe the form of the second motion that was recommended from the Steering Committee was to the effect that, in accordance with Standing Order 65(7) which says:

> The presence of a quorum shall be required whenever a vote, resolution or

other decision is taken by a standing or a special committee, provided that any such committee, by resolution thereof, may authorize the chairman to hold meetings to receive and authorize the printing of evidence when a quorum is not present.

In accordance with this section of the Standing Orders, I hope the Committee will agree to presenting a motion to the effect that the Chairman be authorized "to hold meetings to receive and authorize the printing of evidence when a quorum is not present".

Mr. Laniel: I so move.

Mr. Groos: I second the motion.

The Chairman: Is there further discussion on the motion?

Mr. Peters: My remarks would be the same as Mr. Guay's, and I agree with Max to the extent that we should be here attending to our parliamentary business, but this may make it prohibitive for some of us to be here for a specific period. I certainly hope that we do not conduct the business with major veterans organizations with two or three people. I

• 1625

do not think this would serve any purpose. We are not going to know what the discussion is and we are not going to be able to make a decision on that except by the reports. The reports will be very slow coming in and this will make it very difficult to make an educated judgment on this matter. While I am aware of all the difficulties, I still think it is important enough that most of the members who are going to make the judgment have the opportunity of hearing them.

I hope the Chairman so orders that we do not have at least the major briefs presented when there appear to be only two or three people in attendance or where there are only two or three.

The Chairman: I think your comments are very well taken, Mr. Peters.

Mr. Peters: I do not object to your reducing it, but I just suggest that the Chairman be very—

The Chairman: It is obvious that some discretion has to be exercised here. Mr. Groos?

Mr. Groos: Would it be useful if the members who are not going to be able to be here for certain dates were to make the Clerk aware of the situation, because there are other concerns, language courses and a few other things coming on as well.

The Chairman: Yes. I think we will have to canvass individual members of the Committee to indicate who will find it difficult to attend so we can find replacements for them on the Committee.

Mr. Peters: I am only going to be on one, but frankly, I do not know when it is going to meet. I do not really know if it is in conflict or not; it is just a caveat I have had. I really do no not know. I do not know when it is travelling, but if it does travel I have an obligation to be there I think.

The Chairman: I think we understand, I am sure other members are in the same position.

Mr. Peters: Other people are in exactly the same position with different committees.

The Chairman: Is there further discussion on this?

Mr. Knowles (Norfolk-Haldimand): I have one question, Mr. Chairman.

The Chairman: Yes, Mr. Knowles.

Mr. Knowles (Norfolk-Haldimand): Will we continue meeting, when we start on the 16th? Will we go on to Tuesday, Wednesday, Thursday and so on?

The Chairman: Mr. Knowles, I hope the Committee would see its way clear to giving a solid block of time in that week. I hope we would get quite a bit done and have a good week. Then I think we would have an opportunity to sort of digest the situation.

Mr. Knowles (Norfolk-Haldimand): Members would be travelling some distance in here, no doubt, and it should be made worthwhile, I think, for them.

The Chairman: The intention is to make it worthwhile their coming in, and to give them a solid program of work when they are here.

Mr. Knowles (Norfolk-Haldimand): Right.

The Chairman: We recognize that you cannot bring members in and waste their time; we have to make good use of our time. Is there any further discussion? Mr. Laniel.

Mr. Laniel: Could we express a wish through you, to the Minister and to the gov-

ernment that they do their utmost to have the White Paper made public even during the recess break?

The Chairman: I have been told by the Minister that it is the intention of the government to do so and he hopes to be able to issue it as a document. If the House is sitting, it will be tabled of course, if the House is not sitting it will simply be distributed as a public document; but it will be done at the earliest possible date and certainly it is the hope of the government, prior to the meeting.

Mr. Laniel: If it is, you will distribute it as early as possible to the Committee members who are home?

The Chairman: Oh, yes. I can assure you that members of the Committee that I will see to it that you get any such documents at the earliest possible date. Mr. Whicher, did you have a question?

Mr. Whicher: No, thank you.

The Chairman: Does the Committee agree to the motion?

Motion agreed to.

The Chairman: Is there any other item to be raised?

Mr. Groos: Is there a list of the committees who have signified their intention to attend?

The Chairman: There is some discussion with Mr. Deachman who is working on this.

Mr. Groos: No, I mean the veterans associations; a list of the associations who will be presenting briefs.

The Chairman: Yes, there is. We will have copies made and sent to all members of the Committee.

Mr. Peters: On a point of information, what are we going to use for the Woods Commission submission, the summary? We are certainly not going to use all those documents, except as back-up information. If we do, members will be worn out carrying them around.

The Chairman: My suggestion is that we start with the summary, basically, in hearing evidence, but we are going to have to refer to the originals in different places, but the summary...

• 1630

An hon. Member: Do you intend to start in the morning or in the afternoon on September 15, and do you intend to sit morning, afternoon and evening?

The Chairman: In answer, I think you will get a notice in good time, but I hope the first meeting will be Monday afternoon, leaving you with the morning.

Mr. Guay (St. Boniface): After that we could sit morning, noon and evening, could we not?

The Chairman: That will be at the decision of the Committee, but the intention is to give... There is a problem of staff and getting transcripts, and how far we can work the Committee Branch staff. Subject to that provision, we will hold as many hours of hearings as possible.

Mr. Guay (St. Boniface): I suggest you take into consideration the possibility of having three sittings a day, so that we could get right into it and work at it, because I would not want to come here at that time and be idle every evening. On the contrary, I feel that my time would be more useful if we sat in the evening, Mr. Chairman.

The Chairman: I will take note of your views, Mr. Guay.

Mr. Peters: May I also suggest that enough documents be provided for the members at the Committee meeting, because it would be a problem carrying them around. I think they could be left with you each time.

The Chairman: We will do the best we can to assist with documentation, Mr. Peters. I think that is a good suggestion. Mr. Weatherhead?

Mr. Weatherhead: Mr. Chairman, could we expect that each organization would first of all circularize their brief to us?

The Chairman: I think that is a fair assumption. In a great majority of the cases they have already.

Mr. Weatherhead: We received some, but I do not think we have received 13 or 15, or what have you.

The Chairman: They may not all have the same degree of formal preparation.

Mr. Weatherhead: So you would let them know that members of the Committee...

The Chairman: I will do everything I can to see to it that prior to any one organization

appearing there will be a circulation of their material ahead of time.

Mr. Laniel: Mr. Chairman, this is where there is a danger of us sitting to hear briefs from veterans organizations as comments on the Woods Report.

The Chairman: Yes.

Mr. Laniel: Which might force us—if the White Paper is not published—to call them back later to comment again on the report in relation to the White Paper.

The Chairman: Mr. Laniel, if we do not have a White Paper we have problems in more than one respect.

Mr. Laniel: Yes.

The Chairman: It is my sincere hope that the government does have the Paper for us at that time.

Mr. Peters: So does the Minister likely.

Mr. Groos: I just have a point for clarification, Mr. Chairman. You say there are about 13 organizations.

The Chairman: Yes.

Mr. Groos: I do not know how that list was arrived at. Do we have some provision for hearing those who have not yet submitted their names or who might submit their names?

The Chairman: Any other veterans organization that communicates with either the Chairman or the Committees Branch will have their name referred to the Steering Committee with a recommendation. Certainly I expect the Committee will take a broad view of any organization that wants to be heard. I do not think we should hear individual briefs, but I think organizational briefs should certainly be heard.

Mr. Peters: Mr. Chairman, you might be wise to have the Clerk write to those 13 organizations in view of the motions that have been made today and advise them of same.

The Chairman: It is our intention to do this immediately.

Mr. Marshall: Mr. Chairman, I have just one question. Will there be enough staff to produce the proceedings we hear in a little less time than in the past?

The Chairman: If we sit morning, noon and evening there is a problem with staff and transcripts. This will have to be reviewed. On the other hand, if our hearings are reduced in the number of hours per day, the more quickly we get our transcripts. That is the problem we must face.

Mr. Peters: Might I suggest, Mr. Chairman, in view of this, many of our secretaries will not be that busy and might be interested in making some extra money...

The Chairman: We will explore this possibility.

Mr. Peters: ...working at night the same as they did when this system started and there was a backlog.

An hon. Member: More money?

Mr. Peters: Well I do not mind them making a little extra money.

Mr. Laniel: I move that we adjourn.

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OFFICIAL BILINGUAL ISSUE

HOUSE OF COMMONS

First Session

Twenty-eighth Parliament, 1968-69

FASCICULE BILINGUE OFFICIEL

CHAMBRE DES COMMUNES

Première session de la

vingt-huitième législature, 1968-1969

STANDING COMMITTEE

ON

VETERANS AFFAIRS

COMITÉ PERMANENT

DES

AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*

MINUTES OF PROCEEDINGS

AND EVIDENCE

PROCÈS-VERBAUX ET

TÉMOIGNAGES

No. 12

MONDAY, SEPTEMBER 15, 1969
TUESDAY, SEPTEMBER 16, 1969

LE LUNDI 15 SEPTEMBRE 1969
LE MARDI 16 SEPTEMBRE 1969

Respecting

The Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(See Minutes of Proceedings) *(Voir Procès-verbaux)*

20747—1

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: Mr. Lloyd Francis
Vice-Chairman: Mr. Carl Legault
and Messrs.

Badanai,
Bigg,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae,
Marshall,
McIntosh,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
[1] Turner (*London East*),
Weatherhead,
[2] Whicher—20

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

Pursuant to S.O. 65(4)(b)
[1] Replaced Mr. Cullen on July 22, 1969
[2] Replaced Mr. Murphy on September 2, 1969

COMITÉ PERMANENT DES AFFAIRES DES ANCIENS COMBATTANTS

Président: M. Lloyd Francis
Vice-président: M. Carl Legault
et Messieurs

Conformément à l'article 65(4)(b) du Règlement
[1] Remplace M. Cullen le 22 juillet 1969
[2] Remplace M. Murphy le 2 septembre 1969

[*Text*]

MINUTES OF PROCEEDINGS

MONDAY, September 15, 1969.
(13)

The Standing Committee on Veterans Affairs met this day at 2:35 p.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Badanai, Bigg, Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London East*), Weatherhead, Whicher. —(13)

Also present: Messrs. Cullen, M.P., Knowles, M.P. (*Winnipeg North Centre*), Winch, M.P. and Chappell, M.P.

The Chairman introduced Mr. P. E. Reynolds, Chief Pensions Advocate, Department of Veterans Affairs, whose services have been retained as Special Adviser to the Committee.

The Committee discussed procedure. *It was agreed,* that the Committee meet as follows:

Tuesday, September 16, 1969—2:30 to 4:30 p.m.

Wednesday, September 17, 1969—9:30 to noon—2:00 to 4:30 p.m.

Thursday, September 18, 1969—9:30 to 12 noon—2:00 to 4:30 p.m.

Friday, September 19, 1969—9:30 a.m. to 12:30 p.m.

At 3:00 p.m., the Committee adjourned to Tuesday, September 16, 1969 at 2:30 p.m.

TUESDAY, September 16, 1969.
(14)

The Standing Committee on Veterans Affairs met this day at 2:35 p.m., the Chairman, Mr. Lloyd Francis, presiding.

[*Traduction*]

PROCÈS-VERBAUX

Le LUNDI 15 septembre 1969.
(13)

Le Comité permanent des affaires des anciens combattants se réunit aujourd'hui à 2 h. 35 de l'après-midi, sous la présidence de M. Lloyd Francis.

Présents: MM. Badanai, Bigg, Francis, Guay (*Saint-Boniface*), Knowles (*Norfolk-Haldimand*), Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London-Est*), Weatherhead, Whicher.—(13)

Aussi présents: MM. Cullen, Knowles (*Winnipeg-Nord-Centre*), Winch et Chappell, députés.

Le président présente M. P. E. Reynolds, avocat en chef des pensions du ministère des Affaires des anciens combattants, dont les services ont été retenus à titre de conseiller spécial auprès du Comité.

Le Comité délibère au sujet de la procédure. *Il est décidé* que le Comité se réunira ainsi qu'il suit:

Le mardi 16 septembre 1969 de 2 h. 30 à 4 h. 30 de l'après-midi.

Le mercredi 17 septembre 1969 de 9 h. 30 du matin à midi et de 2 heures à 4 h. 30 de l'après-midi.

Le jeudi 18 septembre 1969 de 9 h. 30 du matin à midi et de 2 heures à 4 h. 30 de l'après-midi.

Le vendredi 19 septembre 1969 de 9 h. 30 du matin à midi trente.

Le Comité s'ajourne à trois heures trente de l'après-midi jusqu'au mardi 16 septembre 1969 à 2 h. 30 de l'après-midi.

Le MARDI 16 septembre 1969.
(14)

Le Comité permanent des affaires des anciens combattants se réunit aujourd'hui à 2 h. 35 de l'après-midi, sous la présidence de M. Lloyd Francis.

20747—1½

Members present: Messrs. Badanai, Bigg, Francis, Groos, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Latulippe, Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London East*), Weatherhead, Whicher.—(15)

Also present: Messrs. Winch, Foster and Knowles (*Winnipeg North Centre*).

Appearing: The Honourable J. E. Dubé, Minister of Veterans Affairs.

The Chairman introduced the Minister who read a statement after which the Committee proceeded to the questioning of the Minister.

At 4:55 p.m., the questioning of the Minister being concluded, the Committee adjourned to Wednesday, September 17, 1969 at 9:30 a.m.

Présents: MM. Badanai, Bigg, Francis, Groos, Guay (*Saint-Boniface*), Knowles (*Norfolk-Haldimand*), Latulippe, Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London-Est*), Weatherhead, Whicher.—(15)

Aussi présents: MM. Winch, Foster et Knowles (*Winnipeg-Nord-Centre*), députés.

A comparu: L'honorable J.-E. Dubé, ministre des Affaires des anciens combattants.

Le président présente le Ministre. Ce dernier fait une déclaration, et le Comité l'interroge.

L'interrogatoire du Ministre prend fin à 4 h. 55 et le Comité s'ajourne jusqu'au mercredi 17 septembre 1969, à 9 h. 30 du matin.

Le greffier du Comité,
D. E. Levesque
Clerk of the Committee.

[*Texte*]

EVIDENCE

(*Recorded by Electronic Apparatus*)

Monday, September 15, 1969

• 1437

The Chairman: I think I see a quorum and I will ask the members to be seated. I would like to welcome the members back and I would particularly like to extend a welcome on behalf of the Committee to Mr. MacRae who is back with us, and we are delighted to have him. Welcome back, Ches.

Members of the Committee, we have a number of procedural matters to review today in terms of the work we have ahead of us. As you know, the House of Commons by resolution referred the Woods Commission report and the recommendations to us. We have to decide the sequence in which we are going to hear witnesses, our agenda for the period ahead, the time of our meetings and to lay on our programme.

I would like at this point to introduce a gentleman who was a former Chief Veterans Advocate and we have taken the liberty—as approved by the Steering Committee today at a prior meeting—of asking him to act as a research director for the Committee for the period, Mr. Philip Reynolds. I think Mr. Reynolds is well known. He has been with the Department of Veterans Affairs. He is currently with the Department of Justice, and with the co-operation of that Department his time has been made available to the Committee so that we can proceed with our agenda and have his services in preparing memoranda and assisting with the report when we come to the stage of drafting it.

At my request I believe Mr. Reynolds prepared a memorandum outlining what he thought should be dealt with by the Committee in the beginning in considering our agenda. Do you wish to speak to it, Mr. Reynolds?

• 1440

Mr. Philip Reynolds (Research Director, Veterans Affairs Committee): Gentlemen, I felt it would be helpful to all the members of the Committee if, before they hear the briefs from the veterans organizations, the departmental official briefed the members of the Committee on the present legislation, that is, what exists at present, the recommenda-

[*Interprétation*]

TÉMOIGNAGES

(*Enregistrement électronique*)

Le lundi 15 septembre 1969

Le président: Messieurs, nous avons le quorum, et je vous prierais de bien vouloir prendre vos places. Je souhaite la bienvenue à tous les membres du Comité et, en particulier, à M. MacRae, qui est de retour parmi nous, ce qui nous fait bien plaisir.

Nous devons étudier aujourd'hui certaines questions de procédures qui concernent nos travaux. Comme vous le savez, une résolution de la Chambre des communes nous a saisis du rapport et des recommandations de la Commission Woods. Nous devons fixer l'ordre de comparution des témoins, notre ordre du jour, l'horaire de nos séances, et déterminer notre programme.

Permettez-moi maintenant de vous présenter l'ancien avocat en chef des anciens combattants, M. Philip Reynolds; nous avons pris l'initiative,—ce que le comité directeur a approuvé aujourd'hui, au cours de sa séance,—de lui demander de remplir les fonctions de directeur de la recherche, pour notre Comité, pendant la période voulue. Je crois que M. Reynolds est bien connu. Il a travaillé au ministère des Affaires des anciens combattants et il occupe actuellement un poste au ministère de la Justice; grâce à la collaboration de ce ministère, il pourra consacrer tout son temps à notre Comité, ce qui nous permettra de suivre notre ordre du jour et de retenir ses services pour la rédaction de nos mémorandums et de notre rapport.

A ma demande, M. Reynolds a rédigé, je crois, un mémorandum où il a déterminé ce que, selon lui, le Comité devrait d'abord étudier à son ordre du jour. Voulez-vous dire quelques mots à ce sujet, monsieur Reynolds?

M. Philip Reynolds (directeur de la recherche, comité des Affaires des anciens combattants): Messieurs, j'ai cru qu'il vous serait utile, avant que vous preniez connaissance des mémoires des organisations d'anciens combattants, que des fonctionnaires du ministère vous expliquent la législation actuelle, les recommandations de la Commission Woods, et

[*Text*]

tions made by the Woods Committee and how the Woods recommendations have been modified by the proposals which are made in the White Paper. I think if you have this information first it will be a lot easier to consider the briefs submitted by the veterans organizations.

The Chairman: I think you prepared a memorandum which Mr. Levesque has had reproduced. Could we distribute this? As I understand it, Mr. Reynolds, you have recommended that before the Committee hears witnesses representing the various veterans' organizations, it should have these three areas outlined in summary form also, preferably by some kind of a document that would summarize the present practice, the recommendations of the Woods Committee Report and the White Paper.

Mr. Reynolds: That is correct.

The Chairman: Those specific points?

Mr. Reynolds: Yes.

The Chairman: The Minister has indicated he would be available at 2.30 tomorrow afternoon to make a statement and presumably we would want to hear the Deputy Minister following the Minister's statement. We discussed in the steering committee which met at one o'clock today the suggestion that the Deputy Minister be asked to have someone from the Department prepare a brief document dealing with these three specific items which could be presented to the Committee following the presentation of which we then could hear a number of representatives of the veterans' organizations who are ready to appear before the Committee. Would this meet with your pleasure; would this be a satisfactory method of proceeding?

Some hon. Members: Agreed.

The Chairman: Are there any comments?

Mr. Peters: Mr. Chairman, would it be possible to ask the Minister when he is before us if he would be prepared to present the interdepartmental report—this interdeparmental study was set up at the same time several years ago as the Woods Committee—relating to the economic and financial aspects of war veterans' pensions and allowances which has never been made public? Would the Minister be prepared to table this report?

The Chairman: I am afraid I could not answer for the Minister. I think you will

[*Interpretation*]

comment les propositions du Livre blanc ont modifié ces recommandations. Je crois que ces renseignements vous faciliteraient ensuite l'étude des mémoires présentés par les organisations d'anciens combattants.

Le président: Je crois que vous avez rédigé un mémorandum que M. Lévesque a fait reproduire. Pouvons-nous le distribuer? Si je comprends bien, monsieur Reynolds, vous avez recommandé que le Comité, avant d'entendre les représentants des organisations d'anciens combattants étudie, de préférence, un document qui lui résumerait la loi actuelle, les recommandations de la Commission Woods et le Livre blanc.

M. Reynolds: En effet.

Le président: Ces points particuliers?

M. Reynolds: Oui.

Le président: Le ministre a déclaré qu'il pourra faire une déclaration demain après-midi, à 14h. 30; nous devrions peut-être écouter ensuite la déclaration du sous-ministre. Le comité directeur s'est réuni à 13h. aujourd'hui et nous y avons discuté la proposition voulant que le sous-ministre soit prié de confier à l'un de ses fonctionnaires la rédaction d'un court document traitant de ces trois points. Après en avoir pris connaissance, le Comité pourrait alors entendre les représentants des organisations d'anciens combattants, qui sont disposés à comparaître devant lui. Est-ce que cette façon de procéder vous va?

Des voix: Oui.

Le président: Avez-vous des commentaires à faire?

M. Peters: Monsieur le président, pourrait-on demander au ministre, lorsqu'il comparaîtra devant le Comité, s'il est disposé à présenter le rapport interministériel,—étude entreprise au moment de la création de la Commission Woods, il y a plusieurs années,—sur les aspects économiques et financier de la question des pensions et allocations des anciens combattants, rapport qui n'a jamais été rendu public? Le ministre serait-il disposé à présenter ce rapport?

Le président: Je ne peux vraiment pas répondre à la place du ministre. Vous devrez

[*Texte*]

have to direct that question to him when he appears before the Committee. However, if this procedure meets with your approval we propose to follow it and keep it in mind when calling the various witnesses.

Mr. Bigg: How long would it take, Mr. Chairman, to implement this suggestion?

The Chairman: Mr. Reynolds, would you care to comment on that?

Mr. Reynolds: I should think if it were covered fully, it would take a day of your sittings.

Mr. Bigg: No, I meant to get started. Does this mean that we cannot proceed now?

Mr. Reynolds: It would press the Department pretty badly, I should think, to have to prepare something in writing by Wednesday morning. When I made the suggestion, I did not have in mind a written document. I thought they would be allowed to ad lib.

• 1445

It would be a rather lengthy document if they were to go into each recommendation that was dealt with in the White Paper. It would be quite a bit of work to get that out by Wednesday.

Mr. Bigg: I wonder what purpose there would be in it. Would there be any new information that we could not get from the White Paper or from the multiple discussions we have had on this subject? We have had very full discussions over the years on this subject and unless there is something new, it seems to me the time of the Committee could be better used by hearing evidence from the people we want to appear rather than hashing over old stuff.

Mr. Reynolds: Take the appeal procedure as an example. There is the present appeal set-up and there is the one recommended by the Woods Committee which is really quite different from the recommendation contained in the White Paper. Therefore, I thought this should be explained in detail in order that the Committee can appreciate what the veterans' organizations may have to say about it.

The Chairman: I am sure members of the Committee have gone through a number of documents at this point. It was thought that possibly there could be prepared some type of summary presentation of the present prac-

[*Interprétation*]

lui poser la question lorsqu'il comparaîtra devant le Comité. Mais si cette procédure vous convient, vous devez la suivre lors de la comparution de chaque témoin.

M. Bigg: Combien de temps faudra-t-il pour exécuter cette proposition, monsieur le président?

Le président: Est-ce que vous voudriez répondre, monsieur Reynolds.

M. Reynolds: Je crois que si vous voulez l'étudier à fond, il vous faudrait siéger toute une journée.

M. Bigg: Non, je parlais du commencement des travaux. Est-ce que vous voulez dire qu'on ne pourrait pas commencer dès maintenant?

M. Reynolds: Je crois que le ministère serait bien mal en point de préparer un document d'ici mercredi matin. Je ne songerais pas à un document écrit lorsque j'ai fait cette proposition. Je pensais qu'on nous permettrait de donner un exposé oral. Il faudrait un document assez volumineux si l'on veut aborder chacune des recommandations du Livre blanc. Il faudrait donc beaucoup de travail pour le préparer d'ici mercredi matin.

M. Bigg: Je me demande s'il servirait à quelque chose. Est-ce que ce document révélerait des renseignements qu'on ne trouve pas dans le Livre blanc et qui ne sont pas ressortis au cours des nombreuses discussions que nous avons eues à ce sujet? Nous avons étudié cette question à fond par le passé, et à moins que de nouveaux éléments entrent en jeu, il me semble que le Comité ferait mieux d'employer son temps à entendre les témoignages des gens qu'il veut faire comparaître qu'à ressasser les aspects de cette question.

M. Reynolds: Prenez la procédure d'appel, par exemple. Il y a la procédure d'appel actuelle et celle qui est recommandée par la Commission Woods qui est elle-même très différente de celle que renferme le Livre blanc. J'ai pensé qu'on pourrait exposer cette question en détail afin que le Comité puisse prendre connaissance de ce que les organisations des anciens combattants en pensent.

Le président: Je suis certain que les membres du Comité ont déjà étudié bon nombre de documents. Nous avons pensé qu'on pourrait peut-être préparer un genre de résumé de la procédure actuelle, des recommandations de la

[*Text*]

tice, the Woods Committee recommendations and the areas with which the White Paper dealt. This would provide us with some kind of reference before we heard any further officials or representations. Does the Committee feel this would be helpful? Mr. Knowles, do you have a comment?

Mr. Knowles (Winnipeg North Centre): Even though I am not a member of the Committee may I—

The Chairman: Certainly, you are a Member of Parliament and that is the rule.

Mr. Knowles (Winnipeg North Centre): I just wanted to be sure there was no question about that right.

The Chairman: You are well qualified, I am sure.

Mr. Knowles (Winnipeg North Centre): I beg that the suggestion you have made, Mr. Chairman makes good sense. I think we should start from the basis of the picture as it now is and certainly all that we may know about the past has to be seen in the light of the present situation, namely, the Woods Committee Report and the White Paper. Since I have the floor, I would like to say that I liked the word Mr. Reynolds used in his letter better than a word he used when he was ad libbing. He talked about the way in which the White Paper has modified the Woods Committee Report. As a matter of fact, it concerns me that in some respects the White Paper has modified the Woods Committee Report—you know, nothing has been adopted yet. However, I think if the document presented to us does what the letter says—gives us the relationship between the proposals in the Woods Committee Report and the suggestions in the White Paper—that would be good. I just wanted to get in the thought right at the start that I do not think anybody has the right to modify the Woods Committee Report.

The Chairman: Mr. Peters?

Mr. Peters: I certainly am in favor of the proposal that we look at the situation as it has operated for a number of years and the changes that would be implemented by the Woods Committee Report recommendations in relation to appeals as well as a number of other factors such as the thinking the Department must have had in developing the alternative which appears in the White Paper. I think we probably would save a lot of time if we knew the Department's thinking and I certainly think we should hear them in that regard.

[*Interpretation*]

Commission Woods, et des domaines abordés dans le Livre blanc. Nous aurions ainsi un document de référence à notre disposition avant d'entendre d'autres fonctionnaires et d'autres témoignages. Est-ce que le Comité considère que ce serait utile? Monsieur Knowles?

M. Knowles (Winnipeg-Nord-Centre): Même si je ne suis pas membre du Comité...

Le président: Bien sûr, vous êtes député et le Règlement vous donne droit de parole.

M. Knowles (Winnipeg-Nord-Centre): Je voulais simplement m'assurer qu'on ne me contesterait pas ce droit.

Le président: Votre compétence n'est pas en doute.

M. Knowles (Winnipeg-Nord-Centre): Je crois que votre proposition est très sensée, monsieur le président. Selon moi, il faut partir de la situation actuelle et considérer tout ce que nous savons du passé à la lumière de la situation actuelle, soit le Rapport de la Commission Woods et le Livre blanc. Pendant que j'ai la parole, je voudrais ajouter que je préfère l'expansion dont M. Reynolds s'est servi dans sa lettre à celle qu'il a employée au cours de son discours. Il a parlé de la façon dont le Livre blanc a modifié le Rapport de la Commission Woods. En fait, je suis inquiet de ce que, à certains égards, le Livre blanc a effectivement modifié le Rapport de la Commission Woods. Toutefois, je crois que si, pour citer la lettre, le document qui nous a été présenté «établit les rapports entre les propositions contenues dans le Rapport de la Commission Woods et les propositions du Livre blanc», ce serait une bonne chose. Je tenais simplement à signaler dès le départ que, selon moi, personne n'a le droit de modifier le Rapport de la Commission Woods.

Le président: Monsieur Peters?

M. Peters: Je suis certainement en faveur de la proposition pour que nous étudiions la façon dont la situation a évolué depuis quelques années et les changements qu'apporteraient les recommandations du Rapport de la Commission Woods à la procédure d'appel, ainsi que certains autres facteurs comme ce à quoi le ministère songeait lorsqu'il a proposé une autre procédure dans le Livre blanc. Je crois que nous épargnerions beaucoup de temps si nous connaissions ce à quoi songeait le ministère, et qu'il faudrait entendre leurs témoignages à cet égard.

[*Texte*]

Mr. MacRae: Mr. Chairman, there is only one thought in my mind and I know we discussed this in our steering committee meeting. If the document outlined, as we discussed, is going to be at all extensive, I do not see, on second thought, how they are going to have it ready for Wednesday morning because it is so extensive. There are 148 recommendations within this Woods Committee Report and they certainly will be pressed to come up with anything for us by Wednesday morning, I would think. Perhaps you have been talking to them already, have you?

Mr. Reynolds: No, I do not think they have anything ready yet. As I said, I visualized when I made the recommendation that an official would appear and would give his version of the present practice, the present legislation and the present policies. I anticipated he would refer to the recommendations of the Woods Committee Report which all of you have and then he would tell you how the relationship between the recommendations of the Woods Committee Report and the proposal contained in the White Paper is affected.

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The Chairman: I think it is important that the Committee get some kind of briefing on this background before they start cross-examining or asking questions of the other witnesses who will be called and this was the thought behind the suggestion.

Mr. Marshall: Mr. Chairman, I just would like to say that the section on adjudication and appeals is the most important section of the whole legislation and if it takes another day or so and, if it puts new members and others more into the picture, then it will be worthwhile in the end. I would say that the only action we could take is to have a paper prepared to relate present legislation with what is going to come out of the Woods report.

The Chairman: Well, it may not be possible to have a paper. However, we will invite a witness, ask him to prepare it, and when he does I presume we will put it before the Committee.

Mr. Bigg: That satisfies me. We could go ahead with those who are ready to give evidence. I would much rather have a fairly comprehensive summary than just be told in a few short words where the government is

[*Interprétation*]

M. MacRae: Monsieur le président, je ne songe qu'à une chose, et je sais que nous en avons déjà discuté lors de la réunion du Comité de direction. Si le document dont nous avons discuté doit reprendre toute la question, je ne vois pas, à bien y penser, comment ils pourront le préparer d'ici mercredi matin. Le Rapport de la Commission Woods comprend 148 recommandations et ils auront vraiment beaucoup à faire s'ils veulent préparer le document d'ici mercredi matin. Est-ce que vous leur en avez déjà parlé?

M. Reynolds: Non, je ne crois pas qu'ils aient entrepris quoi que ce soit encore. Je répète que lorsque j'ai fait cette proposition, je pensais qu'un fonctionnaire viendrait comparaître devant le Comité et présenterait sa version de la procédure, de la loi et des politiques actuelles. Je croyais qu'il aborderait les recommandations du Rapport de la Commission Woods, dont vous avez tous un exemplaire, et qu'il vous expliquerait comment les rapports entre ces recommandations et la proposition du Livre blanc ont été modifiés.

Le président: Je crois qu'il importe que le Comité ait un exposé de la question avant de commencer à interroger les autres témoins qui doivent comparaître. C'est pourquoi l'on a fait cette proposition.

M. Marshall: Monsieur le président, permettez-moi de faire remarquer que la section relative aux jugements et aux appels est, de toute cette loi, la plus importante, et que, même si cet exposé nous retarde d'un jour ou deux, s'il permet aux nouveaux membres du Comité, et aux autres, de se faire une meilleure idée de la situation, cela en vaudra la peine en fin de compte. Je dirais que la seule chose à faire est de demander la préparation d'un document qui établisse le rapport entre la loi actuelle et les conclusions du rapport Wood.

Le président: Il n'est peut-être pas possible d'obtenir un tel document. Mais nous pouvons convoquer un témoin et lui demander de préparer ce document, que nous présenterons ensuite, je suppose, au Comité.

M. Bigg: Cela me convient. Nous pourrions interroger les personnes qui sont prêtes à témoigner. Je préférerais de beaucoup avoir un résumé assez complet que de m'entendre dire en quelques mots quelle sera la ligne

[*Text*]

going to go, regardless of what deliberations we have during the next few weeks.

The Chairman: Mr. Bigg, I do not think anyone is suggesting exactly what is going to be done regardless of the wishes of the Committee. I am sure that the Committee hearings and reports will have a bearing on what happens.

Mr. Bigg: Well, I would not have come if I did not feel that way.

The Chairman: Does anyone else want to comment?

If that is in order, I would suggest that we ask Mr. Reynolds to speak to those departmental witnesses who would be asked to appear. I wonder if he could also be asked to immediately telephone the representatives of the various veterans groups that have indicated an interest in appearing, sort out as best he can when they want to come, thereby avoiding any conflicts in dates and so on. Would it be in order to ask Mr. Reynolds to do that following this meeting?

Mr. Winch: Mr. Chairman, I also am here because I am a very interested member. Although I am 3,000 miles from home I would like to stay here as long as possible. However, our times of sitting may make a difference. Are we going to sit morning, afternoon and night?

The Chairman: That is the next item we will take up, Mr. Winch.

Mr. Winch: I ask that because, in asking the various organizations when they would like to come, how often we are going to sit will make a difference. Mr. Reynolds will have to take up the matter of time allocation with them.

Mr. Bigg: Will there be a limit to the time we are going to sit?

The Chairman: Suppose we take up the item of our hours of sitting now.

Mr. Bigg: And the number of days we are expected to be here.

The Chairman: I suggest that the next meeting be 2.30 tomorrow afternoon to hear the Minister of Veterans Affairs. Presumably the Deputy Minister will also be on hand and will follow the Minister. I believe it was suggested that Wednesday morning we have someone from the Department give the background information on the three points that Mr. Reynolds outlined.

[*Interpretation*]

d'action du gouvernement, indépendamment de nos délibérations des semaines à venir.

Le président: Monsieur Bigg, Je ne pense pas que quiconque laisse entendre exactement ce qui va se faire, indépendamment des désirs du Comité. Je suis certain que nos audiences et nos rapports auront une influence sur les événements.

M. Bigg: Je ne serais pas ici si je ne pensais de même.

Le président: Y a-t-il d'autres observations?

Si la question est réglée, je propose que nous demandions à M. Reynolds de se mettre en rapport avec les représentants du ministère que nous désirerions entendre. Peut-être pourrions-nous aussi lui demander de téléphoner aux représentants des divers groupements d'anciens combattants qui ont manifesté le désir de comparaître, et de décider avec eux de la date de leur comparution, afin d'éviter les chevauchements. Conviendrait-il de demander à M. Reynolds de s'en occuper à la sortie de la réunion?

M. Winch: Monsieur le président, moi aussi je suis ici parce que la question m'intéresse beaucoup. Bien que je me trouve à 3,000 milles de chez moi, j'aimerais rester ici aussi longtemps que possible. Toutefois, nos heures de réunion ont leur importance. Allons-nous siéger matin, après-midi et soir?

Le président: Ce sera notre prochain sujet de discussion, monsieur Winch.

M. Winch: Si je pose cette question, c'est que, lorsque l'on demandera aux diverses associations quand elles désirent comparaître, la fréquence de nos réunions aura son importance. Il faudra que M. Reynolds s'entende avec elles sur le temps qui leur sera alloué.

M. Bigg: Allons-nous fixer une limite à la durée de nos séances?

Le président: Si nous parlions dès maintenant de nos heures de séance?

M. Bigg: Et du nombre de jours où nous serons censés être ici?

Le président: Je propose que notre prochaine séance, au cours de laquelle nous entendrons le ministre des Affaires des anciens combattants, ait lieu demain après-midi à 14h. 30. Il est probable que le sous-ministre sera aussi disponible et accompagnera le ministre. On a proposé, je crois, que mercredi matin, nous convoquions un représentant du ministère, qui nous exposera l'historique des trois questions qu'a mentionnées M. Reynolds.

[*Texte*]

An hon. Member: What time will that be?

The Chairman: Wednesday at 9.30 a.m. I presume that we could sit from 9.30 to 12 and 2 until 4.30 on Wednesday. Is that agreeable?

Some hon. Members: Agreed.

The Chairman: And the same on Thursday and Friday. That would be 9.30 until 12 and 2 until 4.30 in the afternoon on Wednesday, Thursday and Friday. Now what are your wishes on evening sittings?

Mr. Guay (St. Boniface): I think that we should sit, Mr. Chairman. I feel that we might as well use that time; we are here anyway and if we can utilize the evenings I believe that we should do so.

Mr. Turner (London-East): I would agree with Mr. Guay, Mr. Chairman. We are here to do a job and I think we should get the job done as quickly as possible. I agree that we should have evening sittings.

Mr. MacRae: I do not wish to bore you by repeating what we discussed earlier, but I think we might consider another side to the question. We will be working with a great deal more material and a great many more people in the next two weeks to complete this job. There are some on the Committee who are quite knowledgeable of these matters while others will have to do quite a lot of homework, for want of a better word. My earlier suggestion was that the evening sittings be left open so that if a group did not complete their afternoon work we could, by call of the Chair, meet in the evening. I suggest that we leave our evenings free for actual study and such other work.

The Chairman: Something to be borne in mind is that the Committee will have a number of briefs to consider and a good deal of work to do. However, it is up to the Committee to approve its own hours of sittings.

Mr. Marshall: Mr. Chairman, may I suggest that we sit the same times as we do in the House of Commons, that we have Wednesday and Friday evenings off and sit the other nights.

The Chairman: In other words, that we sit Thursday night this week. If so, what hours do you have in mind?

Mr. Marshall: It does not matter to me.

[*Interprétation*]

Une voix: A quelle heure?

Le président: Mercredi matin à 9 h. 30. Nous pourrions siéger ce jour-là de 9 h. 30 à midi, puis de 14 h. à 16 h. 30. Cela vous convient-il?

Des voix: D'accord.

Le président: De même jeudi et vendredi. Nous siégerions donc de 9 h. 30 à midi et de 14 h. à 16 h. 30 de l'après-midi, mercredi, jeudi et vendredi. Que dire des séances du soir?

M. Guay (Saint-Boniface): Je pense que nous devrions aussi siéger le soir, monsieur le président. A mon avis, nous devrions en profiter; nous sommes ici de toute façon, et si c'est possible, nous ferions aussi bien de siéger le soir.

M. Turner (London-Est): Je suis d'accord avec M. Guay, monsieur le président. Nous avons une tâche à accomplir, et nous devrions la terminer aussitôt que possible. Je suis aussi d'avis que nous siégions le soir.

M. MacRae: Je ne voudrais pas vous ennuyer en vous répétant ce que nous avons discuté un peu plus tôt, mais il me semble que nous devrions examiner l'autre côté de la question. Nous aurons beaucoup plus de personnel et de renseignements au cours des deux prochaines semaines afin de mener à bien ce travail. Certains membres de ce Comité ont une bonne connaissance du sujet tandis que d'autres auront à étudier chez eux la question d'une façon approfondie. Ma première suggestion était de laisser la séance du soir libre de façon que, si un groupe n'a pas terminé son travail de l'après-midi, nous puissions, à la demande du président, nous réunir dans la soirée. Je pense que nous devrions avoir nos soirées libres afin de pouvoir étudier et accomplir d'autres travaux.

Le président: N'oublions pas que le Comité devra se pencher sur de nombreux mémoires et aura un gros travail à fournir. Cependant, c'est au Comité de déterminer lui-même les heures durant lesquelles il veut siéger.

M. Marshall: Monsieur le président, puis-je suggérer que nous siégions aux mêmes heures que la Chambre des communes, c'est à dire tous les soirs sauf les mercredis et vendredis.

Le président: En d'autres mots, vous voulez que nous siégions jeudi soir. Si c'est cela, quelles heures suggérez-vous?

M. Marshall: Cela m'est égal.

[*Text*]

The Chairman: Do you wish to sit on Thursday from 8 p.m. to 10 p.m.?

Mr. Marshall: I would agree with 8 to 10 p.m.

The Chairman: Is that your wish?

Mr. Legault: Mr. Chairman, if we are going to sit from 2 until 4.30 would it not be better to sit from 7 until 9 p.m. and be off a little earlier?

Mr. Marshall: I just meant that we have the two nights off.

Mr. Bigg: Not necessarily that we sit the same hours.

The Chairman: All right, so we will sit from 7 to 9 p.m. on Thursday evening this week. There will just be the one evening sitting then.

Mr. Whicher: What about next Monday, Mr. Chairman?

The Chairman: I suggest that we review this matter later in the week after we see what witnesses are lined up and what the preference of the veterans organization is. I suggest that we review this on Wednesday, after Mr. Reynolds has had an opportunity to speak to the various veterans organizations. Would that be in order?

Mr. Whicher: Would you let those of us who, due to certain circumstances, cannot be three on Friday know by telephone if we are to be back here on Monday?

The Chairman: Mr. Whicher, we will be pleased to keep you informed of developments. It seems to me that we should not try at this moment to go beyond this week in setting precise hours of sittings.

Does that conclude discussion on this subject for the moment?

Mr. Guay (St. Boniface): If I had my way, for personal reasons and none other, Mr. Chairman, I would like to have established whether or not we will work in the evenings for this particular week—

An hon. Member: We will be.

Mr. Guay (St. Boniface): It would fit in with my program if we sat every night except Thursday evening and not work at all on Friday. Being the first week, this might afford an opportunity to make other necessary arrangements so that we could start full

[*Interpretation*]

Le président: Êtes-vous d'accord de siéger jeudi soir de 20 h. à 22 h.?

M. Marshall: Cela me convient.

Le président: Est-ce là le désir du Comité?

M. Legault: Monsieur le président, si nous siégeons déjà de 14 h. à 16 h. 30, ne serait-il pas mieux de siéger de 19 h. à 21 h. et ainsi finir un peu plus tôt?

M. Marshall: Mon seul désir est d'avoir deux soirs libres.

M. Bigg: Il n'est pas nécessaire de siéger aux mêmes heures.

Le président: Bien, nous siégerons donc de 19 h. à 21 h. jeudi de cette semaine. Il n'y aura donc qu'une seule séance le soir.

M. Whicher: A propos de lundi prochain, monsieur le président?

Le président: Je pense que nous devrions étudier cette question vers la fin de la semaine lorsque nous saurons quels témoins nous entendrons et les préférences des organisations des anciens combattants. Je propose qu'on étudie cela mercredi, après que M. Reynolds, aura eu l'occasion de rencontrer les diverses organisations d'anciens combattants. Est-ce que cela vous convient?

M. Whicher: Pourriez-vous laisser savoir par téléphone à ceux d'entre nous qui, à cause de circonstances diverses, ne seront pas là vendredi, s'ils doivent se présenter lundi prochain?

Le président: M. Whicher, nous nous ferons un plaisir de vous tenir au courant des événements. Je pense que nous devrions établir nos heures de séances uniquement pour cette semaine.

Est-ce que cela clôt les discussions à ce sujet pour le moment?

M. Guay (St-Boniface): Si je peux exprimer mes vues, pour des raisons personnelles, monsieur le président, j'aimerais que l'on établisse si oui ou non nous allons siéger le soir au cours de cette semaine...

Une voix: Nous siégerons...

M. Guay (St-Boniface): Il me conviendrait de siéger tous les soirs à l'exception de jeudi soir et de ne pas siéger du tout vendredi. Comme c'est la première semaine, cela nous donne la possibilité de faire d'autres arrangements et de commencer notre travail lundi

[*Texte*]

swing again on Monday. I am only suggesting this because it would be advantageous to me. It would help me a great deal if we did not sit on Friday.

The Chairman: Can we agree to sit tomorrow afternoon at 2.30; Wednesday at 9.30 and Wednesday afternoon at 2; Thursday morning at 9.30, Thursday afternoon at 2, and Thursday evening at 7? Can we be firm on those? We will then see what transpires at that point and what our future hours will be. Is that agreeable?

Mr. Reynolds: Mr. Chairman, it may be difficult to get sufficient witnesses for all day Thursday and the evening as well on such short notice.

The Chairman: We will have to take note of the possibility of it not suiting the plans the witnesses have made.

Mr. Legault: Mr. Chairman, I think we had better leave this in abeyance until Mr. Reynolds has obtained more factual information on the witnesses. It could very well be that there will not be any witnesses available for Friday.

The Chairman: I am reluctant to go any further until he has had a chance to explore it with them.

Mr. Winch: Mr. Chairman, I was going to question on almost the same subject. I am certain that a number of the members of the House who are in Ottawa would like to stay as long as they can because of their interest. However, I heard a rumour before the House adjourned of some 16 applications to be heard and I was wondering if it would be possible, sir, in view of the fact that the national headquarters of the Legion, the Army and Navy are here in Ottawa, to give priority to hearing the witnesses of these major organizations. I am certain they are prepared to appear. I would appreciate being able to stay to hear them.

The Chairman: Mr. Reynolds is well acquainted with the different groups involved. I think we will have to rely on his working out with the groups, and using some discretion on, the sequence in which—

Mr. Winch: If you can; I would appreciate it, and I know many others would also.

[*Interprétation*]

pour de bon. Je propose ceci uniquement parce que ce serait un avantage pour moi. Cela m'arrangerait vraiment si nous n'avions pas à siéger vendredi.

Le président: Êtes-vous d'accord pour siéger demain après-midi à 14 h. 30, mercredi matin à 9 h. 30 et mercredi après-midi à 14 heures, jeudi à 9 h. 30 du matin et à 14 heures de l'après midi, ainsi que jeudi soir à 19 heures? Pouvons-nous nous en tenir à ces heures? Nous pourrons voir plus tard ce qu'il adviendra et quelles seront nos heures de séances à l'avenir. Êtes-vous d'accord?

M. Reynolds: Monsieur le président, dans un si bref délai, il sera peut-être difficile d'avoir suffisamment de témoins pour la journée et la soirée de jeudi.

Le président: Il nous faudra tenir compte du fait que cela ne cadrera peut-être pas avec les plans des témoins.

M. Legault: Monsieur le président, je crois qu'il vaudrait mieux laisser cette question en suspens jusqu'à ce que M. Reynolds ait obtenu plus de renseignements sur les témoins. Il se pourrait fort bien qu'aucun témoin ne soit libre vendredi.

Le président: J'hésite à poursuivre cette question avant qu'il ait eu l'occasion de consulter les témoins.

M. Winch: Monsieur le président, j'allais poser une question à peu près sur le même sujet. Je suis convaincu qu'un grand nombre de députés qui sont actuellement à Ottawa, s'intéressent à cette question et aimeraient prolonger leur séjour le plus longtemps possible. Toutefois, selon une rumeur qui circulait avant que la Chambre n'ajourne, on devait entendre 16 témoins. Étant donné que les quartiers généraux de la Légion canadienne, de l'Armée et de la Marine se trouvent à Ottawa, je me demandais s'il ne serait pas possible de faire venir d'abord les témoins de ces grands organismes qui, j'en suis sûr, sont déjà préparés. Je serais très heureux de pouvoir rester pour les entendre.

Le président: M. Reynolds connaît fort bien les divers groupes intéressés. Je crois que nous devons faire confiance à son travail et faire preuve de discrétion à l'égard de l'ordre dans lequel...

M. Winch: Si c'était possible; je vous en serais très reconnaissant, tout comme plusieurs de mes confrères d'ailleurs.

[*Text*]

Mr. Bigg: The only reason for my suggesting this criticism of the agenda is that it seems that this week is almost "shot" if we follow this particular procedure. If anybody is willing, ready and able to give a presentation right away, I do not see why we should not get on with it. It seems to me the departmental officials could fit in very easily on short notice. They could come in the evening when other witnesses could not come. I am not running down the necessity of hearing from them, but it seems that they could fit into our program much better. If there are veterans organizations who must appear we should give them top priority, and we and the departmental officials should fill in the gaps. These are the groups that I want to hear.

The Chairman: I think you are going to have to give Mr. Reynolds some discretion in arranging these. We will just have to assume that he is going to use his best judgment.

Mr. Bigg: I am thinking particularly of this week. Can we do anything this week? Our time is short, too, unless we are going to stay here until Parliament sits.

The Chairman: Mr. Reynolds might be able to say something tomorrow afternoon. I think it would be very difficult for him to say much before then.

Mr. Reynolds: I will try to arrange a complete agenda for this week, including Thursday night, if I can.

The Chairman: Have members anything to bring before the Committee at this time? If not, the Committee will now adjourn and will meet tomorrow afternoon at 2.30 in the same room.

Tuesday, September 16, 1969.

• 1436

The Chairman: Would the Committee please come to order. We have a quorum.

This afternoon the Minister of Veterans Affairs is going to make a statement to the Committee.

The Hon. Jean-Eudes Dubé (Minister of Veterans Affairs): Thank you, Mr. Chairman. With your permission I will start off in French and then, after a couple of minutes, I will change to English.

[*Interpretation*]

M. Bigg: L'unique raison qui me pousse à critiquer l'ordre du jour, c'est que cette semaine est, semble-t-il, perdue si nous suivons cette procédure. Si personne n'est disposé, prête ou capable de venir témoigner en ce moment, je ne vois pas pourquoi nous ne devrions pas nous en accommoder. Il me semble que les fonctionnaires des ministères seraient prêts à venir sans préavis. Ils pourraient venir le soir si d'autres témoins en sont incapables. Je ne nie pas la nécessité d'entendre leurs témoignages, mais il semble qu'ils pourraient cadrer beaucoup mieux avec notre programme. Si des organisations d'anciens combattants doivent venir témoigner, nous devrions leur accorder la préférence et les députés et les fonctionnaires des ministères devraient, s'il y a lieu, combler les vides. Ce sont les groupes que je veux entendre.

Le président: Je crois que vous devrez laisser à M. Reynolds le soin de régler ces questions. Nous n'avons plus qu'à supposer qu'il fera son possible.

M. Bigg: Je pensais surtout à cette semaine. Pouvons-nous faire quelque chose cette semaine? Notre temps est limité. Il faudrait rester sur place jusqu'à ce que le Parlement reprenne ses travaux.

Le président: M. Reynolds pourrait sans doute vous fournir plus de détails demain après-midi. A mon avis, il lui serait très difficile de vous donner plus de précisions avant ce moment-là.

M. Reynolds: Si c'est possible, j'essaierai de préparer un ordre du jour détaillé pour cette semaine, y compris jeudi soir.

Le président: Quelques députés auraient-ils quelque chose à signaler au Comité? Devant ce silence, Le Comité s'ajourne donc pour reprendre demain à 14 h 30 dans la même salle.

Le mardi 16 septembre 1969.

Le président: A l'ordre, s'il vous plaît. Nous avons le quorum. Cet après-midi, le ministre des Affaires des anciens combattants fera une déclaration aux membres du Comité.

L'honorable Jean-Eudes Dubé (Ministre des Affaires des anciens combattants): Merci monsieur le président. Avec votre permission, je commencerai mon exposé en français et après quelques minutes, je continuerai en anglais.

[*Texte*]

Messieurs les députés, je suis heureux de l'occasion qui m'est donnée de rencontrer le Comité des Affaires des anciens combattants et de vous entretenir des projets du gouvernement au sujet de la Loi sur les pensions. Je suis certain que vous avez déjà pris connaissance du Livre blanc et je n'entrerai donc pas dans les détails. Je veux cependant vous signaler certains points qui, à mon avis, revêtent une importance toute particulière.

Les membres du Comité n'ignorent pas qu'il y a environ un million d'anciens combattants au Canada. Au 31 décembre 1968, 136,000 anciens combattants et 29,800 personnes à charge ou survivants d'anciens combattants touchaient une pension en vertu de la Loi sur les pensions. Ces pensions représentent des déboursés annuels de plus de 200 millions de dollars. C'est la Commission canadienne des pensions, et non pas le ministère des Affaires des anciens combattants, qui est chargée de l'application de cette loi.

Le Livre blanc a pour objet de faire connaître les modifications que le gouvernement propose d'apporter tant au texte de la Loi qu'à son application par suite de son étude des recommandations du Rapport Woods. Vous n'ignorez pas que le Comité Woods a été créé en septembre 1965, sur l'initiative de mon prédécesseur, l'honorable Roger Teillet, et le but de ce Comité était d'enquêter sur l'organisation et le travail de la Commission canadienne des pensions. A ce moment-là, on s'attendait qu'il terminerait son étude dans 90 jours; mais, en raison de l'ampleur et de la complexité du sujet, le Comité Woods a mis deux ans et demi à faire son étude. Son rapport est un document volumineux, que vous avez eu l'occasion de considérer et d'étudier, j'en suis sûr.

Ce rapport Woods renferme 148 recommandations et a été déposé à la Chambre des communes en mars 1968, et aussitôt le gouvernement a entrepris d'étudier avec soin l'opportunité et les implications des diverses recommandations ainsi que les dépenses estimatives qu'entraînerait leur mise en œuvre. Le Livre Blanc renferme les conclusions que le gouvernement a tirées de son étude ainsi que les mesures législatives qu'il propose.

Mr. Chairman, I would like to emphasize that the government does not wish to imply that its present views as expressed in the White Paper are rigid or immutable; indeed, the government will remain ready to give careful consideration to any comments or suggestions which this Standing Committee may make as a result of its own review of

[*Interprétation*]

Members of the Committee:

I am grateful for this opportunity of meeting with the Committee and of speaking to you about the government's plans with regard to the Pension Act. As you have already seen the White Paper, I shall try to avoid unnecessary detail, but I would like to highlight a number of points that I think are of particular importance.

Members of the Committee are no doubt well aware that there are approximately one million veterans in Canada. As of December 31st last a total of 136,800 of these veterans were in receipt of pensions under the Pension Act, and a further 29,800 pensions were in payment to the dependants or survivors of veterans. Payments under the Act amount to more than $200 million a year. The Act is administered, not by my Department, but by the Canadian Pension Commission.

The purpose of the White Paper is to indicate the changes in the Act or in its administration the government is proposing as a result of its review of the recommendations in the Woods Report. As the members of this Committee are aware, the Woods Committee was established by my predecessor in September 1965 to survey the work and organization of the Canadian Pension Commission. At the time it was expected that the survey would take about 90 days, but in fact the subject proved so large and complex that it took over 2½ years.

The report is a massive document containing 148 recommendations. It was tabled in the House of Commons in March 1968 and the government immediately undertook a careful study of the implications, feasibility and estimated expenditures that would be involved in the implementation of the various recommendations. The White Paper indicates the conclusions reached by the government as a result of its study, and the intention is to have legislation prepared along the lines indicated in it.

Toutefois, monsieur le président, et j'insiste sur ce point, le gouvernement n'a nul désir que l'on tienne son point de vue actuel pour rigide et immuable; il est, bien au contraire, disposé à étudier avec attention chacune des observations et des propositions que le Comité permanent voudra bien formuler, une fois terminée son étude du Rapport Woods et du

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the Woods Report and of the White Paper. The government will also of course be interested in the views of the various veterans' associations, which I am sure you will want to call before you, based on the evidence which these veterans' associations will give to this Committee.

Members of the Committee will have noticed that the White Paper does not contain proposals with reference to basic rates. These present rates were established in January of last year; the annual pension now paid to a veteran whose disablement is assessed at 100 per cent is $3,180 if he is single and $4,776 if he is married with two dependent children. The subject of basic rates was not included in the terms of reference of the Woods Committee. The Prime Minister in the House of Commons stated that the whole fabric of social legislation was presently under government review.

When this over-all assessment has been completed, the government may propose still further changes in the Pension Act or in its administration.

It will be noted that four out of five of the recommendations made by the Woods Committee are acceptable to the government. In some cases, the recommendations have been accepted without change, and in other cases the government has recognized the problem as identified by the Woods Committee, but is proposing different solutions.

Some of the proposed changes will establish important new principles in the pension program. I should like to draw to your particular attention this afternoon four of these basic changes, and they deal respectively with the handling of pension appeals, the recognition of exceptional incapacity, the proposed guidelines on the meaning of the "benefit of the doubt" and the pensions of Hong Kong veterans.

The Woods Committee considered that it was undesirable in principle to require a single agency, the Canadian Pension Commission, not only to administer the pension program and make initial pension awards, but in addition to have the final power of interpretation of the Act and also to sit on appeal from its own decisions. No matter how fair and impartial the pension commissioners may be, they are vulnerable in present circumstances to the criticism that they may stick together and confirm each other's decisions. The Woods Committee concluded therefore that the Act should be amended to divest the Canadian Pension Commission of some of its pervasive responsibility and power. The government fully agrees with this view.

[*Interpretation*]

Livre blanc. Le gouvernement est également désireux de connaître l'opinion que les diverses associations d'anciens combattants pourraient exprimer lorsqu'elles se présenteront devant votre comité.

Peut-être avez-vous remarqué que le Livre blanc ne renferme aucune proposition relativement aux taux de base des pensions. Les taux actuels ont été fixés en janvier 1968 et, à l'heure actuelle, l'ancien combattant atteint d'une invalidité qu'on a jugée complète touche une pension annuelle de $3,180 s'il est célibataire et de $4,776 s'il est marié et a deux enfants à sa charge. Il n'entrait pas dans les attributions du Comité Woods d'étudier les taux de base des pensions. Le Premier ministre a déclaré en Chambre, toutefois, que le gouvernement étudie présentement l'ensemble de la législation sociale.

Une fois cette étude terminée, le gouvernement pourrait encore proposer d'autres modifications à la Loi sur les pensions et à son application.

A remarquer que le gouvernement a accepté les quatre cinquièmes des recommandations formulées par le Comité Woods, soit dans leur forme originale, soit dans une forme modifiée, lorsqu'il reconnaît le problème exposé par le Comité, mais veut y apporter une solution différente.

Certaines des modifications proposées établiront des principes nouveaux et importants dans le programme des pensions. Permettez-moi de vous signaler quatre de ces changements fondamentaux cet après-midi: ils portent sur l'étude des appels, l'admission d'une incapacité exceptionnelle, les principes directeurs relatifs au «bénéfice du doute» et les pensions aux anciens combattants de Hong-Kong.

Le Comité Woods estimait qu'en principe il n'était pas souhaitable qu'un organisme unique, la Commission canadienne des pensions, soit chargé non seulement d'appliquer le programme des pensions et de statuer sur les demandes de pension en première instance, mais aussi d'interpréter la Loi en dernier ressort et de statuer en cas d'appels sur le bienfondé de ses propres décisions. Si équitables et impartiaux que soient les commissaires ils peuvent être accusés d'être solidaires les uns des autres et de confirmer leurs décisions respectives. C'est pourquoi le Comité a conclu qu'il fallait modifier la Loi afin de réduire en partie l'ampleur des responsabilités et des prérogatives de la Commission canadienne des pensions. Le gouvernement est tout à fait d'accord.

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There are of course many different ways of achieving this objective. Two members of the Woods Committee proposed the establishment of an independent appellate body to be called the Pension Appeal Board with wide powers, including the final determination of interpretation of the Pension Act and the handling of pension appeals. The other member proposed the appointment of an ombudsman to review decisions, hear and investigate complaints about any Pension Act matter, and to obtain redress by liaison and persuasion.

Still another possibility might have been to make the decisions of the CPC subject to appeal in the regular courts of law in this country. Neither the Woods Committee nor the government favoured this last approach because it would mean that the adversary system would apply and the Commission would then be required to argue in the courts that a pension should not be awarded. I am quite confident that veterans themselves would not favour the use of the courts for pension matters.

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The government gave careful consideration to the proposal that a pensions ombudsman be appointed. It concluded that pension entitlement should not be left to be determined only by an ombudsman's powers of persuasion and publicity, but that a proper procedure for the handling and deciding of appeals remained essential.

The government also studied the proposal that an independent Pension Appeal Board be created. While this would be one effective way of separating initial and final adjudication, it would inevitably involve a substantial increase in the cost of pension administration. The government has concluded that the same objective can be met equally well by restructuring existing resources rather than by establishing a second independent pension body.

It is therefore proposed that pension applicants be provided with a new three-level adjudication process, with decisions at each level being rendered by a different body. These are as follows:

1. The administration of the Pension Act and the adjudication of all initial and renewal claims would become the responsibility of a new branch of the Department to be known as the Directorate of Pensions.

[*Interprétation*]

Certes, cet objectif peut s'atteindre de plusieurs façons. Deux membres du Comité Woods avaient proposé la création d'un bureau d'appel des pensions, organisme indépendant disposant de pouvoirs étendus, notamment celui d'agir comme tribunal de dernière instance pour l'interprétation de la Loi sur les pensions et l'examen des appels. Le troisième membre avait proposé que soit nommé un «ombudsman» qui serait chargé d'examiner les décisions rendues en vertu de la Loi, de prendre connaissance des doléances formulées au sujet de toute question se rapportant à la Loi sur les pensions et d'obtenir justice grâce à des contacts personnels et à la persuation.

Un autre moyen d'atteindre l'objectif serait d'assujettir les décisions de la Commission canadienne des pensions à un appel devant les tribunaux du pays. Ni le Comité Woods ni le gouvernement ne sont partisans de cette façon de procéder parce que celle-ci équivaudrait à la mise sur pied d'un système contradictoire et la Comission aurait alors à s'opposer en justice à l'attribution d'une pension. J'ai confiance que les anciens combattants eux-mêmes ne favoriseraient pas le recours aux tribunaux pour trancher les questions relatives aux pensions.

Le gouvernement a étudié avec beaucoup d'attention la possibilité de nommer un ombudsman, et il en est venu à la conclusion que les pouvoirs de persuasion et de publicité ne suffiraient pas à établir le droit à la pension mais qu'il fallait absolument conserver une procédure appropriée pour examiner et juger les appels.

Le gouvernement a étudié également la possibilité d'établir un Bureau d'appel des pensions qui serait indépendant. Bien que ce serait là une façon efficace de séparer la décision initiale de la décision définitive, il en résulterait inévitablement une forte augmentation du coût de l'administration des pensions. Le gouvernement a conclu qu'on pouvait tout aussi bien atteindre l'objectif en remaniant les services actuels plutôt qu'en créant un second organisme indépendant.

Il propose donc que les demandes de pension fassent l'objet d'une procédure d'examen à trois paliers à chacun desquels la décision serait rendue par un organisme différent. En voici la structure:

1. L'application de la Loi sur les pensions et l'examen de toutes les demandes initiales et demandes de renouvellement de pension seraient confiés à une nouvelle direction du ministère, la Direction des pensions.

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2. An Entitlement Hearing Division of a restructured Pension Commission composed of 10 commissioners would carry out the functions of the present Appeal Boards of the Commission. Hearings would be held in the various main centres across Canada where the applicant would appear in person with his advocate and witnesses to present his case.

3. A new body to be known as the Appeal Division of the new Pension Commission composed of five different commissioners would be responsible for rendering decisions on final appeal. Final appeals, based on the record, would be held in Ottawa where the applicant's advocate could plead his case.

Under the new setup the Canadian Pension Commission would be restructured to include an Administrative Division, an Entitlement Hearing Division and an Appeal Division. Commissioners would not be interchangeable between divisions.

The present staff of the Canadian Pension Commission would be transferred to the new Directorate of Pensions.

The Woods Committee recommended in a different field that a supplementary pension be made available for pensioners suffering from multiple disabilities. They pointed out, and rightly so, that 100 per cent pensioners are not all alike, for some of them suffer, in addition, unusual social and psychological impairments. They may also suffer pain and distress in varying degrees or less continually.

The government fully agrees that some veterans do in fact suffer from exceptional incapacity. There are, however, a variety of possible ways of handling this situation in a pension program. As the White Paper explains, with pension assessment directly related to the degree of employment handicap, a veteran cannot logically be more than 100 per cent disabled for pension assessment purposes. To make an exception to that philosophy for any particular group of pensioners would erode and eventually negate the long-established fundamental principle on which the assessment of service-related disability is based. Nevertheless, the government believes that this exceptional burden of disablement should be recognized. It proposes, therefore, to introduce legislation to provide for payment in such cases of an allowance

[*Interpretation*]

2. La Division de l'admissibilité qui sera, à la suite de la réorganisation de la Commission canadienne des pensions, composée de 10 commissaires, et remplira les fonctions des Bureaux d'appel qui existent à l'heure actuelle au sein de la Commission. Les audiences auraient lieu dans les principales villes du Canada et l'intéressé viendrait plaider sa cause en personne, accompagné de son avocat et de ses témoins.

3. La nouvelle Division des appels de la nouvelle Commission canadienne des pensions, composée de cinq commissaires, serait chargée de rendre une décision en dernière instance. Les appels en dernière instance, fondés sur la preuve documentaire obtenue aux diverses étapes de la procédure, se feraient à Ottawa où l'avocat de l'intéressé viendrait plaider sa cause.

A la suite de cette réorganisation, la Commission canadienne des pensions compterait trois divisions: la Division de l'administration, la Division de l'admissibilité et la Division des appels. Les Commissaires ne pourront plus passer indifféremment d'une division à l'autre.

Le personnel actuel de la Commission canadienne des pensions serait muté à la nouvelle Direction des pensions.

Le Comité Woods a recommandé, d'autre part, qu'une pension aditionnelle soit accordée aux pensionnés atteints d'affections multiples. Il a signalé, avec raison, que les pensionnés à 100 p. 100 ne sont pas tous semblables, que quelques-uns d'entre eux souffrent, en outre, de handicaps sociaux et psychologiques particuliers. Il se peut qu'ils souffrent en outre de douleurs physiques et morales à divers degrés et ce, de façon plus ou moins continue.

Le gouvernement reconnaît volontiers que certains anciens combattants sont véritablement atteints d'une incapacité exceptionnelle. Toutefois, un programme de pensions offre plusieurs moyens de remédier à cette situation. Ainsi que le Livre blanc le mentionne, l'évaluation de l'invalidité étant en fonction directe du degré d'incapacité au travail, un ancien combattant ne peut logiquement dépasser les 100 p. 100 d'invalidité. Déroger à ce principe en faveur d'un groupe particulier de pensionnés ébranlerait, voire anéantirait le principe fondamental sur lequel repose, depuis très longtemps, l'évaluation du degré d'invalidité résultant du service militaire. Quoi qu'il en soit, le gouvernement estime qu'il y a lieu de reconnaître le fardeau particulier que constitue leur invalidité. A cette fin, il se propose de présenter une mesure législative selon laquelle une allocation ou

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or lump sum grant of not less than $400 and not more than $1,200 a year. This grant would be for specific amenities to relieve pain and discomfort, and to increase as far as possible the enjoyment of life for the pensioner and help him to recover the essential will to live. The government considers that this provision will constitute an important new principle in the disability pension program.

A third major new principle relates to what is known as the "benefit of the doubt" provision of the Pension Act. For many years the Act provided under Section 70 that an applicant does not have to prove his claim conclusively, and that all reasonable inferences and presumptions should be drawn in his favour. The Woods Committee pointed out that, although this provision was intended to help the applicant, the wording was vague and could be interpreted in a variety of ways. The Woods Committee recommended therefore that the Act be amended to incorporate guidelines as to what exactly constitutes benefit of the doubt, and the government has accepted this recomendation.

The proposed amendment will say that the applicant has fulfilled his responsibility when he has submitted credible evidence which, if uncontradicted, should entitle him to succeed; secondly, that the adjudicating body should draw from the evidence all reasonable inferences in favour of the applicant; and, thirdly, and most important, that after all these reasonable inferences have been drawn, the applicant shall still be entitled to the benefit of the doubt and his claim may be allowed, even though he has not established it by a preponderance of evidence. Members of the Committee will recognize that when benefit of the doubt is defined in this way it becomes a very different provision from the form commonly used in court proceedings.

A fourth major new principle relates to the Hong Kong veterans. These men spent nearly four years in prisoner of war camps under the most rigorous and debilitating conditions. Apart from the physical hardships and cruelty to which they were subjected, they were also exposed to the risk of avitaminosis and to nutritional disability, and endured extraordinary psychological stresses. Although these conditions have received much study since that time, their long-term effects are still not fully known and understood. It

[*Interprétation*]

une indemnité globale, d'au moins $400 et d'au plus $1,200 par année, pourra être versée au pensionné pour lui procurer les moyens de soulager ses souffrances, afin qu'il puisse jouir davantage de la vie et retrouver le désir de vivre. Le gouvernement est d'avis que cette mesure constituera un nouveau principe important dans le programme de pensions aux invalides.

Un troisième nouveau principe important a trait aux dispositions de la Loi sur les pensions relatives au «bénéfice du doute». Depuis nombre d'années, en vertu de l'article 70 de la Loi, le requérant n'était pas tenu de produire une preuve concluante, de sorte que l'autorité établie qui se prononce sur la demande devait poser en faveur du requérant toutes les déductions et présomptions qu'elle pouvait raisonnablement tirer de la preuve. Le Comité Woods a signalé que, bien que cette disposition visait à aider le requérant, le libellé en était vague et pouvait être interprété de diverses façons. Il a donc recommandé que la Loi soit modifiée afin d'y incorporer des principes directeurs selon lesquels on déterminera les éléments qui constituent le bénéfice du doute. Le gouvernement a accepté cette recommandation.

L'article refondu stipulera que le requérant se sera acquitté de ses obligations lorsqu'il aura fourni des preuves dignes de foi qui, en l'absence de contestation, lui assureront l'acceptation de sa demande; ensuite, que l'organisme qui se prononcera sur sa requête établira en faveur du requérant toutes les déductions qu'il pourra raisonnablement tirer de la preuve soumise; et enfin, élément le plus important, que le requérant aura ensuite droit au bénéfice du doute, de sorte que sa demande pourra être approuvée même si elle ne s'appuie pas sur la prépondérance des preuves. Les membres du Comité reconnaîtront que, défini de cette façon, le bénéfice du doute prend un tout autre sens que celui qu'il a généralement devant les tribunaux.

Un quatrième nouveau principe majeur concerne les anciens combattants de Hong-Kong. Ces hommes ont vécu pendant près de quatre ans dans des conditions exceptionnellement rigoureuses et débilitantes. En plus des épreuves physiques et de la cruauté qu'ils ont dû endurer, ils ont été exposés aux effets de l'avitaminose et autres affections d'origine alimentaire, et ont subi des tensions psychologiques inouïes. Bien que ces affections aient été, depuis lors, l'objet de nombreuses études, on ne connaît ni ne comprend par-

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is known however that the disabilities of these men are aggravated as they grow older.

The government recognizes that these veterans should receive special consideration. It will ask Parliament to pass a separate Act to provide a basic minimum pension of 50 per cent for all Hong Kong veterans having an assessable degree of disability. This will mean that if, for example, a Hong Kong veteran's disabilities have now reached the 20 per cent level, the strong probability of aggravation will be recognized by assessing him now as 50 per cent disabled. This will not only bring him benefit now, but on his death it will also make his widow and orphans pensionable under the provisions of the Pension Act.

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The special legislation will also provide that those Hong Kong veterans who have died before these measures will become effective, will be presumed to have died from causes attributable to their war service. This means that, even if their pensions while living had been less than 48 per cent, their widows and orphans could nevertheless be pensionable under the Pension Act.

I have now mentioned four of the new landmarks which are described in the White Paper. In addition to these, about a hundred other recommendations of the Woods Committee commend themselves to the government and these too are outlined in the White Paper. Perhaps I should mention very briefly some seven others of the most important of these further changes:

First, when a veteran reaches age 60 his pension will be "stabilized" when it has been in effect at a particular percentage for ten years or more. In other words, the assessment will then no longer be subject to reduction.

Second, in present circumstances if a veteran with a pension of less than 48 per cent dies, his widow is not eligible for a pension unless she can establish that his death was attributable to service. A proposed amendment will provide for posthumous assessment of his disability in order to determine whether it might have been set at 48 per cent or more.

[*Interpretation*]

faitement leurs effets à long terme. Par contre, ce que l'on sait, c'est que l'état de santé de ces personnes se détériore avec les années.

Le gouvernement a compris que ces anciens combattants méritent une attention toute particulière. Il demandera donc au Parlement d'adopter une loi distincte qui assurerait une pension de base minimum de 50 p. 100 à tout ancien combattant de Hong-Kong qui en fait la demande et qui est atteint d'une invalidité appréciable. Cela signifie, par exemple, que si un ancien combattant de Hong-Kong est atteint d'une invalidité de 20 p. 100, on reconnaîtra la forte probabilité d'une aggravation en lui concédant immédiatement une invalidité de 50 p. 100. L'ancien combattant ne sera pas le seul à bénéficier de cette mesure puisque, à son décès, sa veuve et ses enfants orphelins seront admissibles à la pension en vertu des dispositions de la Loi sur les pensions.

En outre, en vertu de cette mesure législative spéciale, le décès de tout ancien combattant de Hong-Kong, survenu avant la date d'entrée en vigueur de la mesure, sera considéré imputable au service militaire en temps de guerre. Ainsi, même si, de leur vivant, ils touchaient une pension d'invalidité de moins de 48 p. 100, leur veuve et leurs enfants pourront maintenant devenir admissibles à une pension en vertu de la Loi sur les pensions.

J'ai mentionné quatre des nouvelles dispositions qui feront époque et qui sont exposées dans le Livre blanc. Cependant, le gouvernement a approuvé une centaine d'autres recommandations du Comité Woods et nous en avons fait également un exposé dans le Livre blanc. Je devrais peut-être mentionner brièvement sept des autres changements les plus importants:

Premièrement, dès qu'un ancien combattant atteindra l'âge de 60 ans, sa pension sera «stabilisée» pourvu qu'elle soit demeurée en vigueur à un taux fixe durant une période de dix ans ou plus. En d'autres termes, l'évaluation de l'invalidité ne pourra plus être réduite.

Deuxièmement, dans les circonstances actuelles, si un ancien combattant qui reçoit une pension de moins de 48 p. 100 vient à mourir, sa veuve ne sera pas admissible à recevoir une pension, sauf si elle prouve que le décès est imputable au service. Une modification proposée permettra une évaluation posthume de l'invalidité afin de déterminer si celle-ci aurait pu être établie à 48 p. 100 ou plus.

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Third, a Bureau of Pension Advocates, a body completely independent of the Department of Veterans Affairs and independent of the Canadian Pension Commission, will be established to replace the present Veterans' Bureau.

Fourth, pension will be awarded for "consequential disability", in other words, a disability occurring in civil life that results from previous disability attributable to service.

Fifth, when a veteran has been pensioned for the loss of an eye or leg or other so-called "paired" organ, the loss of the other paired organ will be pensioned at 50 per cent of the rate that would have applied if this second loss had been attributable to service.

Sixth, clothing allowance will be pyable to pensioners who must wear specially-tailored clothing; and a bilateral amputee will receive the maximum clothing allowance now provided for a single amputation plus one-half of that allowance.

Seventh, "improper conduct" will no longer be a bar to the awarding of pensions to dependants following the death of the veteran.

Gentlemen, I have mentioned that the government accepts, with or without modification, most or 80 percent of the recommendations in the Woods Report. One of the recommendations that was not accepted would have restricted the payment of attendance allowance to those whose need arises from their pensioned condition. The government has decided not to curtail this benefit, but to continue to maintain the present arrangement under which the allowance may be awarded to a pensioner needing an attendant even if the need does not arise from the disability for which he is pensioned.

Pensions for members of the peacetime forces will continue to be dealt with under the Pension Act. The members will receive the benefit of the White Paper proposals which are common to all periods of service.

In my remarks I have described some of the major features of the White Paper. Of course, these matters, or most of them, cannot become effective until legislation has been passed to amend the Pension Act.

The government is indeed very grateful to the members of the Woods Committee for the impressive group of useful recommenda-

[*Interprétation*]

Troisièmement, un Bureau des avocats des pensions, totalement indépendant du ministère des Affaires des anciens combattants et de la Commission canadienne des pensions, sera créé pour remplacer l'actuel Bureau des vétérans.

Quatrièmement, une pension pourra être accordée pour une «affection secondaire», en d'autres termes, une affection survenue dans la vie civile mais résultant d'une invalidité antérieure et imputable au service.

Cinquièmement, lorsqu'un ancien combattant reçoit une pension pour la perte d'un œil, d'une jambe ou de tout autre organe pair, la perte de l'autre organe sera pensionnée à 50 p. 100 du taux qui se serait appliqué si cette seconde perte avait été imputable au service.

Sixièmement, une allocation vestimentaire sera versée aux pensionnés tenus de porter des vêtements de confection particulière, et un amputé de deux membres recevra l'allocation vestimentaire maximale versée actuellement à un amputé d'un seul membre, mais augmentée de 50 p. 100.

Septièmement, «la mauvaise conduite» ne sera plus un empêchement à l'attribution d'une pension aux personnes à charge après le décès de l'ancien combattant.

J'ai mentionné, messieurs, que le gouvernement accepte, avec ou sans modification, la plupart des recommandations du Rapport Woods. Toutefois, l'une des recommandations rejetées aurait eu pour effet de restreindre le versement de l'allocation de soins à ceux dont le besoin découle de leur affection pensionnée. Le gouvernement a décidé de ne pas restreindre cet avantage et de maintenir les dispositions actuelles selon lesquelles une allocation de soins peut être versée à un pensionné qui a besoin des soins d'une autre personne, même si ce besoin ne découle pas de l'invalidité pour laquelle il est pensionné.

Les pensions versées aux membres des forces en service en temps de paix continueront de relever de la Loi sur les pensions. Ces militaires profiteront des avantages proposés dans le Livre blanc et qui sont communs à toutes les périodes de service.

Dans mes observations, j'ai décrit quelques-unes des recommandations les plus importantes du Livre blanc. Certes, la plupart de ces mesures ne peuvent entrer en vigueur avant qu'une loi modifiant la Loi sur les pensions soit adoptée.

Le gouvernement sait gré aux membres du Comité Woods du nombre considérable de recommandations utiles qu'il lui a soumises.

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tions which they have made. I would like to emphasize that the government has studied

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the proposals with very great care, and is confident that the measures described in the White Paper will provide the basis for legislation that will place increased emphasis on the human element in the adjudication of pension claims and will help to streamline the administration of the Pension Act.

As the Standing Committee proceeds with its study of the many recommendations of the Woods Report, officials of my Department and of the Canadian Pension Commission will of course be available at any time to assist.

I would like to thank all members of the Standing Committee for their courteous attention. I should also commend you for your very generous attitude in agreeing to meet here during the period of your holidays. If members should like to ask questions, especially on policy matters, I will be pleased to try to answer them now or at any subsequent meeting.

The Chairman: Thank you, Mr. Minister. Mr. Groos and Mr. MacRae have indicated their wish to ask questions and there must be others.

Mr. Groos: Could I ask you, first of all, Mr. Chairman, on a point of order—I have two or three questions, one of which is very short—if you are going to allow us to ask more than one question, or are you going to take us in succession?

The Chairman: Well, if they are reasonably short.

Mr. Groos: The first one is very sort. The Prime Minister spoke in July about government programs for social welfare legislation. I take it he was talking about social welfare legislation. Do you regard this White Paper of yours today as being part of this general social welfare legislative program?

Mr. Dubé: Perhaps we should define our terms. I was asked a similar question yesterday in Montreal by a war amputee and he was talking in terms of social welfare. Disability pension is not social welfare at all; it is social legislation. A veterans is entitled to a disability pension as of right. This is not a welfare measure at all. Perhaps you could describe war veterans allowances as being more along the line of welfare but I think disability pensions are more or less a cousin

[*Interpretation*]

Par ailleurs, j'aimerais souligner que le gouvernement a étudié ces propositions avec le plus grand soin et qu'il est convaincu que les mesures décrites dans le Livre blanc permettront d'établir un ensemble de dispositions qui tiendra de plus en plus compte de l'élément humain dans l'étude des demandes de pension, et aideront à moderniser l'application de la Loi sur les pensions.

Tant que le Comité permanent poursuivra son étude des nombreuses recommandations du Comité Woods, les fonctionnaires de mon ministère et ceux de la Commission canadienne des pensions demeureront à votre entière disposition.

Je voudrais remercier tous les membres du Comité de leur aimable attention. Je dois aussi vous féliciter d'avoir bien voulu vous réunir ici pendant la période de vos vacances. Si les membres du Comité désirent me poser des questions, en particulier dans les domaines qui touchent la politique, je me ferai un plaisir d'essayer d'y répondre, maintenant ou lors des prochaines séances.

Le président: Merci, monsieur le ministre. M. Groos et M. MacRae ont demandé à poser des questions, et d'autres suivront sans doute.

M. Groos: J'aimerais tout d'abord, monsieur le président, vous poser une question de Règlement. J'ai deux ou trois questions, dont l'une est très brève. Allez-vous nous autoriser à poser plus d'une question à la fois, ou allez-vous nous donner la parole à tour de rôle?

Le président: Si vos questions sont suffisamment brèves . . .

M. Groos: La première est très brève. Le premier ministre a parlé, au mois de juillet, de programmes gouvernementaux en vue de mesures d'assistance sociale; je suppose qu'il voulait parler de mesures législatives d'assistance sociale. Considérez-vous votre Livre blanc comme faisant partie de ce programme législatif général d'assistance sociale?

M. Dubé: Il faudrait peut-être définir les termes que nous employons. Hier, à Montréal, un amputé de guerre m'a posé une question similaire, et il parlait d'assistance sociale. Les pensions d'invalidité ne relèvent absolument pas de l'assistance sociale; elles constituent une mesure sociale. La pension d'invalidité revient de droit à un ancien combattant. Il ne s'agit absolument pas d'une mesure d'assistance sociale. On pourrait peut-être parler d'assistance sociale dans le cas des indemnités

[*Texte*]

to, let us say, workmens compensation. It is compensation for loss of ability as far as money can compensate for these things. It is obvious that if a man has lost his two eyes in war, there is no money in the world that could compensate for that. However, it is an attempt to compensate for loss of ability. That is the way the Prime Minister as well understands that. He did not say social welfare; he said social legislation.

Mr. Groos: If I may move on then to my second point; Mr. Chairman, I would like to say how gratified I am for the steps that you have taken with regard in particular to the Hong Kong veterans. As I look around me I see many mmebers present who have been working for this over many years, I think of many others not here today who have worked for this very same thing, and I am sure those that are not here would want to associate themselves with my remarks. I am sure we are all very grateful for the steps that you have taken.

Mr. Dubé: Thank you.

Mr. Groos: I am particularly pleased to see the survivors' benefits. When I see what you have done here to to take care of survivors of persons who have already died by being prepared to accept the fact that they died as a result of service-incurred disabilities, this is going further than I myself would have dared hope for a few years ago. But having said that, I would like to ask a few more questions.

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Am I correct in saying that in the case of a person dying with a ten per cent disability pension, another with a 100 per cent disability pension, and still another, after this legislation is passed, not having had any disability pension at all, the widow will receive the same amount?

Mr. Dubé: If you are referring to the Hong Kong prisoners of war, yes, that applies to them.

Mr. Groos: Yes, Hong Kong prisoners of war.

Mr. Dubé: It means that they will all be classified as being 50 per cent.

[*Interprétation*]

aux anciens combattants, mais les pensions d'invalidité seraient plutôt l'équivalent, disons, de la réparation des accidents du travail. Il s'agit d'un dédommagement pour la perte de facultés, dans la mesure où l'argent peut représenter une compensation quelconque. Il va de soi que si un homme a complètement perdu la vue à la guerre, tout l'argent du monde ne pourra jamais le dédommager. Toutefois, c'est un effort en vue de dédommager ces gens pour la perte de leurs facultés. C'est bien ainsi que le premier ministre, lui aussi, entend la chose. Il n'a pas parlé d'assistance sociale, mais de mesures législatives d'ordre social.

M. Groos: Si vous me permettez de passer à ma seconde question, monsieur le président, j'aimerais dire combien je suis heureux des mesures que l'on a prises, en particulier en ce qui concerne les anciens combattants de Hong-Kong. Je vois autour de moi de nombreux membres du Comité qui ont travaillé dans ce but pendant bien des années, et je pense à bien d'autres qui ne sont pas ici aujourd'hui, mais qui eux aussi y ont travaillé, et qui, j'en suis certain, voudraient s'associer à mes observations. Sans aucun doute, nous sommes tous très reconnaissants des mesures que vous avez prises.

M. Dubé: Merci.

M. Groos: Je suis tout particulièrement heureux de la création des allocations aux familles des anciens combattants décédés. En acceptant de venir en aide aux familles des anciens combattants décédés, vous avez dépassé toutes mes espérances d'il y a quelques années, car vous avez reconnu par là que ces personnes étaient mortes des suites d'infirmités résultant de leur service de guerre. Cela dit, j'aimerais poser quelques autres questions.

Si je ne m'abuse, qu'il s'agisse d'une personne qui meurt avec une pension d'invalidité à dix pour cent, d'une qui meurt avec une pension d'invalidité à cent pour cent, ou, une fois ce projet de loi adopté, d'une qui meurt sans pension d'invalidité, la veuve recevra toujours le même montant?

M. Dubé: Si vous voulez parler des prisonniers de guerre de Hong-Kong, oui, c'est exact.

M. Groos: Oui, c'est bien d'eux qu'il s'agit.

M. Dubé: Autrement dit, ils seront tous considérés comme ayant une invalidité à cinquante pour cent.

[*Text*]

Mr. Groos: So the pension paid to a widow is not based on the percentage disability.

Mr. Dubé: No, widows will get the full pension, and children of course will get the pension too.

Mr. Groos: I wanted to make sure of that. There is one thing that I cannot find any mention of here. What happnes to those who die after this legislation is passed—and I am speaking now of Hong Kong veterans only. Is the only thing left available to them the posthumous assessment clause that you have now put in here, which I also commend?

Mr. Dubé: No. As soon as these recommendations are accepted by Parliament and are translated into an act immediately all Hong Kong former prisoners of war will receive 50 per cent disability pension if they have an assessable degree of disability—and I presume they all have, from what you have said.

Mr. Groos: Well, they do not all have. My point, Mr. Minister, is that there are some who do not have any disability pension at all and those who died prior to this legislation coming in will be assumed to have died as a result of their Hong Kong service.

Mr. Dubé: That is right.

Mr. Groos: What happens to those who die subsequently and who have no pensionable disability at all?

Mr. Dubé: It is impossible for me to visualize that they would have no disability at all after having spent three or four years in these conditions. Perhaps I should give you the exact figures. When that military event took place in Hong Kong in 1941 there were 1,975 Canadians serving in the forces. During the actual struggle, which lasted 17 days, 290 were killed and later on, during the four years in prison, 267 died in captivity in Japan. Now those who came back to Canada numbered 1,418. Out of these 1,418 roughly 200 more died since that time here in this country. The figure we have now for those who are alive is 1,225. Out of those 1,225, 1,217 have more or less classified themselves with some degree of disability. So that leaves very few. Of course the main impact, as I said, will be felt by those who are presently

[*Interpretation*]

M. Groos: La pension versée à une veuve n'est donc pas fonction du pourcentage d'invalidité?

M. Dubé: Non, les veuves toucheront la pension complète; les enfants aussi, bien sûr.

M. Groos: Je voulais m'en assurer. Il y a une chose que l'on ne mentionne pas du tout ici. Qu'adviendra-t-il dans le cas de ceux qui mourront après l'adoption de ce projet de loi —et je ne veux parler ici que des anciens combattants de Hong-Kong. Est-ce qu'ils ne disposeront plus que de la clause relative à l'«évaluation posthume du degré d'invalidité» qui figure ici, et dont je vous félicite aussi?

M. Dubé: Non. Dès que ces recommandations auront été adoptées par le Parlement et seront devenues loi, tous les anciens prisonniers de guerre de Hong-Kong qui auront une invalidité possible à évaluer—et, d'après ce que vous avez dit, je suppose qu'ils en ont tous—toucheront une pension d'invalidité à cinquante pour cent.

M. Groos: Ils n'en ont pas tous. Ce qui me préoccupe, monsieur le ministre, c'est que certains de ces anciens combattants n'ont pas de pension d'invalidité, alors que ceux qui seront décédés avant l'entrée en vigueur de la nouvelle loi seront présumés être morts des suites de leur service de guerre à Hong-Kong.

M. Dubé: En effet.

M. Groos: Qu'adviendra-t-il dans le cas de ceux qui mourront par la suite, et qui n'ont pas d'invalidité donnant droit à une pension?

M. Dubé: Il me semble inconcevable qu'ils n'aient aucune invalidité après avoir passé trois ou quatre ans dans de telles conditions. Je devrais peut-être vous donner les chiffres exacts. Lorsque cet événement militaire s'est produit à Hong-Kong en 1941, il y avait là-bas 1,975 Canadiens servant dans les forces armées. Au cours de la bataille à proprement parler, qui a duré 17 jours, 290 d'entre eux ont été tués, puis, au cours des quatre années d'emprisonnement qui ont suivi, 267 sont morts en captivité au Japon. Il en est revenu 1,418 au Canada. Sur ces 1,418, il en est encore mort, depuis, environ 200. Le dernier chiffre des survivants est de 1,225. Sur ces 1,225, 1,217 sont classés comme souffrant d'une invalidité à un certain degré. Il n'y en a donc que très peu d'indemnes. Je le répète, les conséquences de cette mesure se feront surtout sentir chez ceux qui sont

[*Texte*]

under 50 per cent, and it is to especially assist the widows of those who have died.

Mr. Groos: I understand that. I was not aware of the exact figures that you have just presented. It looks to me, on a quick calculation, to be around eight. I think I happen to know one of the eight. That answers my

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question and I think it would be unfair of me, knowing other people wish to ask questions, to continue any longer. I would like to put myself down for a second round.

The Chairman: Mr. MacRae.

Mr. MacRae: Thank you, Mr. Chairman. I would first like to say to the Minister, as far as we can tell from this vantage point, we commend the Department, the Minister and the government for what they are bringing down. I must enter this caveat—this is what the lawyers say—that there are certain things about which we still have some doubts, particularly as to the restructuring that the Minister has suggested, but perhaps before it is over we can be thoroughly convinced. We still want to make that reservation. We think that most of the things that are being brought in are, for the most part, excellent.

Mr. Groos, who has taken a great interest in the Hong Kong veterans, has covered a pretty fair number of the things I wanted to mention in connection with the Hong Kong veterans. As the Minister knows only too well, in the part of the country in which he and I were born we have a great many of these veterans. We see a great many of them and we saw them die premature deaths after the war when they came home; some of them within months, some of them within years, so this is certainly a step in the right direction. These men suffered, I think, perhaps the most of any who served in World War II. It is never fair to make comparisons, but we know from experience what these men went through.

I was also gratified to hear the Minister say that the government was open to suggestion and would benefit from the discussions that would take place in this Committee. We discussed this yesterday on two occasions first in the Steering Committee and then in the main Committee, and I was glad to hear you say, Mr. Dubé, that if we came up with reasonable alternatives or suggestions, that the government would take them in good

[*Interprétation*]

actuellement invalides à moins de cinquante pour cent, et la mesure est tout particulièrement destinée à venir en aide aux veuves de ceux qui sont déjà morts.

M. Groos: Je le sais bien. Je ne connaissais pas les chiffres que vous venez de nous citer. D'après moi, après un rapide calcul, cela donne environ huit. Je crois connaître l'un de ces huit individus. Voilà qui répond à ma question. Je ne veux pas abuser en continuant de poser des questions, car je sais que d'autres désirent en poser. Mais je désire inscrire mon nom pour le second tour.

Le président. Monsieur MacRae.

M. MacRae: Merci, monsieur le président. J'aimerais d'abord dire au ministre, pour autant que nous puissions parler de ce point avantageux, que nous désirons féliciter le ministère, le ministre et le gouvernement pour la politique qu'ils ont élaborée. Mais je dois former opposition, comme disent les avocats, car nous avons encore des doutes sur certaines choses, particulièrement sur la restructuration que le ministre a proposée, mais peut-être serons-nous vraiment convaincus avant que tout soit terminé. Nous tenons encore à formuler cette réserve. Nous croyons cependant que la plupart des mesures prévues sont excellentes.

M. Groos, qui a accordé beaucoup d'attention aux anciens combattants de Hong-Kong, a étudié un bon nombre des choses dont je voulais parler en relation avec les anciens combattants de Hong-Kong. Comme le ministre le sait fort bien, il y a beaucoup de ces anciens combattants dans la région où nous sommes nés, lui et moi. Nous en avons vu plusieurs mourir prématurément, quelques mois ou quelques années après leur retour au pays. Il s'agit donc là, vraiment, d'un pas dans la bonne voie. Ces hommes ont peut-être plus souffert que tous les autres militaires qui ont fait la Seconde guerre mondiale. Il est toujours tromper de faire des comparaisons, mais nous savons par expérience ce qu'ils ont enduré.

J'ai été très satisfait, aussi, d'entendre le ministre dire que le gouvernement acceptait les suggestions, et tirerait profit des discussions de notre Comité. Nous en avons discuté hier, à deux reprises, tout d'abord au comité directeur, puis au Comité, et j'ai été heureux de vous entendre dire, monsieur Dubé, que, si nous avions des propositions ou des suggestions raisonnables à faire, le gouvernement les accepterait de bonne foi; peut-être pour-

[*Text*]

faith and perhaps we can make suggestions which would improve what has already been suggested. I repeat, though, that we are happy with most of this.

The first question I wanted to ask you, to be specific, is that there undoubtedly will be a number of pieces of legislation brought down in connection with this report.

Mr. Dubé: The bulk of it could be done by amendments to the present Pension Act, but there will have to be special legislation in connection with the Hong Kong veterans and I think there will also have to be a special act with reference to the 100 per cent pensioners.

Mr. MacRae: My reason for asking that is I hope that you were not considering that everything would have to be done before you would start to implement, through legislation, certain things that need to be implemented. In other words, if an amendment to an act will take care of certain suggestions, then that will be brought down fairly soon after we begin our work in the fall.

Mr. Dubé: It is my hope that we will only have to reopen the Act once and do it in one shot. You know how difficult it is in the House of Commons to try to reopen an act. It takes time. My purpose is to seek the quickest way to do it. As I see it now, the quickest way would be to open up the Pension Act and include in one shot all the proposed amendments. After that we would then need two more acts—I presume they would be short acts—one dealing with the two recommendations for the Hong Kong veterans and another special act dealing with the 100 per cent disability pensioners. That would do it.

Mr. MacRae: I was glad to hear you say that you intend to proceed with all possible speed in implementing this.

Mr. Dubé: Yes, but I still do not wish to paint myself into a corner.

Mr. MacRae: I am not trying to do that.

Mr. Dubé: Nobody in this building can say that he is in control of the House of Commons. I am not, that is certain.

Mr. MacRae: No.

Mr. Dubé: I am very honest about these things and we will try to do it as quickly as we can but, like every other minister, I may have to wait my turn.

[*Interpretation*]

rions-nous proposer des améliorations à ce qui a déjà été fait. Je tiens cependant à répéter que la plupart des mesures envisagées nous satisfont.

La première question que je veux vous poser, pour être précis, c'est qu'on va sans aucun doute présenter un certain nombre de lois pour donner suite à ce rapport.

M. Dubé: On pourrait régler le tout en apportant des modifications à la Loi sur les pensions, mais il faudrait des mesures législatives spéciales visant les anciens combattants de Hong-Kong et il faudrait aussi édicter une loi spéciale visant les pensionnés à 100 pour cent.

M. MacRae: Je vous demande cela parce que j'espère que vous ne pensez pas qu'il faille tout régler avant de commencer à apporter les modifications qui s'imposent au moyen de mesures législatives. En d'autres termes, si les modifications à la loi s'inspirent de certaines suggestions, cela viendra sur le tapis peu avant la reprise de la session à l'automne.

M. Dubé: J'espère que nous réviserons la loi une fois pour toutes. Vous savez combien il est difficile d'essayer de réviser une loi à la Chambre des communes. Cela prend du temps. Je voudrais arriver à le faire le plus rapidement possible. A mon avis, le moyen le plus rapide consisterait à réviser la Loi sur les pensions et à y inclure en bloc toutes les modifications proposées. Encore faudrait-il ensuite promulguer deux autres lois. Je suppose qu'elles seraient concises. L'une viserait les deux recommandations concernant les anciens combattants de Hong-Kong et l'autre les pensionnés à 100 pour cent. Ça règlerait tout.

M. MacRae: Je suis heureux de vous entendre dire que vous avez l'intention d'activer les choses dans la mesure du possible.

M. Dubé: Oui, mais je ne veux cependant pas me retrouver pieds et poings liés.

M. MacRae: Ce n'est pas mon intention.

M. Dubé: Personne ici ne peut prétendre tirer les ficelles de la Chambre des communes. Certainement pas moi.

M. MacRae: Non.

M. Dubé: Je suis franc à ce sujet: nous essayerons de procéder à cette refonte dès que possible, mais il se peut que je doive faire comme les autres ministres et attendre mon tour.

[*Texte*]

Mr. MacRae: The second thing I wanted to ask about was the Veterans' Bureau. I am not entirely certain what you are planning there. Perhaps I might just ask one question that will satisfy me at the moment. You mention here that the Bureau is to be independent and will report directly to the Minister. After 12 years I should know, but does that also mean that it will report to the Deputy Minister or is it directly to the Minister?

Mr. Dubé: It will be directly to the Minister. You can refer that question to the Deputy Minister. He will be testifying after me and he will go into that procedure more deeply than I have done.

Mr. MacRae: I wanted to have that clarified, if I could. There is one other section here that is rather interesting and it is the final paragraph of the "Benefit of Doubt" clause on page 12 of the White Paper. I will

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read the entire paragraph because the implications of this are extremely broad, as you well know.

> Other amendments will provide that, subject to satisfactory evidence of rebuttal, the medical condition of a veteran will be presume to be as recorded on his enlistment medical documents; and that an affirmative reply to a question concerning a pre-enlistment injury or disease shall be considered a record of that injury or disease only if it is corroborated by further evidence.

In other words, are you saying there that if a man went into the services originally with an A category—or later a "Pulhems" of all 1s across the board—then it is accepted from that point on, and for our purposes from now on, that that man was in perfect health at that particular point and anything that shows up since then is attributable to his life after that point. I am perhaps not being entirely clear but, you see, over the years that has been a great bone of contention when we got a ruling that this was pre-enlistment. The man was taken in with an A category and perhaps in some cases the examination was not the best in the world, we realize that, in the pressure of enlistment that we had, certainly in the early days of the war, but this opens up a very broad area.

[*Interprétation*]

M. MacRae: Ma deuxième question concerne le Bureau des vétérans. Je ne vois pas très bien ce que vous voulez réaliser. Je pourrais peut-être me contenter d'une question pour l'instant. Vous dites que le Bureau est autonome et qu'il fera rapport directement au ministre. Je crois qu'après avoir été député pendant 12 ans je devrais savoir ce que ça veut dire, mais est-ce à dire qu'il fera rapport au sous-ministre ou bien directement au ministre?

M. Dubé: Directement au ministre. Vous pourriez poser la question au sous-ministre. Il doit témoigner après moi et il vous donnera plus de détails que moi sur la façon de procéder.

M. MacRae: Je voulais seulement avoir, si possible, des précisions à ce sujet. Il y a un autre article qui est assez intéressant; il s'agit du dernier paragraphe de la clause visant le «Bénéfice du doute», à la page 12 du Livre blanc. Je vais donner lecture de tout le paragraphe qui a, comme vous le savez, une grande portée.

> D'autres modifications stipuleront que, sous réserve de la preuve satisfaisante du contraire, l'état de santé d'un ancien combattant sera censé être celui qui a été consigné dans les documents médicaux établis au moment de son enrôlement; si l'ancien combattant a admis avoir été blessé ou malade avant la date de son enrôlement, cette déclaration ne sera considérée comme une preuve documentaire que si elle est appuyée par d'autres preuves.

En d'autres termes, voulez-vous dire que, si un homme entre dans le service avec, au départ, une classification dans la catégorie «A» ou si plus tard il obtient une cote *Pulhems*, alors il est reconnu qu'à partir de cet instant et pour les besoins de la cause, cet homme était en parfaite santé à ce moment-là et que tout ce qui peut lui arriver après est attribuable ensuite au service? Je ne suis peut-être pas très clair, mais vous savez, cela a suscité pas mal de désaccords au cours des années qui ont suivi quand nous avons obtenu une ordonnance qu'il s'agissait d'une condition nécessaire à l'enrôlement. De toute façon, notre homme a été classé dans la catégorie «A», peut-être dans certains cas l'examen médical n'a-t-il pas été des plus poussés, aux premiers jours de la guerre, sous la pression des événements, c'est certainement ce qui s'est passé lors de l'enrôlement, mais on pourrait en discuter à l'infini.

[*Text*]

Mr. Dubé: This specific paragraph means that if upon interrogation at the time of enlistment a military man, who has now become a veteran, answered something specific about a sickness, that could not be used against him to bar him from a pension unless there was additional evidence aside from his own statement.

Mr. MacRae: Something corroborative.

Mr. Dubé: That is an example to show the benefit of the doubt. Perhaps I can put it in a different way. Lawyers know that in a criminal court the Crown has to prove beyond a reasonable doubt, and this puts a very heavy onus on the Crown. In a civil court the only thing you have to prove is a preponderance of evidence. It is easier, of course, than in a criminal court. What we propose for veterans is an even easier way. You do not need to prove beyond a reasonable doubt, you do not need to have a preponderance of evidence, the only thing an applicant will have to do is to adduce credible evidence, and if that credible evidence is not rebutted it stands and he gets the benefit of the doubt.

Mr. MacRae: Thank you for that explanation. I think that is something we will want to explore a little later on. Finally, because like my friend David I do not want to take up too much time, I would just like to ask one question about restructuring. You say in the Entitlement Hearing Division there will be 10 commissioners and that hearings will be held all over the country. It would seem to me, Mr. Dubé, that with just 10 commissioners who will be moving around Canada, that is going to spread the activities of those 10 men pretty fine. Was it thought that perhaps one commissioner could hear a case or does it have to be three, as it is normally done with appeal boards?

Mr. Dubé: Of course, they will have to work. They will be busy men. They are doing this now. At the present time and under the present system they are travelling across the country with boards of three. At the present time on these boards of three they try to have one doctor, one lawyer and one layman, and this will be done. However, you will recall that under our proposition commissioners will no longer have to do the pre-

[*Interpretation*]

M. Dubé: Ce paragraphe particulier signifie que, si au moment de l'interrogatoire pour l'enrôlement, la recrue, qui est maintenant un ancien combattant, a répondu de façon positive au sujet d'une affection, sa réponse ne peut être utilisée contre lui pour l'empêcher de prétendre à une pension, à moins qu'il n'existe d'autres preuves à l'appui, à part sa propre déclaration.

M. MacRae: Quelque chose qui corrobore les faits.

M. Dubé: C'est un exemple pour expliquer «le bénéfice du doute». Peut-être pourrais-je donner un autre exemple. Les avocats savent que devant une cour criminelle, la Couronne doit prouver au-delà d'un doute raisonnable, ce qui impose le très lourd fardeau de la preuve à la Couronne. Devant un tribunal civil, la seule chose que vous devez établir, c'est la prépondérance de la preuve. C'est bien plus facile, naturellement, que devant une cour criminelle. Ce que nous proposons pour les anciens combattants, c'est une procédure encore plus facile. Vous n'avez pas besoin de prouver au-delà d'un doute raisonnable, vous n'avez pas besoin d'établir la prépondérance de la preuve, la seule chose qu'un requérant aura à faire sera de produire des preuves vraisemblables, et si ces preuves vraisemblables ne sont pas réfutées, elles seront admises, et l'ancien combattant pourra prétendre au bénéfice du doute.

M. MacRae: Merci pour votre explication. Je pense qu'il s'agit là d'une question que nous aimerions approfondir un peu plus tard. Pour conclure, parce que je ne voudrais pas perdre trop de temps, je voudrais simplement poser une question au sujet de la réorganisation. Vous dites que la division de l'admissibilité comprendra 10 commissaires et que les audiences se tiendront dans tout le pays. Il me semble cependant, monsieur Dubé, que ces 10 commissaires qui voyageront d'un bout du pays à l'autre ne pourront suffire à la tâche. A-t-on pensé que peut-être un commissaire pourrait auditionner une cause, ou doivent-ils être trois comme cela se passe habituellement dans les commissions d'appel?

M. Dubé: Bien sûr, ils auront du travail, ils seront très occupés. C'est ce qui se passe pour le moment; dans le présent système, ils voyagent à travers le pays par groupe de trois. Ces groupes se composent pour l'instant et, dans la mesure du possible, d'un avocat et d'un profane et c'est ce que nous essayerons de continuer par la suite. Cependant, vous vous souvenez que, d'après notre proposition, les commissaires ne s'occuperont plus des

[*Texte*]

liminary work; that will be done by the Directorate of Pensions. The first step which the commissioners are doing at the present time will not have to be done by them in the future. I mean by this the first applications that are sent in by mail which are decided on the record. The commissioners will not have to deal with that anymore. There will be strictly a deal.

Mr. Guay (St. Boniface): A supplementary, Mr. Chairman?

The Chairman: Yes.

Mr. Guay (St. Boniface): Mr. Dubé, does this mean that these commissioners will have less work and less responsibility?

Mr. Dubé: I did not say that. I said that they will have to work very hard but their work will be more specific. It will be addressed at another level—at a higher level. The preliminary level can very well be done, as is presently done, let us say, for the War

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Veteran's Allowance Board, by civil servants, on the records. An applicant applies in writing to the Directorate. If his claim is accepted he is, of course, a happy man and that is the end of it. If it is not, he can then apply to a higher level, the Entitlement Hearing Division, which will travel across the country and to which the veteran may apply in person. His expenses will be paid to get there. He will have a pension advocate provided free by the Department, and he will apply at that second level. If he is satisfied at that second level he gose back home happy. But if he is not, he still has a third and higher level, composed of different men —the other five Commissioners—who will sit in appeal and decide only on the appeal at the third level. In other words, the applicant will have had three different kicks at three different cats, if I can use the expression. If he has a case at all he is bound to get through with this. And not only will justice be carried out but it will be apparent that justice has been done.

Mr. MacRae: Mr. Dubé, is it intended that they will travel in three's? Is that your thought there?

Mr. Dubé: Yes, in the Entitlement Hearing Division; that is right.

Mr. MacRae: So there could very well be three Boards functioning at the same time and there would be one to spare.

[*Interprétation*]

travaux préliminaires. C'est la Direction des pensions qui s'en chargera. A l'avenir, les commissaires n'auront plus à s'occuper, comme maintenant, des premières formalités. Ce que je veux dire, c'est qu'ils n'auront plus à prendre de décisions, d'après le dossier, pour les premières demandes envoyées par la poste. Les commissaires n'auront plus à s'en occuper, ce sera là un travail préalable.

M. Guay (Saint-Boniface): Une question supplémentaire, monsieur le président?

Le président: Oui.

M. Guay (Saint-Boniface): Cela veut-il dire, Monsieur Dubé, que ces commissaires auront moins de travail et moins de responsabilités?

M. Dubé: Je ne dis pas cela. Je dis qu'ils devront travailler très dur, mais leur travail sera plus spécifique. Il se fera à un niveau plus élevé. Pour la Commission des allocations aux anciens combattants disons, les fonctionnaires peuvent fort bien effectuer le travail au premier échelon, en se basant sur les dossiers, comme ils le font en ce moment. La personne présente une demande écrite à la Direction. Si sa demande est acceptée, naturellement, on en fait un homme heureux et sa démarche se termine là. Si tel n'est pas le cas, il peut alors s'adresser à un autre niveau à la Division de l'admissibilité, qui se déplacera à travers le Canada, et devant laquelle l'ancien combattant pourra se présenter en personne. Ses frais de déplacement lui seront remboursés. Il recourra aux services gratuits d'un avocat des pensions, prêté par le ministère en s'adressant au deuxième échelon. S'il obtient gain de cause, il retournera heureux dans son foyer. Sinon, il peut encore se tourner vers un troisième échelon où cinq commissaires entendront l'appel et rendront un jugement uniquement à ce dernier niveau. Autrement dit, le requérant pourra recourir à trois niveaux différents. Si sa plainte est fondée, il pourra ainsi obtenir gain de cause. La justice aura non seulement suivi son cours, mais il sera évident que justice aura été faite.

M. MacRae: Monsieur Dubé, est-il prévu qu'ils auront recours aux trois échelons? Est-ce bien ce que vous pensez?

M. Dubé: Oui, dans la Division de l'admissibilité, c'est juste.

M. MacRae: Ainsi, trois commissions siégeraient en même temps et une serait inactive.

[*Text*]

Finally, and this is my final question at this moment unless I come around again a second time, would the five Commissioners that you are suggesting for an Appeal Division sit as five on an appeal?

Mr. Dubé: Of course, they will stay in Ottawa. One of them—the Chairman, I presume—will look after the administration, and the Vice-Chairman will be on the appeal board. I think they will sit in groups of three.

Mr. MacRae But there is one appeal board? That is the point I want to make.

Mr. Dubé: One appeal board in Ottawa.

Mr. MacRae: And that will sit here in Ottawa?

Mr. Dubé: At that stage the applicant will not be appearing in person; it will be the pension advocate who will plead his case for him in Ottawa.

Mr. MacRae: Thank you.

The Chairman: Mr. Knowles is next on my list.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, and members of the Committee, I will endeavour to be brief. I would like to join with Mr. Groos and Mr. MacRae in welcoming the forward steps that the Minister has indicated today. We probably have some others to suggest to him, but we are pleased that he is going as far as he has, and we hope action can be taken very early in the new session.

The first question I had noted has perhaps just been answered, but perhaps I will be pardoned for asking the Minister to make it doubly clear. I am interested in this new three-stage procedure which veterans go through to get their pension. The only reason for your having left me a bit confused is that you referred to the three functions of the Canadian Pension Commission as being the administration, the section having to do with entitlement hearings and the section dealing with appeals.

If I may relate these to the three levels, the Directorate of Pensions in the civil service, the ten Commissioners and then the five, when you talked about the Canadian Pension Commission having a section dealing with entitlement hearings, would they have anything to do with the first entitlement? Is it possible for a veteran to apply to his new

[*Interpretation*]

Voici ma dernière question pour l'instant, à moins que je ne revienne sur le sujet. Est-ce que les cinq commissaires que vous proposez de nommer à la Division des appels siégeraient tous les cinq lors d'un appel?

M. Dubé: Ils resteront, naturellement, à Ottawa. L'un d'entre eux, le président, je présume, s'occupera des questions administratives et le vice-président siégera à la commission d'appel. Je crois qu'ils siégeront par groupe de trois.

M. MacRae: Mais, existe-t-il une commission d'appel? C'est ce que j'aimerais savoir.

M. Dubé: Il y en a une a Ottawa.

M. MacRae: Et elle tiendra ses séances ici à Ottawa?

M. Dubé: A ce niveeau, le requérant ne témoignera pas de vive voix. L'avocat des pensions plaidera sa cause à Ottawa.

M. MacRae: Merci.

Le président: M. Knowles est le prochain sur la liste.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, messieurs les membres du Comité, je m'efforcerai d'être bref. Tout comme MM. Groos et MacRae, je me réjouis des initiatives dont le ministre nous a parlé aujourd'hui. Nous avons sûrement d'autres solutions à lui proposer, mais nous sommes heureux qu'il soit allé aussi loin, et nous espérons qu'au tout début de la nouvelle session, nous pourrons prendre des mesures à cet effet.

La première question que j'avais préparée a peut-être été posée, mais on me pardonnera probablement de demander au ministre de préciser à nouveau cette question. Je m'intéresse à cette nouvelle procédure à trois échelons que doivent suivre les anciens combattants pour obtenir leur pension. Vous m'avez un peu embrouillé lorsque vous avez dit que la Commission canadienne des pensions s'occupait de trois domaines: l'administration, l'admissibilité et les appels.

Si je désirais les rattacher aux trois échelons, la Commission des pensions de la Fonction publique, les dix commissaires et ensuite les cinq autres, lorsque vous dites que la Commission canadienne des pensions a une division de l'admissibilité, est-ce que cela aurait un lien avec la première admissibilité? Est-il possible qu'un ancien combat-

[*Texte*]

Directorate of Pensions in the Department, get an award, be satisfied, get his pension and that is it?

Mr. Dubé: That is correct.

Mr. Knowles (Winnipeg North Centre): In other words, the Pension Commission's responsibility for an entitlement hearing does not come into that first level at all?

Mr. Dubé: No; it is very possible that at the first application the easy cases will be solved based merely on the record.

Mr. Knowles (Winnipeg North Centre): Is it your hope that the majority of cases...

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Chairman calls a short recess because of technical difficulties with the recording equipment.

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The Chairman: I think we are now ready to resume. The equipment is operating again.

Mr. Knowles, the equipment was operating up to the point at which we interrupted you. Would you care to resume your questioning?

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, I suppose, first of all, I should apologize for breaking the computer! I am told that by 1984 that will be the unpardonable sin! However, we are not there yet.

I am glad to have the opportunity, however, to get straight this point that veterans applying for pensions under the Pension Act will have these three kicks at the cat, as the Minister says, and that they will be completely independent. In other words, a veteran will take his case first of all to the Directorate of Pensions in the Department of Veterans Affairs.

Mr. Dubé: That is correct.

Mr. Knowles (Winnipeg North Centre): And if his pension is awarded and he is satisfied with it...

Mr. Dubé: ...that is it.

Mr. Knowles (Winnipeg North Centre): That is it; and if he lasts on that until he is age 60 he may have no trouble at all.

Mr. Dubé: He becomes stabilized.

[*Interprétation*]

tant présente une demande à la nouvelle Commission des pensions du ministère, que l'on rende le jugement, qu'il obtienne gain de cause, qu'il reçoive sa pension, et puis c'est tout?

M. Dubé: Oui.

M. Knowles (Winnipeg-Nord-Centre): Autrement dit, la Commission canadienne des pensions ne se prononce pas du tout sur l'admissibilité d'une personne, au premier niveau?

M. Dubé: Non. Il est fort possible que, dès la première demande les cas faciles soient résolus en se fondant simplement sur le dossier.

M. Knowles (Winnipeg-Nord-Centre): Espérez-vous que la majorité des cas...

Le président ordonne une pause à cause de difficultés techniques d'enregistrement.

Le président: Je pense que nous pouvons maintenant reprendre nos travaux, l'équipement fonctionne à nouveau.

Monsieur Knowles l'équipement fonctionnait jusqu'au moment où je vous ai interrompu. Voudriez-vous reprendre votre question?

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, je suppose, tout d'abord, que je devrais m'excuser d'avoir détraqué l'ordinateur. On m'a dit qu'en 1984 ce sera un péché impardonnable. Heureusement, nous n'en sommes pas là.

Je suis heureux d'avoir l'occasion de préciser ce point. Comme le ministre l'a souligné, les anciens combattants qui font leur demande de pension en vertu de la Loi sur les pensions peuvent avoir trois recours à des niveaux différents et indépendants. En d'autres mots, un ancien combattant portera son cas à l'attention, en premier lieu, de la Direction des pensions du ministère des Affaires des anciens combattants.

M. Dubé: En effet.

M. Knowles (Winnipeg-Nord-Centre): Et si sa pension lui est accordée et qu'il en est satisfait...

M. Dubé: C'est ça.

M. Knowles (Winnipeg-Nord-Centre): C'est ça, et s'il reste sous ce régime jusqu'à l'âge de 60 ans, il n'aura aucune difficulté.

M. Dubé: Il a une situation stable.

[*Text*]

Mr. Knowles (Winnipeg North Centre): He is home free; but if he is not satisfied with the first decision, either as to the amount, or as to whether or not he is entitled at all, he may go then to this group of 10...

Mr. Dubé: The Entitlement Hearing Division.

Mr. Knowles (Winnipeg North Centre): The Entitlement Hearing Division, which uses some of these 10 commissioners.

Mr. Dubé: That is right.

Mr. Knowles (Winnipeg North Centre): And if he is not satisfied with their ruling, or if later on he wants to go higher, he can go to the group of five; and you are going to take all steps to see to it that these three are completely independent so that no group feels that it is bound to stand by its friends who made the earlier decision?

Mr. Dubé: They will be three different groups of men and they will not be interchangeable. In other wors, the same people will not travel between levels. They will stay at set levels.

Mr. Knowles (Winnipeg North Centre): I suppose it is your hope that the majority of them will be settled by the Directorate of Pensions in the Department, or have you any—

Mr. Dubé: That would make things much more simple, yes, but in the world of today I do not think we can expect that.

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Mr. Knowles (Winnipeg North Centre): May I move on to the second heading under which you grouped your remarks, Mr. Minister, relative to a veteran suffering from multiple disabilities. Have you any figures on how many would be affected,—how many might qualify for these extra grants that you mention?

Mr. Dubé: At the present time there are 5,000 100 per cent pensioners. Of course, we do not know how many of these 5,000 would qualify for that. We have no figure as yet. It will depend on how many apply and how they will qualify. As you may have noticed, the White Paper is quite flexible on exactly what guidelines will ultimately be used to

[*Interpretation*]

M. Knowles (Winnipeg-Nord-Centre): Il est sauf. Mais s'il n'est pas satisfait au sujet de la première décision, soit au sujet du montant, soit à savoir s'il a droit ou non à la pension, il peut alors faire appel à ce groupe de dix personnes...

M. Dubé: A la Division de l'admissibilité.

M. Knowles (Winnipeg-Nord-Centre): La Division de l'admissibilité qui emploie un certain nombre de ces 10 commissaires.

M. Dubé: En effet.

M. Knowles (Winnipeg-Nord-Centre): Et si cet ancien combattant n'est pas satisfait de la décision de la Division, ou si, plus tard, il désire s'adresser à un palier supérieur, il peut s'adresser au groupe de cinq personnes. Et vous allez prendre toutes les mesures nécessaires pour vous assurer que ces trois instances sont totalement indépendantes, de façon qu'aucune d'entre elles ne se sente obligée de soutenir la décision prise auparavant?

M. Dubé: Il s'agira de trois groupes différents de fonctionnaires qui ne seront pas interchangeables. En d'autres mots, il ne s'agira pas là des mêmes personnes qui agiront aux trois niveaux. Elles resteront à leur propre niveau.

M. Knowles (Winnipeg-Nord-Centre): Je pense que vous désirez que la majorité de ces fonctionnaires soit nommée par la Direction des pensions du ministère, ou alors avez-vous...

M. Dubé: Cela rendrait les choses plus simples, bien sûr, mais dans notre monde actuel, je ne pense pas qu'on puisse s'attendre à cela.

M. Knowles (Winnipeg-Nord-Centre): Puis-je passer au deuxième paragraphe où vous avez groupé vos remarques, monsieur le ministre, concernant les anciens combattants affligés de plusieurs infirmités? Avez-vous quelque idée du nombre d'anciens combattants qui seraient visés, du nombre de ceux qui pourraient avoir droit à ces allocations supplémentaires dont vous parlez?

M. Dubé: On compte à l'heure actuelle 5,000 pensionnés à 100 p. 100. Bien sûr, nous ne savons pas combien de ces 5,000 auraient droit à ces allocations. Nous n'avons pas encore de chiffres là-dessus. Il faudra voir combien présenteront une demande et quelle cote il leur sera attribué. Ainsi que vous avez pu le remarquer, le Livre blanc est fort souple à

[*Texte*]

determine which of those 5,000 will qualify for that.

Mr. Knowles (Winnipeg North Centre): The number who suffer from multiple amputations is quite small, is it not?

Mr. Dubé: What I am trying to say is, that there are 5,000 100 per cent pensioners who, in theory, could qualify for that; but there are others, apart from multiple amputees, who could qualify, such as a blind person suffering from other things at the same time—a paraplegic, yes.

Mr. Knowles (Winnipeg North Centre): And your plan there is not to increase the rate of pension but to provide, under special legislation, either a lump sum grant, or an annual grant?

Mr. Dubé: Yes.

Mr. Knowles (Winnipeg North Centre): All right. Normally I would ask you a question about the "benefit of the doubt" clause. I think we all appreciate the atempt of the Woods Committee and your attempt in your White Paper to view this in a more satisfactory way, and I think we have to admit that your wording is certainly better. But what happens if somebody decides that there is no doubt? There is not much point in giving the veteran the benefit of the doubt if somebody says to him, "There is no doubt".

Mr. Dubé: If there is no doubt that he qualifies he gets his pension; but if there is no doubt tat he does not qualify he does not get it, and that is it.

Mr. Knowles (Winnipeg North Centre): Is there not still an area there than can cause some trouble?

Mr. Dubé: First of all, the applicant must have, as I said, some credible evidence to offer. If he has no credible evidence to offer, there is no doubt he does not get his pension; he is not entitled to it.

Mr. Knowles (Winnipeg North Centre): But if he offers what he believes is credible evidence...

Mr. Dubé: What he believes...

Mr. Knowles (Winnipeg North Centre): ...and somebody offers a refutation of it, and that somebody says "There is no doubt", his evidence is contradicted.

[*Interprétation*]

l'égard des critères précis que l'on finira par retenir pour déterminer lesquels de ces 5,000 auront droit aux allocations.

M. Knowles (Winnipeg-Nord-Centre): Le nombre de ceux qui ont subi des amputations multiples est fort petit, n'est-ce pas?

M. Dubé: Je précise ma pensée: il y a 5,000 pensionnés à 100 p. 100 qui, en principe, seraient admissibles à ces allocations; mais il y en a d'autres, les amputés multiples mis à part, qui pourraient y avoir droit, tel un aveugle qui souffrirait en même temps d'autres affections, qui serait paraplégique, par exemple.

M. Knowles (Winnipeg-Nord-Centre): Et vous entendez, dans ces cas non pas hausser le taux de la pension mais verser, en vertu d'une loi spéciale, une allocation forfaitaire ou une indemnité annuelle?

M. Dubé: Oui.

M. Knowles (Winnipeg-Nord-Centre): Très bien. Je me dois de vous poser une question sur la clause du «bénéfice du doute». Nous vous savons tous gré, au Comité Woods et à vous-mêmes du gouvernement, d'avoir tenté, dans votre Livre blanc, d'apporter une solution plus satisfaisante au problème, et il nous faut bien admettre que la nouvelle version est sûrement préférable à l'ancienne. Mais qu'arrive-t-il si l'on décide qu'il n'y a pas de doute? Il ne sert pas à grand-chose d'accorder le bénéfice du doute à l'ancien combattant si on lui dit: «Il n'y a pas de doute».

M. Dubé: S'il n'y a pas de doute qu'il est admissible, il obtient sa pension; mais s'il n'y a pas de doute qu'il n'est pas admissible, il ne l'obtient pas, voilà tout.

M. Knowles (Winnipeg-Nord-Centre): Ne reste-t-il pas des cas où il peut se présenter des difficultés?

M. Dubé: Tout d'abord, le requérant, je l'ai déjà dit, doit pouvoir présenter quelque preuve digne de créance. S'il ne peut le faire, il n'y a pas de doute qu'il n'obtiendra pas sa pension: il n'y a pas droit.

M. Knowles (Winnipeg-Nord-Centre): Mais s'il présente ce qu'il croit être une preuve digne de créance...

M. Dubé: Ce qu'il croit être...

M. Knowles (Winnipeg-Nord-Centre): ...et que quelqu'un la réfute, et que cette personne dise: «Il n'y a pas de doute», sa preuve est contredite.

[*Text*]

Mr. Dubé: I do not know exactly what you are getting at. Of course, there is the question of human being here. You may be trying to say, I suppose, that human being can make mistakes. I suppose judges do make mistakes even in the Supreme Court of Canada, or the Superior Court of Quebec; their decisions are not always perfect. But we believe, with these guidelines, that if there is a mistake it is bound to be a mistake in favour of the applicant. But if he has no case at all he will get no pension.

Mr. Knowles (Winnipeg North Centre): I will not pursue that at this time, but I will perhaps come back to it. My feeling is that there could be a group of people who would say, "The applicant is wrong; there is no doubt he has no case," and he may go through life feeling that he was not given the benefit of the doubt.

Mr. Dubé: As I said, he can appeal at three different levels. I would think that if the man feels he has some credible evidence and misses out at the Directorate of Pensions, tries again at the Entitlement Hearing Division and misses and it happens again in the Appeal Division, it means that the man had no credible evidence in the first place.

Mr. Knowles (Winnipeg North Centre): Then your aim is to extend the principle of the benefit of the doubt and make it...

Mr. Dubé: To make sure, as I said, not only that justice is done but that it is apparent that justice is done. I think that justice is done at the present time, but because the same commissioners are called upon in appeal against their previous decisions it is not apparent that it is just.

Mr. Knowles (Winnipeg North Centre): There is one other heading on which I have a comment, namely, in relation to the Hong Kong veterans. As do those who have spoken before me, and as do Canadians generally, we welcome what you are doing in this area. Mr. Groos spoke of those whom he knows from the Coast and Mr. MacRae referred to

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those he knew from the Maritimes. The Winnipeg Grenadiers were there, and many of us know what some of these men went through. We welcome what you have done. Why do you insist on defining qualification as an "assessable disability" in view of the fact that you have given us figures suggest-

[*Interpretation*]

M. Dubé: Je ne vois pas bien à quoi vous voulez en venir. Bien sûr, on a toujours affaire à des êtres humains. Vous voulez peut-être faire remarquer que les êtres humains peuvent se tromper. Je suppose que les juges se trompent en effet parfois même à la Cour suprême du Canada ou à la Cour supérieure du Québec: leurs jugements ne sont pas toujours parfaits. Mais nous estimons qu'avec les directives émises, si l'on se trompe, il faut nécessairement que l'on se trompe en faveur du requérant. Mais si ce dernier n'a pas de cause du tout, il n'obtiendra pas de pension.

M. Knowles (Winnipeg-Nord-Centre): Je laisse tomber pour le moment, mais j'y reviendrai peut-être plus tard. J'estime qu'il pourrait se trouver des gens qui diraient: «Le requérant a tort; il n'y a pas de doute qu'il n'a pas de cause», et il pourra penser pendant le reste de sa vie qu'on ne lui a pas accordé le bénéfice du doute.

M. Dubé: Je l'ai déjà dit, il peut en appeler à trois paliers différents. S'il estime posséder une preuve digne de créance et qu'il est débouté au niveau de la Direction des pensions, qu'il essaie encore à la Division de l'admissibilité, pour être encore une fois débouté, et que la chose se reproduise à la Division des appels, je dirais que c'est parce qu'il n'avait pas, au départ, de preuve digne de créance.

M. Knowles (Winnipeg-Nord-Centre): Vous entendez donc étendre le principe du bénéfice du doute et en faire...

M. Dubé: Nous voulons nous assurer, comme je l'ai dit, non seulement que justice est faite mais qu'il est manifeste que justice est faite. J'estime que justice est faite à l'heure actuelle, mais parce que les mêmes commissaires sont appelés à siéger en appel contre leurs décisions antérieures, il n'est pas manifeste que cela est juste.

M. Knowles (Winnipeg-Nord-Centre): Il est une autre rubrique à l'égard de laquelle je désire faire un commentaire: je veux parler des anciens combattants de Hong Kong. Comme ceux qui ont pris la parole avant moi, et comme la plupart des Canadiens, nous trouvons très bien ce que vous faites dans ce domaine. M. Groos a parlé de ceux de ces anciens combattants qu'il connaît sur la côte du Pacifique, et M. MacRae, de ceux qu'il a connus dans les Maritimes. Les Grenadiers de Winnipeg sont allés à Hong Kong, et plusieurs d'entre nous savons ce qu'ont pu endurer certains d'entre eux. Nous voyons d'un très bon œil ce que vous avez fait. Pour-

[*Texte*]

ing that out of 1,225 still alive 1,217 have an assessable disability? Is there any technical reason for your not just going the whole way and say that if the man was there he get it.

Mr. Dubé: It would fly in the face of the whole principle of compensation if a man was compensated and had no disability at all. But we are talking in terms of principle now. In fact, we think all of them will qualify.

Mr. Knowles (Winnipeg North Centre): You would certainly encourage these other eight to find something, would you not?

Mr. Dubé: As I say, after four years in a prison they will be able to find something, unless they are supermen.

Mr. Knowles (Winnipeg North Centre): If you do not encourage them to find something wrong their wives will. What would happen, for example, if one of these eight does not establish some assessable disability, but dies? Has his widow an entitlement to the pension?

Mr. Dubé: If he is not disabled at all he will not die. He will stay alive.

Mr. Saltsman: Let us say he died in an accident.

Mr. Dubé: In theory, if the man is 100 per cent healthy and he dies in an automobile accident, he would not qualify. You would have to say that.

Mr. Knowles (Winnipeg North Centre): I hope you will take another look at it. I am thinking of David Groos' friend out in Victoria, who is one of the eight, and something happens to him and there is no pension for his wife but there is a full pension for the widows of all the rest.

Mr. Dubé: He had better qualify fast before he has a car accident.

Mr. Knowles (Winnipeg North Centre): Would you mind, Mr. Dubé, if Mr. Saltsman and I and some others around here tended to call this Hong Kong provision a sort of guaranteed annual income? You do not mind?

[*Interprétation*]

quoi tenez-vous tant à faire de l'«invalidité évaluable» le critère de l'admissibilité, étant donné que d'après vos propres chiffres, sur 1,225 anciens combattants encore vivants, 1,217 ont une invalidité évaluable? Y a-t-il quelque raison technique qui vous empêche d'aller jusqu'au bout et de dire que si l'ancien combattant a servi à Hong Kong, il obtient la pension?

M. Dubé: Ce serait renier le principe même de la compensation que d'accorder une pension à un ancien combattant qui n'aurait pas d'invalidité. Mais c'est parler là au niveau des principes. En fait, nous estimons que tous ces anciens combattants ont droit à la pension.

M. Knowles (Winnipeg-Nord-Centre): Vous inviteriez sûrement les huit qui n'ont pas de pension à se trouver quelque affection, n'est-ce-pas?

M. Dubé: Il est certain qu'après quatre ans passés dans une prison, ils pourront bien se trouver quelque chose, à moins qu'ils ne soient des surhommes.

M. Knowles (Winnipeg-Nord-Centre): Si vous ne les invitez pas à se trouver quelque chose, leurs épouses s'en chargeront bien. Qu'arriverait-il, par exemple, si l'un de ces huit meurt sans avoir fait reconnaître quelque invalidité évaluable? Sa veuve a-t-elle droit à la pension?

M. Dubé: S'il n'est atteint d'aucune invalidité, il ne mourra pas. Il vivra.

M. Saltsman: Disons qu'il meurt dans un accident.

M. Dubé: En principe, s'il est en parfaite santé et qu'il meurt dans un accident d'automobile, il ne serait pas admissible. C'est ce qu'il faut conclure.

M. Knowles (Winnipeg-Nord-Centre): Je vous demanderai de considérer encore la chose. Je songe à l'ami de David Groos, à Victoria, qui est l'un des huit: à sa mort, pas de pension pour son épouse, mais pleine pension pour les veuves de tous les autres.

M. Dubé: Il ferait bien de faire établir son admissibilité sans tarder, avant d'avoir un accident d'automobile.

M. Knowles (Winnipeg-Nord-Centre): Cela vous déplairait-il, monsieur Dubé, que M. Saltsman et moi-même et certains autres qui sont ici soyons enclins à voir dans cette disposition à l'égard des anciens combattants de Hong Kong une sorte de revenu annuel garanti? Cela ne vous déplaît pas?

[*Text*]

Mr. Dubé: You are free to use your own handle.

Mr. Knowles (Winnipeg North Centre): We like the idea of the guarantee for these people, and we hope it is a principle that you will see fit to extend to further categories of veterans.

The Chairman: Is that all for the moment?

Mr. Knowles (Winnipeg North Centre): That is all for now, Mr. Chairman.

Mr. Guay (St. Boniface): Mine is really a supplementary question, Mr. Chairman.

The Chairman: All right, Mr. Guay.

Mr. Guay (St. Boniface): I will be very brief. I wish to refer to some of the questions asked by Mr. Knowles. In relation to certain applicants in the past—and when I say "in the past" I mean up to when you came out with the White Paper—in your opinion, do you believe they have all been dealt with accordingly, or does this open the door so that all these previous applicants might now be given additional consideration under the new policy?

Mr. Dubé: Some of them yes...

Mr. Guay (St. Boniface): I might mention to you, Mr. Dubé, that in asking that question I am thinking of a case or two which were turned down and where not only their wives but their own doctors felt that they had a case, and yet they did not get anywhere. Do you feel, therefore, that there is a possibility that these people can now apply again and be given consideration under the new policy?

Mr. Dubé: There is a class of veterans who were not entitled to apply previously but who will be entitled to apply now because of the changes—for, let us say, an impaired organ, or a consequential disability. If those people were turned down previously, they should apply now, because I hope the Act will be changed which will enable them to apply. However, those who had no case at all before and who do not come under one of these new categories have no reason to apply again. They will just be wasting their time, if they have no disability they should not apply.

[*Interpretation*]

M. Dubé: Vous êtes bien libres d'y voir ce que vous voulez.

M. Knowles (Winnipeg-Nord-Centre): L'idée d'un revenu garanti accordé à ces personnes nous plaît, et nous espérons que vous jugerez bon d'appliquer ce principe à d'autres catégories d'anciens combattants.

Le président: Est-ce tout pour l'instant?

M. Knowles (Winnipeg-Nord-Centre): C'est tout pour le moment, monsieur le président.

M. Guay (Saint-Boniface): C'est, à vrai dire, une question supplémentaire que je veux poser, monsieur le président.

Le président: Je vous en prie, monsieur Guay.

M. Guay (Saint-Boniface): Je serai très bref. Je me reporte à certaines des questions posées par M. Knowles. Pour ce qui est de certaines personnes qui ont présenté des demandes dans le passé—et quand je dis «dans le passé», j'entends jusqu'au jour où est paru le Livre blanc—estimez-vous que tous ces cas sont réglés, ou le Livre blanc change-t-il tout, et ces personnes pourraient-elles recevoir aujourd'hui d'autres avantages aux termes du nouveau régime?

M. Dubé: Certaines d'entre elles, oui...

M. Guay (Saint-Boniface): Je dois vous dire, monsieur Dubé, que si je pose cette question, c'est que j'ai à l'esprit le cas d'une personne ou deux qui ont été déboutées alors que non seulement l'épouse, mais leur propre médecin estimaient qu'il y avait matière à présenter une demande, et pourtant elles n'ont rien obtenu. Jugez-vous donc qu'il serait possible à ces personnes de présenter maintenant une nouvelle demande et qu'elles pourraient être agréées aux termes du nouveau régime?

M. Dubé: Il est une catégorie d'anciens combattants qui ne pouvaient présenter de demande auparavant mais qui pourront le faire dorénavant en raison des modifications apportées—dans le cas, par exemple, d'un organe affaibli ou d'une invalidité secondaire. Si ces personnes ont essuyé un refus dans le passé, elles devraient présenter une nouvelle demande, car j'espère que la loi sera modifiée et qu'elles auront droit de le faire. Toutefois, ceux qui n'avaient aucun motif de le faire auparavant, et qui ne se classent pas dans l'une de ces nouvelles catégories, n'ont aucunement raison de présenter une nouvelle demande. Ils perdront leur temps; s'ils ne souffrent pas d'incapacité, ils ne devraient pas présenter de demande.

[*Texte*]

Mr. Guay (St. Boniface): I do not want to burden the situation. I am just thinking of one case whereby a veteran did apply, he was turned down and finally he died recently.

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There seemed to be some doubts, which I do not think possibly have come to your attention, as to the reason. They attributed his death to the time of his service and he served a considerable amount of time. Can the widow do anything about this? Can she have the case reconsidered?

Mr. Dubé: They will still be able to do in the future what they were able to do in the past; that is, to apply for leave to reopen the case. Under the present system they can do that. With new evidence you can apply as many times as you wish, but there is no use in applying if you still have the same bag of arguments that you had when you were turned down before. Presumably you will be turned down again unless you fall into a new category which is brought in by this proposed legislation.

Mr. Guay (St. Boniface): Thank you, Mr. Chairman.

The Chairman: I believe Mr. Bigg is next.

Mr. Bigg: Mr. Dubé, I think I would be amiss if I did not make some reference to the exceptional work that Dr. Richardson did on behalf of the Hong Kong veterans. This is well known to all members of the Committee I know, but I would like to thank him personally. Also, I would like to say that because of the exceptional work which he did I would not want to see that become the end of the matter. I think there is a great deal more research to be done on avitaminosis and the psychological effects on prisoners of war and particularly its effects on the heart and the nervous system. These are very difficult cases for the Canadian Pension Commission to handle as any of the members of the Pension Commission know and I hope that the research which has been started so well will carry on.

I am quite sure that prisoners of war from other fields and so on will be encouraged by the research which has already been done. I hope it is going to be a very active part of our Department to make sure that we understand all that we can about the psychological effect on prisoners of war.

While I am at it, when the new act is put forward I would like to suggest that we

[*Interprétation*]

M. Guay (Saint-Boniface): Je ne veux pas pousser les choses trop loin. Je pense au cas particulier d'un ancien combattant qui a déjà présenté une demande, a vu celle-ci rejetée et est décédé récemment. On n'était pas tout à fait certain, et je ne pense pas que vous ayez déjà été mis au courant de la chose, des raisons de son décès. On a attribué sa mort à son service militaire qui avait été très prolongé. Que peut faire en pareil cas la veuve? Peut-elle demander que l'affaire soit rouverte?

M. Dubé: Elle pourra encore faire ce qu'elle pouvait déjà faire auparavant; les gens pourront toujours demander qu'on étudie à nouveau une affaire. En vertu du régime actuel, la chose est possible. Avec de nouvelles preuves à l'appui, vous pouvez faire cette demande autant de fois que vous le désirez. Il est cependant inutile de le faire sans arguments nouveaux depuis le rejet de votre demande. On continuera certainement à la rejeter à moins que vous n'entriez dans une nouvelle catégorie prévue par le projet de loi.

M. Guay (Saint-Boniface): Merci monsieur, le président.

Le président: La parole est à M. Bigg, je crois.

M. Bigg: Monsieur Dubé, je m'en voudrais de ne pas faire mention du travail exceptionnel qu'a accompli le Dr Richardson pour les anciens combattants de Hong-Kong. Tout cela est fort bien connu des membres du Comité, je ne l'ignore pas, mais je voudrais le remercier personnellement. Étant donné le travail exceptionnel, qu'on a déjà accompli, j'espère que pareille initiative sera poursuivie. Il reste beaucoup de choses à découvrir sur l'avitaminose, sur l'état psychologique des prisonniers de guerre et, en particulier, sur les répercussions de cet état sur le cœur et le système nerveux. La Commission canadienne des pensions a eu beaucoup de fil à retordre pour régler ces cas particuliers et j'espère que les recherches qui ont déjà été accomplies. suivre.

Je suis certain que les prisonniers de guerre d'autres endroits prendront courage devant les recherches qui ont déjà été accomplies. J'espère que le Ministère continuera activement à nous permettre d'apprendre tout ce que nous pouvons sur les effets psychologiques que ressentent les prisonniers de guerre.

Pendant que j'y suis, permettez-moi de dire qu'au moment où sera présentée la nouvelle

[*Text*]

put a clause in this Hong Kong act which says that when any prisoner-of-war is subjected to the same type of treatment—I am suggesting perhaps a Korean prisoner-of-war or perhaps somebody on the peacekeeping forces who is taken by accident in Viet Nam or in some other Asian field where he is liable to have the same type of treatment—that we could put a clause in the act saying that this veteran can qualify under the provisions of the Hong Kong act for this list of benefits providing the circumstances of his treatment and so forth were parallel to those affecting these people. It would perhaps obviate the necessity for any special legislation in the future. It would be a bill of rights for prisoners of war generally and where there were extreme cases of hardship it would be quite easy to have the pension board through his advocate consider this person as if he was in fact in a Japanese prison camp like the Hong Kong veterans. I would like to suggest that would be a reasonable thing.

I am also very pleased to see that the misconduct question, the question of stopping pensions for widows and dependents will no longer depend on single acts of misconduct on the part of a veteran. He may at the time have been suffering from temporary mental anguish or something of that nature. It seems to me that the family has suffered already having the bread winner of the family away for extended periods of time and to take away their pension because the husband or the wife, as the case may be, happens to breach military discipline does not seem to me fair, that the family should suffer over a period of years. I am very pleased to see that the Department has taken that out. Thank you.

The Chairman: Thank you, Mr. Bigg. Next is Mr. Peters. I have also Messrs. Legault, Saltsman, Guay and Weatherhead.

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Mr. Peters: I, having been on this Committee for a number of years now, certainly endorse the remarks that have been made by members in relation to the Hong Kong veterans.

One of the problems I have always had in the Veterans Affairs Committee is that there is very little politics and a great deal of unanimity on the decisions that have been reached. The Hong Kong veterans have cer-

[*Interpretation*]

loi, j'aimerais proposer que nous incluions un article dans cette loi de Hong-Kong portant que tout prisonnier de guerre soumis au même genre de traitement qu'à Hong-Kong (il peut s'agir d'un prisonnier de guerre coréen ou d'un membre des forces de maintien de la paix, peut-être fait prisonnier par accident au Viet-Nam ou sur quelque autre champ de bataille de l'Asie et où il est susceptible d'être soumis au même genre de traitement) un article, dis-je, portant que cet ancien combattant a droit, en vertu des dispositions de la loi de Hong-Kong, à cette liste de bénéfices, pourvu qu'il reçoive le même genre de traitement que ces personnes. Nous pourrions ainsi éviter la nécessité d'établir une loi spéciale par la suite. Il s'agirait d'une déclaration des droits de l'homme visant les prisonniers de guerre en général, et dans les cas extrêmes, de mauvais traitements, la Commission des pensions pourrait facilement, par l'intermédiaire de son avocat, considérer que la personne en question est en fait détenue dans un camp de prisonniers, au Japon, comme les anciens combattants de Hong-Kong. A mon avis, ce serait une façon sensée de procéder.

Je suis heureux, aussi, de voir que la question de la mauvaise conduite, ou plutôt de l'interruption des pensions aux veuves et aux personnes à charge, ne dépendra plus de la seule mauvaise conduite d'un ancien combattant. Ce dernier peut avoir été sous l'effet d'un accès d'angoisse ou d'une autre influence du genre. A mon avis, la famille a déjà suffisamment souffert de l'absence prolongée du gagne-pain; il ne faut pas aggraver les choses en cessant de verser la pension parce que le conjoint ou la conjointe, selon le cas, a enfreint la discipline militaire. Il ne me semble pas juste de faire souffrir la famille pendant plusieurs années encore. Je suis heureux de voir que le ministère a abrogé cette disposition. Merci.

Le président: Merci, monsieur Bigg. M. Peters est le suivant. J'ai aussi les noms de MM. Legault, Saltsman, Guay et Weatherhead.

M. Peters: Je fais partie du Comité depuis un certain nombre d'années maintenant, et j'abonde certainement dans le sens des autres membres du Comité en ce qui concerne les anciens combattants de Hong-Kong.

Un des problèmes du comité des affaires des anciens combattants, à mon avis, est le manque de politiques et la trop grande unanimité qui se fait autour des décisions prises. Les anciens combattants de Hong-Kong ont

[*Texte*]

tainly received from this Committee a favourable response, at least ten times or more and the government has never really shown much inclination to react. I certainly appreciate the steps that you have indicated in the White Paper will be taken on behalf of the Hong Kong veterans.

I would agree with those who suggested that for the eight we make it a blanket 50 per cent and they wil not have to go through the . . . I think I know one of them who is not getting any pension also and he looks very healthy. However, I think if, as the Minister says, he makes an attempt to qualify, he probably can. He certainly has strongly expressed the opinion over the years that the Hong Kong veterans should have been given special consideration. If he is not speaking for himself he certainly was speaking for the other ones. I would suggest that as there are only eight, when we open a special act for the Hong Kong veterans that we consider instead of raising the entitlement from 20 per cent or 10 per cent or whatever the entitlement may be, that we raise it 250 per cent. This is a one-shot affair as far as I am concerned and I am not entirely in agreement with the previous speaker that we should set up a special prisoner-of-war category under the Department of Veterans Affairs because I hope that we do not face that kind of a proposition ever again.

I also am interested in the remarks the Minister made in relation to the benefit of the doubt and some of the remarks that other members have made in relation to the benefit of the doubt. I would ask the Minister if in making the decision which he has indicated in the White Paper he is not in agreement with those who presented cases to the Woods Committee that indicated the benefit of the doubt had not been applied. If that is so, then obviously those who over the years have appealed to the last resort available to them at the time are now really saying that the benefit of the doubt was not applied to them under the previous legislation and they obviously will have a new appeal because that was not an acceptable part of the decision made in the first place.

Mr. Dubé: It would be only human for one to think he has not obtained the benefit of the doubt if he missed out on his claim. I hope that we do not see a flood of futile applications clogging the work of the Canadian Pension Commission. I do hope those who have no case at all do not try to give a sort

[*Interprétation*]

certainement eu l'appui sympathique du Comité, à dix reprises ou plus, au moins, et le gouvernement ne s'est jamais montré très prompt à réagir. J'apprécie, bien entendu, les mesures qui sont proposées dans le Livre blanc à l'égard des anciens combattants de Hong-Kong.

J'admets avec ceux qui préconisent pour ces huit anciens combattants une augmentation globale de 50 p. 100, pour qu'ils ne soient pas obligés de passer par . . . Je pense qu'un d'entre eux ne reçoit pas de pension et qu'il ne s'en porte pas plus mal. Toutefois, je suis sûr, comme l'affirme le ministre, que s'il formule une demande, il recevra probablement cette pension. Ce dernier a toujours déclaré en termes clairs au cours des années que les anciens combattants de Hong-Kong devraient être traités de façon spéciale. S'il ne parle pas en son propre nom, il parle certainement au nom des autres. A mon avis, comme ces anciens combattants sont au nombre de huit seulement, lorsque nous étudierons une nouvelle loi pour les anciens combattants de Hong-Kong, au lieu d'augmenter la pension de 20 ou de 10 p. 100, ou quel que soit le montant de cette pension, nous devrions l'augmenter de 250 p. 100. Il s'agit d'un cas unique, en ce qui me concerne, et je ne crois pas, comme l'orateur qui m'a précédé, que nous devrions établir une catégorie spéciale de prisonniers de guerre au ministère des Anciens combattants et j'espère qu'une proposition de ce genre ne se représentera plus jamais.

J'ai aussi écouté avec intérêt les observations du ministre au sujet du bénéfice du doute, et les remarques que les autres membres du comité ont formulées à ce sujet. Le ministre, en prenant la décision qu'il expose dans le Livre blanc, n'est-il pas en désaccord avec les personnes qui ont déclaré devant le comité Woods que le bénéfice du doute n'avait pas été appliqué dans certains cas. Si tel est le cas, les personnes qui, au cours des années, ont utilisé le dernier recours disponible à l'époque, vont manifestement dire qu'on ne leur a pas accordé le bénéfice du doute en vertu de la loi antérieure, et ces personnes vont vraisemblablement interjeter appel de nouveau, cette partie de la décision n'étant pas acceptable.

M. Dubé: Il est tout naturel qu'une personne pense ne pas avoir joui du bénéfice du doute quand sa réclamation est rejetée. J'espère que nous ne serons pas submergés par des demandes insensées et que le travail de la Commission canadienne des pensions n'en sera pas gêné. Il faut espérer que les gens n'essaie-

[*Text*]

of rebirth to a futile attempt. But those who honestly think they were unfairly dealt with, yes; they can try.

Mr. Peters: In making this change you must agree with the Woods Committee that the benefit of the doubt had not been applied as had been intended in the original legislation where the benefit of the doubt was not spelled out, certainly not nearly as clearly as you have interpreted it, but where obviously we had intended that where everything else was equal the benefit of the doubt would apply to the person.

In most of the arguments that were made the applicant did not feel it had applied to him or even that the Commission had considered it as a serious criteria on his side.

Mr. Dubé: Of course the Canadian Pension Commission is a quasi-judicial body, but in any other court of law the party who does lose the case usually is not too happy and he may think that he was not given justice.

If two parties appear, a plaintiff and a defendant, one of them will be happy and the other one will be less happy and may think the judge had done him wrong. He will

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go to a higher court and may find that the higher court was also mistaken in finding him wrong again and that would be human. However, I am trying to say is that I agree with the Woods Committee report that the language we now have is vague. What we are trying to do is have more precise guidelines and then we will see.

Mr. Peters: Mr. Chairman, I would also like to ask about the war veterans allowance. The Minister has really said two things today. He has alluded to the statement the Prime Minister made in relation to war veterans allowances and a number of other pieces of social legislation and the similarity—while not necessarily using the same criteria—of results in some cases. Our other legislation takes this into consideration, particularly the old age assistance, by saying that if a veteran receiving war veterans allowance is receiving a certain income then he is not eligible for income from other sources. So there has been in our legislation a taking into consideration of this being a type of social welfare, or social security, but is it not true that the qualifications necessary for war veterans should put this into a different categary than other types of welfare? In other words, the

[*Interpretation*]

ront pas sans motif valable, de faire rouvrir une cause perdue. Bien entendu, ceux qui croient honnêtement avoir été l'objet d'un traitement injuste pourront tenter leur chance.

M. Peters: En apportant ce changement, vous devez convenir avec le Comité Woods que le bénéfice du doute n'a pas été accordé tel que le prévoyait la loi originale, dans laquelle la chose n'était pas précisée, du moins pas aussi clairement que vous l'avez interprétée, mais dans laquelle nous avions manifestement voulu que toutes choses étant égales, le bénéfice du doute soit accordé.

Dans la plupart des réclamations, le requérant estimait qu'on ne lui avait pas accordé le bénéfice du doute ou que la Commission n'avait pas considéré celui-ci comme un critère important en sa faveur.

M. Dubé: Bien entendu, la Commission canadienne des pensions est un organisme quasi-judiciaire, mais dans tout autre tribunal, la partie perdante n'est habituellement pas très heureuse et a tendance à penser qu'on ne lui a pas fait justice.

Quand deux parties sont en cause, la partie plaignante et la partie défenderesse, l'une d'elle sera satisfaite du résultat tandis que l'autre le sera moins estimant avoir été traitée injustement. Elle ira en appel et jugera peut-être que le tribunal de dernière instance se méprend tout autant en lui donnant tort de nouveau et après tout, c'est humain. Néanmoins, ce que je veux dire, c'est que je conviens avec le Comité Woods que le libellé de nos mesures législatives est plutôt vague. Ce que nous essayons de faire, c'est d'avoir des principes directeurs plus précis, et ensuite nous verrons.

M. Peters: Monsieur le président, je voudrais aussi poser une question à propos de l'allocation aux anciens combattants. Le ministre a déjà dit deux choses à ce sujet. Il a fait allusion à la déclaration du premier ministre à propos de l'allocation aux anciens combattants et d'un certain nombre d'autres mesures législatives, ainsi qu'à la similitude—bien qu'en n'utilisant pas obligatoirement les mêmes critères—des résultats obtenus dans certains cas. D'autres mesures législatives en tiennent compte, notamment la loi sur l'Assistance-vieillesse qui stipule que, si un ancien combattant bénéficiant des prestations d'ancien combattant dispose par le fait même d'un certain revenu, il ne doit pas, par conséquent, avoir d'autres sources de revenu. Ainsi, notre législation reconnaît que c'est une forme d'assistance sociale ou de sécurité sociale, mais il est inexact que les conditions à remplir pour

[*Texte*]

war veterans allowance was not necessarily considered to be a welfare measure when it was originally adopted and should not be considered as a welfare measure now.

Mr. Dubé: These measures are all different one from another. The superannuation for retired civil servants, or old age pensions and war veterans allowances and disability pensions are all different, but when the government says that it is studying the entire fabric of social legislation, it means that it is looking at all these aspects. They are all part of one jig-saw puzzle, but it does not mean that they will now get the same rates. I consider the war veterans allowances now to be a welfare measure, because they are based on a means test and they are certainly not given to a millionaire veteran; whereas, disability pensions are more along the line of workmen's compensation. It is compensation for a loss of ability to earn. It is very possible—and it does exist at the present time—that some veterans receive 100 per cent disability pensions and yet are high priced lawyers. They may have lost their legs, but they have kept their heads and their mouths. It is along the lines of compensation; whereas, that lawyer, if he is only a veteran, will certainly not receive a war veterans allowance because he will not need it.

Mr. Peters: Yes, but Mr. Dubé is it not true while we have gone somewhat in that direction that war veterans allowance when it was originally paid was what they called a burnt out pension?

Mr. Dubé: Yes.

Mr. Peters: This really was saying that a veteran, because he had overseas service, qualified for this type of assistance at least five years before any other assistance would have been available to him; therefore, his war service gave him an added age of five years, I believe. It was in a considerably different category.

Mr. Dubé: It was said that because he aged faster that he should receive his old age pension sooner than other Canadians. However, we must not forget that since that time

[*Interprétation*]

toucher l'allocation aux anciens combattants en fassent une forme à part de bien-être, la classant dans une autre catégorie. Autrement dit, lorsqu'on a décidé d'accorder l'allocation aux anciens combattants, on ne l'a pas obligatoirement considérée comme une mesure de bien-être et il n'y a pas de raison pour qu'on la catalogue ainsi aujourd'hui.

M. Dubé: Aucune de ces mesures ne se ressemble. La pension de retraite des fonctionnaires n'a rien à voir avec la pension de vieillesse et les allocations aux anciens combattants, mais lorsque le gouvernement dit qu'il étudie tout le mécanisme de la législation sociale, il veut dire qu'il l'examine de fond en comble. Toutes ces mesures tiennent du jeu de patience, mais ça ne veut pas dire que les mêmes taux ne s'appliqueront pas également à toutes. Pour moi, l'allocation aux anciens combattants revient à une mesure de bien-être, car elle est fondée sur une évaluation des moyens du bénéficiaire et ce n'est certainement pas l'ancien combattant millionnaire qui la touche; tandis que les pensions d'invalidité s'apparentent davantage à l'indemnité versée aux accidentés du travail. C'est une indemnisation pour la perte de capacité de gain. Il est fort possible—et cela existe actuellement—que certains anciens combattants qui sont par surcroît des avocats très cotés touchent des pensions d'invalidité à 100 p. 100. Ils ont peut-être perdu leurs jambes à la guerre, mais leur tête et leur cavité buccale sont intactes. Ça revient donc à une indemnisation: ces avocats qui ne sont qu'anciens combattants ne touchent pas d'allocation aux anciens combattants: ils n'en ont pas besoin.

M. Peters: Très bien, mais, monsieur Dubé, bien que nous ayons quelque peu adopté cette ligne de conduite, n'est-il pas exact qu'à l'origine, l'allocation aux anciens combattants était considérée comme une pension accordée à un homme fini?

M. Dubé: C'est juste.

M. Peters: Ce qui revient à dire, que du fait qu'il a servi outre-mer, l'ancien combattant a droit à ce type d'assistance au moins cinq ans avant de recevoir tout autre forme d'assistance; par conséquent, il obtient ainsi une remise de cinq ans, il me semble. Cela entre dans une catégorie totalement différente.

M. Dubé: On a dit qu'étant donné qu'il vieillissait plus vite que ses concitoyens, il devait toucher sa pension de vieillesse plus tôt qu'eux. Néanmoins, il ne faut pas oublier

[*Text*]

the other Canadians are going down every year in their year of eligibility and some day they will catch up, I presume.

Mr. Peters: This is my last question, Mr. Chairman, on a totally different subject.

I would like to ask the Minister if he will consider the tabling of the other inquiry that was undertaken when the Woods Commission study was undertaken into the financial aspects of veterans affairs. I understand there was an interdepartmental study into the financial aspects of veterans affairs and its relationship to other departments.

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Mr. Dubé: No, really that was a report submitted to the Minister. It is the opinion of civil servants on various aspects, costs and so on. If we start tabling the work of public servanst to their Minister very shortly they will discontinue giving us their opinions.

Mr. Peters: It is a very interesting document just the same.

Mr. Dubé: It is helpful, but there are no mysterious and dark obscur secrets contained therein.

Mr. Peters: No, no, it would just be statistical and I thought it might be helpful to the Committee if it were available.

The Chairman: Are there any other questions, Mr. Peters?

Mr. Peters: I am finished.

The Chairman: Mr. Legault, you are next.

Mr. Legault: Thank you, Mr. Chairman.

In the White Paper you do bring out the figure of 136,800, veterans who are now receiving pensions. Would figures be available on how many of those who have qualified did so with the question of benefit of the doubt?

Mr. Dubé: I am not too sure that I understand your question correctly.

Mr. Legault: Well, Mr. Dubé, as we all know whenever the budget is struck there is an amount of money which then has to be distributed. Necessarily the more veterans we have, I think, does affect the amount. Those who are truly 100 per cent disabled, suffer because of the large distribution of money. As their pension is based on the

[*Interpretation*]

qu'entre temps, ses concitoyens comblent le fossé tous les ans et qu'ils finiront par le rattraper, je suppose.

M. Peters: Je poserai une dernière question, monsieur le président, sur un tout autre sujet.

Je voudrais demander au ministre s'il envisage de déposer l'enquête qu'a déclenchée l'étude du Comité Woods sur les aspects financiers des Affaires des anciens combattants. Je crois comprendre qu'il y a eu une étude interministérielle sur les aspects financiers des Affaires des anciens combattants et les rapports qui existent avec les autres ministères.

M. Dubé: Non, il s'agissait en fait d'un rapport au ministre. Il s'agit de l'opinion exprimée par les fonctionnaires sur divers aspects, coût, etc. Si nous prenions une telle initiative, les fonctionnaires cesseraient rapidement d'exprimer leurs opinions à leur ministre.

M. Peters: Toujours est-il que c'est un document très intéressant.

M. Dubé: Ce serait utile, mais ce rapport ne contient pas de sombres secrets mystérieux.

M. Peters: Non, non, ce serait tout simplement pour une question de statistique et je crois que ça aiderait le Comité.

Le président: Avez-vous d'autres questions, monsieur Peters?

M. Peters: J'ai terminé.

Le président: Monsieur Legault, c'est à vous.

M. Legault: Je vous remercie, monsieur le président. Selon le Livre blanc, il y aurait 136,800 anciens combattants qui reçoivent une pension. Pourrait-on savoir combien d'entre eux se sont vus accorder leur pension grâce au bénéfice du doute?

M. Dubé: Je ne crois pas que j'ai bien saisi votre question.

M. Legault: Je disais donc, monsieur Dubé, que lorsque le budget est établi, comme nous le savons tous, un montant donné doit être distribué. Il est évident, je pense, que le montant dépend du nombre d'anciens combattants. Ceux qui sont totalement invalides sont lésés, compte tenu des destinations diverses de ce montant. Comme leur pension

[*Texte*]

labourer's salary, they are held at that particular point practically all of the time.

Now the purpose of the question is this: If there are a large number of people receiving pensions based on the benefit of the doubt—I think my question is perhaps influenced by a discussion that I had with a group of veterans who were making a joke of some of the pensions that are being paid. Some, who are applying, stated that their service was an improvement to their condition rather than an impairment and that their conditions were brought about by their way of life since they came out of the service. Their records indicated a certain weakness in their physical conditions at that particular time but the service did improve their conditions. As a matter of fact, no ill effects were felt for numerous years because of the service.

Second, that pensions were being paid to certain veterans who suffered these injuries while they were out, perhaps, on a street or so on and that those who were really injured because of war are held down to a specific amount which could be raised if not so many pensions were being paid.

Mr. Dubé: Your question raises at least two or three problems. I would say, first, that those who did serve in times of war, were protected by the the so-called insurance principle, by which I mean they do not have to prove that their injuries came from their service. They were insured during the period of the war. However, the peacetime forces must have suffered their disability in connection with their duties.

Mr. Legault: Is the proper term "in connection with their duties"?

Mr. Dubé: Yes, they have to link it to their duties.

Now on the other point you raised as to the benefit of the doubt, as I tried to say, we believe that the benefit of the doubt in some way has always been given to the applicant; what we are trying to do now is to put it

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down in black and white to make sure that there are definite clear-cut guidelines on what is meant by the benefit of the doubt. You were asking how many of those 130,000 pensioners benefited from the benefit of the doubt. I would say that all of them, if there was a need for it, did benefit from the benefit of the doubt. But in clear-cut cases, let us

[*Interprétation*]

est basée sur la rémunération du salarié, ils sont pour ainsi dire condamnés à toucher le même taux toute leur vie.

Or, l'objet de ma question est ceci: y a-t-il un grand nombre d'anciens combattants qui touchent une pension en vertu du bénéfice du doute—je crois que ma question découle d'une discussion que j'ai eue avec un groupe d'anciens combattants qui tournent à la blague les pensions qui leur sont versées dans certains cas. Certains d'entre eux qui font une demande de pension m'ont dit que leur service de guerre se soldait davantage par une amélioration de leur état que par une aggravation et que leur état résultait bien souvent de leur mode de vie depuis qu'ils avaient été libérés. Leur dossier consigne une certaine faiblesse de leur condition physique à ce moment-là, mais leur santé s'est améliorée du fait du service militaire. En fait, ils ne se sont ressenti de rien pendant de nombreuses années.

En second lieu, des pensions sont attribuées à des anciens combattants qui souffrent de blessures infligées peut-être dans la rue ou ailleurs et que ceux qui ont vraiment été blessés pendant la guerre se trouvent limités à un certain montant qui augmenterait certainement s'il n'y avait pas autant de pensionnés.

M. Dubé: Votre question soulève deux ou trois autres problèmes au moins. Permettez-moi tout d'abord de dire que ceux qui ont fait la guerre étaient protégés par le pseudo principe d'assurance, ce qui signifie qu'il ne leur faut pas prouver que leurs blessures sont imputables au service militaire. Ils étaient assurés durant la guerre. Toutefois, les forces du temps de paix doivent subir leur invalidité alors qu'ils sont de service.

M. Legault: «Alors qu'ils sont de service»? Est-ce là le mot juste?

M. Dubé: Oui, il faut que l'invalidité résulte de leurs fonctions.

Au sujet de la deuxième question que vous avez soulevée et qui a trait au bénéfice du doute, comme j'ai essayé de le dire, nous sommes d'avis que le bénéfice du doute a toujours été accordé au requérant, d'une façon

ou d'une autre; ce que nous tentons de faire, en ce moment, c'est de le mettre noir sur blanc afin de nous assurer qu'il existe des principes directeurs clairs et précis sur le sens qu'il faut donner à l'expression. Vous avez demandé quelle proportion des 130,000 pensionnés a pu profiter du bénéfice du doute. Je dirais qu'ils ont tous profité du bénéfice

[*Text*]

say a veteran lost a leg from a cannon ball, there is no need for the benefit of the doubt because it is clearly visible. I think it would be impossible to break it down further.

Mr. Legault: What I was referring to would perhaps involve quite a study.

Mr. Dubé: Yes.

Mr. Legault: I am referring perhaps to a pension being given today for something that could be related to a condition that did exist at that time. It is in this sense that I am referring to the benefit of the doubt. I think the new pensions that are being provided today would practically all fall under this heading.

Mr. Dubé: Well, if the case you have in mind shows some credible evidence and neither the Directorate of Pensions, the Entitlement Hearing Division or the Appeal Division have anything to rebut that evidence then he would succeed and his claim would be entertained. However, he would have to show some credible evidence that he has a case.

Mr. Legault: Thank you. I think it is very nice to have part of the speech from the throne being previewed here today. It is not often that we get this particular privilege.

Mr. Dubé: I have not seen the speech from the throne, so I do not know. Maybe it will turn out that you will be a prophet.

The Chairman: Is that all for the moment?

Mr. Legault: Yes, that is all. Thank you.

The Chairman: Mr. Saltsman is next.

Mr. Saltsman: Thank you, Mr. Chairman.

Mr. Minister, have you made a comparison between veterans pension levels and workmen's compensation levels, since you referred to the relationship between the two and said there was something analogous about them.

Mr. Dubé: Oh yes, we have made a comparison. Offhand, I can tell you that it is not as high as compensation in British Co-

[*Interpretation*]

du doute lorsque le besoin s'en faisait sentir. Dans certains cas évidents, comme, par exemple, dans le cas d'un ancien combattant qui a perdu une jambe à la guerre, la question du bénéfice du doute ne se pose même pas car la chose est manifeste par elle-même. Je ne crois pas qu'il soit possible d'entrer dans plus de détails.

M. Legault: Ce dont je parlais exigerait peut-être une longue étude.

M. Dubé: Oui.

M. Legault: Je songe peut-être à une pension qui serait accordée aujourd'hui pour une raison qui pourrait se rattacher à une situation qui existait vraiment à ce moment-là. C'est dans ce sens que j'ai parlé du bénéfice du doute. Je crois qu'à toutes fins pratiques, toutes les pensions accordées aujourd'hui entreraient dans cette catégorie.

M. Dubé: Si le cas auquel vous pensez peut fournir quelque preuve de crédibilité et que, soit la Direction des pensions, soit la Division de l'admissibilité ou encore la Division des appels ne peut présenter d'arguments pour réfuter ladite preuve de crédibilité, il y aurait alors matière à faire une cause et la réclamation serait étudiée. Il faudrait, toutefois, que le requérant soumette des preuves de crédibilité de sa cause.

M. Legault: Je vous remercie. J'estime très agréable de pouvoir entendre d'avance une partie du discours du trône, car ce privilège ne nous est pas souvent accordé.

M. Dubé: Je n'ai pas vu le discours du trône et je ne peux donc pas répondre à ce que vous venez de dire. Vous ferez peut-être figure de prophète.

Le président: Est-ce tout, pour le moment?

M. Legault: Oui, c'est tout. Je vous remercie.

Le président: Vous avez la parole, monsieur Saltsman.

M. Saltsman: Merci, monsieur le président.

Monsieur le ministre, avez-vous fait une comparaison des niveaux de pensions des anciens combattants avec ceux de l'indemnité des accidents du travail? Vous avez, en effet, fait allusion au rapport qui existe entre les deux et vous avez dit qu'ils ont quelque chose d'analogue.

M. Dubé: Nous avons certainement fait une comparaison. Je puis vous dire, au pied levé, que la pension n'est pas aussi élevée que l'in-

[*Texte*]

lumbia and Ontario but the present pension scheme is better than workmen's compensation in the other less affluent provinces.

Mr. Saltsman: I think to some extent what you have said is very true because to an extent they are sort of occupational dangers, even though one is a temporary occupation and the other may be a permanent one.

Have you given any consideration to basing pensions on the place of residence—because where it might be adequate where the cost of living is lower it might not be as adequate if a pensioner is living where the cost of living is high. I am thinking, for instance, of Northern Ontario, the City of Toronto, Vancouver, and many other places.

Mr. Dubé: I presume such a consideration would have to be part and parcel of any further study on basic rates.

Mr. Saltsman: Well, are you giving any consideration to basing part of the increase in pension on the place of residence?

Mr. Dubé: Yes, I have looked at it myself. It is visible to the naked eye that under such a system if a soldier, let us say, in Gagetown, Ner Brunswick, received an injury he would be in a less favorable condition than one based at Esquimalt. Would that be fair?

Mr. Saltsman: I am referring to those veterans who are now receiving pensions, those who may have been hurt overseas and are living in different parts of Canada. As I understand it, the rate is the same regardless of where you live because it is based on the actual disability rather than on the need. Should not the principle of need be entertained as well based on the place of residence, the actual cost to the veteran, because it may be very inadequate.

Mr. Dubé: I do not think it could be done in that way, based on need, because a soldier may be in New Brunswick today and in British Columbia tomorrow. Are you suggesting his compensation should change every time he moves from one province to another

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or from one military camp to another? I do not think that would be very practicable.

[*Interprétation*]

demnité en Colombie-Britannique et en Ontario, mais que le régime actuel de pensions est plus avantageux que celui de l'indemnité des accidents du travail dans les provinces moins prospères.

M. Saltsman: Je crois que ce que vous avez dit est exact dans une certaine mesure, puisque, jusqu'à un certain point, il s'agit de dangers occasionnés par les emplois eux-mêmes, même si, dans un cas l'emploi est provisoire alors que dans l'autre il peut être permanent.

Avez-vous songé à la possibilité d'établir les pensions en fonction du lieu de résidence car une pension peut être suffisante là où le coût de la vie est moins élevé et ne pas l'être là où la vie est très chère. Je pense, par exemple, au Nord de l'Ontario à la ville de Toronto, à Vancouver et à plusieurs autres endroits.

M. Dubé: Je suppose que ces aspects feraient partie intégrante de toute étude plus poussée des taux de base.

M. Saltsman: Est-ce que vous étudiez la possibilité d'établir une partie de l'augmentation des pensions en fonction du lieu de résidence?

M. Dubé: Oui, je m'en suis occupé moi-même. Il est bien facile de voir qu'en vertu d'un tel régime, si un soldat est blessé, par exemple dans la ville de Gagetown, au Nouveau-Brunswick, la situation dans laquelle il se trouve est moins avantageuse que celle d'un soldat posté à Esquimalt. Cela serait-il juste?

M. Saltsman: Je veux parler des anciens combattants qui reçoivent déjà des pensions, à l'heure actuelle; ceux qui ont été blessés outre-mer et qui habitent dans différentes parties du Canada. Si je comprends bien, le taux est le même quel que soit le lieu de résidence car il est établi en fonction du degré d'invalidité plutôt qu'en fonction des besoins. Le principe des besoins ne devrait-il pas entrer en ligne de compte, lui aussi, en fonction du lieu de résidence et du coût réel pour l'ancien combattant, puisque la pension peut être nettement insuffisante?

M. Dubé: Je ne crois pas que cela puisse se faire de cette façon-là, en fonction des besoins; en effet, un soldat peut se trouver, aujourd'hui, au Nouveau-Brunswick et être, demain, en Colombie-Britannique. Proposez-vous que son indemnité change chaque fois qu'il passe d'une province à une autre, ou d'un

camp militaire à un autre? Je ne crois pas que ce serait très pratique. En tout cas, le Livre

[*Text*]

In any event, the White Paper does not deal with that. The terms of reference were not on pension rates but on the organization and operation of the Canadian Pension Commission and the Pension Act.

Mr. Guay (St. Boniface): On a short supplementary, Mr. Chairman, if they were to consider that would they not also consider the old age pension in these various areas where the same would apply?

Mr. Dubé: I presume so, if you were to be logical, but we are just toying with ideas right now, we are not really addressing ourselves to our terms of reference.

The Chairman: I wonder if we could return to our terms of reference.

Mr. Saltsman: All right, I will get back to the White Paper, Mr. Chairman.

Can you tell me, Mr. Minister, how many of the Hong Kong veterans are now, let us say, close to the 50 per cent disability—

Mr. Dubé: We know that there are 369 receiving a pension below 48 per cent.

Mr. Saltsman: What is the breakdown below that—45, 40?

Mr. Dubé: I do not have that. Perhaps later on in the proceedings somebody more qualified than I could provide exact figures.

The Chairman: I think you will have an opportunity, Mr. Saltsman, to request this kind of detail of departmental officials and the information can be provided for the transcript.

Mr. Saltsman: This means really that many of the Hong Kong veterans are now close to that 50 per cent.

Mr. Dubé: The only information I have right now is that there are 369 under 48 per cent, which is in fact 50 per cent.

Mr. Saltsman: In other words, is it correct that there are only 269 under that.

Mr. Dubé: 369 are below 48 per cent.

Mr. Saltsman: So the bulk of them are virtually at the 50 per cent level.

[*Interpretation*]

blanc ne traite pas de cette question. Notre mandat n'avait pas trait aux taux des pensions mais à l'organisation et au fonctionnement de la Commission canadienne des pensions et de la Loi sur les pensions.

M. Guay (Saint-Boniface): Une courte question complémentaire, monsieur le président. Si l'on étudiait cet aspect, ne faudrait-il pas étudier également les pensions de vieillesse dans les diverses parties du pays où la même situation se présente?

M. Dubé: Je le suppose, si nous voulions être logiques mais nous ne faisons, en ce moment, que jouer avec des idées sans nous en tenir vraiment à notre mandat.

Le président: Je me demande si nous ne pourrions pas revenir à notre mandat?

M. Saltsman: Très bien, je vais revenir au Livre blanc, monsieur le président.

Monsieur le ministre, pouvez-vous me dire combien d'anciens combattants de Hong-Kong sont, à l'heure actuelle, près de l'incapacité à 50 p. 100?

M. Dubé: Nous savons qu'il y en a 369 qui reçoivent une pension pour une incapacité inférieure à 48 p. 100.

M. Saltsman: Quelle est la répartition des pensionnés souffrant d'une incapacité inférieure à celle-là, soit à 45 ou à 40 p. 100?

M. Dubé: Je n'ai pas ces chiffres à portée de la main. Au cours de nos délibérations, quelqu'un de mieux renseigné pourra peut-être vous donner les chiffres exacts.

Le président: Monsieur Saltsman, je crois que vous aurez l'occasion de demander ces renseignements aux fonctionnaires du ministère et qu'ils pourront figurer au compte rendu.

M. Saltsman: Cela veut vraiment dire que plusieurs anciens combattants de Hong Kong ne sont pas près de l'invalidité à 50 p. 100.

M. Dubé: Le seul renseignement dont je dispose, en ce moment, c'est qu'il y en a 369 qui souffrent d'une incapacité inférieure à 48 p. 100, ce qui, de fait veut dire 50 p. 100.

M. Saltsman: Autrement dit, il est exact de dire qu'il n'y en a que 369 dont l'invalidité est inférieure à 48 p. 100.

M. Dubé: Il y a 369 dont l'invalidité est inférieure à 48 p. 100.

M. Saltsman: Le plus grand nombre se trouvent donc dans la catégorie des invalides à 50 p. 100, à toutes fins pratiques.

[*Texte*]

Mr. Dubé: No, no, because we count by 5 percentage points. If you are 48 it is really 50 but if you are 47 it is 45.

The Chairman: I think, Mr. Minister, the point that Mr. Saltsman is making is that in fact a very substantial number of Hong Kong veterans are already receiving these benefits.

Mr. Dubé: We do not know how close they are to 48 per cent, because I do not have the figures.

Mr. Saltsman: It is very important for us to have these figures to assess the value of this particular piece of legislation.

Mr. Dubé: Yes, but we know—

Mr. Saltsman: Most of them are at this level or pretty close to it.

Mr. Dubé: We know that 369 would benefit immediately, as well as a certain number of widows which has not ben determined yet. However, I think they will make themselves known very quickly.

Mr. Knowles (Winnipeg North Centre): The other 800 or so are already above 50 per cent.

Mr. Dubé: Yes.

Mr. Saltsman: Have you made an assessment of what the changes regarding the pensions of the Hong Kong veterans are going to cost per annum?

Mr. Dubé: Yes, that has been valued. I do not have the figure with me but I think we can arrive in this specific case at an approximate figure.

Mr. Saltsman: Could you give us that approximate figure?

Mr. Dubé: I do not have that information but I think later on some of my officials will have the approximate figures.

Mr. Saltsman: Your officials would not have at the moment the cost of this program, the cost of the changes?

The Chairman: I think we can serve notice and have it put into the record. The Deputy Minister is in attendance and I think this figure could be provided at the first opportunity for the transcript.

Mr. Saltsman: Now this question of giving the benefit of the doubt to many veterans has been pretty meaningless. I know of many

[*Interprétation*]

M. Dubé: Non pas, parce que nous comptons par échelle de cinq: le chiffre 48 passe avec le chiffre 50 alors que 47 va avec 45.

Le président: Monsieur le ministre, ce à quoi M. Saltsman veut en venir c'est qu'en réalité, un nombre très considérable d'anciens combattants de Hong Kong reçoivent déjà ces indemnités.

M. Dubé: Nous ne savons pas à quel point ils sont près de l'invalidité à 48 p. 100 car je n'ai pas les chiffres.

M. Saltsman: Il est très important d'avoir ces chiffres entre les mains pour pouvoir évaluer cette mesure législative.

M. Dubé: Nous le savons.

M. Saltsman: La plupart se trouvent à ce niveau ou tout près.

M. Dubé: Nous savons qu'il y en 369 qui pourront en bénéficier immédiatement, de même qu'un certain nombre de veuves dont le nombre exact n'a pas encore été établi. Je suis d'avis, cependant, qu'elles se feront connaître très rapidement.

M. Knowles (Winnipeg-Nord-Centre): Les 800 autres, plus ou moins, sont déjà au-dessus de 50 p. 100?

M. Dubé: Oui.

M. Saltsman: Avez-vous calculé le coût annuel qu'entraîneront les modifications apportées aux pensions des anciens combattants de Hong Kong?

M. Dubé. Oui, ces calculs ont été faits. Je n'ai pas les chiffres ici, a portée de la main, mais on peut arriver, dans le cas actuel, à des chiffres approximatifs.

M. Saltsman: Pouvez-vous nous en faire part?

M. Dubé: Je n'ai pas ces renseignements à ma disposition, mais je crois qu'un peu plus tard, certains de mes fonctionnaires pourront vous les fournir.

M. Saltsman: Vos fonctionnaires n'ont pas à leur disposition, en ce moment, le coût de ce programme, le coût des modifications?

Le président: Je crois que nous pouvons donner avis et les faire inscrire au compte rendu. Le sous-ministre est ici et je crois que les chiffres pourront être fournis à la première occasion et figurer au compte rendu.

M. Saltsman: Quant à la question de donner le bénéfice du doute à plusieurs anciens combattants, c'est une question qui ne veut

[*Text*]

cases that have come to my attention and probably would be supported by other Members of Parliament where the veteran claims to have been injured or to have suffered a disability and there are no witnesses present, or sometimes there were witnesses whose names he did not know or sometimes he claimed that he was taken to a hospital or a field station and there were no surviving records. In these cases, and there are quite a lot of them, it is almost impossible to get any consideration for the veteran because he really does not have any evidence.

Now I have always felt that the benefit of the doubt has been pretty meaningless in the sense that if you really go into the question of the benefit of the doubt it means that the

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word of the veteran has to be taken and it is then up to the officials of the department to disprove the word of such a veteran. As things stand now, even with the change in language, it seems to me that the onus of proof still rests with the veteran to a very large extent and in many cases the proof is not available to him and he cannot obtain this proof. Now as I say, if his leg is shot off or if a man loses an arm it is a pretty obvious case. However, those who have served in a theatre of war know that you can go for months and months in wet clothes and develop a condition to which you would not have been subject in civilian life. Admittedly there may be some weakness in the man or some pre-existing condition that could be aggravated by this kind of situation, such as the effect on nerves in wartime and the kinds of fall that take place that you sort of brush aside because you are anxious to get on. All these things happen yet have not been given as much consideration as I think they merited in the past. I would like to ask you, Mr. Dubé, if you see any substantial change in the present government's attitude towards cases of this kind?

Mr. Dubé: The present attitude always has been to be very generous and I hope that will not change; I hope it will continue to be so, but it will be defined in black and white exactly how this is to be applied.

Mr. Saltsman: My experience has been that these cases do not receive compensation in the normal sense because they have virtually no proof, no evidence of these things having taken place. I have seen letters where the Department has said, "Well, if you can locate

[*Interpretation*]

pas dire grand-chose. Je suis au courant de plusieurs cas, et d'autres députés n'appuieront d'anciens combattant qui prétendent avoir été blessés ou avoir subi une incapacité en l'absence de témoins; ou bien, s'il y en avait, il ne connaît pas leur nom; d'autres fois encore, l'ancien combattant soutient qu'il a été transporté à un hôpital ou dans un poste de campagne dont il ne subsiste aucun dossier. Dans des cas de ce genre, et ils sont nombreux, il est presque impossible de tenir compte des instances de l'ancien combattant car il n'a vraiment aucune preuve.

J'ai toujours pensé que le bénéfice du doute ne rime pas à grand-chose car, à bien y penser, cela veut dire qu'il faut croire l'ancien combattant sur parole et qu'il revient ensuite aux fonctionnaires du ministère de prouver le contraire. Au point où en sont les choses, même en changeant les mots, il me semble que l'ancien combattant devra encore porter le fardeau de la preuve dans une très grande mesure et que, dans de nombreux cas, il ne peut pas l'obtenir pour une raison ou une autre. Comme je l'ai dit, si un homme a perdu une jambe, ou un bras, son cas est assez clair. Cependant, ceux qui ont participé à une guerre savent qu'on peut vivre pendant des mois et des mois vêtu de vêtements mouillés, avec des conséquences auxquelles on ne serait pas exposé dans la vie civile. Bien sûr, cet homme peut avoir eu une faiblesse, ou un état antérieur que pourrait aggraver cet état de choses, comme par exemple la tension nerveuse qui découle de la guerre, ou les chutes qu'on peut faire sans s'en soucier parce qu'on est pressé d'avancer. Toutes ces choses arrivent, et pourtant on ne leur a pas accordé, par le passé, toute l'attention que, d'après moi, elles méritent. Je voudrais vous demander, monsieur Dubé, si vous avez remarqué une évolution de l'attitude du gouvernement actuel vis-à-vis de cas de ce genre?

M. Dubé: L'attitude actuelle a toujours été d'une grande générosité et j'espère qu'elle ne changera pas; j'espère qu'elle restera ainsi, mais il faudrait porter noir sur blanc les modalités d'application.

M. Saltsman: Mon expérience m'a démontré qu'en général on n'accorde pas d'indemnités dans de tels cas parce que les intéressés ne peuvent présenter aucune preuve. J'ai lu des lettres dans lesquelles le ministère écrit en substance: «Si vous pouvez retrouver le doc-

[*Texte*]

doctor so and so, if you can find your companion of that day or was anyone there to see it."

Mr. Dubé: Are you referring to wartime cases or to the peacetime forces?

Mr. Saltsman: I am referring to both. I think I have seen them in both.

Mr. Dubé: Because all wartime cases benefit from the insurance principle. If something took place during the war it would be compensated for, but if a man has no case then it is a different proposition. It is very very difficult to answer your question unless we are faced with a specific case. The White Paper does not purport to satisfy all applicants that they all have received justice because we still live on a planet called earth where mistakes will continue to be made, I presume, but the sole purpose is to ensure that the best possible justice as meted out by human beings will be done.

Mr. Saltsman: I raised the point, Mr. Dubé, not because I am unaware of the enormous difficulties created by these cases and how hard it is to assess them properly, but simply to back up the position of my colleague, Mr. Knowles, of the need for some way other than the benefit of the doubt, something like a guaranteed annual income for veterans where you can make a payment without running into these kind of situations.

Mr. Dubé: Some veterans would not accept that at all because they already make much more than your guaranteed income would provide them and still they receive—

Mr. Saltsman: We could change that; we could up that if necessary.

Mr. Dubé: If you can guarantee each of us an annual income of $100,000 a year then, I presume, there will be no complaints for the next few years.

Mr. Saltsman: We have some suggestions for you as to how you might raise some money.

I will turn now to the question of the Appeal Division which Mr. Peters raised. Since the Committee made a recommendation that the method of appeal be changed because there was some question in their minds whether or not the present method of appeal is entirely convincing in terms of impartiality and also whether or not the present method of appeal is entirely convincing in terms of impartiality and also whether or not the present method of appeal is entirely convincing in terms of impartiality and also

[*Text*]

ality and whether it is proper to have an appeal with people who are essentially from the same department, is this not going to be the basis of appeal for virtually every case that has been refused up until now? They could quote the Woods Committee Report and say, "Well, I was turned down, but

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the reason for my being turned down" or, perhaps, "the reason for my rejection was that I did not receive as good a hearing as I would have had the new kind of appeal procedure been in force." Are you not anticipating a flood of applicants based on this criticism of our present appeal system?

Mr. Dubé: Yes, but I have just said that I hope there will not be a flood of futile and senseless applications. Those who do have good cases and honestly feel that they were dealt with unjustly will apply and if, as I tried to say, they have credible evidence and if that credible evidence is not rebutted, well, their case will be favourably entertained.

Mr. Saltsman: Let us say his evidence consists of criticism of the present appeal procedure. Let us say he does not have any new evidence, but simply says, "My evidence is that I do not feel that the existing appeal procedure is fair to me. This is backed up by some of the statements in the Woods Committee Report and on that basis I appeal." Will you entertain—

Mr. Dubé: I would not call that evidence. It would be a man's opinion that—

Mr. Saltsman: It is the Committee's opinion.

Mr. Dubé: It only would be a man's opinion that he has been unjustly dealt with. In any court of law you cannot use that as evidence.

Mr. Saltsman: In other words, you are saying that most of the people who have been turned down by our present appeal procedure will not be able to appeal unless they come up with different evidence than they now possess.

Mr. Dubé: No, I am not saying that at all. I am saying if they have no credible evidence they should not bother to apply at all, but if they do have credible evidence they may apply for leave to appeal.

Mr. Saltsman: All people who appeal believe they have credible evidence.

[*Interpretation*]

ministère. N'est-ce pas ainsi qu'on a fait appel dans pratiquement chacun des cas qui jusqu'ici ont été rejetés? On pourrait, dans les termes du rapport Woods, dire: «On a rejeté ma demande, mais la raison du rejet de la demande...» ou peut-être: «ma demande a été rejetée parce que je n'ai pas bénéficié d'une audience aussi compétente que celle que j'aurais eue si la nouvelle procédure d'appel avait été en vigueur». Ne vous attendez-vous pas à recevoir un déluge de réclamations fondées sur cette critique de notre système actuel d'appels?

M. Dubé: Oui, je viens justement de dire que j'espère qu'il n'y aura pas un déluge de demandes futiles et insensées. Ceux dont la cause est valable et qui estiment avoir été lésés feront appel. Si, comme j'ai essayé de le dire, ils peuvent fournir des preuves plausibles qui ne soient pas réfutées, leur demande sera étudiée favorablement.

M. Saltsman: Supposons que la preuve consiste en une critique de la procédure d'appel actuelle. Supposons qu'il ne dispose d'aucune nouvelle preuve, mais se contente de déclarer «Ma preuve est que je n'estime pas que la procédure d'appel actuelle me rend justice. Je m'appuie sur quelques déclarations contenues dans le rapport du Comité Woods, et c'est pour ces raisons que je fais appel». Étudierez-vous...

M. Dubé: Je ne considère pas cela comme une preuve, mais comme l'opinion d'un particulier...

M. Saltsman: C'est l'opinion du Comité.

M. Dubé: Ce ne serait que l'opinion d'un particulier, qu'on ne lui a pas rendu justice. On ne peut utiliser une telle preuve devant aucun tribunal.

M. Saltsman: En d'autres termes, vous dites que la plupart des gens dont les demandes ont été rejetées par notre procédure d'appel actuelle ne pourront faire appel que s'ils produisent des preuves autres que celles dont ils disposent maintenant?

M. Dubé: Non, ce n'est pas du tout ce que j'ai dit. J'ai dit que s'ils n'ont aucune preuve plausible ils ne gagneraient rien à faire appel, mais que si leurs preuves sont plausibles ils peuvent demander l'autorisation de faire appel.

M. Saltsman: Tous ceux qui font appel croient avoir des preuves plausibles.

[*Texte*]

Mr. Dubé: Yes, but some do not have credible evidence.

Mr. Saltsman: I know, but they all believe that they have. This is what I am asking. I do not think anyone really is going to believe that the evidence he has presented in the past was not credible and if he wants to take this past evidence to the new appeal procedure will he be permitted to do so?

Mr. Dubé: I would think so if, as I said, he has something credible. If it is just a figment of his imagination that something went wrong, I would not call that evidence, but, of course, it would not be up to me to judge. The Canadian Pension Commission will remain a quasi-judicial body and it will be up to them to decide, not up to the Minister.

Mr. Saltsman: I have one final question, Mr. Dubé. Can you tell me in what way the members of the appeal commission or the final Appeal Division will be appointed? Will they be appointed at the pleasure of the Governor in Council or will they be appointed for fixed terms and not subject to recall by the...

Mr. Dubé: As you see, the White Paper has not gone into these details. We are not offering a bill today, just a White Paper which is quite flexible. The way I see it right now the director of pensions being a public servant would be appointed by the Public Service Commission of Canada. That is how he would be appointed. At the other two levels the commissioners, I presume, would continue to be appointed by Order in Council, but we have no fixed position on that.

Mr. Saltsman: I will not pursue this too far, Mr. Dubé, except to point out that this is very important. If you are going to establish the credibility of this commission or the people outside of the Deputy Minister, they are going to have to have fixed terms and not be subject to recall or the suspicion may exist that they will have to sort of taper their views to the prevailing opinions.

Mr. Dubé: They have a fixed term now, as you know, of 10 years. We have given no though to changing that, if that is what you mean. I do not see why we would change that. We have not as yet gone into that much of the detail of the procedure of appointment. A tenure of 10 years appears to be all right to me. We have never discussed any reasons to change that tenure.

Mr. Saltsman: Thank you very much.

[*Interprétation*]

M. Dubé: Oui, mais certains n'en ont pas.

M. Saltsman: Je sais, mais ils croient tous en avoir. Voici ce que je demande. Je crois que personne ne sera porté à croire que les preuves qu'il a présentées auparavant n'étaient pas plausibles. S'ils désirent soumettre ces mêmes preuves à la nouvelle procédure, y seront-ils autorisés?

M. Dubé: Je pense que oui. Si, comme je l'ai dit, ils ont des preuves plausibles. S'ils invoquent un tort purement imaginaire, j'estime que ce n'est pas une preuve; mais, ce n'est évidemment pas à moi de trancher la question. La Commission canadienne des pensions restera un organisme quasi-juridique, et ce sera à elle de décider, pas au ministre.

M. Saltsman: J'ai encore une question, monsieur Dubé. Pouvez-vous me dire quel sera le mode de nomination des membres de la comission d'appels, ou de la Division d'appels en dernière instance? Seront-ils nommés au gré du gouverneur en conseil ou pour des mandats déterminés qui ne sont pas sujets à révocation par le...

M. Dubé: Comme vous le voyez, le Livre blanc n'est pas entré dans ces détails. Il ne s'agit pas d'un projet de loi, mais d'un simple Livre blanc, donc assez souple. A mon avis, le directeur de la Commission des pensions, étant un fonctionnaire, serait nommé par la Commission de la fonction publique du Canada. Voilà comment il serait nommé.

M. Saltsman: Je ne poursuivrai pas trop loin la question, monsieur Dubé, me bornant à vous en signaler l'importance. Si vous voulez garantir l'impartialité de cette commission, ou des personnes autres que le sous-ministre, il faudrait qu'ils aient un mandat fixe et ne soient pas susceptibles de révocation, sans quoi on pourrait craindre qu'il leur faudrait, en quelque sorte, adapter leurs opinions à celles des autorités.

M. Dubé: Ils ont un mandat déterminé à l'heure actuelle, comme vous le savez, un mandat de dix ans. Nous n'avons pas envisagé de changement si c'est ce que vous craignez. Je ne vois aucune raison de changer cette situation. Nous n'avons pas encore étudié ces détails du mode de nomination. Un mandat de dix ans me semble satisfaisant. Nous n'avons jamais invoqué un motif de changer la durée du mandat.

M. Saltsman: Je vous remercie.

[*Text*]

The Chairman: There are still four names on my list of speakers, if members could bear that in mind. Mr. Guay?

Mr. Guay (St. Boniface): I will pass this time, Mr. Chairman, as my question has been answered.

The Chairman: Mr. Weatherhead?

Mr. Weatherhead: Thank you, Mr. Chairman. Mr. Dubé, a majority of the Woods Committee—two out of three gentlemen—advocated a separate pension appeal board. The other one, as you said, advocated some sort

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of an ombudsman. Earlier in your remarks I think you said the main reason for not following majority decisions in the Commission was the matter of the greater expense that a separate pension appeal board would involve. I wonder if you could elaborate on that and tell us first whether expense was the only reason and, second, if it was not, what other matters were taken into consideration before you came up with your alternative.

Mr. Dubé: Cost was one factor. I would not say it was the determining factor but it was an important factor. If we had found no other way of accomplishing the same results, then the cost would have been forgotten and we would have done it anyway. What we are proposing in the White Paper will achieve the same results. We really felt that after 50 years of existence there was no need to impose another structure on top of the one we now have because we honestly feel that what we are proposing can achieve the same salutary results without costing the taxpayer too much. Costs would have been forgotten if there had been no other way to do it.

Mr. Weatherhead: In round figures, what sort of costs are we talking about? Where estimates put on that?

Mr. Dubé: No, I do not have that in my mind. Perhaps later on in the proceedings you may wish to question some of the officials on the value they may put on it. If you appoint a brand new group of, say, 10 commissioners and you pay them a certain amount a year and if you add to that the staff they will need, the stenographers and other personnel, you will then have a pretty good idea of the cost.

[*Interpretation*]

Le président: Il reste quatre noms sur ma liste; je le signale au Comité. Monsieur Guay?

M. Guay (Saint-Boniface): Je m'abstiendrai cette fois, monsieur le président, car on a répondu à ma question.

Le président: Monsieur Weatherhead?

M. Weatherhead: Je vous remercie, monsieur le président. Monsieur Dubé, la majorité des membres du Comité Woods—deux membres sur trois—a préconisé la création d'une commission d'appel distincte pour les pensions. Le troisième membre, comme vous l'avez dit, était partisan de la nomination d'une espèce d'ombudsman. Tout à l'heure, vous avez dit, je crois, que c'était avant tout en raison des dépenses supplémentaires qu'entraînerait une commission indépendante d'appel des pensions que l'on n'avait pas donné suite aux décisions de la majorité des membres du Comité Woods. Peut-être pourriez-vous nous donner plus de détails à cet égard, et nous dire, d'abord, si la question des dépenses était la seule raison, et, sinon, quels autres aspects on a envisagés avant d'en venir à cette autre solution.

M. Dubé: Le coût a été l'un des facteurs. Sans être déterminant, il était important. Si nous n'avions pas eu d'autre moyen de parvenir aux mêmes résultats, nous serions passés par-dessus les coûts et serions allés de l'avant. Mais la solution que nous proposons dans le Livre blanc donnera les mêmes résultats. Nous avons estimé qu'après 50 années d'existence de la structure actuelle, il était inutile de lui en superposer une autre, car nous pensons franchement que la solution que nous proposons peut donner d'aussi bons résultats sans qu'il en coûte trop au contribuable. Nous serions passés outre à la question des coûts s'il n'y avait pas eu d'autre solution.

M. Weatherhead: En chiffres ronds, de quel ordre sont les coûts en question? En a-t-on fait une évaluation?

M. Dubé: Non, je n'ai pas de chiffres en tête. Peut-être voudrez-vous par la suite interroger certains des fonctionnaires sur la valeur qu'ils y attribueraient. Si vous nommez un nouveau groupe, disons, de dix commissaires, que vous payez tant par an, et que vous y ajoutiez le personnel nécessaire, sténographes et autres, cela vous donnera une assez bonne idée du coût.

[*Texte*]

Mr. Weatherhead: Did the Woods Committee not consider the proposals that the government White Paper finally came up with in this regard? Did they not consider the possibility of having an appeal level in the way that you are now proposing?

Mr. Dubé: Who considered that?

Mr. Weatherhead: The Woods Committee. Did they not consider this possibility?

Mr. Dubé: Of course, when they produced their paper they had not seen our White Paper.

Mr. Weatherhead: I appreciate that, but I suspect they would have given all sorts of consideration to the various ways in which the appeal procedure could, in their view, be bettered, made to look more fair and perhaps made to be more fair. Was something like this not considered by them, or was it not mentioned in the report at all?

Mr. Dubé: I do not think I have seen it mentioned. No, it was not mentioned, and I do not believe at any stage of the game did they go into costs at all.

Mr. Weatherhead: The only proposal they put forward was the separate pension appeal board, which I suppose is like the immigration appeal board, that same type of thing.

Mr. Dubé: What they proposed was all right too, you know. A pension appeal board is a very good idea, but we just felt that we could obtain the same results without going to all the expense of creating a brand new structure. We felt there was no need for that. We could accomplish the same thing with what we are proposing. However, that was not their opinion and they were not agreed among themselves. As you said, one of them wanted an ombudsman and the other two wanted something different. They were all searching for the same results but they came up with different solutions.

Mr. Weatherhead: Is it fair to say that the cost element really was the main reason, and, you thought you could get equal results by going the route that you are proposing?

Mr. Dubé: No, I would not say that cost was the main reason. Cost was a factor, there was no need, 50 years after the creadeal with the taxpayers and you are re-

[*Interprétation*]

M. Weatherhead: Le Comité Woods n'avait-il pas envisagé les solutions que l'on propose finalement à cet égard dans le Livre blanc du gouvernement? N'avait-il pas songé à la possibilité que les appels se fassent de la manière que vous proposez maintenant?

M. Dubé: De qui parlez-vous?

M. Weatherhead: Du Comité Woods. N'avait-il pas songé à cette possibilité?

M. Dubé: Évidemment, lorsqu'il a présenté son rapport, il n'avait pas encore vu notre Livre blanc.

M. Weatherhead: Je m'en doute. Mais je suppose qu'il a dû envisager sérieusement les divers moyens qui lui semblaient propres à améliorer la procédure d'appel, et à la rendre plus juste en apparence, et peut-être même en pratique. N'a-t-il pas envisagé de solution de ce genre, ou n'en a-t-on fait aucune mention dans le rapport?

M. Dubé: Je ne me souviens pas d'avoir vu une telle mention dans le rapport. Non, on ne l'a pas mentionné et je ne crois pas qu'à aucun moment on se soit préoccupé des coûts.

M. Weatherhead: La seule proposition que la Commission Woods a mis de l'avant était la création d'une commission d'appel des pensions, qui, je suppose, serait du même type que la commission d'appel de l'immigration.

M. Dubé: Leur proposition était très bonne, vous savez. Une commission d'appel des pensions est une bonne idée, mais nous croyons justement que nous pouvons atteindre le même but sans avoir à engager toutes les dépenses nécessaires à la création d'une structure nouvelle. Nous n'en avons pas senti le besoin. Nous pouvons atteindre le même but avec notre projet. Cependant, ce n'était pas l'opinion de la Commission et ils n'étaient pas d'accord entre eux. Comme vous l'avez mentionné, un des membres proposait un ombudsman et les deux autres suggéraient une solution différente. Ils cherchaient tous à atteindre le même but, mais ils sont arrivés avec des solutions différentes.

M. Weatherhead: Est-il juste de dire que vraiment le facteur coût était la principale raison, et que vous pensez arriver aux mêmes résultats par la voie que vous proposez?

M. Dubé: Non, je ne dirais pas que le coût était la principale raison. C'était un facteur, à n'en pas douter. Vous devez tenir compte du contribuable et vous êtes responsable des

[*Text*]

sponsible for spending the moneys of the people of Canada. It was a factor. To my mind the most important factor was that there was no need, 50 years after the creation of our pension system, to impose yet another structure, especially when we do not expect another war, and that eventually, unfortunately, there will be no more veterans and, of course, no more Minister of Veterans Affairs. We hope that we will have peace forever.

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Mr. Weatherhead: Mr. Dubé, I think you said there was a third alternative, which was not mentioned by the commission, of perhaps having the ordinary courts judge the final appeals. I think there has been some editorial comment about the possibility and perhaps the desirability of this in their view I think you said the main reason you would not advocate that was because if the adversary system came into effect the officials of the pension commission would in effect have to go against the veterans in court and argue against them, and this sort of thing. Am I right in saying that?

Mr. Dubé: I agree in principle with *The Globe and Mail* editorial in the sense that usually it is good to have a right of appeal to the ordinary courts from a juasi-judicial tribunal. However, it is different in the case of veterans because they already have a system which favours them. In other words, they are not faced with the adversary system, whereas if they had to go to an ordinary court of law, then that court of law, be it the Supreme Court of Canada or the Supreme Court of a province, would have to retain the services of a solicitor and that solicitor's job would be to fight the veteran, and I do not think they would like that.

Mr. Weatherhead: But, Mr. Dubé, under your final appeal procedure at the present time surely someone from the commission would put forward a case that would question the veteran's rights to the appeal, and that sort of thing, or am I—

Mr. Dubé: They do, but it is not the adversary system. It is not what you see in an ordinary court of law. In an ordinary court of law you have a solicitor on each side and, as you know, they fight like dogs to win their case, whereas under our system

[*Interpretation*]

dépenses engagées au moyen de l'argent du peuple canadien. C'était un facteur. Mais le facteur le plus important à mes yeux était que le besoin ne se faisait pas sentir, cinquante ans après la création de notre système de pension, d'imposer une nouvelle structure, surtout lorsque nous ne nous attendons pas à une nouvelle guerre, et qu'éventuellement, malheureusement, nous n'aurons plus d'autres anciens combattants, et bien sûr, plus de ministre des Affaires des anciens combattants. J'espère que nous jouirons d'une paix perpétuelle.

M. Weatherhead: Monsieur Dubé, je crois que vous avez dit qu'il y avait une troisième solution que n'avait pas mentionnée la Commission, celle d'avoir peut-être recours aux tribunaux ordinaires pour rendre l'arrêt final. Je pense qu'il y a eu certains commentaires dans la presse sur la possibilité, et peut-être sur l'avantage d'utiliser une telle ligne de conduite. Je pense que vous avez dit que la principale raison pour laquelle vous ne soutiendriez pas une telle politique était que si le système du tribunal était instauré, les fonctionnaires de la commission des pensions auraient en effet à témoigner contre les anciens combattants devant les tribunaux, et ainsi de suite. Est-ce exact?

M. Dubé: Je suis en principe d'accord avec l'éditorialiste du *Globe and Mail* que, dans un sens, il est bon d'avoir un droit d'appel de la décision d'un organisme quasi-judiciaire que l'on peut faire valoir devant les tribunaux. Cependant, dans le cas d'un ancien combattant, le problème est différent puisque nous avons un système qui les favorise. En somme, ils ne font pas face à une opposition, comme ce serait le cas s'ils avaient à se présenter devant une cour de justice; une telle cour, qu'il s'agisse de la Cour suprême du Canada ou de la Cour suprême d'une province, aurait à retenir les services d'un procureur dont la fonction serait de s'opposer aux anciens combattants. Je ne pense pas que ce procédé ait l'heur de leur plaire.

M. Weatherhead: Monsieur Dubé, selon votre procédure actuelle d'appel en dernière instance, il y a certainement un membre de la commission qui mettra en doute les droits des anciens combattants à l'appel ou à autre chose, ou alors je suis...

M. Dubé: Ils le font, mais pas en vertu des procédures judiciaires. Ce n'est pas de cette façon que les choses se passent. Devant un tribunal, vous avez des avocats pour les deux parties en cause et, comme vous le savez, ils se font la lutte pour faire triompher leur

[*Texte*]

for veterans this is not the case. The veterans have to establish a credible case and there is nobody on the other side who is trying to crucify him, so why would he want to escape from that favourable system and go into an ordinary court of law? I fail to see why he would insist on doing that.

Mr. Bigg: If I may interject, I have been on one or two of these cases and I must say from the veteran's point of view that as well as the absence of that atmosphere, their credibility is not attacked by the opposing side as it is in a court of law, and I have been in both.

Mr. Dubé: I agree.

Mr. Weatherhead: That is fine. Thank you, Mr. Chairman.

The Chairman: Thank you, Mr. Weatherhead. I have two more names, Mr. Badanai and Mr. Whicher. Mr. Badanai?

Mr. Badanai: Mr. Chairman, the entire approach favouring the applicants for an upward revision of pension benefits is indeed a better deal for disabled veterans, and I think the Minister and the government should be commended and congratulated. There were many questions which I wanted to ask, but they have been dealt with satisfactorily by the Minister. However, a question which remains and which I wish to put to the Minister now is related to the 100 per cent disability on the average wage earned by an unskilled labourer, let us say. The average sum of $3,180 for a single man and $4,776 for a married man with two children is above the poverty level as defined by the Economic Council of Canada. It is not really much more than that. In my view the Minister's statement with respect to allowing 100 per cent pensioners an additional grant of from $400 to $1,200 for specified amenities would require perhaps a more specific definition. I wonder if the Minister could provide the Committee with some explanation or clarification of this particular item?

Mr. Dubé: Perhaps the committee can assist me on that. Broadly speaking, it is the purpose of the White Paper to be flexible, and we intend to be flexible in these guidelines as well. We have not yet come up with definite yardsticks on how this will be meas-

[*Interprétation*]

cause, ce qui n'est pas le cas en ce qui concerne nos anciens combattants. Les anciens combattants doivent présenter des arguments plausibles, et il n'y a personne de l'autre côté de la barrière qui va essayer de l'assommer. Pourquoi voudrait-il abandonner ce système qui lui est favorable pour se présenter devant un tribunal judiciaire? Je ne vois pas pourquoi il insisterait pour que ce fut le cas.

M. Bigg: Si je peux vous interrompre, j'ai assisté au règlement d'un ou deux appels, et je dois dire, que pour l'ancien combattant, il n'y a là ni l'ambiance d'une cour de justice, ni la sensation que l'on met en doute la véracité des dires de ce dernier, comme on le fait devant un tribunal. Et j'ai assisté aux deux genres de procès.

M. Dubé: Je suis d'accord.

M. Weatherhead: C'est bien. Merci, monsieur le président.

Le président: Monsieur Weatherhead, je vous remercie. J'ai encore deux noms sur ma liste: M. Badanai et M. Whicher. Monsieur Badanai?

M. Badanai: Monsieur le président, toute la formule qui consiste à favoriser la personne qui demande une augmentation de sa pension, est certainement une bien meilleure formule vis-à-vis des anciens combattants infirmes, et le ministre, ainsi que le gouvernement, doivent en être félicités. Il y avait plusieurs questions que je me posais, mais le ministre en a traité à ma satisfaction. Il y a cependant une question que j'aimerais poser au ministre maintenant, il s'agit de l'incapacité à 100 p. 100 au sujet de la moyenne des salaires payés à un manœuvre non spécialisé. Le montant moyen de $3,180 pour un célibataire et de $4,776 pour un homme marié avec deux enfants à charge, est au-dessus du seuil de la pauvreté tel qu'il a été défini par le Conseil économique du Canada. Mais la marge n'est pas très grande. Selon moi, la déclaration du ministre voulant que l'on octroie aux pensionnés à 100 p. 100 une allocation additionnelle de $400 à $1,200 pour certaines commodités, devrait être plus précise. Je me demande si le ministre pourrait nous fournir quelques explications sur ce sujet particulier.

M. Dubé: Le Comité pourra peut-être m'aider. En général, le but du Livre blanc est d'assurer une certaine latitude envers les lignes directrices, et nous allons respecter cette latitude. Nous n'avons pas encore établi définitivement quelles seront les jalons sur

[*Text*]

ured. For instance, in my imagination I visualize a lump sum for the purchase of a ramp, let us say, in the home of a wheelchair veteran so he can wheel himself up and down in his home. That would be an example of the type of lump sum that could be granted.

Mr. Badanai: Would that also mean the pitching of a house, or the repairing of a house, or the enlarging of a dwelling?

Mr. Dubé: I do not know—perhaps there are other agencies that could deal with that type of assistance. I visualize a type of assistance that would be very close to the veteran himself.

Mr. Badanai: He would have to apply and make a specific demand? Is that it?

Mr. Dubé: That is right. He would have to apply. As I said, there are 5,000 100 per cent pensioners, but relative to how many of those will qualify I think we will need a bit of experience to find out exactly what is the best way of doing it. But you must not forget that above the amounts that you have just mentioned some of these 100 per cent pensioners also receive an attendance allowance, which can go up to $3,000 a year; and which they are receiving now.

Mr. Badanai: Thank you, Mr. Chairman.

Mr. Guay (St. Boniface): I have a supplementary, Mr. Chairman. I would like to say first of all today that the Minister has been exceptionally good at answering all the questions. I would like to compliment him for that.

In answering a previous question you made reference to a ramp for a veteran who requires one. May I suggest to you the possibility of giving consideration in the fact to the suggestion that when this proves to be a necessity for a particular veteran the municipality or the city where he lives not tax him for that addition to his home? This has happened and it costs him additional money for the ramp.

Mr. Dubé: I think it would offend the autonomy of at least some provinces if we tried to enforce this type of regulation on a city.

Mr. Knowles (Winnipeg North Centre): He is a former mayor.

[*Interpretation*]

lesquels nous nous baserons. Je m'imagine très bien en ce moment, une allocation pour l'achat d'une rampe afin que l'invalide puisse entrer et sortir de sa maison en chaise roulante. Voilà un exemple du genre de paiement global que nous pourrions accorder.

M. Badanai: Est-ce que cela comprendrait également la mise en chantier, les réparations ou l'agrandissement d'une maison?

M. Dubé: Je ne le sais pas. Peut-être qu'un autre organisme pourrait se charger de ce genre d'assistance. Je songe à un genre d'assistance qui toucherait de près les anciens combattants.

M. Badanai: Ils devront présenter une demande spéciale? N'est-ce pas?

M. Dubé: C'est exact. Ils devront présenter une demande. Je répète qu'il y a 5,000 pensionnés à 100 p. 100, mais pour ce qui est du nombre d'entre eux qui seront admissibles, je crois qu'il nous faudra attendre d'avoir un peu d'expérience avant de décider quelle sera la meilleure procédure à suivre. Il ne faut pas oublier qu'en plus des montants que vous venez de mentionner, certains de ces pensionnés à 100 p. 100 touchent également une allocation de soins, qui peut aller jusqu'à 3,000 dolars par année; certains touchent déjà cette allocation.

M. Badanai: Merci, monsieur le président.

M. Guay (Saint-Boniface): Je voudrais poser une question complémentaire, monsieur le président. Je voudrais d'abord faire remarquer que le ministre s'est très bien débrouillé avec toutes les questions auxquelles il a eu à répondre aujourd'hui. Je voudrais l'en féliciter.

Dans une de vos réponses, vous avez parlé de la construction d'une rampe pour l'ancien combattant qui en éprouve le besoin. Permettez-moi de vous faire remarquer qu'on pourrait étudier la possibilité, lorsque cette nécessité s'avère pour un ancien combattant, d'obliger, aux termes de la loi, la municipalité ou la ville dans laquelle il réside de ne pas imposer une taxe sur cette addition à sa maison. Cela s'est déjà produit et l'intéressé a dû payer des taxes supplémentaires à cause de cette rampe.

M. Dubé: Je crois que nous empiéterions sur l'autonomie d'au moins quelques provinces si nous tentions d'appliquer ce genre de règlement à une ville.

M. Knowles (Winnipeg-Nord-Centre): Vous parlez à un ancien maire.

[*Texte*]

Mr. Guay (St. Boniface): I know, and that is the reason I am mentioning it. Possibly I am mentioning it in the wrong place, but there is always a start to anything. Possibly this might be a matter for discussion between the provincial and the federal people.

Mr. Dubé: Yes, I see what you mean; because disability pensions at the present time are not taxable. Veterans do not pay income tax on the pensions they receive. I see the logic of your question. It is along the same line. But I do not know how far we could go in imposing our will on municipalities who wish to levy real estate taxes on them.

Mr. Guay (St. Boniface): We probably could discuss it with the provinces, Mr. Dubé, if and when we have the occasion to do so.

Mr. Dubé: Yes.

Mr. Knowles (Winnipeg North Centre): We could give them a grant to pay their taxes.

The Chairman: Mr. Whicher.

Mr. Whicher: I wish to refer to page 13 of the White Paper under "Legal Damages", Mr. Dubé. I will be very brief. As I understand this, from now on where there are special damages for pain and suffering this will not affect the pension of the veteran. I am thinking of one case of a military policeman. In 1945 he was on duty and a truck hit him. As a result of this unfortunate accident he lost his leg at the hip. In the court case that followed he was granted $1,500—amongst other things such as, so much for the loss of his limb, which of course was turned over immediately to the government, because he was on duty as a soldier and the government was going to give him a pension. But there was $1,500—I have seen the case and I have seen the judge's signature, and so forth—for pain and suffering.

Unfortunately for the man concerned, a high official of the Canadian Legion—a lawyer—and the judge said, "take the money". As a matter of fact they suggested he buy a car. He did not have one and his wife could drive him around. In those days, before we were giving everything away, you could get a car for $1,500. He did this. Then the government —the Department of Veterans affairs—came

[*Interprétation*]

M. Guay (Saint-Boniface): Je sais, et c'est la raison pour laquelle j'en parle. Ce n'est peut-être pas l'endroit de le faire, mais il faut toujours commencer quelque part. Cette question pourrait peut-être faire l'objet d'une discussion entre les représentants du fédéral et des provinces.

M. Dubé: Oui. Je vois ce à quoi vous voulez en venir. C'est que les pensions d'invalidité ne sont pas imposables à l'heure actuelle. Les anciens combattants ne paient pas d'impôts sur les pensions qu'ils reçoivent. Je vois la logique de votre question en ce sens. Mais je ne sais pas jusqu'à quel point nous pourrions imposer nos décisions aux municipalités qui tiennent à prélever les impôts fonciers sur ces gens.

M. Guay (Saint-Boniface): Nous pourrions en parler avec les provinces, monsieur Dubé, lorsque l'occasion de présentera.

M. Dubé: Oui.

M. Knowles: (Winnipeg-Nord-Centre): Nous pourrions leur verser une subvention qui remplacerait ces impôts.

Le président: Monsieur Whicher.

M. Whicher: Je voudrais revenir à la page 13 du Livre blanc, à la rubrique «Dommages-intérêts». Je serai très bref. Si je comprends bien, à l'avenir, lorsqu'on versera des sommes spéciales pour les dommages particuliers comme la douleur et la souffrance, la pension de l'ancien combattant n'en sera pas réduite. Je songe au cas d'un policier militaire. En 1945, alors qu'il était de service, il a été heurté par un camion. A la suite de cet accident regrettable, on a dû lui amputer une jambe à la hauteur de la hanche. Au cours du procès qui a suivi, le tribunal lui a accordé, entre autres choses, 1,500 dollars en compensation pour le perte de sa jambe; cette somme a évidemment été versée directement au gouvernement, puisque le soldat était en fonction et que le gouvernement allait lui verser une pension. Mais cette somme de 1,500 dollars était une compensation pour la douleur et la souffrance; j'ai vu le dossier du procès et la signature du juge, et ainsi de suite.

Malheureusement pour la personne en cause, le représentant de la Légion canadienne, qui était avocat, et le juge, lui ont dit de prendre l'argent. En réalité, ils lui ont conseillé de s'acheter une voiture. Il n'en avait pas et son épouse pouvait lui servir de chauffeur. A l'époque, avant qu'on commence à tout donner gratuitement, on pouvait acheter une voiture pour 1,500 dollars. C'est ce

[*Text*]

along and said: "Oh, no, you cannot have that money", and since 1945 they have been taking so much money per month—I do not know the figure—from this man's pension.

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The original amount was $1,500. Up until two or three months ago he had paid back $2,320 to the government; and a letter over your signature says that he must pay this for ever and ever until he dies no matter how much money goes in. That has been the policy up to the present time.

My question to you, sir, is this: Under this paragraph in the White Paper headed "Legal Damages" will we make this retroactive?

Mr. Dubé: First of all, I do not recall the specific case you have in mind. I would have to review exactly what I have signed before I comment on it. This appears to be quite cruel and treacherous.

Mr. Whicher: It is cruel, and it is not your fault. No doubt it was another government that brought this about. I am not accusing you; I am just giving you the facts.

Mr. Knowles (Winnipeg North Centre): Another Liberal government.

Mr. Whicher: Well, it certainly was not an NDP government at any rate, praise be to God.

Mr. Peters: It would not happen under—

Mr. Whicher: I am not suggesting that you or your officials can remember all the letters you have signed, but the fact is that for pain and suffering today the veteran gets nothing.

Mr. Dubé: We propose to change that.

Mr. Whicher: You are going to change that?

Mr. Dubé: Oh, yes.

Mr. Whicher: In a case such as I have mentioned, and supposing the veteran lives for another 25 years, are you going to make this poor fellow who has been paying since 1945 continue paying, or will you make this retroactive?

[*Interpretation*]

qu'il a fait. C'est alors que le gouvernement, le ministère des Aflaires des anciens combattants en l'occurrence s'est présenté et lui a dit: «Mais non, cet argent ne vous revient pas». Par conséquent, depuis 1945, ils lui déduisent tous les mois une certaine somme sur sa pension; je ne sais pas quel montant.

Il s'agissait au départ d'une somme de 1,500 dollars. Il y a deux ou trois mois, il avait déjà remboursé 2,320 dollars au gouvernement; il a reçu une lettre signée de votre main lui indiquant qu'il devra continuer à payer cette somme pendant des siècles et des siècles jusqu'à ce qu'il meurt, quel que soit le montant qu'il aura remboursé. C'était votre ligne de conduite par le passé.

Voici donc ma question, monsieur. En vertu du paragraphe du Livre blanc intitulé «Dommages-intérêts», est-ce que cette disposition sera rétroactive?

M. Dubé: Premièrement, je ne me souviens pas du cas dont vous parlez. Je voudrais examiner soigneusement ce à quoi j'ai apposé ma signature avant de faire un commentaire. Cette situation me semble cruelle et perfide.

M. Whicher: Elle est cruelle, mais vous n'êtes pas à blâmer. Cette situation a sans doute été créée par un autre gouvernement. Je ne vous accuse pas; je vous présente simplement les faits.

M. Knowles (Winnipeg-Nord-Centre): Par un autre gouvernement libéral.

M. Whicher: Ce ne fut certainement pas par un gouvernement N.P.D. en tous cas, Dieu soit loué.

M. Peters: Elle ne se serait pas produite sous . . .

M. Whicher: Je ne prétends pas que vous devriez, ainsi que vos fonctionnaires, vous souvenir de toutes les lettres que vous avez signées, mais il demeure que l'ancien combattant n'obtient aucune compensation pour la douleur et la souffrance.

M. Dubé: Nous nous proposons de corriger cette situation.

M. Whicher: Vous allez y remédier?

M. Dubé: Oui, certainement.

M. Whicher: Dans un cas comme celui que j'ai mentionné, si l'on suppose que l'intéressé vit encore 25 ans, est-ce que vous allez obliger ce pauvre type, qui paie depuis 1945, à continuer de payer, ou est-ce que ce sera rétroactif?

[*Texte*]

Mr. Dubé: Whether it can be made retroactive or not I would have to give some thought to.

Mr. Whicher: But would you mind making a note and giving it some thought I will provide you with the case.

Mr. Dubé: Perhaps I should explain exactly what is meant here. Let us say a pensioner is injured in a car collision at the present time. He has to take action against the responsible party. Having taken action, if the judgment is in his favour the amount of the judgment is capitalized. As you have explained, he either takes that, or he takes a reduced pension.

What we propose is that the only part of this type of judgment that would be capitalized would be loss of earning.

Mr. Whicher: Right.

Mr. Dubé: Apart from that, he could keep all of the amount for pain and suffering and special damages. There would be no need to turn that over to the Government of Canada. You are asking me if we can make that retroactive and pay him—?

Mr. Whicher: In this instance he has already paid $820 more into the fund than he originally received. If you cannot make it retroactive, because of some of the red tape that we have around here, could you not so arrange it that once the original amount is paid he would not have to pay any more?

Mr. Dubé: It does appear to make sense to me.

Mr. Whicher: It is the only instance I know of in government that if you live long enough you have to pay in more than you collected originally.

Mr. Dubé: It does appear to be a strange situation. We will certainly look into that case. It would be appreciated if you would send me a memo about your specific case.

Mr. Wicher: I certainly will.

Mr. Dubé: We might use that as an example when the legislation is drafted.

Mr. Whicher: This is certainly a good thing, as it relates to pain and suffering; although I can see, on the other hand, that for a fellow who loses his leg overseas be-

[*Interprétation*]

M. Dubé: Je devrai me pencher sur cette question avant de décider si cette disposition sera rétroactive ou non.

M. Whicher: Est-ce que vous pourriez en prendre note et y réfléchir? Je vous remettrai le dosier.

M. Dubé: Je devrais peut-être expliquer la teneur de ce paragraphe. Supposons qu'un pensionné est blessé dans un accident de la route aujourd'hui même. Il doit intenter une poursuite contre la personne responsable. Une fois le procès terminé, si le décision du tribunal est en sa faveur, le montant de la capitalisation est fixé. Comme vous l'avez expliqué, il accepte soit la somme d'argent ou une réduction de sa pension.

Ce que nous proposons, c'est que seules les pertes de rémunérations soient sujettes à capitalisation dans ce genre de procès.

M. Whicher: Exactement.

M. Dubé: A part ce montant, il pourra garder le reste en compensation de la douleur et de la souffrance ainsi que des autres dommages-intérêts. Il ne sera pas obligé de remettre cette somme au gouvernement du Canada. Vous me demandez si on peut rendre cette disposition rétroactive et lui verser . . .?

M. Whicher: Dans le cas que j'ai cité, il a déjà remboursé 820 dollars de plus qu'il n'en avait reçu. Si vous ne pouvez pas rendre cette disposition rétroactive, à cause de toute le bureaucratie qui nous entoure, est-ce que vous ne pourriez pas faire en sorte qu'une fois qu'il a remboursé la somme reçue il n'ait plus à payer?

M. Dubé: Il me semble que c'est très sensé.

M. Whicher: A ce que je sache, s'est le seul cas au gouvernement où, si l'on vit suffisamment longtemps, on doit rembourser plus que l'on a reçu.

M. Dubé: La situation me semble effectivement étrange. Nous ferons certainement une enquête à ce sujet. Je vous saurais gré de m'envoyer un mémorandum sur le cas que vous avez exposé.

M. Whicher: Je le ferai certainement.

M. Dubé: Nous pourrons le présenter à titre d'exemple lorsque nous rédigerons la loi.

M. Whicher: Ce serait certainement une bonne chose puisqu'il s'agit de douleur et de souffrance; par ailleurs, il est clair que le type qui perd une jambe outre-mer à la suite

[*Text*]

cause a bullet goes through it there is a lot of pain and suffering but there is no legal case and he does not get any money for it. Therefore, perhaps the government had an excuse for not paying it in the past. But here you had a man hit by a car while on duty. There was no bullet. There is a civil action and he gets so much money for the loss of his limb, which money is turned over to the government immediately so that he may be paid a pension for the rest of his life, but the award for pain and suffering—the government of the day also took.

Mr. Dubé: We propose to change that.

The Chairman: Do members of the Committee have any further questions at this point?

Mr. Peters: May I ask a question about the situation relative to the appeal board. This was of considerable interest to the Woods Commission. One of the problems was that the people who were involved were having coffee in the same room and having the same opinions—"You scratch my back and I will scratch yours." If they are in another building it is not quite so easy. Their hope was that they would be separated. Have you considered this? I think there is a certain amount of merit in it.

Mr. Dubé: I see your point. I do not know. We have no...

Mr. Peters: All of the people in the district office in a community—and this is what is wrong with the pension advocate—are all in the same building and they get to be real chummy.

Mr. Dubé: Yes.

Mr. Peters: And you appear to be appealing against the bureaucracy by the bureaucracy itself.

Mr. Dubé: They will not be in the same building as often as you may think because those on the entitlement board will be travelling across the country most of the time whereas the ones on the appeals will stay here in Ottawa. They will only meet when they come back to check their files, that is about all. The essence of the change we are proposing is that those who travel in groups of three across the country will only be back in Ottawa to examine the files. They will not stay here to hear appeals. They will be gone.

[*Interpretation*]

d'une blessure de guerre doit endurer beaucoup de douleur et de souffrance, mais comme il ne peut pas intenter de procès en justice, il n'obtient aucune compensation. Le gouvernement avait peut-être raison de ne pas verser de compensation par le passé. Mais il s'agit d'une personne qui est heurtée par une voiture alors qu'il est de service. Il n'a pas été blessé par une balle. Il intente une poursuite en justice, et on lui verse tant pour la perte de ce membre. Cette somme est versée directement au gouvernement de sorte qu'il puisse toucher une pension pour le reste de sa vie. Mais le gouvernement de l'époque a également pris la somme qui devait compenser pour la douleur et la souffrance.

M. Dubé: Nous nous proposons de corriger cette situation.

Le président: Est-ce que quelqu'un d'autre voudrait poser une question?

M. Peters: Puis-je poser une question sur la situation relative à la commission d'appel? Le Comité Woods s'est passablement intéressé à cette question. Un des problèmes qui se posait est que les gens se réunissaient pour prendre le café et échangeaient les mêmes idées. «Un service en attire un autre». S'ils étaient dans des locaux distincts ce ne serait pas aussi facile; c'est du moins l'espoir qu'ils ont exprimé. Est-ce que vous y avez songé? Je crois que l'idée n'est pas si mauvaise.

M. Dubé: Je comprends votre argument. Je ne sais pas. Nous n'avons pas...

M. Peters: Les critiques que l'on adresse à l'avocat des pensions viennent du fait que dans le bureau de district, toutes les personnes travaillent dans le même immeuble et qu'il se crée entre elles de vrais liens d'amitié.

M. Dubé: Oui.

M. Peters: Et vous semblez dénigrer la bureaucratie par la bureaucratie elle-même.

M. Dubé: Ils ne seront pas aussi souvent que vous puissiez le croire dans le même immeuble, car les membres de la Division de l'admissibilité se déplaceront à travers le pays la plupart du temps, tandis que les membres de la Division des appels resteront à Ottawa. Ils ne se rencontreront que lorsqu'ils reviendront pour vérifier leurs dossiers, c'est à peu près tout. En fait, le changement que nous proposons vise à ce que les personnes qui voyageront en groupes de trois dans le pays ne reviennent à Ottawa que pour vérifier

[*Texte*]

Mr. Peters: I have just been reading the Commission's report. It was not necessarily the fault of the people themselves that the persons did not think they were getting a fair hearing; it is this idea of justice, that if justice is to be done it must appear to be done.

Mr. Dubé: Yes.

Mr. Peters: It was the fact that the person hearing the appeal referred to the others by their first name and there was this close association that distance probably would have eliminated in the past. Looking back on cases that I know, distance between the people would have sufficed to have established some impartiality between the various decisions. If we appoint the appeal procedure you have now without this distance of being in another building or another office...

Mr. Dubé: You have to face that proposition in the Superior Courts of all provinces. The Superior Court has an Appeal Division, a Chancery Division and a Queen's Bench Division, and they stay in the same building. They may fight amongst themselves but they are the same courts...

Mr. Peters: Yes, but in the Superior Court of Ontario the parties usually come from out of town so they do not know this. However, I think everybody will agree that in the district office, for instance, where they all have coffee together and are all very chummy, it does not seem likely you will get one guy saying that the other guy is wrong. This was a major part, as I understood the Woods Committee, that there had to be some distance...

Mr. Dubé: Yes, but what I am trying to say is that this will not take place any more because those on the entitlement board will be like those who are in the Queen's Bench Division in most Superior Courts. They will be on circuit; they will be travelling. They will only come back to look at their files. They may meet somebody from the appeal board who is looking at the same file but we cannot very well spread out the files. It would be extremely expensive to have a duplication of files right across the country. However, those on the entitlement board will be very busy travelling across the country. They will not be here all the time, as you think, with those on the appeal division. They will be gone.

[*Interprétation*]

leurs dossiers. Ils ne resteront pas pour les appels. Ils seront déjà partis.

M. Peters: Je viens tout juste de lire le rapport de la Commission. Ce n'était pas nécessairement à cause des gens eux-mêmes que les personnes ne croyaient pas avoir fait l'objet d'un appel satisfaisant; c'est cette idée que l'on a de la justice à l'effet que si la justice doit être faite, on doit en voir la couleur.

M. Dubé: Oui.

M. Peters: Il est vrai que la personne qui entendait l'appel s'adressait aux autres par leur prénom et cette relation étroite aurait probablement disparu dans le passé avec la distance. Si je me rappelle bien certaines causes, la distance entre les gens aurait suffi pour créer une certaine impartialité à l'égard de divers jugements. Si nous appliquons la procédure d'appel, vous avez maintenant sans cette distance d'un autre immeuble ou d'un autre bureau...

M. Dubé: Dans les Cours supérieures de toutes les provinces, vous rencontrez cette situation. La Cour supérieure comprend une division d'appel, une division de la chancellerie et une division du Banc de la reine dans le même immeuble. Ils peuvent se battre entre eux, mais il s'agit de la même cour...

M. Peters: Oui, mais dans la Cour suprême de l'Ontario, les parties viennent généralement de l'extérieur de la ville et elles ne le savent donc pas. Toutefois, je pense que tout le monde sera d'avis que dans un bureau de district, par exemple, où les gens prennent leur café ensemble et où ils sont très amis, il ne semble pas que vous puissiez trouver une seule personne qui dise que l'autre n'a pas raison. Si j'ai bien compris, le Comité Woods traitait longuement de l'importance d'une certaine distance entre...

M. Dubé: Oui, mais j'essaie de dire que cela n'aura plus lieu dorénavant, parce que les membres de la Division de l'admissibilité seront comme ceux de la Division du Banc de la reine dans la plupart des Cours supérieures. Ils voyageront, ce seront des membres itinérants. Ils ne reviendront que pour consulter leurs dossiers. Ils peuvent rencontrer un membre de la commission des appels qui consulte le même dossier, mais nous ne pouvons pas multiplier facilement le nombre des dossiers. Il serait très dispendieux d'avoir une autre copie des dossiers au pays. Les membres de la Division de l'admissibilité seront très occupés par leurs voyages à travers le pays. Ils ne seront pas tout le temps à Ottawa, comme vous le croyez, avec les membres de la Division des appels. Ils seront partis.

[*Text*]

The Chairman: Are there any more questions, Mr. Peters?

On behalf of the Committee I would like to thank Mr. Dubé very much for his appearance this afternoon to answer questions.

Mr. Reynolds has a few comments on our agenda and the witnesses that he has been getting in touch with, and the order in which they will appear. Have you something to say at this time, Mr. Reynolds?

Mr. P. E. Reynolds (Special Adviser to the Committee on Veterans Affairs): Gentlemen, I contacted a number of the organizations today. I am afraid I cannot fill out the time you have allotted. The best I could do for this week was to have departmental officials, tomorrow morning and afternoon, and Thursday departmental officials again in the morning. At 2 o'clock Mr. Kohaly will lead the delegation of the nationally chartered veterans' organizations on Thursday afternoon.

The Chairman: That will be 2 o'clock on Thursday.

Mr. Reynolds: That is right. On Friday, September 19, at 9.30, Mr. Jack Lundberg will lead the delegation of the National Council of Veterans Organizations. At the moment I have not been able to line up anything for Friday afternoon. On Monday you have all

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day the War Amputations of Canada. Tuesday, September 23, you have all day the Hong Kong Veterans Association.

Now the other organizations I contacted all wish to come at the end of the month. There will be a few days next week on which I am afraid I will not be able to find anybody who can come. I think I will know more about that on Friday because the two groups that are coming have representatives from the organizations which will appear individually later. So I think on Friday we can find out when they can appear and fix the time definitely.

I would like to have some direction from you as to the latest date I can set for a veterans' organization to appear. I mentioned this morning that I thought October 4 was about as late as you could sit. However, I would like to have some direction.

The Chairman: If I could recapitulate just to make sure we understand what Mr. Rey-

[*Interpretation*]

Le président: Y a-t-il d'autres questions, monsieur Peters?

Au nom du Comité, j'aimerais remercier M. Dubé d'être venu témoigner cet après-midi et d'avoir répondu à nos questions.

M. Reynolds aurait quelques commentaires à faire à propos de l'ordre du jour et des témoins avec lesquels il est entré en communication et au sujet de l'ordre dans lequel ils viendront témoigner. Auriez-vous quelques précisions à nous donner cette fois, monsieur Reynolds?

M. P. E. Reynolds (Conseiller spécial du comité des affaires des anciens combattants): Messieurs, aujourd'hui, je suis entré en contact avec un certain nombre d'organismes, mais je crains de ne pouvoir remplir les périodes de temps qui nous sont allouées. Le mieux que j'ai pu faire cette semaine, c'est de faire venir des agents ministériels demain matin et demain après-midi ainsi que jeudi matin. A 14 heures jeudi après-midi, M. Kohaly viendra à la tête de la délégation des organismes d'anciens combattants à charte nationale.

Le président: Jeudi à 14 heures.

M. Reynolds: C'est cela. Le vendredi 19 septembre, à 9h.30, M. Jack Lundberg présidera la délégation du Conseil national des organismes des anciens combattants. Pour l'instant, j'ai été incapable d'arranger quoi que ce soit pour vendredi après-midi. Lundi, il y aura toute la journée, les Amputés de guerre du Canada; le mardi 23 septembre, l'Association des anciens combattants de Hong Kong.

Les autres organismes avec lesquels j'ai communiqué désirent tous venir à la fin du mois. La semaine prochaine, il y aura quelques jours où j'ai bien peur de ne trouver personne. Je crois que j'en saurai davantage à ce sujet vendredi, parce que les deux groupes qui vont venir sont composés de représentants des organismes qui viendront séparément à une date ultérieure. Ainsi, je pense que vendredi, nous pourrons savoir quand ces organismes pourront venir témoigner et fixer une date définitive.

J'aimerais que vous m'indiquiez la date ultime pour faire témoigner un organisme d'anciens combattants. Ce matin, j'ai mentionné le 4 octobre, mais j'aimerais connaître votre opinion à ce sujet.

Le président: Je récapitule ce que monsieur Reynolds vient de dire pour être certain qu'il

[*Texte*]

nolds has said, there will be a session tomorrow morning at 9.30 lasting until 12. There will be one at 2 o'clock tomorrow afternoon until 4.30 and there will be one Thursday morning at 9.30 until 12. These will be with departmental officials. There will be a session Thursday afternoon with Mr. Kohaly at 2 o'clock until 4.30. There will be no session Thursday night although we had made tentative plans for one but there is no witness lined up. There will be one Friday morning but there is nothing Friday afternoon.

Mr. Reynolds: At the moment.

The Chairman: Then there is Monday all day and Tuesday all day.

Mr. Reynolds: That is correct.

The Chairman: Does everyone understand this? So we have no misunderstanding here. The problem of what we do after Monday—which is your problem, Mr. Reynolds—

Mr. Reynolds: Yes.

The Chairman: I wonder if we could defer that and deal with it tomorrow afternoon. Would that suit the convenience of the Committee? Mr. De Bané, I interrupted you but I wanted to set this straight.

Mr. De Bané: No, I was just going to suggest that the matter be referred to the steering committee.

The Chairman: Yes. I think we will deal with this and review the matter tomorrow afternoon. We will adjourn until tomorrow morning at 9.30. Thank you.

[*Interprétation*]

ne se crée pas de malentendu. Il y aura donc une séance demain matin de 9h.30 à midi et demain après-midi, de 14h. à 16h.30.

Il y en aura une jeudi matin, de 9h.30 à midi. Nous recevrons des fonctionnaires du ministère. Il y en aura une autre jeudi après-midi, de 14h. à 16h.30. Nous recevrons M. Kohaly. Il n'y aura pas de séance jeudi soir, malgré tous nos efforts, car il n'y a pas de témoin. Vendredi, il y aura une séance le matin, mais pas l'après-midi.

M. Reynolds: Pour l'instant.

Le président: Ensuite, il y aura séance lundi et mardi toute la journée.

M. Reynolds: En effet.

Le président: Tout le monde comprend? Donc, il n'y a pas de malentendu. Monsieur Reynolds, votre problème c'est de savoir ce que nous allons faire après lundi.

M. Reynolds: Oui.

Le président: Je me demande si on ne pourrait pas reporter cette question à demain. Cela siérait-il au Comité? Monsieur De Bané, je vous ai interrompu, mais je voulais que cela soit bien clair.

M. De Bané: J'allais seulement proposer de soumettre cette question au comité de direction.

Le président: D'accord. Je crois que nous allons revoir la question demain après-midi. La séance est levée et reprendra demain matin, à 9h.30. Merci.

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[Text]

OFFICIAL BILINGUAL ISSUE

HOUSE OF COMMONS

First Session
Twenty-eighth Parliament, 1968-69

FASCICULE BILINGUE OFFICIEL

CHAMBRE DES COMMUNES

Première session de la
vingt-huitième législature, 1968-1969

STANDING COMMITTEE
ON

VETERANS AFFAIRS

COMITÉ PERMANENT
DES

AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*

MINUTES OF PROCEEDINGS
AND EVIDENCE

PROCÈS-VERBAUX ET
TÉMOIGNAGES

No. 13

WEDNESDAY, SEPTEMBER 17, 1969

LE MERCREDI 17 SEPTEMBRE 1969

Respecting

The Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(See Minutes of Proceedings) *(Voir Procès-verbaux)*

STANDING COMMITTEE ON VETERANS AFFAIRS

COMITÉ PERMANENT DES AFFAIRES DES ANCIENS COMBATTANTS

Chairman — Mr. Lloyd Francis — *Président*
Vice-Chairman — Mr. Carl Legault — *Vice-président*

and Messrs.

et Messieurs

Badanai,
Bigg,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae,
Marshall,
McIntosh,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—20.

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

(*Text*)

MINUTES OF PROCEEDINGS

WEDNESDAY, September 17, 1969.
(15)

The Standing Committee on Veterans Affairs met this day at 9:40 a.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Badanai, Bigg, Francis, Groos, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Latulippe, Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London East*), Weatherhead, Whicher—(16).

Other Members present: Messrs. Winch and Knowles (*Winnipeg North Centre*).

Witnesses: From the Department of Veterans Affairs: Dr. J. S. Hodgson, Deputy Minister, Mr. D. K. Ward, Chief Pensions Advocate and Mr. E. J. Rider, Director General of Welfare Services.

The Chairman introduced the witnesses. Dr. Hodgson read a statement and the Committee proceeded to the questioning of the witnesses.

At 12 o'clock noon the examination of the witnesses continuing the Committee recessed until 2:00 p.m.

AFTERNOON MEETING
(16)

The Committee resumed sitting at 2:10 p.m.

Members present: Badanai, Bigg, Francis, Groos, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Latulippe, Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London East*), Weatherhead, Whicher—(16).

Other Members present: Messrs. Winch, M.P., Knowles, M.P. (*Winnipeg North Centre*).

Witness: From the Department of Veterans Affairs: Mr. D. K. Ward, Chief Pensions Advocate.

(*Traduction*)

PROCÈS-VERBAUX

Le MERCREDI 17 septembre 1969
(15)

Le Comité permanent des affaires des anciens combattants se réunit ce matin à 9 h 40, sous la présidence de M. Lloyd Francis, président.

Présents: MM. Badanai, Bigg, Francis, Groos, Guay (*Saint-Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Latulippe, Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London-Est*), Weatherhead et Whicher—(16).

Également présents: MM. Winch et Knowles (*Winnipeg-Nord-Centre*), députés.

Témoins: Du ministère des Affaires des anciens combattants: M. J. S. Hodgson, sous-ministre, M. D. K. Ward, avocat en chef des pensions, et M. E. J. Rider, directeur général des services du bien-être.

Le président présente les témoins. M. Hodgson donne lecture d'une déclaration, puis les membres du Comité interrogent les témoins.

A midi, l'interrogatoire est interrompu et la séance est suspendue jusqu'à 2 heures cet après-midi.

SÉANCE DE L'APRÈS-MIDI
(16)

Le Comité reprend ses travaux à 2 h 10 de l'après-midi.

Présents: MM. Badanai, Bigg, Francis, Groos, Guay (*Saint-Boniface*), Knowles (*Norfolk-Haldimand*), Laniel, Latulippe, Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London-Est*), Weatherhead et Whicher—(16).

Aussi présents: MM. Winch et Knowles (*Winnipeg-Nord-Centre*), députés.

Témoin: Du ministère des Affaires des anciens combattants: M. D. K. Ward, avocat en chef des pensions.

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The Committee continued the review of the "Woods Committee" recommendations.

Mr. Ward answered questions posed by the Members.

At 4:00 p.m., the questioning of the witness continuing, the Committee adjourned to Thursday, September 18, 1969, at 9:30 a.m.

Le Comité poursuit l'étude des recommandations formulées par le «Comité Woods».

M. Ward répond aux questions des membres du Comité.

A 4 heures de l'après-midi, l'interrogatoire du témoin est interrompu et le Comité s'ajourne jusqu'au jeudi 18 septembre 1969, à 9 h 30 du matin.

Le greffier du Comité,
D. E. Lévesque
Clerk of the Committee.

[*Texte*]

EVIDENCE

(*Recorded by electronic apparatus*)

Wednesday, September 17, 1969.

• 0939

The Chairman: I see that a number of members are present, so I will call the Committee to order.

As a result of speaking with Mr. Levesque, I understand the transcript for Monday and yesterday is going to the printer's this morning. We will endeavour to get this transcript for you as soon as possible.

Our first witness this morning is the Deputy Minister of the Department, Mr. Hodgson.

Mr. J. S. Hodgson (Deputy Minister, Department of Veterans Affairs): Mr. Chairman and members of the Committee, this is the first time I have had the pleasure and privilege of giving evidence before this Committee. Let me say at the outset that I am appearing here as a manager or administrative officer rather than as an expert on pension matters, since as you know the administration of the Pension Act is the responsibility of the Canadian Pension Commission and not of the Department of Veterans Affairs. I thought it might be useful if I described the organizational changes that would be involved in the implementation of the White Paper and in the related legislative proposals. My Minister has referred to some of these and they were discussed further in the period that followed yesterday, but I shall try to cover them in slightly greater detail.

The largest organizational change is the recasting of the adjudication machinery, for the reasons which the Minister has explained. He pointed out that the government is proposing to establish a Pension Branch or a Directorate of Pensions within the Department of Veterans Affairs and to transfer most of the present staff of the Canadian Pension Commission to this new branch. The branch would, therefore, be responsible for the day-to-day administration of the pension program including the initial awards on pension applications.

Le ministre a ajouté que la Commission canadienne des pensions deviendrait un organisme quasi judiciaire comportant trois divisions. La division administrative se composerait du président de la Commission, du

[*Interprétation*]

TÉMOIGNAGES

(*Enregistrement électronique*)

Le mercredi 17 septembre 1969.

Le président: Je vois que nous sommes assez nombreux. Nous allons donc commencer.

Après avoir parlé avec M. Lévesque, je crois comprendre que le compte rendu des séances de lundi et d'hier sera envoyé à l'imprimerie ce matin. Nous nous efforcerons de l'obtenir le plut tôt possible.

Notre premier témoin ce matin est le sous-ministre du Ministère, M. Hodgson.

M. J. S. Hodgson (sous-ministre, ministère des Affaires des anciens combattants): Monsieur le président, messieurs les députés, c'est la première fois que j'ai le plaisir de prendre la parole devant votre Comité. Je tiens à dire dès le départ que je le fais en ma qualité de gestionnaire ou d'agent d'administration plutôt qu'à titre d'expert en pensions puisque, vous le savez, l'application de la Loi sur les pensions relève de la Commission canadienne des pensions et non du ministère des Affaires des anciens combattants.

Je crois utile de vous décrire les changements qu'entraînera, au niveau de l'organisation, la mise en œuvre des recommandations que contient le Livre blanc et des modifications législatives qui suivront. Le ministre a donné un aperçu de ces changements et la discussion a porté sur eux hier, mais je voudrais en traiter un peu plus en détail.

Le remaniement du régime d'étude des demandes et de décisions en matière de pensions constitue le principal changement du point de vue de l'organisation. Le ministre en a donné les raisons et il a signalé que le gouvernement entend créer une Direction des pensions au sein du ministère des Affaires des anciens combattants et y muter la majeure partie du personnel actuel de la Commission canadienne des pensions. Cette Direction serait donc chargée de l'administration routinière des programmes de pension; elle sera notamment chargée de se prononcer sur les demandes initiales de pension.

The Minister added that the Canadian Pension Commission would become a quasi-judicial body having three divisions. The Administrative Division would consist of the Chairman of the Commission, the Secretary

[*Text*]

secrétaire et de l'actuel service administratif des appels. Elle serait chargée des affaires administratives et internes de la Commission et fournirait de l'aide et des services aux deux autres divisions.

The Entitlement Hearing Division would consist of 10 Commissioners and their immediate secretarial staff. Groups of three Commissioners would hold entitlement hearings in different parts of Canada and applicants would have the opportunity of appearing in person at these hearings.

The Appeal Division would consist of up to five Commissioners and their immediate secretarial staff. I say up to five Commissioners because the number of Commissioners at any particular period would depend presumably upon the load of work to be carried at the level of the Appeal Division. It would function as a final court of appeal for pension claims. The establishment of this separate Appeal Division will ensure that final appeals will in no case be handled by the same Commissioners who participated at the entitlement hearing. The Appeal Division would also deal with requests for leave to reopen claims on which final decisions have been rendered. In addition it would have final interpretation of the Pension Act and other related statutes.

The intention is that the Pension Branch of the Department and the various divisions of the CPC would be accommodated near to each other, not necessarily in the same building, but near to each other in order to facilitate general liaison and passage of files. You will appreciate that they would be using the same files basically containing the history of the veteran concerned.

• 0945

A further important change will be the creation of an independent Bureau of Pension Advocates. Under the Pension Act as it now stands, for many years there has been a Veterans' Bureau which is a branch of the Department of Veterans Affairs. The Pension Act provides that the Bureau shall be primarily concerned with preparing and presenting pension claims. Nevertheless there has been considerable misunderstanding of the purpose of the Veterans' Bureau. For example, some applicants seem to believe that the Bureau is a part of the Canadian Pension Commission and a few others seem to fear that the Pensions Advocates may work against rather than for their interests.

In order to remove all uncertainty on this score the government has accepted the recom-

[*Interpretation*]

and the present Appeal Administrative Service. It would be in effect the administrative management and housekeeping part of the Commission, and would provide support and services to the other two divisions.

La Division de l'admissibilité serait formée de dix commissaires et de leur secrétariat immédiat. Des groupes de trois commissaires tiendraient des audiences d'admissibilté dans différentes parties du Canada, et les requérants auraient l'occasion d'y comparaître.

La Division des appels se composerait d'au plus cinq commissaires et de leur secrétariat immédiat. Je dis d'au plus cinq commissaires car le nombre de commissaires à un moment donné dépendra vraisemblablement de la quantité de travail dont la Division des appels devra s'acquitter. Elle fonctionnerait comme un tribunal de dernière instance chargé d'entendre les appels découlant du refus des demandes de pension. La création d'une Division des appels distincte évitera de confier aux commissaires ayant participé à l'audition d'admissibilité le soin de statuer sur les appels en dernier ressort. La Division des appels serait également chargée d'autoriser une nouvelle étude des demandes de pension au sujet desquelles la décision finale a été rendue. En outre, l'interprétation de la Loi sur les pensions et des autres lois connexes lui incomberait en dernier ressort. Afin de faciliter la liaison en général et l'acheminement des dossiers, les bureaux de la Direction des pensions du ministère et ceux des différentes divisions de la CCP seraient à faible distance les uns des autres, mais pas nécessairement dans le même édifice. Vous comprendrez qu'ils se serviront des mêmes dossiers, auxquels sont consignés les antécédents des anciens combattants en cause.

Autre changement important: la création d'un bureau indépendant des avocats des pensions. Aux termes de la Loi sur les pensions dans sa forme actuelle, il existe, depuis des années, un Bureau des vétérans qui forme une division du ministère des Affaires des anciens combattants. La Loi sur les pensions prévoit que le Bureau a principalement pour mission de préparer et de présenter les demandes de pension. Néanmoins, les malentendus au sujet du rôle du Bureau des vétérans ont été nombreux. Par exemple, certains requérants semblent croire qu'il fait partie de la Commission canadienne des pensions, d'autres semblent craindre que les avocats des pensions ne travaillent à leur détriment.

Pour éviter toute confusion à ce sujet, le gouvernement a accepté la recommandation

[*Texte*]

mendation of the Woods Committee that a new and independent body be established. It is proposed that this be done through a separate part of the Pension Act which will redefine the function of the Bureau of Pension Advocates, making it clear that the Bureau represents the pension applicants only and that, therefore, the relationship between applicant and advocate shall be the same as between client and solicitor in general practice. This will mean, for example, that communications between the applicant and his advocate will be considered privileged. Functionally, the new Bureau will be completely independent of both the Department of Veterans Affairs and the Canadian Pension Commission and will report directly to the Minister of Veterans Affairs.

The legislative amendment will also include formal recognition of the Bureau's responsibility to provide a counselling service to pensioners and applicants. If it appears that an applicant's claim is unlikely to succeed, the Bureau will be required to so inform him; but then if the applicant so wishes, the Bureau will proceed to present the claim in its most favourable light and try to win it for him.

The third organizational change is of less direct interest to the public, but is not without some importance. The Woods Committee recommended the establishment of a Standing Advisory Committee of the Canadian Armed Forces, the Canadian Pension Commission and the Veterans' Bureau to consider pension matters that may arise from time to time. This proposal was agreed to and the Standing Advisory Committee has already been established under the authority of the Chairman of the Canadian Pension Commission. In view of the proposals relating to the creation of a Pensions Branch or a Directorate of Pensions it will also be necessary later, of course, to add membership from the Department of Veterans Affairs.

These are the chief structural changes involved in giving effect to the Woods Report and the White Paper and this ends my submission. As my Minister has stated yesterday, officials of the Department and the Commission having expert knowledge of the subject matter, will, of course, be available to this Committee at any time.

The Chairman: Thank you, Mr. Hodgson. I have seen two members who want to ask questions, Mr. Groos and Mr. Turner, but I am sure there are others. Mr. Groos.

Mr. Groos: Thank you, Mr. Chairman. Mr. Hodgson I just would like to put on record

[*Interprétation*]

du Comité Woods relative à la création d'un organisme nouveau et indépendant. A cette fin, une partie distincte de la Loi sur les pensions redéfinirait la fonction du Bureau des avocats des pensions et préciserait qu'il représente uniquement les requérants de pensions; par suite, les rapports entre le requérant et l'avocat seront identiques à ceux qui existent entre les avocats et leurs clients dans l'exercice ordinaire du droit. Ainsi, les communications entre le requérant et son avocat seront de nature strictement confidentielle. A toute fin pratique, le Bureau sera complètement indépendant du ministère des Affaires des anciens combattants et de la Commission canadienne des pensions, et c'est au ministre des Affaires des anciens combattants qu'il fera directement rapport.

La modification législative comportera également la reconnaissance officielle de la responsabilité qui incomberait au Bureau d'assurer des services de consultation aux pensionnés et aux requérants. S'il appert que la demande d'un requérant a peu de chance d'être agréée, le Bureau sera tenu de lui en faire part, mais si le requérant le désire, le Bureau présentera sa demande sous le jour le plus favorable et tentera de gagner sa cause.

Le troisième changement au niveau de l'organisation intéresse moins directement le public, mais revêt néanmoins une certaine importance. Le Comité Woods a proposé la création d'un comité consultatif permanent des forces armées canadiennes, de la Commission canadienne des pensions et du Bureau des vétérans afin d'étudier les questions de pension qui peuvent surgir de temps à autre. Cette proposition a été agréée et le Comité consultatif permanent a déjà été établi sous l'autorité du président de la Commission canadienne des pensions. Les propositions relatives à la création d'une Direction des pensions obligeront à ajouter ultérieurement à son effectif des membres du ministère des Affaires des anciens combattants.

Voilà donc les principaux changements de structure qu'entraînera l'application du rapport Woods et du Livre blanc, et j'en arrive ainsi au terme de mon exposé. Le Ministre l'a déclaré hier, les fonctionnaires du Ministère et de la Commission qui connaissent le sujet à fond demeurent à l'entière disposition de votre Comité.

Le président: Merci, M. Hodgson. Je vois que deux députés désirent poser des questions, M. Groos et M. Turner, mais je suis certain qu'il y en aura d'autres. Monsieur Groos?

M. Groos: Merci, monsieur le président. Monsieur Hodgson, je voudrais simplement

[*Text*]

that I am very pleased to find we are to have an Appeal Division and that the members of that Appeal Division will be Commissioners, persons who have not participated at any stage in the investigations up until that point. It always seemed to me that it did not look right in the previous appeals that the people who heard the appeals with the consent of the applicants were persons who had already heard an application and had turned it down. That just did not seem right and I am pleased to see this change, but I think you said this Appeal Division would consist of five Commissioners and staff, plus the Chairman, did you not?

Mr. Hodgson: The Appeal Division of the Commission would consist of up to five Commissioners and just their immediate personal staff.

Mr. Groos: Up to five?

Mr. Hodgson: Yes, up to five. I also might point out that the separation would not only be absolute as between the Appeal Division and the Entitlement Hearing Division, but there also would be an equally absolute separation between the Entitlement Hearing Division and the Directorate of Pensions...

• 0950

Mr. Groos: Oh, yes.

Mr. Hodgson: ...so that at all three levels there would be different people involved.

Mr. Groos: I understand that and I think that is good. This is something that has been brought up previously from time to time over the years before this Committee. I also understand that people who have already been through the process and who have been turned down will be entitled to apply again to this new Appeal Division.

Mr. Hodgson: As the Minister said yesterday, we are hoping that people will not be coming forward if they do not have some *prima facie* evidence in support of their claim. If they do, or if they have new evidence, they could seek for leave to reopen and they would seek this authority from the Appeal Division.

Mr. Groos: So the Appeal Division will have to decide whether they will allow the case to be reopened?

Mr. Hodgson: That is correct.

Mr. Groos: I suggest it is rather a pious hope that only a few people will be asking to have their cases reopened. I think the majori-

[*Interpretation*]

consigner au compte rendu que je suis très heureux d'apprendre que nous aurons une Division des appels dont les membres seront des commissaires qui n'auront, jusque là, participé aux enquêtes à aucun stade. Il m'a toujours semblé injuste, dans l'ancienne procédure d'appel, que ceux qui devaient se prononcer sur l'appel avec le consentement des requérants soient ceux-là mêmes qui avaient déjà rejeté la demande initiale. Il me semblait qu'il y avait quelque chose d'anormal dans cette procédure, et je suis heureux de cette modification. Vous avez dit, je crois, que cette Division des appels serait composée de cinq commissaires et de leur secrétariat, en plus du président, n'est-ce pas?

M. Hodgson: La Division des appels de la Commission serait composée d'au plus cinq commissaires et de leur secrétariat immédiat.

M. Groos: D'au plus cinq commissaires?

M. Hodgson: Oui, d'au plus cinq commissaires. Je pourrais peut-être faire remarquer aussi que la séparation entre la Division des appels et la Division de l'admissibilité sera totale, de même que la séparation entre la Division de l'admissibilité et la Direction des pensions ...

M. Groos: Évidemment.

M. Hodgson: ... de sorte qu'on fera appel à des personnes différentes aux trois niveaux.

M. Groos: Je m'en rends compte et je crois que c'est une bonne chose. C'est une question dont le Comité a déjà été saisi de temps à autre par le passé. Je crois comprendre aussi que les personnes dont la demande a déjà été étudiée et rejetée auront le droit de présenter une nouvelle demande auprès de cette Division des appels.

M. Hodgson: Comme l'a dit le Ministre hier, nous espérons que les gens ne se présenteront pas à moins d'avoir des preuves à l'appui qui, de prime abord, paraissent bien fondées. Si c'est le cas, ou s'ils ont de nouvelles preuves, ils peuvent demander la permission de se faire entendre de nouveau. Ils doivent pour cela s'adresser à la Division des appels.

M. Groos: Ce sera donc la Division des appels qui décidera si la cause sera réentendue ou non?

M. Hodgson: C'est exact.

M. Groos: Permettez-moi de dire qu'il est assez vain d'espérer que quelques personnes seulement voudront faire réentendre leur

[*Texte*]

ty of veterans who have been turned down, who have been up the tree and have tried to have their cases heard satisfactorily, or to their own satisfaction, will certainly try this new avenue. After all, they will take the attitude of having nothing to lose and everything to gain. They were not believed in their case the first time, therefore, they will try it again.

Mr. Hodgson: We think there will be a considerable number.

Mr. Groos: I suggest to you that five commissioners is not going to be enough in the opening stages. I would like to get some idea from you about how you would proceed if it turned out that there was a great wave of reapplications. We certainly do not want to hold up new applications for this higher tribunal.

It seems to me you will have to have a plan ready so that you can have a very quick reaction time if you are faced with a sudden flood. It is not your Commission that is blamed for any delay; it is the Members of Parliament and this Committee. I certainly would like to hear how you would plan to deal with a wave; although I think it would only be for about two or three years that there would be a wave of applications for the Commission to reopen at this higher tribunal.

Mr. Hodgson: Mr. Groos, I think it is expected that there will be a considerable flurry in the first months, or perhaps even years, and that perhaps some years after that one might be able to get along with four, or perhaps even three, commissioners in the Appeal Division.

The act as it now stands does provide for the appointment of ad hoc commissioners apart from the regular commissioners. The question of what provision will be in the draft bill when it is prepared some months from now I could only speculate on, but this would be one mechanism that could be used to maintain this provision for the appointment of ad hoc commissioners and to appoint the necessary number of ad hoc commissioners during periods of peak load.

Mr. Groos: How would an ad hoc commissioner be able to interpret the new law?

Mr. Hodgson: We have them now, interpreting the present law.

Mr. Groos: Would it be satisfactory to you that an interpretation, which would presumably set the pattern for the future, could be

[*Interprétation*]

cause. Je crois que la majorité des anciens combattants dont la demande a été rejetée, alors qu'ils avaient tout fait pour obtenir gain de cause, tenteront cette nouvelle chance. Après tout, ils n'auront rien à perdre, et tout à gagner. On n'a pas accepté leur cause la première fois, et ils essaieront donc de nouveau.

M. Hodgson: Nous estimons que leur nombre sera fort élevé.

M. Groos: Je pense que les cinq commissaires ne suffiront pas à la tâche au début. Je voudrais que vous me donniez une idée de ce que vous allez faire si vous recevez une montagne de nouvelles demandes. Nous ne voulons assurément pas retarder les nouvelles demandes qui parviendraient à ce tribunal de dernière instance.

Il me semble que vous devriez élaborer d'avance un programme d'action de façon à pouvoir réagir très rapidement si le besoin s'en fait sentir. Ce n'est pas votre Commission que l'on blâmera pour les retards, mais bien les députés et le Comité. J'aimerais que vous nous disiez comment vous vous y prendriez si une telle montagne de demandes vous parvenait; par ailleurs, je pense que ce n'est qu'au cours des deux ou trois premières années que la Commission risque de recevoir un tel nombre de demandes en vue de faire entendre de nouveau une cause par ce tribunal de dernière instance.

M. Hodgson: Monsieur Groos, je crois que nous nous attendons à recevoir un nombre considérable de demandes au cours des premiers mois, ou des premières années, et que, par la suite, quatre ou même trois commissaires pourront suffire à la tâche dans la Division des appels.

Sous sa forme actuelle, la Loi prévoit la nomination de commissaires temporaires en plus des commissaires permanents, selon les besoins. Quant à savoir quelles dispositions seront englobées dans le projet de loi qui sera rédigé d'ici quelques mois, je ne saurais le dire, mais c'est là une disposition qui pourrait encore servir à cet égard, en permettant la nomination de commissaires à titre temporaire, selon les besoins, au cours des périodes de pointe.

M. Groos: Comment un commissaire temporaire pourrait-il interpréter la nouvelle loi?

M. Hodgson: Nous en avons déjà à l'heure actuelle qui interprètent la présente loi.

M. Groos: Est-ce que vous accepteriez qu'une interprétation qui constituerait vraisemblablement un précédent, soit donnée par

[*Text*]

done by ad hoc as opposed to permanent commissioners?

Mr. Hodgson: I cannot speak directly for the Canadian Pension Commission but I believe their experience is that people who are appointed ad hoc commissioners do gain skill and proficiency fairly quickly. After all, they are occupied on a full-time basis with their work.

Perhaps Mr. Ward could add to that?

Mr. D. K. Ward (Deputy Chief Pensions Advocate, Department of Veterans Affairs): I would anticipate, sir, that if it were necessary to appoint ad hoc commissioners because of the anticipated volume of work, these men that may not have had experience and a lengthy background in pension affairs would primarily sit on the leave-to-reopen applica-

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tions which generally would be much like straightforward and simpler than engaging in complex matters of interpretation. The latter, I would expect, would be left to the more experienced of the commissioners. I would anticipate that the initial interpretations would be very important because they might be precedent-setting to some extent. I would like to leave that to the experienced people.

Mr. Groos: I suggest, Mr. Chairman, that when this legislation is prepared you bear this in mind and that some provision be made in the legislation for these ad hoc commissioners.

Secondly, I suggest that we have available across the country retired persons who have been pensions advocates at various levels, who have a wealth of experience, and who are highly respected by the veterans for the work they have done in the past. They would be a pool from which you could draw quite quickly and indeed satisfactorily for this type of work. Thank you, Mr. Chairman.

The Chairman: I understand Mr. Turner is back, and Mr. Bigg has turned up.

Mr. Turner (London East): Mr. Chairman, Mr. Groos has asked my questions. Thank you.

[*Interpretation*]

un commissaire temporaire par opposition à un commissaire permanent?

M. Hodgson: Je ne saurais parler au nom de la Commission canadienne des pensions, mais je crois que d'après l'expérience passée, les commissaires qui sont nommés à titre temporaire acquièrent rapidement la compétence voulue. Après tout, ils travaillent à cette tâche à plein temps.

M. Ward pourrait peut-être faire quelques observations à ce sujet?

M. D. K. Ward (avocat en chef adjoint des pensions, ministère des Affaires des anciens combattants): Je serais porté à croire, monsieur, que s'il était nécessaire de nommer des commissaires spéciaux à cause du surcroît de travail prévu, ces personnes qui n'aurait peut-être pas l'expérience voulue ni des antécédents assez considérables en ce qui touche aux questions de pensions s'occuperaient avant tout des demandes d'autorisation de réexaminer les causes qui, en général, seraient beaucoup plus directes et plus simples que si elles entreprenaient de résoudre des questions très difficiles à interpréter à cause de leur complexité. Ces dernières questions, je suppose, seraient laissées aux commissaires qui possèdent plus d'expérience. Je crois que les premières interprétations seraient d'une grande importance car elles pourraient créer, dans une certaine mesures des précédents. J'aimerais laisser ces questions aux personnes expérimentées.

M. Groos: Je propose, monsieur le président, que lorsque cette législation sera en voie d'élaboration, vous vous souveniez de ces propos et que la législation prévoie des dispositions pour ces commissaires spéciaux.

En second lieu, je suis d'avis que dans l'ensemble du pays, nous avons à notre disposition des personnes qui sont à la retraite et qui ont déjà joué le rôle d'avocat des pensions à divers niveaux, qui possèdent une riche expérience et qui jouissent d'une grande estime auprès des anciens combattants à cause de leurs états de services passés. Ces personnes constituent une sorte de réserve où vous pourriez puiser à la fois très vite et très avantageusement pour ce genre de travail. Merci, monsieur le président.

Le président: Je crois comprendre que M. Turner est de retour et que M. Bigg est arrivé.

M. Turner (London-Est): Monsieur le président, M. Groos a posé la question que je me proposais de poser moi-même. Je vous remercie.

[*Texte*]

The Chairman: Mr. Bigg.

Mr. Bigg: I wish to put on the record that I think a lot of the difficulty, both with the Canadian Pension Commission and with the applicants, has been the lack of records. I hope the departments from now on will see to it that people coming into the Armed Forces are very carefully examined, that thorough records are kept and that during service men who actually suffered from that sort of thing are better informed on how important it is for them to have properly documented evidence of their injuries and, if necessary, witnesses. It seems to me preposterous, and always has, that a serving member should have to find buddies who knew that he was sick or in hospital, and so on. I know it is very difficult—and I do not know why—to prove that you were even in hospital, although you had a serious operation. There is very little documentary evidence.

You may say that you did in fact attend the first general hospital in Europe and had a hemorrhoid operation, or a gastric ulcer, or something like this, but it is not always easy to prove it. It seems to me that in future we could at least keep better records of this type of thing. The "benefit of the doubt" rule would not be necessary at all if we had proper documentation available.

Mr. Hodgson: Mr. Chairman, this is just the kind of question that I think might suitably be gone into further by the new standing advisory committee that has just been established, which includes representation from the Department of National Defence. Such a committee could indicate in specific terms what improvements might usefully be made in the records.

Mr. Laniel: To come back to the point that was made by Mr. Groos, my interpretation is that the Appeal Division would not get from the beginning so many appeals because in the normal process everything has to start at the beginning, whether it be an old or a new case, through the adjudicator. The application would be looked at at that level, and in adjudicating the pension I imagine the new approach would be taken into consideration; and there is a chance that many of the files will stop there because the claim will be

[*Interprétation*]

Le président: A vous, maintenant, monsieur Bigg.

M. Bigg: Je désire que figure au compte rendu que d'après moi, beaucoup de difficultés que rencontrent tant la Commission canadienne des pensions que les requérants eux-mêmes proviennent du manque de dossiers. J'espère qu'à l'avenir, les ministères verront à ce que les personnes qui entrent dans les forces armées fassent l'objet d'examens minutieux, à ce que des dossiers complets soeint conservés et qu'au cours de leur service, les soldats qui ont eu à faire face à telles difficultés soient mieux renseignés sur l'importance d'avoir les preuves documentaires pertinentes de leurs blessures, et, au besoin, même des témoins. Il me semble et il m'a toujours semblé absurde qu'un membre actif des forces armées se voie dans l'obligation de découvrir des compagnons qui ont été au courant de sa maladie ou de son séjour à l'hôpital. Je sais qu'il est très difficile, sans en savoir la raison, de prouver qu'on a séjourné à l'hôpital, même s'il s'agissait d'une grave opération. Il y a très peu de preuves documentaires. Il est bien possible de dire que l'on a été hospitalisé dans un hôpital général d'Europe et qu'on y a subi l'opération des hémorroïdes, ou pour cause d'ulcère d'estomac et d'autres opérations du genre, mais il n'est pas toujours facile de le prouver. Il me semble qu'à l'avenir, nous pourrions à tout le moins conserver des dossiers plus à point relativement à ce genre de choses. Le principe du «bénéfice du doute» serait tout à fait inutile si nous avions à notre disposition tous les documents pertinents.

M. Hodgson: Monsieur le président, c'est précisément le genre de questions qui, à mon avis, devraient être étudiées plus à fond par le nouveau comité permanent consultatif qui vient d'être mis sur pied et qui compte des représentants du ministère de la Défense nationale. Un comité de cette sorte pourrait indiquer en termes précis les améliorations utiles qui pourraient être apportées aux dossiers.

M. Laniel: Je reviens à la question dont a parlé M. Groos; je suis d'avis que la Division des appels ne recevrait pas, au début, tellement d'appels puisque, suivant le cours normal des choses, il faut commencer par le commencement, qu'il s'agisse d'une ancienne ou d'une nouvelle cause, et qu'il faut passer par l'arbitre. C'est à ce niveau que la demande serait examinée, et en accordant la pension, j'imagine que la nouvelle méthode entrerait en ligne de compte; et il est bien possible que de nombreux dossiers n'aillent pas plus loin

[*Text*]

allowed and the veteran will get the pension. Do you agree with that?

Mr. Hodgson: Mr. Chairman, as we see it, the load will hit at two places simultaneously. Both statements are really correct. Completely new applications will begin at the Directorate of Pensions within the Department of Veterans Affairs, and we expect that to be a very heavy load. At the same time, those who have had their claims previously disposed of may be seeking leave to reopen, and that request for leave to reopen is considered at the Appeal Division before the claim begins to go through the process of consideration by the various levels.

Therefore, there will be a peak load, as we see it, in two places at the Department and at the Appeal Division; but the Appeal Division peak load will be confined to requests, "May we please reopen our cases".

Mr. Laniel: Yes, but will they not need authorization from the department's adjudication board before it goes to appeal?

Mr. Hodgson: Old cases where the applicant is seeking leave to reopen his case, would go straight to the Appeal Division for that leave and then if leave were given the case would be considered at the various levels.

Mr. Laniel: What priority will you give though to the new applications or to the appeals following new application? Will they get priority over the old ones? I ask that because I imagine you will be getting so many cases reopened at the Appeal Division that you will be flooded and will have to establish some kind of priority?

Mr. Hodgson: The new cases of course do not need to go to the Appeal Division for leave to reopen.

Mr. Laniel: And would those new cases which need to go and have not been allowed by the department get a priority over the others?

Mr. Hodgson: Well the matter of the administrative arrangements has not really been worked out in detail yet nor, for that matter, have the precise provisions of the bill itself. We do contemplate that during the early years it will be necessary to have some

[*Interpretation*]

puisque la réclamation sera accordée et que l'ancien combattant recevra la pension. Êtes-vous d'accord là-dessus?

M. Hodgson: Monsieur le président, d'après notre façon de voir les choses, le surcroît de travail échoira à deux endroits en même temps. Les deux déclarations sont exactes. Les demandes qui sont faites pour la première fois arriveront à la Direction des pensions, au sein du ministère des Affaires des anciens combattants, et nous nous attendons à des demandes très nombreuses. De même, ceux dont les réclamations ont déjà été rejetées demanderont peut-être qu'elles soient examinées de nouveau, et ces demandes seront étudiées à la Division des appels avant que la réclamation passe par les divers niveaux pour y être étudiée de nouveau.

Il y aura donc, d'après nous, un surcroît de travail à deux endroits, soit au ministère et à la Division des appels; mais le surcroît de travail, à ce dernier endroit, se limitera à la requête suivante: «Pourrions-nous faire examiner de nouveau notre cause?».

M. Laniel: Oui, mais ne leur faudra-t-il pas l'autorisation du conseil d'arbitrage du ministère avant de passer à la Division des appels?

M. Hodgson: Les anciennes causes où le requérant demande la permission de faire examiner sa cause de nouveau iraient directement à la Division des appels en vue d'une telle permission et, si la permission est accordée, la cause serait ensuite étudiée aux divers niveaux.

M. Laniel: Toutefois, quelle priorité accorderez-vous aux nouvelles demandes ou aux appels qui suivront les nouvelles demandes? Passeront-elles avant les anciennes? Si je vous pose cette question, c'est que j'imagine que vous serez inondés de causes examinées de nouveau à la Division des appels et que vous devrez donc établir quelque ordre de priorité.

M. Hodgson: Il va de soi que les nouvelles causes n'ont pas besoin d'aller à la Division des appels en vue de la permission d'être examinées de nouveau.

M. Laniel: Les nouvelles causes qui doivent y aller et qui n'ont pas été autorisées par le ministère jouiront-elles d'une priorité par rapport aux autres?

M. Hodgson: La question des dispositions d'ordre administratif n'a pas encore été élaborée dans tous les détails, ni même les dispositions bien précises du projet de loi lui-même. Nous songeons vraiment qu'au cours des premières années, il faudra des principes direc-

[*Texte*]

guidelines as to which kinds of cases should be treated first, second and third.

Mr. Laniel: This may be political but what will be the authority of the Minister over the Directorate of Pensions? Will it be mainly an administrative authority or will cases be referred to him?

Mr. Hodgson: Of course the Minister is responsible.....

Mr. Laniel: But it may be different now under the present system.

Mr. Hodgson: The Minister of course is responsible for the operation of his department, that is a firm and inescapable responsibility, however with the two systems of higher adjudication provided by legislation I would speculate that a minister probably would not become too involved with the actual substance of a particular application.

Mr. Laniel: I hope not. Thank you.

The Chairman: Mr. Peters.

Mr. Peters: Mr. Chairman, I am interested in the question Mr. Groos raised. I agree with him in that if, in changing this legislation, we have changed the fundamental position of the Pension Commission itself then there will be an immense number of appeals. If we in fact have said, for instance, that the "benefit of the doubt" clause is now applied in a different way than it was previously, there again could be a lot of appeals come through the departmental structure. In other words there would be a rehearing because of a change in interpretation.

Mr. Hodgson: There would only be a rehearing if leave to reopen was given in such cases.

Mr. Peters: Frankly, I do not see that leave would need to be given in this particular case because you have changed the criterion. The decision was not made on this criteria, it was made on former criteria, and as the criteria changes then obviously the case is changed and your adjudication should be different. Now if we use the appeal procedure to allow this change in interpretation we will get one heck of a flood and every one of these people

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are going to say that the benefit of the doubt as it applied before is different than the bene-

[*Interprétation*]

teurs pour déterminer quelles causes passeront en premier, en deuxième et en troisième lieu.

M. Laniel: Il s'agit peut-être d'une question de caractère politique, mais quelle autorité le ministre aura-t-il sur la Direction des pensions? Son autorité sera-t-elle avant tout de caractère administratif, ou bien si des causes lui seront soumises?

M. Hodgson: Naturellement, le ministre est responsable...

M. Laniel: Mais ce sera peut-être différent en vertu du régime actuel.

M. Hodgson: Naturellement, le ministre est responsable du fonctionnement de son ministère: c'est là un principe absolu, mais toutefois, étant donné les deux régimes d'arbitrage supérieur que prévoit la législation, je serais porté à croire que le ministre n'aurait pas à s'occuper trop à fond du contenu de telle ou telle demande en particulier.

M. Laniel: J'espère que ce sera tel que vous le dites. Je vous remercie.

Le président: Vous avez la parole, monsieur Peters.

M. Peters: Monsieur le président, la question qu'a posée M. Groos m'intéresse. Je suis d'accord avec lui quand il dit que si les modifications apportées à la législation modifient l'attitude fondamentale de la Commission des pensions elle-même, il en résultera un nombre d'appels très, très élevé. Si, de fait, nous disons, par exemple, que la clause relative au «bénéfice du doute» s'applique maintenant de façon différente du passé, il est bien possible qu'un grand nombre d'appels soient adressés au ministère. Autrement dit, le changement d'interprétation susciterait des demandes de nouvel examen.

M. Hodgson: Il n'y aurait de nouveaux examens que si la permission était accordée dans des causes de ce genre.

M. Peters: Je ne vois vraiment pas qu'il faudrait accorder une permission dans ces cas en particulier du fait que le critère a été modifié. La décision n'a pas été prise d'après ce critère mais plutôt d'après un critère antérieur, et puisque le critère change, la cause elle-même change elle aussi, évidemment, et l'arbitration devrait être différente. Si nous employons la procédure d'appel pour permettre ce changement d'interprétation, nous

serons inondés de demandes, et chaque requérant dira que le principe du «bénéfice du

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fit of the doubt now, that their case is different and therefore we should have a look at it again.

Now in respect of compensation in Ontario —a disease that they are playing with now is emphysema—as more is learned about a disease and its relation to certain types of work and certain hazards a decision is made to review such cases and they are all sent back and looked at again under a kind of a review. This does not need an appeal because there is a new interpretation placed on it. Occasionally a new chemical or a new washing process not used before will create new forms of dermatitis and they look at the industries that are using this type of process and reprocess such cases automatically. When they do this it eliminates all this business of everybody going through an appeal. If we are not going to do that I see no justification for the Commission turning down every appeal based on the benefit of the doubt. If we do that then it seems we are asking for one hell of a lot of work. I agree with Mr. Groos, that it is going to take a lot of people. Maybe we should be looking at this in a totally different way. If we have really changed our thinking in respect of the benefit of the doubt then we should review the cases that were based on that. A question was asked yesterday, on how many cases were decided on the benefit of the doubt and if the whole appeal structure had applied the benefit of the doubt. That was a good question. I think we really should have some kind of an answer as to how many of the cases this would apply to directly, because it seems to me we would be foolish to set up a new type of machinery, its only purpose being to do what we apparently are doing in the proposed legislation, that is changing some of the criteria. We should not be setting up appeal machinery to go back into that, we should be able to do that interdepartmentally.

Mr. Ward: Mr. Chairman, the course obviously is that, theoretically, every person who has had an adverse Appeal Board decision in the past can appear before the new appellate division seeking leave to reopen. He would not require such leave, as you know, in cases of new conditions or in cases where his claim may be affected by some of the substantive changes in the law in the nature of presump-

[*Interpretation*]

doute», comme on l'appliquait auparavant, est différent du principe et de l'application actuels, que leur cas est différent et qu'on devrait donc procéder à l'examiner de nouveau.

Quant aux indemnités versées en Ontario, une maladie dont il est beaucoup question, en ce moment, c'est l'emphysème; au fur et à mesure que l'on en connaît davantage sur une maladie, et comment elle se rattache à certains genres de travaux et à certains dangers, on décide de revoir de tels cas, qui sont retournés et font l'objet d'un nouvel examen. Il n'est pas nécessaire de faire appel du fait qu'il y a une nouvelle interprétation. Il peut arriver, à l'occasion, qu'un nouveau produit chimique ou qu'une nouvelle méthode de lavage qui n'avait pas encore été utilisée puissent engendrer de nouvelles formes de dermatite; on étudie alors les industries qui utilisent ces méthodes, et automatiquement, les cas sont étudiés de nouveau. En agissant de la sorte, on élimine tous les appels. Si nous ne faisons pas de même, je ne vois pas pourquoi la Commission rejetterait tous les appels qui reposent sur le «bénéfice du doute». Si nous agissons de la sorte, il me semble que nous allons demander une somme de travail énorme. Je conviens avec M. Groos qu'il faudra un personnel très nombreux. Il nous faudrait peut-être adopter une optique tout à fait différente. Si nous avons vraiment changé d'idée au sujet du bénéfice du doute, nous devrions alors revoir les causes qui reposaient sur ce principe. On a demandé, hier, combien de causes étaient jugées d'après le bénéfice du doute et si toute la structure elle-même des appels avait tenu compte de ce principe. C'était une bonne question à poser. J'estime qu'il nous faudrait une réponse quelconque à la question de savoir à combien de causes ce principe s'appliquera car, me semble-t-il, il serait peu intelligent de mettre sur pied un nouveau genre d'organisme dont le seul but serait de faire ce que nous faisons apparemment dans la législation proposée, soit de changer certains critères. Il ne faudrait pas prévoir de nouvelles dispositions d'appels pour arriver à cette fin puisque nous devrions être capables de le faire entre les départements.

M. Ward: Monsieur le président, la tendance évidente est qu'en théorie, toute personne dont l'appel a été rejeté par le passé peut se présenter devant la nouvelle Division des appels et demander l'autorisation de faire examiner de nouveau sa cause. Une telle autorisation, comme vous le savez, ne serait pas nécessaire dans les causes où de nouvelles conditions interviennent ou dans les causes où les réclamations peuvent être touchées par

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tions. I do not see the benefit of the doubt and I might be going a little out on a limb on this—in the same light as a basic change in the grounds for pension in the substantive law, I see it more as a clarification or a crystalizing of the present benefit of the doubt system. As I mentioned, everybody can seek leave but we do not anticipate this. In the past it has by and large been traditional that when there has been a change in legislation you still must seek leave to reopen if you are now seeking reconsideration of a claim previously dealt with by the final adjudicating authority. Again, there may be a flood, on the other hand there may not be too many.

Of course the Veterans Bureau will have the role, and it is not always a pleasant one, of telling people the facts, that in our opinion they have a case or do not have a case and stating quite clearly why, in our opinion, they do not have one. If a man does not in fact have a case there is no reason that he should not be told so. I would like to believe that many of the applicants will accept our view and, of course, having the advantage in the new system of some aura of independence they may be more willing to accept our unbiased view. I think that would tend to sift

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out some of these completely hopeless things. We are going to get them, but if we left the door wide open and said that everyone now has the right to claim for anything that had been previously turned down at the appeal level then of course you might be in the same situation of again being flooded.

Mr. Peters: Mr. Chairman, could I ask another question? I presume you are at the departmental level; you are not on the Canadian Pension Commission?

Mr. Hodgson: Mr. Ward is Chief Pensions Advocate within the Department.

Mr. Peters: I never could understand what the devil the advocate department did, or how it really fitted in. I do not say that unkindly. It appears to me that the departmental people are rather divorced fom the commission. I gathered from the discussion

[*Interprétation*]

certaines modifications importantes apportées à la loi et donnant lieu à des présomptions. Je ne vois pas le bénéfice du doute—et je m'aventure peut-être un peu loin en parlant ainsi —comme un changement fondamental apporté aux raisons des pensions que comporte la loi elle-même, mais plutôt comme un éclaircissement ou une cristallisation de notre régime actuel du bénéfice du doute. Comme je l'ai déjà dit, tout le monde peut demander l'autorisation, mais nous ne nous y attendons pas. Par le passé, ce qui s'est produit le plus souvent et dans la plupart des cas, c'est que, quand les lois ont été modifiées, il fallait quand même l'autorisation pour obtenir un nouvel examen si l'on voulait faire étudier de nouveau une réclamation qui avait déjà fait l'objet d'une décision de l'arbitre de dernière instance. Je répète qu'il est possible que l'on soit inondé de demandes, mais, par ailleurs, il est bien possible également qu'il n'y en ait pas trop.

Évidemment, c'est le Bureau des vétérans qui aura le rôle de dire aux gens les faits tels qu'ils sont, rôle qui n'est pas toujours agréable: il faudra leur dire qu'ils ont matière à cause ou qu'ils n'en ont pas et leur dire clairement pourquoi ils n'en ont pas. Si un individu n'a pas vraiment matière à cause, il n'y a pas de raison de ne pas le lui dire. J'aime à croire que plusieurs requérants accepteront nos idées et, cela va de soi, comme ils pourront bénéficier, grâce au nouveau régime, d'un certain degré d'indépendance, ils consentiront peut-être à adopter nos idées qui sont libres de tout préjugé. Je crois que ce procédé contribuera à éliminer les cas désespérés, mais il s'en présentera quand même; toutefois, si nous laissons la porte grande ouverte et si nous proclamons que tout le monde a maintenant le droit de faire toutes les réclamations qui avaient déjà été rejetées au niveau des appels, ce sera, encore une fois, le déluge.

M. Peters: Monsieur le président, puis-je poser une autre question? Je suppose que vous êtes au niveau du ministère et que vous ne faites pas partie de la Commission canadienne des pensions?

M. Hodgson: M. Ward est l'avocat en chef des pensions au sein du ministère.

M. Peters: Je n'ai jamais trop bien compris ce que diable peut faire le Bureau des avocats ou comment il s'insère dans l'ensemble. Je le dis sans malice. Il me semble que les fonctionnaires du ministère se trouvent isolés de la Commission.

[*Text*]

we had with the Minister yesterday that there were certain changes that would have a bearing on a number of cases. It is difficult to say how many, but can some of these cases not be reassessed? Let me use an example. I do not know much about the army, but they use this Pulhems system, I believe it is, as their criteria. A man goes into the army with an A-1 category in Pulhems. During the period he is rated 4-F, which I understand is pretty bad. He wants to get out, and to get out he has to be rated A-1 again; so he goes out with an A-1 rating again, but this 4-F is still in existence. I understood from yesterday's discussion that the situation has now changed and that he does not have to prove that he was 4-F. You have to prove that he was not 4-F; and obviously from his army record he was. The benefit of the doubt now is going to be in his favour; previously it was not. Why did he get out A-1? He got out A-1 because he wanted to go home. Is this not changed, and will the Department not review some of these?

Mr. Ward: Mr. Chairman, under the proposal it is anticipated that leave to reopen will not be required in the type of case you have illustrated because it is one in which there has been the introduction in the new bill, of a presumption in favour of the applicant, I expect. The presumption will be in the nature of acceptance of fitness on enlistment as the documents on enlistment indicate.

Because that is a new presumption leave to reopen would not be required and I would think that when such a person's claim was examined for the first time by the new Directorate of Pensions the mere fact that the man had a condition which, by its very nature, was pre-enlistment in origin, may, without any further evidence, result in that type of case and many others getting rather instant entitlement.

Mr. Peters: Can we have an estimate of how efficient our records would be to sort this out? Will the Department be able to handle some of this without going through the Appeal Division?

[*Interpretation*]

La conversation que j'ai eue, hier, avec le ministre m'a laissé l'impression que certaines modifications pourraient affecter un certain nombre de causes. Il n'est pas facile de dire combien, mais ne serait-il pas possible d'évaluer un certain nombre de ces causes? Par exemple, même si je ne connais pas grand-chose au sujet de l'armée, je sais qu'on y emploie le système Pulhems comme critère. Un individu entre dans l'armée, dans la catégorie A-1 d'après le système Pulhems. Pendant qu'il y est, il tombe dans la catégorie 4-F, qui, si je comprends bien, est très basse. Il désire sortir de l'armée mais, pour ce faire, il lui faut être réadmis dans la catégorie A-1; il quitte donc l'armée avec la catégorie A-1, encore une fois, mais la catégorie 4-F est toujours là. J'ai cru comprendre, à la suite de la discussion d'hier, que la situation a été modifiée et qu'il n'a pas à prouver qu'il était dans la catégorie 4-F. Il faut prouver qu'il n'était pas dans cette catégorie même si son dossier militaire ne laisse aucun doute là-dessus. Le bénéfice du doute va jouer, à l'avenir, en sa faveur, ce qui n'était pas le cas auparavant. Pourquoi est-il sorti avec la catégorie A-1? Parce qu'il voulait s'en aller chez lui. Cela n'a-t-il pas été modifié et le ministère ne reverra-t-il pas certaines de ces causes-là?

M. Ward: Monsieur le président, grâce à la proposition qui a été mise de l'avant, on prévoit que l'autorisation d'un nouvel examen ne sera pas nécessaire dans le genre de causes que vous avez mentionnées, car le nouveau projet de loi, pour ce genre de causes, renferme une clause en faveur du requérant, je l'espère du moins. Cette présomption sera sous forme d'acceptation de la bonne santé physique au moment de l'enrôlement, comme en font foi les documents relatifs à ce moment-là.

Parce qu'il s'agit d'une nouvelle présomption, l'autorisation d'un nouvel examen ne sera pas nécessaire et je suis porté à croire que lorsque la réclamation de cet individu sera étudiée pour la première fois par la nouvelle Direction des pensions, le simple fait qu'il souffrait d'une maladie dont la nature remontait à la période antérieure à son enrôlement lui permettrait, sans autre preuve, d'être admissible immédiatement, et la même situation s'appliquerait à beaucoup d'autres causes.

M. Peters: Pourriez-vous nous dire quelle pourrait être l'efficacité de nos dossiers pour faire un tel triage? Le ministère sera-t-il en mesure de régler certaines de ces affaires sans avoir à s'en remettre à la Division des appels?

[*Texte*]

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Mr. Ward: The Department, of course, will have assigned to it the present staff of the Canadian Pension Commission, excluding those mentioned in the White Paper—the Commissioners and a few others. Certainly, in my opinion, they are highly competent to deal with this sort of thing. Part of their daily existence is looking through medical records and service documents. They are quite proficient at this sort of assessment.

The Chairman: A number of others have indicated they have questions, Mr. Peters. Mr. Groos again.

Mr. Guay (St. Boniface): On the same subject Mr. Chairman, may I ask a supplementary question? May it not be that we are creating a great deal of false hope amongst certain applicants who have been turned down? They may believe that they can add to the evidence they already have produced on previous applications only to have their reapplication turned down at the Department level.

Mr. Ward: Mr. Chairman, of course, hope springs eternal and I dare say that when the veteran population becomes aware of the presumption they may very well become hopeful. It is not advanced with the idea of creating false hopes and I hope they will understand this. Some of them will be bitterly disappointed, I dare say, and others possibly pleasantly surprised.

At least it is a step forward in acceptance of the principle that you are fit on enlistment if your documents so indicate. This presumption is surrounded by various ways of rebutting it, as mentioned in the White Paper. I dare say in many cases the presumption will be rebutted and the applicant will be no farther ahead than he is now; but there will be a fair number, I should expect, who will benefit from the provision.

Mr. Bigg: I have a supplementary question on this point. Is it not true that over the years the Canadian Pension Commission has in fact generally used Section 70 in what we consider to be the proper way, and that the cases where they have not been given the benefit of the doubt are not as numerous as the present conversation would tend to imply? Personally, from the experiences I have had—and I have had complaints, too, as have other Members of Parliament—has not the Canadian Pension Commission generally used Section 70 in the

[*Interprétation*]

M. Ward: Le ministère s'adjoindra le personnel actuel de la Commission canadienne des pensions, à l'exclusion des individus mentionnés dans le Livre blanc, des commissaires et de quelques autres. Je suis d'avis qu'ils possèdent certainement toute la compétence voulue pour ce genre de travail. Ils passent une partie de leurs journées à examiner les dossiers médicaux et les documents relatifs au service. Ils sont très bien qualifés pour ce genre d'évaluation.

Le président: Plusieurs autres personnes ont laissé entendre qu'elles avaient des questions à poser, monsieur Peters. Vous avez la parole de nouveau, Monsieur Groos.

M. Guay (Saint-Boniface): Sur le même sujet, monsieur le président, puis-je poser une question complémentaire? Ne pensez-vous pas que nous sommes peut-être à susciter beaucoup de faux espoirs chez certains requérants dont les demandes ont été rejetées? Ils croiront peut-être qu'ils n'auront qu'à ajouter de nouvelles prevues à leurs demandes soumises précédemment, mais ils devront constater que leurs nouvelles demandes sont de nouveau rejetées, cette fois-ci, au niveau du ministère.

M. Ward: Monsieur le président, l'espoir est intarissable et j'ose dire que lorsque les anciens combattants prendront connaissance de la présomption, ils déborderont d'espoir. Notre but n'est pas de susciter de faux espoirs et j'espère que tous le comprendront. Certains seront amèrement déçus tandis que d'autres auront peut-être d'agréables surprises.

Du moins, il s'agit d'un pas de plus en vue de l'acceptation du principe qu'un individu est en bonne santé lors de l'enrôlement si les documents l'attestent. Cette présomption s'accompagne de divers moyens d'être réfutée, comme l'indique le Livre blanc. J'ose dire que, dans plusieurs cas, la présomption sera réfutée et que le requérant ne sera pas plus avancé qu'il ne l'est présentement; d'autre part, il y en aura un bon nombre, j'imagine, qui profiteront de la nouvelle disposition.

M. Bigg: J'ai une question complémentaire à poser à ce sujet. N'est-il pas vrai qu'au cours des années passées, la Commission canadienne des pensions a vraiment utilisé l'article 70, en général, de la façon que nous estimons être la bonne et que les causes qui n'ont pas joui du bénéfice du doute ne sont pas aussi nombreuses que notre discussion actuelle pourrait le laisser entendre? Quant à moi, d'après ma propre expérience, et j'ai reçu des plaintes, moi aussi, tout comme d'autres députés, je me demande si la Commission

[*Text*]

broadest sense in favour of the veteran? It is only where there has been a narrow interpretation of Section 70 that any clarification has been considered necessary. I think perhaps we are exaggerating the case at the present time.

Mr. Ward: Mr. Chairman, many people would disagree with my opinion, but I have been professionally involved in presenting many hundreds of cases over the years, and certainly in my view the benefit of the doubt has been very generously applied; that is, when you consider what is required by way of proving a case in a normal court of law. Then you enter into the quasi-judicial pension system and you find that you are unable to prove conclusively that one medical condition is related to another and so forth. The Commission, as I see it, has generously applied this provision. But there are always cases...

Mr. Bigg: Yes; I know.

Mr. Ward: ...that become notorious, and mistakes are made.

The Chairman: I have allowed two supplementary questions on this point and I have the names of four others on my list—Mr. Groos, Mr. MacRae, Mr. Weatherhead and Mr. Laniel. Mr. Groos.

Mr. Groos: I have already asked a set of questions, Mr. Chairman. I will defer the rest until others have had their turn.

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The Chairman: Mr. MacRae?

Mr. MacRae: I would like to make a suggestion at this point, Mr. Chairman. I have been especially interested in the Appeal Division which would seem to be the major area of interest to most of the members of the Committee.

Mr. Groos suggested a little earlier that there would be a flood of applicants before the Appeal Division. I would think not. I think the great bulk of work in this area will fall on two people—Mr. Ward in the Veterans' Bureau and Mr. MacFarlane of the Royal Canadian Legion and the other service bureaus that operate in this area. Before they can present the case, as the Deputy has pointed out, there must be, for the most part, additional evidence produced which would be up to Mr. Ward, Mr. MacFarlane and whoever else is the veteran's advocate who are, of

[*Interpretation*]

canadienne des pensions n'a pas, en général, utilisé l'article 70, pris dans son sens le plus large, en faveur des anciens combattants. Ce n'est que lorsque l'article 70 a fait l'objet d'une interprétation étroite que des éclaircissements ont été jugés nécessaires. Je crois que nous exagérons peut-être quelque peu en ce moment.

M. Ward: Monsieur le président, plusieurs seront en désaccord avec moi, mais, au cours des ans, j'ai eu l'occasion d'être mêlé à la présentation de plusieurs centaines de causes, de par ma profession, et je suis convaincu que le bénéfice du doute a été appliqué avec une grande générosité; surtout si l'on examine les exigences d'une cour ordinaire de justice en matière de preuve. Quand il s'agit du régime de pension qui est un régime quasi judiciaire, on découvre qu'on est incapable de prouver de façon concluante qu'un état de santé se rattache à un autre, et ainsi de suite. La Commission, à mon avis, a fait preuve de générosité en appliquant cette disposition. Mais il se présente toujours des cas...

M. Bigg: Oui, je sais.

M. Ward: ...qui deviennent bien connus, et il se commet des erreurs.

Le président: J'ai autorisé deux autres questions sur ce sujet, et j'ai quatre autres noms sur ma liste, soit les noms de MM. Groos, MacRae, Weatherhead et Laniel. Vous avez la parole, monsieur Groos.

M. Groos: J'ai déjà posé plusieurs questions, monsieur le président. Je poserai celles qui restent après que les autres auront eu leur tour.

Le président: Monsieur MacRae?

M. MacRae: Monsieur le président, j'aimerais en ce moment faire une suggestion. La Division des appels m'intéresse tout spécialement et il semble que ce soit elle qui intéresse le plus aussi la plupart des membres du Comité.

Il y a quelques instants, M. Groos a laissé entendre qu'il y aurait une pléthore de requérants devant la Division des appels. Je ne suis pas du même avis. Je crois plutôt que le plus gros de la tâche échoira à M. Ward, au Bureau des vétérans, et à M. MacFarlane, de la Légion canadienne et aux autres bureaux qui s'occupent de ces questions. Avant qu'ils puissent présenter leur cause, comme l'a souligné l'avocat adjoint, il faut qu'ils produisent surtout des preuves supplémentaires, qui incomberont à M. Ward, à M. MacFarlane et à quiconque se trouve être l'avocat des anciens

[*Texte*]

course, the best two people to do this type of thing. This is where the great burden of work will fall right at the start and certainly for some considerable period. I wanted to make that observation.

Secondly, I wanted to agree with Mr. Ward on the last point he brought up a few moments ago. My own experience in the area of the benefit of the doubt has been that for the most part the Commission has been fair and generous in this particular section. I know that this will not be agreed with by a great many people, especially those whose cases have been denied, but I would repeat that in the cases I have taken—I have had a great many over the years as I have been deeply interested for 24 years in this particular area—I cannot complain about that particular section. Thank you.

The Chairman: Mr. Weatherhead.

Mr. Weatherhead: Yes, Mr. Chairman, I apologize for being late. I was tied up in my office for a while and I think a couple of these things may have been covered previously, but since I gather we may not get the transcripts for a couple of days or so perhaps you could bear with me for a moment. I believe Mr. Hodgson may have made some reference to my question yesterday on what the estimated cost would be for a separate pension's appeal board. I wonder if that is the case and if not, could you briefly bring me up to date.

Mr. Hodgson: Yes, Mr. Chairman, I pointed out, as the Minister said yesterday, that cost was not the only consideration and as the Minister also said if one can achieve the objective without making an expenditure so much the better. But that being said, we have estimated that the additional cost involved in an independent pension's appeal board would be of the order of $500,000 a year.

Mr. Weatherhead: Mr. Chairman, following up the recent discussion this morning on the benefit of the doubt clause, as mentioned, I think, by most of our members who have been speaking in the last half hour or so, I wonder, Mr. Ward, if in the reasons for judgment of the present appeal system there is ever any mention of the benefit of doubt as being applied, as not being applied or this sort of thing?

Mr. Ward: Mr. Chairman, many years ago there was not a great deal of mention in reasons for decision about benefit of the

[*Interprétation*]

combattant: ce sont les gens les mieux qualifiés pour ce genre de travail. C'est sur eux que retombera la plus lourde tâche dès le début et même durant un temps assez considérable. C'est la remarque que je voulais faire.

En second lieu, je désirais manifester mon accord avec M. Ward au sujet de la question qu'il a soulevée, il y a quelques instants. D'après ma propre expérience en matière de bénéfice du doute, j'estime qu'en général, la Commission a été juste et généreuse à cet égard. Je sais que bien des gens ne seront pas de notre avis, surtout ceux dont les causes ont été refusées, mais je répète que dans les causes dont je me suis occupé, et elles sont nombreuses, car la question m'intéresse depuis 24 ans, je répète donc que je n'ai rien à dire contre cet article en particulier. Je vous remercie.

Le président: Monsieur Weatherhead.

M. Weatherhead: Oui, monsieur le président, je vous prie d'excuser mon retard. J'ai été retenu à mon bureau pendant un certain temps et je crois qu'une ou deux de ces questions ont peut-être été déjà traitées, mais puisque j'ai l'impression que le compte rendu ne nous parviendra pas avant un jour ou deux, je vous demande de bien vouloir m'endurer un instant. M. Hodgson a peut-être fait allusion à la question que j'ai posée, hier, au sujet du coût prévu d'un Bureau des pensions distinct. Je me demande s'il a répondu à cette question et s'il ne l'a pas fait, pourriez-vous me donner les derniers renseignements en quelques mots?

M. Hodgson: Oui, monsieur le président, j'ai signalé, comme l'a dit, hier, le ministre, que le coût n'était pas la seule chose à considérer, et comme le ministre l'a également dit, si l'objectif peut être atteint sans qu'il y ait des dépenses à faire, tant mieux. Cela dit, nous avons évalué le coût supplémentaire d'un Bureau autonome des pensions à environ 500,000 dollars par an.

M. Weatherhead: Monsieur le président, pour faire suite à la discussion de ce matin au sujet de l'article relatif au bénéfice du doute, tel que l'ont mentionné, je crois, la plupart des membres qui ont pris la parole au cours de la dernière demi-heure, je me demande, monsieur Ward, si, dans les raisons invoquées pour juger le régime d'appels actuel, il est fait mention que le bénéfice du doute s'applique ou ne s'applique pas, ou de choses semblables?

M. Ward: Monsieur le président, il y a plusieurs années, il n'était pas beaucoup question, dans les décisions rendues, du bénéfice

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doubt, but in the last few years I think it is safe to say that the vast majority of decisions indicate whether the benefit of the doubt is being invoked in order to award entitlement in any particular case. There is a great deal of reference to the benefit of the doubt in Commission decisions at all levels currently and there has been for quite a number of years in the past.

Mr. Weatherhead: Mr. Ward, if in the recent decisions that do grant awards they mention more frequently the benefit of the doubt being applied in favour of the veteran, in cases where the appeal was denied would they mention the benefit of the doubt in those cases also?

Mr. Ward: Mr. Chairman, they might and have mentioned in cases that have been declined at Appeal Board level also that notwithstanding the provisions of Section 70, which is the benefit of the doubt clause, as you know, they are unable to find their way clear to awarding entitlement. So it is men-

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tioned often when they award and very often when they decline.

Mr. Weatherhead: I would think, following up Mr. Peters' earlier questions, that surely in the appeals that have been declined that have mentioned benefit of the doubt as being taken into consideration, but not being sufficient still to let the appeal stand or be successful, we would have some record of those cases then that perhaps could be reviewed and in the light of the new guidelines see whether there might be some way that the leave to appeal might be suggested or that the veterans might be encouraged to appeal these particular cases.

Mr. Ward: Mr. Chairman, it may be very difficult to do what you suggest, sir. It is not impossible, but by and large—certainly the records of the Veterans' Bureau which we keep—we keep favourable decisions for the obvious reason that we want to refer to these when we have a similar case we are having difficulty with. We do not keep records of unfavourable cases because they are of no use or value to us and I would think that this would be true to a large extent with veterans organizations as well, although I cannot speak for them. One can search through every single file to produce this sort of information. There would be difficulties, as you can appreciate, in that approach, but it would not be impossible.

[*Interpretation*]

du doute, mais, ces dernières années, je crois qu'on peut dire avec certitude que la vaste majorité des décisions rendues mentionnent si oui ou non le bénéfice du doute entre en ligne de compte en vue d'accorder l'admissibilité à tel ou tel cas en particulier. Il y a actuellement beaucoup d'allusions au bénéfice du doute dans les décisions rendues par la Commission, à tous les paliers, et cela se fait depuis plusieurs années.

M. Weatherhead: Monsieur Ward, si, dans les décisions récentes qui ont été rendues et qui accordaient l'admissibilité, il est mentionné plus souvent que le bénéfice du doute s'appliquait en faveur des anciens combattants, dans les causes où l'appel a été refusé, le bénéfice du doute est-il mentionné dans celles-là aussi?

M. Ward: Monsieur le président, il est possible qu'on ait mentionné aussi, dans les causes qui ont été rejetées au niveau du Bureau des appels, que, nonobstant les dispositions de l'article 70 qui a trait au bénéfice du doute, comme vous le savez, on ne peut trouver de raisons de justifier l'admissibilité. L'admissibilité est donc souvent mentionnée, de même que, très souvent, le refus.

M. Weatherhead: Pour faire suite à une question antérieure de M. Peters, je serais porté à croire que si, dans les appels qui ont été rejetés, il est mentionné que le bénéfice du doute est entré en ligne de compte mais que ce n'était pas suffisant pour faire accepter l'appel, je serais donc porté à croire, dis-je, que nous devrions certainement posséder des dossiers sur ces causes-là, qui pourraient être revues et, à la lumière des nouveaux principes directeurs, nous devrions voir s'il n'y aurait pas moyen de proposer l'autorisation d'en appeler ou d'encourager les anciens combattants à porter leurs causes en appel.

M. Ward: Monsieur le président, votre suggestion serait peut-être très difficile à réaliser. Elle n'est pas impossible à réaliser, mais il est indubitable que, dans la très grande majorité des dossiers que nous gardons au Bureau des vétérans, les décisions rendues ont été favorables pour la raison, évidente par elle-même, que nous voulons nous y reporter lorsque se présentent des difficultés du même genre. Nous ne conservons pas de dossiers des décisions contraires car ils n'ont aucune valeur ou utilité pour nous, et je serais porté à croire que cela s'applique aussi, dans une large mesure, aux associations d'anciens combattants, bien que je ne puisse parler en leur nom. On peut fouiller dans tous les classeurs pour trouver ce genre de renseignements. Il y

[*Texte*]

Mr. Weatherhead: Would the veteran have a copy of the reasons for judgment?

Mr. Ward: Yes, sir.

Mr. Weatherhead: If it were made public or semi-public and if in looking over his reasons for judgment there is some reference to the benefit of the doubt not being sufficient to award the appeal, could it not be suggested publicly that he might see the local pensions' advocate to ask for some advice?

Mr. Ward: Mr. Chairman, I am not exactly a PR man, but I have found from experience that when there is new legislation introduced in the pension field there is some publicity given and undoubtedly there would be some reference in the Legion's organ and other publications. I believe that generally the new provisions will be reasonably well publicized and veterans will have no difficulty by and large of becoming aware of these changes and where to go to seek advice and assistance.

Mr. Weatherhead: I suppose, Mr. Chairman, as Mr. MacRae and Mr. Bigg, I believe, have stated it may be more to the point to ask Mr. Ward whether there is any real difference in his opinion in the suggested guidelines that have been suggested be written into a new act from the present practice as far as benefit of the doubt is concerned. In your opinion are we making a real improvement here or are we just putting down in writing what is presently the case?

Mr. Ward: Mr. Chairman, as you know, sir, there were many people who appeared before the Woods Committee who including some of the members present gave their interpretation of Section 70. There was a large variety of interpretation and yet many people in positions of authority have said in the past that Section 70 was crystal clear. I like to think the proposal will help the adjudicating authority and certainly the applicant's representative to clarify his approach in the case and be almost a step-by-step system to help him really to implement the spirit and intent of that particular section. But, again,

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who is to say whether many members and others will have their own interpretation.

[*Interprétation*]

aurait des problèmes, comme vous le comprenez bien, dans cette manière de faire, mais ce ne serait pas impossible.

M. Weatherhead: L'ancien combattant reçoit-il une copie des raisons qui ont motivé le jugement?

M. Ward: Oui, monsieur.

M. Weatherhead: Si le jugement était rendu public ou semi-public, et si, en examinant les raisons du jugement, l'ancien combattant découvre une allusion au bénéfice du doute qui n'aurait pas été suffisant pour accorder l'admissibilité, ne pourrait-il pas être proposé publiquement qu'il pourrait consulter l'avocat local des pensions et lui demander conseil?

M. Ward: Je ne suis pas exactement ce qu'on appelle agent des relations publiques, mais l'expérience m'a appris que lorsque de nouvelles mesures législatives sont présentées en matière de pensions, on leur fait de la publicité et il n'y a pas de doute qu'on en ferait mention dans le journal de la Légion, de même que dans les autres publications. Je pense qu'en général, les nouvelles mesures feront l'objet d'une assez grande publicité et que les anciens combattants n'auront pas de difficultés, dans l'ensemble, à prendre connaissance de ces modifications et à savoir où aller pour obtenir conseils et aide.

M. Weatherhead: Je suppose, monsieur le président, comme M. MacRae et M. Bigg l'ont déclaré, je crois, qu'il serait peut-être plus pertinent de demander à M. Ward s'il existe vraiment une différence, à son avis, entre, d'une part, les principes directeurs qu'on a proposé d'insérer dans la nouvelle loi et, d'autre part, la pratique actuelle en ce qui a trait au bénéfice du doute. D'après vous, s'agit-il d'une véritable amélioration, ou bien ne faisons-nous que mettre par écrit dans la loi ce que nous faisons présentement?

M. Ward: Monsieur le président, comme vous le savez, bien des personnes ont comparu devant le Comité Woods, y compris certains des membres ici présents, pour donner leur interprétation de l'article 70. Les interprétations ont beaucoup varié, même si des personnes haut placées ont dit, par le passé, que l'article 70 est clair comme de l'eau de roche. J'aime à croire que la proposition contribuera à aider l'arbitre et certainement aussi le représentant du requérant en vue d'éclaircir sa façon d'aborder la cause; j'aime à croire également qu'elle constituera un régime qui l'aidera presque pas à pas à mettre en prati-

que l'esprit et la lettre de cet article en particulier. Mais, encore une fois, qui pourrait dire

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There is always this chance, but I think it will help to clarify it.

Mr. Weatherhead: In your extensive experience, Mr. Ward, is it not your opinion that the benefit of the doubt clause has been interpreted by and large in the way that we are suggesting that it be written into new guidelines in a new act.

Mr. Ward: I am not sure, Mr. Chairman, that I could say it has been interpreted in that manner. Perhaps it has been applied on a rough rule of thumb system, but the effect has been, I think, rather good, However as you know, you do get cases where you need more than a general effect that has been created by implementation of this provision. You have to get down to specifics in an individual case and that may be where you have to give an interpretation. Certainly in my opinion the new proposal does clarify matters.

Mr. Weatherhead: Mr. Chairman, I do not know whether we are going to have the time later on to go into detail on the present situation with respect to appeal proceedings.

The Chairman: I think it is our intention to examine this in more detail. Mr. Ward is to be called formally as a witness to give some detail on this aspect. I think we are anticipating a little bit if you could just postpone your question.

Mr. Weatherhead: I will delay my question till then, thank you, Mr. Chairman.

Mr. Marshall: We have been meeting for two days now Mr. Chairman, are the different departmental heads going to be called on these questions?

The Chairman: The Committee is the master of its own agenda and decides what witnesses it wants to call.

Mr. Marshall: They say in the clause itself that the section is going to be rewritten and incorporated into guidelines and we cannot anticipate now what . . .

The Chairman: Mr. Ward, I believe, has a statement which he is prepared to give later. I think he will provide more detail on just this aspect if you could defer.

[*Interpretation*]

si les membres, et d'autres encore, verront s'appliquer leur propre interprétation? Cela est toujours possible, mais je crois que la proposition aidera à éclaircir l'article.

M. Weatherhead: Étant donné votre grande expérience, monsieur Ward, n'êtes-vous pas d'avis que l'article relatif au bénéfice du doute à été interprété, dans une très grande mesure, de la façon suggérée, à savoir, l'insertion dans la nouvelle loi sous forme de nouveaux principes directeurs?

M. Ward: Je ne suis pas certain, monsieur le président, de pouvoir affirmer qu'il a été interprété de cette manière-là. Il a peut-être été appliqué de façon plus ou moins automatique ou routinière, mais je crois que l'effet en a été bon. Toutefois, comme vous le savez, il se présente des causes qui exigent plus qu'un effet général de l'application de cette disposition. Il faut descendre dans les détails des causes individuelles et c'est là qu'une interprétation peut devenir nécessaire. A mon avis, la nouvelle proposition contribue certainement à éclaircir les questions.

M. Weatherhead: Monsieur le président, je ne sais pas si nous aurons le temps par la suite d'entrer dans les détails relatifs à la situation actuelle des procésures d'appels.

Le président: Je crois que nous en avons l'intention. M. Ward sera officiellement convoqué comme témoin pour donner des détails à cet égard. Je pense que nous devançons un peu trop les événements, et je vous prierais de bien vouloir remettre votre question à un peu plus tard.

M. Weatherhead: J'attendrai donc que le moment opportun soit arrivé. Je vous remercie, monsieur le président.

M. Marshall: Il y a déjà deux jours que nous siégeons, monsieur le président, et j'aimerais savoir si les chefs de départements vont être convoqués pour discuter de ces questions?

Le président: C'est le Comité qui décide de son propre ordre du jour et des témoins qu'il désire convoquer.

M. Marshall: Il est écrit dans la clause elle-même que l'article sera rédigé de nouveau pour être inséré sous forme de principes directeurs; pourquoi ne pourrions-nous pas devancer quelque peu. . .

Le président: M. Ward, je crois, a une déclaration qu'il est disposé à faire un peu plus tard. Je pense qu'il fournira plus de détails sur cet aspect si vous voulez bien attendre encore un peu.

[*Texte*]

Mr. Laniel: Mr. Chairman, my question is more a point of clarification and it follows what Mr. MacRae said about the load that will be put on the pension advocates. If I am correct a claim will be referred to the Department, to the Directorate of Pensions for initial adjudication and after that, if it is not granted, it will go to the Entitlement Hearing Division.

My first question is: does a veteran need to be accompanied by an advocate of the Bureau of Pension Advocates to go before the Entitlement Hearing Division?

Mr. Hodgson: No, Mr. Chairman, he is at liberty to be represented by a member of the Veterans' Bureau, or he may be represented by someone from the bureaus that are in organizations such as the Canadian Legion, or he may elect to represent himself. He may, of course, have a private solicitor if he wants to.

Mr. Laniel: He may.

Mr. Bigg: Is he given any help for a private solicitor. Are there any fees at all for the private solicitors? Is he given any help?

Mr. Hodgson: The Department offers these services from the Department in the form of the Veterans' Bureau, but if people wish to use other facilities that is at their own expense.

Mr. Bigg: They do not supply any help whatever financially, say, on a scale of $10 a day or any nominal sum?

Mr Hodgson: Not if the veteran does not elect to use the free services that are already available within the Department.

Mr. Laniel: In the amendments that are to be put forward it is said that the role and function of the advocate would be redefined in the way that he would become more like a civilian solicitor, or normal solicitor, and his

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relation with the advocate would be the same as if it were a solicitor in general practice. In that case, what happens if a veteran goes to the Bureau of Pension Advocates and the advocate feels that he does not have a case. Can the Bureau refuse to take the case if the veteran insists?

[*Interprétation*]

M. Laniel: Monsieur le président, ma question porte surtout sur un éclaircissement et elle fait suite à ce qu'a dit M. MacRae du surcroît de travail qui incombera aux avocats des pensions. Si je comprends bien, une réclamation sera soumise au ministère, à la Direction des pensions, pour une première évaluation, et elle sera ensuite envoyée, si elle n'est pas accordée, à la Division de l'admissibilité.

Voici ma première question: un ancien combattant doit-il se faire accompagner d'un avocat faisant partie du Bureau des avocats des pensions pour se présenter devant la Division de l'admissibilité?

M. Hodgson: Monsieur le président, non, il n'y est pas obligé, puisqu'il est libre de se faire représenter par un membre du Bureau des vétérans, ou encore par quelqu'un qui fait partie des bureaux d'organismes tels que la Légion canadienne; il peut aussi choisir de se représenter lui-même; il peut enfin recourir à un avocat privé.

M. Laniel: Cela lui est permis.

M. Bigg: Reçoit-il de l'aide dans ce dernier cas? Cela comporte-t-il des frais quand il a recours à un avocat privé? L'ancien combattant reçoit-il de l'aide?

M. Hodgson: Le ministère offre ces services ministériels sous forme de Bureau des vétérans, mais si des gens désirent recourir à d'autres services, c'est à leurs propres frais.

M. Bigg: Aucune aide financière n'est accordée, par exemple, d'après un barème de 10 dollars par jour ou de toute autre somme symbolique?

M. Hodgson: L'ancien combattant ne reçoit pas d'aide financière s'il décide de ne pas avoir recours aux services gratuits que le ministère met à sa disposition.

M. Laniel: Les modifications proposées mentionnent que le rôle et la fonction de l'avocat feront l'objet d'une nouvelle définition qui rendra l'avocat plus semblable à l'avocat de la vie civile ou de la vie privée, et que les rapports de l'ancien combattant avec l'avocat seront les mêmes que si ce dernier était un avocat de pratique générale. Dans ce cas-là, qu'arrivera-t-il si un ancien combattant se présente au Bureau des avocats des pensions et que l'avocat estime qu'il n'y a pas matière à cause? Le Bureau peut-il refuser de se charger de la cause si l'ancien combattant insiste?

[*Text*]

Mr. Hodgson: The proposed act provides that the Bureau would give counselling service; that is to say, would advise the veteran whether in its judgment he had a good chance or a poor chance. After he has done that, if the veteran asks them to represent him notwithstanding, they would be obliged to represent him and to do the very best they could to win the case for him.

Mr. Bigg: I have a supplementary. Is there any chance to change your advocate? This is rare, but in one or two cases I have known there was a personality difference between the veteran and the advocate. This is rare, but I have known this case where the advocate obviously from the start perhaps feels that the veteran is shamming and so forth. Of course this is an impossible situation and if he does not have a choice between him and another advocate, he is lost before he gets to the Pension Board.

Mr. Ward: Mr. Chairman, unfortunately personality clashes do occur; fortunately not too often. We have been rather lucky in this field.

Mr. Bigg: I agree with that.

Mr. Ward: You would expect more than really exist. In cases where there is more than one advocate in a particular district, there is no problem. It is a matter for the District Pensions Advocate then to assign another one of his advocates, or take the case himself. In districts where there is only one advocate, of course there is a problem.

The solution is not always easy, but the man may very well seek advice from a veterans' organization, that may very well convince him, saying, "You have had a little trouble with your advocate. He is not a bad sort really. He has your interest at heart". Sometimes it is resolved in that manner, and sometimes it cannot be resolved. We have sent in another advocate in very, very special cases but there is no general rule or answer.

Mr. Bigg: I suggest that is not quite the situation when you are hiring your own lawyer. When you are hiring your own lawyer, he does not get paid or he does not get hired tomorrow if he does not satisfy you. I would like to see—I put it on the record—a little more flexibility in this line. Perhaps there should be some choice from a board of three. It may be a little more difficult, but it is very,

[*Interpretation*]

M. Hodgson: Le projet de loi dont il est question prévoira que le Bureau devra fournir un service de conseillers; c'est-à-dire qu'il dira à l'ancien combattant si, d'après le Bureau, il a de bonnes chances ou peu de chances. Cela fait, si l'ancien combattant demande quand même à être représenté par le Bureau, ce dernier y sera obligé et devra faire tout son possible pour gagner sa cause.

M. Bigg: Une autre question. Est-il possible de changer d'avocat? Cela est peu fréquent, mais dans une ou deux causes, j'ai su qu'il y avait conflit de personnalité entre l'ancien combattant et l'avocat. Cela arrive rarement, mais j'ai eu connaissance d'une cause où l'avocat, dès le début, estimait évident que l'ancien combattant usait de feintes. La situation devient alors impossible et si l'ancien combattant ne peut choisir entre cet avocat et un autre, sa cause est perdue avant même d'atteindre le Bureau des pensions.

M. Ward: Monsieur le président, il est regrettable que des conflits de personnalité se produisent, mais, heureusement, il ne s'en produit pas trop souvent. Nous avons été plutôt chanceux à ce propos.

M. Bigg: Je suis d'accord là-dessus.

M. Ward: On s'attendrait à ce qu'il y ait plus de conflits. Là où il se trouve plus d'un avocat dans un district en particulier, aucun problème ne se pose. Il incombe alors à l'avocat des pensions pour le district de nommer un autre de ses avocats ou de s'occuper de la cause personnellement. Dans les districts qui ne comptent qu'un seul avocat, cela pose évidemment des problèmes, dont la solution n'est pas toujours facile; l'individu peut toujours demander conseil à une association d'anciens combattants qui pourra peut-être le convaincre par ces mots: «Vous avez eu des difficultés à vous entendre avec votre avocat. Il n'est vraiment pas mauvais, et ne vous veut que du bien». Les choses s'arrangent parfois de cette façon-là mais, parfois, elles ne peuvent s'arranger. Nous avons délégué un autre avocat dans des cas très, très spéciaux, mais on ne saurait établir de règle générale ou donner une réponse qui vaut pour tous les cas.

M. Bigg: Je suis d'avis que la situation n'est pas tout à fait la même lorsqu'un individu a recours à son propre avocat. Dans ce cas-là, l'avocat ne reçoit pas d'honoraires ou n'est pas réengagé, le lendemain, s'il ne donne pas satisfaction. J'aimerais qu'il y ait plus de souplesse, à cet égard, et je désire que mes paroles figurent au compte rendu. On devrait peut-être choisir entre trois avocats. Ce sera

[*Texte*]

very serious to the individual veteran concerned that he is represented by a man of mutual co-operation. It is very distressing for the veteran to find himself in this situation.

The Chairman: Are there any comments? Mr. Legault, I think, has some questions.

Mr. Laniel: I am not quite finished.

The Chairman: Will you allow a supplementary?

M. Legault: Monsieur le président, ma question s'adresse au docteur Hodgson. Pour éclairer un peu un doute qui existe, est-ce que le docteur pourrait restructurer la nouvelle procédure de demande de pension pour un ancien combattant dont le cas fut déjà rejeté? D'après la nouvelle procédure, un ancien combattant veut représenter son cas. Est-ce que vous pourriez expliquer la nouvelle procédure et quand le cas est soit accepté pour être envoyé à la cour d'appel ou soit entièrement rejeté?

M. Hodgson: Oui. Si on a déjà rejeté son cas, il a le droit de faire une demande à la division des appels pour avoir la permission de représenter son cas. Si la division des appels est d'accord, il recommence dans le ministère, au plus bas niveau.

M. Legault: Il recommence à la direction des pensions.

M. Hodgson: Des pensions dans le ministère, c'est exact. Et ensuite, son cas peut être considéré d'abord par les trois commissaires et après, par la division des appels, si nécessaire.

M. Legault: La décision d'accepter ou de rejeter son cas est faite simplement encore au niveau du ministère ou...

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M. Hodgson: De la division des appels.

M. Legault: La division des appels. Et la division des appels n'a rien de relatif avec la direction des pensions?

M. Hodgson: Non, rien.

M. Legault: Merci.

Mr. Laniel: My last question is just for information. There is no counselling at all or representation in front of the Appeal Division. Am I correct in saying that? A veteran is represented and can go to the Entitlement

[*Interprétation*]

peut-être un peu plus difficile, mais il est d'une souveraine importance pour l'ancien combattant en cause qu'il soit représenté par un avocat qui collabore volontiers. Un ancien combattant qui se trouve dans une situation semblable ne peut que se sentir très déprimé.

Le président: Avez-vous des observations à faire? Je crois que M. Legault a des questions à poser.

M. Laniel: Je n'ai pas encore tout à fait terminé.

Le président: Permettez-vous de poser une question complémentaire?

Mr. Legault: Mr. Chairman, my question will be to Dr. Hodgson to clear up the doubt existing about the new appeal procedure. Could he explain for us the new procedure in a case where a veteran's application for pension has been turned down? According to the new procedure a veteran can reopen his case. Could you explain the new procedure and tell us when the case is either accepted for forwarding to the Appeal Court, or is completely rejected?

Mr. Hodgson: Yes. If the case was already turned down, he is entitled to bring his case to the Appeal Division to get leave to reopen the case. If the Appeal Division is agreeable, he starts all over again within the Department at the lowest level.

Mr. Legault: Does he begin at the Pension branch?

Mr. Hodgson: Pensions, in the Department, that's right. After that, his case can be considered first by the three Commissioners, and then by the Appeal Division, if necessary.

Mr. Legault: The decision, to accept or not accept the case is made at the level of the Department, or...

Mr. Hodgson: At the Appeal Division level.

Mr. Legault: The Appeal Division. And the Appeal Division bears no relationship to the Pension Branch?

Mr. Hodgson: No, none.

Mr. Legault: Thank you.

M. Laniel: Ma dernière question est pour ma propre gouverne. Il n'est pas question d'avocat ni de représentant devant la Division des appels. Ai-je raison? Un ancien combattant peut se faire représenter et aller à l'au-

[*Text*]

Hearing but the task of the Appeal Division is only to look at the file and look at the decision and interpret the law and make a final decision.

Mr. Hodgson: The veteran himself appears only once. He does not appear at all if his case is resolved in his favour by the Directorate of Pensions within the Department. That is done on the record. He does appear at the Entitlement Hearing stage if he has been refused at the lower stage. At that middle stage he may be represented by a member of the Veterans Bureau or by some other advocate. The Appeal Division does not hold hearings in the normal sense. The veteran does not appear before the Appeal Division. His advocate may however appear during the consideration of his case at the Appeal Division.

Mr. Laniel: But as in the case that was raised by Mr. Bigg perhaps some veterans would like to be there and say that they were not quite satisfied with the work of the Pension Advocate which might have a bearing on the final decision, because that decision is final.

Mr. Hodgson: Well, you will appreciate that he would have already had his case considered by a group of people within the Department, he would then have had his case considered in his presence by three Commissioners at the Entitlement Hearing so he would have had every opportunity to make all shades of his case known to those considering it. It was considered that the only thing necessary after that was to make certain that the whole record could be reviewed by people of the highest repute and complete impartiality rather than to have another case.

Mr. Laniel: I admit that from your point of view, but what about the personal feelings of an individual who cannot afford to hire a private solicitor, is told which solicitor will be appointed on his case and finds that he is not quite pleased with that solicitor? What choice does he have? Is it to go to another town, make a new application, ask for his case to be looked at again and get the chance to get a new solicitor, a new advocate from the Bureau of Pension Advocates?

Mr. Hodgson: Mr. Chairman, again I am relying on my experience of what is, projecting that hoping that will be true under the new system. However, by and large our clients are satisfied with the pensions advocates. If they are dissatisfied, they have many opportunities to do something about it. There

[*Interpretation*]

dience de l'admissibilité, mais la Division des appels n'a d'autre tâche que d'examiner le dossier et la décision, d'interpréter la loi et de rendre une décision finale.

M. Hodgson: L'ancien combattant lui-même ne comparaît qu'une seule fois. Il ne sera même pas cité si la Direction des pensions lui accorde gain de cause au Ministère même. La décision ne sera basée que sur la preuve documentaire. Il comparaîtra à l'audience de l'admissibilité si sa demande a été rejetée à un palier inférieur. Aux stades intermédiaires, il pourra se faire représenter par un membre du Bureau des vétérans ou par un autre avocat. La Division des appels ne tient pas d'audiences au sens habituel du mot. L'ancien combattant ne comparaît pas devant elle. L'avocat peut toutefois comparaître au cours de l'examen de la cause par la Division des appels.

M. Laniel: Mais comme M. Bigg l'a démontré, certains anciens combattants aimeraient peut-être être présents pour exprimer de vive voix leur mécontentement à l'égard du travail des avocats des pensions, ce qui pourrait influer sur la décision finale, car il s'agit bien d'une décision finale.

M. Hodgson: N'oubliez pas qu'un groupe de fonctionnaires du Ministère a déjà étudié son cas, que trois commissaires à l'audience de l'admissibilité ont également étudié en sa présence son dossier et qu'il aurait pu à ce moment préciser tous les détails de son cas. On a jugé qu'il suffisait par la suite d'assurer que tout le dossier puisse être réexaminé par des personnes de la plus haute réputation et d'une impartialité absolue plutôt que d'être saisi d'une nouvelle cause.

M. Laniel: J'admets que vous avez raison de ce point de vue, mais que faites-vous des sentiments personnels d'un ancien combattant qui ne peut se payer les services d'un avocat privé, à qui on dit quel avocat sera chargé de défendre sa cause, et qui n'est pas satisfait de cet avocat? Que lui reste-t-il à faire, si ce n'est de présenter une autre demande dans une ville différente et demander qu'on revoie à nouveau son cas pour avoir la chance d'obtenir un autre avocat, un autre avocat des pensions?

M. Hodgson: Monsieur le président, je me reporte encore une fois à ce que je connais du système actuel pour espérer qu'il en sera encore, ainsi en vertu du nouveau système. Toutefois, en général, nos clients se déclarent satisfaits des avocats des pensions. S'ils ont raison d'en être mécontents, ils ont à leur

[*Texte*]

is the initial application, a second application, a renewal application as of right, further renewal applications in discretion, Entitlement Board Hearing and then the Appellate Division. Surely the dissatisfaction or the grounds for the dissatisfaction if it is complete incompetence, which ground I would not accept with the present corps we have, but surely the ground would have shown up in one of these preceding stages and something could then be done.

Mr. Laniel: Yes, I know, but the meaning of the word "incompatibilité" is that people do not go together, people do not communicate sometimes.

Mr. Hodgson: Yes.

Mr. Laniel: "Incompatibilité", if the case, at all these stages is always referred to the same advocate; this is a problem that is sometimes raised and brought to us.

Mr. Hodgson: You see, there will not be the same advocate presenting the final appeal. There may not be the same advocate in multiple advocate districts presenting the Entitlement Board presentation as prepared and presented the case at earlier stages. The applicant, as you say, may not be able to afford a private solicitor, but on the other hand, I cannot imagine that the government and the taxpayers could afford to provide such a choice of advocates that any person with a personality disorder or something could then start picking and choosing.

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Mr. Laniel: Oh, that is a problem.

Mr. Hodgson: There has to be some limitation.

Mr. Laniel: Thank you.

Mr. Groos: Mr. Chairman, this White Paper which we are studying now states that there were 945,000 veterans; that of these, 136,800 receive pensions and 29,000 survivors or dependents receive pensions and on page 3 it refers to war veterans allowance. Are these pensions we are speaking of here of 136,800 and so on disability pensions plus war veterans allowances?

[*Interprétation*]

disposition bien des moyens d'y remédier. Après la demande initiale, il y a une deuxième demande, le renouvellement de plein droit de leur demande, un autre renouvellement discrétionnaire, l'audience de la Division de l'admissibilité, et, enfin, le recours à la Division des appels. Il y a tout lieu de croire que si mécontentement il y a, ou motifs de mécontentement pour incompétence totale, ce qui n'est pas probable étant donné l'excellence de notre personnel, ces motifs auraient certainement été soulevés au cours des étapes précédentes et des mesures correctives auraient alors été prises.

M. Laniel: Oui, mais le terme «incompatibilité» signifie qu'on ne s'entend pas, qu'il y a parfois un manque de communication.

M. Hodgson: Oui.

M. Laniel: Incompatibilité, si la cause, à toutes ces étapes, est toujours renvoyée au même avocat; c'est un problème que l'on soulève parfois et sur lequel on attire notre attention.

M. Hodgson: Voyez-vous, ce n'est pas le même avocat qui présentera la cause en dernière instance. Ce ne sera peut-être pas le même avocat, dans les districts qui en comptent plus d'un, qui présentera la cause devant la Division de l'admissibilité. Le requérant, comme vous le mentionnez, n'aura peut-être pas les moyens de retenir les services d'un avocat particulier, mais d'autre part, je ne peux concevoir que le gouvernement et que les contribuables soient obligés d'assurer un tel choix d'avocats que toute personne affligée d'un problème de personnalité ou de quelque chose du genre puisse choisir celui-ci ou celui-là.

M. Laniel: C'est un problème, j'en conviens.

M. Hodgson: Il doit y avoir des limites.

M. Laniel: Merci.

M. Groos: Monsieur le président, le Livre blanc à l'étude mentionne qu'il existe quelque 945,000 anciens combattants dont 136,800 touchent une pension et que 29,000 personnes, qui survivent à ces anciens combattants ou qui sont à leur charge, reçoivent une pension. A la page 3, il est question de l'allocation des anciens combattants. Les pensions dont il est question ici, au nombre de 136,800 et plus, sont-elles des pensions d'invalidité qui s'ajoutent aux allocations des anciens combattants?

[*Text*]

Mr. Hodgson: No, these are pensions under the Pensions Act. There is a completely different statute that deals with war veterans allowances and this paper has no bearing on the matter of war veterans allowances.

Mr. Groos: Well, I wonder whether that is true because it says on page 3 in paragraph 3:

> In addition, an award of pension also makes the recipient or his family eligible for other benefits.

Then it goes on to list those benefits and says:

> The veteran himself becomes eligible for medical treatment for his pensioned condition,...

which I agree with,

> ..special re-employment training if he needs it, war veterans allowance...

What is the connection there?

Mr. Hodgson: War veterans allowance is given to veterans who have qualified by service to be eligible and who can pass a means test which is imposed. For example, you could have a person who is slightly disabled and who, therefore, receives, shall we say, only 10 per cent pension under the Pension Act but he may be unemployed and have no other means at all. He therefore would be eligible for war veterans allowance up to a specified threshold and so he would be receiving both a pension for the small disability and a war veterans allowance.

Mr. Groos: Oh, I see that, but it is not necessary for him to have a disability pension before he can get a war veterans allowance.

Some hon. Members: No, no.

Mr. Groos: Well, I know, but I was just wondering why it is put in here like this. We do not get a chance very often as a Committee to have the representatives from the Department before us and when we do we have to make the most of it. Quite often, the only time we get the officials before us is when we are going through the estimates and by that time it is too late to make any changes. I am trying, Mr. Chairman, to take advantage of this opportunity to put the Department on notice of a couple of matters. It may be a sneaky way of doing it but we do not have any other way. I want to put them on notice about a couple of matters which I

[*Interpretation*]

M. Hodgson: Non, ces pensions sont prévues par la Loi sur les pensions. Une loi entièrement distincte porte sur les allocations des anciens combattants avec lesquelles le présent Livre blanc n'a aucun rapport.

M. Groos: Est-ce bien vrai, étant donné qu'on lit à la page 3, au troisième paragraphe:

> De plus, l'ancien combattant ou sa famille sont habilités à recevoir d'autres prestations dès qu'on a reconnu leur droit à la pension.

On énumère ensuite ces prestations:

> traitement médical de l'affection ouvrant droit à pension...

et je suis d'accord là-dessus,

> ...stage spécial de formation en vue d'un nouvel emploi, s'il en a besoin, allocations aux anciens combattants.

Quel est le rapport ici?

M. Hodgson: L'allocation des anciens combattants est accordée aux anciens combattants dont le service militaire donne droit à ces avantages et qui sont encore admissibles après constatation des besoins. Par exemple, une personne peut souffrir d'une légère incapacité et recevoir, à cause de cette incapacité, mettons, une pension de 10 p. 100 en vertu de la Loi sur les pensions, mais elle peut aussi être en chômage et n'avoir aucune autre ressource. Elle devient alors admissible à l'allocation des anciens combattants jusqu'à un certain seuil établi, et peut recevoir à la fois la pension à laquelle lui donne droit cette légère incapacité et l'allocation des anciens combattants.

M. Groos: Je vois, mais il n'est pas nécessaire qu'il touche une pension d'invalidité pour recevoir l'allocation des anciens combattants.

Des voix: Non, non.

M. Groos: Je sais, mais je me demandais pourquoi cette disposition se retrouve ici en ces termes. Le Comité n'a pas souvent l'occasion d'entendre des représentants du Ministère et le cas échéant, nous voulons en tirer le meilleur parti possible. Assez souvent, ce n'est que lors de l'examen des prévisions budgétaires que nous entendons les hauts fonctionnaires du Ministère et à ce moment-là, il est trop tard pour y apporter des changements. J'essaie, monsieur le président, de profiter de cette occasion pour mettre le Ministère en garde sur certaines questions. C'est peut-être s'y prendre sournoisement, mais nous n'avons pas le choix. Je voudrais poser des questions

[*Texte*]

think should be brought to their attention and I hope I can have your indulgence inasmuch as we have come back here especially to deal with this point in the middle of the recess. Perhaps, Mr. Chairman, you will permit me and other members to say things on this...

The Chairman: The Chair has taken, I think you will agree, a fairly lenient view on all questions.

Mr. Groos: That is why I am going on this way.

The Chairman: I think this is the wish of the Committee.

Mr. Groos: All right, I will ask my question. Mr. Hodgson wanted to say something.

Mr. Hodgson: Mr. Chairman, may I amplify the reply that I just made? There is one further set of circumstances I should mention. A veteran who had service only in Canada would not normally be eligible for war veterans allowance. However, if he has a disability and is pensioned under the Pension Act the very fact that he is getting this pension makes him eligible for war veterans allowance.

Mr. MacRae: It is five per cent, a minimum of five per cent.

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Mr. Groos: Yes, a minimum of five per cent. Perhaps I could bring to your attention, Mr. Hodgson, something urgent and which is in the interests of veterans generally. I am sure other members also have heard what I am going to relate. It concerns a matter of people who have a house drawing war veterans allowances. They are allowed to own and keep the house and still draw a full war veterans allowance provided the house is valued at a certain figure. I think that figure now is about $8,000. However, in my part of the country you cannot buy much of a house for $8,000 these days. The particular case that worries me and which I am sure is going to be repeated many, many times—I would like your Department to look into this—is that of a man who had an $8,000 house. This is what happened to a veteran in my area. This house had two stories and because his wife had a heart condition he had to get a one-story house. What he did really amounted to a swap: he sold one house and bought another one. He sold the house which hitherto had been valued at around $6,000 or so and was able to get just under $12,000 for it and he

[*Interprétation*]

sur des sujets qu'il faut, à mon avis, porter à leur attention, et j'espère que vous aurez l'indulgence de m'écouter, vu que nous sommes revenus ici avant la fin de la pause, particulièrement pour étudier cette question. Monsieur le président, vous me permettrez, j'espère, et aux autres membres du Comité, de dire quelques mots sur ce...

Le président: Le président s'est montré, vous en conviendrez, passablement indulgent à l'égard de toutes les questions.

M. Goos: C'est pourquoi je poursuis dans la même veine.

Le président: C'est ce que veut le Comité, je crois.

M. Groos: Très bien, je pose donc ma question. M. Hodgson a quelque chose à dire.

M. Hodgson: Monsieur le président, permettez-moi d'élaborer la réponse que je viens de donner. Je devrais mentionner un autre concours de circonstances. Un ancien combattant qui a fait son service militaire uniquement au Canada n'est normalement pas admissible à l'allocation des anciens combattants. Toutefois, s'il souffre d'une incapacité et s'il touche une pension en vertu de la Loi sur les pensions, il est, par le fait même, admissible à l'allocation des anciens combattants.

M. MacRae: Il s'agit d'une pension de cinq pour cent, un minimum de cinq pour cent.

M. Groos: Oui, un minimum de cinq pour cent. J'attire votre attention, monsieur Hodgson, sur un sujet urgent qui intéresse les anciens combattants en général. Je suis sûr que les autres membres du Comité ont aussi entendu parler de cela. Il s'agit des propriétaires de maison qui touchent des allocations d'anciens combattants. Ces gens peuvent posséder et garder la maison et toucher l'allocation intégrale pourvu que la maison soit d'une certaine valeur, de $8,000, je crois. Toutefois, dans la région du pays où je vis, il est impossible, de nos pours, d'acheter une maison convenable pour $8,000. Le cas particulier qui me préoccupe et qui va certainement se répéter très souvent, et j'aimerais que le Ministère examine la question, est celui d'un homme qui était propriétaire d'une maison de $8,000, un ancien combattant de ma région. Sa maison avait deux étages et comme sa femme souffrait de troubles cardiaques, il a dû acheter une maison de plain-pied. En somme, il s'agissait d'un simple échange. Il a vendu la première maison et en a acheté une autre. Il a vendu la maison qui avait jusque là été évaluée à environ $6,000 et a pu en obtenir un

[*Text*]

turned around and spent slightly less than that to buy a new one with one floor, which is what he wanted. Now because the sale had taken place and it was over the $8,000 figure he got his war veterans allowance reduced.

I cannot give you the exact reduction because it is difficult to keep these figures in your head. This seemed to me to be very unfair inasmuch as it was merely an exchange of houses. It seems to me that under the third act you administer, which is the Veterans' Land Act, there should be some means whereby an official from the Veterans' Land Act should be able to take over that man's problem and arrange for this exchange of houses without this $8,000, $11,000, $12,000, or whatever it is entering into it, provided the man is not going to make money on it—he is not really getting any better living conditions—to tide us over this troublesome period.

The Chairman: I think I would have to say that the terms of reference of the Committee are essentially the White Paper

Mr. Groos: I agree with that.

The Chairman: That would come under the other operations of the Department.

Mr. Groos: Mr. Chairman, on a point of order, as I say, they did bring war veterans allowances into their own Paper and I am using that as leverage. Secondly, I am just pointing out the obvious. We do not get a chance very often to bring up such matters. I hope I am not taking up anyone else's time on a more interesting question.

I have one other question as well.

Mr. Laniel: You feel guilty now.

Mr. Groos: No I am not. What are we here for? We are really here to try and look after the veterans.

The Chairman: May I simply say that we have a number of witnesses lined up and we have a program. Now if we go into war veterans allowances and other aspects of departmental administration it is going to create some major problems with the agenda. If it is a short question of a few minutes duration I certainly will be as lenient as possible, but if you intend opening up major new questions which are going to cause a re-assessment of the agenda then I do have some concern.

[*Interpretation*]

peu moins de $12,000. Il a immédiatement acheté une autre maison de plain-pied à un prix légèrement inférieur, exactement ce qu'il voulait. Étant donné que le prix de vente était supérieur à $8,000, on a réduit son allocation d'ancien combattant.

Je ne puis vous dire de combien exactement car ces chiffres se retiennent difficilement. La situation, à mon avis, était injuste puisqu'il ne s'agissait que d'un échange. En vertu de la troisième loi que vous appliquez, la Loi sur les terres destinées aux anciens combattants, il devrait exister un moyen de régler le problème de cet homme et d'accepter cet échange de maisons sans tenir compte du prix de $8,000, $11,000 ou $12,000 qu'il doit débourser, pourvu qu'il n'en tire aucun bénéfice. Son niveau de vie n'augmente pas pour autant. Il faudrait trouver au moins une solution temporaire.

Le président: Je crains que le mandat du Comité vise essentiellement le Livre blanc...

M. Groos: C'est vrai.

Le président: Cette question se rattache à d'autres services du Ministère.

M. Groos: Monsieur le président, j'invoque le règlement. Ils ont parlé des allocations des anciens combattants dans leur propre Livre blanc et c'est sur ce fait que je me fonde. En deuxième lieu, je ne fais que signaler ce qui est évident. Nous n'avons pas souvent l'occasion de discuter de ces questions. j'espère ne pas avoir empiété sur le temps d'un autre membre du Comité qui aurait eu des choses plus intéressantes à dire. J'ai encore une autre question.

M. Laniel: Vous vous sentez coupable?

M. Groos: Pas du tout. Nous somme ici pour cela, pour essayer de protéger les intérêts des anciens combattants.

Le président: Puis-je vous rappeler qu'un certain nombre de témoins attendent leur tour et que nous devons nous conformer à un programme déterminé. Si nous nous arrêtons aux allocations des anciens combattants et à d'autres aspects de l'administration du Ministère, nous nous heurterons à de graves difficultés en ce qui concerne notre ordre du jour. S'il s'agit d'une question qui ne prendra que quelques minutes, j'essaierai de me montrer aussi indulgent que possible, mais si vous avec l'intention d'aborder de nouvelles questions importantes, qui nécessiteront une modification de l'ordre du jour, je dois dire que j'hésite à vous accorder cette autorisation.

[*Texte*]

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, could the witness be permitted to give at least a brief answer to the question, bearing in mind the fact that Mr. Groos' case, and I have one too, probably involves a veteran who, first of all, is on a disability pension, then is on a war veterans allowance and gets into this housing situation. Is it being reviewed?

Mr. Hodgson: Mr. Chairman, in reply I would say that I would be only too pleased to make certain that both within the Department and within the War Veterans' Allowance Board this particular case that is mentioned is looked at again. This type of problem will also be examined to ascertain whether it is of such a nature to warrant a change in the present regime.

Mr. Knowles (Winnipeg North Centre): Mine too.

Mr. Hodgson: Yours too.

Mr. Groos: This gives me great encouragement, Mr. Chairman.

Mr. Peters: Mr. Chairman, has it not been the policy of the Department to consider only the difference that became income in respect

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of the reduction in the war veterans allowance and that the whole amount was not considered? As I understand it, we originally valued these houses not on the market value but on the lowest possible factor and it usually was the cost of building them, the assessment value or some factor that was considerably less than the market value. In the case that was raised would you not consider only the difference between the accommodation that was sold and the accommodation that was purchased, the profit that was made, as a reduction rather than the whole amount? In other words $12,000 should not enter into it. As I understand the case, if it was a $1,000 profit I would think that would be the amount that should be deducted from war veterans allowances.

Mr. Hodgson: Mr. Chairman, you will appreciate that I am not personally involved in the handling of these cases. I know that the attitude that is taken is as generous as it can be, since we have a particular client, relationship to the veteran group. It is possible that Mr. Rider, the Director General of Welfare Services, would be able to give a more specific reply to this question.

[*Interprétation*]

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, le témoin pourrait répondre brièvement à la question, étant donné que le cas que cite M. Groos, de même que le cas qui m'intéresse particulièrement, mettent probablement en cause un ancien combattant qui, en premier lieu, reçoit une pension d'invalidité et une allocation d'ancien combattant et veut changer de maison. Étudie-t-on cette situation?

M. Hodgson: Monsieur le président, je vous répondrai que je serais heureux de m'assurer auprès du Ministère et de la Commission des allocations aux anciens combattants qu'on étudie de nouveau le cas en question, pour déterminer si ce genre de problème justifie la modification du régime actuel.

M. Knowles (Winnipeg-Nord-Centre): Le cas qui m'intéresse aussi?

M. Hodgson: Oui.

M. Gross: Vous m'en voyez réconforté, monsieur le président.

M. Peters: Monsieur le président, le Ministère n'a-t-il pas l'habitude de se borner à considérer la différence qu'on tient pour un revenu avant de réduire l'allocation aux anciens combattants, abstraction faite du montant global? Sauf erreur, nous avions autrefois l'habitude d'évaluer ces maisons non en fonction de leur valeur marchande mais du plus bas facteur possible, qui était ordinairement le prix de la construction, la valeur imposable ou quelque autre facteur qui était considérablement moins élevé que la valeur marchande. Dans le cas qu'on a soulevé, ne considéreriez-vous pas uniquement la différence entre la maison vendue et la maison achetée, c'est-à-dire le bénéfice réalisé, comme une réduction plutôt que le montant global? Autrement dit, le prix de $12,000 ne devrait pas entrer en jeu. Si je comprends bien, s'il s'agit d'un bénéfice de $1,000, c'est ce dernier montant que l'on déduit des allocations aux anciens combattants.

M. Hodgson: Monsieur le président, vous comprendrez que je ne m'occupe pas personnellement de règler ces cas. Je sais qu'on s'efforce de se montrer aussi généreux que possible, puisque les anciens combattants sont en somme nos clients. Le directeur général des services de bien-être, M. Rider serait sans doute en mesure de répondre avec plus de précision à cette question.

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The Chairman: It is fine to call Mr. Rider and other witnesses but I think the Committee should realize that if we enter into a prolonged discussion it is very difficult to justify this in terms of the Committee's agenda. But with this caution, Mr. Rider, I am sure the Committee would be pleased to hear your comments.

Mr. E. J. Rider, M.B.E., B.A. (Director General, Welfare Services, Department of Veterans Affairs): Mr. Chairman, under the War Veterans' Allowance Act the recipient is allowed to own a home and the Act allows a certain value, I think it is $9,000 now, as the maximum equity he may have in that home. This is a real asset and has to do with a means test program. The Act stipulates the equity the individual may have in his home. If he sells one home and buys another one, in which case he exceeds this equity, then the War Veterans' Allowance Board is required to treat five per cent per annum of the excess over the amount of equity as income. Now I think it would be rather unusual, Mr. Groos, for a person with an $8,000 home on war veterans allowance to be able to buy a $12,000 home because it would have meant that he would have had more liquid assets than the Act allows him to have in the first place. It would be more likely that if that occurred he would invest the amount from his $8,000 home in the new home and take a mortgage for the balance, which means his equity would still stay at $8,000.

Mr. Groos: This was just a straight swap. However, I will leave that point and explain it to you afterwards in more detail. Mr. Chairman, if I could just say, amongst other things, I think the man in this particular case I am thinking of is also drawing a disability pension, although I cannot swear to that.

This is something that I do not think many people know about because I do not believe there are very many people with a similar case. However, it is the principle involved here that we are all interested in. This concerns a World War I veteran who joined in Canada, went overseas by direction, and served his four years overseas. He remained after World War I on the reserve list, available for recall, and he is now back in Canada. But because he took his discharge in the United Kingdom and not in Canada he is not allowed to count that time that he spent in Europe fighting for Canada as Canadian time for old age security. Now, darn it all, Mr.

[*Interpretation*]

Le président: Il serait utile d'entendre M. Rider et certains autre témoins là-dessus, mais je crois que le Comité doit bien comprendre que s'il se lance dans une discussion prolongée de cette affaire, il lui sera très difficile d'en faire reconnaître le bien-fondé par rapport à son ordre du jour. Avec cette mise en garde, monsieur Rider, je sais que le Comité vous écoutera avec intérêt.

M. E. J. Rider, M.B.E., B.A. (directeur général des Services de bien-être, ministère des Affaires des anciens combattants): Monsieur le président, en vertu de la Loi sur les allocations aux anciens combattants, le bénéficiaire peut être propriétaire d'une maison qui représente un investissement maximal qui est de $9,000 actuellement, sauf erreur. Il s'agit d'un bien immeuble qui entre en jeu lors d'une constatation des besoins. La Loi précise le montant de l'investissement que la maison peut représenter pour un particulier. S'il vend une maison pour en acheter une autre, et ce faisant dépasse ce montant, la Commission des allocations aux anciens combattants se voit dans l'obligation de considérer cinq pour cent par année de cet excédent comme un revenu. Il serait assez extraordinaire, monsieur Groos, qu'une personne possédant une maison de $8,000 et touchant une allocation aux anciens combattants puisse s'acheter une maison de $12,000 car elle devrait alors avoir un actif plus élevé que ne le lui permet la Loi en premier lieu. Vraisemblablement, il investira le montant de $8,000 qu'il retire de sa première maison dans la nouvelle et empruntera le reste. Son capital, dans ce cas, demeure toujours de $8,000.

M. Groos: Il s'agit d'un échange direct. Toutefois, je laisse la question de côté et j'y reviendrai plus tard de façon plus détaillée. Monsieur le président, permettez-moi de dire, pour terminer, que la personne en question, sauf erreur, retire aussi une pension d'invalidité, bien que je ne puisse l'affirmer.

C'est une chose dont peu de personnes sont au courant, car peu de gens sont dans un situation semblable. Toutefois, c'est le principe en cause qui nous intéresse. Il s'agit d'un ancien combattant de la Première Guerre mondiale que s'est enrôlé au Canada, a été envoyé outre-mer et a servi sous les drapeaux pendant quatre ans à l'étranger. Il est demeuré sur la liste de réserve après la guerre, susceptible d'être rappelé, et vit maintenant au Canada. Mais parce qu'il a été démobilisé au Royaume-Uni et non au Canada, il ne peut faire compter le temps qu'il a combattu en Europe pour le Canada comme service militaire canadien aux fins de

[*Texte*]

Dubé, he went over there by direction. If he had not served at all...

The Chairman: I really have to rule that the old age security program is under the Department of National Health and Welfare.

Mr. Groos: I think this fellow receives a disability pension.

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The Chairman: Yes, but unfortunately, Mr. Groos, this is not the forum for this problem and I think you should direct your question to the Minister of National Health and Welfare, who administers the Old Age Security program.

Mr. Laniel: I completely agree with you, Mr. Chairman. I try to stay friends with Mr. Groos, but I think this should not be pursued.

The Chairman: Are there any further questions by the members of the Committee? Mr. Winch.

Mr. Winch: Mr. Chairman, I apologize for being so late but it was the only opportunity I had to meet a minister to discuss certain problems in my riding. I only got here 35 minutes ago and I wonder if it would be in order for me to ask a question on what was being discussed when I came in with respect to the "benefit of doubt", provision.

The Chairman: I will answer your question in this way, Mr. Winch. The Minister and the Deputy Minister's Department have both made opening statements. It is their intention to call a witness who will review in detail, as we indicated, the present situation with respect to the Woods Committee recommendations and the White Paper recommendations where they both deal with the same points. This would be one of the points and I think there would be an opportunity to ask very careful questions on the application of the "benefit of doubt" provision. It seems to me that we have done a bit of this.

Mr. Winch: You were discussing it when I came in.

The Chairman: Yes, we have done a fair amount and I would like to avoid repetition of this, Mr. Winch, if we could do so, sir. As soon as Mr. Hodgson's testimony is included we will be calling Mr. Ward and you will have every opportunity to ask some questions.

[*Interprétation*]

la pension de vieillesse. Et pourtant, monsieur Dubé, il a été envoyé outre-mer par ses supérieurs. S'il n'avait pas fait de service militaire...

Le président: Je dois vous rappeler que le programme de la pension de vieillesse relève du ministère de la Santé nationale et du Bien-être social.

M. Groos: Je pense que cette personne reçoit une pension d'invalidité.

Le président: Oui, mais malheureusement, monsieur Groos, ce n'est pas ici qu'il convient de débattre ce problème, et j'estime que vous devriez plutôt poser la question au ministre de la Santé nationale et du Bien-être social, qui administre le programme des pensions de vieillesse.

M. Laniel: Je suis entièrement d'accord avec vous, monsieur le président. Je voudrais bien conserver l'amitié de M. Groos, mais je crois qu'il faut arrêter là la discussion.

Le président: Les membres du Comité désirent-ils poser d'autres questions? Monsieur Winch.

M. Winch: Monsieur le président, je m'excuse d'être arrivé si tard, mais c'est la seule occasion que j'avais de rencontrer un ministre pour m'entretenir avec lui de questions touchant ma circonscription. Je ne suis arrivé qu'il y a 35 minutes et je me demande s'il conviendrait que je pose une question sur ce dont on parlait à ce moment-là, à savoir la clause du «bénéfice du doute».

Le président: Je vous répondrai ceci, monsieur Winch: le ministre et le sous-ministre ont tous deux fait une déclaration d'ouverture. Ils ont l'intention de faire comparaître un témoin qui fera la revue détaillée de la situation actuelle en ce qui a trait aux recommandations du Comité Woods et à celles du Livre blanc qui traitent toutes deux des mêmes sujets. Le bénéfice du doute est l'un de ces sujets, et l'on aura l'occasion de poser des questions très précises sur l'application de cette clause. Il me semble d'ailleurs que nous en avons déjà parlé un peu.

M. Winch: Vous le faisiez quand je suis arrivé.

Le président: C'est juste, nous en avons parlé assez longuement et je voudrais, si possible, monsieur Winch, éviter les répétitions. Dès que M. Hodgson aura fini son témoignage, nous inviterons M. Ward à comparaître et vous aurez tout loisir de lui poser des ques-

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Are there other questions that members of the Committee would like to ask Mr. Hodgson at this point?

Mr. Bigg: I gather these gentlemen will be back later on in the proceedings.

The Chairman: I am sure these gentlemen are available. If the committee wish them to come back, I am sure they would be delighted to do so.

Mr. Hodgson: At any time, Mr. Chairman.

The Chairman: Thank you. I understand, according to schedule, that these witnesses will be here all day today and tomorrow morning, so they can be recalled.

Mr. Peters: Mr. Chairman, may I ask a question? Perhaps I should know this, but when a person is launching an appeal under the new criteria what is the practice in terms of the veteran and the information supplied to him on which he bases his appeal? The Ontario Workmen's Compensation Board has a pretty good appeal system now in that the Board supplies the appellant with a total summary of the information which they have, and this includes the decisions that have been made up to his appeal procedure. They indicate the medical grounds, the argument that is made against the medical grounds and the supporting evidence for the medical grounds. They also make available the witness reports and the investigation reports, and this is included in a summary with which the claimant is provided if he indicates he wishes to make an appeal. If an appeal was going to be entered by a veteran who believes that under the proposed change it will allow him to establish, unless there is evidence against it, his physical fitness on enlistment, does the Department supply him from their files with a summary of adverse medical reports for a condition that he may have? Suppose a fellow says that he has had a number of colds and subsequently it shows on his service record that he developed pneumonia on a number of occasions or kept getting pleurisy, do they supply him with enough of a summary that it would indicate that he had said he had had a number of colds, not necessarily, that he had

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had pneumonia or pleurisy, but is it going to be broad enough that he can make a decision on whether or not that appeal is...

The Chairman: Mr. Peters, I think we are going to get into a fair amount of detail on the points which are specifically covered in

[*Interpretation*]

tions. Les membres du Comité désirent-ils poser d'autres questions à M. Hodgson?

M. Bigg: Je crois comprendre que ces messieurs nous reviendront plus tard, n'est-ce pas?

Le président: Ces messieurs sont disponibles, je n'en doute pas. Si le Comité désire qu'ils reviennent, je suis sûr qu'ils seront heureux de le faire.

M. Hodgson: N'importe quand, monsieur le président.

Le président: Merci. Je vois au calendrier que ces témoins seront ici toute la journée aujourd'hui, ainsi que demain matin, de sorte qu'on pourra les rappeler.

M. Peters: Monsieur le président, puis-je poser une question? Je devrais peut-être le savoir, mais lorsqu'on interjette appel aux termes des nouvelles normes, quelle est la procédure en ce qui concerne l'ancien combattant et les renseignements qu'on lui fournit pour qu'il fonde son appel? La Commission des accidents du travail de l'Ontario possède aujourd'hui un excellent régime d'appel: la Commission fournit à l'appelant un résumé complet des données dont elle dispose, y compris les décisions rendues jusqu'au moment de l'appel. Ces données comprennent les raisons médicales, les objections apportées à ces raisons médicales et les éléments de preuve à leur appui. Elles comprennent aussi le compte rendu des témoignages et les rapports d'enquête, le tout consigné dans un résumé remis au requérant s'il exprime le désir d'interjeter appel. Dans le cas d'un appel qui serait interjeté par un ancien combattant qui croit que les modifications proposées lui permettront d'établir, à moins de preuves contraires, qu'il était en bonne santé à l'enrôlement, le ministère lui fournit-il, à même ses dossiers, un résumé des rapports médicaux défavorables à cause d'une affection qu'il peut avoir? Disons qu'un ancien combattant déclare qu'il a eu plusieurs rhumes et que l'on voit par la suite dans son dossier militaire qu'il a fait des pneumonies à plusieurs reprises, ou plusieurs attaques de pleurésie; lui fournit-on un résumé suffisamment détaillé qui indiquerait qu'il aurait déclaré avoir eu plusieurs rhumes, non pas nécessairement qu'il a eu la pneumonie ou la pleurésie, mais le résumé sera-t-il assez complet pour lui permettre de décider si son appel est...

Le président: Monsieur Peters, je crois que nous allons tout à l'heure entrer dans le détail des points traités dans le Livre blanc, et la

[*Texte*]

the White Paper and this is one of them, the appeal procedure. I wonder if you want to pursue your questions of the Deputy Minister now or would you like to hold some of these questions and ask Mr. Ward and possibly some other officers of the Department later?

Mr. Peters: We have to ask some questions. It is only 11 o'clock.

The Chairman: I think we are doing very well and I think we have quite a bit ahead of us. I am concerned that we may feel we are going rather quickly over some important aspects later. With your permission, Mr. Peters, may we defer that question? Are there any other members of the Committee who want to put questions to the Deputy Minister now? If not, Mr. Hodgson, I would like to thank you. You will be here with us today and tomorrow morning?

Mr. Hodgson: Yes, Mr. Chairman.

The Chairman: Mr. Ward, who is the Chief Pensions Advocate of the Department, in reply to our suggestion prepared some background material for briefing the members which would assist them in examining the witnesses from the veterans' organizations. No doubt the Committee may want to come back and forth with witnesses in the period ahead, and I think he has had very short notice for this kind of thing. Mr. Ward.

Mr. Ward: Mr. Chairman, to digress for a minute, I was alarmed when the Deputy Minister referred to me as an expert because some experts have a great deal of knowledge about very little and other experts have very little knowledge about a great deal, and I am not sure where I fit into this pattern. However, the terms that I was given to assist the Committee, which I hope to do as much as possible, was to briefly outline—commencing with recommendation No. 1 and up to recommendation No. 148—in a nutshell what the current situation is and what the Woods Committee Report recommended and perhaps give some indication of that part of the White Paper iceberg that is not presently visible.

I do not have a prepared statement. I will be referring to some documents but it is not in the nature of a statement. If it is agreeable with you, Mr. Chairman, I will proceed on that basis.

First, recommendation No. 1. The Woods Committee recommended that final interpretation of the Pension Act be vested in the Pension Appeal Board. As all the members of

[*Interprétation*]

procédure d'appel dont vous parlez est l'un de ceux-là. Voulez-vous toujours poser vos questions maintenant au sous-ministre, ou préféreriez-vous en réserver certaines pour les poser plus tard à M. Ward et peut-être à d'autres fonctionnaires du ministère?

M. Peters: Il nous faut bien poser des questions. Il est seulement 11 heures.

Le président: Je crois que nous abattons de la très bonne besogne et qu'il nous reste encore beaucoup à faire. Je crains même que nous n'estimions plus tard être passés un peu trop rapidement sur certains aspects importants. Avec votre permission, monsieur Peters, pouvons-nous remettre cette question à plus tard? D'autres membres du Comité désirent-ils poser maintenant des questions au sous-ministre? Sinon, monsieur Hodgson, je désire vous remercier. Vous serez ici aujourd'hui et demain matin?

M. Hodgson: Oui, monsieur le président.

Le président: M. Ward, qui est au ministère l'avocat en chef des pensions, a prépré à notre demande des documents d'information à l'intention des membres du Comité, pour les aider à interroger les témoins des associations d'anciens combattants. Sans doute le Comité voudra-t-il interroger de nombreux témoins à plusieurs reprises dans les séances qui viennent, et M. Ward, je pense, n'a eu que très peu de temps pour se préparer. Monsieur Ward.

M. Ward: Monsieur le président, si vous voulez bien me permettre une petite digression, je me suis ému d'entendre le sous-ministre me qualifier d'expert, car certains experts savent beaucoup de choses sur un très petit nombre de sujets et d'autres en savent très peu sur un grand nombre de sujets, et je ne saurais trop dire à quelle catégorie j'appartiens. Quoi qu'il en soit, on m'a confié la tâche, que je compte bien exécuter le mieux possible, d'aider le Comité en lui donnant un bref aperçu—à partir de la recommandation nº 1 jusqu'à la recommandation no 148—de la situation actuelle et des recommandations du Comité Woods, et en lui donnant peut-être une idée de la partie de l'iceberg du Livre blanc qui est encore submergée.

Je n'ai pas rédigé d'exposé dans les formes. Je me reporterai à certains documents, mais ils ne constituent pas un exposé rédigé d'avance. Si cela vous convient, monsieur le président, c'est ainsi que pe procéderai.

En premier lieu, la recommandation nº 1. Le Comité Woods recommande que l'interprétation définitive de la Loi sur les pensions soit confiée au Bureau d'appel des pensions. Tous

[*Text*]

this Committee know, the current situation is that the Canadian Pension Commission is vested with sole and exclusive jurisdiction not only to administer the Pension Act but to interpret every section of the entire Act. This recommendation has been modified. It is accepted in principle that the final interpretation rest with an independent body, but rather than this vehicle being the Pension Appeal Board, as the White Paper indicates, it will be the appellate division of the Canadian Pension Commission.

Recommendation No. 2. The Woods Committee recommended that the Canadian Pension Commission decide initial interpretations of the Pension Act. Under the existing system the Commission has sole jurisdiction to interpret, as I previously mentioned, and under the new proposals the initial interpretation will rest with the Directorate of Pensions.

Recommendation 3: The Woods Committee recommended that any commissioner may request interpretation. This recommendation has been accepted unchanged under the current situation. The present policy of the Commission, as I understand it, is that any commissioner may seek an interpretation and may very well bring up such questions at their general meetings. The Commission as a whole then may decide on interpretation initiated by an individual commissioner. This is unchanged.

Recommendation 4: The Woods Committee recommended that the Pension Appeal Board initiate procedure whereby the Chief Pensions Advocate, veterans organizations and the Canadian Pension Commission in its new role may request interpretations. This recommendation has been accepted in principle, that is to say, the principle of access to an appellate body on questions of interpretations has been accepted, but as outlined in the White Paper, the appellate body will be the Appeal Division of the Canadian Pension Commission rather than the Pension Appeal Board.

Under the current situation the Commission has a policy, not contained in the Act, but through this policy the Veterans Bureau and other representatives are unable to appear before special committees of the Commission to deal with questions of interpretation. The vehicle is there, but it has not been used a great deal.

Recommendation 5: The Woods Committee recommended publication of pension law directives. This recommendation has been

[*Interpretation*]

les membres du Comité le savent, à l'heure actuelle, la Commission canadienne des pensions a seule et entière compétence non seulement pour ce qui est d'appliquer la Loi sur les pensions mais aussi pour ce qui est d'interpréter chacun des articles de la Loi. Cette recommandation a été modifiée. On accepte en principe que l'interprétation définitive soit confiée à un organisme indépendant, mais au lieu d'être le Bureau d'appel des pensions, comme le laisse entendre le Livre blanc, cet organisme sera la Division des appels de la Commission canadienne des pensions.

Recommandation nº 2. Le Comité Woods recommande que la Commission canadienne des pensions fasse les premières interprétations de la Loi sur les pensions. Sous le régime actuel, la Commission seule a compétence en matière d'interprétation, comme je viens de le dire, tandis qu'en vertu des nouvelles propositions, l'interprétation première sera confiée à la Direction des pensions.

Recommandation nº 3. Le Comité Woods recommande que tout commissaire puisse demander une interprétation. Cette recommandation a été adoptée sans modifications, étant donné la situation actuelle. L'usage actuel de la Commission, à ce que je crois savoir, est que tout commissaire peut demander une interprétation et peut fort bien présenter des questions d'interprétation aux réunions générales. La Commission en tant que telle peut alors donner une interprétation d'une question présentée par l'un des commissaires. Rien n'est changé.

Recommandation nº 4. Le Comité Woods recommande que le Bureau d'appel des pensions institue une procédure en vertu de laquelle l'avocat en chef des pensions, les associations d'anciens combattants et la Commission canadienne des pensions, dans son nouveau rôle, pourront demander des interprétations. Cette recommandation a été adoptée en principe, c'est-à-dire que l'on accepte le principe de l'accès à un organisme d'appel pour les questions d'interprétation, mais comme le précise le Livre blanc, l'organisation d'appel sera la Division des appels de la Commission canadienne des pensions plutôt que le Bureau d'appel des pensions.

La ligne de conduite actuelle de la Commission, qui n'est pas précisée par la Loi, veut que le Bureau des vétérans et autres représentants ne puissent comparaître devant des comités spéciaux de la Commission pour des questions d'interprétation. L'organe existe, mais l'on ne s'en est pas beaucoup servi.

Recommandation nº 5. Le Comité Woods recommande la publication de directives concernant l'interprétation à donner aux divers

[*Texte*]

accepted unchanged—the principle has been accepted—and under the proposed system there will be publication of pension law directives by the Directorate of Pensions. Under the current situation the present policy of the Commission is to publish some directives, but, perhaps, not to the extent envisaged by the Woods recommendations.

Mr. Bigg: I wonder if you could clarify some of these technical points. Would this be in order to maintain, let us say, the standard of adjudication and that sort of thing? What would be the necessity for this type of a directive?

Mr. Ward: Mr. Chairman, I think primarily so that all interested parties, particularly pension applicants and their representatives, may know what the rules are. The adjudicating body may have established on various points such as guidelines, matters of procedure and interpretations of the Act that have evolved from particular cases. Everyone has a right surely to...

Mr. Bigg: I understand that perhaps an applicant in Nova Scotia might get entirely different treatment under the Pension Act than he might get say, in Alberta or somewhere else because of the lack of uniformity in either directives or adjudications.

Mr. Ward: Of course, it is desirable to have uniformity, but it is difficult to achieve. I do not think this is directed primarily for that purpose, that is to say, as an audit of the adjudicating authority's decision, but rather to disseminate information to all interested parties concerning the ground rules.

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Recommendation 6: The Woods Committee recommended a formal system of personal hearings under the existing authority of Section 7(3).

The Chairman: Could I interrupt for a moment? The summary of recommendations is generally available. I hope a number of members have them—they may not have them here. The Clerk is checking to see which members do have copies. If you would like to use one that the Clerk has available it might assist you at this point. We have a limited number of copies which may be of some assistance. I am sorry to interrupt you, Mr. Ward.

[*Interprétation*]

articles de la loi. Cette recommandation a été adoptée sans modifications—le principe en est accepté—et dans le régime proposé, la Direction des pnesions publiera des directives concernant la Loi sur les pensions. Dans le régime actuel, la ligne de conduite de la Commission est de publier certaines directives, mais peut-être pas autant que ne l'entrevoient les recommandations du Comité Woods.

M. Bigg: Peut-être pourriez-vous éclairer certains points obscurs. Serait-ce afin, disons, de maintenir les normes de jugement et autres raisons de cet ordre? Pourquoi des directives de ce genre seraient-elles nécessaires?

M. Ward: Monsiur le président, je crois que c'est surtout afin que tous les intéressés, en particulier les requérants et leurs représentants, puissent prendre connaissance des règles que l'organisme chargé de rendre décision aura établies sur divers points, tels que principes directeurs, questions de procédure et interprétations de la loi auxquelles auront donné lieu des cas particuliers. Sûrement tout le monde a-t-il le droit de ...

M. Bigg: Je crois savoir qu'une demande présentée en Nouvelle-Écosse pourrait être traitée de façon bien différente, en vertu de la même Loi sur les pensions, qu'en Alberta, par exemple, ou ailleurs, en raison de l'absence d'uniformité, soit dans les directives, soit dans les jugements.

M. Ward: L'uniformité est évidemment souhaitable, mais on n'y atteint pas facilement. Je ne crois pas qu'il s'agisse surtout de cela, ici, c'est-à-dire d'une sorte de vérification de la décision des autorités. Il s'agit plutôt de renseigner tous les intéressés sur les règles de base.

Recommandation n° 6. Le Comité Woods recommande l'établissement d'un système d'auditions personnelles en vertu de l'article 7(3).

Le président: Puis-je vous interrompre un instant? Il existe nombre d'exemplaires du résumé des recommandations. J'espère que plusieurs membres ont le leur—mais ils ne l'ont peut-être pas ici. Le secrétaire fait la liste de ceux qui n'ont pas d'exemplaire. Vous trouverez sans doute utile de vous servir d'un de ceux dont dispose le secrétaire. Nous en avons un certain nombre, que l'on pourra distribuer. Je m'excuse de vous avoir interrompu, monsieur Ward.

[*Text*]

Mr. Ward: Not at all, sir.

Recommendation 6: The Woods Committee recommended a formal system of personal hearings under the existing authority of Section 7(3) of the Pension Act relating to all matters other than entitlement. For example, discretionary awards—degree of aggravation. Under the present system the procedural benefits of the Pension Act, that is to say, the right to initial decision, a first hearing, a second hearing, a renewal hearing and an appeal board hearing is restricted to those things which we call entitlement matters. For example, whether or not the person's injury or disease was incurred during service. There is no right to a hearing under the current legislation with respect to any discretionary awards such as compassionate pension under Section 25, such as dependent parent's pension, such as payment of burial expenses and many other discretionary areas. There is a modified form of a hearing under Section 7(3) of the Pension Act at the discretion of the Commission and while it does touch upon some of the discretionary award areas it is usually confined to disputes relating to the quantum of assessment. After a person has had a pension entitlement awarded if he is not satisfied with the amount of pension then he proceeds under Section 7(3) and that is the usual form of Section 7(3) hearings.

It has been felt that all persons seeking any benefit under the Pension Act should have a right to a hearing and full procedural benefits, that is to say, the right to have their case dealt with at first application, second application and right up through the hierarchy of the appeal system to the appellate division on all matters, be it entitlement matters or discretionary matters. Under the proposal referred to in the White Paper the new procedure, and I expect the Bill, will give this right to all pension applicants to take all manner of cases right up to the Appeal Division.

Recommendation 7: The Woods Committee recommended application forms be used for Section 7(3) proceedings. Under the current system there are no formal application forms for Section 7(3) applications. Currently the procedure is very simple and flexible. Anyone desiring a Section 7(3) appearance merely requests it in writing or his representative or

[*Interpretation*]

M. Ward: Je vous en prie, monsieur le président.

Recommandation n° 6: Le Comité Woods recommande un système officiel d'audiences personnelles en vertu de l'autorité actuelle de l'article 7(3) de la Loi sur les pensions touchant toutes les matières autres que l'admissibilité. Par exemple: prestations discrétionnaires—degré d'aggravation. En vertu du présent système, les avantages de la procédure contenus dans la Loi sur les pensions, c'est-à-dire le droit à la première décision, une première audience, une deuxième audience, un renouvellement d'audience et une audience du bureau d'appel, sont réduits aux objets dits questions relatives à l'adminissibilité. Par exemple, à savoir si oui ou non la maladie ou la blessure d'une personne a été subie au cours du service. Il n'y a aucun droit à une audience en vertu de la loi actuelle en ce qui concerne toute prestation discrétionnaire telle que la pension de commisération, en vertu de l'article 25, la pension de dépendance, le paiement des frais funéraires et d'autres paiements discrétionnaires. Il existe une forme modifiée d'audience en vertu de l'article 7(3) de la Loi sur les pensions dont la Commission peut faire usage à sa discrétion. Si cet article permet de toucher à certains côtés des prestations discrétionnaires, on ne l'utilise d'habitude que pour régler des différends touchant aux montants de l'admissibilité. Après qu'un individu a reçu son admissibilité à pension, s'il n'est pas satisfait du montant de la pension, il peut alors, en vertu de l'article 7(3), demander une audience, et c'est habituellement le but des audiences tenues en vertu de l'article 7(3).

Nous avons cru bon que chaque personne demandant le bénéfice de la Loi sur les pensions possède le droit à l'audience et à tous les avantages de la procédure, c'est-à-dire le droit de voir son cas examiné lors de la première demande, de la deuxième demande et le droit de recourir à tous les échelons du système d'appel auprès de la Division des appels, qu'il s'agisse de l'admissibilité ou des prestations discrétionnaires. En vertu des propositions concernant la nouvelle procédure, incluses dans le Livre blanc, et je l'espère dans la Loi, on donnera le droit à tous les demandeurs de présenter tous les cas, de quelque nature qu'ils soient, jusqu'à la Division des appels.

Recommandation n° 7: Le Comité Woods recommande que des formules de demande soient utilisées pour les procédures en vertu de l'article 7(3). Selon le système actuel, il n'y a aucune formule officielle qui s'applique à l'article 7(3); la procédure est simple et flexible. Quiconque désire obtenir une audience en vertu de l'article 7(3) en fait la demande par

[*Texte*]

even his Member of Parliament may do so on his behalf, it can be initiated in any manner. This recommendation of the Woods Committee has not adopted, that is to say, it was felt desirable to retain the simple and flexible system rather than enter into a formalized system of an approach for a hearing.

Recommendation 8: The Woods Committee recommended publications of directives governing Section 7(3)—personal appearances. This recommendation has been accepted in

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principle. It is modified to the extent that because persons seeking benefits under the Pension Act will now have the right to go through the whole procedural gamut in all matters we anticipate that Section 7(3) hearings will be limited and confined to disputes relating to quantum of pension after the right to pension has been given. Therefore, the quantum of pension will generally be the sole reason for Section 7(3) hearings. Although Mr. Justice Woods recommended an entirely different use of Section 7(3) hearings, he naturally desired publication of directives governing the procedures to be followed. This, of course, is not too essential in the simplified form that we will be introducing; therefore it will be modified to the extent that it will set out directives relating to this narrow field of assessment.

Recommendation No. 9—The Woods Committee recommended that applicants' costs be paid in Section 73 appearances. The principle of costs being paid to the applicant is accepted, but the recommendation is naturally modified in view of the proposed new system whereby all matters can be taken to an entitlement board hearing and the applicant will be reimbursed for all his costs when appearing before the entitlement board, to the same extent and in the same manner as are applicants now appearing before appeal boards.

The applicant appearing at a 7(3) hearing will, as I mentioned earlier, be limited to disputing only the quantum of pension. The payment of his costs will remain the same as it is under the current situation. That is to say, if he is successful in convincing the adjudicating authorities that his amount of pension should be raised, for example, from 20 to 40 per cent then his costs will be paid. But if he is unable to convince the adjudicating authorities and does not succeed, then he

[*Interprétation*]

écrit, ou son représentant, ou même son député, peut la présenter pour lui. Elle peut être faite sous n'importe quelle forme. Cette recommandation du rapport Woods n'a pas été acceptée, c'est-à-dire qu'il est apparu nécessaire de garder un système simple et flexible plutôt que d'adopter un système officiel de demande d'audience.

Recommandation nº 8: Le Comité Woods recommande la publication de directives au sujet de l'article 7(3), audiences personnelles. Cette recommandation a été acceptée en principe. Elle a été modifiée sur un certain point car les personnes dmandant des avantages en vertu de la Loi sur les pensions auront désormais le droit de faire appel à tout le mécanisme de la procédure, dans tous les domaines. Nous prévoyons que les audiences tenues en vertu de l'article 7(3) seront limitées et confinées aux différends relatifs au montant des pensions après que le droit de toucher une pension aura été accordé. Ainsi, le montant des pensions sera donc généralement la seule raison d'obtenir une audience en vertu de l'article 7(3). Puisque le juge Woods a recommandé une utilisation totalement différente des audiences prévues à l'article 7(3), il était naturel qu'il demande la publication de directives sur les procédures à suivre. Cela n'est évidemment pas essentiel, à cause de la formule simplifiée que nous voulons introduire; ainsi, la recommandation sera modifiée dans la mesure où des directives seront données au sujet de ce domaine restreint qu'est l'admissibilité.

Recommandation nº 9: Le Comité Woods recommande que les frais d'appel du demandeur soient payés lors des audiences tenues en vertu de l'article 7(3). Le principe de défrayer les dépenses du demandeur est accepté, mais la recommandation est naturellement modifiée, compte tenu du nouveau programme proposé, selon lequel toutes les causes peuvent être portées devant un bureau d'admissibilité; le demandeur sera donc remboursé de tous les frais engagés lorsqu'il se présentera devant le bureau d'admissibilité, de la même façon et jusqu'aux mêmes montants que les demandeurs qui se présentent actuellement devant un bureau d'appel.

Le demandeur qui se présente à une audience tenue en vertu de l'article 7(3) sera, comme je l'ai mentionné plus haut, restreint à discuter uniquement du montant de sa pension. Le paiement de ses frais restera le même que selon les présentes conditions. Ce qui veut dire que, s'il parvient à convaincre les autorités que le montant de sa pension devrait être augmenté, par exemple de 20 à 40 p. 100, ses frais seront alors remboursés. Mais s'il n'est pas capable de convaincre les autori-

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is responsible for his own costs. That is the current situation and that part will continue, as I understand.

Mr. Bigg: Mr. Chairman, there is a point there that I do not think is very fair. In the case where either a veteran or a widow is making an application, and where they naturally feel that they have good grounds for it, it seems to me that there could be quite a financial burden in calling medical experts, and so forth. They do not come for nothing these days. I know of a case where a man expected $100 a day to appear before a board on behalf of a veteran. If the case is *bona fide* a veteran or a widow, who is already in very difficult financial circumstances, is saddled with a bill for $200 or $300. They can only pay this bill by going to the army benevolent fund or some other charitable organization, and I would say this is very unfortunate. I would like to see some relief from that. Even if he does not get entitlement it seems to me there should be a rider in there to the effect that if it was a *prima facie* case it should be open for an officer to attack this bill in those circumstances. I know from personal experi-

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ence that this has occurred in cases that have come to my attention. Has this been given any consideration by the Department?

Mr. Ward: Mr. Chairman, it will be appreciated, of course, that in all matters of seeking entitlement, in discretionary matters, or in entitlement matters, costs will be paid and that they will include the medical fees for the applicant's expert witness appearing before the entitlement board.

In the case of assessment disputes, disputes over the quantum of pension, the current system of reimbursing an applicant who succeeds has been in effect for many years.

There is a very good reason that costs only be paid when the man succeeds, and that relates to trying to discourage frivolous claims. There is always a possibility—and I am not suggesting for one minute that this is universal—that people in remote areas may very well decide that they can have a trip down to Vancouver, or some other centre, by merely disputing the amount of pension that has been awarded to them, and that all expenses will be paid. To avoid this sort of thing and frivolous claims, it is fair to reimburse when they succeed. This is the normal thing in courts. When you succeed you are

[*Interpretation*]

tés et échoue, il devra alors payer ses propres frais. C'est la situation actuelle, et je crois qu'elle continuera à être appliquée.

M. Bigg: Monsieur le président, je pense qu'il y a un point ici qui n'est pas très juste. Lorsqu'un ancien combattant, ou une veuve, présente une demande parce qu'il pense réellement avoir des raisons solides pour ce faire, il me semble que cela pourrait représenter une charge financière très lourde en faisant appel à des médecins pour expertises, etc. Les gens, de nos jours, ne se présentent pas devant une commission pour rien. Je connais un cas où un expert demandait 100 dollars par jour pour venir témoigner devant une commission en faveur d'un ancien combattant. Si la demande est faite de bonne foi, un ancien combattant, ou une veuve, qui est déjà dans des conditions financières difficiles est désarçonné par une facture de 200 ou de 300 dollars. Il ne peut régler cette facture qu'en faisant appel à la Caisse de bienfaisance de l'armée ou à une autre organisation de bienfaisance, et je trouve cela très malencontreux. J'aimerais qu'on remédie à cela. Même si le demandeur n'est pas admissible, il me semble qu'il devrait y avoir une disposition qui permette à un fonctionnaire de contester cette facture, surtout si la demande est faite de bonne foi. Je sais d'expérience que cela est arrivé dans des cas qui ont été portés à mon attention. Est-ce que le ministère a étudié la question?

M. Ward: Monsieur le président, nous apprécierions, bien sûr, que dans toutes les causes d'admissibilité, de demandes d'admissibilité et de prestations discrétionnaires, l'on défraye les coûts, notamment les honoraires médicaux des experts du demandeur lorsqu'ils doivent témoigner devant le bureau d'admissibilité.

Dans les controverses au sujet de l'évaluation, du montant des pensions, le système actuel est en vigueur depuis plusieurs années, à savoir que l'on rembourse le demandeur qui gagne sa cause.

Il y a une bonne raison pour ce faire, c'est d'essayer d'éliminer les réclamations qui ne tiennent pas debout. Il y a toujours possibilité—je ne dis pas là qu'il s'agit d'un cas fréquent—qu'un individu demeurant dans un endroit reculé décide d'aller à Vancouver pour contester le montant de la pension qui lui a été attribuée, sachant bien que ses dépenses lui seront payées. Pour éviter ce genre de réclamations non fondées, il est juste que le demandeur soit remboursé lorsqu'il gagne sa cause. C'est un procédé normal devant les tribunaux. Si vous gagnez une cause, on vous alloue les dépenses. Mais je

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awarded costs. But I dare say there is no immutable position on any of these matters, as I understand it.

Mr. Bigg: I understand that, and I am as interested as anyone else in protecting the taxpayer's pocket, but it seems to me that in a great many administrative problems such as that there should always be a fairly simple procedure by which the type of justice I am thinking of could be done almost automatically.

As I have said, this board is deciding a great many things just as difficult as whether or not a claim is frivolous. Where the complaint is frivolous you are quite right—no reimbursement should be paid. Perhaps there should even be a fine attached to it, although I realize that that cannot be done. But there have been cases up to now, I am quite certain, where the application for entitlement was definitely *bona fide*—and as I say I hope this benefit of the doubt clause will remove some of these difficulties—where it was impossible for the veteran to prove his case. This is why we have the benefit of the doubt rule. If he has, in his own opinion, a *bona fide* case, or a *prima facie* case, and if the Commission itself says he has a *prima facie* case and they have a hearing and he gets through it, gets adjudication on it and still feels he is not getting enough, he brings in his witness, which is required. The man may look well, shall we say. He has to have an expert to prove that his physical condition belies his outward appearance. You cannot tell a man's blood pressure by his looks, and so on; therefore he has, at considerable expense, to call a person who knows his heart condition, and be loses his case. These cases may be rare, but there is nothing wrong with putting into the act a section or an escape procedure by which a person could get relief in paying such a claim if good faith has been shown. I would rule out frivolity, of course.

I know of several cases that I could bring to the attention of the Minister, but I do not want to take up the time of the Committee.

Mr. Ward: I dare say, as I mentioned, this is not an inflexible position. Undoubtedly this would be very carefully reviewed and the possibility of some exercise in discretion perhaps even might be very well considered. Of course, I cannot—

[*Interprétation*]

dois dire, par contre, qu'il ne s'agit pas là d'une position rigide envers toutes ces causes.

M. Bigg: Je comprends parfaitement cela, et je suis aussi intéressé que quiconque à protéger l'argent des contribuables. Mais il me semble que dans des cas d'administration tels que ceux-ci, il devrait toujours y avoir un moyen très simple de pouvoir satisfaire presque automatiquement le genre de justice à laquelle je pense.

Comme je l'ai déjà dit, la Division est amenée à porter un jugement sur bon nombre de choses tout aussi difficiles que de décider si une plainte est futile ou non. Lorsque la plainte est jugée futile, vous avez raison, il ne devrait y avoir aucun remboursement. Cela devrait peut-être même entraîner une amende, encore que, je le comprends, ce soit impossible. Mais il y a déjà eu, j'en suis certain, des cas où la demande était assurément faite de bonne foi; et, je le répète, j'espère que la clause du bénéfice du doute abolira quelques-unes des difficultés que rencontrait l'ancien combattant qui était dans l'impossibilité d'obtenir gain de cause. C'est pourquoi nous appliquons la règle du bénéfice du doute. Si l'ancien combattant estime avoir une cause authentique, ou bien fondée de prime abord, que la Division trouve aussi sa cause bien fondée, et qu'après l'audience, il ne soit toujours pas satisfait du jugement, il fait venir son témoin, comme c'est obligatoire. Il peut sembler en bonne santé, et il doit donc avoir recours à un spécialiste pour prouver que les apparences sont trompeuses. On ne peut pas juger de la tension artérielle d'une personne rien qu'en la regardant, et ainsi de suite. L'ancien combattant doit donc, en encourant d'énormes frais, retenir les services d'un spécialiste qui connaisse sa maladie cardiaque, et il peut arriver qu'il perde sa cause. Ces cas peuvent être rares, mais rien n'empêche d'insérer dans la loi un article ou une disposition échappatoire qui permette à une personne de se faire remourser quand sa demande semble avoir été faite de bonne foi. Naturellement, j'écarterais les demandes futiles.

Je pourrais porter plusieurs cas à l'attention du Ministre, mais je ne veux pas occaparer le temps du Comité.

M. Ward: J'ose dire, comme je l'ai déjà mentionné, que ce n'est pas un prise de position inébranlable. Il ne fait aucun doute que cela serait révisé très attentivement et que la possibilité d'un exercice de discernement pourrait même être fort bien accueillie. Je ne puis, naturellement...

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Mr. Bigg: The bare wording of it says that if he is successful in his case. You know, it is all or nothing at all. He gets all his expenses paid if he wins his pension and that is fine. We are not worried about the man who wins his pension, but in many cases, as I said, on a bona fide application he has lost both his pension and any possible hope of payment for what he thinks are legitimate expenses to make his case felt. I feel that with our sophisticated department we could put in an escape clause saying that in bringing down their adjudication they could say that this case was one, certainly not privileged, but one where unfortunately they could not give him the monetary payment over the period of years, but the Department thought the case was not frivolous and, therefore, it was a fair check on the government's purse to give this veteran, his widow or his dependents this relief from his expenses.

The Chairman: Mr. Bigg, I am thinking in terms of the document that is going to be produced in the transcript at this point. Mr. Ward is going to give me a quick summary of the present conditions, the recommendations and the changes. Then I will—

Mr. Bigg: Are we going—

The Chairman: Yes, there will be an opportunity to examine. If we proceed this way, you will have three or four days of testimony before you have one summary document on the different pages and we hope that we can—

Mr. Bigg: I will make a note then.

Mr. Ward: Mr. Chairman, Recommendation 10: The Woods Committee Report recommended that Section 7(3) be removed from the organizational portion of the Act where it is now found and be placed in the part dealing with adjudication. This recommendation has not been accepted. You will appreciate that matters such as the location of a particular section in an act would largely be a matter for the expert legal draughtsmen who, we would expect, would place the sections in the appropriate areas.

Recommendation 11: The Woods Committee Report recommended that existing Section 7 (3) hearings be expanded for benefits under discretionary sections of the Act and for assessment and degree of aggravation.

As I mentioned earlier, in the current situation Section 7 (3) hearings are, by and large,

[*Interpretation*]

M. Bigg: L'énoncé même prévoit cela, si la cause est gagnée. Vous savez c'est ou tout ou rien. Il est remboursé s'il obtient sa pension, très bien. Nous ne nous préoccupons pas de la personne qui gagne sa cause. Mais dans plusieurs cas, comme je l'ai dit, alors que la demande était faite de bonne foi, l'ancien combattant perd à la fois sa pension et tout espoir d'être remboursé des dépenses qui, d'après lui, étaient nécessaires pour faire comprendre sa cause. J'ai l'impression que la complexité de notre ministère nous permettrait d'insérer une clause échappatoire voulant qu'au moment du jugement, on puisse dire que la cause n'était assurément pas privilégiée, et que malheureusement on ne pouvait verser une pension à l'ancien combattant pendant des années, mais que le Ministère était d'avis que la demande était bien fondée, et que le gouvernement rembourserait donc ses dépenses à l'ancien combattant, à sa veuve ou aux personnes qui lui sont à charge.

Le président: Monsieur Bigg, je pense au document qui va être porté au compte rendu. M. Ward va me donner un bref résumé des conditions actuelles, des recommandations et des modifications. Je vais ensuite...

M. Bigg: Allous-nous...

Le président: Oui, nous aurons l'occasion de nous livrer à un examen. Si nous continuons ainsi, il y aura trois ou quatre jours de témoignages avant que nous n'obtenions un résumé des différentes pages, et nous espérons pouvoir...

M. Bigg: J'en prendrai note.

M. Ward: Monsieur le président, dans la Recommandation 10 de son rapport, le Comité Woods recommande que le paragraphe 3 de l'article 7 soit retiré de la partie de la loi qui porte sur l'organisation pour le placer dans la partie qui a trait au jugement. La recommandation a été rejetée. Vous comprendrez sans peine que des questions comme celle de placer une disposition précise d'une loi à tel endroit relèvent des rédacteurs des textes juridiques qui, nous oserions le croire, les mettraient au bon endroit.

Dans la recommandation 11 du Rapport du Comité Woods, on commande que les dispositions du paragraphe 3 de l'article 7 sur les comparutions personnelles soient étendues aux avantages prévus aux termes des dispositions discrétionnaires de la Loi, l'évaluation et le degré d'aggravation d'une invalidité.

Comme je l'ai déjà mentionné, à l'heure actuelle, le régime des comparutions person-

[*Texte*]

used mainly for assessment disputes and, until recently, disputes relating to degree of aggravation and in a few cases some disputes relating to discretionary awards. This has been modified, of course, by the new procedure which for the first time in our entire pension history gives the right to a hearing in all matters rather than a right which exists in entitlement matters and at the discretion of the present adjudicating authority, a hearing in some other matters. So that recommendation has been modified as outlined previously in the recommendation where I mentioned that the veteran now will have the right to appear right up to the appellate division level in all matters. However, it is anticipated that the vehicle for dealing with assessment disputes will continue to be Section 7 (3) of the Pension Act and it is further anticipated that appearances before the adjudicating authorities under that section will continue to be at the discretion of the Commission.

Recommendation 12: The Woods Committee report recommended a three-stage application

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procedure. This recommendation has been accepted in principle and it is proposed to have a three-stage application procedure regardless of the type of service.

Under the current situation we have a somewhat complex procedural system in which there is a different procedure for those persons whose claims are based on World War I from those persons whose claims are based on World War II. Under claims based on World War I and regular force service, there may be a first hearing, a second hearing and an Appeal Board hearing with certain time limits applying and with certain forms to sign.

In cases relating to World War II, service in Korea and in designated special duty areas, there may be an initial decision, a first renewal decision, further renewal decisions at the discretion of the Canadian Pension Commission and then an Appeal Board hearing with no time limits, but with certain forms to sign.

Under the proposal outlined in the White Paper this procedure will be streamlined, simplified and made common to all periods of service so that in all cases an applicant would have a first application dealt with by the Directorate of Pension. If he does not succeed he then can have a second application. If he

[*Interprétation*]

nelles établi en vertu du paragraphe 3 de l'article 7 sert, en général, à contester l'évaluation et, jusqu'à très récemment, le degré d'aggravation et, dans quelques cas, les décisions discrétionnaires. Cet état de chose a naturellement été modifié par la nouvelle procédure qui, pour la première fois dans toute l'histoire des pensions, accorde une audience pour toutes les questions, non seulement pour les questions d'admissibilité, et, à la discrétion des autorités actuelles en matière de décisions, pour quelques autres questions. La recommandation a donc été modifiée et les anciens combattants auront dorénavant le droit de comparaître au niveau de la division d'appel pour toutes les questions contentieuses. Toutefois, on estime que la contestation des évaluations sera toujours étudiée en vertu du paragraphe 3 de l'article 7 de la Loi sur les pensions, et que les témoignages présentés devant les autorités de décision, prévus par article, seront toujours laissés à la discrétion de la Commission.

Recommandation 12: Le rapport du comité Woods a recommandé une procédure de demande en trois étapes. La recommandation a été acceptée en principe et on propose d'avoir une procédure de demande en trois étapes, sans tenir compte du genre de service.

En ce moment, le système de procédure est quelque peu complexe. Les personnes dont la plainte a trait à la Seconde Guerre mondiale et d'autres, à la Première Guerre mondiale emploient différentes procédures. Pour les plaintes adressées par les anciens combattants de la Première Guerre mondiale et le personnel des Forces régulières il peut y avoir une première audience, une deuxième audience et une audience du bureau d'appel, dans une certaine limite de temps et avec certaines formules à signer.

Pour les cas rattachés à la Deuxième Guerre mondiale, au service en Corée et aux régions désignés pour un service spécial, il peut y avoir une décision initiale, un premier renouvellement de la décision, d'autres renouvellements des décisions laissés à la discrétion de la Commission des pensions du Canada et ensuite une audience du Bureau d'appel sans limite de temps, mais avec certaines formules à signer.

D'après la proposition expliquée dans le Livre blanc, cette procédure sera rationalisée, simplifiée et sera la même pour toutes périodes de service afin que, dans tous les cas, la première demande du requérant soit étudiée par la Direction des pensions. Si la première demande est refusée, il pourra alors en pré-

[*Text*]

still does not succeed he can have a renewal application. Failing to succeed there he can have further renewal applications in the discretion of the Directorate and then he can advance to the Entitlement board hearings. If he fails to succeed after all those previous decisions, he then can appeal finally to the appellate division level.

Mr. Knowles (Winnipeg North Centre): Mr. Ward, would you spell that out again. In other words, there are not just three kicks at the cat, but as the Minister said the other day, there are several kicks at the first cat.

Mr. Ward: There are three major kicks at three acts, but one of the cats has several kittens and you can kick those also. I believe the Minister for purposes of illustration simplified and combined all of the first three stages generally lumping them under the Department of Veterans Affairs adjudicating authority, but that is subdivided into first application, second application, renewal application and further renewals. It is substantially the same system that is now in effect for cases of World War II and Korea.

Mr. Knowles (Winnipeg North Centre): Would an applicant have to go through all of those stages before he is entitled to go to the Commission's entitlement board?

Mr. Ward: Mr. Chairman, it is anticipated that he could proceed to the entitlement board hearing direct from an adverse initial application decision or at any intervening stage. There is complete flexibility.

Mr. Knowles (Winnipeg North Centre): At the veterans choice?

Mr. Ward: Yes, sir.

Recommendation 13: The Woods Committee Report recommended that existing system appeal boards be retained in effect, but renamed and that recommendation is accepted unchanged and the White Paper has outlined the new name for the old Appeal Board will be the Entitlement Board.

[*Interpretation*]

senter une deuxième. Si cette deuxième demande se heurte encore à un refus, il pourra présenter d'autres demandes renouvelées au gré de la Direction, sa demande pourra alors progresser sur la voie de l'audition par le bureau d'admissibilité. Au cas où sa demande ne serait toujours pas acceptée après toutes ces décisions antérieures, il pourra alors finalement en appeler à la Division des appels.

M. Knowles (Winnipeg-Nord-Centre): Monsieur Ward, voudriez-vous nous expliquer cela encore. D'après ce que je peux voir, il n'y a pas seulement trois possibilités de recours, mais elles sont multiples, comme le ministre l'a dit l'autre jour.

M. Ward: Il y a trois possibilités de recours à trois principaux paliers, mais l'un des paliers a plusieurs marches et vous pouvez essayer vos chances là aussi. Je pense que le ministre a simplifié pour les besoins de la cause et qu'il a réuni ensemble ces trois premiers paliers en les groupaut sous l'autorité en matière de décision du ministre des Affaires des anciens combattants, mais il existerait en fait trois subdivisions, d'abord une première demande, puis une seconde demande et ensuite une demande renouvelée, ainsi que d'autres renouvellements possibles par la suite. En fait, c'est le même système ou presque qui est actuellement en vigueur pour les anciens combattants de la Seconde guerre mondiale et de la guerre de Corée.

M. Knowles (Winnipeg-Nord-Centre): Est-ce qu'un requérant devrait passer par tous ces paliers avant d'avoir le droit de passer devant le Bureau d'admissibilité de la Commission?

M. Ward: Monsieur le président, il est prévu qu'il pourra passer directement devant le bureau d'admissibilité pour l'audition de sa cause après un jugement défavorable relatif à une demande initiale, ou à tout palier intermédiaire. Le système est d'une souplesse extrême.

M. Knowles (Winnipeg-Nord-Centre): Au choix de l'ancien combattant?

M. Ward: Oui.

Recommandation nº 13: Dans le rapport du Comité Woods, il est préconisé que le système actuel des bureaux d'appel reste en vigueur, mais qu'on les appelle désormais des bureaux d'admissibilité. Cette recommandation est acceptée sans changement et, comme il est précisé dans le Livre blanc, l'ancien bureau des appels sera désormais le bureau d'admissibilité.

[*Texte*]

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Recommendation No. 14—The Woods Committee recommended establishment of an independent appellate body to be called the Pension Appeal Board, with wide powers including the final determination of interpretation of the Pension Act and final powers of adjudication in all pension matters. Under the current situation we have no equivalent to this proposed appellate body. The Canadian Pension Commission has sole and exclusive jurisdiction to interpret. There is no appeal under the current system in the true sense of an appeal. There is what is called an Appeal Board hearing, but it is more in the nature of a hearing than an appeal; that is to say, that is the first opportunity for the applicant and his witnesses to appear before members seized with the powers of making decisions. While you can say that you are appealing a renewal decision or a second hearing decision, it is really a fact-finding body that sits as a hearing rather than on a traditional form of appeal.

Now, Mr. Chairman, this can get rather complex and I can deal with this recommendation which is broken down from Recommendation 14(A) to 14(Z) and then on to 14-(BB). I can deal with each of these subdivisions of the recommendation, or I can give an outline of the principles which we anticipate will be applicable.

The Chairman: I do not know what the wish of the Committee is, I assume that an outline of the principles applicable would be the best way to proceed at this point and the Committee might come back with detailed questions later. Is that agreeable?

Mr. Ward: Mr. Chairman, there are approximately 26 principles to be applied.

1. That the Appellate Division consist of not more than five commissioners.

2. That it be independent of the control and direction of the Canadian Pension Commission in all matters of interpretation and adjudication.

3. That appeals before the Appellate Division shall consist of a review of the written record and on request a presentation of the appeal by the applicant's representative and

[*Interprétation*]

Recommandation n° 14: Le Comité Woods recommande qu'on établisse un organisme d'appel indépendant qui serait connu sous le nom du Bureau d'appel des pensions, ce bureau serait doté de vastes pouvoirs, y compris celui de la décision finale en matière d'interprétation des dispositions de pouvoirs, y compris celui de la décision finale en matière d'interprétation des dispositions de la Loi sur les pensions, et il constituerait l'autorité finale en matière de décision pour toutes les questions de pension. Dans la situation actuelle, nous n'avons aucun équivalent à cet organisme d'appel proposé. La Commission canadienne des pensions possède seule et de façon exclusive le pouvoir d'interprétation. Il n'y a aucun recours possible, dans le système actuel, qui soit véritablement un appel au vrai sens du terme. Il existe ce que l'on appelle une audition par le bureau des appels, mais il s'agit plus d'une audition de la cause que d'un appel; il s'agit là pour le requérant et ses témoins d'une première occasion de se présenter devant les membres nantis du pouvoir de rendre des décisions. Quand vous faites appel au sujet d'un jugement relatif à une demande renouvelée ou à une décision en seconde audition, en fait, c'est un tribunal d'enquête qui est réuni pour l'audition de la cause plutôt qu'un jury d'appel au vrai sens du terme.

Maintenant, monsieur le président, cela devient plutôt compliqué; je vais vous parler de cette recommandation qui se ramifie en recommandations n°s 14(A) à 14(Z) et ensuite 14(BB). Je vous parlerais en détail de chacune d'elles, ou je peux vous donner un exposé des principes qui pourraient s'appliquer, selon nous.

Le président: Je ne sais pas ce que les membres du Comité souhaitent, mais je présume qu'un exposé des principes à appliquer serait la meilleure manière de procéder pour l'instant; les membres du Comité pourront poser plus tard les questions de détail. Est-ce d'accord?

M. Ward: Monsieur le président, il y a environ 26 principes applicables tout d'abord:

1. Que la Division des appels ne comprenne pas plus de cinq commissaires.

2. Qu'elle soit indépendante du contrôle et de la direction de la Commission canadienne des pensions pour toutes questions d'interprétation et de décision.

3. Que les appels présentés devant la Division des appels soient l'objet d'une étude du dossier et des documents qui le composent, d'une présentation de la cause en appel soit

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the consideration of any new documentary evidence produced. But viva voce evidence will not be permitted, or I should say admitted.

4. That the applicants shall have the right to make written submissions or have the same made on their behalf in all matters of appeal.

5. That not withstanding the rights of submission and appearance herein set out, the Appellate Division shall have a wide discretion as to the documentary evidence it may admit.

6. That it will have final determination in the interpretation of the Pension Act and other related statutes. The Directorate of Pensions, the Bureau of Pensions Advocates, or any other applicant's representative will have access to the Appellate Division for the presentation of written or oral argument in all matters of interpretation.

7(A). That if the applicant or his representative intends to challenge an interpretation given by the Directorate of Pensions, he will advise the Directorate of Pensions and the Appellate Division of the nature of the challenge. On receipt of the notice the Directorate of Pensions will advise the Appellate Division whether or not it is their intention to present

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written or oral argument on the matter challenged. The Appellate Division shall not proceed with the matter challenged until the Directorate of Pensions has had a reasonable opportunity to prepare argument.

7(B). Should a challenge of an existing interpretation be made during an Appellate Division hearing without notice having been given to the Directorate of Pensions, the Appellate Division shall not consider the challenge until such notice of it has been given and the Directorate of Pensions has been provided an opportunity to submit argument or to appear if it is so desired.

8. That an appeal to the Appellate Division will be from any entitlement board decision.

9. That on any decision taken by an Entitlement Board the applicant shall be informed of his right to appeal to the Appellate Division and of the procedure to be followed in so doing.

10. That no time limit be imposed on the right of appeal to the Appellate Division.

11. That where an applicant has died while a claim is pending or subsequent to the date upon which an adverse decision has been ren-

[*Interpretation*]

demandée par le représentant du requérant et d'un examen de toute preuve à l'appui produite. Cependant, un témoignage présenté de vive voix ne sera pas autorisé, ou plutôt ne sera pas admis.

4. Que les requérants aient le droit de présenter des déclarations par écrit ou de présenter des déclarations faites en leur nom pour toutes les questions d'appel.

5. Que, nonobstant les droits de déclaration et de comparution ci-dessus établis, la Division des appels possède un pouvoir discrétionnaire quant à l'admission des preuves à l'appui.

6. C'est à elle qu'il appartiendra de juger en définitive de l'interprétation de la Loi sur les pensions et des autres règlements qui s'y rattachent. La Direction des pensions, le Bureau des avocats des pensions, ou tout autre représentant du requérant pourra avoir recours à la Division des appels pour soumettre ses arguments de vive voix ou par écrit pour toutes questions d'interprétation.

7(A). Si le requérant ou son représentant ont l'intention de contester une interprétation donnée par la Direction des pensions, ils informeront la Direction des pensions ou la Division des appels de la nature de leurs objections. Au reçu de l'avis, la Direction des pensions en informera la Division des appels, qu'elle ait ou non l'intention de présenter son point de vue sur la question en litige. La Division des appels ne doit pas donner suite à l'affaire avant que la Direction des pensions n'ait eu la possibilité de préparer son propre exposé.

7(B). Si une interprétation donnée était contestée par le requérant au cours de l'audition par la Division des appels sans que la Direction des pensions n'ait été informée, la Division des appels refusera de considérer l'objection avant que cet avis n'ait été envoyé et que la Direction des pensions n'ait eu la possibilité de présenter son point de vue ou de comparaître si elle le juge nécessaire.

8. Qu'un appel présenté devant la Division des appels relève uniquement de la décision du bureau d'admissibilité.

9. Que le requérant soit informé de son droit d'en appeler devant la Division des appels ainsi que des formalités nécessaires pour le faire, à la suite de toute décision rendue par le Bureau d'admissibilité.

10. Qu'il ne soit imposé aucun délai au droit d'en appeler à la Division des appels.

11. Que quand le requérant est décédé sans qu'on ait répondu à sa demande ou après que la Direction des pensions ait rendu une déci-

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dered by the Directorate of Pensions, an appeal may be submitted by a surviving dependant and that should the death of an applicant intervene before the claim has reached the stage of an Entitlement Board Hearing, a surviving dependant will be entitled to such a hearing on the lifetime claim before proceeding to the Appellate Division.

12. That the Appellate Division shall have the power to vary any decisions of the Directorate of Pension or Entitlement Board by reversal or amendment, or by referral to the Directorate of Pensions or Entitlement Board for further consideration.

13. That when the Appellate Division makes a decision it will be referred back to the Directorate of Pensions which shall implement the decision.

14. That in an entitlement or a discretionary case where the Appellate Division feels that further investigation is necessary before a decision can be reached, it may refer the case to either the Directorate of Pensions or the Bureau of Pensions Advocates or other applicant's representative for such action as the Appellate Division directs.

15. That the applicant may be represented by counsel. He may have the assistance of the Bureau of Pensions Advocates free of charge, or a service bureau of a veterans organization, or other representative at his own expense in the preparation and presentation of his appeal.

16. That there be no leave to reopen on the same condition following an Entitlement Board decision, the next step being an appeal to the Appellate Division.

17. That the Appellate Division have jurisdiction to grant leave to reopen following its own decision with respect to the same condition where the application for such leave is based upon error in any decision of the Appellate Division by reason of evidence not having been presented or otherwise.

18. That the Appellate Division be empowered to obtain such additional medical and/or legal opinions as deemed necessary to achieve a decision, and that such opinions when received be available to those representing the applicant and to the Directorate of Pensions.

19. That fees for medical and legal opinions shall be paid from the Canadian Pension Commission's financial vote at rates consistent with schedules to be drawn up by the Appel-

[*Interprétation*]

sion défavorable, tout survivant à sa charge puisse interjeter appel et que si le requérant décède avant que sa demande ait atteint le palier de l'audience d'admissibilité, tout survivant à sa charge ait droit d'obtenir que la demande présentée du vivant de l'ancien combattant soit entendue avant qu'elle ne passe devant la Division des appels.

12. Que le Bureau d'appel ait l'autorité de modifier toutes décisions de la Direction des pensions ou du Bureau d'admissibilité en les révoquant, modifiant ou en les renvoyant pour revision.

13. Que toute décision prise par le Bureau d'appel soit transmise à la Direction des pensions pour qu'elle la mette en application.

14. Que quand le Bureau d'appel estime qu'une autre enquête est nécessaire avant de prendre une décision dans le cas d'anciens combattants ayant droit à la pension ou de ceux qui ont fait des demandes de prestations discrétionnaires, elle peut soumettre le cas soit à la Direction des pensions, au Bureau des avocats des pensions ou à tout autre représentant du requérant qui prendront les mesures que leur dictera la Division des appels.

15. Que le requérant puisse retenir les services d'un avocat. Qu'il puisse obtenir gracieusement l'aide du Bureau des avocats des pensions ou d'une organisation d'anciens combattants ou de tout autre représentant à ses propres frais, afin de préparer et présenter son appel.

16. Qu'on ne pourra pas reprendre la demande relative à la même affection lorsque le Bureau d'admissibilité aura rendu une décision et que la démarche suivante sera de présenter un appel au Bureau d'appel.

17. Que le Bureau d'appel puisse reprendre les demandes relatives à la même affection après avoir rendu sa décision, quand on alléguera que la décision du Bureau est erronée par suite de manque de preuve ou pour une autre raison.

18. Que le Bureau d'appel puisse obtenir tous conseils médicaux et juridiques supplémentaires dont il a besoin pour prendre une décision et que les personnes représentant le requérant et la Direction des pensions puissent aussi bénéficier de ces services.

19. Que les frais encourus pour conseils médicaux et juridiques soient payés à même le budget de la Commission canadienne des pensions à un taux compatible avec le tarif

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late Division and approved by Treasury Board.

20. That the appellate division advise the applicant of its decision.

21. That the appellate division shall sit in Ottawa only.

22. That the Directorate of Pensions shall be permitted to file written reasons for its decisions in addition to those contained in the finding under review. These findings may include the medical precis.

23. That the members of the appellate divi-

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sion shall be appointed in like manner and for the same term as pension commissioners. On appeals involving entitlement and on matters involving interpretation the quorum of the appellate division shall not be less than three. On all other matters the quorum shall be such number as the appelate division may decide.

24. That the appelate division shall have the power and authority to deal with all matters arising from claims under the Pension Act.

25. That the appellate division shall have the power and authority to deal with and adjudicate upon all matters and questions relating to pension claims and that any decision of the appellate division shall forthwith be sent by the appellate division to the Directorate of Pensions, who shall take the necessary steps through the Comptroller of the Treasury to give effect to the same.

26. That the members of the staff of the appellate division be appointed in the same manner as the staff of the Canadian Pension Commission. That accommodation be provided in the normal manner by the Department of Public Works with the recommendation that it be in close proximity to the Department of Veterans Affairs and the Canadian Pension Commission to facilitate the passage of files.

That, Mr. Chairman, is the outline of the principles.

Mr. Knowles (Winnipeg North Centre): Did I understand you to say that in effect the Directorate of Pensions would have the right to appear against the veteran if he takes his case to the Entitlement Board or to the appellate division? I do not ask that question abrasively but because I would like to be clear on this in relation to the statement of the Minister yesterday that we do not want to carry on the adversary system. It strikes me that there is a bit of it there. If a veteran wants to go from the Directorate of Pensions to the Enti-

[*Interpretation*]

établi par le Bureau d'appel et approuvé par le Conseil du Trésor.

20. Que le Bureau d'appel informe le requérant de sa décision.

21. Que le Bureau d'appel siège seulement à Ottawa.

22. Que la Direction des pensions puisse exposer par écrit les motifs à l'appui de ses décisions en plus de ceux énoncés dans les conclusions qui font l'objet de l'appel. Ces conclusions pourront comprendre le précis médical.

23. Que les membres du Bureau d'appel soient nommés de la même façon et pour la même durée que les commissaires des pensions. Lorsqu'il sera question d'admissibilité et d'interprétation, le quorum du Bureau d'appel sera au moins de 3. Pour toutes les autres questions, le Bureau pourra décider du quorum.

24. Que le Bureau d'appel des pensions ait le droit et le pouvoir d'étudier tous les problèmes ayant trait aux demandes faites aux termes de la Loi sur les pensions.

25. Que le Bureau d'appel ait le droit et le pouvoir d'étudier et de prendre une décision relative à tous les problèmes et toutes les questions se rapportant aux demandes de pension et qu'elle informe immédiatement la Direction des pensions de toute décision prise, afin que cette dernière prenne les mesures qui s'imposent afin de la mettre en application par l'intermédiaire du contrôleur du Trésor.

26. Que le personnel du Bureau d'appel soit nommé de la même façon que celui de la Commission canadienne des pensions. Que le ministère des travaux publics fournisse les locaux de la façon habituelle et qu'il veille à ce que ceux-ci soient situés près du ministère des Affaires des anciens combattants et de la Commission canadienne des pensions afin de faciliter la circulation des dossiers. Voilà, monsieur le président, un exposé des grandes lignes.

M. Knowles (Winnipeg-Nord-Centre): Avez-vous bien dit en fait que la Direction des pensions aurait le droit de témoigner contre un ancien combattant qui porte sa cause devant le Bureau d'admissibilité ou le Bureau d'appel? Je ne pose pas cette question pour vous contrer, mais parce que je voudrais concilier ce que vous dites avec la déclaration qu'a faite le ministre hier à l'effet que nous ne devons pas nous lancer dans des controverses juridiques. Or je crois que c'est un peu ce qui se passe. Si un ancien combat-

[*Texte*]

tlement Board or to the appellate division and the Directorate of Pensions comes there to oppose him, is this not the court system?

Mr. Ward: Mr. Chairman, that is a very searching question. I might say that in the normal case there will be no adversary system and there will be no counsel appearing on the other side when an applicant proceeds to the appellate division on an appeal of his claim. The provision, which is not necessarily a fixed provision, for the Directorate of Pensions to file written argument and possibly even appear is solely confined to questions where there is an interpretation of the Pension Act. We do not anticipate there will be very much of this special type of case in which a question of interpretation has been raised, but I believe it was felt that when an interpretation that may affect the general administration is raised that an opportunity be given to all parties to express—primarily, I understand, in written argument—their views concerning the interpretation of the particular section.

Mr. Knowles (Winnipeg North Centre): Is that not a pretty thin line? If a veteran feels that he got a raw deal from the Directorate of Pensions, but that he has a chance of getting a better deal higher up on the basis of a different interpretation that he wants to put forward, is it fair or is it consistent with the position the Minister took for the Directorate of Pensions to be able to come in and argue against the veteran? May I also ask you to relate this to the idea of the complete independence of the Entitlement Board and

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the appellate division both from each other and from the Directorate of Pensions. As I say, this question sounds critical, but I am trying to get the picture clear.

Mr. Ward: I can only say that this is my understanding and it is not a fixed position, and it is certainly open at future stages and in the preparation of the bill for this and many other features to be examined and possibly even changed. It was not anticipated that this sort of procedure would apply in the normal cases appearing at appeal, because in the normal course of events questions of interpretation of the Pension Act do not arise. It is usually a question of whether one medical condition is related to another, or what the etiology of a medical condition is and

[*Interprétation*]

tant veut passer de la Direction des pensions au Bureau d'admissibilité ou au Bureau des pensions et que la Direction des pensions vient témoigner contre lui, nous avons affaire au système judiciaire.

M. Ward: Monsieur le président, cette question va vraiment au fond des choses. Je dirai qu'en temps normal, il n'y aura pas de système contradictoire, ni d'avocat de la partie adverse, lorsqu'un requérant en appellera devant la Division des appels d'une décision relative à sa demande. La disposition qui permet à la Direction des pensions de manifester par écrit son opposition, et même peut-être de comparaître, et qui n'est d'ailleurs pas forcément une disposition permanente, ne porte que sur les questions où entre en jeu une interprétation de la Loi sur les pensions. Nous ne prévoyons pas qu'il y aura beaucoup de ces cas particuliers où se pose une question d'interprétation. Toutefois, on a jugé bon, je crois, de donner à toutes les parties l'occasion d'exprimer—avant tout sous forme d'opposition par écrit—leur point de vue quant à l'interprétation d'un article donné, lorsque cette dernière met en cause l'exécution générale de la Loi.

M. Knowles (Winnipeg-Nord-Centre): L'argument me semble bien peu convaincant. Si un ancien combattant estime que la Direction des pensions n'a pas été généreuse à son égard mais qu'il a des chances d'obtenir mieux des autorités supérieures grâce à une interprétation différente qu'il désire porter à leur attention, est-il juste ou même conforme à la position adoptée par le Ministre, que la Direction des pensions puisse intervenir et faire opposition? Comment rattachez-vous cela au principe de l'indépendance totale de la Division de l'admissibilité et de la Division des appels, à la fois l'une de l'autre et vis-à-vis de la Direction des pensions? Je le répète, cette question semble critique, mais j'essaie de me faire une idée nette de la situation.

M. Ward: Je ne peux que vous répondre que c'est là ce que j'ai cru comprendre, et que cette prise de position n'est pas définitive: assurément, il sera possible, à une étape future et lors de la préparation du projet de loi, d'examiner cette disposition, et bien d'autres, et sans doute même de les modifier. On ne s'attendait pas à ce que ce genre de procédure entre en jeu dans les cas ordinaires d'appel, car normalement, il ne se pose pas de questions d'interprétation de la Loi sur les pensions. Généralement, il s'agit plutôt de savoir si telle maladie se rattache à telle

[*Text*]

whether there has been a logical development, that sort of thing.

Mr. Knowles (Winnipeg North Centre): And on that kind of thing the Directorate would not appear?

Mr. Ward: No, sir.

The Chairman: I notice one or two people with their hands up. I think brief points of clarification are very helpful for the record. Mr. Winch.

Mr. Winch: I just wish some clarification. Did I understand the witness to say that under certain circumstances the appellate board, having reached a decision, would then refer it to the Entitlement Board for the enforcement of their decision? If my understanding is correct, may I ask for clarification why a decision of the appellate board is not enforceable without reference to the Entitlement Board?

Mr. Ward: As I understand it, Mr. Chairman, the decisions of the appellate division are final and they notify the Directorate of Pensions and the applicant as to their decision and the Directorate then implements it.

Mr. Winch: Do you remember that in your statement—I hope I got it right—you mentioned one case where you said it was referred to the Entitlement Board. Do you remember what that was?

Mr. Ward: The appellate division, during the course of its consideration of an appeal, may very well feel that it needs further information and it will direct that the case be reheard, if you like, at the Entitlement Board hearing, and then if it is that type of reference the appellate division will not be rendering a final decision.

Mr. Winch: Therefore the clarification is that if a decision is reached by the appellate division it is final and it then must be enforced?

Mr. Ward: That is my understanding, sir.

The Chairman: I wonder if this would be a convenient point to break? It is now almost 12 o'clock, which is the hour we agreed to observe, and we will come back this afternoon from 2 to 4.30, and Mr. Ward will continue.

[*Interpretation*]

autre, ou de déterminer quelles ont été les causes d'une maladie et si elle en est la suite logique, etc.

M. Knowles (Winnipeg-Nord-Centre): Et la Direction des pensions ne comparaîtrait pas dans les cas de ce genre?

M. Ward: Non, monsieur.

Le président: Je vois une ou deux mains levées. Je crois que les brefs éclaircissements sont très utiles dans le compte rendu. Monsieur Winch?

M. Winch: Je voudrais seulement un éclaircissement. J'ai cru entendre le témoin dire que dans certaines circonstances, la Division des appels, après avoir rendu sa décision, la renverrait à la Division de l'admissibilité afin que cette dernière la mette à exécution. Si j'ai bien compris, pourrait-on m'expliquer pourquoi une décision de la Division des appels ne peut être mise à exécution sans passer d'abord par la Division de l'admissibilité?

M. Ward: D'après ce que j'ai compris, monsieur le président, les décisions de la Division des appels sont finales: elle en informe le requérant et la Direction des pensions, et cette dernière les met à exécution.

M. Winch: Vous rappelez-vous que dans votre déclaration, vous avez mentionné un cas dans lequel la décision avait été renvoyée à la Division de l'admissibilité? Vous souvenez-vous de ce dont il s'agissait?

M. Ward: Il se peut fort bien que lors de l'examen d'un appel, la Division des appels estime avoir besoin de données supplémentaires, et ordonne que la cause doit de nouveau être entendue, pour ainsi dire, devant la Division de l'admissibilité. Par cette sorte de renvoi, la Division des appels ne rend pas de décision finale.

M. Winch: Donc, si la Division des appels rend une décision, celle-ci est finale et doit être mise à exécution?

M. Ward: Pour autant que j'aie compris, monsieur.

Le président: Je me demande si nous pourrions nous interrompre maintenant. Il est presque midi, soit l'heure à laquelle nous avions décidé de nous arrêter. Nous reprendrons nos travaux cet après-midi de 2 heures à 4 heures et demie, et M. Ward aura la parole.

[*Texte*]

AFTERNOON SITTING

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The Chairman: Gentlemen, could we call the Committee to order, please, because Mr. Ward has a fair amount of ground to cover and we want to make good use of our time.

I would like to say just a word before we start. We are trying to obtain a document and transcript today which will be useful to you for reference purposes through the hearings. Mr. Ward is to cover the recommendations of the Woods Committee and to describe what action is being recommended with regard to them specifically.

As far as clarifying questions are concerned, I think it is sometimes very useful to come in with short clarifying questions and this should be encouraged. However, I would ask members of the Committee to bear in mind the problem of discretion and how far we should go with this because we have a number of recommendations and it is going to take some time to go through all of them. I certainly do not wish to discourage in any way the kind of clarifying questions we had this morning which, I think, were very helpful at two or three points. With this understanding, Mr. Ward can we proceed?

Mr. Ward: Thank you, Mr. Chairman.

Recommendation 15 of the Woods Committee recommended certain procedures in claims proceeding to entitlement board hearings. His recommendations, what now is being proposed and what currently exists are substantially the same. The major difference

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being that the Woods Committee recommended that the Canadian Pension Commission prepare a statement of case. The statement of case in substance is really what you gentlemen probably know as the summary of evidence—the document prepared by the Veterans' Bureau—which sets forth all relevant evidence in an applicant's claim when he is proceeding to an appeal board hearing or to a second hearing.

The new system, of course, would envisage many of the duties being performed by the Directorate of Pensions rather than by the Commission, but under the new proposal the Veterans' Bureau will continue to prepare the statement of case or summary of evidence, in other words. That is really the major difference between what now exists, what the Woods Committee recommended and what is proposed under the new system. The high-

[*Interprétation*]

SÉANCE DE L'APRÈS-MIDI

Le président: Messieurs, pourrions-nous commencer, s'il vous plaît. M. Ward a beaucoup de choses à nous dire, et il ne faut pas que nous perdions de temps.

Avant de commencer, j'ai un mot à vous dire. Nous essayons d'obtenir aujourd'hui un document et un texte transcrit qui vous seront utiles à titre de référence au cours de nos audiences. M. Ward va nous exposer les recommandations du Comité Woods, et nous dire, dans chaque cas, quelles mesures on envisage de prendre.

Si vous désirez obtenir des éclaircissements, je vous encourage à poser de brèves questions, qui sont parfois très utiles. Toutefois, je vous demande de faire preuve de discrétion et de ne pas exagérer, car il y a un assez grand nombre de recommandations et il va nous falloir un certain temps pour les passer toutes en revue. Mais je vous encourage à demander des éclaircissements comme vous l'avez fait ce matin, car, dans deux ou trois cas, vos questions ont été fort utiles. Cela dit, monsieur Ward, vous avez la parole.

M. Ward: Merci, monsieur le président.

Dans sa recommandation n° 15, le Comité Woods avait préconisé une certaine procédure à suivre pour la présentation d'une demande en vue d'une audition par un bureau d'admissibilité. Il n'y a pas de différences fondamentales entre les recommandations du Comité Woods, la procédure que l'on propose actuellement et la procédure existante. La différence essentielle, c'est que le Comité Woods avait recommandé que la Commission canadienne des pensions rédige un exposé de l'affaire. En pratique, l'exposé de l'affaire est ce que vous, messieurs, connaissez sans doute sous le nom de résumé des faits; c'est le document que rédige le Bureau des vétérans, et dans lequel on expose tous les faits pertinents de la demande du requérant en vue d'une audience par un bureau d'appel ou d'une seconde audience.

Le nouveau régime prévoit, bien sûr, d'attribuer bon nombre des fonctions à la Direction des pensions plutôt qu'à la Commission, mais, aux termes de la nouvelle proposition, le Bureau des vétérans continuera à rédiger l'exposé de l'affaire—en d'autres termes, le résumé des faits. C'est en fait la différence essentielle entre ce qui existe actuellement, ce qu'avait recommandé le Comité Woods et ce que l'on propose selon le nouveau régime.

[*Text*]

lights or the principles of the procedures under the new system are not as lengthy as the one dealing with the appellant division. I will read them:

(a) An applicant may proceed to an Entitlement Board Hearing from a first application, second application or renewal application;

(b) On receipt of a "Request for an Entitlement Board Hearing" the Directorate of Pensions shall provide the Bureau of Pensions Advocates with a precis which will include a citation of the pertinent legislation, Directorate policy and the medical precis—to include the Medical Adviser's opinions, if any—and therefrom the Bureau of Pensions Advocates shall prepare a statement of case setting forth all available evidence from the departmental file relating to the claim.

(c) The Bureau of Pensions Advocates shall forward a copy of the statement of case to the applicant and those representing him, except that where the statement contains information which might be harmful to the health or well-being of the applicant, a copy be provided to his representatives only;

(d) An applicant, upon reviewing the statement of case and desiring to proceed should, with the assistance of the Pensions Advocate or other representative, file a "Notice of Readiness" with the Canadian Pension Commission;

(e) On receipt of the "Notice of Readiness" and a submission, if any, prepared by the Bureau of Pensions Advocates or by others representing the applicant...

Mr. Guay (St. Boniface): Mr. Chairman, may I interrupt for a moment to ask the witness if he is reading from the book we have at hand and if that is the case, could he suggest to us the page and the item that he is making reference to so we might be able to follow him?

The Chairman: I believe it is document other than this one.

Mr. Ward: Mr. Chairman, it has not been circulated, it is a private document.

The Chairman: I think it is the private document that was prepared. Unfortunately, it was not in a form that we could distribute and cover everything that is required.

[*Interpretation*]

Les caractéristiques principales, ou les principes, de la procédure à suivre selon le nouveau régime ne sont pas aussi détaillées que dans le cas de la Division des appels. Je vais vous les lire:

a) Un requérant peut présenter sa demande pour une audience par un bureau d'admissibilité après une première demande, une seconde demande ou un renouvellement de demande.

b) A la réception d'une «Demande d'audience par un bureau d'admissibilité», la Direction des pensions fournit au Bureau des avocats des pensions un dossier renfermant une citation des lois pertinentes, une indication de l'attitude de la Direction, et le précis médical, qui fait état, s'il y a lieu, de l'avis des conseillers médicaux. Le Bureau des avocats des pensions prépare alors un exposé de l'affaire comportant tous les faits relatifs à la demande qui figurent au dossier du Ministère.

c) Le Bureau des avocats des pensions envoie une copie de l'exposé de l'affaire au requérant et à ses représentants, sauf que dans le cas où l'exposé contient des renseignements qui pourraient nuire à la santé ou au bien-être du requérant, seuls ses représentants en reçoivent une copie.

d) Le requérant, après avoir pris connaissance de l'exposé de l'affaire, et s'il désire continuer les procédures, produit à la Commission canadienne des pensions, avec l'aide de l'avocat des pensions ou d'un autre représentant, un «Avis de consentement».

e) A la réception de l'«Avis de consentement» et, s'il y a lieu, d'un exposé préparé par le Bureau des avocats des pensions ou par les autres représentants du requérant...

M. Guay (Saint-Boniface): Monsieur le président, permettez-moi d'interrompre le témoin un instant pour lui demander s'il tire ses citations du volume que nous avons sous les yeux. Si tel est le cas, pourrait-il nous indiquer la page et l'article auxquels il se réfère, afin que nous puissions suivre?

Le président: Je crois qu'il s'agit d'un autre document.

M. Ward: Monsieur le président, c'est un document personnel qui n'a pas été diffusé.

Le président: Je crois que c'est le document personnel qui a été préparé. Malheureusesement, il ne se présentait pas sous une forme qui nous permettrait de le distribuer tout en y laissant tous les renseignements nécessaires.

[*Texte*]

Mr. Guay (St. Boniface): I am sorry to have interrupted you, Mr. Ward.

Mr. Ward: Not at all, sir.

(e) On receipt of the "Notice of Readiness" and a submission, if any, prepared by the Bureau of Pensions Advocates or by others representing the applicant, the Chairman of the Canadian Pension Commission shall then arrange for either

(i) an entitlement board hearing before three members of the Canadian Pension Commission; or

(ii) where such a hearing is not deemed practical for reasons of time, travel or inconvenience, a personal appearance by the applicant and his witnesses before a person or persons specially delegated by the Canadian Pension Commission to take evidence and hear argument, this to be known as "Examiner's Hearing". In this case the decision would be made by an entitlement board on the evidence, provided that the applicant's representative may appear before such board should he so desire. An applicant may refuse an Examiner's Hearing and insist that his case be heard by an entitlement board as set out in (e) (i) above. In such instance the Canadian Pension Commission should not be held accountable for any delay involved.

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(f) Entitlement board hearings will be held in Ottawa and at other locations in Canada as may be practicable. At such hearings the applicant and his witnesses shall appear at public expense;

(g) Members of the entitlement board should be provided, prior to the hearing, with a docket containing the statement of case and any written submissions prepared by the Bureau of Pensions Advocates or other representative of the applicant;

(h) All oral evidence and should the veteran's representative request it, counsel's argument and argument where the applicant pleads his own case, should be recorded and where requested a transcript prepared for the entitlement board members with additional copies for the applicant and those representing him;

[*Interprétation*]

M. Guay (Saint-Boniface): Pardonnez-moi de vous avoir interrompu, monsieur Ward.

M. Ward: Ce n'est rien, monsieur.

e) A la réception de l'«Avis de consentement», et, s'il y a lieu, d'un exposé préparé par le Bureau des avocats des pensions ou par les autres représentants du requérant, le président de la Commission canadienne des pensions prend les mesures nécessaires pour assurer:

(i) La tenue d'une audition par un bureau d'admissibilité formé de trois membres de la Commission canadienne des pensions; ou

(ii) Lorsque ce genre d'audition n'est pas jugé pratique pour des raisons de temps, de déplacements ou de dérangement, la comparution du requérant lui-même et de ses témoins devant une ou plusieurs personnes déléguées spécialement par la Commission canadienne des pensions afin de recueillir les témoignages et d'entendre la plaidoirie; cette sorte d'audition s'appellera «audience d'examinateur». Dans ce cas, un bureau d'admissibilité rendra la décision d'après les témoignages, à condition que le représentant du requérant puisse, s'il le désire, comparaître devant ce bureau. Un requérant peut refuser une audience d'examinateur et exiger que son cas soit examiné par un bureau d'admissibilité suivant la recommandation *e*) (i) ci-dessus. Le cas échéant, la Commission canadienne des pensions ne doit être tenue responsable d'aucun retard.

f) Les audiences des bureaux d'admissibilité se tiennent à Ottawa ou à d'autres endroits au Canada où il est possible de le faire. A l'occasion de ces audiences, le requérant et ses témoins comparaissent aux frais de l'État.

g) Avant l'audience, on fournit aux membres du bureau d'admissibilité un dossier qui contient l'exposé de l'affaire et toute requête écrite préparée par le Bureau des avocats des pensions ou autre représentant du requérant.

h) Tous les témoignages oraux, et, à la demande du représentant de l'ancien combattant, la plaidoirie de l'avocat, ou la plaidoirie du requérant s'il plaide lui-même sa cause, doivent être enregistrés ou consignés par écrit, et, sur demande, un procès-verbal doit être préparé pour les membres du bureau d'admissibi-

[*Text*]

(i) The rules of practice set out in paragraph (g) should apply to an Examiner's Hearing and the applicant could, if he desires, have his case presented by an Advocate or others representing him in the same manner as that which would apply for entitlement board hearings. The applicant and his witnesses shall appear at public expense;

(j) A record shall be made of all discussion at the Examiner's Hearing and a transcript of evidence prepared which, with supporting documentation, shall be forwarded to the Head Office of the Canadian Pension Commission where such shall be placed before an entitlement board for decisions;

(k) The decision of the entitlement board shall be in sufficient detail to provide an explanation of the issues, the evidence, the legislation and its interpretation, the evaluation of the claim, the inferences and presumptions, the findings of fact and conclusions of law. Copies of this decision shall be communicated to the applicant and those who represent him;

(l) (1) Instructions for the preparation of documentation required in the entitlement board proceedings should include each of the following where applicable:

(i) *Statement of Case:* This to be prepared by the Bureau of Pensions Advocates and to include:

Issues: The claim or claims of the applicant to be separately stated.

Summary of Evidence: The evidence pertinent to the issue raised in the application including location and circumstances of service, military medical record and other evidence from file to be given. This summary to be in chronological order and to include all occurrences pertinent to the case which are a matter of record.

Citations of pertinent legislation: The appropriate sections of the Act, published interpretations, etc. to be included.

(ii) *Decisions of Entitlement Boards:* These shall be prepared by the presiding member or another member of the board and shall include:

[*Interpretation*]

lité, avec des copies supplémentaires pour le requérant et les personnes qui le représentent.

i) Les règles de procédure énoncées au paragraphe g) s'appliquent à une audience d'examinateur, et le requérant peut, s'il le désire, faire présenter sa requête par un avocat ou d'autres personnes le représentant, de la façon dont elle serait présentée à un bureau d'admissibilité. Le requérant et ses témoins comparaissent aux frais de l'État.

j) Toute discussion qui a eu lieu au cours de l'audience d'examinateur doit être consignée, et il faut préparer une transcription des témoignages qui, avec les documents à l'appui, est transmise au siège social de la Commission canadienne des pensions, où le tout est soumis à un bureau d'admissibilité qui rend la décision.

k) La décision du bureau d'admissibilité doit être suffisamment détaillée pour fournir une explication des questions à l'étude, de la preuve, de la loi et de son interprétation, de l'appréciation de la demande, des déductions et des présomptions, des constatations de fait et des arguments tirés de l'application de la loi. Des copies de la décision doivent être remises au requérant et aux personnes qui le représentent.

l) Les directives concernant la préparation de la documentation nécessaire pour les délibérations du bureau d'admissibilité doivent toucher les points suivants:

(i) *Exposé de l'affaire:* Cet exposé doit être préparé par le Bureau des avocats des pensions et doit compredre:

Questions à l'étude: La réclamation ou les réclamations du requérant doivent être exposées séparément.

Résumé de la preuve: La preuve qui se rapporte aux questions soulevées par la demande, y compris le lieu du service et les circonstances, le dossier militaire et médical et tous les autres documents classés. Ce résumé doit être établi par ordre chronologique et inclure tous les faits pertinents à la cause et qui sont consignés.

Citation de législation pertinente: Il faut mentionner les articles pertinents de la loi, les interprétations qui en ont été publiées, etc.

(ii) *Décisions du bureau d'admissibilité:* Les décisions doivent être préparées par le président de l'audience ou un autre membre du bureau, et doivent comprendre:

[*Texte*]

Issues: A statement of the issue or issues, the names of witnesses at the hearing; and the names of any persons consulted by the board apart from Commission staff, to be given.

Contentions: The contentions of the applicant to be stated in general terms.

Evidence: A condensation of the evidence, both favourable and unfavourable, which is pertinent to and has a bearing on the contentions advances, diagnosis and physical and clinical findings to be included, with explanation in non-medical terms where possible, to be stated.

Inferences and presumptions: The inferences and presumptions drawn by the Commission to be explained.

The Law: Legislation and published interpretations to be explained, pointing out the statutory and regulatory provisions governing entitlement to the benefits sought.

Evaluation: This to include an explanation or clarification of the reasoning which the entitlement board used in arriving at its findings, including the views of the board regarding any conflict or inconsistencies in the evidence.

Findings of Fact: These to include a synopsis of both the basic facts and those which control the disposition of the case, to be stated in concise terms.

Conclusions of Law: These to include the deductions of the board as to whether the applicant is or is not entitled to the benefits claimed, such conclusions to be distinguished from the findings of fact in that they are arrived at through the application of legislation; such conlusions must be consistent with or supported by the findings of fact.

Decision: This to be stated succinctly based on the issues as stated at the outset of the decision.

That, of course, is a departure from the present system. Although there are reasons for decisions given by current appeal boards, by and large they are not given to the extent of the format suggested for the proposed entitlement board hearing. These are more

[*Interprétation*]

Les questions étudiées: Un exposé de la question ou des questions en litige, les noms des témoins à l'audience et ceux de toutes les personnes consultées par le bureau en plus du personnel de la Commission.

Les affirmations: Les affirmations du requérant doivent être énoncées en termes généraux.

La preuve: Un résumé succinct de la preuve, favorable et défavorable, qui est pertinente et se rapporte aux affirmations présentées; le diagnostic et les constatations physiques et cliniques doivent y être inclus et être accompagnés d'explications en termes non médicaux quand la chose est possible.

Les déductions et présomptions: Les déductions et les présomptions de la Commission doivent être expliquées.

La loi: La législation et les interprétations publiées par la Commission doivent être expliquées, et les dispositions statutaires et réglementaires régissant l'admissibilité aux avantages demandés doivent être signalées.

L'appréciation: Elle doit comprendre une explication ou un éclaircissement des motifs qu'a invoqués le bureau d'admissibilité pour arriver à son verdict, de même que l'avis du bureau au sujet de tout conflit ou contradiction dans la preuve.

La constatation des faits: Elle doit se composer d'un résumé des faits fondamentaux ainsi que de ceux qui gouvernent le jugement du cas, le tout en termes concis.

Les conclusions de droit: Elles doivent comprendre les déductions du bureau quant à l'admissibilité ou l'inadmissibilité du requérant aux avantages qu'il demande; ces conclusions se distinguent de la constatation des faits en ce qu'on y arrive par l'application de la loi; elles doivent être logiques par rapport à la constatation des faits ou s'appuyer sur cette constatation.

La décision: Elle doit être énoncée brièvement, et fondée sur les questions en litige telles qu'elles sont exposées au début de la décision.

Toutes ces dispositions sont, évidemment, nouvelles par rapport au régime actuel. Bien que les décisions des bureaux d'appel actuels soient motivées, on ne donne généralement pas de raisons aussi détaillées qu'il faudra le faire, selon le nouveau régime proposé, pour

[*Text*]

sophisticated and may result in clearer reasons for a decision being handed down.

Recommendation 16:

Woods Committee recommended quality control by review of statement of case, transcripts and decisions.

Currently under the present system, there is sort of an audit system excluding appeal board decisions, but certainly not to the extent contemplated by the Woods recommendation which has been accepted in principle. The only modification is that under the new system the review of some of the decisions will be carried out by the Directorate of Pensions and review of the statement of case by the Chief Pensions Advocate as these would fall within their jurisdiction.

• 1420

Recommendation 17: The Woods Committee recommended repeal of Sections 60(5) and 62(5). This recommendation has been accepted in principle. I might say that Section 60 requires the signing of a statement of claim form setting forth all conditions which have been ruled on adversely by the previous adjudication and that no member of an appeal board shall sit on appeal without the consent of the applicant if such member had sat on a previous adjudication of the claim. That recommendation has been accepted.

Mr. Weatherhead: Mr. Chairman.

The Chairman: Yes, Mr. Weatherhead.

Mr. Weatherhead: Does not the present legislation, Sections 60(5) and 62(5), prohibit a person hearing the case twice, in effect?

Mr. Ward: That is the substance of it, Mr. Chairman.

Mr. Weatherhead: And the Commission is recommending that this be repealed?

Mr. Ward: Yes.

Mr. Weatherhead: And what was the reason for that?

Mr. Ward: The reason for the Woods Committee recommendation?

Mr. Weatherhead: Recommending the repeal, yes.

Mr. Ward: I believe it substantially is because no one should be placed in the posi-

[*Interpretation*]

les audiences des bureaux d'admissibilité. La nouvelle procédure est plus complexe, et il en résultera peut-être un exposé plus clair des motifs de la décision.

Voici la recommandation 16:

Le Comité Woods a préconisé un contrôle de la qualité au moyen d'une révision de l'exposé des affaires, des procès-verbaux et des décisions.

Selon le régime actuel, on se livre à une sorte de vérification, sauf dans le cas des décisions des bureaux d'appel, mais elle n'est assurément pas aussi poussée que celle que prévoit la recommandation du comité Woods, qui a été acceptée en principe. La seule modification, c'est que, selon le nouveau régime, la révision de certaines décisions incombera à la Direction des pensions, et la révision de l'exposé de l'affaire, à l'avocat en chef des pensions, puisque cela relèvera de leurs compétences respectives.

Voici la recommandation 17: Le Comité Woods a préconisé la révocation des articles 60(5) et 62(5). Cette recommandation a été acceptée en principe. Je pourrais préciser que l'article 60 impose la signature d'une formule d'exposé de la demande qui énumère toutes les affections qui ont été rejetées lors du jugement précédent; de plus, il interdit à tout membre d'un bureau d'appel, qui a déjà siégé lors d'un jugement antérieur de la demande, de siéger lors d'un nouvel appel sans le consentement du requérant. Cette recommandation a été acceptée.

M. Weatherhead: Monsieur le président?

Le président: Oui, monsieur Weatherhead.

M. Weatherhead: Est-ce que l'article 60(5) et l'article 62(5) de la présente loi n'interdisent pas en fait à la même personne d'entendre deux fois la même cause?

M. Ward: En substance, c'est cela, monsieur le président.

M. Weatherhead: Et le Comité recommande que ces articles soient abrogés?

M. Ward: Oui.

M. Weatherhead: Et pour quelles raisons?

M. Ward: Les raisons de la recommandation du Comité Woods?

M. Weatherhead: La recommandation de l'abrogation, oui.

M. Ward: Je pense que, dans les grandes lignes, personne ne devrait être placé dans la

[*Texte*]

tion as an applicant of having to accept that a member of the Commission sit on his appeal although that matter had previously adjudicated at a lower stage.

The Chairman: Does it not appear to say the opposite?

Some hon. Members: Yes.

The Chairman: It appears to say the opposite: it appears to say that the sections which barred this from happening are being repealed.

An hon. Member: Yes.

Mr. Ward: Yes. So that there will be no question at all of consent. You see, the Entitlement Board members will not have dealt with the case at all before, so there is no need for these sections anymore.

The Chairman: They become superfluous.

Mr. MacRae: They are being repealed because they are totally irrelevant.

Mr. Ward: Yes.

The Chairman: In other words, the new procedure would be so clear that there would be no possibility of it ever occurring.

Mr. Ward: No Entitlement Board member could possibly have sat on a previous adjudication of that claim under the new system.

Mr. Winch: May I ask a question for clarification?

The Chairman: Mr. Winch.

Mr. Winch: Mr. Chairman, I know that under (40) you have Pension Advocate. If it is in order, taking (13) and (21), what is the position of the separate board of pension advocates in this relationship?

Mr. Ward: I am not quite sure of your question.

Mr. Winch: Beyond your Entitlement Board what is the position of the separate establishment of pension advocates, or should I wait until (40) to ask that question.

Mr. Ward: Yes, you could.

The Chairman: Will we not come to the section dealing specifically with this point, Mr. Ward?

[*Interprétation*]

position d'un demandeur qui devrait accepter que, lors de l'audition de son appel, le membre de la Commission soit le même qui a jugé précédemment la cause à un niveau inférieur.

Le président: Il me semble que c'est juste le contraire?

Des voix: Oui.

Le président: C'est exactement l'inverse. Cela veut dire que les articles qui empêchent justement un tel cas de se produire sont ceux que l'on veut abroger.

Une voix: C'est ça.

M. Ward: Oui. Ainsi, il n'est plus question de consentir quoi que ce soit. Les membres du bureau d'admissibilité n'aurant pas à traiter du cas auparavant, ainsi ces articles deviennent inutiles.

Le président: Ils deviennent superflus.

M. MacRae: On les abroge, car ils sont tout à fait inutiles.

M. Ward: C'est ça.

Le président: En d'autres mots, la nouvelle procédure est tellement claire qu'il n'y a aucune possibilité que de tels cas se reproduisent.

M. Ward: Aucun membre du Bureau d'admissibilité ne pourrait possiblement siéger lors du règlement antérieur de cette réclamation, en vertu du nouveau système.

M. Winch: Puis-je poser une question afin de clarifier ce point?

Le président: Monsieur Winch.

M. Winch: Monsieur le président, je sais qu'à l'article 40 on parle de l'avocat des pensions. Si l'on se réfère à l'article 13 et à l'article 21, quelle serait la position du Bureau des avocats des pensions à ce sujet?

M. Ward: Je ne saisis pas très bien votre question.

M. Winch: A part votre Bureau d'admissibilité, quelle serait la position de l'organisme autonome des avocats des pensions? Ou alors, dois-je attendre que vous soyez rendu à l'article 40 pour vous poser ma question?

M. Ward: Vous pourriez peut-être attendre.

Le président: Monsieur Ward, est-ce que nous n'allons pas traiter de cette question spécifique?

[*Text*]

Mr. Ward: Well, there are sections dealing with the role of the new Bureau of Pension Advocates.

Mr. Winch: But you are not going to cover it at all under about half a dozen sections here?

Mr. Ward: There are specific recommendations relating to the role of the Bureau of Pension Advocates that we will be coming to.

Mr. Winch: So you would rather wait until (40) although we are now discussing a number of sections where they could appear?

Mr. Ward: I am entirely in your hands.

The Chairman: We are in the Committee's hands. What does the Committee want to do? Do you want to go on to (40) and then come back?

Mr. Winch: No. I just mentioned it, Mr. Chairman, because he mentioned pension advocates several times already, although we do not actually hit it until (40).

The Chairman: I think we should go to (40) and then we will no doubt have further questioning, Mr. Winch. Mr. Guay.

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Mr. Guay (St. Boniface): My questions are slightly different. Clause (17) here on page 25 makes reference to Section 60(5) and also 62(5). I would like to make reference, particularly to 60(5). Subsection (5) in itself, in looking at the Act, includes very many other matters over and above the particular section to which we refer. I think it is referred to here in the book in the broad sense. Would it not be better if we were to say, for example, that Section 60(5)(c) be mentioned, otherwise I would submit you are making reference to the entire clause. You might possibly be able to say something on that.

Mr. Ward: The entire clause would be rewritten under the new appeal procedures and some of the provisions now contained in Section 60 Subsection (5) would, in addition to the consent matter, become superfluous as well.

Mr. Guay (St. Boniface): That answers my question then. Thank you.

The Chairman: Mr. Peters had his hand up.

[*Interprétation*]

M. Ward: Eh bien, il y a des articles qui traitent particulièrement du rôle du nouveau Bureau des avocats des pensions.

M. Winch: Mais vous n'allez pas traiter cela tout au long d'une demi-douzaine d'articles?

M. Ward: Il y a certaines recommandations particulières qui se rapportent au rôle du Bureau des avocats des pensions que nous aborderons bientôt.

M. Winch: Ainsi, vous préférez attendre que l'on soit rendu à l'article 40, même si nous discutons présentement au sujet de certains articles où ils peuvent intervenir?

M. Ward: Je suis entièrement à votre disposition.

Le président: Nous sommes à la disposition du Comité. Que décide le Comité? Voulez-vous passer à l'article 40, puis revenir en arrière par après?

M. Winch: Non. J'ai posé cette question, monsieur le président, parce que le témoin a mentionné plusieurs fois les avocats des pensions, même si nous en traiterons uniquement à l'article 40.

Le président: Je pense que nous devons nous rendre jusqu'à l'article 40 et ensuite ...nous aurons sans doute d'autres questions, monsieur Winch. Monsieur Guay.

M. Guay (Saint-Boniface): Mes questions sont un peu différentes. L'article 17, à la page 25, se réfère à l'article 60(5) et aussi à l'article 62(5). Je voudrais citer tout particulièrement l'article 60(5). Le paragraphe (5), en lui-même, si l'on regarde la Loi, comprend de très nombreux autres objets qui dépassent la portée de l'article précis que nous citons. Je pense qu'on le cite dans le Livre blanc dans son sens le plus large. Ne serait-il pas mieux si nous disions, par exemple, que l'article 60(5) (c) soit mentionné, sinon il me semble que l'on fait allusion à l'article dans son ensemble. Vous pouvez peut-être nous expliquer cela.

M. Ward: Tout l'article devra être rédigé à nouveau en vertu de la nouvelle procédure d'appel et certaines des dispositions contenues actuellement dans l'article 60, paragraphe (5) seront, ainsi que la disposition au sujet du consentement, superflus.

M. Guay (Saint-Boniface): Cela répond à ma question. Merci.

Le président: M. Peters lève la main.

[*Texte*]

Mr. Peters: I would like to ask, in respect of Section 60(5) and 62(5), what protection will be given in the establishment of the Appeal Board to someone who may now be adjudicating something they have already made a decision on. In other words, we are not sure where the personnel are going to come from but likely some of them will be coming out of the Department which may have made a decision already on this matter and such people will be sitting on the Appeal Board, which will defeat the purpose that you say no longer is necessary to protect.

Mr. Ward: That is a very interesting question, Mr. Chairman. There is no specific proposal to cover that situation, although I would expect that the applicant's representative, when he is faced with the situation you mentioned, will make very certain that he will not present that case, if he has the consent of the applicant, and it would not result in too lengthy a delay in proceeding to an Entitlement Board hearing. But under the current system, once you have had an Appeal Board hearing and two members sat on that, the same two members can sit on cases after you obtain leave to reopen because it is a new ballgame then. However, you have raised a good point and something could very well be included to cover that, as well as the exercise of good judgment by the people concerned in presenting the case.

Mr. Winch: Mr. Chairman, could I ask for a further clarification? Is my interpretation correct that the members on your Entitlement Board which can number ten, can at no time be a member of the appellate board.

Mr. Ward: That is absolutely correct, Mr. Chairman.

Mr. Winch: Do I further understand then that that basically means under the proposed changes there cannot be more than 15 commissioners, ten of whom can operate in one sphere and five in the other?

Mr. Ward: That is my understanding, Mr. Chairman, although it has been suggested that there could perhaps be some ad hoc commissioners appointed for specific purposes and during peak workload periods.

The Chairman: That is at the beginning, as we discussed this morning.

[*Interprétation*]

M. Peters: J'aimerais savoir, au sujet de l'article 60(5) et de l'article 62(5), quelle protection sera offerte à un individu, dans l'établissement d'un bureau d'appel, qui pourrait éventuellement rendre une décision, au moment où ce même bureau d'appel aurait déjà rendu son jugement. En d'autres mots, nous ne savons pas d'où viendra le personnel de la Commission, mais très certainement quelques-uns d'entre eux viendront du ministère, qui aura peut-être déjà rendu sa décision dans cette cause. Ces fonctionnaires siègeront alors au bureau d'appel, ce qui infirme le bien-fondé de l'abrogation des articles qui, d'après vous, sont désormais superflus.

M. Ward: C'est une question très intéressante, monsieur le président. Il n'y a aucune proposition précise qui traiterait de ce cas, cependant, je pense que le représentant du demandeur qui aurait à faire face à une telle situation, avec le consentement du demandeur, fera tout en son pouvoir pour ne pas présenter la cause. Et, si les délais ne sont pas trop longs, il demandera alors une audience au bureau d'admissibilité. Mais en vertu du système actuel, une fois que vous avez passé à l'audience du bureau d'appel où siègent deux de ses membres, vous pouvez retrouver les mêmes membres qui statueront sur d'autres cas après que vous aurez obtenu la permission de rouvrir ces dossiers, car il s'agit alors d'une toute nouvelle procédure. Cependant, vous avez soulevé un point très valable, et je crois qu'une disposition pourrait être incluse à ce sujet, comme la personne qui présente la cause devra exercer son jugement.

M. Winch: Monsieur le président, puis-je avoir d'autres éclaircissements? Selon moi, les membres de votre Bureau d'admissibilité, qui peuvent atteindre le nombre de dix, ne peuvent pas être en même temps membres d'un bureau d'appel?

M. Ward: En effet, monsieur le président.

M. Winch: Si je comprends bien, cela veut dire que selon les changements proposés on ne pourra avoir plus de 15 commissaires, dont dix travailleront dans un domaine et cinq dans l'autre.

M. Ward: C'est bien cela, monsieur le président, même si on a laissé entendre qu'on pourrait éventuellement nommer des commissaires spéciaux pour des tâches précises, et durant les périodes de pointe.

Le président: Au tout début, comme nous en avons discuté ce matin.

[*Text*]

Mr. Winch: Ad hoc commissioners are not mentioned in the White Paper.

Mr. Ward: There is provision—

Mr. Winch: I am sorry, sir, but I just want to make sure that I am correct. Bascially, if the recommendations go through and the Act is changed there can never be more than 15 pension commissioners, ten of whom can be members of the Entitlement Board, five of the appellate board, and they are not interchangeable. Am I correct, sir?

Mr. Ward: As far as I understand, that is correct, sir. There will not be any interchangeability. You will not be faced with a situation where the person you appeared before on the Entitlement Board last month now faces you at the appellate division.

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Mr. Winch: Oh, I am sorry, sir. It is possible to interchange between the two, from what you said, but at no time can one be on one or the other if they have heard a case on the one. Is that what you are now saying?

Mr. Ward: No sir. I am pointing out that they cannot just switch back and forth from time to time. Now it may be possible that for various reasons one may desire to be on the appellate division and be promoted...

Mr. Winch: Or demoted.

Mr. Ward: Yes, as the case may be.

The Chairman: Does that deal with this recommendation? We have had a number of supplementaries.

Mr. Ward: Recommendation number 18. The Woods Committee recommended that the Veterans' Bureau submission be available at least two weeks in advance of the entitlement hearing. Under the current system, the Veterans' Bureau can, without very much notice at all, decide to advance a claim that would not normally have been presented; in other words, almost completely surprise the Canadian Pension Commission by listing the case as ready for hearing, and for various reasons—perhaps because in a case that has been listed the applicant is unable to appear; so we immediately substitute a case. That gives us flexibility and manoeuvrability, and we are anxious not to lose this very useful flexibility.

Therefore, it is suggested that the Woods Committee recommendation be modified to

[*Interpretation*]

M. Winch: On ne parle pas des commissaires spéciaux dans le Livre blanc.

M. Ward: Il y a une disposition à ce sujet.

M. Winch: Je m'excuse, monsieur, je désire seulement être sûr d'avoir bien compris. Fondamentalement, donc, si les recommandations sont acceptées et si la Loi est modifiée, on ne pourra jamais avoir plus de 15 commissaires des pensions, dont dix seront membres du Bureau d'admissibilité et cinq feront partie du Bureau d'appel; et ces commissaires ne seront pas interchangeables, n'est-ce pas?

M. Ward: Tel que je le comprends, c'est exact, monsieur. Il n'y aura pas d'interchangeabilité. Vous ne pourrez pas avoir une situation telle que vous trouverez la même personne, devant laquelle vous aurez témoigné le mois précédent au Bureau d'admissibilité, siégeant à la Division des appels.

M. Winch: Je m'excuse, monsieur. Il est donc possible qu'il y ait un échange entre les deux organismes, mais en aucun cas le même commissaire ne peut entendre deux fois la même cause. C'est ce que vous voulez dire?

M. Ward: Non, monsieur. Je vous disais justement qu'ils ne peuvent pas changer de poste à tout venant. Mais si un commissaire le désire, pour diverses raisons, il peut être promu à la Division des appels.

M. Winch: Ou démis de ses fonctions.

M. Ward: Oui, c'est selon.

Le président: Est-ce que cela touche cette recommandation? Nous avons eu un certain nombre de questions supplémentaires.

M. Ward: C'est la recommandation no 18. Le Comité Woods recommande que la demande du Bureau des vétérans soit soumise au moins quinze jours avant l'audience de la Commission d'admissibilité. Sous le régime actuel, le Bureau des vétérans peut, sans trop d'avis préalable, décider d'avancer une plainte qui, normallement, n'aurait pas été présentée. Autrement dit, il prend presque la Commission canadienne des pensions au dépourvu en portant la cause sur la liste des causes prêtes pour l'audience, et pour diverses raisons, peut-être parce que dans un cas qui figure sur cette liste, le requérant est incapable de venir témoigner, on remplace alors cette cause par une autre. Cela nous donne plus de souplesse et nous sommes soucieux de préserver cette qualité.

On propose donc que la recommendation du Comité Woods soit modifiée de façon à ce que,

[*Texte*]

the extent that upon receipt of the notice of readiness and a submission, if any, prepared by the Bureau of Pension Advocates or others representing the applicant, the Chairman of the Canadian Pension Commission shall then arrange for an entitlement hearing, and therefore not be tied down to having to arrange it within a certain period of time after the proceedings have been initiated.

Mr. Winch: May I ask a question at this point, Mr. Chairman? Does that mean that the director can arrange? Does it apply to the entitlement board and the appellate board?

Mr. Ward: This applies to the entitlement board hearings.

Mr. Winch: Not the appellate.

Mr. Ward: No, sir.

Mr. Winch: Strictly entitlement.

Mr. Ward: Entitlement.

Mr. Winch: In other words, the director, if he feels it should go immediately before them, can make that recommendation and it is accepted. Is that the meaning of that?

Mr. Ward: It would be the Chairman of the Canadian Pension Commission who, upon receipt of our notice of readiness, would then arrange, as expeditiously as possible, for an entitlement board hearing.

Mr. Winch: I am very sorry. May I ask, Mr. Chairman, what, if any, is the difference between the director and the Chairman of the Commission?

Mr. Ward: Under the proposals outlined in the White Paper, relating to the new procedure, the Chairman of the new Canadian Pension Commission is head of an organization comprising three divisions: an administrative division, an entitlement board hearing division?

Mr. Winch: He also has an appellate diivsion?

Mr. Ward: This is the title. He is the Chairman of the Canadian Pension Commission.

Mr. Winch: He is also the director.

Mr. Ward: No, sir. The director I am referring to is the Director of Pensions which would be a branch of the Department of Vet-

[*Interprétation*]

sur réception de l'avis de disponibilité, et, s'il y a lieu, d'une demande préparée par le Bureau des avocats des pensions ou d'autres représentants du requérant, le président de la Commission canadienne des pensions organise alors une audience d'admissibilité et, par conséquent, ne soit pas obligé de la préparer dans un certain délai, après le début des délibérations.

M. Winch: Monsieur le président, puis-je poser une question? Est-ce que cela signifie que le Directeur peut le faire? Est-ce que cela s'applique au Bureau d'admissibilité et au Bureau d'appel?

M. Ward: Cela s'applique aux audiences du Bureau d'admissibilité.

M. Winch: Pas au Bureau d'appel.

M. Ward: Non.

M. Winch: Strictement au Bureau d'admissibilité.

M. Ward: Au Bureau d'admissibilité.

M. Winch: Autrement dit, si le directeur a l'impression que cette question devrait être portée immédiatement devant eux, il peut faire cette recommandation et elle sera acceptée. Est-ce bien ce que vous voulez dire?

M. Ward: Sur réception de notre avis de disponibilité, le président de la Commission canadienne des pensions organiserait alors, aussitôt que possible, une audience du Bureau d'admissibilité.

M. Winch: Je suis vraiment désolé. Puis-je vous demander, monsieur le président, de me dire, s'il y a lieu, la différence entre le directeur et le président de la Commission?

M. Ward: En vertu des propositions qui figurent dans le Livre blanc au sujet de la nouvelle procédure, le président de la nouvelle Commission canadienne des pensions est chargé d'une organisation qui comprend trois divisions: une division de l'administration, une division de l'admissibilité...

M. Winch: Et aussi une division des appels?

M. Ward: C'est le titre qu'elle porte. Il est le président de la Commission canadienne des pensions.

M. Winch: Il en est aussi le directeur.

M. Ward: Non, monsieur. Le directeur dont je parle est le directeur des pensions qui constituerait une direction du ministère des

[*Text*]

erans Affairs responsible for administering the Pension Act and adjudicating at the lower level.

Mr. Winch: Would he be a deputy minister?

Mr. Ward: I think he would probably be a branch head. Whether his title would be director general, or director, it is difficult to say at this stage.

The Chairman: Mr. Bigg?

Mr. Bigg: Mr. Chairman, when Mr. Justice

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Woods was making his report did he have liaison with the departments so that he knew their difficulties in relation to the recommendations he was making? Or was this an entirely independent report, and he was not perhaps apprised of the difficulties of administration?

The Chairman: That may not be an easy question to answer.

Mr. Bigg: Somebody may know the answer.

Mr. Ward: I believe, Mr. Chairman, that he was master of his own house with his committee. He certainly heard representations from very many organizations. Even the Veterans' Bureau appeared before the Woods Committee and answered questions that were put to them.

Mr. Bigg: To clarify these problems?

Mr. Ward: On many aspects, sir.

The Chairman: Mr. Peters?

Mr. Peters: Is this flexibility that you suggest is available, of switching from a case that may not be able to proceed to another, a substitution for this docket arrangement with the two-week advance notice?

Mr. Ward: We are really endeavouring to carry on into the new system what exists in the current system, and which is very useful, particularly to the applicant and his representative.

Mr. Peters: I am not arguing about that; but on page 25 there is a reference to Recommendation No. (18)—Veterans' Bureau Submission Available Two Weeks in Advance, and Recommendation No. (19)—Docket to be Available to Appeal Board, Veterans' Bureau and Others Two Weeks in Advance. This appears to recommend that the calendar of

[*Interpretation*]

Affaires des anciens combattants chargée de l'application de la Loi sur les pensions et du jugement au niveau inférieur.

M. Winch: Serait-il sous-ministre?

M. Ward: Je pense qu'il serait probablement chef de direction. Il est toutefois difficile de dire s'il aurait le titre de directeur général ou de directeur.

Le président: Monsieur Bigg?

M. Bigg: Monsieur le président, lorsque le juge Woods était en train de rédiger son rapport, était-il lié avec les ministères de façon à connaître leurs difficultés relatives à ces recommandations? S'agissait-il plutôt d'un rapport tout à fait indépendant et, peut-être, n'était-il pas mis au courant des difficultés d'administration?

Le président: Ce n'est peut-être pas une question à laquelle il est facile de répondre.

M. Bigg: Quelqu'un en connaîtrait peut-être la réponse.

M. Ward: Monsieur le présidnt, je crois qu'il était le seigneur de la maison avec le Comité. Il a sans aucun doute entendu les témoignages d'un grand nombre d'organismes. Des membres du Bureau des vétérans ont même témoigné devant le Comité Woods et répondu aux questions qu'on leur a posées.

M. Bigg: Pour préciser ces problèmes?

M. Ward: Sous plusieurs aspects, monsieur.

Le président: Monsieur Peters?

M. Peters: Est-ce que la souplesse dont vous parlez existe? Peut-on passer d'un cas, auquel on ne peut peut-être pas donner suite, à un autre et remplacer cette disposition relative au dossier par un avis préalable de deux semaines?

M. Ward: Nous encourageons vivement l'adoption par le nouveau système de mesures du régime actuel, utiles en particulier au requérant et à son représentant.

M. Peters: Je ne discute pas de cette question. A la page 25, on se reporte à la Recommandation 18—Requête du Bureau des vétérans disponible deux semaines à l'avance, et à la Recommandation 19—Le dossier sera disponible pour le bureau d'appel, le bureau des vétérans, etc., deux semaines à l'avance. Cela semble recommander que l'horaire du Bureau

[*Texte*]

the entitlement board be made known some time in advance for all parties concerned. Are you suggesting a change in that?

Mr. Ward: No, sir. That is the system that now prevails. There is advance notice and a list of cases is drawn up. This merely gives us some flexibility. Otherwise, we may be in a position where we could not put a man's case forward because the two weeks suggested by the Woods recommendation could not be met and we would like to proceed right away.

Mr. Peters: This is really a substitution for the docket arrangement with the time limit they have suggested. Perhaps I should know what the procedure is, and I do not know whether there is a docket now and everybody is given a certain time, but it seems to me that is a reasonable and fairly formal way of doing it. Although I do not object to the substitution I think it would have to be made prior to the two-week period or they would not have time to prepare the claim.

Mr. Ward: Under the current system, Mr. Chairman, the Veterans' Bureau prepares a summary of evidence which is used in Appeal Board hearings. That contains all of the relevant evidence, and a copy is given to the applicant in most cases, and a copy distributed to all members of the Appeal Board. The Commission has what is called a docket of its own, which goes out with the Appeal Board. It contains previous adverse decisions. Under that system, which is similar to what is proposed under the White Paper system, one retains this flexibility which is desirable in that we can withdraw a case and put another on if the applicant is ill and unable to proceed. We immediately present another case, or an emergency case. The situation may arise in which a person, because of a terminal type of illness, must have his decision fast, for various reasons. Under the present and the proposed system we could very expeditiously handle this and have it ready for

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Appeal Board hearing; but we might not be able to manage that if we were required to meet this two-week time limit as recommended by the Woods Committee. Therefore, we are merely endeavouring to maintain some flexibility. That is really all that it amounts to.

The Chairman: Mr. Laniel?

[*Interprétation*]

d'admissibilité soit connu quelque temps à l'avance par toutes les parties intéressées. Proposez-vous une modification dans ce sens?

M. Ward: Non, monsieur. C'est le régime actuel. Il y a un avis préalable et l'on dresse une liste des causes. Cela nous donne un peu de souplesse. Autrement, nous serions peut-être incapables de présenter la cause d'une personne parce qu'on ne pourrait pas respecter le délai de deux semaines proposé par la recommandation du Comité Woods et nous aimerions y donner suite dès maintenant.

M. Peters: Il s'agit vraiment d'une substitution de la disposition relative au dossier dans l'intervalle de temps qu'ils ont proposé. Je devrais peut-être connaître la procédure à suivre et je ne sais pas s'il y a un dossier à l'heure actuelle et si l'on accorde à chaque personne un certain temps, mais cela me semble une manière de faire assez équitable et raisonnable. Même si je ne m'oppose pas à la substitution, je crois qu'on devrait la faire avant deux semaines, ou ils n'auraient pas le temps de préparer la plainte.

M. Ward: Dans le régime actuel, monsieur le président, le Bureau des vétérans réunit les informations dont on se sert pour les audiences du Bureau d'appel. Cela renferme tous les témoignages pertinents et, dans la plupart des cas, on en donne un exemplaire au requérant et à tous les membres du Bureau d'appel. La Commission a ce qu'on appelle un dossier personnel qu'elle envoie au Bureau d'appel. Il contient des décisions antérieures contraires. En vertu de ce système, qui est semblable au système projeté par le Livre blanc, on retient cette élasticité souhaitable parce que nous pouvons retirer une cause et la remplacer par une autre si le requérant est malade ou s'il est incapable de poursuivre. Nous pouvons sur-le-champ présenter une autre cause ou une cause urgente. Il est possible qu'une personne doive, en raison d'un genre déterminé de maladie, obtenir un jugement dans un bref délai, pour diverses raisons. En vertu du régime actuel et du régime proposé, nous pourrions régler cette question très rapidement et préparer l'audience du Bureau d'appel, mais il est possible que nous soyons incapables, en cas de nécessité, de respecter le délai de deux semaines recommandé par le Comité Woods. Par conséquent, nous encourageons le maintien d'une certaine élasticité. Cela revient vraiment à cela.

Le président: Monsieur Laniel?

[*Text*]

Mr. Laniel: In the White Paper there is the statement:

> The proposed amendments to the Pension Act will empower the Commission to obtain any medical and legal opinions it needs, from Government and other sources,...

Will this information be made available to the solicitor or representative of the pensioner within that period of two weeks?

Mr. Ward: I believe, Mr. Chairman, that what you are referring to, sir, is that the Appeal Division may secure medical and legal opinion. These ground rules that I am referring to now apply only to the entitlement board hearing level. There are entirely different procedural rules for the appellate division.

Mr. Laniel: They do not refer to the appellate division here. They refer to the Commission obtaining any medical and legal opinion it needs from government and other sources, and these opinions will be made available to the applicant's representative. It does not exclude the possibility that these medical opinions might be requested at the level of the Entitlement Hearing.

Mr. Ward: Well, yes, if the Entitlement Hearing is seized with jurisdiction in the cases listed before them, they may very well seek additional medical opinion. However, the applicant's representative and the applicant will certainly receive copies of that evidence before any decision is rendered.

Mr. Winch: You said, "before the decision is rendered", but will that information be made available to whomever is representing the applicant before the hearing? That is, I think, the important point. Now you said that it will be made when the decision is rendered. My friend here and I and all of us are interested in knowing whether that information will be made available to whomever is representing the applicant before the hearing?

Mr. Ward: Yes. There would be no problem. You would merely adjourn and reassemble.

Mr. Winch: But will it be done? That is, I think, the question, is it not?

Mr. Ward: I hope so, sir. I, of course, cannot...

Mr. Winch: I think that what my friend is after now is not an answer that you hope so, but that it will be made clear that it will be supplied.

[*Interpretation*]

M. Laniel: Dans le Livre blanc, on déclare que:

> Grâce aux modifications proposées à la Loi sur les pensions, la Commission sera habilitée à consulter au besoin des médecins et des conseillers juridiques travaillant ou non pour le gouvernement,...

Est-ce que ce renseignement sera fourni à l'avocat ou au représentant du pensionné dans un délai de deux semaines?

M. Ward: Je crois, monsieur le président, que vous parlez de la Division des appels qui pourra fournir des renseignements médicaux ou juridiques. Les règles auxquelles je fais allusion en ce moment s'appliquent à l'audience du Bureau d'admissibilité. Il s'agit de règles de procédure tout à fait différente pour la Division des appels.

M. Laniel: Elles ne s'appliquent pas à la Division des appels, mais à la Commission qui fait appel, au besoin, au médecins et conseillers juridiques qui travaillent ou non pour le gouvernement. Les renseignements reçus seront mis à la disposition du représentant du requérant. Cela n'exclut pas la possibilité d'exiger un examen médical au moment de l'audience d'admissibilité.

M. Ward: Oui, si la division de l'admissibilité a juridiction sur les causes dont elle est saisie, elle peut très bien demander un nouvel examen médical. Toutefois, les résultats seront communiqués à l'avocat du requérant et au requérant lui-même avant que la décision ne soit rendue.

M. Winch: Vous avez dit «avant que la décision soit rendue», mais est-ce que les résultats seront communiqués à l'avocat qui représente le requérant avant l'audience? C'est, je crois, ce qui importe. Vous venez de dire qu'ils lui seront communiqués lorsque la décision sera rendue. Mon collègue et moi-même, et tous les membres du Comité, aimerions savoir si les résultats seront communiqués à l'avocat qui représente le requérant, avant l'audience.

M. Ward: Oui. Il n'y a pas de problème à cet égard. Il s'agirait simplement de lever la séance et de se réunir de nouveau ensuite.

M. Winch: Mais est-ce qu'on le fera? C'est la question que chacun se pose, n'est-ce pas?

M. Ward: Je l'espère, monsieur. Évidemment, je ne peux pas...

M. Winch: Je crois que la réponse que mon collègue attend de vous n'est pas un vague espoir mais qu'on indique clairement qu'il en sera ainsi.

[*Texte*]

The Chairman: I do not think the witness can say any more than he said. He said that in his opinion it will be done, Mr. Winch. I think you have to take him at his word. I do not know what else can be said.

Mr. Winch: Well he said that he hoped it would be done, sir.

The Chairman: I think he said all that he can say in the circumstances. Mr. Weatherhead.

Mr. Weatherhead: What was the basis of Mr. Justice Woods and the Commission's concern on the background of this recommendation? Was it that the Commission would sometimes in these shuffled around cases not have enough time to consider the background sufficiently before the hearing or why did Mr. Justice Woods with the Commission recommend this? What was their reason for so doing? I am still on number 18.

I can see that in practice it may be very beneficial to the veteran often-times to have his case put forward more quickly and not have a set time limit but it must have been that the Commission thought there were some possible disadvantages in this and that there should be a set time limit to be more fair in some ways.

Mr. Ward: Well the reason, I believe, they suggested this is because they also recommended that the members of the Entitlement Board have the statement of case given to them prior to the hearing and that they would review all of the evidence before commencing their sittings. Necessarily whatever submission the Bureau or any other representative had made would be part of their

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review of all of the available evidence and submissions. I think the view the Woods Committee had in mind was that the Commissioners would then be better prepared for a hearing if they had had an opportunity to review the statement of case or summary of evidence and any submission that had been made.

The Chairman: We may want to come back to this.

Mr. Weatherhead: I have just one more question, Mr. Chairman. In Mr. Ward's opinion will there be sufficient opportunity for the Commission to review the evidence beforehand under your proposed recommendations on the White Paper?

Mr. Ward: Mr. Chairman, yes, very much so and we leave this largely to the discretion

[*Interprétation*]

Le président: Je ne crois pas que le témoin puisse dire davantage. Il a dit que selon lui il en sera ainsi, monsieur Winch. Je crois qu'il faut l'en croire sur parole. Je ne vois pas ce qu'il pourrait ajouter.

M. Winch: Il a dit qu'il espérait qu'il en serait ainsi, monsieur.

Le président: Je crois qu'il a dit tout ce qu'il pouvait dire dans les circonstances. Monsieur Weatherhead.

M. Weatherhead: Sur quoi était fondée l'inquiétude du juge Woods et de la Commission qui a motivé la recommandation? Craignait-on que la Commission n'aurait parfois pas le temps, à l'égard de ces causes pêle-mêle, d'étudier suffisamment les antécédents avant l'audience? Quelle autre raison aurait amené le juge Woods et la Commission à faire une telle recommandation? J'en suis toujours à la recommandation 18.

Je comprends qu'en pratique il soit assez souvent beaucoup plus avantageux pour l'ancien combattant que sa cause soit entendue le plus tôt possible et qu'on n'impose pas de temps limite, mais la Commission a certainement pensé qu'il y avait là quelque désavantage et qu'il fallait imposer un temps limite afin de rendre la procédure plus équitable d'une certaine façon.

M. Ward: Je crois que la raison pour laquelle ils ont fait cette recommandation est qu'ils recommandaient, par ailleurs, que le bureau d'admissibilité reçoive l'exposé des faits avant l'audience, de façon à ce que les commissaires puissent examiner les preuves et témoignages avant le début de l'audience. Il va de soi que toute déclaration et tout document de la part du bureau ou de tout autre représentant ferait l'objet de leur examen de tous les témoignages et preuves disponibles. Je crois que le Comité Woods estimait que les commissaires seraient mieux préparés pour l'audience s'ils avaient l'occasion d'examiner l'exposé des faits ou un résumé des témoignages ainsi que tout autre document connexe.

Le président: Nous voudrons peut-être revenir à cette question.

M. Weatherhead: Une dernière question, monsieur le président. Est-ce que selon M. Ward, la Commission disposera de tout le temps voulu pour examiner les preuves et témoignages avant l'audience en vertu des recommandations du Livre blanc?

M. Ward: Oui, monsieur le président, elle disposera de tout le temps voulu et cet aspect

[*Text*]

of the Chairman of the Canadian Pension Commission. The material is provided and if the Commissioners wish to review it before going out on their sittings then they will have the opportunity to do so. I should mention that not very many veterans would be very happy to know that the evidence had been reviewed prior to the hearing. They may very well feel that their case has been prejudged. It is very important today that the Commission today in its appeal boards make a point, and a good point, at appeal hearings of telling the applicant, "We do not know anything about your case. This is entirely new." That erases any possibility of people getting the wrong impression that there has been prejudgment.

Mr. MacRae: In other words, then, Mr. Chairman and perhaps this will wrap it up, this is one of the recommendations that is not accepted by the government. That is what you are saying, is it not.

Mr. Ward: Number 18 is accepted in principle but it is modified; that is to say, the Chairman of the Canadian Pension Commission shall arrange for an Entitlement Board hearing following receipt of our notice of readiness.

Mr. MacRae: Yes.

Mr. Ward: There would be no time limit that it must be done within a certain period.

Mr. MacRae: That is fine, that clears it up, thank you.

The Chairman: Shall we proceed to the next item, bearing in mind that we have 147 of these and we have had fairly extensive discussions?

Mr. Ward: Recommendation No. 19. The Woods Committee recommended that the docket be available to the Veterans' Bureau and others at least two weeks in advance of the hearing. As I have explained earlier, under the current system the Veterans' Bureau prepares a summary of evidence and the Commission have their own docket sent out to the appeal boards containing the previous decisions. Under the new system, it will be the responsibility of the Bureau of Pensions advocate to continue to prepare the docket suggested by this recommendation and it will be available to the applicant's

[*Interpretation*]

sera, en général, laissé à la discrétion du président de la Commission canadienne des pensions. Nous leur remettons les documents et si les commissaires veulent les examiner avant d'entreprendre les audiences, ils auront l'occasion de le faire. Est-il nécessaire de dire que bon nombre d'anciens combattants ne seraient pas très heureux d'apprendre que les témoignages antérieurs ont été examinés avant l'audience. Ils auraient possiblement l'impression que la décision a été rendue d'avance en ce qui les concerne. Il importe énormément de nos jours que la Commission, par l'entremise des commissaires qui entendent la cause en appel, prenne soin, lors des audiences d'appel, d'informer le requérant que «nous ne connaissons rien de votre cause. Elle est entièrement nouvelle.» On éliminerait ainsi toute possibilité de créer, chez les gens, la mauvaise impression que leur cause est jugée d'avance.

M. MacRae: Autrement dit, monsieur le président, et nous pourrons peut-être clore le débat avec cette remarque, c'est une des recommandations que le gouvernement n'accepte pas. C'est ce que vous dites, n'est-ce pas?

M. Ward: La recommandation 18 est acceptée en principe, mais sous une forme modifiée; c'est-à-dire que le président de la Commission canadienne des pensions peut organiser une audience du bureau de l'admissibilité une fois que nous lui aurons fait part de notre disponibilité.

M. MacRae: Oui.

M. Ward: On ne fixera pas de limite de temps.

M. MacRae: C'est parfait. Tout est clair à présent, merci.

Le président: Pouvons-nous passer à la recommandation suivante? N'oublions pas qu'il y en a 147 et que nous avons discuté assez longuement jusqu'ici.

M. Ward: Dans la recommandation 19 de son rapport, le Comité Woods recommande que le dossier soit mis à la disposition du Bureau des vétérans au moins deux semaines avant l'examen ou l'audience. Comme je l'ai déjà expliqué, selon la procédure actuelle, le Bureau des vétérans prépare un résumé des faits et la Commission envoie son propre dossier renfermant les décisions antérieures au bureau d'appels. En vertu de la nouvelle procédure, l'avocat du Bureau des pensions sera encore responsable de préparer le dossier dont il est question dans cette recommandation et de le mettre à la disposition du repré-

[*Texte*]

representative outside of the Bureau well in advance of the Entitlement Hearing. This is a very slight modification.

Recommendation No. 20. The Woods Committee in 20 (A) recommended no leave to reopen be required for new conditions. Under the current system leave to reopen is required for all conditions if there has been an appeal board decision. So if you wish to have your claim reconsidered and the claim is for exactly the same condition that had been dealt with by an appeal board you must secure leave to reopen. If you have a new condition that has not been previously dealt with in any form whatsoever by the Canadian Pension Commission you must still seek leave to reopen.

Mr. Peters: What is this leave to reopen? What is the reason for demanding leave? Is it because of the number system, the pension numbers or...

Mr. Ward: I think, sir, that you have to delve back into the history of pension procedures on this matter. There was a desire many, many years ago to have a system that was governed by procedures which would bring finality to pension claims, and in the old days that was thought very advisable by many, many authorities. Let the person have his day in court, by all means, but let us have finality. However, conditions do come on after you have had your day in court, and the current thinking is why should there be absolute finality in pension plans, and therefore this proposal that leave to reopen not be required for new conditions is in line with the newer philosophy and it is accepted.

Mr. Peters: May I ask, Mr. Chairman, if you have two files for a veteran or is it all in one file? If you have an accident, you break your leg at one place and you break your arm a couple of years later at another place, you have two different numbers. The file is never closed on any of them and they are really separate claims. In the Pension Commission is there always only one claim number?

Mr. Ward: It is possible for a person to have many regimental numbers and ranks

[*Interprétation*]

sentant du requérant en dehors du Bureau longtemps avant l'audience d'admissibilité. Il s'agit d'une modification peu importante.

Dans la recommandation 20 du rapport du Comité Woods, on recommande, au paragraphe a) qu'il ne soit pas nécessaire d'obtenir l'autorisation de reprendre la cause lorsqu'une nouvelle affection survient. A l'heure actuelle, il faut obtenir cette autorisation quelles que soient les affections si un bureau d'appels a déjà rendu sa décision. Par conséquent, si vous voulez faire reprendre votre cause et que votre réclamation porte sur exactement la même affection au sujet de laquelle un bureau d'appels s'est déjà prononcé, il faut obtenir cette autorisation de reprendre. Si une nouvelle affection survient dont la Commission canadienne des pensions n'a jamais été saisie d'aucune façon jusqu'ici, vous devez également obtenir l'autorisation de reprendre.

M. Peters: En quoi consiste cette autorisation de reprendre? Pour quelle raison faut-il l'obtenir? Est-ce à cause du système de numérotation, du numéro de la pension ou...

M. Ward: Je crois, monsieur, que vous devriez vous reporter pour cela à la façon dont on procédait au paravant en matière de pensions. Le désir s'était manifesté il y a de nombreuses années d'établir un système dans lequel les pensions seraient réglées une fois pour toutes et les autorités pensaient alors que cela serait fort recommandable. Peu importe si l'ancien combattant devait défendre sa cause devant le tribunal, le principal était de rendre une décision une fois pour toute. Cependant, il se peut que d'autres affections surviennent par la suite et c'est la raison pour laquelle on pense actuellement qu'il ne faudrait pas règler la question des régimes de pension une fois pour toutes; la proposition selon laquelle on ne devrait pas avoir besoin de demander l'autorisation pour reprendre la demande est conforme à la nouvelle façon d'envisager les choses et est acceptée.

M. Peters: Pourrais-je savoir, monsieur le président, si un ancien combattant a deux dossiers ou seulement un? Si vous avez un accident, que vous vous cassez la jambe à un endroit et que quelques années après, vous vous cassez le bras, avez vous deux dossiers portant des numéros différents? En fait, le dossier n'est jamais fermé après aucun accident et il s'agit de demandes différentes. A la Commission des pensions, n'y a-t-il jamais qu'un seul numéro de dossier?

M. Ward: Il se peut qu'un ancien combattant ait eu différents numéros matricules et

[*Text*]

and there may be several files, but most of them are married up. There is one file for one person.

The Chairman: It is the policy to do so wherever you can?

Mr. Ward: Yes.

Mr. Peters: Because of that the history of this has been one man, one pension number.

Mr. Ward: I am not a very good historian, but I believe that in order to achieve finality certain restrictions were placed upon the procedures. They did give the right to a hearing; you presented your claim and you appealed and that was the end of it.

Mr. Winch: But not now.

Mr. Ward: Yes.

The Chairman: Are there any further questions on this point? If not, do you want to go to the next item, Mr. Ward?

Mr. Ward: In recommendation No. (20)(b) the Woods Committee recommended certain grouns for leave to reopen. I should say that under the current system the grounds are rather wide and flexible, such as if there is any error in the decision of an appeal board by reason of evidence not having been presented or otherwise. That is the current grounds for obtaining leave to reopen. The Woods Committee recommended in effect that the grounds be more detailed. I will not go into the details, but they set them out: if there was an error in procedure or an error in fact or in law, and things of that nature.

Mr. Laniel: New evidence.

Mr. Ward: Yes, and they were all spelled out. It was felt that this might be restrictive, that someone might think it was all inclusive, that you could then not get leave to reopen for any reason not listed in the Woods recommendations, so the modification is that the

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present wording be used which would, under "or otherwise", include all of the grounds set forth by the Woods Committee recommendations and any other grounds that anyone could possibly come up with that warrant consideration.

[*Interpretation*]

différents grades et il peut avoir différents dossiers, mais la plupart sont réunis. Il y a un dossier par personne.

Le président: Est-ce comme cela qu'on procède dans la mesure du possible?

M. Ward: Oui.

M. Peters: C'est la raison pour laquelle il y a toujours eu un numéro de pension par personne.

M. Ward: Je ne suis pas un très bon historien, mais il me semble que pour pouvoir régler les pensions une fois pour toutes, il fallait faire certaines restrictions concernant la façon de procéder. L'ancien combattant avait droit à une audience: il devait présenter sa demande, puis interjeter appel, un point c'est tout.

M. Winch: Mais plus maintenant.

M. Ward: Non.

Le président: Y a-t-il d'autres questions à ce sujet? Sinon, voulez-vous passer à l'article suivant, monsieur Ward?

M. Ward: A la recommandation n° 20 (b), le Comité Woods préconise qu'on autorise de reprendre une requête pour certaines raisons. Je dois dire qu'en vertu du système actuel, ces raisons sont assez nombreuses et peu définies: en fait une requête peut être revue si la décision du Bureau d'appel est erronée en raison d'une preuve qui n'a pas été produite ou pour une autre cause. Ce sont là les motifs qu'on peut invoquer actuellement pour reprendre une requête. Le Comité Woods préconise en fait que les motifs soient plus précis. Je n'entrerai pas dans le détail, mais d'une façon générale, il prévoit qu'on peut reprendre une requête s'il y a eu une erreur dans la procédure, ou dans les faits, ou en droit et pour d'autres raisons de cette nature.

M. Laniel: Et une nouvelle preuve.

M. Ward: Oui, et elles étaient toutes expliquées. On a cependant pensé qu'elles étaient trop restrictives, et que la liste en était exhaustive, qu'on ne pourrait être autorisé à reprendre une demande pour aucune autre raison que celles qui sont indiquées dans les recommandations du Rapport Woods; nous considérons donc que l'expression *ou pour une autre cause* comprend toutes les raisons exposées dans la recommandation du Comité Woods et toutes celles qu'un requérant pourrait présenter et qui mériterait d'être étudiée.

[*Texte*]

Mr. Winch: Who would make the decision about whether or not they warrant consideration?

Mr. Ward: That would be the duty of the members of the appellate division, who would have exclusive jurisdiction on matters relating to leave to reopen.

The Chairman: I am sure we could go into detail in many of these areas and I am sure we will have submissions dealing with them, and it is within the discretion of the Committee with respect to how far it wants to go at this point. If there are no further questions I will ask Mr. Ward to continue.

Mr. Ward: Recommendation No. (20) (d) deals with certain procedures relating to leave to reopen. I believe that leave to reopen could be considered by one commissioner without a representative appearing before him and making submissions, but if the commissioner requests it he could have a representative appear and then if he was not satisfied he would require a quorum. In other words, I believe the Woods Committee recommended almost a possible three-stage procedure which was designed to facilitate and streamline the dispensing of leave to reopen applications, but it is felt that this could very well actually retard the flow of applications. It may be quicker in the long run to have the applicant's representative appear and present his leave to reopen application, as is now done, rather than perhaps going through three stages and finally ending up by presenting the case. So, the modification is that the processing of the applications will be similar to that now in effect. That is to say, when you make an application for leave to reopen it will be heard and considered, with the applicant's representative appearing and presenting the case.

The Chairman: Mr. Laniel.

Mr. Laniel: What about that point about a quorum under Recommendation No. (20) (d) ? Was that accepted?

The Chairman: Leave can only be refused if a quorum is present.

Mr. Ward: Under the new system leave to reopen will be the exclusive jurisdiction of the appellate division. It may be that they will produce their own rules and procedures for hearing leave to reopen applications. I am not sure that they are tied down at the moment.

[*Interprétation*]

M. Winch: Qui décidera si oui ou non la raison mérite d'être étudiée?

M. Ward: Les membres du Bureau d'appel, qui aurait autorité absolue pour juger si oui on non on peut reprendre la requête.

Le président: Je suis certain que nous pourrions approfondir de nombreux points et qu'on nous fera des propositions à ce sujet; ce sera au Comité de juger jusqu'où il voudra aller pour le moment. S'il n'y a pas d'autres questions, je demanderai à M. Ward de continuer.

M. Ward: La recommandation n° 20(d) traite de certaines procédures relatives à l'autorisation de reprendre les requêtes. Je crois qu'un commissaire pourrait étudier l'autorisation de reprendre les requêtes sans qu'un représentant ne comparaisse devant lui et ne lui soumette la question; mais si le commissaire le désire, il pourrait demander à un représentant de comparaître et s'il n'est pas satisfait, il pourrait réunir un quorum. En d'autres mots, je crois que le Comité Woods préconise une procédure en trois étapes destinée à faciliter et à canaliser les autorisations de reprendre les requêtes, mais nous pensons que cela pourrait en fait causer des délais dans l'acheminement des requêtes. Il serait peut-être plus expéditif à long terme de faire comparaître le représentant du requérant et de lui faire présenter son autorisation de reprendre la requête, comme on le fait actuellement, plutôt que de passer par ces trois stades avant de pouvoir présenter la cause. Ainsi, le changement est le suivant: l'acheminement des requêtes restera le même qu'actuellement. C'est-à-dire que toute demande d'autorisation de reprendre la requête sera entendue et prise en considération quand le représentant du requérant comparaîtra pour présenter la cause.

Le président: M. Laniel.

M. Laniel: Qu'en est-il de la question du quorum qui devrait être réuni en vertu de la recommandation n° 20(d)? En a-t-on accepté le principe?

Le président: On ne peut refuser l'autorisation que quand la Commission est en nombre.

M. Ward: En vertu du système actuel, le Bureau d'appel aura autorité absolue de permettre de reprendre les requêtes. Peut-être élaborera-t-elle ses propres règlements et façons de procéder régissant les audiences en vue de l'autorisation de reprendre les requêtes. Je ne crois pas qu'on ait arrêté quoi que ce soit à l'heure actuelle.

[*Text*]

The Chairman: Are there any further questions? Mr. Ward.

Mr. Ward: Recommendation No. (21). The Woods Committee recommended waiver of leave to reopen requirements in limited circumstances.

Under the current system there is no equivalent whatsoever. You must obtain leave to reopen if you have had any Appeal Board decision and wish to have your claim reconsidered. This is something which is entirely new and the White Paper will indicate that the recommendation is accepted in principle.

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The details are that leave to reopen will not be required in cases where the applicant's claim may be affected by changes in the substantive law, such as presumptions. Some presumptions may come forth relating to the regular force and relating to fitness on enlistment. If an applicant's claim is likely to be affected by any presumptions then leave to reopen will not be required, nor will leave to reopen be required for new conditions. Otherwise, leave to reopen would be required in the normal manner.

Mr. Bigg: Mr. Chairman, in the recurrence of a disease like tuberculosis where he was presumed to have been cured as they presumably cure tuberculosis now, if he had a resumption of that type of disease I suppose this would be a basis for an automatic appeal. A lung disease which recurred...

Mr. Ward: If his claim in the past was for pulmonary tuberculosis and it had been ruled pre-enlistment in origin, the new presumptions relating to presumption of fitness on enlistment would have affected his case, then certainly he would not need leave to reopen.

Recommendation 22: The Woods Committee recommended that the Pension Appeal Board have certain leave to reopen jurisdiction and wide discretion. There is, of course, no equivalent under the present situation as we have no real appeal system such as envisaged by the Woods' recommendation or the proposal contained in the White Paper. The proposal enunciated by the Woods Committee has been accepted in principle, however. Modification merely would be substituting the appellate division for Pension Appeal Board which was recommended by the Woods Committee.

[*Interpretation*]

Le président: Y a-t-il d'autres questions? Monsieur Ward.

M. Ward: A la recommandation n° 21, le Comité Woods préconise qu'on n'autorise de reprendre les requêtes qu'en de rares occasions.

Rien de tel n'existe à l'heure actuelle: il faut qu'on obtienne l'autorisation de reprendre la requête quand, à la suite d'une décision du Bureau d'appel, on veut faire réexaminer sa demande. Il s'agit donc d'une toute nouvelle façon de procéder et le Livre blanc indique que la recommandation est acceptée en principe. D'après les détails, l'autorisation de reprendre ne sera pas nécessaire dans les cas où la demande du requérant peut subir des répercussions du fait des changements au droit positif telles que des présomptions. Quelques conclusions peuvent être déduites relatives aux forces régulières et à l'état de santé lors de l'enrôlement. Si la demande d'un requérant risque de souffrir de quelque présomption l'autorisation de reprendre ne sera alors pas requise de même que l'autorisation de reprendre ne sera pas requise pour de nouvelles affections. Par ailleurs l'autorisation de reprendre sera nécessaire dans les cas ordinaires.

M. Bigg: Monsieur le président, dans les cas de récidive d'une maladie comme la tuberculose alors que l'on présumait le patient guéri car on peut guérir de la tuberculose maintenant, je pense que ce serait automatiquement une raison d'appel. Une maladie des poumons qui réapparaît...

M. Ward: Si sa demande dans le passé était relative à la tuberculose pulmonaire d'origine antérieure à l'enrôlement d'après le jugement rendu, la nouvelle présomption relative à l'état de santé lors de l'enrôlement aurait une certaine force dans son cas et alors il n'aurait certainement pas besoin de faire reprendre sa demande.

Recommandation n° 22: Le Comité Woods recommande que le Bureau d'appel des pensions possède une certaine compétence en matière d'autorisation de reprendre une demande. Dans la situation présente, il n'existe aucun équivalent car nous ne possédons aucun système d'appel réel tel que celui envisagé dans la recommandation du Rapport Woods ou dans la proposition contenue dans le Livre Blanc. Cependant la proposition du Comité Woods a été acceptée en principe. La seule modification requise est de remplacer «Bureau d'appel des pensions» par «Division des réclamations de la Commission canadienne des pensions» selon la recommandation du Comité.

[*Texte*]

Mr. Winch: Mr. Chairman, on Recommendation 23 may I say, sir, that in my 16 years of handling veterans problems this has been one of the biggest. I hope Mr. Ward will give a very clear explanation on this. I am speaking, sir, from experience in handling veterans problems for 16 years.

The Chairman: Yes, I am sure you are, Mr. Winch, I do not think many of us would dispute that.

Mr. Ward: Recommendation 23: The Woods Committee recommended rebuttable presumptions relating to condition on enlistment. Under the current system if a person served in Canada only and he has a condition which by its very nature must have preceded enlistment—a developmental condition—then in all probability, in fact, I am certain that the Canadian Pension Commission would rule this condition was pre-enlistment in origin. The question then would be whether or not there was aggravation. The Woods Committee recommended that there be a rebuttable presumption of fitness on enlistment and that presumption to be rebutted by a number of things listed in his report such as a record

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prior to enlistment, a condition being obvious or medical opinion evidence indicating that it was pre-enlistment in origin.

The modification was suggested—this recommendation has been accepted, but there will be some slight modification—because Mr. Justice Woods mentioned a three-month period within which if the condition is diagnosed, the presumption will not apply. It is rebutted by it being diagnosed within three months. It was felt that the time limit suggested by Mr. Justice Woods because of investigative procedures that may be required to establish a diagnosis of three months was rather short and so it has been modified to the extent of making that six months.

Mr. MacRae: From enlistment?

Mr. Ward: Yes.

Recommendations 23 (a) (ii) and (iii) have been accepted unchanged.

Recommendation 23 (a) (iv) has been accepted with another slight modification. The use of the words:

> practitioners not in the employ of the Canadian Pension Commission.

might be considered somewhat restrictive because it could rule out specialists employed by the Department of National Health and Welfare who are very good experts and who

[*Interprétation*]

M. Winch: Monsieur le président, pour la recommandation n° 23 je dois vous dire que pendant les 16 années où je me suis occupé des affaires des anciens combattants ce problème a été l'un des plus importants. J'espère que M. Ward pourra nous l'expliquer clairement. Je parle d'expérience à ce sujet.

Le président: en effet, monsieur Winch, vous avez certainement beaucoup d'expérience; personne parmi nous n'a de doutes à ce sujet.

M. Ward: Recommandation n° 23: Le comité recommande que la présomption se rapportant à l'état de santé lors de l'enrôlement puisse être réfutée. D'après le système actuel, si une personne a servi au Canada uniquement et qu'elle souffre d'une affection qui de par sa nature même devait être antérieure à l'enrôlement, une maladie évolutive je suis certain et il est probable que la Commission canadienne des pensions reconnaîtrait que cette affection était d'origine antérieure à l'enrôlement. La question serait alors de savoir s'il y a eu ou non aggravation. Le Comité recommande que la présomption se rapportant à l'état de santé lors de l'enrôlement puisse être réfutée et que cette réfutation puisse se faire au moyen de certaines preuves à l'appui énumérées dans son rapport comme un dossier médical antérieur à l'enrôlement, une affection évidente ou une preuve médicale indiquant que l'affection était d'origine antérieure à l'enrôlement. La modification a été proposée et cette recommandation a été acceptée mais avec un léger changement, du fait que le juge Woods a mentionné une période de trois mois au cours de laquelle si l'affection est diagnostiquée la présomption ne sera pas nécessaire. Elle est réfutée par le fait qu'elle s'est manifestée dans le délai de trois mois. On a pensé que le délai de trois mois proposé par le juge Woods, du fait des procédures d'enquête qui peuvent être nécessaires pour établir un diagnostic, était plutôt court, aussi ce délai a été porté à six mois.

M. MacRae: A compter de l'enrôlement?

M. Ward: Oui. Les recommandations n° 23 *a*) (ii) et (iii) ont été acceptées sans modifications.

La recommandation n° 23 *a*) (iv) a été acceptée avec une autre légère modification. L'emploi des termes:

> Médecins ne relevant pas de la Commission canadienne des pensions

est trop restrictif du fait que cela éliminerait les spécialistes employés par le ministère de la Santé nationale et du Bien-être social qui sont d'excellents experts sans être médecins,

[*Text*]

are not practitioners, that is to say, they are not licensed to practice in a particular province. So that will be changed slightly.

Mr. Bigg: On subsection (i) it seems to me that there might be danger of being a little bit wooden by just changing it from three months to six, although in some cases the difficulty of the Department in diagnosing its case might be so, but on the other hand certain things like contracting malaria in Italy after being sent there rapidly from Canada as a new recruit or frost-bite in the Arctic can certainly occur in less than six months. I do not like these wooden time periods. I would rather it said that in the light of medical practice or something like that it should be left to the doctors to say that in this specific case it would be proper to diagnose the case in the length of time of six weeks. This might be more satisfactory to both parties. Rather than tying it down to either six months or three months, I would prefer some flexibility in that particular clause and I would like to go on record as having said so.

The Chairman: I believe Mr. Winch has a question.

Mr. Winch: Mr. Chairman, I hope you will allow me just a very very brief introduction here because this Recommendation 23 really concerns me and as I have said, I have a very heavy concentration of veterans in my constituency. I handle a vast number of veterans' problems and one of the major problems that I come up against—I am not speaking on technicalities of three months or six months—concerns those who join the armed services of Canada in time of war and who are accepted as having medical category "A". It almost has broken my heart in cases that I have have taken up where the answer has been a pre-enlistment condition.

I am grateful for the privilege I had of appearing for some three hours before the Woods Commission. My contention was and still is that if in time of war a man enlisted in Canada was given the medical category of "A" from either the first war or the second war, there should not be a challenge by the Pension Commission that it was a pre-enlistment condition. Do I understand—I am asking for clarification—that with the technicality of

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three months or six months and, Mr. Chairman, according to the statement given by the

[*Interpretation*]

c'est-à-dire qu'ils n'ont pas l'autorisation d'exercer la médecine dans l'une ou l'autre des provinces. Aussi cette partie subira un léger changement.

M. Bigg: A l'alinéa *i*) il me semble qu'il existe un danger d'inflexibilité si l'on change la période simplement de trois à six mois bien qu'il puisse être difficile pour le service de rendre le diagnostic mais d'autre part vous pouvez contracter la malaria après avoir été envoyé rapidement du Canada en Italie comme nouvelle recrue ou subir des gelures dans l'Arctique et cela peut certainement se produire dans un délai de moins de six mois, mais je n'aime pas ces délais impartis de façon rigide. J'aimerais mieux que l'on laisse aux médecins eux-mêmes le soin de décider si dans ce cas particulier et selon leur opinion d'autorités médicales le diagnostic peut être rendu au bout de six semaines pour le cas en question. Ce serait beaucoup mieux pour les deux parties plutôt que d'imposer un délai de trois ou six mois, je préférerais un peu plus de souplesse pour cette clause en particulier et j'aimerais que l'on prenne note de mon opinion à ce sujet.

Le président: Je pense que M. Winch a une question à poser.

M. Winch: Monsieur le président, je voudrais que vous me permettiez de dire quelques mots à ce sujet, cette recommandation me touche particulièrement car je vous l'ai déjà dit j'ai beaucoup d'anciens combattants dans ma circonscription. Beaucoup de problèmes me sont soumis par d'anciens combattants et l'un des principaux problèmes auxquels je me heurte—je ne parle pas des détails techniques comme des délais de trois ou de six mois—concerne les volontaires qui s'engagent dans les forces armées du Canada en temps de guerre ainsi que ceux qui sont acceptés au point de vue médical sous la catégorie «A». J'ai eu beaucoup de peine dans certains cas dont je me suis occupé lorsque la réponse a été qu'il s'agissait d'une affection antérieure à l'enrôlement.

Je suis profondément reconnaissant du privilège qui m'a été accordé de comparaître devant le Comité Woods pendant trois heures. Je soutenais et je soutiens toujours que si l'on accorde en temps de guerre la cote «A» à un homme qui s'engage que ce soit à l'époque de la Grande guerre ou de la seconde guerre mondiale, la Commission canadienne des pensions ne doit pas prétendre ensuite qu'il s'agissait-là d'une affection antérieure à l'enrôlement. Dois-je comprendre, et je voudrais bien qu'on m'explique cette question des trois mois ou des six mois, monsieur le président car

[*Texte*]

Minister yesterday on certain procedures, it is not now going to be accepted on the changes that if a man was accepted as medical "A" for active service he can still be challenged on a pre-enlistment condition?

Mr. Ward: It is proposed, Mr. Chairman, to virtually adopt unchanged the Woods Committee recommendation relating to presumption of fitness on enlistment, except as I pointed out...

Mr. Winch: That is, if he was accepted as "A" ...

Mr. Ward: ... with two little modifications.

Mr. Winch: Pardon?

Mr. Ward: It is accepted virtually unchanged except for the two slight modifications to which I referred.

Mr. Winch: Mr. Chairman, just for clarification, is my understanding correct that when the necessary changes are made, if a man or a woman were accepted as "A" during a time of war, that the pre-enlistment will no longer be one of our major problems?

Mr. Ward: That person will have the advantage, at long last, of a presumption in his or her favor. That presumption, as recommended by the Woods Committee and accepted, is rebuttable so there may be some disappointment if the presumption is rebutted by one of the forms of rebuttal suggested by the Woods Committee and accepted by...

Mr. Winch: But is the rebuttal therefore to come from the Commission, that they are going to maintain that the "A" being accepted, was a pre-enlistment. That would then be a challenge by the medical office, would it?

Mr. Ward: Some of the rebuttal would be self-evident; that is to say, whether a condition was recorded on medical examination prior to enlistment. It is not a challenge by anyone; it is a self-evident fact that appears on the record.

Mr. Winch: Let me put it this way. It is therefore not going to be made clear in what is now being recommended for change in the Act that having enlisted for active service and accepted as "A" that it is not going to be automatic that they are completely physically fit?

[*Interprétation*]

d'après la déclaration faite hier par le Ministre sur certaines procédures la demande ne sera maintenant pas acceptée du fait que même si un homme a été reconnu apte au service actif avec une cote médicale «A» on peut encore repousser sa demande en prétendant qu'il s'agit d'une affection antérieure à l'enrôlement?

M. Ward: On propose, monsieur le président, d'adopter virtuellement telle quelle la recommandation du Comité Woods en ce qui touche l'état de santé au moment de l'enrôlement, sauf, comme je l'ai fait remarquer,...

M. Winch: C'est-à-dire, si cette personne est classée dans la catégorie «A»...

M. Ward: ... deux petites modifications.

M. Winch: Pardon?

M. Ward: Elle est acceptée virtuellement telle quelle à l'exception de deux légères modifications que j'ai mentionnées plus tôt.

M. Winch: Monsieur le président, pour plus de précision, faut-il croire que lorsque les changements nécessaires seront effectués, quand un homme ou une femme ont été acceptés dans les Forces armées et classés dans la catégorie «A» en temps de guerre, leur état de santé avant l'enrôlement ne nous concernera plus?

M. Ward: Ces personnes auront enfin le bénéfice du doute. Cette présomption, qu'a recommandée le Comité Woods et qui a été acceptée, peut être refutée. Certains seront donc désappointés si cette présomption en leur faveur n'est pas reconnue par l'une des formes d'examen proposée par le Comité Woods et acceptée par...

M. Winch: Ce rejet viendra-t-il de la Commission? Celle-ci va-t-elle maintenir que la condition «A» reconnue remonte plus loin que l'enrôlement? Ce serait mettre en doute la parole du mdecin!

M. Ward: Certains motifs de ce rejet seront évidents, par exemple, le fait qu'un état de santé quelconque a été enregistré lors d'un examen médical avant l'enrôlement. Personne ne défie quiconque; il s'agit d'un fait évident qui figure sur les dossiers.

M. Winch: Je pose ma question autrement. On ne précisera donc pas, dans les modifications recommandées de la Loi, que le fait de s'être enrôlée pour le service militaire et d'avoir été classée dans la catégorie «A», signifie automatiquement qu'une personne est en bonne forme physique?

[*Text*]

Mr. Ward: It is going to be automatic, Mr. Chairman, that they have the benefit of this presumption which is finally coming about but, as Mr. Justice Woods recommended, it is a rebuttable presumption and can therefore be rebutted. As I pointed out, many will receive the full benefit of this generous provision but unfortunately others will not because the presumption will be rebutted. It is a rebuttable presumption.

Mr. Winch: May I ask how you can rebutt if a man is accepted for active service and classified as medical "A", or is that going into too much detail, Mr. Chairman?

The Chairman: There are still 145 of these items which we want to cover in broad outline. The Committee's hearings will continue for some time, Mr. Winch.

Mr. Weatherhead: Mr. Chairman, on that particular point, do I gather there was no presumption of this sort before the present legislation?

Mr. Ward: There has been no presumption of fitness on enlistment as such.

The Chairman: And there would be now?

Mr. Ward: There definitely would be now.

The Chairman: I think this is about as far as we can go.

Mr. Whicher: Under (b) there it says, "or mind of an unskilled observer on examination. . .". Are we to presume that the medical doctors who examined us at the time of enlistment were unskilled?

Mr. Ward: I do not believe that is the intention, Mr. Chairman.

Mr. Whicher: That is what it says.

Mr. Ward: If skilled doctors could say whether or not a condition was obvious then, of course, far fewer people would have the benefit of these provisions. Therefore it has always been the unskilled observer, because as an average citizen I am unable to detect any condition that you may have in the

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nature of a deformity that could be detected by a skilled medical observer and therefore you have the protection that you are using my lack of skill in observation as against the skill of a trained medical doctor.

[*Interpretation*]

M. Ward: Il sera automatiquement entendu, monsieur le président, que ces personnes auront le bénéfice du doute, enfin, mais comme le recommande le juge Woods, ce bénéfice du doute peut être refuté. Comme je le faisais remarquer moi-même, un grand nombre tireront plein avantage de cette généreuse disposition, tandis que d'autres, malheureusement, verront ce bénéfice du doute refuté dans leur cas.

M. Winch: Puis-je vous demander comment ce bénéfice du doute peut être refuté quand un homme a été accepté pour les besoins du service militaire et classé dans la catégorie médicale «A», ou serait-ce exiger trop de détails, monsieur le président?

Le président: Il nous reste encore 145 articles à couvrir dans les grandes lignes. Les audiences du Comité ne sont pas près de se terminer, monsieur Winch.

M. Weatherhead: Monsieur le président, sur ce point, faut-il comprendre qu'aucun bénéfice du doute n'entrait en jeu auparavant?

M. Ward: On ne tenait pas pour acquis l'état de santé acceptable au moment de l'enrôlement proprement dit.

Le président: Et la chose existe maintenant?

M. Ward: Oui.

Le président: Je pense que nous n'irons pas plus loin.

M. Whicher: L'alinéa b) se lit comme suit: «ou à l'esprit d'un observateur peu exercé, lors de l'examen...» Faut-il croire que ces médecins qui nous ont examinés à l'enrôlement n'étaient pas chevronnés?

M. Ward: Je ne pense pas que ce soit ce qu'on veut dire, monsieur le président.

M. Whicher: Ce sont les mots exacts.

M. Ward: Si les médecins compétents pouvaient déterminer la présence manifeste ou non d'une maladie, bien entendu, bien moins de gens tireraient avantage de ces dispositions. Par conséquent, on se fonde sur l'observateur non compétent, vu qu'en tant que citoyen ordinaire, je suis incapable de déceler quelque maladie chez vous, quelque infirmité qu'un médecin compétent verrait. Vous pouvez donc tirer avantage de mon manque de compétence dans le travail d'observation.

[*Texte*]

Mr. Whicher: I would say, Mr. Chairman, that the fellow who examined me was skilled and he said I was "A-1".

Some hon. Member: And you were sent overseas?

Mr. Whicher: And I was sent overseas. I agree completely with Mr. Winch, I think that every man, as far as my knowledge goes after long experience in the army, was examined by skilled medical men. I do not think there is such a thing as. . .

Mr. Bigg: In some cases they counted your eyes.

Mr. Winch: But if you were sent overseas and accepted as "A-1", there should be no previous injuries.

Mr. Knowles (Winnipeg North Centre): With respect to the change from three to six months, this possibility of rebutting a presumption by something diagnosed within three months or six months, as it is now recommended, does that limit within that six months period diagnosing something that was there previous to enlistment or could it be the malaria Mr. Bigg picked up after he had been in for five months?

Mr. Ward: The rebuttal of the presumption is the diagnosis, not that the condition had been there. It may have been there long before enlistment but under the Woods Committee recommendation the diagnosis must have been made within three months, and if it was, then the presumption is rebutted.

Mr. Knowles (Winnipeg North Centre): You are now telling me that if a person . .

Mr. Bigg: I would like to clarify that. After enlisting in the army there were men who were sent home with active tuberculosis and they had only been in a month.

Mr. Knowles (Winnipeg North Centre): I understand that, but what about something a man picks up after he has been in five months which he did not have before? He picks up malaria and it is diagnosed as malaria in the fifth month. Does that deny the presumption that he was fit when he enlisted?

Mr. Ward: If the diagnosis was established. Those persons who are responsible for adjudication may very well have submissions made

[*Interprétation*]

M. Whicher: Monsieur le président, la personne qui m'a examiné était compétente et a affirmé que je me classais dans la catégorie des «A-1».

Des voix: Et on vous a envoyé outre-mer?

M. Whicher: Et on m'a envoyé outre-mer. Comme M. Winch, je crois que tous les hommes, pour autant que je sache, après une longue expérience de l'armée, ont été examinés par des médecins compétents. Je ne pense pas qu'on puisse parler de...

M. Bigg: Dans certains cas, on comptait vos yeux.

M. Winch: Mais si vous avez été envoyé outre-mer et classé dans la catégorie «A-1», il ne devait exister aucune blessure antérieure.

M. Knowles (Winnipeg-Nord-Centre): A propos du changement de trois à six mois, la possibilité de refuser une présomption en se fondant sur un état quelconque diagnostiqué dans un délai de trois mois ou de six mois, comme on le recommande, limite-t-on ainsi à ce délai de six mois le diagnostic d'état de santé qui existait avant l'enrôlement? Ou M. Bigg aurait-il attrapé la malaria cinq mois après son enrôlement?

M. Ward: C'est par le diagnostic qu'on refuse la présomption, non par le fait que l'état de santé en cause existait auparavant, et qui existait peut-être bien avant l'enrôlement. Selon la recommandation du Comité Woods, le diagnostic doit avoir été rendu dans un délai de trois mois, et le cas échéant, la présomption est rejetée.

M. Knowles (Winnipeg-Nord-Centre): Vous dites qu'une personne qui...

M. Bigg: Permettez-moi de préciser. Après leur enrôlement, certains hommes ont été renvoyés chez eux parce qu'ils étaient atteints de tuberculose active, après un mois dans l'armée.

M. Knowles (Winnipeg-Nord-Centre): Je comprends, mais que faites-vous d'un homme qui contracte une maladie quelconque après cinq mois passés dans l'armée, une maladie dont il ne souffrait pas auparavant? Il attrape la malaria et cette maladie est diagnostiquée comme telle au cours du cinquième mois. La présomption qu'il était en bonne santé au moment de l'enrôlement se trouve-t-elle annulée?

M. Ward: Si le diagnostic a été confirmé. Les personnes qui doivent rendre un jugement sur les cas peuvent fort bien recevoir

[*Text*]

to them that this was not a firm diagnosis or that was not a firm diagnosis, and cases may stand or fall on the question of was a diagnosis established. It was felt—and again I should state that this is not a fixed position—that three months may not have been sufficient time for a diagnosis to be established. It may be sufficient time for investigative procedures to be initiated and carried out.

Mr. Knowles (Winnipeg North Centre): I can understand that in the case of diagnosing something that may have been there, such as pulmonary tuberculosis, but I find it hard to understand that it would extend to a diagnosis in the fifth month of something that the man picked up.

Mr. Whicher: Anybody who went to Italy five months after enlistment damn well got malaria in Italy. They did not have it in Canada. I had it, and I saw a lot of boys who had it, and I do not think there is any question about it. If you enlisted 150 days before and you were sent to Italy and you got malaria, I do not believe it was in your blood. I think it should be accepted in the way we have accepted the situation of the Hong Kong veterans.

Mr. Winch: If it comes out 20 years later it should not require the three months or six months after length of service. That is the point that I cannot get through my head.

The Chairman: The Committee may want to make a note here and ask their questions at a later stage in the proceedings. I am sure Mr. Reynolds has made a note of this.

Mr. Ward: Recommendation No. 24. The Woods Committee recommended that an affirmative reply at enlistment in regard to the existence of an injury or disease be considered as a record of the condition on enlistment only if the report of the medical examination confirms the existence of the residual disability. Under the current system an affirmative reply given at the time of medical examination on enlistment is not necessarily conclusive of a pre-enlistment condition, but it can be very damaging and in many cases a man has said he had ear trouble, and it may have been an ear trouble related to a childhood external otitis. Yet there are many, many ear diseases and the ear disease he is now claiming for may have no relation whatsoever with the particular childhood factor. But he did say he had ear disease when he answered the question on enlistment: "Did you have any previous ear disease?"

[*Interpretation*]

des réclamations à l'effet que le diagnostic n'était pas strict, et certains cas peuvent dépendre du fait que le diagnostic a été confirmé ou non. On a jugé, et la position que j'avance n'est pas rigoureuse, qu'un délai de trois mois ne permettait peut-être pas de confirmer un diagnostic. Il suffit à l'enquête.

M. Knowles (Winnipeg-Nord-Centre): Je conçois cela dans le cas d'un diagnostic portant sur un état qui existait possiblement auparavant, comme la tuberculose pulmonaire, mais j'éprouve plus de difficulté à croire qu'il en est de même d'un diagnostic rendu au cours du cinquième mois au sujet d'une maladie contractée récemment par la personne.

M. Whicher: Quiconque est allé en Italie peut fort bien avoir attrapé la malaria après cinq mois. Cette maladie ne s'attrape pas au Canada. J'en ai souffert et vu bien d'autres gars en souffrir, et je ne pense pas qu'on puisse mettre en doute cette réalité. Si vous vous étiez enrôlé 150 jours plus tôt, étiez envoyé en Italie et contractiez la malaria, cette maladie n'était pas latente dans votre sang. Il faut reconnaître cette évidence comme vous l'avez fait dans le cas des anciens combattants de Hong-Kong.

M. Winch: Si la maladie se déclare après 20 ans, il ne faut pas trois mois ou six mois après cette durée de service. C'est ce que je ne puis accepter.

Le président: Le Comité peut prendre note de la chose et poser ses questions un peu plus tard au cours des délibérations. Je suis certain que M. Reynolds en a pris note.

M. Ward: Recommandation nº 24.

Le Comité Woods recommande que la réponse affirmative donnée par une personne au moment de l'enrôlement en ce qui concerne l'existence d'une blessure ou d'une affection ne soit considérée comme une preuve tangible de l'existence de l'affection lors de l'enrôlement que si le rapport de l'examen médical confirme que des traces d'invalidité résultant de la blessure ou de l'affection existent à ce moment-là. En vertu du régime actuel, une réponse affirmative donnée au moment de l'examen médical lors de l'enrôlement ne permet pas nécessairement de conclure à l'existence d'une maladie avant l'enrôlement, mais cela peut être préjudiciable. Souvent, des gens se sont plaint d'avoir eu des troubles de l'ouïe et peut-être que ces troubles étaient reliés à une otite externe datant de l'enfance. Cependant, il y a de très nombreuses maladies des oreilles, et la mala-

[*Texte*]

As I say, that is not conclusive evidence against him but it is damaging, and this recommendation is designed to alleviate some of the hardships encountered because of this situation.

It will be modified to some extent. The modification is that an affirmative reply given in answer to the question on medical examination for enlistment shall only be considered as a record of that injury or disease if by reason of history or subsequent evidence established throughout the service period, throughout hospitalization and so on, it is established beyond a reasonable doubt that the condition for which entitlement is claimed relates directly to the condition for which the affirmative reply was given. That is the slight modication.

Mr. Winch: May I ask one question here, Mr. Chairman? I will be very brief.

Using the illustration given by Mr. Ward, you did have a bit of ear trouble but you are accepted as medical "A" and you are sent overseas. Years later, your hearing goes. You have aggravation of some kind, in warfare. How do you decide then that the aggravation is a result of your service in war? You have been accepted as A-1, but your record shows that you have previously had this ear trouble. How do you decide that? Is that going to be covered?

Mr. Ward: Under the existing situation, if you served overseas and you gave an affirmative reply, you have the benefit of Section 13(1)(c) of the Pension Act, and if your condition was aggravated overseas at any time during your service, then you would get full entitlement with no deduction whatsoever, just as if it had been ruled that your condition was wholly incurred during service.

The Chairman: I wonder if this would be a good point to take a five-minute break. Members of the Committee have been sitting for quite a while. We have a fairly lengthy testimony ahead of us. Should we take a five-minute break to stretch? Would that be a good idea?

(Five minute recess)

[*Interprétation*]

die pour laquelle quelqu'un présente une réclamation est peut-être reliée d'une façon ou d'une autre à son enfance. Mais quand il a rempli le questionnaire d'enrôlement, il a déclaré avoir des troubles de l'ouïe: «Avez-vous déjà eu des maladies de l'oreille?»

Je le répète, ce n'est pas là une preuve concluante contre lui, mais c'est préjudiciable, et cette recommandation vise à diminuer une partie des cas pénibles causés par une situation de ce genre.

Elle sera modifiée jusqu'à un certain point. Cette modification portera qu'une réponse affirmative à la question, lors de l'examen médical de recrutement, ne sera considérée que comme une mention de cette blessure ou de cette maladie si, en raison des antécédents ou d'une preuve établie subséquemment durant la période de service, par hospitalisation et ainsi de suite, il est prouvé hors de tout doute raisonnable que la condition pour laquelle l'intéressé prétend être admissible est reliée directement à la condition à propos de laquelle il a donné une réponse affirmative. Voilà la légère modification qui sera apportée.

M. Winch: Permettez-moi de poser une question ici, monsieur le président. Je serai très bref.

Pour reprendre l'exemple de M. Ward, supposons que vous ayez un petit trouble de l'ouïe, mais qu'on vous accepte comme recrue «A» et qu'on vous envoie à l'étranger. Quelques années plus tard, vous constatez une diminution du sens de l'ouïe. Votre surdité s'aggrave d'une façon ou d'une autre, en pleine guerre. Comment peut-on déterminer alors si l'aggravation résulte du service sous les drapeaux? On vous a classé A-1, mais votre dossier montre que vous avez eu auparavant des troubles de l'ouïe. Comment va-t-on déterminer la chose? Est-ce que la protection s'applique?

M. Ward: Dans l'état actuel des choses, si vous avez servi à l'étranger et que vous avez donné une réponse affirmative, vous pouvez profiter de l'article 13(1) c) de la Loi sur les pensions et si votre état s'est aggravé à l'étranger durant votre service, vous avez alors droit à la pleine indemnité, sans aucune déduction, tout comme si on avait décidé que votre état s'est déclaré entièrement pendant le service.

Le président: Je me demande s'il ne serait pas opportun de faire une pause de cinq minutes. Les membres du Comité siègent depuis un bon moment. Nous avons des témoignages assez longs à entendre. Prenons-nous une pause de cinq minutes pour nous détendre? Est-ce une bonne idée?

(Pause de cinq minutes)

[*Text*]

AFTER RECESS

The Chairman: Shall we proceed now? Would members of the Committee please take their places. Thank you.

Mr. Ward, I think we were at Recommendation 25. Is that right?

Mr. Ward: Yes, Mr. Chairman. May I make a correction? I had a momentary bout of confusion and in my reply to a question relating to an affirmative reply given on medical examination on enlistment with respect to an ear condition, I pointed out that if the man had served overseas he would have received full entitlement had it been aggravated. That is not correct, because it would have been a record. I really had in mind that if he had had one of these developmental conditions that was not recorded on medical examination on enlistment and he went overseas and it was aggravated he would get full entitlement.

Recommendation 25—The Woods Committee recommended that Recommendation 24 be retroactive and the Veterans Bureau review the files for this purpose. Of course, under the current system there is no equivalent. The recommendation has not been adopted.

• 1535

Mr. Winch: But I understand, sir, that you have accepted some period of retroactivity.

Mr. Ward: Yes, sir, further on there are rather generous retroactivity provisions that are referred to in the White Paper.

Recommendation 25(A)—The Woods Committee recommended a new benefit of doubt clause. As you know the current benefit of doubt clause is Section 70, which all of you are familiar with, so I shall not read it out. The recommendation is accepted almost completely except for the insertion of one word. The word "credible" should be added before the word "evidence" in the Woods Committee recommendation. Otherwise the recommendation is completely accepted.

Recommendation 26—The Woods Committee recommended a separate section of preamble setting forth the intent and purpose of the Pension Act. There is no such clause under the present Pension Act. This recommendation is accepted in principle. I cannot give you the precise wording of the proposed preamble other than to state that I under-

[*Interpretation*]

REPRISE DE LA SÉANCE

Le président: Nous allons poursuivre la séance. Veuillez reprendre vos places. Merci.

Monsieur Ward, je pense que nous en étions à la recommandation nº 25, n'est-ce pas?

M. Ward: Oui, monsieur le président. Permettez-moi de faire une correction. J'ai eu un peu de confusion momentanée; à la question portant sur le fait de donner une réponse affirmative lors de l'examen médicale d'enrôlement, en ce qui concerne l'état de l'ouïe, j'ai répondu que si l'intéressé a servi à l'étranger, il aurait reçu la pleine indemnisation, dans le cas où l'état de l'oreille se serait aggravé. Cela n'est pas exact, car il s'agirait là d'un dossier. Ce que je voulais dire, c'est que si un trouble de ce genre s'était développé sans avoir été enregistré lors de l'examen médical de l'enrôlement, et que l'intéressé était allé à l'étranger et que ce trouble se serait aggravé, il aurait droit à l'indemnisation entière.

Recommandation nº 25: Le Comité Woods recommande que la recommandation nº 24 soit rétroactive et que le Bureau des vétérans réexamine les dossiers à cette fin. Bien entendu, selon le régime actuel, il n'y a pas d'équivalent. La recommandation n'a pas été adoptée.

M. Winch: Mais je crois savoir, monsieur, que vous avez accepté une formule quelconque de rétroactivité.

M. Ward: Oui, monsieur, un peu plus loin, il y a des dispositions de rétroactivité assez généreuses qui sont mentionnées dans le Livre blanc.

Recommandation nº 25 (A): Le Comité Woods recommande l'insertion d'une nouvelle clause portant sur le bénéfice du doute. Comme vous le savez, la clause actuelle portant sur le bénéfice du doute est à l'article 70, que chacun d'entre vous connaît; je vais donc m'abstenir d'en donner lecture. La recommandation est acceptée presqu'entièrement sauf pour un mot. Le mot «digne de foi» devrait être ajouté avant le mot «preuve» dans la recommandation du Comité Woods. Pour le reste, la recommandation est accepté dans son entier.

Recommandation nº 26—Le Comité Woods recommande qu'on insère dans la Loi sur les pensions un article séparé ou un préambule énonçant l'intention et l'objectif de la Loi. Cette clause n'existe pas dans la Loi actuelle sur les pensions. Cette recommandation est acceptée en principe. Je ne peux pas vous donner le libellé précis du préambule proposé,

[*Texte*]

stand it will generally follow the view expressed by the Woods Committee recommendation and be in keeping with Canada's obligation to those who in war and peace place their lives at the service of their country. It may be that the precise wording recommended by the Woods Committee will not be followed.

Recommendation 27—The Woods Committee recommended a three-stage procedure. This has been previously alluded to. They recommended a first application, a second application and a renewal application procedure. That recommendation is accepted with a very slight modification. The Woods Committee recommended that there be a first application, a second application, a renewal application and then a further renewal application as of right. The modification is that there be a further renewal application as now exists in discretion.

Recommendation 28—The Woods Committee recommended some modifications in the statement of claim form. The statement of claim form served its purpose under the old and current procedure, but primarily in past years when there was a desire to bring finality to pension claims statement of claim forms were brought into being and the man was required to sign one and set forth all conditions for which he wished to claim.

Therefore he was sort of held to that document; however, under the new procedure it is proposed to try to streamline these things and eliminate as much as possible time limits and forms where you make a statement that you may be held to at a subsequent time. The change requires that an applicant when he is ready to proceed to the entitlement board hearings merely sign what we would call a notice of readiness: I am ready to proceed. That would then enable the administrative machinery to be set into motion and to arrange for his entitlement board hearing. There is no intention to surround him with red tape.

• 1540

Recommendations number 29 concerns renewal applications, and it will be slightly modified. As I pointed out, the Woods Committee recommended that the renewal applications be as of right whereas in the comments of the Woods Committee Report it was made quite clear that the adjudicating body should have a great deal of discretion

[*Interprétation*]

mais je peux dire que, selon ce que je comprends, il sera d'une façon générale conforme à l'opinion exprimée dans la recommandation du Comité Woods et aux obligations que le Canada a envers ceux qui, en temps de guerre comme en temps de paix, mettent leur vie au service de leur pays. Peut-être que le libellé précis recommandé par le Comité Woods ne sera pas utilisé comme tel.

Recommandation nº 27: Le Comité Woods recommande une procédure en trois étapes. Il en a été question précédemment. Le Comité a recommandé une procédure comportant une première demande, une deuxième demande et un renouvellement de demande. Cette recommandation est acceptée avec une légère modification. Le Comité Woods recommande qu'il y ait une première demande, une deuxième demande, un renouvellement de demande et un deuxième renouvellement de demande, qui serait de droit. La modification porte qu'il y aura un deuxième renouvellement de demande, comme c'est le cas maintenant en vertu du pouvoir discrétionnaire.

Recommandation nº 28: Le Comité Woods recommande qu'on apporte certaines modifications à la formule de l'énoncé de la demande. La formule d'énoncé de la demande a bien joué son rôle sous l'ancienne procédure et sous la nouvelle; mais, surtout ces dernières années, lorsqu'on désirait clore une demande de pension, on redigeait une formule d'énoncé de la demande et on demandait à l'intéressé d'en signer un exemplaire et d'énoncer toutes les raisons pour lesquelles il présentait sa demande.

Par conséquent, il devait en quelque sorte s'en tenir à ce document; cependant, selon la nouvelle procédure, on essaiera de mettre ces formules à la page et de supprimer autant que possible les délais et les formules par lesquelles l'intéressé pourrait faire une déclaration qui pourrait l'obliger par la suite. Par la modification, on demandera au requérant, (lorsqu'il sera prêt à se présenter devant le bureau d'admissibilité) de simplement signer ce qu'on pourrait appeler un avis de consentement portant qu'il est prêt à entamer la procédure. Cela permettrait ensuite de mettre en mouvement la machine administrative et d'organiser son audience devant le bureau d'admissibilité. On ne cherche nullement à le submerger de formalités administratives.

La recommandation nº 29 porte sur les renouvellements de demandes, et elle sera légèrement modifiée. Comme je l'ai fait remarquer, le Comité Woods a recommandé que les renouvellements de demandes soient de droit, bien que dans les commentaires du rapport du Comité Woods, il est clairement dit que l'organisme d'arbitrage devrait avoir

[*Text*]

whether renewal applications should be entertained. Therefore there was a conflict between what the Woods Committee actually recommended and their comments relating to that recommendation. In order not to clog the machinery by having a right to renewal, so that some people could ask for 30 renewals and there would be a right each time, the current system of renewal is in the discretion of the adjudicating body. After you have had your first application as of right, second application as of right, revewal as of right, further renewals would be in the discretion of the adjudicating body.

Recommendation number 30. The Woods Committee recommended entitlement officers decide first, second and renewal decisions. Under the current system all decisions in the field of pension are decisions of the Canadian Pension Commission and must be signed by two commissioners and this recommendation for having an entitlement officer decide first, second and renewal decisions is not accepted.

Recommendation number 31. The Woods Committee recommended renewal applications in matters of discretionary benefits, assessment and aggravation. Under the current system there is no right to a hearing, no right to the procedural benefits of the Pension Act, unless you are claiming for what is called an entitlement matter; that is to say whether or not your bronchitis was incurred during service or aggravated during service.

Up until recently if you disputed the degree of aggravation you had no right to a hearing, in the discretion of the Commission you could appear under Section 7(3), but that has been changed in recent times, initiated by the Commission, and now a degree of aggravation is a matter of entitlement and the right to a hearing now exists on that question.

The Woods proposal of course has been changed so much in procedure. He had envisaged two systems of getting up to his pension appeal board, one on entitlement matters through the normal procedure and the other on discretionary matters through a Section 7(3) proceeding, but still the right to a

[*Interpretation*]

beaucoup de latitude quant à décider s'il doit accueillir favorablement un renouvellement de demande. Par conséquent, il y avait contradiction entre ce que le Comité Woods a effectivement recommandé et les commentaires qu'il a fait sur cette recommandation. Pour ne pas enrayer la machinerie administrative en offrant un droit de renouvellement tel que certains pourraient présenter trente demandes de renouvellement et jouir de ce droit à chaque fois, le régime actuel des renouvellements de demandes laisse à l'organisme d'arbitrage la latitude de les accueillir à sa discrétion. Une fois présenté la première demande de droit, la deuxième demande de droit, et le renouvellement de demande de droit, les autres renouvellements de demandes seront laissés à la discrétion de l'organe d'arbitrage.

Recommandation nº 30: La Commission Woods recommande que les agents d'admissibilité prennent la première et la seconde décision ainsi que la décision concernant le renouvellement. Selon le régime actuel, toutes les décisions concernant les pensions sont prises par la Commission canadienne des pensions, et doivent être signées par deux commissaires, et la recommandation portant qu'un agent d'admissibilité prenne la première et la deuxième décision, ainsi que la décision concernant le renouvellement n'est pas acceptée.

Recommandation nº 31—Le Comité Woods recommande que les intéressés puissent présenter des renouvellements de demandes en ce qui concerne les avantages discrétionnaires, l'évaluation et l'aggravation. Le régime actuel ne donne pas droit à une audience, ni aux avantages de la procédure de la Loi sur les pensions, à moins que la réclamation porte sur ce qu'on appelle une question d'admissibilité, c'est-à-dire lorsqu'il s'agit, par exemple, de décider si oui ou non votre bronchite est survenue durant le service ou s'est aggravée durant le service.

Jusqu'à récemment, si vous contestiez le degré d'aggravation, vous n'aviez pas droit à une audience; à la discrétion de la Commission, vous pouviez comparaître en vertu de l'article 7(3), mais cela a été modifié récemment, à la demande de la Commission, et maintenant, l'aggravation d'un état constitue matière à admissibilité et les intéressés ont maintenant droit à une audience sur cette question.

La proposition du Comité Woods a tellement été modifiée en ce qui concerne la procédure. L'auteur du rapport avait envisagé deux méthodes selon lesquelles les intéressés pourraient se faire entendre de son bureau d'appel sur les pensions; l'une portant sur les motifs d'admissibilité, l'intéressé procédant de

[*Texte*]

Section 7(3) hearing being at the discretion of the adjudicating body. Of course under the new proposal, which we hope will give equal justice to all, it does not matter whether you are claiming for an entitlement matter or a discretionary matter, you will have the full benefit of all the procedures and can go all the way up, to the appellate division if necessary. Therefore this proposal is not adopted and the new procedure as outlined in the White Paper affords a very just system.

Recommendation number 32. The Woods Committee recommendation relates to a disposition of discretionary benefits and it is similar to the previous one. Under the current system all the decisions must be made by two or more commissioners. This recommendation number 32 is not accepted.

Recommendation number 33 relates to disposition of assessment and aggravation cases, and it is also not accepted.

Recommendation number 34. The Woods committee recommended that second or renewal applications be not mandatory prior to entitlement hearing. Under the current system you can proceed to an Appeal Board directly from an initial decision, a first or second renewal, at the wish of the applicant, only in World War II claims or Korean service or special duty areas. In claims based on World War I service and regular force service you must go through definite steps, you must have a first hearing and then you must have a second hearing before you can get to the Appeal Board level. The Woods Committee recommendation is accepted in principle but, as outlined in the White Paper, all the procedural benefits will now apply equally and it will be the same procedure for all applications.

Recommendation number 35. The Woods Committee recommended use of standard application forms. Under the current system forms are used in applications but it is not a statutory requirement to use forms and any applicant can initiate a pension claim or an appeal, or at any stage within the claim between initial and Appeal Board initiate these procedures by merely picking up the

[*Interprétation*]

la façon normale, et l'autre portant sur les questions discrétionnaires, l'intéressé procédant selon l'article 7(3), mais en même temps, il était laissé à discrétion de l'organisme arbitral le droit de permettre une audience en vertu de l'article 7(3). Bien entendu, selon la nouvelle proposition, qui, nous l'espérons, sera juste pour tout le monde, il n'est pas important que votre réclamation porte sur une question d'admissibilité ou sur une question discrétionnaire, et vous pourrez profiter de toutes les procédures et remonter toute la filière, jusqu'à la Division des appels, s'il y a lieu. Par conséquent, cette proposition n'est pas adoptée et la nouvelle procédure, telle qu'elle est énonçée dans le Livre blanc, constitue un régime très juste.

Recommandation nº 32—La recommandation du Comité Woods porte sur la décision concernant les avantages discrétionnaires, et elle est semblable à la recommandation précédente. Dans le régime actuel, toutes les décisions doivent être prises par deux commissaires ou plus. Cette recommandation nº 32 n'est pas acceptée.

La recommandation nº 33 porte sur la décision concernant les cas d'évaluation et d'aggravation, et elle n'est pas acceptée non plus.

Recommandation nº 34.—Le Comité Woods recommande que la deuxième demande et le renouvellement de demande ne soient pas obligatoires avant qu'on puisse procéder à une audience d'admissibilité. Dans le régime actuel, le requérant peut, à son gré, en appeler directement à un bureau d'appel d'une première décision, et d'un premier ou d'un deuxième renouvellement, mais seulement pour des réclamations portant sur la Deuxième guerre mondiale ou le service en Corée ou le service dans des zones spéciales. Quant aux réclamations portant sur le service durant la Première guerre mondiale ou le service dans les forces régulières, il faut suivre une filière définie; il vous faut avoir une première audience, puis une deuxième, avant de pouvoir en appeler au niveau du bureau d'appel. La recommandation du Comité Woods est acceptée en principe, mais comme on le signale dans le Livre blanc, tous les avantages de la procédure s'appliqueront dorénavant également, et la procédure sera la même pour toutes les demandes.

Recommandation nº 35.—Le Comité Woods recommande qu'on se serve de formules de demande uniformes. Dans le présent régime, on se sert de formules pour présenter les demandes, mais le règlement ne le prévoit pas expressément, et tout requérant peut présenter une réclamation ou un appel relativement à une pension, ou il peut, à toute étape de la procédure de réclamation entre l'étape initiale

[*Text*]

telephone or writing, or even by a letter from a Member of Parliament or anyone on his behalf. To use standard application forms for all purposes can be helpful but it does remove flexibility and therefore the recommendation is modified to the extent that standard application forms for entitlement claims will be utilized only where practicable. That then gives the applicant and the adjudicating body some area for flexibility in that they can initiate certain proceedings witout having to have a particular form filled out and signed.

Recommendation number 36. The Woods Commitee recommended discretion to accept informal applications. Of course this is exactly the system that is currently in use and is very close to what the new system will be, and it is accepted unchanged.

Recommendations number 37 and 38. The Woods Committee recommended a standard format for decisions and that decisions be written on prescribed forms. Under the current system, standard forms are used for decisions, one type of form at the appeal level and at the other another type of form. However, the format currently in existence is not as complex nor as sophisticated as that recommended by the Woods Committee.

As mentioned earlier, the format suggested by the Woods Committee is accepted in principle and there will only be very slight modifications relating to new titles, because there will not be a pension appeal board and he did not envisage the Department of Veterans Affairs becoming involved in the lower adjudication level.

Recommendation 39. The Woods Committee recommended that the Veterans' Bureau provide a general counselling service. This recommendation is accepted unchanged. In the current system the Veterans' Bureau does provide a counselling service and the duties appear under Section 11 of the Pension Act which this proposal will clearly set out in more precise terms. Recommendation 40.

Mr. Winch: Mr. Chairman, on 40 I am hoping to expedite the business because it is very important. I am hoping that Mr. Ward perhaps can give us a little bit of an outline—I understand it is going to be a separate bureau—of what their functions are. I think if we can get a little bit of understanding from

[*Interpretation*]

et l'étape de l'appel, faire d'emarrer ces procédures simplement en décrochant le téléphone ou en écrivant, ou bien en obtenant une lettre d'un député ou de n'importe quelle personne, en son nom. Une formule uniforme de demande servant dans tous les cas pourrait être utile, mais elle enlève de la souplesse, et par conséquent, la recommandation est modifiée de manière que les formules uniformes de demande, pour les réclamations portant sur l'admissibilité, ne soient utilisées que lorsque c'est possible. Cela donne donc au requérant et à l'organe d'arbitrage un peu de souplesse en ce sens qu'ils peuvent entreprendre certaines procédures sans devoir remplir et signer une formule précise.

Recommandation nº 36. Le Comité Woods recommande la discrétion dans l'acceptation des demandes officieuses. C'est évidemment le même système qui est d'usage courant; le nouveau système sera presque exactement le même et on l'accepte sans modification.

Recommandations nºs 37 et 38. Le Comité Woods recommande une façon uniforme de rédiger les décisions, dont le texte devra figurer sur des formules prévues. Selon le système actuel, les décisions sont libellées dans des formules uniformes, dont l'une s'applique au niveau de l'appel, et l'autre est utilisée dans les causes différentes. Cependant, la forme la plus couramment employée n'est pas aussi complexe ni aussi subtile que celle que recommande le Comité Woods.

Comme on l'a déjà signalé, la forme qu'a proposée le Comité Woods est acceptée en principe et il n'y aura qu'une légère modification relative à de nouveaux titres, puisqu'il n'existera pas de bureau d'appel visant les pensions et qu'il n'est pas question que le ministère des Affaires des anciens combattants se trouve impliqué au niveau inférieur d'adjudication.

Recommandation nº 39. Le Comité Woods recommande que le Bureau des vétérans fournisse un service de consultations générales. Cette recommandation est agréée sans modification. Dans le système actuel, le Bureau des vétérans fournit un tel service de consultations, et ses attributions figurent à l'article 11 de la Loi sur les pensions que cette nouvelle proposition définira en termes plus précis. Recommandation nº 40.

M. Winch: Monsieur le président, au sujet de cette recommandation nº 40, j'espère expédier la question, car c'est très important. M. Ward peut sans doute nous donner un peu plus d'explications—si je comprends bien, ce sera un bureau distinct—sur ce que sont ses fonctions. En obtenant un peu plus d'explica-

[*Texte*]

Mr. Ward, it may perhaps stop us asking questions.

Mr. Ward: Yes, Mr. Chairman, Recommendation 40. The Woods Committee recommended that advocates advise the applicant if his claim is unlikely to succeed, and this recommendation is accepted unchanged.

Now under the current system we have the duty under Section 11 of the Pension Act to advise and assist pension applicants in all phases of their pension claim.

Mr. Winch: You are part of the Canadian Pension Commission.

Mr. Ward: We are a branch of the Department of Veterans Affairs and at the present time my boss is the Deputy Minister. Neither he nor I nor the Department have anything to do with the Canadian Pension Commission, which is an entirely independent separate body. They are the adjudicators. We are the pleaders on behalf of the pension applicant. We have interpreted our role as the Woods Committee Report points out in its comment, pretty well along the lines suggested in the recommendations, and we will continue to do so. We will have to do so under the new proposals but we have done so in the past.

Mr. Winch: I am sorry, Mr. Chairman, have I misunderstood something. Under the proposal you will be a completely separate bureau of advocates? Have I misunderstood something there?

Mr. Ward: The proposal will make the Bureau of Pensions Advocates completely independent of the Canadian Pension Commission, the Department of Veterans Affairs. My boss then, if I am the Chief Pensions Advocate of that new Bureau, will be the Minister and not the Deputy Minister as it is now. This, of course, is necessary because the Department will be moving into the field of adjudication at the lower levels; therefore, we could not have one branch of the Department arguing a case before another branch of the Department. The proposal is that the Bureau be completely independent and that is accepted.

Mr. Winch: Before you cut my throat, which you are all set to do, can I ask in that position how do you then come in to assist the veterans on their problems?

[*Interprétation*]

tions de la part de M. Ward, nous serons peut-être moins portés à lui poser des questions.

M. Ward: Oui, monsieur le président; au sujet de la recommandation n° 40, le Comité Woods recommande que les avocats conseillent le requérant si sa réclamation a peu de chances d'être reconnue, et cette recommandation est agréée sans modification.

Selon le régime actuel, l'article 11 de la Loi sur les pensions nous oblige à conseiller et à aider, à toutes les phases de leur réclamation, ceux qui postulent une pension.

M. Winch: Vous faites partie de la Commission canadienne des pensions.

M. Ward: Nous formons une direction du ministère des Affaires des anciens combattants et, actuellement, je relève du sous-ministre. Ni lui ni moi, ni le ministère ne faisons corps avec la Commission canadienne des pensions, qui est un organisme distinct et tout à fait indépendant, jouant un rôle d'arbitrage. Nous sommes chargés de plaider au nom de celui qui postule une pension. Nous avons conçu notre rôle comme le définit le rapport du Comité Woods dans ses observations et qui est assez conforme aux grandes lignes tracées dans ses recommandations; nous continuerons de le faire. Nous devrons agir ainsi aux termes des nouvelles propositions, mais nous avons suivi cette ligne de conduite dans le passé.

M. Winch: Pardonnez-moi, monsieur le président, mais y a-t-il un point que j'ai mal compris? Selon cette proposition, vous constituez un bureau d'avocats entièrement distinct? Aurais-je faussement interprété cette affirmation?

M. Ward: Cette proposition rendra le Bureau des avocats des pensions entièrement indépendant de la Commission canadienne des pensions et du ministère des Affaires des anciens combattants. Si je suis l'avocat en chef des pensions de ce nouveau Bureau, je relèverai du ministre et non pas du sous-ministre, comme c'est le cas maintenant. C'est évidemment ce qui s'impose puisque le ministère sera appelé à rendre jugement aux niveaux inférieurs et que nous ne pourrions avoir une division du ministère défendant une cause contre une autre de ses divisions. La proposition consiste à rendre ce Bureau entièrement indépendant et c'est ce qui est agréé.

M. Winch: Avant que vous ne me coupiez la gorge comme vous êtes en train de le faire, puis-je vous demander comment, en l'occurrence, serez-vous en mesure d'aider les

[*Text*]

Mr. Ward: Whenever any prospective pension applicant wishes to have our services.

Mr. Winch: He will have to apply for the services?

Mr. Ward: We are not required to provide the service unless he wants our service because he is free to choose us or choose anyone of you or his own legal counsel or veterans organizations.

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The Chairman: He must initiate the step.

Mr. Ward: Yes, definitely.

Mr. Winch: That is the point I was after Mr. Chairman. He must initiate the step.

Mr. Ward: He is completely free to choose whether he wishes this government agency to represent him.

The Chairman: Thank you.

Mr. Peters: But he always has been.

Mr. Ward: Yes, he always has been.

The Chairman: No change in that.

Mr. Ward: Recommendation 41. The Woods Committee recommended a survey concerning the use of barristers and solicitors and this recommendation is accepted without change.

Mr. Winch: That includes members of Parliament I presume.

The Chairman: I doubt it, Mr. Winch.

An hon. Member: If they have legal training.

An hon. Member: If you are willing to donate your time.

Mr. Weatherhead: Mr. Chairman, what is the situation at the present time?

Mr. Ward: The present situation, Mr. Chairman, is that the Act requires appointment of barristers whenever practical.

Mr. Winch: Mr. Chairman, that is the reason for my question actually. If a veteran wants his member of Parliament to handle it, that could be done under this section?

[*Interpretation*]

anciens combattants à résoudre leurs problèmes?

M. Ward: Dans tous les cas où chaque requérant éventuel aspirant à une pension désirera recourir à nos services.

M. Winch: Il devra faire appel à ces services?

M. Ward: Nous ne sommes pas tenus de les rendre à moins qu'il ne le souhaite, car il est libre de nous choisir ou de choisir n'importe quel autre représentant ou son propre conseiller juridique ou l'un des organismes d'anciens combattants.

Le président: C'est à lui d'en prendre l'initiative.

M. Ward: Oui, sans aucun doute.

M. Winch: C'est là où je voulais en venir, monsieur le président. Il doit en prendre l'initiative.

M. Ward: Oui. Il est entièrement libre de décider s'il désire voir cette agence du gouvernement le représenter.

Le président: Je vous remercie.

M. Peters: Mais il l'a toujours été.

M. Ward: Oui, il l'a toujours été.

Le président: Il n'y a donc rien de changé.

M. Ward: Recommandation nº 41. Le Comité Woods recommande une étude sur l'utilisation des avocats, et cette recommandation est acceptée sans modification.

M. Winch: Ce qui inclut les députés, je présume?

Le président: J'en doute, monsieur Winch.

Une voix: S'ils ont une formation juridique.

Une voix: Si vous voulez bien y donner votre temps.

M. Weatherhead: Monsieur le président, quelle est actuellement la situation?

M. Ward: La situation actuelle, monsieur le président, c'est que la loi exige la nomination d'avocats quand la chose est jugée pratique.

M. Winch: Monsieur le président, c'est justement la raison de ma question. Si un ancien combattant désire voir son député défendre sa cause, cela est-il possible aux termes de cet article?

[*Texte*]

Mr. Ward: Oh, yes, sir, if the member of Parliament has sufficient free time and is willing to undertake the role of representing the applicant, there is nothing to prevent that.

Mr. Knowles (Winnipeg North Centre): This recommendation relates solely to the personnel of the Bureau.

Mr. Ward: That is right, Mr. Knowles.

Mr. Knowles (Winnipeg North Centre): As to whether they should be lawyers . .

Mr. Ward: Whether they should be lawyers or . . .

Mr. Knowles (Winnipeg North Centre): . . .or human beings.

Mr. Ward: . . or someone else, laymen.

Mr. MacRae: Mr. Ward, how many of your advocates are now lawyers?

Mr. Ward: All 29 advocates now on staff are lawyers.

Mr. MacRae: There are none other than lawyers?

Mr. Ward: No, sir.

Mr. MacRae: Thank you.

Mr. Ward: Recommendation 42. The Woods Committee recommended that the Veterans' Bureau have funds for medical opinions, and this is accepted unchanged.

Recommendation 43. The Woods Committee recommended that the Veterans' Bureau be established under a separate act; to be called Bureau of Pensions Advocates; to be operated as an independent agency reporting direct to the Minister and to be charged with the sole responsibility of assisting pension applicants.

This recommendation is slighty modified. The recommendation that it be under a separate act is modified so that the Bureau of Pensions Advocates will be set up under a separate part of the Pension Act. It is logical to have all the bodies concerned under the same act but different parts of the act so that a person knows where the authority is derived from in one act. That is really the only change in this recommendation, the rest is completely accepted.

Mr. Knowles (Winnipeg North Centre): You will also have the separateness you indicated a moment ago in that the head of this Bureau will not report to the Deputy Minister.

[*Interprétation*]

M. Ward: Oh oui, monsieur. Si le député a suffisamment de loisirs et veut bien le représenter, rien ne l'en empêche.

M. Knowles (Winnipeg-Nord-Centre): Cette recommandation ne vise que le personnel du Bureau.

M. Ward: C'est vrai, monsieur Knowles.

M. Knowles (Winnipeg-Nord-Centre): Quant au fait qu'ils devraient être avocats . . .

M. Ward: Qu'ils soient avocats ou . . .

M. Knowles Winnipeg-Nord-Centre): . . .ou des êtres humains.

M. Ward: . . . ou quelque autre profane.

M. MacRae: Monsieur Ward, combien sont avocats parmi les membres de votre personnel?

M. Ward: Les 29 membres de mon personnel actuel sont tous avocats.

M. MacRae: Il ne compte pas d'autre membres que des avocats?

M. Ward: Non, monsieur.

M. MacRae: Merci.

M. Ward: Recommandation nº 42. Le Comité Woods recommande que le Bureau des vétérans dispose de fonds destinés à obtenir des opinions d'ordre médical, ce qui est agrée sans modification.

Recommandation nº 43. Le Comité Woods recommande que le Bureau des vétérans soit établi aux termes d'une loi distincte dite du Bureau des avocats des pensions et qu'il fonctionne à titre d'agence indépendante relevant directement du ministre et chargée exclusivement d'aider les postulants à une pension.

Cette recommandation est légèrement modifiée. La recommandation selon laquelle il relève d'une loi distincte est modifiée de façon que le Bureau des avocats des pensions soit créé aux termes d'une partie distincte de la Loi sur les pensions. Il est logique que tous les organismes intéressés le soient aux termes de la même loi, mais dans différentes parties de cette loi, afin qu'une personne sache d'où émane l'autorité conférée par une seule loi. Ce n'est vraiment que l'unique changement apporté à cette recommandation, et le reste est entièrement agréé.

M. Knowles (Winnipeg-Nord-Centre): Vous avez aussi la distinction que vous avez signalée tout à l'heure et spécifiant que le chef de ce Bureau ne relèvera pas du sous-ministre.

[*Text*]

Mr. Ward: No, sir. I believe the Minister made that very clear yesterday when he answered a question on that point.

An hon. Member: That is right.

Mr. Weatherhead: Mr. Chairman, am I correct in assuming that the pension advocates at the present time assist veterans in ways other than just under the Pension Act? Do they assist them with respect to other veterans' problems?

Mr. Ward: Not officially, sir. Officially we confine our activities solely to preparing and presenting pension claims, but in the normal course of a day you may give some advice on some other matter under the veterans' charter. However, that is dangerous because we only call ourselves experts in the pension field and even then who can be an expert in this field?

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Mr. Marshall: Is there anything in the modifications to indicate whether there should be full-time pensions advocates where you have part-time, and they do not have the time or the energy to do all the work that is necessary?

Mr. Ward: Mr. Chairman, there was no Woods Committee recommendation relating to that point, but I understand, Mr. Marshall, it is a point dear to you and it will always be kept under review.

Recommendation No. 44: The Woods Committee recommended that the Veterans' Bureau not furnish information on individual cases to the office of the Minister or other departmental officials.

This recommendation is not accepted. In the current situation we do furnish information to any individuals who seek information relating to pension claims, not necessarily disclosing information on individual cases. When the Minister receives an inquiry from a Member of Parliament, for instance, he may refer it to the Canadian Pension Commission, or the Veterans' Bureau. We receive such inquiries, and we prepare a report for the Minister relating to an individual case. And, as the man's representative, we can give this information.

Mr. Winch: May I ask one question, then, Mr. Chairman? As members of Parliament are called upon to handle veterans' cases and

[*Interpretation*]

M. Ward: Non, monsieur. Je crois que le ministre l'a déclaré très clairement hier en répondant à une question sur ce point.

Une voix: C'est vrai.

M. Weatherhead: Monsieur le président, ai-je raison de croire que les avocats des pensions assistent actuellement les anciens combattants en vertu, aussi, d'autres loi que la Loi des pensions? Les aident-ils dans la solution d'autres problèmes des anciens combattants?

M. Ward: Non, pas officiellement, monsieur. Officiellement, nous ne nous bornons qu'à préparer et à présenter les réclamations visant les pensions, mais au cours d'une journée il arrive de donner des conseils sur quelque autre aspect de la charte des anciens combattants. C'est toutefois dangereux, car nous ne nous prétendons spécialisés que dans le domaine des pensions, et même là qui peut se dire expert?

M. Marshall: Les modifications mentionnent-elles qu'il devrait y avoir des avocats des pensions à plein temps, là où ils ne sont qu'à temps partiel, et s'ils n'ont pas le temps on l'énergie de faire tout le travail nécessaire?

M. Ward: Monsieur le président, le Comité Woods ne comporte pas de recommandations dans ce sens-là, mais je comprends, monsieur Marshall, que c'est une question qui vous tient à cœur et que l'on continuera à s'en occuper.

Recommandation n° 44: Le Comité Woods recommande que le Bureau des vétérans ne fournisse pas de renseignements sur les causes individuelles au cabinet du ministre ou à d'autres fonctionnaires du ministère.

Cette recommandation n'est pas acceptée. A l'heure actuelle, nous donnons des renseignements aux individus qui en sollicitent sur les réclamations de pension, sans nécessairement donner de renseignements sur les causes individuelles. Lorsque le ministre reçoit une demande d'un député, par exemple, il se peut qu'il la transmette à la Commission canadienne des pensions ou au Bureau des vétérans. Nous recevons des demandes de ce genre et nous rédigeons à l'intention du ministre un rapport qui a trait à une cause individuelle. Et, comme représentants de l'individu, nous pouvons donner ces renseignements.

M. Winch: Puis-je alors poser une question, monsieur le président? Puisqu'on demande aux députés de s'occuper des causes des an-

[*Texte*]

problems has any consideration been given to making it unnecessary for a member to go through the Minister; that he should be able to go directly to the head of the Commission? I do, but is there any requirement that he go through the Minister?

The Chairman: I think that involves the question of public administration which I think involves more than this Department.

Mr. Winch: I do not go through the Minister. I go direct.

The Chairman: I do not know whether the witness wishes to reply to that; I do not know whether he really can reply, Mr. Winch, in fairness to him. Mr. Ward?

Mr. Winch: You do not anticipate that members of Parliament can, as I think most of us do, go directly to the Department? Will this mean that we may have to go through the Minister?

The Chairman: I do not think Mr. Ward can say what is the policy of dealing with Members of Parliament and the public service, Mr. Winch. I do not think that is a question he can answer.

Mr. Ward: Feel free to write a letter to the Chief Pensions Advocate. I will do my best to reply.

Mr. Knowles (Winnipeg North Centre): If he writes the Minister he will get the same reply.

Mr. Winch: But it takes about two days longer.

The Chairman: We can reverse that procedure, I am sure.

Mr. Weatherhead: Was the reason for this proposal by the Woods Committee to make it not obligatory on the Veterans' Bureau to give confidential information to the Veterans Affairs Department, or to anyone else?

The Chairman: Mr. Ward?

Mr. Ward: I think that was partially the reason, Mr. Chairman. This is also quite a burden if there is quite a large flood of letters. Our resources are not very great, and having to engage in this sort of activity withdraws the resources which may be required in preparing and presenting cases, or in general administration.

[*Interprétation*]

ciens combattants, a-t-on songé à rendre obligatoire pour le député de passer par le ministre et à l'habiliter à s'adresser directement au directeur de la Commission? C'est ce que je fais, mais le député est-il obligé de passer par le ministre?

Le président: Je crois qu'il s'agit d'une question d'administration publique qui met également en cause d'autres ministères que le nôtre.

M. Winch: Je ne passe pas par le ministre: j'y vais directement.

Le président: Je ne sais pas si le témoin désire donner une réponse à cette question; je ne sais pas s'il peut vraiment répondre, monsieur Winch, en toute justice envers lui. Monsieur Ward?

M. Winch: Vous ne prévoyez pas que les députés peuvent s'adresser directement au ministère, comme, à mon avis, la plupart d'entre nous le font? Cela veut-il dire que nous serons peut-être obligés de passer par le ministre?

Le président: Je ne pense pas que M. Ward puisse dire quelle est la ligne de conduite en matière de relations avec les députés et avec la Fonction publique, monsieur Winch. Je ne crois pas qu'il puisse répondre à une question de ce genre.

M. Ward: Vous avez toute la latitude voulue pour adresser une lettre à l'avocat en chef des pensions, et je ferai de mon mieux pour y répondre.

M. Knowles (Winnipeg-Nord-Centre): S'il écrit au ministre, il recevra la même réponse.

M. Winch: Mais il faut environ deux jours de plus.

Le président: Je suis certain que nous pouvons avoir recours à une méthode inverse.

M. Weatherhead: Le motif de la proposition faite par le Comité Woods était-il de ne pas obliger le Bureau des vétérans à fournir des renseignements confidentiels au ministère des Affaires des anciens combattants ou à tout autre individu ou organisme?

Le président: Monsieur Ward?

M. Ward: C'était là, en partie, le motif, monsieur le président. La chose entraîne aussi une lourde tâche, s'il y a un très grand nombre de lettres. Notre personnel n'est pas des plus considérables et si nous devions entreprendre un travail de ce genre, cela nous enlèverait un personnel qui est peut-être nécessaire pour préparer et présenter les causes ou pour l'administration générale.

[*Text*]

Mr. Weatherhead: Yes; but I gather you are rejecting this proposal No. 44, and are saying that you are still going to give information to the Department?

Mr. Ward: Mr. Chairman, I think most peope who have discussed this are realists. When the Minister wants information he will obtain it from...

Mr. Weatherhead: Surely, Mr. Chairman, these people are solicitors, or acting in the same capacity as solicitors, and there must be a lot of confidential solicitor-and-client information that it would not be beneficial, perhaps, to give out to what is in effect the other side. Am I not correct in that?

Mr. Ward: Yes. You get rather unusual situations in that under the proposed system the Chief Pensions Advocate will report direct to the Minister and, therefore, the Minister is his boss. The Bureau will be representing a client retained by the pension applicant to represent him, and the client may very well write a letter to the Minister, or the Minister may ask for information from the

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person representing the client. I have written many letters, and I do not see anything sinister in it, or that it limits our role or affects our image as representing the applicant.

Mr. Saltsman: The effect of accepting the recommendation would be to keep members of Parliament out of the consideration of veterans cases, I presume. This may have been the intent of the Commission, to try to keep Members of Parliament out by having the Commission be the ultimate decider of these things. For this reason I think I would support the rejection of the recommendation and take the position that you are taking on the matter. In other words, it has, in fact, been rejected?

Mr. Ward: It has been rejected, yes, sir.

Recommendation No. 45: Recommendation 45(a) relates to preparation of summaries of evidence, or statements of cases, which is rather synonymous. It recommends that the Veterans' Bureau's responsibility in this field be discontinued. Under the current system the Veterans' Bureau has the responsibility of preparing the summary of evidence which is a document, as I mentioned earlier, containing all relevant information on file, and which is given to the applicant in most cases and used as a useful tool at the appeal board hearings.

[*Interpretation*]

M. Weatherhead: C'est vrai, mais, si je comprends bien, vous rejetez la proposition n° 44 et vous dites que vous continuerez à donner des renseignements au ministère?

M. Ward: Monsieur le président, je crois que la plupart des personnes qui ont discuté de cette question sont des gens réalistes. Si le ministre désire avoir des renseignements, il les obtiendra de...

M. Weatherhead: Monsieur le président, ces gens sont des avocats ou jouent le rôle d'avocats, et il doit y avoir beaucoup de renseignements de nature confidentielle entre avocats et clients qu'il ne serait pas avantageux de livrer à une personne qui est de fait, l'adversaire. N'ai-je pas raison sur ce point?

M. Ward: Oui. Il se présente des situations assez étranges du fait qu'en vertu du régime proposé, l'avocat en chef des pensions fera rapport directement au ministre et que, par conséquent, le ministre sera son supérieur ou son patron. Le Bureau sera le représentant d'un client engagé par un requérant à cette fin-là, et le client adressera peut-être une lettre au ministre ou le ministre pourra bien demander des renseignemens à la personne qui représente le client. J'ai écrit moi-même plusieurs lettres et je n'y vois rien de sinistre. Je ne crois pas non plus que cela puisse restreindre notre rôle ou nuire à l'idée qu'on se fait du représentant d'un client.

M. Saltsman: Accepter la recommandation aurait pour effet, je suppose, de tenir les députés à l'écart de l'étude des causes des anciens combattants. C'était peut-être là l'intention de la Commission, c'est-à-dire d'essayer de tenir les députés à l'écart en confiant à la Commission le rôle d'arbitre ultime de ces affaires-là. C'est pourquoi je crois que j'appuierai le rejet de la recommandation et que j'adopterai votre propre attitude en la matière. Autrement dit, la recommandation a été vraiment rejetée, n'est-ce pas?

M. Ward: Oui, monsieur, elle l'a été.

Recommandation n° 45: La recommandation 45 (a) a trait à la rédaction des résumés de preuves, ou à l'énoncé des causes, expressions à peu près synonymes. Elle porte que l'on mette fin à la responsabilité du Bureau des vétérans en la matière. En vertu du régime actuel, c'est du Bureau des vétérans que relève la rédaction des résumés de preuves, documents, comme je viens de le dire, qui renferment tous les renseignements disponibles dans les classeurs et que l'on donne au requérant dans la plupart des causes pour être utilisés à bon escient lors des audiences de la Division des appels.

[*Texte*]

Some criticism arose that because the Veterans' Bureau prepares the summary of evidence the lawyer-client relationship is weakened in that we will include in the summary adverse evidence; in a sense it could be said that we are pleading the case for and against.

The Woods Committee recommended that the Canadian Pension Commission prepare the statement of case or summary of evidence. If that had been accepted, or if the Department of Veterans Affairs, in view of its new adjudication role, had been responsible for preparing summary of evidence, even more criticism might arise from veterans, and perhaps legitimately so. After all, it is one thing for the veteran's own representative to prepare the summary of evidence; it is another thing altogether for the adjudicating body to prepare the summary of evidence.

I think the veterans as a whole would feel much safer and much happier having their own representative prepare the summary of evidence. Over the years the Veterans' Bureau has prepared many thousands, and by and large it is a routine job posing no particular difficulties.

As this question of the weakening of our image and the lessening of the lawyer-client relationship has been raised because of our role in preparing summaries of evidence, it is now proposed that while the Veterans' Bureau will continue to prepare the summary of evidence, as mentioned in the White Paper, the Veterans' Bureau will not be required to disclose all information that comes into its possession, as is the case at the present time. In our role of preparing a summary of evidence if adverse opinion evidence from the man's physician comes into our possession and onto the departmental file it must be included in the summary of evidence.

It is proposed that we should only be required to place on the departmental file copies of medical and other records that come into our possession, these records of course being equally available to the adjudicating authorities. I have in mind such records as the Department of National Defence files, our Department of Veterans Affairs files, other government departments' files, records of hospitals, records of doctors—the actual record. That record is equally available to the adjudicating authority, therefore there is

[*Interprétation*]

On a critiqué le fait qu'étant donné que le Bureau des vétérans rédige le résumé des preuves, les rapports entre avocats et clients se trouvent affaiblis, en ce sens que nous faisons entrer dans le résumé des preuves défavorables; d'une certaine façon, on pourrait dire que nous plaidons le pour et le contre.

Le Comité Woods a recommandé que la Commission canadienne des pensions rédige l'énoncé de la cause ou le résumé des preuves. Si l'on avait accepté cette recommandation, ou si le ministère des Afaires des anciens combattants, étant donné son nouveau rôle dans les décisions, avait été responsable de la rédaction des résumés de preuves, il y aurait peut-être eu encore plus de critiques de la part des anciens combattants, et à juste titre, peut-être. Après tout, il faut bien admettre que c'est une chose, pour le représentant d'un ancien combattant, de rédiger un résumé de preuves et que la situation n'est plus la même si c'est l'organisme qui rend les décisions qui se charge de ce même résumé de preuves.

Je crois que les anciens combattants, dans l'ensemble, se sentiraient beaucoup plus en sécurité et seraient beaucoup plus heureux si c'était leurs propres représentants qui rédigeaient les résumés de preuves. Le Bureau des vétérans, par le passé, en a rédigé des milliers, et il s'agit surtout d'un travail de routine qui n'offre pas de difficultés spéciales.

Puisque l'on a parlé de l'affaiblissement possible des rapports entre avocats et clients à cause du rôle que nous jouons dans la rédaction des résumés de preuves, on propose maintenant, tout en laissant au Bureau des vétérans le soin de continuer à rédiger les résumés de preuves, comme l'indique le Livre blanc, que ledit Bureau ne soit pas tenu de révéler tous les renseignements qui lui parviennent, comme c'est le cas à l'heure actuelle.

Quand nous rédigeons un résumé des preuves, si des preuves d'opinions défavorables nous parviennent de la part du médecin de l'individu en cause pour passer ensuite dans le dossier du ministère, ces preuves doivent être incluses dans le résumé des preuves.

On propose que nous soyons obligés de placer dans les dossiers du ministère uniquement des copies des documents médicaux et des autres documents qui nous parviennent alors que ces dossiers seraient aussi à la disposition des autorités qui rendent les décisions cela va de soi. Je songe à des documents tels que ceux du ministère de la Défense nationale, nos propres documents du ministère des Affaires des anciens combattants et les documents des autres ministères, les dossiers des hôpitaux, des médecins et au dossier réél. Ce

[*Text*]

nothing sinister or wrong if, when we come into possession of that record, we include it in the summary of evidence—because it is also available to the adjudicating bodies in any event.

However, we shall not be required to disclose information in the nature of medical opinion or information given to us by our client. To elaborate a little on that, we now can pick up a telephone and ask Dr. Brown if he thinks that such and such a condition is related to the pension condition. If Dr. Brown says "No" we thank him and that is the end of the matter. We would not ask for his written opinion. That is his opinion, his own personal opinion, it is not a piece of evidence, it is not a question of record, therefore it is considered that this is more in the nature of a privileged communication much as you find between solicitor and client outside.

Mr. Winch: But if Dr. Brown had sent you a written opinion would that go into your record?

Mr. Ward: Under the present system, yes; under the new proposal, no—as long as it is his opinion and not part of a hospital or medical record. Nor would we have to disclose our client's letters saying that he cannot really recall what happened; nor witnesses. We may have written to 30 witnesses, all of them saying "I do not remember this man". If all that is disclosed it does cast an unfavourable slant on the case because, after all, if 30 witnesses cannot remember this man that should be privileged communication and will be under the new system.

Mr. Winch: If some say they do remember, does that go into the record?

Mr. Ward: Yes, we will use that favourable evidence for the applicant's cause.

Mr. Weatherhead: Is there no one besides the Pensions Advocate that can find out the hospital record and this sort of thing? It seems to me that the Pensions Advocates, if they are representing the veteran, should only be including the matters supporting the veter-

[*Interpretation*]

dernier est aussi à la disposition de l'autorité qui rend les décisions, et il n'y a donc rien de sinistre ou de mal lorsque ce dossier arrive chez nous; nous y ajoutons le résumé des preuves car il est aussi à la disposition des organismes qui rendent les décisions, quoi qu'il arrive.

Nous ne serons pas obligés, toutefois, de révéler des renseignements qui se rattachent à des opinions ou à des renseignements de médecins que le client nous a communiqués. Voici quelques précisions: nous pouvons décrocher le récepteur du téléphone et demander au Dr Brown s'il croit que telle ou telle état maladif se rattache aux maladies mentionnées dans le régime de pensions. Si le Dr Brown répond par la négative, nous le remercions et l'affaire se termine là. Nous ne lui demandons pas de nous adresser son opinion par écrit. C'est là son opinion personnelle. Cela ne constitue pas une preuve, cela n'entre pas dans les dossiers, mais on estime qu'il s'agit plutôt d'une communication offerte comme une sorte de privilège, comme cela se produit entre avocats et clients dans la pratique privée.

M. Winch: Si le Dr Brown vous avait communiqué son opinion par écrit, ce document aurait-il été versé au dossier?

M. Ward: Oui, en vertu du régime actuel, mais non, en vertu de la nouvelle proposition, étant donné qu'il s'agit de l'opinion d'un médecin et non pas d'un dossier d'hôpital ou de médecin. Et nous ne serions pas tenus de révéler les lettres de notre client où il mentionne qu'il ne se souvient pas de ce qui est arrivé, et les témoins non plus n'y seraient pas tenus. Nous avons peut-être adressé des lettres à une trentaine de témoins qui répondent tous «Je ne me rappelle pas cette homme». Si l'on révèle tout cela, il en résulte un préjugé défavorable contre la cause puisqu'après tout, si 30 témoins ne peuvent se rappeler cet individu, cela devrait entrer dans la catégorie des communications offertes comme une sorte de privilège et elles seront considérées comme telles en vertu du nouveau régime.

M. Winch: Si quelques témoins disent qu'ils se le rappellent, leur témoignage sera-t-il versé au dossier?

M. Ward: Oui, cette preuve favorable sera utile à la cause du requérant.

M. Weatherhead: Outre l'avocat des pensions, y a-t-il d'autres personnes qui peuvent examiner le dossier d'hôpital et autres documents semblables? Il me semble que les avocats des pensions, s'ils représentent l'ancien combattant, ne devraient insérer au dossier

[*Texte*]

an and some other group should represent or defend the other side against that case as best they can. I guess this has not been the case at all in the past, you more or less impartially gathered the evidence as best you could and then presented it in the best light for the veteran. I gather we are getting away from that situation now because you are much more independent, you will be acting much more in an ordinary solicitor-client relationship and acting for just one side, if you can call them sides and I think you can. Would it not be advisable to have someone else gather the records which are disadvantageous to the veteran and not put that under your responsibility?

• 1515

Mr. Ward: That is a possibility. It could be administratively difficult and cumbersome in that we as the applicant's representative are in control and in charge of his case and we want to secure whatever available favourable evidence we can from any source by our own methods. Now to be saddled with a system whereby somebody else gathers the evidence and then we must make the best case of the evidence gathered by someone else would tend to limit...

Mr. Weatherhead: I do not want to belabour this, Mr. Chairman, but I am not suggesting that. I am saying you gather all the evidence you can but that you would only be expected to put in the favourable evidence, not the evidence of the records, opinions or anything else that were unfavourable to the veteran.

Mr. Ward: Of course most of the medical evidence—not all, but most—appears in the departmental files and in the service documents and, after all, they are available right there to the adjudicating authority. All we have been doing in preparing a summary of evidence is including the favourable and unfavourable evidence largely from those sources.

Mr. Knowles (Winnipeg North Centre): It sometimes strengthens your case to admit the weaknesses before the other fellow points them out.

Mr. Ward: That is quite correct, sir, and it is a very good tactic at Appeal Board hearings to come right out and say, "We have a basic weakness", and sort of knock your own

[*Interprétation*]

que les documents qui appuient ce dernier et que d'autres groupes devraient représenter la partie adverse ou plaider contre la cause du mieux qu'ils le peuvent. Je crois que les choses ne se sont pas du tout passées de cette façon-là, par le passé; vous avez, de manière plus ou moins impartiale, recueilli les preuves dans la meilleure mesure possible pour ensuite les soumettre dans le contexte le plus favorable à l'ancien combattant. Je crois comprendre que nous abandonnons cette façon de faire parce que vous êtes beaucoup plus indépendants et que vous agirez beaucoup plus comme dans les rapports entre avocats et clients ordinaires et que vous agirez pour une partie seulement, si je peux m'exprimer ainsi, et je crois pouvoir le faire. Ne serait-il pas à conseiller que d'autres recueillent les dossiers défavorables à l'ancien combattant pour que cela ne relève pas de vous?

M. Ward: C'est là une chose possible. Ce serait difficile et encombrant, du point de vue administratif, étant donné que, comme représentants du requérant, nous avons le contrôle et la charge de sa cause et que nous désirons, par nos propres méthodes, obtenir de quelque source que ce soit toutes les preuves favorables qui sont accessibles. S'il fallait être liés à un système où d'autres personnes recueillent les preuves que nous devrons ensuite utiliser de notre mieux, cela tendrait à restreindre...

M. Weatherhead: Je ne veux pas insister outre mesure, mais ce n'est pas là ce que je propose. Ce que je dis, c'est que vous recueillez toutes les preuves possibles mais que vous êtes censés verser au dossier seulement les preuves favorables et non pas les preuves des dossiers de documents ou de toute autre chose qui ne sont pas favorables à l'ancien combattant.

M. Ward: Naturellement, la plupart des preuves d'ordre médical, pas toutes mais la plupart, se trouvent dans les classeurs du ministère et dans les archives du service. Après tout, elles sont à la disposition de l'organisme qui rend les décisions. Tout ce que nous faisons en rédigeant les résumés de preuves consiste à inclure les preuves tant favorables que défavorables qui nous parviennent en grande partie de ces sources.

M. Knowles (Winnipeg-Nord-Centre): Parfois, une cause acquiert plus de force du fait qu'on admet ses lacunes avant qu'elles ne soient signalées par l'adversaire.

M. Ward: Vous avez parfaitement raison, monsieur, et, lors des audiences de la Division des appels, c'est une excellente tactique de déclarer spontanément qu'il y a une lacune

[*Text*]

case down for the purpose in mind that this will help you to build it up.

Mr. MacRae: Mr. Chairman, I would like to ask Mr. Ward perhaps a related question although it does apply here. What is the position in regard to the veteran having accessibility to his own documents? As I understand it, his advocate can be the veteran's bureau, of course, or a service organization—those are the two normal advocates in a case—but if a veteran chooses to have a lawyer handle his case or if he chooses to present his own case, those options are open to him too. Am I correct in that, first of all, before I proceed?

Mr. Ward: Yes.

Mr. MacRae: And you from the veteran's bureau would have complete access to the veteran's documents and, as I said, the others would, but am I not correct that the veteran is not permitted access to his documents at this time?

Mr. Ward: That is not quite correct, Mr. Chairman.

Mr. MacRae: It is not?

Mr. Ward: The Pension Act does provide for access to the documents by the applicant and his representatives subject to departmental instructions. The departmental instructions are such that the applicant may very well see all his documents, provided he does not suffer from a neuropsychiatric disease. In any event, the outside solicitor or outside veteran's organization has full access to the documents regardless of whether or not their client has a neuropsychiatric disease.

Mr. Winch: Could the Legion advocate, who is a wonderful man and does a very good job in the provincial command in British Columbia, get these various documents to take up a case?

Mr. Ward: If he is representing the pension applicant and such applicant has given his written permission for that Legion official to inspect his files for the purpose of preparing and presenting a pension claim, he could certainly see the documents.

Mr. MacRae: Would it not rest at that particular point with the advocate as to whether or not he chooses to let the veteran see the

[*Interpretation*]

fondamentale et, pour ainsi dire, de démolir sa propre cause en vue de la mettre en valeur.

M. MacRae: Monsieur le président, j'aimerais poser à M. Ward une question qui est peut-être connexe, mais elle s'applique vraiment à ce que nous disons actuellement. Quelle est l'attitude relative à l'accès de l'ancien combattant à ses propres documents? Si je comprends bien, son avocat peut être le Bureau des vétérans, cela va de soi, ou une association d'anciens combattants: ce sont là les deux avocats normaux d'une cause. Mais si un ancien combattant décide de choisir son propre avocat pour plaider sa cause, ou de la plaider lui-même, il a encore accès à ces options. Avant d'aller plus loin, pouvez-vous me dire si j'ai raison là-dessus?

M. Ward: Oui.

M. MacRae: Vous, du Bureau des vétérans, vous avez libre accès aux documents de l'ancien combattant, et, comme je l'ai dit, les autres aussi, mais ai-je raison de dire qu'à ce moment-là, l'ancien combattant n'a pas accès à ses documents?

M. Ward: Cela n'est pas tout à fait exact, monsieur le président.

M. MacRae: Ce ne l'est pas?

M. Ward: La Loi sur les pensions prévoit l'accès aux documents de la part du requérant et de ses représentants, sous réserve des directives du ministère. Ces dernières peuvent bien autoriser le requérant à voir tous ses documents, à la condition qu'il ne souffre pas de maladies neuropsychiatriques. A tout événement, l'avocat de l'extérieur ou l'association extérieure d'anciens combattants a libre et complet accès aux documents, que leur client souffre ou non de maladies neuropsychiatriques.

M. Winch: L'avocat de la Légion, homme remarquable et qui fait de l'excellent travail dans le district provincial de la Colombie-Britannique, pourrait-il obtenir les documents pour entreprendre une cause?

M. Ward: S'il représente une personne qui demande une pension et que cette personne a autorisé par écrit le fonctionnaire de la Légion à examiner son dossier en vue de rédiger et de présenter une réclamation de pension, il pourrait certainement voir les documents.

M. MacRae: N'est-ce pas, à ce moment-là, l'avocat qui devrait décider s'il peut laisser voir les documents à l'ancien combattant?

[*Texte*]

document? I know of a specific case where a veteran was refused access to his medical documents in the Department of Veterans Affairs. If, as Mr. Winch has suggested, the

• 1620

Veterans Bureau have the documents, or Mr. MacFarlane of the Legion, or one of his service officers, are they bound not to prevent a man from seeing his documents?

Mr. Ward: The departmental instructions are rather lengthy, Mr. MacRae, but by and large, unless there is a question of neuropsychiatric disease brought forth, the pension applicant can, under the instructions, see this document but this is not encouraged. Certainly all his representatives have full access. Now there may be individual cases where, for one reason or another, higher authority under the instructions indicates that it would be best perhaps if this information were not disclosed in that individual case. But speaking generally, the machinery is there for inspection, and while it is not generally widely encouraged, many people do inspect their documents. Certainly the Royal Canadian Legion inspects many, many documents and many files with the written consent of the veteran and pursuant to the provisions of the Act and the departmental instructions.

Mr. MacRae: They must have written consent before they can get the documents.

Mr. Ward: In the past there may have been some aura of secrecy and so on, but certainly since Mr. Reynolds and myself have been involved in the head office, we have had no desire to suppress any evidence.

Mr. MacRae: Thank you. I am perfectly satisfied.

Mr. Ward: Recommendations 48 to 60 inclusive generally relate to delegation of decision-making authority to senior pension medical examiners of the Canadian Pension Commission and Claims and Review Division of the Canadian Pension Commission. But you will appreciate that under the new proposed procedure, the initial adjudication will be made by the Department of Veterans Affairs, and the administration of the Pension Act will be done by the Department. Therefore, these recommendations would require further review and there may or there may not be

[*Interprétation*]

J'ai eu connaissance d'un cas précis où l'ancien combattant n'a pu avoir accès à son dossier médical, au ministère des Affaires des anciens combattants. Comme M. Winch l'a laissé entendre, si le Bureau des vétérans possède les documents, ou bien M. MacFarlane, de la Légion, ou l'un de ses fonctionnaires, sont-ils tenus de ne pas empêcher un individu de voir ses documents?

M. Ward: Les directives du ministère sont assez longues, monsieur MacRae, mais, dans la très grande majorité des cas, à moins qu'il ne soit question de maladies neuropsychiatriques, celui qui demande une pension peut voir ses documents, conformément aux directives, mais on n'y insiste pas trop. Tous ses représentants y ont certainement accès. Il peut, toutefois, se présenter des cas individuels où, pour une raison ou pour une autre, les personnes haut placées, en vertu des directives, font savoir qu'il vaudrait peut-être mieux, dans tel ou tel cas en particulier, que les renseignements ne soient pas dévoilés. En général, toutefois, on a pris des mesures pour laisser examiner les documents et même si on n'encourage pas beaucoup les gens à le faire, plusieurs personnes viennent examiner leurs documents. Il est bien certain que la Légion royale canadienne examine de très nombreux documents et plusieurs classeurs avec le consentement écrit de l'ancien combattant et conformément aux dispositions de la loi et aux directives du ministère.

M. MacRae: Il leur faut le consentement écrit avant de pouvoir obtenir les documents.

M. Ward: Par le passé, il est possible qu'il y ait eu une atmosphère quelque peu secrète, mais depuis que M. Reynolds et moi-même nous occupons du bureau principal, nous n'avons jamais eu le moindre désir de supprimer quelque preuve que ce soit.

M. MacRae: Je vous remercie. Je suis complètement satisfait.

M. Ward: Les recommandations 48 à 60 inclusivement se rattachent, en général, à la délégation de l'autorité relative aux décisions à prendre, délégation en faveur des examinateurs principaux, du point de vue médical, de la Commission canadienne des pensions et de la Division des réclamations et des révisions de la Commission canadienne des pensions. Mais vous vous rendez compte qu'en vertu de la nouvelle façon de procéder, c'est le ministère des Affaires des anciens combattants qui rendra la première décision et c'est lui aussi qui sera chargé de l'administration de la Loi

[*Text*]

certain delegation on certain matters under the new structure, but the details have not been worked out and it is under review.

The Chairman: In other words, it is neither accepted nor rejected.

Mr. Ward: That is right. It is still under consideration.

The Chairman: I wonder if this is the point at which we might adjourn for the day. We will resume tomorrow morning at 9.30. I would like to thank the members for their attendance which has been very good indeed, and we will see you tomorrow morning.

[*Interpretation*]

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Le président: Autrement dit, la question de la délégation n'a été ni acceptée ni rejetée.

M. Ward: C'est exact. Toute la question est encore à l'étude.

Le président: Je me demande si nous ne pourrions pas lever la séance là-dessus, pour aujourd'hui. Nous reprendrons nos délibérations demain matin à 9 h. et demie. Je remercie les membres d'avoir assisté en aussi bon nombre. Nous nous reverrons demain matin.

THE QUEEN'S PRINTER, OTTAWA, 1969
L'IMPRIMEUR DE LA REINE, OTTAWA, 1969

OFFICIAL BILINGUAL ISSUE

HOUSE OF COMMONS

First Session

Twenty-eighth Parliament, 1968-69

FASCICULE BILINGUE OFFICIEL

CHAMBRE DES COMMUNES

Première session de la

vingt-huitième législature, 1968-1969

STANDING COMMITTEE

ON

VETERANS AFFAIRS

COMITÉ PERMANENT

DES

AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*

MINUTES OF PROCEEDINGS

AND EVIDENCE

PROCÈS-VERBAUX ET

TÉMOIGNAGES

No. 14

THURSDAY, SEPTEMBER 18, 1969

LE JEUDI 18 SEPTEMBRE 1969

Respecting

Report of the Committee to survey Organization and Work of the Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(See *Minutes of Proceedings*)

(Voir Procès-verbaux)

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WITNESSES—TÉMOINS

(See Minutes of Proceedings) *(Voir Procès-verbaux)*

20749—1

STANDING COMMITTEE ON
VETERANS AFFAIRS

COMITÉ PERMANENT
DES
AFFAIRES
DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*
Vice-Chairman Mr. Carl Legault *Vice-président*

and Messrs. et Messieurs

Badanai,
Bigg,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae
Marshall,
McIntosh
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—20

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

[*Text*]

MINUTES OF PROCEEDINGS

THURSDAY, September 18, 1969
(17)

The Standing Committee on Veterans Affairs met this day at 9.30 a.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs, Badanai, Bigg, Francis, Groos, Guay (*St. Boniface*), Laniel, Legault, MacRae, Marshall, Saltsman, Turner (*London East*), Weatherhead—(12).

Other Members present: Mr. Knowles, M.P. (*Winnipeg North Centre*).

Witnesses: From the Department of Veterans Affairs: Mr. D. K. Ward, Chief Pensions Advocate; *from the Canadian Pension Commission*: Mr. T. D. Anderson, Chairman.

The Committee resumed the review of the Woods Committee recommendations and the questioning of the witnesses.

Recommendations number 61 to 110 inclusive were reviewed.

At 12:00 o'clock noon the Committee recessed to 2:00 p.m.

AFTERNOON MEETING
(18)

The Committee resumed sitting at 2:00 p.m.

Members present: Messrs. Badanai, Bigg, Francis, Guay (*St. Boniface*), Laniel, Latulippe, Legault, MacRae, Marshall, Saltsman, Turner (*London East*), Weatherhead—(12).

Other Members present: Mr. Knowles, M.P. (*Winnipeg North Centre*).

Witnesses: From the Royal Canadian Legion: Mr. Robert Kohaly, Dominion President, and Mr. D. M. Thompson, Secre-

[*Traduction*]

PROCÈS-VERBAUX

Le JEUDI 18 septembre 1969
(17)

Le Comité permanent des affaires des anciens combattants se réunit à 9 h. 30 ce matin, sous la présidence de M. Lloyd Francis, président.

Députés présents: MM. Badanai, Bigg, Francis, Groos, Guay (*Saint-Boniface*), Laniel, Legault, MacRae, Marshall Saltsman, Turner (*London-Est*), et Weatherhead—(12).

Aussi présent: M. Knowles (*Winnipeg-Nord-Centre*), député.

Témoins: Du ministère des Affaires des anciens combattants: M. D. K. Ward, avocat en chef des pensions; *de la Commission Canadienne des pensions*: M. T. D. Anderson, président.

Le Comité poursuit l'étude des recommandations du Comité Woods et l'interrogatoire des témoins.

On étudie les recommandations 61 à 110 inclusivement.

A midi, le Comité suspend ses travaux jusqu'à 14 h. cet après-midi.

SÉANCE DE L'APRÈS-MIDI
(18)

Le Comité reprend ses travaux à 14 h. cet après-midi.

Députés présents: MM. Badanai, Bigg, Francis, Guay (*Saint-Boniface*), Laniel, Latulippe, Legault, MacRae, Marshall, Saltsman, Turner (*London-Est*) et Weatherhead—(12).

Également présent: M. Knowles (*Winnipeg-Nord-Centre*), député,

Témoins: De la Légion canadienne: M. Robert Kohaly, président national et M. D. M. Thomson, secrétaire général. *Des*

20749—1½

tary General. *From The War Amputations of Canada*: Mr. H. C. Chadderton, Secretary.

Mr. Kohaly read the brief of the Delegation of Nationally Chartered Veterans Organizations.

The Committee proceeded to the questioning of the witnesses.

At 4:25 p.m. the Committee adjourned to Friday, September 19, 1969 at 9:30 a.m.

Amputés de guerre du Canada: M. H. C. Chadderton, secrétaire.

M. Kohaly donne lecture du mémoire de la délégation des organisations d'anciens combattants à chartre nationale.

Le Comité interroge les témoins.

A 16 h. 25, le Comité s'ajourne jusqu'au vendredi 19 septembre 1969, à 9 h. 30 du matin.

Le greffier du Comité,
D. E. Levesque.
Clerk of the Committee.

[*Texte*]

EVIDENCE

(*Recorded by Electronic Apparatus*)

Thursday, September 18, 1969

• 0948

The Chairman: Can we call the Committee to order, please? We have not quite a full quorum, but according to a resolution we have the authority to hear witnesses and to take evidence before the full quorum arrives.

Mr. MacRae: It is quality not quantity that counts.

The Chairman: That is right, Mr. MacRae.

I understand Mr. MacRae has something that he would like to suggest to the Committee.

Mr. MacRae: In Mr. Ward's reading of the recommendations yesterday, he outlined for us whether each recommendation was accepted in part, or with modification. I would like to suggest that perhaps Mr. Ward—I know he is a very busy man—might just simply list the recommendations by number, and then beside them indicate either accepted, rejected, or whatever the case may be.

We are not getting all our people here, unfortunately, and sometimes we might miss one. A very brief tabulation like that would be very helpful. Then in the hours when we are not here we could go over our own recommendations and if we have missed any, correct them, and it would help us, I think.

The Chairman: You are suggesting, if I understand it, Mr. MacRae, possibly a two- or three-page sheet with simply accepted, rejected, modified, or something like that?

Mr. MacRae: Yes, in part, or accepted with modifications, and so on.

The Chairman: A tabular type of presentation for check purposes for members of the Committee.

Mr. MacRae: Yes, that is right. That is what I would suggest.

The Chairman: Mr. Ward, do you have a comment on that?

Mr. D. K. Ward (Deputy Chief Pensions Advocate): Mr. Chairman, that can be prepared and submitted in the very near future.

[*Interprétation*]

TÉMOIGNAGES

(*Enregistrement électronique*)

Le jeudi 18 septembre 1969

Le président: Puis-je rappeler le Comité à l'ordre? Bien que nous ne soyions pas en nombre, il y a une résolution qui nous autorise à entendre des témoins et à consigner des témoignages avant d'avoir le quorum.

M. MacRae: C'est la qualité, non la quantité, qui compte.

Le président: C'est juste, monsieur MacRae.

Je crois que monsieur MacRae a une proposition à faire au Comité.

M. MacRae: Dans sa lecture des recommandations hier, M. Ward nous a signalé si chacune avait été acceptée en partie ou après modification. J'aimerais proposer qu'il soit permis à M. Ward, qui est très occupé, je le sais, de numéroter simplement une liste des recommandations et d'indiquer en regard de chacune: «acceptée» ou «rejetée», selon le cas.

Nous n'avons pas toujours tous nos gens, malheureusement, de sorte qu'un oubli est toujours possible. Une petite liste de ce genre deviendrait alors très utile. Alors, quand nous nous absentons de la réunion, nous pourrions passer notre liste en revue et rectifier tout oubli que nous pourrions avoir fait. Voilà qui nous aiderait bien, je pense.

Le président: Vous parlez, n'est-ce pas, monsieur MacRae, d'une liste de deux ou trois pages, avec de simples notations, telles que «acceptée», «rejetée», «modifiée», etc.

M. MacRae: Oui, «en partie» ou «acceptée après modification», et ainsi de suite.

Le président: Une simple énumération aux fins de vérification pour les membres du Comité.

M. MacRae: Oui, c'est exact. Voilà ce que je propose.

Le président: Monsieur Ward, vous auriez des remarques à faire à ce sujet?

M. D. K. Ward (avocat en chef adjoint des pensions): Monsieur le président, nous pouvons dresser une telle liste et vous la remettre sous peu.

[*Text*]

Mr. MacRae: Thank you very much.

The Chairman: Are there any other comments from members of the Committee? If not, I invite Mr. Ward to continue. Mr. Guay.

Mr. Guay (St. Boniface): The only suggestion I have to make, Mr. Chairman, is that I am sure this would be appreciated by those who have not attended. I know that I will not be here tomorrow, and if this goes on I would appreciate it if we get what Mr. MacRae has requested.

I feel at the same time, though, that while this is going on that we are not really losing a lot of time because I think it is very informative. But I think that the time is going on while this is going on, and we are going to be sitting a lot longer than what we had anticipated unless there are some drastic changes that take place. I would like to ask you this morning—I will be back here Monday morning—when you anticipate finishing the Committee; not starting it really, but finishing it.

The Chairman: With your permission, I will ask Mr. Reynolds to indicate the program he has lined up for us and some of his problems. Would you like to speak to this for a minute, Mr. Reynolds?

Mr. P. E. Reynolds (Special Adviser to the Committee, Department of Veterans Affairs): The following are the organizations that have been contacted. This afternoon we have a delegation from the Nationally Chartered Veterans' Organizations led by Mr. Kohaly. Tomorrow morning we will have the National Council of Veterans Associations headed by Mr. Lundberg. We have nothing scheduled for tomorrow afternoon. On Monday, all day, we will have the War Amputations of Canada; on Tuesday, all day, we will have the Hong Kong Veterans Association of Canada and on Wednesday morning for the morning only, we will have the National Dieppe Prisoners of War Association.

An hon. Member: Would you repeat that, please?

The Chairman: The National Dieppe Prisoners of War Association.

Mr. Reynolds: There is nothing further scheduled for Wednesday afternoon. The only other firm arrangement I have made so far is for September 29 at 9.30 a.m., when the Nursing Sisters' Association of Canada will appear as witnesses.

[*Interpretation*]

M. MacRae: Je vous remercie.

Le président: Y a-t-il d'autres observations de la part des membres du Comité? Sinon, je demanderai à M. Ward de poursuivre, Monsieur Guay.

M. Guay (Saint-Boniface): Une seule remarque, monsieur le président. Je suis sûr que les membres devant s'absenter apprécieront l'importance d'une telle liste. Je sais que j'aurai à m'absenter demain; si le Comité siège alors, je serai bien heureux que nous obtenions ce que M. MacRae a demandé. J'estime aussi, toutefois, à mesure que les séances se poursuivent, que nous ne perdons pas notre temps, car tout cela est fort instructif. Dans l'intervalle, le temps passe, si bien que nous allons siéger beaucoup plus longtemps que prévu, à moins que les choses ne changent radicalement. J'aimerais vous demander ce matin—je serai de retour lundi matin—à quel moment le Comité prévoit terminer ses travaux, pas les entreprendre vraiment, mais les terminer.

Le président: Avec votre permission, je demanderai à M. Reynolds de nous exposer le programme dressé pour nous et de faire état de certaines des difficultés qui se présentent. Pourriez-vous nous dire quelques mots à ce sujet, monsieur Reynolds?

M. P. E. Reynolds (conseiller spécial du Comité, ministère des Affaires des anciens combattants): Voici les organisations avec lesquelles nous avons pris contact: cet après-midi, nous entendrons une délégation des organisations d'anciens combattants à charte nationale, présidée par M. Kohaly; demain matin, le Conseil national des associations d'anciens combattants, dont M. Lundberg dirige la délégation. Rien n'est prévu pour demain après-midi. Toute la journée de lundi sera consacrée aux Amputations de guerre du Canada; toute la journée de mardi, l'Association canadienne des anciens combattants de Hong-kong, et mercredi, le matin seulement, l'Association nationale des prisonniers de guerre de Dieppe.

Une voix: Voudriez-vous répéter la dernière phrase, je vous prie?

Le président: L'Association nationale des prisonniers de guerre de Dieppe.

M. Reynolds: Rien n'est prévu pour mercredi après-midi. Le seul autre engagement ferme que j'ai pris jusqu'ici est pour le 29 septembre prochain à 9h. 30 du matin, lorsque l'Association des religieuses infirmières du Canada viendra témoigner.

[*Texte*]

I am expecting to see representatives from all the associations this afternoon and tomorrow morning at which time I hope to get their dates or the dates they will be ready, so by tomorrow afternoon I should know pretty definitely when the associations can make their presentations. All of them want to come either at the end of this month or the beginning of next month. Therefore, I would suggest that after Wednesday morning we allow the departmental officials to finish their presentation because there is going to be a gap on Wednesday afternoon, Thursday and Friday and it is unlikely we will get any veterans' organization to come before us on those days.

Mr. Guay (St. Boniface): Could we not hear the Department on Wednesday afternoon and possibly adjourn until the following week, Mr. Chairman?

The Chairman: This depends on the progress we make. I think the Committee might want to consider, Mr. Guay, whether we should adjourn for a few days next week.

Mr. Guay (St. Boniface): I asked this, if I may interrupt you, Mr. Chairman, because I would like to see a planned program whereby I will know the exact time we are going to take off and the time that we will be sitting so that I, too, may plan my program accordingly.

The Chairman: This is what we are trying to do.

Mr. Guay (St. Boniface): Right now we are really up in the air.

The Chairman: Mr. Guay, we are trying to do this. We have in mind exactly the kind of problem you have—we all have the same problem—but Mr. Reynolds has been in daily touch with as many of these groups as he can just trying to get firm dates from them and to resolve the problem.

Mr. Guay (St. Boniface): Very good.

The Chairman: We want to give everyone an opportunity to appear who has expressed a desire to do so, but there is a problem. It is not easy to get firm dates.

Mr. Groos had his hand up a few minutes ago.

Mr. Groos: No.

The Chairman: Mr. Bigg.

[*Interprétation*]

Je compte rencontrer les représentants de toutes les associations cet après-midi et demain matin; j'espère alors pouvoir établir les dates respectives de leur comparution; demain après-midi, donc, je serai à peu près fixé à ce sujet. Toutes ces associations voudraient se présenter soit à la fin de ce mois-ci, soit au début du mois prochain. Je proposerais donc qu'à partir de mercredi après-midi, nous permettions aux fonctionnaires du Ministère de terminer leurs dépositions, étant donné que rien n'est prévu pour mercredi après-midi, jeudi et vendredi, et qu'il est peu probable que des associations d'anciens combattants consentent à venir témoigner ces jours-là.

M. Guay (Saint-Boniface): Nous pourrions peut-être entendre les dépositions des fonctionnaires ministériels mercredi après-midi, puis ajourner jusqu'à la semaine prochaine, monsieur le président?

Le président: C'est selon les progrès que nous accomplirons. Le Comité voudra peut-être, monsieur Guay, envisager la possibilité d'ajourner pour quelques jours la semaine prochaine.

M. Guay (Saint-Boniface): Permettez-moi de vous interrompre, monsieur le président. Si je le demande, c'est que j'aimerais que notre programme soit bien établi, c'est-à-dire à quels moments nous siégons et nous ajournons, de manière à ce que je puisse organiser mon emploi du temps en conséquence.

Le président: C'est ce que nous tentons de faire.

M. Guay (Saint-Boniface): Il n'y a rien de décidé en ce moment.

Le président: Monsieur Guay, nous essayons de régler cette question. Nous avons justement à l'esprit le genre de problèmes que vous avez; c'est notre lot commun, d'ailleurs. Or, M. Reynolds s'est tenu chaque jour en contact avec le plus de ces associations possible afin d'obtenir d'eux des engagements fermes et de résoudre la question.

M. Guay (Saint-Boniface): Très bien.

Le président: Nous voulons donner à tous ceux qui en ont manifesté le désir, l'occasion de comparaître devant le Comité, mais une difficulté se pose: il n'est pas facile d'obtenir un engagement ferme de leur part.

M. Groos a levé la main, il y a quelques instants.

M. Groos: Non.

Le président: Monsieur Bigg.

[*Text*]

Mr. Bigg: I want to hear every veterans' group, but I do not see any particular virtue in prolonging our own sittings just to be here. If we have an indication that the veretans' groups are going to be delayed roughly a

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week, I do not see why we cannot tidy up our work, go home and then come back...

The Chairman: Right.

Mr. Bigg: ...because I certainly have lots of things to do at home. We can see departmental officials, as far as I am concerned, at any time and, in fact, even after we come back. The setting up of the details of what we are going to do about what the veterans want can be fitted in much better than the hearing of the veterans.

The Chairman: Mr. Bigg, I could not agree with you more. I think we should hear those who want to come right away, get that behind us and then consider adjourning for a period until we can get firm dates from all of the rest of them. So, with your approval, this is what we will try to do.

Mr. Guy (St. Boniface): With one exception on that particular point and, I am sure, most members will agree. I would not want to be sitting, Mr. Chairman, during the recess maybe one day a week and then drag this over. I would suggest if we were to adjourn that the other meetings be scheduled closer to the opening of the House on October 22.

The Chairman: As I said, Mr. Guay, if we adjourn, our objective would be to come back to clean up the business, not to have short intervals.

Mr. Ward, you may continue.

Mr. Ward: Mr. Chairman, I believe we are on Recommendation 61. This recommendation relates to the regular force services and, as members of this Committee well know, the authority and grounds for payment of pension to the regular forces is found in Section 13(2) of the Pension Act. Briefly, the grounds for pension for regular forces are that the member must establish that his injury or disease arose out of or was directly connected with his regular force service. That is also the case in death claims. The key to regular force service claims is that there must be a causal relationship to service as opposed to the

[*Interpretation*]

M. Bigg: Je suis bien prêt à entendre toutes les associations d'anciens combattants, mais je ne vois pas l'utilité de prolonger nos séances uniquement afin d'être ici. S'il semble que ces associations ne pourront se présenter avant une semaine, je ne vois pas pourquoi nous ne pourrions pas mettre de l'ordre dans nos affaires, retourner chez nous et revenir ensuite...

Le président: D'accord.

M. Bigg: ...car j'ai certes beaucoup de choses à faire chez moi. J'estime qu'il est possible de faire venir les fonctionnaires ministériels à n'importe quel moment, à notre retour même. Il est plus facile d'établir le détail des mesures que nous voulons prendre à l'égard des revendications des anciens combattants, que de fixer la date de comparution de leurs associations.

Le président: Monsieur Bigg, je ne saurais être plus d'accord avec vous. Je pense que nous devrions entendre les associations qui veulent comparaître dès maintenant, en terminer avec eux, puis ajourner indéfiniment jusqu'à ce que nous puissions obtenir un engagement ferme de la part des autres organismes. Avec votre permission, voilà ce que nous allons tenter de faire.

M. Guay (Saint-Boniface): A une exception près, à laquelle la plupart des membres souscriront, j'en suis sûr. Je n'aimerais pas, monsieur le président, siéger peut-être une journée par semaine pendant l'intersession et procéder à pas de tortue. Si le Comité s'ajourne, il devrait, je crois, prévoir que les séances ne reprennent qu'un peu avant l'ouverture de la Chambre, le 22 octobre.

Le président: Je le répète, monsieur Guay, si nous ajournons, nous tenterons de ne revenir que pour liquider la question, non pas pour siéger à de brefs intervalles. Monsieur Ward, vous pouvez poursuivre.

M. Ward: Monsieur le président, sauf erreur, nous en sommes à la recommandation n° 61. Elle a trait au service des forces régulières et, comme les membres du Comité le savent, l'autorité et les motifs de versement des pensions destinées aux forces régulières se trouvent à l'article 13(2) de la Loi sur les pensions. En résumé, les pensions des forces régulières sont versées lorsqu'un membre établit que sa blessure ou maladie est consécutive ou se rattache directement à son service dans les forces régulières; c'est également le cas pour les réclamations pour cause de décès. Pour les réclamations découlant du service

[*Texte*]

insurance principle that applies to World War II with which all members are undoubtedly familiar.

The Woods Committee recommended certain basic changes in the grounds for payment of pension to regular forces. They also recommended the introduction of a number of presumptions relating to specific factors with which I will deal in a minute. They also recommended that the rate of pension be the same for regular force as it is for pension based on World War II and World War I claims. Of course, that is the current situation, the amount of pension is identical for all pensioners with service-incurred disabilities.

Recommendation 61(b): This is the recommendation of the Woods Committee that calls for a major change in the grounds for payment of pensions. The recommendation was that pension coverage for regular force members on the basis of death, injury, disease or aggravation be related to service in the forces, rather than the current basis of "arose out of or was directly connected with military service". That portion of the recommendation has not been adopted.

The Chairman: That was Recommendation 61(d)?

Mr. Ward: 61(b), "b" as in baker.

The Chairman: Oh, I am sorry.

Mr. Saltsman: May I ask a short question on that? Could we have some indication of the reasons for it not being adopted because this strikes me as a very significant recommendation based on my own observation of some veterans' cases and the acceptance of that particular recommendation of the Woods Report would have been of real interest and

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need to some veterans. I know of one case in particular of a lung condition that, it is being argued, was related to the service or was aggravated by the service. It cannot be demonstrated that it "arose as a result of the service" and it might be of benefit to the veteran if the Woods Commission recommendation were accepted rather than if the present position were continued. Would you tell me why this Woods recommendation was not accepted.

Mr. Ward: Mr. Chairman, it is a significant recommendation, as you said. Undoubtedly in

[*Interprétation*]

dans les forces régulières, l'essentiel, c'est qu'il existe un rapport causal avec le service, par opposition au principe de l'assurance qui s'applique à la Seconde Guerre mondiale, principe dont tous les membres sont sans doute au courant.

Le comité Woods préconise certaines modifications de base au versement des pensions des forces régulières, outre qu'il propose de faire entrer un certain nombre de suppositions relatives à des facteurs déterminés et dont je parlerai dans un instant. Il voudrait aussi que le taux des pensions soit le même pour les forces régulières que celui des pensions fondées sur les réclamations découlant des Première et Seconde Guerres mondiales. Voilà où les choses en sont, bien entendu, pour le moment: les pensions sont identiques pour tous ceux qui ont subi des blessures au cours de leur service.

Recommandation 61 b): le comité Woods, en l'occurrence préconise des modifications importantes aux motifs de versement des pensions. Les pensions versées aux membres des forces régulières pour cause de décès, de blessure, de maladie ou d'aggravation de celle-ci se rattacheraient au service dans les forces armées, au lieu d'être «consécutive ou directement rattachée au service militaire». Cette partie de la recommandation a été rejetée.

Le président: S'agit-il de la recommandation 61 d)?

M. Ward: Non, 61 b), la deuxième lettre de l'alphabet.

Le président: Pardon.

M. Saltsman: Puis-je poser une brève question à ce sujet? Pourrions-nous savoir pourquoi elle a été rejetée, car je trouve cette proposition fort importante, si j'en juge d'après des cas qui sont venus à ma connaissance; l'adoption de cette recommandation du rapport Woods aurait intéressé certains anciens combattants qui s'en seraient prévalu.

Je me souviens, en particulier, d'un cas où l'on soutenait que des troubles pulmonaires étaient rattachés au service ou aggravés par celui-ci. On ne peut faire la preuve que ces troubles sont «consécutifs au service»; il serait avantageux aux anciens combattants que cette recommandation du comité Woods soit adoptée, au lieu de conserver la pratique actuelle. Me diriez-vous pourquoi l'on a rejeté cette proposition?

M. Ward: Monsieur le président, il s'agit d'une recommandation importante, comme

[*Text*]

the consideration of this proposal it was taken into consideration that the words "related to service" are somewhat vague and perhaps they do not clearly reflect the basic principle that payment of pension for regular force persons has always been on the basis of service causation. In other words, using the words "related to service", they could create the impression that almost any incident taking place during service related to service. Perhaps in many people words "related to service" could create the impression, and indeed could be interpreted by many to mean that the insurance principle traditionally confined to wartime service or theatre of operations and special duty areas is now applicable to regular force cases.

I say these factors were undoubtedly considered, but as to the reason for the rejection I am unable to say.

Mr. Saltsman: Mr. Chairman, I know that the intention of the Committee is to proceed as rapidly as possible and we could get bogged down with quite a lengthy discussion of this. I will leave it for the moment, but I do intend to pursue this later on because of its very great importance, in my view.

The Chairman: Thank you, Mr. Saltsman. Mr. Groos.

Mr. Groos: Mr. Chairman, I think it would be better if I waited until we got to (c) because it is related more specifically to that than to (b).

The Chairman: Mr. Ward.

Mr. Ward: Recommendation 61(b)(i) recommends creation of a presumption relating to physical training. That is to say, these presumptions would arise whenever you were engaged in any recreational, physical training or sport activity organized and authorized by service authorities and there would be a presumption that your injury occurring at that time would be deemed related to services, the Woods Committee recommends, or arose out of activity directly connected with service, as it is proposed now. That recommendation is accepted in principle. There is a slight modification that merely excludes the word "recreational". Otherwise the presumption as suggested by the Woods Committee recommendation is accepted.

Mr. Bigg: I gather from that that the organized sport would not be considered recreation in that very narrow sense. Is that right? If

[*Interpretation*]

vous le dites. Nul doute qu'en analysant cette proposition, on a tenu compte du fait que l'expression «rattachée au service» est plutôt vague et ne reflète peut-être pas nettement le principe fondamental que le versement des pensions des forces régulières s'est toujours fondé sur le service lui-même. Autrement dit, l'expression «rattachée au service» peut donner à entendre qu'à peu près tout incident est attribuable au service s'il s'est déroulé au cours de celui-ci. Il se peut qu'aux yeux de bien des gens, cette expression leur laisse l'impression (et les porte à l'interpréter ainsi) que le principe de l'assurance qui est depuis toujours restreint au service en temps de guerre, aux théâtres des opérations et aux zones de service particulier, soit désormais applicables aux réclamations des forces régulières.

On a certainement pris ces facteurs en considération, mais j'ignore au juste pourquoi la recommandation a été rejetée.

M. Saltsman: Monsieur le président, je sais que le Comité entend agir le plus rapidement possible et que nous pourrions perdre beaucoup de temps en longues discussions à ce propos. Je vais laisser la question de côté pour le moment, mais je me propose d'y revenir plus tard, car j'y attache beaucoup d'importance.

Le président: Merci, monsieur Saltsman. Monsieur Groos.

M. Groos: Monsieur le président, il vaudrait mieux attendre que nous en soyons à *c*), je pense, car ma question se rapporte davantage à *c*) qu'à *b*).

Le président: Monsieur Ward.

M. Ward: La recommandation 61 *b*) préconise une supposition relative à l'éducation physique. C'est dire que cette supposition découlerait de toute activité dans le domaine des loisirs, de l'éducation physique ou des sports qui est autorisée et organisée par les autorités militaires; toute blessure survenue au cours d'une telle activité serait réputée attribuable au service, selon que le comité Woods le recommande, ou consécutive à l'activité rattachée directement au service, comme il est proposé maintenant. Cette recommandation a été adoptée en principe; elle porte une légère modification, le mot «loisirs» ayant été retranché. A part cela, la supposition préconisée par le comité Woods est acceptée.

M. Bigg: Si je comprends bien, les sports organisés n'entrent pas dans la définition des loisirs, au sens strict du terme, n'est-ce pas?

[*Texte*]

they were ordered out to play football as a PT exercise, that would be considered—

Mr. Ward: If they were engaged in organized football games, I should think under the terms of this recommendation which has been accepted in principle, the presumption would arise in their favour.

Mr. Bigg: If they were skiing in the Alps on their own time this might not be.

Mr. Ward: Perhaps skiing under those circumstances, or perhaps playing ping pong or bridge, or other recreational activities would not be covered under the modification that has been made.

Mr. Marshall: Mr. Ward, this applies to militia. You are leaving out the word "militia". You are just using regular forces.

Mr. Ward: That would include militia. We consider the reserve and the regular forces on the same terms.

Mr. Bigg: I would like to say that a distinction should be made as to whether or not they are under military orders and whether or not that includes recreational or sport in the narrow sense, just as a caveat on future discussions. I could be put in the guardroom for not playing football when I was told to, but I probably could not be forced to play ping pong.

Mr. Ward: If I might say so, Mr. Chairman, we are dealing with a presumption which would arise. That does not preclude the man from establishing his claim with or without the presumption. If he was engaged in a recreational activity, while he may not have the advantage of the presumption, nevertheless he could very well establish his claim notwithstanding that he does not have the benefit of that presumption.

Recommendation 61 (b) (ii) recommends a presumption relating to transportation. This portion of the recommendation is accepted in principle. There is a slight modification, however, and that is deleting the word "authorized" and substituting the word "required."

Recommendation 61 (b) (iii) recommends a presumption relating to transportation from isolated areas and is accepted unchanged.

Recommendation 61 (b) (iv) recommends a presumption relating to special health hazards. This recommendation is accepted in principle but is slightly modified by replacing

[*Interprétation*]

Si l'on m'ordonnait de jouer au football dans le cadre de l'éducation physique, ce serait considéré comme...

M. Ward: S'il s'agissait d'un match de football organisé, je dirais qu'aux termes de cette recommandation adoptée en principe, la supposition jouerait à l'avantage du requérant.

M. Bigg: S'il skiait dans les Alpes au cours de ses moments de loisir, peut-être ne pourrait-il pas s'en prévaloir.

M. Ward: En l'occurrence, le ski, le ping-pong, le bridge ou d'autres divertissements ne tomberaient peut-être pas sous le coup de la modification.

M. Marshall: Monsieur Ward, cela s'applique à la milice. Vous laissez tomber le terme «milice» et ne parlez que des forces régulières.

M. Ward: La milice y est comprise. Nous mettons la réserve et les forces régulières sur le même pied.

M. Bigg: Je trouve qu'une distinction s'impose, selon qu'il s'agisse d'un ordre militaire ou non, selon que la chose comprend les loisirs ou les sports dans le sens strict de ces termes, à titre de mise en garde dans les délibérations futures. On pourrait me mettre au cachot pour avoir refusé de jouer au football, mais on ne pourrait probablement pas m'obliger à jouer au ping-pong.

M. Ward: Permettez-moi de préciser, monsieur le président, qu'il s'agit d'une supposition hypothétique. Rien n'empêche le requérant de présenter une réclamation qui fait ou ne fait pas appel à cette supposition. S'il s'adonnait à un divertissement quelconque, qu'il puisse ou non se prévaloir de la supposition, il pourrait néanmoins faire valoir sa réclamation, nonobstant le fait qu'il ne peut se prévaloir de cette supposition.

Le deuxieme alinéa de la recommandation 61 *b*) préconise une supposition ayant trait aux déplacements. Cette partie de la recommandation est acceptée en principe, sauf une légère modification, soit de retrancher le mot «autorisé» et d'y substituer le mot «requis».

La recommandation 61 b) (iii) préconise une supposition relative aux déplacements à partir de régions isolées; elle a été adoptée telle quelle.

La recommandation 61 b) (iv) porte sur une supposition relative aux dangers particuliers pour la santé. Elle a été acceptée en principe, compte tenu d'une légère modification de la

[*Text*]

the word "incident" with the word "incidence" for self-evident reasons.

Recommendation 61 (b) (v) recommends a presumption relating to service operations, training and administration, and is accepted unchanged.

Recommendation 61 (b) (vi) recommends a presumption relating to environmental hazards and is accepted unchanged.

Recommendation 61 (c) recommends a presumption relating to travel duty status. This portion of the recommendation is accepted in principle but is modified to the extent of deleting the words "related to service" and substituting the words "to arise out of and be directly connected with such military service."

Mr. Groos: Mr. Chairman, on this point the expression "travel duty status" is not exactly familiar to me. I think I know what it means, but I wonder if any consultations have taken place between your Department and the Department of National Defence in respect of this. There does arise something which I think is quite important. When a person is moved from—let us say for the sake of argument—Ottawa to Halifax, he may be en route and have leave at the same time. He is allowed to proceed by any means he wishes: his own vehicle, air or whatever it is. Between the time he leaves Ottawa and the time he arrives in Halifax, is he covered by this expression "travel duty status"? It may be, it seems to me, that you will require some consultation with the Department of National Defence for them to appoint him on "travel duty status" for a certain period so that it will not last an entire month and a half, let us say, or whatever it is. He is put on special "travel duty status" for the length of time it takes him to drive from A to B. I wonder if I have made myself clear.

Mr. Ward: Perfectly clear, Mr. Chairman. The example you have given has arisen from time to time and has created difficulty. That is to say, some of the cases in which a man is on travel duty status and on leave at the same time have been granted and some cases have been turned down. Undoubtedly this and other factors led to this welcome recommendation to cover people under travel duty status.

With regard to consultation, of course the Department of National Defence did make representations to the Woods Committee. The Department of National Defence and members of the Canadian Pension Commission and Veterans Affairs are, as you know, members of a standing committee. And while I cannot define for you at this point what travel duty status means, it will certainly be

[*Interpretation*]

version anglaise («incidence» se substitue à «incident»).

Quant à la recommandation 61 b) (v), elle a trait à une supposition relative aux opérations, à l'entraînement et à l'administration; elle reste inchangée.

La recommandation 61 b) (vi) se rapporte à une supposition intéressant les dangers de milieu; elle a été adoptée telle quelle.

La recommandation 61 c) préconise une supposition relative aux voyages commandés. Cette partie de la recommandation a été acceptée en principe, sauf que l'expression «se rattachant au service» a été remplacée par l'expression «consécutive et rattachée directement à ce service militaire».

M. Groos: A ce propos, monsieur le président, l'expression «voyage commandé» ne m'est pas trop familière. Je crois en connaître le sens, mais je me demande s'il il y a eu des consultations à cet égard entre votre Ministère et celui de la Défense nationale. Il en ressort un détail que j'estime important. Lorsqu'une personne est mutée, mettons, d'Ottawa à Halifax, il se peut qu'elle soit en route et en congé à la fois. On peut lui laisser le choix du mode de transport: son propre véhicule, par avion, et ainsi de suite. A compter de son départ d'Ottawa jusqu'à son arrivée à Halifax, est-elle couverte par l'expression «voyage commandé»? Il se peut, à mon sens, que des consultations s'imposent avec le ministère de la Défense nationale pour que celui-ci désigne cette personne «en voyage commandé» pour une période donnée, afin que la durée ne soit pas d'un mois et demi, mettons. La personne serait «en voyage commandé» tout le temps qu'il lui faudrait pour se rendre d'un endroit à l'autre. Je me demande si je me suis exprimé clairement.

M. Ward: Tout à fait, monsieur le président. Le cas que vous avez cité s'est présenté de temps à autre et a posé certaines difficultés. Plus précisement, lorsque les requérants étaient à la fois en voyage commandé et en congé, certains ont vu leur demande agréée, d'autres, rejetée. C'est sans doute un tel état de choses, outre d'autres facteurs, qui ont donné lieu à cette recommandation visant les personnes en voyage commandé.

Quant aux consultations, le ministère de la Défense nationale a certes formulé des instances auprès du comité Woods. Ce ministère, de même que la Commission canadienne des pensions et des affaires des anciens combattants, comptent des représentants, comme vous le savez, à un comité permanent. Même si je ne puis vous donner en ce moment le sens exact de l'expression «voyage com-

[*Texte*]

worked out and undoubtedly the National Defence people will be most helpful in that area.

Recommendation 61(d) recommends a presumption relating to acts not military in nature. This, of course, is accepted in principle but is modified by deleting the words "related to" and substituting the words "arising out of and being directly connected with such military service".

Recommendation 61(e) recommends that Section 14 of the Pension Act, which creates a prohibition for payment of pension on grounds of improper conduct, should not apply to members of the armed forces and that a separate misconduct principle should be incorporated into the Pension Act covering only members of the regular forces.

This portion of the recommendation is not accepted. However, I should point out at this stage that there are recommendations dealing with the subject of improper conduct, and regular force cases will be treated equally with all others under the proposals relating to the general subject of improper conduct.

Recommendation 61(f) recommends that the Veterans Bureau establish facilities within Canadian Forces Headquarters to handle regular force claims. This portion of the recommendation is not accepted.

Recommendation 61(g) recommends that in all other respects the provisions which shall apply in regard to pensions for members of the forces in time of war shall apply to the militia or members of the regular forces. Of course, under the current Pension Act there is nothing to prohibit the provisions of the Pension Act with regard to procedure, compassionate pension and other provisions from applying to the regular force, and it has always been the case. And, of course, this recommendation is not accepted.

Mr. Bigg: It was accepted?

Mr. Ward: Not accepted.

Mr. MacRae: Mr. Chairman, would Mr. Ward just clarify one point for me. What is the final status of a member of the Canadian Forces who is proceeding on annual leave and suffers an injury or death? That has been one of the most contentious of all issues in regard to regular force pensions.

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Mr. Ward: As I understand it, Mr. Chairman, the position will be that if he is pro-

[*Interprétation*]

mandé», on le définira sûrement; nul doute que le personnel de la Défense nationale se révélera des plus utiles à cet égard.

La recommandation 61 *d*) préconise une supposition relative aux actes à caractère non militaire. Elle a été adoptée en principe, bien entendu, après avoir été modifiée par la substitution des termes «être consécutif ou rattaché directement au service militaire» aux termes «se rattacher au service».

Quant à la recommandation 61 *e*), elle porte que l'article 14 de la Loi sur les pensions, selon lequel le versement d'une pension est interdit dans les cas de mauvaise conduite, ne devrait pas s'appliquer aux membres des forces armées, et qu'on devrait inclure dans une section distincte de cette loi un principe régissant la mauvaise conduite qui n'intéresserait que les membres des forces régulières.

Cette partie de la recommandation a été rejetée. Néanmoins, je dois souligner dès maintenant qu'il y a des recommandations portant sur l'inconduite, et que les membres des forces régulières seront traités au même titre que les autres à l'égard des propositions d'ordre général relativement à l'inconduite.

La recommandation 61 *f*) stipule que le Bureau des vétérans établisse les installations nécessaires au quartier général des forces armées du Canada, afin de pouvoir s'occuper des réclamations présentées par les membres des forces régulières. Cette partie de la recommandation a été rejetée.

Aux termes de la recommandation 61 *g*), sous tous les autres aspects, les dispositions qui doivent s'appliquer à l'égard des pensions des membres des forces armées en temps de guerre devraient s'appliquer à la pension des membres de la milice ou des forces régulières. Sous l'empire de la présente Loi sur les pensions, il est entièrement possible, certes, d'en invalider les dispositions concernant la procédure, la pension de commisération et d'autres questions, dans le cas des forces régulières; il en fut toujours ainsi. Cette recommandation a été rejetée, bien entendu.

M. Bigg: Elle a été adoptée?

M. Ward: Rejetée.

M. MacRae: Monsieur le président, j'aimerais que M. Ward élucide un point pour ma gouverne. Quel serait le statut définitif d'un membre des forces armées canadiennes qui serait blessé ou tué au cours de ses vacances? Voilà l'une des questions les plus litigieuses en ce qui concerne les pensions des forces régulières.

M. Ward: Sauf erreur, monsieur le président, si le membre en cause part d'une région

[*Text*]

ceeding on leave from an isolated area, he would be covered. If he is proceeding on leave from Toronto to go to his home in Montreal, I do not believe that he would be covered. But if he is at Aklavik or some remote Arctic post or other remote area then, as I understand it, he will have the benefit of the presumption.

Mr. MacRae: Thank you, that is all I wanted to know.

Mr. Bigg: Again, this is just as far as presumption is concerned. He is not barred from pension necessarily. It is just that he does not have a presumption working in his favour.

Mr. Ward: The others, of course, are not barred from claiming pensions and some of them may very well succeed without the benefit of the presumption. And, of course, even with the benefit of presumption, you might not succeed, but that would be rather rare.

Mr. Saltsman: Mr. Chairman, something is beginning to concern me as we go through these recommendations, the ones that are accepted and the ones that are not. It is simply this, that to be in the armed forces is to be in a very special position, somewhat different than an ordinary workman, simply because you cannot choose where you are going to be stationed, and you cannot choose where you are going to be when you have to go home on leave. This is cropping up in the questioning. Yet the attitude that seems to be taken—and I hope that someone will take exception with me if my interpretation is not correct—is that these people are ordinary workmen and should be treated as ordinary workmen.

I am perhaps over-simplifying it, but this is the impression I am getting, that you say that if they are going on leave they are going to be treated the same as any civilian who is going from his job back to his home. Now this presumption seems to be creeping in. What makes it difficult is that normally, if they were ordinary workmen, they would have recourse to a union, to arbitration of some kind. Here the veterans of our armed forces are being put, I think, in a rather impossible position. They are not being treated as special...

The Chairman: Mr. Saltsman, the only concern I have in my mind is procedural at this point. You are raising much broader questions than just the specific issue before us and, no doubt, properly so. I am not taking exception to that, but I am trying to keep in mind that we have a veterans' organization

[*Interpretation*]

isolée, il est couvert, mais s'il part de Toronto pour se rendre chez lui à Montréal, mettons, il ne l'est pas. Donc, s'il se trouve à Aklavik, à quelque autre poste dans l'Arctique ou dans une région isolée, il peut, sauf erreur, se prévaloir de cette supposition.

M. MacRae: Merci, c'est tout ce que je voulais savoir.

M. Bigg: Encore une fois, c'est au seul point de vue de la supposition. Il ne lui est pas nécessairement impossible de recevoir une pension. C'est tout simplement que la supposition en cause ne joue pas à son avantage.

M. Ward: Il n'est pas interdit aux autres, bien entendu, de réclamer une pension, et d'aucuns réussissent à l'obtenir, même s'ils n'ont pu se prévaloir de cette supposition. Par ailleurs, il est possible d'invoquer cette supposition et de voir sa demande rejetée, quoique la chose soit plutôt rare.

M. Saltsman: Monsieur le président, une chose me préoccupe de plus en plus, à mesure que nous examinons ces recommandations, les unes adoptées, les autres rejetées. C'est simplement ceci: être dans les forces armées, c'est être dans une situation bien particulière, un peu différente de celle d'un travailleur ordinaire, car on ne choisit pas l'endroit où l'on est affecté, ni l'endroit où l'on se trouve lorsqu'on part en vacances. Voilà qui ressort des questions posées auparavant. Pourtant, l'attitude que l'on semble prendre—et j'espère que l'on me reprendra si mon interprétation est inexacte—c'est que l'on a affaire à des travailleurs ordinaires, qu'il faut donc traiter en tant que tels.

Je simplifie peut-être trop les choses, mais c'est l'impression que j'ai; vous dites que si un membre part en vacances, il est traité sur le même pied qu'un civil qui revient chez lui après sa journée de travail. Or, cette supposition me semble percer lentement, mais voilà le hic. Normalement, un travailleur ordinaire peut avoir recours à son syndicat, à l'arbitrage, etc., tandis qu'en l'occurrence, on met les membres de nos forces armées dans une situation impossible, je pense. On ne les traite pas comme des cas particuliers...

Le président: Monsieur Saltsman, ma seule préoccupation, en ce moment, se rapporte à la procédure. Vous soulevez, à juste titre, sans doute, une question qui déborde le cadre de la discussion. Je ne m'y oppose pas, mais je dois me rappeler qu'une association d'anciens combattants est censée venir comparaître cet

[*Texte*]

appearing before us this afternoon. We had hoped that we could conclude Mr. Ward's review of the recommendations this morning, which is obviously not going to be possible. But I think that the extent to which we open up broader questions like this will make it more difficult to observe the kind of agenda we have tried to set in the beginning. There will be ample opportunity...

Mr. Saltsman: I appreciate the position Mr. Chairman. My only reason for bringing it up was in the hope that something might be said about this position that...

The Chairman: I do not think Mr. Ward is in a position to...

Mr. Saltsman: If you prefer that we raise this question another time, Mr. Chairman, I am willing to go along with your desire to expedite matters.

The Chairman: I do not think Mr. Ward is in a position to make further comment on the matters you raised at this point.

Mr. Ward: Recommendation 62. The Woods Committee recommended a standing advisory committee comprised of the Canadian Armed Forces, Canadian Pension Commission and the Veterans' Bureau. This recommendation is accepted in principle, and indeed such a standing committee has been formed and I understand has conducted a meeting already. There are slight modifications necessary, however, in view of the change of the role of adjudication. The membership of the standing advisory committee would correspondingly change to include the Department of Veterans Affairs.

• 1020

Recommendation 63. As members of this Committee well know, the terms of reference of the Woods Committee did not include the study of pension rates, and although the Committee listened to representations on this subject and summarized them in its report, this whole question of pension rates again, as you know, is under review. I am unable to add very much more than that to what has been added by the Deputy Minister and the Minister.

Recommendations 64 and 65. The Woods Committee recommended supplementary pension for multiple disability pensioners, up to 350 per cent in some cases. Under the current system, there is no supplementary pension or pension for exceptional incapacity. The maximum pension award, aside from additional pension for helplessness and attendance

[*Interprétation*]

après-midi. Nous comptions en terminer ce matin avec les recommandations que M. Ward nous expose une à une, mais c'est devenu manifestement impossible. Il me semble qu'en permettant des questions d'une portée aussi vaste, nous aurons beaucoup de mal à nous en tenir au programme que nous nous étions fixés au départ. Il y aura de nombreuses autres occasions...

M. Saltsman: Je comprends la situation, monsieur le président. La seule raison pour laquelle j'en ai fait mention, c'est que j'espérais ainsi provoquer certaines observations à ce propos...

Le président: Je crois que M. Ward n'est pas en mesure de...

M. Saltsman: Si vous préférez que nous soulèvions cette question un autre tantôt, monsieur le président, je me plierai à vos désirs d'accélérer nos travaux.

Le président: M. Ward n'est pas en mesure, je pense, de faire d'autres commentaires au sujet des questions que vous venez d'aborder.

M. Ward: Sans sa recommandation 62, le comité Woods propose qu'il soit établi un comité consultatif permanent formé de représentants des forces armées canadiennes, de la Commission canadienne des pensions et du Bureau des vétérans. Cette recommandation a été adoptée en principe; de fait, ce comité permanent est déjà constitué et, sauf erreur, s'est réuni une fois déjà. De légères modifications s'imposent, toutefois, par suite de la modification du rôle de l'arbitrage. L'effectif du comité consultatif permanent se modifiera en conséquence pour que le ministère des Affaires des anciens combattants puisse en faire partie.

En ce qui a trait à la recommandation 63, comme les membres du Comité le savent, le mandat du comité Woods ne comportait pas l'étude du taux des pensions; quoique des instances aient été entendues à cet égard et figurent en résumé dans le rapport du comité, c'est une question qui, vous le savez, demeure à l'étude. Je ne peux vraiment ajouter rien d'autre à ce qu'ont dit le sous-ministre et le Ministre à ce propos.

Aux recommandations 64 et 65, le comité Woods préconise une pension supplémentaire, allant parfois jusqu'à 350 p. 100, dans certains cas d'infirmités multiples. Sous le régime actuel, il n'est prévu aucune pension supplémentaire ni de pension à l'égard de l'infirmité exceptionnelle. La pension maximale, outre les versements supplémentaires pour la fai-

[*Text*]

allowance and for wives and children, on behalf of them, is 100 per cent. If a person is 100 per cent disabled, 100 per cent pension can be paid if he holds entitlement for the condition causing that disablement, and that is the ceiling. I cannot add very much to what appears in the White Paper and what the Minister has said concerning this portion of the Woods Committee recommendation. However, as you know, it is proposed to recognize exceptional burden of disablement, and lump sum grants and war allowances of not less than $400 and up to $1,200 per annum will be forthcoming.

Recommendation 66. The Woods Committee recommended that Section 25 of the Pension Act remain in its present form. This, as you know, is the Section of the Pension Act that provides for compassionate pension award, and the recommendation is accepted unchanged.

Recommendation 67. The Woods Committee recommended that the Canadian Pension Commission make a fuller and broader use of Section 25. Under Section 25 as it currently stands, the Commission may grant compassionate pension in any case it considers specially meritorious and the applicant is otherwise unqualified to receive a pension award. I should say that the recommendation is accepted in principle.

The portion of the recommendation relating to a fuller use of Section 25 is accepted without any modification. The remaining portion of the recommendation relating to a broader use of Section 25 is not really accepted because it is felt that the use of Section 25 is broad at the present time and perhaps could be considered broader than the original intent and purpose when Section 25 was brought into being.

Recommendation 68. The Woods Committee recommended that an ordinary standard of service be required in Section 25 cases. The section calls for a meritorious case; it does not mention standard of service or that there must be meritorious service as such or per sé. In the past there has been great weight placed on meritorious service and some have felt that you must have meritorious service in order to qualify for a Section 25 award. That has not been the case, although the majority of cases had meritorious service. This recommendation is accepted unchanged; that is to say, the ordinary standard of service is accepted.

[*Interpretation*]

blesse et les prestations connexes, ainsi que les versements au bénéfice de l'épouse et des enfants du pensionné, s'établit à 100 p. 100. Dans le cas d'infirmité à 100 p. 100, une pension à 100 p. 100 est versée au requérant qui établit son droit de la percevoir, mais c'est là le maximum admissible. J'aurais peu de choses à ajouter à ce qui figure dans le Livre blanc et aux propos du Ministre quant à cette recommandation du comité Woods. Néanmoins, comme vous le savez, on projette de tenir compte du fardeau exceptionnel qu'impose l'infirmité; on autorisera sous peu des subventions globales et des prestations de guerre d'au moins $400 et pouvant atteindre $1,200 l'an.

Dans sa recommandation 66, le comité Woods préconise que l'article 25 de la Loi sur les pensions demeure inchangé. Il s'agit, comme vous le savez, de l'article ayant trait aux pensions de commisération; la recommandation a été acceptée telle quelle.

Recommandation 67. Selon le comité Woods, la Commission canadienne des pensions devrait faire un emploi plus libéral et plus large de l'article 25 susmentionné. Aux termes actuels de cet article, la Commission peut octroyer une pension de commisération dans les cas qu'elle juge particulièrement méritoires et lorsque le requérant est inadmissible autrement à une pension. Je dois dire que cette recommandation a été adoptée en principe.

Quant à la partie de la recommandation portant sur l'emploi plus libéral de l'article 25, elle a été acceptée sans modification; pour ce qui est de l'emploi plus large de cet article, la chose n'est pas vraiment acceptable, car il appert qu'on interprète présentement l'article en question dans un sens assez large, qui excède peut-être déjà l'esprit et la lettre de l'article 25.

Dans sa recommandation 68, le comité Woods est d'avis que des normes ordinaires de service devraient s'appliquer aux cas visés par l'article 25. Il y est question de cas méritoires; nulle part n'y est-il fait mention de normes de service ou de service méritoire exigible en tant que tel. Dans le passé, on a beaucoup insisté sur cette question du service méritoire; d'aucuns ont même cru que le service méritoire était une condition préalable pour être admissible à une pension au titre de l'article 25. Il n'en est pas ainsi, quoique la plupart des cas aient comporté un service méritoire. Cette recommandation a été acceptée telle quelle, c'est-à-dire que les normes ordinaires de service seront adoptées.

[*Texte*]

• 1025

Recommendation 69. The Woods Committee recommended special application procedure for compassionate pension claims under Section 25. There was, as I understand it, a three-tiered system recommended. The Commission could consider it as a whole, or they could consider it by entitlement boards, or through the present Section 7(3) hearings. Of course this recommendation is modified to the extent that under the new pension procedures proposed, all persons claiming an award under Section 25 will have for the first time a right to a hearing and full procedural benefits, right from initial application up to Appellate Division level.

Recommendation 70. The Woods Committee recommended administrative instructions be published relating to Section 25 applications. This recommendation is accepted unchanged. In the current system there are instructions, but not to the extent envisaged by this recommendation.

Recommendation 71. The Woods Committee recommended that compassionate pension claims be appealed to the Pension Appeal Board. Of course this recommendation is modified in light of the change in procedure proposed whereby Section 25 applicants may proceed from initial application right up to and including Appellate Division. I might point out that under the Woods Committee recommendation you could only get to the Pension Appeal Board or the Entitlement Hearing level if a Section 7(3) hearing had been authorized, but it would be authorized at the discretion of the Commission. Under the new procedure it will be a right of a person to have a hearing and all the procedural rights will flow with it.

Recommendation 72. The Woods Committee recommended that the purpose of compassionate pension be set out in a directive. This recommendation is accepted unchanged.

Recommendation 73. The Woods Committee recommended benefits for Section 25 pensioners under the Children of War Dead (Educational Assistance) Act, and this recommendation is accepted unchanged.

Recommendation 74. The Woods Committee recommended that compassionate pension under Section 25 be awarded in multiple disability cases exceeding 350 per cent. Under the current system pension awards under Section

[*Interprétation*]

Recommandation 69. Le comité Woods préconise une procédure spéciale pour les demandes de pension de commisération postulées au titre de l'article 25. Il en suggère, sauf erreur, trois formes différentes. Ces demandes pourraient être étudiées soit par la Commission dans son ensemble, par des bureaux d'admissibilité ou lors d'audiences tenues au titre de l'article 7(3). Cette recommandation a été modifiée, bien entendu, dans la mesure où, suivant les nouvelles modalités de pension projetées, tous ceux qui présentent une demande aux termes de l'article 25 pourront, pour la première fois, exiger une audience et se prévaloir de tous les avantages offerts par la procédure, depuis le premier stade de la demande jusqu'à celui de l'appel.

Dans sa recommandation 70, le comité Woods estime qu'il faudrait diffuser des instructions administratives par rapport aux demandes qu'autorise l'article 25. Cette recommandation a été adoptée sans modification. Il existe des instructions sous le régime actuel, mais pas dans la mesure qu'envisage cette recommandation.

Recommandation 71. Selon le comité Woods, les demandes de pension de commisération devraient pouvoir faire l'objet d'appels auprès du Bureau d'appels des pensions. Cette recommandation varie, bien entendu, en fonction du nouveau projet de procédure, lequel permettra aux requérants visés par l'article 25 de passer du stade de la présentation de la demande à celui de l'appel, inclusivement. Chose à signaler, aux termes de la recommandation formulée par le comité Woods, on ne pouvait interjeter appel auprès du Bureau d'appels des pensions ou d'un bureau d'admissibilité que si une audience était autorisée en vertu de l'article 7(3), chose qui était laissée à la discrétion de la Commission. Suivant la nouvelle procédure, le requérant pourra exiger une audience et jouir de tous les droits de procédure qui en découlent.

Dans sa recommandation 72, le comité Woods préconise que le but de la pension de commisération soit exposé dans une directive. Cette recommandation demeure inchangée.

Recommandation 73. Le comité Woods propose que les pensionnés visés par l'article 25 puissent se prévaloir des avantages efferts par la Loi sur l'aide aux enfants des morts de la guerre (Éducation). Cette recommandation a été acceptée telle quelle.

Recommandation 74. De l'avis du comité Woods, une pension de commisération devrait être consentie, au titre de l'article 25, au delà de 350 p. 100 dans les cas d'infirmités multiples. Sous le régime actuel, aucune pension

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25 cannot exceed the amount the pensioner would otherwise be entitled to if his claim had been upheld. As pointed out previously the recommendation relating to pensions exceeding 100 per cent and going up as high as 350 per cent has not been accepted, therefore, this recommendation is not accepted.

• 1030

Recommendations 75 and 76. The Woods Committee recommended separate entitlement for consequential disability. Under the current system, as I understand it, consequential disabilities are covered by the Canadian Pension Commission giving a broad and generous interpretation under the authority of Section 5 of the Act, which gives them exclusive jurisdiction to interpret Section 13 in such a manner that it would include disabilities consequential upon pension conditions. However, it is accepted in principle that the act be amended to clearly have in legislation provision for consequential disability. But the Woods Committee recommendation is modified to the extent that it is proposed to amend the act to provide that pension be paid for a disability which is in whole or in part an extension of a pensionable disability or for any additional disability anatomically unrelated to the pensionable disability but which is considered to be caused in whole or in part by the pensionable disability. This would include physical injury types of cases and also medical development types of cases.

An hon. Member: I do not quite understand that. Would that mean a man falling down the stairs because he is blind.

Mr. Ward: Mr. Chairman, as I understand it, there are generally two types of cases. The first is where you may suffer a physical injury in the manner you suggested, sir, and perhaps you have a pension condition of Ménière syndrome which may have caused dizziness and that caused you to fall off the ladder. It is anatomically unrelated but it is a causal relationship.

Mr. Bigg: An accident caused by the condition...

Mr. Ward: That type would be covered.

A part of Recommendation 76 touches upon the question of paired organs and that is dealt with in another proposal.

Recommendation No. 77. The Woods Committee recommended separate entitlement for

[*Interpretation*]

autorisée en vertu de l'article susmentionné ne peut dépasser le montant auquel le requérant aurait droit autrement si sa demande était agréée. Tel qu'il a été signalé plus haut, la recommandation antérieure au sujet des pensions au delà de 100 p. 100, jusqu'à un maximum de 350 p. 100, a été rejetée, de sorte que celle-ci l'est également.

Recommandations 75 et 76. Le comité Woods préconise une admissibilité distincte pour infirmité secondaire. Sous le régime actuel, sauf erreur, l'infirmité secondaire relève de la Commission canadienne des pensions, laquelle donne une interprétation large et libérale de l'article 5 de la Loi, selon lequel la Commission a le droit exclusif d'interpréter l'article 13 de manière à tenir compte de l'infirmité secondaire dans les conditions ouvrant droit à pension. Toutefois, nous acceptons en principe de modifier la loi afin qu'elle porte clairement une disposition à l'égard d'une infirmité secondaire. Mais la recommandation du comité Woods est modifiée en ce sens qu'on y propose de modifier la loi afin de verser une pension au titre d'une infirmité qui découle, en tout ou en partie, d'une infirmité ouvrant droit à pension, ou au titre de toute autre infirmité sans aucun rapport anatomique avec l'infirmité ouvrant droit à pension, pourvu que l'on estime qu'elle découle en tout ou en partie de l'infirmité ouvrant droit à pension. Cette disposition s'étendrait aux blessures physiques ainsi qu'aux complications médicales.

Une voix: Je ne comprends pas très bien. Est-ce que cela signifie qu'une personne qui tombe dans les escaliers parce qu'elle est aveugle...

M. Ward: Si je comprends bien, monsieur le président, il existe, en général, deux genres de causes. La première est celle où la personne subit une blessure physique de la façon dont vous l'avez expliqué par votre exemple, monsieur, alors qu'elle souffre peut-être du syndrome de Ménière ouvrant droit à pension qui a pu causer un étourdissement et entraîner sa chute. Il n'y a pas de rapports anatomiques mais un rapport causal.

M. Bigg: Un accident causé par la condition.

M. Ward: Ce genre d'accident donnerait droit à pension.

Une partie de la recommandation 76 porte sur la question des organes pairs dont on traite dans une autre proposition.

Dans la recommandation 78 de son rapport, le comité Woods recommande une admissibi-

[*Texte*]

consequential disabilities related to pensionable disabilities. This recommendation is accepted unchanged.

Recommendation 78. The Woods Committee recommended pension for new disabling conditions even if not consequential upon the pension condition if the effect of the new condition is to worsen the pension condition. Under the current system, in order to be pensioned for a new disabling condition you must either establish that it was incurred during service, attributable to service, aggravated during service, or that it is directly related to and consequential upon a pension condition. If you are unable to establish that of course, you fail to receive pension for the new condition.

If your pension condition is worsened by a new condition, you may very well under the present system receive an increase in pension for your pension condition because by and large it does not matter what causes an increase in disability of a pension condition, you are paid for the amount of disability found from time to time on medical examination.

• 1035

The Woods Committee recommendation is modified to the extent that it is proposed to provide that where any member of the forces has suffered the loss, or the permanent loss of the use, of any paired organ in the body, and that loss is held attributable to his service, the subsequent loss or impairment of the efficiency of the other corresponding organ from any cause unrelated to service shall be pensioned at 50 per cent of the rate it would have been pensioned if the loss or impairment had been attributable to service.

I should explain immediately that if the subsequent impairment or loss of the other paired organ is attributable to service then you would naturally receive full pension, of course, up to the maximum of 100 per cent.

Recommendation 79. The Woods Committee recommended pension for total blindness if loss of sight of second eye was not related to pension loss of sight of other eye.

This recommendation is accepted in principle to the extent I outlined with regard to Recommendation 78.

[*Interprétation*]

lité distincte lorsqu'il s'agit d'une infirmité secondaire qui découle d'une infirmité ouvrant droit à pension. Cette recommandation est acceptée telle quelle.

Dans la recommandation 78 du rapport du Comité Woods, on recommande d'accorder une pension au titre d'une nouvelle affection qui n'est ni imputable ni secondaire à une infirmité ouvrant droit à pension, pourvu que cette seconde infirmité ait pour effet d'aggraver l'infirmité ouvrant droit à pension. Aux termes de la loi actuelle, pour obtenir une pension au titre d'une nouvelle infirmité, le requérant doit prouver qu'il l'a contractée alors qu'il était en service, ou à la suite de ses fonctions, qu'elle a été aggravée alors qu'il était en service, ou qu'elle est imputable et secondaire à une infirmité ouvrant droit à pension. Si vous ne pouvez en faire la preuve, vous ne recevez évidemment pas de pension au titre de la nouvelle infirmité.

Si une nouvelle infirmité vient aggraver l'infirmité ouvrant droit à pension, vous pouvez très bien, en vertu de la présente procédure, toucher une pension accrue au titre de l'infirmité ouvrant droit à pension car, en dernière analyse, peu importe ce qui cause une aggravation de l'infirmité ouvrant droit à pension, la pension est établie en fonction du degré d'infirmité déterminé par un examen médical périodique.

La recommandation du Comité Woods est modifiée en ce sens qu'on propose de formuler la disposition de façon à verser au membre des forces armées qui a subi la perte, ou la perte permamente de l'usage d'un membre pair et qu'on estime que cette perte est imputable à ses fonctions, une pension de 50 p. 100 du taux de pension auquel il aurait eu droit pour la perte ou l'affaiblissement subséquent de l'efficacité du membre correspondant, quelle qu'en soit la cause, même en dehors de ses fonctions, si cette perte ou cet affaiblissement était imputable à ses fonctions.

Je m'empresse d'expliquer que si la perte ou l'affaiblissement subséquent de l'autre membre pair est imputable à ses fonctions, il touchera normalement une pension complète jusqu'au maximum de 100 p. 100.

Dans la recommandation 79 de son rapport, le Comité Woods recommande d'accorder une pension de cécité absolue si la perte de la vue du second œil ne résulte pas de l'infirmité ouvrant droit à pension.

Cette recommandation est acceptée en principe, sujette aux mêmes restrictions que j'ai exposées à l'égard de la recommandation 78.

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Recommendation 80. The Woods Committee recommended revision of necessities in the Table of Disabilities for the blind. This recommendation is accepted unchanged.

Recommendation 81. The Woods Committee recommended that the blind be rated at a constant category in the Table of Disabilities.

Under the current system the Table of Disabilities provides for a number of categories, the prime one being constant. Up to $3,000 is paid for attendance allowance for a bed-ridden case or a paraplegic with complete cord lesions. The impact of the recommendation is that the blind be rated to be included in the same category as those two groups I mentioned. At the present time, the blind are in a special category in the Table of Disabilities and in the loss of both eyes or total blindness an amount of $2,750. can be awarded for attendance allowance. I should point out that this recommendation has not been adopted.

Mr. Marshall: Is that 81, Mr. Chairman?

Mr. Ward: Recommendation 81, Mr. Chairman.

Recommendation 82. The Woods Committee recommended that attendance allowance be paid only if need of attendance is conditional upon a pensionable disability.

Under the current system Section 30 of the Pension Act, which provides authority for payment of attendance allowance, does not specify that the pension condition be the cause of the need for attendance. This recommendation is not accepted.

The Chairman: On the face of it, the recommendation is more restrictive than the present one.

Mr. Ward: It would appear that way, Mr. Chairman.

Mr. MacRae: This is the one that the council of veterans' organizations disagreed with too, is it not? You have read their submission?

Mr. Ward: Yes, very much, in disagreeing with that recommendation.

Mr. MacRae: So we have washed this one out.

Mr. Bigg: Perhaps it was made in error in the existing regulations.

[*Interpretation*]

Dans la recommandation 80 du rapport du Comité Woods, on recommande de réexaminer les «nécessités» qui figurent à la Table des invalidités établie à l'égard des aveugles. Cette recommandation est acceptée telle quelle.

Dans sa recommandation 81, le Comité Woods recommande que les aveugles soient rangés dans la catégorie des soins constants de la Table des invalidités.

A l'heure actuelle, la Table des invalidités comporte plusieurs catégories dont la plus élevée est celle des soins constants. On verse une allocation de soins jusqu'à concurrence de $3,000 pour un malade alité ou un paraplégique souffrant d'une lésion totale de la moelle épinière. Il ressort de cette recommandation que les aveugles entreront dans la même catégorie que les deux groupes mentionnés. A l'heure actuelle, les aveugles forment un catégorie spéciale de la Table des invalidités, et s'ils sont aveugles des deux yeux, c'est-à-dire les cas de cécité absolue, on peut leur verser une allocation de soins d'un montant de $2,750. Je dois vous faire remarquer que cette recommandation n'a pas été adoptée.

M. Marshall: Est-ce qu'il s'agit de la recommandation 81, monsieur le président?

M. Ward: Oui, monsieur le président.

A la recommandation 82, le Comité Woods recommande que l'allocation de soins ne soit versée que si leur besoin de soins dépend d'une invalidité donnant droit à une pension.

A l'heure actuelle, l'article 30 de la Loi sur les pensions qui autorise le paiement des allocations de soins, ne précise pas que le besoin de soins doit dépendre de l'invalidité donnant droit à une pension. Cette recommandation est rejetée.

Le président: A première vue, la recommandation est plus restrictive que la disposition actuelle.

M. Ward: Il semble que ce soit le cas, monsieur le président.

M. MacRae: Il s'agit de la recommandation avec laquelle le conseil des organisations d'anciens combattants n'était pas d'accord également, n'est-ce pas? Avez-vous lu leur mémoire?

M. Ward: Oui, c'est bien cela. Il n'était pas d'accord avec cette recommandation.

M. MacRae: Elle a donc été expurgée.

M. Bigg: Peut-être que cette disposition s'était glissée par erreur dans les présents règlements.

[*Texte*]

The Chairman: We can only presume, all right, Mr. Ward.

Mr. Ward: Recommendation 83. The Woods Committee recommended revision in the special categories for attendance allowance for amputees under the Table of Disabilities. Under the current system the table of disabilities sets forth specific amounts for amputees under special categories. The Woods Committee recommends additional specified categories relating to amputees, as you will note from the synopsis of the Woods Report recommendations.

This recommendation is not entirely accepted. It is recognized that the table of disabilities should be amended to make it clear that all levels contained therein, other than maximum or minimum amounts and general subdivisions, are to be used as guidlines only, that they are not fixed and absolute and that actual awards be made in keeping with the extent to which the individual is dependent, based upon careful examination and unbiased judgment.

What I am saying in effect is that instead of a fixed amount there will be flexibility.

Recommendation 84: The Woods Committee recommended that:

> the Syme's Amputation be considered the same as a below the knee amputation.

for Attendance Allowance purposes.

Under the current system the table of disabilities indicates that bi-lateral Symes can receive $600 for Attendance Allowance.

Mr. MacRae: I think you explained, Mr. Ward, that a Syme's amputation is half of the foot, is it not?

Mr. Ward: Well, I am not a medical man...

Mr. MacRae: I know, but...

Mr. Ward: I understand that it is near the ankle; but if you want expert advice on that I am afraid...

Mr. MacRae: But half the foot...

• 1045

Mr. Ward: If they retain the joint above the heel, I believe it is. But there is some argument by the amputees to the effect that it is actually a detriment and that the man is better off if he does not have the added appendage.

[*Interprétation*]

Le président: Nous ne pouvons que supposer ..Monsieur Ward.

M. Ward: Dans la recommandation 83 de son rapport, le Comité Woods recommande qu'on procède à une révision des catégories spéciales d'amputés relativement aux allocations de soins prévues dans la Table des invalidités. A l'heure actuelle, la Table des invalidités indique les montants précis qui seront versés aux amputés des catégories spéciales. Le Comité Woods recommande qu'on ajoute d'autres catégories pour les amputés, comme vous le remarquerez à la lecture du résumé des recommandations du Rapport Woods.

Cette recommandation n'est pas entièrement acceptable. Nous admettons qu'il faudrait modifier la Table des invalidités afin d'établir clairement que tous les niveaux qui y paraissent, autres que les montants maxima et minima et les subdivisions générales, ne sont que des points de repère qui ne sont pas fixes et immuables; il faudrait également établir clairement que les pensions seront accordées en fonction du degré de dépendance de la personne en cause après un examen soigné et une décision impartiale.

Cela revient en dire, en réalité, qu'au lieu d'avoir un montant fixe, il y aura une certaine souplesse.

Dans sa recommandation 84, le Comité Woods recommande:

> Que l'amputation de Syme soit considérée comme l'équivalent d'une amputation au-dessous du genou.

aux fins de l'allocation de soins.

A l'heure actuelle, la Table des invalidités indique qu'une amputation de Syme sur les deux membres pairs donne droit à $600 au titre d'allocation de soins.

M. MacRae: Je crois que vous avez expliqué, M. Ward, que l'amputation de Syme est l'amputation de la moitié du pied, n'est-ce pas?

M. Ward: Je ne suis pas médecin, mais...

M. MacRae: Je sais, mais...

M. Ward: Je crois comprendre que c'est près de la cheville, mais si vous voulez une expertise à ce sujet, je crains...

M. MacRae: Mais la moitié du pied...

M. Ward: S'ils laissent le joint au-dessus du talon, je crois que c'est ainsi qu'on l'appelle. Mais certains amputés prétendent que c'est un inconvénient, en réalité, et que la personne se sent plus à l'aise si on lui enlève également ce joint.

[*Text*]

Mr. MacRae: That is right, yes.

Mr. Ward: Yes; from the evidence we heard in the Committee.

Mr. MacRae: That is true.

Mr. Groos: He seems to be at a disadvantage in having the added bone structure, which is apparently worse than having the full amputation; and they think it is unfair.

Mr. Ward: I am sure they will have more recommendations and comment on that.

Mr. Bigg: We will probably go further into that when we have the amputees before us.

Mr. Ward: As I was going to say, in the bi-lateral, below-knee amputation Attendance Allowance up to $1500 may be paid, so that there is that difference of $600 to $1500, in the case of bi-lateral amputees. This recommendation is not accepted.

Recommendations 85 and 86: Under recommendation 85, the Woods Committee suggests that Attendance Allowance continue for constant class in hospital, and in 86 that Attendance Allowance continue for two months for classes below constant when in hospital.

Under the current system, we have a lack of uniformity in dealing with Attendance Allowance cases. For instance, Attendance Allowance for blind persons under Section 33 of the Pension Act is continued during the pensioner's hospitalization, from the beginning of his hospitalization to the termination of his hospitalization. In the case of Attendance Allowance for paraplegics an equivalent amount is continued under the provisions of the Veterans Treatment Regulations and up to two months' hospitalization. For all other persons in receipt of Attendance Allowance, including the amputees, Attendance Allowance is discontinued upon admission to DVA hospital under paraplegics.

The Woods proposal is accepted in principle. There have been modifications. It is felt that Attendance Allowance recipients should be treated equally, and as outlined in the White Paper it is proposed to provide that Attendance Allowance for all classifications be continued when the pensioner is in hospital under treatment or care of the Depart-

[*Interpretation*]

M. MacRae: C'est exact.

M. Ward: Oui, d'après les témoignages que nous avons entendus en Comité.

M. MacRae: C'est exact.

M. Gross: Il semble désavantagé du fait qu'on lui ait laissé une structure osseuse qui, en apparence, est pire que l'amputation et ils estiment que c'est injuste.

M. Ward: Je suis convaincu qu'ils présenteront d'autres recommandations et d'autres commentaires à ce sujet.

M. Bigg: Nous étudierons probablement cette question d'une manière plus approfondie lorsque les amputés viendront témoigner.

M. Ward: Comme j'allais le dire, une allocation de soins à la suite d'une amputation bilatérale au-dessous du genou peut s'élever à $1,500. Il y a donc une différence entre $600 et $1,500 dans le cas des amputés de membres pairs. La présente recommandation est rejetée.

Les recommandations 85 et 86: à la recommandation 85, le Comité Woods préconise qu'on maintienne l'allocation de soins pour un pensionné qui fait partie de la catégorie des soins constants lorsqu'il est hospitalisé et à la recommandation 86, que l'allocation de soins soit maintenue durant deux mois pour les pensionnés qui font partie des catégories inférieures à la catégorie des soins constants, lorsqu'ils sont hospitalisés.

Sous le régime actuel, l'examen des cas d'allocation de soins manque d'uniformité. Ainsi, l'allocation de soins des aveugles, en vertu de l'article 33 de la Loi sur les pensions est maintenue durant l'hospitalisation du pensionné, depuis son entrée jusqu'à sa sortie de l'hôpital. Pour les cas d'allocation de soins des paraplégiques, un montant d'argent est maintenu aux termes des dispositions du Règlement sur le traitement des anciens combattants et les frais d'hospitalisation pour une période de deux mois. Pour toutes les autres personnes qui reçoivent une allocation de soins, y compris les amputés, l'allocation s'arrête dès qu'ils sont admis à l'hôpital du ministère des Affaires des anciens combattants à titre de paraplégiques.

La proposition du Comité Woods est acceptée en principe. Il y a toutefois eu des modifications. Nous sommes d'avis qu'il faut traiter les bénéficiaires de l'allocation de soins sur un pied d'égalité et, comme on l'a souligné dans le Livre blanc, on propose de veiller à ce que l'allocation de soins pour toutes les catégories soit maintenue, lorsque le pen-

[*Texte*]

ment for the month in which the pensioner was admitted and for one month thereafter.

Further modification to the Woods Committee recommendation is that a discretion will be given to the administrators of the Act to continue payment of Attendance Allowance for an indefinite period, when the Attendance Allowance is the major portion of the pensioner's income, or when discontinuance would result in undue hardship to the pensioner or his dependents.

Recommendation 87: The Woods Committee recommended that Attendance Allowance not be considered part of pension.

Under the current system Attendance Allowance is an addition to pension and the definition of "pension" includes all payments under the Act. This recommendation is accepted unchanged.

Recommendation 88: The Woods Committee recommended certain revisions in existing policy relating to automatic age increases.

Under the current system when pensioners in receipt of pension at the rates of 50 per cent, 60 per cent, or 70 per cent, in respect of an amputation or disability due to or arising out of wounds or injuries as a result of direct action with the enemy, reach the age of 55 years an additional 10 per cent is added to their assessment, with further increases of 10 per cent added when they reach the ages of 57 and 59, until the assessment for such disabilities becomes 80 per cent; and this is applied only if the disability is "apparently permanent" in nature. This recommendation is not accepted.

• 1050

The Chairman: Perhaps we could take a recess for five minutes.

(Recess)

• 1105

The Chairman: Mr. Ward, would you like to continue. I understand we are starting with No. 89. We have completed 88.

Mr. Ward: Recommendation No. 89. The Woods Committee recommended that consequential disability be added in automatic age increase cases. So, as I understand it, if a pensioner in receipt of 50 per cent for GSW of the leg, for instance, is on the automatic age increase policy and he is given entitlement for a consequential condition such as arthritis of the spine, there must be an assessment made of the arthritis. If, say, it were 15 per cent, that must be added to the pension

[*Interprétation*]

sionné est hospitalisé et se trouve sous le traitement ou les soins du Ministère, durant le mois où le pensionné a été admis et pour le mois suivant. Une autre modification apportée à la recommandation du comité Woods permettrait aux administrateurs de la Loi d'exercer leur discrétion pour verser l'allocation de soins durant une période indéterminée lorsqu'elle représente le principal revenu du pensionné et qu'un arrêt mettrait injustement le pensionné ou ses dépendants dans une mauvaise posture.

Recommandation 87: Le Comité Woods préconise que l'allocation de soins ne soit pas considérée comme une partie de la pension.

A l'heure actuelle, l'allocation de soins vient s'ajouter à la pension et la définition de la «pension» s'étend à toutes les prestations versées en vertu de la Loi. Cette recommandation est acceptée telle quelle.

Recommandation 88: Le Comité Woods recommande certaines modifications à la règle actuelle relative aux augmentations automatiques en raison de l'âge.

Sous le régime actuel, lorsque les pensionnés qui reçoivent une pension à des taux de 50, 60 ou 70 p. 100 pour une amputation ou une invalidité causée ou résultant de blessures reçues sur le champ de bataille, atteignent l'âge de 55 ans, on ajoute un autre 10 p. 100 à leur évaluation avec des augmentations ultérieures lorsqu'ils atteignent 57 et 59 ans, jusqu'à ce que l'évaluation de ces invalidités soit de l'ordre de 80 p. 100. Cela s'applique si l'invalidité est «apparemment permanente». La présente recommandation est rejetée.

Le président: Nous pourrions peut-être faire une pause de cinq minutes.

(Pause)

Le président: Monsieur Ward, aimeriez-vous poursuivre? J'ai l'impression que nous en sommes à la recommandation 89, car nous avons terminé l'examen de la recommandation 88.

M. Ward: Dans sa recommandation 89, le comité Woods recommande qu'une invalidité secondaire soit ajoutée aux cas d'augmentations automatiques en raison de l'âge. Si je comprends bien, si un pensionné qui reçoit une pension de 50 p. 100 pour une blessure à la jambe par arme à feu, par exemple, bénéficie de la règle d'augmentations automatiques en raison de l'âge et qu'il est jugé admissible pour une affection secondaire comme l'arthrite de la colonne, on doit procéder à une

[*Text*]

already in payment, including the amount paid for automatic age increase. So that if he went up to 70 per cent through the automatic age increase provision he would have an additional 15 per cent for the arthritis, giving him 85 per cent. That is how I understand the Woods Committee recommendation. This recommendation is accepted partially in principle, subject to the possibility of establishing an assessment of the consequential disability. In some cases it is very easy to establish a separate assessment of the consequential disability, in other cases it is difficult, and in some cases it is virtually impossible, I understand from medical experts, to distinguish in terms of disability between the pension condition and the subsequently related condition.

Recommendation No. 90. The Woods Committee recommended that Sections 20, 21 and 22 of the Pension Act be replaced by a limitation that only one pension be paid by the federal government. Under the current system, where death or disability for which pension is payable is caused under circumstances creating legal liability upon some person to pay damages, the pensioner is placed in a position whereby he can accept the full damages but may or may not receive the full pension. In other words, in such a situation the amount of damages is capitalized and the pension is capitalized. If the amount of damages exceeds the capitalized amount of pension he may accept the pension and not keep the damages, or he can keep the damages but he would not receive the pension. If the capitalized value of the damages is less than the

• 1110

capitalized value of the pension he may again accept all the damages or no pension, or vice versa, but he may in that case receive the full damages plus a pension that would be equal to the difference between the capitalized value of the damages and the capitalized value of the pension. This is a somewhat complex subject and I hope my remarks clarified it to some extent.

Mr. Guay (St. Boniface): Mr. Chairman, I believe this was the case that Mr. Whicher brought to our attention yesterday, that of a chap being hurt up to the hip by an accident and then when the claim came through we had to leave it there. What was the amount of

[*Interpretation*]

évaluation de l'arthrite. Si on l'évalue à 15 p. 100, on devrait ajouter ce pourcentage au montant actuel de la pension, y compris le montant versé au titre de l'augmentation automatique en raison de l'âge. Ainsi, s'il atteint 70 p. 100 en vertu de la disposition relative à l'augmentation automatique en raison de l'âge, il recevrait un autre 15 p. 100 pour l'arthrite, ce qui reviendrait à 85 p. 100. C'est ainsi que j'interprète la recommandation du Comité Woods. Cette recommandation est en partie acceptée en principe, sous réserve d'une évaluation possible de l'invalidité secondaire. Dans certains cas, il est très facile de faire une évaluation distincte de l'invalidité secondaire; dans d'autres cas, il est difficile, et dans d'autres, pratiquement impossible, d'après certains médecins spécialistes, de distinguer ce degré d'invalidité qui découle de l'affection ouvrant droit à la pension et de l'affection secondaire subséquente.

Dans sa recommandation 90; le comité Woods préconise que les articles 20, 21 et 22 de la Loi sur les pensions soient remplacés par une restriction sur le gouvernement fédéral à ne verser qu'une seule pension. Sous le régime actuel, lorsque la mort ou l'invalidité qui ouvrent droit à une pension sont survenues dans des circonstances qui obligent la personne responsable à verser des dommages-intérêts, le pensionné est placé dans une position où il peut recevoir le montant des dommages-intérêts, mais perdre son droit à pension en tout ou en partie. Autrement dit, dans une telle situation, le montant des dommages-intérêts est capitalisé, tout comme la pension. Si le montant des dommages-intérêts dépasse le montant capitalisé de la pension, il peut accepter la pension et refuser le remboursement des dommages-intérêts, ou il peut prendre le montant des dommages-intérêts et perdre son droit à la pension. Si la valeur capitalisée des dommages-intérêts est inférieure à celle de la pension, il peut encore accepter le montant des dommages-intérêts sans pension, ou vice versa, mais il faut dans ce cas toucher les dommages-intérêts plus une pension qui représenterait la différence entre la valeur capitalisée des dommages-intérêts et celle de la pension. C'est une question quelque peu compliquée, mais j'espère que mes commentaires auront contribués à la rendre plus claire dans une certaine mesure.

M. Guay (Saint-Boniface): Monsieur le président, je crois que tel était le cas que monsieur Whicher a porté à notre attention hier au sujet de la personne qui a été blessée à la hanche dans un accident et alors, lorsque la réclamation nous est parvenue, on a dû la

[*Texte*]

repayment that he was speaking of? Have you had a chance to look into that?

The Chairman: I think probably Mr. Ward is not in a position to answer that.

Mr. Ward: No, Mr. Chairman, I have not looked into it. The case has not been identified to me. I can only say, as I outlined, that if the capitalized value of the damages was less than the capitalized value of the pension then he could keep his damages but he would receive a lesser pension than he normally would be entitled to.

The Chairman: And it would depend very much on the specific case.

Mr. Ward: Yes.

The Chairman: It is not easy to make general comments on these things.

Mr. Ward: The recommendation is modified and, as outlined in the White Paper, it is proposed to modify the recommendation by retaining the present provisions of Sections 20, 21 and 22 but amending the Act to provide that where death or disability for which pension is payable is caused under these circumstances creating liability upon a third party and damages are recovered the widow or pensioner be permitted to retain a portion of the damages represented by special damages, pain and suffering, and loss of consortium.

Recommendation 91. The Woods Committee recommended the enactment of special legislation to refund damages, in other words a retroactive feature relating to their proposal contained in recommendation 90. There is no comparative benefit under the current system. This recommendation is not adopted.

Recommendation 92. The Woods Committee recommended a basic minimum 50 per cent pension for all former Hong Kong Force members. As you know, under the current system the amount of pension is dependent upon assessment of disability existing from time to time. There are features relating to this recommendation contained in the White Paper and the recommendation is accepted unchanged.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, I think Mr. Ward's words were "all former Hong Kong veterans". Is there not a qualification? Does not each veteran have to have an assessable disability?

[*Interprétation*]

laisser de côté. Quel était le montant du remboursement dont il parlait? Avez-vous eu l'occasion d'y jeter un regard?

Le président: Monsieur Ward n'est probablement pas en mesure de nous répondre là-dessus.

M. Ward: Non, monsieur le président, je n'ai pas étudié la question. Ce cas ne m'a pas été présenté. Je peux seulement dire, comme je l'ai déjà souligné, que si la valeur capitalisée des dommages-intérêts était inférieure à la valeur capitalisée de la pension, il peut conserver ces dommages-intérêts et recevoir une pension moindre que celle à laquelle il aurait normalement droit.

Le président: Et cela dépendra beaucoup du cas particulier.

M. Ward: Oui.

Le président: Ce n'est pas facile de faire des commentaires d'ordre général sur ces choses.

M. Ward: La recommandation est modifiée, et comme on le souligne dans le Libre blanc, la recommandation retient les présentes dispositions des articles 20, 21 et 22, mais préconise la modification de la Loi afin de pourvoir à ce que, lorsque la mort ou l'invalidité ouvrant droit à pension survient dans des circonstances où une tierce partie est tenue responsable et doit verser des dommages-intérêts, la veuve ou le pensionné soit autorisé à retenir une partie des dommages-intérêts au titre de dommages spéciaux tels que la douleur, la souffrance ou la perte du conjoint.

Dans sa recommandation 91, le comité Woods recomande l'adoption d'une loi spéciale pour le remboursement des dommages-intérêts. En d'autres termes, il s'agit d'une mesure rétroactive basée sur la proposition contenue dans la recommandation 90. Il n'y a aucun avantage semblable en vertu du présent système. Cette recommandation est rejetée. A la recommandation 92, le comité Woods recommande une pension minimale de base de 50 p. 100 pour tous les anciens combattants de Hong-Kong. A l'heure actuelle, comme vous le savez, le montant de la pension est calculé d'après l'évaluation périodique du degré d'invalidité. Il y a un paragraphe se rapportant à cette recommandation dans le Livre blanc; elle est acceptée sans modification.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, je crois que M. Ward a parlé de «tous les anciens combattants de Hong-Kong». Il n'y a pas de distinction? Ne faut-il pas que chaque ancien combattant souffre d'un certain degré d'invalidité?

[*Text*]

Mr. Ward: Yes, I am merely giving a synopsis of the recommendation. But the recommendation is accepted unchanged and is much broader than I...

Mr. Knowles (Winnipeg North Centre): But to eight veterans it makes a difference.

The Chairman: I believe the minister, in his testimony, indicated that all but eight of the Hong Kong Veterans have assessable disabilities. I do not think that when we get to the details there will be very many who fail to qualify.

Mr. Laniel: Mr. Chairman, perhaps Mr. Ward could tell us if this would also apply to other veterans who were prisoners of war for a long period in the Asian part of the world. Are "Hong Kong veterans" limited only to the Hong Kong Force?

Mr. Ward: Mr. Chairman, the recommendation of the Woods Committee was confined to Hong Kong veterans and the acceptance of that recommendation, as outlined in the White Paper, is also confined to Hong Kong veterans.

• 1115

The Chairman: I am sure this is a matter we will want to look at. I have a letter from an air force veteran who was taken prisoner of the Japanese in the fall of Singapore and was a prisoner of the Japanese for a comparable period. There may be others in that situation.

Mr. Ward: Recommendation 93. The Woods Committee recommended that widows of Hong Kong Force members be eligible for a Section 25 award on the basis of a irrebuttable presumption that death was attributable to service. This recommendation, as you know from the White Paper, is accepted in principle but there has been a modification made. It is felt that there should be legislation stronger than the provisions of Section 25 as the vehicle for authorization of these pension awards. As you know, Section 25 is a discretionary section giving the adjudicating authority discretion to pay. It was felt that this should not be a discretionary matter and perhaps that is one of the reasons, but not by any means the sole reason, that a separate vehicle is being used as coverage for this particular group. Another slight modification is that it appears the Woods Committee recommendation con-

[*Interpretation*]

M. Ward: C'est exact, je donne simplement un aperçu de la recommandation. Mais elle est acceptée et elle est beaucoup plus large que ...

M. Knowles (Winnipeg-Nord-Centre): Mais cela fait une différence pour huit anciens combattants ...

Le président: Je crois que le ministre a déclaré devant le Comité que tous les anciens combattants de Hong-Kong souffrent d'un certain degré d'invalidité, sauf huit. Je pense que lorsque nous aborderons les détails il n'y en aura pas beaucoup qui ne satisferont pas aux exigences.

M. Laniel: Monsieur le président, peut-être que M. Ward pourrait nous dire si cette disposition s'applique aussi à tous les autres anciens combattants qui furent prisonniers de guerre pendant une longue période en Asie. Est-ce que le terme «Ancien combattant de Hong-Kong» s'applique uniquement à l'armée de Hong-Kong?

M. Ward: Monsieur le président, la recommandation du comité Woods portait uniquement sur les anciens combattants de Hong-Kong, et la recommandation telle qu'acceptée dans le Livre blanc porte elle aussi sur les anciens combattants de Hong-Kong.

Le président: C'est un sujet auquel nous nous arrêterons certainement. Je possède une lettre d'un ancien combattant de l'aviation qui a été fait prisonnier au cours de la chute de Singapour et qui a été prisonnier des Japonais pendant une période semblable. Il y a certainement d'autres situations comparables.

M. Ward: Dans sa recommandation 93, le comité Woods préconise que les veuves des anciens combattants des forces de Hong-Kong soient admissibles à une pension en vertu de l'article 25 sur la base de la présomption irréfutable que la mort est due au service. Cette recommandation, telle que décrite dans le Livre blanc, est acceptée en principe, mais on a ajouté une modification. On a pensé que la loi devait être plus explicite que les dispositions de l'article 25 afin de permettre l'attribution d'une telle pension. Comme vous le savez l'article 25 consiste en une disposition discrétionnaire laissant à l'autorité responsable le soin de juger s'il doit y avoir pension ou pas. Nous avons crû bon de décider qu'il n'y avait pas là matière à discrétion. Et c'est peut-être là une des raisons, et non la seule, pour laquelle une autre disposition s'applique à ces cas particuliers. Une autre légère modifi-

[*Texte*]

fines this benefit to the widows of former Hong Kong veterans and the White Paper proposal will include the children.

Recommendation 94. The Woods Committee recommended certain procedures in order that the operation of the Medical Advisory Branch be expedited. There is quite a number of procedures, relating to such things as establishment of a clerical section in the Medical Advisory Branch, the use of medical secretaries for the medical advisors and things of that nature, and the recommendation is accepted unchanged.

Recommendation 95. The Woods Committee recommended that the role of the Commission's Medical Adviser be restricted to that of providing medical opinion to the Commission in regard to applications for pension. This recommendation is accepted in principle but there are some slight modifications. It is felt that the words "in regard to applications for pension" are too restrictive and should be deleted. The reason of course is that they operate and provide opinions in areas additional to applications for pensions, for example in the area of assessment, and the desire is not to restrict them to the role as suggested by the Woods Committee recommendation.

Recommendation 96. The Woods Committee recommended that the current white slip system be replaced by a "medical precis" system. Again, this recommendation is accepted in principle with some slight modification. Subsection (b) of the recommendation is modified to the extent that the medical adviser's precis shall furnish an opinion where appropriate, the reason for that of course being that it is senseless that it be mandatory for the medical adviser to furnish a medical opinion in a case in which medical opinion is not required, it being a case depending largely on facts and records.

Recommendation 97. The Woods Committee recommended a study to determine whether or not a section be established within the Commission to determine which cases should be submitted to the Medical Advisory Branch for opinion. This recommendation has been accepted unchanged.

Recommendation 98: The Woods Committee recommended that there be no change in the wording of Section 1 of the Pension Act. Section 1, as you know, merely states that this Act may be cited as the Pension Act and the recommendation has been accepted unchanged.

Recommendation 99: The Woods Committee recommended that Section 8 of the Pension

[*Interprétation*]

cation est celle de l'inclusion par le Livre blanc des enfants, alors que le rapport Woods semble restreindre cette disposition aux veuves.

A la recommandation 94, le comité Woods a recommandé certaines procédures afin d'accélérer les travaux de la Direction consultative médicale. Il y a un certain nombre de procédures relatives à des décisions telles que la mise sur pied d'un secrétariat à la Direction consultative médicale et l'emploi de secrétaires médicales destinées à aider aux médecins, et autres décisions de ce genre. La recommendation est acceptée telle quelle.

Recommandation 95. Le Comité Woods préconise que le rôle du conseiller médical se borne à donner une opinion médicale à la Commission en ce qui concerne les demandes de pensions. Cette recommandation est acceptée en principe, mais avec de légères modifications. Nous pensons que les mots «en ce qui concerne les demandes de pension» sont trop restrictifs et doivent être omis. La raison en est évidemment que les conseillers travaillent et se prononcent sur des domaines autres que celui des demandes de pension, comme par exemple dans le domaine de l'évaluation, et nous estimons souhaitable de ne pas les restreindre aux tâches citées par le comité Woods.

Dans sa recommandation 96, le comité Woods recommande que le régime actuel du feuillet blanc rédigé par un conseiller médical soit remplacé par un «précis médical». Encore une fois cette recommandation est acceptée en principe, avec quelques légères modifications. Le paragraphe (b) de la recommandation est modifié afin que le «précis» du conseiller médical fournisse une opinion lorsque celle-ci est nécessaire. La raison de cette modification est qu'il est insensé de demander à un conseiller médical de fournir une opinion médicale dans un cas où une telle opinion n'est pas requise, lorsqu'il s'agit par exemple d'un cas où les dossiers suffisent.

Recommandation 97. Le comité Woods recommande qu'une étude soit entreprise afin de déterminer si une section doit être établie au sein de la Commission pour signaler les cas qui doivent être soumis à l'examen de la Direction consultative médicale.

Recommandation 98: Le comité Woods recommande que l'on n'apporte aucune modification à l'article 1 de la Loi sur les pensions. L'article 1, comme vous le savez, ne fait que citer le nom sous lequel l'on désigne la Loi. Cette recommandation est acceptée telle quelle.

Recommandation 99: Le comité Woods recommande que l'article 8 de la Loi sur les

[*Text*]

Act be retained. Section 8 provides the Commission with power to make regulations and this recommendation has been accepted unchanged.

Recommendation 100: The Woods Committee recommended publication of Medical Advisory Branch directives. Under the current system there is publication of Medical Advisory Branch directives, but not to the extent envisaged by the Woods Committee and the recommendation has been accepted unchanged.

Recommendation 101: The Woods Committee recommended publication of pension law directives and this recommendation has been accepted unchanged.

Recommendation 102: The Woods Committee recommended publication of supplementary benefits directives. This recommendation also has been accepted unchanged.

Recommendation 103: The Woods Committees recommended administrative instructions be prepared and this recommendation has been accepted unchanged.

Recommendation 104: The Woods Committee recommended clothing allowance for bilateral amputees—the maximum rate for one amputation plus one-half of the maximum rate for the second amputation. Under the current provisions of Section 30 of the Pension Act clothing allowance is limited to a single amputation. This recommendation has been accepted in principle with the very slight modification that it be made quite clear that the additional clothing allowance relates only to a pensioned bilateral amputation.

Recommendation 105: The Woods Committee recommended clothing allowance when specially-tailored garments are required, such as severe arthritic cases where there is doubling up of the body or thoracoplasty where it has resulted in some chest deformity and specially-tailored clothing is required. This recommendation has been accepted unchanged.

• 1125

Recommendation 106: The Woods Committee recommended proportionate pension for a widow if a deceased pensioner was in receipt of less than 48 per cent and death was not attributable to service so that if a pensioner had a 40 per cent pension and his widow was unable to establish that death was attributable to service, she would then receive 40 per cent of the full widow's pension. Of course,

[*Interpretation*]

pensions soit conservé tel quel. L'article 8 pouvoit la Commission de l'autorité nécessaire à la promulgation de règlements. Cette recommandation est acceptée telle quelle.

Recommandation 100: Le comité Woods recommande que la Commission publie des directives exposant sa ligne de conduite en ce qui a trait au fonctionnement de la Direction consultative médicale. En vertu du système actuel il existe des directives mais elle n'ont pas la portée de celles envisagées par le comité Woods. La recommandation a été acceptée telle quelle.

Dans sa recommandation 101, le comité Woods préconise la publication des directives concernant la Loi sur les pensions et cette recommandation est acceptée sans modification.

Recommandation 102: Le comité Woods recommande la publication des directives au sujet des avantages supplémentaires, et cette recommandation est acceptée telle quelle.

Recommandation 103: Le comité Woods recommande que soient publiées des instructions régissant l'administration générale de la Commission. Cette recommandation est acceptée sans modification.

Recommandation 104: Le comité Woods recommande qu'un amputé bilatéral pensionné reçoive une allocation vestimentaire au taux maximum pour une amputation, plus la moitié du montant maximal pour sa seconde amputation. En vertu des dispositions actuelles de l'article 30 de la Loi sur les pensions, l'allocation vestimentaire est limitée à une amputation simple. Cette recommandation a été acceptée en principe, avec de légères modifications pour faire ressortir clairement que l'allocation supplémentaire n'est attribuable qu'à un pensionné qui à subi une amputation bilatérale.

Recommandation 105: Le comité Woods recommande qu'une allocation vestimentaire soit versée lorsque des vêtements sur mesure sont requis, soit dans des cas d'arthrite avancée, ou dans des cas où certaines opérations ont eu pour effet des déformations du thorax. Cette recommandation est acceptée sans modification.

Recommandation 106: Le comité Woods a recommandé que l'on verse une pension proportionnelle à la veuve d'un pensionné décédé qui touchait une pension de moins de 48 p. 100, et dont le décès n'est pas attribuable au service. Autrement dit, si un pensionné touchait une pension de 40 p. 100, et que sa veuve n'a pu faire établir que le décès était attribuable au service, elle toucherait 40 p.

[*Texte*]

she would receive full widow's pension if she could establish that death was attributable to service. Under the current system, of course, widows of pensioners who were in receipt of a pension 48 per cent or higher, virtually automatically receive full widow's pension and widows who are able to establish that their husbands' deaths were attributable to service will receive full widow's pension. Those widows whose husbands died from a pension condition, even if it were a 10 per cent pension, receive full pension. The recommendation of the Woods Committee in this area has not been accepted.

Recommendation 107: The Woods Committee recommended that pension continue for dependent parents, brothers and sisters on death of pensioned member of the forces. This recommendation has not been accepted.

Mr. Knowles (Winnipeg North Centre): What is the present situation in that respect?

Mr. Ward: The present situation is rather complex, sir. I will put it as simply as I can. In order for dependent parents to receive a pension award the death of the pensioner must have been attributable to service, the parent must be in a dependent condition and wholly or to a substantial extent maintained by the pensioner at the time of death. Virtually the same provision applies for the brothers and sisters of the deceased pensioner.

Of course, if the pensioner left a widow or a divorced wife these provisions do not apply in the case of dependent parents.

Mr. Weatherhead: Mr. Chairman, what is the reason for the White Paper's decision in this regard? I would not think there would be too many people involved or too much money involved in this particular dependency of parents—aged parents—or completely dependent brothers and sisters.

The Chairman: I wonder, Mr. Ward, if you have no comment if this question might be deferred by Mr. Weatherhead and put to other witnesses?

Mr. Knowles (Winnipeg North Centre): Is there not some other section in the Pension Act under which grants or allowances are made in these cases?

Mr. Ward: Compassionate pension awards under Section 25 is a catch-all section.

[*Interprétation*]

100 de la pension complète de veuve. Bien entendu, si elle pouvait faire établir que le décès était attribuable au service, elle toucherait la pension complète de veuve. Selon le régime actuel, bien sûr, les veuves de pensionnés qui touchaient une pension de 48 p. 100 ou plus reçoivent presque automatiquement la pension complète de veuve, et les veuves qui parviendront à faire établir que le décès de leur mari était attribuable au service toucheront la pension complète de veuve. Les veuves dont le mari est mort d'une affection donnant droit à pension, même si ce n'était qu'une pension de 10 p. 100, touchent la pension complète. La recommandation du Comité Woods à cet égard n'a pas été acceptée.

Recommandation 107: Le comité Woods a recommandé que l'on maintienne la pension versée au père, à la mère, aux frères ou aux soeurs à charge d'un membre pensionné des forces armées après le décès de ce dernier. Cette recommandation n'a pas été acceptée.

M. Knowles (Winnipeg-Nord-Centre): Quelle est actuellement la situation à cet égard?

M. Ward: La situation actuelle est assez complexe, monsieur. Je vais vous l'exposer en termes aussi simples que possible. Pour qu'un père ou une mère à charge aient droit à une pension, il faut que le décès du pensionné soit attribuable au service, et qu'au moment du décès, le père ou la mère soient à charge du pensionné et entretenus complètement, ou dans une large mesure, par ce dernier. Une disposition quasiment semblable s'applique aux frères et aux sœurs du pensionné décédé.

Bien entendu, si le pensionné a laissé une veuve ou une épouse divorcée, ces dispositions ne s'appliquent pas dans le cas des parents à charge.

M. Weatherhead: Monsieur le président, j'aimerais savoir ce qui a motivé la décision prise à cet égard lors de la préparation du Livre blanc. Je doute fort qu'il y ait trop de gens ou trop d'argent en cause dans ce cas bien particulier des parents âgés à charge ou des frères et sœurs entièrement à charge.

Le président: Si vous n'avez pas d'observations à faire à cet égard, monsieur Ward, peut-être M. Weatherhead pourrait-il garder sa question pour plus tard et la poser à d'autres témoins?

M. Knowles (Winnipeg-Nord-Centre): N'y a-t-il pas dans la Loi sur les pensions quelque autre article qui prévoie le versement d'allocations ou d'indemnités dans ces cas-là?

M. Ward: L'article 25, qui prévoit l'octroi d'allocations de compassion, englobe tous les cas.

[*Text*]

Mr. Knowles (Winnipeg North Centre): And dependent parents of deceased veterans do get awards under that?

Mr. Ward: They may very well.

Mr. Weatherhead: Mr. Chairman, does Mr. Ward have any information on the amount of money involved in these annual dependents' awards to parents and brothers and sisters at this time?

The Chairman: Go ahead, Mr. Ward.

Mr. Ward: The amount of the award for a dependent parent when the pensioner was of the rank of colonel or below is $1,632 per

• 1130

year. If the pensioner held the rank of brigadier-general or higher the dependent parent receives $2,160 per year. These are maximum amounts, they could be lesser.

The Chairman: But, I believe, Mr. Weatherhead is looking at the potential burden on the Treasury for the modification of this Section as the Woods Committee recommended. May I suggest, Mr. Weatherhead, you make a note of this and possibly, if the Committee wished, we could get some research assistance in preparing the estimates at a later point.

Mr. Ward: Recommendation 108: The Woods Committee recommended that pension on behalf of children be continued to the age of 25 when undergoing a course of instruction. Under the current system, as you know, the normal cut-off date for additional pension on behalf of children is at the age of 16 for a boy and at the age of 17 for a girl, but may be continued to the age of 21 if the child is attending an approved course of instruction. This recommendation was not accepted.

The Chairman: It was not accepted?

Mr. Ward: It was not accepted.

Mr. Weatherhead: Mr. Chairman, is that, again, a matter of government policy? Can we discuss that at all at this stage? Can Mr. Ward discuss why we should not be continuing to support these children in higher education?

Mr. Bigg: We do up to age 21.

[*Interpretation*]

M. Knowles (Winnipeg-Nord-Centre): Et les parents à charge des anciens combattants décédés reçoivent une allocation en vertu de cet article?

M. Ward: C'est fort possible.

M. Weatherhead: Monsieur le président, M. Ward pourrait-il nous dire quel montant on verse chaque année sous forme d'allocations, à l'heure actuelle, aux parents, aux frères et aux soeurs?

Le président: Monsieur Ward, vous avez la parole.

M. Ward: Le montant de l'allocation versée à un père ou une mère à charge est, dans le cas d'un pensionné qui avait le rang de colonel ou un grade inférieur, de $1,632 par an. Si le pensionné avait le rang de brigadier-général ou un grade supérieur, le père ou la mère à charge reçoivent $2,160 par an. Ce sont là les montants maximum, mais ils peuvent être inférieurs.

Le président: Mais je crois que M. Weatherhead cherche à savoir ce que cela coûterait au Trésor si l'on modifiait cet article conformément aux recommandations du Comité Woods. Je vous propose, monsieur Weatherhead, d'en prendre note, et nous pourrions peut-être, si le Comité le désire, obtenir que l'on fasse pour nous les recherches qui nous permettront, par la suite, de faire une évaluation des coûts.

M. Ward: Recommandation 108: le Comité Woods a recommandé que l'on prolonge la pension versée à l'égard d'un enfant qui suit un cours d'enseignement jusqu'à ce qu'il ait atteint l'âge de 25 ans. Selon le régime actuel, vous le savez, on cesse normalement de verser la pension supplémentaire accordée à l'égard des enfants lorsqu'un garçon atteint l'âge de 16 ans, et une fille, l'âge de 17 ans, mais la pension peut être prolongée jusqu'à ce que l'enfant atteigne l'âge de 21 ans, s'il suit un cours d'enseignement approuvé. Cette recommandation n'a pas été acceptée.

Le président: Elle n'a pas été acceptée?

M. Ward: Non.

M. Weatherhead: Monsieur le président, est-ce qu'il s'agit, ici encore, de politique gouvernementale? Pouvons-nous en discuter à ce stade? M. Ward pourrait-il nous dire pourquoi nous ne continuerions pas à subvenir aux besoins des enfants qui font des études supérieures?

M. Bigg: Nous subvenons à leurs besoins jusqu'à ce qu'ils atteignent l'âge de 21 ans.

[*Texte*]

Mr. Weatherhead: Yes, but the recommendation, Mr. Bigg, was to age 25, I think, which, Mr. Chairman, would make sense to me so that people half-way through university or post-university professional courses...

Mr. Laniel: Mr. Chairman, on a point of order. I do not think at this time we should go into the question of opinions or have a discussion on the basis of a decision. Actually, Mr. Ward is in front of us to present us with the comparisons between the recommendations of the Woods Committee and the decisions of the Department and not necessarily to defend the decisions of the Department.

The Chairman: If Mr. Ward has any comment he wants to make, certainly he is welcome to do so, but he is not under any obligation to comment because there may be good reasons why other people in the Department should offer testimony on this kind of thing.

Mr. Ward: I could sort of go it alone, if you wish, but I will have to take the consequences if I go too far. Certainly there are several factors, but I can say while not being the sole factor, it is generally considered that additional pension on behalf of children to the disabled pensioner, is paid to assist him in carrying out his responsibilities to those to whom he owes a duty of maintenance and because he has a disability which lessens his ability to carry out that duty, additional pension on behalf of children is paid. However, I think many people agree that a parent's responsibility, hopefully my responsibility, ceases when a child reaches the age of 21.

Mr. Weatherhead: It ceases at 16, legally.

Mr. Bigg: Our budget is limited, but I would rather see a larger amount for the children in high school who need it to prevent them from being dropouts than for post-graduate training for people who already have a B.A.

An hon. Member: That is right.

Mr. Weatherhead: Mr. Chairman, perhaps Mr. Reynolds could make a note of these two Recommendations, 107 and 108, and we might discuss them later on sometime.

The Chairman: I am sure he already has made a note of those.

[*Interprétation*]

M. Weatherhead: Oui, mais la recommandation, monsieur Bigg, mentionnait l'âge de 25 ans, je crois, ce qui semble raisonnable, monsieur le président, car cela permettrait à ceux qui sont à mi-chemin de leurs études supérieures ou qui suivent des cours d'enseignement professionnel post-universitaire...

M. Laniel: Monsieur le président, une question de Règlement. Il ne me semble pas que nous devions, à ce stade, exprimer un avis ou discuter une décision. En fait, M. Ward est ici pour nous présenter une comparaison entre les recommandations du Comité Woods et les décisions du Ministère, et pas forcément pour prendre la défense des décisions du Ministère.

Le président: Si M. Ward a des observations à faire, nous les entendrons avec plaisir, mais qu'il ne s'y croie surtout pas obligé, car il y a peut-être de bonnes raisons pour que d'autres représentants du Ministère répondent à ce genre de question.

M. Ward: Je peux en prendre la responsabilité, si vous voulez, mais, si je vais trop loin, il faudra que j'en subisse les conséquences. Assurément, plusieurs facteurs entrent en jeu; mais, si ce n'est pas le seul facteur, on considère généralement que l'on verse au pensionné invalide une pension supplémentaire à l'égard de ses enfants pour l'aider à s'acquitter de ses responsabilités envers ceux qu'il a le devoir d'entretenir; étant donné que son invalidité l'empêche dans une certaine mesure de s'acquitter de ce devoir, on lui verse une pension supplémentaire à l'égard de ses enfants. Toutefois, bien des gens conviennent que la responsabilité des parents—et j'espère que c'est mon cas—prend fin quand l'enfant atteint l'âge de 21 ans.

M. Weatherhead: Légalement, elle prend fin quand l'enfant atteint l'âge de 16 ans.

M. Bigg: Notre budget est limité, et je préférerais voir l'argent aller aux élèves du secondaire qui en ont besoin, sous peine de devoir abandonner leurs études, qu'à des étudiants qui ont déjà un baccalauréat et qui veulent simplement suivre des cours d'enseignement supérieur.

Une voix: Exactement.

M. Weatherhead: Monsieur le président, peut-être M. Reynolds pourrait-il prendre note de ces deux recommandations—107 et 108—pour que nous y revenions plus tard.

Le président: Je suis certain qu'il l'a déjà fait.

[*Text*]

• 1135

Mr. Guay (St. Boniface): He probably could make a note of what Mr. Bigg said, too, which was important.

The Chairman: I think when we come to making our own recommendations we will discuss these at some length.

Mr. Ward, I know we have pressed you, but are you prepared to go very much further in terms of these recommendations today? How far do you feel you can go?

Mr. Ward: I will deal with two more, Mr. Chairman.

The Chairman: All right.

Mr. Ward: Recommendation 109: The Woods Committee recommended that pension continue for 12 months following a pensioner's death if additional pension was in payment on behalf of a wife, child or parent. Under the current system pension ceases upon the death of a pensioner, but if additional pension was in payment on behalf of a wife, child or parent his pension ceases then on the first day of the month following his death. Then, too, the present provisions of the Act provide for a lump sum payment of additional pension equivalent to one year to the children of the deceased pensioner when additional pension was in payment on behalf of the child. This recommendation has not been accepted.

Recommendation 110: The Woods Committee recommended attendance allowance continue for two months after pensioner's death and be paid to the widow. Under the current system the allowance ceases on the death of the pensioner, but if there was additional pension payment on behalf of the wife, on the first day of the next month. The recommendation has been modified. It has been accepted that in many cases an attendance allowance during the pensioner's lifetime was an integral part of the family income and that the widow may require some time to adjust to her changed economic circumstances brought about by this sudden and drastic event. The recommendation has been modified to the extent that it will be continued for one month. It has been modified further to include children because it would appear from the Woods recommendation that the benefits of this proposal, whether it be two months, one month or any other amount, would be limited to the widow and it has

[*Interpretation*]

M. Guay (Saint-Boniface): Peut-être pourrait-il aussi prendre note des observations de M. Bigg, qui sont importantes.

Le président: Je pense qu'au moment où nous préparons nos propres recommandations, nous discuterons assez longuement de tout cela.

Monsieur Ward, je sais que nous vous avons un peu bousculé, mais êtes-vous prêt à aller beaucoup plus loin, aujourd'hui, dans l'exposé de ces recommandations? Jusqu'où pensez-vous pouvoir aller?

M. Ward: Je vais vous exposer deux autres recommandations, monsieur le président.

Le président: D'accord.

M. Ward: Recommandation 109: Le Comité Woods a recommandé que la pension continue à être versée pendant une période de douze mois après le décès d'un pensionné qui recevait une pension supplémentaire à l'égard de son épouse, de ses enfants, de son père ou de sa mère. Selon le régime actuel, le versement de la pension cesse au décès du pensionné, mais si ce dernier recevait une pension supplémentaire à l'égard de son épouse, de ses enfants, de son père ou de sa mère, le versement de la pension cesse le premier jour du mois qui suit son décès. D'autre part, la Loi actuelle prévoit un versement global de la pension supplémentaire, d'un montant équivalent à la pension d'une année, aux enfants du pensionné décédé lorsque la pension supplémentaire était versée à l'égard des enfants. Cette recommandation n'a pas été acceptée.

Recommandation 110: Le Comité Woods a recommandé que l'allocation de soins continue à être versée à la veuve pendant une période de deux mois après le décès du pensionné. Selon le régime actuel, le versement de l'allocation cesse au décès du pensionné, mais si ce dernier recevait une pension supplémentaire à l'égard de son épouse, le versement cesse le premier jour du mois qui suit le décès. La recommandation a été modifiée. Il a été reconnu que, dans de nombreux cas, une allocation de soins durant la vie du pensionné fait partie intégrale du revenu de la famille et que la veuve a besoin d'un certain délai pour s'adapter à sa nouvelle situation économique du fait de la mort de son mari. La recommandation a été modifiée de façon à prolonger la période d'un mois. Elle a été de plus modifiée afin d'inclure les enfants car d'après la recommandation les avantages de cette proposition, soit l'obtention d'un mois ou deux mois de prolongation seraient restreints à la veuve, c'est pourquoi il a été proposé de

[*Texte*]

been proposed to modify the Woods recommendation to include children.

The Chairman: Are there any questions? As Mr. Ward has indicated, he has covered 110 recommendations out of a total of 148 and, I think, we owe him a vote of thanks. We should complete the rest of them when it is convenient, possibly next week. We have some witnesses lined up, but it is just possible that they will no take all the time that has been allocated to them. Possibly we could complete the rest of the discussion and the review after one of the organizations appearing before us next week has terminated its presentation.

Mr. Laniel: Mr. Chairman, I would not want to impose—110 is a nice round figure—but 115 would finish this section.

• 1140

The Chairman: I think there are some problems that Mr. Ward would like to review before he goes any further.

Mr. Laniel: Oh, I thought it was just a question of...

The Chairman: No, I think there is a technical problem or something like that.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, perhaps my question should be directed to Mr. Reynolds. The other day, I think, when the Minister was before us, Mr. Saltsman asked some questions about Hong Kong veterans, the number who are drawing pensions of 50 per cent—48 per cent or 50 per cent—or over—and then a breakdown of those that are below that. In other words, we would like to know how many are affected by the proposal, what the cost would be and also how many potential widows are brought into the picture. All I am asking now is whether a note was taken of that, and these figures will be given to us later on.

Mr. Reynolds: I understand that Mr. Anderson, Chairman of the Canadian Pension Commission, has some figures along these lines for you now. Is that right, Mr. Anderson?

Mr. T. D. Anderson (Chairman, Canadian Pension Commission): Yes, that is right.

Mr. Reynolds: Would you like him to give them to you now?

Mr. Knowles (Winnipeg North Centre): Yes, if that suits the Chairman and the Committee.

[*Interprétation*]

modifier la recommandation afin d'en faire bénéficier les enfants.

Le président: Y a-t-il d'autres questions? M. Ward vous a parlé de 110 recommandations sur un total de 148, je crois que nous devons l'en remercier. Nous terminerons l'étude des autres recommandations dès que possible, la semaine prochaine peut-être. Nous avons plusieurs témoins à entendre et il se peut qu'ils ne prennent pas tout le temps qui leur a été alloué. Nous pourrons peut-être conclure et faire la récapitulation lorsque l'un des organismes qui doit se présenter devant nous la semaine prochaine aura terminé son exposé.

M. Laniel: Monsieur le président, je ne voudrais pas abuser et 110 recommandations ce n'est déjà pas si mal, mais si nous nous rendions à 115 cette partie serait terminée.

Le président: Je crois qu'il existe quelques problèmes que M. Ward voudrait revoir avant de poursuivre.

M. Laniel: Je pensais qu'il ne s'agissait que d'une question de..

Le président: Je crois qu'il s'agit d'un problème technique ou quelque chose du genre.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, je devrais peut-être poser ma question à M. Reynolds. L'autre jour, quand le Ministre nous a parlé, M. Saltsman a posé plusieurs questions au sujet des anciens combattants de Hong-Kong, sur le nombre de ceux qui retiraient des pensions de 50 p. 100, 48 p. 100 et plus, ainsi que le détail de ceux qui reçoivent moins. En d'autres termes, combien d'entre eux seront touchés par la proposition, quel en sera le coût et le nombre de veuves éventuelles qui seront affectées. Tout ce que je demande pour l'instant c'est de savoir s'il en a été tenu compte et si ces chiffres nous seront communiqués.

M. Reynolds: Je crois que le président de la Commission canadienne des pensions, M. Anderson, dispose de quelques chiffres à ce sujet. N'est-ce pas Monsieur Anderson?

M. T. D. Anderson (président de la Commission canadienne des pensions): Oui, c'est exact.

M. Reynolds: Voulez-vous qu'il vous les présente maintenant?

M. Knowles (Winnipeg-Nord-Centre): Oui, si cela convient au président et au comité.

[*Text*]

The Chairman: Fine. Mr. Anderson, would you like to come forward? I suggest that you go to one of the corner microphones, if that is convenient. There is one right by Mr. Bigg, if that suits you.

Mr. Anderson: Mr. Chairman, two questions were asked. The first one was the number of Hong Kong veterans who are pensioners and who at present are in receipt of pensions below 48 per cent and a breakdown as to categories, such as 10 per cent, and so on. Here are the figures on that as of November 26, 1968, a year ago.

Those receiving 45 per cent, just two; those receiving 40 per cent, 97; those receiving 35 per cent, 77; those receiving 30 per cent, 87; those receiving 25 per cent, 41; those receiving 20 per cent, 49; those receiving 15 per cent, 18; those receiving 10 per cent, 15; those receiving 5 per cent, 9.

The Chairman: How many in total, Mr. Anderson?

Mr. Anderson: Three hundred and ninety-five.

Mr. Knowles (Winnipeg North Centre): Those receiving nothing, eight; those who are not receiving a pension at all.

Mr. Anderson: Yes. I think it should be pointed out at this stage, though, Mr. Chairman, that some of these people have never come near us or even applied for a pension, we do not even know where they are, so it would be difficult under those circumstances to pay them a pension.

The other question had to do with the cost of this proposal with regard to the Hong Kong veterans. This is a very difficult question to answer because one does not know when the Hong Kong veteran who is now married is going to die and when the matter of a pension for the widow is going to occur. You do not know how many of these widows are going to stay on pension and for how long because when they remarry, of course, they no longer receive a widow's pension. There are so many ifs, ands and buts in connection with this that it is almost impossible to give a figure. However, the only figure we arrived at...

Mr. Bigg: A maximum figure.

Mr. Anderson: Yes, this is what I was going to say. The only figure we could arrive at was the maximum and the estimate of the total cost of the entire program, in terms of an annual liability if everybody went on pension at the same time, would be $1,712,400. I

[*Interpretation*]

Le président: Très bien. Monsieur Anderson voulez-vous poursuivre? Je vous suggère de vous placer près du microphone du coin si cela vous convient. Il y en a un à la droite de M. Bigg.

M. Anderson: Monsieur le président, deux questions ont été posées, la première se rapportait au nombre d'anciens combattants de Hong-Kong qui sont pensionnés et dont les pensions sont inférieures à 48 p. 100 et la deuxième portait sur le détail des catégories comme celle de 10 p. 100 et ainsi de suite. Voici les données en cours à la date du 26 novembre 1968, il y a un an.

Il n'y a que deux anciens combattants de Hong-Kong qui reçoivent 45 p. 100, 97 reçoivent 40 p. 100, 77 reçoivent 35 p. 100, 87 reçoivent 30 p. 100, 41 reçoivent 25 p. 100, 49 reçoivent 20 p. 100, 15 reçoivent 10 p. 100, et 9 reçoivent 5 p. 100.

Le président: Combien au total, M. Anderson?

M. Anderson: Trois cents quatre-vingt-quinze.

M. Knowles (Winnipeg-Nord-Centre): Il y en a huit qui ne reçoivent rien. Ils ne reçoivent aucune pension.

M. Anderson: Oui. Cependant, on doit faire remarquer sur ce point que certains d'entre eux ne nous ont jamais abordés et n'ont jamais demandé de pensions. Nous ne savons même pas où elles sont; dans ces circonstances il serait assez difficile de leur verser une pension.

L'autre question se rapporte au coût de cette proposition qui a trait aux anciens combattants de Hong-Kong. Il est difficile de répondre à cette question parce que personne ne sait quand l'ancien combattant de Hong-Kong maintenant marié doit mourir et quand le versement de la pension accordée à sa veuve entrera en jeu. Il n'est pas possible de préciser combien de ces veuves vont continuer de toucher la pension et pendant combien de temps, car, si elles se remarient, le versement de la pension est arrêté. Il y a tant de «si» et de «mais» à ce sujet qu'il est presque impossible d'établir des chiffres. Le seul chiffre que nous pouvons donner c'est...

M. Bigg: Le chiffre maximum.

M. Anderson: Oui, c'est ce que j'allais dire. Le chiffre que nous pouvons établir, c'est le chiffre maximum et le coût total approximatif de l'ensemble du programme, en termes de dépenses annuelles, si chacun prenait sa pension en même temps, atteindrait $1,712,400. Je

[*Texte*]

would think that if half of that were the actual liability, that would probably be a fairly reasonable estimate.

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Mr. Knowles (Winnipeg North Centre): You are giving us the cost per year?

Mr. Anderson: Yes, that is an annual liability.

The Chairman: Is that a liability for widows only, Mr. Anderson?

Mr. Bigg: Including the increase in pension?

Mr. Anderson: Yes, that is covering 51 widows.

The Chairman: What about the additional pension benefits bringing everyone up to 50 per cent? Do you have a figure for that?

Mr. Anderson: No, unfortunately we have not. At least, I do not have it here. I think there is one in the estimates that were prepared. Mr. McCallum may have that figure.

The Chairman: I think I saw Mr. Laniel with his hand up a minute ago.

Mr. Laniel: Mr. Chairman, I have a question...

Mr. Knowles (Winnipeg North Centre): Would Mr. Anderson make this just a little clearer. He shows it as 51 widows, and it would cost this much?

Mr. Anderson: No, the 51 widows are the number of widows who at the moment are not in receipt of pension because the pensioners at the time of their death were not receiving a pension at the rate of 48 per cent or higher or did not die from their pensionable disabilities.

Mr. Knowles (Winnipeg North Centre): They are included in this figure?

Mr. Anderson: Yes, that is right. That group of 51 would become entitled to pension immediately this goes into effect, you see.

The Chairman: In other words, it would include these widows who are not eligible at present, plus an estimate of potential liability under the clause for those who are not yet widows or survivors.

Mr. Anderson: That is right.

[*Interprétation*]

pense que la moitié de cette somme représenterait la dépense réelle; il me semble que ce serait à peu près cela.

M. Knowles (Winnipeg-Nord-Centre): Nous donnez-vous le coût annuel?

M. Anderson: Oui, c'est le coût annuel.

Le président: Est-ce le coût relatif aux veuves seulement, Monsieur Anderson?

M. Bigg: Y compris l'augmentation de la pension?

M. Anderson: Oui, ce chiffre est relatif à 51 veuves.

Le président: Qu'en est-il des bénéfices de pension supplémentaires du fait que chacun aura droit à 50 p. 100? Avez-vous quelques chiffres là-dessus?

M. Anderson: Non, malheureusement nous n'en avons pas. Du moins nous n'en avons pas ici. Je pense que la réponse se trouve dans les calculs approximatifs que nous avons préparés. Peut-être que Monsieur McCallum possède ce renseignement.

Le président: Je crois que M. Laniel a levé la main ..

M. Laniel: Monsieur le président, j'ai une question...

M. Knowles (Winnipeg-Nord-Centre): Monsieur Anderson pourrait-il nous expliquer cela davantage. Le nombre de veuves est seulement de 51 et cela coûterait aussi cher?

M. Anderson: Non, les 51 veuves représentent le nombre de veuves qui pour le moment ne reçoivent aucune pension du fait que les pensionnés, au moment de leur mort, ne recevaient pas de pension au taux de 48 p. 100 ou plus, ou ceux dont la mort n'a pas été causée par une affection ouvrant droit à pension.

M. Knowles (Winnipeg-Nord-Centre): Elles sont comprises dans ce chiffre?

M. Anderson: Oui, c'est juste. Les 51 veuves auraient droit à la pension dès que cette recommandation entrerait en vigueur.

Le président: C'est à dire qu'il comprendrait les veuves qui ne sont pas admissibles pour le moment, plus une évaluation des dépenses éventuelles en vertu de l'article à l'égard de celles ou ceux qui ne sont pas encore veuves ou survivants.

M. Anderson: Oui, c'est bien cela.

[*Text*]

The Chairman: Does that answer your question, Mr. Knowles?

Mr. Knowles (Winnipeg North Centre): In other words, this is a potential liability for widows per year for the length of time these widows live?

Mr. Anderson: That is right. It is the maximum potential.

The Chairman: It is not an estimate of the cost of increasing the basic pension. That is a separate figure?

Mr. Anderson: That is correct.

The Chairman: Mr. Laniel.

Mr. Laniel: My question to Mr. Anderson is not related to these figures. It is on a point of clarification. From what I read in the White Paper concerning the 50 per cent that will be given to the Hong Kong veterans, and it is set as a basic minimum pension, does that mean for any other entitlement the Canadian Pension Commission will start at that 50 per cent basic and any additional entitlement would bring the pension over and above that or will this 50 per cent minimum still authorize the Canadian Pension Commission to establish some kind of a separate file that would give you a chance to keep track of the medical condition of a veteran and the rating or the category of pension would still follow that secondary file until, on medical examination, a pensioner has finally reached the 50 per cent?

Mr. Anderson: Perhaps the best way to explain this, Mr. Chairman, is in this manner. First of all, immediately this legislation goes into effect every Hong Kong veteran who has an assessable degree of disability will immediately go to a maximum of 50 per cent. That is step number one. As the Minister pointed out, this will be done under separate legislation. It will not be done under the Pension Act. There will be separate legislation to provide that the Hong Kong veteran will automatically, if he has an assessable degree of disability, receive 50 per cent pension.

The next step. Supposing six months, a year or two years after he feels that his disability has increased to something which might well be beyond 50 per cent, he would ask for a medical examination, he would be called in for a medical examination and if he were

[*Interpretation*]

Le président: Est-ce que cela répond à votre question, Monsieur Knowles?

M. Knowles (Winnipeg-Nord-Centre): En d'autres termes, c'est une dépense annuelle qu'on verserait eventuellement aux veuves pour le reste de leur vie?

M. Anderson: Oui, c'est la dépense éventuelle maximale.

Le président: Ce n'est pas le chiffre approximatif de ce qu'il en coûtera d'accroître la pension de base. Cest un chiffre distinct?

M. Anderson: Oui.

Le président: Monsieur Laniel.

M. Laniel: La question que je veux poser à M. Anderson ne se rapporte pas à ces données. Je voudrais éclaircir un certain point. D'après ce que j'ai lu dans le Livre blanc, au sujet des 50 p. 100 qui seront accordés aux anciens combattants de Hong-Kong, pourcentage qui constitue le minimum pour la pension, cela signifie-t-il que, pour toute autre admissibilité, la Commission canadienne des pensions partira de ce pourcentage de base de 50 p. 100 et que toute admissibilité supplémentaire pourra porter la pension au-dessus de ce niveau? Ou est-ce que ce minimum de 50 p. 100 permettra encore à la la Commission canadienne des pensions d'établir une sorte de dossier distinct qui permettrait de suivre l'état de santé d'un ancien combattant de sorte que le taux et la catégorie de la pension dépendrait de ce dossier secondaire jusqu'à ce que, après un examen médical, le pensionné ait finalement atteint ce taux de 50 p. 100?

M. Anderson: Voici peut-être la meilleure manière d'expliquer ce point, monsieur le président. Tout d'abord, et immédiatement à la suite de l'entrée en vigueur de la loi, tout ancien combattant de Hong-Kong qui souffre d'un taux d'invalidité pouvant être déterminé pourra prétendre immédiatement à un taux maximum de 50 p. 100. C'est la première étape. Comme le Ministre a indiqué, cela se fera en vertu d'une mesure législative distincte et non pas en vertu de la Loi sur les pensions. Il faudra promulguer une mesure législative distincte aux termes de laquelle tout ancien combattant de Hong-Kong dont le degré d'invalidité est appréciable recevra automatiquement une pension à 50 p. 100.

L'étape suivante est celle-ci: supposons que six mois, un ou deux ans après, il estime que son invalidité s'est aggravée bien au delà de 50 p. 100, il demandera un nouvel examen médical. Et s'il peut, lors de cet examen, faire état de cette aggravation, son degré d'invali-

[*Texte*]

able to establish this on the basis of the medical evidence which was found at that time, his assessment would go up to 60 per cent, 70 or whatever the assessable degree of disability amounted to in accordance with the medical evidence.

Mr. Laniel: May I give you an example of what I mean. Take the case of a Hong Kong veteran who was in receipt of a 20 per cent disability pension which was only partly based on the condition of avitaminosis, but his condition changes in such a way that he

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could be awarded another 10 per cent on the basis of a medical examination, would that additional 10 per cent increase his pension to 60 per cent? Or, if he was receiving a 25 per cent pension, do you keep a medical file that will bring his 25 per cent to 35 per cent? By your separate legislation he would still receive 50 per cent as the minimum basis. This is what I am trying to establish.

Mr. Anderson: Yes, I understand what you are getting at. Unless there is some further amendment to the legislation I presume that the individual, in order to get more than 50 per cent, would have to establish that his disability was more than 50 per cent. You see, he is given a 50 per cent pension regardless of whether his pension is only 10 per cent. Once he gets that, then unless there is a change in the existing legislation and the proposed legislation, he would have to establish a disability of more than 50 per cent before we could pay him more than 50 per cent.

Mr. Laniel: On medical examination?

Mr. Anderson: That is right, sir.

The Chairman: Are there any other questions anyone wants to ask Mr. Anderson in this regard? If not, thank you, Mr. Anderson.

Mr. Laniel: Which actually corresponds to the recommendations of the Committee two years ago.

The Chairman: No. Is there any other matter anyone wants to raise at this point? If not, I believe, Mr. Reynolds, we hear the first of the veterans' organizations with Mr. Kohaly, this afternoon.

Mr. Reynolds: That is right.

The Chairman: At 2 o'clock.

Mr. Laniel: Mr. Chairman, before we start hearing the representative of the veterans'

[*Interprétation*]

dité pourrait être établi à 60 ou 70 p. 100, ou plus selon l'avis du médecin.

M. Laniel: Pourrais-je expliquer, par un exemple, ce que je veux dire. Prenons l'exemple d'un ancien combattant de Hong-Kong qui reçoit une pension d'invalidité à 20 p. 100 accordée en partie seulement à la suite d'une avitaminose, mais dont l'état de santé s'altère de telle façon qu'il pourrait, à la suite d'un examen médical, bénéficier d'une autre augmentation de 10 p. 100. Est-ce que sa pension sera alors portée à 60 p. 100? S'il bénéficie d'une pension à 25 p. 100, établit-on un dossier médical où les 25 p. 100 seraient portés à 35 p. 100? En promulguant une mesure législative distincte, sa pension de base minimale serait quand même établie à 50 p. 100. Voilà ce que j'essaie de faire comprendre.

M. Anderson: Oui, je comprends ce que vous voulez dire. A moins que la mesure législative ne soit modifiée de nouveau, je suppose que pour qu'une personne soit pensionnée à plus de 50 p. 100, il faudrait qu'elle établisse que son degré d'invalidité dépasse 50 p. 100. Voyez-vous, elle bénéficie d'une pension à 50 p. 100, même si sa pension n'est que de 10 p. 100 à l'heure actuelle. Une fois qu'il touchera cette pension, à moins de modifications à la présente loi et à la loi qu'on se propose d'adopter, il devra faire état d'une invalidité à plus de 50 p. 100 avant de toucher une pension de plus de 50 p. 100.

M. Laniel: Après examen médical?

M. Anderson: C'est exact.

Le président: Avez-vous d'autres questions à poser à M. Anderson à cet égard? Sinon, il me reste à remercier M. Anderson

M. Laniel: Cela correspond en fait aux recommandations qu'a faites le Comité il y a deux ans.

Le président: Non. Y a-t-il d'autres questions que vous désireriez soulever maintenant? Sinon, je crois, monsieur Reynolds, que nous pourrions donner la parole au représentant de l'Association des anciens combattants, M. Kohaly, cet après-midi.

M. Reynolds: Oui.

Le président: A deux heures.

M. Laniel: Monsieur le président, avant d'entendre le représentant de l'Association des

[*Text*]

association, I have a question which I do not know whether Mr. Ward can answer. Sir, could you tell us if the veterans' associations have been informed of the decisions of the Department or of the Pension Commission towards all these recommendations, acceptance or refusal and so on? I ask because we will be receiving this afternoon a presentation and brief that will more or less cover areas that have been decided upon. I think time would be lost and it is regrettable if the associations did not get that information in due time.

Mr. Ward: As I understand it the information available to all the veterans' associations, is the information contained in the White Paper and since elaborated upon by the Minister and the Deputy Minister and officials.

The Chairman: Mr. Laniel, this has been one of our problems: how to get basic information out. The White Paper was the announcement of the government's intention, but we have tried in the course of our hearings to give a fairly good record at the earliest date that we could to assist. We were caught two ways. We had the veterans' organizations insisting they wanted to come and get to us. We were subject to very sharp criticism in some quarters because we did not open this up last spring, so we did not want to impede in any way the dates on which they would appear. They had to make the decision themselves in the light of the information available to them. There is no perfectly happy way to resolve the problem. I was just putting this on the record.

Mr. Laniel: I understand the difficulty, but I think it is regrettable that it should be like that. For the benefit of this Committee though, sir, I am wondering if Mr. Ward is in a position to say that whatever comments he has made over the last two days, are committing the Pension Commission, or the Department in such a way. When you come to us, sir, and say that this recommendation is accepted unchanged, this is very important. It will affect our comments and deliberations over the presentation of the veteran's associations. If a veterans' association makes a point on one of the recommendations that you have identified as accepted completely, the discussion can be very short if we say, we have been told that it is accepted unchanged. However if there is a possibility of a minor change that should have been brought up, in

[*Interpretation*]

anciens combattants, j'aimerais poser une question à M. Ward. Monsieur, pourriez-vous nous dire si les associations des anciens combattants ont été informées de la décision du Ministère ou de la Commission des pensions en ce qui concerne l'acceptation ou le rejet de toutes ces recommandations, et ainsi de suite? Si je pose cette question, c'est qu'on nous présentera cet après-midi un mémoire qui traitera plus ou moins de questions au sujet desquelles on a déjà pris une décision. Nous perdrions ainsi du temps et ce serait dommage si les associations n'en étaient pas informées auparavant.

M. Ward: Si je comprends bien, les seuls renseignements qu'on a communiqués aux associations des anciens combattants sont contenues dans le Livre blanc avec les mises au point apportées par le Ministre, le sous-ministre et les hauts fonctionnaires.

Le président: Monsieur Laniel, nous avons déjà été confrontés avec le problème de la diffusion des renseignements de base. Le Livre blanc nous informait de l'intention du gouvernement, mais nous avons essayé, au cours de nos séances, de présenter, le plus rapidement possible, un assez bon exposé de la situation. Nous avons été pris en sandwich. D'un côté, les organisations des anciens combattants insistaient pour s'entretenir avec nous. D'un autre, on nous a critiqué très violemment, dans certains milieux, de ne pas avoir débattu la question le printemps dernier; c'est pourquoi nous n'avons pas voulu les empêcher de comparaître au moment où elles le voulaient. Elles devaient décider elles-mêmes en tenant compte des renseignements qu'elles possédaient. Il est impossible de résoudre ce problème de façon tout à fait satisfaisante. Je voulais simplement consigner cela au dossier.

M. Laniel: Je comprends la difficulté, mais je crois qu'il est regrettable qu'il en soit ainsi. Je voudrais cependant demander à M. Ward, pour la gouverne du Comité, si les commentaires qu'il a faits pendant les deux derniers jours engagent à tel point la Commission des pensions ou le Ministère. Quand vous nous dites, monsieur, qu'une recommandation est adoptée sans modification, c'est très important. Cela influera sur nos commentaires et nos délibérations quand les associations d'anciens combattants nous présenteront leurs mémoires. Si une de ces associations soulève une question concernant une des recommandations qui ont été, comme vous le dites, adoptées sans modification, la discussion pourra être très brève si nous informons l'association que la recommandation a été adoptée telle quelle. Cependant, dans le cas d'une modifica-

[*Texte*]

general are we to assume that your qualification of acceptance of recommendation is pretty close to what will happen?

The Chairman: May I comment here please? We have invited witnesses from the Department to present the Department's point

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of view. The Committee will make a report and there is no question that the views of the Committee are going to have some influence before the legislation is drafted. There will be areas in which the Committee will make recommendations that perhaps have not been covered in such detail by departmental witnesses. I just do not feel that one should regard Mr. Ward's testimony, for example, as a tablet coming from the mountain. This is not the way in which, I think, members of the Committee should approach it. He has given an indication of the attitude of the Department based on their examination of the recommendations and the Committee is free to look at these.

Mr. Laniel: My question is not really to put Mr. Ward on the spot. It is a question of perhaps saving time in our discussions.

Mr. Guay (St. Boniface): There is a point, I think, we are forgetting, Mr. Chairman.

The Chairman: You have a fundamental point, Mr. Laniel; I just do not know how to answer it.

Mr. Guay (St. Boniface): This brings out two points in my estimation, Mr. Chairman. One is that if the recommendation made by the Department as it is at the moment, is the policy that is going to stay exactly the way they say, then I do not see the purpose for which we are sitting here at all.

The Chairman: Mr. Guay, we are not in that position.

Mr. Guay (St. Boniface): The second point I want to bring out is the fact that the Minister in his report said that what he was saying to us was flexible, that even the White Paper was flexible.

The Chairman: Right.

Mr. Guay (St. Boniface): In view of that, I am willing to sit here and consider possible changes if the Committee warrants it necessary to change.

Mr. Knowles (Winnipeg North Centre): It is perfectly clear, is it not, that the veterans'

[*Interprétation*]

tion mineure qu'on aurait dû apporter, devons-nous penser que, d'une façon générale, vous adopterez très probablement la recommandation sans modification?

Le président: J'aimerais dire quelques mots à ce sujet. Nous avons demandé aux témoins du Ministère de nous expliquer le point de vue du Ministère. Le Comité fera rapport, et il n'y a pas de doute que les idées soulevées au Comité seront prises en ligne de compte avant de rédiger le texte de la loi. Le Comité fera sûrement des recommandations concernant des questions que les témoins du Ministère n'ont peut-être pas absorbées en détail. Je ne crois vraiment pas qu'il faille prendre les paroles de M. Ward au pied de la lettre. A mon avis, ce n'est pas comme cela que les membres du Comité doivent envisager les choses. M. Ward nous a communiqué l'attitude du Ministère vis-à-vis des recommandations et le Comité est libre de les étudier.

M. Laniel: Je ne veux vraiment pas mettre M. Ward sur la sellette avec ma question. Il s'agit tout simplement de gagner du temps dans nos discussions.

M. Guay (Saint-Boniface): Je crois que nous oublions quelque chose, monsieur le président.

Le président: Vous soulevez là une question fondamentale, monsieur Laniel; je ne sais vraiment pas quoi vous répondre.

M. Guay (Saint-Boniface): Cela soulève, à mon avis, deux autres questions, monsieur le président, la première est que si la recommandation faite par le Ministère à l'heure actuelle n'est pas du tout modifiée, je ne vois vraiment pas pourquoi nous sommes réunis ici.

Le président: Monsieur Guay, ce n'est pas notre cas.

M. Guay (Saint-Boniface): La deuxième question que je voudrais soulever est la suivante: dans son rapport, le Ministre indiquait que ce qu'il disait n'est pas définitif et que même le Livre blanc est sujet à modification.

Le président: C'est exact.

M. Guay (Saint-Boniface): Dans cette optique, je suis prêt à étudier les modifications qu'on pourrait apporter si le Comité le juge utile.

M. Knowles (Winnipeg-Nord-Centre): Il est tout à fait évident, n'est-ce pas, que les orga-

[*Text*]

organizations are free to comment, not just on the White Paper, but on the Woods Report.

The Chairman: Exactly, the terms of reference that Parliament gave this Committee said the Woods Committee Report and the recommendations included in it.

Mr. Bigg: We also want to know from the veterans' organizations what they think of the departmental attitude to the Woods Report so that it can be changed if it is necessary.

The Chairman: I think the point has been useful, and I thank Mr. Laniel for raising it because it is good to have this in the transcript of the Committee at this stage.

Mr. Legault: Mr. Chairman, I wonder if it would be possible to obtain simply the numbers of those articles that are either modified, rejected or accepted.

The Chairman: We will confer with Mr. Reynolds and others to prepare some sort of a tabula ion which you can use for your own reference purposes. This will take just a little time. We will do the best we can.

Mr. Legault: Thank you.

AFTERNOON SITTING

The Chairman: At the end of our session this morning there was a question raised by Mr. Stanley Knowles concerning the potential liability to the government of the recommendations concerning Hong Kong veterans and the widows. Mr. Reynolds, our research officer, has in his possession a letter which will clarify this. Mr. Reynolds, would you care to read that letter into the record.

Mr. Reynolds: Yes, Mr. Chairman. The letter is dated March 25, 1969, and is addressed to the Honourable J. E. Dubé, M.P., Minister of Veterans Affairs. It reads and I quote:

> As at 31 December, 18, there were 51 widows of Hong Kong veterans, all of whom are potential pensioners in the event of beneficial legislation on their behalf.
>
> There are 395 Hong Kong veterans presently in receipt of pension at less than 48%.
>
> Assuming all of the above noted veterans are married or may marry, and should beneficial legislation become

[*Interpretation*]

nisations des anciens combattants peuvent faire des commentaires sur le Livre blanc de même que sur le Rapport Woods.

Le président: C'est exact. Le Parlement nous a mandaté pour étudier le Rapport du Comité Woods et ses recommandations.

M. Bigg: Nous voulons également que les organisations des anciens combattants nous disent ce qu'elles pensent de l'attitude du gouvernement vis-à-vis du Rapport Woods afin que nous puissions, au besoin, y apporter des modifications.

Le président: Je crois qu'il a été bon de soulever la question et je remercie M. Laniel de l'avoir fait, car je crois que cela devrait figurer au compte-rendu du Comité à ce stade.

M. Legault: Monsieur le président, je me demande s'il ne serait pas possible tout bonnement d'obtenir le numéro des recommandations qui sont modifiées, rejetées ou adoptées.

Le président: Nous en parlerons à M. Reynolds et à d'autres afin d'avoir une liste à laquelle on puisse se reporter. Cela prendra peu de temps. Nous ferons notre possible.

M. Legault: Merci.

SÉANCE DE L'APRÈS-MIDI

Le président: A la fin de la séance de ce matin, Monsieur Stanley Knowles a demandé quelles dépenses les recommandations relatives aux anciens combattants de Hong-Kong et à leurs veuves entraîneront pour le gouvernement. Monseur Reynolds, notre agent de recherches, a une lettre qui permet de jeter la lumière sur ce sujet. Voudriez-vous, monsieur Reynolds, donner lecture de cette lettre afin que le compte rendu en fasse mention?

M. Reynolds: Oui, monsieur le président. Cette lettre, qui est datée du 25 mars 1969, est adressée à l'honorable J.-É. Dubé, député, ministre des Affaires des anciens combattants. En voici le texte:

> Le 31 décembre 1968, on comptait 51 veuves d'anciens combattants de Hong-Kong, qui pouvaient toutes recevoir une pension au cas où elles pourraient bénéficier d'une loi adoptée en leur faveur.
>
> En ce moment, 395 anciens combattants de Hong-Kong reçoivent une pension inférieure à 48 p. 100.
>
> A supposer que tous ces ex-militaires soient mariés ou puissent se marier et qu'ils puissent bénéficier d'une mesure

[*Texte*]

retroactive so far as the criterion for eligibility is concerned, the potential annual liability would be approximately $1,070,000.00, but only 51 widows would be eligible forthwith.

Should the average family consist of two children, it is assumed they would be pensioned at orphan rates in a like manner as children under Section 26(12). The potential annual liability would be $642,240.00 at the present rate

The total potential annual liability is $1,712,400.00.

J. M. Forman,
Deputy Chairman.

The Chairman: Thank you, Mr. Reynolds. I thought the Committee would like to have this inserted into the record.

This afternoon we have with us Mr. Kohaly, who is representing a group of veterans' organizations in Canada and I believe is known to most members of this Committee. I think we have all had occasion to meet him more than once. Mr. Kohaly has a number of other people associated with him in the presentation this afternoon, and I would like to turn over the microphone to him and ask him to introduce the various groups and their spokesmen with him today. Mr. Kohaly.

Mr. R. Kohaly (Dominion President, The Royal Canadian Legion): Thank you, Mr. Chairman. Gentlemen, the group known as the Joint Veterans Group is composed of

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various veterans' organizations which are chartered in Canada. We have most of the heads of these organizations with us today, Mr. Chairman.

First of all, The Army, Navy and Air Force Veterans of Canada are represented by their Dominion President from Belleville, Ontario, Mr. Jack Lundberg. Jack Lundberg is here, Mr. Chairman. The Canadian Corps Association, Inc. is represented by its Dominion President, Eugene Heesaker from Toronto who is here.

The Canadian Paraplegic Association is represented by its Assistant General Manager, Andy Clarke, who is at the end of the table. The Hong Kong Veterans Association is represented by its Dominion President, Charlie Brady, from near Montreal. The National Council of Veterans Associations of Canada is on this occasion represented by its Deputy

[*Interprétation*]

législative rétroactive, compte tenu du critère d'admissibilité, il pourrait en coûter environ 1,070,000 dollars par année; mais seulement 51 veuves seraient admissibles immédiatement.

Mettons que la famille moyenne compte deux enfants; il est à supposer que, aux termes du paragraphe (12) de l'article 26, la pension s'appliquerait à eux selon le taux des orphelins. Au taux actuel, cela représenterait une dépense annuelle de 642,240 dollars.

La dépense annuelle prévisible serait donc de 1,712,400 dolars.

Le vice-président,
J. M. Forman.

Le président: Merci, monsieur Reynolds. J'ai pensé que le Comité aimerait que ces détails soient insérés dans le compte rendu.

Cet après-midi, nous avons parmi nous Monsieur Kohaly, qui représente un groupe d'organismes d'anciens combattants du Canada. Je crois que la plupart des membres du Comité le connaissent, car nous avons tous eu l'occasion de le rencontrer maintes fois. Un certain nombre de personnes associées à Monsieur Kohaly l'accompagnent ici cet après-midi. Je lui cède la parole en le priant de nous présenter les divers groupes et leurs porte-parole qui l'accompagnent. Monsieur Kohaly.

M. R. Kohaly (président national de la Légion royale canadienne): Merci, monsieur le président. Messieurs, le groupe qu'on appelle le groupe conjoint des anciens combattants comprend diverses organisations d'anciens combattants qui ont une charte canadienne. La plupart des chefs de ces organisations sont présents dans cette enceinte, monsieur le président.

Il y a tout d'abord les anciens combattants canadiens de la marine, de l'aviation et de l'armée, dont le président national, monsieur Jack Lundberg, de Belleville (Ont.), est ici présent, monsieur le président. Monsieur Eugene Heesaker, de Toronto, président national du *Canadian Corps Association*, représente cet organisme.

L'Association canadienne des paraplégiques est représentée par son directeur général adjoint, Monsieur Andy Clarke, qui se trouve à l'extrémité de la table. Monsieur Charlie Brady, qui demeure près de Montréal, représente l'Association canadienne des anciens combattants de Hong-Kong, à titre de président général. Monsieur Jack Lundberg, que

[*Text*]

Chairman, Jack Lundberg, whom I mentioned a few moments ago. The Royal Canadian Air Force Association is represented by its General Manager, Jack Gray, of Ottawa. The Royal Canadian Legion, sir, I represent as its Dominion President and I have with me Mr. Don Thompson, whom you recognize as our Dominion Secretary. The Sir Arthur Pearson Association of War Blinded is represented by its Secretary, Fred Woodcock. The War Amputations of Canada today is represented by its Executive Secretary, Cliff Chadderton, whom you know, sir. The War Pensioners of Canada, Inc. is represented by Mike Campbell, the Dominion President of the association. We have one other association but its representative is not here yet. I will introduce him when he arrives. May I proceed with the brief, sir?

The Chairman: Please do. We are delighted that you are able to be here this afternoon and we are anxious to hear what you have to say.

Mr. Kohaly: Mr. Chairman, gentlemen. The National Veterans Organizations of Canada, first of all, welcome this initial opportunity to appear before the Veterans Affairs Committee to give you a brief resume of the results of our deliberations on the reports of the Committee to Survey the Work and Organization of the Canadian Pension Commission, which we refer to as the Report of Woods Committee and the Government White Paper on veterans' pensions.

It is, we believe, the first time in some 35 years that our veterans' organizations have appeared together to express unanimous views on proposed improvements to the Pension Act and its administration. Our organizations believe it particularly significant that we have deemed it necessary to devote our united resources and knowledge in an endeavour to ensure that maximum consideration is given to the implementation of the recommendations of the Woods Committee which would result in a more effective legislative and administrative program to provide adequate indemnity for death and disability arising from military service.

Representatives of our organizations met on several occasions to discuss the 148 recommendations of the Woods Committee.

[*Interpretation*]

j'ai déjà mentionné, représente aussi le Conseil national des associations d'anciens combattants du Canada à titre de vice-président de ce conseil. Monsieur Jack Gray, d'Ottawa, représente l'Association de l'Aviation royale du Canada, dont il est le directeur général. Je représente la Légion canadienne, à titre de président national; accompagné de monsieur Don Thompson qui, vous le savez, est notre secrétaire national. Monsieur Fred Woodcock, secrétaire de la *Sir Arthur Pearson Association of War Blinded* (l'Association Sir Arthur Pearson des aveugles de guerre) représente cet organisme. Monsieur Cliff Chadderton, que vous connaissez, monsieur le président, représente l'Association canadienne des amputés de guerre dont il est le secrétaire administratif. Monsieur Mike Campbell, président national de l'Association des pensionnés de guerre du Canada, représente cet organisme. Il y a une autre association d'anciens combattants, mais elle n'est pas représentée ici aujourd'hui. Puis-je présenter notre mémoire, monsieur le président?

Le président: Je vous en prie. Nous sommes heureux de vous recevoir et nous avons hâte d'entendre votre témoignage.

M. Kohaly: Monsieur le président et messieurs, les organisations nationales d'anciens combattants du Canada sont heureuses de profiter de l'occasion qui leur est offerte pour présenter au Comité des Affaires des anciens combattants un bref résumé de leurs délibérations relatives au rapport du comité chargé d'étudier le travail et l'organisation de la Commission canadienne des pensions (il s'agit du rapport du Comité Woods) et relatives aussi au Livre blanc du gouvernement au sujet des pensions aux anciens combattants.

Sauf erreur, c'est la première fois depuis 35 ans que nos organisations d'anciens combattants ont l'occasion de se réunir pour présenter un avis unanime sur les améliorations proposées à la loi sur les pensions et relativement à l'application de cette loi. Il est tout particulièrement remarquable, de l'avis de nos organismes, que ceux-ci aient jugé nécessaire d'unir leurs ressources et leurs connaissances pour que l'on tienne enfin compte dans toute la mesure possible des vœux du Comité Woods, dont la mise en vigueur assurera l'application d'un programme législatif et administratif plus efficace en vue de prévoir une indemnité satisfaisante dans les cas de décès et d'invalidités par suite du service militaire.

Les représentants de nos organisations se sont réunis à plusieurs reprises pour étudier les 148 vœux du Comité Woods.

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Since receiving the Government White Paper on September 9, we have held further meetings to study the Government's proposals concerning the implementation of the Woods Committee recommendations.

Our purpose in appearing before you today is to make a general statement. More detailed submissions will be made by our organizations when they appear later during your sessions.

Mr. Chairman, we would like at the outset to express our sincere appreciation to the Minister of Veterans Affairs, the Government and the House of Commons for the study which has already gone into the Woods Report and for the intention to implement many of the recommendations of the Woods Committee.

Incidentally, sir, at this point we would like to digress just for a moment from the written brief. As you know, the White Paper was made available to representatives of our organizations only on September 9. We immediately set about to prepare this brief, which necessarily involved a considerable amount of study of both the White Paper and the Woods Committee recommendations. Our presentation today is therefore, based solely on those matters which were referred to either as having been accepted or rejected by the Government's White Paper. It is my understanding, however, that the Committee has now had an opportunity to hear the Minister, the Deputy Minister and departmental officials who have elaborated on the White Paper and already have indicated that some other matters not referred to in the White Paper have in fact been accepted in whole or with some modification by the Gov-

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ernment. It is anticipated that as you continue to hear departmental officials, it may become evident that additional recommendations of the Woods Committee have, in fact, been accepted by the Government. I did feel that I should clarify our presentation before proceeding further because obviously we had to prepare this some time ago.

We are especially pleased at the proposal to recognize the need for a more adequate provision for our gallant comrades who served in Hong Kong and their dependents.

The plan to reorganize the Veterans' Bureau and redefine its function should bring about a much-to-be desired improved relationship between applicant and advocate. We appreciate the Government's decision to implement recommendations to define more clearly the "benefit of the doubt" clause, to

[*Interprétation*]

Depuis que nous avons reçu le Livre blanc du gouvernement, le 9 septembre, nous avons tenu d'autres séances pour étudier les propositions du gouvernement relatives à l'application des recommandations du Comité Woods.

Nous voulons nous contenter aujourd'hui de faire un exposé d'ordre général. Nos organisations feront des exposés plus détaillés lors de séances ultérieures.

Monsieur le président, nous tenons à remercier sincèrement le ministre des Affaires des anciens combattants, le gouvernement et la Chambre des communes d'avoir étudié le rapport du Comité Woods comme cela a été fait jusqu'ici et d'avoir exprimé l'intention d'appliquer plusieurs des recommandations contenues dans ce rapport.

Permettez-moi, monsieur le président, de m'écarter pendant un instant du texte de notre mémoire. Vous savez que les représentants de nos organismes d'anciens combattants n'ont pu disposer du Livre blanc que le 9 septembre. Nous nous sommes immédiatement attelés à la réaction du présent mémoire, ce qui, il va sans dire, a nécessité une étude approfondie du Livre blanc et des recommandations du Comité Woods. Par conséquent, nous nous en tiendrons aujourd'hui aux questions qui, d'après le Livre blanc du gouvernement, ont été acceptées ou rejetées. Toutefois, si je comprends bien, le Comité aura maintenant l'occasion d'entendre le ministre, le sous-ministre et les hauts fonctionnaires du ministère qui ont travaillé à la préparation du Livre blanc et qui ont déjà dit que le gouvernement a accepté telles quelles ou quelque peu modifiées certaines choses dont il n'est pas question dans le Livre blanc. Au fur et à mesure que vous entendrez les hauts fonctionnaires du ministère, il est bien possible que vous constatiez que le gouvernement a effectivement accepté d'autres propositions du Comité Woods. J'ai pensé qu'il fallait, avant d'aller plus loin, préciser qu'il nous a fallu préparer notre mémoire il y a déjà un certain temps, cela se conçoit.

Nous sommes particulièrement heureux de la proposition faite en vue de reconnaître la nécessité de dispositions plus satisfaisantes pour nos vaillants camarades qui ont servi à Hong-Kong et pour leurs ayants droit.

La réorganisation et la nouvelle définition du rôle du Bureau des vétérans devrait susciter de meilleures relations grandement souhaitables entre ceux qui demandent une pension et les avocats de la Commission. Nous sommes heureux de voir que le gouvernement veut appliquer les recommandations relatives

[*Text*]

make pensions retroactive for up to five years prior to the date of entitlement, to improve the situation for the pensioned widow who remarries, to provide for posthumous assessment of certain pension cases to see if the widow can be eligible for pension and to award pensions for "consequential disabilities" and "loss of paired organs".

We are also appreciative of the more generous attitude planned for those whose pension cases might be affected by "irregular unions" and "improper conduct". We recognize that these proposals reflect a desire by the Government to ensure that Canada's pension legislation is kept in harmony with modern concepts of social justice and society's obligations to those who have in war and peace placed their lives at the service of their country.

However, our analysis of the White Paper as compared to the recommendations of the Woods Committee unfortunately results in a disappointing picture. We believe that you, as members of this Committee and Members of the House of Commons, will share our disappointment at the inadequacies of the sum total of the Government's proposals.

Basic Rate

Our greatest disappointment is caused by the statement in the White Paper that, "the terms of reference of the 'Committee to Survey the Work and Organization of the Canadian Pension Commission'—the Woods Committee—did not include the study of pension rates, . . ."

We find it strange that when the report was tabled in the House of Commons on March 26, 1968, and again when it was referred to this Committee on June 26, 1969, by the House of Commons, no action was taken to delete those portions of the report dealing with the basic rate. In view of this, the veterans' organizations are, we believe, entitled to assume that those portions of the report were properly included. It is also our understanding that since the references to the basic rate in the report formed a part of the document referred to this Committee, the question of basic rate is properly before you.

The need for the establishment of an adequate basic rate of pension has been apparent

[*Interpretation*]

à une définition plus précise de la clause relative au «bénéfice du doute», à la rétroactivité de la pension jusqu'à cinq ans avant la date de l'admissibilité, à l'amélioration de la situation des veuves qui se remarient, à l'évaluation posthume de certains cas relatifs aux pensions, afin de voir si la veuve peut être admissible à la pension, et, enfin, à la possibilité d'accorder la pension pour les «infirmités secondaires» et pour la «perte d'organes pairs».

Nous sommes également heureux de constater qu'on veut adopter une attitude plus généreuse à l'égard de deux dont la pension peut être atteinte par ce qu'on appelle les «unions irrégulières» et la «mauvaise conduite». Nous convenons que ces propositions indiquent de la part du gouvernement le désir de faire en sorte que la législation canadienne relative aux pensions soit en harmonie avec les concepts actuels à la base de la justice sociale et avec les obligations que la société a contractées envers ceux qui, en temps de guerre comme en temps de paix, ont consacré leur vie au service de leur pays.

Cependant, notre analyse du Livre blanc, au regard des vœux du Comité Woods, conduit malheureusement à établir un tableau désappointant. Nous pensons que vous, qui êtes membres du Comité et de la Chambre des communes, vous partagerez notre désappointment en face de la somme d'argent insuffisante offerte par les propositions du gouvernement.

Le taux de base

Notre plus grand désappointement découle des mots que nous relevons du Livre blanc: «Le mandat du «Comité d'enquête sur l'organisation et le travail de la Commission canadienne des pensions» ne comprenait pas l'étude du taux de la pension, . . .». Nous trouvons étrange que, lorsque le rapport a été déposé à la Chambre des communes, le 26 mars 1968, et aussi quand la Chambre des communes l'a renvoyé à votre Comité, le 26 juin 1969, rien n'a été fait pour supprimer les parties du rapport ayant trait au taux de base de la pension. C'est à cause de cela que les organisations d'anciens combattants, croyons-nous, se sont crues autorisées à penser que ces parties du rapport se trouvaient bien à leur place. Nous sommes également d'avis qu'étant donné que les textes relatifs au taux de base forment une partie intégrante du document que la Chambre a confié à l'attention du Comité en lui renvoyant le rapport en question, vous êtes bel et bien saisis de la question du taux de base.

Il y a bien des années que se fait sentir la nécessité d'établir un taux satisfaisant des

[*Texte*]

for many years. We have individually and collectively urged the Government to take action to increase the basic rate to the same level of Public Service income as existed immediately following World War I. In this regard we refer you to the following excerpts from the comments of the Woods Committee (V. II, p. 495) which it is stated is based on information given the 1919 Parliamentary Committee.

> "The earning power of the man in the class of the untrained labourer will be sufficient to provide decent comfort for himself and his family, that is to say, the standard of living which the average unskilled man can command for himself and his family."

The veterans' organizations of Canada are convinced that the unskilled labour market is the only practical formula on which pensions can be based. The unskilled labour market is the basis for the age-old concept of "pension as of right". This formula provides that pensions will be paid on the basis of the amount of disqualification in the unskilled labour market.

The formula is important, also, for what it does not say, in that it does not bar the pensioner from earning wages with those capabilities which he may have remaining. It is thus an incentive for the pensioner to rehabilitate himself, on the understanding that any income which he may earn will not affect his right to pension because of his disqualification in the unskilled labour market.

We can see no need for a new basis for calculation of war disability pension. It is admitted that unskilled labour is not as common in Canada today as it was in 1918 when this formula was devised. It should be borne in mind, however, that the original intention was not to choose a category of labour as an economic base, but simply to describe the basis of pension, i.e., that the Government desired to indemnify a pensioner for that part of him which was incapable of performing unskilled labour. In essence, the principle was that he came into the Armed Forces with the sound mind and body of a man capable of performing unskilled labour. If through disability his service left him disqualified to perform certain of these labours, he was entitled to pension to the extent of his disqualification. It is believed that when the Government came to place a dollar value on one hundred per cent pension the wages for unskilled labour (as determined by a cleaner and helper in the Public Service) was chosen as

[*Interprétation*]

pensions. Nos organisations prises individuellement et collectivement insistent auprès du gouvernement pour qu'il relève le taux de base au même niveau que le revenu dans la Fonction publique, après la Première Guerre mondiale. A ce propos, nous vous renvoyons à l'extrait suivant tiré du commentaire du rapport Woods (volume II, p. 573) qui, est-il dit s'appuie sur des données fournies au comité parlementaire de 1919.

> La valeur ouvrière d'un homme appartenant à la catégorie de l'ouvrier non spécialisé sera suffisante pour lui assurer un confort raisonnable, de même qu'à sa famille, c'est-à-dire le niveau de vie que peut obtenir l'ouvrier moyen non spécialisé pour lui-même et sa famille.

Les organismes d'anciens combattants du Canada sont convaincus que le marché du travail non spécialisé est la seule formule utile sur laquelle on doive fonder les pensions. Le marché du travail non spécialisé est la base reconnue de tout temps pour concevoir la «pension de droit». Cette formule prévoit que les pensions seront versées en fonction du manque de spécialisation sur le marché du travail non spécialisé.

Il faut dire également que cette formule est importante par ce qu'elle omet, en ce sens qu'elle n'empêche pas le pensionné de gagner ce qu'il peut grâce à la capacité qui lui reste encore. On a donc là un stimulant qui incite le pensionné à améliorer son sort, car il est entendu que le revenu qu'il peut obtenir de son travail n'influera en rien sur sa pension parce qu'il manque de spécialisation sur le marché du travail non spécialisé.

Nous ne pouvons concevoir qu'il faille recourir à une nouvelle base de calcul de la pension pour une invalidité à la suite du service militaire. Il est entendu que les travailleurs non spécialisés soint moins communs au Canada qu'ils ne l'étaient en 1918, lorsque cette formule a été adoptée. Toutefois, il ne faut pas oublier que l'intention originale n'était pas de choisir une catégorie de travailleurs pour base économique, mais simplement d'établir la base de la pension, c'est-à-dire que le gouvernement voulait indemniser le pensionné pour la partie de sa personne qui était incapable d'accomplir un travail non spécialisé. Au fond, le principe était le suivant: quand l'ex-militaire s'était enrôlé, il jouissait de l'esprit sain et du corps solide de celui qui est capable d'accomplir un travail non spécialisé. Si, à cause de son service militaire, il se trouve incapable d'accomplir certains de ces travaux, il a droit à une pension équivalant à la mesure de son incapacité. On est d'avit que, lorsque le gouvernement a établi la valeur monétaire du pensionné à cent

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the yardstick. The Woods Committee recommends that the unskilled labour market formula be retained—and that the dollar value for one hundred per cent pension be determined by the average wage for the classified unskilled labourer in the Government of Canada.

We find it difficult to accept the statement that, "the rates now in effect, and their relationship to the Canadian standard of living, are being studied separately."

For many years we have been told that the Government was looking for a new "yardstick" to apply to pension rates. The Woods Committee recommendation makes it, we believe, very clear that the old "yardstick" is still sound and the only fair basis for relating disabilities to dollars. The "yardstick" was defined by the Woods Committee in the following words:

> "the amount for 100 per cent pension should continue to be the earning power of a man in the class of the untrained labourer; as determined by the average wage for this type of employment in the Public Service of Canada."

All that is needed is for the Government of Canada to restore the "yardstick" to its relative length of 1920.

Multiple disabilities

A number of Canada's war casualties suffer from more than one disabling condition. The Pension Act, however, fails to compensate the multiple disability casualty for the true extent of his disabliity. This is particularly evident in the case of the multiple amputee, the paraplegic and the totally blinded.

The Report of the Woods Committee has pointed out that "the absence of adequate provision in this regard appears as a major flaw in the existing pension system for war disabilities."

This very small minority of pensioners belonging in the multiple disabilities class is made up of those who are not only totally unable to compete in the common labour market but whose disability is of such magnitude that it carries with it a number of other assessable conditions. These additional conditions, that may in some cases involve total assessments exceeding 350 per cent, should be compensable in the form of supplementary pension.

The report cites, in general terms, the methods of pension assessment used in a

[*Interpretation*]

pour cent, le salaire du travailleur non spécialisé, qui est déterminé par ce que reçoivent les nettoyeurs et les aides dans la fonction publique, devenait la norme à suivre. Le Comité Woods a proposé que la formule du marché du travail non spécialisé soit conservée et que la valeur en argent de la pension à cent pour cent soit établie en vertu du salaire moyen accordé au travailleur non spécialisé qui est classifié au service de l'État canadien.

Nous acceptons difficilement que «les taux présentement en vigueur et leur rapport avec le niveau de vie des Canadiens soient étudiés séparément».

Depuis des nombreuses années, on nous dit que le gouvernement songe à une nouvelle «norme» applicable au taux des pensions. A notre avis, la recommandation du Comité Woods précise bien que l'ancienne «norme» est encore la bonne et qu'elle est la seule base équitable pour comparer les invalidités et le montant des pensions. Voici comment le Comité Woods définit cette «norme»:

> Le montant de la pension à 100 p. 100 devrait demeurer la valeur ouvrière d'un homme de la catégorie de la main-d'œuvre non spécialisée, montant déterminé par le salaire moyen pour ce genre d'emploi dans la Fonction publique du Canada.

Tout ce qu'il faut c'est que le gouvernement du Canada rétablisse la «norme» relative de 1920.

Infirmités multiples

Beaucoup de grands blessés de guerre canadiens et surtout les amputés de plus d'un membre, les paraplégiques et les aveugles, ne peuvent obtenir, en vertu de la Loi sur les pensions, une indemnité qui tienne vraiment compte de la gravité de leur état.

Le rapport du Comité Woods signalait que l'absence de dispositions adéquates à cet égard semble être une lacune importante du régime actuel des pensions pour les invalides de guerre.

Cette très faible minorité de pensionnés qui tombent dans la catégorie des blessés atteints d'infirmités multiples comprend ceux qui non seulement sont incapables de soutenir la concurrence sur le marché ordinaire du travail, mais dont les infirmités sont d'une gravité telle qu'une indemnité spéciale devrait leur être accordée. Dans certains cas, toutes ces infirmités dont l'évaluation dépasse 350 p. 100 devraient être indemnisées au moyen d'un supplément de pension.

Le rapport expose en termes généraux les méthodes d'évaluation des pensions utilisées

[*Texte*]

number of other countries to provide additional pension for multiple disabilities and makes specific recommendations for a supplementary pension in the Canadian system to meet this need.

In this way the multiple disability casualty could properly be compensated for anatomical loss, scarring and disfigurement, loss of enjoyment of life, pain and discomfort and shortening of the life span—all of which represent very real problems—but for which no direct payment is made under the existing pension legislation. The veterans' organizations have studied the Committee's recommendations on multiple disabilities and have concluded that they are both reasonable and workable. They are based upon the present unskilled labour market formula and can be accomplished without disturbing the existing basis of pension.

In the White Paper the Government recognizes the present unjust and inadequate provision for those suffering pensionable disabilities, the assessed total of which would exceed 100 per cent.

"To recognize this exceptional burden of disablement", the Government says that, "provision will be made for an annual allowance or lump-sum grants, of not less than $400 and not more than $1,200 per annum, for specified amenities to relieve pain and discomfort, and to increase as far as possible the enjoyment of life for the pensioner and to provide for him the essential will to live."

The problems of the multiple disability pensioner are most severe, particularly in respect of matters such as loss of expectation of life, scarring and disfigurement, and loss of enjoyment of life. It is not practical to expand upon this in the submission being made today. We do, however, refer you to Chapter 14 (VII, pp. 541-578) of the Woods Report, which deals at length with this subject and in particular we desire to emphasize the comments made by Mr. Justice Woods and his colleagues regarding the necessity to make *substantial* increases in the provisions for the multiple disability casualty.

Gentlemen, the Government's proposal falls far short of meeting the need outlined in the Woods Report!

The proposal is a totally unsatisfactory remedy and some of the organizations represented here today will go into this matter in greater detail in subsequent representations

[*Interprétation*]

dans nombre d'autres pays afin de fournir un supplément de pension aux grands blessés et une formule des recommandations précises concernant un tel supplément au régime canadien afin de répondre à ce besoin.

De cette façon, l'ancien combattant atteint d'infirmités multiples recevrait une indemnité raisonnable s'il a perdu un ou plusieurs membres ou la vue, ou bien s'il est balafré ou défiguré ou encore s'il ne peut jouir de la vie, ou bien s'il doit endurer constamment des douleurs et des malaises ou si sa vie est écourtée—tout cela présente de véritables problèmes—mais la loi actuelle ne prévoit aucun paiement direct à cet égard.

Les organisations d'anciens combattants ont étudié les recommandations du Comité au sujet des anciens combattants atteints d'infirmités multiples et en ont conclu qu'elles sont raisonnables et pratiques. Elles se fondent sur la formule actuelle du marché du travail pour les ouvriers non spécialisés et peuvent être mises en œuvre sans perturber la base actuelle de la pension.

Dans le Livre blanc, le gouvernement reconnaît que les dispositions actuelles sont injustes et insuffisantes pour ceux qui sont atteints d'infirmités ouvrant droit à pension et dont le total est évalué à plus de 100 p. 100.

Afin de compenser ces infirmités exceptionnelles, le gouvernement déclare que des dispositions seront prises pour verser une allocation annuelle ou un paiement global qui ne soit pas inférieur à $400, ni supérieur à $1,200 par année, afin d'acquitter le coût de services ou de commodités prescrits pour soulager la douleur et les malaises et pour permettre autant que possible au pensionné de jouir un peu de la vie ou de lui redonner le goût de vivre.

Les problèmes auxquels doit faire face un grand blessé sont très graves; sa vie en est écourtée, il peut être balafré ou défiguré et ne peut jouir de la vie. Il n'est pas pratique de s'étendre sur le sujet dans le mémoire que nous présentons aujourd'hui. Nous vous renvoyons, cependant, au chapitre 14 (Vol. II, p. 541-578) du rapport Woods, qui traite par le détail de cette question; nous voulons surtout souligner les commentaires de monsieur le juge Woods et de ses collègues sur la nécessité de relever sensiblement le montant des pensions versées aux grands blessés.

Messieurs, la proposition du gouvernement est loin de répondre aux besoins exposés dans le rapport Woods.

La proposition est un palliatif peut satisfaisant et certaines des organisations représentées ici aujourd'hui examineront la question par le menu dans des revendications ultérieu-

[*Text*]

on behalf of the small group of pensioners affected by the recommendations concerning multiple disabilities.

Adjudication and Appeals

The Government proposes in the White Paper to establish an Appeal Division of the new Pension Commission to function as a final Court of Appeal for pension claims and to be the final authority on the interpretation of the pension legislation. The White Paper states that in considering the recommendations of the Woods Committee and the problems they were designed to solve, the main objective is to divest the Canadian Pension Commission of some of its responsibility.

We feel that this statement is not supported by either the wording or the intent of the Woods Report. In fact, merely to divest the Canadian Pension Commission of some of its responsibilities would be to miss the main point being made by the Woods Committee in respect of appeals. The Report states that the existing system does not represent a "true form of appeal", and that in order to remedy the present situation, it would be necessary to "repose the ultimate authority in a body outside the Pension Commission".

The White Paper makes a reference to the fact that the Woods Committee could not reach unanimous agreement on its recommendations in regard to appeals, pointing out that two members of the Committee proposed the establishment of a separate Pension Appeal Board, whereas another member proposed the appointment of an "ombudsman". The White Paper appears to have ignored the fact that while the minority report proposed a different solution to the problem of appeals, it did, in fact, emphasize the finding of the Committee that it was neither sound in principle, nor conducive to the most effective implementation of the Act, that appeals should be handled by Appeal Boards composed of members of the Commission.

The establishment of an Appeal Division within the Pension Commission would perpetuate the situation where the final powers of decision and of interpretation of the Act remained as the function of the body which has responsibility for administration of the Act, and for adjudication at the level immediately below that of the Appeal Division.

It is true that the establishment of a Directorate of Pensions within the Department of Veterans Affairs would remove from the Pension Commission the responsibility for initial decisions. It must be taken into consideration,

[*Interpretation*]

res au nom du petit groupe de pensionnés que touchent les recommandations relatives aux grands blessés.

Décisions et appels

Le gouvernement propose dans le Livre blanc d'instituer une Division des appels de la nouvelle Commission canadienne des pensions qui agira en qualité de tribunal de dernière instance pour statuer sur les demandes de pensions et qui constituera l'autorité ultime en ce qui concerne l'interprétation de la Loi sur les pensions. Le Livre blanc déclare qu'en étudiant les recommandations du Comité Woods et les problèmes qu'il tentait de résoudre, on vise surtout à enlever à la Commission canadienne des pensions certaines de ses responsabilités.

Nous estimons que ni le texte ni l'intention du rapport Woods ne viennent appuyer une telle déclaration. En fait, si l'on se borne à enlever à la Commission canadienne des pensions une partie de ses responsabilités, on ne tiendra aucun compte de la thèse principale formulée par le Comité Woods au sujet des appels. Le rapport déclare que le système existant ne représente pas une véritable forme d'appel et que, afin de rectifier la situation actuelle, il faudrait confier l'autorité ultime à un organisme indépendant de la Commission des pensions.

Le Livre blanc mentionne le fait que le Comité Woods n'a pu s'entendre à l'unanimité sur ses recommandations au sujet des appels; il signale que deux des membres du Comité ont proposé la création d'un bureau d'appel distinct en matière de pension, tandis qu'un autre membre a proposé la nomination d'un *ombudsman*. Le Livre blanc ne semble avoir tenu aucun compte du fait que tout en proposant une solution différente au problème que posent les appels, le rapport minoritaire a en fait appuyé les conclusions du Comité d'après lesquelles il serait mauvais de charger un bureau d'appel, composé des membres de la Commission, de statuer sur les appels, méthode qui serait loin d'assurer l'application la plus efficace de la loi.

L'institution d'une Division des appels au sein de la Commission des pensions tendrait à perpétuer une situation où la décision ultime et l'interprétation de la loi resteraient l'apanage d'un organisme chargé d'appliquer la loi et de prendre les décisions au niveau immédiatement inférieur à celui de la Division des appels.

Il est vrai que la création d'une Direction générale des pensions au sein du ministère des Affaires des anciens combattants enlèverait à la Commission des pensions la responsabilité de rendre la première décision. N'ou-

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however, that neither the Woods Committee, nor any of the groups which made representations to that Committee, suggested the need for adjudication at the initial level to be independent from the Commission. The question of independence arose only at the final level of appeal, for the obvious reason that it was at this stage that the applicant would exhaust his procedural rights in a pension claim—and it was also at this stage that the Woods Committee, and those appearing before it, saw the requirement for an independent review of pension applications. It can, of course, be stated that the proposed Appeal Division of the new Pension Commission would consist of up to five Commissioners who would operate separately from those Commissioners at the lower level of appeal, i.e., the Entitlement Hearing Division. This would circumvent the existing situation where, in some cases, the same Commissioners who may have adjudicated on claims previously are permitted to again adjudicate at appeal. It is noteworthy, however, that the Woods Committee did not view this as a particularly objectionable feature and, in fact, in Recommendation No. 17, it recommended that Sections 60(5) and 62(5), which provide that no member of an Appeal Board shall adjudicate upon a case if he has previously sat as a member of the Commission and any adjudication of that case be repealed. In supporting this recommendation the Woods Committee stated:

> "If the number of Pension Commissioners is to remain at a reasonable figure, and if service is to be given in the various parts of Canada, and if applicants are to have the benefit of several forms of review, some duplication of Commissioners rendering more than one decision on the same case must be accepted".

We call attention to this recommendation merely to emphasize that although the proposal in the White Paper would ensure that the members of the proposed Appeal Division would not have been involved in previous adjudications on pension claims, this in itself would not alleviate the major criticism.

The Woods Committee saw the only remedy as being some *independent* form of appeal. The proposal in the White Paper does not provide for true independence; thus it would do little or nothing to remedy one of the major flaws in the pension system.

[*Interprétation*]

blions pas toutefois, que ni le Comité Woods ni aucun des groupements qui ont formulé des observations au Comité n'a préconisé qu'on enlève à la Commission la responsabilité de se prononcer en première instance. La question a été soulevée au sujet du niveau final d'appel seulement, parce que c'est à ce palier que le requérant aurait épuisé tous ses recours à la procédure en présentant une demande de pension—et c'est aussi à ce palier que le Comité Woods et ceux qui ont comparu devant lui ont jugé qu'il serait opportun d'avoir une revue indépendante des demandes de pensions. Ajoutons, bien entendu, que la Division des appels projetée de la nouvelle Commission de pensions se composerait au maximum de cinq membres qui seraient indépendants des commissaires au niveau inférieur des appels, c'est-à-dire la Division de l'admissibilité. Cela pourrait obvier à l'inconvénient selon lequel on permet, dans certains cas, aux mêmes commissaires qui se sont déjà prononcés sur des réclamations de statuer encore une fois en appel. Il y a lieu de noter, cependant, que de l'avis du Comité Woods, cela ne constituait pas une grave lacune et, en fait, dans la recommandation n° 17, il a proposé que soient abrogés les articles 60 (5) et 62 (5) qui stipulent qu'aucun membre d'un Bureau d'appel ne doit se prononcer sur un cas si ce membre a antérieurement siégé comme membre de la Commission. En appuyant cette recommandation, le Comité Woods a déclaré:

> Si l'on veut maintenir à un chiffre raisonnable le nombre des commissaires s'occupant des pensions, s'il faut desservir les différentes régions du Canada et si l'on veut que les requérants bénéficient de plusieurs formules de révision, il faut accepter un double emploi quelconque de certains commissaires, et leur permettre de statuer plus d'une fois sur le même cas.

Si nous appelons l'attention sur cette recommandation, c'est pour signaler que bien que la proposition que renferme le Livre blanc garantirait que les membres de la Division des appels proposée n'auraient pas participé aux décisions relatives aux demandes de pensions, cela, en lui-même, ne mettrait pas fin aux critiques principales.

De l'avis du Comité Woods, le seul remède efficace serait l'établissement d'un organisme *indépendant* qui serait chargé d'entendre les appels. La proposition que renferme le Livre blanc ne prévoit pas l'établissement d'un tribunal réellement indépendant; par conséquent, cela ne contribuerait guère à rectifier l'une des principales lacunes du système de pensions.

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The White Paper acknowledges that there are other flaws respecting adjudication and appeals. It says:

> "By and large the system has worked reasonably well, but it has within it certain flaws. For example, the Commission, as well as administering the pension legislation, also has the sole right to interpret it. In addition, Commissioners sit in judgment (with the applicant's permission) at the Appeal Board stage, on claims on which they have already rendered adverse decisions. Furthermore, however fair and impartial the Commissioners may be, they are vulnerable to the criticism that they tend to stick together and confirm each other's decisions as a claim progresses."

This statement cites three flaws in the existing appeal system. However, the proposed remedy would correct only one of these flaws; that of commissioners adjudicating more than once on the same case at different levels of adjudication. It still leaves the responsibility for interpretation with "the Commission". Also the proposed appeal system would still leave the commissioners vulnerable to the criticism that they are all part of the same Commission.

It appears to us that in seeking a solution, the Government has attempted to reconstruct the Commission without disturbing the existing complement of commissioners. It may be more than coincidence that the present number of 15 commissioners is divided, in the White Paper proposal, into an Entitlement Hearing Division of 10 commissioners and an Appeal Division of up to five commissioners. Furthermore, the White Paper appears to propose one chairman and one deputy chairman to supervise both of these Divisions. This would further destroy the real independence of the Appeal Division.

We are convinced that the ends of justice in this matter can only be served if the government were to recognize the requirement to establish an independent Appeal Board, instead of a reorganization of the existing facilities.

We again emphasize, therefore, our support of the recommendation endorsed by all three members of the Woods Committee, to the effect that an independent authority for appeals be established. Further, it is our opinion that the only manner in which this can be satisfactorily accomplished, having regard for the flaws which the government itself has recognized in the existing system, is to imple-

[*Interpretation*]

Le Livre blanc reconnaît l'existence d'autres lacunes concernant les décisions relatives aux pensions et les appels lorsqu'il ajoute:

> Dans l'ensemble, le système a fonctionné de façon assez satisfaisante, bien qu'il présente certaines imperfections. Ainsi tout en étant chargée d'appliquer la Loi sur les pensions, la Commission a le droit exclusif de l'interpréter; les commissaires siègent (avec l'autorisation des demandeurs), au sein des bureaux d'appel, pour se prononcer sur des demandes de pensions à l'égard desquelles ils ont déjà rendu des arrêts défavorables. D'autre part, quelles que soient l'honnêteté et l'impartialité des commissaires, ils s'exposent à des critiques suivant lesquelles ils seraient enclins à se solidariser et à confirmer leurs décisions respectives à mesure qu'avance l'examen d'une demande.

Cette déclaration fait état de trois lacunes que présente le système actuel d'appel. Quoi qu'il en soit, le remède proposé ne comblerait que l'une de ces lacunes, celle qui a trait aux commissaires qui se prononcent plus d'une fois à l'égard du même cas mais à des niveaux différents. C'est toujours la Commission qui est chargée d'interpréter la Loi. En outre, le système projeté d'appel exposerait encore les commissaires à la critique puisqu'ils feraient tous partie de la même Commission.

Il nous semble qu'en recherchant une solution le gouvernement a tenté de reconstituer la Commission sans toucher à l'effectif des commissaires. Est-ce une simple coïncidence que le nombre actuel de 15 commissaires soit réparti, dans la proposition que renferme le Livre blanc entre une Division de l'admissibilité de 10 commissaires, et une Division des appels qui comprendra au maximum 5 membres. En outre, selon le Livre blanc, le président et le vice-président seraient chargés de la surveillance des deux divisions. Cela contribuerait encore davantage à détruire la véritable indépendance de la Division des appels.

Nous avons la conviction que justice ne peut être rendue dans ce cas que si le gouvernement reconnaît le besoin d'établir un Bureau d'appel indépendant au lieu de remanier les organismes existants.

Par conséquent, nous réitérons notre appui de la recommandation approuvée par les trois members du Comité Woods d'après laquelle une autorité indépendante devrait être chargée d'entendre les appels. En outre, nous sommes d'avis que la seule façon satisfaisante d'y arriver, compte tenu des lacunes dont le gouvernement lui-même a reconnu l'existence dans le système actuel, c'est de donner suite à

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ment the proposal in the main report of the Woods Committee to the effect that an independent appeal authority outside of the Pension Commission be established.

For further details we respectfully refer to Recommendation 14 (V.I, pp. 77-83) of the Report of the Committee to Survey the Work and Organization of the Canadian Pension Commission.

Mr. Chairman, Paul Clavel, who is the President of the Association of the 22nd is here. May I introduce Mr. Paul Clavel.

Stabilization

The government proposes to give statutory authority to the policy of stabilization, which has been in effect since 1936. This prevents reduction in assessments of World War I pensions that have been in payment for three years or more.

It is also proposed to stabilize pensions arising out of service subsequent to World War I after the pensioner reaches age 60, if and when such pensions have been in effect for ten years or more. This proposal for those who served subsequent to World War I, although representing some benefit, is considerably less in extent than the Recommenda-

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tions (123 and 124) of the Woods Committee, which are:

> That in respect of pensions paid for disabilities attributable to, incurred during, or aggravated by service in World War II, no reduction in the assessment of a disability shall be made, provided such assessment has been in effect for three years or more.
>
> That, in respect of disabilities which have arisen out of, or were directly connected with or related to service in peacetime in the Regular Forces, no reduction in the assessment of a disability shall be made, provided such assessment has been in effect for three years or more, and provided that the pension may not be stabilized within ten years of the pensioner's release from the period of service during which the disability or aggravation thereof had its origin.

Mr. Justice Woods and his colleagues concluded that stabilization was an essential principle of pension administration, noting that this principle had been in vogue for

[*Interprétation*]

la proposition que renferme le rapport principal du Comité Woods, d'après laquelle un organisme d'appel indépendant, étranger à la Commission des pensions, devrait être institué.

Pour de plus amples détails, nous engageons le lecteur à consulter la Recommandation 14 (V.I, pp. 77-83) du rapport du Comité chargé d'enquêter sur le travail et l'organisation de la Commission canadienne des pensions.

Monsieur le président, Monsieur Paul Clavel, le président de l'Association du 22e, est des nôtres. Puis-je vous le présenter?

Stabilisation

Le gouvernement se propose de conférer une autorité statutaire à la politique de stabilisation qui est en vigueur depuis 1936 et qui interdit de réduire l'évaluation de l'invalidité ouvrant droit à pension de la Première Guerre mondiale, lorsque la pension est versée depuis trois ans ou plus.

On se propose également de stabiliser les pensions qui découlent du service postérieur à la Première Grande guerre après que le pensionné aura atteint 60 ans, pourvu que ces pensions aient été en vigueur pendant dix ans ou plus. Cette proposition concernant ceux qui ont servi après la Première Guerre mondiale, bien qu'elle comporte un certain avantage, est loin d'être aussi utile que les recommandations 123 et 124 du Comité Woods qui sont ainsi conçues:

> Que dans les cas d'une pension versée en raison d'une invalidité survenue au cours du service militaire pendant la seconde guerre mondiale ou aggravée par ce service, nulle réduction ne soit faite de l'évaluation du degré d'invalidité, pourvu que cette évaluation soit demeurée en vigueur durant trois ans ou plus.
>
> Que, dans le cas d'une invalidité qui est consécutive au service en temps de paix dans les forces régulières ou s'y rattache directement, nulle réduction ne soit faite de l'évaluation du degré d'invalidité, pourvu que cette évaluation soit demeurée en vigueur durant trois ans ou plus, sous réserve que la pension ne puisse être stabilisée dans les dix ans qui suivent la retraite prise au terme de la période de service au cours de laquelle l'invalidité s'est produite ou s'est aggravée.

Monsieur le juge Woods et ses collègues en ont conclu que la stabilisation constituait un principe essentiel de l'administration des pensions; ils ont signalé que ce principe était en

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World War I veterans approximately eighteen years after World War I; hence stabilization for World War II veterans was justifiable at the date the Woods Report was written (1967), being some twenty-two years after the end of Wold War II.

We fail to understand the justice in the Government's proposal which would establish two sets of rules; one for World War I and the other for all other disability pensioners.

Attendance Allowance

The national veterans' organizations of Canada welcome the proposal that the Pension Act be amended to state unequivocally that Attendance Allowance is not considered part of any pension paid for disability; we are also pleased that the government rejected the recommendation that would have restricted the payment of Attendance Allowance to those whose need is conditional, to some degree at least, on their pensioned disabilities.

We question, however, the government's proposal concerning the payment of this allowance for only one month, except in cases of hardship, when a pensioner is in hospital. Section 33(3) of the Pension Act provides that Attendance Allowance in payment to a pensioner who is blind shall continue in payment during the time that he is an in-patient under treatment or care from the Department of Veterans Affairs. It seems reasonable to assume that this principle is sound in that it has been in force since 1954. The Woods Committee felt that this provision could be extended to all other pensioners in receipt of Attendance Allowance at the maximum rate. To do any less would not only seem an injustice, but would also represent a negation of a principle which had received legislative sanction some fifteen years ago.

Legal Damages

The government White Paper falls far short of meeting the recommendation of the Woods Report with respect to the recovery of legal damages. The Woods Committee recommended (V.II, p. 738):

> That the Act be amended to replace the existing Sections 20, 21 and 22 with a new section which would provide that the Act contain only a provision to prohibit a person from receiving both an award of

[*Interpretation*]

vigueur pour les anciens combattants de la Première Guerre mondiale environ 18 ans après cette guerre; par conséquent, la stabilisation pour les anciens combattants de la Seconde Guerre mondiale était justifiée au moment où le rapoort Woods a été écrit, en 1967, soit environ 22 ans après la fin de la Seconde Guerre mondiale. Nous ne voyons aucune justice dans la proposition du gouvernement qui cherche à établir deux procédures distinctes: l'une pour les pensionnés de la Première Guerre mondiale, l'autre pour tous les autres pensionnés.

Allocation de soins

Les associations nationales des anciens combattants du Canada accueillent avec joie la proposition visant à modifier la Loi sur les pensions, afin qu'elle énonce sans équivoque que l'allocation de soins n'est pas considérée comme faisant partie d'une pension versée en raison d'une invalidité quelconque; nous sommes heureux également que le gouvernement ait rejeté la recommandation suivant laquelle l'allocation de soins aurait été versée uniquement à ceux dont le besoin était dicté, du moins en partie, par une invalidité ouvrant droit à pension.

Nous mettons en doute, cependant, l'à-propos de la proposition du gouvernement selon laquelle cette allocation ne serait versée que durant un mois, sauf dans le cas de difficultés financières, lorsque le pensionné est hospitalisé. L'article 33(3) de la Loi sur les pensions prescrit que l'allocation de soins versée à un pensionné aveugle sera maintenue en vigueur pendant qu'il est hospitalisé pour recevoir un traitement ou des soins sous les auspices du ministère des Affaires des anciens combattants. Il semble raisonnable de tenir comme acquis que ce principe est sain, vu qu'il est en vigueur depuis 1954. Le Comité Woods était d'avis que cette disposition pouvait être appliquée à tous les autres pensionnés touchant l'allocation de soins au taux maximum. Non seulement une mesure moins généreuse semblerait-elle une injustice, mais elle irait également à l'encontre d'un principe qui a reçu la sanction législative il y a quelque quinze ans.

Dommages-intérêts

Le Livre blanc du gouvernement est très loin de donner suite à la recommandation du Rapport Woods concernant le recouvrement des dommages-intérêts en effet, le Comité Woods a fait la recommandation suivante (v. II, p. 840 de l'édition française):

> Que la Loi soit modifiée afin de remplacer les articles 20, 21 et 22 existants par un nouvel article stipulant une seule interdiction, celle de toucher la pension prévue par la Loi sur les pensions en même temps que

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pension under the Pension Act and an award under the Government Employees Compensation Act or similar legislation of the Federal Government designed to compensate for death or disability where such is attributable to employment in the Government service or has been caused under circumstances which in some manner indicate liability upon the Crown.

The White Paper does not suggest adoption of this recommendation but, as a concession, proposes that in capitalizing the amount of damages recovered, the portion for special damages, pain and suffering and loss of "consortium" would not affect the pension in payment.

It would appear that the Government is prepared to accept part of the Woods recommendation in principle. The extent of that acceptance is another matter, when measured in dollars and cents. We understand that in normal settlements for damages, the portion for special and other damages which would be ignored under the government's proposal is very small compared with the amount of damages awarded for loss of earnings, all of which the government proposes to recover.

Provisions for Regular Force

It would appear that no recommendations are contained in the White Paper in respect of pension coverage for personnel of the Regular Force. The Woods Committee proposed a new section of the Act covering disability or death related to service in the Forces, detailing coverage for a number of specific service activities.

We feel that the failure to clarify the situation in regard to Regular Force personnel will perpetuate the unfortunate and unjust situation that has existed since the end of World

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Ward II. Surely now that the Pension Act is to be open for amendment, it is appropriate that action should be taken to improve the legislation which provides disability pensions on behalf of serving personnel.

Automatic Age Increase

The Woods Committee concluded that the automatic increasing of pensions for fixed disabilities, with increasing age, was a sound principle of pension administration. The

[*Interprétation*]

l'indemnité prévue par la Loi sur l'indemnisation des employés de l'État ou toute autre législation fédérale semblable visant à indemniser la victime ou ses ayants droit pour le décès ou l'invalidité, lorsque ce décès ou cette invalidité peuvent être reliés au service du gouvernement fédéral ou sont survenus dans des circonstances telles que la Couronne est en quelque sorte tenue d'un dédommagement.

Le Livre blanc ne propose pas l'adoption de cette recommandation mais, en guise de concession, il propose qu'aux fins de la capitalisation des dommages-intérêts recouvrés, les montants accordés au titre des dommages particuliers, des souffrances physiques et morales et de la perte de cohabitation ne réduisent pas le montant de la pension versée.

Le gouvernement semble disposé à accepter en principe une partie de cette recommandation du Comité Woods. Toutefois, cette concession n'a guère de valeur dans la pratique. En effet, nous croyons savoir que dans la plupart des cas la partie des dommages-intérêts accordés à l'égard des dommages particuliers et au titre des autres dommages dont fait exception la recommandation du gouvernement est très petite en comparaison du montant des dommages-intérêts accordés au titre de la perte de salaire et que le gouvernement se propose de recouvrer intégralement.

Dispositions relatives aux forces régulières

Le Livre blanc ne semble renfermer aucune recommandation concernant les dispositions de la Loi sur les pensions qui s'appliquent aux membres des forces régulières. Le Comité Woods a proposé l'addition à la Loi d'un nouvel article concernant l'invalidité ou le décès lié au service dans les forces régulières, et précisant les conditions d'attribution d'une pension à l'égard d'un certain nombre d'activités militaires.

Nous estimons que le manque de précisions concernant la situation des membres des forces régulières aura pour effet de perpétuer la situation regrettable et injuste qui existe depuis la fin de la Seconde Guerre mondiale.

Assurément, vu que la Loi sur les pensions sera modifiée, il serait approprié de prendre des mesures pour améliorer la loi qui régit l'octroi des pensions aux membres des forces régulières.

Augmentation automatique fondée sur l'âge

Le Comité Woods a conclu que l'augmentation automatique des pensions versées en raison d'invalidités stables, selon l'âge du pensionné, découlait d'un principe bien fondé. La

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Table of Disabilities of the Commission now provides for automatic increases for amputation and gunshot wounds for disability pensioners in receipt of pension at 50 per cent, 60 per cent and 70 per cent, provided the wounds were received in direct action with the enemy. The Woods Committee considered that these provisions should apply to pensioners in receipt of pension at 80 per cent and 90 per cent and for all amputations arising from wounds or physical injury. (Amputation due to disease was excluded from the Woods Committee recommendations, in that such would be subjected to periodic medical reviews in order to examine the possible progression of the disease.)

Presumably it has been clearly established that automatic age increase is an acceptable principle where amputation arises from causes other than disease or for gunshot wounds. The existing provisions which exclude application of this principle for pensioners in the 80 per cent and 90 per cent classifications, or for those whose amputation or gunshot wound was not incurred in direct action with the enemy seems unjustifiable.

Continuation of Pension for Children to age 25 when undergoing Course of Instruction

The Woods Committee noted that the age limit of 21, at which payment of pension to a child undergoing a course of instruction now terminates, was established many years ago at a time when students beyond the secondary school level were able to complete their professional training at a much earlier age than now occurs.

The Woods Committee noted, also, that the Education Assistance Act, under which educational assistance is extended to the children of the war dead and deceased pensioners, provides for pension payments up to age 25, and in some cases, age 30.

Assuming that it is correct to state that most children of pensioners undergoing professional training beyond the secondary school level will require financial assistance from the pensioner beyond age 21, the recommendation of the Woods Committee to extend such assistance to age 25 appears most reasonable.

Mr. Chairman and gentlemen, we appreciate the opportunity to appear before you today as you commence your deliberations on the Report of the Woods Committee. While we have completed our formal presentation, we are prepared, with the assistance of Mr. D. M. Thompson and Mr. C. Chadderton, to discuss with you those matters brought to your attention in these presentations. We also

[*Interpretation*]

Table des invalidités de la Commission canadienne des pensions prévoit actuellement des augmentations automatiques, dans le cas des amputations et des blessures par arme à feu, en faveur des pensionnés à 50, 60 ou 70 p. 100, à la condition que la blessure soit survenue au cours d'un engagement direct avec l'ennemi. Le Comité Woods était d'avis que ces dispositions devraient s'appliquer également aux pensionnés à 80 et à 90 p. 100, et à l'égard de toutes les amputations résultant de blessures ou d'autres traumatismes. (L'amputation résultant d'une maladie fut exclue des recommandations du Comité Woods, vu qu'elle ferait l'objet d'examens médicaux périodiques visant à dépister toute progression de la maladie.) Il semble avoir été clairement établi que l'augmentation automatique selon l'âge est acceptable en principe dans les cas où l'amputation résulte de causes autres que la maladie ou d'une blessure par arme à feu. Les dispositions actuelles, qui empêchent l'application de ce principe aux pensionnés à 80 ou 90 p. 100 et à ceux dont l'amputation ou la blessure par arme à feu ne résulte pas d'un engagement direct avec l'ennemi, semblent injustifiables.

Prolongation de la pension jusqu'à l'âge de 25 ans dans le cas des enfants qui poursuivent leurs études

Le Comité Woods a souligné que la limite d'âge de 21 ans, à laquelle la pension versée en faveur d'un enfant qui poursuit ses études est discontinuée, a été établie il y a de nombreuses années, à une époque où les étudiants pouvaient terminer leur formation professionnelle au-delà du niveau secondaire à un âge beaucoup moins avancé qu'actuellement. Le Comité Woods a aussi fait remarquer que la Loi sur l'aide aux enfants des morts de la guerre (Éducation), qui prévoit une aide à l'éducation des enfants des morts de la guerre et des pensionnés décédés, autorise le versement de pensions jusqu'à l'âge de 25 ans et, dans certains cas, jusqu'à l'âge de 30 ans. En supposant qu'il soit exact d'affirmer que la plupart des enfants des pensionnés, qui poursuivent une formation professionnelle au-delà du niveau secondaire, devront recevoir une aide financière du pensionné même après avoir dépassé l'âge de 21 ans, la recommandation du Comité Woods visant à prolonger cette aide jusqu'à l'âge de 25 ans semble tout à fait raisonnable. Monsieur le président et messieurs les membres du Comité, nous savons apprécier l'occasion qui nous est fournie de comparaître devant vous aujourd'hui, alors que vous entreprenez votre étude du Rapport du Comité Woods. Bien que nous ayons terminé notre exposé formel, nous sommes disposés, avec l'aide de MM. D. M. Thompson et C. Chadderton, à discuter avec vous les ques-

[*Texte*]

confirm our intention to seek your permission for each organization represented here today to make a more detailed submission to forthcoming sessions of your Committee.

Thank you very much, Mr. Chairman and gentlemen.

The Chairman: Thank you very much Mr. Kohaly.

I have a number of names. Mr. Badanai?

Mr. Badanai: Mr. Chairman, I am very interested in paragraph 2 on page 7 which reads:

> The report cites, in general terms, the methods of pension assessment used in a number of other countries...

Can the witness name the major countries?

Mr. Kohaly: Yes. It includes the United Kingdom, Germany, Austria, New Zealand, France, Yugoslavia, Australia and Belgium, who pay a supplementary right for multiple disability.

Mr. Badanai: It seems to be, Mr. Chairman, that we in Canada could do no less than the countries named.

Mr. Kohaly: We are trying to continue to maintain the principle that we have leading legislation in the field of pensions, yes. If we are going to take another attitude I think we could live with it.

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Mr. Badanai: Thank you.

Mr. Weatherhead: Mr. Chairman, in relation to the proposed appeal procedure there has been some editorial comment in the country to the effect that perhaps the final court of appeal should be the supreme courts of the provinces involved. Has the witness any comments on that suggestion?

Mr. Kohaly: Yes. The veterans' organizations would not look upon that with favor, in competition with the recommendation of the Woods Committee Report. We do not want it to be an adversary system again, and we would be afraid that it would be, because these courts are set up only on the adversary system, and the Commission would then find itself in competition with the applicant—a

[*Interprétation*]

tions dont nous vous avons saisi dans nos exposés. Nous voulons également confirmer notre intention de solliciter votre permission afin que chacune des organisations ici représentées soit autorisée à présenter son propre exposé détaillé, lors des prochaines séances de votre comité.

Merci beaucoup monsieur le président et messieurs les membres du Comité.

Le président: Merci beaucoup monsieur Kohaly. J'ai ici plusieurs noms. Monsieur Badanai?

M. Badanai: Monsieur le président, l'alinéa 2 à la page 7 m'intéresse au plus haut point. Il se lit ainsi:

> Le Rapport cite, sans entrer dans le détail, les méthodes d'évaluation des pensions adoptées dans un certain nombre d'autres pays...

Le témoin peut-il nommer les plus importants de ces pays?

M. Kohaly: Oui, monsieur. Ils comprennent le Royaume-Uni, l'Allemagne, l'Autriche, la Nouvelle-Zélande, la France, la Yougoslavie, l'Australie et la Belgique. Tous ces pays accordent une indemnité additionnelle dans les cas d'infirmités multiples.

M. Badanai: Il me semble, monsieur le président, que le Canada devrait en faire autant.

M. Kohaly: Nous cherchons à maintenir notre propre loi au premier rang dans le domaine des pensions. Toutefois, si nous devons adopter une attitude différente, je crois que nous pourrions nous en accommoder.

M. Badanai: Merci, monsieur.

M. Weatherhead: Monsieur le président, en marge de la proposition relative à une nouvelle procédure d'appel, certains éditorialistes canadiens ont émis l'opinion qu'il y aurait peut-être lieu que le tribunal de dernier recours soit la cour suprême provinciale. Le témoin aurait-il quelques observations à faire au sujet de cette proposition?

M. Kohaly: En effet, les associations d'anciens combattants n'approuveraient pas cette proposition en regard de la recommandation faite dans le Rapport du Comité Woods. Nous ne voulons pas d'un autre régime contradictoire, et nous craignons qu'un tel régime le serait vu que ces tribunaux sont fondés uniquement sur un régime contradictoire, et que la Commission se trouverait opposée au

[*Text*]

situation which did not work out to the benefit of the Commission or the applicant when it was tried in a way before. That is my understanding of it.

Mr. Weatherhead: You would not look upon that with any degree of approval at all?

Mr. Kohaly: If competition was the suggestion made by Woods...

Mr. Weatherhead: The Woods suggestion would envisage a type of appeal board, such as the immigration appeal board. Would that be the type of thing?

Mr. Kohaly: I am afraid I am not knowledgeable about the immigration appeal board. We would look upon it as having the atmosphere of the Canadian Pension Commission throughout which there is a benevolent atmosphere and understanding. A rather special expertise is involved with pensions. I would assume this also with the immigration service—a special thing. That is what we envisage. The mental atmosphere is reasonable. It is attuned to pensions, veterans and widows and their needs and they know, generally speaking, that this prevails. We would like to see it prevail again, but with seeming independence from the Commission. That is my understanding of what the Woods Report Commission means, behind the moral side of what it says.

Mr. Weatherhead: Thank you, Mr. Chairman.

The Chairman: Mr. Stanley Knowles, then Mr. Laniel.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, at the top of page 7 the presentation refers to a very small minority of pensioners belonging in the multiple disabilities class. It is my understanding that that number is very small. When I made reference thereto a day or two ago at one of these meetings I was told that the number of people who are assessed as having multiple disabilities is in the order of 5,000. Obviously that is a global figure, including all kinds of people who have two things wrong with them. Could you give us further detail on the kinds of multiple cases? I know we start with those with double, triple and quadruple amputations, and so on, but could you give us any detail on the number of people and the kinds of cases you have in mind that should receive special consideration under this multiple disabilities section?

[*Interpretation*]

requérant. Un régime analogue a été mis à l'épreuve dans le passé, mais ni la Commission ni les requérants n'en ont bénéficié. Voilà ce que j'en pense.

M. Weatherhead: Vous n'approuvez pas du tout un tel régime?

M. Kohaly: Si l'opposition est la proposition faite par le Comité Woods...

M. Weatherhead: La proposition du Comité Woods envisage un bureau d'appel du genre de celui de l'Immigration. Est-ce le genre que vous souhaitez?

M. Kohaly: Je ne connais guère le bureau d'appel de l'Immigration. Nous voudrions un bureau d'appel ayant la même attitude que la Commission canadienne des pensions où règnent la bienveillance et le discernement. Il existe dans le domaine des pensions une jurisprudence particulière. Je suppose qu'il en est de même à l'Immigration. C'est ce que nous envisageons. Une attitude raisonnable, en somme. L'attitude de la Commission est en harmonie avec les pensions, les anciens combattants, les veuves et leurs besoins, et les anciens combattants, dans l'ensemble, sont bien au courant de cette attitude. Nous aimerions retrouver cette attitude au sein d'un nouvel organisme qui semblerait indépendant de la Commission. Voilà comment j'interprète la pensée du Comité Woods, indépendamment de l'aspect moral de sa recommandation.

M. Weatherhead: Merci, monsieur le président.

Le président: M. Stanley Knowles et, ensuite, M. Laniel.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, au début de la page 7, l'exposé traite d'un très petit nombre de pensionnés atteints d'infirmités multiples. Je crois savoir que ce nombre est très petit. Lorsque j'ai abordé cette question, il y a une couple de jours, à l'une de ces réunions, on m'a dit qu'il y avait environ 5,000 pensionnés souffrant d'infirmités multiples. Il s'agit évidemment là d'un chiffre global comprenant toutes sortes de gens souffrant de deux affections distinctes. Pourriez-vous nous fournir d'autres précisions concernant les différents types de cas? Je sais qu'il y a, en premier lieu, ceux qui sont amputés de deux, trois ou quatre membres, et ainsi de suite, mais pourriez-vous nous apporter plus de précisions concernant le nombre de personnes et le genre de cas qui, à votre avis, devraient recevoir une attention spéciale en vertu de cet article portant sur les infirmités multiples?

[*Texte*]

Mr. Bigg: Do you mean over 100 per cent—restricted to over 100 per cent?

Mr. Knowles (Winnipeg North Centre): Yes. It seems to me that the veterans' organizations have in mind a number fewer than the 5,000 they gave me the other day. Could we have more detail on that?

Mr. Kohaly: Yes. Something in the order of 300 plus is involved.

Mr. Bigg: I think the number we are looking for, sir, is of the ones who might qualify for something more than a 100 per cent if this recommendation of the Woods Committee report goes through.

Mr. Kohaly: The brief of those who are most knowledgeable, which is the disability group of the National Council of Veterans Associations, stated at page 511 that the total number of seriously disabled in Canada who, through disability, required an assessment in excess of 100 per cent was not large. The following figures were given: Multiple amputations, double leg, 130; double arm, 13; one leg, one arm, 26; triple amputation, 4; quadruple, 1; total 174.

War blinded: Total blindness, 42; light perception but no useful vision, 21; total 63.

Paraplegia: Paraplegics, 170; quadraplegics, 13; total 183. The three figures to add together are 174, 63 and 183. The principle involved an assessment in excess of 100 per cent. It is really not large, and we say so.

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Mr. Knowles (Winnipeg North Centre): Am I correct that these are the groups—these are the veterans—that you are concerned about when you talk in your brief about multiple disabilities.

Mr. Kohaly: That is right. That is why we say it is a very small minority of pensioners, and we fail to see that the people of Canada would not want to look after that kind of people.

Mr. Knowles (Winnipeg North Centre): Hear, hear!

[*Interprétation*]

M. Bigg: Voulez-vous parler seulement de ceux dont l'invalidité dépasse les 100 p. 100?

M. Knowles (Winnipeg-Nord-Centre): En effet, il me semble que les associations d'anciens combattants ont à l'esprit un nombre beaucoup plus restreint que les 5,000 dont on m'a parlé l'autre jour. Pourrions-nous avoir plus de détails à ce sujet?

M. Kohaly: Oui, monsieur. Il y en a peut-être un peu plus de 300.

M. Bigg: Je crois, monsieur, que nous cherchons à établir le nombre de ceux qui pourraient peut-être devenir admissibles à une pension de plus de 100 p. 100 si cette recommandation du Comité Woods était adoptée.

M. Kohaly: Le mémoire de ceux qui en connaissent le plus sur ce sujet, c'est-à-dire le Groupe des invalides pour causes multiples faisant partie du Conseil national des associations d'anciens combattants du Canada, mentionne, ainsi qu'il est rapporté à la page 591 (édition française) du Rapport Woods, que le nombre de ceux qui sont atteints d'une invalidité grave, nécessitant une évaluation de plus de 100 p. 100, n'est pas élevé au Canada. Le mémoire cite les chiffres suivants relativement aux amputations multiples: deux jambes, 130; deux bras, 13; une jambe et un bras, 26; triple amputation, 4; et quadruple amputation, 1; soit 174 au total.

Il y a aussi les aveugles de guerre, dont 42 sont frappés de cécité absolue, tandis que 21 autres ont conservé une certaine perception de la lumière mais sans vision utile; on en compte 63 en tout.

Il y a en outre 183 cas de paraplégie, dont 170 cas de paraplégie proprement dite et 13 cas de quadraplégie. Les trois chiffres à additionner sont donc 174, 63 et 183. Le principe comporte une évaluation dépassant les 100 p. 100. Je le répète ces cas sont peu nombreux.

M. Knowles (Winnipeg-Nord-Centre): Est-ce que ce sont bien là les groupes ou les anciens combattants auxquels vous vous intéressez dans votre mémoire lorsque vous parlez des infirmités multiples?

M. Kohaly: C'est exact. C'est pour cette raison que nous disons qu'il s'agit d'une très faible minorité de pensionnés, et nous ne croyons pas que les Canadiens refuseraient de s'occuper de ce genre de personnes.

M. Knowles (Winnipeg-Nord-Centre): Bien dit! Bien dit!

[*Text*]

Mr. Bigg: And would it be true, too, that in some cases this number would be reduced somewhat by those overlapping; that in some cases they are not only blind but parapelegic and multiple amputation, as well, so that the number of the total individuals would be somewhat less than that total figure.

Mr. Kohaly: It is not likely.

Mr. Knowles (Winnipeg North Centre): But no larger than that figure?

Mr. Bigg: It must be less if some of these people are...

Mr. Kohaly: I really question whether it is. We would doubt it, sir.

Mr. Guay (St. Boniface): I have a supplementary to that, Mr. Chairman. Is there any possibility that any other veterans in time will qualify within that category? I guess there is always a possibility that others will.

Mr. Kohaly: It is a possibility that you will get total blindness if you follow up consequential disability along the lines of the Woods Report that was not presently so but then would become so; also if he happened to be a double amputee. But, sir, if that were the case and a few were involved, ought they not to be looked after too?

Mr. Guay (St. Boniface): I agree. I am not questioning for that reason. On the contrary, I am rather concerned with some who, other than the total number that you have mentioned, may qualify later on. I think that they should be given the same consideration if you are going to consider these at all.

Mr. Kohaly: It is hard to visualize except in consequential disability in paired organs. It is hard to visualize but it is possible. Is that not right? Mr. Chadderton is very knowledgeable in this field, Mr. Guay.

The Chairman: Mr. Chadderton, do you wish to comment?

Mr. C. Chadderton (Executive Secretary, The War Amputations of Canada): Mr. Chairman and gentlemen, I think the interpretation of The War Amputations of Canada in regard to the recommendations which deal with multiple disabilities is that the committee was intending to attempt to do something, as the

[*Interpretation*]

M. Bigg: N'est-il pas vrai également que ce nombre serait quelque peu réduit du fait que certains invalides appartiennent à plus d'un groupe, c'est-à-dire qu'en certains cas ils sont non seulement aveugles mais aussi paraplégiques et amputés de plusieurs membres, de sorte que le nombre total d'individus serait quelque peu inférieur au chiffre mentionné en premier lieu.

M. Kohaly: C'est peu probable.

M. Knowles (Winnipeg-Nord-Centre): Il ne serait certainement pas plus élevé.

M. Bigg: Il doit être moins élevé si certaines de ces personnes sont...

M. Kohaly: Je doute fort qu'il le soit.

M. Guay (Saint-Boniface): Je voudrais poser une question supplémentaire, monsieur le président. Est-il possible que d'autres anciens combattants puissent accéder à cette catégorie avec le temps? Je suppose que cette possibilité est réelle.

M. Kohaly: Oui, dans les cas de cécité absolue, par exemple, si l'on adopte la recommandation du Comité Woods au sujet des affections secondaires; ce n'est pas le cas actuellement, mais ce pourrait le devenir; il en serait de même s'il était amputé de deux membres. Toutefois, si c'était le cas et s'il y en avait quelques uns, est-ce que nous ne devrions pas nous en occuper?

M. Guay (Saint-Boniface): Je suis d'accord avec vous et ce n'est pas pour cette raison que je vous pose la question. Bien au contraire, je m'inquiète de ceux qui, bien que n'étant pas du nombre que vous avez mentionné, pourraient en faire partie plus tard. Je crois qu'il y aurait lieu de leur accorder les mêmes avantages que nous envisageons pour l'autre groupe.

M. Kohaly: C'est difficile à imaginer, sauf dans le cas d'une invalidité secondaire, au niveau d'un organe pair. C'est difficile à imaginer mais c'est possible n'est-ce pas? Monsieur Chadderton est très renseigné sur ce sujet, monsieur Guay.

Le président: Voulez-vous la parole, monsieur Chadderton?

M. C. Chadderton (Secrétaire exécutif des Amputés de guerre du Canada): Monsieur le président, messieurs, les Amputés de guerre du Canada, en lisant les recommandations qui portent sur des invalidités multiples, en conclurent que le Comité a voulu faire quelque chose, comme le mémoire que vous avez entre

[*Texte*]

brief in front of you says, for a very small group of people. And it was for that reason that the Committee emphasized the words "additional disability in a substantial extent". And the Committee visualized that the first 100 per cent of pension could be paid for loss of earning capacity, but where the multiple disability casualty had a number of other things such as scarring and disfigurement, loss of expectancy of life, anatomical loss, loss of enjoyment of life—and I quote here: "in a substantial extent"—they felt that some means should be found to attempt to indemnify the pensioner for this. And again, if I recall correctly the comment of Mr. Justice Woods and his colleagues, they did feel that there might be other multiple disability cases. This was a term that was meant to describe the man with maybe just one disability such as paraplegia but with multiple effects. The easier one to understand is the multiple amputee.

The Woods Committee did recognize, I am sure, that there were other people with a systemic disease or heart condition who might be assessed or could be assessed at more than 100 per cent, but in order to qualify under the recommendation there would have to be all or part of these four factors—this loss of enjoyment of life, shortening of life span, anatomical loss or scarring and disfigurement. These things would have to be there. Certainly some of them would have to be there in a substantial extent. I think the interpretation of The War Amputations of Canada is that there are some 4,000 or 5,000 pensioners also who are at the 100 per cent level and that Mr. Justice Woods and his people meant that for many of them 100 per cent was an adequate assessment. But where you looked at some of these other cases which were obviously so very, very far more heavily disabled than the normal 100 per cent fellow, you had to find some way to take them quite a bit above 100

• 1455

per cent. I think the figures of the Woods Report speak for themselves because they suggested a maximum, I believe, of something like 350 per cent. But certainly, to come back to the question, they were attempting to recognize a very small group of people.

Mr. Bigg: Mr. Chairman this might be a good place to ask a supplementary question on this very point. Could you tell us what other countries pay? Is there an average or a maximum that other countries pay?

Mr. Chadderton: I do not know that there are any actual figures readily available, and I

[*Interprétation*]

les mains le mentionne, pour un très petit groupe de gens. C'est pour cette raison que le Comité insiste sur les mots «invalidité additionnelle dans une large mesure». Il prévoit que le premier cent pour cent de la pension pourrait compenser la perte de la capacité de travailler, mais dans les cas d'invalidités multiples, accompagnées de cicatrices et de défigurement, d'une réduction de la durée de la vie, de la perte d'un membre, de l'impossibilité de jouir de la vie, et je cite: «dans une large mesure», il a cru bon de chercher des moyens de compenser le pensionné à cet égard. Encore une fois, si je me souviens bien de la remarque du juge Woods et de ses collègues, on a pensé qu'il pouvait exister d'autres cas d'invalidités multiples. L'expression est censée englober l'homme qui ne souffre que d'une seule incapacité, de paraplégie, par exemple, laquelle incapacité s'accompagne de multiples effets. Le cas le plus facile à comprendre est celui de l'amputé de plus d'un membre.

Le Comité Woods a reconnu, j'en suis sûr, que d'autres personnes peuvent souffrir de maladie du système ou de troubles cardiaques et recevoir une pension de plus de 100 p. 100, mais pour être admissibles en vertu de la recommandation, ces personnes doivent présenter la totalité ou une partie de ces quatre facteurs, soit la perte de jouissance de la vie, la réduction de la durée de la vie, la perte d'un membre, des marques de cicatrices ou de défigurement. Il faut que ces facteurs soient présents, et certains, dans une large mesure. Les Amputés de guerre du Canada en conclurent que quelque 4,000 ou 5,000 pensionnés touchent la totalité de la pension et que le juge Woods et ses collègues ont jugé que ce niveau était une évaluation convenable. Mais quand on considère les autres cas où l'invalidité est de loin plus grave que celle du pensionné qui retire 100 p. 100, il faut trouver le moyen de porter la pension de ces gens bien au-dessus de ce 100 p. 100. Les chiffres cités dans le rapport Woods sont éloquents, en ce sens qu'ils supposent un maximum, sauf erreur, de l'ordre de 350 p. 100. Pour revenir à la question qui nous intéresse, on a cherché à tenir compte d'un très petit groupe de personnes.

M. Bigg: Monsieur le président, le moment et l'endroit sont indiqués pour poser une question subsidiaire sur ce point. Pourriez-vous nous dire ce que paient les autres pays? S'agit-il d'une moyenne ou d'un maximum?

M. Chadderton: Je ne sais si l'on peut se procurer des chiffres exacts; j'ajoute que selon

[*Text*]

would say also that in my interpretation of the information in the Woods Committee to which reference is made today in our brief, we are referring to the principle of paying additional pension to a multiply disabled man.

Mr. Bigg: To your knowledge, Mr. Chadderton, is the payment substantial?

Mr. Chadderton: It certainly is in the United States. Of course, purchasing power, Mr. Bigg, has to come into this. We could work out the same pension using United States dollars for Belgium but it would not mean anything unless you related it to the purchasing power in that country. That is why we certainly feel that we are talking in principles and that is all.

The Chairman: Mr. Laniel.

Mr. Laniel: Mr. Chairman, I do regret that I came in late. I had told Mr. Thompson that I had a luncheon. I would like to have heard the complete presentation but I will read it tonight.

Mr. Bigg just touched on a point that I was going to raise concerning what is being done in other countries and I was wondering if it would not be possible to supply the Committee with a document, perhaps not now but within a few weeks, if we are to make recommendations. The Minister said the other day that the mere fact that the Department was presenting a White Paper made the policy of the government flexible. And if we want to make specific recommendations, I do not know if I am ready to go as far as 300 per cent or 350 per cent. Also, when I look at the White Paper, I ask myself what $400 and $1,200 in Canadian dollars represent in terms of the cost of living. I want to be practical. I think that this Committee was practical in the case of the Hong Kong veterans because our recommendation of two years ago was accepted. And if we could find perhaps not complete satisfaction with our recommendation with regard to the veterans' associations, but at least a reasonable approach to the problem, I think that I would be the first one to make a recommendation. I would appreciate very much if that kind of documentation could be made available to us. I have been with the Committee to England. I have an idea of their set-up. We have been to Paris and we also have an idea of what the set-up is over there. But we have never gone to Washington as we had planned and we never compared the figures. We could use the experts at the disposal of the Committee

[*Interpretation*]

le rapport Woods, auquel il est fait allusion dans notre mémoire d'aujourd'hui, il est question de payer une pension supplémentaire à un homme souffrant d'incapacités multiples.

M. Bigg: A votre connaissance, monsieur Chadderton, ce paiement est-il important?

M. Chadderton: Il l'est certainement aux États-Unis. Bien entendu, le pouvoir d'achat, monsieur Bigg, entre en ligne de compte ici.

Nous pourrions en arriver à la même pension en nous servant des dollars américains pour la Belgique, mais cela n'aurait aucun sens à moins que ce faisant, nous tenions compte du pouvoir d'achat dans ce pays. Voilà pourquoi nous estimons qu'il s'agit uniquement de principes.

Le président: Monsieur Laniel.

M. Laniel: Monsieur le président, je m'excuse d'arriver en retard. J'ai averti M. Thompson que j'avais rendez-vous pour le déjeuner. J'aurais aimé entendre tout l'exposé au complet, mais je le lirai ce soir.

M. Bigg vient de mentionner un point que je voulais justement soulever au sujet de ce qui se fait dans les autres pays et je me demande s'il ne serait pas possible de founir au Comité un document, non pas tout de suite, mais d'ici quelques semaines, dont nous pourrions nous inspirer dans nos recommandations. Le Ministre a déclaré l'autre jour que le simple fait que le Ministère présentait un Livre blanc faisait entrer un élément de souplesse dans la politique du gouvernement à cet égard. Et si nous voulons apporter des recommandations précises, je ne sais si je suis prêt à aller jusqu'à 300 ou 350 p. 100. A la lecture du Livre blanc, je me demande ce que $400 et $1,200 en dollars canadiens représentent par rapport au coût de la vie. Je veux être pratique. Le Comité s'est montré pratique, à mon avis, dans le cas des anciens combattants de Hong-Kong parce que notre recommandation, formulée il y a deux ans, a été acceptée. Si nous pouvions trouver satisfaction pour notre recommandation concernant les associations d'anciens combattants, pas nécessairement satisfaction totale mais du moins une attitude sensée vis-à-vis du problème, je serais le premier à formuler une recommandation. J'aimerais beaucoup que ce genre de documentation nous soit donnée. J'ai été avec le Comité en Angleterre. J'ai une certaine idée de leur façon de procéder. Nous sommes allés à Paris et nous sommes plus ou moins au courant de ce qui s'y fait dans ce domaine. Mais je ne suis jamais allé à Was-

[*Texte*]

whom we never had before to supply us with an analysis of these documents.

Mr. Kohaly: We will certainly see that that is made available. We should have had it done before. We just do not have it here.

Mr. Laniel: We are not blaming you in any way.

Mr. Kohaly: The Canadian legislation certainly is a leader in many areas—this is just one of them—and we would certainly like to be up there for the limited group of people who are so important to us and I am sure to you, sir, and to all Members of Parliament.

Mr. Laniel: Yes. Actually it is not a question of dollars. There is a figure in the White Paper but that does not mean anything to me unless is related to the cost of living. When you speak of percentages you can make comparison more easily than if you speak of dollars.

The other point that I wanted to make was touched on, I think, by Mr. Guay. It is about the independent authority for the Appeal Board. I am wondering if you are not defeating your purpose. It is my understanding from conversations that I have had with veterans' associations over the past few years that you feared that final decisions could devolve on people who would not meet your requirements; on people who would still have the same philosophy towards veterans.

Mr. Kohaly: Yes.

Mr. Laniel: And what worries me when I speak of the evolution in our social security system is that at some time, some day, some people might consider making the veterans' status the same as that of any other citizens. I think this would be a shame as a general principle.

I am afraid, unless you guarantee otherwise, that although answering to Parliament through the Minister, a separate pension appeal board does not at this time afford the protection that I am looking for as I still believe that the Pension Commission does possess the powers with regard to veterans that you have just mentioned.

Mr. Kohaly: Mr. Laniel, the veterans groups have the same clouded concern that

[*Interprétation*]

hington, comme c'était prévu, et nous n'avons jamais pu en comparer les chiffres. Nous pourrions faire appel aux experts qui sont à la disposition du Comité, ce qui est une innovation et nous pouvons leur demander de nous fournir une analyse de ces documents.

M. Kohaly: Nous y verrons sûrement. Nous aurions dû y voir plus tôt. Nous n'avons pas ces documents.

M. Laniel: Nous ne vous blâmons pas.

M. Kohaly: Les lois canadiennes sont certainement à l'avant-garde dans bien des domaines, et il s'agit d'une de ces lois. Nous aimerions certainement aider le groupe restreint de gens auquel nous attachons tant d'importance, tout comme vous, monsieur, et comme tous les députés.

M. Laniel: Oui. En réalité, il ne s'agit pas uniquement de dollars. Le Livre blanc donne un chiffre qui ne signifie rien pour moi si je ne peux le comparer au coût de la vie. Il est plus facile d'établir des comparaisons avec des pourcentages qu'avec des dollars.

L'autre point que je voulais soulever a été effleuré par M. Guay, je crois. Il s'agit de l'autorité indépendante du bureau des appels. Je me demande si vous ne contrecarrez pas par là vos objectifs. D'après les conservations que j'ai eues avec les associations d'anciens combattants, au cours des dernières années, vous craigniez que les décisions finales ne relèvent de personnes qui seraient loin de répondre à vos exigences, de personnes dont l'attitude au sujet des anciens combattants n'aurait pas changé.

M. Kohaly: Oui.

M. Laniel: Ce qui m'inquiète dans l'évolution de notre régime de sécurité sociale, c'est qu'à un moment donné, certaines personnes voudront peut-être placer les anciens combattants sur un pied d'égalité avec les autres citoyens. Ce serait honteux.

Je crains, à moins que vous ne m'offriez la garantie du contraire, que même s'il rend compte au Parlement par l'intermédiaire du Ministre, un bureau distinct des appels relatifs aux pensions n'assure pas en ce moment la protection que je voudrais, car je crois encore que la Commission des pensions est l'organisme compétent en ce qui concerne les anciens combattants que vous venez de mentionner.

M. Kohaly: Monsieur Laniel, les groupes d'anciens combattants sont tout aussi préoccu-

[*Text*]

you speak of about this subject, and historically there has been some cloud over this subject. What is the right kind of appeal, and can we be guaranteed? I doubt if we could be guaranteed, but we consider that in this day and age in this development of the pension situation this would be the best way to go. I doubt if it could be guaranteed that in no case would there be an injustice that would be conceivable, but as long as you can bring up new evidence and go to the bottom of the line again and come back up through, it would be minimized this way.

It certainly would not be minimized in the mind of an unsuccessful pensioner—a pension applicant—if he sees the two groups together and his adjudication in this final form is by one who he thinks is not entirely fair-minded about this, that he is with the rest of the Commission who were adverse to him and therefore wrong.

It has to appear to be independent, and this is not the appearance that you get now. I hope I am not, by that, saying that we have any lack of faith in any commissioner. It is not that. It is that it must appear to the uninitiated pension applicant who comes out of even western Canada where they are very enlightened that he had a full chance and a good shot at it. Only by an independent board could you possibly get that.

Mr. Laniel: Yes, but that board might become too independent.

Mr. Kohaly: Conceivably.

Mr. Laniel: Actually what scares me in all this study is that even in the report or in the things that I would wish myself, there is a danger that we might, without realizing it, come to the conclusion that since we are about to change the Pension Act, let us change it as much as possible and get as much as possible. We must also know where we are going. The fact that we are getting some kind of guarantee on other points where the right to appeal without having to ask for permission has been recognized satisfies me partly.

I am ready to go along with you as long as you give me an idea of how these people would be selected. If they are selected by the Minister and if they are selected by the Pension Commission, you might be in the same circle, so why complicate things that much. Anyway, I do not want to pursue this point. I will stop questioning now, because I want to read this more thoroughly. There are other points to which I might come back later.

[*Interpretation*]

pés que vous à ce sujet, cette question a toujours été passablement confuse. Quelle est la forme appropriée d'appel et comment pouvons-nous garantir celle-ci? Je doute que nous puissions garantir quoi que ce soit, mais de nos jours, étant donné la conjoncture relative aux pensions, ce serait la meilleure façon de procéder. Je doute que nous puissions garantir qu'il n'y aura jamais d'injustices, mais étant donné que vous pouvez présenter de nouvelles preuves et aller au fond des choses une autre fois, ce risque se trouve minimisé.

Il ne serait certainement pas minimisé dans l'esprit d'un pensionné débouté, d'un requérant qui voit les deux groupes travailler de pair, le jugement final est rendu par une personne qui, à son avis, n'est pas tout à fait impartiale qui se tient avec le reste des membres de la Commission, lesquels se sont déjà déclarés contre lui et, par conséquent, étaient dans l'erreur.

Cet organisme doit sembler indépendant, et ce n'est pas l'impression qu'il donne actuellement. Je ne veux pas dire que nous avons perdu confiance dans les commissaires. Pas du tout. Le Bureau doit sembler libre de toute influence au requérant qui arrive de l'Ouest, où on l'a assuré qu'il avait de bonnes chances. Seul un Bureau indépendant pourrait donner cette impression.

M. Laniel: Oui, mais il pourrait devenir trop indépendant.

M. Kohaly: C'est fort possible.

M. Laniel: En réalité, ce qui m'inquiète dans tout cela, c'est que le rapport, de même que les choses que je désire moi-même voir instaurées, comporte le danger que nous pourrions, sans nous en rendre compte, conclure que, sur le point de modifier la Loi sur les pensions, pourquoi ne pas la changer autant que possible et l'améliorer le plus possible? Nous devons aussi savoir où nous allons. Le fait qu'une certaine mesure de garantie existe pour les autres points au sujet desquels le droit d'appel sans autorisation préalable a été reconnu, me satisfait à moitié.

Je suis d'accord avec vous, si vous me donnez une idée de la façon dont ces gens seront choisis. Si le Ministre ou la Commission des pensions les choisit, vous évoluez dans le même cercle. Pourquoi tant de complications? Je ne poserai plus de questions pour le moment parce que je veux lire ce document à fond. Je reviendrai sur d'autres points plus tard.

[*Texte*]

The Chairman: I think Mr. Marshall would like to ask some questions.

Mr. Marshall: This is supplementary, Mr. Chairman. Are not the entitlement hearing division and the appeal division, consisting in the first instance of 10 commissioners and in the second instance of five commissioners, separate bodies with separate chairmen and deputy chairmen?

• 1505

Mr. Kohaly: No, not by our reading of the White Paper. There is only one chairman and one deputy chairman.

Mr. Marshall: I think we were given a different impression.

Mr. Laniel: That is not my impression.

Mr. Kohaly: The White Paper seems to indicate a chairman and a deputy chairman, yet two bodies can advise a person in an appeal. We would be very happy to see this step forward if there is more than one chairman. That is one feature that would be helpful.

Mr. Marshall: Mr. Chairman, I think we can be assured of that, because this is the way we got it.

The Chairman: Let us make a note here and we can ask further questions later to clarify this. We can make a note at this point in the record.

Mr. Marshall: I think it would change a lot of the thinking of the brief.

Mr. Kohaly: The White Paper clearly says —and only one sentence in each case—

> New Pension Commission
> The new Commission would then be organized into three divisions—the Administrative Division, the Entitlement Hearing Division and the Appeal Division.

And right after that it goes on to say:

> Administration Division
> The Administration Division which would consist of the Chairman, the Secretary and the Appeal...

and so on. That is all it says.

Mr. Marshall: We thought it was a bit ambiguous too.

[*Interprétation*]

Le président: M. Marshall aimerait poser des questions.

M. Marshall: Il s'agit d'une question subsidiaire, monsieur le président. La Division de l'admissibilité et la Division des appels, la première composée de 10 commissaires, et la deuxième de cinq, ne sont-elles pas des organismes distincts, ayant respectivement à leur tête des présidents et des présidents adjoints distincts?

M. Kohaly: Non, pas d'après le Livre blanc. Il n'y a qu'un seul président et qu'un seul président adjoint.

M. Marshall: On nous a laissé entendre le contraire.

M. Laniel: Telle n'est pas mon impression.

M. Kohaly: Le Livre blanc semble parler d'un président et d'un président adjoint, et pourtant deux organismes peuvent conseiller une personne au sujet d'un appel. Cette mesure nous sied parfaitement, dans la mesure où l'on désigne plus d'un président. Ce serait une bonne chose.

M. Marshall: Monsieur le président, je pense que nous pouvons en être convaincus, car c'est bien ainsi que nous l'entendons.

Le président: Prenons-en note et nous pourrons poser des questions plus tard pour clarifier ce point. Contentons-nous de le consigner au compte-rendu pour l'instant.

M. Marshall: Je pense que cela changerait pas mal l'optique du mémoire.

M. Kohaly: Le Livre blanc stipule clairement—et une seule phrase dans chaque cas—

> Nouvelle Commission des pensions
> La nouvelle commission comprendrait trois divisions: la Division de l'administration, la Division de l'admissibilité et la Division des appels.

Et immédiatement après, il est dit:

> Division de l'administration
> la Division de l'administration, qui se composerait d'un président, d'un secrétaire et des services administratifs d'appel ....

et ainsi de suite. C'est tout ce qui y est dit.

M. Marshall: Nous pensions bien que c'était quelque peu ambigu.

[*Text*]

Mr. Kohaly: We hoped that the ambiguity would be resolved in the manner you suggest.

Mr. Knowles (Winnipeg North Centre): Is it not true, Mr. Chairman, that we were assured that these 10 and 5 would be different individuals, but they would not be interchangeable? I wonder if the witness is not correct in drawing our attention to the fact that they are still one breed. There may be 15 different people, but they are one breed.

Mr. Kohaly: That is right.

The Chairman: Let us say that we will make a note and clarify this point. We have observed what you had to say on the point, Mr. Kohaly. Mr. Marshall.

Mr. Marshall: Mr. Kohaly, on page 9 you state:

> ...the main objective is to divest the Canadian Pension Commission of some of its responsibility.

Could you enlarge on that a bit? Are you concerned that the present Pension Commission is not carrying out its responsibilities properly?

Mr. Kohaly: That is a difficult question to answer. You asked it straightforward, and I suppose you should have a straightforward answer. We have had many, many objections to the way the Pension Commission seemingly carried out its duties. I am not suggesting anything wrong by anyone. I am sure they are all honest. The definition which they gave to Section 70 has brought almost universal objection from Members of Parliament on down. To that extent, yes, a direct answer to a direct question.

Generally speaking, we know very well that they are one of the bodies in Canada most interested in the veterans, but they did not always carry out their duties the way we thought they should, nor the way veterans who were in front of them felt they should. Not all of those veterans were right, Mr. Marshall, but some seemed to us to be right, and seemed to the Woods Committee to be right, and they so stated. Mind you, they said all the nice things that should be said about the Commission. They are dedicated and conscientious people and I do not want to belabour that. But let us be fair, the Woods Report was critical in places too.

[*Interpretation*]

M. Kohaly: Nous espérions que l'ambiguité serait dissipée de la façon que vous avez suggérée.

M. Knowles (Winnipeg-Nord-Centre): N'est-il pas exact, monsieur le président, que nous étions assurés que ces dix personnes d'une part, et ces cinq autres d'autre part, ne seraient pas les mêmes et ne seraient pas pour autant appelées à se remplacer. Je me demande si le témoin n'a pas raison de nous signaler le fait qu'elles constituent un groupe homogène. Se sont peut-être des personnes différentes, mais elles partagent le même sort.

M. Kohaly: C'est juste.

Le président: Dans ce cas, prenons-en note et clarifions la question. Nous avons tenu compte de ce que vous aviez à dire, M. Kohaly. Vous avez la parole, monsieur Marshall.

M. Marshall: Monsieur Kohaly, à la page 9 vous déclarez:

> ...le principal objectif est de décharger la Commission canadienne des pensions de certaines de ses responsabilités.

Pourriez-vous élaborer quelque peu? Estimez-vous que la Commission n'assume pas très bien ses responsabilités?

M. Kohaly: Il m'est difficile de répondre à cette question. Vous la posez de bonne foi et je suppose que vous attendez une réponse honnête. Nous avons bien des objections quant à la façon dont la Commission des pensions semble s'être acquittée de ses fonctions. Je ne mets personne en cause. Je suis sûr que tout le personnel est honnête. La définition que la Commission a donnée de l'article 70 a soulevé l'objection presque unanime des députés. Dans cette optique, oui, je suis prêt à répondre sans détours.

Règle générale, nous savons très bien que la Commission est l'un des organismes canadiens qui s'intéresse le plus aux anciens combattants, mais elle ne s'est pas toujours acquittée de ses fonctions comme nous l'entendions et comme les anciens combattants qui s'adressaient à elle s'y attendaient. Cela ne veut pas dire que tous ces gens avaient lieu de se plaindre, monsieur Marshall, mais il nous semble que dans certains cas, c'était fondé; le comité Woods a partagé cet avis et l'a stipulé dans le rapport. Notez bien qu'on a tenu, à l'égard de la Commission, des propos élogieux qu'il convenait de faire. Le personnel de la Commission est dévoué et consciencieux et je ne le contesterai pas; mais soyons justes, le rapport Woods n'a pas manqué de faire quelques critiques ici et là.

[*Texte*]

Mr. Marshall: Would it not have been rather the way the legislation was set up and the way the Pension Commission had to interpret it?

Mr. Kohaly: Yes, sir, I think that over the years this has happened. This is part of the same story. But our only point here is that if this is what is happening in the White Paper, divesting the Commission of these things, it is at the wrong end. There is no problem at the bottom. We have never said so. I do not think there is any brief by any veterans' organization saying anything at the bottom should be divested. It is at the top, the final appearance of justice to the applicant.

Mr. Marshall: Thank you.

The Chairman: Mr. Guay has some questions, but first Mr. MacRae.

Mr. MacRae: I would like to ask Mr. Kohaly if he would care to comment just a little more fully on how the Legion and the other veterans organizations feel about having the initial adjudication made in the Department of Veterans Affairs rather than in the Commission. I know it is covered here on page 10 of the brief, but I would like a bit more explanation if you would care to go into that.

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Mr. Kohaly: Well, I do not think this was part of our point of view initially. We have no objections to it so long as the other two steps remain. If the other two steps were somehow or other short circuited or the appeal end of it, were not truly independent, Mr. MacRae, we would be concerned about that end, but not otherwise. I think this is an adjunct that we never thought was necessary but there is no great problem. Is that not pretty well the position on it?

Mr. Thompson is much more knowledgeable on these details and I apologize to the Committee that I am not knowledgeable on details of the Pension Act, only in general principle.

Mr. D. M. Thompson (The Royal Canadian Legion): Referring to the point that Mr. Laniel raised earlier about the Appeal Board, I think the Woods Report from page 84 to page 100 and something goes into quite a bit of detail about the philosophy of this appeal and the need for the appeal being independ-

[*Interprétation*]

M. Marshall: Cet état de choses ne serait-il pas plutôt attribuable à la forme de la loi et à l'interprétation que devait en faire la Commission?

M. Kohaly: Parfaitement, monsieur, je pense que c'est ce qui s'est produit, en partie. Mais ce qui nous concerne, c'est ce que décrète le Livre blanc: ce n'est rien résoudre que de décharger la Commission de certaines de ces choses. Ce n'est pas à la base que réside le problème: nous n'avons jamais rien dit de tel. Aucune organisation d'anciens combattants n'a, à ce que je sache, présenté un mémoire préconisant qu'il faille démanteler la base de la pyramide. C'est au sommet que se trouve un semblant de justice pour le requérant.

M. Marshall: Je vous remercie.

Le président: M. Guay a des questions à poser, mais je donne tout d'abord la parole à M. MacRae.

M. MacRae: Monsieur Kohaly voudrait-il commenter davantage sur ce que pensent la Légion et les autres organisations des anciens combattants de voir leur demande initiale examinée en premier lieu par le ministère des Affaires des anciens combattants plutôt que par la Commission. Je sais qu'il en est question à la page 10 du mémoire, mais je voudrais que vous explicitiez si cela vous agrée.

M. Kohaly: Je ne crois pas que cela entrait dans nos considérations au début. Nous n'y voyons pas d'objection, pourvu que les deux autres mesures soient maintenues. Ce n'est que si ces deux mesures étaient amputées d'une façon ou d'une autre ou si il n'y avait pas vraiment de recours en appel autonome, monsieur MacRae, que nous verrions à rétablir les choses en ce qui concerne le recours en appel, sinon nous n'avons pas à intervenir. Je pense que nous n'avons pas jugé utile de faire état de cette disposition accessoire, mais ce n'est pas un problème sérieux. Cela ne résume-t-il pas la situation?

M. Thompson connaît davantage les détails et je m'excuse auprès du Comité de ne pas connaître davantage la Loi sur les pensions que je connais uniquement dans les grandes lignes.

M. D. M. Thompson (Légion canadienne): A ce propos, et pour en revenir à ce qu'a dit M. Laniel tantôt au sujet du Bureau des appels, je crois que de la page 84 à la page 100 environ, le rapport Woods entre dans le détail de la structure de cet appel et insiste sur le fait que l'appel soit autonome. Nous n'avons

[*Text*]

ent. It had never occurred to us to divest the Commission of some powers at the lower end, but it would seem to us that if you accept the Woods recommendation for an independent Appeal Board, Mr. Chairman, it would be kind of pointless to chop a piece off the bottom too. It would seem that the thing to do would be to have the Appeal Board at the top, and to have the other duties in the Commission as recommended in the Woods Report.

Mr. MacRae: Thank you.

The Chairman: Are there questions by other members of the Committee? Mr. Legault.

Mr. Legault: Mr. Chairman, dealing with page 9 the second last paragraph, I have a question just for clarification. Perhaps, in the wording itself there is a suggestion that it does not approve of the way the new Appeal Board would be formed. In the wording "composed of members of the Commission", the last line, the sentence leads to the fact that it would not seem appropriate that this be so, and that they be composed of members. Should it not be such that it be composed "from members" of the Commission rather than "of members", which would indicate that these Commissioners would still remain on the Canadian Pension Commission.

Mr. Kohaly: My apologies to you, sir, I am not sufficiently knowledgeable to answer a detailed question. I wonder if Mr. Thompson could answer.

Mr. Thompson: I think, Mr. Chairman, you have to go back further than just that sentence to get the intent. Go back to just after "ombudsman" where it reads:

> The White Paper appears to have ignored the fact that, while the minority report proposed a different solution to the problem of appeals, it did, in fact, emphasize the finding of the Committee that it was neither sound in principle, nor conducive to the most effective implementation of the Act, that appeals should be handled by Appeal Boards composed of members of the Commission.

Mr. Legault: Yes, but it would indicate that these members would still remain members of the Canadian Pension Commission.

Mr. Thompson: Mr. Chairman, the point we tried to make here is that whilst it was pointed out in the White Paper that there was, in fact, disagreement on how to solve the prob-

[*Interpretation*]

jamais envisagé de supprimer certains pouvoirs fondamentaux à la Commission, mais il nous semble que si vous acceptez la recommandation du comité Woods visant à l'établissement d'un Bureau des appels, monsieur le président, ce serait en quelque sorte inutile d'étronquer la base de la pyramide. Il nous paraît plus approprié d'avoir le Bureau des appels au sommet et de confier les autres responsabilités à la Commission comme le recommande le rapport Woods.

M. MacRae: Je vous remercie.

Le président: Avez-vous des questions? Monsieur Legault.

M. Legault: Monsieur le président, à propos de la page 9, à l'avant-dernier paragraphe, je voudrais poser une question pour clarifier les choses. Il est possible que le libellé porte à croire qu'on n'approuve pas le mode de constitution du Bureau des appels. L'expression «composé de membres de la Commission» à la dernière ligne, donne à penser que ce ne serait pas approprié et qu'il devrait être composé de membres. Ne devrait-on pas dire qu'il soit composé de «membres» de la Commission au lieu de «membres» tout court, de façon à faire ressortir que ces commissaires feraient toujours partie de la Commission canadienne des pensions.

M. Kohaly: Toutes mes excuses, je vous prie, monsieur, je ne suis pas assez versé en la matière pour me lancer dans les détails. Monsieur Thompson voudrait-il répondre.

M. Thompson: Je crois, monsieur le président, qu'il faut revenir sur ce qui précède cette phrase pour en saisir le sens. Veuillez vous y reporter tout de suite après «ombudsman»:

> Le Livre blanc semble avoir négligé le fait que, bien que le rapport minoritaire propose une solution différente au problème des appels, il corrobore en fait la conclusion du comité selon laquelle il n'était nullement judicieux et n'engendrerait pas une application efficace de la Loi de remettre les appels entre les mains du Bureau des appels composés de membres de la Commission.

M. Legault: Oui, mais cela indiquerait que ses membres demeureraient également membres de la Commission canadienne des pensions.

M. Thompson: Monsieur le président, ce que nous avons voulu dire c'est que, bien qu'il soit spécifié dans le Livre blanc qu'il y avait en fait désaccord sur le mode de règle-

[*Texte*]

lem, both the minority and the majority members of the Woods Committee were in agreement that the final appeals should not be handled by members of the Canadian Pension Commission.

Mr. Legault: This is exactly the point.

Mr. Laniel: I have a supplementary question on this. Mr. Thompson, was not the main complaint based on the fact that in many cases the same person was judging his previous judgment?

Mr. Kohaly: That was true.

Mr. Laniel: Other than the fact that it would be a different level of decision within the same institution?

Mr. Kohaly: That was one of the two things involved.

Mr. Laniel: Which is corrected.

• 1515

Mr. Kohaly: Oh, yes, that one is corrected but the big issue was in the final analysis, would it be the same people, in effect the same mentality, the same group; would the atmosphere be the same or would it be different? To get justice one must appear to have a difference. In the final analysis, that area is the area we feel has to be changed, sir.

Mr. Laniel: I appreciate your remarks, but it would be useful to us to put the question to the people responsible.

The Chairman: Mr. Legault.

Mr. Legault: Yes, Mr. Chairman, I understand your interpretation, but reading it would lead anyone to believe that these members of the Appeal Board would still remain because they would be members of the Canadian Pension Commission. My point would be members chosen from the Commission but declared independent or out of it. The point made by Mr. Laniel a while ago about the philosophy applied, the atmosphere, is very, very important. I think that point was well brought out. I think this should be properly interpreted here.

Mr. Kohaly: Mr. Chairman, there might be some considerable agony in deciding who is going to do this, but historically the Minister has named judges. We are perfectly satisfied with judges and commissioners and appointees. They tend to do their job well. Is there such a driving necessity to take them from this one source? Is there no other source in

[*Interprétation*]

ment du problème, les membres minoritaires et majoritaires du comité Woods ont convenu que les appels en dernier recours ne soient pas étudiés par les membres de la Commission canadienne des pensions.

M. Legault: C'est précisément cela.

M. Laniel: J'aurais une autre question à poser. Monsieur Thompson, la principale doléance ne découle-t-elle pas du fait que, dans nombre de cas, la même personne reprenait la décision qu'elle avait déjà rendue?

M. Kohaly: C'est exact.

M. Laniel: Outre le fait que ce serait une nouvelle décision à un autre échelon au sein de la même institution?

M. Kohaly: C'était l'une des deux questions en cause.

M. Laniel: On y a remédié.

M. Kohaly: Oui, on y a remédié, mais la principale question demeure, en dernière analyse, si on aurait affaire aux mêmes personnes, en fait, à la même mentalité, au même groupe; l'ambiance serait-elle la même ou bien différente? Pour avoir gain de cause, il semble qu'il faille établir une différence. C'est ce à quoi il faudrait remédier, estimons-nous.

M. Laniel: J'apprécie vos commentaires, mais il nous serait utile de poser la question aux personnes compétentes.

Le président: Monsieur Legault.

M. Legault: Oui, monsieur le président. Je comprends votre interprétation, mais n'importe qui pourrait croire à une simple lecture que les membres du Bureau d'appel en question resteraient en place parce qu'ils seraient membres de la Commission canadienne des pensions. Je proposerais plutôt que les membres soient choisis au sein de la Commission, mais qu'ils soient proclamés indépendants ou en dehors de la Commission. La précision qu'a apportée plus tôt M. Laniel au sujet de la philosophie appliquée et de l'atmosphère est très très importante. A mon avis, cela a été fort bien mis en évidence et devrait faire l'objet d'une bonne interprétation.

M. Kohaly: Monsieur le président, il faudra probablement beaucoup de temps pour décider qui occupera ce poste, mais par le passé, le ministre nommait des juges. Nous sommes très satisfaits des juges, des commissaires et des candidats nommés. Ils essaient de bien faire leur travail. Est-il aussi impérieux de les prendre à cette source? N'y a-t-il au Canada

[*Text*]

Canada comparable and equal that could possibly do it, and for once and for all, solve this great question mark and suspicion that has surrounded the Pension Act unnecessaridone. I feel confident there are competent ly? Surely now that it is open it could be men and women in Canada, that the Minister would appoint, who would resolve this problem forever without necessarily delving into the same well. I am not saying they are not competent but is it so necessary to do it that it cannot be done now.

Mr. Bigg: I have been on this Committee on and off for about 10 years and it seems to me that our problem—I stand to be corrected—is that we have been worried that all decisions are going to be made in a step ladder affair, if not by the same people in the same philosophy. We are trying to get around that now. I do not think it is going to help merely by changing the name of what they are, or even going shall we say, to the Department of Justice and saying, "Give us a bunch of personnel from some other department," if in fact they are going to come in with the same philosophy. What we have been trying to do over the years is clarify the terms of reference under which these people are going to work in the first place; that is, clarify the Act; to straighten up the bill of rights of veterans. Personally, if we do that properly, I do not think we have to worry about well-meaning Canadians no matter where they come from as long as they are then independent at the level at which they are working and there is no duplication or conflict of interest. We have been assured, at least I have, over the last few days that they are going to try and compartmentalize these people horizontally, so there is no danger that a man is faced with reversing a decision of his own or you might say people of like mind, but people under the same particular pressure.

I think we have been relieved of that at least by a promise, and I do not think it would help, as I said, merely to change the name from the Canadian Pension Commission or any other type of commission provided their independence is assured and we give them the proper terms of reference with the power to interpret Section 70, Section 13 and Section 25 in favour of the veteran keeping in mind the rights of the taxpayer. I hope I have not made this issue more clouded than it was before, but that is the way I see it. I think we have been given that assurance. As we will have more time to straighten this out in the drawing up of the act and in the details I think I am satisfied at this point.

[*Interpretation*]

aucune autre source comparable qui pourrait remplir cet office, et une fois pour toutes, faire disparaître la méfiance qui a entouré inutilement la Loi sur les pensions? Comme le terrain est maintenant prêt, cela pourrait se faire. Je suis convaincu qu'il y a des hommes et des femmes compétents au Canada, que le ministre pourrait nommer pour résoudre a jamais ce problème sans puiser nécessairement à la même source. Je ne dis pas qu'ils ne sont pas compétents, mais c'est si urgent que cela ne peut se faire en ce moment.

M. Bigg: Je fais parti de ce Comité depuis environ 10 ans et il semble que notre problème, veuillez me corriger si je fais erreur, vient du fait que nous avons eu peur que toutes les décisions soient faites à la façon d'une réaction en chaîne si ce n'est par les mêmes personnes, du moins dans le même esprit. Nous essayons de nous y consacrer en ce moment. Je ne crois pas que l'on facilitera les choses en changeant seulement le nom de leur poste ou même en nous adressant au ministère de la Justice pour demander quelques employés d'autres ministères, si ceux-ci n'ont pas une conception différente. Nous avons essayé, depuis des années, de préciser les attributions de personnes qui vont travailler: c'est-à-dire qu'il faut préciser la Loi, et affirmer les droits des anciens combattants. A mon avis, si nous le faisons bien, je ne crois pas que ces Canadiens bien intentionnés, nous causeront des problèmes, quels que soient leurs antécédents, pourvu qu'ils soient indépendants dans leur travail et qu'il n'y ait pas de chevauchement ou de conflit d'intérêt. On nous a assurés, du moins je l'ai été, au cours des derniers jours qu'on essayera de compartimenter les fonctionnaires du même niveau de sorte qu'il n'y aura pas de danger qu'un homme révoque sa propre décision ou celle de ceux qui pensent comme lui et qui se trouvent dans la même situation tendue.

Je crois qu'on n'a plus de souci à se faire à ce sujet, mais à mon avis, cela ne sert à rien de changer seulement le nom de la Commission canadienne des pensions ou de tout autre genre de commission, pourvu que l'indépendance des membres soit assurée et que nous leur donnions leurs propres attributions avec le pouvoir d'interpreéter les articles 70, 13 et 25 en faveur de l'ancien combattant, tout en gardant à l'esprit les droits du contribuable. J'espère que je n'ai pas rendu cette question plus obscure qu'elle ne l'était auparavant, mais c'est ainsi que je la vois. Je crois qu'on nous a donné cette assurance. Comme nous aurons plus de temps pour préciser cette question pendant la rédaction du projet de loi, je crois que'n ce qui concerne les détails, je suis satisfait jusqu'à maintenant.

[*Texte*]

The Chairman: Mr. Weatherhead and Mr. Laniel.

Mr. Weatherhead: Pursuing this a wee bit further, because I think the appeal provisions are one of the most important changes of the amendments, do I gather that the witness would really like to see for one purpose or another, five new people who are not now presently members or Commissioners of the Canadian Pension Commission appointed to a new pension Appeal Board or some other new appeal authority. Do we want five different people who are not there now, because the ones who are there now, even though they are the best intentioned people in the world, might be in some way charged with being too much connected with the old regime, or what have you?

Mr. Kohaly: Mr. Chairman, again a direct question and I am surprised as a citizen that members of Parliament ask such direct questions. When I read the newspapers they do not seem to be all that direct, but they are here today.

Mr. Weatherhead: They do not report that.

Mr. Laniel: You do not come often enough, Mr. Kohaly.

Mr. Kohaly: I am used to asking the questions rather than answering them in my vocation. The answer would be yes, we would be happier with brand new ones but that would not be to exclude the Minister's good judgment in choice of some from the present Commission. I think there would be more happiness in the homes of unsuccessful pension applicants if they were brand new. However, let us be clear. We have no fingers to point at existing Commissioners if appointed to the Appeal Board.

Mr. Weatherhead: You see as Mr. Bigg has suggested we have been assured in recent days by the Minister and the Deputy Minister that there will be completely separate levels now. I would think, going on further with what we were talking about earlier, that the chairman you were talking about will just be the chairman of the Appeal Division and will not have authority over the 10 commissioners on the Entitlement Board side. We may have jumped to conclusions there but I would not think so.

We are more or less assured of three distinct levels now. My reason for asking the question was to ascertain whether the basis of

[*Interprétation*]

Le président: Messieurs Weatherhead et Laniel.

M. Weatherhead: En poursuivant un peu plus l'examen de cette question et comme je crois que les dispositions relatives à l'appel comptent au nombre des changements les plus importants apportés aux modifications, dois-je comprendre que le témoin aimerait vraiment que l'on nomme, pour une raison ou pour une autre, cinq nouvelles personnes qui ne sont pas en ce moment membres ou commissaires de la Commission canadienne des pensions, à une nouveau Bureau d'appel des pensions ou à quelque autre nouveau conseil d'appel? Est-ce que nous voulons cinq personnes différentes qui n'en font pas partie en ce moment parce que celles qui en font partie, même si ce sont les personnes le mieux intentionnées du monde, pourraient être accusées d'être trop liées à l'ancien régime ou quoi d'autre?

M. Kohaly: Monsieur le président, encore une question directe. Je suis surpris en tant que citoyen, que des députés posent des questions aussi directes. Lorsque je lis les journaux, ils ne semblent pas tous aussi directs, qu'ils le sont aujourd'hui.

M. Weatherhead: Ils n'en font pas mention.

M. Laniel: Vous ne venez pas assez souvent, monsieur Kohaly.

M. Kohaly: Mon emploi m'a habitué à poser des questions plutôt qu'à répondre. La réponse serait affirmative. Nous serions plus heureux d'avoir de nouveaux titulaires, mais cela n'exclurait pas le bon jugement du ministre dans le choix de quelques personnes qui font partie de la Commission actuelle. Je pense que si les commissaires n'étaient pas choisis parmi les commissaires actuels, les candidats à la pension qui ont essuyé un refus auraient plus de chance. Toutefois, soyons clairs. Nous n'avons pas à dire lesquels parmi les commissaires existants seraient nommés au Bureau d'appel.

M. Weatherhead: Vous voyez, comme M. Bigg l'a proposé, le ministre et le sous-ministre nous ont assurés, il y a peu de temps qu'il y aura des niveaux tout à fait séparés. En poursuivant le sujet dont nous parlions auparavant, je croirais que le président dont vous parliez serait uniquement président de la Division des appels et n'exercerait aucun pouvoir sur les 10 commissaires du Bureau d'admissibilité. Nous avons peut-être sauté trop vite aux conclusions, mais je ne le croirais pas.

On nous a plus ou moins assurés de trois niveaux distincts. J'ai posé cette question pour voir si en fait votre proposition visait

[*Text*]

your suggestion was really just to change the men, thereby getting new men into the top level.

Mr. Kohaly: Not totally, sir, but we would have no objection to it; we would have enthusiasm for it. The only time we would object is if a majority of the existing commissioners turned up on the new independent appeal board. At that point we would wonder whether we did not really have the same thing we had before.

The Chairman: It is my understanding that Mr. Laniel and Mr. Guay had some questions.

Mr. Laniel: Mr. Chairman reverting to the appeal board, I am sure Mr. Kohaly did not want to impute motives on the part of members of the Appeal Division. I wonder if I really interpreted his words correctly when, to me at least, he seemed to wish so many changes in the representation on the appeal board. Maybe it is similar to the politician's field of action: one might serve at the provincial level, the municipal and federal level and assume the responsibility for each of these levels; there is a law to govern you and you abide by it. That does not worry me that much. The point that I want to make though and that has not been touched upon is that you seem to fear that the Appeal Division and the Entitlement Hearing Division would be headed by the same people and the same rules, more or less, would be used. However, do you not agree that at least we are making some progress. First, the Entitlement Hearing Division is becoming now, which it was not

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before, a kind of an appeal board, which is completely different because the initial adjudication is made at the directorate or departmental level.

So there is that change. As far as I am concerned, after I get certain answers from the people concerned, perhaps I will go along with your idea if you can continue to convince me that it is necessary—because that kind of recommendation is very easy for a member of the government to include in a report because to my mind it is not costly at all. So, I am ready to follow you in our discussions of the next few days or few weeks, and we can really seek out the need for it.

The other point I wanted to make was about the attendance allowance. In your brief you refer to one month. Actually, it is more than one month, if I heard correctly this morning. It is the end of the month in course

[*Interpretation*]

uniquement le changement des hommes en vue de nommer d'autres personnes au niveau le plus élevé.

M. Kohaly: Pas tout à fait, monsieur, mais nous n'y verrions aucun inconvénient, nous serions même en faveur de cela. Nous nous y opposerions si la majorité des commissaires actuels était nommée au nouveau bureau d'appel indépendant. A ce moment-là, nous pourrions nous demander si nous ne retournons pas à la situation antérieure.

Le président: Je crois comprendre que MM. Laniel et Guay ont quelques questions à poser.

M. Laniel: Monsieur le président, pour revenir à la question du Bureau d'appel, je suis certain, que monsieur Kohaly n'a pas voulu attribuer des intentions aux membres de la Division des appels. Je me demande si j'ai bien compris ses paroles car, à mon avis tout au moins, il a semblé souhaiter beaucoup de changements au sein du Bureau d'appel. Cela ressemble peut-être au champ d'action en politique; une personne peut servir aux niveaux provincial, fédéral et municipal, remplir une fonction à chaque niveau et être soumise à une loi. Cela ne m'inquiète pas beaucoup. J'aimerais préciser une question qui n'a pas été traitée, à savoir que vous semblez craindre que la Division des appels et la Division de l'admissibilité soient dirigées par les mêmes personnes et que les mêmes règles soient plus ou moins suivies. Toutefois ne croyez-vous pas que nous faisons du moins quelque progrès? En premier lieu, la Division de l'admissibilité en ce moment devient, ce qu'elle n'était pas auparavant, une sorte de bureau d'appel tout à fait différent parce que le jugement initial est porté au niveau de la Direction générale ou du ministère.

Il y a donc ce changement. Pour ma part, lorsque j'aurai reçu certaines réponses des personnes intéressées, je partagerai peut-être alors votre opinion si vous pouvez continuer à me convaincre que c'est nécessaire car il est facile pour un membre du gouvernment, d'inclure ce genre de recommandation dans un rapport; selon moi, ce n'est pas une recommandation coûteuse. Ainsi, je suis prêt à vous écouter dans nos délibérations des prochains jours ou des prochaines semaines et voir si nous pouvons répondre à ce besoin.

L'autre précision que je voulais apporter touche l'allocation de soins. Dans votre mémoire, vous parlez d'une période d'un mois. En réalité, la période est de plus d'un mois si j'ai bien entendu ce matin. On compte le mois

[*Texte*]

plus an extra month after that, is it not, for the attendance allowance? I just wanted to clarify that.

Mr. Kohaly: The White Paper could bear that interpretation, based on past experience. I think we hoped that would be the interpretation. We hoped it would be a little more generous than that, sir, because there is more need. We would hope that we would not be dealing with the question of, say, the 29th of the month as against the 30th of the month. That is really getting down pretty tight, Mr. Laniel, when you remember that the attendance allowance has to be paid to somebody to come in on more than a two-day basis, or a month plus two days does not make it much better. In this country of ours you cannot acquire people that easily to look after those who need attendance, and to just fire them and hire them, that does not work. It needs a much longer period than that. A month might certainly be helpful, if that is where we are to be limited.

Mr. Laniel: Actually, what is the main reason for this? I do not know. I never had cases like this directed to me and I am wondering about it. When that question was raised this morning I wondered if it was merely on the basis that for somebody that is in real need it does take away an income or an entry of money that will not be there for a period of time, which might disorganize his life when he goes back. Is that the main principle?

Mr. Kohaly: Yes, sir. Continuity, the requirement to have people over a period of time and not confined necessarily to an unknown period of time such as a month, but he may be discharged right away. We would hope that he would be improved satisfactorily and would be out the middle of the month. When he comes in does he know he has to discharge his attendance? He has no way of knowing this.

Mr. Laniel: Yes, but did I not read somewhere that in cases where the hospitalization would be prolonged that this should be paid to the wife directly? I do not know. In any event, I will not pursue that particular point.

One last question—and there is no mention of this in your brief and probably you did not see any reason for it—about the Bureau of Pensions Advocates. Are you satisfied with the changes that have been put forward in the White Paper?

Mr. Kohaly: That is the easiest direct question to produce the easiest direct answer. Yes, yes, yes.

[*Interprétation*]

en cours plus le mois suivant pour établir l'allocation de soins, si je ne me trompe pas. J'aimerais simplement éclaircir ce point.

M. Kohaly: Le Livre blanc porte peut-être à cette interprétation, d'après l'expérience du passé. Je pense que nous avons souhaité qu'on l'interpréterait ainsi. Nous avons espéré que le traitement serait même un peu plus généreux que cela, car le besoin existe vraiment. Nous espérons que nous n'aurons pas à régler ces questions en termes de jours; ce serait vraiment trop demander. Monsieur Laniel, lorsque vous pensez que cette allocation doit être payée à une personne qui vient prodiguer ses soins sur une base de plus de deux jours, ou d'un mois plus deux jours, cela ne fait pas une grande différence. Dans notre pays, où nous ne pouvons pas facilement trouver des personnes capables de soigner les malades, il ne serait pas sage de les engager et de les renvoyer à tout venant. Il faut une période beaucoup plus longue. Un mois serait acceptable, si on vous restreint à cette période.

M. Laniel: Quelle en est la véritable raison? Je n'en sais rien. Je n'ai jamais eu à m'occuper d'un tel cas et je me pose des questions. Ce matin quand la question a été soulevée, je pensais qu'il s'agissait plutôt du cas où une personne dont les besoins étaient réels et que cela réduisait son revenu ou ses sources d'argent pendant une certaine période de temps, ce qui pourrait avoir pour conséquences de désorganiser sa vie lorsqu'il rentre chez lui. Est-ce là la principale raison?

M. Kohaly: C'est cela, d'assurer une certaine continuité, la nécessité d'employer une personne pendant un certain temps, non pas nécessairement pour un temps non déterminé, comme un mois, mais elle peut recevoir son congé immédiatement. Nous espérons que l'état du malade s'améliore d'une façon satisfaisante et qu'il sera renvoyé chez lui vers le milieu du mois. Lorsque le malade rentre à l'hôpital, sait-il s'il peut renvoyer son aide? Il ne peut pas le savoir.

M. Laniel: D'accord, mais n'ai-je pas lu quelque part que lorsque, dans certains cas, l'hospitalisation se prolonge, cette allocation est versée directement à la femme de l'ancien combattant? Je n'en sais rien. De toutes façons, je ne poursuivrai pas plus longtemps. Une dernière question. On ne mentionne pas dans votre mémoire, et vous n'avez probablement pas eu de raison de parler du Bureau des avocats des pensions. Êtes-vous satisfaits des changements apportés par le Livre blanc?

M. Kohaly: C'est la question directe la plus facile qui entraîne la réponse directe la plus courte: oui, oui, oui.

[*Text*]

Mr. Laniel: Thank you.

The Chairman: Mr. Guay followed by Mr. Knowles.

Mr. Guay (St. Boniface): Mr. Chairman, my questions will be directed to any of the members of the organization that presented the brief to us today. First of all I would like to say to them that their brief is certainly clear-cut and to the point, and to that end I think they should be complimented. This also applies to the people who presented the brief on their behalf.

On page 3, paragraph 3, you say, "...results in a disappointing picture". My

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question in this regard is were you aware—and this in my understanding—that the Minister said that while this White Paper is presented to us, that both he and the White Paper are flexible. Were you aware of that?

Mr. Kohaly: Yes, we were. I was especially made aware of it last night when I was given a copy of the Minister's statement at the laying of the cornerstone at Ste. Anne de Bellevue at the 32nd Dominion Convention of the War Amputations of Canada on September 15, 1969. I will quote from page 4 of the release:

> On the other hand, the White Paper indicates, in general rather than specific terms, the views of the government on those recommendations. The Standing Committee is thus free to hear representations by veterans associations on these proposals, to consider them carefully, and to make recommendations concerning them to the government.
>
> The government is very anxious to have the views of the veterans associations, and the recommendations of the Standing Committee, available to those who have the responsibility for drafting the necessary legislation.

We regret, understandably, that we did not have this at the time we prepared our brief.

Mr. Guay (St. Boniface): I guess we can take it, Mr. Chairman, that this is the second time the Minister has mentioned it and it is flexible.

Mr. Kohaly: Yes.

[*Interpretation*]

M. Laniel: Merci.

Le président: Monsieur Guay, puis monsieur Knowles.

M. Guay (St-Boniface): Monsieur le président, ma question s'adresse à l'un des membres de l'organisation qui nous a remis son mémoire aujourd'hui. Tout d'abord, j'aimerais dire que ce mémoire est clair et précis, et je crois qu'on devrait en féliciter ces messieurs. Cela s'applique aussi aux personnes qui ont présenté le mémoire au nom de l'organisation.

A la page 3, au 3e paragraphe, vous dites: «ont eu pour résultat des chiffres décourageants».

Ma question à ce sujet est de savoir si vous étiez au courant de la déclaration du ministre, pendant la présentation du Livre blanc, selon même que le Livre blanc. C'est ce que j'ai cru laquelle il ferait preuve de souplesse, de comprendre. Étiez-vous au courant de cette déclaration?

M. Kohaly: Certainement. J'ai été mis au courant hier soir lorsque l'on m'a donné un exemplaire du discours que le ministre a prononcée lors de la pose de la première pierre, à Saint-Anne-de-Bellevue, le 15 septembre 1969, au cours de la 32e convention nationale des Amputés de guerre du Canada. Je citerai la page 4 du communiqué de presse:

> «D'autre part, le Livre blanc indique, en termes généraux, le point de vue du gouvernement au sujet de ces recommandations. Le Comité permanent est ainsi libre d'entendre les témoignages des associations d'anciens combattants sur ces recommandations, d'étudier attentivement les recommandations qui leur seront faites, et de présenter au gouvernement un rapport à ce sujet.
>
> Le gouvernement est très intéressé de connaître le point de vue des associations d'anciens combattants et les recommandations du Comité permanent, afin de les transmettre aux fonctionnaires chargés de la rédaction du projet de loi qui s'impose.»

Nous regrettons de ne pas avoir eu cette déclaration en main lorsque nous avons préparé notre mémoire.

M. Guay (St-Boniface): Je pense que nous pouvons prendre cela pour acquis, monsieur le président, car c'est la deuxième fois que le ministre mentionne cette souplesse.

M. Kohaly: Oui.

[*Texte*]

Mr. Guay (St. Boniface): My next question in relation to your brief, and I do not know if they are in the order in which you brought them out, but if you were asked by the members of the Committee today for a priority choice in regard to some of the recommendations which have not been included in the White Paper at the moment, and if we were to ask you for your choice, in which order would you spell them out to us? In other words, I presume the most important would be your number one, and then your second choice of the most important would be number two. Could you briefly put them in that order for us at the moment. Would you put the multiple group as your number one or would it be the blind, or are they included in that multiple group, or which one would you put as number one?

Mr. Kohaly: This is very difficult. I wish I could speak in three languages all at once and in one language for each one of the three. If I had to answer that and if I had to put a priority on it, having prefaced my comments, I would say that we think they are all equally important for different reasons. Number one, basic rates; number two, multiple disability; number three, appeal board. I am sorry I have to answer that way, but I could immediately qualify number three. Number one and number two are useless unless you have number three in there to do it.

Mr. Guay (St. Boniface): Mr. Chairman, I am trying to be brief because I know there are many others who would like to ask questions, but possibly I might hit one and some of the other members will mention the others. While we have received an explanation pertaining to the recommendations in the Woods Report from the Department in the last two-days session and we have received their point of view, I think it might be equally wise if the Committee were to question you in regard to your point of view, although it might deal with the same item on which we questioned them. I am now referring to page 15, Sections 20, 21 and 22, which I am not clear on. Could you possibly give us an example of the sort of case you are referring to. I am speaking with respect to someone who gets an award in a court case, and then I presume it is turned back to the Department. Possibly you might give us a short explanation or an example of what you are speaking about.

Mr. Kohaly: Somewhere in the dim background I recall that someone asked such a question in this Committee about a case that had occurred in the past and some member of

[*Interprétation*]

M. Guay (St-Boniface): Ma question suivante se rapporte à votre mémoire, et je ne sais pas si ces recommandations sont dans le bon ordre, mais si l'on vous demandait aujourd'hui de faire un choix des priorités en ce qui concerne certaines des recommandations qui n'ont pas été incluses dans le Livre blanc pour le moment, quel ordre choisiriez-vous? En d'autres mots, votre premier choix, le plus important, porterait le numéro un et votre second choix le numéro deux. Pourriez-vous rapidement nous mettre vos recommandations dans cet ordre? Accorderiez-vous la première priorité au groupe souffrant d'infirmités multiples, ou mettriez-vous les aveugles en premier, ou alors est-ce que les aveugles sont compris dans le groupe de gens souffrant d'infirmités multiples? Lequel mettriez-vous en premier?

M. Kohaly: Cest très difficile. J'aimerais pouvoir mettre ces trois recommandations sur le même pied. Mais si je dois répondre et choisir une priorité, ayant fait mes commentaires au préalable, je dirais que ces trois recommandations sont également importantes pour des raisons différentes. En premier: les taux de base; en deuxième: les invalidités multiples; en troisième lieu: le Bureau des appels. Je suis désolé d'avoir à répondre ainsi, mais je pourrais quand même préciser que sans le numéro trois, le numéro un et le numéro deux sont inutiles.

M. Guay (St-Boniface): Monsieur le président, j'essaie d'être bref car je sais que bon nombre de mes collègues désirent poser des questions; je n'éclaicirai peut-être qu'un point, mais mes collègues mentionneront peut-être les autres. Puisque nous avons reçu, au cours des deux derniers jours d'audience, une explication du Ministère au sujet des recommandations contenues dans le rapport Woods et que nous avons pris connaissance de leurs points de vue, je pense qu'il serait sage que le Comité vous questionne et de la même manière qu'il l'a fait pour le Ministère, bien qu'il est possible qu'il aborbe la même question que nous avons aborbée. Je me réfère maintenant à la page 15 du mémoire, aux articles 20, 21 et 22, qui ne sont pas très clairs pour moi. Pouvez-vous nous donner un exemple d'un cas qui s'y rapporte. Je parle d'une personne qui obtiendrait un jugement du tribunal et qui, je pense, est renvoyée au ministère. Vous pouvez peut-être nous donner un petit exemple ou une explication.

M. Kohaly: Je me souviens vaguement que, par le passé, quelqu'un avait posé cette question au Comité au sujet d'un cas qui s'était présenté, et un des membres du Comité avait

[*Text*]

the Committee asked the Minister if it would be retroactive. There was a case of that description raised at that time, where they were recovering a portion of the award from the widow. One member of the Committee asked that. That would be an example right there.

Mr. F. J. L. Woodcock (The Sir Arthur Pearson Association of War Blinded): Mr. Chairman, may I quote an example that is pending at the moment.

We have a Hong Kong prisoner of war who is 100 per cent pensionable for multiple disabilities received while a passenger in a truck which was involved in a motor accident. As a result of that accident he is totally blind. He has received a notice from the Canadian Pension Commission to the effect that it depends on the court's decision whether or not they will have to invoke Sections 20, 21 and 22. We also had case of a widow whose husband—and this was in the "Amps"—was killed at the side of the road, and in this particular case there was a court action. She had to return the moneys received to the Receiver General without even being able to deduct the price of the ambulance or the cost of the lawyer fighting the case, or have her widow's pension amortized over her life expectancy. Those are two cases that I know of, Mr. Chairman, and we can produce the actual regimental numbers and names, if the Committee wishes.

Mr. Guay (St. Boniface): It is not a matter of getting the exact case but, rather, providing an explanation, Mr. Chairman, to the members of the Committee. A case was put forward by one member of our Committee yesterday. It is rather an explanation we wish because I am lost to understand why the money has to be returned, resulting in the veteran getting a lesser amount. If you remember, Mr. Chairman, in a case we were discussing yesterday he had to pay back to the Department an amount greater than the original amount, which is detrimental to the veteran. He is not really receiving what he should. I am not clear on this and possibly you might clarify it. We did receive an explanation from the Department but I want your point of view, if you can give it to me.

Mr. Kohaly: Our point of view is that the veteran recipient, whether it be widow or individual, should be entitled to the portion above and beyond that which the government is paying in the form of pension, and we state that to be the portion for special and other

[*Interpretation*]

demandé au ministre si ce jugement était rétroactif.

Il y avait un cas soulevé à ce moment-là où une veuve avait été sommée par le Ministère de rembourser une partie des dommages-intérêts. Un des membres du Comité avait soulevé cette question et cet exemple serait un très bon.

M. F. J. L. Woodcock (The Sir Arthur Pearson Association of War Blinded): Monsieur le président, puis-je vous citer un cas qui est actuellement encore à l'étude.

Il y a un prisonnier de guerre de Hong-Kong qui a droit à une pension intégrale en raison de multiples infirmités causées par un accident, lorsque le camion dans lequel il prenait place est entré en collision avec un autre véhicule automobile. Il est complètement aveugle. Il a reçu un avis de la Commission canadienne des pensions à l'effet qu'il dépendra de la décision du tribunal s'ils devront invoquer les articles 20, 21 et 22. Nous avons aussi rencontré le cas d'une veuve dont le mari, un amputé de guerre, a été tué sur le bord de la route. Cette affaire a fait l'objet d'une décision judiciaire. La veuve a dû rembourser l'argent reçu au Receveur général sans même pouvoir déduire le coût de l'ambulance ou les honoraires de l'avocat qui a défendu la cause ou avoir sa pension de veuve amortie sur son espérance de vie. Voilà deux cas dont j'ai la connaissance, monsieur le président, et je puis produire les noms et les numéros de régiment, si le Comité le désire.

M. Guay (Saint-Boniface): Il ne s'agit pas d'avoir des cas particuliers, mais plutôt de fournir des explications aux membres du Comité, monsieur le président. Un membre du Comité a cité un cas hier. Nous préférons obtenir une explication parce que je ne peux comprendre pourquoi on doit renvoyer l'argent, ce qui réserve une somme moins importante à l'ancien combattant. Monsieur le président, si vous vous rappelez bien, dans le cas étudié hier, la personne a dû rembourser au Ministère une somme plus importante que la somme d'argent accordée à l'origine, ce qui lui est préjudiciable. En fait, elle ne reçoit pas ce qu'elle devrait recevoir. Je ne conçois pas très bien la chose. Vous pourriez peut-être m'aider. Nous avons reçu une explication du Ministère, mais j'aimerais connaître votre opinion, si c'était possible.

M. Kohaly: A notre avis, l'ancien combattant bénéficiaire, que ce soit la veuve ou l'individu, devrait avoir droit à une somme d'argent supérieure à celle que le gouvernement verse sous forme de pension, soit la portion réservée aux dommages spéciaux et

[*Texte*]

damages which would be ignored under the government's proposal because it is a very small portion and the government keeps that portion of the award which is associated with earnings, which is a very large portion. That, in principle, is what we say now. That is my answer and I am sorry if it is not detailed enough for you.

Mr. Thompson: Possibly, an example, Mr. Chairman, of Mr. Guay's concern is that a man is wounded and pensioned in excess of 50 per cent. Now with the pension in excess of 50 per cent the expectation is that his widow will be pensioned regardless of the cause of his death—she has the potential right to a widow's pension on his death. Now instead of dying from natural causes he is killed by an automobile. It really has nothing to do with his service. He has earned the right for the protection for his widow through the disability he has received in service and carried through his life. As I say, he is killed by an automobile and a claim is paid. Now under the present legislation the state says that because her husband was killed by an automobile it would revoke the protection that it gave previously because of the service and disability, it looks at her differently now, she can have either one or the other. It takes the capitalized value as was explained to you.

Mr. Guay (St. Boniface): What if he was on duty?

Mr. Thompson: If he were on duty, of course, she would be pensioned under the Pension Act. But I think, sir, what causes some confusion is that you do have two situations. Where a man is killed on duty the widow gets a widow's pension; the other is where the man has received his pension and, if you like, potential protection for his widow because of his disability and then another factor enters the case, the man is killed in a way that has nothing to do with his service, and the state says that he now loses that protection that it had previously given him and it takes the capitalized value and the person must decide whether they want the cash settlement or the pension. What really concerns us is that we feel there is no connection between the two. We do not see why the state should say that it revokes what it gave him five or ten years ago because he does not happen to die in his bed but gets hit with an automobile. To us these two things are quite separate and distinct. We do not think there

[*Interprétation*]

autres, et dont on ne tiendrait pas compte d'après la proposition du gouvernement parce que c'est une somme d'argent très minime et que le gouvernement retient cette partie de la pension qui est associée aux dommages-intérêts, qui constitue une très grande portion. C'est en principe ce que nous disons en ce moment. Je suis désolé si ma réponse n'est pas assez précise pour vous.

M. Thompson: Un exemple de l'inquiétude de monsieur Guay, monsieur le président, vient du fait que si un homme est blessé et qu'on lui accorde une pension qui excède 50 p. 100, pour une pension qui excède 50 p. 100, on s'attend à ce que la veuve touche une pension, indépendamment de la cause de la mort de son mari. Elle a éventuellement droit à une pension de veuve, lors du décès de son mari mais au lieu de mourir de mort naturelle, il a été tué dans un accident d'automobile. Cela n'a vraiment rien à voir avec son service. L'infirmité dont il a été victime au cours de son service et dont il a souffert toute sa vie lui donne droit à une protection pour sa femme. Comme je le disais, il a été tué par une automobile et on verse une indemnité. En vertu de la loi actuelle, l'État décide qu'étant donné que son mari a été tué par une automobile, cela lui enlève toute protection accordée auparavant à cause de son service et de son incapacité physique. Le Tableau est différent maintenant: elle peut avoir ou une pension ou des dommage intérêts. L'État s'appuie maintenant sur la valeur capitalisée, comme je vous l'ai expliqué.

M. Guay (Saint-Boniface): Qu'arriverait-il s'il était encore en service?

M. Thompson: S'il était encore en service, elle recevrait naturellement une pension en vertu de la Loi sur les pensions, mais, je crois, monsieur, que la confusion qui existe vient du fait qu'il y a deux situations: d'une part, si un homme est tué alors qu'il est en service, la veuve touche une pension de veuve et d'autre part, si l'homme a reçu une pension et, si vous préférez, une protection éventuelle pour sa veuve, à la suite de son incapacité physique, et là, un autre facteur entre en ligne de compte, car l'homme a été tué d'une manière tout à fait étrangère à son service. Si l'État décide que la veuve perd dorénavant la protection dont son mari jouissait auparavant et qu'il prend la valeur capitalisée, la personne doit donc décider si elle veut le règlement comptant ou la pension. Ce qui nous intéresse, c'est qu'à notre avis, il n'y a aucun lien entre les deux. Nous ne voyons pas pourquoi l'État devrait dire qu'il révoque ce qu'il a accordé il y a cinq ou dix ans parce que, par hasard, le pensionné ne meurt pas dans

[*Text*]

should be any connection, nor any recovery from these damages. Does that make the point clear?

• 1555

Mr. Bigg: I do not see why your organization backed down from that blanket statement. I think you weaken your case when you say you settled for the loss of consortium and so on. If these are distinct, and I agree, it seems to me that you should remain adamant on this point and say that the government has no right at all to escape their responsibility to the veteran or his widow merely because through some misadventure with an automobile or an airplane death occurs. I think that they are morally wrong to step in and say that they are going to take away their relief because, fortunately, somebody else takes over the responsibility. I think it weakens your case to say you will take half. Perhaps I am wrong.

Mr. Kohaly: We did not say that, sir. What we are doing on page 15 is merely comparing what the White Paper and the Woods Committee Report seem to say on the subject and we are just mentioning this is what the two are saying. We still stand behind the Woods Committee Report 100 per cent and their recommendations. I hope we are not saying that we would divide this in any way, shape or form; we are merely saying what is being suggested. Now we are not close-minded on this. We hope that we can resolve for the widow something better than is being set out here, if we cannot have the full principle. We are not close-minded.

Mr. Guay (St. Boniface): Mr. Chairman, I require more clarification. Mr. Whicher yesterday mentioned a case where a soldier was not killed but had to have his leg amputated. Through court he was awarded an amount of some $1,500, had to pay it back, and now he has paid back about $700 more than what the amount was.

The Chairman: Because of interest factors.

Mr. Guay (St. Boniface): Yes. I fail to understand that part of it. The point is this. Why does he have to keep on paying this back when, I imagine, it reduces his pension thereby causing a problem for his family?

[*Interpretation*]

son lit, mais est heurté par une automobile. Pour nous, ces deux choses sont tout à fait distinctes. Nous croyons qu'il n'y a aucun rapport entre les deux faits et qu'il ne devrait pas y avoir de remboursement de ces dommages. Est-ce que cela précise la question?

M. Bigg: Je ne vois pas pourquoi votre organisme n'appuie pas cette attitude générale. Je crois que vous affaiblissez votre cause quand vous dites que vous avez réglé la perte du consortium et ainsi de suite. Si ces deux choses sont distinctes, et je suis d'accord avec vous, il me semble que vous devriez rester intransigeant sur cette question et dire que le gouvernement n'a pas du tout le droit de se soustraire à ses responsabilités envers l'ancien combattant ou sa veuve simplement parce qu'il meurt à la suite d'un accident malheureux dans une automobile ou dans un avion. Je crois que le gouvernement pèche contre l'éthique en avançant et en déclarant qu'il va retirer sa protection, parce que, heureusement, quelqu'un d'autre en prend la charge. Je pense que cela affaiblit votre cas de dire que vous allez prendre la moitié. Je me trompe peut-être remarquez.

M. Kohaly: Ce n'est pas ce que nous avons dit, monsieur. A la page 15, nous comparons en quelque sorte ce que le Livre blanc et le Rapport du Comité Woods semblent dire à ce sujet et nous mentionnons seulement leurs opinions en ce domaine. Nous appuyons toutefois entièrement le Rapport du Comité Woods et les recommandations qu'il renferme. J'espère que nous ne disons pas que nous le diviserions sous une certaine manière et sous une certaine forme. En fait, nous répétons uniquement ce que l'on propose. Nous ne faisons pas preuve d'étroitesse d'esprit dans ce domaine. Nous espérons trouver une meilleure solution au cas de la veuve que celle que l'on a déjà trouvée si nous ne pouvons adopter tout le principe. Nous ne sommes pas étroits d'esprit.

M. Guay (Saint-Boniface): Monsieur le président, j'exige plus de précisions. Hier, monsieur Whicher a parlé du cas d'un soldat qui n'avait pas été tué, mais à qui on avait dû amputer une jambe. Le tribunal lui avait accordé 1,500 dollars. Il a dû rembourser 700 dollars de plus que ce que le tribunal lui avait accordé.

Le président: Pour les intérêts.

M. Guay (Saint-Boniface): Oui, Je ne comprends pas cette question. Voici. Pourquoi doit-il continuer à rembourser cette somme quand, j'imagine, cela réduit le montant de sa pension et entraîne par le fait même un pro-

[*Texte*]

Perhaps I do not understand the whole setup, as explained.

Mr. Kohaly: I think you understand it all right, sir. It has just been the effect of the legislation in the past, which legislation we hope the enlightment of this Committee will change, as suggested by the Woods Committee Report and which we support totally—that is, to take this out of the Canadian situation and not have it happen. You have asked us two or three times for an actual case and we have not seemingly done very well, Mr. Guay, but I think Mr. Chadderton has a case he can give you.

Mr. Chadderton: Mr. Chairman, I think you should relate this case to the recommendation, as we understand it, in the White Paper. This was the case of a decorated officer returning from Korea. He was killed in a crash of an airplane owned at that time by Trans Canada Airlines. There was no question about pension under the Pension Act because he was declared to have been on duty. Shortly after that time his widow was approached by a representative of the Canadian Pension Commission and advised that under the Act it would be necessary for her to proceed legally against Air Canada to collect damages and the case was placed in the hands of a lawyer in a city in Canada who took on the case. Many many months of negotiations went on and finally it was agreed that he came under the Warsaw Convention and I believe the settlement was $5,000. I could be wrong in the amount but it was very close to that. After the widow received notice of a settlement her lawyer again was approached by a legal representative of the Canadian Pension Commission advising that under Section 13(2) of the Pension Act, admittedly, she was entitled to a pension but that under Section 21 of the Act it would be necessary for the Crown to recover the amount of legal damages that she had been paid.

Now this women had two small children. She inquired and was told that if she were to give up her pension and take the settlement that her children would go on pension at orphan rates and, as she was planning remarriage, which gives you some idea of the length of time that had gone on to reach this stage, she agreed to forgo the pension and took the settlement. However, by the time the matter had passed she had been paid roughly $4,000 pension, so that of course came out of the $5,000 and she netted something like $1,000. Now relate that to the recommendation

[*Interprétation*]

blème pour sa famille? Il est possible que je ne comprenne pas la question qu'on a expliquée.

M. Kohaly: Je pense que vous la comprenez très bien, monsieur. Ce n'est que le résultat d'une mesure législative ancienne qui, nous l'espérons, sera modifiée par le présent Comité, de la façon proposée par le Rapport du Comité Woods que nous appuyons entièrement, pour supprimer cet état de choses au Canada et pour que cela ne se renouvelle plus. Vous nous avez demandé deux ou trois fois de citer un cas précis, et nous n'avons pas pu vous en donner un vraiment bon, monsieur Guay, mais je crois que cette fois M. Chadderton peut vous citer un bon exemple.

M. Chadderton: Monsieur le président, je pense que vous devriez faire le rapport entre ce cas et la recommandation qui se trouve dans le Livre blanc. C'est le cas d'un soldat décoré qui rentre de Corée et qui est tué dans un accident d'un avion d'Air Canada. Il n'y avait aucun doute en ce qui concerne sa pension puisqu'il était en service commandé. Peu après l'accident, la veuve du soldat était contactée par un représentant de la Commission canadienne des pensions et fut avisée que, aux termes de la Loi, il était nécessaire qu'elle entreprenne des poursuites juridiques contre la Société Air Canada afin de recevoir des dommages-intérêts. Le cas a été confié à un avocat d'une ville canadienne. Après des mois et des mois de négociations, on est finalement tombé d'accord pour un règlement de $5,000 en vertu de la Convention de Varsovie. Le montant n'est peut-être pas exact, mais à quelques dollars près, c'était à peu près l'ordre de grandeur. Après que la veuve eût reçu l'avis du règlement de la cause, son avocat fut à nouveau contacté par un représentant de la Commission canadienne des pensions qui lui dit qu'en vertu de la Loi sur les pensions, aux termes de l'article 13(2), elle avait droit à une pension, mais qu'en vertu de l'article 21 la Couronne était dans l'obligation de recouvrer le montant des dommages-intérêts qu'elle avait obtenu.

Cette femme avait toutefois deux petits enfants. Elle se renseigna et on lui répondit que, si elle renonçait à sa pension et acceptait les dommages-intérêts, ses enfants toucheraient une pension à titre d'orphelins et, comme elle se proposait de se remarier, ce qui vous donne une idée de la lenteur des procédures, elle fut d'accord pour renoncer à sa pension et de garder le montant des dommages-intérêts. Cependant, au cours de ces transactions, elle avait reçu environ $4,000 au titre de la pension, ce qui fut évidemment retranché des $5,000. Ainsi, elle reçut un

[*Text*]

in the White Paper which says that in a settlement of this type, where there are legal damages, she will be allowed to retain any amount for special damages, loss of consortium and I think there is one other minor amount which I have forgotten. But, as I read the White Paper, there would be no relief at all in that kind of case. Now and I assure this Committee, speaking from the point of view of The War Amputations of Canada—and I know that it is also the feeling of all the other veterans' organizations here—that we have no intention of vacating our position on this, which has been entirely clear for some time and which the Woods Report properly echoes.

Mr. Guay (St. Boniface): Thank you very much. I appreciate that. Mr. Chairman, this is my last question, and I hope it is not a big one. It is in relation to the...

Mr. Laniel: May I ask a question?

Mr. Guay (St. Boniface): Pardon me, yes go ahead.

Mr. Laniel: What I am trying to do now is to look into the...

The Chairman: Mr. Stanley Knowles has waited patiently for a question.

Mr. Knowles (Winnipeg North Centre): That is all right.

Mr. Guay (St. Boniface): I will discontinue my questioning then, Mr. Chairman. I know others want to ask questions.

The Chairman: No, no; it is all right.

Mr. Laniel: On that last point. I have a note here on recommendation 90 about which you are talking. We were told this morning by Mr. Ward that it was accepted and modified, retaining 20, 21 and 22 plus special provisions that I do not remember. Mr. Thompson was here this morning and perhaps he has a better memory than I. I am trying to find out how far the Pension Commission is ready to go on that.

The Chairman: I do not think we were given an answer this morning in terms precise enough to answer the question that is put before us directly, Mr. Laniel.

Mr. Bigg: If I remember correctly, he outlined this morning this particular part

[*Interpretation*]

montant net d'environ $1,000. Si on fait donc le rapport avec la recommandation contenue dans le Livre blanc aux termes de laquelle dans un règlement du genre, la veuve pourra retenir un certain montant à titre de dommages spéciaux, la perte du conjoint et une certaine autre somme peu importante que j'ai oubliée, car, selon le Livre blanc, il n'y aura aucune assistance dans un pareil cas. J'aimerais rassurer le Comité, en parlant du point de vue de l'Association des amputés de guerre du Canada, et je sais qu'il s'agit aussi du point de vue de toutes les autres associations d'anciens combattants présentes, que nous n'avons pas du tout l'intention d'abandonner notre attitude à l'égard de ces questions; notre attitude a été très claire pendant un certain temps, et le rapport Woods en fait écho.

M. Guay (St-Boniface): Je vous remercie beaucoup. Je comprends. Monsieur le président, c'est là ma dernière question et j'espère qu'elle ne sera pas trop longue. C'est en rapport avec...

M. Laniel: Puis-je poser une question?

M. Guay (St-Boniface): Excusez-moi, allez-y.

M. Laniel: Ce que j'aimerai faire maintenant, c'est de regarder. .

Le président: M. Stanley Knowles attend avec patience le moment de poser une question.

M. Knowles (Winnipeg-Nord-Centre): Ça ne fait rien.

M. Guay (St-Boniface): Ainsi j'interromps mes questions, monsieur le président. Je sais que d'autres députés désirent poser des questions.

Le président: Non, non, c'est parfait.

M. Laniel: Au sujet de ce dernier point, j'ai une note au sujet de la recommandation 90 dont vous avez parlé. M. Ward nous a dit ce matin qu'elle avait été acceptée et modifiée, en retenant les articles 20, 21 et 22, plus certaines dispositions spéciales dont je ne me souviens pas. M. Thompson était présent ce matin et il a peut-être meilleure mémoire que moi. J'aimerais savoir jusqu'à quel point la Commission des pensions veut aller sur ces questions.

Le président: Je ne pense pas qu'on nous a donné une réponse suffisamment précise ce matin pour satisfaire à la question qui nous a été soumise, monsieur Laniel.

M. Bigg: Si je me souviens bien, ce matin, M. Ward a souligné cette partie précise de la

[*Texte*]

which the White Paper has recommended, saying that special damages and pain and suffering and loss of consortium would be the modification of the...

An hon. Member: When was that?

Mr. Bigg: This morning.

The Chairman: There is a modification there; there is no question.

Mr. Bigg: This is the modification which was explained to us this morning, and this was the only concession they were making on the recommendation of the Woods Report.

The Chairman: I would be reluctant to say which specific case...

Mr. Laniel: I do not want to take the time of the Committee. I was merely asking...

Mr. Bigg: Are we going to pursue this particular point later? I had something to say on it, as well.

The Chairman: I will call on Mr. Knowles and then on you, Mr. Bigg, if that is all right.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, I am sure we all appreciated the fact that it was difficult for Mr. Kohaly to answer the question about priorities, but I want to say to him that we appreciate the fact that he did. In fact, he has made clear what are the three most important matters, namely, the question of the basic rate, justice for those with multiple disabilities and the appeal procedure. I hope this Committee will make effective recommendations in all three of those areas.

I agree with Mr. Guay, as has been made clear to us by the Minister, that what we have before us is a White Paper, not a bill. In other words, there is wide flexibility in any recommendation that this Committee might make. But I think it has also been made clear to us that that flexibility does not apply to the question of the basic rates. It has been made clear to us that the question of basic rates, in the view of the government, is part of the broad social welfare review. No one around here...

• 1605

Mr. Laniel: No, no; you had better correct that. What you are saying there is not a fact.

[*Interprétation*]

recommandation du Livre blanc en nous disant que les dommages spéciaux, la souffrance et le perte du conjoint composaient la modification de...

Une voix: Quand ça?

M. Bigg: Ce matin.

Le président: Il y a sans doute une modification.

M. Bigg: C'est la modification qui nous a été expliquée ce matin, et c'est là la seule concession que les fonctionnaires du ministère faisaient au sujet de la recommandation du rapport Woods.

Le président: J'hésiterais à dire de quel cas particulier. .

M. Laniel: Je ne veux pas faire perdre du temps au comité. Je demandais seulement....

M. Bigg: Allons-nous revenir sur ce point particulier plus tard? J'ai quelque chose à dire à ce sujet.

Le président: Je demanderais donc à M. Knowles de prendre la parole, et ensuite ce sera votre tour, monsieur Bigg, si cela vous convient.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, je suis certain que nous savons tous qu'il était difficile pour M. Kohaly de répondre aux questions sur les priorités; cependant, je dois dire que nous avons apprécié qu'il l'ait fait. Ainsi, il a démontré clairement qu'il y avait trois choses très importantes, soit la question du taux de base, assurer que les anciens combattants souffrant d'infirmités multiples soient traités avec justice et la procédure d'appel. J'espère que notre Comité fera des recommandations valables dans ces trois domaines.

Je suis d'accord avec M. Guay, comme le Ministre nous l'a fait du reste clairement savoir, que le document que nous avons devant nous est un Livre blanc et non un projet de loi. En d'autres mots, il peut y avoir une grande souplesse à l'égard de chacune des recommandations que le Comité sera appelé à faire. Mais je pense qu'on nous a également fait comprendre que cette souplesse ne s'applique pas aux taux de base. Il est clair pour nous que cette question, dans l'esprit du gouvernement, fait partie de notre révision générale des services sociaux. Aucun de nous...

M. Laniel: Non, non. Il vous faudrait corriger cela. Ce que vous venez de dire n'est pas

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What has been mentioned in the newspapers was never said by the Prime Minister.

Mr. Legault: I believe, Mr. Chairman, the Minister even corrected that particular point of talking about social welfare, and the difference between welfare...

Mr. Laniel: Veterans' allowance, not veterans' pension.

Mr. Knowles (Winnipeg North Centre): I hope I am wrong, and I will not pursue it. I do not have the White Paper in front of me to look at, but...

The Chairman: Here is a copy.

Mr. Knowles (Winnipeg North Centre): I will come back to it. I want to make the point, about which I think, all of us in this room are concerned, about general pensions and social security; not just social welfare, but social security; and I do not think the position of veterans should wait until those issues have been resolved. I hope that somehow this Committee will find it possible, even under its terms of reference, to make recommendations on the basic rate issue.

Relative to the second major issue, that of multiple disabilities, we have had an excellent statement from Mr. Kohaly, and I am particularly glad that he narrowed it to the 300 to 400 cases for which I am sure everybody in Canada wants to do something.

On the appeal procedure, I would like to think out loud for a moment, without committing myself but putting a question to Mr. Kohaly in the light of what has been said to us today.

I gather that the witnesses appreciate the fact that the first stage has been separated from the other two, but the witnesses seem to feel that it would have been better to separate the third stage from the other two. It is about the final stage—the final appeal—that the witnesses are most concerned.

Here is where I am thinking out loud. Bearing in mind the kind of structure the government has given us in the White Paper, would it be any better if the first two stages—the initial hearing and the function of the Entitlement Board—were both handled in the Department of Veterans Affairs, and the final appeal proposition was in the hands of a new Canadian Pension Commission that was completely separate and had nothing else but that to handle?

[*Interpretation*]

un fait. Ce qui a été mentionné dans les journaux n'a jamais fait l'objet d'une déclaration du premier ministre.

M. Legault: Je crois, monsieur le président, que le ministre a même rectifié ce point particulier en parlant du bien-être social et de la différence entre le bien-être...

M. Laniel: Les allocations aux anciens combattants, non les pensions aux anciens combattants.

M. Knowles (Winnipeg-Nord-Centre): J'espère que je me trompe, et je ne continuerai pas. Je n'ai pas le Livre blanc devant les yeux et ne peux le consulter, mais...

Le président: En voici un exemplaire.

M. Knowles (Winnipeg-Nord-Centre): J'y reviendrai. J'aimerais dire quelque chose au sujet des pensions en général et de la sécurité sociale; je pense que tout le monde ici est touché par ce problème. Non pas seulement celui du bien-être social, mais de la sécurité sociale. Et je ne crois pas que la situation des anciens combattants puisse attendre que ces deux problèmes soient résolus. J'espère que le Comité trouvera moyen, malgré son mandat, de faire certaines recommandations au sujet du taux de base.

Au sujet du deuxième problème important, la question des infirmités multiples, nous avons une excellente déclaration de M. Kohaly, et je suis particulièrement heureux de savoir qu'il a réduit le nombre de cas à 300 ou 400. Je suis certain que tout le monde au Canada voudra faire quelque chose pour ces malheureux.

En ce qui concerne la procédure d'appel, j'aimerais pour quelques instants penser tout haut, sans m'engager moi-même, mais en posant une question à M. Kohaly, à la lumière de ce qu'il nous a dit aujourd'hui.

J'ose espérer que les témoins ont apprécié que le premier stade a été séparé des deux autres, mais ils semblent croire qu'il aurait mieux fallu séparer le troisième stage des deux premiers. C'est au sujet de l'appel en dernière instance que les témoins sont préoccupés.

C'est ici que je pense tout haut. En songeant à la structure que le gouvernement nous propose dans le Livre blanc, ne vaudrait-il pas mieux que les deux premiers stages, la première audience et la fonction du Bureau d'admissibilité, se fassent tous deux au sein du ministère des Affaires des anciens combattants, et que la procédure d'appel en dernière instance soit confiée à une nouvelle Commission canadienne des pensions qui serait totalement autonome et qui n'aurait rien d'autre à faire?

[*Texte*]

Mr. Kohaly: With all respect, Mr. Knowles, to your knowledge of, and deep concern for veterans' problems, we would not be impressed with that division. We do not "knock" the unique idea of having the Department do the initial assessment, although it was not part of the considered opinion of the Woods Committee. But it is the wrong end in which we are concerned about independence. It is the final adjudication that must be independent.

I would not see merit in telescoping the entitlement hearings into the Department. I must not "knock" the initial hearing by the Department, because I have no way of saying it is wrong. It is unique to me. It is new. We had not anticipated anything like this; and that does not mean it is wrong; but in the case of the Commission hearing it is important that it remain in its present atmosphere of Canadian Pension Commission, which is fine. It is only at that point that the veterans' group walks away from the Minister's position in the White Paper, flexible as it is and says that the next step is wrong as he enunciates it. It is right as Woods enunciates it, and we support Woods strongly for the reason stated, that is, that it must in every facet be independent, and appear independent. So I cannot "knock" the lower two levels. You might, in your wisdom, be right, that they should be combined; we cannot see that. But that is maybe because we do not have the wisdom and the age that you have to look at these things.

Mr. Knowles (Winnipeg North Centre): If there are to be three levels, you would like to see each of these levels independent?

Mr. Kohaly: Yes, sir. We think there would be no significant cost factor involved. That is always important, but not the most crucial factor. There would be no significance to keeping it separate. We are not much impressed with this unique idea that came out of left field about the initial hearings in the Department. But we are not "knocking" it; we are just going to watch that one with cautious care.

Mr. Knowles (Winnipeg North Centre): I do not think it came out of left field.

Mr. Kohaly: My apologies, Mr. Chairman.

[*Interprétation*]

M. Kohaly: Malgré tout le respect que j'ai pour votre savoir, monsieur Knowles, et tout l'intérêt que je porte aux problèmes des anciens combattants, je ne trouve pas qu'une telle division soit une trouvaille. Nous ne rejettons pas l'idée exceptionnelle de voir le Ministère faire la première évaluation, bien que cela ne soit pas l'opinion motivée du Comité Woods. Ce n'est pas pour cela que nous devrions nous soucier d'indépendance. C'est la décision finale qui devrait être indépendante. Je ne vois pas l'avantage qu'il y aurait à vouloir à tout prix que les audiences d'admissibilité relèvent du Ministère. Je ne veux pas rejeter l'idée que les audiences initiales soient examinées par le Ministère, car je ne peux pas dire que cela serait mauvais. Il s'agit de quelque chose de très spécial. De quelque chose de neuf. Nous n'avions pas prévu quelque chose de tel; ce qui ne signifie pas que ce soit mauvais; mais, dans le cas de l'audition par la Commission, il est important que les choses restent comme elles le sont actuellement, et que ce soit la Commission canadienne qui s'en occupe. C'est seulement là dessus que les associations d'anciens combattants s'écartent du point de vue du Ministre, si souple soit-elle, exprimée dans le Livre blanc pour dire que l'étape suivante telle que le Ministre l'annonce devrait être modifiée. Le Rapport Woods a raison à mon avis et nous l'appuyons fortement pour la raison que j'ai indiquée plus haut, c'est-à-dire parce que, il doit être en tout point indépendant et paraître indépendant. C'est pourquoi je ne peux rejeter les deux premiers stades. Il se peut que vous ayez raison et que ces deux premiers stades devraient être combinés mais ce n'est pas notre avis. Mais c'est peut-être parce que nous n'avons ni votre sagesse, ni votre expérience.

M. Knowles (Winnipeg-Nord-Centre): S'il doit y avoir trois étapes, voudriez-vous sans doute qu'elles soient indépendantes les unes des autres.

M. Kohaly: Oui. Nous croyons que cela n'accasionnerait pas de grands frais. C'est toujours important, bien que ce ne soit pas le facteur le plus important. Les garder indépendants ne porterait pas à conséquence. Cette idée exceptionnelle et peu orthodoxe selon laquelle l'audience initiale devrait être faite par le Ministère ne nous impressionne pas beaucoup. Mias nous ne rejettons pas l'idée; nous voulons tout simplement voir comment iront les choses.

M. Knowles (Winnipeg-Nord-Centre): Je ne crois pas que cette idée soit si peu orthodoxe.

M. Kohaly: Toutes mes excuses, monsieur le président.

[*Text*]

An hon. Member: It came out of right field.

• 1610

Mr. Kohaly: In Western Canada anything that comes out that unique is left field. I do not know what field it is in Eastern Canada!

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, I am grateful to Mr. Bigg for turning up the paragraph in the White Paper that he realized I must have been referring to. If I have misunderstood it I would be glad to be corrected, or it may be that it has been modified by the Minister, but these are the words:

> There have been far-reaching changes in Canada's social and economic environment since the pension program was first introduced fifty years ago, and in particular many new social development programs of various kinds have meanwhile been initiated. These...plans have evolved individually over the years, and the Government considers that the time has come to examine the entire fabric in order to achieve greater consistency between the various elements, and to eliminate unintended gaps or duplications.
>
> This overall assessment is a large and complex undertaking, but when it is completed the Government may propose changes in the pension program or in its administration.

That seems to me to say that changes in the pension program—and forgive me if I think that includes basic rates—have to wait until we have had this over-all review of the total social security program in the country. It is a logical, neat and tidy position, but I do not think it is fair to the veterans.

The Chairman: Mr. Knowles, with all respect, the documentation has been put on the record and there was the statement of the Minister. I do not know whether we can gain much by further pursuit at this point.

Mr. Knowles (Winnipeg North Centre): No, I am quite prepared—I just think the Minister's statement is in the same vein.

Mr. Legault: Mr. Chairman, the objections we were putting were for the use of the word "welfare" which we do not believe is applicable in the sense of a pension.

Mr. Knowles (Winnipeg North Centre): I accept that, I will talk about social security legislation generally.

[*Interpretation*]

Une voix: C'est très orthodoxe au contraire.

M. Kohaly: Dans l'Ouest, des idées aussi exceptionnelles ne sont pas orthodoxes. Comment sont-elles alors dans l'Est du Canada?

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, je remercie M. Bigg de m'avoir indiqué le paragraphe dans le Livre blanc auquel il croyait que je m'étais reporté. Si j'ai mal compris, j'aimerais qu'on me corrige ou peut-être le Ministre y a-t-il apporté des modifications, mais en tous cas voici le passage:

> Depuis la mise en œuvre du programme de pensions il y a cinquante ans, il s'est produit au Canada de profonds changements sur les plans économique et social, et, plus précisément, divers nouveaux programmes de développement social ont été établis. Ces nombreux programmes ont évolué séparément au cours des années, et le gouvernement estime que le moment est venu d'en examiner toute la structure afin de réaliser une meilleure cohérence des divers éléments, de combler les lacunes et d'éliminer les doubles emplois involontaires.
>
> Cette évaluation générale est une tâche considérable et compliquée, mais lorsqu'elle sera terminée, le gouvernement pourra peut-être proposer des changements au programme même ou à l'administration du programme des pensions.

A mon avis cela veut dire que les changements apportés au programme de pensions, et aux taux de base, devront attendre que tous les programmes de sécurité sociale dans le pays aient été examinés. C'est une façon logique et pratique de procéder, mais je ne crois pas que ce soit juste pour des anciens combattants.

Le président: M. Knowles, avec tout le respect que je vous dois, toute la documentation a été versée au dossier et le Ministre a fait une déclaration. Je ne crois pas que nous ayons quelque chose à gagner en poursuivant les débats à ce stade.

M. Knowles (Winnipeg-Nord-Centre): Non, je sais à quoi m'attendre, la déclaration du Ministre est de la même veine.

M. Legault: Monsieur le président, nous nous opposons à l'usage du mot «bien-être» qui est impropre pour désigner une pension.

M. Knowles (Winnipeg-Nord-Centre): Je suis d'accord, j'emploierai le terme mesures législatives visant la sécurité sociale.

[*Texte*]

Mr. Marshall: Mr. Chairman, if I can elaborate, on page 15 in the White Paper it states distinctly:

> Such payments would veer from the principle of compensation for loss suffered and, in effect, would be welfare payments.

This is pretty clear. I do not think a veteran or his dependents should be considered as welfare recipients.

The Chairman: I think the position has been that war veteran's allowances and some other things were welfare; however, I do not think it has ever been the position that pensions were in that class. Mr. Bigg had some questions. Do you have something more, Mr. Marshall?

Mr. Bigg: On that question of Sections 20, 21 and 22, I think a very important question has been brought up here. It seems to me that the advisers of the government or whoever is responsible for this type of decision are perhaps unaware of the fact that Canadian pensions have been, and we hope will continue to be, based on a man's ability to earn his living with labour. Yet, in the interpretation which we are getting through these particular individual cases they are taking into account apparently only the value to the Crown in these pension cases and not the value to the widow or the dependents of the live body of the veteran and his ability to earn his living apart from the labouring level.

In a court of law, generally speaking, some consideration is given to the loss of earning power of the person as an individual not necessarily at the labouring level. For instance, if in an automobile accident you were to sever Liberace's hands, particularly if you were rich, the court would look very favourably upon you compensating his widow for the loss of Liberace's piano playing hands and not his ability to saw boards. Therefore, I think in principle the Crown is entirely wrong to use this least common denominator and say that we are going to force the woman to pay back anything over the labouring level when the court judgment may well be compensating her for the real value of her husband or consort. It is a case where surely the magnanimity of the Canadian people could lean over the other way and say, quite apart from skinning down the widow of the veteran the very opposite should be considered, that we should take a very broad and liberal view and allow her as much compensation as possible; particularly when it is coming from a

[*Interprétation*]

M. Marshall: Monsieur le président, si vous le permettez, à la page 16 du Livre blanc il est indiqué clairement:

> Ces paiements, au lieu de constituer une compensation pour les pertes subies, équivaudraient effectivement à des prestations d'assistance sociale.

C'est assez clair. Je ne crois pas qu'un ancien combattant ou les personnes à sa charge devraient être considérés comme des bénéficiaires du bien-être.

Le président: Je crois qu'on a toujours considéré que les allocations des anciens combattants et les autres allocations relevaient du bien-être, mais que cela n'a jamais été le cas pour les pensions. M. Bigg avait une question à poser. Avez-vous autre chose, monsieur Marshall?

M. Bigg: Je crois qu'on a abordé une question très importante concernant les articles nos 20, 21 et 22. Il me semble que les conseillers du gouvernement ou ceux qui sont chargés de prendre des décisions de ce genre ne sont peut-être pas conscients du fait que les pensions sont, et je l'espère continueront d'être en fonction de la capacité que possède une personne de gagner sa vie en travaillant. Cependant, de la façon dont certains cas individuels sont traités, il me semble qu'on s'occupe seulement de ce que la pension coûtera au Trésor et non de ce qu'elle représente pour la future veuve et les personnes à la charge de l'ancien combattant et on ne tient pas compte s'il est capable de gagner sa vie dans le monde du travail.

Généralement, dans un tribunal, on étudie l'ancapacité de travailler de la personne qui ne fait pas nécessairement partie du monde du travail. Par exemple, si au cours d'un accident d'automobile vous amputez les mains de Liberace, le tribunal verrait d'un œil favorable que vous dédommagiez son épouse surtout si vous êtes riche, pour l'incapacité dans laquelle se trouve le pianiste de jouer de son instrument et non pas pour son incapacité à scier du bois. C'est pourquoi à mon avis, la Couronne a tout à fait tort de tenir compte du plus petit dénominateur commun et de dire qu'il faut que l'épouse rembourse la différence entre la somme accordée et celle qui correspond en fait au niveau du travail quand, à la suite du jugement du tribunal, elle reçoit une compensation en dédommagement de l'invalidité dont souffre son époux ou conjoint. C'est sûrement un cas où le peuple canadien devrait se montrer plus magnanime, au lieu de priver la veuve de l'ancien combattant et où il devrait avoir l'esprit large et la compenser le mieux possible, particuliè-

[*Text*]

source not connected with the Treasury Board.

The Chairman: Are there any further questions? Mr. Guay.

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Mr. Guay (St. Boniface): There was one that I passed up because I wanted to give an opportunity to others to ask their questions. Of course the questions that I am raising, Mr. Chairman, are to the delegation and not possibly along the lines of discussion we will take in committee. We may even ask the Department heads the same questions later on. My question is: do you believe that the 420 multiple disability class or group should not have to apply again to receive the increase in pension?

Mr. Kohaly: I do not think they should have to apply again, no. Multiple disability would be a most aggravated disability and would be well known to the Canadian Pension Commission. If the arm is off above the elbow, it is off above the elbow and they would not need to apply again, no. I can see no big issue though. If they had to they could come in with the sleeve empty and it would still be empty.

Mr. Guay (St. Boniface): Yes.

Mr. Bigg: It would not take long.

Mr. Kohaly: I do not think so. I would not see that as a necessary thing.

Mr. Guay (St. Boniface): My next question then is the last one, Mr. Chairman. As things stand at the moment, do they have to apply?

Mr. Kohaly: Do they have to apply?

Mr. Guay (St. Boniface): For the increase.

Mr. Kohaly: Under the $400-$1,200 feature, I am sorry we do not know the procedure or tactics that are anticipated of us in this respect. It does not seem to spell it would. We would be interested to learn of that.

The Chairman: We might ask for this later.

Mr. Guay (St. Boniface): Yes, I kept a note for that purpose, Mr. Chairman.

Mr. Kohaly: Yes.

Mr. Guay (St. Boniface): I just thought I would ask that.

[*Interpretation*]

rement quand ce n'est pas le Conseil du Trésor qui verse les fonds.

Le président: Y a-t-il d'autres questions? M. Guay.

M. Guay (Saint-Boniface): J'ai laissé passer mon tour car je voulais donner l'occasion aux autres de se faire entendre. Je poserai en fait ma question à la délégation, monsieur le président, et non de la façon dont on le fait au comité. Il se peut que nous posions les mêmes questions au Ministère par la suite. Ma question est la suivante: croyez-vous que les 420 anciens combattants souffrant d'affections multiples ne devraient pas faire de nouveau la demande pour obtenir une augmentation de pension?

M. Kohaly: Non, je ne crois pas qu'ils devraient refaire la demande. Le fait de souffrir d'affections multiples est en soit très grave et la Commission canadienne des pensions en est consciente. Si un bras est amputé au dessus du coude, il l'est un point c'est tout et il ne faudrait pas refaire une demande. Ce n'est pas parce qu'ils referaient une demande qu'il retrouveraient leur bras.

M. Guay (Saint-Boniface): Non.

M. Bigg: Cela ne prendrait pas longtemps.

M. Kohaly: Je ne crois pas. Je ne crois pas que ce serait nécessaire.

M. Guay (Saint-Boniface): Ma question suivante sera la dernière monsieur le président. Pour le moment, doivent-ils refaire une demande?

M. Kohaly: Doivent-ils faire la demande?

M. Guay (Saint-Boniface): S'il veulent que leur pension soit augmentée.

M. Kohaly: Pour ce qui est de l'article relatif aux $400 à $1,200, je regrette de dire que nous ignorons ce que l'on attend de nous à ce sujet. Il ne semble pas que ce serait nécessaire, mais nous aimerions bien en savoir davantage.

Le président: Nous pourrons nous renseigner plus tard.

M. Guay (Saint-Boniface): Oui. J'en ai pris note, monsieur le président.

M. Kohaly: Oui.

M. Guay (Saint-Boniface): J'ai pensé qu'il serait bon de poser la question.

[*Texte*]

Mr. Kohaly: We are taking the White Paper as basic principles that are just open for discussion. We were pleased to note even as late as this morning that more information is coming in which is exactly in tune with what the Minister said he was going to do. We are watching now very closely.

Mr. Knowles (Winnipeg North Centre): I gather in the case of the Hong Kong veterans who are on pension and who have an assessable disability below 48 per cent, that their increase will be automatic. They will not have to apply.

Mr. Kohaly: Yes.

Mr. Knowles (Winnipeg North Centre): I gather Mr. Guay is suggesting that the same policy might be pursued with the others.

Mr. Guay (St. Boniface): That is right.

Mr. Kohaly: We would hope so.

Mr. Guay (St. Boniface): That was the purpose of my question. I do not think that they should have to apply.

Mr. Kohaly: Mr. Chairman, I wonder if you would permit me to introduce to the Committee one of the members of our group from The Royal Canadian Air Force Association, Group Captain Alex M. Jardine who hails from Victoria.

Some hon. Members: Hear, hear.

The Chairman: Mr. Weatherhead.

Mr. Weatherhead: Mr. Chairman, you will recall that I mentioned this morning my being in favour of continuing the pension at first glance to children up to 25 years of age in universities and post university education. I am happy to see that our friends here this afternoon have included this in their recommendations.

I was wondering whether they have had an opportunity to do any cost study on the possible increase in costs that this might entail in a given year, even in a general sort of a way because I am sure that we will be faced with a cost argument if we want to pursue this with the government.

Mr. Kohaly: I think not, sir, but when our separate organizations appear we will see that this is given proper attention. This is just a

[*Interprétation*]

M. Kohaly: Nous considérons le Livre Blanc comme un ensemble de principes de base à discuter. Nous étions heureux de constater, pas plus tard que ce matin, que nous recevons de plus en plus de renseignements qui correspondent exactement à ce que le Ministre a dit qu'il avait l'intention de faire. Nous surveillons l'affaire de très près.

M. Knowles (Winnipeg-Nord-Centre): J'ai cru comprendre que dans le cas des anciens combattant de Hong-Kong qui touchent une pension et qui souffrent d'une invalidité possible à déterminer à moins de 48 p. 100, l'augmentation se fera de façon automatique. Ils n'auront pas besoin de présenter une demande.

M. Kohaly: C'est exact.

M. Knowles (Winnipeg-Nord-Centre): Je pense que M. Guay veut dire que la même ligne de conduite pourrait être observée avec les autres.

M. Guay (Saint-Boniface): Oui, c'est cela.

M. Kohaly: Nous l'espérons aussi.

M. Guay (Saint-Boniface): C'était le but de ma question. Je ne crois pas qu'ils devraient avoir à faire une demande.

M. Kohaly: Monsieur le président, me permettriez-vous de présenter au Comité l'un des membres de notre groupe de l'Association de l'Aviation royale du Canada, le capitaine de groupe Alex M. Jardine, qui vient de Victoria.

Des voix: Bravo.

Le président: Monsieur Weatherhead.

M. Weatherhead: Monsieur le président, vous vous souvenez sans doute que j'ai dit ce matin que j'étais en faveur de continuer à verser la pension à l'égard des enfants qui font des études supérieures ou post-universitaires jusqu'à ce qu'ils aient atteint l'âge de 25 ans. Je suis heureux de constater que nos amis ici présents ont inclus cette proposition dans leurs recommandations.

Je me demande s'ils ont eu la possibilité de faire des recherches sur l'augmentation possible des dépenses qui pourrait en découler au cours d'une année donnée même d'une manière générale, car je suis certain que nous allons être confrontés avec des problèmes d'argent si nous voulons poursuivre l'affaire avec le gouvernement.

M. Kohaly: Je ne le crois pas, monsieur. Mais quand nos diverses associations comparaîtront, nous verrons à ce que l'on étudie la

[*Text*]

general statement of principle of all the chartered veterans' groups here. We have not gone into that as yet. We will. Similarly, it is surprising to me that this business of the legal damages has taken on such prominence here. We had not contemplated that, but in our subsequent appearances by either The Royal Canadian Legion or The Army, Navy, and Air Force Veterans of Canada, some of the general veterans' groups will put more emphasis on that and give you more information.

Mr. Weatherhead: That is fine.

The Chairman: Are there other members here who want to ask questions? If not, on behalf of the Committee I would like to extend a very hearty vote of thanks to you for coming today, for your brief and for answering the questions which I think have been fairly searching in many respects. The Committee will continue to hear from the various groups represented individually.

Mr. Bigg: Mr. Chairman, I see Mr. Chadderton is here. This morning we were talking about the Syme's amputation, would this be a good time to have a little clarification on that?

The Chairman: I think Mr. Chadderton will be back, will he not?

Mr. Chadderton: I understand I will be here tomorrow and Monday.

Mr. Bigg: I just wanted some clarification on the Syme's amputation, and similar problems.

The Chairman: Mr. Bigg, I think there will be a good opportunity to question Mr. Chadderton and the group he represents who know more about this.

Mr. Bigg: Yes.

The Chairman: There are two announcements I would like to make. First, the meeting that we had planned for this evening has

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definitely been cancelled. We do not have a program for this evening. There will be no hearings of the Committee. Second, I would like to call on Mr. Reynolds at this point to indicate further developments in regard to the schedule of appearance of different groups.

Mr. Reynolds: Mr. Chairman, the groups now scheduled are: for September 19, that is

[*Interpretation*]

question. Il s'agit simplement d'une déclaration de principe générale de tous les groupements d'anciens combattants à charte ici présents. Nous n'avons pas encore étudié la question, mais nous alons le faire. De même, je suis surpris de voir l'importance que l'on donne ici à toute cette question des dommages et intérêts. Nous n'avions pas envisagé cela, mais lors des comparutions ultérieures de la Légion royale du Canada ou de l'Association des anciens combattants des armées de terre, de mer et de l'air du Canada, certains des groupements d'anciens combattants en parleront davantage et vous donneront plus de renseignements.

M. Weatherhead: C'est très bien.

Le président: Y-a-t'il d'autres membres du Comité qui aient des questions à poser? Sinon, au nom des membres du Comité, j'aimerais vous remercier tous très sincèrement d'être venus aujourd'hui nous présenter votre mémoire et répondre aux questions qui ont été, je crois, assez poussées à bien des égards. Le Comité continuera à entendre les divers groupements à tour de rôle.

M. Bigg: Monsieur le président, je vois que M. Chadderton est ici. Ce matin, nous avons parlé de l'amputation de Syme. Le moment serait-il opportun pour obtenir des éclaircissements à ce sujet?

Le président: Je pense que M. Chadderton reviendra, n'est-ce pas?

M. Chadderton: Je crois comprendre que je serai ici demain et lundi.

M. Bigg: Je voulais simplement quelques éclaircissements sur l'amputation de Syme et sur des problèmes semblables.

Le président: Monsieur Bigg, je pense que nous aurons une bonne occasion d'interroger M. Chadderton et le groupement qu'il représente; ils sont bien au courant de la question.

M. Bigg: Oui.

Le président: J'ai deux annonces à faire. Tout d'abord, la rencontre que nous avions prévue pour ce soir a été définitivement annulée. Nous n'avons rien au programme pour ce soir. Le Comité ne tiendra pas d'audience. Ensuite, j'aimerais passer maintenant la parole à M. Reynolds pour qu'il nous informe des dernières nouvelles en ce qui concerne la date de comparution des différents groupements.

M. Reynolds: Monsieur le président, voici le programme actuel: demain 19 septembre, à

[*Texte*]

tomorrow at 9.30 a.m., The National Council of Veterans Associations of Canada headed by Mr. J. C. Lundberg; on Monday, September 22 at 9.30 a.m., *The War Amputations of Canada* headed by Mr. Chadderton; on Tuesday at 9.20 a.m., the Hong Kong Veterans Association of Canada, headed by Mr. C. P. Brady; on Wednesday at 9.30 a.m., *The National Dieppe Prisoners of War Association.*

The Chairman: I understand they are just for the morning.

Mr. Reynolds: Some of those organizations expect to take more than half a day so they have the whole day available to them.

The Chairman: When we have extra time it is our intention to go back to Mr. Ward and complete his testimony. Do you want to continue Mr. Reynolds?

Mr. Reynolds: Yes, I would like to. At the moment Wednesday afternoon and all day Thursday and Friday of next week are vacant. So that is available for Departmental officials if you want to fit them in there if they cannot be fitted in after the veterans' organizations have finished their presentations. There is nothing else scheduled for next week after Wednesday noon as the next organization—*the Nursing Sisters' Association* of Canada—is scheduled to appear on Monday, September 29, at 9.30 to be immediately followed by—the nurses do not expect to be very long—the *Canadian Corps Association* who will take more than half a day. So they will use up most of the Monday.

On Tuesday, September 30, at 9.30, we will have the Canadian Paraplegic Association and at 2.00 o'clock on the same day, September 30, the *Sir Arthur Pearson Association* of War Blinded.

On October 1, that is Wednesday, at 9.30, we will have the War Pensioners of Canada in the morning and in the afternoon at 2.00 o'clock, the Army, Navy Air Force Veterans of Canada.

At the moment I have scheduled for October 2, that is Thursday, at 9.30, the Royal Canadian Legion. They are the last organization we have scheduled so, presumably, they will carry right on until they finish their brief.

The Chairman: Does that meet with your approval?

[*Interprétation*]

9h. 30 du matin, le Conseil national des associations d'anciens combattants du Canada, dirigé par M. J.C. Lundberg; le lundi 22 septembre, à 9h. 30, l'Association des amputés de guerre du Canada, dirigée par M. Chadderton; mardi, à 9h. 30, l'Association canadienne des anciens combattants de Hong-Kong, dirigée par M. C.P. Brady; mercredi, à 9h. 30, l'Association nationale des prisonniers de guerre de Dieppe.

Le président: Il n'y aura donc d'audiences que le matin.

M. Reynolds: Certaines de ces associations s'attendent à avoir besoin de plus d'une demi-journée, et elles disposeront donc de la journée entière.

Le président: Lorsque nous aurons du temps en trop, nous avons l'intention de revenir à M. Ward et d'entendre la fin de son témoignage. Voulez-vous poursuivre, monsieur Reynolds?

M. Reynolds: Oui. Pour l'instant, mercredi après-midi et toute la journée de jeudi et de vendredi la semaine prochaine sont libres. Vous pouvez donc en disposer pour les représentants du Ministère si vous le désirez, et s'il n'est pas possible de leur réserver une période après que les associations d'anciens combattants auront terminé leurs exposés. Rien d'autre n'est prévu pour la semaine prochaine après mercredi midi, car la prochaine association doit comparaître le lundi 29 septembre, à 9 h. 30. Il s'agit de l'Association des infirmières militaires du Canada, qui ne s'attend pas à prendre beaucoup de temps, et qui sera immédiatement suivie par l'Association du corps canadien, à qui il faudra plus d'une demi-journée, et à qui la plus grande partie de lundi sera donc consacrée.

Le mardi 30 septembre, à 9 h. 30, nous aurons l'Association canadienne des Paraplégiques, et à 2 h. le même jour, soit le 30 septembre, ce sera l'Association sir Arthur Pearson des aveugles de guerre.

Le 1er octobre, soit mercredi, à 9 h. 30, nous entendrons les Pensionnés de guerre du Canada et l'après-midi, à 2 h., ce sera l'Association des anciens combattants des armées de terre, de mer et de l'air du Canada.

Pour l'instant j'ai inscrit pour le 2 octobre, soit jeudi, à 9 h. 30 du matin, la Légion royale du Canada. C'est la dernière association inscrite, et elle poursuivra donc sans doute jusqu'à la fin de son exposé.

Le président: Est-ce que vous êtes d'accord?

[*Text*]

Some hon. Members: Agreed.

The Chairman: There is the possibility that we may adjourn early next week and give you a break of about four days. I think that is a possibility the Committee may wish to think about. Mr. Kohaly?

Mr. Kohaly: Mr. Chairman, the chartered veterans groups and their heads who are here would give me a very bad time in the corridor if I did not, on their behalf and on my own, say to you how very encouraged we are. Firstly, last night when we heard the Minister was leaving us room to move here and secondly, your continued attitude to this Committee and the concern you have shown, but primarily your attitude to listen to us and to hear us out in full and in detail about the veterans and the pensioners who need assistance in this country. We are very encouraged. If I knew a stronger phrase I would use it.

We all are going to be happy to come back individually to present more detail about this, but I, for one, on behalf of the Royal Canadian Legion, and I know I am joined by all the others who are here, am going to go back out across the country and speak to our veterans, our pensioners and their widows and say that we are receiving fair treatment. It is an open ball game; the whole thing is up for discussion and let us put it on the table fair and square because we are receiving a fair hearing, not that we anticipated receiving anything but a fair hearing here because you historically have done so. We are very encouraged by the atmosphere we find here and I would feel remiss if I did not say so. I know it is inherent in everything that has been said here today, but I want it on the record and we want to speak this way across Canada. Thank you, very much, Chairman.

The Chairman: Thank you, Mr. Kohaly.

[*Interpretation*]

Des voix: D'accord.

Le président: Il est possible que nous nous ajournions vers le début de la semaine prochaine pour vous laisser vous reposer pendant quatre jours. Je crois que c'est une chose à laquelle les membres du Comité pourraient songer. Monsieur Kohaly?

M. Kohaly: Monsieur le président, les groupements d'anciens combattants à charte et leurs porte-parole qui sont ici me feraient certainement des reproches à la sortie si je ne vous disais pas, en leur nom et au mien, combien nous nous sentons encouragés. D'abord, parce qu'hier soir on nous a dit que le ministre nous donnait carte blanche dans ce domaine, et ensuite par votre attitude devant le Comité et par l'intérêt que vous avez montré, et surtout parce que vous avez bien voulu nous écouter lorsque nous vous avons parlé des anciens combattants et des pensionnés qui ont tant besoin d'aide dans ce pays. Nous nous sentons vraiment encouragés, c'est le moins que je puisse dire.

Nous serons tous très heureux de revenir chacun à notre tour vous donner tous les détails à ce sujet, mais pour ma part, au nom de la Légion royale du Canada—et je sais que tous ceux qui sont ici seront de mon avis—je vais aller dire à nos anciens combattants, à nos pensionnés et à leurs veuves dans tout le pays que l'on nous traite de façon juste et équitable. Nous jouons cartes sur table; la discussion est ouverte, et nous devons parler en toute franchise, car vous nous écoutez de manière impartiale; nous n'avions d'ailleurs jamais pensé qu'il en serait autrement, car votre réputation d'impartialité est établie depuis longtemps.

Dans cette atmosphère, nous nous sentons vraiment encouragés, et nous serions ingrats si nous ne le disions pas bien haut. Je sais que cela ressort de tout ce qui s'est dit ici aujourd'hui, mais je veux que cela figure au compte rendu, et nous le dirons bien haut dans tout le pays. Merci beaucoup, monsieur le président.

Le président: Merci, monsieur Kohaly.

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First Session

Twenty-eighth Parliament, 1968-69

FASCICULE BILINGUE OFFICIEL

CHAMBRE DES COMMUNES

Première session de la

vingt-huitième législature, 1968-1969

STANDING COMMITTEE

ON

VETERANS AFFAIRS

COMITÉ PERMANENT

DES

AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*

MINUTES OF PROCEEDINGS AND EVIDENCE

PROCÈS-VERBAUX ET TÉMOIGNAGES

No. 15

FRIDAY, SEPTEMBER 19, 1969

LE VENDREDI 19 SEPTEMBRE 1969

Respecting

The Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(See Minutes of Proceedings) *(Voir Procès-verbal)*

STANDING COMMITTEE ON VETERANS AFFAIRS

COMITÉ PERMANENT DES AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*
Vice-Chairman Mr. Carl Legault *Vice-président*

and Messrs.

et Messieurs

Badanai,
Bigg,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae,
Marshall,
McIntosh,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—20

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

Pursuant to S.O. 65(4)(*b*).

Conformément à l'article 65(4)(*b*) du Règlement.

MINUTES OF PROCEEDINGS

(*Text*)

FRIDAY, September 19, 1969
(19)

The Standing Committee on Veterans Affairs met this day at 9:40 a.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Bigg, Francis, Laniel, Latulippe, Legault, MacRae, Marshall, Turner (*London East*), Weatherhead. (9)

Other Member present: Mr. Knowles, M.P. (*Winnipeg North Centre*).

Witnesses: From the National Council of Veterans Associations in Canada: Mr. J. C. Lundberg, Chairman and Mr. H. C. Chadderton.

The Chairman introduced the witnesses and Mr. Lundberg read the Association's brief. The Committee proceeded to the questioning of the witnesses.

At 12 noon the Committee adjourned to Monday, September 22, 1969 at 9:30 a.m.

PROCÈS-VERBAL

(*Traduction*)

VENDREDI, 19 septembre 1969
(19)

Le Comité permanent des affaires des anciens combattants se réunit ce matin, à 9 h. 40, sous la présidence de M. Lloyd Francis, président.

Députés présents: MM. Bigg, Francis, Laniel, Latulippe, Legault, MacRae, Marshall, Turner (*London-Est*), Weatherhead. (9)

Aussi présent: M. Knowles (*Winnipeg-Nord-Centre*), député.

Témoins: Du Conseil national des associations d'anciens combattants du Canada: M. J. C. Lundberg, président et M. H. C. Chadderton.

Le président présente les témoins dont l'un d'eux, M. Lundberg, donne lecture du mémoire de l'Association, puis le Comité les interroge.

A midi, le Comité s'ajourne jusqu'au lundi 22 septembre 1969, à 9 h. 30 du matin.

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

20759—1½

[*Texte*]

EVIDENCE

(*Recorded by Electronic Apparatus*)

Friday, 19 September 1969

• 0942

The Chairman: The Committee is called to order. Our witness this morning is Mr. Lundberg. I believe we have met him briefly yesterday.

Mr. J. C. Lundberg (National Council of Veterans Associations of Canada): Mr. Chairman, may I express our thanks for the opportunity to present our views to this Committee, and we certainly appreciate this privilege. I present this brief to you today because the Chairman of the National Council, Mr. Ken Langford, is in Ireland at the International Disabled Conference. I will read each subject matter and then we shall discuss it as it is read; this will save time, I believe, in the end.

I noticed yesterday there appear to be some questions on your mind still unanswered and we shall attempt to clarify them for you today. Mr. Chadderton, the Executive Secretary of the War Amputations of Canada, will assist me in this presentation.

Yesterday, gentlemen, you heard the general statement read to you by comrade Kohaly, Dominion President of the Legion, who expressed the general views of the veterans' organizations. We are here this morning to get down to, as they say, the nitty-gritty, and we hope that we shall immerse you in a total course of the problems of the veterans, so that when you have the opportunity, you will be extremely knowledgeable in this matter.

With me this morning, representing the Paraplegic Association, is Mr. Andrew Clarke. Captain Fred Woodcock is representing the Sir Arthur Pearson Association of War Blinded. Mr. Chadderton, the Executive Secretary of the War Amputations of Canada, is representing the War Amputations Association, and I, J. C. Lundberg, represent the Army, Navy and Air Force Veterans of Canada, and I am Vice-Chairman of the National Council.

Gentlemen, you have two briefs before you. This is the amended brief as a result of the

[*Interprétation*]

TÉMOIGNAGES

(*Enregistrement électronique*)

Le vendredi 19 septembre 1969

Le président: Messieurs, la séance est ouverte. Notre témoin, ce matin, est M. Lundberg, avec lequel nous nous sommes brièvement entretenus hier, je crois.

M. J. C. Lundberg (Conseil national des associations d'anciens combattants du Canada): Monsieur le président, je vous remercie de cette occasion qui m'est offerte d'exposer nos vues à ce Comité. Nous apprécions certainement cette faveur. Je vous présente ce mémoire aujourd'hui parce que le président du Conseil national, M. Ken Langford, est en Irlande où il assiste à la Conférence internationale des invalides. Je vais lire ce qui y est écrit sur chaque sujet et nous en discuterons au fur et à mesure. Cela nous permettra de gagner du temps, je l'espère.

J'ai remarqué hier que vous vous posez encore certaines questions sans y trouver de réponse. Je vais essayer de les éclaircir pour vous aujourd'hui. M. Chadderton, secrétaire exécutif de War Amputations of Canada, m'y aidera.

Hier, messieurs, vous avez entendu la déclaration générale que vous a lue le camarade Kohaly, président fédéral de la Légion, exprimant d'une façon générale les opinions des organisations d'anciens combattants. Ce matin, nous allons passer aux détails. Nous espérons vous donner des renseignements précis sur tous les problèmes des anciens combattants, dont vous serez ainsi parfaitement au courant.

Sont présents avec moi ce matin, M. Andrew Clarke, représentant l'Association canadienne des paraplégiques, le capitaine Fred Woodcock, de la Sir Arthur Pearson Association of War Blinded; M. Chadderton, secrétaire exécutif de War Amputations of Canada, représente l'Association des amputés de guerre et moi-même, J. C. Lundberg, je représente les anciens combattants de l'armée, la marine et l'aviation du Canada et je remplis les fonctions de vice-président du Conseil national.

Messieurs, deux mémoires vous ont été soumis. Celui-ci est le mémoire modifié par suite

[*Text*]

White Paper. The other brief is our original submission. Of necessity I shall refer back to our original presentation.

The government White Paper on War Disability Pensions was released on September 8th, 1969. In his address to the War Amputations of Canada, on September 15th, 1969, the Honourable J. E. Dubé, Minister of Veterans Affairs, stated that the Woods Committee had required some three years to complete its presentation, and that the government had required a further 18 months to prepare the White Paper. The National Council of Veterans Association has had less than 10 days to prepare a submission respecting its observations on this White Paper.

Notwithstanding, we do feel that we are in a position to furnish the Committee with some solid evaluations, and our immediate reaction can be summed up in one word—disappointment!

We had hoped that much of the philosophy, and many of the important recommendations, of the Woods Committee Report would be incorporated into the White Paper. Our assessment indicates that less than one half of the recommendations are included in the policies announced in the White Paper, and many of these recommendations in which the government has adopted the principle are being proposed for implementation in part only.

• 0945

Other veterans organizations will be making appearances before this Committee and will presumably convey to the Committee their views in regard to some of the recommendations. Time does not permit the National Council, therefore, to include its views in regard to the full complement of proposals of the Woods Committee Report, and we can deal herein only with those which we have had time to analyse in detail.

Multiple Disabilities:

It seems to us that the White Paper missed the whole point of the multiple disability question. Whereas we are grateful that the government is prepared to accept the necessity to pay pensions in excess of the 100 per cent level, the means by which the government intends to give effect to this philosophy is open to very serious question.

We wish to make it clear that our objections to the multiple disabilities proposal are based on two main points—the financial in-

[*Interpretation*]

du Livre blanc. L'autre constitue notre présentation originale. Il est donc nécessaire que je m'y reporte.

Le Livre blanc du gouvernement sur les pensions des anciens combattants a été publié le 8 septembre 1969.

Dans son discours à l'Association canadienne des amputés de guerre, le 15 septembre 1969, le ministre des Affaires des anciens combattants, l'honorable J.-E. Dubé, a déclaré qu'il avait fallu environ trois ans au comité Woods pour préparer son rapport, et que le gouvernement avait consacré encore 18 mois à la rédaction du Livre blanc. Le Conseil national des associations d'anciens combattants du Canada a disposé de moins de 10 jours pour rédiger un mémoire présentant ses observations sur ce Livre blanc.

Malgré tout, nous sommes convaincus d'être à même de fournir au Comité quelques appréciations valables—et notre première réaction se rrésume en un seul mot—quelle déception!

Nous espérions que l'essence et un grand nombre des recommandations importantes du rapport du comité Woods se reflèteraient dans le Livre blanc du gouvernement. Et nous estimons que le Livre blanc, dans les programmes qu'il annonce, ne contient même pas la moitié de ces recommandations et que le gouvernement qui en a adopté un grand nombre en principe n'en propose que la mise en œuvre partielle.

D'autres organisations d'anciens combattants comparaîtront devant le Comité et lui présenteront sans doute leurs opinions concernant quelques-unes des recommandations. Aussi le Conseil national n'a-t-il pas le temps de présenter ses opinions au sujet de la totalité des propositions du Comité Woods; nous ne pouvons traiter que de celles que nous avons eu le temps d'analyser en détail.

Invalidités multiples

Il nous semble que le Livre blanc rate complètement son but pour ce qui est des invalidités multiples. Bien que nous soyons reconnaissants de ce que le gouvernement reconnaît la nécessité de payer des pensions au-dessus du taux de 100 p. 100, nous estimons que les moyens par lesquels le gouvernement entend mettre en œuvre ce principe est sujet à des critiques très graves.

Nous voulons préciser que les objections que nous proposons au sujet des invalidités multiples se fondent sur deux points princi-

[*Texte*]

adequacy, and perhaps more important, the philosophy.

It is noted that the White Paper proposes annual or lump sum grants of between $400 and $1,200 per annum. This fails to give effect to the findings of the Woods Committee which were, so far as we can determine, that multiple disabilities were far under-rated, and that, in terms of dollars and cents, the severe multiple disability casualty was entitled to a much higher pension income, in some cases representing an increase of as much as $6,000 and $7,000 per annum.

It is understandable that there should be some hesitation in regard to an increase of this proportion. It should be borne in mind, however, that the numbers of multiple disability pensioners are extremely limited. Secondly, even if they were not, the obligation of the Government of Canada is such that payment in full, for pensioners in this category, should be made regardless of the cost.

The second objection is that of principle. The Woods Committee has visualized that the solution to the problem would be for the Canadian Government to recognize that, where certain disabling factors existed in a substantial extent, over and above the loss of earning capacity, compensation was due the pensioner in respect of such factors. They include anatomical loss, loss of enjoyment of life, loss of life expectancy, and scarring and disfigurement.

This would have to mean that the seriously disabled pensioner, in the view of the Woods Committee, was *entitled* to an *additional* assessment which would be calculated in dollars and cents, on a direct ratio with the loss of earning power in the unskilled labor market.

The proposal in the White Paper appears to ignore this premise completely. What it does, in effect, is to suggest that where the severely disabled pensioner requires specific amenities, these can be provided by the Pension Commission in the form of an annual or lump sum grant. A measure of this nature does not belong in the Pension Act. This type of assistance can best be described as a "welfare handout", and would best be offered by benevolent organizations. In fact, if the war disability pensioner wanted to get down on his knees and beg, he could no doubt get this kind of assistance now without wait-

[*Interprétation*]

paux: l'insuffisance de l'aide financière, et ce qui est peut-être plus important, le principe de la chose.

Nous notons que le Livre blanc propose qu'on verse des paiements annuels ou des sommes globales, s'échelonnant entre $400 et $1,200. Ces mesures ne permettent pas l'application des conclusions du Comité Woods selon lesquelles, autant que nous puissions en juger, les invalidités multiples ont été très sous-estimées, et qu'en termes de dollars et de cents, le fait de souffrir d'une invalidité multiple grave donnait droit à une pension beaucoup plus élevée qui parfois pouvait représenter une augmentation allant jusqu'à $6,000 et $7,000 par an.

On comprend que l'on puisse hésiter devant une augmentation de cette proportion. Toutefois, on doit se souvenir que le nombre de pensionnés souffrant d'invalidités multiples est extrêmement limité. En outre, même si ce n'était pas le cas, le gouvernement du Canada a une telle dette envers cette catégorie de pensionnés qu'il devrait leur verser la somme entière, sans considérer les dépenses occasionnées.

Notre seconde objection repose sur une question de principe. Le comité Woods a envisagé que la solution au problème consisterait, pour le gouvernement canadien, à reconnaître, lorsque certains facteurs d'invalidité se présentent dans une mesure considérable, en plus de perdre le pouvoir de gagner sa vie, que le pensionné aurait droit à une indemnité au regard de ces facteurs. Ils comprennent: La perte d'un membre; la perte de la faculté de jouir de la vie; la diminution de l'espérance de vie; les cicatrices et la défiguration.

Un pensionné souffrant d'une grave invalidité, selon le Comité Woods, aurait ainsi droit à une indemnité supplémentaire qui serait calculée en dollars et en cents, et directement proportionnée à la perte du pouvoir de gagner sa vie sur le marché du travail des ouvriers non spécialisés.

La proposition du Livre blanc semble ignorer complètement cette question de principe. En effet, dans le cas où un pensionné souffre d'une invaladité grave qui exige des soins spéciaux, il ne fait que proposer que la Commission des pensions verse des allocations sous forme de sommes annuelles ou globales. Une mesure de ce genre n'est pas comforme à la Loi sur les pensions. On peut décrire ce genre d'aide comme une «aumône de bienfaisance», que l'on pourrait avantageusement confier aux organisations de charité. En fait, si le pensionné souffrant d'une invaladité de guerre voulait s'agenouiller et mendier, il ne fait pas

[*Text*]

ing for the implementation of the recommendations in the White Paper.

To conclude our comments in regard to the multiple disability proposal, it may be that those whose responsibility it will be to defend the White Paper, will conclude that our objections in regard to principle have been developed merely as a basis for arguing for a higher pension award for the multiple disability cases. We would wish to assure the members of the parliamentary committee that this is not the case. We feel certain that, even if the amounts proposed in the White Paper were considerably more generous than they are, we would still have to object to the proposals on the "handout" principle.

I will ask you to refer to the November 26 brief on page 4. Here we are going into this in a little more detail than in our original brief.

2. *Multiple Disabilities* (Woods Committee Recommendations Nos. 64 and 65):

The National Council desires to suggest particular emphasis be accorded the recommendations of the Woods Committee dealing with compensation for multiple disabilities. We believe that the failure to provide for adequate pensions for multiple disabilities has been the major defect in the Canadian pension system since its inception. The Woods Committee, in the conclusion of its Report, commented on this deficiency, stating that Canada's pension program for veterans was often referred to as being among the most generous of any in the world, giving the example of the "insurance principle", but pointing out that "the Pension Act in Canada requires considerable broadening in other provisions".

• 0950

In the section dealing with multiple disabilities the Committee made the following comment:

> The necessity to provide some form of supplementary pension for multiple disability casualties seems evident. The absence of adequate provision in this regard appears as a major flaw in the existing system for war disabilities.

National Council wishes to endorse the recommendations of the Woods Committee respecting multiple disabilities and suggests their implementation at the earliest possible moment.

[*Interpretation*]

de doute qu'il pourrait obtenir ce genre d'aide dès maintenant sans attendre la mise en œuvre des recommandations du Livre blanc.

Au moment de conclure ces remarques concernant les propositions relatives aux invaladités multiples, nous pensons que ceux dont la responsabilité sera de défendre le Livre blanc, concluront peut-être que nos objections de principe ont été simplement exposées pour appuyer nos arguments en faveur du versement d'une pension plus élevée dans le cas d'invalidités multiples. Nous voudrions assurer les membres de ce Comité parlementaire qu'il ne s'agit pas de cela. Nous sommes convaincus, que même si les sommes proposées dans le Livre blanc étaient considérablement plus généreuses qu'elles ne le sont, nous devrions encore nous opposer aux propositions du principe de l'«aumône».

Je vous demanderai de vous reporter à la page 4 du mémoire du 26 novembre. Nous y traitons de la questions d'une façon plus détaillée que dans notre mémoire original.

2. *Infirmités multiples* (recommandations nos 64 et 65 du comité Woods)

Le Conseil national désire mettre l'accent sur l'importance des recommandations du comité Woods traitant de l'indemnisation pour infirmités multiples. Nous pensons que le défaut d'accorder des pensions appropriées aux personnes souffrant d'infirmités multiples constitue la plus grande lacune du système canadien des pensions, depuis qu'il existe. Dans la conclusion de son rapport, le comité Woods, commentant cette lacune, dit que le programme de pensions aux anciens combattants du Canada était souvent compté parmi les plus généreux du monde. Le comité illustre cette affirmation par le «principe de l'assurance», mais fait remarquer que la Loi sur les pensions au Canada doit être élargie dans d'autres de ses dispositions.

Dans la partie traitant des infirmités multiples, le comité a fait l'observations suivante:

> La nécessité d'assurer aux personnes souffrant d'infirmités multiples une certaine forme de pension supplémentaire semble évidente. L'absence de dispositions appropriées à cet égard est un grand défaut du système actuel d'indemnisation des infirmes de guerre.

Le Conseil national désire exprimer son appui aux recommandations du comité Woods concernant les infirmités multiples et en propose l'application au plus tôt.

[*Texte*]

Although the formula on which these recommendations are based varies somewhat from that suggested in our original submission to the Committee, we believe that it is a simpler and more workable formula and commend it to you accordingly.

Under the Pension Act, compensation for disability can be assessed with reasonable fairness for a single disability. For multiple disabilities, however, the present method of assessment breaks down. While a single leg amputee may be compensated at existing rates at $212.00 a month, a double or triple amputee, a blind person or a paraplegic is awarded only $53.00 more, that is, $265.00 a month.

The authority for granting war disability pension in respect of disability or disabilities incurred during military service is found in the Pension Act. The operating section of that Act, Section 28(1), states that "pensions for disabilities shall . . . be awarded . . . in accordance with the extent of the disability . . ."

However, in the table of disabilities, which is a document prepared by the Pension Commission for the guidance of physicians and surgeons making medical examinations for pension purposes, we find this instruction:

> "Item 11—where more than one pensionable disability exists, the combined assessment will be based on the combined disablement as a whole, but in no case will the combined assessment exceed 100 per cent."

This, we submit, is contrary to the intention of Parliament and is the cause of grave injustice to those casualties who have suffered multiple disabilities.

Farther along in paragraph two of item 11 of the table of disabilities we find these instructions:

> When separate pensionable disabilities... have entirely independent functional effects, extreme care will be exercised in assessing each disability separately, and the composite assessment will be the arithmetical sum total.

and in paragraph four of item 11:

> Where there is damage to paired organs, the arithmetical sum of the separate assessments may fall short of the true degree of entire disablement. In each case, after inspection of the table, the composite assessment is to be made at a percentage which represents a true estimate of the disablement as a whole, e.g.,

[*Interprétation*]

Bien que la formule sur laquelle se fondent ces recommandations soit quelque peu différente de celle que nous proposions au Comité dans notre mémoire original, nous estimons qu'elle est plus simple et plus facilement applicable. Nous vous la recommandons donc vivement.

En vertu de la Loi sur les pensions, les indemnités d'invalidité sont calculées d'une façon assez juste lorsque les infirmités ne sont pas multiples. Si elles le sont, la méthode de calcul actuelle se révèle injuste. Un amputé d'une jambe reçoit actuellement $212 par mois, alors qu'une personne qui a subi trois amputations, un aveugle ou un paraplégique ne reçoit que $53 de plus, c'est-à-dire $265 par mois.

La Loi sur les pensions prévoit l'octroi de pensions pour toute infirmité (ou infirmités) subie en cours du service militaire. L'article 28 de la Loi dit que «les pensions pour invalidité doivent...être accordées...selon le degré d'invalidité...».

Cependant, dans le tableau des infirmités, document établi par la Commission des pension à l'intention des médecins et chirurgiens qui effectuent des examens médicaux à des fins de pensions, on peut lire cette instruction:

> «Article 11—S'il existe plus d'une seule infirmité donnant droit à une pension, l'estimation combinée doit se fonder sur l'infirmité globale en tant que tout, mais ne doit jamais dépasser 100 p. 100.»

Cela, estimons-nous, est contraire à l'intention du Parlement et cause un grave préjudice aux personnes atteintes d'infirmités multiples.

On trouve, au deuxième paragraphe de l'article 11 du tableau des infirmités, les instructions suivantes:

> Lorsque deux infirmités distinctes donnant droit à pension ont des effets fonctionnels totalement indépendants, on prendra soin d'évaluer chaque infirmité séparément et l'évaluation globale devra être la somme arithmétique.

et, au quatrième paragraphe de l'article 11:

> Si des organes doubles sont atteints, la somme arithmétique des évaluations distinctes faites pourrait ne pas représenter le véritable degré de l'infirmité globale. Dans chaque cas, après examen du tableau, l'évaluation globale doit être faite à un pourcentage qui représente le degré réel d'invalidité en tant que tout; par

[*Text*]

the loss of sight of both eyes is more than twice as serious as the loss of either, and again, a double amputation may be more than twice as serious as a single one at the same level.

These last two statements are in accordance with the provisions of the Pension Act, but they are defeated by the previous arbitrary limitation which, we submit, should never have been imposed.

Many of the more seriously disabled of our war casualties have suffered multiple disabilities, any one of which would be sufficient to disqualify them from the unskilled labour market, yet at present they receive compensation for only a portion of their true disability.

This is the situation which the Woods Committee has recognized as "a major flaw in the existing system for war disabilities".

The three major categories of multiple disabilities are the multiple amputees, the paraplegics and the blind.

The Multiple Amputees:

The discrepancy between assessable disability and the pension at present being awarded is most clearly evident in the case of the amputee. In the case of a double leg amputation, in the upper third of the thigh, the Commission now pays compensation at the rate of 80 per cent for the one amputation but of only 20 per cent for the other. This is completely unjustifiable. The loss of a second leg above the knee should carry a second assessment of 80 per cent. In fact, the loss of two legs is more than twice as serious as the loss of one leg, and the arthmetical total of 160 per cent in this instance falls short of the true degree and extent of the disability.

For this disability the Woods Committee has recommended an assessment of 185 per cent.

The Paraplegic:

The paraplegic suffers paralysis as a result of spinal injury that affects the lower limbs and that part of the torso that is below the level of the injury.

Locomotion of the paraplegic is limited for all practical purposes to the wheelchair with consequent restriction to level areas and to

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short distances. Wherever steps are involved he must be carried. He is barred by narrow doors and passages and must constantly re-

[*Interpretation*]

exemple, la cécité totale est plus que deux fois plus grave que la perte d'un seul œil et deux amputations peuvent être plus que deux fois plus graves qu'une seule au même niveau.

Ces deux dernières déclarations sont conformes aux dispositions de la Loi sur les pensions, mais leur effet est annulé par la limitation arbitraire précédente qui, nous le soutenons, n'aurait jamais dû être imposée.

Nombre de blessés de guerre souffrent d'infirmités multiples dont chacune serait suffisante pour les écarter du marché du travail non qualifié. Pourtant, ils ne sont indemnisés à l'heure actuelle que pour une partie seulement de leur invalidité.

Telle est la situation que le comité Woods a reconnue comme «un grand défaut du système actuel d'indemnisation des infirmes de guerre».

Les trois principales catégories d'infirmités multiples sont les amputations multiples, la paraplégie et la cécité.

Les amputations multiples

Le déséquilibre qui existe entre l'invalidité évaluable et la pension actuellement versée est très évident dans le cas des amputés. Un amputé des deux jambes, au niveau du tiers supérieur de la cuisse, reçoit actuellement de la Commission une indemnité de 80 p. 100 pour la première amputation, mais de 20 p. 100 seulement pour la deuxième. Cela est injustifiable. La perte d'une deuxième jambe au-dessus du genou devrait aussi être évaluée à 80 p. 100. En fait, la perte des deux jambes est plus que doublement plus grave que la perte d'une seule et le total arithmétique de 160 p. 100 n'illustre pas, dans ce cas, le degré réel d'invalidité.

Pour cette infirmité, le comité Woods a recommandé une évaluation de 185 p. 100.

La paraplégie

Le paraplégique souffre d'une paralysie résultant d'une lésion de la moëlle épinière qui affecte les membres inférieurs et la partie du torse qui se trouve au-dessous de la blessure.

A toutes fins pratiques, on peut dire que le paraplégique ne peut se déplacer qu'en fauteuil roulant, ce qui le limite aux surfaces planes et aux courtes distances. Dès qu'il a à descendre ou à monter des marches, il lui faut être porté. Les portes et les corridors

[*Texte*]

arrange his comings and goings to avoid such barriers.

The loss of normal control of bowel and bladder function restricts and frustrates the paraplegic in all of his activities. His living arrangements, his employment and his recreational pursuits are all affected by this problem.

He requires a much higher fluid intake than the average person in order to maintain health. But his loss of mobility and of organic control make this requirement incompatible with a normal life.

Kidney involvement presents a constant threat to life, a shortening of life expectancy, and a cause of recurrent illness. Statistically, kidney failure is the leading cause of death among paraplegics.

Loss of sensation leaves the paraplegic particularly susceptible to pressures sores and to injury from burns, bruises, etc. because the body's normal reaction of pain is absent. Loss of sensation may also mask abdominal pain or discomfort which is the normal warning of internal illness.

The absence of normal sensation is frequently replaced by distorted sensations and abnormal pain which are often of sufficient magnitude to be disabling in themselves.

Taken together, the above maladies comprise a complex combination of disabilities which seriously limit the paraplegic in most normal activities.

For this disability the Woods Committee has recommended an assessment of 350 per cent.

The Blind:

The loss of both eyes imposes a severe limitation on most human activities. The difficulties faced by a blind person, without useful guiding vision, are formidable indeed. In terms of locomotion he is dependent upon guidance from a sighted person for any mobility beyond a known environment. He cannot operate an automobile nor can he safely use public transportation without assistance.

Impairment of the use of arms and hands restricts the blind persons employability and his participation in most activities of ordinary life. His normal dexterity is sharply curtailed without vision to guide it.

[*Interprétation*]

étroits l'arrêtent continuellement et il doit toujours bien réfléchir à son itinéraire pour éviter de tels obstacles.

La perte du contrôle normal sur le gros intestin et la vessie limite et frustre le paraplégique dans toutes ses activités. Sa façon de vivre, son emploi, ses loisirs sont touchés par ce problème.

Pour demeurer dans un état de santé acceptable, le paraplégique doit absorber beaucoup plus de liquide qu'une personne normale. Cependant, son immobilité forcée et la perte de son contrôle organique font que cette exigence est incompatible avec une vie normale.

Des complications rénales menacent continuellement sa vie, raccourcissent sa longévité probable et sont cause de rechutes. Les statistiques indiquent que le mauvais fonctionnement des reins est la principale cause de décès parmi les paraplégiques.

Le fait qu'il est insensible à la douleur rend le paraplégique particulièrement sensible aux brûlures, aux petites blessures, aux contusions, etc., parce que c'est la douleur qui, chez l'individu normal, déclenche les réactions de l'organisme. Des douleurs et des troubles abdominaux, qui sont les signes précurseurs de maladies internes, passent inaperçus.

L'absence de sensation est fréquemment remplacée chez le paraplégique par des sensations déformées et des douleurs d'une telle acuité qu'elles suffisent à elles seules à le terrasser.

Ajoutées les unes aux autres, les affections précitées constituent une combinaison d'infirmités qui empêchent le paraplégique de participer à la plupart des activités normales.

Pour cette infirmité, le comité Woods a recommandé une évaluation de 350 p. 100.

La cécité

La perte totale de la vue entraîne de graves restrictions sur la plupart des activités humaines. Les difficultés d'un aveugle non assisté sont, de toute évidence, énormes. Pour se déplacer, il dépend d'une autre personne dès qu'il s'agit de sortir d'un lieu qu'il connaît. Il ne peut conduire une automobile et doit être aidé pour utiliser les transports en commun en toute sécurité.

L'usage des bras et des mains est compromis par la cécité, ce qui limite les possibilités d'emploi et de participation à la plupart des activités ordinaires. L'aveugle ne peut jouir d'une dextérité normale puisqu'il n'a plus des yeux pour guider ses mains.

[*Text*]

In communication the most serious aspect is the loss of ability to receive information by reading or through visual indication or through hand and facial gestures. This ability is indispensable to normal activities and is taken for granted by sighted persons. Its loss seriously limits the blind person's employment opportunities and his participation in normal recreational pursuits.

For this disability the Woods Committee has recommended an assessment of 250 per cent.

The number of multiple disability casualties who fall into these categories is fortunately not large. We estimate the present total at fewer than five hundred persons.

This small group is made up of those who have suffered most as a result of their service in wartime yet who have been least adequately compensated in relation to their disabilities.

Because of the importance of this matter, we have attached a copy of our earlier submission for your information.

Gentlemen, that is what we have to say on the multiple disability groups. If you are prepared to discuss that paragraph now, so are we.

Mr. MacRae: Might it not be better, Mr. Chairman, for Mr. Lundberg to continue his presentation and then we could take them all together?

Mr. Lundberg: We found yesterday, gentlemen, observing the witnesses and the Committee, that at the end we were doubling back and coming ahead and then doubling back again, and there is quite a bit of time lost in referring back. I thought that for the time involved with the Committee we could dispose of each paragraph as it was read and then we could be finished with it rather than coming back to it.

The Chairman: What is your wish? Would you care to discuss this point now or do you wish Mr. Lundberg to continue? Mr. Laniel?

Mr. Laniel: Mr. Chairman, Mr. Lundberg is touching on four or five subjects and I think it would be a good idea to stop and study them; in this way we might eliminate repetition.

The Chairman: All right, if that is agreeable to the Committee. We are open for questions from the floor.

[*Interpretation*]

L'aveugle ne peut communiquer avec les autres par la lecture ou par les gestes. Or ces moyens de communication sont indispensables à une activité normale et sont tellement naturels qu'ils passent inaperçus chez les personnes qui jouissent d'une vue normale. N'ayant pas ces moyens, l'aveugle perd nombre de possibilités d'emploi et d'occupation de ses loisirs.

Pour cette infirmité, le comité Woods a recommandé une évaluation de 250 p. 100.

Heureusement, le nombre d'invalides à infirmités multiples qui tombent dans l'une de ces trois catégories n'est pas très important. Ce nombre est, selon nos estimations, de moins de 500 personnes.

Ce petit groupe de gens est constitué de ceux qui ont le plus souffert par suite de leur service pendant la guerre. Pourtant, ce sont eux qui sont les moins indemnisés, compte tenu de la gravité de leurs infirmités.

Vu l'importance de cette question, nous avons annexé une copie de notre premier mémoire, pour votre gouverne.

Messieurs, c'était là ce que nous avions à dire à propos des groupes atteints d'infirmités multiples, et nous sommes prêts à discuter de ce paragraphe maintenant, si vous le voulez bien.

M. MacRae: Ne vaudrait-il pas mieux, monsieur le président, que M. Lundberg poursuive son exposé? Nous pourrions ensuite discuter du tout en même temps.

M. Lundberg: Messieurs, nous avons constaté, au cours de notre témoignage d'hier devant le Comité, qu'à la fin, nous revenions sur un sujet pour avancer quelque peu, puis pour revenir à nouveau sur nos pas et ainsi de suite. C'est une perte de temps. J'ai pensé que nous pourrions discuter de chaque paragraphe, au fur et à mesure de sa lecture. Nous n'aurions plus besoin d'y revenir ensuite.

Le président: Qu'en pensez-vous, messieurs? Voudriez-vous discuter de ce point maintenant ou préféreriez-vous que M. Lundberg continue son exposé? Monsieur Laniel?

M. Laniel: Monsieur le président, M. Lundberg a abordé quatre ou cinq sujets et je pense qu'il serait bon de s'arrêter pour les étudier. Nous éviterions ainsi des répétitions.

Le président: Très bien, si tel est le désir du Comité. Passons aux questions.

[*Texte*]

Mr. MacRae: Mr. Chairman, perhaps I might raise a point that I discussed with you very briefly last night; that is, the observations that were presented yesterday afternoon by Mr. Kohaly and Mr. Thompson. It may seem at this moment that I am off the track, but I assure you I am not. This would be helpful to Mr. Lundberg, too, I am sure.

In these observations, which I thought were in a document prepared by the govern-

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ment, but it is a Legion document, in the very first page or so of Mr. Lundberg's presentation he refers to the fact that he cannot find in the White Paper any reference to about half of the Woods Commission's recommendations.

We, as a Committee, have had the advantage of having Mr. Ward here for two or three days. I spotted this yesterday. As the government says—and I do not need to apologize for them, nor do I mean to—about four out of five have been dealt with in some way or another. Because of the shortness of time as Mr. Lundberg pointed out, he had only eight days to do everything; and the Legion is in exactly the same position.

We are in possession of information at this point that Mr. Lundberg, and perhaps the Legion, evidently, did not have until reading this brief this morning. To be specific, let us take Recommendation No. 80 of the Woods Committee. Yesterday this document had no reference in the White Paper, and I presume that Mr. Lundberg would feel, as the Legion did, that there was no reference to it. Of course, on my document I have it that this recommendation was accepted unchanged. I hope I am making my point clear that we have information that these gentlemen do not have at this moment.

The Chairman: I think that the transcript of yesterday's proceedings will be of a good deal of interest not only to members of the Committee but to the groups which are appearing before us. I do not know how we can avoid this. The Committee has called Departmental witnesses, examined them in greater depth and will continue to do so, and as the hearings of the Committee develop there will be additional information in the record at many points.

The Chair is open to questions dealing with the first part of Mr. Lundberg's presentation

[*Interprétation*]

M. MacRae: Monsieur le président, je voudrais parler d'un point que je vous avais signalé très brièvement la nuit dernière. Il s'agit des observations formulées hier après-midi par M. Kohaly et M. Thompson. Il peut vous sembler pour le moment que je sors du sujet, mais je vous assure que tel n'est pas le cas. La question intéressera certainement M. Lundberg.

Je croyais d'ailleurs que ces observations faisaient partie d'un document gouvernemental alors qu'il s'agit d'un document de la Légion. A la première page de l'exposé de M. Lundberg, il dit que le Livre blanc ne fait aucune mention d'à peu près la moitié des recommandations de la commission Woods.

Nous, membres du Comité, avons eu l'avantage de nous entretenir avec M. Ward ici même pendant deux ou trois jours. J'ai remarqué cela hier. Comme le gouvernement le dit—et je n'ai nul besoin de m'excuser pour lui, d'ailleurs je n'en ai pas l'intention —on s'est occupé de quatre sur cinq d'une façon ou d'une autre. Le temps faisant défaut, comme l'a fait remarquer M. Lundberg, il n'a eu que huit jours pour tout faire et la Légion se trouvait exactement dans la même situation.

Nous possédons des renseignements que M. Lundberg, et peut-être la Légion, ne possédaient manifestement pas avant la lecture de ce mémoire, ce matin. Pour plus de précision, prenons la recommandation n° 80 du Comité Woods. Hier, on n'a pas mentionné ce document dans l'étude du Livre blanc, et je suppose que M. Lundberg estime, tout comme la Légion, qu'on n'y faisait pas du tout allusion. Bien entendu, sur le document que j'ai ici, on dit que la recommandation a été acceptée sans modification. J'espère que je me fais bien comprendre; nous disposons de renseignements que ces messieurs n'ont pas encore pour le moment.

Le président: La transcription des délibérations d'hier sera, je crois, très intéressante, non seulement pour les membres du Comité, mais aussi pour les groupes qui comparaissent devant nous. Je ne sais comment nous pouvons éviter cela. Le Comité a fait comparaître des représentants du Ministère, les a interrogés en détail et continuera à le faire, et, au fur et à mesure des délibérations du Comité, de nouveaux renseignements viendront s'ajouter au compte rendu.

Le président invite les membres du Comité à poser des questions sur la première partie

[*Text*]

today. I thank Mr. MacRae for clarifying the document which was distributed yesterday by the Royal Canadian Legion. Mr. Bigg?

Mr. Bigg: Do I gather that our discussions up to date are going to be made public before our report is ready?

The Chairman: This is a public hearing, Mr. Bigg.

Mr. Bigg: Many of our opinions may be modified by the time we get to the end of these hearings.

The Chairman: I am sure that is what happens all the time, Mr. Bigg, at various stages in life. There will be a transcript as soon as it can be produced, it will be available and will be a public document. I am sure that everybody appearing before this Committee will be very much interested in the transcript, especially in Mr. Ward's testimony.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, since not many committees are meeting right now perhaps you could use your influence to hasten the transcript?

The Chairman: We have done our best, sir. One of our problems, again, is translation, but it will be provided just as soon as it is possible to do so.

Mr. Knowles (Winnipeg North Centre): "Vous parlez français".

The Chairman: It is policy to produce our record in the two official languages of Canada, Mr. Knowles. I hope as many as possible understand both, but not everyone does. Mr. Chadderton had his hand up?

Mr. C. Chadderton (The War Amputations of Canada): Mr. Chairman, just on a point of clarification following Mr. MacRae's remarks, I hope it is generally understood that the submission which was made yesterday by Mr. Kohaly, the Dominion President of The Legion, was not being made on behalf solely of The Royal Canadian Legion. He was representing the nationally chartered veterans organizations of Canada.

The Chairman: That was made clear.

Mr. Chadderton: Yes.

The Chairman: But the document that was distributed and to which Mr. MacRae made reference was I believe a document produced by The Royal Canadian Legion, and it was

[*Interpretation*]

de l'exposé de M. Lundberg. Je remercie M. MacRae d'avoir clarifié le document qu'a distribué hier la Légion royale du Canada. Monsieur Bigg?

M. Bigg: Est-ce à dire que les discussions engagées jusqu'ici seront rendues publiques avant que notre rapport ne soit prêt?

Le président: Les audiences sont publiques, monsieur Bigg.

M. Bigg: Nous avons le temps de modifier bon nombre de nos opinions d'ici la fin des audiences.

Le président: Il en est toujours ainsi, monsieur Bigg, dans le courant de la vie. Dès que la transcription sera disponible, elle sera publiée. Tous les témoins qui ont comparu devant le Comité voudront certainement lire la transcription, et surtout le témoignage de M. Ward.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, étant donné qu'il y a peu de comité qui siègent en ce moment, vous pourriez peut-être user de votre influence pour accélérer la transcription?

Le président: Nous avons fait de notre mieux, monsieur. L'un des problèmes, encore une fois, c'est la traduction, mais la transcription sera disponible aussitôt que possible.

M. Knowles (Winnipeg-Nord-Centre): Vous parlez français.

Le président: Nous avons l'habitude de publier notre compte rendu dans les deux langues officielles du Canada, monsieur Knowles. J'espère que la plupart d'entre vous comprenez les deux langues, mais ce n'est pas le cas de tout le monde.

Monsieur Chadderton?

M. C. Chadderton (Association des amputés de guerre du Canada): Monsieur le président, je voudrais donner une précision, après les observations de M. MacRae; et j'espère que tout le monde comprend que l'exposé qu'a fait hier M. Kohaly, président national de la Légion, n'était pas présenté uniquement au nom de la Légion royale du Canada. M. Kohaly représentait les associations à charte nationale d'anciens combattants du Canada.

Le président: On l'avait bien précisé.

M. Chadderton: Oui.

Le président: Mais le document distribué et auquel a fait allusion M. MacRae était, sauf erreur, soumis par la Légion royale du Canada, et s'est d'ailleurs révélé un instru-

[*Texte*]

a useful reference document as a starting point. However, the caution that Mr. MacRae put on the record was that there have been a number of points on which additional information has come to light.

Mr. Lundberg: Mr. Chairman, in producing this document that we have and to which no reference was made we are most happy to hear that reference has now been made to it in this Committee and that we can expect some action on that particular part.

The Chairman: Mr. Weatherhead?

Mr. Weatherhead: Mr. Chairman, further to Mr. MacRae's points, at the conclusion of the White Paper on page 16 it says in part:

> The most recent review of the operations of this Act—the Woods Committee Survey—listed 148 recommendations, of which all but about 30 have been accepted . . .

I therefore find it a bit difficult to understand why, in the first page of this brief presented to us this morning, the Government is accused of having less than one half the recommendations included. I realize that individual items were not all included in the

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White Paper and may come out later, but I think, it was quite clear from the conclusion, unless the witnesses here this morning were challenging that, that four-fifths, as Mr. MacRae said, have been referred to and have been accepted or modified. I would think that should be made straight right after the first.

The Chairman: I think the transcript of our proceedings will verify this.

Mr. Laniel has his hand up.

Mr. Laniel: Mr. Chairman, we would not want Mr. Lundberg to get the impression that we are not interested in his presentation but, as inevitably happens, all the associations coming in front of us cover practically the same main points. As would be expected, all these were not covered by the White Paper because some were awaiting decisions. However, I would not want you to think that we are disinterested. I must say, and I think I can speak for most members here, that we are quite sympathetic to the question of multiple disability, especially because it does

[*Interprétation*]

ment de référence de base très utile. Toutefois, M. MacRae a fait remarquer qu'il y avait un certain nombre de points sur lesquels nous disposions de nouveaux renseignements.

M. Lundberg: Monsieur le président, au sujet du document que nous avons présenté et auquel on n'a pas fait allusion, nous sommes très heureux de voir qu'on le mentionne devant le Comité et que nous pouvons espérer des mesures dans ce domaine en particulier.

Le président: Monsieur Weatherhead?

M. Weatherhead: Monsieur le président, dans le même ordre d'idées que les observations de M. MacRae, dans la conclusion du Livre blanc, à la page 16, on lit, entre autres, ce qui suit:

> La révision la plus récente de la Loi sur les pensions, soit l'enquête du comité Woods, a dressé une liste de 148 recommandations, qui toutes ont été acceptées, en totalité ou en partie, à l'exception d'une trentaine.

Il m'est donc un peu difficile de comprendre pourquoi, à la première page du mémoire que l'on nous a présenté ce matin, on accuse le gouvernement d'avoir inclus dans le Livre blanc moins de la moitié des recommandations. Les rubriques individuelles, il est vrai, n'ont pas toutes été incluses dans le Livre blanc et peuvent être mentionnées plus tard, mais on peut déduire de la conclusion, à moins que les témoins de ce matin ne mettent la chose en doute, que quatre-cinquièmes des recommandations, comme le mentionnait M. MacRae, ont été étudiées, et soit acceptées, soit modifiées. Je voulais préciser ce point dès le début.

Le président: La transcription de nos délibérations le confirmera.

Monsieur Laniel?

M. Laniel: Monsieur le président, nous ne voulons pas donner à M. Lundberg l'impression que son exposé ne nous intéresse pas, mais, et c'est inévitable, les associations qui viennent témoigner reprennent toutes les mêmes points.

Comme on pouvait s'y attendre, ces points ne sont pas tous traités dans le Livre blanc, vu qu'on n'avait pas encore pris de décision au sujet de certains d'entre eux. Toutefois, n'allez pas croire que votre exposé ne nous intéresse pas. Je dois dire, et je suis sûr de parler an nom de la plupart des membres du

[*Text*]

impair to so great a degree those who are affected. You say that even if it was not just like that you would still have the same opinion. You spoke of 500 veterans. Knowing that it is not always easy to convince governments to make drastic changes in their policy can you give us some idea of the cost, if we were to follow the Woods Committee recommendations and yours, to meet this request in respect of about 500 veterans?

Mr. Lundberg: Mr. Laniel, at this time I cannot give you, as you say, the exact cost or even the appropriate cost. Mr. Chadderton, do you have any idea?

Mr. Chadderton: Mr. Chairman, we have some figures on this which we were attempting to finalize last night but were not too successful at it. It amounts to approximately $1,500,000 a year at current rates. The War Amputations of Canada will be here on Monday and we hope by that time to produce the additional information.

I might also add, Mr. Chairman, while I have the floor, that as a result of a question yesterday concerning the amount of pension paid in other countries. I made some telephone calls last night and although I was not able to get a figure on the maximum indemnification for the war-blinded in the United States I was able to update our figures for paraplegia and amputation. If you would like me to read them into the record, I have them here and will do so.

The Chairman: I think the Committee would be interested in hearing them. Please proceed, Mr. Chadderton.

Mr. Chadderton: According to telephone information last night from the disabled American veterans—we were unable to reach the United States Veterans' Administration because of course they were closed—the maximum indemnification in the United States today for a bilateral above-knee amputee at single rates is $585 monthly, and we believe the Canadian figure in a similar situation is $474 monthly.

On the question of paraplegia, from the same source, the monthly rate of compensation under the United States Code Title 38

[*Interpretation*]

Comité en disant cela, que la question des invalidités multiples nous touche beaucoup, vu qu'elle affecte dans une si large mesure les personnes qui en sont atteintes. Et même s'il n'en était pas ainsi, dites-vous, vous seriez toujours du même avis. Vous parlez de 500 anciens combattants. Sachant qu'il n'est pas toujours facile de convaincre les gouvernements de modifier de façon radicale leur politique, pouvez-vous nous donner une idée du montant d'argent que nous devrions débourser, si nous donnions suite aux recommandations du Comité Woods et aux vôtres, pour mettre à exécution cette requête dans le cas de près de 500 anciens combattants?

M. Lundberg: Monsieur Laniel, je ne puis vous donner sur-le-champ, comme vous le demandez, le coût exact, voire approximatif. Monsieur Chadderton, en avez-vous une idée?

M. Chadderton: Monsieur le président, nous avons essayé hier soir d'obtenir confirmation des chiffres dont nous disposons à cet égard, mais sans grands succès. Il s'agit d'environ $1,500,000 par an, aux taux actuels. L'Association des amputés de guerre du Canada sera ici lundi et nous espérons pouvoir vous donner alors les renseignements supplémentaires requis.

J'ajouterai, monsieur le président, tant que j'ai la parole, qu'à la suite d'une question qu'on a posée hier au sujet du montant des pensions versées dans les autres pays, j'ai fait hier soir quelques appels téléphoniques et, si je n'ai pu réussir à obtenir de chiffres sur les indemnités maximum versées aux aveugles de guerre aux États-Unis, j'ai pu mettre nos chiffres à jour en ce qui concerne les paraplégiques et les amputés. Si vous le voulez, je peux vous lire ces chiffres pour les consigner au compte rendu.

Le président: Cela intéresserait sûrement le Comité. Allez-y, monsieur Chadderton.

M. Chadderton: D'après les renseignements que j'ai obtenus au téléphone, hier soir, des anciens combattants invalides des États-Unis —il nous a été impossible de nous mettre en rapport avec la *United States Veterans' Administration*, dont les bureaux, bien entendu, étaient déjà fermés—l'indemnité maximum versée aujourd'hui aux États-Unis à un amputé des deux jambes au-dessus du genou est de $585 par mois, s'il n'a aucune personne à sa charge; une personne dans le même cas reçoit, au Canada, $474 par mois, sauf erreur.

En ce qui concerne les paraplégiques, et selon la même source, le taux mensuel d'indemnisation, en vertu du *United States Code*

[*Texte*]

for a single veteran is $985 and the Canadian rate is $524, and I think it should be stated that the Canadian rate includes the disability pension, attendance allowance and clothing allowance.

Mr. Bigg: Mr. Chadderton, do you know if this allowance of $985 includes attendance allowance or is there any beyond that figure in the United States?

Mr. Chadderton: Yes, it does include attendance allowance. There is a special rating for paraplegics in the United States.

Mr. Bigg: An over-all compensation.

Mr. Chadderton: That is correct. There are other benefits down there such as automobile assistance and purchasing a house and that type of thing, but direct monthly compensation is $585 for above-knee amputees and $985 for paraplegics.

Mr. Bigg: If a paraplegic is also blind is there a cut-off like ours of 100 per cent or do they add to that; would he get another allowance above that?

Mr. Chadderton: Yes, Mr. Chairman, under the U.S. system, as we understand it, it is quite possible to—what they call, build up a pension.

The Chairman: Mr. Laniel.

Mr. Laniel: Does this mean they do not operate on a percentage of disability and they have tables to identify and evaluate compensation for definite and separate disabilities?

Mr. Chadderton: Mr. Chairman, I think I can give the answer to that question. In the United States they do have a table—an assessment table—as we do up to 100 per cent, but for special categories there is a special provision in the U.S. title whereby the paraplegic, the war blinded and the amputee is taken out of the normal—up to 100 per cent —category. There is special provision made for him in the legislation.

Mr. Legault: For each disability?

Mr. Chadderton: Yes, for each disability. There are also some other means of additional compensation. For instance, an amputee in the United States receives an additional, I believe, $47 a month for what is called anatomical loss over and above his disability rate.

[*Interprétation*]

Title 38, pour un ancien combattant célibataire, est de $985, par rapport à $524 au Canada. De plus, il est à noter que le taux canadien inclut la pension d'invalidité, l'allocation de soins et l'allocation vestimentaire.

M. Bigg: Monsieur Chadderton, savez-vous si cette indemnité de $985 inclut l'allocation de soins ou si cette dernière vient encore s'ajouter au montant de la pension aux États-Unis?

M. Chadderton: Oui, elle inclut l'allocation de soins. Aux États-Unis, il y a un taux spécial pour les paraplégiques.

M. Bigg: Une indemnité générale.

M. Chadderton: C'est exact. Il y a aussi là-bas d'autres avantages, tels que les services de transport en automobile ou d'aide dans l'achat d'une maison, par exemple, mais la compensation mensuelle proprement dite est de $585 pour un amputé au-dessus du genou, et de $985 pour un paraplégique.

M. Bigg: Un paraplégique qui, de plus, est aveugle reçoit-il, comme ceci, 100 p. 100 de la pension et pas plus, ou obtient-il une autre indemnité en plus de cela?

M. Chadderton: Monsieur le président, en vertu du régime américain, d'après ce que nous avons compris, il est possible, comme on dit, de grossir la pension.

Le président: Monsieur Laniel.

M. Laniel: Est-ce à dire que l'on ne calcule pas le pourcentage d'invalidité, et qu'on se fonde sur des barèmes pour déterminer et évaluer les indemnités indiquées pour des invalidités définies et distinctes?

M. Chadderton: Monsieur le président, je crois pouvoir répondre à cette question. Aux États-Unis, on se sert d'un barème, d'un barème d'évaluation, comme nous le faisons jusqu'à concurrence de 100 p. 100 de la pension; mais pour les catégories particulières, une disposition spéciale du *U.S. Title* prévoit que le paraplégique l'aveugle et l'amputé de guerre ne feront plus partie de la catégorie normale de ceux qui peuvent toucher jusqu'à 100 p. 100 de la pension. Il existe dans la loi une disposition spéciale pour ces cas-là.

M. Legault: Pour chaque infirmité?

M. Chadderton: Oui. Il y a aussi d'autres façons d'obtenir une compensation additionnelle. Par exemple, aux États-Unis, un amputé reçoit une somme additionnelle de $47 par mois, sauf erreur, pour la perte d'un membre, en plus du taux d'invalidité.

[*Text*]

The Chairman: Mr. Legault?

Mr. Legault: Mr. Chairman, the examples being given at the moment—I am referring to this brief and I am not talking about the amounts, but the principle used and the way it would be done—and as they are described here according to the proposed grants of $400 minimum to $1,200 maximum best can be described as welfare handout. The example you have given is exactly what is being applied up here. If I understood properly, the United States has specific amounts for additional disabilities. Is not this same principle being applied up here?

Mr. Chadderton: I would not say so, Mr. Legault, it is quite the contrary. Take the case of a bilateral above-knee amputee in the United States. He is recognized on an assessment basis as being in excess of the normal 100 per cent rate and, therefore, it is just the same as a man with an 80 per cent assessment who gets a pension at 80 per cent. Down there if he is a bilateral amputee it is considered that his assessment is in excess of 100 per cent. Now, admittedly, the Veterans Administration does not state what percentage it is, but they have put a dollar figure into their legislation for him and they say, "You are entitled to so many dollars per month based on the asssesment of the degree of your disability."

As we understand the proposal in the White Paper, it is not going to recognize any additional assessment as such, it is going to say that he is assessed at 100 per cent. Presumably the government is not prepared to say that a man could be more than 100 per cent disabled, but for specified amenities he presumably can apply for and be given a grant to cover them. As we see it, there is no rela-

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tionship between this additional money that the multiple-disabled veteran will get, and the actual assessment of his disability and that is where the veterans organizations representing the multiple-disability casualty differ with the government's proposal. They feel that what should be done is as proposed in the Woods Committee Report and that is to take a look at a paraplegic and say that there is a level of assessment at 100 per cent in Canada, but a paraplegic has a number of other things to a substantial extent—loss of expectation of life and loss of enjoyment of life—and that a certain percentage of disability can be related to all those things and can be added in to bring him to a figure of,

[*Interpretation*]

Le président: Monsieur Legault?

M. Legault: Monsieur le président, dans le mémoire à l'étude, je ne parle pas des montants d'argent, mais du principe et de la façon dont on s'y prend, et de la description dont on en fait ici, les subventions projetées dont le minimum est de $400 et le maximum de $1,200 sont en somme des allocations de bien-être. L'exemple que vous donnez est exactement ce qui s'applique ici. Si j'ai bien compris, les États-Unis prévoient des montants déterminés pour les infirmités supplémentaires. N'applique-t-on pas exactement le même principe ici?

M. Chadderton: Je ne pense pas, monsieur Legault, au contraire. Prenez le cas d'un amputé des deux jambes au-dessous du genou aux États-Unis. Par suite d'une évaluation, on a classé le cas au taux normal de 100 p. 100 et il s'agit donc exactement de la même chose qu'un homme qui retire une pension de 80 p. 100, lorsque son invalidité est évaluée à 80 p. 100. Ici, le cas d'un amputé des deux jambes est considéré comme méritant plus de 100 p. 100. J'admets que le *Veterans Administration* ne précise pas le pourcentage en question, mais prévoit une indemnité en dollars pour cet ancien combattant. On prévoit que cet homme a droit à tant de dollars par mois, d'après l'évaluation de son invalidité.

Si nous comprenons bien la proposition énoncée dans le Livre blanc, on ne reconnaîtra pas comme telle une évaluation supplémentaire, on dira que l'invalidité est évaluée à 100 p. 100. Le gouvernement n'est probablement pas prêt à dire qu'un homme peut être frappé d'une invalidité qui exige plus de 100 p. 100, mais pour les infirmités précises, l'ancien combattant peut demander une indemnité. Selon nous, il n'existe aucun rapport entre cette somme supplémentaire que recevra l'ancien combattant souffrant d'infirmités multiples et l'évaluation proprement dite de son invalidité, et c'est sur ce point que les associations représentant les anciens combattants frappés d'infirmités multiples s'opposent à la proposition du gouvernement. A leur avis, il conviendrait de se conformer au rapport du Comité Woods. Il faudrait, par exemple, considérer le cas d'un paralytique évalué à 100 p. 100 au Canada et tenir compte des autres effets auxquels il a à faire face dans une large mesure, diminution de l'espérance de vie et perte des agréments de la vie. On applique ensuite un certain pourcentage d'invalidité à

[*Texte*]

I think Mr. Justice Woods suggested, 300 per cent.

The Chairman: Could I ask Mr. Chadderton a question? Does the United States have any concept similar to the basic unskilled labour which presumably is basic to the Canadian approach to a pension?

Mr. Chadderton: My answer, Mr. Francis, is this. It certainly is not written into their legislation.

The Chairman: Then would they ever go beyond a concept of 100 per cent such as the Woods Committee and your own organization are asking us to do? Do they ever produce a document that says that such and such a disability is rated in excess of 100 per cent?

Mr. Chadderton: Yes, that is exactly what they do, Mr. Francis, in the case of paraplegics. In other words, if you were a paraplegic in the United States you would not come under the 100 per cent disability as such.

The Chairman: What good is a 100 per cent then? Is 100 per cent a dollar figure defined from time to time? In other words, when they relate their percentage to a base, what is the base in the United States?

Mr. Chadderton: It is done in exactly the same as ours. Their 100 per cent disablement is rated in so many dollars which fluctuate with the cost of living index or purchasing power of the dollar.

The Chairman: How do they revise it?

Mr. Chadderton: How do they revise it?

The Chairman: Yes, the basic 100 per cent?

Mr. Chadderton: I am certain, again, that you will not find any written instructions for the revising of the basic rate unless it has been introduced since February of 1966.

The Chairman: In other words, Congress says 100 per cent is so many dollars and that is that? Is that it?

Mr. Chadderton: Yes, yes, they have had a base—

The Chairman: I am sorry to interrupt you.

Mr. Chadderton: No, Mr. Chairman, I think it is interesting to point out that they have had a base in the United States, as we have, since 1919, and from time to time the Veter-

[*Interprétation*]

tous ces effets et on les ajoute à l'évaluation jusqu'à concurrence de 300 p. 100 comme le propose M. le juge Woods, je crois.

Le président: Je voudrais vous poser une question, monsieur Chadderton. Adopte-t-on aux États-Unis comme au Canada, le principe de l'ouvrier non spécialisé à la base de toute étude des pensions?

M. Chadderton: Voici, monsieur Francis. Si tel est le cas, il ne figure certainement pas dans le texte de la loi.

Le président: Le gouvernement américain irait-il au-delà d'une évaluation de 100 p. 100, comme le comité Woods et votre propre association nous demande de le faire? A-t-on déjà évalué une telle infirmité à plus de 100 p. 100?

M. Chadderton: Oui, monsieur Francis, il le fait, dans le cas des paraplégiques. Autrement dit, si vous êtes paraplégique aux États-Unis, vous n'entreriez pas nécessairement dans la catégorie d'infirmité évaluée à 100 p. 100.

Le président: Que signifie ce 100 p. 100 dans ce cas? De temps à autre définit-on ce pourcentage en dollars? En d'autres termes, quand on rattache ce pourcentage à une base, quelle est cette base aux États-Unis?

M. Chadderton: Exactement la même qu'ici. L'invalidité de 100 p. 100 est évaluée en un certain nombre de dollars qui varient selon l'indice du coût de la vie ou du pouvoir d'achat du dollar.

Le président: Comment la revise-t-on?

M. Chadderton: Comment?

Le président: Oui, à raison de 100 p. 100?

M. Chadderton: Je suis encore convaincu qu'il n'existe pas de directives écrites touchant la revision du taux de base à moins qu'on en ait rédigées depuis février 1966.

Le président: Autrement dit, le Congrès proclame que 100 p. 100 équivalent à une certaine somme; c'est tout, n'est-ce pas?

M. Chadderton: Oui, oui. On se fonde sur un calcul...

Le président: Je regrette de vous interrompre.

M. Chadderton: Non, monsieur le président, chose intéressante, il existe, depuis 1919, aux États-Unis, une base de calcul semblable à la nôtre. On suppose que, de temps à autre,

[*Text*]

ans Administration presumably reviews the figures and says, "Well, this base is related to purchasing power and as described in terms of loss of earnings".

The Chairman: But not necessarily related to an unskilled labour concept?

Mr. Chadderton: Not necessarily.

The Chairman: Thank you. Mr. Bigg?

Mr. Bigg: I would like to make a comment on this unskilled labour business. Of course, this always comes in when we talk about what Parliament intended when they passed legislation 40 or 50 years ago, but certainly I could say with what I think is some degree of of accuracy what Parliament intends today and that is that our attitude to this basic pension of labour never was intended to replace employment. It was only a yardstick of compensation for loss of physical ability to work and if we do not keep this absolutely clear I think we cannot come to any just adjustment on this sort of thing because 100 per cent is all right as long as we are thinking about a man's ability to go back to the farm or the bush and as long as we are thinking about mere compensation for that particular type of physical labour, but when you talk about employability and enjoyment of life which is a factor then these other people are, in fact, more than 100 per cent disabled because they cannot go into any other employment field. A paraplegic cannot learn to play the piano or something like that or get back into an employment field at any level.

Mr. Lundberg: We must all agree on that, too, Mr. Chairman.

Mr. Bigg: But what we are trying to do—this is my own thinking on it, but I think it should be in the record—is that in unique specific cases where a man cannot adjust to life away from the bush—there are a great many people who having been unable to saw in the woods and if they do not have these other disabilities can become accountants, musicians, critics in the theatre, authors or a good many other things, but many of these occupations, in fact, nearly all of them absolutely are barred for a paraplegic—there is an onus put upon us to try and compensate him. I think this is the philosophy which the Royal Canadian Legion is trying to put over and is one with which I agree. I am not going to quibble about whether it is in the form of a cash grant or a percentage of the pension, although the Legion may feel hurt, but if we can give them twice as much money I would be happy whether they called it a cash compensation or a percentage of pension. In fact,

[*Interpretation*]

la Direction des anciens combattants repense ces chiffres en se demandant si cette base se rattache au pouvoir d'achat du point de vue de la perte des gains.

Le président: On ne se guide pas nécessairement sur la main-d'œuvre non spécialisée?

M. Chadderton: Pas nécessairement.

Le président: Merci. Monsieur Bigg.

M. Bigg: Mes commentaires ont trait à cette question de main-d'œuvre non spécialisée. Ce sujet rejaillit toujours lorsqu'on discute des intentions qu'avait le gouvernement il y a 40 ans ou 50 ans, à cet égard. Je pourrais certes affirmer avec quelque précision ce qu'entend faire le Parlement actuellement, à savoir que son attitude vis-à-vis de la pension de base des travailleurs n'a jamais visé à remplacer les emplois. Ils ne s'agissait que d'une mesure de comparaison touchant l'indemnisation de ceux qui sont privés d'emploi à cause d'une incapacité physique. Nous ne pourrons régler sagement ce problème car ce chiffre de 100 p. 100 est équitable si l'on juge que les requérants sont capables de vaquer aux travaux de ferme ou forestiers et que nous ne nous soucions que d'une simple indemnisation touchant ce travail physique. Cependant, si l'on songe à la capacité de travailler et aux jouissances de l'existence en tant que facteurs, ces gens souffrent donc d'invalidité à plus de 100 p. 100 car on ne peut les embaucher ailleurs. Un paraplégique ne peut apprendre le piano ou autre chose ni se trouver ailleurs un autre emploi.

M. Lundberg: Monsieur le président, nous devons tous en convenir.

M. Bigg: D'après moi, l'objectif que nous cherchons à atteindre—le compte rendu devrait en tenir compte—est celui visant des cas particuliers, comme celui des personnes qui peuvent s'adapter à la vie à l'extérieur de leur travail dans les bois. Il existe une foule de gens qui n'ont pu s'adonner au sciage du bois et qui, ne souffrant d'autres infirmités, peuvent devenir comptables, musiciens, critiques de théâtre, écrivains ou se consacrer à de nombreuses autres occupations. Les paraplégiques sont de fait entièrement soustraits à la plupart de ces occupations et c'est à nous qu'incombe la tâche d'y remédier. C'est la philosophie que s'efforce de préconiser la Légion canadienne et avec laquelle je suis d'accord. Il ne m'appartient pas d'en disputer la valeur en argent ou le pourcentage de pension, quoi qu'en dise la Légion. Cependant, si nous pouvions en doubler le montant, je me réjouirais, qu'il s'agisse d'argent ou de pourcentage de pension. A vrai dire, je

[*Texte*]

I would think that the veteran himself, if you will pardon me for saying so, probably would be happy if he were to get a double pension, a double amount of cash—I do not think it should be called "relief"—as long as the veteran knows he is entitled to it as a right and it is the will of Parliament to give him this because he has earned it.

The Chairman: Thank you. Mr. Weatherhead? I am sorry, Mr. Marshall is first.

Mr. Marshall: Mr. Chairman, I just want to say that when I first read the White Paper I was prepared to agree that the lump sum payment was reasonable, but in view of what Mr. Lundberg has brought out I think it is a very serious situation. I do not think we can solve anything here, but we should review it again very seriously with their help, probably by subcommittee, go into it in detail and bring in a recommendation.

Mr. F. J. L. Woodcock (The Sir Arthur Pearson Association of War Blinded): I am an honorary life member of the American War Blinded and it is only through my association with them—naturally, when you get to know Joe, Tom, Dick and Harry—that I have discussed the relative merits of the two pensions. To put a simple analogy, if a blind man in the United States loses a hand there is a specific lump sum designated over and above 100 per cent—call it statutory award—for the loss of that hand. Any blind man who loses a hand knows exactly where he stands. I do not want to pursue it any further, but the same thing applies, of course, if he is blind and loses a leg. I have a counter part at the moment in Toronto who had one leg off at the hip without a stump on that side, the other leg off below the knee, the loss of one eye and the loss of hearing all due to a grenade explosion, and who has gone blind in the other eye. Due to his age he is literally confined, not even a wheelchair is of much use to him at the moment. Through my association with them in the United States I know that this man would be receiving somewhere in the neighbourhood of $10,000. We are not arguing for $10,000 a year, in that sense. We, too, are Canadians and we are trying to be fair about the whole thing, but we certainly would like to know exactly where we will stand in the future.

Frankly, from my Association's point of view, we do not like to see these arbitrary amounts set and left up to the discretion of somebody. Who will decide? One man who says, "We wil give you so much"? There is

[*Interprétation*]

dirais—qu'on me pardonne de parler ainsi—que les anciens combattants se réjouiraient de bénéficier d'une double pension, d'une double somme d'argent—qu'on ne devrait qualifier de «secours direct»—pourvu qu'ils sachent qu'ils y ont droit statutairement parce qu'ils l'ont mérité et que c'est la volonté du Parlement.

Le président: Merci. Monsieur Weatherhead. Je suis désolé, monsieur Marshall d'abord.

M. Marshall: Monsieur le président, il me suffit de dire qu'à la lecture du Livre blanc, j'étais alors d'accord que le versement d'une somme globale était raisonnable. Toutefois, après avoir entendu M. Lundberg, je crois que la situation revêt un profond sérieux et que nous ne pouvons résoudre quoi que ce soit présentement. Il nous faudrait y songer encore très attentivement de concert avec les anciens combattants. Peut-être qu'un sous-comité pourrait en traiter dans le détail et formuler des recommandations.

M. F. J. L. Woodcock (de l'association Sir Arthur Pearson des aveugles de guerre): Je suis membre honoraire à vie de l'Association américaine des aveugles de guerre. Vu les liens que j'ai avec toutes ces gens que j'ai naturellement appris à connaître, j'ai pu discuter avec eux du bien-fondé des deux pensions. Aux fins de simple comparaison, si, aux États-Unis, on ampute une main à un aveugle, il se voit accorder une somme d'argent déterminée appelée indemnisation statutaire en sus des 100 p. 100, à cause de la perte de cette main. Tout aveugle à qui on ampute une main sait précisément ce à quoi il a droit. Sans vouloir m'étendre davantage, je dirais qu'il en est de même d'un aveugle à qui on ampute une jambe. Il existe présentement, à Toronto, un homme dans un état semblable au mien. On lui a amputé une jambe à la hauteur de la hanche sans lui laisser de tronçon, ainsi que l'autre jambe en bas du genoux. En outre, il est borgne et sourd. Toutes ces infirmités sont dues à l'explosion d'une grenade. Il est aussi devenu aveugle de l'autre œil. Vu son âge, il est à vrai dire alité et une chaise roulante ne lui est guère utile. Vu mes rapports avec ces gens aux États-Unis, je sais que cet homme recevrait là quelque $10,000. La discussion ne se borne pas à $10,000 par an comme tel. Nous sommes aussi des Canadiens et nous nous efforçons d'aboutir à une solution équitable, mais nous voudrions certes savoir ce que l'avenir nous réserve.

Franchement, notre association ne voit pas d'un bon œil l'affectation de ces sommes arbitraires que l'on confie à la discrétion de certaines gens. Qui décidera? Celui qui dira: «Nous vous accordons une telle somme»? On

[*Text*]

no guarantee whether the next man coming along will get less or will get more, unless there is something specifically defined. I may be on the wrong track, but this is the way we see it anyway, Mr. Chairman.

The Chairman: Thank you, Mr. Woodcock.

Mr. Lundberg: Mr. Chairman, I think Mr. Bigg hit upon the right theme when he said, "as a right of service". This is the point we are trying to make. We would like to have incorporated a system where over and above the 100 per cent it would be "as a right" and it would not be necessary to apply for it from time to time because a veteran could get $500 this year, but he will not necessarily get it next year.

The Chairman: I believe it is Mr. Weatherhead's turn.

Mr. Weatherhead: Thank you, Mr. Chairman. My questions are not related to this particular paragraph on multiple disabilities because I am, at the present time, very sympathetic to the submissions we heard yesterday and today on this particular point. As Mr. Laniel said this morning and as I mentioned yesterday, I think it would be very helpful and probably essential to this Committee if we could have before our hearings are through some very particular figures on what the cost would be for the Woods Committee's proposed rates of compensation for the existing 400 or so multiple disability veterans who would fall in this category. I

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think this information probably could be put together and I believe the cost will have a great deal to do with our decision here. At the present time, I am very sympathetic to their submission.

The Chairman: I think we can obtain supplementary information on the cost of these proposals. I see no reason why we cannot obtain this information for the Committee.

Mr. Legault: I have a question for Mr. Lundberg. Mr. Lundberg, I want to go back to the payment of $400 to $1,200 which I do not believe is sufficient. I am not talking about the amount, but I am talking about the principle involved and against which you have brought forth your objections. If it were established as a statutory amount such as was mentioned—I forget the gentleman's name—

The Chairman: It was Mr. Woodcock.

[*Interpretation*]

ne peut s'engager à accorder à d'autres des sommes moindres ou plus élevées à moins que les dispositions n'en soient clairement définies. J'ai peut-être tort, monsieur le président, mais c'est ainsi que nous l'entendons.

Le président: Merci, monsieur Woodcock.

M. Lundberg: Monsieur le président, je crois que M. Bigg a dit juste lorsqu'il a déclaré: «de droit comme ancien combattant». Voilà ce que nous voulons démontrer. Nous préconisons la création d'un régime selon lequel serait accordé «de droit» tout versement en sus des 100 p. 100 et pour lequel il ne serait pas nécessaire, de temps à autre, d'en faire la demande. Il se peut qu'un ancien combattant reçoive $500 au cours d'une année et qu'il n'en reçoive pas l'année suivante.

Le président: La parole est à M. Weatherhead.

M. Weatherhead: Merci, monsieur le président. Mes questions ne se bornent pas uniquement à cet article visant les infirmités multiples, car j'éprouve présentement une profonde sympathie à l'égard des instances formulées hier et aujourd'hui sur ce sujet même. Comme l'a dit ce matin M. Laniel et comme je l'ai mentionné hier, ce Comité trouverait très utile et peut-être essentiel que, avant la fin de nos travaux, on obtienne des données très précises du coût, comme le signale le comité Woods au sujet des taux proposés d'indemnisation touchant les quelque 400 anciens combattants souffrant d'invalidités multiples qui sont englobés dans cette catégorie. On pourrait recueillir ces renseignements et je crois que le coût influera largement sur notre décision. J'éprouve présentement beaucoup de sympathie pour leurs instances.

Le président: Nous pouvons obtenir de plus amples renseignements touchant le coût de ces propositions. Je ne vois pourquoi le Comité serait privé de ces renseignements.

M. Legault: J'ai une question à poser à M. Lundberg. Monsieur Lundberg, je me reporte à ces versements de $400 à $1200 que je ne trouve pas suffisants. Je ne traite pas des montants, mais plutôt du principe en jeu contre lequel vous vous êtes élevé. Si on en arrêtait la somme statutaire comme l'a signalé—le nom m'échappe...

Le président: M. Woodcock.

[*Texte*]

Mr. Legault: —as Mr. Woodcock mentioned, I can well see his point. Would this be an acceptable proposition?

Mr. Lundberg: Yes, if it were a statutory amount, but not if a veteran has to apply for it. This is the point we are trying to make, Mr. Legault, that it be a statutory amount.

Mr. Legault: That is what I wanted to have clarified. If it were established as such then there would be no need for the percentage to be established.

The Chairman: Mr. Lundberg, I caution you on one thing. In these days of statutory amounts, prices do change. Ask the retired civil servants. Mr. Knowles has views on that subject.

Mr. Lundberg: I hope, Mr. Legault, I did not misunderstand you. When you said "statutory" you meant the figures that are contained in the report should be left as such, $400 to $1,200?

Mr. Legault: No, I am not talking about the amount, I am talking about the principle involved.

Mr. Lundberg: As of right.

Mr. Legault: Yes.

Mr. Lundberg: That is what we are after.

The Chairman: Mr. Laniel.

Mr. Laniel: I think Mr. Lundberg stuck out his neck there because in trying to solve the problem of those who are over and above the 100 per cent he created a problem for those below 100 per cent who have multiple disability. My question at this time—perhaps you or Mr. Chadderton could give me an answer—is what philosophy did the people from the Canadian Pension Commission use to establish the compensation for multiple disability. If we take the example you mentioned where a leg amputee would be in receipt of $212 a month while, on the other hand, a triple amputee would receive $50 more, what did they give as an argument for this decision? Have you ever discussed that with them in any way? Have they said they base their assessment on the fact that there is a remaining capability in the man? I now am reaching Mr. Bigg's point because if we get away from the unskilled labour base—the rate or salary of unskilled labour might change—we will be sticking out our necks, I believe. Anyone could come along and say, "You are a paraplegic, but why do

[*Interprétation*]

M. Legault: ... comme il l'a signalé. J'en conviens. Cette formule est-elle valable?

M. Lundberg: Oui, s'il s'agit d'un versement statutaire que l'ancien combattant n'est pas tenu de demander. Voilà ce que nous voulons démontrer, monsieur Legault. Que ce soit un montant défini par la loi.

M. Legault: Voilà ce que je voulais préciser. Si l'on créait de telles dispositions, point ne serait besoin d'établir un pourcentage.

Le président: Je vous préviens d'une chose, monsieur Lundberg. Alors que sont accordés des montants statutaires, les prix fluctuent. Parlez-en aux fonctionnaires retraités. M. Knowles en sait quelque chose.

M. Lundberg: J'espère que j'ai bien saisi votre pensée, monsieur Legault. Lorsque vous dites «statutaire», cela signifie que les données dont on fait état devraient demeurer comme telles; c'est-à-dire, de $400 à $1,200.

M. Legault: Je ne discute pas le montant, je parle du principe en jeu.

M. Lundberg: De droit.

M. Legault: Oui.

M. Lundberg: C'est ce que nous voulons obtenir.

Le président: Monsieur Laniel.

M. Laniel: Je pense que M. Lundberg s'est engagé trop loin, car en s'efforçant de résoudre le problème de ceux de la catégorie en sus de 100 p. 100, il en crée un autre chez ceux de moins de 100 p. 100 qui souffrent d'infirmités multiples. Je vous demande—M. Chadderton ou vous-même pouvez peut-être répondre—sur quels principes s'est fondée la Commission canadienne des pensions lorsqu'elle a établi les taux d'indemnisation pour infirmités multiples? Si l'on se reporte à l'exemple que vous signalez où un unijambiste recevrait $200 par mois et que, par ailleurs, celui à qui on a amputé trois membres recevrait $50 de plus, sur quoi a porté la discussion? Avez-vous de quelque façon abordé ce problème? La Commission a-t-elle déclaré qu'elle fonde son évaluation sur le fait que le titulaire jouit encore de quelques aptitudes. Je m'approche du point soulevé par M. Bigg car, si nous nous écartons du facteur ayant trait à la main-d'œuvre non spécialisée —l'état salarial du travailleur non spécialisé peut changer—Je crois que nous nous aventurerons trop loin. On aurait beau dire «Vous

[*Text*]

you not start to play the piano and become a Mr. Liberace? Yould could earn millions of dollars a year". So actually, the basis is not completely wrong. It might be that the figure of dollars is wrong.

The Chairman: But the principle, Mr. Laniel of relating it to some concept, which is basically the Canadian approach, is different. This is what I was getting at with Mr. Chadderton a little while ago.

Mr. Laniel: Yes, but to come back to my question, if it is a fact that the compensations are based on unskilled labour and if the Commission has evaluated that a veteran should be in receipt of so much pension a month because he is a one leg amputee, and if he is a triple amputee—two legs and one arm—they will give him an extra $50, what philosophy was used to reach such a decision? How do they come up with these figures? Could you comment on that.

Mr. Chadderton: I would like to comment on that, Mr. Chairman. That is, of course, in our opinion, the reason why the Woods Committee made a study of the basic rates of pension despite the fact there may have been some question whether it was within its terms of reference or not—and we will speak later about whether it was or not. The Committee felt that in order to get at the basis of the multiple disability problem, they had to start somewhere and the place they had to start was the present concept of payment of war disability pensions in Canada.

In my recollection, the Woods Committee came up with its findings which was to the effect that the unskilled labour market was the basis tied to loss of earning capacity. When you come to loss of earning capacity, this is what the pensioner is being indemnified for, his disqualification to earn his living in the unskilled labour market.

The Chairman: But when you go 350 per cent of that, do you not really undermine the basis of the principle itself?

Mr. Chadderton: Well this is why—

The Chairman: The principle of earning capacity related to unskilled labour is basic to our system and not basic to the United States system.

Mr. Chadderton: I can only explain what our interpretation of Mr. Justice Woods report was. They said that this gets you basically 100 per cent of pension, but it only recog-

[*Interpretation*]

êtes un paraplégique, alors pourquoi ne pas apprendre le piano et devenir un émule de M. Liberace? Vous gagneriez des millions chaque année.» Donc, fondamentalement, on n'a pas tout à fait tort. La somme, en dollars, serait peut-être erronée.

Le président: Monsieur Laniel, le principe qu'on rattache à une certaine idée est autre et c'est là, au fond, un point de vue canadien. Voilà ce que je tentais de démontrer à M. Chadderton, il y a quelques minutes à peine.

M. Laniel: En effet. Me reportant à ma question, à savoir s'il est exact qu'on fonde les indemnisations sur les salaires de la main-d'œuvre non spécialisée et si la Commission a jugé bon d'accorder à un ancien combattant une pension mensuelle d'un certain montant parce qu'il lui manque une jambe ou qu'il souffre d'une triple amputation—deux jambes et un bras—il bénéficiera de $50 de plus; sur quel principe se fonde une telle décision? Sur quoi sont fondés ces chiffres? Qu'en pensez-vous?

M. Chadderton: Monsieur le président, je voudrais traiter de ce sujet. Voilà, nous semble-t-il, le motif qui a incité la Commission Woods à examiner les taux de base de la pension malgré qu'on se soit demandé si c'était dans le cadre de ses attributions. Nous en reparlerons. Afin de cerner le problème de l'incapacité multiple, la Commission était d'avis qu'il fallait un point de départ et celui-ci se trouvait dans le concept actuel régissant le versement, au Canada, de pensions pour infirmités de guerre.

Si je me souviens bien, le comité Woods a conclu que le marché de la main-d'œuvre non-spécialisée est la jauge d'après laquelle est mesurée la perte du pouvoir de gains. Lorsqu'il s'agit de déterminer cette perte, le pensionné se voit indemnisé parce qu'il est empêché de gagner sa vie au sein de la main-d'œuvre non spécialisée.

Le président: Lorsque vous vous engagez à verser 350 p. 100, ne songez-vous pas à la base même de ce principe?

M. Chadderton: C'est pourquoi...

Le président: Le principe régissant la capacité de gain axé sur la main-d'œuvre non spécialisée est la pierre de base de notre régime bien qu'elle ne le soit pas dans le régime américain.

M. Chadderton: Je ne puis qu'expliquer ce que nous concluons du rapport de M. le juge Woods. On y signale que la pension est établie, au départ, à 100 p. 100 et que seule est ad-

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nizes that part of a man's problem which is related to his capacity to earn his living in the unskilled labour market.

Now a multiply-disabled veteran has many other problems. His is a 24-hour disability. He has the problems—and I do not want to repeat them again—of loss of enjoyment of life. Surely there should be some compensation for that.

The Chairman: Mr. Chadderton, I do not think the Committee is going to dispute that, but would you still say that these other things should be measured in terms of loss of earning capacity which is the basis of—

Mr. Chadderton: No.

The Chairman: —the Canadian approach. We have this basic concept, which is not found in the United States of, what an unskilled labourer could make and it is a basis on which we argue revision of the basic amounts. Now when you talk things above and beyond that, is it unreasonable that you should approach them on a different basis for compensation?

Mr. Chadderton: We do not think so. We think if you are going to multiply something you have to have two figures. The first figure has got to be what do they pay for unskilled labour? So they say: "X". Now my friend down at the end of the table is a 300 per cent pensioner as far as I am concerned. I am speaking of Andy Clarke. All right, that is three times the same as I am. Let us get personal. I am a 100 per cent pensioner. I can play 18 rounds of golf; I can do many, many things that Andy Clarke cannot do. Therefore, he is three times as disabled as I am.

How are you going to do multiplication if you do not have the figure to start from. Now the figure to start from is how much is 100 per cent that I am being disqualified for, because I certainly cannot earn my living on the unskilled labour market.

All right ,that figure then is based on terms of dollars and cents as tied to something. In the age-old concept, as we see it, it has been tied to the lower scales of employment in the federal civil service. Now if we say that the paraplegic is three times as disabled as I am, you have to have some figure to multiply it by. So three times 100 is 300 and that is how you get it.

Our feeling is that if you want to discard this whole system you are going to have chaos. There is no question about it in our

[*Interprétation*]

mise cette partie du problème touchant le pouvoir de gagner sa vie au sein de la main-d'œuvre non spécialisée.

L'ancien combattant atteint d'infirmités multiples est en proie à de nombreux autres problèmes. Il souffre sans cesse et ses problèmes—intuile de le répéter—le privent des jouissances de la vie. Il faudrait sûrement le dédommager pour ces souffrances.

Le président: Je ne crois pas, monsieur Chadderton, que le Comité trouve à redire à cela, mais diriez-vous quand-même qu'on devrait juger ces autres facteurs à la lumière du pouvoir de gain qui est à la base de...

M. Chadderton: Non.

Le président: ...la méthode canadienne. Nous avons ce concept, qu'on ne trouve pas aux États-Unis, basé sur ce qu'un ouvrier non spécialisé pourrait faire. C'est là-dessus que nous discutions de la révision des montants de base. Quand vous parlez de ce qui est au-dessus de cela, est-il déraisonnable de demander que vous l'abordiez en prenant comme un minimum différent pour l'indemnité?

M. Chadderton: Nous ne croyons pas. Pour multiplier quelque chose, il faut deux chiffres. Le premier chiffre représente le salaire pour le travail d'un ouvrier non spécialisé. Disons que c'est un montant «X». Mais mon ami à l'autre bout de la table reçoit une pension de 300 p. 100 par rapport à moi. Je parle d'Andy Clarke. Bien entendu, il reçoit trois fois ce que l'on me donne. Parlons plus concrètement. Je touche une pension de 100 p. 100. Au golf, je puis jouer 18 trous; je puis faire beaucoup de choses qu'Andy Clarke ne peut faire. Donc, son invalidité est trois fois plus grande que la mienne.

Comment allez-vous multiplier sans disposer d'un chiffre comme point de départ? Ce chiffre de base représente une invalidité de 100 p. 100 parce que je ne puis certainement pas gagner ma vie même sur le marché du travail non spécialisé.

Donc, ce chiffre s'appuie sur des dollars et des cents car il est lié à quelque chose. D'après la conception d'antan, nous le savons, ce montant a été relié aux plus bas échelons d'emploi dans la Fonction publique du Canada. Si vous dites que le paraplégique est trois fois plus invalide que moi, vous devez multiplier ce chiffre par trois. Donc, trois fois 100 égale 300. C'est ainsi que vous obtenez votre résultat.

Nous croyons qu'en abandonnant cette méthode, c'est engendrer le désordre. Nous sommes convaincus de la valeur de la méthode

[*Text*]

view and we have studied it for years. We feel that the most chaotic situation you could have would be, for instance, to get off the unskilled labour market and the earning capacity market and go into something as they have in some other countries, where they attempt to compensate a man for his loss of being able to earn his living. In other words, to quote the classic example, the pianist who loses a hand is going to get much more pension then than the fellow who was not a pianist, but was a tap dancer. So we say first do not get into that.

Second, we say let us relate this to the White Paper which we are discussing today. We say that the White Paper recognizes, presumably at this moment anyway, that the unskilled labour market will remain the basis for pension up to 100 per cent. However, then it completely discards that theory and says that anything above that we are going to make pensions on the basis of specified amenities. Our proposal, Mr. Chairman and gentlemen, is that this is entirely wrong and not necessary.

We say that if you are going to pay a pension to a man such as Andy Clarke, who is in a wheelchair, what you should do is pay him his first 100 per cent pension for that, then you should relate in terms of the present method of assessment. You see this is where you are going wrong. Assessment has nothing to do with the unskilled labour market. He is assessed, because his medical disability is worth so much and there are a lot of figures

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in here. Loss of sexual function and all of these things can have a figure put on them. After all arbitrarily they began by putting a figure on a man with a leg off above the knee; they said he was 70 per cent. Therefore, you can turn around and say: "All right, Mr. Clarke has a certain number of additional problems to a substantial extent, put an assessment on it." Once you have your assessment, then you simply go back and multiply. You say: "If he is 2½ times as disabled as a 100 per cent pensioner, fine, turn around and do your multiplication." But to go off into the wild blue yonder and say: "That above 100 per cent for specified amenities, we are going to pay lump sum grants"—this is why the disabled veteran of this country will certainly have to object to this—to go above this and say that for specified amenities something can be done is just placing the whole thing...

[*Interpretation*]

que nous avons pensée pendant des années. Nous avons l'impression que la situation la plus désastreuse serait par exemple de mettre de côté le travail non spécialisé et la capacité de gagner sa vie, pour adopter une méthode dont on se sert dans d'autres pays où l'on essaie d'indemniser une personne qui est dorénavant incapable de gagner sa vie. En d'autres mots, pour citer l'exemple classique, le pianiste qui perd une main recevra une plus forte pension qu'un danseur à claquettes. Nous vous invitons donc, premièrement, de ne pas tomber dans cette erreur.

Deuxièmement, rattachons tout cela au Livre blanc dont nous discutons aujourd'hui. Le Livre blanc reconnaît, supposons-le pour le moment en tout cas, que la main-d'œuvre non spécialisée continuera à servir de base des pensions jusqu'au maximum de 100 p. 100. Mais ensuite il met complètement de côté ce principe et dit que tout ce qui est au-dessus de cela, nous allons accorder des pensions sur des agréments précis. Nous soutenons, monsieur le président et messieurs, que c'est entièrement faux et inutile.

Si vous versez une pension à un homme qui, comme Andy Clarke, circule dans un fauteuil roulant, il vous faudrait d'abord lui payer sa première pension de 100 p. 100, puis vous baser sur la méthode d'évaluation actuelle. C'est alors que vous êtes dans l'erreur. L'évaluation n'a aucun rapport avec le marché du travail non spécialisé. Il est évalué, en raison de son incapacité physique qui vaut tant, et il entre un tas de chiffres en jeu. On peut évaluer la perte de la fonction sexuelle et autres choses du genre. De façon arbitraire, on évalue en chiffres la perte d'une jambe au-dessus du genou à 70 p. 100. Alors on dit: «Très bien, Monsieur Clarke est victime de quelques problèmes supplémentaires jusqu'à un certain point. Évaluez cela.» L'évaluation faite, vous commencez tout simplement vos multiplications. Vous dites: «Si son invalidité est deux fois et demie plus importante que celle du pensionné qui est évaluée à 100 p. 100, très bien, faites la multiplication.» Mais on ne fait alors que toucher d'autres points obscurs: «Ce qui est situé au-dessus de 100 p. 100, pour des agréments précis, nous allons le payer par une indemnité globale.» C'est contre cela que les vétérans invalides de notre pays vont poser des objections. Aller au-delà du 100 p. 100, dire qu'il faut faire quelque chose au sujet des agréments particuliers, c'est tout simplement placer l'ensemble du problème...

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The Chairman: Mr. Chadderton I have given you a lot of leeway here and Mr. Laniel has awaited his turn very patiently.

Mr. Laniel: Actually in the case that I submitted to you I admit that the limitation is probably due to the 100 per cent. I do not know what they pay for a Syme's amputation and a hand amputation, but let us say a fellow has both of them and the total might fall below 100 per cent. Do they add the two disabilities percentagewise? Does that double?

Mr. Chadderton: Oh, yes.

Mr. Laniel: Let us say you have two Syme's amputations and one is worth 40 per cent, for two do you get 80 per cent?

Mr. Chadderton: Yes, except the Syme's is 50 per cent and so you come to 100 per cent.

Mr. Laniel: But still you would jump to 100 per cent.

Mr. Chadderton: Oh, yes, but then what happens if you have the Syme's off and an arm off? The Syme's is 50 per cent and the arm is 70 or 80 per cent, so what happens? You do not add the two of them together. You take the arithmetical total, which in this case would come to 120 per cent, but you cut it off at 100 per cent.

Mr. Laniel: Let us say the government would not be agreeable to the percentage approach that you put forward because they want to preserve the question of basis of unskilled labour, but they could come along with care that you could take advantage of by right for supplement. Would you disagree with that? It does not have to be the formula that you have presented in person does it?

Mr. Chadderton: I do not think that the disabled veterans associations would disagree with this, provided it was as of right and provision was made for it in the statute. Now where we are talking about statute, we are not talking necessarily about statutory amounts. I mean that is something that we would certainly stay away from.

The Chairman: I think we have that clear, yes.

Mr. Laniel: This is more or less the system that they have in England from what I gathered anyway when we were over there. They get a basic disability pension and you

[*Interprétation*]

Le président: Monsieur Chadderton, je vous ai laissé parler librement, mais monsieur Laniel attend très patiemment qu'on lui donne la chance de parler à son tour.

M. Laniel: A vrai dire, dans le cas que je vous ai présenté j'admets que la limite est probablement attribuable au 100 p. 100. Je ne sais pas ce qu'on verse pour une amputation de Syme et pour l'amputation d'une main. Mais disons qu'une personne est privée de ses deux mains, et que le total serait inférieur à 100 p. 100. Est-ce qu'on additionne le pourcentage des deux infirmités? Est-ce que le résultat est doublé?

M. Chadderton: Oui.

M. Laniel: Disons qu'il y a deux amputations de ce genre. Si l'une vaut 40 p. 100, les deux valent-elles 80 p. 100?

M. Chadderton: Oui, sauf que dans le cas de Syme, c'est évalué à 50 p. 100, et donc les deux donnent un total de 100 p. 100.

M. Laniel: Vous accepteriez donc ce 100 p. 100?

M. Chadderton: Oui. Mais qu'arrivera-t-il s'il y a amputation de Syme et amputation d'un bras. L'amputation de Syme est évaluée à 50 p. 100, et l'amputation du bras à 70 ou 80 p. 100. Qu'arrive-t-il donc? Vous n'additionnez pas les deux résultats. Vous prenez le total de l'addition, soit 120 p. 100 dans ce cas, et vous le ramenez à 100 p. 100.

M. Laniel: Supposons que le gouvernement n'accepte pas cette méthode du pourcentage que vous préconisez, parce qu'il veut conserver comme élément de base celui de la main-d'œuvre non spécialisée. Mais il pourrait laisser entendre délicatement que vous pouvez tirer avantage du droit d'indemnité complémentaire. Seriez-vous contre cela? Est-il nécessaire que ce soit conforme à la formule que vous avez expliquée?

M. Chadderton: Je ne crois pas que les Associations des anciens combattants invalides seraient en désaccord avec cela, pourvu que ce soit conforme à leurs droits et contenu dans les statuts. En parlant de statuts, je ne sous-entend pas nécessairement les montants statutaires. Nous ne l'accepterions certainement pas.

Le président: C'est clair et net, à mon avis.

M. Laniel: C'est plus ou moins la méthode adoptée par l'Angleterre, si j'en crois les renseignements recueillis lors de notre visite. On verse une pension d'invalidité de base, à la-

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can add all kinds of things around that, depending on your needs due to your disability. That might be a solution. It is a question of thinking I know. Also, the fact that we use a base of the unskilled labour market and the disability right now is based on the earning capability of a person in that field. It might be easier for us to try to convince the government to supplement—but not supplement in the way it is put in the White Paper—supplement by using charts and tables, which a veteran could take advantage of by right. Then you have the basic principle and supplementary benefits.

The Chairman: Mr. Knowles you are next, followed by Mr. Bigg.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, again I have a few words that might be described as thinking out loud. First of all, I think we are all agreed that the welfare handout idea is something we would not like to see in the Pension Act; we would rather see these things as a matter of right. While I sympathize with the position Mr. Bigg and others including you, Mr. Chairman, have stated, we must think twice before we get away from the basic labour principle.

I suggest very strongly that it is not inconsistent with the idea of compensating for the right, the capacity to earn a living at a basic labourer's rate to come at this the way the veterans' organizations are. It is one thing for a healthy unskilled labourer to make so much money in the labour market and therefore have a certain kind of life. I was going to say enjoy it but you do not enjoy a life at that wage, but at least you are alive; you are healthy. But a 200 or 300 per cent disabled person is like me on a golf course—he needs a handicap. He starts from away behind. I do not think it is at all inconsistent to say that a 150 or 200 or a 300 per cent disabled person—ever since we used those figures—needs two or three times the basic labour wage rate just to get the same quality of life. Even then he does not get it, but he gets a litlte closer to it.

As I say, all I am arguing at the moment is that I do not think those who say we should pay attention to the requests that the

[*Interpretation*]

quelle on ajoute toutes sortes d'indemnités selon les besoins divers dûs à l'invalidité. Ce pourrait être une bonne solution. Il suffit d'y penser. Et aussi, du fait que nous prenons comme base le marché de la main-d'œuvre non spécialisée et que le droit de l'invalide se compare actuellement aux possibilités de salaire d'un ouvrier non spécialisé, il serait peut-être plus facile d'essayer de convaincre le gouvernement d'ajouter un supplément, non pas comme on l'explique dans le Livre blanc, mais en employant des graphiques et des tableaux dont un ancien combattant pourrait se prévaloir en toute justice. Nous aurions à la fois le principe de base et les bénéfices complémentaires.

Le président: Monsieur Knowles, vous êtes le suivant. Ensuite, monsieur Bigg.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, j'aimerais une fois de plus comme on dirait, exprimer tout haut ma pensée. Tout d'abord, il me semble que tous s'accordent à dire qu'ils n'aimeraient pas que la Loi sur les pensions reflète l'idée d'un don de bien-être social; tous préféreraient qu'on y parle de droit. Et même si je comprends le point de vue de monsieur Bigg et des autres, y compris vous-même, monsieur le président, nous devrions y penser deux fois avant de nous débarrasser du principe de base de la main-d'œuvre spécialisée.

Je soutiens fortement que la manière de voir des organisations des anciens combattants ne contredit pas l'idée d'indemniser pour le droit la capacité de gagner sa vie, au taux du salaire minimum du travailleur, car il est important qu'un travailleur non spécialisé, mais en bonne santé, gagne un certain montant d'argent sur le marché du travail et, dès lors, atteigne un certain niveau de vie. J'allais dire «jouir» d'un certain niveau de vie, mais on ne jouit pas vraiment de la vie avec un tel salaire; tout de même, on est au moins en vie et en bonne santé.

Mais une personne dont l'invalidité représente 200 ou 300 p. 100 me ressemble, quand je joue au golf: elle a besoin qu'on lui concède quelques coups, car elle est désavantagée au départ. Je ne crois pas illogique de dire qu'une personne dont l'invalidité est évaluée à 150, 200 ou 300 p. 100 aurait besoin d'un salaire de base deux ou trois fois plus élevé pour obtenir au moins le même niveau de vie. Même alors elle ne l'atteint pas, mais au moins elle s'en rapproche.

Comme je l'ai dit, je ne parle que de ce point dans le moment: je ne crois pas qu'il faille écouter ceux qui affirment que les de-

[*Texte*]

organizations are making are inconsistent with the basic principle contained in the Pensions Act.

The Chairman: The basic thing, Mr. Knowles, I think you would agree, is getting it as a matter of right.

Mr. Knowles (Winnipeg North Centre): Yes.

The Chairman: It is not the welfare handout aspect. This seems to be the basic...

Mr. Knowles (Winnipeg North Centre): We are agreed on that; but then some who agree to that say, "But we must be careful we do not move away from this other principle". I do not think we would be moving away from it if we accept the fact that there is an extra handicap that needs to be met just to give these people half a chance to be even with those who are—if I may use the phrase in quotation marks—only 100 per cent disabled.

The Chairman: Yes.

Mr. A. C. Clarke (The Canadian Paraplegic Association): Am I permitted to speak?

The Chairman: I do not think the Committee would have any objection to hearing from you.

Mr. Clarke: I think the unskilled labour market formula is a yardstick only. To my mind it is not a difficult mathematical conception to go beyond 100 per cent. We like the unskilled labour market formula. It is a means which has been tested over the years for measuring the extent of disability, but my mind has no problem at all in going beyond 100 per cent. In the past there seems to have been some difficulty in or some boggling at, going beyond 100 per cent, but they go beyond 100 per cent in every other field. There is nothing complete about 100 per cent. That does not mean the end of our ability to use mathematics. I do not see why we cannot retain that same yardstick and still use it as a measure, but go beyond it.

The Chairman: Yes. Are there other questions on this point? Mr. Bigg?

Mr. Bigg: While we are on this I think I might also say that the whole attitude to pensions must change as we go along. During the so-called "dirty thirties", if you had a pension of $35 a month it was more than

[*Interprétation*]

mandes des organisations des anciens combattants contredisent le principe de base contenu dans la Loi sur les pensions.

Le président: Monsieur Knowles, je crois que vous devriez accepter, comme élément de base, que ce soit une question de droit.

M. Knowles (Winnipeg-Nord-Centre): Oui.

Le président: Il ne s'agit pas de la question du bien-être social. C'est, semble-t-il, la base...

M. Knowles (Winnipeg-Nord-Centre): Nous nous entendons là-dessus. Mais ensuite quelques-uns qui l'acceptent disent: «Oui mais nous devons prendre bien soin de ne pas nous éloigner de l'autre principe.» Je ne crois pas qu'on s'en éloigne si l'on accepte l'existence d'un autre handicap dont il faut tenir compte pour donner à ces citoyens une demi chance d'être au même niveau que ceux—entre parenthèses—qui ne sont invalides qu'à 100 p. 100.

Le président: Oui.

M. A. C. Clarke (L'Association canadienne des paraplégiques): Puis-je prendre la parole?

Le président: Je ne crois pas que le Comité refuse de vous écouter.

M. Clarke: Je crois que la main-d'œuvre non spécialisé n'est qu'un élément de mesure. A mon avis, dépasser le 100 p. 100 ne présente pas de difficultés mathématiques spéciales. Nous acceptons le principe de la main-d'œuvre non spécialisée. Ce moyen a servi pendant des années à mesurer l'importance de l'invalidité. Mais je ne vois aucun problème si l'on dépasse le 100 p. 100. Dans le passé, on a semblé poser des difficultés ou rechigner contre le fait de dépasser 100 p. 100. Pourtant on agit ainsi dans tous les autres domaines. 100 p. 100 n'est pas un chiffre unique. Il ne signifie pas la fin de notre habileté à employer les mathématiques. Donc je ne puis voir pourquoi nous ne pourrions pas retenir la même norme, nous en servir encore comme mesure, mais en sachant la dépasser.

Le président: Oui. Veut-on poser d'autres questions à ce sujet? Monsieur Bigg?

M. Bigg: Pendant qu'on discute ce point, j'aimerais ajouter qu'avec le temps nous devons changer entièrement notre attitude à l'égard des pensions. Durant les fameuses années 1930, une pension de $35 par mois

[*Text*]

survival. It meant that you were king in a backwoods area such as where I was raised, and you had more than just enjoyment of life. Even a very small army pension was a great thing. I think today we accept the fact that we are offering everybody in Canada more than a survival level.

Mr. Knowles (Winnipeg North Centre): We ought to be.

Mr. Bigg: We ought to be. We are boasting on the one hand about our tremendous ability to provide all the wonderful things in life and yet when it gets down to this sort of thing I think we are sometimes a little too narrow. For years we had to fight this argument and try to keep the government consistent—and that is not partisan, I mean all governments—and we had great difficulty in doing so. For example, to say that the Hong Kong veterans were incapable of earning their

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living in the bush, sawing boards. They would point to the fact that many of them had made great come-backs; that they had become leaders of industry and high school principals and goodness knows what and did not really need the help. They were not consistent about that, and I am glad to see that they now are. They have said they are incapable, on the physical level, of work both in the bush or back on the farm, and are going to get a 50 per cent pension.

It seems to me that we can carry this same principle on in this matter and, as I said, make it by right that with certain multiple disabilities we can give them the benefit of this more sophisticated view of pensions to enrich their lives. I think this is a long overdue attitude in 1969-1970.

The Chairman: Mr. Laniel.

Mr. Laniel: For my own information, at any time were representations made to the Commission about the scale that they use for disabilities as such, and that for one kind of impairment, 40 per cent would not be enough? I ask that because I still question the danger of playing with a percentage figure of over 100. I am thinking of a possible subsequent reaction from those who are impaired less. If one man is in receipt of 350 per cent pension for his disability another might make a comparison between

[*Interpretation*]

assurait plus qu'une simple survivance. Grâce à une telle pension vous viviez comme un roi dans les régions éloignées, comme celle où j'ai été élevé; vous aviez plus qu'il n'en faut pour tout simplement subsister. Une petite pension de l'armée c'était vraiment beaucoup. Mais je crois qu'aujourd'ui nous acceptons comme un fait que nous offrons à chacun, au Canada, plus qu'une subsistance.

M. Knowles (Winnipeg-Nord-Centre): Nous devrions le faire.

M. Bigg: Nous le devrions. D'un côté, nous nous vantons d'offrir à tous et chacun les agréments de la vie, mais quand il s'agit d'agir, nous sommes souvent peu généreux. Pendant des années nous avons combattu pour défendre cet argument, nous avons essayé de pousser le gouvernement à agir logiquement—je dis cela sans partisannerie aucune, car je parle de tous les gouvernements—et nous avons eu beaucoup de difficultés à le faire. Par exemple, nous avons dit que les anciens combattants de Hong-Kong étaient incapables de gagner leur vie dans les bois, comme bûcherons. On nous répondait que plusieurs d'entre eux avaient pourtant réussi à tel point qu'ils étaient devenus des chefs d'industrie, des directeurs d'écoles secondaires, etc., donc, qu'ils n'avaient pas besoin d'aide. On n'était pas très logique sur ce point, mais je suis fier de constater qu'on l'est maintenant, car on a accepté le fait qu'ils étaient incapables, physiquement, de travailler dans les bois ou de retourner sur leur ferme, et on leur a accordé une pension de 50 p. 100.

Il me semble que nous pourrions prolonger l'effet de ce principe et, comme je l'ai dit, en faire un droit, de sorte qu'en multipliant certaines infirmités nous puissions donner aux invalides le bénéfice de cette conception plus riche de pensions qui pourraient vraiment enrichir leur vie. Une telle attitude en 1969-1970 est vraiment nécessaire depuis longtemps.

Le président: Monsieur Laniel?

M. Laniel: En guise de renseignement, pourrait-on me dire si, à un moment donné, on a questionné la Commission au sujet de la norme respectée pour de telles infirmités, et si pour telle ou telle personne 40 p. 100 serait suffisant? Je demande cela, parce que je crains encore le danger de jouer avec des pourcentages supérieurs à 100 p. 100. Je pense aux réactions subséquentes possibles de ceux qui sont moins invalides. Si un homme touche une pension évaluée à 350 p. 100, pour son invalidité, un autre pourrait comparer ce 350

[*Texte*]

the 350 per cent and the 35 per cent that he receives and might try to bring pressure to bear to get a higher level of compensation for definite disabilities.

Are you satisfied in general, with the individual percentages used by the Commission for each of the disabilities?

Mr. Chadderton: Mr. Chairman, I would refer you to the Woods Report, Volume II, page 512, where representations were made by the multiple disability casualties on the amount of assessment which should be awarded. Let us examine these amounts very quickly. For the blinded the suggested assessment was 185 per cent; for amputation, double arm, 200 per cent; and for the paraplegic, 365 per cent. And my recollection is that the Woods Committee recommendations were not too far from that. They were more or less in that category.

Relating to possible criticism from pensioners who are assessed at or below the 100 per cent, who would not come into the multiple disability field, I guess I can only point out that the organizations which speak generally for veterans, such as the Royal Canadian Legion, the Army, Navy and Air Force Veterans, of which Mr. Lundberg is the president, and the Canadian Corps Association, fully endorsed this principle. That might be taken as an indication that veterans who do not come into the multiple disability category are not going to be unhappy if the government does something in a substantial way to increase the percentage of disability for the multiple case, sir.

Mr. F. J. L. Woodcock (The Sir Arthur Pearson Association of War Blinded): Mr. Chairman, may I correct one figure?

The Chairman: Yes.

Mr. Woodcock: Mr. Chadderton has mentioned 185 for blindness. He is referring to the 100 per cent category of blindness. He is not referring to those who are totally blind.

Mr. Chadderton: I am sorry. It is 365 per cent.

Mr. Woodcock: Yes. The 185 in the original figures was for those who have a considerable amount of guiding vision, at the bottom of our group of 100 per cent blind persons. We naturally vary, as do the amps, from signs right on up to triple; and we work with quadruple amps. We vary actually from 80 per cent right on up to 100 per cent, and

[*Interprétation*]

p. 100 au 35 p. 100 qu'il reçoit. Il pourrait bien faire pression pour obtenir une indemnité plus élevée pour des infirmités bien précises. Êtes-vous satisfait, de façon générale, des pourcentages individuels utilisés par la Commission pour chacune des invalidités.

M. Chadderton: Monsieur le président, je voudrais que vous vous reportiez au rapport Woods, page 512, du volume II, des propositions ont été faites en se fondant sur les cas de multiples invalidités relatives à l'évaluation à accorder. Examinons rapidement ces pourcentages: cécité, évaluation proposée 185 p. 100; amputation des deux bras, 200 p. 100; paraplégie, 365 p. 100. Si je me souviens bien, les recommandations du Comité Woods n'étaient pas très éloignées de ces pourcentages. Quant aux critiques possibles de la part des pensionnés pour lequels une évaluation inférieure à 100. 100 a été établie et qui n'entrent pas dans la catégorie des invalidités multiples, je ne peux dire seulement que les organismes qui représentent les anciens combattants comme la Légion canadienne, les Anciens combattants de l'armée, de la marine et de l'aviation dont le président est M. Lundberg, et la Canadian Corps Association acceptent pleinement ce principe. Il ne faudrait pas penser cependant que les anciens combattants qui n'entrent pas dans la catégorie des invalidités multiples ne seront pas heureux si le gouvernement accroît de façon substantielle le pourcentage d'évaluation relative aux invalidités multiples, monsieur.

M. F. J. L. Woodcock (The Sir Arthur Pearson Association of the War Blinded): Puis-je apporter une correction, monsieur le président, à l'une de ces données?

Le président: Bien sûr.

M. Woodcock: M. Chadderton au sujet de la cécité a mentionné le pourcentage de 185. Cela s'applique à la cécité de la catégorie à 100 p. 100 mais non à ceux qui sont complètement aveugles.

M. Chadderton: Je m'excuse, ce serait 365 p. 100.

M. Woodcock: Oui. Le 185 dans les données originales s'adressent à ceux qui ont conservé une vision appréciable et qui se classent au bas de notre groupe d'aveugles à 100 p. 100. Cela varie, comme dans le cas des amputés, selon des cotes établies du simple au triple et nous avons affaire à des amputés des quatre membres. Le pourcentage varie de 80

[*Text*]

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then varying degrees of loss of sight beyond that.

Mr. Chadderton: Just to put it on the record, Mr. Chairman, the actual recommendations of the Woods Committee for these categories are: double amputee, 185 per cent; paraplegia, 350 per cent, and total blindness, 250 per cent.

Mr. Woodcock: May I speak further to that, Mr. Chairman?

The Chairman: Yes, Mr. Woodcock, please do.

Mr. Woodcock: The word "assessment" is the question, and I think our group has been quite happy with the assessment when they assess, say, a particular disability at a certain percentage. There was a time when the Pension Commission would assess one disability at, say, 80 per cent and another disability at 20 per cent, but they would only take 20 per cent of the remaining 20 per cent when adding the two together. If my memory is correct, this was back in about 1945. In other words, short of infinity no man could ever become 100 per cent disabled unless he had an original disability of 100 per cent. That was the system. It took years of fighting but eventually they did go to a straight arithmetical total of 80 and 20 and made it 100, but they would not add 80 and 30 and make it 110.

Mr. Weatherhead: Mr. Chairman, following up Mr. Laniel's questioning, did the Woods Committee investigate these present rates at below 100 per cent, and were they in effect satisfied that a 40 per cent disability rating is now the correct figure. Did they make any investigations along this line at all?

Mr. Chadderton: I can answer that question from the point of view of being the Secretary of the War Amputations of Canada. To the best of our knowledge the Woods Committee did not take evidence from anyone concerning this, but I have personal knowledge of the fact that they certainly discussed the matter with the medical advisers to the Committee and were satisfied that the present levels of assessment were satisfactory and that there were no recommendations required in that field.

Mr. Weatherhead: I think what Mr. Laniel was getting at was that if we did raise some of them up to 350 per cent and some to 200 per cent, and what have you, which at the

[*Interpretation*]

à 100 p. 100 et au-dessus, l'on tient compte des divers degrés de cécité.

M. Chadderton: A titre de renseignement seulement, monsieur le président, voici les présentes recommandations du Comité Woods pour ces catégories: amputés de deux membres, 185 p. 100; paraplégie, 350 p. 100; cécité totale, 250 p. 100.

M. Woodcock: Puis-je faire une observation à ce sujet, monsieur le président?

Le président: Je vous en prie, monsieur Woodcock.

M. Woodcock: J'en suis au mot «évaluation» et je pense que notre groupe a été assez heureux de l'évaluation établie pour une invalidité en particulier. Il y a eu un temps où la Commission des pensions évaluait une invalidité à 80 p. 100 et une autre à 20 p. 100 mais l'on ne retenait que 20 p. 100 du 20 p. 100 restant lorsque l'on additionnait les deux pourcentages. Si ma mémoire est bonne, cela se faisait en 1945. En d'autres mots, personne ne pouvait être considéré invalide à 100 p. 100 à moins que l'invalidité originale n'ait été évaluée à 100 p. 100. Il a fallu insister durant des années pour en arriver à une addition arithmétique simple et pour que 80 et 20 fassent 100 mais il n'était pas encore possible que 80 et 30 fassent 110.

M. Weatherhead: Monsieur le président, à la suite des questions de M. Laniel, j'aimerais savoir si le Comité Woods a étudié les présents pourcentages inférieurs à 100 p. 100, en est-on arrivé à la conclusion qu'un pourcentage d'invalidité de 40 est une donnée correcte? A-t-on étudié le sujet?

M. Chadderton: Je peux répondre à cette question en qualité de secrétaire des Amputés de guerre du Canada. D'après ce que nous savons le Comité Woods ne s'est renseigné auprès de personne à ce sujet mais je sais personnellement que les membres du Comité ont sûrement discuté le sujet avec leurs conseillers médicaux et qu'ils sont arrivés à la conclusion que les présents pourcentages étaient satisfaisants et qu'aucune recommandation n'était nécessaire en ce domaine.

M. Weatherhead: Je pense que M. Laniel voulait dire que si nous augmentions quelques-uns de ces pourcentages à 350 p. 100 et quelques autres à 200 ou comme vous vou-

[*Texte*]

moment, as I said before, I am in favour of so doing, that we immediately might come under real pressure to increase a 40 per cent disability to 60 per cent and an 80 per cent disability to 120 per cent, and this sort of thing, because a person may say, "Well, I may be five times less incapacitated than Mr. So-and-so, but I am certainly not ten times less incapacitated". I think your veterans' associations, while you might well be content with the present level of assessment below 100 per cent, might soon receive a great amount of pressure that all the assessments should be raised, based on the top one of 350 per cent, or whatever was decided upon, and then working out percentages of disability from that. Do you have any comments on that?

Mr. Lundberg: Mr. Chairman, at many of our conventions the question of the Hong Kong veterans and the multiple disability groups has come up and we have supported both of these groups in an unselfish manner, realizing the particular problems of both groups, and at no time has the question ever been brought up that we should raise our own particular 40 to 50 or 50 to 60. I am happy to say that they were most concerned with these two groups in a most unselfish manner and I think by the combined pressure the result has been that one portion has already been corrected, and we sincerely hope that we can assure you that the other portion will be corrected.

Mr. Laniel: What about the Dieppe prisoners of war?

Mr. Lundberg: Mr. Laniel, you were with me when we interviewed the Minister of Pensions and we asked about the Hong Kong veterans, and what did he say? That it was just his tough luck to be sent to Hong Kong, and as a British soldier he did not expect

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anything else. The same at Dieppe; there is no comparison between the two because the environments were the same, as you should know. I was talking to an Australian delegate and they are after now including it and they are processing the same Hong Kong problems that we are. Some people do not agree with it, but I think they are going to be as successful as the Hong Kong veterans of Canada.

Mr. Weatherhead: I wonder if in your extensive experience, then, you really could see no real probability of pressure coming from your various groups in order to increase the particular below 100 per cent disability

[*Interprétation*]

drez, ce que je veux bien que l'on fasse comme je l'ai déjà dit, il se pourrait que des pressions se fassent immédiatement sentir pour que l'on porte une invalidité de 40 p. 100 à 60 p. 100 et une autre de 80 p. 100 à 100 p. 100 et ainsi de suite. Quelqu'un pourrait bien dire: «Je suis peut-être cinq fois moins invalide que M. X mais je ne le suis sûrement pas dix fois.» Je pense que les associations d'anciens combattants, même si vous êtes maintenant satisfaits du présent niveau d'évaluation inférieur à 100 p. 100, pourraient subir de fortes pressions pour que toutes les évaluations soient accrues, fondées sur le sommet de 350 p. 100 ou quelque autre sommet. Auriez-vous des observations à faire à ce sujet?

M. Lundberg: Monsieur le président, au cours de plusieurs de nos réunions il a été question des anciens combattants de Hong-Kong et du groupe des invalidités multiples et nous avons donné notre appui le plus sincère à ces deux groupes, nous connaissons leurs problèmes et jamais il n'a été question de faire augmenter notre propre évaluation d'invalidité de 40 à 50 ou de 50 à 60. Je suis heureux d'affirmer que l'on s'est préoccupé de ces deux groupes de la façon la plus généreuse et je pense que grâce à ces pressions combinées, la situation a été en partie corrigée et j'espère sincèrement je vous l'assure, que le reste sera aussi amendé.

M. Laniel: Et au sujet des prisonniers de guerre de Dieppe?

M. Lundberg: Monsieur Laniel, vous étiez avec moi lorsque nous avons interrogé le ministre autorité responsable en matière de pensions. Nous l'avons interrogé au sujet des anciens combattants de Hong-Kong et qu'a-t-il répondu? Que c'était le destin d'avoir été envoyé à Hong-Kong et qu'à titre de soldat britannique il acceptait son sort. C'était la même chose à Dieppe. Il n'y a pas de comparaison parce que le milieu n'était pas le même comme vous savez. J'ai parlé à un délégué de l'Australie et ils étudient aussi cette question et les mêmes problèmes relatifs à Hong-Kong. Il y a des gens qui ne sont pas d'accord, mais je pense qu'ils auront autant de succès que nous au sujet des anciens combattants de Hong-Kong.

M. Weatherhead: Je me demande, d'après votre expérience si vous n'entrevoyez aucune possibilité de pression provenant de vos divers groupes qui cherchaient à accroître les pourcentages d'invalidité inférieurs à 100 p. 100 si

[*Text*]

percentages at the present if we went to above 100 per cent for some of these multiple disability cases?

Mr. Lundberg: No. I see no immediate objection at all, Mr. Weatherhead, because of the fact there are so few in number.

The Chairman: Mr. Weatherhead spoke about the ones that are now rated below 100 per cent. In your opinion, would there not be pressure on your organization to revise the assessments of substantial numbers of such cases?

Mr. Lundberg: I may be naive, Mr. Chairman, but I really do not think so.

Mr. Chadderton: I could add some specific information to that. War Amputations of Canada has a membership of approximately 2,500, of which less than 200 are multiple casualties and approximately 1,200 are rated somewhere in the 60 per cent category. Our organization—and I mean the organization right down to the branch level—has made an extensive study of the Woods Report. The report has been out a year and one half. We just concluded our convention in Montreal and certainly there was not one word of criticism or suggestion from any of our delegates or any of our branches to the effect that because of the Woods Committee recommendation, which would only assist a very small percentage of our members, that people in the 60 per cent category, for instance, were thinking about asking for a higher assessment. I think it is quite to the contrary. In our organization we consider the multiple disabilities recommendation of the Woods Committee to be very near the highest priority in regard to implementation of the report. I do not know if that is of any value, but I would like to say that I have been in and around veterans' organizations a long time and I have not heard one word of criticism for those who have no pensions or those who have pensions below 100 per cent in relation to the proposal in the Woods Committee Report to increase pensions as much as 300 per cent. It may come, no one can safely predict anything, but certainly there has been no indication of it, sir.

Mr. Weatherhead: Thank you, Mr. Chadderton.

Mr. Bigg: I do not like to be...

The Chairman: Mr. Bigg, we have dealt with one of three basic points in the brief so far.

[*Interpretation*]

dans certains cas d'invalidité multiple nous les portons à plus de 100 p. 100.

M. Lundberg: Non, je ne vois aucune objection immédiate, monsieur Weatherhead, parce qu'il y aurait peu de personnes en cause.

Le président: M. Weatherhead se préoccupe de ceux qui actuellement présentent une évaluation inférieure à 100 p. 100. Ne pensez-vous pas que des pressions seraient exercées sur votre organisme afin que l'on revise l'évaluation d'invalidité d'un grand nombre de cas?

M. Lundberg: Je suis peut-être trop confiant, monsieur le président, mais je ne le crois pas.

M. Chadderton: Je pourrais faire quelques observations à ce sujet. Les Amputés de guerre du Canada groupent environ 2,500 membres dont moins de 200 présentent des invalidités multiples et environ 1,200 sont dans la catégorie des 60 p. 100. Notre organisme, jusqu'aux niveaux inférieurs a fait une étude approfondie du rapport Woods depuis un an et demi qu'il a été publié. Notre réunion de Montréal vient tout juste de se terminer, et nous n'avons pas entendu un seul mot de critique de la part de nos délégués, ou de nos divisions et personne, sachant que le Comité Woods recommandait de l'aide pour un faible pourcentage de nos membres, n'a proposé de songer à accroître par exemple le pourcentage d'invalidité de ceux qui se trouvaient dans la catégorie des 60 p. 100. Ce serait plutôt le contraire. Au sein de notre organisme, nous pensons que la recommandation relative aux invalidités multiples du Comité Woods devrait peut-être obtenir la priorité lors de la mise en application du rapport. Je ne sais si l'on peut attacher de la valeur à cette déclaration mais j'ai travaillé au sein d'organismes qui s'occupent des anciens combattants depuis assez longtemps et je n'ai pas entendu un seul mot de critique de la part de ceux qui n'ont pas de pension ou qui reçoivent une pension inférieure à 100 p. 100, relativement à la proposition du Comité Woods d'accroître les pensions jusqu'à 300 p. 100. Cela peut se produire, personne ne peut à coup sûr prédire ce qui peut arriver, mais rien ne semble l'indiquer, monsieur.

M. Weatherhead: Je vous remercie, monsieur Chadderton.

M. Bigg: Je n'aime pas être...

Le président: Monsieur Bigg, nous avons jusqu'à présent étudié l'un des trois points principaux de l'exposé.

[*Texte*]

Mr. Bigg: I think this is on the very thing he is talking about.

The Chairman: Go ahead.

Mr. Bigg: I think, if I might say so—and I am not one who likes to trot out the horrors—that it would be a good idea if not only the members of this Committee but the members of the Cabinet took a trip to some of the veterans' hospitals and saw some of the cases we are talking about. I do not mean as an emotional thing at all but as a practical experience to find out what we are talking about and what these boys have to put up with. In view of the fact there are so few of them, I would like to make the suggestion that some day this Committee extend an invitation to Treasury Board and the people involved who should know at first hand just exactly what it is we are talking about.

The Chairman: Thank you, Mr. Bigg. I wonder if members of the Committee would like to proced to the next point of the brief. I am thinking of the time element now.

Mr. Legault: I just have one point, Mr. Chairman. According to the schedule prepared yesterday I believe that I for one have a commitment to leave this afternoon in order to attend another presentation tonight.

Mr. Lundberg: I will now continue from page 5 of the amended brief.

Pension to Continue for Twelve Months for Wife, Child or Parent

The Woods Committee was critical of the provision in the Pension Act which provides that a pension in payment to a family at "married rates" should cease as of the first day of the month following the death of the pensioner. The representations made to the Committee by veterans organizations requested that such provision should apply where the pension was in payment in excess of 48 per cent, and where, if continued in payment at the married rate, the amount would be greater than Widow's Pension. In view of its recommendation number 106, to the effect that pension should continue in payment for dependents where such was in payment to the pensioner at less than 48 per cent, the Woods Committee proposed that continuation of pension for one year should apply in all instances.

[*Interprétation*]

M. Bigg: Je crois que cela se rapporte directement au sujet à l'étude.

Le président: Je vous donne la parole.

M. Bigg: Je ne suis pas de ceux qui se complaisent dans la morbidité mais je crois que ce serait une bonne chose, si les membres du Comité et aussi les membres du Cabinet visitaient quelques uns des hôpitaux pour anciens combattants, ils pourraient voir de près quelques uns des cas dont il est question ici. Non pour en faire une expérience sur le plan émotionnel mais au point de vue pratique afin de se rendre compte de quoi il est question et juger de leur état. Du fait qu'ils sont peu nombreux j'aimerais proposer que l'on invite aussi les fonctionnaires du Conseil du trésor et tous ceux qui y sont intéressés afin qu'ils sachent de quoi il est question.

Le président: Je vous remercie, monsieur Bigg. Je me demande si les membres du Comité veulent poursuivre l'étude de l'exposé. Je pense au temps qu'il reste.

M. Legault: Je n'ai qu'une seule observation à faire, monsieur le président. Selon l'ordre du jour préparé hier, je crois que nous devrons faire relâche au cours de l'après-midi et avoir une autre séance au cours de la soirée.

M. Lundberg: Je poursuis maintenant à la page 5 de l'exposé modifié.

Pension pour prolonger de douze mois le versement des indemnités à la femme, à l'enfant ou au parent

Le comité Woods a critiqué la disposition de la Loi sur les pensions selon laquelle le versement d'une pension à une famille au taux applicable aux «gens mariés» doit cesser le premier jour du mois qui suit la mort du pensionné. Les organisations d'anciens combattants, dans les instances qu'ils ont présentées au Comité, ont demandé qu'une telle disposition s'applique dans le cas où le versement de la pension dépasse 48 p. 100, et où, en supposant que la pension continue d'être verser au taux applicable aux gens mariés, la somme dépasse le montant de la pension de la veuve. Au regard de sa recommandation 106, qui préconise que la pension continue d'être versée aux personnes à charge quant le montant dû au pensionné n'atteint pas la proportion de 48 p. 100, le Comité Woods a proposé que les pensions doivent continuer d'être versées pendant un an dans tous les cas.

[*Text*]

The veterans organizations of our Council suggest that if the government cannot implement Recommendation number 106, it should still be feasible to continue pension in payment at the married rate for a period of twelve months for widows and other dependents, following the death of the pensioner.

The White Paper states that the recommendation that payment of the rate in effect at the time the pensioner died be continued for one year was not accepted. The explanation given was that:

> Such payments would veer from the principle for compensation for loss suffered and, in effect, would be welfare payments. As such, they would be designed to meet needs which are already taken care of in other Government programs.

We wish to suggest that continuation of payment at married rates for a period of one year following the death of the pensioner would, in our opinion, still qualify under the principle of compensation for loss suffered. The widow or the dependent, in such circumstances, was, to all intents and purposes, being penalized in the extent of the pensioner's disqualification to earn his living in the unskilled labour market. Ostensibly, this would have to mean that the family income prior to the pensioner's death was less than it would have been, had he not been disabled. The circumstances which would obtain following his death would still be affected by that loss of earning capacity, following the pensioner's death, and for such period as it may require the family to readjust. The Woods Committee felt that the existing provisions which provided for continuation of pension at the married rates for a period of anywhere from one to thirty days, was insufficient; and that a more realistic adjustment period would be one year.

Now we come to page 10 of the November brief, paragraph 5, which relates to recommendations nos. 109 and 110 of the Woods Committee Report.

5. *Continuation of Pension on Death of Pensioner* (Woods Committee Recommendations Nos. 109 and 110):

The existing provision to the effect that, on the death of a pensioner, pension and attendance allowance shall cease on the first day of the month following the death, represents another serious defect in Canada's

[*Interpretation*]

Les organisations d'anciens combattants qui font partie de notre Conseil estiment que, si le gouvernement ne peut pas mettre en œuvre la recommandation 106, il doit être possible de continuer à verser aux veuves et aux autres personnes à charge, la pension au taux applicable aux gens mariés pendant une période de douze mois, après le décès du pensionnné.

Le Livre blanc indique que la recommandation pour que l'on continue pendant un an le versement de la pension au taux en vigueur au moment où le pensionné est décédé, n'a pas été acceptée. L'explication donnée est la suivante.

> Ces paiements, au lieu de constituer une compensation pour les pertes subies, équivaudraient effectivement à des prestations d'assistance sociale. Ils permettraient de satisfaire à des besoins auxquels d'autres programmes du gouvernement pourvoient déjà.

Nous soumettons que la prolongation du versement de la pension aux gens mariés pendant la période d'un an après le décès du pensionné, au taux applicable, serait, à notre avis, conforme au principe d'indemnisation pour le dommage subi. La veuve ou la personne à charge, dans un tel cas, a souffert, à tout égard, dans la mesure où le pensionné était inapte à gagner sa vie sur le marché du travail des ouvriers non spécialisés. Il est donc évident que le revenu familial avant le décès du pensionné, a été inférieur à ce qu'il aurait été, si ce dernier n'avait pas été handicapé. Les conditions de vie, après son décès, sont encore affectées par l'inaptitude du pensionné, à gagner sa vie, après sa mort, et pendant la période au cours de laquelle la famille doit se réadapter. Le comité Woods a estimé que les dispositions actuelles, concernant la continuation du versement de la pension au taux applicable aux gens mariés pendant une période allant de un à trente jours, sont insuffisantes, et qu'il serait plus réaliste de fixer à un an la période de réadaptation.

Nous arrivons maintenant à la page 10 de l'exposé de novembre au paragraphe 5 relatif aux recommandations n°s 109 et 110 du rapport du Comité Woods.

5. *Continuation de la pension à la mort du pensionné* (Recommandations n°s 109 et 110 du Comité Woods)

La disposition actuelle stipulant qu'à la mort du pensionné la pension et les prestations de soutien cesseront le premier jour du mois qui suit la mort représente un autre défaut important dans la loi canadienne sur

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pension legislation. This has been a subject of much concern to veteran organizations for a number of years and we are pleased to note the recommendations of the Woods Committee to the effect that the widow would continue to receive pension at the married rate for one year, and attendance allowance for two months.

It is perhaps unnecessary to dwell here on the logic and justification for these proposals. Common sense dictates that a pensioner's widow should be allowed a reasonable time in which to adjust the family's finances following the death of her husband. It seems neither reasonable nor humane to reduce the pension income without giving her an opportunity to rearrange her finances to meet the new circumstances.

There are a number of other recommendations in the Woods Report which would be of direct benefit to widows, all of which have our entire support. We have singled out Recommendations Nos. 109 and 110 to emphasize the inadequacy of the existing legislation in an area which warrants the fullest possible sympathy and consideration, i.e., the care of a pensioner's widow immediately following his death.

Our belief, gentlemen, is that this should be carried on for the period of one year to allow the wife to adjust her financial circumstances because upon his death his expenses still continue. There is still the hydro to pay, the rent to pay, the mortgage, if they have one, et cetera, and this leaves her at a position where she is forced, if she has any property, to sell because she just has nothing left.

Mr. Knowles (Winnipeg North Centre): Carried.

The Chairman: The next point, Mr. Lundberg?

Mr. Lundberg:

Continuation of Pension for Child to Age 25 When Undergoing Course of Instruction:

The Woods Committee noted that the age limit of 21, at which payment of pension to a child undergoing a course of instruction now terminates, was established many years ago at a time when students beyond the secondary school level were able to complete their professional training at a much earlier age than now occurs.

The Woods Committee noted, also, that the Education Assistance Act, under which educational assistance is extended to the

[*Interprétation*]

les pensions. C'est un sujet qui a causé beaucoup d'inquiétude aux organismes qui s'occupent des anciens combattants et cela depuis un certain nombre d'années et nous sommes heureux des recommandations faites par le Comité Woods voulant que la veuve continue à toucher la pension au taux de personne mariée pour une année et les subventions de soutien pour deux mois.

Il n'est peut-être pas nécessaire de démontrer la logique et le bien-fondé de ces propositions. Le sens commun suffit à faire comprendre que l'on doit laisser à la veuve d'un pensionné le temps de réajuster le budget de la famille après la mort de son mari. Il ne paraît ni raisonnable ni humain de réduire la pension sans lui donner le temps de réorganiser ses finances selon les circonstances.

Il y a plusieurs autres recommandations dans le rapport Woods pour avantager les veuves qui reçoivent tout notre appui. Nous avons choisi les recommandations nos 109 et 110 pour mieux illustrer les carences de la loi existante dans un domaine qui exige le plus d'attention et de sympathie, la situation où se trouve la veuve d'un pensionné immédiatement après la mort de son mari. Nous pensons, messieurs, que la pension doit être versée durant une période d'un an afin de permettre à la veuve de réorganiser ses finances parce qu'après la mort de son mari il y a encore des dépenses. Il faut encore payer l'électricité, le loyer, les hypothèques si elles existent, etc. Elle sera forcée, si elle a des propriétés de les vendre parce qu'il ne lui reste rien d'autre.

M. Knowles (Winnipeg Nord-Centre): Adopté.

Le président: L'autre point, monsieur Lundberg.

M. Lundberg:

Continuation du versement de la pension à un enfant, jusqu'à l'âge de 25 ans quand il poursuit ses études.

Le Comité Woods a remarqué que l'âge limite de 21 ans, auquel se termine à présent le versement de la pension à un enfant qui est aux études, a été fixé, il y a de nombreuses années, à une époque où les étudiants au-delà du niveau de l'enseignement secondaire pouvaient achever leur formation professionnelle beaucoup plus jeunes qu'à présent.

Le Comité Woods a remarqué également que la loi sur l'aide aux enfants des morts de guerre (éducation) en vertu de laquelle l'aide

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children of the war dead and deceased pensioners, provides for pension payments up to age 25, and in some cases, age 30.

• 1105

The Chairman: Would any of the members of the Committee want to ask any questions here? Do you want to continue Mr. Lundberg?

Mr. Lundberg: Fine. I would like to make one observation there, gentlemen. The higher the educational income tax you pay, in later life the government gets their money back.

The Chairman: I think many of us here have families and know what you are talking about.

Mr. Lundberg:

Attendance Allowance:

Note is taken of the proposal in the White Paper that attendance allowance may be extended beyond the one-month period if considered necessary, to relieve hardship. This leads to two observations as follows:

(1) There is no means test applied in connection with the existing provision for blinded pensioners; and

(2) The accepted justification for continuing attendance allowance is that, in the usual case, the pensioner must continue to pay for the additional costs of his disability, despite the fact that he is in hospital. These costs are not of the type ordinarily taken into account in a means test to establish financial hardship and we seriously question whether the provision to continue payment of allowance beyond one month on the basis of hardship, as proposed in the White Paper, could be said to represent an effective implementation of the Woods Committee recommendation. With due respect, we cite the Pension Commission's own policy, as brought out in the Table of Disabilities (get reference) to the effect that this allowance is paid on the basis of the "need for attendance". Awards of this nature have never been based on *financial* need.

National Council takes cognizance of the proposal in the White Paper that the Pension Act should state unequivocally that attend-

[*Interpretation*]

accordée à des fins d'éducation est étendue aux enfants des morts de guerre et des pensionnés décédés devrait se prolonger jusqu'à l'âge de 25 ans, et dans certains cas, de 30 ans.

Le président: Est-ce que des membres du Comité auraient des questions à ce sujet? Voulez-vous continuer, monsieur Lundberg?

M. Lundberg: C'est bon. J'aurais une observation à faire ici, messieurs. Plus vous verserez d'argent pour l'enseignement plus sûrement par la suite le gouvernement sera assuré de récupérer son argent.

Le président: Nous avons presque tous des familles et nous savons de quoi vous voulez parler.

M. Lundberg:

Allocation de soins.

Nous avons noté la proposition du Livre blanc selon laquelle l'allocation de soins peut être étendue au-delà de la période d'un mois, si c'est jugé nécessaire, pour soulager des besoins financiers. Cela nous amène aux deux observations suivantes:

(1) On n'applique pas de «constatation des besoins» en ce qui concerne les dispositions actuelles visant les pensionnés aveugles; et

(2) La justification proposée pour continuer de verser une allocation de soins est habituellement que le pensionné doit continuer de payer les frais additionnels résultant de son invalidité, bien qu'il soit à l'hôpital. Ces frais ne sont pas du genre de ceux qui entrent habituellement en ligne de compte dans une constatation des besoins destinée à établir les besoins financiers, et nous nous demandons sérieusement si la disposition visant à continuer de verser une allocation au-delà d'un mois pour cause d'indigence financière, comme le propose le Livre blanc, peut être acceptée pour mettre en œuvre la recommandation du comité Woods. Avec tout le respect que nous devons à cet organisme, nous citons le propre programme de la Commission des pensions, tel qu'il est exposé dans la Table des invalidités (fournir les références) en vertu duquel l'allocation est versée sur la base du «besoin de soins». Des sommes de ce genre n'ont jamais été versées en raison d'un besoin *financier*.

Le Conseil national prend connaissance de la proposition contenue dans le Livre blanc, selon laquelle il doit être stipulé clairement,

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ance allowance is not part of pension. This is a major step forward and we wish to point out what appears to us to be the reason for the amendment. Under the existing Act the purpose of attendance allowance was not clarified. Accordingly, it was always possible for the Pension Commission to consider that attendance allowance was, in effect, supplementary pension. This made it difficult to establish the claim for additional pension for multiple disability cases.

The point being made here, is that, with the declaration on the part of the Government to the effect that attendance allowance is not part of pension, the need to pay additional pension, in the substantial amount, for multiple disability is emphasized.

The White Paper proposal to the effect that attendance allowance will be continued for a period of one month when the pensioner is in hospital leads to the question of the Government's intention in respect of the existing Section 33 (3) of the Pension Act. This Section provides continuation of attendance allowance for the war blinded, while under treatment in a departmental hospital. The result of the White Paper proposal might, if interpreted literally, mean that the existing provision for the war blinded, under which attendance allowance is continued indefinitely while in hospital, would have to be deleted.

Should this be the intention, the National Council of Veterans Association wishes to raise the most strenuous objection. This provision has been in the Pension Act for many years. It has been accepted as Government policy and is certainly justifiable. The organizations in Canada which represent the multiple disability casualties, will, of course, wish to have an assurance from the Government at an early date that it does not intend to reduce the existing benefits under Section 30 (3) in regard to the payment of attendance allowance for the war blinded.

It should also be noted that attendance allowance is now continued for two months for paraplegics who undergo hospital treatment. This is done under the treatment regulations of the Department of Veterans Affairs. While it is true that current studies of the Standing Committee on Veterans Affairs, do not directly involve consideration of these treatment regulations, any discussion of the possible effect of the White Paper would presumably be ap-

[*Interprétation*]

dans la Loi sur les pensions, que l'allocation de soins ne fait pas partie de la pension. Il y a là un progrès d'importance; aussi, voulons-nous indiquer sur quel motif l'amendement nous paraît fondé. Dans les dispositions de la loi actuelle, le but de l'allocation de soins n'est pas exposé de façon claire. La Commission des pensions pouvait toujours, dès lors, considérer l'allocation comme une pension supplémentaire; il devenait donc difficile d'établir son droit à une pension supplémentaire pour cause d'invalidité multiple.

Ce que nous voulons montrer ici, c'est que la déclaration du gouvernement selon laquelle l'allocation de soins ne fait pas partie de la pension, fait ressortir la nécessité de payer une pension supplémentaire, comprise dans le montant principal, pour cause d'invalidité multiple.

La proposition contenue dans le Livre blanc tendant à prolonger l'allocation de soins pendant une période d'un mois lorsque le pensionné est hospitalisé, nous amène à nous interroger sur l'intention du gouvernement en ce qui concerne le paragraphe (3) de l'article 33 de la Loi sur les pensions, qui prévoit le maintien de l'allocation de soins pour les aveugles de guerre qui suivent des traitements dans un hôpital du Ministère. Prise à la lettre, la proposition du Livre blanc peut signifier la suppression de la disposition actuelle concernant les aveugles de guerre, aux termes de laquelle l'allocation de soins est maintenue indéfiniment dans les cas d'hospitalisation.

Si telle est l'intention sous-jacente, le Conseil national de l'Association des anciens combattants tient à manifester l'opposition la plus énergique. Cette disposition figure dans la Loi sur les pensions depuis de nombreuses années. Elle a été acceptée comme la politique du gouvernement, elle est certainement parfaitement justifiable. Les organisations du Canada qui représentent les malades souffrant d'infirmités multiples demandent, évidemment, au gouvernement de leur donner, dans un avenir rapproché, l'assurance qu'il ne songe pas à réduire les avantages déjà accordés en vertu du paragraphe 3) de l'article 30 en ce qui a trait au paiement de l'allocation de soins aux aveugles de guerre.

On notera aussi que l'allocation de soins est prolongée de deux mois pour les paraplégiques qui subissent des traitements hospitaliers. Il en est ainsi en vertu du Règlement relatif aux traitements, au ministère des Affaires des anciens combattants. Même s'il est vrai que les études actuelles du Comité permanent des affaires des anciens combattants ne se rapportent pas directement au Règlement relatif aux traitements, il est opportun

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plicable at this time. Moreover, while the provision in the treatment regulations concerning extension of attendance allowance for paraplegics is not part of Canada's pension legislation, it is believed that this provision was put into effect as a means of making provision for the paraplegics at a time when it was considered impracticable to include such provision in an amendment of the Pension Act.

The Chairman: I think there are a number of points raised here which the Committee would like to raise with departmental witnesses to clarify the situation. I do not know how far members would like to ask questions at this time. Is there any member who wants to raise a point?

Mr. Marshall: I would like to point out, Mr. Chairman, that again in Mr. Ward's evidence, sections 85, 86 and 87 are accepted in one case and accepted or modified in the other two cases.

• 1110

Mr. Lundberg: Recommendation 85 was accepted but modified, 86 was accepted but modified, and 87 was accepted in the whole.

The Chairman: I think it goes a substantial way to meet the concern that is expressed, but I think members of the Committee might wish to ask further questions and review it in the course of our hearing.

Mr. Marshall: There is a bit in there to the members of the veterans organizations that their briefs are a bit premature in view of what Mr. Ward has given us.

The Chairman: I am sure they have been happy to read what Mr. Ward had to say on the matter in the transcript.

Mr. Chadderton: Could I correct one omission, Mr. Chairman? It is not an omission, but in the brief of September 19 on page 7, on the fourth last line, in parenthesis there are the words "get reference", and if we can introduce a jocular note into the discussion, I will tell you what has happened. It is that this particular brief was dictated at 3 o'clock in the morning into a dictaphone and we never saw it again and the young lady, I am sure, did not understand what we meant. I would like to point out to you that the reference to which this refers is found on page 22A of the Table of Disabilities of the Canadian

[*Interpretation*]

de saisir cette occasion pour évaluer l'effet éventuel des recommandations du Livre blanc. De plus, bien que la disposition du Règlement relatif aux traitements qui prévoit la prolongation de l'allocation de soins pour les paraplégiques ne figure pas parmi les mesures législatives du Canada qui concernent les pensions, on croit qu'elle a été établie pour assurer la protection des paraplégiques à une époque où l'on estimait peu pratique d'inclure une disposition de ce genre dans une modification à la Loi sur les pensions.

Le président: Je crois qu'il y a un certain nombre de points soulevés ici que le Comité aimerait à revoir avec les témoins du Ministère, pour éclaircir la situation. Je ne sais pas jusqu'où les membres aimeraient à pousser les questions en ce moment. Y a-t-il quelqu'un qui désire éclaircir un point?

M. Marshall: J'aimerais signaler, Monsieur le Président, que de nouveau, dans le témoignage de M. Ward, les articles 85, 86 et 87 sont admis dans un cas, et acceptés ou modifiés dans les deux autres cas.

M. Lundberg: La recommandation 85 a été adoptée avec modification de même que la recommandation 86, et la recommandation 87 a été acceptée telle quelle.

Le président: Je crois que cela répond en grande partie à l'inquiétude manifestée, mais il est possible que les membres du Comité veuillent poser d'autres questions et revoir le problème au cours de notre séance.

M. Marshall: Il y a là quelque chose pour les membres des organisations d'anciens combattants, que leur cause a été présentée un peu prématurément, étant donné le témoignage de M. Ward.

Le président: Je suis sûr qu'ils ont été contents de lire le témoignage de M. Ward.

M. Chadderton: Pourrais-je corriger une omission, Monsieur le président? Ce n'est pas une omission, mais dans l'exposé du 19 septembre, à la page 7, dans les quatre dernières lignes, on trouve entre parenthèses les mots «trouvez la référence» (*get reference*). Si l'on me permet d'introduire une note amusante dans la discussion, je vais vous dire ce qui s'est passé: l'exposé en question fut dicté à 3 heures du matin au dictaphone et nous n'en avons jamais retrouvé la trace. La jeune secrétaire, j'en suis sûr, n'a pas compris ce que nous voulions dire. Je voudrais signaler que la référence dont il s'agit

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Pension Commission. If I could read Note 2 into the record, Mr. Chairman, I think it would clarify our point.

The Chairman: Right.

Mr. Chadderton: It says, and I quote:

> The fundamental principle in the award and level of Attendance Allowance is based on the need of attendance and thus there is no means test.

That, Mr. Chairman, of course is the main concern in our brief today. If we understand the White Paper correctly, and I can see now that we may be quite off beam in some of this because we have had no explanation except that in the White Paper, but if these—

The Chairman: This is why we have the Committee, Mr. Chadderton, to clarify these things.

Mr. Chadderton: Yes, and if, as is our understanding, the intention is to extend the attendance allowance while the pensioner is in hospital, on the basis of hardship, then of course we wish to register a pretty strenuous objection because this would be the sacrifice of a principle which in our understanding has been in pension legislation many years.

The Chairman: Mr. Lundberg, would you like to continue?

Mr. Lundberg:

Legal Damages

The proposal of the White Paper must be considered as an extremely small concession. For many years, veterans organizations have objected, with solid grounds, to the principle in the present Pension Act under which any amount paid by reason of legal damages to a pensioner or a widow is used to reduce the pension, or, alternatively, is recovered by the Crown.

The Woods Committee prepared some very sensible arguments regarding the deletion of this Section of the Act. Apparently, these arguments were not acceptable to those who had the responsibility to prepare the White Paper, or, for that matter, to the government. The compromise offered in the White

[*Interprétation*]

se trouve à la page 22A du Tableau des invalidités de la Commission canadienne des pensions. Si je pouvais citer la Note 2, je pense, Monsieur le Président, que tout deviendrait clair.

Le président: Très bien.

M. Chadderton: La Note 2 dit, et je cite:

> Le droit fondamental en ce qui concerne l'attribution et l'importance de l'allocation de soins, est en fonction du besoin en soins, et ainsi, il n'y a pas à tenir compte des moyens financiers de l'intéressé.

Ceci, monsieur le président, est naturellement aujourd'hui l'objet principal de notre exposé. Si nous comprenons bien le Livre blanc, et je peux constater maintenant que nous avons été un peu à tâtons en certains points, parce que nous n'avons pas eu d'explications sauf celles du Livre blanc lui-même, mais si...

Le président: C'est la raison d'être de notre Comité, monsieur Chadderton, d'éclaircir ces choses.

M. Chadderton: Oui, et si, comme nous le pensons, l'intention est de continuer l'allocation pour les soins tant que le pensionné est à l'hôpital, en se basant sur les inconvénients qu'il subit, nous tenons alors naturellement à protester énergiquement, parce qu'il s'agirait là, à notre sens, de sacrifier un principe qui fait depuis des années partie des mesures législatives relatives aux pensions.

Le président: Monsieur Lundberg, vous voudriez continuer?

M. Lundberg:

Dommages-intérêts judiciaires.

La proposition contenue dans le Livre blanc doit être considérée comme une concession extrêmement mince. Pendant nombre d'années, les associations d'anciens combattants se sont opposées, pour des motifs sérieux, au principe énoncé dans l'actuelle Loi sur les pensions, selon lequel les montants payés à un pensionné ou à une veuve comme dommages-intérêts judiciaires entraînent une réduction de la pension ou, mesure équivalente, sont recouvrés par la Couronne.

Le Comité Woods a réuni des arguments fort sensés au sujet de la suppression de cet article de la Loi. Selon toute apparence, ces arguments n'ont pas paru acceptables à ceux qui ont veillé à la préparation du Livre blanc, ni même au gouvernement. Le compromis offert dans le Livre blanc ne tient

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Paper completely ignores the principle upon which the Woods Committee recommendations to delete these Sections from the Act were based. The Woods Committee stated that the Pension Commission should award pension, without relation to the possibility of payments from any source, irrespective of whether such payments were being made in relation to the injury or death for which pension was paid.

The adoption of the recommendation in the White Paper would sustain the existing principle which was condemned by the Woods Committee, although the Government does propose the compromise of retaining only the amount of a legal damage settlement which is represented by loss of earnings. The remainder of any such settlement, described in the White Paper as the portion for "special damages pain and suffering and loss of 'consortium'" will not affect pension. However, investigation indicates that this portion is exceedingly small, compared with the usual total amount as represented in a settlement for legal damages.

I would ask you, gentlemen, if you would turn to page 10 of the November 26 brief:

4. *Civil Damages under Section 20, 21 and 22 of the Pension Act* (Woods Committee Recommendations Nos. 90 and 91)

Under the present practice and legislation, there is no provision to allow damages to the widow of the pensioner in Classes 1 to 11, who, as a civilian, is killed as a result of negligence of some person, without a reduction in the widow's pension. Even what is known as special damages, that is funeral, hospital and medical expenses, ambulance charges, etc., are not allowable to the widow without reduction in her pension.

We suggest that these sections should not apply where the pensioner, in civilian life, suffers a second injury by reason of a tortious act that has no connection with service. Should a pensioner in classes 1 to 11 be killed under these circumstances his widow is already entitled to a pension as of right as a result of her husband's previous service-incurred disability. This basic right should

[*Interpretation*]

aucun compte du principe sur lequel s'est fondé le Comité Woods pour recommander la suppression de ces articles de la Loi. Le Comité Woods a déclaré que la Commission des pensions devrait accorder les pensions sans égard aux possibilités de revenu, de quelque source qu'ils proviennent, sans chercher à établir si ces montants sont versés en raison des blessures ou du décès ayant motivé la pension.

En adoptant la recommandation contenue dans le Livre blanc, on défendrait le principe actuel, qui a été condamné par le Comité Woods, même si le gouvernement propose, comme solution de compromis, de retenir uniquement le montant des dommages-intérêts judiciaires qui correspond à la perte de revenu. Le reste des dommages-intérêts ainsi accordés, que le Livre Blanc décrit comme la partie qui est la compensation des «dommages, douleurs et souffrances particulières, et rupture de la vie conjugale», n'influera pas sur la pension. Toutefois, des enquêtes révèlent que cette partie est extrêmement faible, en comparaison du montant global ordinaire que constitue l'attribution de dommages-intérêts judiciaires.

Je vous demanderais, Messieurs, de bien vouloir passer à la page 10 de l'exposé du 26 novembre:

4. *Articles 20, 21 et 22 de la loi sur les pensions: Dommages-intérêts adjugés en vertu de la loi civile* (Recommandations nos 90 et 91 du Comité Woods)

La coutume et la loi actuelle ne permettent pas à la veuve d'un militaire retraité des classes 1 à 11 de toucher, sans qu'il y ait réduction de sa pension de veuve, des dommages-intérêts si son mari, en tant que civil, perd la vie par suite de la négligence d'une personne quelconque. Même ce que la loi désigne dommages particuliers, c'est-à-dire, les frais médicaux et les frais d'ambulance, d'hôpital et de funérailles, etc., ne peuvent être attribués à la veuve en vertu de la loi civile sans entraîner la diminution de sa pension.

A notre avis, ces articles devraient être nuls et non avenus lorsque, dans la vie civile, le retraité est affligé d'une seconde mutilation en raison d'un acte préjudiciable indépendant du service militaire. Lorsqu'un retraité des classes de 1 à 11 perd la vie en semblables circonstances, sa veuve a déjà plein droit à la pension par suite de l'invalidité précédente due au service militaire

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not be prejudiced by any damages that may be awarded as a matter of civil right as a result of the second injury in civilian life.

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It has been the practice of the Canadian Pension Commission even to retain damages for injuries which bear no relation to a pensionable disability. For example, if a veteran pensioned for total blindness as a result of enemy action should later lose a leg in an automobile accident in civilian life, the Pension Commission can claim and retain all civil damages arising out of the second civilian injury for loss of the leg.

We submit that this provision is grossly unfair and commend to you the solution proposed in recommendations 90 and 91 of the Woods Report.

The Chairman: Again, I believe that Recommendation 90 is partially accepted. Committee members may wish to have further questioning of departmental witnesses. Mr. Turner.

Mr. Turner (London East): Mr. Chairman and Mr. Lundberg, in a factory if a veteran has a bad leg and he is operating a machine and something happens, the bad leg gives out and he has trouble with the other leg, what happens under this if the plant is covered by compensation?

Mr. Lundberg: He would receive compensation and there would be no claim by the Department for that portion of the compensation. He would receive his pension plus the compensation and the Crown would not take action to recover the compensation paid.

Mr. Turner (London East): In other words, you are stating that his pension is based on the leg that he lost in the war.

Mr. Lundberg: That is right.

Mr. Turner (London East): That is a basic right.

Mr. Lundberg: Yes, the only concern so far as we are concerned with the Canadian Pension Commission is the disability incurred in service. If he lost a leg, he was paid for that leg and that is as far as the Commission is required; they pay for the leg and that is the end of the problem. Whatever happens to his other good leg is his own personal business. If I have a large insurance policy that I pay myself and I am involved in an

[*Interprétation*]

du mari. Elle ne doit pas être lésée dans ce droit acquis parce qu'elle obtient d'une cour civile des dommages-intérêts en compensation d'une seconde mutilation subie dans la vie civile.

Dans le passé, la Commission canadienne des pensions s'est même approprié les dommages-intérêts perçus pour des blessures qui n'avaient aucun rapport avec l'invalidité établissant le droit à la pension. Par exemple, si un ancien combattant retraité par suite de cécité totale due à la guerre était plus tard, dans la vie civile, victime d'un accident d'automobile où il perdait une jambe, la Commission était autorisée à réclamer et à s'approprier tous les dommages-intérêts versés pour cette seconde infirmité.

Cette disposition est une grossière injustice. Aussi, nous préconisons la solution proposée dans les recommandations 90 et 91 du rapport Woods.

Le président: Je répète qu'il me semble que la recommandation 90 a été adoptée en partie. Les membres du Comité désirent peut-être poser d'autres questions aux témoins du Ministère. Monsieur Turner.

M. Turner (London East): Monsieur le président, et monsieur Lundberg, dans une usine, si un ancien combattant qui a une jambe perdue, fait fonctionner une machine et qu'un accident se produit, si la jambe handicapée cède et que l'autre jambe est atteinte, que se passe-t-il dans ce cas, si l'usine est couverte par une assurance?

M. Lundberg: Il recevrait une indemnité et le Ministère ne pourrait pas réclamer cette partie de l'indemnité. Il recevrait sa pension, plus l'indemnité et la Couronne ne ferait rien pour reprendre la compensation payée.

M. Turner (London East): En d'autres termes, vous déclarez que sa pension se fonde sur la jambe qu'il a perdue à la guerre.

M. Lundberg: C'est exact.

M. Turner (London East): C'est un droit fondamental.

M. Lundberg: Oui. La seule chose dont s'occupe la Commission canadienne des pensions est l'invalidité à la suite du service militaire. Si l'ancien combattant a perdu une jambe, il a été indemnisé pour cette jambe, et c'est tout ce que la Commission doit faire: elle paie pour la jambe et la question est réglée. Tout ce qui peut arriver ensuite à l'autre jambe regarde uniquement l'ancien combattant. Si j'ai une police importante

[*Text*]

accident and I lose the other leg, my insurance company will pay me for that leg and the Crown makes no attempt to recover that money even though I have received, shall we say, a large amount of money for the loss of that leg.

Mr. Turner (London East): Thank you.

Mr. Bigg: I covered this briefly yesterday. It seems to me that we are not being consistent if we do not allow this recommendation in your brief because we would be going back to the old idea that a man's life is only worth the labour level and where the wife is being compensated by the negligence of a civilian. She is entitled, in my opinion, to a full compensation for his full value to her and not of the arbitrary value as outlined in the pension philosophy. I think your point is very well taken and I think that we will have more to say about this later when we summarize the report.

Mr. Woodcock: Mr. Chairman, may I make a comment?

The Chairman: Mr. Woodcock.

Mr. Woodcock: We have battled on this one before and as an individual I do not like the feeling that I am a ward of the state because that is what it does imply to me. If I am standing outside of this Parliament building today and some car, through defective brakes or mismanagement at the wheel, comes up over that sidewalk and I end up in hospital with both legs gone and am confined to a wheelchair the rest of my life, I do not think it is a very grateful government that says, "Well, we can gain some money here", but it is going to cost them nothing. Should I take that to a civil court and say they granted me $50,000, $100,000 or just $20,000, it does not matter what the amount, I cannot see where the government can lay claim to that money.

Mr. Lundberg: I know there was an interesting case many, many years ago, I do not remember the name, but this woman, I believe, turned over $30,000 to the Crown, two years later she remarried and lost her pension and the Crown made $20,000. But these, as Mr. Bigg has said, are all incon-

[*Interpretation*]

d'assurance payée par moi-même, et qu'impliqué dans un accident, je perds l'autre jambe, ma compagnie d'assurance m'indemnisera pour cette jambe et la Couronne ne tentera pas de récupérer cet argent, même si j'ai reçu, supposons-le, une forte somme pour la perte de cette jambe.

M. Turner (London East): Je vous remercie.

M. Bigg: J'ai traité brièvement de cette question hier. Il me semble que nous manquerions de logique si nous n'admettions pas cette recommandation de votre exposé, car ce serait faire un retour en arrière vers cette ancienne conception que la vie d'un homme tire son unique valeur du travail qu'il peut fournir. Lorsqu'une veuve reçoit une compensation à la suite d'une imprudence dont un civil est responsable, elle a droit, à mon avis, à une compensation entière pour tout ce que son mari représentait pour elle, et non pas pour cette valeur arbitraire mise en avant par la philosophie inspirant cette question des pensions. J'estime avoir bien compris votre point de vue et je pense que nous aurons à en dire davantage sur ce sujet lorsque nous résumerons le rapport.

M. Woodcock: Monsieur le Président, puis-je faire une remarque?

Le président: Monsieur Woodcock.

M. Woodcock: Nous avons bataillé auparavant à ce sujet, et en tant que personne, je n'aime pas avoir l'impression que je suis un pupille de l'État, ce qui, en fait, est l'impression que j'ai. Si, aujourd'hui, alors que je me trouve à l'extérieur du Parlement, une automobile aux freins défectueux ou mal conduite, monte sur le trottoir et que je me retrouve à l'hôpital avec deux jambes en moins, et si je dois me servir d'une chaise roulante pendant le reste de mes jours, je ne trouve pas que c'est un gouvernement bien reconnaissant qui me dit «Et bien, voilà une occasion de gagner quelque chose», sans qu'il leur en coûte rien. Si je porte la cause devant un tribunal civil et qu'on m'accorde $50,000, $100,000 ou seulement $20,000, le montant n'a pas d'importance, je ne vois aucune raison pour laquelle le gouvernement pourrait exiger cet argent.

M. Lundberg: Je me souviens d'un cas intéressant qui s'est produit il y a plusieurs années. Je ne me souviens plus du nom, mais cette femme, je crois, avait remis plus de $30,000 à la Couronne, deux ans plus tard elle s'est remariée et a perdu sa pension et la Couronne a réalisé un bénéfice de $20,000.

[*Texte*]

sistencies and if they were prepared to go that far, they should be prepared to go all the way.

The Chairman: Are there any further questions on this recommendation? Will you continue, Mr. Lundberg?

Mr. Lundberg: Yes.

Appellate Procedure

We are not convinced that the proposal of the Government to establish an Appeal Division within the Pension Commission will provide a remedy to the problems which now

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exist in regard to the handling of appeals on pension claims. We do welcome the idea that, not only entitlement claims, but also all other matters under the Pension Act would not be appealable. Our interpretation of the White Paper indicates that the government's intention is to expand appellate procedures to include this.

We cannot see, however, that the establishment of a "Division" within any new Pension Commission could be considered as giving effect to the main fault in pension appeals as seen by the Woods Committee, i.e. the fact that such appeals were decided by personnel who belonged to the same body as those personnel who made the decisions at the lower level of adjudication.

The proposal in the White Paper suggests that the responsibility for initial decisions should be transferred to the Department of Veterans Affairs and that an appeal system or two levels should be reorganized under a new Pension Commission.

The Chairman: Excuse me, Mr. Lundberg. I wondered if there was an error in the first paragraph.

Mr. Chadderton: Is that line five, Mr. Chairman?

The Chairman: Yes.

Mr. Chadderton: "...which would now be appealable".

The Chairman: It changes the sense rather significantly.

Mr. Chadderton: Thank you, Mr. Chairman.

[*Interprétation*]

Mais tout cela, comme M. Bigg l'a dit n'est qu'inconséquences, et s'ils veulent aller jusque là, ils devraient être prêts à aller jusqu'au bout.

Le président: Y a-t-il d'autres questions au sujet de cette recommandation? Voulez-vous continuer, Monsieur Lundberg?

M. Lundberg: Oui.

Procédure d'appel

Nous ne sommes pas convaincus que le fait d'établir une Division des appels au sein de la Commission des pensions, comme le gouvernement le propose, permettra de régler les problèmes qui se posent actuellement pour l'examen des appels relatifs aux réclamations de pension. Nous voyons d'un œil inquiet le projet visant à empêcher d'en appeler non seulement des réclamations d'admissibilité, mais aussi de toutes les autres questions relatives à la Loi sur les pensions. Selon l'interprétation que nous faisons du Livre blanc, le gouvernement se propose d'élargir les procédures d'appel, de manière à y inclure cette mesure.

Nous ne voyons pas, toutefois, comment l'établissement d'une Division au sein d'une nouvelle Commission des pensions peut être considéré comme un remède à la principale lacune relevée par le Comité Woods en ce qui concerne les appels relatifs à la pension, c'est-à-dire le fait que ces appels sont jugés par un personnel appartenant au même organisme que celui d'où proviennent les décisions rendues au niveau inférieur d'attribution.

La proposition contenue dans le Livre blanc donne à entendre que la responsabilité des décisions *initiales* doit être transférée au ministère des Affaires des anciens combattants et qu'il y a lieu d'organiser, au sein d'une nouvelle Commission des pensions, un système d'appels ou deux paliers de décision.

Le président: Excusez-moi, Monsieur Lundberg, je me demandais s'il n'y avait pas une erreur dans le premier paragraphe.

M. Chadderton: A la cinquième ligne, Monsieur le Président?

Le président: Oui.

M. Chadderton: «...dont on pourrait maintenant appeler»

Le président: Le sens en est notablement changé.

M. Chadderton: Merci, Monsieur le Président.

[*Text*]

The Chairman: I am sorry to interrupt you, Mr. Lundberg, but in line five, page eleven of this brief, "not be appealable" should read "now be appealable".

Would you continue please.

Mr. Lundberg: The Veterans Organizations are concerned, not necessarily with initial decision, but with the final decision. Thus, while the proposal to establish a Directorate of Pensions within the Department of Veterans Affairs may be a step in the right direction, it does not go far enough. It seems quite obvious that the only solution is to separate the body making the final appeals from the rest of the machinery used for initial and subsequent adjudications.

In our opinion, an Appeal Division which would consist of Commissioners of the Pension Commission which is responsible to issue the pension guidelines (as seen necessary in the White Paper) will do little to allay the criticism among veterans, to the effect that there is no independent appeal in regard to pension matters.

The National Council of Veteran Associations commends to the Government the proposals of the Woods Committee, which were to establish a completely separate or independent appellate body, housed in a separate building, and one which would have no connection of any kind with the Pension Commission itself.

While we understand the problems of the Government in regard to the necessity for economics, we do feel that a small but powerful agency could be established, at a very little cost, to give effect, in principle, to the need for an authority outside the Commission to have final powers to dispose of appeals, and to interpret the Act.

There is no intention to make direct reference to existing personnel of the Pension Commission. It is, rather the establishment of the Commission that gives concern to the member organizations of our group. This establishment provides for a complement of commissioners who work together and who, quite naturally, develop an *esprit de corps* which governs their attitude towards pension adjudication. This is not to say that individual commissioners do not differ with one another from time to time. It is too much to accept, however, that they can operate completely independent of each other. Running

[*Interpretation*]

Le président: Je regrette de vous interrompre, Monsieur Lundberg, mais à la cinquième ligne de la page 11 de cet exposé «dont on ne peut appeler» (*not be appealable*), devrait se lire «dont maintenant on peut appeler» (*now be appealable*). Voulez-vous continuer, je vous prie.

M. Lundberg: Les Associations d'anciens combattants s'inquiètent, non pas tant au sujet des décisions initiales qu'à propos des décisions *définitives*. Ainsi, bien que l'établissement d'une Direction des pensions au sein du ministère des Affaires des anciens combattants représente peut-être un pas dans la bonne direction, il ne constitue pas une solution suffisante. Il semble évident que la seule solution consiste à séparer l'examen des appels définitifs du reste des services administratifs qui s'occupent des attributions initiales et subséquentes.

A notre avis, une Division des appels composée des membres de la Commission des pensions, dont relève l'élaboration des principes régissant les pensions (chose jugée nécessaire dans le Livre blanc) ne répondra guère aux critiques formulées par les anciens combattants, selon lesquels on ne peut présenter d'appel *indépendant* en matière de pensions.

Le Conseil national des Associations d'anciens combattants exhorte le gouvernement à tenir compte des propositions du Comité Woods, qui cherchaient à établir un organisme d'appel complètement distinct ou autonome, logé dans un bâtiment distinct et qui n'aurait aucun lien avec la Commission des pensions elle-même.

Certes, nous comprenons les problèmes du gouvernement, face aux impératifs économiques; néanmoins, nous estimons qu'il est possible d'établir, à prix très modique, un organisme d'envergure modeste, mais puissant, qui réponde, en principe, à la nécessité d'un mécanisme d'autorisation distinct de la Commission et doté des pouvoirs suprêmes de juger les appels et d'interpréter la Loi.

Nous n'avons pas l'intention de viser directement le personnel actuel de la Commission des pensions. C'est plutôt la *constitution* de la Commission qui préoccupe les associations membres de notre groupe. Cette constitution prévoit un corps de commissaires qui en travaillant de concert, acquièrent tout naturellement un esprit de corps qui dicte leur attitude au sujet de l'attribution des pensions. Ce n'est pas que les commissaires ne diffèrent jamais d'avis entre eux. Toutefois, on ne saurait accepter qu'ils puissent travailler sans aucun lien l'un avec l'autre. Le fait de participer, pendant de nombreuses années, aux décisions

[*Texte*]

throughout the decisions of the Pension Commission, for many years, has been what might be termed "consolidation of thought". This creates a tendency for commissioners to think alike and to support each other's judgement.

Merely to place five of these commissioners under a different name—or for that matter in a different building—would, in our opinion, do little to destroy the "Spirit of the Fraternity" which, commendable as it may be from the viewpoint of solidarity, is not conducive to an independent review at the appellate stages.

The Chairman: Is this the conclusion of your submission?

Mr. Lundberg: That was the conclusion of that particular part. I have only one more subject to bring up under the original brief.

The Chairman: Are there questions that members of the Committee want to raise at this point? Mr. Turner and then Mr. Bigg.

Mr. Turner (London East): Mr. Chairman and Mr. Lundberg, I quite agree with your philosophy on this. As you know, I have been greatly involved with the labour movement in the last 28 years, I think your philosophy is that if you have 10 and then you have the other 5 in the same building naturally there is a tendency to discuss things over coffee. Who would you suggest be on this independent board? I know you think that

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they should be in a separate building. Who would you suggest should comprise the members of this strictly independent board outside the Canadian Pension Commission?

Mr. Lundberg: I do not really think, sir, that we would have any objection to the people provided there were not a majority of the same people who are on there at the present time.

Mr. Turner (London East): You understand that we were led to believe that the same man would not judge the same case twice.

Mr. Lundberg: Now this is quite true but, here again, the spirit of the fraternity will still exist. Say, at the present time there are 15 men and you break them up and say that 10 will tour the country and so on and the other five will be based in Ottawa. But you still have the same group, the same consoli-

[*Interprétation*]

de la Commission des pensions entraîne ce qu'on pourrait appeler une «consolidation de pensée». Il en découle, chez les commissaires, une tendance à penser d'une même manière et à appuyer réciproquement leur jugement.

En plaçant cinq de ces commissaires dans un groupe doté d'un nom différent—voire logé dans un bâtiment distinct—on ne contribuerait guère, à notre avis, à l'élimination de l'«esprit de fraternité» qui, tout louable qu'il soit du point de vue de la solidarité, n'est pas propice à une étude indépendante des diverses étapes des appels.

Le président: Est-ce la conclusion de votre déposition?

M. Lundberg: C'était la conclusion de cette partie en particulier. Je n'ai plus qu'un sujet à aborder, d'après l'exposé original.

Le président: Y a-t-il des questions que les membres du Comité voudraient poser maintenant? Monsieur Turner, puis monsieur Bigg.

M. Turner (London East): Monsieur le président et monsieur Lundberg, je suis tout à fait d'accord avec votre manière de penser à ce sujet. Comme vous le savez, je me suis beaucoup occupé du mouvement ouvrier au cours des 28 dernières années. Je pense que votre philosophie pourrait bien se présenter sous cette forme: si vous avez deux groupes dans un même édifice, l'un de 10 et l'autre de 5, ils seront portés à discuter en prenant le café. Qui proposez-vous pour cette commission indépendante? Je sais que vous croyez que ses membres devraient siéger dans un autre édifice. Qui devrait à votre avis, faire partie de cette commission strictement indépendante, en dehors des membres de la Commission canadienne des pensions?

M. Lundberg: Je ne pense pas vraiment, Monsieur, que nous ayons une objection quelconque à l'égard des personnes proposées, pourvu que la majorité ne soit pas composée de membres actuels.

M. Turner (London East): Vous comprenez que nous avons été amenés à croire que les mêmes personnes ne devraient pas juger deux fois le même cas.

M. Lundberg: C'est tout à fait exact, mais ici encore l'esprit de corps persistera. Supposons que vous ayez quinze personnes ensemble, vous les séparez et décidez que 10 vont parcourir le pays et que les 5 autres resteront de façon permanente à Ottawa. Mais ce sera toujours le même groupe, la même unité de

[*Text*]

dation of thought from being connected with the Commission all these years, and we believe that some of these men should be changed. I know this is up to the Minister but we feel that there should not be a majority of those that are there at the present time. We feel that perhaps some new thinking should be brought in...

The Chairman: At the appeal stage.

Mr. Lundberg: ...at the appeal stage. We stated yesterday, and I reiterate our thoughts on that: we are not concerned with the initial stage, we are concerned that justice seems to have been done in the final stage. We are so happy that we are finally getting the pension advocates at a separate stage because in preparing appeal cases we have seen the pension advocate go into the coffee shop with the three people who were there and the chap will look over and say, "Now look, they are deciding what they are going to do with me."

He walks out of there with a complete feeling of non-confidence in the Department of Veterans Affairs or the Commission.

Mr. Turner (London East): Is this the general thought now of the average veteran going before this Appeal Board?

Mr. Lundberg: Of course.

Mr. Turner (London East): And you would like this cloud lifted.

Mr. Lundberg: We would like that man to be able to go through the machinery presently available to him and if he fails in those first two approaches, then he can say that he knows that his case is going before a separate and distinct body of men who have nothing to do with this other group and that he shall receive a fair hearing at the hands of these men because they have never seen him before.

The Chairman: But you do not want the appeal to go to the courts.

Mr. Lundberg: No. It has been suggested that it go to the Supreme Court. But you know how the Supreme Courts are today, cases remain on the docket for five years and this would be the same situation. We feel that such cases would pile up in the courts, that the men; perhaps for four or five years, would not get their case on the docket of the Supreme Court and it would be a waste of time, unless a separate court were set up which would be expensive.

[*Interpretation*]

pensée, provenant du fait qu'ils ont été membres de la Commission pendant tant d'années, et nous croyons que certains de ces hommes devraient être remplacés par d'autres. Je sais que cela dépend du Ministre, mais notre pensée est que dans le comité de cinq hommes, il ne devrait pas y avoir une majorité composée d'hommes déjà là actuellement. Nous pensons qu'il y aurait lieu d'approfondir la question...

Le président: Au stade de l'appel.

M. Lundberg: ...au stade de l'appel. Je l'ai déclaré hier et je redis aujourd'hui ma pensée à ce sujet: le premier stade ne nous préoccupe pas, ce qui nous intéresse, c'est qu'on ait l'impression au stade final que justice a été rendue. Nous sommes tellement satisfaits que les avocats des pensions interviendront dorénavant à un autre palier parce que lors de la préparation des cas d'appel, nous les avons souvent vus se rendre au café avec les trois hommes qui étaient là, et le plaignant a sûrement dû penser: «Voilà, ils sont en train de décider ce qu'ils vont faire de moi». Il sort de là avec un sentiment de défiance complète à l'égard du ministère des Affaires des anciens combattants et de la Commission.

M. Turner (London East): Est-ce actuellement l'opinion la plus répandue parmi les anciens combattants qui se présentent devant la Commission d'appel?

M. Lundberg: Naturellement.

M. Turner (London East): Et vous voudriez dissiper ce malaise.

M. Lundberg: Nous voudrions que l'intéressé puisse utiliser tout ce qui est maintenant à sa disposition, et s'il échoue dans ses deux premières tentatives, il faut qu'il puisse se dire qu'il est sûr que son cas va être porté devant un groupe différent, d'hommes qui n'ont rien à voir avec l'autre groupe, et qu'il sera entendu avec impartialité par ces hommes qui ne l'ont jamais vu auparavant.

Le président: Mais vous ne voulez pas que le cas aille devant les tribunaux.

M. Lundberg: Non. On a suggéré que l'appel aille devant la Cour suprême. Mais vous savez ce qu'il en est avec la Cour suprême aujourd'hui. Les cas restent sur le rôle pendant cinq ans, et c'est ce qui arriverait. Nous croyons que des cas de ce genre s'entasseraient dans les tribunaux, que les personnes concernées attendraient quatre ou cinq ans pour voir leur cas passer devant la Cour suprême et ce serait une perte de temps, à moins d'instituer un tribunal spécial, ce qui serait onéreux.

[*Texte*]

Mr. Turner (London East): Thank you very much.

The Chairman: Mr. Bigg has been waiting.

Mr. Bigg: I understand what you are getting at. However, in our system of government we do not have a separation of powers, we are run by Cabinet and Treasury Board, and perhaps the only safeguard we have is that people who sit on the first appeal, that is at the entitlement level, should not sit on the final appeal board. On the other hand, it has been my experience in public life in Canada that sometimes you have people sitting on this first appeal board who are very valuable public servants. However, I presume that these people who sit at the final stage would be senior and, because of their seniority, they would draw a larger salary.

Now then, to follow this up, you are going to deny a very valuable man sitting at the first level of appeal the right to become part of this final group of five which I would like to see him in if he has, in fact, at the first level been a man of the calibre that we are looking for at such a level. I would like to put forward a suggestion. Suppose, before these men were appointed, a slate of pro-

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spective people were put forward to the national groups involved, like your own. Say of these ten men, could you help us nominate the five which are acceptable? There are some people that are not acceptable. They have already shown themselves as wooden or arbitrary or unacceptable.

The best perhaps we could hope for is that they are going to be done anyway with unless a very good Minister and a very good administration is going along. They appear to be going along. They are willing to change the whole structure, so perhaps the answer might be that the only hope the veteran has is if you are consulted as to the personnel of these five people. You are going to do a satesmanlike job as well and not turn them down because they are not all for the veteran sort of thing arbitrarily against the taxpayer but men of great quality and great stability then. It seems to me that five good men no matter what you call them are going to do a better job for the people of Canada and the

[*Interprétation*]

M. Turner (London East): Je vous remercie beaucoup.

Le président: Monsieur Bigg attend toujours.

M. Bigg: Je vois bien où vous voulez en venir. Néanmoins, dans notre système de gouvernement, nous n'avons pas la séparation des pouvoirs, nous sommes sous la coupe du Cabinet et du Conseil du Trésor, et peut-être que l'unique sauvegarde que nous ayons est que les personnes qui ont siégé lors du premier appel, c'est-à-dire, au stade de l'admissibilité ne devraient pas siéger à la dernière commission d'appel. D'un autre côté, comme je l'ai expérimenté dans la vie publique au Canada, il arrive que l'on trouve des personnes siégeant pour le premier appel, qui sont des fonctionnaires de haute valeur.

Je suppose, toutefois, qu'à ce dernier stade ces gens auraient beaucoup d'années de service, de sorte qu'ils retireraient un traitement intéressant.

Maintenant, selon cet ordre d'idées, on ne permettrait pas aux gens de grande valeur qui siègent au premier bureau d'appel, de faire partie de ce dernier bureau des cinq; or, je trouve qu'ils devraient pouvoir y être nommé, surtout s'ils ont fait preuve au premier niveau de la compétence qu'on attendait d'eux. J'aimerais formuler une proposition. Supposons qu'avant de nommer ces per-

sonnes, on dresse une liste de candidats qui serait transmise aux associations nationales, telles que la vôtre? Disons que l'on vous soumettrait dix noms, et vous choisissiez les cinq qui vous semblent les plus acceptables. Il y a des gens qui ne feraient pas l'affaire, qui peuvent s'être révélés froids, partiaux ou inacceptables dans le passé.

Le mieux auquel on puisse s'attendre, peut-être, c'est que les personnes indésirables seront éliminées de ces postes, pourvu qu'un excellent ministre et une excellente administration soient en place. On semble être imprégné de cette idée, car on veut modifier les structures de fond en comble. La réponse pourrait donc être ceci: le seul espoir que puisse entretenir l'ancien combattant, c'est que vous soyez consultés quant à la composition du bureau des cinq. Vous assumeriez sérieusement vos responsabilités; vous ne rejetteriez pas une candidature du seul fait qu'une personne ne prend pas toujours parti pour l'ancien combattant, quoi qu'il en soit, aux dépens du contribuable; vous choisiriez

[*Text*]

veterans than merely calling them something else or putting them in a different category. Do you follow my thinking?

Mr. Lundberg: I follow your thinking, yes.

Mr. Bigg: Would such a suggestion be worth thinking about?

Mr. Lundberg: In appeal court when we have lost a case, we would rather see those three men disappear. Then the next time you go back on a case and you win with the same three men on a different case. You say, "Well, now there are three very fine fellows." It would be difficult to place us in the position where we would have any part of picking these men.

Mr. Chadderton: I would like to point out that in the brief which was circulated by the nationally chartered veterans' organizations I believe in February, we dealt with the question of an appeal board and stated universally that veterans' organizations were in support of the recommendation of the Woods Committee in this respect. I would just point out that in regard to appointments to any proposed appeal board Mr. Justice Woods and his colleagues felt that some members of the present Pension Commission could certainly serve on any new appellate body. They saw no objection to that at all.

Mr. Bigg: It seems to me we are not getting that today. Do I misunderstand? I sort of suggested we wanted a new bunch and they are not to be in the rut of old decisions and so on.

Mr. Chadderton: No. We are not proposing that in today's brief.

Mr. Bigg: It seems to me that if we did that we would lose perhaps 25 years in some cases, 20 years of experience in veterans' affairs. I think we might very well get men who . . .

Mr. Chadderton: I would also point out Mr. Chairman that in the Woods Committee recommendation concerning the methods which should be used regarding the appointment, Mr. Justice Woods and his colleagues again suggested that the government might call upon persons with experience in veterans matters. I think they mentioned specifically people who had been employed with the Department of Veterans Affairs and in some cases with veterans' organizations. Incidentally, I do not know anyone in this room

[*Interpretation*]

des gens de haute intégrité et stabilité. Il me semble que cinq bons hommes, quelle que soit leur désignation, feront plus pour les Canadiens et les anciens combattants que s'ils portent une autre appellation et tombent dans une catégorie différente. Vous me suivez?

M. Lundberg: Oui, certes.

M. Bigg: Selon vous, une telle proposition mériterait-elle d'être étudiée?

M. Lundberg: Au bureau d'appel, lorsqu'on perd sa cause, on aimerait bien ne plus jamais voir ces trois juges. La fois suivante, lorsque ces trois mêmes personnes se prononcent en votre faveur dans une autre cause, vous vous dites: «Voilà trois braves types.» Des difficultés pourraient surgir si nous avions notre mot à dire dans la composition de ce bureau.

M. Chadderton: Une chose que j'aimerais signaler: je crois que dans le mémoire diffusé en février dernier par les associations nationales d'anciens combattants, il est fait mention du bureau d'appel, et à ce propos, toutes les associations en cause ont confirmé ce qu'en a dit le comité Woods. Je tiens à dire qu'en ce qui concerne les nominations au bureau d'appel proposé, le juge Woods et ses collègues ont affirmé que certains membres de l'actuelle Commission des pensions auraient la compétence voulue pour siéger à un tel bureau. Ils n'y voient aucun inconvénient.

M. Bigg: Il n'en a pas été fait mention aujourd'hui, si je ne m'abuse. J'ai proposé que ce soit d'autres gens qui ne se sentiraient pas liés par les jugements antérieurs, enfin.

M. Chadderton: En effet, notre mémoire d'aujourd'hui ne renferme pas pareille proposition.

M. Bigg: En l'occurrence, on éliminerait peut-être des gens qui ont 20 ou 25 années d'expérience dans ce domaine. Peut-être aboutirions-nous avec des gens qui . . .

M. Chadderton: Une autre chose que je tiens à signaler, monsieur le président, c'est que dans la recommandation du comité Woods au sujet des modalités de nomination, le juge Woods et ses collègues ont réaffirmé que le gouvernement pourrait à bon escient faire appel à des personnes expérimentées dans les affaires des anciens combattants. Plus précisément, ils ont parlé d'ex-fonctionnaires du ministère des Affaires des anciens combattants et aussi parfois, d'anciens employés des organisations d'anciens combat-

[*Texte*]

who is interested in appointment to that Board if that is what anybody is thinking about. We are not saying that we necessarily have anyone in mind but these were the principles and we feel that they are very good principles and consideration should be given to them.

Another thing is that the Woods Committee recommendation concerning a proposed appeal board stated that any member should be appointed in accordance with the same principles Mr. Justice Woods and his colleagues saw as being the guidelines for appointment to members of the Commission. So it would be necessary to go to that particular recommendation in the Woods Committee, but what they were suggesting was that a chairman should be appointed and once he was appointed, that chairman should be in the position to make recommendations as to who goes on his board. This would give him an opportunity to scout around and look at the qualifications of various people and perhaps even convince certain people that from a career viewpoint it would be good opportunity to come onto the Appeal Board. This, of course, was getting completely away from the system of political appointment or something of that nature. It was a question of the man having to have the experience and having to qualify for the job. I am certain that that is the position of the veterans' organizations in Canada today regarding the type of personnel who should be appointed.

What we are differing with Mr. Chairman and gentlemen is—again our understanding is only what we can pick up from the White Paper—but we are differing with the principle as we understand it in the White Paper that the final level of appeal will be an appeal division within any new pension commission.

• 1135

I just want to take one moment to underscore something that was mentioned yesterday and I refer, Mr. Chairman, to the Woods Report, Volume 1, Page 85, wherein Mr. Justice Woods and his colleagues said this:

> Apart from the merits or demerits of the activities of the Pension Commission, your Committee feels that the circumstances of the same body sitting in appeals from what in effect are its own decisions demands alteration of the present procedure...

and these are the important words—

> ...to repose the ultimate authority in a body outside the Pension Commission.

[*Interprétation*]

tants. Soit dit en passant, au cas où l'on y aurait songé, je ne connais personne parmi nous qui soit intéressé à siéger à ce bureau d'appel. Ce n'est pas que nous ayons des candidats en vue, mais nous avons posé certains principes, que nous estimons valables et, à ce titre, dignes d'être pris en considération.

En outre, au sujet du futur bureau d'appel, le comité Woods préconise que les nominations se fassent suivant les mêmes principes qui ont régi, aux yeux du juge Woods et de ses collègues, les nominations au sein de la Commission. Il faudrait donc relire cette recommandation; de toute façon, il est proposé que l'on nomme le président, puis que ce dernier ait son mot à dire dans la composition du reste du bureau. Il aurait ainsi l'occasion de chercher des candidats, d'en faire l'appréciation et même d'en convaincre certains qu'il est dans leur intérêt professionnel d'accepter de siéger au bureau d'appel. On s'éloigne, bien entendu, du régime de nomination par voie politique ou d'un régime analogue. Il faudrait que les candidats établissent leurs états de service et leur compétence. Je suis sûr que c'est là la pensée des associations canadiennes d'anciens combattants quant au mode de nomination dont nous discutons.

Là où nous différons d'avis, monsieur le président, messieurs, c'est que selon nous, et nous nous référons uniquement au Livre blanc, le principe stipulé, sauf erreur, dans ce document, est que le dernier stade d'appel réside dans une Division d'appel formée au sein de la nouvelle Commission des pensions.

Je vous prie de m'accorder quelques instants pour reprendre à mon compte un passage cité hier, monsieur le président, et qui est tiré du rapport Woods, volume 1, page 100. Selon le juge Woods et ses collègues:

> Mis à part les avantages et les inconvénients des méthodes de la Commission des pensions, votre Comité estime que la situation selon laquelle un organisme juge en appel des décisions qu'il a lui-même rendues demande qu'on modifie la procédure actuelle...

et voici le passage important:

> ...et qu'on confère l'autorité finale à un organisme indépendant de la Commission des pensions.

[*Text*]

Mr. Chairman, we do not see this recommendation in the White Paper as reposing the ultimate authority in a body outside the Pension Commission. We submit that the White Paper completely and beautifully misses the whole point.

Mr. Bigg: Personally, I am still worried though about the idea of drawing up wooden guidelines to say that if certain people sit at one level of adjudication that disqualifies them from sitting at another level and whether you people would be satisfied if we put this final board of appeal under the Department of Justice or under the Secretary of State or under some other branch of the government. Surely it is the quality of decision we are worried about rather than the position in the government hierarchy or so forth because if you get the wrong personnel on the Board it would not matter where you...

The Chairman: I think you would have some reservation if it was put in the Department of Justice, for example, following Mr. Bigg's comment, and composed exclusively of people with that background.

Mr. Bigg: You have to put it, Mr. Chairman, in some government department. You cannot have them in a vacuum and you would not be put under Defence or somewhere else. I presume you would have to be under one of the semi-legal branches unless you put it under the Prime Minister or under the Treasury Board directly like one of the Crown Corporations or something like that.

Mr. Lundberg: Mr. Bigg you are saying this person on the first instance we are talking of now...

Mr. Bigg: We are talking about the ten as opposed to the five.

Mr. Lundberg: Are we to understand there will be no transferring back and forth of this individual. Once he is taken from the Entitlement Board or the Directorate and is put on the Appeal Division, he is not then free to go back and forth from each committee.

Mr. Bigg: We have been assured of that already. As I have tried to simplify the thinking, they are going to try and have a horizontal separation. So if you are ever promoted from one branch of the service into this final Appeal Board you would not be going back to making decisions at the lower level or be interchangeable in any way. However, I am afraid of saying, for instance,

[*Interpretation*]

Monsieur le président, nous estimons qu'il n'est pas envisagé, dans le Livre blanc, de conférer l'autorité dernière à un organisme indépendant de la Commission des pensions. Nous soutenons que le Livre blanc n'a nullement conçu la chose dans cette optique.

M. Bigg: Pour ma part, il me reste quelque appréhension à l'égard de l'idée de formuler des directives bien tranchées, comme interdire à une même personne de siéger à deux différentes étapes de l'arbitrage, ou de rechercher votre avis sur la question de faire relever le dernier bureau d'appel soit du ministère de la Justice, soit du Secrétariat d'État ou de quelque autre service administratif. C'est sûrement le bien fondé des décisions rendues, non la position hiérarchique au sein de l'Administration, qui doit nous préoccuper, car si le bureau se compose de gens inaptes, peu importe si...

Le président: Des réserves s'imposent, à mon sens, quant à le faire relever du ministère de la Justice, par exemple, si, comme l'a mentionné M. Bigg, il n'est constitué que de gens tirés des cadres ministériels.

M. Bigg: Il faut tout de même le situer dans un ministère, monsieur le président. On ne peut le rattacher à rien ou au ministère de la Défense nationale, mettons. Il faudrait qu'il relève d'un de ces organismes semi-juridiques, ou encore du premier ministre ou directement du Conseil du Trésor, à l'égal des sociétés de la Couronne, par exemple.

M. Lundberg: Monsieur Bigg, est-ce à dire qu'une personne siégeant au bureau de première instance, dont nous discutons présentement...

M. Bigg: Nous parlons du bureau des dix, par opposition au bureau des cinq.

M. Lundberg: Si je comprends bien, une personne ne pourrait passer d'un organisme à l'autre. Si un membre du bureau d'admissibilité ou de la Direction était nommé à la Division d'appel, il ne lui serait pas loisible, n'est-ce pas, de passer d'un organisme à l'autre?

M. Bigg: On nous en a déjà donné l'assurance. Pour simplifier ma pensée, je dirais qu'il n'y aurait pas de mutations horizontales. Un membre promu d'un service ministériel quelconque au dernier bureau d'appel ne pourrait plus rendre de jugements à un niveau inférieur; ses fonctions ne seraient pas interchangeables. Je crains d'avoir à affirmer. qu'un poste à un niveau inférieur interdit

[*Texte*]

that if you served on the lower level you would be disqualified for the higher level. Surely we do not want that.

An hon. Member: No.

Mr. Bigg: This is only my own opinion, but the important thing is the quality of man and the quality of the decision he is going to make. I think if we could put in some way to ensure that rather than the technical name of the body or even the department in which they sat, it would be more important. I am quite happy to ask for this separation completely, to put it from one department to the other. Again, my knowledge of public affairs is that if they want to get together over coffee and discuss the little affair, it will be done if that is the quality of people you are dealing with. There is nothing to stop them getting on the telephone and saying, "By the way, we have a sticky case from Alberta. We do not want to give the man his pension. Shall we turn him down?" If people are going to do that sort of thing, they will do it and whether they are in the Department of Justice, the Defence and so forth or whether it goes through the best-meaning Minister in the world.

The Chairman: I think Mr. Weatherhead had some comment and Mr. Stanley Knowles.

Mr. Weatherhead: Mr. Chairman, following up Mr. Bigg's comments I think I am still not entirely clear of the position of the witnesses here. Do I gather that they really want at least a majority of brand new men on an appeal on Appeal Division, and they are willing, if they have a majority of brand new men, to take the chance that these brand new men will still have all the sympathy and experience and everything else that you feel rightly so are necessary to make an excellent appeal commissioner?

It seems to me you are trying to have naturally, the best of both worlds but you want to have all the sympathy and the experience of the old commissioners and you want brand new one at the same time. Now, can you reconcile these two positions?

• 1140

Mr. Chadderton: No, Mr. Chairman, again, we have to refer back to the recommendation of the Woods Committee which is the one which has our endorsation. I think it was quite clear that recommendation stated that appointments to any proposed appeal board could be made from among present commissioners so long as there was no majority.

[*Interprétation*]

l'accès aux bureaux supérieurs. Celà, nous n'en voulons sûrement pas.

Une voix: Non.

M. Bigg: Ce qui compte, à mon sens, c'est la compétence d'un homme et celle des décisions qu'il va rendre. Il importe plus de se préoccuper de ces choses que de détails matériels, comme l'appellation de l'organisme ou même le ministère de qui il doit relever. Je suis ravi de demander une telle séparation complète, le passage d'un ministère à l'autre. D'après ce que je sais des affaires publiques, si les membres sont prêts à discuter d'un cas en prenant le café, les choses se passeront ainsi, avec des gens de cette sorte. On ne peut empêcher quelqu'un de dire, au téléphone: "Soit dit en passant, le cas du type de l'Alberta nous met dans l'embarras. Nous ne voulions pas lui donner sa pension. Devrions-nous rejeter sa demande?» Si des gens ont cette attitude, peu importe qu'ils soient au ministère de la Justice, à celui de la Défense ou ailleurs, peu importe qu'ils relèvent du ministre le mieux intentionné qui soit, rien ne les empêchera d'agir ainsi.

Le président: M. Weatherhead, ainsi que M. Stanley Knowles, ont demandé à prendre la parole.

M. Weatherhead: Monsieur le président, à la suite des commentaires de M. Bigg, je n'ai pas encore une idée nette de la pensée des témoins. Si je comprends bien, ils voudraient que la majorité, au moins, du bureau d'appel se compose de nouveaux membres et ils accepteraient le risque que ceux-ci puissent ne pas avoir la sympathie, l'expérience et tout ce qu'il faut, selon leurs désirs légitimes, pour exceller dans leurs tâches.

Il me semble que vous voulez ainsi l'argent et le beurre, à la fois la sympathie et l'expérience des anciens commissaires, ainsi que du sang nouveau. Comment peut-on faire concorder ces deux choses?

M. Chadderton: Non, monsieur le président, nous devons vous renvoyer de nouveau à la recommandation formulée par le comité Woods, celle que nous endossons. Il y est dit très clairement, je pense, que les nominations au futur bureau d'appel pourraient se faire parmi les commissaires actuels, pourvu que ces derniers n'y détiennent pas la majo-

[*Text*]

In other words, if it is going to be a five-man appeal board, you could not have more than two from the present Commission. Also, to clarify another point, we have been discussing here this morning this question of whether a Commissioner should sit on an appeal in which he has been involved in the previous adjudication. Again I refer you to the Woods Committee recommendation Number 17, where Mr. Justice Woods and his colleagues saw nothing particularly wrong with that.

Again we ourselves feel that that is our position. We do not see anything particularly wrong with the way it was at that time, with an appeal board moving around and with a commissioner who has been involved in previous adjudication again adjudicating, so long as the veteran gives his consent. And that proper protection was in the Act.

I think Mr. Justice Woods stated that if there is to be sufficient moving around of these people and hearing of cases across Canada, you have to expect, as you would with your entitlement board, 10 men. You could not expect that you are going to get a different three-man entitlement board on every case. Mathematics would dictate that that is not possible, but again I just want to refer to the fact that Mr. Justice Woods and his colleagues saw nothing wrong with a commissioner re-adjudicating on an application; and that is our position here.

Mr. Weatherhead: Mr. Chairman, getting back to the first point, your position then is that in in any event you want at least three brand-new men on an Appeal Division and that you are willing to take the chance that they might not be as experienced and sympathetic as some of the present ones.

Mr. Lundberg: That is right.

Mr. Bigg: You are not insisting that they be put under a different department or anything? You talked about their being in the same building as if the coffee break were really significant.

The Chairman: Mr. Knowles.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, what I wanted to say is on this very point that Mr. Bigg has brought up again. I think I agree with Mr. Bigg's basic concern that we support the idea of a completely independent appeal board. At the same time we do not want to lose experience. I do not think it is necessary, if I may say

[*Interpretation*]

rité. Autrement dit, s'il s'agit d'un bureau d'appel de cinq membres, au plus deux commissaires actuels pourraient en faire partie. Un autre point que j'aimerais élucider: nous nous sommes demandés ce matin si un commissaire du bureau d'appel devrait juger d'une cause qu'il a déjà tranchée à un stade inférieur. Je vous renvoie, en l'occurrence, à la recommandation n° 17 du comité Woods, dans laquelle le juge Woods et ses collègues affirment n'y voir aucun inconvénient important.

Je le répète, c'est aussi notre pensée. Rien de particulièrement répréhensible ne nous frappe dans la pratique antérieure, alors que le bureau d'appel se déplaçait et pouvait comporter un commissaire ayant déjà porté un jugement sur le litige, à condition que l'ancien combattant en cause y consente, protection que lui accordait la Loi.

Le juge Woods a déclaré, sauf erreur, que si les déplacements des commissaires et le nombre de causes par tout le Canada le justifient, il faudrait prévoir un bureau de dix membres, tout comme le bureau d'admissibilité. On ne peut s'attendre que chaque cause déférée au bureau d'admissibilité soit jugée par trois membres différents. La chose est mathématiquement impossible; d'ailleurs, je tiens à le répéter, le juge Woods et ses collègues ne voient aucun inconvénient à ce qu'un commissaire entende la même chose plus d'une fois; nous sommes aussi de cet avis.

M. Weatherhead: Pour en revenir à la première question, monsieur le président, vous voudriez, n'est-ce pas, que la Division des appels, de toute façon, comprenne trois nouveaux membres, et vous accepteriez le risque qu'ils ne soient pas aussi expérimentés, aussi pleins de sympathie que certains des titulaires actuels?

M. Lundberg: C'est exact.

M. Bigg: Vous ne tenez pas à ce que la Division relève d'un autre ministère, mettons. Vous parlez de membres installés dans le même bâtiment comme si la pause-café était chose réellement importante.

Le président: M. Knowles.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, mes remarques s'appliquent à la question même que M. Bigg a de nouveau soulevée. Je partage son point de vue, soit qu'il est essentiel que nous nous prononcions en faveur d'un bureau d'appel entièrement autonome. Néanmoins, il ne faut pas laisser échapper les avantages de l'expérience. Il me

[*Texte*]

so, to talk about this separate appeal board having to be in some other department. You are right, Mr. Chairman; you frighten us if you talk about putting it in the Justice Department or Treasury or Finance—God help us.

The Chairman: It did seem to me that would have to be thought through.

Mr. Knowles (Winnipeg North Centre): That is not necessary. The hierarchy is full of boards and bodies that report through certain ministers but are separate. The Canadian Transport Commission reports to the Minister but is not responsible to the Deputy Minister. The Canada Labour Relations Board is not responsible to the Deputy Minister of Labour. The Public Service Staff Relations Board is another one. It is in a bit of trouble right now, but at any rate, there it is. There is also the Canadian Radio-Television Commission and so on. We are full of boards. There are advisory boards of which you have been a member, Mr. Chairman, which report to the minister but are not part of the departmental set-up in the same way that the Bureau of Pension Advocates is going to come directly under the Minister rather than under the Deputy Minister.

It seems to me that it is quite possible to avoid going into another department and yet having this appeal board completely separate. I must say, Mr. Chairman, that despite my tendency to be critical of anything the government proposes, when the White Paper first came in I thought there was some sense to this compromise of separating the first level, putting it in the department and having the other two together but the more these organizations have made their case, the more I think they have made it very strongly that the final decision should be by a body which is completely on its own. It seems to me that that is even more important than the actual personnel who make it up. I hope the Committee will give pretty serious consideration to it.

• 1145

The Chairman: I am sorry to interrupt at this point, but I am concerned about time and I do know that there is one other point which Mr. Lundberg wants to make today. I wonder if it would be in order to proceed now.

[*Interprétation*]

semble inutile, si je puis dire, de parler d'un bureau d'appel distinct qui devrait se trouver dans quelque autre ministère. Vous avez raison, monsieur le président; vous nous faites peur lorsque vous parlez de le situer au ministère de la Justice, au Conseil du Trésor ou aux Finances. Dieu nous en préserve!

Le président: Il m'a semblé que cette question exige qu'on y réfléchisse bien.

M. Knowles (Winnipeg-Nord-Centre): Ce n'est pas nécessaire. La hiérarchie est remplie de commissions et d'organismes qui font rapport à certains ministres tout en restant indépendants. La Commission canadienne des transports fait rapport au ministre, mais ne relève pas du sous-ministre. Le Conseil canadien des relations ouvrières ne relève pas du sous-ministre du travail. La Commission des relations de travail dans la fonction publique en est une autre. Elle rencontre actuellement quelques difficultés, mais, de toutes façons, elle en est une. A ceux-ci se joignent le Conseil de la radio-télévision canadienne et d'autres organismes. Nous sommes envahis par les commissions. Il y a des commissions consultatives, dont vous avez fait partie, monsieur le président, qui font rapport au ministre, mais qui n'appartiennent pas à la structure du ministère au même titre que le Bureau des avocats des pensions qui relèvera directement du ministre plutôt que du sous-ministre.

Il me semble qu'on peut facilement éviter d'aller jusqu'à le confier à un autre ministère, tout en conservant à ce bureau d'appel son autonomie complète. Je dois dire, monsieur le président, que malgré ma tendance à critiquer toutes les propositions du gouvernement, dès que le Livre blanc a paru, j'ai pensé qu'on avait raison de séparer le premier niveau, de le placer dans le ministère et d'unir les deux autres; mais à mesure que ces organisations ont exposé leur cas, elles ont bien démontré que la décision finale devrait être laissée à un organisme complètement indépendant. A mon sens, cet aspect est encore plus important que le personnel même qui le compose. J'espère que le Comité examinera très attentivement ce point.

Le président: Je m'excuse de vous interrompre, mais je me préoccupe du temps et je sais que M. Lundberg désire exposer une autre question aujourd'hui. Je me demande s'il est réglementaire de passer à cette autre maintenant.

[*Text*]

Mr. Bigg: Have we completed this point?

The Chairman: Mr. Chadderton is going to be back in another capacity next week and it seems to me that there will be a number of opportunities to review this point.

Mr. Knowles (Winnipeg North Centre): This is going to come up every time.

The Chairman: Yes. Again I am trying to think of the time of the members today and the schedule that we have announced. I do not wish to restrain you, Mr. Bigg.

Mr. Chadderton: If I might just read into the record one reference, Mr. Chairman. That is the Woods Committee Report, Volume 1, page 82, Recommendation No. (14) (z), which states:

> ...Accomodation shall be provided in a building other than that occupied by the Canadian Pension Commission.

The same reference, Recommendation No. (14) (AA) states that:

> The Chairman of the Pension Appeal Board,...should make a report on the proceedings of his Board to the Minister of Veterans Affairs...

And that is our position. I wanted to make that clear.

The Chairman: That is fine.

Mr. Bigg: That is the exact point I was trying to make. I do not like working in a vacuum. If they are solid recommendations, I suggested Justice only—perhaps I have a limited memory of the number of ministries that we have—but if we are not going to have it all in the same one, I would like to know what department the veterans would like.

The Chairman: Thank you, Mr. Bigg.

Mr. Knowles (Winnipeg North Centre): A separate building and a separate coffee shop and another telephone.

The Chairman: Mr. Lundberg.

Mr. Lundberg: Gentlemen, I would ask you to go to the November 26 brief and on page 2, paragraph 1:

1. *The Basic Rate of Pension* (Woods Committee Recommendation No. 63)

> The cornerstone of the Pension Act is the principle that pensions are paid on the basis of disability, measured in terms of the amount of disqualification in the unskilled labour market. The Woods

[*Interpretation*]

M. Bigg: Avons-nous terminé ce point?

Le président: M. Chadderton reviendra la semaine prochaine, mais à un autre titre, et il me semble que nous aurons encore bien des occasions de revoir ce point.

M. Knowles (Winnipeg-Nord-Centre): Ce sujet reviendra toujours sur le tapis.

Le président: Oui. A nouveau, j'essaie de penser au temps alloué aux membres aujourd'hui et au programme que nous avons annoncé. Je ne veux pas vous restreindre, monsieur Bigg.

M. Chadderton: Permettez-moi, monsieur le président, de lire une référence dans le dossier. C'est le rapport du comité Woods, volume 1, page 82, recommandation 14 (Z) qui stipule:

> ...Le Bureau d'appel des pensions sera logé dans un immeuble différent de celui de la Commission des pensions.

La même référence, recommandation 14 (AA) stipule que:

> ...le président du Bureau d'appel des pensions devra faire rapport des délibérations du Bureau au ministère des Affaires des anciens combattants...

Et voilà notre position. Je voulais l'indiquer clairement.

Le président: C'est bien.

M. Bigg: C'est exactement le point que je voulais exposer. Je n'aime pas travailler dans le vide. Si ce sont de solides recommandations, je suggère le ministère de la Justice seulement; j'ai peut-être la mémoire trop courte pour me rappeler le nombre de nos ministères, mais si nous ne pouvons pas nous entendre, j'aimerais savoir quel ministère les anciens combattants préféreraient.

Le président: Merci, monsieur Bigg.

M. Knowles (Winnipeg-Nord-Centre): Un édifice à part, une cafétéria distincte et un autre téléphone.

Le président: Monsieur Lundberg.

M. Lundberg: Messieurs, je vous demanderais d'ouvrir le mémoire du 26 novembre à la page 2, paragraphe 1:

1. *Le taux de base des pensions* (Recommandation 63 du comité Woods)

> La pierre-angulaire de la Loi sur les pensions est le principe suivant lequel le paiement des pensions est en fonction du degré d'invalidité, c'est-à-dire l'incapacité sur le marché du travail non

[*Texte*]

Committee recommends that this formula be retained—and provides some excellent and compelling reasons for doing so. The National Council is aware that some Ministerial Advisors have, over the past few years, advocated that this formula should be replaced by some newer yardstick. We submit that any such change would be wrong for the reason that the unskilled labour market has been the common denominator on which pension has been based since 1919. This is consistent with the principle as laid down in section 17 of the Pension Act that

> "The occupation or income or condition in life of a person previous to his becoming a member of the forces does not in any way affect the amount of pension awarded to or in respect of him."

This formula is important in that it assesses physical disability in terms of the value of physical work. It does not bar the pensioner from earning a living with whatever other abilities he has left. Accordingly, there has been a great incentive for the disabled war casualty to rehabilitate himself, safe in the knowledge that any income he can earn "with what he has left" will in no way affect his pension.

Hand in hand with this is the guarantee to him that FOR THE AMOUNT OF HIS DISABILITY WHICH DOES DISQUALIFY HIM IN THE UNSKILLED LABOUR MARKET he will be paid, at the 100% disability rate, the wage of an untrained labourer—that is $4,152 a year, for an eight hour day, in accordance with current wages in the Public Service of Canada.

Over the years the basic rate of war disability pension has fallen very considerably behind earnings in the unskilled labour market. We suggest that the adoption of a new formula could produce a ready-made means of covering up this deficiency. For example, a new formula might be devised to offer more pension only to certain of the disability classifications which should be rated at greater than 100 per cent. This solution would not be acceptable. As we have already stated, the unskilled labour market formula is the bedrock principle of the Pension Act. Where a disability can legitimately be rated as greater than 100 per cent (i.e. the multiple disability case) there is ample justification for additional

[*Interprétation*]

spécialisé. Le comité Woods recommande de retenir cette formule, et pour ce faire fournit des raisons excellentes et indiscutables. Le Conseil national a été informé que, ces dernières années, certains conseillers ministériels ont préconisé de remplacer cette formule par quelque autre mesure plus nouvelle. A notre avis, toute modification de ce genre serait erronée, car, depuis 1919, la main-d'œuvre non spécialisée a servi de dénominateur commun à l'évaluation des pensions. Cela est conforme au principe énoncé dans l'article 17 de la Loi sur les pensions qui stipule que:

> «L'occupation ou le revenu ou l'état de vie d'une personne avant qu'elle soit devenue membre des forces ne doivent en aucune manière influer sur le montant de la pension qui lui est accordée ou est accordée à son sujet».

Cette formule est importante, parce qu'elle évalue l'invalidité physique en fonction de la valeur du travail physique. Elle n'empêche pas le pensionné de gagner sa vie avec les autres capacités qui lui restent. Ainsi, l'invalide de guerre a ressenti un vif encouragement à se réadapter, sachant que tout le revenu acquis «avec ce qui lui reste» ne nuira certes pas à sa pension.

On lui a également fourni l'assurance que POUR LE DEGRÉ D'INVALIDITÉ QUI L'EMPÊCHE D'ŒUVRER DANS LA MAIN-D'ŒUVRE NON SPÉCIALISÉE, il recevra, à 100 p. 100 de son degré d'invalidité, le salaire d'un ouvrier non spécialisé, soit $4,152 par an, pour une journée de huit heures, conformément aux salaires en cours dans la Fonction publique du Canada.

Au cours des années, le taux de base de la pension des invalides de guerre est devenu considérablement inférieur aux salaires de la main-d'œuvre non spécialisée. Nous sommes d'avis que l'adoption d'une nouvelle formule pourrait fournir un moyen apte à corriger cette lacune. Par exemple, on pourrait élaborer une nouvelle formule qui n'offrirait une pension plus élevée qu'à certaines catégories d'invalidité qu'on estimerait dépasser 100 p. 100. Cette solution ne semble pas acceptable. Comme nous l'avons indiqué plus haut, la formule de la main-d'œuvre non spécialisée constitue le principe fondamental de la Loi sur les pensions. Lorsqu'on peut estimer légitimement que l'invalidité dépasse les 100 p. 100 (comme

[*Text*]

pension over and above the 100 per cent figure, as has been suggested by the Woods Committee.

There is more than money involved in the basic rate. The unskilled labour market formula preserves for the pensioner the age-old concept of pension as of right". In effect, this formula guarantees that pension will be paid to him on the basis of the amount of his disqualification in the unskilled labour market. This was the recommendation of the Woods Committee, as we understand it, and any deviation from this principle would amount to a betrayal of the rights of the pensioner.

The Minister of Veterans Affairs in his appearance before the Parliamentary Committee on October 29th made a statement to the effect that the basic rate of pension was not included in the Terms of Reference of the Woods Committee.

We understand that there was a limitation that the Committee should not make recommendations regarding the actual amount of monies which should be paid under the Act, but that it was free to enquire into and report on anything else, including the structure of the basic rate. The Committee did this—pointing out that it was not possible to make recommendations regarding the compensation for multiple disabilities and several other important aspects of pension administration without first establishing a firm base upon which the calculation of the amount of pension could be established.

In concluding the views of this Council on this matter, may we point out that the basic rate of pension must necessarily be based upon the amount required to compensate a single man for his disabilities. Comparisons on the basis of the married rate of pension cannot be justified. Originally Parliament intended that the basic rate should be "the earning power of a man in the class of untrained labour" which means the amount the man can earn in untrained labour, regardless of whether he has a wife and children to support. Where dependents do exist, the Pension Act recognizes this, and makes provision for additional pension to meet this added responsibility.

[*Interpretation*]

dans le cas des infirmités multiples), selon la proposition du comité Woods, on pourrait amplement justifier une pension supplémentaire basée sur un pourcentage supérieur au 100 p. 100.

Il n'y a pas que l'argent impliqué dans le taux de base. La formule de la main-d'œuvre non spécialisée conserve au pensionné la notion séculaire de «pension de droit.» En effet, cette formule garantit que la pension lui sera payée en se basant sur son degré d'incapacité à participer à la main-d'œuvre non spécialisée. Telle était la recommandation du comité Woods, croyons-nous, et toute déviation de ce principe équivaudrait à trahir les droits du pensionné.

Lorsque le ministre des Affaires des anciens combattants a comparu le 29 octobre devant le Comité parlementaire, il a déclaré que le taux de base des pensions n'était pas au nombre des attributions du comité Woods.

Nous avons alors compris qu'une restriction empêchait le comité d'énoncer des recommandations concernant le montant à payer conformément à la loi, mais que le comité était libre de mener une enquête et de faire rapport sur tout autre point, y compris la structure des taux de base. Ce faisant, le comité a indiqué qu'à moins d'établir tout d'abord le calcul du montant des pensions sur une base solide, il était impossible de formuler des recommandations concernant l'indemnisation pour infirmités multiples et plusieurs autres aspects importants de l'administration des pensions.

En terminant d'exposer l'opinion du Conseil à ce sujet, qu'on nous permette de souligner la nécessité d'établir le taux de base des pensions sur le montant requis pour indemniser les célibataires. Il serait injustifiable d'établir des comparaisons en se basant sur le taux de pension des gens mariés. Au début, le Parlement proposait, comme taux de base, «l'aptitude professionnelle d'un individu appartenant à la classe de l'ouvrier non spécialisé»; en d'autres termes, le montant que l'individu peut gagner dans la main-d'œuvre non spécialisée, sans tenir compte du fait qu'il ait une femme et des enfants à charge. Dans le cas où il aurait des personnes à charge, la Loi sur les pensions prévoit une pension supplémentaire pour faire face à cette responsabilité supplémentaire.

[*Texte*]

The Chairman: Have members of the Committee any questions to raise at this point?

Mr. Marshall: Mr. Chairman, by our terms of reference we are not to deal with the basic rate, is that right?

The Chairman: My understanding was that the amount of the basic rate was outside the terms of reference. The Committee may wish to have additional testimony on the basic terms of reference on this point.

Mr. Marshall: But in our report from Committee can we make any impact on the government relative to basic rate?

The Chairman: I point out to the Committee that in relation to that there was a very specific reference in the White Paper and in the Minister's statement in the House of Commons.

Mr. Lundberg: Gentlemen, I say that the Woods Committee Report is before you, and the Woods Committee Report does contain recommendations.

The Chairman: Yes; but whether or not the Woods Committee Report exceeded the scope of its terms of reference is another matter.

Mr. Knowles (Winnipeg North Centre): We were not given the terms of reference of the Woods Committee Report; we were given the Woods Committee Report.

The Chairman: Gentlemen, this is a matter we can hear a good deal more about, but I suggest that the Committee may want to have further testimony on it.

Mr. Bigg: The Committee is not restricted to the Woods Committee Report, is it?

The Chairman: As I understand it, the terms of reference of the Committee—and the clerk can read them to us—are very definitely the Woods Committee Report.

Mr. Bigg: Are we not masters in our own house?

The Chairman: Not according to the rules of the House of Commons. The Committee can deal only with those matters specifically referred to it by the House of Commons, and this is a clearly understood principle.

I will ask the clerk to read the terms of reference. Mr. Levesque?

[*Interprétation*]

Le président: Les membres du Comité ont-ils des questions à poser?

M. Marshall: Monsieur le président, nos attributions ne nous permettent pas de traiter du taux de base, n'est-ce pas?

Le président: Sauf erreur, nos attributions ne s'étendent pas au taux de base. A ce propos, le Comité aimerait peut-être entendre d'autres témoignages concernant les attributions fondamentales.

M. Marshall: Mais dans le rapport du Comité, pouvons-nous influencer la décision du gouvernement au sujet du taux de base?

Le président: Je ferai remarquer au Comité que, sur ce point, il existe une référence très spéciale dans le Livre blanc et dans la déclaration du ministre à la Chambre des communes.

M. Lundberg: Messieurs, je crois que le rapport du comité Woods est soumis à votre examen et qu'il contient des recommandations.

Le président: Oui; mais c'est une autre question que de savoir si le rapport du comité Woods dépasse ses attributions.

M. Knowles (Winnipeg-Nord-Centre): On ne nous a pas exposé le mandat du rapport de la Commission Woods; on nous a donné son rapport.

Le président: Messieurs, c'est une affaire sur laquelle nous pourrions en entendre bien davantage, mais je pense que le Comité pourrait désirer d'autres témoignages dans ce domaine.

M. Bigg: Le Comité n'est pas restreint exclusivement au rapport de la Commission Woods, n'est-ce pas?

Le président: Si j'ai bien compris, le mandat de notre Comité, et le greffier pourrait nous en lire le texte, stipule expressément le rapport de la Commission Woods.

M. Bigg: Ne sommes-nous pas maître chez nous?

Le président: Pas selon le Règlement de la Chambre des communes. Le comité ne peut se pencher que sur les affaires qui lui sont expressément confiées par la Chambre des communes, et c'est là un principe qui ne fait aucun doute.

Je vais demander au greffier de nous lire le texte de l'ordre de renvoi. Monsieur Lévesque?

[*Text*]

Mr. D. E. Levesque (Clerk of the Standing Committee on Veterans Affairs): Terms of reference:

Thursday, June 26, 1969

Ordered,—That the report of the committee appointed September 8, 1965, to survey the organization and work of the Canadian Pension Commission, tabled on March 26, 1968, be referred to the Standing Committee on Veterans Affairs.

ATTEST: ALISTAIR FRASER,
The Clerk of the House of Commons.

Mr. Bigg: On a point of order, Mr. Chairman. It is impossible to consider the Woods Committee Report apart from the financial aspects of the case.

The Chairman: This raises a much broader subject and I question how much further the Committee can go in the time remaining this morning. No doubt we will have further discussions.

Mr. Bigg: Yes; perhaps in the time remaining this morning; but...

Mr. Marshall: May I point out, Mr. Chairman, that so many of the items in the report have a relationship to basic rate that it is a...

Mr. Chadderton: In the Woods Committee Report, which is addressed to the former Minister of Veterans Affairs, Volume 1, Chapter 1, page 2, under the heading "Terms of Reference", Mr. Justice Woods and his colleagues stated this:

> From discussions with you prior to the actual establishment of the Committee, the Chairman understood that you wanted it to be free to enquire into all phases of the operations of the Canadian Pension Commission excepting only actual rates of pension.

There is another reference, Mr. Chairman, on page 3 of the same report, wherein the Treasury Board Minute is quoted in these words:

> the Committee, though not limited in the scope of its report,

and it goes on to say what it is to report on.

[*Interpretation*]

M. D. E. Lévesque (greffier du Comité permanent sur les affaires des anciens combattants): Ordre de renvoi:

Le jeudi 26 juin 1969

Il est ordonné,—Que le rapport du comité d'enquête sur l'organisation et le travail de la Commission canadienne des pensions nommé le 8 septembre 1965, déposé le 26 mars 1968, soit renvoyé au comité permanent des affaires des anciens combattants.

ATTESTÉ:
Le greffier de la Chambre des communes,
ALISTAIR FRASER.

M. Bigg: Je voudrais mentionner un point de l'ordre du jour, monsieur le président. Il est impossible de traiter du rapport du Comité Woods sans tenir compte des aspects financiers de la question.

Le président: Cela élargirait considérablement le sujet, et je me demande ce que le Comité pourrait encore faire pendant le temps qui nous reste ce matin. Nous aurons sans aucun doute d'autres discussions.

M. Bigg: Oui; peut-être pendant le temps qui nous reste ce matin; mais...

M. Marshall: Puis-je faire remarquer, monsieur le président, qu'un si grand nombre de points du rapport concernent le taux de base que c'est un....

M. Chadderton: Dans le rapport du Comité Woods, qui est adressé à l'ancien ministre des Affaires des anciens combattants, au volume 1, chapitre 1, page 2, sous le terme «Attributions», le juge Woods et ses collègues déclaraient ce qui suit:

> A la suite des entretiens qu'il a eus avec vous avant l'établissement effectif du Comité, le président a cru comprendre que vous vouliez que le Comité soit libre de faire enquête sur tous les aspects de l'activité de la Commission canadienne des pensions, à l'exception seulement de ce qui concerne les taux même des pensions.

Il y a encore une autre référence, monsieur le président, à la page 3 du même rapport, dans laquelle le procès-verbal du Conseil du trésor est cité en ces termes:

> Bien que cela ne doive pas restreindre la portée de son rapport...

et il poursuit en disant ce qui fait l'objet du rapport.

[*Texte*]

The Chairman: I think I should caution the Committee that there is additional reference in the Treasury Board Minute which is probably relevant.

• 1155

Mr. Chadderton: Yes, it could be. There is one further reference. In a letter read into the minutes of the Woods Committee Report by Mr. Ken Langford, the Chairman of the National Council of Veterans Associations, he quotes a letter from Mr. Teillet which states that the Committee may report

...as they see fit.

On that basis, Mr. Chairman, for what it is worth, we in the National Council of Veterans Associations in Canada submit that the basic rate of pension is properly before this Committee.

The Chairman: I simply have to caution the Committee that I have been given contrary advice.

Mr. Knowles (Winnipeg North Centre): But you have not ruled yet?

The Chairman: No, I have not. I feel that the Committee will have to hear the other items that will be submitted, which would not be in agreement with the conclusion Mr. Chadderton has drawn.

Mr. Lundberg: I would like to point out, though, Mr. Chairman, that when the last pension increase was received it was stated most emphatically by the then Minister of Veterans Affairs that this was only an interim adjustment until the report was tabled and then the matter could be clarified in its entirety.

The Chairman: Mr. Lundberg, I do not want to get into a dispute on the merits of the basic rate. It seems to me that this is a question in itself.

Certain things have been referred to us, and in particular the White Paper is a priority item which the government has prepared to move with legislation.

If the Committee goes into basic rate now there will be prolonged discussions and certainly a delay before there is legislation incorporating those items in the White Paper which have been accepted. That is a decision that the members of the Committee have to wrestle with.

We have heard your submission and know your point of view and the references that

[*Interprétation*]

Le président: Je crois devoir prévenir le Comité qu'il y a, dans le procès-verbal du Conseil du Trésor, une autre référence, qui est probablement pertinente.

M. Chadderton: Oui, c'est possible. Il y a une autre référence encore. Dans une lettre consignée au procès-verbal du rapport du comité Woods par le président du Conseil national des associations des anciens combattants, M. Ken Langford, il cite une lettre de M. Teillet qui déclare que le comité peut présenter son rapport

comme bon lui semble.

Sur cette base, monsieur le président, et pour ce qu'elle vaut, nous prétendons au sein du Conseil national des associations d'anciens combattants du Canada que le comité est bien saisi de la question des taux de base des pensions.

Le président: Je me bornerai à prévenir le Comité qu'il m'a été précisé le contraire.

M. Knowles (Winnipeg-Nord-Centre): Mais vous n'avez pas encore décidé?

Le président: Non, pas encore. J'estime que le Comité devra entendre les autres points qui lui seront soumis, et qui ne concorderont pas avec la conclusion tirée par M. Chadderton.

M. Lundberg: Je voudrais cependant vous préciser, monsieur le président, que lors de la dernière augmentation des pensions, le ministre des Affaires des anciens combattants de l'époque a souligné avec la plus grande force qu'il s'agissait uniquement d'une solution provisoire en attendant la présentation du rapport, et en ce moment la question pourrait être réglée dans sa totalité.

Le président: Monsieur Lundberg, je ne tiens pas à engager un débat sur la valeur du taux de base. Il me semble que c'est là une question distincte. Certaines choses nous ont été confiées, et le Livre blanc en particulier constitue une priorité que le gouvernement a préparée pour en venir à la législation.

Si le Comité se met à discuter du taux de base maintenant, il y aura des discussions prolongées et, très certainement, un retard avant que nous ayons une loi englobant les points contenus dans le Livre blanc et que nous avons acceptés. C'est là une décision sur laquelle les membres du comité doivent se prononcer. Nous avons entendu votre déclaration et nous connaissons votre point de vue,

[*Text*]

Mr. Chadderton has sought to put in the record. We could go into this for some considerable time, and no doubt will, but I leave to the members of the Committee how far they want to go at this point.

Mr. Knowles (Winnipeg North Centre): Perhaps we had better include the basic rate in the agenda.

The Chairman: If there are no further questions I would like very much, in the name of the Committee, to thank Mr. Lundberg, Mr. Chadderton, Mr. Woodcock, Mr. Clarke, and those who have appeared before the Committee today. I know they have very much appreciated the opportunity of hearing you and asking questions on your submission.

Mr. Lundberg: Mr. Chairman, before I go may I thank the Committee for the very kind interest and attentiveness they have shown and the co-operation they have extended to the National Council of Veteran Associations in Canada and the members that we represent. We appreciate this opportunity of coming before a Committee that so far as I can remember has never had any trouble in arranging for a quorum to be present. On behalf of the Council, I thank you very much, Mr. Chairman.

Mr. Chadderton: May I make one final statement? In our brief we did make the comment at the start that our assessment of the White Paper indicated that less than one-half of the recommendations had been covered in the White Paper. I hope that all present understand that our assessment was based only on the information we had at that time.

The Chairman: We certainly understand that, Mr. Chadderton.

Mr. Chadderton: If, in further analysis, we find that this is not true we certainly will be most pleased to retract it.

The Chairman: I think that every organization appearing before us is in the same position that you are, and the purpose of the hearings, as I said previously, is to expand on the information that is available, in relation as much as possible to the additional recommendations. There is no meeting planned for this afternoon. The next one will be on Monday at 9:30 a.m. in this room. I hope we see you then.

[*Interpretation*]

ainsi que les références que M. Chadderton a cherché à consigner au compte rendu. Nous pourrions nous étendre sur cette question pendant bien longtemps encore et nous le ferons sans aucun doute mais je m'en remets aux membres du Comité de décider jusqu'à quel point ils désirent aller pour l'instant.

M. Knowles (Winnipeg Nord-Centre): Peut-être ferions-nous mieux d'inscrire le taux de base à l'ordre du jour.

Le président: S'il n'y a pas d'autres questions, il me plairait, au nom du comité, de remercier MM. Lundberg, Chadderton, Woodcock, Clarke et tout ceux qui se sont présentés aujourd'hui devant le comité. Je cais que les membres du Comité ont particulièrement apprécié la possibilité d'entendre ces personnes et de poser des questions sur le document qu'ils ont présenté.

M. Lundberg: Monsieur le président, avant de m'en aller, je voudrais remercier le Comité pour l'intérêt et l'attention dont il a fait preuve, et pour l'esprit de coopération avec lequel les députés ont écouté le Conseil national des associations d'anciens combattants du Canada et les membres que nous représentons. Nous sommes très heureux de l'occasion qui nous a été offerte de nous présenter devant un Comité qui, pour autant que je me souvienne, n'a jamais eu aucune difficulté à réunir un quorum. Au nom du Conseil, je vous remercie, monsieur le président.

M. Chadderton: Puis-je faire une seule remarque finale? Dans notre mémoire, nous avons commencé par dire que notre examen du Livre blanc indique que ce dernier ne traite que de la moitié des recommandations. J'espère que toutes les personnes présentes ont bien compris que notre examen était basé uniquement sur les renseignements que nous possédions à l'époque.

Le président: Nous avons parfaitement compris cela, monsieur Chadderton.

M. Chadderton: Si, à la lumière d'une étude plus approfondie, nous constatons que ce n'était pas exact, nous nous ferons un devoir de nous rétracter, soyez-en persuadé.

Le président: Je pense que toute organisation qui comparaît devant nous se trouve dans la même situation et le but de ces auditions, comme je l'ai dit précédemment, est de nous pencher sur les renseignements dont on dispose, en tenant compte, dans la mesure du possible, des recommandations supplémentaires.

Aucune réunion n'est prévue pour cet après-midi. Notre prochaine réunion aura

[*Texte*]

Mr. Woodcock: May I ask you one question, Mr. Chairman?

The Chairman: Yes, Mr. Woodcock.

Mr. Woodcock: The Sir Arthur Pearson Association of War Blinded is due to appear before this Committee. Do I understand we are to confine our comments just to the White Paper?

The Chairman: From the evidence today I think you can draw your own conclusions. It certainly has not been confined to the White Paper. The work of this Committee is to survey the report of the Woods Committee. What you choose to make in your submission will certainly be welcome so long as it is related to the report of the Woods Committee.

Mr. Woodcock: Thank you, sir.

[*Interprétation*]

lieu lundi à 9 h. 30 du matin, dans cette pièce. Nous serons heureux de vous y retrouver.

M. Woodcock: Puis-je vous poser une seule question, monsieur le président?

Le président: Oui, monsieur Woodcock.

M. Woodcock: L'Association Sir Arthur Pearson des aveugles de guerre doit se présenter devant le Comité. Dois-je comprendre que nous devrons restreindre nos commentaires au seul Livre blanc?

Le président: Je pense que les témoignages que nous avons entendus aujourd'hui vous permettront de tirer vos propres conclusions. Il ne fait aucun doute qu'ils ne sont pas limités au Livre blanc. La tâche du Comité est d'étudier le rapport du Comité Woods. Quelle que soit l'attitude que vous adopterez, elle sera certainement bien accueillie, à condition qu'elle concerne le rapport du Comité Woods.

M. Woodcock: Je vous remercie, monsieur.

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CHAMBRE DES COMMUNES

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STANDING COMMITTEE

ON

VETERANS AFFAIRS

COMITÉ PERMANENT

DES

AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*

MINUTES OF PROCEEDINGS AND EVIDENCE

PROCÈS-VERBAUX ET TÉMOIGNAGES

No. 16

MONDAY, SEPTEMBER 22, 1969

LE LUNDI 22 SEPTEMBRE 1969

Respecting

The Report of the Committee to survey the Organization and Work of the Canadian Pension Commission.

Concernant

Le rapport du Comité chargé d'étudier l'organisation et le travail de la Commission canadienne des pensions.

WITNESSES—TÉMOINS

(See Minutes of Proceedings) *(Voir Procès-verbaux)*

STANDING COMMITTEE ON VETERANS AFFAIRS

COMITÉ PERMANENT DES AFFAIRES DES ANCIENS COMBATTANTS

Chairman Mr. Lloyd Francis *Président*

Vice-Chairman Mr. Carl Legault *Vice-président*

and Messrs.

Badanai,
Bigg,
Groos,
Guay (*St. Boniface*),
Knowles (*Norfolk-Haldimand*),
Laniel,
Latulippe,
LeBlanc (*Rimouski*),
MacRae,
Marshall,
McIntosh,
Peters,
Saltsman,
Stafford,
Thomas (*Moncton*),
Turner (*London East*),
Weatherhead,
Whicher—(20).

et Messieurs

Le greffier du Comité,
D. E. Levesque,
Clerk of the Committee.

[*Text*]

MINUTES OF PROCEEDINGS

MONDAY, September 22, 1969.
(20)

The Standing Committee on Veterans Affairs met this day at 9.45 a.m., the Chairman, Mr. Lloyd Francis, presiding.

Members present: Messrs. Francis, Guay (*St. Boniface*), Legault, MacRay, Marshall, Turner (*London East*), Weatherhead, Whicher (8).

Other Member present: Mr. Knowles, M.P. (*Winnipeg North Centre*).

Witnesses: From the War Amputations of Canada: Lt. Col. S. E. Lambert, President; Mr. Keith E. Butler, Vice-President; Messrs. Harry Worling; H. C. Chadderton; S. J. Alderdice; A. J. Lemay; Paul Bédard and Mr. Justice K. L. Crowell.

At 12.00 o'clock noon the Committee recessed to 2 p.m.

AFTERNOON SITTING
(21)

The Committee resumed sitting at 2.00 p.m.

Members present: Messrs Francis, Guay (*St. Boniface*), Knowles (*Norfolk-Haldimand*), Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London East*), Weatherhead, Whicher (11).

Other Member present: Mr. Knowles, M.P. (*Winnipeg North Centre*).

Witnesses: Same as this morning's sitting.

The Committee continued the discussion of the presentation of the War Amputations of Canada.

It was agreed, that the "Tabulation of the current proposed disposition of the Woods Committee Recommendations", be

[*Traduction*]

PROCÈS-VERBAUX

Le LUNDI 22 septembre 1969.
(20)

Le Comité permanent des affaires des anciens combattants se réunit ce matin à 9 h. 45, sous la présidence de M. Lloyd Francis, président.

Députés présents: MM. Francis, Guay (*Saint-Boniface*), Legault, MacRae, Marshall, Turner (*London-Est*), Weatherhead, Whicher—(8).

Autre député présent: M. Knowles, député (*Winnipeg-Nord-Centre*).

Témoins: De l'Association des amputés de guerre du Canada: Le lieutenant-colonel S. E. Lambert, président; M. Keith E. Butler, vice-président; MM. Harry Worling, H. C. Chadderton, S. J. Alderdice, A. J. Lemay et Paul Bédard; et le juge K. L. Crowell.

A midi, le Comité lève la séance, pour se réunir de nouveau à 2 h. de l'après-midi.

SÉANCE DE L'APRÈS-MIDI
(21)

Le Comité reprend ses travaux à 2 h. de l'après-midi.

Députés présents: MM. Francis, Guay (*Saint-Boniface*), Knowles (*Norfolk-Haldimand*), Legault, MacRae, Marshall, Peters, Saltsman, Turner (*London-Est*), Weatherhead, Whicher—(11).

Autre député présent: M. Knowles, (*Winnipeg-Nord-Centre*), député.

Témoins: Les mêmes qu'à la séance du matin.

Le Comité continue à délibérer sur l'exposé de l'Association des amputés de guerre du Canada.

Il est décidé—Que le document intitulé «Décisions actuelles relatives aux recommandations du Comité Woods» soit annexé

20760—1½

appended to this day's evidence. (*See Appendix "D"*).

At 4.40 p.m., the Committee adjourned to Tuesday, September 23, 1969 at 9.30 a.m.

au compte rendu des délibérations de ce jour. (*Voir Appendice «D»*).

A 4 h. 40 de l'après-midi, le Comité lève la séance, pour se réunir de nouveau le mardi 23 septembre 1969, à 9 h. 30 du matin.

Le greffier du Comité,
D. E. Levesque.
Clerk of the Committee.

[*Texte*]

EVIDENCE

(Recorded by Electronic Apparatus)

Monday, September 22, 1969.

• 0945

The Chairman: Today we are going to hear a brief from The War Amputations of Canada, and Rev. Sydney Lambert is, I believe, the Dominion President. He will open the presentation. He tells me that other people will speak and he will introduce them in the course of the presentation.

Lt. Col. S. E. Lambert (Dominion President, The War Amputations of Canada): Thank you, Mr. Chairman. Ladies and gentlemen, we, The War Amputations of Canada, first wish to express our very deep appreciation to the Chairman and members of this Committee for their generous acceptance of the proposal that the Committee should meet in advance of the commencement of the regular session of Parliament. We know that this has meant your having to leave your home constituencies where you, no doubt, have a great deal of backlog work.

It is too bad that you have to go back to your constituencies. You should be like me. I have been the president for 50 years and I am the permanent president, and you do not have to get in.

As I said, we know that this has meant your having to leave your home constituencies where you, no doubt, have a great deal of backlog work which has built up during the last session. Also, for some of you, it will have meant giving up your summer vacation.

The Minister of Veterans Affairs announced to the Dominion Convention of the War Amputations of Canada in Montreal a week ago today that some 80 per cent of the Woods Committee recommendations had been implemented, wholly or in part. Our analysis of the White Paper indicates that there are still many areas in which the War Amputations of Canada has a particular interest which have not been covered in the White Paper. This is not to say that we take issue with the statement of the Honourable, the Minister. We do consider it necessary, however, to emphasize that our membership is not at all satisfied that the philosophy and the major recommendations of the Woods Committee have been incorporated into the Government's intentions

[*Interprétation*]

TÉMOIGNAGES

(Enregistrement électronique)

Le lundi 22 septembre 1969

Le président: Nous entendrons aujourd'hui la lecture d'un mémoire préparé par l'Association des Amputés de guerre du Canada, dont le Révérend Sydney Lambert est, je crois, le président national, il fera la présentation. Il me dit que d'autres personnes vous adresseront la parole après vous avoir été présentées.

Le lieutenant-colonel S. E. Lambert (président national, Les Amputés de guerre du Canada): Merci, monsieur le président. Mesdames et messieurs, nous membres de l'Association des amputés de guerre du Canada, désirons d'abord exprimer notre profonde gratitude au président et aux membres du Comité pour l'accueil chaleureux qu'ils ont réservé à la proposition de réunir le Comité avant l'ouverture de la session régulière du Parlement. Nous savons qu'il a fallu pour cela que vous quittiez votre circonscription où, sans doute, des tâches importantes s'accumulent.

Il est malheureux que vous ayez à rentrer chez vous. Vous devriez faire comme moi. Je suis président depuis 50 ans, président permanent, et cela sans avoir à lutter.

Nous savons, je le répète, qu'il a fallu que vous quittiez votre circonscription où, sans doute, le travail s'est accumulé au cours de la dernière session. De plus, nous savons que quelques-uns d'entre vous ont été obligés de renoncer à leurs vacances.

Le ministre des Affaires des anciens combattants a annoncé au Congrès national des amputés de guerre du Canada, tenu à Montréal il y a une semaine aujourd'hui, qu'environ 80 p. 100 des recommandations du Comité Woods ont été mises en vigueur, en totalité ou en partie. Notre étude du Livre blanc fait ressortir qu'il y a encore plusieurs domaines auxquels s'intéresse notre association qui ne sont pas mentionnés dans le Livre blanc. Nous ne contestons pas pour autant la déclaration de l'honorable Ministre. Il nous semble cependant nécessaire de souligner que nos membres ne sont pas tous d'accord sur les principes et les principales recommandations que le Comité Woods a exposés dans le Livre blanc comme reflétant les intentions du Gou-

[*Text*]

as set out in the White Paper. Therefore, we hope that this will be borne in mind as we proceed before you today.

The members of our delegation are a very formidable group of veterans. These top-bracket veterans in The War Amputations of Canada know more about pensions than anybody in Canada because nobody has made the study of pensions as we have. You remember Vic Meyer; you remember Eddie Baker. All these were the leading lights in this organization, and when we choose one we always get someone who is good.

Over here on my right is my friend Keith Butler. He comes from Kitchener, Ontario, and he is the Dominion Vice-President, and that is as far as he can get. Dominion Vice-President Keith Butler.

Then we have Mr. A. G. Lemay. Gerry, we are glad you were able to come. He is not well. We are glad to see him; he is the Honorary Dominion Secretary-Treasurer. Then there is Judge K. L. Crowell; he comes from Bridgetown, Nova Scotia. They do not make them any better than they do down in Nova Scotia. Next is Mr. S. J. Alderdice who is from Winnipeg, Manitoba. He is a Westerner.

Then we have a very fine French-speaking fellow from Quebec City, Mr. Paul Bedard. He is always on the job. Next we have a new executive. He was elected last week; he is Mr. H. Worling and he comes from Toronto, Ontario. He studies with me. We come along together because I live in Toronto.

Next we have the top man in Canada, Mr. Cliff Chadderton, the Executive Secretary of The War Amputations of Canada. If you want to know anything about the Woods Committee, ask Cliff.

• 0950

If it meets with your pleasure, Mr. Chairman, we would wish to read the brief. It breaks down into a number of clearly defined sections, and we would wish to halt at the end of each section in order that we may provide clarification, answer questions, and generally discuss the matter dealt with therein.

We are pleased that we have been granted a full day before the Committee. The problems involved in the study of the Woods Report have been at the top of the priority list in the matters of this Association for, in some cases, as long as 40 years. With this background, we can perhaps be pardoned if we wish to take sufficient time to ensure that

[*Interpretation*]

vernement. Nous espérons donc que vous en tiendrez compte au cours de nos délibérations aujourd'hui.

Notre délégation comprend un groupe important d'anciens combattants. Ces anciens combattants en savent plus que quiconque au Canada au sujet des pensions, vous savez que personne n'a étudié la question comme nous. Vous vous souvenez de Vic Meyer et d'Eddie Baker. Ils étaient les porte-bannières de notre association, nous choisissons toujours des hommes compétents.

A ma droite, voici mon ami Keith Butler, de Kitchener, Ontario; il est notre vice-président national, le plus haut poste qu'il puisse atteindre. Notre vice-président national, M. Keith Butler.

Nous avons aussi avec nous M. A. G. Lemay. Gerry, nous sommes heureux que vous ayez pu venir, sa santé nous donne quelques souçis, nous sommes heureux de le revoir; c'est le secrétaire-trésorier national honoraire. Voici ensuite M. le juge K. L. Crowell de Bridgetown, Nouvelle-Écosse. On ne saurait trouver mieux que de ces compatriotes de la Nouvelle-Écosse. Ensuite voici M. S. J. Alderdice de Winnipeg, Manitoba, qui représente l'Ouest du Canada.

Le suivant est un agréable camarade canadien-français, M. Paul Bédard de la ville de Québec. Il est toujours fidèle au poste. Voici ensuite un nouveau directeur. Il a été élu la semaine dernière; c'est M. H. Worling de Toronto, Ontario. Il étudie avec moi. Nous sommes venus ensemble car c'est là que j'habite.

Et voici notre champion, M. Cliff Chadderton, secrétaire administratif des Amputés de guerre du Canada. Si vous voulez des renseignements au sujet du Comité Woods, adressez-vous à Cliff.

Si vous nous le permettez, monsieur le président, nous ferons lecture du mémoire. Il est divisé en chapitres bien définis et, si vous le voulez bien, nous ferons une pause à la fin de chaque chapitre pour fournir des précisions, répondre aux questions et, d'une façon générale, discuter de la question en cours.

Nous sommes heureux qu'on nous ait accordé une journée entière d'audience. Les questions que soulève l'étude du rapport Woods sont celles-là même qui ont priorité auprès de notre Association depuis 40 ans, dans certains cas. Dans ces circonstances, on nous pardonnera sans doute de prendre le temps voulu pour nous assurer que le Comité

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the problems are fully understood by the Committee.

We should have brought a dozen lovely widows—my, I love widows—and they would have made a great impression here, would they not Cliff? We could have brought some widows in? We think more of widows than we do of ourselves.

Mr. Guay (St.Boniface): Well, there would have been more members of the Committee here, too, if they had known that you might have brought some with you.

Lt. Col. Lambert: We muffed that a bit, did we not? There were some nursing sisters too, some war nursing sisters, I married one and I know how good they are, and they would like to have been with us. We had over 500 at the convention in Montreal last week and they all wanted to come. We would have spoilt the whole city if we had brought that crowd, for they certainly wiped up Montreal. We had a wonderful time there. But I am glad to see Mr. James A. McDonald here. Mac I am glad to see you. Is that your wife with you? Oh say, she is nice! I never met her. So glad you came, the quadruple amputation—a lovely fellow.

An hon. Member: A triple.

Lt. Col. Lambert: Yes, I see he is a triple. I am glad to see you were able to come. If you feel well enough, stay with us, stick with us.

Finally, I would be remiss if I did not say that we do appreciate the forward steps being proposed by the government in the White Paper. That is just a word of greeting to you all. We are delighted to be here. The last time I was at a parliamentary committee I said that I would never come again. I said, "This is my last term", but anyway I was 83 last week so it is about time I was quitting.

I do not look 83, do I? But I had my birthday on Friday, and I am 83 years of age. You have to be good to be a Member of Parliament at 83, or even the president of the War Amputations of Canada. And so let us go on with this beautiful thing here. We do it up right, you know.

So, Keith, I think you have the first say. Would you like to hear Keith?

Mr. Keith E. Butler (Dominion Vice-President of the War Amputations of Canada): To the Chairman and Members, Standing Com-

[*Interprétation*]

comprend bien les problèmes dont il est question.

Nous aurions dû nous faire accompagner d'une douzaine de charmantes veuves—j'aime les veuves—elles auraient créé une profonde impression ici, n'est-ce pas, Cliff? Nous aurions pu amener des veuves ici. Nous avons plus d'estime pour les veuves que pour nous-même.

M. Guay (St-Boniface): Les membres du Comité auraient été en plus grand nombre, aussi, s'ils avaient su que vous seriez accompagnés.

Lt-col. Lambert: Nous avons raté notre chance, n'est-ce pas? Il y a aussi les infirmières, les infirmières de guerre, j'en ai épousé une et je connais leur valeur, elles auraient bien voulu venir. Elles étaient plus de 500 au congrès de Montréal la semaine dernière et auraient toutes aimé venir. Mais la ville aurait été submergée si nous avions amené toute cette foule, car elles ont assurément révolutionné Montréal. Nous avons eu du bon temps. Je me réjouis de voir ici M. James A. McDonald. Mac, je suis heureux de vous voir. Avez-vous votre femme à vos côtés? Elle est charmante! Je n'avais jamais eu le plaisir de la rencontrer. Je suis heureux que vous soyez ici, c'est un amputé des quatre membres—un chic gars.

Une voix: Trois membres.

Lt-col. Lambert: Oui, trois membres. Je suis heureux que vous ayez pu venir. Si vous vous sentez assez bien, restez avec nous.

Pour conclure, je ferais preuve d'ingratitude si j'oubliais de dire que nous apprécions à leur valeur les mesures progressives proposées par le gouvernement dans le Livre blanc. Nous sommes enchantés de nous trouver ici. La dernière fois que je me suis présenté devant un comité parlementaire, j'avais dit que je ne reviendrais plus. J'avais dit «C'est mon dernier mandat», mais j'ai atteint mes 83 ans la semaine dernière. Il serait donc temps que je me retire.

Je porte bien mon âge, n'est-ce pas? Mon anniversaire était vendredi, j'ai maintenant 83 ans sonnés. Il faut être solide pour être député à 83, et même président des *Amputés de guerre du Canada*. Passons maintenant à des affaires sérieuses. Nous faisons bien cela, vous savez.

Keith, à vous la parole. Je vous présente Keith.

M. Keith E. Butler (vice-président national de l'Association des amputés de guerre du Canada): Monsieur le président, messieurs les

[*Text*]

mittee of Veterans Affairs, House of Commons, Ottawa, Ontario.

Under date of April 28, 1969 this Association forwarded a submission to members of Parliament, in which the views of our membership concerning the Woods Report on pensions were set out.

Since that time there have been two major developments which affect this submission, as follows:

(1) On April 17, 1969 the Chairman of the Canadian Pension Commission submitted a prepared statement to your committee, commenting upon the action taken by the Commission in respect of certain of the recommendations of the Woods Committee; and

(2) On September 9, 1969 the Minister of Veterans Affairs released a White Paper on Pensions.

We were notified on September 16th, 1969 that our tentative appointment to appear before your Committee on Monday, September 22nd, 1969 had been confirmed. At that time our officials were engaged in a Dominion Convention which concluded in the latter part of that week. Hence, we have had only a very short time to prepare this submission.

Notwithstanding, we do feel that we are able to bring before your Committee today some valid observations with respect to matters arising from the Woods Committee Report.

Before doing so, we would observe that the Pension Act, which covers the payment of pensions for death and disability arising out of military service, has been the subject of controversy since its inception on July 7, 1919. Since that time there have been three major examinations of the Act outside of Parliament. These were:

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1922-24—The Ralston Royal Commission on Pensions and Re-establishment.

1932-33—The special committee on the Pension Act.

1965-68—The Woods Committee.

The reports of these three investigations indicated severe shortcomings in the legislation. In fact, the Woods Committee Report contains 148 recommendations, some of them breaking down into as many as 25 or 30 subrecommendations. It would seem that, if nothing else, this is a strong indication there is a great deal wrong with the Pension Act, and the way it is administered. Some im-

[*Interpretation*]

membres du Comité permanent des Affaires des anciens combattants, Chambre des communes, Ottawa, Ontario.

Le 28 avril 1969, la présente association a fait parvenir aux députés un mémoire afin d'exposer les opinions de ses membres au sujet du Rapport Woods sur les pensions. Depuis cette date, deux nouveaux événements importants qui touchent ce mémoire se sont produits. Ce sont les suivants:

(1) Le 17 avril 1969, le président de la Commission canadienne des pensions a présenté au comité un mémoire contenant des observations sur les mesures prises par la Commission à l'égard de certaines recommandations faites par la Commission Woods; et

(2) Le 9 septembre 1969, le ministre des Affaires des anciens combattants a publié un Livre blanc sur les pensions.

On nous a informés, le 16 septembre 1969, que notre demande aux fins de témoigner devant le Comité le lundi 11 septembre 1969, avait été acceptée. A cette époque, nos directeurs assistaient à un congrès national qui s'est terminé vers la fin de la semaine. Par conséquent, nous ne disposions que de très peu de temps pour présenter ce mémoire. Toutefois, nous croyons être en mesure de transmettre aujourd'hui à votre Comité certaines observations valables en ce qui à trait aux questions soulevées dans le rapport du Comité Woods.

Avant de ce faire, nous désirons rappeler que la Loi sur les pensions, qui prévoit le versement de pensions en cas de décès ou d'invalidité consécutifs au service militaire, a fait l'objet d'une controverse depuis sa mise en vigueur, le 7 juillet 1919. Depuis cette date, on a effectué trois études importantes de cette loi en dehors du Parlement, à savoir:

La Commission royale d'enquête Ralston sur les pensions et le rétablissement, de 1922 à 1924.

Le Comité spécial sur la Loi des pensions, de 1923 à 1933.

Le Comité Woods, de 165 à 1968.

Les rapports de ces trois études ont laissé entendre que la loi présentait de sérieuses lacunes. Au fait, le Rapport du Comité Woods contient 148 recommandations, dont certaines se subdivisent en 25 ou 30 sous-recommandations. Il semblerait tout au moins que c'est là une indication sérieuse que la Loi sur les pensions est très insuffisante et que la façon dont on l'administre laisse beaucoup à désirer.

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provements resulted from the first two reports. The Woods Report is still under consideration by the Government.

We were pleased, indeed, to have a statement from the Honourable Minister of Veterans Affairs, made to the opening of the business sessions of our Dominion Convention on September 16 of this year, to the effect that the White Paper does not necessarily represent the final committment of the government in regard to its intentions in respect of those matters arising out of the Woods Committee Report. As we understand the situation, the government's proposals are open to further consideration and we are pleased indeed to have the assurance that your Comimttee is in a position to recommend changes or improvements in the position as set out in the White Paper.

We wish to make one further observation in our opening statement. We trust that your Committee realizes that the only information we have had to date in respect of the government's intentions is that contained in the White Paper, together with certain oral explanations given to our officials by the Minister. We understand that the Chief Pensions Advocate of the Department of Veterans Affairs has made one or more appearances before your Committee during which appearances he has provided supplementary information in regard to implementation of the Woods Committee recommendations and/or the intentions of the government in this respect. It may be possible, therefore, that our interpretation of certain proposals in the White Paper may be incorrect; also, that some of the recommendations of the Woods Committee which we now believe to have been omitted from the White Paper are, in actual fact, either implemented, or it is proposed that they will be.

With this background of information, we would now desire to proceed to submit the views of our Association in regard to those matters arising out of the Woods Committee Report.

Lt. Col. Lambert: Harry Worling. He is taking the Basic Rate of Pension.

Mr. Harry Worling (Toronto):

Basic Rate of Pension:

It is our understanding that there may be some question as to whether this issue is properly before your Committee. In this regard we submit our belief that the basis or "formula" upon which pension is paid in Canada was within the terms of reference of

[*Interprétation*]

Certaines améliorations ont été apportées à la suite des deux premiers rapports. Le Gouvernement étudie encore le Rapport Woods.

Nous avons été particulièrement heureux de prendre connaissance d'une déclaration de l'honorable ministre des Affaires des anciens combattants, lors de l'ouverture des séances d'étude de notre congrès national, le 16 septembre dernier, à l'effet que le Livre blanc ne représentait pas nécessairement les engagements définitifs du Gouvernement à l'égard des questions soulevées dans le rapport du Comité Woods. Si nous comprenons bien la situation, les propositions du Gouvernement peuvent faire l'objet de nouvelles études, et nous sommes très heureux d'être assurés que votre Comité est en mesure de recommander des changements ou des améliorations aux politiques exposées dans le Livre blanc.

Nous désirons faire une autre observation dans notre préambule. Nous espérons que votre Comité se rend pleinement compte du fait que les seuls renseignements que nous ayons obtenus jusqu'ici sur les intentions du Gouvernement sont ceux contenus dans le Livre blanc, de même que certaines précisions communiquées oralement à nos directeurs par le ministre. Nous croyons comprendre que l'avocat en Chef des pensions du ministère des Affaires des anciens combattants est venu témoigner plus d'une fois devant votre Comité, vous a communiqué des renseignements supplémentaires relatifs à l'application des recommandations du Comité Woods et l'a informé des intentions du Gouvernement à cet égard. Il se peut, par conséquent, que notre interprétation de certaines propositions contenues dans le Livre blanc soit erronée, et que certaines des recommandations du Comité Woods, que nous croyons maintenant avoir été omises dans le Livre blanc sont, en fait, appliquées, ou qu'on se propose de les appliquer. A la lumière de ces renseignements, nous désirons maintenant poursuivre l'exposition des opinions de notre association sur les questions soulevées dans le Rapport du Comité Woods.

Le lieutenant-colonel Lambert: Harry Worling. Il étudie le taux de base des pensions.

M. Harry Worling (Toronto):

Taux de base de la pension:

Nous croyons comprendre qu'il est douteux que votre Comité ait été saisi de ce problème selon les formes. A cet égard, nous sommes d'avis que le problème de la base ou «formule» selon laquelle la pension est versée, au Canada, faisait partie

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the Woods Committee. This belief is predicated on four factors as follows:

(1) In the introduction of the Woods Committee Report—Volume 1, Chapter 1, page 2, under the heading "Terms of Reference"—the following statement is made:

> "From discussions with you—The Minister of Veterans Affairs—prior to the actual establishment of the Committee, the Chairman understood that you wanted it to be free to inquire into all phases of the operations of the Canadian Pension Commission excepting only actual rates of pension."

(2) The Department of Veterans Affairs News Release of September 16th, 1965, quoting the Minister of Veterans Affairs, stated:

> "The Committee is not limited in the scope of its report, but it has been specifically instructed to study all matters relating thereto; first, the organization, methods and procedures used in the adjudication of disability and other pensions paid under the Pension Act; second, the interpretation by the Canadian Pension Commission of such sections of the Pension Act which it feels should be considered."

(3) Treasury Board Minute 645417 of September 8th, 1965 states as follows:

> "The Committee, though not limited in the scope of its report, to study the organization, methods and procedures used in the adjudication of disability and other pensions paid under the provisions of the Pension Act, and to study the interpretation by the Commission of such sections of the Pension Act as it deems should be considered;"

Note: The important words in so far as whether the Woods Committee was entitled to look into the basis of the payment of pension would seem to be those which imply that, in making its report, the Committee was not to be "limited in scope".

(4) The proceedings of Committee Sessions of the Woods Committee, Volume 1, page F4, contain a letter dated January 6, 1966 written to Mr. G. K. Langford,

[*Interpretation*]

des attributions du Comité Woods. Cette conviction est fondée sur les quatre éléments qui suivent:

(1) Dans l'introduction du Rapport du Comité Woods (Volume 1, chapitre 1, page 2, sous le titre «Attributions») il est dit ce qui suit:

> «A la suite des entretiens qu'il a eus avec vous (le ministre des Affaires des anciens combattants) avant l'établissement effectif de la Commission, le président a cru comprendre que vous vouliez que celle-ci soit libre de faire enquête sur tous les aspects de l'activité de la Commission canadienne des pensions, à l'exception seulement de ce qui concerne les taux mêmes des pensions.»

(2) Le communiqué de presse du ministère des Affaires des anciens combattants, en date du 16 septembre 1965, citait ces paroles du ministre des Affaires des anciens combattants:

> «La portée du Rapport du Comité n'est pas limitée, mais celle-ci a reçu l'instruction précise d'étudier tous les sujets concernant, premièrement l'organisation, les méthodes et la procédure qui gouvernent l'attribution des pensions d'invalidité et autres avantages prévus par la Loi sur les pensions, et, deuxièmement, l'interprétation que la Commission canadienne des pensions donne aux articles de la Loi sur les pensions qu'elle croit devoir être étudiés.»

(3) Le compte rendu des délibérations du Conseil du Trésor nº 645417, en date du 8 septembre 1965, dit ce qui suit:

> «Bien que cela ne doive pas restreindre la portée de son rapport, le Comité doit examiner l'organisation, les méthodes et la procédure qui gouvernent l'attribution de pensions d'invalidité et autres avantages prévus par la Loi sur les pensions, ainsi que l'interprétation que la Commission donne aux articles de la Loi sur les pensions que le Comité jugera à propos d'examiner.»

Nota: Les mots importants quant à l'habilité du Comité Woods à examiner l'attribution des pensions sembleraient être ceux qui supposent qu'en rédigeant son rapport le Comité ne doit pas être «limité quant à la portée de ce rapport».

(4) Le compte rendu des délibérations des audiences du Comité Woods, volume 1, page F4, contient une lettre du 6 janvier 1966, adressée à M. G. K. Langford, prési-

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Chairman of the National Council of Veteran Associations in Canada, and signed by the Minister of Veterans Affairs dealing with the terms of reference of the Committee. This letter stated, in part:

> "Since the responsibility for amending the Act particularly if the amendments involve financial expenditures rests entirely with Parliament, the Committee can only submit such recommendations to me, with or without comment, as they see fit."

There is, in our view, still a further reason why it was necessary for the Woods Committee to deal with the basic rate of pension. It is the fact that the Woods Committee stated, in its report,—Volume 2, Chapter 13, page 476—"It would not be pertinent to its inquiry to consider the quantum of pension". The Committee did consider it necessary, however, to deal with the "basis upon which the pension is paid" particularly because of its relationship to pension for multiple disabilities.

We submit that any study of the Pension Act can be made only if consideration is given at the same time to the principle upon which the pension is paid, for the seemingly obvious reason that this principle is germane to many other issues involved in the legislation.

While not wishing to prolong this particular part of our submission, we would wish to suggest one further reason why it is pertinent for your Committee to give broad consideration not to the actual amount of money involved but certainly to the basis or "formula" upon which pension rates are devised.

We refer to the fact that in releasing copies of the White Paper to representatives of veterans organizations on September 9 last, the Minister revealed that he had under consideration a new proposal concerning the principle upon which pension can be paid under the Pension Act. There was no intimation that this matter would be referred to your Committee or that there would be an opportunity for veterans organizations to make known their views thereupon in advance of the actual legislative stages through which the proposal would progress. Perhaps it will be understandable, then, if we ask for the indulgence of your Committee in at least listening to the views of our organization regarding

[*Interprétation*]

dent du Conseil national des associations d'anciens combattants du Canada, signée par le ministre des Affaires des anciens combattants, et qui traite des attributions du Comité. Cette lettre dit, en autres choses:

> «Puisque la responsabilité de modifier la loi, particulièrement s'il s'agit de modifications qui entraînent la dépense de deniers publics, incombe entièrement au Parlement, le Comité peut tout au plus me faire les recommandations, avec ou sans commentaires, qu'il juge opportunes.»

A notre avis, il y a une autre raison pour laquelle le Comité Woods a dû traiter du taux de base des pensions. C'est qu'il a mentionné dans son rapport, (Volume 2, chapitre 13, page 476) qu'«il ne serait pas conforme à notre mandat d'examiner les taux des pensions.» Le Comité a cependant jugé nécessaire d'examiner «la base sur laquelle sont versées les pensions», particulièrement à cause de sa relation avec la pension attribuée pour invalidités multiples.

Nous sommes d'avis que toute étude de la Loi sur les pensions n'est possible que si l'on tient compte également du principe sur lequel les pensions sont basées, pour la raison apparemment évidente que ce principe se rapporte à plusieurs autres problèmes dont il est question dans la loi.

Bien que nous n'entendions pas prolonger cette partie de notre mémoire, nous désirons signaler cependant une autre raison pour laquelle il est nécessaire que votre comité examine minutieusement, non pas le montant réel d'argent en cause, mais bien sûr, la «base» ou formule selon laquelle les taux sont établis.

Nous désirons rappeler qu'en faisant tenir des exemplaires du Livre blanc aux représentants des associations d'anciens combattants, le 9 septembre dernier, le Ministre a fait savoir qu'il étudiait une nouvelle proposition relative au principe selon lequel les pensions peuvent être versées en vertu de la Loi sur les pensions. Il n'a nullement indiqué que cette question serait déférée à votre Comité, ou que les associations d'anciens combattants auraient l'occasion d'exposer leurs vues sur le sujet avant que la proposition n'ait franchi les diverses étapes du projet de loi. On comprendra peut-être, alors que nous demandions l'indulgence de votre Comité, pour qu'il entende au moins à ce sujet les points de vue de notre

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this matter, which is, after all, the cornerstone of pension legislation in Canada.

May we be permitted one further observation. Perhaps the most significant statement in the White Paper, relative to pension rates, is to the effect that "The Government is undertaking an overall assessment of Federal Social Policy and Programmes and this will, of course, include further study of the Pension Act as well as many other kinds of pension plans and other measures".

This statement goes on to say that there have been far-reaching changes in Canada's social and economic environment since the pension programme was first introduced and "in particular, many useful development programmes of various kinds have meanwhile been initiated and numerous plans have evolved individually over the years, and the Government considers that the time has come to examine the entire fabric in order to achieve greater consistency between the various elements, and to eliminate unintended gaps or duplications".

The White Paper goes on to say that when the Government has completed the assessment of this undertaking, it may propose further changes in the pension programme or its administration.

Presumably this means that the Pension Act is being included in the current government studies in regard to the over-all social legislation of Canada. As part of this study, the Pension Act has been referred to the Senate Committee on Poverty.

It can perhaps be safely assumed that the basic rate will have to await the completion of these studies. In the meantime the veterans organizations will necessarily turn to the Standing Committee on Veterans Affairs as the one source available to it, at least for the time being, through which their views can be made known.

Commenting directly upon the current government studies in regard to social legislation, the War Amputations of Canada considers there are legal and moral grounds to object that pension should be included in any social legislation. Pension is paid as of right, in the form of compensation. It can be compared successfully with an insurance settlement, and the recipient's financial means have no bearing on his right to receive pension bene-

[*Interpretation*]

organisation, car cette question constitue, après tout, la pierre angulaire de la législation canadiennes sur les pensions.

On nous permettra de faire une autre observation. La déclaration la plus significative, peut-être, que contient le Livre blanc, et qui a trait aux taux des pensions, dit que: «le gouvernement doit entreprendre une étude d'ensemble de la politique sociale fédérale et des programmes fédéraux, ce qui comprendra, évidemment, un examen approfondi de la Loi sur les pensions, et d'un bon nombre d'autres régimes de pensions et d'autres mesures sociales.»

Cette déclaration fait ensuite remarquer que de profonds changements des conditions sociales et économiques se sont produits au Canada depuis l'établissement du régime des pensions, et «en particulier, bon nombre de programmes de développement de divers genres ont été établis, et de nombreux régimes ont évolué individuellement au cours des années, ainsi le gouvernement est d'avis que le temps est venu d'examiner la situation dans son ensemble, en vue d'assurer plus d'uniformité dans les divers éléments, et de faire disparaître les lacunes et le double emploi.»

Le Livre blanc dit ensuite qu'une fois que le Gouvernement aura terminé l'évaluation de ce problème, il proposera peut-être de nouveaux changements au régime de pensions ou à son administration.

Cela signifie, on peut le présumer, que le Gouvernement inclura la Loi sur les pensions dans l'étude qu'il est en train d'effectuer sur l'ensemble de la législation sociale canadienne. Puisqu'elle fait partie de cette étude, la Loi sur les pensions a été déférée au Comité du Sénat sur la pauvreté.

On peut raisonnablement présumer que pour fixer les taux de base il faudra attendre que ces études soient terminées. Entre-temps, les associations d'anciens combattants s'adresseront nécessairement au Comité permanent des affaires des anciens combattants, seul recours dont elles disposent, au moins à l'heure actuelle, pour faire connaître leurs points de vue: Au cours de ses observations, qui portent directement sur les études que le Gouvernement est actuellement en train de faire sur la législation sociale, l'Association des amputés de guerre du Canada est d'avis qu'il existe des arguments juridiques et moraux contre l'incorporation des pensions dans une quelconque législation sociale. La pension est versée de droit, sous forme d'indemnité. Elle peut être avantageusement com-

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fit. We would earnestly hope that the members of this Committee would see fit to agree with this premise.

The remarkable aspect is that although the three government enquiries (Ralston Commission, the 1932-33 Committee and the Woods Committee) pointed out many other improvements, all three suggested that the basic formula for calculating the payment of pensions should remain that of the unskilled labour market.

It is surprising, therefore, to learn that while continuing to give some consideration to the Woods Committee recommendations, the government is presumably attempting, at this late stage, to develop some new formula on which to base payment of pensions.

The Ralston Committee found a good deal of favour with the unskilled labour market in the early 1920s—and now in the late 1960s the Woods Committee reinforces this conclusion. In effect it says:

> Retain the unskilled labour market formula and tie the basic rate of pension to the lower categories of wages for male help in the Federal Civil Service—and then get on with the business of filling some of the gaping holes in the coverage for veterans and their dependents.

We sincerely believe that much of the difficulty which arises from the use of the unskilled labour market as the common denominator for establishing pension rates arises out of misunderstanding of the principles which led to its adoption. These principles are as valid today as they were in 1919—and they are:

> (1) All war disabled must be treated alike; that is to say, you do not pay a tap dancer who has lost a foot more pension than you would a bookkeeper—although, taking into account his pre-war occupation, the former may be said to have suffered the greater loss.
>
> (2) There should be no impediment or obstacle placed in the way of a disabled veteran who wishes to improve himself by way of training or other preparation for a peacetime occupation—and any

[*Interprétation*]

parée au versement d'une assurance, et les ressources financières du bénéficiaire n'ont rien à voir avec son droit ouvrant à une pension. Nous souhaitons ardemment que les membres du présent Comité reconnaissent le bien-fondé de ces arguments.

Un fait intéressant à remarquer, c'est que même si les trois enquêtes du Gouvernement (La Commission royale d'enquête Ralston, la Commission de 1932-1933, et le Comité Woods) ont indiqué plusieurs autres améliorations, toutes trois ont exprimé l'avis que la formule de base servant à calculer le montant des pensions devrait demeurer celle du marché des travailleurs non spécialisés.

Il est étonnant, par conséquent, d'apprendre que tout en continuant d'accorder son attention aux recommandations du Comité Woods, on peut présumer que le gouvernement tente, à ce stade, de mettre au point une nouvelle formule devant servir de base à l'établissement du montant des pensions. La Commission Ralston avait trouvé de bonnes raisons en faveur de la formule du marché des travailleurs non spécialisés, au début des années '20—et maintenant, vers la fin des années '60, les conclusions de la Commission Woods viennent corroborer cette conclusion. Elles disent en effet:

> Que l'on maintienne la formule utilisée pour les travailleurs non spécialisés et qu'on ajuste le taux de base des pensions aux salaires des catégories inférieures d'employés masculins de la Fonction publique—puis que l'on comble certaines des lacunes du régime qui s'applique aux dépendants.

Nous croyons sincèrement qu'une bonne partie des difficultés occasionnées par l'utilisation des normes qui s'appliquent aux travailleurs non spécialisés, pour établir les taux de pensions, sont attribuables au fait qu'on a mal compris les principes qui ont motivé cette pratique. Ces principes sont aussi valables aujourd'hui qu'ils l'étaient en 1919. Ce sont les suivants:

> (1) Tous les anciens combattants invalides doivent avoir droit au même traitement; c'est-à-dire que l'on ne versera pas, par exemple, à un danceur à claquettes qui aura perdu un pied une pension supérieure à celle que l'on verserait à un teneur de livres—bien que, si l'on tient compte de la profession qu'exerçait le premier avant la guerre, on puisse dire qu'il a subi une perte plus considérable.
>
> (2) Aucun obstacle ne devrait empêcher en aucune façon aliéner le droit à la pen-

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moneys he is able to earn with the abilities which have been left to him despite his war service should not in any way affect his right to pension. In other words his pension is paid for disqualification on the *unskilled* labour market. If he is able to earn a living through acquired skills, using what he has left, he should not in any way be penalized therefor.

We have heard the suggestion that the unskilled labour market is no longer a feasible basis, in that Canada's labour force has changed in the past 50 years from primarily one of unskilled labour to one made up of highly technical and well-educated components. We submit that this does *not* change the basic premise, that is that war disability is paid for the loss of earning ability as an *untrained labourer* regardless of the economic or technological conditions which exist in this country.

We believe all war disability pensioners are prepared to accept this basis, provided that war disability pension at the 100 per cent rate for a single man is equivalent to earnings in the unskilled labour market. In this respect the Woods Committee recommended that the pay scales for unskilled labour in the Federal Civil Service should be used as the indicator. This principle is entirely sound and the War Amputations of Canada is in full agreement therewith.

We have heard another objection to the unskilled labour market, to the effect that firstly, it is difficult to determine the amount of money represented by wages in this class of employment and secondly, that this wage index would not lend itself to cyclical review. While it may be true that the wages for unskilled labour may be more difficult to determine than for well-defined trades in the skilled or semi-skilled categories, we suggest that the Woods Committee has provided the answer. Its findings were to the effect that at the outset, the wages for unskilled labour were taken as those of the cleaner and helper in the Public Service of Canada. Although this specific classification no longer exists, the Woods Committee's proposal is to the effect that *this type* of labour still exists in the

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Federal Government and should be used as the basis.

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sion d'un ancien combattant invalide qui désire améliorer son sort par la formation ou quelque autre préparation à un métier de temps de paix—même si celui-ci obtient un revenu quelconque grâce aux capacités qui lui restent, en dépit de son service militaire. En d'autres termes, il touche sa pension en raison de son incapacité à titre de *travailleur non spécialisé*. S'il lui est possible de gagner sa vie grâce à des compétences acquises, et en utilisant les facultés qui lui restent, il ne devrait en aucune façon être pénalisé.

On a suggéré que le marché de la main-d'œuvre non spécialisée ne constitue plus une base appropriée, parce que d'une main-d'œuvre d'abord non spécialisée elle est devenue au cours des 50 dernières années une main-d'œuvre composée d'éléments d'une haute formation technique et bien instruite. Nous soutenons que cela ne change pas le principe de base, c'est-à-dire qu'une indemnité pour invalidité de guerre est payée à l'égard de la perte de l'aptitude à gagner sa vie en tant qu'*ouvrier inexpérimenté*, peu importe les conditions économiques ou technologiques qui existent dans notre pays.

Nous estimons que les titulaires d'une pension d'invalidité de guerre sont prêts à accepter cette base, à condition que la pension d'invalidité de guerre au taux de 100 p. 100 pour un célibataire soit égale au salaire obtenu sur le marché de la main-d'œuvre non spécialisée. A cet égard, la Commission Woods a recommandé que les échelles de traitement pour la main-d'œuvre non spécialisée dans la Fonction publique servent d'indications. Le principe est tout à fait juste, et l'Association des amputés du Canada y donne son plein accord. Une autre objection a été apportée pour la question du marché de la main-d'œuvre non spécialisée; elle veut que, d'abord, il soit difficile de déterminer le montant que représentent les salaires dans cette catégorie d'emploi et, en second lieu, que cet indice des salaires ne se prête pas à la revue cyclique. Tout en reconnaissant qu'il soit peut-être plus difficile de déterminer les salaires pour la main-d'œuvre que ceux pour les métiers bien définis dans les catégories de la main-d'œuvre spécialisée ou semi-spécialisée, nous estimons que la Commission Woods a fourni la réponse.

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Moreover, through the Pay Classification Branch of the Public Service of Canada, the wages for this class of labour are subject to cyclical review and would therefore lend themselves to increase or decrease in accordance with pay standards throughout Canada. There seems to be no valid argument against the retention of the unskilled labour market. Therefore the War Amputations of Canada has no hesitation in supporting the views of the Woods Committee in this important area.

Although we have no way of knowing for certain, there is a strong suspicion that the desire to abandon the unskilled labour market as the basis for payment of War Disability Pension is being prompted by financial considerations. The 100 per cent pensioner is being "short-changed" at present in the amount of $970 per annum, as illustrated below:

Approximate wages for unskilled labour in the
*Public Service of Canada $4,150. per annum
100 per cent War Disability Pension (single rates) $3,180. per annum
Deficiency $970. per annum
*1967 figures.

The War Amputations of Canada has had this most important matter under advisement, on an escalated basis, since 1965. In our discussions with the former Minister of Veterans Affairs and his officials, we were not given any valid reasons, to our way of thinking at least, for accepting a revised formula for the payment of pensions. The situation seems to be one very largely of economics. Throughout the years, successive governments have allowed the amount for War Disability Pensions to fall very far behind the wages in the unskilled labour market. Now the government of the day is faced with the perhaps unpleasant duty of closing this gap. We sincerely hope that it is not searching for a new formula, merely to circumvent the necessity of paying to Canada's war disabled the full pension to which they are entitled, both by implied contract and tradition. That is to say

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Elle a conclu que, au départ, les salaires pour la main-d'œuvre non spécialisée ont été considérés comme étant ceux des nettoyeurs et aides dans la Fonction publique du Canada. Cette classification particulière n'existe plus, mais la proposition de la Commission Woods indique que *ce genre* de main-d'œuvre existe encore au sein du Gouvernement du Canada,—et devrait servir de base.

D'autre part, par l'intermédiaire de la Direction de la Classification de la paye de la Fonction publique du Canada, les salaires pour cette classe de main-d'œuvre sont assujettis à la revue cyclique et se prêteraient donc à une augmentation ou à une diminution selon les normes de traitement par tout le Canada. Il ne semble y avoir aucun argument valable contre le maintien du marché de la main-d'œuvre non spécialisée. L'Association des amputés du Canada n'hésite donc aucunement à appuyer la Commission Woods dans cet important secteur. Nous ne pouvons en être certains, mais nous soupçonnons fortement que le désir d'abandonner le marché de la main-d'œuvre non spécialisée comme base du paiement de la pension d'invalidité de guerre s'inspire de considérations d'ordre financier. Le pensionné à 100 p. 100 reçoit actuellement un montant en moins de $970 par année, comme il est indiqué ci-dessous:

Salaires approximatifs pour la main-d'œuvre non spécialisée dans la *Fonction publique au Canada $4,150 par année.
Pension d'invalidité de guerre de 100 p. 100 (taux de célibataire) $3,180 par année
Manque $970 par année
*Chiffres de 1967.

Depuis 1965, l'Association des amputés du Canada étudie cette très importante question de façon accélérée. Lors de nos entretiens avec l'ancien ministre des Affaires des anciens combattants et ses fonctionnaires, nous n'avons reçu aucune raison valable, du moins c'est là notre avis, pour accepter une formule modifiée pour le paiement des pensions. La situation est, en grande partie, une question d'ordre économique. Au cours des années, les gouvernements successifs ont accepté que le montant versé pour les pensions d'invalidité de guerre se prenne du retard sur les salaires versés au marché de la main-d'œuvre non spécialisée. Le gouvernement actuel se trouve maintenant devant la tâche peut-être désagréable de supprimer cet écart. Nous espérons sincèrement qu'il ne tente pas de trouver une nouvelle formule dans le but de circonvenir la nécessité de

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the amount of earnings in the unskilled labour market.

In essence, any attempt now to devise a new yardstick would fail to take into account the contract under which members of the Armed Forces exposed themselves to danger during time of war. They were prepared to accept the fact that, if they were killed or disabled, their pension would be based on a common denominator, for example, that of the unskilled worker. Payment of pension now at a rate any less than wages for this type of employment would be breaking faith with those who offered their lives so that this country could continue to prosper in its democratic traditions. Prosper it has, and those who made this prosperity possible should not be denied a just share in the prosperity, because of the fact that their wartime sacrifices have left them with the disabilities they proudly bear.

I will now refer also to appendix "A"—The Pension Crisis 1969—unless there are questions Mr. Chairman.

Lt. Col. Lambert: If it is all right with you sir, we will have Keith Butler read this appendix.

The Chairman: You would like to have the appendix read before questions begin?

Lt. Col. Lambert: Yes.

The Chairman: Fine.

Mr. Butler: The Pension Crisis, 1969 would closely tie in with the submission just read.

The Pension Crisis—1969

The basic rate of pension is now $3,180. per annum for a 100 per cent pensioner. It seems very obvious that this basic rate has been allowed to lag very considerably behind what might be termed earnings in the unskilled labour market.

A history of pension increases shows that in 1919 the amount provided under the Pension Act was $720. a year. This was the equivalent of the amount paid to the Cleaner and Helper in the Federal Civil Service. The amount was increased in 1920 to $900. and no further increase was made until 1948 when the basic rate of pension became $1,128. Subsequent increases were as follows:

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verser aux Canadiens qui sont atteints d'une invalidité de guerre toute la pension à laquelle ils ont droit, tant par contrat tacite que par tradition. C'est-à-dire équivalent au montant des gains dans le marché de la main-d'œuvre non spécialisée.

En fait, toute tentative actuelle en vue de trouver une nouvelle norme ne tient compte du contrat en vertu duquel les membres des Forces armées se sont exposés aux dangers en temps de guerre. Ils étaient prêts à accepter le fait que s'ils étaient tués ou s'ils devenaient invalides, leur pension serait fondée sur un dénominateur commun, soit le salaire de l'ouvrier non spécialisé. Payer une pension maintenant à un taux inférieur au salaire versé pour ce genre d'emploi serait manquer de parole envers ceux qui ont risqué leur vie pour que leur pays puisse propérer, et ceux qui ont rendu cette propérité possible ne devraient pas s'en voir refuser l'accès du fait que leurs sacrifices consentis en temps de guerre les ont laissés avec des invalidités dont ils sont fiers. Prière de se reporter également à l'appendice «A»—La crise des pensions de 1969, sauf s'il y a des questions, monsieur le président.

Le lieutenant-colonel Lambert: Si vous le permettez, monsieur, je demanderais à M. Keith Butler de lire cette annexe.

Le président: Vous préférez qu'on fasse la lecture de l'annexe avant de passer aux questions?

Le lieutenant-colonel Lambert: Oui.

Le président: Bien.

M. Butler: La Crise des pensions, 1969 ferait parfaitement suite au mémoire qu'on vient de lire.

LA CRISE DES PENSIONS

Le taux de base des pensions est présentement de $3,180 par année pour un pensionné dont l'invalidité atteint 100 p. 100. Il semble évident que ce taux de base accuse un retard très considérable sur ce qu'il conviendrait d'appeler la rémunération de la main-d'œuvre non spécialisée sur le marché du travail.

Le chronologie de l'augmentation des pensions fait ressortir qu'en 1919 le montant prévu en vertu de la Loi sur les pensions était de $720 par année. Ce montant était équivalent à ce que recevaient les nettoyeurs et les aides dans la Fonction publique. Le montant a été porté à $900 en 1920 et aucune autre augmentation n'a été accordée jusqu'en 1948 lorsque le taux de base des pensions a été porté à $1,128. Les augmentations subséquentes se lisent comme il suit:

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1951—$1,500.
1957—$1,800.
1961—$2,160.
1964—$2,400.
1966—$2,760.
1967—$3,180.

The Cleaning Serviceman in the Public Service of Canada is, we now believe, rated at approximately $4,152. per annum. Hence, the gap between the original basis of war disability pension and the equivalent being earned by unskilled labour in the Federal Civil Service is $972. per year. The flaw in the existing situation is that a 100 per cent pension should represent accurately the earnings of the unskilled labourer, using the original comparison, that of the Cleaner and Helper in the Federal Civil Service. We understand that this was the recommendation of the Woods Committee and our association supports this fully.

Admittedly this would mean the necessity to bring pensions, at the basic rate, to $4,152 a year—a decision which the government may find difficult to take. This association would point out, however, that this is the penalty which must be paid for not having kept pensions in line, over the years, with the cost of living and other factors which go into the compilation of the earnings of the Cleaner and Helper in the Federal Civil Service.

A series of insufficient pension increases, going back before World War II, brought about the present situation. It can now be rectified in only one way—that is, for the government to stand firm on its promise that 100 per cent pension would be based on the earnings in the unskilled labour market.

This association is aware, of course, that the Prime Minister has announced an "anti-inflation" policy. He did, at the same time, state very clearly that one of the objectives of this policy was to assist the pensioner who must, of necessity, subsist on a fixed income.

It is obvious that anti-inflationary measures will be of benefit to this group of pensioners. However, it is essential, in the first instance, that the pension be brought up to a reasonable level before being subjected to a "freeze". In other words, if the war disability pension could be raised to somewhere near the $4,152 per annum and then "locked in" to be adjusted only in accordance with fluctuations in the cost of living, the anti-inflationary measures would of course assist the pensioner very

[*Interprétation*]

1951—$1,500
1957—1,800
1961—2,160
1964—2,400
1966—2,760
1967—3,180

Les préposés au nettoyage dans la Fonction publique du Canada sont payés, croyons-nous, quelque $4,152 par année. Par conséquent, l'écart entre la base initiale de la pension d'invalidité résultant du service et l'équivalent que gagne un manœuvre non spécialisé dans la Fonction publique du Canada est de $972 par année. Le défaut dans la présente situation est qu'une pension de 100 p. 100 devrait correspondre exactement à la rémunération d'un manœuvre non spécialisé, en utilisant la comparaison initiale, celle d'un nettoyeur et aide dans la Fonction publique. On nous a donné à entendre que c'est ce qu'a recommandé le Comité Woods et notre association lui accorde son appui entier.

Évidemment, cela signifie qu'il faudrait accroître les pensions, au taux de base, à $4,152 par année—une décision que le gouvernement pourra trouver difficile à prendre. Notre association souligne cependant que c'est la sanction pour ne pas avoir maintenu les pensions, au cours des années, au niveau du coût de la vie et d'autres facteurs qui servent à établir la rémunération des nettoyeurs et des aides dans la Fonction publique.

Une série de hausses insuffisantes de pension, qui précèdent la deuxième guerre mondiale, a amené la présente situation. On peut maintenant y remédier d'une seule façon—le gouvernement doit honorer sa promesse et établir la pension d'invalidité de 100 p. 100 sur la rémunération de la main-d'œuvre non spécialisé sur le marché du travail.

Notre association est au courant, assurément, que le premier ministre a annoncé une politique «anti-inflationniste». Il a, par la même occasion, déclaré explicitement qu'un des objectifs de cette politique est d'aider le pensionné qui doit, par nécessité, subsister à même un revenu fixe.

Il est évident que les mesures anti-inflationnistes seront à l'avantage de ce groupe de pensionnés. Cependant, il faut, au premier chef, que la pension soit portée à un niveau raisonnable avant d'être «gelée». En d'autres termes, si la pension d'invalidité résultant du service pouvait être haussée à environ $4,152 par année et, par la suite, soumise à des rectifications seulement en fonction des fluctuations du coût de la vie, les mesures anti-inflationnistes aideraient alors considérablement le

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greatly. If, however, the anti-inflationary measures are applied as a means of preventing an increase in pension to the $4,152 level (where it should have been since 1967, in comparison with the Cleaning Serviceman) the war disability pensioner is being severely penalized. These anti-inflationary measures would be fair, only if they were applied to all categories of income in a standard or uniform way. However, where because of circumstances, the amount of war disability pension was considerably below where it should have been at the date that the anti-inflationary measures were announced, there is only one equitable means of dealing with the situation. That is, to bring pensions to reasonable levels AND THEN freeze them in their proper bracket in comparison with earnings in the unskilled labour market.

The Chairman: Lt. Col. Lambert, I have not interrupted but I do feel obliged at this point to put a caution on the record. The Terms of Reference of this Committee, in my opinion, certainly do not cover those matters in the appendix that you have read here today. We will have to have advice on the points that you have raised. This is not the first time these points have been raised. However, there is certainly a considerable doubt in my mind how far the Committee can go in dealing with the question of the basic rate of pension, and I think the problem of relating this to current anti-inflationary measures is clearly beyond the possibility of the Committee making recommendations.

Mr. Guay (St. Boniface): I am not so sure, Mr. Chairman, what you mean. Is it because this is not included in the Woods Report, or are you suggesting that this does not fall within what we are supposed to be considering at the moment? Could we not consider part of their representation?

The Chairman: I have not excluded anything, I have simply cautioned the people presenting the brief before us in terms of what their expectation might be of what this Committee could do.

I am simply putting a caution on the record as clearly as I know how because I think there is good reason to believe that if we had a report dealing at any length with the issues,

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particularly those raised in the appendix here. there would be a question of order

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pensionné. Cependant, si les mesures anti-inflationnistes sont mises en vigueur comme moyen d'empêcher une hausse des pensions à $4,152, (niveau qu'elles auraient dû atteindre en 1967, comparaison faite avec les nettoyeurs) le pensionné souffrant d'invalidité de service se trouve gravement pénalisé. Ces mesures anti-inflationnistes ne seraient équitables que si elles s'appliquaient à toutes les catégories de revenus d'une façon uniforme. Cependant, si, à cause des circonstances, le montant de la pension d'invalidité est très inférieur à ce qu'il aurait dû être le jour où les mesures anti-inflationnistes ont été annoncées, il n'y a qu'un moyen équitable de régler la situation. C'est-à-dire, porter les pensions à un niveau raisonnable ET ALORS les geler à leur palier approprié en regard de la rémunération sur le marché de la main-d'œuvre non-spécialisée.

Le président: Je n'ai pas voulu vous interrompre, M. Lambert, mais je crois qu'il est de mon devoir de faire une mise en garde. Je suis d'avis que le mandat de notre Comité n'englobe définitivement pas les questions soulevées dans l'appendice dont vous nous avez donné lecture aujourd'hui. Il nous faudra nous renseigner sur les points dont vous avez parlé. Ce n'est pas la première fois que ces questions sont soulevées. Il existe toutefois un grand doute dans mon esprit et je me demande jusqu'où le Comité peut pousser l'étude de la question des taux de base des pensions. Je crois que vouloir lier cette question aux mesures anti-inflationnistes présentement mises en application n'entre pas dans le cadre des recommandation que pourrait faire le Comité.

M. Guay (St-Boniface): Monsieur le président, je ne suis pas trop sûr du sens de vos paroles. Est-ce parce que le Rapport Woods n'en fait pas mention ou parce que vous êtes d'avis que ces choses n'entrent pas dans le cadre de la question qui nous occupe présentement? Ne pourrions-nous pas étudier une partie de leur représentation?

Le président: Je n'ai pas voulu exclure quoi que ce soit. J'ai simplement prévenu les gens qui ont présenté le mémoire de ce à quoi ils peuvent s'attendre de la part de notre Comité.

Je tiens simplement à faire une mise en garde aussi claire que possible, parce que, à mon sens, nous avons toutes les raisons de croire que, si nous soumettons un rapport

traitant d'une manière assez élaborée de questions comme celles que contient l'appendice,

[*Texte*]

raised because the Terms of Reference of the Committee are delegated to us by Parliament and we cannot go beyond them.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, the other day you made it clear that you had not yet given a ruling.

The Chairman: I feel obliged, however, to put a caution in the record as I did the other day, Mr. Knowles. I think you recall I did the same thing.

Mr. Knowles (Winnipeg North Centre): I think you may have merit on your side when you refer to what this Committee can recommend. It seems to me that in view of the references in the Woods Report itself to the basic rates, and in view of the references made by the Minister, our witnesses should not be precluded from making references. As I say, you may be privileged...

The Chairman: Mr. Knowles, I have not precluded anyone from making references, nor did I prevent them.

Mr. Knowles (Winnipeg North Centre): As long as they do not feel that you have, I am satisfied.

The Chairman: How could I possibly? They have read the whole section into the transcript of the proceedings. But I do feel obliged, in good faith, to put a caution on the record in terms of what they might reasonably expect us to do at this point.

Mr. Guay (St. Boniface): You are trying to convey to us that we are restricted in this particular regard, and I feel the whole punch line of their report this far is to bring that particular point to our attention. This puts me somewhat ill at ease, because I think they have a very good point.

The Chairman: There is no disputing the merits of that.

Mr. Guay (St. Boniface): Because of the restriction placed by the Prime Minister at the moment.

The Chairman: I think that the Committee will have to have further guidance on this point, and we will have to ask for a very specific interpretation as to what we can do.

Mr. Guay (St. Boniface): Well, even with the point that you have raised, Mr. Chairman,

[*Interprétation*]

on en appellera au règlement car le mandat du Comité nous est confié par le Parlement et nous ne pouvons l'outrepasser.

M. Knowles (Winnipeg-Nord-Centre): Vous avez nettement déclaré l'autre jour, monsieur le président, que vous n'aviez pas encore rendu votre décision.

Le président: Je crois toutefois qu'il est de mon devoir de faire une mise en garde, tout comme je l'ai fait l'autre jour. Je crois, M. Knowles, que vous vous en rappelez.

M. Knowles (Winnipeg-Nord-Centre): Je crois que vous avez droit à nos éloges quand vous rappelez les recommandations que peut faire notre Comité. Il me semble que, vu les rappels au sujet des taux de base que l'on fait dans le Rapport Woods lui-même, et étant donné les déclarations faites par le ministre, nos témoins ne devraient pas être empêchés de traiter de ces questions. Comme je l'ai dit, vous avez le privilège...

Le président: Je n'ai ni écarté ni empêché qui que ce soit de faire des déclarations, M. Knowles.

M. Knowles (Winnipeg-Nord-Centre): Aussi longtemps qu'on croira la chose, ça me va.

Le président: Comment la chose se pourrait-elle? On a pu lire la section complète dans le compte rendu des délibérations. Je me crois cependant obligé de bonne foi de faire une mise en garde relativement à ce dont on peut raisonnablement s'attendre de la part du Comité sur ce point.

M. Guay (St-Boniface): Vous essayez de nous convaincre que nous sommes limités quant à ce point. Pour moi, je crois que toute la force de frappe du rapport jusqu'à maintenant a été de porter ce point particulier à notre attention. Cela me met en quelque sorte mal à l'aise, parce que, à mon avis, les témoins apportent un très bon point.

Le président: Il n'est pas question d'en disputer les mérites.

M. Guay (St-Boniface): Étant donné les restrictions imposées actuellement par le premier ministre...

Le président: Je crois que le Comité aura besoin de nouvelles directives à ce sujet. Il nous faudra une interprétation claire des attributions qui sont les nôtres.

M. Guay (St-Boniface): Même en tenant compte du point que vous avez soulevé, mon-

[*Text*]

I think that we should proceed anyway to hear them.

The Chairman: There were some questions. Mr. MacRae had one or two questions.

Mr. Guay (St. Boniface): Go ahead Mr. MacRae.

Mr. MacRae: It was an observation perhaps, Mr. Chairman, more than a question. But I come back to page 3 which Mr. Butler read. May I say before I go on that I am sure the Committee would concur completely. This is a magnificently written brief. There is no question of that. We hear many briefs, or read many briefs, and this is an excellent one.

Coming back to page 3 which Mr. Butler read, he touched on a point that I raised the other day and I want to come back to that point that I raised as to what is being implemented or what is the government's intention to implement. Mr. Butler brought this up, and he says:

> We understand that the Chief Pensions advocate of the Department of Veterans Affairs had made one or more appearances before your Committee, during which he has provided supplementary information in regard to implementation of the Woods committee recommendations and/or the intentions of the Government in this respect.

As you recall, Mr. Chairman, Mr. Ward at that point said that he would prepare a document in which he would number the recommendations of the Woods Report, one to 148, and beside each one he would indicate whether or not it was accepted or rejected, or accepted in part and so on. And of course, what that document will reveal is that it is very different from the White Paper as such because the White Paper touched on certain points and then other points were not touched at all. So especially in the document presented by the Canadian Legion, they rightly said there is no reference in the White Paper to, say, Recommendation No. 80, which is one that I picked out. I am saying all of this perhaps for the benefit of these gentlemen who were not here to hear the evidence, and we do not yet have our transcript. But we are getting it in a day or two and then it will be very helpful.

The point I wanted to raise is this. Mr. Ward indicated that the government was accepting, in whole or in part, certain recom-

[*Interpretation*]

sieur le président, je suis d'avis que nous devons tout de même aller de l'avant et entendre les témoins.

Le président: Les membres auraient-ils des questions à poser? M. MacRae avait une ou deux questions.

M. Guay (St-Boniface): Allez-y, M. MacRae.

M. MacRae: Il s'agit peut-être plus d'une observation, monsieur le président, que d'une question. En ce qui a trait à la page 3 du mémoire dont M. Butler nous a donné lecture, puis-je dire tout de suite que le Comité lui accordera certes tout son appui. Il s'agit ici d'un mémoire très bien conçu, la chose ne fait aucun doute. On nous a présenté bien des mémoires. Nous en avons lu plusieurs; celui-ci est un excellent document.

Pour revenir à la page 3 du mémoire de M. Butler, on y traite d'un point que j'ai soulevé l'autre jour et je tiens à y revenir pour savoir ce qui a été fait dans ce domaine et quelles sont les intentions futures du Gouvernement à cet égard. M. Butler a abordé la question quand il a déclaré:

> «Nous comprenons que l'avocat en chef des pensions du ministère des Affaires des anciens combattants a témoigné une fois ou deux devant notre Comité et il nous a donné des renseignements supplémentaires touchant la mise en vigueur des recommandations du Comité Woods et des intentions du Gouvernement à cet égard.

Vous vous rappelez, monsieur le président, que M. Ward a déclaré à ce sujet qu'il préparerait un document relatif aux 148 recommandations du Rapport Woods, et qu'il indiquerait, en regard de chacune d'elles, si oui ou non, elle avait été acceptée ou rejetée, ou encore acceptée en partie et ainsi de suite. La teneur du document, la chose va de soi, sera très différente de celle du Livre blanc comme tel, car ce dernier touche certains points et en laisse certains autres complètement dans l'ombre. Tout particulièrement, le document présenté par la Légion canadienne, déclare à juste titre que le Livre blanc ne fait aucune mention de la recommandation nº 80, et c'est de celle-là que je veux parler. Je dis ces choses pour le bénéfice de ces messieurs qui n'étaient pas ici pour entendre les témoignages. Nous n'avons pas encore notre exemplaire, mais nous l'aurons dans un jour ou deux et il nous aidera grandement.

Le point que je tiens à souligner est celui-ci: M. Ward a fait observer que le gouvernement acceptait en tout ou en partie cer-

[*Texte*]

mendations. Mr. Chairman, I say to you we do not doubt Mr. Ward's ability or his position, which is that of Acting Chief Pensions Advocate. Can we rest assured, can all of these veterans rest assured, and can we as a Committee, every one of us—because we are all interested, that is why we are here, we are all deeply interested—be assured that when Mr. Ward said Recommendation No. 80 is accepted, then it is accepted and that we can count that at this session, preferably of this highest legislative body in our nation, that recommendation will be translated into legislation? I hope I have made myself clear.

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The Chairman: The only comment I would like to make is that we are free to call witnesses at the discretion of the Committee, including the Deputy Minister who has appeared. The Minister himself would come back if it was the wish of the Committee. The testimony of witnesses should certainly be taken at face value.

The witnesses are being called in their official capacity and I do not think there is any question, or any reason to believe otherwise, that the statements which are made before us represent the policy of the Department. But if there is any question or doubt in the mind of any member of the Committee, I suggest we make a note of it and there will be opportunities before we conclude our deliberations to put further questions to members of the Department.

Mr. MacRae: I was just perhaps following that point, and I do not want to belabour it. Mr. Ward's position is, as you know of course, Acting Chief Pensions Advocate. He is now Chief Pensions Advocate, the Clerk of the Committee tells me. I presume that Mr. Ward is speaking with the full authority of the government of this country when he tells us that a recommendation is accepted.

The Chairman: That is quite a responsibility to put on Mr. Ward's shoulders. Generally speaking, as the Deputy Minister indicated, Mr. Ward would be prepared to present testimony in this area. Mr. Ward may want to add perhaps to what he has said, but generally speaking the testimony of official witnesses called before the Committee should be taken at face value, for what it is. When a witness indicates that this is policy, I believe, to the best of my knowledge, that this is policy.

[*Interprétation*]

taines recommandations. Je dois dire, monsieur le président, que nous avons confiance en la compétence de M. Ward, titulaire du poste d'avocat en chef suppléant des pensions. Les membres du Comité, comme les anciens combattants d'ailleurs, peuvent-ils compter, nous sommes tous intéressés à cette question car c'est la raison pour laquelle nous sommes ici—il n'y a aucun doute—que, lorsque M. Ward dit que la recommandation n° 80 est acceptée, il n'y a plus à en douter? Nous pouvons donc être assurés qu'au cours de la prochaine session du parlement, la plus haute autorité du pays, la recommandation prendra forme de loi. La chose est claire, du moins, je l'espère.

Le président: Le seul commentaire que j'aimerais formuler c'est qu'il est loisible au Comité de convoquer les témoins qu'il veut entendre y compris le sous-ministre qui a déjà témoigné. Le ministre lui-même pourrait revenir devant le Comité, si celui-ci le veut. Les déclarations doivent certes être prises au pied de la lettre.

Les témoins sont convoqués en tant que titulaires du poste qui est le leur, la chose ne fait aucun doute. Nous avons toutes les raisons de croire que les déclarations faites devant le Comité représentent la politique du ministère. S'il existe des points d'interrogation ou des doutes chez les membres du Comité, je vous invite à noter la chose et vous aurez l'occasion de poser d'autres questions aux représentants du ministère avant que ne prennent fin les délibérations.

M. MacRae: C'était là justement le point que je voulais souligner, je n'élaborerais pas davantage. Le poste qu'occupait M. Ward était celui d'avocat en chef suppléant des pensions . . . le secrétaire du Comité me fait observer qu'il est maintenant avocat en chef des pensions. Je présume que M. Ward est autorisé à parler au nom du Gouvernement de notre pays quand il nous dit qu'une recommandation est acceptée.

Le président: C'est toute une responsabilité que vous placez sur les épaules de M. Ward. Comme l'a souligné le sous-ministre, M. Ward serait prêt à témoigner à ce sujet. Peut-être voudrait-il ajouter quelque chose à sa déposition. En règle générale, les dépositions des témoins officiels que le Comité convoque doivent être prises au pied de la lettre. Quand un témoin déclare que c'est là la politique suivie, je crois qu'il faut ajouter fois à son témoignage.

[*Text*]

Mr. MacRae: Thank you, Mr. Chairman. That will be satisfactory for the moment at least. I may be pursuing that at a future time, but I do thank you for your explanation.

Mr. Knowles (Winnipeg North Centre): I think we have to assume that until the Bill is placed before Parliament. If the Bill does not include the things that Mr. Ward said would be there, then you would have something to say.

The Chairman: And not everything calls for legislation, either. Part of it is only a matter of administrative interpretation in many cases. Mr. Whicher.

Mr. Whicher: I certainly agree with, I think, all of what has been read this morning and I am not sure that perhaps this question should be asked, but I think it has to be asked—the cost. Could the people who presented the brief tell us what it would cost to bring the basic rate from $3,180 to the figure of $4,152 that they suggest for the whole of Canada, to bring this figure to that one?

The Chairman: Mr. Chadderton.

Mr. Chadderton: I would assume, Mr. Chairman, that it would be approximately 30 per cent of the present pension bill, assuming that this would apply across the board. But I would point out that we felt it was necessary to touch upon rates here, although it is not the chief matter at issue at the moment with us. The chief matter is the formula on which pensions are paid.

Having said that, if the government accepts the unskilled labour market formula and uses 1967 figures of $4,150, it would work out at approximately 30 per cent of the present pension bill. I prefer not to say, as somebody else would know the exact figure more than I would, but it is a healthy amount. And this is why, Mr. Chairman, we thought today that we had to bring before you the formula rather than the amount of money. We read the appendix on the crisis in pensions into the record because we felt it was ancillary to what we were saying, but it is not the main point.

The Chairman: Mr. Whicher, if you wanted an answer, Mr. Anderson is here, and Mr. Anderson I am sure would be perhaps the best qualified person in this room to answer that question. Do you want to ask him later, or do you want to have it now?

[*Interpretation*]

M. MacRae: Merci, monsieur le président. Ce sera suffisant, pour le moment du moins. Il se peut que je revienne plus tard sur le sujet. Je vous remercie de votre explication.

M. Knowles (Winnipeg-Nord-Centre): Je crois que nous devons assumer qu'il en est ainsi tant que le projet de loi ne sera pas déposé devant le Parlement. S'il arrivait qu'il ne renferme pas les choses qu'a indiquées M. Ward, vous auriez alors quelque chose à dire.

Le président: Tout n'est pas matière à législation. Dans bien des cas, il arrive qu'une partie ne soit qu'une question d'interprétation administrative. M. Whicher.

M. Whicher: Je suis certes d'accord avec tout ce qu'on a dit ce matin. Je ne suis pas certain si je devrais poser ma question, mais je crois qu'elle s'impose. Il s'agit du coût. Est-ce que ceux qui ont présenté le mémoire pourraient nous dire combien il en coûterait si le taux de base était porté de $3,180 à $4,152, et que ce taux soit applicable à travers tout le Canada?

Le président: M. Chadderton.

M. Chadderton: Je suis d'avis, messieur le président, que les déboursés actuels pour la pension seraient majorés de 30 p. 100, à supposer que le taux proposé s'applique dans tout le Canada. J'aimerais souligner que nous avons cru nécessaire de mentionner le taux, bien que ce ne soit pas, à notre avis, la question présentement en litige. Ce qui importe en premier lieu, c'est la formule de paiement des pensions.

Ceci dit, si le gouvernement accepte la formule du marché de la main-d'œuvre non spécialisée et emprunte les données de 1967, soit $4,150, cela équivaudrait approximativement à une hausse de 30 p. 100 des déboursés actuels pour les pensions. Je préfère ne pas en dire un mot. Quelqu'un d'autre pourrait être plus au courant que moi du chiffre exact, mais je sais qu'il s'agit d'une somme fort imposante. Voilà pourquoi nous avons cru, monsieur le président, devoir mentionner la formule plutôt que le montant d'argent en cause. Nous avons lu dans l'annexe l'exposé officiel de la dispute présente touchant la question de la pension, parce que nous estimons la chose accessoire à la question débattue, mais ce n'est pas le point principal.

Le président: Si vous désirez obtenir une réponse, M. Whicher, M. Anderson, ici présent est, j'en suis sûr, la personne toute désignée pour vous répondre. Voulez-vous le questionner plus tard ou aimeriez-vous le faire tout de suite?

[*Texte*]

Mr. Whicher: I would like to have an answer, but I wanted the witness to answer one thing more. Up to the moment you were referring strictly to pensions. We have not discussed war veterans allowance, for example. This is strictly a suggestion that it be 30 per cent of the pension paid. Is that right?

The Chairman: Mr. Chadderton.

Mr. Chadderton: My figure would be approximately $55 million per annum to tag

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30 per cent on to your present pension bill. I stand to be corrected by the experts, but that is...

Mr. Whicher: But this does not include any additional for war veterans allowance at all.

Mr. Chadderton: Oh, no. We are dealing only, Mr. Chairman, with pensions in this hearing.

Mr. Whicher: I thought that was true, but I wanted to clarify it.

The Chairman: Mr. Turner and Mr. Guay had their hands up.

Mr. Turner (London East): The veterans associations of Canada would be satisfied if this was done, a 30 per cent raise.

Mr. Chadderton: I can say this, Mr. Turner, that the veterans associations of Canada have met jointly on four occasions and they have endorsed the Woods Committee proposal. The only thing that might affect this is that we were using the 1967 figures. However, I am not going to back off. Speaking personally, and I think on behalf of our delegation, I would say that the War Amputations of Canada would certainly accept it.

Mr. Turner (London East): There is a hospital in my riding and I know what the veterans went through; I have talked to many of them. I have always believed that all pensions should have a cost-of-living bonus tied to them, so if the cost-of-living goes up automatically the pension goes up. Thank you.

Mr. Guay (St. Boniface): My question is to ask the delegation if this particular matter is basically the most important and you did answer Mr. Whicher, I believe that it was not. Could you give me priorities? I know we have

[*Interprétation*]

M. Whicher: J'aimerais avoir une réponse, mais je désirerais poser une autre question au témoin. Jusqu'à maintenant, nous nous en sommes tenus exclusivement à la question de la pension. Nous n'avons pas parlé, entre autres, des allocations aux anciens combattants. En ce qui a trait à la hausse de 30 p. 100 du coût des pensions, est-ce que la chose est exacte?

Le président: Monsieur Chadderton.

M. Chadderton: J'ai calculé qu'il faudrait dépenser 55 millions de dollars par année pour ajouter 30 p. 100 à votre facture actuelle des pensions. Que les spécialistes me corrigent si je fais erreur, mais c'est...

M. Whicher: Mais ce chiffre ne comprend aucun supplément pour les allocations aux anciens combattants.

M. Chadderton: Certes non. Monsieur le président, à la présente séance nous nous occupons uniquement de pensions.

M. Whicher: C'est ce que je pensais, mais je voulais le confirmer.

Le président: Messieurs Turner et Guay ont levé la main.

M. Turner (London-est): Une augmentation de 30 p. 100, voilà qui contenterait les associations canadiennes d'anciens combattants, si elle était adoptée

M. Chadderton: Je puis vous dire, monsieur Turner, que les associations canadiennes des anciens combattants se sont toutes réunies à quatre reprises et ont approuvé la proposition du Comité Woods. Le seul élément qui puisse changer le tableau est que nous utilisons les chiffres de 1967. Néanmoins, je ne vais pas faire machine arrière. Parlant en mon nom et en celui de notre délégation, je dirai que les Amputés de guerre accepteraient volontiers cette augmentation.

M. Turner (London-est): Il y a un hôpital dans mon comté et je sais ce qu'ont pu traverser les anciens combattants en fait d'épreuves. J'ai causé avec plusieurs d'entre eux. J'ai toujours cru que toutes les pensions devraient être accompagnées d'une indemnité de vie chère de sorte que si l'indice monte, automatiquement la pension monte. Merci.

M. Guay (St-Boniface): Je demandais à la délégation si cette question est essentiellement la plus importante et vous avez répondu, monsieur Whicher, sauf erreur, que ce ne l'était pas. Veuillez m'énumérer vos

[*Text*]

not finished your brief but what is the most important one you would have? Let us say, if you were on priorities, if we were to give you those priorities, let us say one every week, which one would you say is the most important?

Mr. Chadderton: Mr. Chairman, I think the most important one to our particular organization would have to be the one dealing with multiple disabilities, but again there is no quick answer. We have a man in Montreal, for instance, who was shot down in a training accident in an aircraft. He reaches age 55 this month and I am sure the most important recommendation in the Woods Committee Report to him is automatic age increase. We have the case of a widow who remarried and she did not come within the present five year limitation of the Act. I am sure the most important recommendation in the Woods Committee to her is that compassionate pension should be broadened to apply in her case. It is a very difficult question for anyone to answer at the moment, I think, but to put my finger on one I would say multiple disabilities.

Mr. Knowles (Winnipeg North Centre): Mr. Kohaly, who was here the other day was asked for priorities and he gave three. I think I remember the order or at least the three were the basic rate, the multiple disabilities and the procedures.

Mr. Chadderton: The appeal board, sir.

Mr. Knowles (Winnipeg North Centre): Yes. I think he was in a sense speaking for all of the veterans' organizations.

Mr. Chadderton: Yes, I think if I were speaking for all veterans' organizations today I would agree. With regard to the War Amputations of Canada we have some specific problems that our people are specifically interested in. Also we have endorsed the whole report and anything that Mr. Kohaly said he was speaking for us, sir.

Mr. Whicher: I have another supplementary. Some of these things are most difficult and certainly as far as I am concerned I am completely on the veterans' side. However, I feel, Mr. Chairman, that when it is pointed out the basic rate is now $3,180 and when we

[*Interpretation*]

premiers objectifs. Je sais que nous n'avons pas épuisé votre exposé, mais quelle est votre objectif le plus prioritaire? Supposons que nous discutions de cette question; si nous vous donnions ces objectifs, disons un par semaine, lequel jugeriez-vous le plus important?

M. Chadderton: Monsieur le président, je crois que le plus important pour notre association en particulier serait celui qui a trait aux invalidités multiples, mais nous savons que la réponse ne se donne pas rapidement. Ainsi, nous avons à Montréal un homme qui s'est fait descendre d'un avion par une arme à feu durant un exercice. Il aura 55 ans ce mois-ci, et je sais que la plus importante recommandation que contienne pour lui le rapport du Comité Woods est l'augmentation automatique de la pension avec l'âge. Il y a le cas de la veuve qui s'est remariée et qui ne jouit pas de l'actuelle limite de cinq ans prévue par la loi. Je suis sûr que pour elle la recommandation la plus importante du Comité Woods est l'élargissement, dans son cas, de la pension de commisération. La réponse à votre question n'est pas facile, mais je pense que s'il fallait mentionner un objectif de première importance, je citerais les invalidités multiples.

M. Knowles (Winnipeg-Nord-Centre): Monsieur Kohaly, qui était parmi nous l'autre jour, a parlé de trois objectifs prioritaires lorsque la question lui fut posée. Si je ne me souviens pas dans quel ordre il les a nommés, je dirais tout de même qu'il a parlé des taux de pension, des invalidités multiples et des procédures.

M. Chadderton: Le Bureau d'appel, monsieur.

M. Knowles (Winnipeg-Nord-Centre): Oui, dans un certain sens, je crois qu'il parlait pour toutes les organisations d'anciens combattants.

M. Chadderton: Oui, si je parlais au nom de toutes les organisations d'anciens combattants aujourd'hui, je serais de cet avis. Quant aux Amputés de guerre du Canada, nous avons des problèmes particuliers qui intéressent spécifiquement nos gens. De plus, nous avons donné notre appui au rapport tout entier et tout ce qu'a dit monsieur Kohaly reflète notre propre pensée, monsieur.

M. Whicher: J'ai une autre question supplémentaire. Certaines de ces choses présentent de très grandes difficultés et quant à moi, vous pouvez être assuré que je suis tout acquis à la cause des anciens combattants. Toutefois, monsieur le président, lorsqu'on

[*Texte*]

ask for $4,152 somewhere along the line we must point out that there is no income tax on this. No one suggests, please—I am not—that there should be any; however, I think it must be pointed out that this is one advantage. If it were brought up to the respectable figure of $4,152 as suggested in this brief whereas the unskilled labour making this amount pays tax on it the veteran does not. I think we have to keep this somewhere in the back of our mind.

Mr. Guay (St. Boniface): Mr. Chairman, I must interject that the amount of $3,180 would not be affected too greatly by income tax anyway, particularly if the man was married. If that same veteran had a child or two, he would not be paying much income tax anyway.

Mr. Whicher: Fair enough, no.

Mr. Chadderton: Mr. Chairman, in balancing off the fact that there is no income tax on

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pensions I think it is fair to consider that the cleaner and helper, for example, in the federal civil service with an income which is now far above $4,150 also receives a number of fringe benefits which the pensioner does not get. I am referring to such things as sick leave, as an example, and holidays with pay and this type of thing.

The Chairman: The pensioner does get medical care though.

Mr. Chadderton: He gets medical care, Mr. Chairman, only for his pensionable disability. He is required out of that income to cover himself and his family for medical insurance the same as any other employee. However, I know we do not want to get into a debate today on the merits of this thing.

The Chairman: I am sure this is outside the scope of the Woods Report to go into the details of comparison of fringe benefits of pensioners under one program against another government program.

Mr. Chadderton: I think that is right, Mr. Chairman.

The Chairman: I think I have been tolerant in letting the questions go in fairness to everybody concerned.

Mr. Chadderton: I must say, Mr. Chairman, it is the formula we wish to discuss. As you

[*Interprétation*]

dira que le taux de base est maintenant de $3,180 et que nous demanderons $4,152, il nous faudra à un moment quelconque faire remarquer que ce montant n'est pas imposable. Comprenez-moi bien, je ne dis pas qu'il devrait y en avoir, mais il faut dire, je pense, que c'est là un avantage. Si le montant était porté au chiffre appréciable de $4,152, comme il est proposé dans cet exposé, il ne faudrait pas oublier que le manœuvre qui gagne ce montant paye l'impôt alors que l'ancien combattant ne paie rien.

M. Guay (St-Boniface): Monsieur le président, il faut dire ici que le montant de $3,180 ne serait pas très frappé par l'impôt sur le revenu de toute façon, surtout si l'homme est marié. Si ce même ancien combattant avait un enfant ou deux, il n'aurait pas grand impôt à payer.

M. Whicher: C'est juste, non?

M. Chadderton: Monsieur le président, tenant compte du fait que les pensions ne sont pas imposables, il est juste de dire que le nettoyeur et l'aide par exemple, qui travaille pour la Fonction publique du Canada, au salaire de $4,150 reçoit également un certain nombre d'avantages sociaux que ne reçoit pas le pensionné. Je veux parler de choses comme les congés de maladie, les vacances payées et ainsi de suite.

Le président: Il faut dire que le pensionné reçoit les soins médicaux.

M. Chadderton: Les soins médicaux qu'il reçoit sont réservés à son invalidité ouvrant le droit à la pension. A même ce montant de pension, il doit protéger sa famille et lui-même par une assurance médicale, comme tout autre employé. Mais j'ajoute que nul ici ne veut ouvrir un débat aujourd'hui sur cette question.

Le président: Je suis sûr que le Rapport Woods ne prévoit pas que l'on entre dans les détails d'une comparaison entre les avantages sociaux que reçoivent les pensionnés dans le cadre d'un programme, par opposition aux avantages offerts par un autre programme du gouvernement.

M. Chadderton: Vous avez raison, monsieur le président.

Le président: Je crois que j'ai été tolérant en permettant que chacun puisse poser ses questions.

M. Chadderton: Je dois dire, monsieur le président, que c'est la formule que nous vou-

[*Text*]

can see we are very much against changing this formula of the unskilled labour market for some reasons which we suggest are pretty cogent. We have brought them out for the Committee because we feel that whether it is within your terms of reference or not this is the Standing Committee on Veterans Affairs and it is going to be placed squarely in front of you in one way or another. Our fear is that if the Department and the Minister happen to be working on some type of formula which is different, we have no assurance that we will ever get an opportunity to be consulted on it or to discuss it. So we felt today we had to put our views in front of you.

Mr. Weatherhead: Mr. Chairman, with respect to the formula, which is coming up in every brief and probably rightly so, it seems that when the Pension Act was first legislated in 1919 it was tied to the basic unskilled labour rate principle, but from 1920 to 1948 I gather there was no change in the pension paid at all, although obviously the wages that unskilled labour could bring in the market would probably have increased, at a guess, two or three times anyway. During all these years were your respective associations pushing for the continuance of this unskilled labour rate principle? If so, why did nothing at all happen for 28 years? Did the formula lapse in the meantime and was brought back in later years?

Mr. Chadderton: Mr. Chairman, I think the answer is that there was no increase in the basic rate from 1924 until 1948 and certainly veterans' organizations—my study of their activities—veterans' organizations were very active until the depression years in attempting to get the government to increase pensions in accordance with a general increase in wages or increase in cost of living or whatever it was called in those days. Certainly there were no strong proposals for an increase in pensions during the thirties for good and obvious reasons. It just was not the time to ask for it and things were going down if anything.

I find that there were also no requests for increases in pensions during the war years and I ascribe this to the patriotic motives of the veterans' organizations. They were saying, "Let us get on with the war" and Padre Lambert can probably tell us more about it because he was in command during those

[*Interpretation*]

lons examiner. Vous voyez donc que nous sommes fermement opposés à tout changement à la formule du marché de la main-d'œuvre non spécialisée et cela pour des raisons faciles à comprendre. Nous les avons exposées au Comité parce qu'à notre avis, que ce soit dans les limites de votre mandat ou non, nous sommes ici devant le Comité permanent des Affaires des anciens combattants et le problème va nous être présenté d'une façon ou d'une autre. Nous craignons que si le Ministère et le ministre s'occupent actuellement d'élaborer quelque formule différente, nous n'ayons aucune chance d'en être consultés ou d'en discuter. C'est pourquoi nous avons pensé qu'aujourd'hui il nous faudrait vous exposer nos vues.

M. Weatherhead: Monsieur le président, en ce qui concerne la formule dont on parle, avec raison, dans chaque exposé, il me semble qu'en 1919, lorsque la Loi sur les pensions a été adoptée, le montant se rattachait au taux de base applicable à la main-d'œuvre non spécialisée, mais de 1920 à 1948 je crois comprendre qu'aucun changement n'a été apporté au montant de la pension, bien que, naturellement, les gages que la main-d'œuvre pouvait apporter sur le marché aient peut-être doublé ou triplé. Durant toutes ces années, est-ce que vos associations respectives préconisaient le maintien du principe du taux de base payé à la main-d'œuvre non spécialisée? Dans le cas de l'affirmative, pourquoi ne s'est-il rien produit pendant 28 ans? Est-ce que la formule est devenue désuète dans l'intervalle pour être reprise plus tard?

M. Chadderton: Monsieur le président, il est vrai que le taux de base des pensions n'a pas monté entre 1924 et 1948, mais je puis vous dire, moi qui suis au courant de l'histoire des organisations d'anciens combattants, que celles-ci ont été très actives jusqu'aux années de la crise économique lorsqu'elles ont tenté de convaincre le gouvernement d'augmenter les pensions conformément à une augmentation générale des salaires ou à l'accroissement du coût de la vie, si c'est ainsi qu'on désignait alors la chose. Certes, il n'y a pas eu de propositions insistantes pour faire augmenter les pensions durant les années trente et cela pour une excellente raison. Le temps n'était simplement pas propice à une telle demande alors que tout baissait.

Je note aussi qu'on n'a pas demandé d'augmentation des pensions durant les années de guerre et j'en attribue la cause au sens patriotique des organisations d'anciens combattants. On disait alors: «Occupons-nous d'abord de la guerre» et l'aumônier Lambert pourrait en dire long là-dessus puisqu'il était

[*Texte*]

days. However, immediately after the war in 1946 the veterans' organizations started in again and the first increase came in 1948. So there were two reasons why there was no great outcry for increases in the thirties. Of course, you had a depression and in the early forties you had a war, sir.

Mr. Weatherhead: Yes, now, in recent years, since 1948 say, in your opinion has any federal government agreed to this unskilled labour concept? When they were, for instance, making the many increases that have been made since 1951 by both governments in power since then, have they referred to this concept at all or have they ever admitted to it?

Mr. Chadderton: I would have to say they have not referred directly to it, but by the same token I know of no announcements from any government since 1946 which would indi-

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cate that the government has abandoned the unskilled labour market. Consequently, we in the veterans organizations have been going on the understanding that the basis of payment of pensions remains that of the unskilled labour market, and if the government came along with a 15 per cent increase—we were asking for 30 and our 30 per cent was always based on what we assumed to the wages in the unskilled labour market. I guess the answer is that so long as it was on the books, and it has been on the books since 1924 and earlier, we had every right to assume that it was still there because no government had ever repudiated it.

Mr. Weatherhead: Mr. Chadderton, you speak of it being on the books, but did the government in those days, 1920 to 1924, refer specifically to this unskilled labour concept at the time they were initiating the first award of pension, which I believe was $720, and then there was an increase or two since that time to 1924?

Mr. Chadderton: Yes, Mr. Chairman, there was a report by a 1919 parliamentary committee which included a reference to the unskilled labour market—it is quoted in here, I cannot quote it offhand—being sufficient to allow a man to have the enjoyment of life in terms of what he could earn as an unskilled labourer. That was again confirmed by the Ralston Committee in 1922-23, and its report

[*Interprétation*]

commandant durant ces années-là. Néanmoins, aussitôt après la guerre, en 1946, les organisations d'anciens combattants reprirent leurs revendications et la première augmentation fut accordée en 1948. Il y avait donc deux raisons pour lesquelles on ne criait pas très fort pour avoir des augmentations dans les années '30. Bien sûr, il y a eu la crise économique, puis la guerre dans les années '40.

M. Weatherhead: Oui. Maintenant, si nous examinons les années plus récentes, depuis 1948, par exemple, savez-vous si le gouvernement fédéral, quel que soit le parti au pouvoir, a accepté ce concept de la main-d'œuvre non spécialisée? Par exemple, lorsque les deux gouvernements au pouvoir ont consenti ces nombreuses augmentations depuis 1951, ont-ils fait quelque mention de ce concept ou en ont-il admis le bien-fondé?

M. Chadderton: Je dirais qu'ils n'y ont pas fait allusion directement, mais je m'empresse d'ajouter qu'aucun gouvernement depuis 1946 n'a fait de déclaration à l'effet qu'il avait abandonné le marché de la main-d'œuvre non spécialisée. En conséquence, à titre de membres des organisations d'anciens combattants, nous n'avons jamais cessé de croire que la base des paiements des pensions demeure celle du marché de la main-d'œuvre non spécialisée, et si le gouvernement proposait une augmentation de 15 p. 100, nous demandions 30 pour 100, pourcentage fondé sur ce qu'on supposait être le salaire sur le marché de la main-d'œuvre non spécialisée. Je crois que si ce critère existait depuis 1924 et n'a pas été rayé depuis même avant cela, nous étions pleinement en droit de supposer qu'il était encore en vigueur, aucun gouvernement l'ayant répudié.

M. Weatherhead: Monsieur Chadderton, vous dites que c'était la formule acceptée, mais durant ces années-là est-ce que le gouvernement,—de 1920 à 1924,—mentionnait spécifiquement ce concept de la main-d'œuvre non spécialisée à l'époque où il accordait la pension pour la première fois, au montant de $720, sauf erreur, après quoi il y eut une augmentation ou deux jusqu'à 1924?

M. Chadderton: Oui, monsieur le président, en 1924, un Comité parlementaire publiait un rapport dans lequel il était question du marché de la main-d'œuvre non spécialisée,—on le reprend actuellement ici, mais je ne puis le citer de mémoire. On y dit que ce montant suffit pour qu'un homme puisse jouir de la vie dans la mesure permise par son salaire comme travailleur non spécialisé. Le Comité

[*Text*]

was tabled and accepted in Parliament. I think these are the two main references: the 1919 parliamentary committee and the 1924 royal commission, whose report was accepted in Parliament. As a matter of fact, pensions were increased as a result of the report of the 1924 committee. However, I must say it is one of those things that almost by rote it appears to have been accepted and no one has ever denied it and it has never been repudiated.

Mr. Weatherhead: I am quite new at this business, you know, but it seems to me that the reports might have been accepted by Parliament as such without the government of the day—unless they specifically referred to it in some legislation, or something—actually being committed to the principle. This was fifty-odd years or so ago. I am not unsympathetic to it, you understand, but you must remember that as we are going to have to be dealing with this in every brief that we hear, and I say rightly so, to get some sort of a background, I was going back to try to get some idea if the government of the day ever did commit itself, because it seems to me that having the report tabled in Parliament and being accepted in some sort of a general way perhaps would not tie the government of the day right down to it.

Mr. Chadderton: I really think the answer, Mr. Chairman, will be found in the Woods Report. In my opinion the Woods Committee did an exhaustive amount of research on the history and background of the basic rate, and that will be found in Volume II, Chapter 13, and particularly in the opening statement on page 475 and again in the comments on page 494. I would also like to point out to the Committee, if I may, that all the references which the Woods Committee used are tabled at the end of that section. I do not think there is time to deal with this this morning, it is a very exhaustive study, and all I can say is that Mr. Justice Woods and his colleagues felt quite assured of themselves when they suggested in the Report that the official formula for the basic rate was that of the unskilled labour market, as tied to the cleaner and helper in the federal government service, and this was certainly the original intent and it has never been changed.

Mr. Weatherhead: Thank you, Mr. Chairman.

Mr. Marshall: Mr. Chairman, I notice in the progressive list of basic rates given by Mr. Butler that they have increased over the years. For exemple, for 1961 it was $2,160; in 1964 it was $2,400, and so on in 1966 and

[*Interpretation*]

Ralston, en 1922-1923, a de nouveau confirmé la chose et son rapport a été déposé au Parlement puis adopté. A mon sens, ce sont là les deux principales références: le Comité parlementaire de 1919 et la Commission royale d'enquête de 1924, dont le rapport a été accepté par le Parlement. Néanmoins, je dois dire que c'est là quelque chose que l'on sait par cœur, comme ayant été accepté; personne n'y a opposé de démenti ni ne l'a répudié.

M. Weatherhead: Je suis assez nouveau ici, mais il me paraît possible que le Parlement ait accepté les rapports comme tels sans que le gouvernement de l'époque,—à moins de l'avoir stipulé dans quelque mesure législative ou autre,—se soit engagé à respecter ce principe. Cela date de plus de cinquante ans. Comprenez-moi bien, je ne suis pas opposé à ce principe, mais n'oubliez pas qu'il va nous falloir traiter de cette question pour tous les exposés que nous allons entendre. Je crois avoir raison d'insister pour que l'on obtienne une certaine documentation et que l'on tâche de savoir si le gouvernement de l'époque s'est déjà engagé, car il me paraît que le simple fait de faire accepter de façon générale des rapports par le Parlement n'est pas un moyen d'engager le gouvernement à se conformer à la demande.

M. Chadderton: Je suis convaincu, monsieur le président, que la réponse se trouve dans le Rapport Woods. A mon avis, ce Rapport contient une étude exhaustive des antécédents et de l'historique de la question, et vous le trouverez au chapitre 13, du Volume II et surtout dans la déclaration préliminaire en page 550 et encore dans les commentaires à la page 572. Je veux également faire remarquer au Comité, si je le puis, que toutes les références utilisées par le Comité Woods figurent à la fin de cette section. Je crois que nous n'avons pas le temps d'examiner cela ce matin; c'est une étude très complète et tout ce que je puis dire, c'est que monsieur le juge Woods et ses collègues ont affirmé avec beaucoup d'assurance dans leur rapport que la formule officielle pour établir le taux de base était le marché de la main-d'œuvre non spécialisée, donnant comme exemple l'emploi de nettoyeur et de l'aide dans la Fonction publique du Canada, et ce fut certes là l'intention première et cela n'a jamais changé.

M. Weatherhead: Merci, monsieur le président.

M. Marshall: Monsieur le président, je remarque que dans la liste de base les taux donnés par monsieur Butler ont augmenté avec les années. Par exemple, le montant était de $2,160 en 1961; $2,400 en 1964 et il y

[*Texte*]

1967, and it shows a trend to an increase of from 10 to 12 or 13 per cent over the years. Suppose we were lucky enough to have an impact on the government to recommend a further increase, keeping in mind that we asked for an increase of 30 per cent, which would amount to $55 million but it was not acceptable. How was this trend received by veterans' organizations over the years from 1961 to 1967, for example?

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Mr. Butler: If I might answer that as I see it, I think the veterans' associations all through the piece have felt that half a loaf was better than none. In other words, if an increase is granted we are grateful for the size of the increase even though it is not what we asked for, if that answers your question, sir.

Mr. Marshall: Yes, for the time being.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, I was merely going to comment on the point raised by Mr. Weatherhead and I would like to say, relying solely on my memory, which is rather long around here, that I have heard a good many Ministers of Veterans Affairs refer to the basic rate principle. Perhaps it is like Calvin Coolidge's preacher being against sin and for motherhood, but certainly Mr. Chadderton is right that no Minister of Veterans affairs has ever repudiated the principle, and in my memory there have been sufficient favourable references to it that I think it would have to be said that the government at least has not moved away from it.

The Chairman: If there are no further questions, I think this would be a good time for a five-minute break, after which we will resume on the next point, which is another section of your brief.

RECESS.

(AFTER RECESS)

The Chairman: May we resume, please? I ask members of the Committee to take their seats.

The next section of the Report deals with multiple disabilities.

Lt. Col. Lambert: Yes; and Sam Alderdice of Winnipeg is going to read this. He is a good reader.

[*Interprétation*]

a eu des augmentations en 1966 et 1967, et la tendance indique une augmentation de 10 à 12 ou 13 p. 100 au cours des années. Supposons que nous réussissions à amener le gouvernement à recommander une nouvelle augmentation, n'oubliant pas que nous avons demandé une augmentation de 30 p. 100, ce qui équivaudrait à 55 millions de dollars, mais la demande a été refusée. De quelle façon cette tendance a-t-elle été acceptée par les organisations d'anciens combattants au cours des années, de 1961 à 1967 par exemple?

M. Butler: J'aimerais répondre à cette question comme je la comprends. Je pense que les associations des anciens combattants durant tout ce temps ont cru qu'un demi pain valait mieux qu'aucun pain. Autrement dit, si l'on accorde une augmentation, nous sommes reconnaissants à ceux qui la donnent, quel que soit l'ordre de grandeur de cette augmentation, et même si ce n'est pas ce que nous avions demandé. Cela répond-il à votre question, monsieur?

M. Marshall: Oui, pour le moment.

M. Knowles (Winnipeg Nord-centre): Monsieur le président, j'avais seulement un commentaire à faire au sujet du point soulevé par monsieur Weatherhead. Je dirai donc, en me fiant seulement à ma mémoire, qui remonte assez loin en arrière dans ces comités, que j'ai entendu bon nombre de ministres des Affaires des anciens combattants parler du principe du taux de base. Cela fait peut-être penser au prédicateur de Calvin Coolidge qui était contre le péché, mais favorable à la maternité. De toute façon, monsieur Chadderton a raison de dire qu'aucun ministre des Affaires des anciens combattants n'a jamais répudié ce principe et, autant que je me souvienne, on en a assez souvent parlé favorablement pour soutenir que le gouvernement au moins ne s'en est pas écarté.

Le président: S'il n'y a pas d'autres questions, ce serait un bon moment je crois, pour faire une pause de cinq minutes, après quoi nous aborderons le point suivant, une autre section de votre mémoire.

PAUSE.

APRÈS LA REPRISE

Le président: Messieurs, pouvons-nous reprendre? Je demande aux membres du comité de bien vouloir reprendre leurs places.

Le chapitre suivant du rapport traite des invalidités multiples.

Le lieutenant-colonel Lambert: Oui et monsieur Sam Alderdice de Winnipeg va nous le lire. C'est un bon lecteur.

[*Text*]

Mr. S. J. Alderdice (War Amputations of Canada, Winnipeg, Man.): Gentlemen, we are on page 14 , Multiple Disabilities.

Multiple Disabilities:

Squeezed at the top!!! This is possibly the most apt expression to describe the situation of the multilpe-disability casualty. It may be surprising for those who are not familiar with the Pension Act to learn a very significant fact. It is that, under the Table of Disabilities approved by the assessment for a war casualty can conceivably reach 320, using the following example of a quadruple amputee:

Left arm above the elbow—80
Right arm above the elbow—80
Left leg—upper mid thigh—80
Right leg—upper mid thigh—80
Total—320

Notwithstanding the maximum pension paid by the Pension Commission in a case of this nature is limited to 100%. This is what we, in the War Amputations of Canada, call the application of an "artificial ceiling". The anomaly of the situation is illustrated even more forcibly by the fact that an amputee who has suffered the loss of his right leg above the knee and part of his left foot would receive exactly the same pension as an amputee who has suffered the loss of all four of his extremities. This is demonstrated in Appendix "B" hereto.

If you turn to the back of the book you will note that in Appendix B we have a man with a mid-thigh amputation and one with a Chopart's and Syme's, and he gets 100 per cent pension. We also have a quadruple amp, a man with two arms off and two legs off—80 per cent, 80 per cent, 80 per cent, 80 per cent, for all disabilities, for a total of 320 per cent. Because of the 100 per cent ceiling both amputees receive the same pension.

We go back to page 15:

The disparity brought about by the application of this 100% ceiling is brought out further in Appendix "C" hereto. This shows the pension payment, together with attendance allowance for three amputees.

This Appendix C referred to is a picture—a wonderful picture, we think. It was taken in Winnipeg. Here is a man who is a quadruple

[*Interpretation*]

M. S. J. Alderdice (Amputés de guerre du Canada, Winnipeg, Man.): Messieurs, nous sommes à la page 14, invalidités multiples.

Invalidités multiples:

Congé au sommet! C'est peut-être l'expression qui décrit le mieux la situation d'une personne atteinte d'infirmités multiples. Ceux qui ne sont pas familiers avec la Loi sur les pensions seront peut-être surpris d'apprendre un fait assez significatif. C'est que, selon le Tableau des invalidités approuvées par la Commission canadienne des pensions, l'appréciation de l'invalidité d'un blessé de guerre peut bien atteindre 320 p. 100, si l'on prend en exemple une personne qui a subi quatre amputations:

Bras gauche, sous le coude—80%
Bras droit, au-dessus du coude—80%
Jambe gauche—au-dessus de la moitié de la cuisse—80%
Jambe droite—au-dessous de la motié de la cuisse—80%
Total—320%

Cependant, la pension maximale versée par la Commission des pensions dans un cas semblable ne peut dépasser 100 p. 100. C'est ce que nous, de l'Association des amputés du Canada, appelons l'application d'un «maximum artificiel». Ce qui nous démontre l'état anormal de la situation, c'est qu'une personne qui a subi l'amputation de la jambe droite au-dessus du genou et d'une partie du pied gauche recevrait exactement la même pension qu'une autre qui a subi l'amputation des quatre membres. Cela est démontré à l'appendice «B» ci-joint.

Si vous voulez bien vous reportez à la fin du livre, vous verrez qu'à l'appendice B il est question d'un homme avec une amputation à mi-cuisse et un autre avec un Chopart et un Syme, qui est pensionné à 100 pour 100. Nous avons aussi un homme qui a les quatre membres amputés, chaque amputation étant évaluée à 80 p. 100, soit un total de 320 p. 100. A cause du planfond de 100 p. 100, les deux amputés reçoivent la même pension.

Revenons maintenant à la page 15:

La disparité causée par l'application de ce maximum de 100 p. 100 est démontrée davantage par l'appendice «C» ci-joint. Le paiement de pension y est indiqué plus l'allocation de soins à l'égard de trois amputés.

Cette annexe C à laquelle nous avons fait allusion est une photo, et nous dirions même une merveilleuse photo. Elle a été prise à

[*Texte*]

amputee, a man with a leg off above the knee and one below the knee and one man with his leg off above the knee. It looks as though he is a double amp here, but he is not; he has a right foot. But the quadruple amp is assessed at 220 per cent pension, and he receives a pension at the rate of 100 per cent, $265. A double leg amp is assessed at $130 per cent and he receives the same pension, $265 per month. The single leg amp is assessed at 80 per cent, but because of the 100 per cent limitation he receives $212 per month, which is $53 less than the quadruple amp, the man with the four limbs off.

We go back to page 15, and I read:

> It may be argued that the Pension Commission can award Attendance Allowance multiple-disability casualty over and above the pension paid for 100 disability. This Attendance Allowance, however, is in effect an expense allowance paid to a pensioner to help offset the added costs of personal services required because of his disability. It is encumbered income and not to be confused with compensation for the disability itself.

> This assertion would appear to have been proved, beyond shadow of doubt, by the findings of the Woods Committee. The actual recommendation in the Woods Report is to the effect the first 100 percent of disability should be paid on the basis of loss of earnings in the unskilled labour market, and that where other factors exist in a substantial degree, the Canadian Pension should indemnify the multiple disability casualty accordingly. These factors include anatomical loss, scarring and disfigurement, loss of enjoyment of life, pain and discomfort and shortening of the life span.

> Under this proposal, pension could be paid in excess of the mythical 100 percent ceiling and an illustration would be as follows:

Pension for one leg—above mid-thigh—80%

Pension for a second leg—above mid-thigh—80%

[*Interprétation*]

Winnipeg. Voici donc un homme quatre fois amputé, un homme avec une jambe coupée au-dessus de genou et une au-dessous du genou et un homme dont la jambe est amputée au-dessus du genou. On pourrait croire qu'il s'agit ici d'un amputé double, mais ce n'est pas le cas; il a son pied droit. Mais la pension de l'amputé des quatre membres a été évaluée à 220 p. 100, et il touche une pension au taux de 100 p. 100, soit $265. Un amputé des deux jambes est estimé pensionnable à 130 pour cent, et il touche une pension de $265 par mois. La pension de l'amputé d'une seule jambe est estimée à 80 pour cent, mais du fait du plafond de 100 p. 100, il touche $212 par mois, soit $53 de moins que l'amputé des quatre membres.

Nous revenons à la page 15, où je lis:

> On peut prétendre que la Commission des pensions peut accorder l'allocation de soins comme moyen d'indemniser la personne atteinte d'infirmités multiples en plus et au-delà de la pension payée pour une invalidité de 100 p. 100. De fait, l'allocation de soins est une allocation de dépenses payée à un pensionné afin de l'aider à compenser les frais supplémentaires pour les services personnels dont il a besoin en raison de son invalidité. C'est un gain grevé, et il faut le distinguer de l'indemnisation pour l'invalidité elle-même.

> Il semble que cette affirmation ait été prouvée, sans le moindre doute, par les constatations de la Commission Woods. Le rapport Woods recommande que les premiers 100 p. 100 d'invalidité soient payés selon la perte de salaire sur le marché de la main-d'œuvre non spécialisée et, lorsqu'il existe d'autres facteurs importants, que la Commission des pensions indemnise en conséquence la personne atteinte d'infirmités multiples. Ces facteurs englobent, entre autres, la perte des membres, les cicatrices et la défiguration, la perte de la joie de vivre, la douleur et les malaises et la réduction de l'espérance de vie.

> En vertu de ce projet, la pension pourrait être payée au-dessus du maximum mythique de 100 p. 100 et calculée comme suit:

Pension pour une jambe—au-dessus de la mi-cuisse 80%

Pension pour la seconde jambe—au-dessus de la mi-cuisse 80%

[*Text*]

Pension for loss of paired organs*—25%

Total 185%

* The paired organ assessment is based on the principle that the actual loss to the amputee of paired organs is greater than *double* the loss of any single organ.

This assessment, as illustrated above, would be made up presumably as follows:

Loss of earning capacity 100%

Anatomical loss 25%

Scarring and disfigurement 25%

Loss of enjoyment of life 15%

Pain and discomfort 10%

Expected shortening of life span 10%

Total 185%

The recommendation of the Woods Report in regard to multiple disability casualties has been heralded among veterans' organizations as both unique and outstanding. For many years pension experts have attempted to devise a formula which would take into account not only loss of earnings, but the several other factors which affect the well-being of a severely disabled person, many of whom carry their disabilities 24 hours a day.

The Woods Committee studied the pension provisions in some other countries, noting that in a very many of them, special assessments were paid beyond the 100 percent rate for total disablement. It is the view of the War Amputations of Canada, however, that the formula now proposed in the Woods Committee Report is the most practical that can be devised under the circumstances. We urge its early implementation.

Assessment for the War Blinded: The War Amputations of Canada has some members who have lost total eyesight through war service. We have conducted a comprehensive study of their pension problems and conclude that the disability of blindness has been under-assessed by the Canadian Pension Commission for many years.

[*Interpretation*]

Pension pour la perte d'organes pairs* 25%

Total 185%.

* L'appréciation de la perte d'organes pairs se fonde sur le principe que la perte effective, pour l'amputé, d'organes pairs est plus grande que *deux fois* la perte de tout organe seul.

Cette appréciation, de la façon indiquée ci-haut, se décomposerait ainsi:

Perte de l'aptitude à gagner un salaire 100 p. 100

Perte d'un membre 25 p. 100

Cicatrices et défiguration 25 p. 100

Perte de la joie de vivre 15 p. 100

Douleur et malaises 10 p. 100

Réduction éventuelle de l'espérance de vie 10 p. 100

Total 185 p. 100

La recommandation du rapport Woods relative aux personnes atteintes d'infirmités multiples a été accueillie par les organisations d'anciens combattants comme étant unique et remarquable à la fois. Pendant nombre d'années les spécialistes en matière de pension ont tenté de trouver une formule qui tiendrait compte non seulement de la perte de gain mais aussi des autres facteurs qui influent sur le bien-être d'une personne atteinte d'invalidité grave; dans bien des cas, les personnes souffrent de leurs infirmités 24 heures sur 24. La Commission Woods a étudié les dispositions relatives aux pensions dans d'autres pays et a noté que dans un grand nombre d'entre eux, des montants spéciaux ont été versés au-delà du taux de 100 p. 100 pour l'invalidité totale. L'Association des amputés du Canada est cependant d'avis que la formule proposée actuellement dans le rapport de la Commission Woods est la plus pratique qui puisse être appliquée dans les circonstances. Nous proposons qu'elle soit mise en application le plus tôt possible.

Appréciation à l'égard des aveugles de guerre:—L'Association des amputés du Canada compte certains membres qui ont perdu complètement la vue à la suite de leurs services en temps de guerre. Nous avons procédé à une étude exhaustive de leurs problèmes en matière de pension et nous en venons à la conclusion que l'invalidité relative à la cécité a fait l'objet d'une appréciation insuffisante par la Commission canadienne des pensions pendant bon nombre d'années. La Com-

[*Texte*]

The Woods Committee has recommended an assessment for total blindness of 250 percent made up as follows:

Loss of earning capacity 100%
Anatomical Loss %
Scarring and disfigurement 50%
Loss of enjoyment of life 25%
Pain and discomfort 15%
Expected shortening of the life span 10%
Total 250%

In the view of the War Amputations of Canada, this is little enough assessment for the severe disability represented by loss of sight, with its many related problems such as impairment of locomotion and communication, dependence upon family members and friends, nervous proposed assessment of 250 percent would go a long way towards adequate compensation for this disability, and it should be borne in mind that, as with all other disabilities, the payment is coming many years too late, bearing in mind that the disabled persons have lived with their disabilities, in some cases, for more than 50 years.

The War Amputations of Canada is pleased indeed to note that the White Paper proposes recognition of factors other than the loss of earning power in the unskilled labour market, in regard to assessment for pension purposes. The White Paper includes, in particular:

To relieve pain and discomfort;
To increase the enjoyment of life; and
To provide the essential will to live.

We prefer not to comment upon the latter factor, as we believe that there are few multiple disability casualties, if any, who relate financial compensation to the "essential will to live".

We do suggest, however, that there are other factorw to which reference was made in the Woods Report which are not included in the White Paper. These are:

Scarring and disfigurement: and
Loss of life expectancy.

It seems to me that the principle put forth in the Woods Committee Recommendations is both sound and practical. It does not interfere with the existing basis of paying pension up to 100 on loss of earning power. It does, however, recognize—and clearly delineate—the other

[*Interprétation*]

mission Woods a recommandé que l'appréciation relative à la cécité totale soit de 250 p. 100 et qu'elle se définisse ainsi:

Perte de l'aptitude à gagner un salaire—100 p. 100
Perte de membre—50 p. 100
Balafres et défiguration—50 p. 100
Perte de la joie de vivre—25 p. 100
Douleur et malaises—15 p. 100
Réduction prévue de la durée de vie—10 p. 100
Total 250 p. 100

Selon l'Association des amputés du Canada, cette appréciation est insuffisante pour l'infirmité grave que représente la perte de la vue et les nombreux problèmes connexes tels que la difficulté de se déplacer et de communiquer, le fait d'être à la charge de sa famille et de ses amis, la tension nerveuse, la douleur et les malaises ressentis. L'évaluation proposée de 250 p. 100 contribuerait largement au versement d'une indemnité appropriée au sujet de cette infirmité, et nous devons nous rappeler que, comme dans le cas des autres invalidités, le paiement est en retard de plusieurs années si l'on pense que dans certains cas les personnes invalides ont vécu avec leurs infirmités pendant plus de 50 ans. L'Association des amputés du Canada note avec plaisir que le Livre blanc propose de reconnaître l'existence de facteurs autres que la perte de salaire sur le marché de la main-d'œuvre non spécialisée, en ce qui regarde l'appréciation aux fins de pension. Le Livre blanc recommande notamment:

De soulager la douleur et les malaises;
D'accentuer la joie de vivre; et
De fournir le désir essentiel de vivre.

Nous préférons ne faire aucun commentaire au sujet du dernier facteur, étant donné qu'à notre avis peu de personnes atteintes d'infirmités multiples, s'il en est, établissent un rapport entre la compensation financière et «le désir essentiel de vivre». Nous soutenons, cependant, qu'il y a d'autres facteurs auxquels a fait allusion le rapport Woods et qui ne figurent pas dans le Livre blanc. Ce sont:

Les balafres et la défiguration; et
La réduction de l'espérance de vie.

Il nous semble que les principes qui ressortent des recommandations de la Commission Woods sont à la fois justes et pratiques. Ils ne touchent pas à la formule actuelle de verser une pension jusqu'à concurrence de 100 p. 100 à l'égard de la perte du pouvoir de gagner sa vie.

[*Text*]

factors involved in a multiple disability, for which no provisions is made under the present Pension Act. We have prepared a simple chart which attempts to show the relationship between the additional factors of a disability as proposed by the Woods Committee, and the existing factor of lost earning power.

This is the last sheet in your book. Now we refer to Appendix "D". This is the last sheet in your brief and you will note here for a double amputee, reading from the bottom to the top: loss of earning power, 100 per cent pension; loss of life expectancy, 10 per cent; pain and discomfort, 10 per cent; loss of enjoyment of life, 15 per cent; scarring and disfigurement, 25 per cent; anatomical loss, 25 per cent. This totals 185 per cent.

In the case of a triple amp, we say loss of life expectancy, 20 per cent; pain and discomfort, 20 per cent; loss of enjoyment of life, 35 per cent; scarring and disfigurement, 40 per cent; anatomical loss, 50 per cent—for a total of 265 per cent.

Now you will note that for the quad amp we have a total here of 350 per cent; the blind, 250 per cent; and the paraplegic, 350 per cent. Now these

Assessments for Multiple Disability Casualties, based on Woods Committee Recommendations No. 64-65 (Vol. II, C. 14 P. 538

I think we can go on now.

It should be noted that this system lends itself to flexibility in regard to the relation between the assessment above 100 per cent and the monetary value which the government may be prepared to place upon that assessment. We shall be placing before you today—and you have it here—a copy of the "Multiple Disability Casualties" brief submitted to the Woods Committee by the organizations representing seriously disabled veterans of Canada. This brief is dated November 3, 1965. I would like you to turn to page 11, if you will, of this brief. You may wish to note, on page 11, that in the submission, the organizations involved suggested that compensation above the 100 per cent assessment should be paid at the half rate. Their proposal was not exactly similar to that of the Woods Committee in regard to the method of arriving at

[*Interpretation*]

Cependant, ils reconnaissent—et nous font voir clairement—les autres facteurs en question dans les cas d'infirmités multiples pour lesquels aucune disposition n'est prévue dans la Loi sur les pensions actuelle. Nous avons dressé un tableau où nous essayons de démontrer les rapports qui existent entre tous les facteurs supplémentaires relatifs à une infirmité, tel que proposé par la Commission Woods, et le facteur existant de la perte de l'aptitude à gagner sa vie.

C'est la dernière page de votre livre. Passons maintenant à l'annexe «D». C'est la dernière page de votre mémoire, et vous noterez ici pour un amputé double, en lisant de bas en haut: perte de la possibilité de gagner sa vie, pension à 100 p. 100; réduction prévue de la durée de la vie, 10 p. 100; souffrances et malaise, 10 p. 100; perte de la jouissance normale de la vie, 15 p. 100; cicatrices et défiguration, 25 p. 100; perte anatomique, 25 p. 100. Cela nous donne un total de 185 p. 100.

Dans le cas d'un amputé triple, nous disons perte de la longévité probable, 20 p. 100; souffrances et incommodité, 20 p. 100; perte de l'aptitude à jouir de la vie, 35 p. 100; cicatrices et défiguration, 40 p. 100; perte anatomique, 50 p. 100, ce qui nous donne un total de 265 p. 100.

Vous noterez maintenant que pour l'amputé des quatre membres, nous avons ici un total de 350 p. 100; pour l'aveugle, 250 p. 100; pour le paraplégique, 350 p. 100, or, ces

Évaluation de l'invalidité dans les cas d'amputations multiples, d'après les recommandations nos GH et GS du Rapport du Comité Woods (vol. II, c. 14, p. 643)

Je pense que nous pouvons poursuivre maintenant. Il y aurait lieu de noter que ce système se prête à la souplesse en ce qui concerne le rapport existant entre l'appréciation au-dessus de 100 p. 100 et la valeur monétaire que le gouvernement peut être en mesure de donner à cette appréciation. Nous vous remettrons aujourd'hui un exemplaire de l'exposé sur les «Personnes atteintes d'infirmités multiples» qui a été présenté à la Commission Woods par les organisations des anciens combattants du Canada qui souffrent d'invalidités graves. Cet exposé est daté du 3 novembre 1965. Vous pourrez noter, à la page 11 de l'exposé, que, dans leur présentation, les organisations en cause ont proposé qu'une indemnité au-dessus de l'appréciation de 100 p. 100 soit versée à raison de la moitié du taux. Leur proposition ne ressemblait pas exactement à celle de la Commission Woods,

[*Texte*]

assessment. This may be taken as an indication, however, that the organizations representing the multiple disability casualties might be prepared to accept some reasonable compromise in regard to the dollar amounts involved, so long as the principles were retained; that is, that statutory provision be made under which pensions would be paid for additional assessment for multiple disability cases, as part of the regular monthly pension payment.

I think we have already covered Appendix "D". I just wanted you to make the comparison here in the Multiple Disability Casualties brief on page 11 with that which we have on Appendix "D". I think we can go on now. On page 20, the second paragraph and last paragraph.

The total cost of implementing this recommendation for 174 amputations—broken down this is 169 double; 4 triple; 1 quadruple; 40 totally blinded, 125 paraplegics and 10 quadraplegics—would, we estimate, be about $1.4 million a year.

• 1115

The Chairman: Is this cost estimate based on a $3,180 basis of pension or is it based on the increases that are suggested?

Mr. Chadderton: It is based, Mr. Chairman, on the existing rate of pension.

The Chairman: So if the increases in the basic rate that you suggest were implemented, there would be 30 per cent additional.

Mr. Chadderton: That is right, sir.

The Chairman: Thank you.

Mr. Lemay: *Attendance Allowance:*

We welcome the proposal in the White Paper to the effect that the Act be amended to state that attendance allowance is, unequivocally, not part of any pension paid for any disability. This clarification is important chiefly because it paves the way for consideration of an additional payment by way of pension for multiple disability casualties.

Up to this time, it has been possible for the government to point to attendance allowance as a means of additional compensation for multiple disability cases. The veterans' organizations have long contended that, to the contrary, the original intent of the legislation made it clear that this allowance was

[*Interprétation*]

pour ce qui est de la méthode de calculer l'appréciation. Cela peut, cependant, servir à indiquer que les organisations représentant les personnes atteintes d'infirmités multiples pourraient être disposées à accepter un certain compromis raisonnable en ce qui concerne les montants en cause, dans la mesure où les principes sont maintenus, c'est-à-dire si la loi prévoyait qu'une pension soit versée en guise d'appréciation supplémentaire à l'égard des cas d'infirmités multiples, et que ce montant soit compris dans le paiement mensuel régulier de la pension.

Je pense que nous avons déjà traité de l'annexe «D». Je voulais seulement que vous fassiez ici la comparaison entre ce que nous avons à la page 11 du mémoire sur les invalidités multiples et ce que nous avons ici à l'annexe «D». Je pense que nous pouvons poursuivre maintenant. A la page 20, le deuxième et dernier paragraphe.

> Nous estimons qu'il en coûtera au total environ $1,400,000 par année pour mettre en pratique cette recommandation à l'égard de 174 amputés: (169 doubles; 4 triples; 1 quadruple); 40, atteints de cécité totale, 125 paraplégiques et 10 quadraplégiques.

Le président: Cette estimation du coût se fonde-t-elle sur une pension de base de $3,180 ou sur les augmentations proposées?

M. Chadderton: Sur le taux de pension actuelle, monsieur le président.

Le président: Par conséquent, si l'on appliquait au taux de base l'augmentation que vous proposez, il faudrait ajouter ici 30 p. 100.

M. Chadderton: C'est exact, monsieur.

Le président: Je vous remercie.

M. Lemay: *Allocation de soins:* Nous réservons bon accueil à la proposition figurant dans le Livre blanc voulant que la Loi soit modifiée de façon à préciser spécifiquement que l'allocation de soins ne fait aucunement partie de toute pension versée pour n'importe quelle invalidité. Il importe de clarifier cette question, principalement parce qu'elle prépare le terrain en vue d'étudier la possibilité de verser une somme supplémentaire, sous forme de pension, à l'égard des personnes atteintes d'infirmités multiples.

Jusqu'à présent, le gouvernement a pu définir l'allocation de soins comme étant un moyen de verser une indemnité supplémentaire dans les cas d'infirmités multiples. Les organisations d'anciens combattants soutiennent depuis longtemps que, au contraire, l'intention première du législateur laissait voir

[*Text*]

primarily based on the need for services and attendance. It came into being at a time when World War I veterans were being transferred from hospitals to their homes and the attendance allowance was paid specifically for the purpose of providing additional income which would be available to the family members who looked after the disabled veteran in lieu of the government's having to keep him in an institution. This contention was not always acceptable and when veterans' organizations pointed out the need to pay additional pension for multiple disabilities, the requests were sometimes refuted with the explanation that the multiple disability case received attendance allowance. Presumably we can assume that the White Paper sets the record straight. Attendance allowance is not part of pension. Therefore the need to pay additional pension for the severe case should be no longer in doubt.

Symes Amputees:

The Woods Committee recommended (volume 2, chapter 17, page 662, recommendation 84) that for the purpose of attendance allowance the Symes amputation be considered the same as a below-the-knee amputation. The rate for the Symes is now $600 per annum, whereas a double below-the-knee amputee receives an attendance allowance of $1,500 per annum.

Notwithstanding, the assessment by the Canadian Pension Commission for a Symes amputation and a below-the-knee amputation is exactly the same, i.e., 50 per cent. Their pension is the same.

They are both rated the same, as disability assessments. The Pension Commission, late in 1964, approved an increase in the standard assessment for the Symes amputation from 40 per cent to 50 per cent, presumably on the understanding that this amputation was at least as disabling as the below-the-knee amputation. Representations had been made to the Commission to this effect, quoting a great deal of factual information obtained from other countries, most of which provide the same assessment for a Symes as a below-the-knee amputation.

Referring to the Table of Disabilities, which is the guideline for assessment of attendance allowance (Table of Disabilities, page 21) a

[*Interpretation*]

clairement que cette allocation était principalement fondée sur le besoin de services et de soins.

Son origine remonte à une époque où les anciens combattants de la Première Guerre mondiale étaient transférés de l'hôpital à la maison; l'allocation de soins visait précisément à assurer un revenu supplémentaire aux membres de la famille qui prenaient soin de l'invalide et déchargeaient ainsi l'État de l'obligation de le garder dans une institution. Mais cet argument n'a pas toujours été accepté et quand les associations d'anciens combattants ont réclamé des pensions supplémentaires dans les cas d'infirmités multiples, ils se sont vu parfois opposer une fin de non-recevoir, car, disait-on, il était versé une allocation de soins dans ces cas-là. Nous pouvons donc présumer que le Livre blanc fait le point là-dessus. L'allocation de soins ne fait pas partie de la pension. Il ne devrait donc subsister aucun doute quant à la nécessité d'une pension supplémentaire dans les cas graves.

Amputés de Syme:

Le Comité Woods recommandait (volume 2, chapitre 17, page 757, recommandation 84) que l'amputation de Syme soit considérée comme une amputation au-dessous du genou aux fins de l'allocation de soins. Un amputé de Syme reçoit présentement une allocation de soins de $600 par année, tandis que celui qui a perdu deux jambes au-dessous du genou en touche une de $1,500 par année.

Néanmoins, l'évaluation de la Commission canadienne des pensions est exactement la même pour un amputé de Syme que pour un amputé au-dessous du genou, soit 50 p. 100. Ces deux genres d'amputations font l'objet de la même évaluation à titre d'invalidité.

A la fin de 1964, la Commission des pensions acceptait que l'évaluation uniforme pour une amputation de Syme soit portée de 40 p. 100 à 50 p. 100, supposément parce qu'elle jugeait que cette amputation rendait aussi invalide qu'une amputation au-dessous du genou. La Commission avait été saisie d'instances en ce sens et avait pris connaissance d'une foule de données provenant d'autres pays, dont la plupart considéraient l'amputation de Syme comme étant aussi grave que l'amputation au-dessous du genou.

Au sujet du Tableau des infirmités, qui sert de guide pour l'évaluation de l'allocation de soins (Tableau des infirmités, à la page 21), la

[*Texte*]

number of "necessities" are accepted by the Commission as placing a pensioner in need of attendance. These necessities include:

• 1120

(a) Dressing and undressing
(b) Feeding oneself
(c) Attending the wants of nature
(d) Ability to get outdoors and take sufficient exercise to maintain normal health and
(e) Protection from danger incident to ordinary environment.

In our opinion, a bilateral Symes amputee would be in relatively the same position as a below-the-knee amputee in regard to these necessities. The fact that the Commission approves the same assessment for both types of amputation would seem to be ample verification of this fact. We cannot, therefore, understand the justification for the non-acceptance of the recommendation of the Woods Report to the effect that attendance allowance for the Symes Amputation should be the same as for a below-knee amputation. Our records indicate that there are not more than 15 bilateral Symes Amputees in Canada. Hence the total cost to the Government to implement this recommendation would be $13,500 per annum, at current rates.

Attendance Allowance while in Hospital: Maximum Category:

The Woods Committee made a specific recommendation (volume 2, chapter 17, page 662, recommendation 85) to the effect that the existing provisions of the Pension Act as stated in Section 33 (3) thereof be extended for all pensioners in receipt of attendance allowance at the maximum rate.

This would seem to be a most logical recommendation. This provision is already in existence for the War Blinded, despite the fact that they do not receive the maximum rate (i.e., $2,750 per annum compared with the maximum rate of $3,000 per annum). Despite this provision for the War Blinded, there is no provision in the Pension Act to pay attendance allowance while in hospital for treatment for a paraplegic, although he is covered for two months in regard to payment of attendance allowance, under the Treatment Regulations of the Department of Veterans Affairs.

Consider then the case of the triple amputee. He is awarded the maximum attendance allowance of $3,000 per annum, but if he is required to go into hospital for treatment for his pensionable disability his attendance allowance ceases forthwith.

[*Interprétation*]

Commission reconnaît un certain nombre de «nécessités» selon lesquelles un pensionné ne peut se passer de soins. On y compte:

a) Se vêtir et se dévêtir
b) Se nourrir
c) Satisfaire les besoins naturels
d) Aller dehors et prendre suffisamment d'exercice pour conserver un état de santé normal
e) Se protéger contre les dangers du milieu normal.

A notre avis, un amputé de Syme serait à peu près dans la même situation qu'un amputé au-dessous du genou, pour ce qui est de ces «nécessités». Cela semble se vérifier amplement par le fait que la Commission approuve la même évaluation pour les deux genres d'amputation. Par conséquent, nous ne parvenons pas à nous expliquer le rejet de la recommandation du Comité Woods, voulant que l'amputation de Syme et l'amputation au-dessous du genou, fassent l'objet de la même allocation.

Selon nos dossiers, il n'y a pas plus de 15 cas d'amputations bilatérales de Syme au Canada. Par conséquent, aux taux courants la mise en application de cette recommandation ne coûterait que $13,500 par année au gouvernement.

Allocations de soins pendant l'hospitalisation: Catégorie maximum:

Le Comité Woods recommandait nommément (volume 2, chapitre 17, page 757, recommandation 85) que les dispositions actuelles de l'article 33(3) de la Loi sur les pensions soient appliquées à tous les pensionnés bénéficiaires d'une allocation de soins au taux maximum.

Cette recommandation semblerait des plus logiques. Les aveugles de guerre y trouvent déjà leur profit, sans toutefois, il est vrai, toucher le taux maximum, c'est-à-dire $2,750 par année à comparer au maximum de $3,000. Malgré cette disposition pour les aveugles de guerre, la Loi sur les pensions ne prévoit rien pour le versement d'une allocation de soins à un paraplégique hospitalisé; mais il faut dire qu'aux termes du Règlement sur le traitement du ministère des Affaires des anciens combattants, l'allocation de soins est maintenue pendant deux mois dans ce cas-là. Voyons ce qui se passe dans le cas d'une triple amputation. Le pensionné reçoit le maximum de l'allocation de soins, soit $3,000 par année, mais s'il doit aller se faire traiter à l'hôpital pour l'infirmité qui lui ouvre droit à sa pension, il perd par le fait même son allocation de soins.

[*Text*]

It is suggested that the Woods Committee Report contains much sensible argument in support of the recommendation. Perhaps, however, a specific case might make the matter more clear. We refer to a triple amputee whose total income under the Pension Act is $524. per month. Out of this he must maintain a home, purchase and operate an automobile, pay someone to maintain his house and grounds, etc. In addition his wife is required to be on hand to assist him, to feed, clothe and generally care for him 24 hour a day.

When he goes into hospital the expenses and upkeep of his home and automobile carry on. Moreover his wife, who is normally prevented from taking outside employment because of her need to be available to assist her husband, must necessarily remain out of the labour market. She could not be expected to secure a job on short notice. It should be borne in mind, also, that she would necessarily lack experience. In other words all of the circumstances which obtain for this man while he is at home, continue in exactly the same way while he is in hospital. Since we are speaking specifically about money, the family outlay would be approximately the same but, in that no provision is made to carry on attendance allowance for this category of amputee, the income would be reduced by the amount of the attendance allowance, i.e., $250.

In this particular instance, this man has, over the past years, required medical treatment arising out of his pensionable disability on at least three occasions, and possibly many more. He has refused to go into hospital, as he cannot aflord to take the reduction of $250. per month in income.

• 1125

Perhaps we may be pardoned if we are critical of the proposed amendment which would extend to this type of pensioner the concession that his attendance allowance could carry on for one month only without his having to undergo a means test. In this particular case we would hope that the ground rules would be sufficiently generous that he could qualify for a continuation beyond the proposed one-month cutoff date. However, with no guarantee of this (in the same way as the War Blinded Pensioner has a guarantee through Section 33 (3) of the Act) it is perhaps understandable that he would still have some qualms about entering hospital, knowing that continuation of his atten-

[*Interpretation*]

Nous exprimons l'avis que le Rapport du Comité Woods contient un plaidoyer très sensé en faveur de la recommendation. Mais il y aurait peut-être lieu de citer un cas précis en guise d'exemple. Prenons le cas d'un pensionné qui a perdu trois membres et dont le revenu global aux termes de la Loi sur les pensions est de $524 par mois. Sur ce revenu, il doit entretenir un foyer, s'acheter et faire fonctionner une automobile, payer quelqu'un pour entretenir sa propriété et ainsi de suite. En outre, sa femme doit être à ses côtés 24 heures par jour pour l'aider, le nourrir, le vêtir et prendre soin de lui de façon générale.

Advenant son hospitalisation, ses dépenses et les frais d'entretien de son foyer et de son automobile ne cessent pas pour autant. Par ailleurs, sa femme, qui ne travaille ordinairement pas à l'extérieur parce qu'elle est obligée de prendre soin de son mari à la maison doit nécessairement rester hors du marché du travail. On ne saurait donc s'attendre à ce qu'elle trouve un emploi en peu de temps. Il faut se souvenir aussi qu'elle manque forcément d'expérience. En d'autres termes, que le pensionné soit chez lui ou à l'hôpital, les circonstances restent exactement les mêmes. A propos d'argent, les dépenses de la famille seraient à peu près les mêmes, mais vu que les amputés de cette catégorie doivent renoncer à leur allocation de soins, leur revenu se trouve réduit de $250, c'est-à-dire du montant de l'allocation de soins.

Dans ce cas précis, notre homme a eu besoin de soins médicaux au moins trois fois et peut-être bien davantage au cours des années à cause de son invalidité. Il a refusé l'hospitalisation, ne pouvant se permettre une baisse de revenu de $250 par mois.

Peut-être nous pardonnera-t-on de critiquer le projet de modification qui permettrait dans ces cas de maintenir l'allocation de soins pour un mois seulement, sans justification des besoins. En l'occurence, nous souhaiterions qu'au départ le règlement soit assez large pour permettre au pensionné de continuer à toucher son allocation après la date limite proposée d'un mois. Mais comme le pensionné n'en a pas la moindre garantie, comme celle dont jouit l'aveugle de guerre pensionné, en vertu de l'article 33 (3) de la loi, on comprendra peut-être qu'il hésite encore à se faire hospitaliser, sachant que la continuation de son allocation de soins après la limite d'un mois sera laissée à la discrétion des administrateurs des pensions.

[*Texte*]

dance allowance beyond the one-month period was at the discretion of the pension administrators.

This leads to another major objection—we refer to the imposition of a possible "means test" in regard to the extension of attendance allowance. To the best of our knowledge, attendance allowance has never been subject to financial need hence the proposal in the White Paper appears to introduce a completely new principle. Up until now, if a pension investigation indicated that there was a *need for attendance* as spelled out in the Table of Disabilities, the attendance allowance could be put into payment. It seems now however, that *financial need* may also become a factor—a situation about which we must express profound regret.

Attendance Allowance: Below Maximum Rate:

We are pleased to note that the recommendation in the White Paper to continue attendance allowance for a period of one month goes a very long way in meeting the requirement as seen in the Woods Report for those in receipt of attendance allowance below the maximum rate. It is suggested, however, that the same rationale applies to this group as to the maximum-rated group. That is to say, the additional costs of the disability carry on while the pensioner is in hospital; the only difference being one of degree. Mr. Justice Woods in his comments concluded that, because the need for attendance in the lower categories was not as great as for the maximum-rated group, the provision to carry on attendance allowance while in hospital could justifiably be held to two months. We see no quarrel with this. We do, however, find that the one month proposal in the White Paper simply would not provide sufficient time for the family to make the necessary financial adjustment.

The cost factor of implementing the Woods Committee recommendation in regard to the continuation of attendance allowance, on a permanent basis for pensioners undergoing treatment for a pensionable disability (without restriction for the maximum rate and for two months at those below the maximum rate) could not be too large. There are approximately 2,000 attendance allowance awards in force at this time in Canada.

[*Interprétation*]

Cela nous amène à une autre objection de force. Nous voulons parler de l'imposition possible d'une «justification des moyens» préalable à l'allocation de soins. Pour autant que nous sachions, l'allocation de soins n'a jamais été, fonction du besoin financier. Par conséquent, la proposition du Livre blanc semble poser un principe tout à fait nouveau. A l'heure actuelle, l'allocation de soins peut être payée s'il ressort de l'enquête que *des soins sont nécessaires,* suivant le Tableau des infirmités. Il semble, toutefois, que le besoin financier peut aussi entrer en ligne de compte, ce que nous déplorons profondément.

Allocation de soins: au-dessous du taux maximum:

Nous sommes heureux de constater que la recommandation du Libre blanc suivant laquelle l'allocation de soins serait maintenue pour une période d'un mois reconnaît dans une très large mesure les besoins, explicités dans le Rapport Woods, des bénéficiaires d'une allocation de soins à un taux moindre que le maximum. Nous sommes d'avis, par contre, qu'il faut appliquer à ce groupe le même raisonnement qu'au groupe qui reçoit le maximum; les frais supplémentaires qu'entraîne l'invalidité ne cessent pas du simple fait de l'hospitalisation du pensionné; la seule différence est qu'ils ne sont pas aussi élevés pour les deux groupes. Monsieur le juge Woods concluait ses observations en disant que le besoin de soins n'étant pas aussi aigu dans la deuxième catégorie que dans la première, il serait justifié de limiter à deux mois le maintien de l'allocation de soins pendant l'hospitalisation du pensionné. Nous ne trouvons rien à redire à cela. Nous trouvons, cependant, que la limite d'un mois proposée dans le Livre blanc n'est tout simplement pas suffisante pour permettre à la famille de s'adapter financièrement à une situation nouvelle.

L'adoption de la recommandation du Comité Woods relativement au maintien de l'allocation de soins pour les pensionnés en traitement, sans restriction pour ceux qui touchent le maximum et pendant deux mois pour les autres ne saurait entraîner des déboursés trop considérables. Il y a quelque 2,000 bénéficiaires d'allocations de soins à l'heure actuelle.

[*Text*]

Attendance Allowance for War Blinded:

The Woods Committee suggested that attendance allowance for the War Blinded should be $3,000 per annum instead of the existing $2,750. No recommendation to this effect was included in the White Paper.

It would appear that the Woods Committee gave a great deal of attention to this particular matter. In particular, the Woods Committee stated that the "necessities" set out in the Table of Disabilities to describe the qualifications for attendance allowance were satisfactory in regard to those disabilities which involved impairment of mobility, but proposed that a special list of necessities be devised to describe areas which are peculiar to those who have lost their sight. In particular the needs should include such things as companionship, recreation and communication.

In this respect we refer to the Woods Report, volume 2, chapter 17, page 661, recommendation No. 80. We have been given to understand that this recommendation was accepted. This might conceivably mean that the Commission has prepared a special list of "necessities"; however, it seems obvious that

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recommendation 80 was intended to support an *increase* in attendance allowance for the totally blind, as suggested in recommendation 81. If the Commission has, in fact, prepared a new list of "necessities" for the totally blinded—but has rejected the idea of increasing the allowance for this group—surely the intent of Woods Committee recommendation No. 80 has missed its mark.

The total cost of implementing this recommendation could not be very large, bearing in mind that the number of totally blind is less than 40 across Canada.

Revision in Other Categories:

We were pleased to learn in February of 1969 that the Commission had issued a new directive to the effect that the Table of Disabilities was to be considered as a guideline only in the matter of rates of attendance allowance for specific disabilities. It is hoped that we can take this to mean that, where the need to increase attendance allowance in certain categories of multiple amputation is apparent, the Commission would have discretion to award the increase. It is our intention to survey our membership to determine instances where the existing allowance might appear to be insufficient, having regard for the Woods Committee recommendations, fol-

[*Interpretation*]

Allocation de soins pour les aveugles de guerre:

Le Comité Woods s'est dit d'avis que l'allocation de soins pour les aveugles de guerre devrait être de $3,000 par année plutôt que $2,750 comme à l'heure actuelle. Le Livre blanc ne renferme aucune recommandation en ce sens.

Il semblerait que le Comité Woods s'est longuement penché sur la question. Il affirmait notamment que les «nécessités» figurant dans le Tableau des infirmités comme justification de l'allocation de soins étaient valables dans le cas des infirmités qui réduisent la mobilité du sujet, mais il proposait la création d'une liste spéciale d'infirmités dans le cas des aveugles. Ces besoins doivent comprendre notamment la compagnie d'une autre personne, les activités récréatives et les communications.

Nous nous reportons à cet égard au Rapport Woods, volume 2, chapitre 17, page 756, recommandation n° 80. On nous a donné à entendre que cette recommandation avait été acceptée. Cela pourrait vouloir dire, on le conçoit, que la Commission a dressé une liste spéciale de «nécessités»; toutefois, il apparaît évident que la recommandation n° 80 se voulait en faveur d'une *augmentation* de l'allocation de soins pour les pensionnés atteints de cécité totale, comme le propose la recommandation n° 81. Si la Commission a effectivement dressé une nouvelle liste de «nécessités» pour les pensionnés complètement aveugles, mais qu'elle ait rejeté l'idée d'une augmentation pour ce goupe, on n'a certes pas respecté l'intention de la recommandation n° 80 du Comité Woods.

L'adoption de cette recommandation n'entraînerait pas des déboursés tellement considérables, vu que le nombre de pensionnés complètement aveugles ne dépasse pas 40.

Révision des autres catégories:

Nous avons appris avec satisfaction en février 1969 que la Commission avait donné une nouvelle directive établissant que le Tableau des invalidités n'est qu'un guide devant servir à fixer les taux des allocations de soins pour certaines invalidités données. Cela signifie donc, espérons-nous, que la Commission sera autorisée à augmenter l'allocation de soins dans certaines catégories d'amputations multiples, lorsque cela lui paraîtra nécessaire. Nous avons l'intention de mener une enquête auprès de nos membres pour déterminer les cas où l'allocation actuelle semble insuffisante, compte tenu des recommandations du Comité Woods, après quoi

[*Texte*]

lowing which we would of course suggest that the pensioner make application to the Commission to use its discretionary powers to approve an increase, on the understanding that any limitation which may have applied to date in the Table of Disabilities can be exceeded, as that table is now to be considered as a guideline only.

I will stop at this point for questions.

The Chairman: Have members any questions for Mr. Lemay?

Mr. Weatherhead: Mr. Chairman, earlier on the witness was talking about the Syme's Amputation. I am not familiar with what that is. Could he explain it to me?

The Chairman: Mr. Chadderton?

Mr. Chadderton: Mr. Chairman, a Syme's Amputation is rated the same as a below-knee amputation, but in the Syme's part of his ankle is left. In other words, instead of a four or four-and-a-half inch stump below the knee he has probably eight-and-a-half or nine inches below the knee. He also can make some use of the bottom of his foot for weight-bearing. He normally cannot take all of his weight on it, but some of it he can. That is basically the difference between the Syme's and the below-knee.

Mr. Weatherhead: Mr. Chairman, further there was some discussion about attendance allowances for those receiving less than the maximum rate and for those receiving the maximum rate. I gather that perhaps a difference is proposed between the two, and I am not sure of the difference. Could this be further explained to me?

Mr. Chadderton: Mr. Chairman, the Woods Committee recommended that for those at the maximum rate, if in a hospital for departmental treatment, the attendance allowance should be continued while they were in hospital. This provision is already in effect for the war-blinded and it is in effect in a different way for two months for the paraplegic, but it does not apply to the four triple amputees we have in Canada. If they go into the hospital their attendance allowance is cut off.

So the recommendation in the Woods Committee, which we endorse, is that for the

[*Interprétation*]

nous inviterions évidemment les intéressés à demander à la Commission d'approuver une augmentation en vertu de ses pouvoirs discrétionnaires, étant donné que toute limite applicable jusqu'ici dans le Tableau des infirmités ne doit désormais servir que de guide

Je m'arrêterai ici afin que l'on puisse poser des questions.

Le président: Certains de nos membres ont-ils des questions à poser à M. Lemay?

M. Weatherhead: Monsieur le président, le témoin nous a parlé précédemment de l'amputation Syme. J'ignore ce dont il s'agit. Pourrait-il me l'expliquer?

Le président: Monsieur Chadderton.

M. Chadderton: Monsieur le président, le taux d'invalidité pour une amputation Syme est le même que pour une amputation sous le genou, à cette différence près que dans l'amputation Syme on laisse à l'amputé une partie de la cheville. En d'autres termes, au lieu d'avoir en-dessous du genou un moignon de quatre pouces ou quatre pouces et demi, il aura probablement sous le genou un moignon de huit pouces et demi ou neuf pouces. Il peut également faire quelque usage de la partie arrière du pied pour prendre appui. Normalement, cela ne suffit pas à supporter tout le poids de son corps, mais il peut le faire jusqu'à un certain point. C'est ce qui constitue la différence essentielle entre une Syme et une amputation sous le genou.

M. Weatherhead: Monsieur le président, on a discuté par la suite des subventions de garde pour ceux qui reçoivent moins que le taux maximum et pour ceux qui reçoivent le taux maximum. J'en déduis que l'on envisage peut-être de faire une différence entre les deux, mais je n'ai pas très bien compris cette différence. Pourrait-on me fournir des explications sur ce point?

M. Chadderton: M. le président, la Commission Woods a recommandé que ceux qui sont au taux maximum continuent à percevoir leur subvention de garde pendant qu'ils étaient hospitalisés, si c'était pour un traitement ministériel. Cette clause est déjà appliquée pour les aveugles de guerre et elle l'est également, sous une forme un peu différente pour les paraplégiques depuis deux mois, mais elle n'est pas appliquable aux quatre amputés triples que nous avons au Canada. Lorsqu'ils doivent être hospitalisés, on leur supprime leur subvention de garde.

La recommandation de la Commission Woods, que nous appelions entièrement, est

[*Text*]

maximum rate payment of the attendance allowance should continue while they are in hospital for treatment. For those in receipt of less than the maximum rate the Woods Committee proposed two months' continuation, whereas the White Paper proposes normally one month.

Mr. Weatherhead: And what did the White Paper propose for those receiving the maximum rate?

Mr. Chadderton: The same thing—continuation for one month. And we assume that the provision already in the Act for the war-blinded will not be disturbed, so that the war-blinded would continue to receive it indefinitely.

We have no information on how the paraplegics would be covered, because they are covered under the treatment regulations of the Department. They get two months. But the net result of the White Paper proposal on attendance allowance for those in receipt of the maximum amount would cover exactly four people, as we see it. These are the four triple amputees in Canada, although there may be other people of a disease nature who are receiving the maximum. We do not know about that. But it is the four people who were left out.

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Mr. Weatherhead: I gather there has been some mention of a means test that would perhaps allow more than one month's attendance allowance while in hospital. Do you have any details on that, or is it still pretty vague?

Mr. Chadderton: Mr. Chairman, I do not think it is too vague. As we read the White Paper it states that attendance allowance—and it does not state at what rate; presumably at any rate—could be carried on beyond the period of one month where there is financial hardship. This, to us, would mean the application of a means test, sir.

The Chairman: Only in regard to the extension.

Mr. Chadderton: Yes; the extention beyond one month for attendance allowance.

[*Interpretation*]

que l'on devrait continuer à verser la subvention de garde aux amputés du taux d'invalidité maximum lorsqu'ils sont hospitalisés à des fins de traitement. Pour ceux qui touchent moins que le taux maximum, la Commission Woods a proposé que la subvention soit encore payée pendant deux mois, tandis que le Livre Blanc propose normalement pendant un mois.

M. Weatherhead: Et qu'est-ce que le Livre Blanc a proposé pour ceux qui reçoivent le taux maximum?

M. Chadderton: La même chose, paiement de la subvention de garde pendant un mois. Nous pensons d'ailleurs que la clause déjà comprise dans la loi sur les aveugles de guerre ne sera pas modifiée, de telle sorte qu'ils puissent continuer à la toucher indéfiniment.

Nous n'avons aucune information en ce qui concerne le régime pour les paraplégiques, parce qu'ils tombent sous le coût des règlements de traitement du ministère. Ils obtiennent deux mois. Mais le résultat de la proposition du Livre Blanc au sujet de la subvention de garde pour ceux qui touchent le montant maximum toucherait exactement quatre personnes, si nous comprenons bien. Ce sont les quatre amputés triples du Canada, bien qu'il puisse y avoir d'autre gens qui perçoivent le maximum pour des raisons de maladie. Nous n'en savons rien. Il s'agit de quatre personnes qui avaient été omises.

M. Weatherhead: Il me semble que l'on a également fait mention d'un contrôle de moyen d'existence qui accorderait peut-être plus d'un mois de subvention de garde pendant que l'amputé est hospitalisé. Pouvez-vous nous donner quelques détails sur ce point, ou est-ce encore quelque chose de vague?

M. Chadderton: Je ne pense pas que ce soit encore bien vague, M. le président. Si nous lisons le Livre Blanc nous constatons qu'il mentionne que la subvention de garde (et ne dit pas à quel taux, mais il s'agit vraisemblablement de n'importe quel taux), pourrait être prolongée au-delà de la période d'un mois en cas de difficulté financière. Selon nous, cela signifierait le recours à un contrôle de moyen d'existence, monsieur.

Le président: Simplement en ce qui concerne l'extension.

M. Chadderton: Oui, l'extension de la subvention pour frais de garde au-delà d'un mois.

[*Texte*]

Mr. Weatherhead: Was there any mention of whether it should be a means test relative to income or to assets, or do you have any information on that?

Mr. Chadderton: I believe the words were "financial hardship", or it might have just said "hardship", now that I recall. We did wish to point out—and I think it was referred to the other day—that as recently as February 20, 1969, there was an amendment to the Table of Disabilities of the Canadian Pension Commission in which it was stated:

> The fundamental principle in the award and level of Attendance Allowance is based on the need of attendance and thus there is no means test.

Presumably, Mr. Chairman, this was the policy of the Commission at February 20, 1969.

We submit that the White Paper is deviating from that principle if it suggests that attendance allowance could be continued beyond a month on the basis of financial hardship.

Mr. Weatherhead: Thank you.

The Chairman: Mr. Stanley Knowles had his hand up, and then Mr. Whicher.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, I have just a question or two. The witnesses have made it clear—and I think most of us agree with them— that they would like the pension payments to multiple amputees put on a statutory bases—and I am not talking now about the amount but the principle—so that it is a matter of right, not a matter of welfare.

May I ask if the witnesses are asking for the same kind of provision in relation to attendance allowance; that you would like some precise table so that a veteran would know what he is going to get rather than having it at the discretion of the Commission?

I see that Mr. Chadderton is getting ready to answer. Perhaps I might just add one supplementary to it. If you would like to have it precise, does it need to be in the Act or would it be satisfactory if it were precisely covered in the treatment regulations?

Mr. Chadderton: I think, Mr. Chairman, the answer to the first question is that undoubt-

[*Interprétation*]

M. Weatherhead: A-t-on mentionné s'il s'agirait d'un contrôle de moyen d'existence portant sur le revenu ou sur les avoirs, ou avez-vous certains renseignements sur ce sujet?

M. Chadderton: Je crois que les termes utilisés étaient «difficulté financière» à moins qu'il s'agisse simplement de «difficulté», pour autant que je m'en souvienne. Nous avons voulu souligner (et je pense qu'il y a été fait allusion l'autre jour) que tout récemment, c'est-à-dire le 20 février 1969, on a apporté au tableau des invalidités de la Commission canadienne des pensions une modification disant:

> «Le principe fondamental à la base de l'allocation et du montant de l'allocation des soins se fonde sur la nécessité de ceux-ci et n'est aucunement assujetti aux moyens d'existence du pensionné.»

Il semble donc, M. le Président, que telle était la politique de la Commission le 20 février 1969.

Nous prétendons que le Livre Blanc s'éloigne de ce principe s'il propose que la subvention pour frais de garde soit poursuivie au-delà d'un mois du fait de difficultés financières.

M. Weatherhead: Je vous remercie.

Le président: Je donne la parole à M. Stanley Knowles et je viens ensuite à M. Whicher.

M. Knowles (Winnipeg-Nord-Centre): M. le Président, je voudrais poser une ou deux questions. Les témoins ont clairement fait savoir (et je pense que la plupart d'entre nous sont d'accord avec eux) qu'ils aimeraient que les paiements de pension à des amputés multiples soient incorporés dans une loi (je ne parle pas ici du montant, mais simplement du principe) et il s'agit donc d'une question de droit, et non pas d'une question de bien-être.

Je voudrais demander si les témoins souhaitent le même genre de dispositions légales au sujet de la subvention pour frais de garde; l'établissement d'un barème précis de façon à ce que l'ancien combattant sache ce qu'il va obtenir, plutôt que d'être livré à l'arbitraire de la Commission?

Je vois que M. Chadderton s'apprête à me répondre. Qu'il me laisse cependant le temps de poser encore une question supplémentaire. J'aimerais encore que l'on précise s'il serait nécessaire que cela soit incorporé à la loi, ou s'il suffirait au contraire qu'il en soit parlé avec précision dans les règlements en matière de traitement?

M. Chadderton: Je pense, M. le Président, que je puis répondre à la première question

[*Text*]

edly we would like it to be covered in a statutory form of some kind. The reason for that is that a triple amputee facing a trip to the hospital must necessarily sit down with his wife and discuss the finances of the thing. He has no idea how long he is going to be there, so he says, "Well, the pension cheque will come in and it will include an attendance allowance and so much is paid for this, that and the other thing", and that money is budgeted out. But consider his situation when he says, "Well, the minute I go in it will be cut off." The proposal in the White Paper is only putting off the evil day, sir, by 30 days. He says, "Well, I can go into the hospital now, and for 30 days they are going to cover me", but he has no idea whether or not he is going to come out. Therefore, he would say, "Well, if I go in, I must try to get out within 30 days, otherwise we have to reduce our budget again". There is just no protection, sir, unless he is guaranteed the same provision as the government has seen fit to guarantee, for instance, for the war-blinded

Whether it is done in the form of treatment regulations or in the form of the Pension Act, I do not think we would care a whit, sir, as long as it was a guarantee in writing. But at the moment nothing at all is done for him, and the proposal in the White Paper is to place it all on a discretionary basis after 30 days. We submit, sir—and I do not like to use the word—that this is inhumane. There is just no other word for it. If you saw the cases we handle, for that type of situation to arise and the triple amputee having to ask himself the question, "Can I afford to stay in hospital and take this treatment?" is ridiculous.

Mr. Guay (St. Boniface): I have a supplementary, Mr. Chairman. From your experience what happens in many cases where he has to stay in? Surely you must have gone through that experience. Do you have organi-

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zations or somebody who will make an attempt to help the family out? What is actually happening?

[*Interpretation*]

en disant qu'il ne fait aucun doute que nous aimerions que la question fasse l'objet d'une disposition légale sous quelque forme que ce soit. La raison en est qu'un amputé triple qui se trouve dans l'obligation de se faire hospitaliser doit de toute évidence pouvoir discuter avec son épouse de l'aspect financier de cette question. Il n'a aucune idée de la durée de cette hospitalisation, et il dira donc: «Tu sais, tu vas recevoir le chèque de ma pension et il comprendra une subvention pour frais de garde, et autant pour ceci, et puis pour cela, et puis encore pour cela» et il peut donc établir un budget précis. Mais imaginez dans quelle situation il se trouve s'il doit dire: «Tu sais, à partir de l'instant où je quitte la maison, la subvention sera supprimée». La proposition contenue dans le Livre Blanc ne fait que repousser de trente jours cette échéance tragique. Tout ce que cet amputé peut dire à sa femme est: «Tu sais, je puis me faire hospitaliser maintenant et pendant trente jours je continuerai à toucher ma subvention», mais ce qu'il ne sait pas, c'est s'il sortira véritablement de l'hôpital à la fin des trente jours. Il se trouvera donc dans l'obligation de dire: «Si je me fais hospitaliser, il faudra que je m'arrange pour sortir au bout de trente jours, sinon nous devrons encore réduire notre budget». Il n'y a donc aucune protection, monsieur, à moins que le gouvernement lui accorde le genre de protection qu'il accorde par exemple aux aveugles de guerre.

Que cela se fasse sous la forme de règlements en matière de traitement ou par une modification de la Loi sur les pensions, peu nous importe, monsieur, pourvu que la garantie soit donnée par écrit. Mais pour l'instant, rien n'a été fait pour lui et la proposition contenue dans le Livre blanc est de laisser toute décision à la discrétion de la Commission au bout de trente jours. C'est pourquoi j'affirme, monsieur (et j'utilise ce mot à regret) que cela est inhumain. Mais il n'y a pas d'autres termes pour cela. Si vous pouviez voir les cas auxquels nous devons faire face, lorsque de telles situations se présentent et lorsqu'un triple amputé doit se poser la question: «Puis-je me permettre de me faire hospitaliser pour recevoir le traitement dont j'ai besoin?» c'est vraiment ridicule.

M. Guay (St-Boniface): Je voudrais poser une question supplémentaire, monsieur le président. D'après votre expérience, que se passe-t-il dans la plupart des cas lorsque l'amputé doit rester hospitalisé plus longtemps? Je pense que vous avez certainement dû faire une expérience de ce genre. Existe-t-il des organisations où quelqu'un qui saurait au moins aider la famille? Que se passe-t-il en réalité?

[*Texte*]

Mr. Chadderton: I can tell you that, Mr. Chairman. Our branch will go to the man or to the wife, and will say. "We have certain welfare funds." That is the worst possible thing to say to him. They are very proud people; they bear the scars of war. Put on that basis in nine cases out of ten, sir, they refuse it.

We are quite willing to assist them on a financial basis from our organization if that is required. It is the principle of the thing—that is an awful word to bring out—but it is the principle of the thing that destroys them. I might also say that I know of cases where the triple amputee has actually signed himself out of the hospital and gone home against the doctor's orders because he says: "I just cannot afford to stay in the hispital and I will not take welfare hand-outs."

Mr. Whicher: Mr. Chairman, most of my questions have been answered very well. I am certainly against any means test as far as this attendance allowance goes. However, I see that there are 2,000 receiving attendance allowance in the forces at this time. How many of these would be wives or people who are connected with the family? What about instances where we have someone else looking after the veteran who is not connected with the family? Is there a percentage? Do you know how many of these people would be involved? I am thinking of one particular case where certainly this person did not need the money. Keeping in the background that I am against the means test, I can still see where there could be the possibility of criticisms if there were a substantial number who were not wives.

Mr. Chadderton: Mr. Chairman, I think of the 2,000 in receipt of attendance allowance there would be approximately 175—excuse me, the war blinded do not receive the maximum—so there would be approximately 150 in receipt of the maximum attendance allowance. Of those 150 people there probably would be—this is again, of course, an approximate figure, it is a guess—there would be approximately 30 to 40 who hire an attendant. In the remainder of the cases what they do rather than hiring an attendant is get married and the wife looks after them. However, I submit to you that that wife is in a very peculiar position, or a very different position from the ordinary wife because she cannot work, she cannot take any training for employment. If he goes into the hospital she cannot rush down to Manpower and say: "Find me a job; my husband has gone into

[*Interprétation*]

M. Chadderton: Je puis vous répondre, monsieur le président. Notre direction ira voir cet homme, ou son épouse, et leur dira: «Nous pouvons gérer les fonds de bienfaisance». C'est la pire des choses à leur dire. Ce sont des gens extrêmement fiers, ils portent les cicatrices des blessures qu'ils ont reçues à la guerre. Lorsque les choses leur sont présentées de cette façon, neuf fois sur dix ils refusent. Nous sommes prêts à leur accorder une aide financière de notre organisation, si c'est nécessaire. C'est le principe de la chose, quel affreux mot à employer, mais c'est le principe de la chose qui les détruit. Je pourrais ajouter qu'il est des cas, à ma connaissance, où un amputé de trois membres a réellement signé son propre congé de l'hôpital et est retourné chez-lui contre les ordres du médecin parce que, dit-il: «Je n'ai pas les moyens de rester à l'hôpital et je refuse d'accepter l'aumône».

M. Whicher: Monsieur le président, la plupart de mes questions ont reçu une réponse satisfaisante. Je suis sûrement contre toute forme d'évaluation des moyens lorsqu'il s'agit d'allocations de soins. Cependant, je sais que 2,000 personnes reçoivent des allocations de soins à l'heure actuelle. Parmi celles-ci, combien y en a-t-il qui comptent parmi des épouses ou de la parenté? Qu'arrive-t-il dans le cas où la personne qui veille sur l'ancien combattant n'a aucun lien de parenté avec celui-ci? Connaît-on le pourcentage de ces cas? Connaissez-vous le nombre des personnes ainsi impliquées? Je songe à un cas où cette personne n'avait sûrement pas besoin de l'argent. Faisant abstraction de mon opposition à l'évaluation des moyens, je ne puis me retenir de penser à la possibilité de soulever des critiques s'il arrivait qu'un bon nombre de ces personnes ne fussent pas des épouses.

M. Chadderton: Monsieur le président, je songe aux 2,000 personnes qui reçoivent des allocations de soins. Il y en aurait environ 175 (pardon, les aveugles de guerre ne reçoivent pas le plein montant), de sorte qu'environ 150 reçoivent le montant maximum d'allocation de soins. Parmi ces 150 personnes, il y en aurait probablement (ici également il s'agit d'un chiffre approximatif,) il y en aurait à peu près de 30 à 40 qui retiennent les services d'un aide. Dans le reste des cas, plutôt que d'embaucher un aide, ils se marient et la femme veille sur eux. Cependant, je signale que cette femme se trouve dans une position très particulière, ou du moins dans une position très différente de celle de la femme ordinaire, parce qu'elle ne peut pas travailler et ne peut pas suivre des cours de formation qui lui permettraient de se trouver de l'emploi. Si son mari retourne à l'hôpital, elle ne

[*Text*]

the hospital," because she has no training. Not only that, sir, but she does not know how soon her husband is going to come back again.

Mr. Whicher: That is right.

Mr. Chadderton: We submit the only humane thing to do in this case is to carry the attendance allowance on. Somebody might say: "Well, what are you arguing about? If there is financial hardship they have already agreed they will carry it on". Perhaps we are arguing principles, perhaps we are. Perhaps there may be the odd case where if he got down on his knees, under this hardship principle he would qualify. We submit, and this is not the time to argue it I am sure, that to forsake that principle of allowing that man to have his attendance allowance continue on a means test is going about it the wrong way. It is completely ignoring that man's mental outlook his psychological well-being. For the odd case where the government might actually have to continue the attendance allowance of $250 a month you are dealing with another 140 souls where they say: "If you do not want to give it to me, then I do not want it on any other basis." I am sure most of them would never apply.

Mr. Whicher: I just have one more question. I am thinking of an instance where a chap was on a very small pension and it was brought up by a War Veterans Allowance, and he became incapacitated and it was necessary that he have somebody attend him. Do the 2,000 attendance allowances mentioned in your brief include the total for all the services in Canada? Would it take into account a case such as the one I have mentioned or is this strictly to do with pensioners?

Mr. Chadderton: So far as we know this is the total of those in receipt of attendance allowance. Bear in mind if a man who is on War Veterans Allowance is in receipt of attendance allowance, he must also have a pension. Although it might only be a 5 per cent pension, he is a pensioner, you see.

The Chairman: Are there other questions?

Mr. Knowles (Winnipeg-North Centre): I understand no one who is only on the War

[*Interpretation*]

peut pas courrir au bureau de la Main-d'œuvre et dire: «Trouvez-moi un emploi, mon mari est retourné à l'hôpital», pour la bonne raison qu'elle n'a aucune formation. Ce n'est pas tout, monsieur, elle ne sait même pas quand son mari reviendra.

M. Whicher: C'est exact.

M. Chadderton: Nous posons en fait que le seul geste humanitaire possible dans un tel cas est de continuer à verser l'allocation de soins. On pourrait dire: «A quoi bon tous ces débats? S'il existe des difficultés financières, ils ont déjà consenti à continuer de verser l'allocation.» Nous débattons peut-être un principe. Le cas peut à la rigueur se présenter où, en suppliant à genoux, on lui accordera ce qu'il demande, en vertu du principe relatif aux difficultés financières. Nous posons en fait, et ma foi ce n'est pas le moment d'argumenter à ce sujet, que de renoncer à ce principe et de permettre à cet homme de continuer à recevoir son allocation de soins à condition qu'il se soumette à une évaluation des moyens, c'est s'attaquer au problème sous un mauvais angle. C'est faire fi du bien-être psychologique de cet homme. Quant aux rares cas où le gouvernement pourrait continuer à verser l'allocation de soins mensuelle de $250, vous devez tenir compte des 140 autres personnes qui affirment: «Si vous ne voulez pas me l'accorder, eh bien! je n'en veux pas à d'autres conditions». Je suis sûr que la plupart n'en feraient jamais la demande.

M. Whicher: Je ne désire poser qu'une autre question. Je songe au cas où un type recevait une très modeste pension qui lui était versée en vertu des allocation aux anciens combattants. Avec le temps il devint invalide et dut recourrir aux bons offices d'un aide. Le chiffre de 2,000 allocations de soins mentionné dans votre mémoire englobe-t-il toutes les Forces armées du Canada? Tiendrait-il compte d'un cas tel que celui que je viens de mentionner ou s'adresserait-il directement aux seuls pensionnaires?

M. Chadderton: A notre connaissance, ceci représente le chiffre global des bénéficiaires d'allocations de soins. Il faut se souvenir que si un homme figure sur la liste des allocations aux anciens combattants et reçoit également une allocation de soins, il reçoit également une pension. Même si c'est une pension de seulement 5 p. 100, il est un pensionnaire.

Le président: Désire-t-on poser d'autres questions?

M. Knowles (Winnipeg-North Centre): Je crois comprendre que la personne qui n'appa-

[*Texte*]

Veterans Allowance can get an attendance allowance.

Mr. Chadderton: No, sir.

Lt. Col. Lambert: I think when I spoke about it at the beginning, Mr. Chairman, I said there are a great number of heroes in this country. I am not speaking about the Department of Veterans Affairs but I am speaking about the people who care for Canada's war disabled and I think that they should be recognized. I have a high regard for the Department of Veterans Affairs, but they are not the people who are caring for the disabled people of this country. The people who are caring for them are those who love them. I would like to pay my tribute to them because my little sweetheart that I had for 47 years was a nursing sister, and what a difference it made to my life when she was called away and I was left on my own.

The Chairman: Yes, I am sure we all agree with what you say Mr. Lambert. Mr. Weatherhead and then Mr. Legault.

Mr. Weatherhead: Mr. Chairman, the arguments in favour of carrying on the attendance allowance, particularly the ones in receipt of the maximum amount, I think are very good. I wonder why the arguments are not almost as good for those who receive, say, 75 per cent of the attendance allowance or this sort of thing. Would they not be missing the income almost as much as those in receipt of the total amount? May I have some comments on that?

Mr. Chadderton: Mr. Chairman, we have paraphrased in this brief the findings of Mr. Justice Woods and his people on it. They felt that the greatest anomaly was that involving those in receipt of the maximum rate. They felt that the war blinded should be put up to the maximum rate; so that takes care of that group. There is another small group, double amputees, whose average attendance allowance is around $2,400, and I would say if this Committee saw fit to recommend that their attendance allowance be carried on, we would have no objection. However, we did not raise this point when the Woods Committee omitted them from their recommendation; so in all fairness, we agreed that below the maximum rate if they could be carried on for two months that would be considered as an acceptable comprise. So far as I know, our Association still feels that way. In other

[*Interprétation*]

rait que sur la liste des allocations aux anciens combattants ne peut recevoir une allocation de soins.

M. Chadderton: Non, monsieur.

Lieutenant-colonel Lambert: Si je me souviens bien, monsieur le président, lorsque j'en ai parlé sur la question, au début, j'ai dit que ce pays comptait un grand nombre de héros. Je ne parle pas du ministère des Affaires des anciens combattants, mais des gens qui s'occupent des invalides de guerre du Canada et d'après moi, ils méritent notre reconnaissance. J'ai beaucoup d'estime pour le ministère des Affaires des anciens combattants, mais ce ne sont pas eux qui prennent soin des invalides de ce pays. Ceux qui prennent soin d'eux sont ceux qui les aiment. Je désire leur rendre hommage parce que ma petite chérie que j'ai eue pendant 47 ans était une infirmière et quelle différence dans ma vie lorsqu'elle a disparu et que je dus me tirer d'affaires tout seul.

Le président: Oui, nous sommes tous d'accord avec vous là-dessus, monsieur Lambert. Monsieur Weatherhead et puis Monsieur Legault.

M. Weatherhead: Monsieur le président, les raisons favorables au maintien du versement des allocations de soins, particulièrement à ceux qui reçoivent le montant maximum, sont excellentes. Je me demande pourquoi les arguments ne sont pas aussi bons à l'égard de ceux qui reçoivent, mettons, 75 p. 100 de l'allocation de soins ou quelque chose de ce genre. Ne souffriront-ils pas de cette absence de revenu presque autant que ceux qui reçoivent le plein montant? Pourrait-on m'expliquer cet état de choses?

M. Chadderton: Monsieur le président, dans ce mémoire, nous avons paraphrasé les conclusions du juge Woods et de ses gens sur le sujet. Ils estimaient que la plus grande anomalie était celle qui a trait aux bénéficiaires du taux maximum et que les aveugles de guerre devraient recevoir le tarif maximum; ceci règle leur cas. Il est un autre petit groupe, celui des amputés de deux membres dont l'allocation de soins moyenne est d'environ $2,400, et si le Comité juge à propos de recommander que leur allocation de soins soit maintenu, nous n'y aurions aucune objection. Cependant, nous n'avons pas soulevé cette question lorsque le Comité Woods a omis d'en faire mention dans ses recommandations. Par conséquent, en toute justice, nous avons convenu qu'en-dessous du taux maximum, s'ils pouvaient continuer de leur verser leur allocation pendant deux mois, cela constituerait

[*Text*]

words, if somebody wanted to do something more for them than the Woods Committee recommended, fine, we would have no objection.

Mr. Weatherhead: Mr. Chairman, in Mr. Chadderton's experience do most of these veterans just go in for a few weeks or a month or two? Do we not have a number that go in for a much longer period. What is his experience on that?

Mr. Chadderton: Yes, I think our experience would indicate that there really is no figure, they vary so greatly. A lot of them, of course, are short term; they go in to have a stump repaired or something of this nature. Bearing in mind the seriousness of their disability, the hospital term would be beyond one month. As you realize it is just a guess, but I would say it is two and a half to three months on the average for these people. I am speaking about amputees.

When a paraplegic goes into the hospital that is a very serious matter. I mean, it is his bladder or internal problems and he may be in there as long as six months.

Mr. Legault: Mr. Chairman, my question is related to one brought out by Mr. Whicher awhile ago. Some figures were given on those receiving the maximum attendance allowance who had no family whatsoever, and the answer was that in most cases you gave an approximate figure. You said that they got married or something like that; that is very easy to say but I do not believe in practice that it is always the case. I am sure there must be cases of people who cannot cope with the situation, and so they remain in the hospital because $3,000 would not be sufficient. It would be a help to those related but such a one could not get employment. We were looking for an example awhile ago and I think we did have one here last week; the case of the gentleman who was sitting at the end of the table.

Mr. Chadderton: Mr. Clarke of the Canadian Paraplegic Association.

Mr. Legault: I believe he has an attendant and I had something like that in mind. We should bear in mind the cost of maintaining

[*Interpretation*]

un compromis acceptable. A ma connaissance, notre Association est toujours de cet avis. Autrement dit, si quelqu'un voulait faire davantage pour eux que ne le recommandait le Comité Woods, très bien, nous n'aurions aucune objection.

M. Weatherhead: Monsieur le président, si l'on s'en rapporte à l'expérience de monsieur Chadderton, est-ce que la plupart des anciens combattants se bornent à passer quelques semaines ou un mois ou deux à l'hôpital? semaines ou un mois ou deux à l'hôpital? N'y en a-t-il pas un certain nombre qui y passent une période de temps beaucoup plus longue? Qu'en est-il, d'après son expérience?

M. Chadderton: Oui, notre expérience semblerait indiquer qu'il n'y a réellement pas de chiffre bien établi, la durée de leur séjour varie tellement. Beaucoup d'entre eux, évidemment, y font un court séjour; ils y vont faire réparer un moignon ou quelque chose du genre. Étant donné la gravité de leur infirmité, leur séjour à l'hôpital se prolongerait pendant plus d'un mois. Vous comprenez sans doute qu'il s'agit d'une simple conjecture, et pourtant je me hasarderais à dire que ces gens y restent en moyenne de deux mois et demi à trois mois. Je parle des amputés.

Lorsqu'un paraplégique est conduit à l'hôpital, le cas est grave. Il souffre probablement de la vessie ou de maux internes, et il peut alors rester jusqu'à six mois à l'hôpital.

M. Legault: Monsieur le président, ma question a trait à un problème soulevée par monsieur Whicher il y a quelque temps. Des chiffres furent fournis à l'égard de ceux qui reçoivent l'allocation de soins maximum et qui n'ont aucune famille, on est arrivé à la conclusion suivante que dans la plupart des cas le chiffre fourni était approximatif. Vous avez dit qu'ils se mariaient ou quelque chose du genre. C'est facile à dire, mais je ne pense pas qu'en réalité les choses se passent ainsi. Il y a sûrement des gens qui ne peuvent pas faire face à la situation, et par conséquent, ils restent à l'hôpital, parce qu'ils ne peuvent pas s'en tirer avec $3,000. Cet argent serait d'un certain secours à un parent, mais une telle personne serait incapable d'occuper un emploi. Nous cherchions tout à l'heure un exemple et je me rappelle que nous en avions un, ici même, la semaine dernière, la personne assise au bout de la table.

M. Chadderton: Monsieur Clarke, de l'Association canadienne des paraplégiques.

M. Legault: Je crois qu'il a un aide et c'est à cela que je pensais. Il faut tenir compte des frais d'entretien d'une telle personne à l'hôpi-

[*Texte*]

such a person in the hospital. I am perhaps referring to the setup that we have for our elderly people in old-age homes, where a pension of $109.20 per month is paid once a person attains a certain age, yet the cost of maintaining such a person in the home for the aged is closer to about $200 per month.

An hon. Member: More than that.

Mr. Legault: Yes, it is more than that in quite a few cases. In such a situation do you not believe that in order to give a person the privilege of circulating by having an attendant at all times that he should be considered for a greater allowance so he could get such an attendant? I do not believe that $3,000 per year would be sufficient to pay for an independent attendant.

Mr. Chadderton: I certainly agree, Mr. Chairman, that if he is in a position where he actually has to hire an attendant—and this would take in some 30 to 35 people across Canada—$3,000 does not go very far towards it. Perhaps we have been remiss, in making representations to the Woods Committee, in not recommending a higher increase for that type of person, because I think we could quite easily support it. We are in the position get the facts—you would very soon find that $3,000 would not cover 50 per cent of the cost of hiring an attendant.

Mr. Legault: Thank you.

Mr. Chadderton: Incidentally, the gentleman you saw here the other day also of course has a wife who is crippled and, consequently, he has to pay the attendant you saw here in the neighbourhood of $6 or $7,000 a year. This gives you a pretty good idea of his particular problem.

Mr. Legault: Thank you.

The Chairman: Are there any other questions?

Mr. Guay (St. Boniface): We are asking questions as we progress, Mr. Chairman?

The Chairman: Yes, we are.

Mr. Guay (St. Boniface): May I revert and ask questions on page 2, about the third paragraph, which I would like to quote:

> It would seem that, if nothing else, this is a strong indication that there is a great

[*Interprétation*]

tal. Je pense à l'organisation de nos foyers pour vieillards où l'on exige une pension de $109.20 par mois pour les personnes d'un certain âge, mais où le coût d'entretien de l'une de ces personnes se rapproche bien plus du chiffre de $200 par mois.

Une voix: Plus que cela.

M. Legault: En effet, c'est plus que cela dans bien des cas. Dans une telle conjoncture, ne croyez-vous pas que pour permettre à une personne de se déplacer avec le secours d'un aide à plein temps, on pourrait songer à lui accorder une allocation plus généreuse, afin de lui permettre de se procurer une aide. A mon avis, une allocation de $3,000 par année ne suffit pas à payer le salaire d'un aide indépendant.

M. Chadderton: Je conviens volontiers, monsieur le président, que s'il se trouve dans un état tel qu'il lui faut engager un aide (et ceci s'appliquerait à quelque 30 ou 35 personnes à travers le Canada), il n'ira pas loin avec $3,000. Nous avons peut-être péché par négligence lorsque nous avons présenté nos recommandations au Comité Woods, en ne demandant pas une allocation plus généreuse pour ce genre de personne, car à mon avis, nous pourrions très facilement en défrayer le coût. Nous ne l'avons malheureusement pas recommandée, mais d'après notre expérience, et il serait facile de compiler les données vous vous apercevriez très vite qu'un montant de $3,000 ne couvre pas même 50 p. 100 du coût de l'embauche d'un aide.

M. Legault: Merci.

M. Chadderton: Incidemment, le monsieur que vous avez vu ici l'autre jour a également une femme infirme et, par conséquent, il lui faut payer l'aide que vous avez vu ici avec lui dans les environs de $6,000 à $7,000 par année. Ceci vous donne une bonne idée de la situation particulière de cet homme.

M. Legault: Merci.

Le président: D'autres questions?

M. Guay (Saint-Boniface): Nous pouvons poser des questions au fur et à mesure que nous avançons, monsieur le président?

Le président: Oui, nous le pouvons.

M. Guay (Saint-Boniface): Puis-je retourner au troisième paragraphe que j'aimerais citer, et poser des questions à son sujet:

> Il semblerait, à défaut d'autre chose, que ce soit un indice très marqué que la Loi

[*Text*]

deal wrong with the Pension Act, and the way it is administered.

Now, is there something that you are trying to tell us here, particularly in respect of the last part of the sentence which reads "and the way it is administered"? I think that when such a statement as that appears in a brief you possibly should give an explanation.

Mr. Chadderton: Mr. Chairman, speaking for our delegation, I am very glad you raised that because, in the first place, we should possibly say right away that it is not intended as a personal slight upon the people administering the Pension Act. These people are with us, they are among friends and we are among friends when we are with them. But when you look at the total 148 recommendations of the Woods Committee Report and realize that a great many of them deal with the administration and suggested improvements, it has to be said that the Woods Committee found quite a bit of fault with the general administration of the Commission. This is what we are saying.

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Perhaps I should say, Mr. Chairman, to my Vice-President and my President that I think perhaps the way we stated it there is open to the wrong interpretation. We did not mean that a certain person or certain persons within the Pension Commission were not doing their jobs, we meant that the establishment was not as we saw it, the ground rules were not as we saw them and that there are a lot of proposed recommendations in here which we hope would be accepted.

Mr. Guay (St. Boniface): I know it is close to the lunch hour but I think there is another paragraph we should mention. It is on page 10, part of section (2):

> ...by way of training or other preparation for a peacetime occupation—and any moneys he is able to earn with the abilities which have been left to him, despite his war service, should not in any way affect his right to pension.

I take it from that that if one is disabled, and he could be very badly disabled, and has the initiative to try to do something he is confronted with the fact that if he does create additional revenue by whatever he is capable

[*Interpretation*]

sur les pension, de même que son administration, comportent de nombreux défauts.

Y a-t-il autre chose que vous cherchez à nous communiquer, tout spécialement en ce qui a trait à la dernière partie de la phrase qui se lit ainsi «de même que son administration»? A mon avis, lorsqu'un mémoire contient pareil énoncé, celui-ci exige des explications.

M. Chadderton: Monsieur le président, qu'il me soit permis de dire, au nom de notre délégation, comme je suis heureux que vous ayez soulevé cette question, parce qu'en premier lieu, nous désirons déclarer dès maintenant que la remarque susmentionnée ne doit certes pas être interprétée comme un affront aux administrateurs de la Loi sur les pensions. Ces gens sont ici au milieu d'amis, nous les considérons comme tels, et nous travaillons en collaboration. Cependant, lorsque vous songez que le Rapport du Comité Woods comporte 148 recommandations, dont une bonne partie s'adressent à l'administration et qu'il propose des améliorations, il faut reconnaître que le Comité Woods est d'avis que tout n'allait pas pour le mieux dans le meilleur des mondes à l'administration générale de la Commission. C'est ce que nous désirons souligner. Je devrais peut-être, monsieur le président, dire à mon vice-président et à mon président que la façon dont nous avons exprimé notre pensée prête à fausse interprétation. Nous ne cherchions pas à dire qu'une certaine personne ou certaines personnes au sein de la Commission canadienne des pensions ne faisaient pas leur devoir, nous voulions simplement dire que l'organisation ne répondait pas à nos critères, non plus que les règles d'usage, et que nous espérions qu'une foule de recommandations du rapport seraient acceptées.

M. Guay (Saint-Boniface): Je sais que l'heure du déjeuner approche, mais il y a, à mon avis, un autre alinéa que nous devrions mentionner. C'est à la page 10, partie de l'article 2:

> ...en manière de formation ou autre préparation à un emploi de temps de paix, et l'argent qu'il peut gagner grâce aux aptitudes qui lui restent en dépit de son service en temps de guerre, ne devrait en aucune façon nuire à son droit à la pension.

Je déduis de cette citation que si un mutilé de guerre dont l'infirmité pourrait être très grave, a le courage de mettre à profit ce qui lui reste de talent malgré ce handicap, il s'aperçoit que s'il réussit à améliorer ainsi son

[*Texte*]

of doing, it really goes against his own benefit because an equal amount is deducted immediately. Is that correct?

Some hon. Members: No.

Mr. Guay (St. Boniface): Then could this be explained to me.

Mr. Chadderton: I think I can explain, Mr. Chairman, why that is in the brief. We are somewhat alarmed about the fact that since 1965 at least the Minister of Veterans Affairs has been speaking about developing some new basis on which pensions shall be paid. Now, Mr. Guay, we do not know what that is. We have no idea what trend their discussions may be taking. We know that in some countries there is a form of supplement paid, but only to those who are in need. We know for instance, sir, that in 1954 the Canadian government attempted it. That is not a too well known fact, but in 1954 we did have something called the unemployability supplement, which meant that you could get 100 per cent pension and then if you could prove that you were unemployed you got a little extra on your pension cheque. A pretty good indication of the reaction to that among parliamentarians, veterans organizations and the public generally is that it only lasted about four or five months and then it was canned. But these are the types of things about which we in the veterans organization are extremely concerned right now, because the government studies are going on in-camera and we have no idea what they are doing. So all we can do at this point is try to stress the validity of the existing bases upon which pension is paid, and this is one of them, and if a man, despite the most severe handicap, is able to get out and perfect himself in some form of industry, as they say in the Pension Act now, he could make an extra $50,000 a year and it would not affect his right to pension.

Mr. Guay (St. Boniface): Thank you.

The Chairman: Are there other questions that members want to ask? If not, perhaps this would be a good point at which to break.

We will resume at 2 o'clock this afternoon in this room.

[*Interprétation*]

revenu, il n'en tirera aucun profit parce qu'on retiendra un montant analogue sur sa pension. Est-ce exact?

Des voix: Non.

M. Guay (Saint-Boniface): Alors, pourrait-on m'expliquer cela?

M. Chadderton: Je crois pouvoir expliquer, monsieur le président, pourquoi ce passage a été incorporé au mémoire. Ce n'est pas sans une certaine crainte que nous avons constaté que depuis 1965 au moins le ministre des Affaires des anciens combattants parlait d'élaborer une nouvelle base pour les pensions d'invalidité. Veuillez croire, monsieur Guay, que nous ne savons pas ce que c'est. Nous ignorons dans quelle direction s'orientent leurs délibérations. Nous savons que dans certains pays on verse une sorte de supplément, mais seulement aux nécessiteux. Nous savons par exemple, monsieur, qu'en 1954 le gouvernement canadien a tenté d'inaugurer cette pratique. Ce fait n'est pas très bien connu, mais en 1954, il existait ce qu'on appelait le supplément d'inadaptabilité à l'emploi, ce qui voulait dire que même si vous receviez 100 p. 100 de la pension, si vous pouviez prouver que vous étiez sans travail, on ajoutait un petit supplément à votre chèque de pension. Il y a eu une telle réaction des députés, des associations d'anciens combattants et du public en général que le supplément a été aboli au bout de quatre ou cinq mois. C'est à cause de choses semblables que les membres des associations d'anciens combattants comme nous sont sur le qui-vive à l'heure actuelle, parce que les études entreprises par le gouvernement se font à huis-clos et que nous n'avons pas la moindre idée de ce qui s'y passe. Par conséquent, notre seule ressource, actuellement, c'est de chercher à faire valoir le bien-fondé de la formule actuelle des pensions. Actuellement, la Loi sur les pensions prévoit que si un homme, malgré le plus grave handicap, réussit à surmonter son infirmité et à se perfectionner dans un travail quelconque, il pourrait gagner $50,000 par année sans pour autant nuire à son droit à la pension.

M. Guay (Saint-Boniface): Je vous remercie.

Le président: Quelqu'un désire-t-il poser d'autres questions? Sinon, ce serait peut-être le moment de lever la séance.

Nous reprendrons nos délibérations, en cette même salle, à 14 heures.

[*Text*]

(AFTERNOON SITTING)

• 1405

The Chairman: I now call the Committee to order. I know there will be other members here presently, but I am concerned about time. I think Mr. Reynolds, our Research Officer, has a communication from Mr. Ward. Do you want to refer to it, Mr. Reynolds?

Mr. P. E. Reynolds (Director of Research, Standing Committee on Veterans Affairs): Yes, Mr. Chairman. Mr. Ward was asked to prepare a tabulation of the Woods Committee Recommendations showing the disposition that has been made of them so far, and he states:

> I attach a tabulation of the current proposed disposition of the Woods Committee Recommendations.

I would ask leave of this Committee to have this attached as an appendix to the proceedings for today.

Some hon. Members: Agreed.

The Chairman: This document will be reproduced as an appendix to the transcript for today. I will leave this with the Clerk.

Are there any other announcements, comments or anything else, Mr. Levesque, that we should bring to the attention of the Committee at this point?

Clerk of the Committee: I think they should know about the delay in the transcripts.

The Chairman: The transcripts will be available when, Mr. Levesque?

Clerk of the Committee: Last Monday's, September 15, will be available this afternoon; Tuesday's will be available tomorrow and so on as they come in.

The Chairman: So the first transcripts of the current series of hearings will be available later this afternoon and Tuesday's will be available tomorrow?

Clerk of the Committee: Probably tomorrow, yes.

The Chairman: Fine.

Clerk of the Committee: The delay was caused by translation problems. It is always the same old problem.

The Chairman: The problem with translation is in making sure they are released in the two official languages at the same time. Is there anything else to be said at this point?

[*Interpretation*]

SÉANCE DE L'APRÈS-MIDI

Le président: A l'heure où nous allons ouvrir la séance, je remarque que certains membres du Comité ne sont pas encore arrivés, mais le temps nous presse de réouvrir nos travaux. Monsieur Reynolds a une communication à nous faire, de la part de M. Ward; monsieur Reynolds voulez-vous commencer?

M. P. E. Reynolds (directeur des recherches, Comité permanent des affaires des anciens combattants): Monsieur le président, M. Ward a été prié de présenter une échelle des recommandations du Comité Woods pour montrer les dispositions qui ont été prises et il a dit:

> «J'ai annexé une échelle des chiffres proposés dans le cas des recommandations du Comité Woods.»

Je demande la permission au comité de faire annexer ces documents au procès-verbal d'aujourd'hui.

Des voix: D'accord.

Le président: Alors cela sera reproduit comme Annexe au procès-verbal d'aujourd'hui. Parfait. Y a-t-il d'autres commentaires ou annonces ou d'autres explications à signaler au Comité M. Lévesque?

Le secrétaire: Je pense que les membres du comité devraient être mis au courant des délais.

Le président: Quand aurons-nous les compte-rendus, monsieur Lévesque?

Le secrétaire: Le compte rendu du 15 septembre, sera disponible cet après-midi et le texte de mardi sera publié demain et ainsi de suite.

Le président: Ainsi la première série des compte-rendus de la présente session seront disponibles cet après-midi et les prochains demain?

Le secrétaire: Oui, probablement demain.

Le président: Bien.

Le secrétaire: Le délai est dû à la traduction, c'est toujours le même vieux problème.

Le président: Il faut publier les compte-rendus dans les deux langues officielles en même temps, c'est là le problème. Y a-t-il d'autres explications à donner?

[*Texte*]

If not, I will invite Lt. Col. Lambert to continue with the presentation he started this morning.

Lt. Col. Lambert: Continuing the presentation of The War Amputations of Canada on page 29, Automatic Age Increase, I will ask Mr. Chadderton to read.

Mr. Chadderton: *Automatic Age Increase:* Possibly one of the most important features of our pension legislation is the automatic age increase through which the Commission makes provision for deterioration, over the years, of amputation and gunshot wound cases. Unfortunately, the regulations governing this feature are inconsistent.

For example, although a 50 per cent pensioner may go to 80 per cent through automatic age increase in the years between 55 and 59, an 80 per cent or 90 per cent pensioner is not entitled to *any* increase through this provision. Another inconsistency—equally difficult to understand—is that the automatic age increase applies *only* to amputation and gunshot wounds incurred *in direct action with the enemy.*

It seems obvious that, as it stands, the automatic age increase provision is only a "halfway" measure. The recommendations of the Woods Committee which would extend this provision appear to be eminently sensible. They are:

(1) To extend this provision to 80 per cent and 90 per cent pensioners to allow them to reach 100 per cent and

(2) To make the provision applicable to all fixed disabilities resulting from injuries or wounds.

Again for purposes of clarification, may we cite an example. A 22 year old soldier lost his left leg above the knee in 1917. When he returned from overseas he was awarded a pension assessment of 80 per cent for the loss of this leg.

He is now 74 years of age, yet his pension assessment still remains at 80 per cent. It is inconceivable that the loss of a leg above the knee, if assessed in terms of his earning power in the unskilled labour market, would be no worse when the man is 74 years of age

• 1410

than it was when he was 22. This serves to illustrate the inconsistency of the legislation in respect of pensioners in the 80 per cent and 90 per cent brackets.

[*Interprétation*]

Alors, si non j'invite M. Lambert à continuer son exposé.

Le lieutenant-colonel Lambert: Pour poursuivre l'exposé de l'Association des amputés de guerre du Canada, à la page 29, en ce qui concerne l'accroissement automatique de la pension en vertu de l'âge, j'invite M. Chadderton à vous lire ce paragraphe;

M. Chadderton: Monsieur le président, un des éléments les plus importants de notre Loi sur les pensions c'est le relèvement automatique des pensions en vertu de l'âge, grâce auquel la Commission pourrait prévoir la détérioration au cours des années des cas d'amputation, et des blessures d'armes à feu. Malheureusement, les dispositions qui régissent ces cas sont inconsistantes. Par exemple, même si un pensionné à 50 p. 100 voit se relever sa pension à 80 p. 100 au cours des années entre l'âge de 55 ans et 59 ans, un pensionné à 80 ou 90 p. 100 n'ont droit à aucune augmentation en vertu de cette disposition. Une autre disposition tout aussi difficile à comprendre c'est que cet accroissement s'applique seulement aux amputés et ceux qui ont reçu une blessure au feu lors d'une confrontation directe avec l'ennemi.

Il semble donc que la disposition de l'accroissement automatique de la pension telle qu'elle existe actuellement n'est qu'une demi-mesure. Les recommandations du Comité Woods qui veulent augmenter la portée de cette disposition sont les suivantes:

(1) étendre la disposition aux pensionnés à 80 et 90 p. 100 pour leur permettre d'atteindre les 100 p. 100, et

(2) étendre la disposition à toutes les invalidités découlant de blessures.

Encore une fois, pour mettre les choses au point, nous pouvons dire que l'exemple d'un soldat de 22 ans qui a perdu sa jambe gauche en 1917, au retour d'outre-mer on lui a accordé une pension de 80 p. 100 pour la perte de cette jambe.

Il est âgé maintenant de 74 ans et sa pension reste toujours fixée à 80 p. 100. C'est inconcevable que la perte d'une jambe, si la compensation basée sur le revenu de la main-d'œuvre non spécialisée, n'est pas plus élevée pour un homme âgé de 74 ans, que lorsqu'il était agé de 22 ans.

[*Text*]

Another example might serve to clarify the situation in regard to the discrimination between amputations lost in direct action with the enemy and those incurred in training accidents or other occurrences. We cite the case of a World War I pilot who crashed while piloting a flying boat on a training mission in England in 1918. He lost his left leg below the knee and received a pension assessment of 50 percent. No automatic increase was made for him and when he died two years ago his pension was still assessed at 50 percent. This case should be contrasted with others who lost their legs in action with the enemy. When they reached 55 their pensions would have been increased *automatically* to 60 percent. A further increase to 70 percent would be granted at age 57 and at age 59 they would reach a maximum of 80 percent.

We firmly believe that the opposition to the recommendations to make automatic age increase apply to the 80 percent and 90 percent pensioner and for amputations and gunshot wounds arising from causes other than direct action with the enemy, is based on the conception that, originally, this provision was introduced to ensure that veterans whose assessment was fixed by the Table of Disabilities could be brought to the level of 80 percent, so that their widows would qualify for pension in the event of their death.

In this respect we refer you to the Woods Committee Report, volume 2, chapter 18, page 684 wherein the report takes cognizance of *three reasons* given by officials of the Pension Commission for the institution of automatic age increase. These were:

(1) To recognize injuries which were the result of direct action with the enemy as compared with those resulting from diseases ruled attributable to service.

(2) To provide more adequately for pensioners who have suffered severe wounds, particularly in respect of the increasing handicap brought on by advancing years;

(3) To bring 50 percent, 60 percent and 70 percent pensioners up to the level of 80 percent so their widows may qualify for pension in the event of their death.

While we recognize that the third reason is no longer required, in that widows may qualify provided the pension was in payment at 48 percent or greater, the reason is still as valid today as it was when this provision was implemented in 1939. That is to say:

There is still the requirement to recognize amputation and gunshot wounds as compared with diseases for the specific reason that the latter are subjected to peri-

[*Interpretation*]

Un autre exemple pourrait servir à clarifier la situation envers la différence que l'on fait entre une amputation due à un engagement sur le front et celle subie après un entraînement ou autre. Voilà le cas d'un pilote de la première guerre mondiale qui a eu un accident lorsqu'il pilotait un hydravion dans une mission d'entraînement en Angleterre en 1918. Il a perdu sa jambe gauche, puis a reçu une pension évaluée à 50 p. 100. On n'a prévu aucun taux de l'accroissement automatique en sa faveur et lorsqu'il est mort, il y a deux ans, sa pension était toujours évaluée à 50 p. 100. On devrait comparer ce cas à d'autres personnes qui ont perdu leurs jambes en mission contre l'ennemi. A l'âge de 55 ans, leur pension serait majorée *automatiquement* à 60 p. 100, et à l'âge de 57 ans ils recevraient 70 p. 100 et à l'âge de 59 ans, ils recevraient un maximum de 80 p. 100.

Nous croyons que si l'on s'oppose à ce que de telles recommandations s'appliquent à des pensionnés à 80 et 90 p. 100 et pour les amputations ou blessures dues à des causes autres que les missions contre l'ennemi, relève du fait que cette disposition avait été présentée à l'origine pour s'assurer que les anciens combattants dont l'évaluation avait été fixée au moyen de la Table des invalidités puissent atteindre le niveau de 80 p. 100 afin que leurs veuves puissent obtenir une pension advenant leur mort. A ce sujet nous vous signalons que le Comité Woods, dans son rapport, volume II, chapitre 18, à la page 684, à l'endroit où il prend conscience des trois raisons exposées par les responsables de la Commission des pensions pour l'institution de l'accroissement automatique des pensions. C'est à dire:

(1) tenir compte des blessures qui sont dues à l'action contre l'ennemi, par rapport à d'autres blessures découlant d'autres maladies dues au service

(2) pour secourir les pensionnés qui ont subi plusieurs blessures dont la gravité augmente avec l'âge

(3) pour porter à 80 p. 100 les pensions de 50, 60 à 70 p. 100 afin que les veuves puissent bénéficier d'une pension au combattant.

Bien que nous soyons conscients du fait que la troisième raison ne joue entièrement plus, puisqu'une veuve peut obtenir une pension lorsque son mari était pensionné à 48 p. 100 ou plus, nous pensons qu'elle a toujours une signification, comme elle en avait une lorsque la disposition a été mise en vigueur en 1939, et qui se lit ainsi:

Il y a encore besoin de reconnaître les blessures et les amputations, vis-à-vis des

[*Texte*]

odic reboards to check on the progression of the disease. This very often results in an increased assessment. On the other hand, an amputation or gunshot wound is usually coded by the Commission as "apparently permanent" and no provision is made for an increase with advancing years, except for those covered by the automatic age increase provision.

We find it extremely difficult to understand why the White Paper makes no reference to the automatic age increase proposals of the Woods Committee. The effect of the existing provisions is nothing short of disastrous for those in the 80 percent or 90 percent bracket or for those who had the misfortune to lose a limb or limbs while operating with training units.

We are mindful, also, of the fact that the extension of the automatic age increase provisions could be made by the Pension Commission without legislative authority. It seems evident, however, that the Commission is not prepared to take this step and we have no alternative now but to place this matter before your Committee for earnest consideration. Thank you.

The Chairman: Are there any questions members want to ask? Mr. Marshall.

Mr. Marshall: The case was put very clearly. It is very understandable. I think we should take it as it is and go on.

Lt. Col. Lambert: The next section deals with consequential disabilities and Judge Crowell who comes from Nova Scotia.

The Chairman: Excuse me, Mr. Guay, did you want to ask a question now?

Mr. Guay (St. Boniface): Yes, I only wanted to further your comments with regard to page 29, paragraph three, where you stated:

> Another inconsistency—equally difficult to understand—is that the automatic age increase applies *only* to amputation and gunshot wounds incurred *in direct action with the enemy.*

You made reference to that several times and I am interested in it. Possibly you could

[*Interprétation*]

maladies, pour des raisons définies. Ainsi les maladies sont sujettes à des contrôles périodiques afin de suivre la progression de l'affection. Ce qui a pour effet, la plupart du temps, d'augmenter l'évaluation. D'un autre côté, une amputation ou une blessures d'arme à feu est habituellement déféré pour la Commission comme une affection «apparemment permanente, et aucune disposition n'est prévue pour une augmentation de la pension avec l'âge, à l'exception des cas tombant dans la catégorie de l'accroissement automatique des pensions.

L'on comprend très mal pourquoi le Livre blanc ne mentionne pas des propositions du Comité Woods portant sur l'accroissement automatique de la pension avec l'âge. Les dispositions actuelles sont très défavorables à ceux qui touchent 80 et 90 p. 100 et à ceux qui ont perdu un membre ou des membres en mission d'entraînement.

Nous sommes conscients aussi du fait que cette disposition pourrait être appliquée par la Commission des pensions sans obtenir l'autorisation du gouvernement. Il est évident toutefois que la Commission n'a pas d'autre moyen que de soumettre ses propositions au Comité pour étude. Merci.

Le président: Y a-t-il d'autres questions que les députés aimeraient poser?

M. Marshall: L'exposé a été très clair et très compréhensible. Nous devrions l'accepter comme tel et on pourrait poursuivre notre discussion.

Lieutenant-colonel Lambert: Le prochain paragraphe traite des infirmités qui ont découlé de ces blessures, et le juge Crowell qui vient de la Nouvelle-Écosse...

Le président: Excusez-moi, je crois que monsieur Guay désire poser une question.

M. Guay (Saint-Boniface): J'aimerais que vous me donniez des explications sur le troisième paragraphe de la page 29, lorsqu'on parle d'une mission contre l'ennemi. On dit que:

> Un autre manquement—tout aussi difficile à comprendre—c'est que l'accroissement automatique de la pension avec l'âge ne s'applique qu'aux cas d'amputation et de blessures d'armes à feu subies lors d'un contact direct avec l'ennemi.

Vous avez mentionné plusieurs fois cette question et ceci m'intéresse. Vous pourriez

[*Text*]

expand a little more on it other than what you have in your brief. It seems you have a problem in that particular area and probably you could spell it out. I well understood what you had in mind when you were reading it, but at the same time you may want to tell us a bit more about it.

Mr. Chadderton: Oh, yes, indeed. As we say throughout this part of the presentation, we find it very difficult to understand the rationale of the Commission in this particular instance and, of course, it is a Commission policy because it is in the table of disabilities. Originally—and I think we have to go back to the original pronouncement of it which was in 1939—one of the reasons was:

> (1) To recognize injuries which were the result of direct action with the enemy as compared with those resulting from diseases ruled attributable to service.

Therefore, a distinction is drawn between the man who lost a leg in direct action with the enemy and someone who contracted a disease and is pensionable. However, we submit that in the middle there is a third group who have been overlooked and that is the fellow who does not have a disease attributable to service, who has not lost a leg through direct action with the enemy, but who has lost a leg in a training accident. We fail to see the difference between that type of loss resulting in amputation and the type of loss resulting in amputation where it was in direct action with the enemy. In other words...

Mr. Guay (St. Boniface): Possibly my question could be worded in a slightly different way, then, Mr. Chairman. If a veteran lost his leg in a theatre of war, but not actually in direct action with the enemy, perhaps while moving from one position to another which is not in direct action with the enemy, would it be classified as such?

Mr. Chadderton: I would say, in our experience that the Commission has been very generous in that respect. On an individual case basis, I know of no instance, for example, of a man who drove a transport lorry in France who lost his leg, we will say, where the Commission...

Mr. Guay (St. Boniface): They are classified as such, then?

Mr. Chadderton: Yes, they may have turned him down, but we do not know of it. However, where it occurred in England or where it occurred in Camp Borden, there is no question. These people are not qualifying today for automatic age increases.

[*Interpretation*]

nous donner de plus amples explications. Vu que cela cause un certain problème, vous pourriez clarifier ce point. Je comprends l'intention qui vous anime, mais j'aimerais que vous nous donniez des explications plus détaillées là-dessus.

M. Chadderton: Certainement. Comme nous l'avons déclaré dans ce paragraphe, nous comprenons mal la logique qui anime la Commission dans ce cas particulier, parce que c'est la politique de la Commission et que ces règlements se trouvent dans la Table des invalidités. Au début, il faut revenir à la mise en vigueur des dispositions en 1939. Une des raisons était la suivante:

> (1) Tenir compte des blessures découlant d'une mission contre l'ennemi par rapport à d'autres qui sont dues à des maladies attribuables au service.

Alors on a établi une distinction absolue entre un homme qui a perdu une jambe en combattant l'ennemi et un autre qui a contacté une maladie par suite du service. Mais, au milieu, il y a le troisième groupe qu'on a négligé et c'est le soldat qui n'a pas de maladie due au service, ni de blessure par suite d'une mission contre l'ennemi, mais bien celui qui a perdu une jambe dans une mission d'entraînement. Pour nous, il n'y a pas de différence entre la parte d'une jambe par suite d'une amputation et la perte d'une jambe par suite d'une mission directe contre l'ennemi.

M. Guay (Saint-Boniface): La question serait un peu différente si un ancien combattant a perdu sa jambe en temps de guerre mais pas en mission directe contre l'ennemi, mais plutôt dans le cadre des opérations de guerre, comme lorsqu'ils se déplacent d'une position à une autre ce qui n'est pas une mission directe contre l'ennemi: comment pourrait-on classifier un tel cas?

M. Chadderton: La Commission a été très généreuse jusque-là dans les cas individuels. Pour moi, je ne connais aucun cas où un homme qui conduisait, par exemple, un camion de transport et qui a perdu sa jambe; je ne connais pas de cas où la Commission a eu un jugement défavorable.

M. Guay (Saint-Boniface): Ils sont classifiés comme tels, alors?

M. Chadderton: Ça peut arriver, mais en Angleterre, par exemple, ou au Camp Borden, ces gens ne sont pas éligibles à la disposition visant l'accroissement de la pension avec l'âge.

[*Texte*]

Mr. Guay (St. Boniface): So those are the group that you are making reference to, then?

Mr. Chadderton: That is quite right, sir.

Mr. Guay (St. Boniface): I see.

Mr. Chadderton: As well as the other group, that is the ones who have a permanent pension of 80 per cent and 90 per cent, some of whom are now in their 80's, who still have had no pension increase, automatically or otherwise. We feel they are being discriminated against in comparison with the disease case because the disease case can be reboarded and he can go from 50 per cent to 60 per cent to 70 per cent as his condition progresses. He can receive an increase in pension, but the man whose pension has been fixed, apparently permanently, cannot get an increase as in case 22 which we cited this morning of a man in a wheelchair in Toronto today, sir, whose pension is 80 per cent, the same as it was when he lost his legs.

Mr. Guay (St. Boniface): Thank you, Mr. Chairman.

The Chairman: Do you wish to continue, Mr. Lambert?

Judge K. L. Crowell (Bridgetown, Nova Scotia):

Consequential Disabilities:

We welcome the proposal in the White Paper covering consequential disabilities and earnestly hope that the enabling legislation will go far enough to meet the problems which have existed for many years in this little-understood area of pension administration.

The disabled person who has lived for a number of years minus an arm or a leg knows full well that his amputation automatically places stress on the other parts of his body. Two classic examples are:

(1) The man who has lost his right arm will inevitably develop pain and discomfort in his spine, upper cervical area and quite possibly his left arm. This is because he is constantly moving and twitching far beyond the normal and because his left arm is doing the work of two.

(2) The man who suffers the loss of a right leg develops difficulties in the back, lower spine and often the hip, knee joints and ankle of the left foot.

[*Interprétation*]

M. Guay (Saint-Boniface): Voici la catégorie que vous avez mentionnée.

M. Chadderton: C'est exact.

M. Guay (Saint-Boniface): Je vois.

M. Chadderton: Et l'autre groupe, celui des anciens combattants qui reçoivent une pension permanente de 80 ou de 90 p. 100, et il y en a parmi eux qui sont âgés de 80 ans et qui n'ont pas bénéficié d'une hausse de pension depuis lors, accroissement automatique ou autre. Pour nous, ils sont victimes d'une injustice par rapport à ceux qui ont contacté des maladies, maladies qui étaient guéries à l'âge de 50, 60 ou 70 ans, ou qui à mesure que leur condition se dégradait pouvaient bénéficier d'une augmentation de pension. Mais celui qui bénéficie d'une pension de 80 p. 100, même s'il a été frappé d'une infirmité à l'âge de 22 ans et qui continue, à Toronto, de se servir d'une chaisse roulante, touche la même pension qu'à l'âge où il a reçu sa pension.

M. Guay (St-Boniface): Merci monsieur le président.

Le président: Voulez-vous continuer monsieur Lambert?

Le juge K. L. Crowell (Bridgetown, Nouvelle-Écosse): *Invalidités subséquentes:* Nous applaudissons, à la proposition du Livre blanc touchant les invalidités subséquentes et espérons qu'une loi permettra d'aller assez loin pour aplanir les problèmes qui ont existé depuis longtemps dans ce domaine peu compris de l'administration des pensions.

L'invalide qui a vécu pendant de nombreuses années sans bras ou sans jambe ressent un stress dans d'autres parties de son corps. Voici deux exemples classiques:

1) celui qui a perdu son bras droit aura des douleurs dans sa colonne vertébrale et jusque dans la région cervicale et même dans son bras gauche, c'est parce qu'il se déplace, il fait des efforts qui dépassent la normale et son bras gauche fait le travail de l'autre bras.

2) celui qui a perdu la jambe droite, peut avoir des difficultés avec son épaule, le bas de sa colonne vertébrale et avec la hanche. Ces difficultés sont dues à un rapport inégal, des mouvements anormaux et un poids supplémentaire supporté par la jambe gauche.

[*Text*]

This is due to an uneven gait, abnormal twisting and the additional load being carried by the left leg.

It would seem that these hypotheses would be self-evident. Notwithstanding, in many applications for a "consequential ruling" the Pension Commission says that the condition in the back or the other limb is a "developmental" condition—it would have happened regardless of the amputation—and is, therefore, not pensionable. In some instances the Pension Commission will grant what is known as a fractional assessment. That is to say, although the condition is not directly related to the amputation, the Commission will concede that it was "aggravated thereby" and will give a ruling of $\frac{1}{5}$th or $\frac{2}{5}$th aggravation—which means that if the condition is assessed at 10 per cent the amputee receives 2 per cent or 4 per cent respectively.

Consequential conditions of this type seem to divide into two schools of thought. On one hand the amputee knows that the condition exists and that it is attributable to his amputation. On the other hand the medical advisors of the Commission appear adamant in their theory that amputation does not in itself cause these problems. The War Amputations of Canada was able to report a great deal of factual medical information from outside of Canada in its submission to the Woods Committee, in regard to this question. We are pleased to note, therefore, that, in the Woods Report, a great deal of emphasis is placed on consequential disabilities.

The Committee recommendation was to the effect that the Act should be amended to clothe the Commission with the authority to grant separate entitlement for a consequential disability. Also, the Committee leaned heavily toward the suggestion that a pensioner for amputation was made "vulnerable" by the loss of his limb, and that if arthritis or some other condition develops in the other limb, it is not only due to the amputation, but also the mere fact that one limb had been lost (due to war service) makes the condition of the other limb much more serious because it must do all the work.

The Woods Committee Recommendation on consequential disabilities deserves the closest possible study. To the best of our knowledge, this is the first clear-cut analysis of the problem to be published. It is hoped that Parliament will insist that the Act be amended as

[*Interpretation*]

Ce sont des hypothèses qui sont claires. Cependant, la Commission des pensions déclare que la maladie du dos ou de l'autre membre, est une maladie secondaire, qui aurait pu arriver quand même sans l'amputation, et qui ne rend pas le malade éligible à la pension. Ce qui revient à dire que si la condition ne dépend pas directement de l'amputation, la Commission admettra qu'elle a été «aggravée par elle» et rend une décision d'aggravation de $\frac{1}{5}$ ou $\frac{2}{5}$, ce qui signifie que si son état est évalué à 10 p. 100 l'amputé reçoit 2 ou 4 p. 100, respectivement.

Les états d'invalidités secondaires de ce genre semble provoquer la création de deux écoles de pensée. D'une part, l'amputé *sait* que cet état existe et qu'il est attribuable à son amputation. D'autre part, les conseillers médicaux de la Commission apparaissent intransigeants dans leurs théories portant que l'amputation n'est pas en soi la cause de ces problèmes. L'Association des amputés de guerre du Canada a été en mesure de communiquer une grande quantité d'informations médicales obtenue de pays étrangers et qui ont été communiquées au Comité Woods. Nous sommes par conséquent heureux de remarquer que le rapport Woods insiste beaucoup sur la question des invalidités secondaires. Le Comité, dans sa recommandation, précisait que la Loi devait être modifiée pour habiliter la Commission à accorder un droit distinct dans le cas d'une invalidité secondaire. D'autre part, le Comité a paru être très en faveur de la proposition voulant qu'un pensionné pour cause d'amputation était rendu «vulnérable» par la perte d'un membre et que, si l'arthrite ou une autre maladie venait à attaquer le membre restant, cela n'est pas dû seulement à l'amputation mais aussi au simple fait que la perte d'un membre (en raison d'un service de guerre) fait que l'affection du membre restant est beaucoup plus sérieuse du fait que ce membre doit faire tout le travail.

La recommandation du Comité Woods sur les invalidités secondaires mérite l'étude la plus attentive possible. A notre connaissance, c'est la première fois qu'on publie une analyse aussi claire de ce problème. Nous espérons bien que le Parlement insistera pour que la

[*Texte*]

required, and that the Commission give full credence to the findings of the Committee in this important area.

Lt. Col. Lambert: Thank you.

Mr. Chadderton: Mr. Chairman, I would like to add one further word. We are aware, of course, that the White Paper does say something about consequential disability and, as we read it, it states that there will be a new section of the Act covering this, and we are very grateful for this. All that we are really attempting to get across in this particular brief is that, A, it is a very severe problem to members of our association and, B, that we trust that whatever is put into the Act will be clear enough so that we will not have to argue every case. I am not suggesting that this will be the situation, we have no way of knowing, but we certainly feel that to merely say in any amendment to the Act that the Commission may award pension for consequential disability would not be sufficient. We feel that it should stress the points made by the Woods Committee and, in particular, that where it can be indicated that the consequential disability is related to the pensionable disability, that it should not be a fractional assessment. If it is related at 10 per cent, the man should get 10 per cent and not two-fifths, as the case may now be. So, Mr. Chairman and gentlemen, we are in the dark on this. We do not really know what is being recommended except that it is going to be placed in the Act. We thought you would like to have our views on the importance of this to the members of our association.

The Chairman: Mr. Chadderton, if you will excuse me, I did not quite understand you. The White Paper says that it is proposed to provide a separate section in Act to cover the awarding of pension for disability which in whole or in part is an extension of a pensionable disability. Do you feel that this is an unwise provision or what is your position in relation to it?

Mr. Chadderton: No, we feel that this provision is a long-felt one and that it should go in, but we are wondering if when it is written it will give full coverage to the problem as we see it in awarding pension for consequential disability.

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The Chairman: You are suggesting that there still may be administrative problems, but surely the principle of writing a legislative authority into the Act must be viewed by your organization as a step forward.

[*Interprétation*]

loi soit modifiée dans le sens nécessaire et que la Commission accepte entièrement les constatations du Comité dans ce domaine important.

Lieutenant-colonel Lambert: Merci.

M. Chadderton: Monsieur le président, nous aimerions ajouter un mot. Nous savons bien entendu que le Livre blanc prévoit des allocations pour les infirmités secondaires et un nouvel article dans cette loi devra régir de tels cas. Nous en sommes très reconnaissants. Tout ce que nous voulons faire comprendre dans ce mémoire, c'est premièrement qu'il s'agit d'un problème grave pour les membres de notre Association et que deuxièmement quel que soit l'article qu'on ajoutera à la loi, nous espérons que nous n'aurons pas à discuter de chaque cas. Je ne dis pas que telle sera la situation, nous n'en savons rien, mais nous avons l'impression que dans tout amendement de la Loi où la Commission pourrait accorder des pensions pour les maladies secondaires, ce système serait insuffisant. Nous pensons que l'on devrait souligner les points mentionnés par le Comité Woods et faire comprendre que lorsqu'on peut prouver que l'invalidité secondaire découle d'une invalidité ouvrant droit à pension, il ne peut s'agir d'une évaluation partielle. Si l'évaluation est fixée à 10 p. 100, le pensionné devrait recevoir 10 p. 100 et non $\frac{2}{5}$ comme c'est le cas actuellement. Monsieur le président, pour le moment, nous ne savons pas de quoi il retourne. Nous ne connaissons pas la nature de ces recommandations sauf en ce qui concerne les modifications qu'il faudra inclure dans la Loi. Nous avons pensé que vous aimeriez avoir notre opinion sur cette question.

Le président: Monsieur Chadderton, excusez-moi, je ne vous ai pas bien compris. Le Livre blanc prévoit un nouvel article à la Loi qui pourrait régir l'allocation des pensions d'invalidité, qui en tout ou en partie sont l'extension d'une invalidité ouvrant à pension. Trouvez-vous qu'il s'agit d'une mauvaise recommandation? Quelle est votre position?

M. Chadderton: Non. Pour nous, cette disposition devrait être incorporée dans la Loi, mais nous nous demandons si, lorsqu'elle sera rédigée, elle pourra régir totalement le problème des allocations pour invalidités secondaires.

Le président: Vous voulez dire qu'il y aura peut-être encore des problèmes administratifs mais la rédaction d'un article qui sera inclus dans la Loi devrait être envisagé par votre organisme comme un pas en avant?

[*Text*]

Mr. Chadderton: Oh, yes. I think I said that.

The Chairman: I just wanted to be sure there was no misunderstanding.

Mr. Chadderton: Oh yes, we are grateful for this, there is no question about it.

The Chairman: I am sorry, I misunderstood at that point. Is the point that you are concerned about here the question of how much further legislation can go in anticipating administrative discretion? I feel that when legislation is being drafted there will inevitably be some discretion through the regulations, et cetera. This is the usual pattern of legislation, is it not?

Mr. Saltsman: Mr. Chairman, I wonder if Mr. Chadderton's point was not a question of the language that was used and the emphasis that was to be given to that language, and that it be stated as clearly as possible that the recommendations of the Woods Commission would be incorporated in the language of the bill.

The Chairman: I must confess that I did not quite understand why the section of the White Paper was not satisfactory to him. This is what concerned me. It seemed to me that this was about all one could expect in a statement indicating legislative intent. Perhaps Mr. Chadderton could elaborate a little more. I must confess I did not quite get his point.

Mr. Knowles (Winnipeg North Centre): I thought he expressed satisfaction with what is in the White Paper. He just wants to be sure that it is in the legislation.

The Chairman: If that is it, then I think there is no question.

Mr. Marshall: He just wants to be sure that the legislation covers what they are recommending.

The Chairman: I am not quite sure. There is a difference between Mr. Knowles' position and Mr. Marshall's interpretation.

Mr. Whicher: He wants us to give the government a little prod, and I do not blame him,

The Chairman: Certainly I think we are all agreed that this is desirable, but how much further he feels the legislation should go is what I would like to know. Perhaps he would elaborate a little further.

[*Interpretation*]

M. Chadderton: Oh oui, c'est exact.

Le président: Je voulais seulement m'assurer qu'il n'y avait aucun malentendu.

M. Chadderton: Nous en sommes très reconnaissants, il n'y a pas de malentendu.

Le président: Je m'excuse, je vous avais mal compris à ce sujet. Je voudrais savoir dans quelle mesure l'article de loi projeté peut prévoir une bonne gestion administrative. Est-ce là la question qui vous préoccupe? Je pense que la loi accordera un pouvoir discrétionnaire, c'est là, ne pensez-vous pas, la nature même de toute loi?

M. Saltsman: Monsieur le président, j'aimerais savoir si M. Chadderton se préoccupe peut-être de la teneur de cette disposition ou de l'interprétation qu'on y attachera, à savoir si les recommandations du Comité Woods seront inscrites dans la Loi?

Le président: Je n'ai pas bien compris pourquoi cet article du Livre blanc n'a pas eu l'heur de plaire à notre témoin. Il me semblait que c'est tout ce qu'on peut attendre d'une déclaration d'intention concernant un projet de loi. Peut-être que M. Chadderton pourrait nous donner des explications supplémentaires, un peu plus détaillées, je les accepterais volontiers, car je dois dire que je n'ai pas bien compris ses intentions.

M. Knowles (Winnipeg-Nord-Centre): Je pense qu'il a exprimé sa satisfaction au sujet du Livre blanc, mais qu'il voulait être sûr que ces mesures figurent dans la Loi.

Le président: Si c'est cela, je pense qu'il n'y a pas de questions à se poser.

M. Marshall: Il voulait s'assurer que la loi couvre ses propres recommandations.

Le président: Je n'en suis pas sûr. Il y a une différence entre l'opinion de M. Knowles et l'interprétation de M. Marshall selon moi.

M. Whicher: Il voulait simplement que nous donnions un petit coup d'aiguillon au gouvernement et je ne le blâme pas.

Le président: Nous acceptons tous qu'il s'agit d'une disposition souhaitable mais dans quelle mesure, il vaudrait mieux avoir une législation plus généreuse, c'est cela que j'aimerais savoir, du moins avoir des explications là-dessus.

[*Texte*]

Lt. Col. Lambert: We could help them if they would let us draw it up!

The Chairman: I think members of the Committee will have some views to express when we make our recommendations, but I really think that Mr. Chadderton is familiar with the legislative process and he knows roughly the kind of thing that can be said at this stage. My question to him is how much more should we say than is presently in the White Paper?

Mr. Chadderton: Just one second.

The Chairman: I thought this was a point about which you would be very happy, to be very truthful with you. I got a rather different impression.

Mr. Guay (St. Boniface): Why do we not clarify it? Perhaps I do not understand the question clearly. Why do we not ask the delegation, Mr. Chairman, to point out to us in that particular paragraph on page 13 of the White Paper where consequential disability is indicated where in their opinion it is possibly wrong and what they would like to have substituted. At least we will get their version.

The Chairman: What they would like to have added.

Mr. Guay (St. Boniface): Yes.

Mr. Chadderton: I think, Mr. Chairman, there is no need to take up the time of the Committee to quote it in full, but I will give you as a reference the Woods Report, Volume II, Chapter 16, page 628, starting with the heading: Consequential Disability (Medical Development Type). It goes down to the first paragraph on page 630. It is fairly technical but we felt that to give legislative authority to what the Commission was doing right now in regard to consequential disabilities would not be going far enough.

What we can see happening is that a man develops arthritis in his remaining leg and the Commission looks at it and says that this is a developmental type of thing, it would have happened anyway. They assess it at 10 per cent and they say it is only two-fifths aggravated by the fact that he has an artificial leg. Our theory on this, and I suppose it is our feeling on it, is that it should be assessed in a little different light. It should be assessed on the fact that in the first instance

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he has lost one leg. If his second leg develops arthritis, this worsens the consequences of having lost the leg that he lost in service and therefore, although it may be admitted that the Commission can say that this was a devel-

[*Interprétation*]

Le lieutenant-colonel Lambert: Nous pouvons les aider, s'ils nous permettent de légiférer!

Le président: Je crois que les membres du Comité pourront s'exprimer lorsque nous ferons nos recommandations, mais je pense que M. Chadderton connait très bien le processus législatif et il sait ce qu'on peut préciser dans une loi, mais j'aimerais savoir ce qu'il voudrait précisément qu'on incorpore dans une loi.

M. Chadderton: Une seconde.

Le président: Je pense que c'est une question qu'il accepterait avec joie de nous préciser. Mais pour être franc avec vous, j'ai une impression différente.

M. Guay (St-Boniface): On pourrait demander à la délégation de nous signaler dans ce paragraphe du Livre blanc où on parle des maladies secondaires, à la page 13, et nous expliquer à leur avis qu'elle disposition est mauvaise et comment elle voudrait la voir modifiée.

Le président: Ce qu'elle veut ajouter . . .

M. Guay (St-Boniface): C'est exact.

M. Chadderton: Monsieur le président, je ne veux pas prendre tout le temps du Comité pour citer complètement le texte mais je pourrais vous signaler que dans le volume 2 du rapport du Comité Woods, au chapitre 16, à la page 628, sous le titre «Maladies secondaires», c'est un texte très technique et je poursuis jusqu'au premier paragraphe de la page 630. Nous pensons que d'octroyer une autorisation légale pour ce que la Commission fait présentement au sujet des invalidités secondaires ne serait pas suffisant.

Ce qui pourrait arriver, c'est qu'un patient victime de l'arthrite dans la jambe qui lui reste et que la commission décide qu'il s'agit là d'un cas secondaire et évalue cette maladie à 10 p. 100 et accorde $\frac{2}{5}$ d'aggravation à son infirmité première à cause de sa jambe artificielle. Nous estimons qu'on devrait faire l'évaluation dans un autre contexte. Soit que premièrement il a perdu une jambe en service, c'est la deuxième jambe qui souffre d'arthrite, ce qui aggrave son état d'invalide de guerre. Ainsi, même si la Commission a admis qu'il s'agit d'une anomalie secondaire et que cette maladie aurait surgi de toute façon et que l'aggravation est de $\frac{2}{5}$ par le fait d'avoir perdu sa jambe droite, la conséquence

[*Text*]

opmental anomaly and it would have happened anyway and it is only two-fifths aggravated by having lost his right leg, the very fact that he has lost his right leg is an additional factor which should be sufficient for the Commission to say that even though it is a developmental anomaly, as they say, he should still be pensioned at the full rate of the medical assessment, that is 10 per cent.

We are most grateful to see this in the White Paper and to see the indication that the government intends to put this in the Act. But if the intention is merely to legalize what has been going on now—the Chairman of the Commission has said quite properly to us many times that there really is no legal authority for what they have been doing, and we are grateful they have been doing as much as they have—but if the intention is really to legalize what has been going on now, that is not carrying out the recommendation of the Woods Committee. The Woods Committee felt that in addition to legalizing it and granting pension for consequential disability, additional emphasis should be placed on the fact that if a man has lost one leg and his other leg goes bad on him, this has increased the total disability.

In the time available to us this afternoon this is as clear as I can make it. I suggest that the only other thing to do is to refer to the Woods Report and pick up the details of it, but I would have to say in all honesty that in reading the White Paper we felt that the door had been opened, that they were going to place this in the Act. But we are not at all certain—maybe we will when we get more information—but at the moment we are not at all certain that the full intent of the Woods Committee recommendation on this was contained in the White Paper and would be carried out.

Mr. Marshall: I think you said that on page 35. It is very clear to me.

Mr. Butler: The next item, Mr. Chairman, is the Appeal Board.

Appeal Board:

One of the significant areas examined by the Woods Committee concerned the question of appeals in the so-called peripheral areas of pension administration. A great deal has been written about the lack of proper appeal

[*Interpretation*]

véritable de la perte de sa jambe droite devrait être un élément supplémentaire qui pourrait justifier l'opinion de la Commission selon laquelle, même si c'est une anomalie subséquente comme ils disent, il devrait toucher une pension au taux évalué par le médecin, de 10 p. 100.

Nous sommes très heureux d'avoir vu ce passage dans le Livre blanc et de constater que le gouvernement a l'intention de l'incorporer au texte de la loi. Mais si on a surtout l'intention d'approuver ce qui se passe, le président de la Commission nous a dit assez clairement, à plusieurs reprises, qu'il n'y a pas de compétence juridique pour ce qu'ils ont fait, et nous leur sommes reconnaissants d'avoir fait autant, mais si l'on veut vraiment légaliser le statu quo: il ne s'agit pas de donner suite aux recommandations du comité Woods. D'après ce Comité, en plus de légaliser cet état de choses et d'accorder une pension pour invalidité subséquente, on devrait aussi considérer que si une personne est amputée d'une jambe et que l'autre jambe est atteinte, cela augmente son invalidité.

Pour le peu de temps qui nous est réservé cet après-midi, c'est tout ce que je peux donner comme précision. D'après moi, il ne reste qu'à se référer au rapport Woods et aprendre mais, en toute honnêteté, je devrais dire qu'à la lecture du Livre blanc, nous avons enlevé

Pour le peu de temps qui nous est réservé cet après-midi, c'est tout ce que je peux donner comme précision. D'après moi, il ne reste qu'à se référer au rapport Woods et à prendre connaissance des détails mais, en toute honnêteté, je devrais dire qu'à la lecture du Livre blanc, nous avons eu l'impression que la voie était déjà tracée et que nous allions l'incorporer au texte de la loi. Pour le moment, nous ne sommes pas certains que toutes les intentions du rapport aient été traduites dans le Livre blanc et qu'elles seraient adoptées.

M. Marshall: Je crois que vous l'avez dit à la page 35. C'est parfaitement clair à mon avis.

M. Butler: Monsieur le président le prochain paragraphe, porte sur la Commission d'appel.

Commission d'appel

L'un des secteurs importants qu'étudie le Comité Woods a trait à la question des appels dans la partie dite périphérique de l'application des pensions. On a beaucoup parlé du manque d'une bonne procédure d'appel à la

[*Texte*]

procedure in the Commission in regard to *entitlement*. The War Amputations of Canada heartily agree with the conclusions of the Woods Committee in this regard and commend to the Government the establishment of an independent Pension Appeal Board to hear cases involving basic entitlement.

It may have gone almost unnoticed, however, that the Woods Committee was equally concerned about the lack of appeal procedures in regard to other types of decisions including the extent of assessment, consequential rulings and the amount being paid for Attendance Allowance. Under existing Commission procedures, there is *no* appeal in these types of cases. The applications are considered by a single Commissioner who then obtains the signatures of two other Commissioners, and if the decision is negative, that is it!

For the pensioner whose entitlement is not in doubt (in that his disability resulted from some clear-cut incident such as a gunshot wound) the provision of an independent appeal board to deal with applications in regard to discretionary matters which often arise from the original disability may be far more important than the provision for appeals in regard to basic entitlement.

The files of the War Amputations of Canada contain many instances where, despite resounding evidence, the "one-shot" application for an increase in assessment, a consequential ruling or an award of Attendance Allowance was denied. The Association had to be content with this decision as there was no appeal therefrom. It is understandable, therefore, that the War Amputations of Canada supports wholeheartedly the proposal of the Woods Report for an independent appeal board, and in particular emphasizes the need to make provision, under this board, to hear appeals in regard to the ancillary matters referred to herein, the most important of which are possibly the degree of assessment and consequential disabilities.

The decision in the White Paper which indicates that the new appellate procedure would apply not only to entitlement but to discretionary awards, described as "any award other than an entitlement award" is a forward step and we would wish to express our sincere appreciation in this connection.

[*Interprétation*]

Commission au sujet de l'admissibilité. L'association des amputés de guerre du Canada est tout à fait d'accord avec les conclusions du Comité Woods à ce sujet et recommande au gouvernement qu'une Commission d'appel des pensions indépendante soit établie pour entendre les causes relatives au droit à l'admissibilité.

Il se peut cependant qu'on n'ait pas remarqué que le Comité Woods s'était aussi intéressé à l'absence de procédure d'appel concernant les autres types de décision comme le degré d'évaluation, les décisions vis-à-vis des invalidités secondaires et le montant à verser à titre d'allocation de présence. Suivant les procédures qui existent à la Commission, il n'existe *pas* de droit d'appel dans ce genre de cas. Les demandes sont étudiées par un seul commissaire qui demande ensuite à deux autres commissaires d'apposer leurs signatures et, si la décision est négative, le cas est réglé!

Quant aux pensionnés dont le droit n'est pas mis en doute parce que son invalidité provient d'un incident dont on a la preuve, (comme la blessure par balle), l'existence d'une commission d'appel indépendante, pour instruire les demandes vis-à-vis des invalidités secondaires concernant les questions où une discrétion peut s'exercer et qui proviennent de l'invalidité originale, peut être beaucoup plus importante qu'une disposition permettant de faire appel au sujet du droit à l'admissibilité.

Les dossiers de l'Association des amputés de guerre du Canada renferment plusieurs cas où, en dépit d'une évidence patente, une demande d'augmentation d'évaluation unique, une décision concernant l'invalidité secondaire ou encore une décision touchant une allocation de soin a été rejetée. L'Association a dû se contenter de cette décision puisqu'il n'était pas possible d'en appeler. On peut donc comprendre pourquoi l'Association des amputés de guerre du Canada appuie sans réserve la proposition du rapport Woods portant création d'une commission d'appel indépendante et souligne d'une façon particulière le besoin de prévoir, au sein de cette commission, un mécanisme afin d'entendre les appels relatifs aux questions d'invalidités secondaires dont on parle et dont les plus importantes d'entre elles sont peut-être celles touchant le degré d'évaluation et les invalidités secondaires.

La recommandation du Livre Blanc qui prévoit une nouvelle procédure d'appel qui s'appliquerait non seulement au droit à pension mais aussi aux décisions discrétionnaires, qui se définissent comme «toutes décisions autres qu'une décision relative à un droit à pension» constitue un pas en avant. Nous

[*Text*]

We are concerned, however, regarding a possible lack of *independence* should the final authority for such appeals rest with the proposed "APPEAL SECTION" of the Pension Commission. We fully realize all of the difficulties involved in attempting to establish a form of appeal which would ensure a completely independent review and which would give to the applicant the appearance of justice having been done. Certainly an appeal to the courts would not seem to suit the situation; neither would a form of "Ministerial Review" solve the problem. The latter seems to work well in respect of several other administrative tribunals in the federal government service, but traditionally pensions are removed from the immediate influence of the Minister of Veterans Affairs. We can only presume that the Woods Committee gave the matter a great deal of thought after hearing the views of veterans organizations and consulting with a number of other knowledgeable persons in this area. Its proposal to establish an independent appeal board outside of the Pension Commission would seem to us to be the ideal solution.

The Chairman: Are there any questions the members of the Committee want to ask? Mr. Marshall.

Mr. Marshall: Mr. Chairman, in the White Paper it gives two divisions: an Entitlement Hearing Division which consists of 10 Commissioners, and in the Appeal Division it gives another five. In the Appeal Division, what is your ultimate solution? What should be the make-up of these five members of the Appeal Board?

Mr. Butler: I think in answering that, Mr. Chairman, no matter how you look at it, although the divisions of the Pension Commission would be separate, as outlined in the White Paper, in many fields we feel, and our members feel, that those members would still be working together with the other members of the Commission whatever division they may be in or may be transferred from and to. I do not know the workload of the Pension Commission, but I know it is very heavy; and whether or not money could be provided for an additional group is not in our reference at all, but we feel that a completely separate board, separate from the Pension Commission, would be ideal.

[*Interpretation*]

désirons exprimer notre reconnaissance la plus vive à cet effet. Nous sommes cependant inquiets au sujet de l'absence possible d'*indépendance* si l'autorité finale jugeant ces appels fait partie de la section d'appel projetée de la Commission des pensions. Nous nous rendons bien compte des difficultés qui existent quant aux tentatives d'établissement d'une forme d'appel qui assurerait une révision des cas complètement indépendante et qui donnerait impression au demandeur que justice lui a été rendue. Bien sûr, un appel placé devant les tribunaux ne nous apparaît pas convenir à la situation et une forme ou une autre de «révision ministérielle» ne règlerait pas non plus le problème. Cette dernière possibilité semble bien fonctionner dans le cas de plusieurs autres tribunaux administratifs à l'intérieur du service gouvernemental fédéral mais, par tradition, les pensions sont soustraites à l'influence immédiate du ministre des Affaires des anciens combattants. Nous devons donc accepter l'hypothèse que le Comité Woods a beaucoup réfléchi à cette question après avoir entendu les opinions des organisations des anciens combattants et avoir consulté un certain nombre de personnes spécialisées dans ce domaine. Sa proposition d'établir une commission d'appel indépendante en dehors de la Commission des pensions nous apparaît comme la solution idéale.

Le président: Y a-t-il d'autres questions qu'aimeraient poser les députés? Monsieur Marshall.

M. Marshall: Monsieur le président, dans le Livre blanc l'on constate qu'il y a deux sections: une Division de l'admissibilité composée de 10 commissaires et une Division des appels qui en compte cinq. Pour la Division des appels, quelle solution proposez-vous? Comment devrait-on constituer cette Division des appels?

M. Butler: Monsieur le président, l'optique qu'on adopte, les deux divisions de la commission des pensions seraient distinctes, comme l'indique le Livre blanc. Dans plusieurs domaines nous croyons, ainsi que nos collègues, que ces membres devraient encore collaborer avec les autres membres de la Commission; quelle que soit la division où ils se trouvent et où ils soient mutés. Je ne connais pas la quantité de travail de la Commission des pensions, mais je sais qu'il y en a beaucoup et nous n'avons pas pour mandat de savoir si on pourrait ou non verser de l'argent à un autre groupe, mais, à notre avis, une commission indépendante, distincte de la Commission des pensions serait la solution idéale.

[*Texte*]

Mr. Marshall: Separate from the ten?

Mr. Butler: Yes, separate from the board at present.

Mr. Marshall: In other words, the Appeal Division should not consist of any of the ten members of the Entitlement Hearing Division?

Mr. Butler: That is our general thinking on it. It should be a separate unit entirely which is assessing it independently, with no influence of previous hearings.

Mr. Marshall: Thank you.

The Chairman: Are there any other questions? I think we have had a fair amount of testimony in previous hearings on that point and I think members of the Committee are generally quite sympathetic to the point of view expressed.

Mr. Butler: Would you like to hear our French boy, Paul Bédard, from the province of Quebec. Income Tax Exemption. It is all yours, Paul. Are you going to speak in English?

Mr. Paul Bédard (War Amputations of Canada, Quebec City, Quebec): I hope everybody will understand.

Income Tax Exemption:

Veterans organizations have been understandably concerned regarding the recommendation in the Report of the Royal Commission on Taxation to the effect that War Disability Pension should be taxable. This recommendation is an abrogation of the rights guaranteed to veterans by successive administrations since World War I. We are indebted to the Woods Committee for taking the time and delving into the research which permitted a thorough exploration of the facts. We are indeed pleased to note that in the opinion of the Woods Committee, the exemption granted to War Disability pensioners is well founded and should continue.

It is not feasible to review the matter at length in this submission. The War Amputations of Canada has prepared a separate brief on this question, copies of which were forwarded to the Minister of Finance on April 26, 1968. Additional copies of this brief can be made available to members of the House of Commons as required.

[*Interprétation*]

M. Marshall: Indépendante des dix commissaires?

M. Butler: Oui, distincte du bureau actuel.

M. Marshall: Autrement dit, la Division des appels ne devrait être formée d'aucun membre de la Division de l'admissibilité?

M. Butler: C'est ainsi qu'on voit la chose. Ce devrait être une section entièrement séparée, ce qui implique qu'on devrait en choisir les membres de façon indépendante, sans être influencé par des audiences précédentes.

M. Marshall: Merci.

Le président: Y a-t-il d'autres questions? Je crois qu'il y a eu un assez bon nombre de témoignages à ce sujet au cours des audiences précédentes et que les membres du Comité comprennent en général assez bien l'opinion exprimée.

M. Butler: Aimeriez-vous entendre le témoignage de notre délégué de langue française, M. Paul Bédard de la province de Québec, sur la question de l'exemption d'impôt sur le revenu. La parole est à vous, Paul. Allez-vous parler anglais?

M. Paul Bédard (Amputés de guerre du Canada, de Québec (Qué.)): J'espère que tout le monde comprendra.

Exemption d'impôt sur le revenu

Les associations d'anciens combattants s'inquiètent, et cela se comprend, au sujet des recommandations que fait le rapport de la Commission royale sur la fiscalité selon lesquelles la pension d'invalidité de guerre devrait être imposable. Cette recommandation constitue l'abrogation de droits garantis aux anciens combattants par les administrations qui se sont succédées depuis la première guerre mondiale. Nous avons contracté une dette envers le Comité Woods qui a pris le temps et fait les efforts voulus pour faire les recherches qui permettent d'étudier intégralement les faits. En effet, nous sommes heureux de remarquer que, de l'avis du Comité Woods, l'exemption accordée aux pensionnés pour invalidité de guerre est bien fondée et elle devrait continuer à être appliquée.

Il n'est pas possible d'étudier la question longuement dans le présent exposé. L'Association des amputés de guerre du Canada a établi un exposé distinct sur cette question et des exemplaires ont été adressés au ministre des Finances le 26 avril 1968. Des exemplaires supplémentaires de cet exposé peuvent être mis à la disposition des députés de la Chambre des communes au besoin.

[*Text*]

Perhaps it is sufficient to state here that War Disability Pension is a continuation of wartime pay and allowances, and the same

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exemption which has always applied to this form of emolument should continue for pensions. In other words, compensation being paid to a war casualty is, by law and tradition, a very special type of income, earned on the field of battle. Canada, by implied contract, agreed that this income would be tax-free and any attempt to bring it under the purview of income tax would be to deprive the pensioner or his widow of a right conferred by a government in respect of war service.

Mr. Butler: His English was pretty good, was it not?

Mr. Marshall: It is better than my French.

Mr. Bédard: Thank you very much.

The Chairman: Thank you. Any questions anyone wants to raise? Mr. Knowles.

Mr. Knowles (Norfolk-Haldimand): What action did this Committee take to—this apparently is something within the purview of the Department of Finance, and I was wondering what steps we as a veterans affairs committee could take to add to the representation. Mr. Chairman, maybe you could answer that. Is there anything we can do as a committee?

The Chairman: I think the Committee will have to examine a number of matters in this report and this is one which members might want to flag. Concerning what we can recommend in this area is something about which I am going to get additional advice.

Mr. Knowles (Norfolk-Haldimand): Perhaps take the Minister of Finance on one side.

The Chairman: In any case, I am sure we have all noted the representation, and there are many avenues opened to Members of Parliament to express their views. Are there any other comments? Mr. Chadderdon.

Mr. Chadderton: Just one comment, Mr. Chairman, that may be of value to your Committee. All veterans organizations were deeply concerned with this recommendation in the report on the Royal Commission on Taxation, particularly inasmuch as it was not explained at any great length. It was just a kind of

[*Interpretation*]

Il suffit peut-être de dire ici que les pensions d'invalidité de guerre constituent une continuation de la solde et des allocations du temps de guerre et que la même exemption qui a toujours été appliquée à cette espèce de rémunération doit s'appliquer aux pensions. En d'autres termes, les versements faits à une victime de la guerre constituent, selon la loi et la tradition, une catégorie bien spéciale de revenus qui ont été gagnés sur le champ de bataille. Par un contrat tacite, le Canada a accepté que ce revenu soit exempt d'impôt et toute tentative de le soumettre à un impôt sur le revenu équivaudrait à priver le pensionné ou sa veuve d'un droit qui lui a été conféré par un gouvernement à l'égard d'un service de guerre.

M. Butler: Son anglais est assez bien n'est-ce pas?

M. Marshall: C'est mieux que mon français.

M. Bédard: Merci beaucoup.

Le président: Merci. Ya-t-il d'autres questions à poser? Monsieur Knowles.

M. Knowles (Norfolk-Haldimand): Quelle a été l'attitude de ce Comité? Apparemment il s'agit d'une chose qui relève de la compétence du Ministère des Finances, je me demandais quelles mesures nous pourrions prendre en tant que Membres du Comité des Affaires des anciens combattants pour faire valoir notre point de vue. M. le président, pourriez-vous nous répondre, n'y a-t-il rien que nous puissions faire en tant que membres de ce Comité?

Le président: Je crois que le Comité devra examiner un certain nombre de questions dans ce rapport et celle-ci en est une que les membres pourront soulever au sujet de nos recommandations, je vais encore me renseigner à ce sujet.

M. Knowles (Norfolk-Haldimand): Peut-être auprès du Ministre des Finances.

Le président: En tout cas je crois que nous avons tous pris note de la remarque et les membres du Parlement ont diverses voies pour exprimer leurs vues. Y a-t-il d'autres commentaires? M. Chadderton.

M. Chadderton: Juste une remarque M. le président qui peut être utile pour les membres de votre comité. Toutes les organisations d'anciens combattants se préoccupent grandement au sujet de cette recommandation dans le Rapport de la Commission royale sur la fiscalité surtout du fait qu'elle n'a pas été très

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one-line reference, but we realized when we read it, the tremendous impact on the Pension Act and on pensioners generally. I think it was for that reason that the veterans organizations placed the matter squarely before the Woods Committee.

So far as I know, the examination of this subject done by Mr. Justice Woods and his colleagues is the only examination that has ever been done of the validity of the exemption of income tax in the matter of the Pension Act.

When I was required as committee secretary to dig into it, there was no research done. We were starting from scratch, and if for no other reason I commend to your Committee the pages in the Woods Committee Report dealing with this because it really does dig out the background and shows the validity of this exemption.

What we are afraid of, Mr. Chairman, in the veterans movement is that if this is not handled by a veterans affairs committee and it comes in front of a committee dealing purely with finance, when the White Paper on finance comes up, who is going to speak for us? This is our problem, sir, and this is why we put it squarely in front of this Committee that we feel somebody has got to bring out these views.

Mr. Guay (St. Boniface): Mr. Chairman, on this particular point, would it be possible for this Committee to inquire from the other committee if we could either appear in front of them or get some information relative to the veterans question so that we could look at it appropriately? I have to agree with the delegation that this Committee has a responsibility to that end, and I think this matter should be well looked into.

Mr. Chairman: Mr. Guay, I do not think there is any procedure by which one committee can make representations before another committee of the House of Commons. But I do think there will be public hearings on tax reforms, and I am sure there will be every opportunity for the War Amputations of Canada and other groups to make their representations when the White Paper on tax reform is put forward. I always find that many people seem to give blanket endorsement to the total package of the Carter Com-

[*Interprétation*]

bien expliquée. Il s'agit juste d'une référence très brève mais nous avons vite réalisé lorsque nous l'avons lue son immense répercussion sur les dispositions prévues par la Loi sur les pensions et pour les pensionnés en général. Je crois que c'est pour cette raison que les organisations d'anciens combattants ont porté la question tout entière devant les membres du Comité Woods.

En autant que je sache, l'étude qui en a été faite par M. le Juge Woods et ses collègues est la seule qui ait jamais été faite relative à la validité de l'exemption de l'impôt sur le revenu relative à la Loi sur les pensions. Quand il m'a été demandé à titre de secrétaire du Comité de m'en occuper, je me suis aperçu qu'aucune recherche n'avait été faite. Il nous a fallu partir du début et c'est pourquoi à toutes fins utiles je recommande à votre comité la lecture de ces pages dans le rapport du Comité Woods qui traitent du sujet car vous y verrez exposées toutes les données et tout l'historique de la question démontrant la validité de cette exemption.

Ce que nous craignons, M. le président, dans notre association d'anciens combattants, c'est que si cette question n'est pas traitée par un comité des affaires des anciens combattants, qu'elle le soit devant un comité préoccupé uniquement de questions financières, lorsque le Livre blanc sur ces questions sera publié qui parlera en notre nom? C'est là notre problème, monsieur, et c'est pourquoi nous vous le soumettons tel quel car nous pensons que quelqu'un doit s'en occuper.

M. Guay (Saint-Boniface): M. le président, sur ce point en particulier, nous serait-il possible de nous renseigner auprès de l'autre comité pour savoir si nous pouvons nous présenter devant eux et leur demander des renseignements sur la question relative aux anciens combattants afin que nous soyons mieux renseignés? Je suis entièrement d'accord avec l'opinion de la délégation sur le fait, que nous avons une certaine responsabilité à cet égard, je pense que cette question doit être étudiée de très près.

Le président: M. Guay, je ne crois pas qu'il existe aucune procédure qui permet à un comité de faire des représentations devant un autre comité de la Chambre des communes, je crois qu'il y aura des audiences publiques sur les réformes fiscales et je suis sûr que les Amputés du Canada et les autres groupes auront toutes les possibilités de faire valoir leur point de vue lorsque le Livre blanc sur les réformes fiscales sera déposé. D'après ce que je vois, nombreux sont ceux qui souscrivent sans réserve à l'ensemble des recomman-

[*Text*]

mission recommendations. But one has to look at the fine print in many of the recommendations.

Mr. Saltsman: Mr. Chairman, I would like to direct a question to Mr. Chadderton, because of this matter. The Carter Commission is trying to establish a new basis of taxation. It is quite a different basis, and it is

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based on additions to purchasing power, and taxation should be based on the ability to pay. If exemptions are granted in one instance and have to be granted in other instances, this virtually destroys the principle of the Carter Commission because, let us say, mining companies who have been granted the special concessions will argue that it was given by the Canadian government and that any withdrawal from this will constitute a breach of contract or a breach of promise between the parties.

I am wondering if there is some way of preserving the principle of the Carter Commission which has essentially stated a buck is a buck by granting exemptions. In other words, taxing the income but granting exemptions in the case of certain amputations, which the Carter Commission has suggested—not specifically in this case, but we know that persons who were suffering, who have suffered a loss of limb, certainly have extra expenses—these persons are deserving of a different kind of treatment than those who have not gone through this sort of thing. Have you given any consideration to that approach? In other words, to permit the income to be taxable but then call for special exemptions in the case of amputations?

Mr. Chadderton: Yes, Mr. Chairman, we certainly have in the War Amputations of Canada, and we studied the Carter Report at length and we were alarmed by the blanket recommendation. I will quote it:

> The comprehensive tax base we recommend should encompass all forms of income, and therefore in principle all exclusions and exemptions should be terminated.

All forms of income, of course, would include income under the Pension Act but, when we examined further into the Carter Report, we noted some 13 different types of income, and none of them would apply to the Pension Act. I mean, things such as monies earned for services rendered, workmen's compensation, retirement income, social benefit to replace income, unemployment insurance, monies received from the proceeds of an insurance

[*Interpretation*]

dations de la Commission Carter. Il faut cependant savoir lire entre les lignes pour nombre de ces recommandations.

M. Saltsman: M. le président, j'aimerais poser une question à M. Chadderton là-dessus. La Commission Carter tente d'établir une nouvelle assiette de l'impôt. Il s'agit d'une base différente fondée sur les additions au pouvoir d'achat et l'impôt devrait tenir compte de la capacité de payer. Si des exemptions sont accordées dans un cas et doivent être admises dans d'autres, le principe même de la Commission Carter en est virtuellement détruit, citons par exemple les sociétés minières à qui des concessions particulières ont été accordées, elles feront valoir que celles-ci leur ont été concédées par le Gouvernement du Canada et que toute suppression constituerait une rupture de contrat ou l'annulation d'une promesse entre les parties. Je me demande s'il existe un moyen de conserver les principes de la Commission Carter qui déclare en fait qu'un dollar est un dollar par l'allocation d'exemptions. En d'autres termes imposer le revenu mais permettre des exemptions pour certaines amputations ce que la Commission Carter a proposé sans spécifier pour quels cas, mais nous connaissons, nous savons que les personnes qui ont subi la perte de membres doivent certainement faire face à des dépenses supplémentaires et ces personnes doivent être traitées d'une manière différente des autres. Que pensez-vous de cette façon de voir les choses? C'est-à-dire permettre que le revenu soit imposable mais réclamer alors des exemptions particulières dans le cas des amputés?

M. Chadderton: Oui, M. le président, les Amputés de guerre y ont certainement songé, nous avons étudié le Rapport Carter en détail et nous avons été alarmés par la portée générale de la recommandation, je cite:

> L'assiette compréhensive que nous recommandons incluerait toutes les formes de revenu et par conséquent toutes les exclusions et exemptions devraient en principe être abolies.

Naturellement, toute forme de revenu engloberait le revenu découlant de la Loi sur les pensions mais quand nous avons étudié le Rapport Carter de près nous avons noté 13 différentes sortes de revenus et aucune parmi elles ne se rapportait à la Loi sur les pensions, je veux dire des choses comme des montants gagnés pour des services rendus, les indemnités d'accident du travail, les pensions de retraite, les prestations sociales pour rempla-

[*Texte*]

policy, monies paid as investment income, monetary gifts, monetary rewards for some specific act, bursaries or scholarships, alimony or separation allowances, monies received as part of a profit-sharing plan, and finally winnings from gambling.

So we felt that this was fine. We do not disagree with the principle that these are all various forms of income. Many of them are paid through plans which are contributory, where the man has been putting his money in all along, and that type of thing. But what we were pointing out was that nowhere, apparently, in the Carter Report specifically, did they attempt to clarify just what pension was, and it does not come under any of the monies that they classified.

The Chairman: You do not think it is a social benefit to replace income?

Mr. Chadderton: No, definitely not, sir. No, we do not. Pension is paid partly to replace earnings, but traditionally and by law it is also paid as a debt and as a mark of gratitude which certainly takes it out of the category of income replacement. It is partly income replacement, yes, but not wholly.

Mr. Saltsman: Are you saying, then, that you have no quarrel with the philosophy of the Carter Commission, but you think that your position is completely different from that of anyone else?

Mr. Chadderton: Mr. Saltsman, this is precisely the principle of the brief of the War Amputations of Canada.

Mr. Saltsman: You see your position, then, as being unique.

Mr. Chadderton: Yes, we do, sir. We do, because we feel that pension income is unique.

Mr. Whicher: In other words, it should not be taxable.

Mr. Chadderton: That is quite right, Mr. Whicher. I might add that we ourselves are quite prepared to go before any other parliamentary committee which may be studying this matter. But traditionally, we look to the Veterans Affairs Committee as our cham-

[*Interprétation*]

cer le revenu, l'assurance-chômage, et les montants reçus à titre de règlement de police d'assurance, les montants versés à titre de revenus qui proviennent de placements, les cadeaux en argent, les récompenses monétaires pour certains actes, les bourses d'études, les allocations de séparation ou d'entretien, les sommes reçues en tant que part d'un plan de profits mutuels et pour finir les gains provenant du jeu.

Nous pensons que c'est excellent. Nous sommes d'accord avec le principe qu'il s'agit là de diverses formes de revenu, nombre d'entre elles sont payées grâce à des plans de contribution où la personne a contribué par des versements réguliers, mais ce que nous faisons remarquer c'est que nulle part et dans le Rapport Carter en particulier ils n'essaient de préciser sous quelle sorte de revenu se classe la pension car en fait elle n'entre dans aucune de ces catégories.

Le président: Vous ne pensez pas qu'il s'agit d'un avantage social pour remplacer le revenu?

M. Chadderton: Non, certainement pas, Monsieur. La pension est payée en partie pour remplacer les gains, mais traditionnellement et selon la loi elle est aussi versée comme dette et comme marque de gratitude ce qui assurément l'exclut de la catégorie de remplacement de revenu. C'est en partie un remplacement de revenu mais pas entièrement.

M. Saltsman: Voulez-vous dire alors que vous n'avez rien contre la philosophie de la Commission Carter mais vous jugez que votre situation est complètement différente des autres?

M. Chadderton: M. Saltsman, c'est précisément le principe à la base du mémoire des amputés de guerre du Canada.

M. Saltsman: Vous voyez votre cas alors comme étant unique.

M. Chadderton: Oui, monsieur, parce que nous estimons que le revenu provenant de pension est tout à fait particulier.

M. Whicher: En d'autres mots il ne doit pas être imposable.

M. Chadderton: C'est cela même M. Whicher. Je puis ajouter que nous-mêmes nous sommes tout à fait prêts à comparaître devant tout autre comité parlementaire qui étudie cette question. Mais par tradition, nous considérons le Comité des affaires des anciens

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pions, and if you can do anything to assist, we hope you will.

The Chairman: I am sure members of the Committee are sympathetic. I do think, however, that your organization should avail itself of any opportunities that are extended by the parties looking at tax reform generally to make your own direct representation.

Mr. Chadderton: Yes, we will do so.

Mr. Whicher: I think it would be a good idea, Mr. Chairman, if he did appear before the Finance Committee to let us know, the members of this Committee. We could be along to lend a helping hand in case there is somebody there who wishes to have the Carter Report implemented in total.

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Mr. Chadderton: Very good.

The Chairman: We will leave it at this point and invite you to go on.

Lt. Col. Lambert: The next item is the continuation of pension at married rates for 12 months. Mr. Harry Worling is our newest member of the War Amputations of Canada, National Council. He was elected last week, at Montreal.

Mr. Marshall: He looks very young.

Lt. Col. Lambert: He is very able.

Mr. Worling: *Continuation of Pension at "Married Rates" for 12 Months:* May we refer to the Woods Report, volume 3, chapter 27, page 906, rcommendation 109, which states:

> 109—That Section 24 (1a) and (b) be amended to provide that pension continue to be paid for a peiod of 12 months following the death of a member of the forces in receipt of pension on account of disability in respect of whom additional pension is payable for a wife, child or parent.

May we refer also to the document: WHITE PAPER ON VETERANS PENSIONS August 1969, page 15, column 2, wherein it reads:

> Several recommendations for expanding the provision of the Act under which following the death of a pensioner, pensions

[*Interpretation*]

combattants comme notre porte-parole et si vous pouvez faire quelque chose pour nous nous espérons que vous le ferez sans hésiter.

Le président: Je suis sûr que vous avez la sympathie de tous les membres du comité. Je pense cependant que votre association devrait profiter de toutes les occasions de se faire entendre directement par les parties qui s'occupent de la réforme fiscale.

M. Chadderton: Oui, c'est ce que nous ferons.

M. Whicher: Je crois que ce serait une excellente idée, M. le président, si l'Association se présentait devant le Comité des finances de nous le faire savoir à nous autres membres de ce comité, nous pourrions prêter main-forte au cas où il y aurait là quelqu'un qui souhaiterait voir les recommandations du Rapport Carter mises en vigueur dans leur totalité.

M. Chadderton: Très bien.

Le président: Nous allons nous arrêter là et nous vous invitons à poursuivre.

Lieutenant-colonel Lambert: Le prochain article se rapporte à la continuation de la pension au taux accordé aux personnes mariées pendant douze mois. M. Harry Worling est un tout nouveau membre du Conseil national de l'Association des amputés de guerre du Canada, il a été élu la semaine dernière à Montréal.

M. Marshall: Il semble très jeune.

Lieutenant-colonel Lambert: Il est très compétent.

M. Worling: *Continuation d'une pension au tarif des gens mariés durant 5 mois.* Nous nous permettons de nous reporter à la recommandation 109, page 1037 du chapitre 27 du volume 3 du rapport Woods qui se lit ainsi:

> 109—Que l'article 24 (a) et (b) soit modifié afin que la pension continue d'être versée pendant une période de 12 mois après le décès d'un membre des forces qui recevait une pension en raison d'une invalidité, et qui avait également droit à une pension supplémentaire pour son épouse, son enfant, son père ou sa mère.

Nous nous permettons de nous reporter également au document qui s'intitule *Livre blanc sur les pensions des anciens combattants,* août 1969, page 15, colonne 2, où l'on déclare ce qui suit:

> «Le gouvernement a aussi rejeté plusieurs recommandations concernant l'élargisse-

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are paid to his dependents have been rejected. One of these recommended that payment of the rate in effect at the time the pensioner died be continued for a year; and another that where the disability was assessed at less than 48 percent, the pensioner's dependents should be pensioned at the percentage that he was receiving at the time of death.

The reason given for rejection of these recommendations was as follows:

> Such payments would veer from the principle of compensation for loss suffered and, in effect, would be welfare payments. As such, they would be designed to meet needs which are already taken care of in other Government Programmes.

We respectfully suggest that although the rationale of the government might well apply to the recommendation to continue pensions on a pro rata basis for widows of pensioners who have died and were in receipt of pension at less than 48 percent, such rationale is not applicable to recommendation number 109, which merely asks that a widow who is already entitled to pension under Section 36 (3) of the Act be allowed to receive pension at the married rate (where it is higher than the widows rate) for a period of one year. The reasoning in this proposal is merely to allow her time to make the necessary adjustment in her way of life following the death of the pensioner.

It stands to reason that, in a situation of this nature, the ordinary expenses of the family will carry on for the period immediately following the death of the pensioner and for some few months into the future.

Necessarily, the family will have been counting on this income to meet at least part of such expenses; and a sharp drop within the period anywhere between one and 30 days is too sudden. It has never seemed necessary to go into detail in explanation of this matter, and the situation appears to speak for itself. Veterans organizations have been puzzled for many years over the hesitancy of successive governments to adopt this seemingly logical measure.

We have never fully understood what objections there may have been to its adoption—and we must confess that we are even more confused by the reason given in the White Paper.

[*Interprétation*]

ment des dispositions de la loi en vertu desquelles, après le décès d'un pensionné, une pension est versée aux personnes qui étaient à sa charge. On avait proposé de continuer pendant un an le paiement de la pension au taux en vigueur au moment du décès du pensionné; et aussi de verser aux personnes à charge, une pension identique à celle dont jouissait le pensionné, avant son décès, dans le cas d'invalidité inférieure à 48 p. 100.»

La raison donnée pour justifier le rejet de ces recommandations était la suivante:

> «Ces paiements, au lieu de constituer une compensation pour les pertes subies, équivaudraient effectivement à des prestations d'assistance sociale. Ils permettraient de satisfaire à des besoins auxquels d'autres programmes du gouvernement pourvoient déjà.»

Nous proposons avec tout le respect voulu que même si le raisonnement officiel pourrait fort bien s'appliquer à la recommandation visant la continuation de la pension à un taux proportionnel aux veuves de pensionnés décédés qui touchaient une pension inférieure à 48 p. 100, un tel raisonnement ne s'applique pas à la recommandation n° 109 qui demande simplement qu'une veuve ayant déjà droit à une pension suivant l'article 36 (3) de la Loi soit autorisée à recevoir une pension au taux des gens mariés (dans les cas où ce taux est supérieur au taux versé à une veuve) durant une période d'un an. Le raisonnement qui s'applique à cette proposition consiste simplement à lui accorder le temps voulu pour se réadapter au nouveau mode de vie qui sera le sien après le décès du pensionné.

Dans une situation de ce genre, il apparaît tout à fait raisonnable que les dépenses ordinaires d'une famille vont continuer à se produire dans la période qui suit immédiatement le décès du pensionné et durant les quelques mois à venir. Nécessairement, la famille devait compter sur ce revenu pour faire face, partiellement du moins, à de telles dépenses, et la réduction substantielle de ce revenu en moins de trente jours est trop soudaine. Il n'a jamais semblé nécessaire d'expliquer ce point en détail, car la situation est évidente en soi. Depuis nombre d'années, les associations d'anciens combattants se demandent pourquoi les gouvernements successifs ont tant hésité à adopter une mesure qui semble si logique. Nous n'avons jamais compris les objections qu'on oppose à son adoption et, confessons-le, nous comprenons encore moins la raison avancée dans le Livre blanc.

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Surely it cannot be said that to continue pension in payment at the married rate for a reasonable adjustment period would constitute any form of welfare. Also, we know of no "other government programmes" which are designed to meet such needs.

With all due respect, we contend that the continuation of pension at the married rate for a period of one year would certainly qualify under the "Principle of Compensation for Loss Suffered". We are speaking, in this instance, of the *pensioner's income* rather than the *widow's income*. The *pensioner's income* (which recommendation 109 suggests should be continued for a period of one year) is paid as compensation for the loss of earning power in the unskilled labour market. This loss of earning power would have been a very real factor in the financial management of the pensioner's family prior to his death. As a result of his disability it is quite likely that his earning potential was reduced during his lifetime, and it must be acknowledged

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that this would affect the financial situation confronting his widow, at least during the adjustment stages *after* his death.

We are satisfied with the provisions of Section 36 (3) which provides for continuation of payment to the widow of the pensioner in classes 1 to 11—but we feel that the overnight adjustment from married rates to widows rates makes no provision for the transition stages—a situation which has been in existence since the inception of the Pension Act, and one which has caused a great deal of hardship over the years.

May we be permitted one further observation: this Association has made repeated requests that a provision to continue pension in payment at the married rates for a year be incorporated into the Act. We feel most strongly that the governments who have considered these requests have *never* given a reasonable answer as to why this provision cannot be made. Although we do not wish to seem bitter about it, we have no alternative but to comment that the reason for refusal now, as outlined in the White Paper, still leaves us without a satisfactory explanation in the matter.

The government's answer is all the more confusing when it is considered that it is used to cover two totally different recommendations. Quite obviously, it does apply to a

[*Interpretation*]

Peut-on dire que de continuer le versement de la pension au taux de personne mariée pendant une période raisonnable d'adaptation constituerait une forme de bien-être? Certes non. De plus, il n'existe, à notre connaissance, aucun «autre programme du gouvernement» pour répondre à de tels besoins.

Nous soutenons, sauf votre respect, que le versement de la pension au taux de personne mariée pendant un an se placerait certainement sous la rubrique «Principe d'indemnisation des dommages». Il s'agit ici du *revenu du pensionné* et non du *revenu de la veuve*. Le *revenu du pensionné* (la recommandation n° 109 propose que ce revenu soit maintenu pendant un an) est versé comme une indemnité pour la perte de la capacité de gain sur le marché du travail non spécialisé. Cette perte de capacité de gain aurait pesé lourd dans la gestion des finances de la famille du pensionné s'il eût vécu. A cause de son invalidité, il est fort probable que son potentiel de gain a été réduit pendant qu'il vivait—et il faut admettre que cela aurait eu une incidence sur la situation financière de la veuve, du moins pendant la période d'adaptation *ultérieure* au décès.

Nous sommes satisfaits des dispositions de l'article 36(3) qui prévoit la continuation des versements à la veuve du pensionné des classes 1 à 11; cependant, à notre avis, le passage, du jour au lendemain, du taux de personne mariée au taux de veuve, ne tient aucun compte de la période de transition. Cette situation existe depuis que la Loi sur les pensions a été adoptée, et a été la cause de nombreuses difficultés au cours des ans. Permettez-nous une autre observation: notre association a demandé à maintes et maintes reprises qu'on incorpore à la loi une disposition prévoyant le versement pendant un an de la pension au taux de personne mariée.

A notre avis, les gouvernements qui ont étudié ces demandes n'ont *jamais* donné de raison valable pour ne pas adopter cette disposition. Nous le disons sans amertume, mais il n'empêche que la raison du refus, telle qu'avancée dans le Livre blanc, ne nous donne pas encore une explication satisfaisante de la question.

La réponse du gouvernement est encore plus étonnante si l'on pense qu'elle se rapporte à deux recommandations totalement différentes. Il est évident qu'elle vise la recom-

[*Texte*]

recommendation that pension be carried on indefinitely on a pro rata basis for widows where the pensioner was in receipt of less than 48 per cent. By no stretch of the imagination, however, could it be made to apply to the request that pension carry on at the married rates for a reasonable adjustment period following the death of a pensioner, where the widow will eventually be required to subsist on widows pension.

If it pleases the Committee, we earnestly suggest that the true intent and purpose of recommendation 109 be studied, in the light of the supporting comment stated in the Woods Committee Report at pages 907 through 909 of the Committee Report, volume 3, chapter 27.

Mr. Whicher: With war veterans allowances are they cut off immediately too?

Mr. Chadderton: They are continued for one year at married rates, sir.

Mr. Whicher: So in other words, we have a precedent here. I thought you might have mentioned that in your brief.

Mr. Chadderton: Mr. Chairman, we do not consider that the continuation of married rates for the war veterans allowance recipient is a precedent for the reason that war veterans allowance is of course a welfare measure: it is based on need. If we were to try to use the War Veterans Allowance Act as a precedent, then we would have to accept the reason in the White Paper for not continuing it, because the White Paper states that it is a welfare measure. We disagree, Mr. Chairman, gentlemen. We say that it is not a welfare measure. Therefore we are not trying to say that because it is done in the War Veterans Allowance Act, it should be carried on in the Pension Act. We do say, though, that the circumstances are similar. You just cannot expect a family which has been living on an income, part or all of which has been made up of pension, to automatically within one to thirty days change their way of living over to where they can live on widows pension.

Mr. Whicher: Mr. Chairman, I agree with what the speaker said, but the fact is that what we want to do is to get this through, and I think a very strong argument is the fact that in other veterans' legislation such as the War Veterans Allowance, it is carried on for

[*Interprétation*]

mandation de verser indéfiniment une pension au prorata aux veuves dont le mari recevait une pension inférieure à 48 p. 100. Cependant, même avec un grand effort d'imagination, il est impossible de voir comment cette réponse peut s'appliquer à la demande que le versement de la pension au taux de personne mariée soit continué pendant une période raisonnable d'adaptation après le décès du pensionné, alors qu'éventuellement la veuve ne devra compter, pour assurer sa subsistance, que sur une pension de veuve.

Nous demandons respectueusement au Comité de bien vouloir examiner l'intention et le but véritables de la recommandation 109, à la lumière des commentaires contenus aux pages 1025 à 1036, chapitre 27, 3e volume du rapport du comité Woods.

M. Whicher: Arrête-t-on immédiatement les allocations aux anciens combattants?

M. Chadderton: Non, pendant un an, elles continuent à être versées au taux de personnes mariées.

M. Whicher: En d'autres mots, il y a ici un précédent et je me demande pourquoi vous n'avez pas fait état de cela dans votre mémoire.

M. Chadderton: Monsieur le président, nous ne croyons pas que la continuation des taux de personnes mariées pour les pensions des anciens combattants forment un précédent pour la très bonne raison que les allocations aux anciens combattants font partie du programme de bien-être et qu'elles sont fondées sur le besoin. Si nous devions essayer d'utiliser la loi comme précédent, nous devrions alors accepter la raison que donne le Livre blanc pour ne plus en accorder, à savoir, qu'il s'agit d'une mesure sociale. Nous disons que ce n'en est pas une. Par conséquent, nous ne voulons pas insinuer que, parce que ces allocations sont accordées en vertu de la Loi sur les allocations aux anciens combattants, il faudrait qu'elle le soient aussi en vertu de la Loi sur les pensions. Nous croyons, néanmoins que les circonstances sont semblables. On ne peut s'attendre qu'une famille qui vit d'un revenu presque entièrement composé d'une pension puisse en 30 jours changer son mode de vie afin de pouvoir vivre d'une pension de veuve.

M. Whicher: Monsieur le président, je suis d'accord avec ce que l'interlocuteur vient de dire. Mais, en fait, ce que nous voulons, c'est permettre que cette pratique se fasse et à cet égard, un argument probant est le suivant: la Loi sur les allocations aux anciens combat-

[*Text*]

one year; secondly I would like to point out that in many instances where it is cut off to a single rate after the pensioner dies, that amount of money is much less than the widow would receive from what you choose to call welfare measures, namely the War veterans allowance, and if the government had done it on one hand, there is no reason why they should not come up with a good excuse why they should not do it on the other.

Mr. Chadderton: In earlier years we did make what turned out to be a mistake in our discussions with the Commission and government people. We made the mistake of saying that it is done for veterans allowance recipients so should be done for the pension recipients. Quite properly we were shot down on the understanding that they were quite willing to do it for the pension widow provided she is willing to subject herself to a means test. This is why we did not use that as extra ammunition for our argument; we feel we do not need it, sir. We feel that the point is that you just cannot expect a pension widow to

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make this transition overnight and that that argument stands up by itself.

The Chairman: Mr. Chadderton, did I understand you to say that a widow of a pensioner is still eligible to apply for a war veterans allowance pension?

Mr. Chadderton: Yes, she would be if her widow's pension was not sufficient, but certainly not the widow of a pensioner, a member of our organization, because all our members are in receipt of pension of 48 per cent or greater. So under current rates she would receive $200 a month, which would make her ineligible for war veterans allowance.

Mr. MacRae: Mr. Chairman, I think that perhaps...

The Chairman: I am sorry, Mr. Weatherhead had his hand up and I recognized him.

Mr. MacRae: What I have to say is on the same point. I think as a matter of clarification at this point Mr. Chadderton could advise, because of his great knowledge of this, that when you talk about the widow's pension under war veterans allowance that is completely at the discretion of the War Veterans Allowance Board whether or not that extra year is granted. Perhaps, Mr. Whicher, you did not realize that and it sheds more light on the matter. It is up to them whether or not

[*Interpretation*]

tants stipule que les allocations continueront un an après, le mort de l'ancien combattant; je voudrais aussi signaler que dans de nombreux cas où la pension est réduite au taux simple à la mort du pensionné, ce montant est beaucoup moindre que le montant que recevrait la veuve si elle recevait ce que vous appelez les prestations d'assistance sociale, soit l'allocation aux anciens combattants; je ne vois pas pourquoi si le gouvernement l'a fait dans un cas, il ne trouverait pas une bonne excuse de le faire dans l'autre.

M. Chadderton: Par le passé, nous avons fait ce qui s'est révélé être une erreur dans nos discussions avec le Comité et le gouvernement. Nous avons commis l'erreur de dire que ce qui était fait pour les bénéficiaires d'allocations aux anciens combattants pouvait l'être aussi pour les bénéficiaires de pensions. Franchement, le Comité et le gouvernement étaient d'accord à la condition que la veuve autorise qu'on contrôle ses ressources. C'est pourquoi nous n'avons pas voulu nous servir de cet argument pour nos discussions; nous pensions que nous n'en avions pas besoin. Nous voulons simplement insister sur le fait qu'il est pour ainsi dire impossible pour une veuve de changer son mode de vie du jour au lendemain.

Le président: Monsieur Chadderton, dois-je comprendre que vous avez dit qu'une veuve de pensionné a encore droit à demander une pension d'allocation aux anciens combattants?

M. Chadderton: Oui, si sa pension de veuve n'est pas suffisante, mais ce n'est certainement pas le cas d'une veuve de pensionné d'amputé de guerre car tous nos pensionnés le sont à 48 p. 100 ou plus. Ainsi, avec le taux actuel, elle recevrait $200 par mois, ce qui ne lui permettrait pas de demander une allocation aux anciens combattants.

M. MacRae: Monsieur le président, je crois que peut-être...

Le président: Je regrette, mais monsieur Weatherhead avait levé la main et je lui ai cédé la parole.

M. MacRae: Ce que j'ai à dire se rapporte à la même question. Je crois qu'en raison de ses connaissances en la matière, monsieur Chadderton pourrait préciser au sujet de la pension de la veuve, qu'en vertu des Allocations des anciens combattants, c'est la Commission des allocations aux anciens combattants qui décide d'accorder cette année supplémentaire. Il est possible, monsieur Whicher que vous ne vous en soyez pas rendu compte. Cela éclaire donc un peu plus la question. Il leur reste à

[*Texte*]

they decide as a matter of means, as a matter of welfare, to continue that extra year for the War Veterans Allowance recipient's widow, if you follow what I mean.

The Chairman: Yes, but surely there would be very few cases when they would refuse a War Veterans Allowance recipient's widow.

Mr. MacRae: That is true, but there is still the provision that they can refuse if they chose to and that is the whole point I wanted to make.

The Chairman: I see. Are there other points related to this matter?

Mr. Weatherhead: Mr. Chairman, I think my point is on the same general topic. I wonder if Mr. Chadderton would tell us the difference between the married rates and the widows' rates in round figures.

Mr. Chadderton: For a married pensioner it would be approximately $137 a month where a pension is in payment at married rates and where there are no children. It would be $337 a month if the pension were paid at married rates. When she drops to widow's rates she drops to $200, so you are talking about a difference of $137 a month.

Mr. Weatherhead: At the present time is she just paid for the month of the death at married rates or what is the cut-off date?

Mr. Chadderton: The pension is adjusted to the first day of the month following the death which could be as small a period as two days and as long a period as thirty days.

Mr. Weatherhead: On a pro rata basis?

Mr. Chadderton: Yes.

The Chairman: No, not pro rata. I think Mr. Chadderton might explain just a little more. It is cut off on the first day of the month following death. So if he died on the 30th and if it were a 30-day month, it would be cut off the next day, is that right?

Mr. Chadderton: Yes.

Mr. Knowles (Winnipeg North Centre): If he died on the 2nd of the month it would be paid for that whole month, just the same as the Old Age Security pension.

[*Interprétation*]

décider de continuer pour une autre année à accorder à la veuve du pensionné les allocations des anciens combattants à titre de mesure de bien-être, si vous me comprenez bien.

Le président: Oui, mais sans aucun doute, ils refuseraient très peu souvent des allocations d'anciens combattants à la veuve du pensionné.

M. MacRae: C'est vrai, mais il existe encore une disposition qui leur permet de refuser s'ils le désirent. C'est ce que je voulais préciser.

Le président: Je vois. Aimerait-on soulever d'autres arguments au sujet de cette question?

M. Weatherhead: Je crois que ma question a trait au même sujet. Monsieur Chadderton, est-ce que vous pouvez me dire de façon approximative quelle différence existe entre les taux mis en vigueur pour les personnes mariées et pour les veuves.

M. Chadderton: Un pensionné marié toucherait environ $137.00 par mois au taux des personnes mariées sans enfant. Ce serait $337.00 par mois si la pension était versée aux taux des gens mariés. Lorsqu'elle touche le taux des veuves, elle reçoit $200 par mois. La différence est donc de $137.00 par mois.

M. Weatherhead: Et à l'heure actuelle, pour le mois où la mort a lieu, touche-t-elle la pension aux taux des gens mariés ou quand le versement fait-il l'objet d'une diminution?

M. Chadderton: La pension est redressée la première journée du mois qui suit la mort du pensionné, ce qui peut se produire après 2 jours ou après 30 jours.

M. Weatherhead: Au prorata?

M. Chadderton: Oui.

Le président: Non, non, ce n'est pas au prorata. Je crois que monsieur Chadderton peut nous expliquer cela un peu plus à fond. La diminution est effectuée le premier jour du mois après la mort. Donc, s'il meurt le 30 dans un mois de trente jours, l'allocation peut très bien être diminuée le prochain jour, n'est-ce pas?

M. Chadderton: Oui.

M. Knowles (Winnipeg Nord-Centre): S'il meurt le deuxième jour du mois, elle toucherait la pension pour le mois entier, tout comme pour la pension de sécurité de la vieillesse.

[*Text*]

Mr. Saltsman: Mr. Chairman, I would like to make an observation on this question of whether something is an act of charity or an act of right in order to perhaps avoid an argument which is largely semantic. It is really the people of this country through their government and through committees, who decide whether it is a right or an act of charity. There is nothing inherent in it one way or the other. I would think that any argument that tries to prove that it would be a welfare measure is a pretty sterile argument. We make the decision whether it is a right or not and we have made this decision in the past with things like old age pensions and other things of this nature. I think this is really what the representatives are asking us to do by accepting the Wood's recommendation, that we give this as a matter of right rather than as a matter of discretion or welfare. Is this correct?

Mr. Chadderton: Except, Mr. Saltsman, that the White Paper does not intend to give it even as a matter of discretion.

Mr. Saltsman: No, but what I am saying is that you are asking for it as a matter of right.

Mr. Chadderton: That is quite right, and I might say because I think we are all familiar, perhaps generally, with the terms of pension legislation, that if there was one thing that angered our delegates at our recent convention was that this was turned down on the basis that it would be a welfare measure. We just cannot accept the fact that continuation for a year for a widow of a pensioner would be any form of welfare. If it were welfare and it were made a welfare measure it would be up to the widow to apply and in most cases I think they would not.

The Chairman: Are there other questions? If not would you proceed, Mr. Lambert.

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Lt. Col. Lambert: Yes, we will move on. Keith Butler will read the section dealing with children undergoing course of instruction on page 43.

Mr. Butler: Mr. Chairman on children undergoing course of instruction, our submission is as follows:

> The Woods Committee Recommendation 108 (volume 3, chapter 26, page 890) proposes:

[*Interpretation*]

M. Saltsman: Monsieur le président, j'aimerais faire un commentaire sur la question de charité ou de droit afin d'éviter une discussion d'ordre sémantique. Ce sont vraiment les citoyens de ce pays, par l'intermédiaire de leur gouvernement et leurs comités qui décident si c'est un droit ou un geste charitable. Il n'y a rien de sous-entendu d'une façon ou d'une autre. Je crois que tout argument qui tente de prouver que c'est une mesure sociale est un argument assez stérile. Il nous appartient à nous d'en décider. Nous l'avons fait par le passé au sujet des questions de pension de vieillesse, et autres choses de ce genre. Je crois que c'est ce que les représentants nous demandent de faire en acceptant les recommandations du rapport Woods, à l'effet que ce soit une question de droit plutôt qu'une question de discrétion ou de bien-être. Est-ce juste?

M. Chadderton: Sauf monsieur Chadderton que le Livre blanc n'indique pas l'intention de le considérer comme une question de discrétion.

M. Saltsman: Non, mais je dis que vous demandez qu'on en fasse une question de droit.

M. Chadderton: C'est juste et j'ajouterais étant donné que nous connaissons tous d'une façon générale, les termes de la mesure législative par les pensions que nos délégués ont été offusqués lors de notre dernière convention, de voir que cela avait été refusé parce que ce serait une mesure sociale. Nous ne pouvons pas accepter que le prolongement d'un an pour la veuve d'un pensionné constituerait une forme de mesure sociale. Si c'était une question de bien-être et si on en faisait une mesure sociale, la veuve devrait faire une demande et dans la plupart des cas, je crois, elle s'en abstiendrait.

Le président: Y a-t-il d'autres questions? Sinon, pourriez-vous continuer monsieur Lambert?

Lieutenant-colonel Lambert: Oui, nous allons continuer. Monsieur Keith Butler donnera lecture de la partie qui traite des enfants qui suivent un cours d'enseignement, à la page 43.

M. Butler: Monsieur le président, la section se lit comme il suit:

> Dans la recommandation n° 108 (3e volume, chapitre 26, page 890) le comité Woods propose brièvement ce qui suit:

[*Texte*]

That pension be continued on behalf of a child undergoing a course of instruction up to age 25 years provided the pensioner contributes a major share, where possible, to the financial requirements of the child. The White Paper makes no reference to this recommendation and it is assumed that it was one of those which was not accepted by the government. May we summarize hereunder some of the supporting argument to be found in the Woods Report dealing with this matter.

(1) The use of the arbitrary age of 21 for discontinuation of pension for a student is outdated. This was first introduced in 1919.

(2) The average of the years spent by students has increased substantially since that time.

(3) More students are continuing their education beyond the secondary school level than was the case then:

(4) The average age for graduation from university has increased.

(5) It was never realistic to assume that a student would finish his university training at age 21; there is even less justification for using this for a cut-off age now.

(6) Pension legislation should take cognizance of the trend toward higher education.

(7) The Pension Act should be subject to the same time limits as the Education Assistance Act, i.e., normally age 25.

It is noted that the government has given no reasons for rejecting this recommendation of the Woods Committee. Presumably there could be no reason except possibly for a financial one. The intent of the existing legislative provision, as we understand it, is that a pensioner who must make a contribution towards the education of his child is entitled to some assistance in this respect by reason of additional pension. It seems only logical that this contribution should continue in payment, so long as it is needed. The arbitrary cancellation thereof at age 21 makes very little sense, bearing in mind that most pensioners would require the assistance for several years beyond the limitation of the existing provision.

Unfortunately, we have no record upon which we could base an estimate of the cost of implementation. We would observe, however, that an outlay of fed-

[*Interprétation*]

Que le versement de la pension soit continué quand un enfant suit un cours d'enseignement, jusqu'à ce que cet étudiant atteigne l'âge de 25 ans pourvu que le pensionné continue à assumer la majorité des frais nécessités par l'entretien et l'instruction de l'étudiant.

Le Livre blanc ne fait aucune allusion à cette recommandation, et nous supposons qu'elle est une de celles qui n'ont pas été acceptées par le gouvernement. Permettez-moi de résumer les arguments sur lesquels s'appuie le rapport Woods à ce sujet:

(1) On a fixé arbitrairement à 21 ans l'âge où l'on cesse de verser la pension à un étudiant. Cette mesure est dépassée, car elle date de 1919.

(2) La moyenne des années d'étude a sensiblement augmenté depuis.

(3) Un plus grand nombre d'étudiants vont maintenant au-delà du secondaire qu'à cette époque.

(4) L'âge moyen des finissants d'université est plus élevé.

(5) Il a toujours été faux de prétendre que l'étudiant terminait son cours universitaire à 21 ans; il est donc encore moins justifiable d'utiliser ce critère pour cesser le versement de la pension.

(6) La législation sur les pensions devrait tenir compte de la tendance vers une éducation de plus en plus poussée.

(7) La Loi sur les pensions devrait fixer le même âge limite que la Loi sur l'aide aux enfants des morts de la guerre (Éducation) c'est-à-dire 25 ans d'ordinaire.

Nous remarquons que le gouvernement n'a pas donné de raisons pour rejeter cette recommandation du comité Woods. Il est à supposer qu'il n'en a pas, sauf, peut-être, une raison financière. Si nous comprenons bien l'esprit de la loi actuelle, le pensionné qui assume une partie des frais d'éducation de son enfant a le droit de recevoir une aide à cet effet au moyen d'une pension additionnelle. Il semble logique que cette aide soit maintenue aussi longtemps que nécessaire, et la supprimer arbitrairement à l'âge de 21 ans n'a pas de sens, si l'on tient compte que la majorité des pensionnés en ont besoin pendant plusieurs années après l'âge limite fixé par la loi actuelle. Malheureusement, nous n'avons pas de documentation qui nous permettrait d'évaluer le coût approximatif de son application. Toutefois, nous faisons remarquer qu'une telle dépense du gouvernement fédéral,

[*Text*]

eral government funds in this respect would not only be a justifiable expenditure as part of the government's pension program for those disabled by war, but would also be recognized as a valuable contribution towards higher education for worthy sons and daughters of the pensioners involved.

The Chairman: Are there any questions from the Committee? Mr. Whicher.

Mr. Whicher: Section (7) on page 44 states:

> The Pension Act should be subject to the same time limits as the Education Assistance Act, i.e. normally age 25.

Would you clarify that? Why is age 25 in there? You picked that age instead of 21. Why should we not go to 27, for example? I know lots of students at university who are 27. There has to be a cut-off year somewhere. Would you explain that section (7)?

Mr. Chadderton: Of course, Children of War Dead (Education Assistance Act) as it is called, does make this provision under which assistance is available to such children until they reach age 25 and in certain instances until they reach age 30. You could quite properly ask what is the magic in age 25, why not 27. I would just point out, Mr. Whicher, that we were merely paraphrasing one of the arguments that had been brought to bear on this item by the Woods Committee and they felt that in addition to all of the other arguments that the fact that the Education Assistance Act could go to age 25 was a pretty good forerunner that should be followed in the Pension Act. I also think, although it is dangerous to paraphrase, it states in there that the other extension in the Education Assistance Act might also be incorporated, that is, could even to go age 30 in certain cases. However, the main point is that if you took age 25 as the cut off you would be covering most of the cases. You would be legislating for the majority, sir.

Mr. Whicher: Mr. Chairman I have just one supplementary. I still, because of lack of knowledge, do not know just what this Education Assistance Act does for somebody who is, say, age 24. How does it help? What does it do?

Mr. Chadderton: If one of our members died in 1964.

Mr. Whicher: By that you mean anyone receiving a pension.

[*Interpretation*]

en plus d'être justifiable, constituerait un grand apport à l'éducation poussée des enfants talentueux des pensionnés en cause.

Le président: Y a-t-il des questions? Monsieur Whicher.

M. Whicher: A la page 44, au paragraphe 7, on stipule que:

> ...la Loi sur les pensions devrait fixer le même âge limite que la Loi sur l'aide aux enfants des morts de la guerre (Éducation), c'est-à-dire 25 ans d'ordinaire.

Pourriez-vous préciser ce point? Pourquoi choisir 25 ans? Pourquoi 25 au lieu de 21? Pourquoi ne pas nous rendre jusqu'à 27 ans par exemple? Je connais beaucoup d'étudiants de 27 ans. Il devait y avoir un arrêt quelque part. Pourriez-vous nous expliquer le paragraphe 7?

M. Chadderton: Naturellement la loi sur l'aide aux enfants des morts de la guerre (Éducation), comme on l'appelle, prévoit l'assistance aux enfants jusqu'à l'âge de 25 ans et parfois jusqu'à l'âge de 30 ans. Vous avez raison lorsque vous demandez pourquoi on a arrêté notre choix sur 25 ans, plutôt que 27. Nous ne faisons que répéter un des arguments avancé par le comité Woods. Ils ont cru qu'en plus des autres arguments, le fait que la Loi sur l'aide à l'éducation adoptait 25 ans, que c'était un bon guide à suivre pour la Loi sur les pensions. Bien qu'il soit délicat de citer le passage, on dit également que l'autre prolongement d'âge pourrait aussi être inséré dans la Loi sur l'aide à l'éducation, soit dans certains cas jusqu'à 30 ans. Toutefois, si vous établissez 25 ans comme l'âge limite, cela prévoirait la grande majorité des cas. Vous adopteriez des mesures législatives pour la majorité des gens, monsieur.

M. Whicher: Monsieur le président, une autre question complémentaire. Par suite d'un manque de connaissances, je ne comprends pas encore tout à fait ce que la Loi sur l'aide à l'éducation fait pour un étudiant, de 24 ans disons. Quelle aide prévoit-elle?

M. Chadderton: Si l'un de nos membres était mort en 1964.

M. Whicher: Vous voulez parler de la personne qui touche une pension.

[*Texte*]

Mr. Chadderton: Yes. If his child wanted to continue on into higher education under the Education Assistance Act the child could receive assistance under this Act to take university training, normally up to age 25. I do not know if I am being clear on this or if I understood the question, but in any event we felt that in a sense if this was good legislation for the children of the war dead because it was assisting them in their education, it would also be good legislation for pensioners' children, to assist them in their education. It is just one more way of pointing out, in our thinking, the fallacy of a cut-off age at 21.

The Chairman: Mr. Legault had his hand up, and Mr. MacRae and Mr. Stanley Knowles.

Mr. Knowles (Winnipeg North Centre): Does the deceased in that case have to have been a pensioner?

Mr. Chadderton: Normally, the education assistance act was brought in, as we understand it, as a measure for children whose fathers were killed during the war. Later on, if they were placed on pension and then died, and their pension was 48 per cent or greater, their death was considered generally to be attributable to service, and so the act was continued on for their children.

The Chairman: Mr. MacRae, is your question on this point?

Mr. MacRae: I think you could call it on this point, Mr. Chairman, I want to ask Mr. Chadderton what payment is made to a pensioner's child in university? It is not very high, I know. Could you tell the Committee what it is? I think members would be interested in knowing just how much help is given.

In the case of the Children of War Dead (Education Assistance) Act, which is a separate act, it is quite good, as perhaps the Committee knows. It is an exceptionally good act. But the child of the pensioner is not at all in such a good position. Perhaps this is information not readily available. If not, we could get it later.

The Chairman: One or two members who are attending with the delegation seem to...

Mr. Chadderton: I think I am correct that $36 a month is the additional pension for one child.

Mr. Whicher: Twelve months of the year?

[*Interprétation*]

M. Chadderton: Oui, si son enfant désire continuer ses études supérieures, aux termes de la Loi sur l'aide à l'éducation, l'enfant pourrait fréquenter l'université jusqu'à l'âge de 25 ans, normalement. Je ne sais pas si je me fais bien comprendre ou si je comprends la question, mais de toute façon c'était selon nous, dans un sens, une bonne mesure législative pour les enfants des morts de la guerre car cela les aidait à poursuivre leurs études.

Il serait aussi recommandable d'inclure dans les mesures législatives l'éducation des enfants de pensionnés. Cela démontre une fois de plus qu'il est illogique de faire cesser les versements quand l'enfant atteint l'âge de vingt et un ans.

Le président: M. Legault désire prendre la parole, puis M. MacRae et M. Stanley Knowles.

M. Knowles (Winnipeg-Nord-Centre): La personne décédée doit-elle avoir été un pensionné?

M. Chadderton: En fait, la Loi sur l'aide aux enfants des morts de la guerre (Éducation) a été promulguée afin de protéger ces enfants. Si la pension du père était de 48 p. 100 ou plus, on considère que sa mort est imputable au service militaire c'est la raison pour laquelle on continue à verser la pension à ses enfants en vertu de la loi.

Le président: Monsieur MacRae, avez-vous une question à poser à ce sujet?

M. MacRae: Oui, je le crois. Je voudrais demander à M. Chadderton ce que reçoit un enfant de pensionné de guerre qui fréquente l'université? La somme n'est pas très importante. Pouvez-vous dire au comité combien il reçoit exactement? Je sais que dans le cas des enfants tombant sous le coup de la Loi sur l'aide aux enfants des morts de la guerre (Éducation), la somme accordée est bien suffisante. Comme les honorables membres le savent. Il s'agit d'ailleurs d'une très bonne loi. Mais les enfants des pensionnés ne sont pas dans une aussi bonne situation. Peut-être n'a-t-on pas les chiffres à la disposition. Dans ce cas, nous pourrions les avoir plus tard.

Le président: Un ou deux membres qui font partie de la délégation semblent...

M. Chadderton: Je crois qu'il est exact de citer $36 par mois comme pension supplémentaire par enfant.

M. Whicher: 12 mois par an?

[*Text*]

Mr. Chadderton: Yes; twelve months of the year.

The Chairman: Mr. Legault had his hand up.

Mr. Legault: Thank you. I have a question of Mr. Chadderton. Anyone at the age of 21, I understand, could perhaps obtain the moneys which are available under the students' loan. Was this taken into consideration when preparing the brief?

Mr. Chadderton: Yes, it was, but in our feeling, Mr. Legault, it did not alter the situation materially, because the cost of maintaining a child in university is certainly somewhere in the neighbourhood of $1,500, $2,000 a year, and the additional pension is something like $36 a month.

Mr. Legault: Yes. The point I want to bring out is that every province does not have the same program, Mr. Chadderton. You talk about the $1,500, or so. There are students who are receiving loans or bursaries that would not amount to that figure and part of it is a grant. Has this been considered, because once you reach that particular stage, apart from the veteran's problem there are numerous other cases where at 21 the student can declare himself as being independent and obtain that money, although it is not the same in every province, I must admit.

Mr. Chadderton: Yes. We are not contending that this continuation of pension would be his only source of income. We also realize that particularly in recent years there have been quite a few additional sources of assistance available to children in university compared with, say, 15 years ago. We recognize all of this, but we also feel, Mr. Legault, that there are just grounds for continuing what is being done up to age 21 beyond age 21. For example, someone asked "Why 25?" Well, I think 25 is a more realistic age than 21. We are not arguing the merits of the legislation. We are simply saying that in a day and age when most children do not graduate from university until at least 24 or 25, it does not seem realistic to continue a principle of cutting off their assistance under the Pension Act at 21.

• 1515

Mr. Legault: Thank you.

The Chairman: Are there any further questions at this point? If not, will you continue?

[*Interpretation*]

M. Chadderton: Oh! bien entendu. Douze mois par an.

Le président: Monsieur Legault.

M. Legault: J'ai une question à poser à M. Chadderton. Tout enfant atteignant l'âge de 21 ans pourrait, si je comprends bien, bénéficier d'un montant d'argent en vertu de la loi sur les prêts aux étudiants. A-t-on songé à cela quand on a rédigé le mémoire?

M. Chadderton: Oui, nous y avons songé, mais à notre avis, cela ne changerait pas la situation parce que les frais d'université s'élèvent à quelque $1,500 ou $2,000 par année et la pension supplémentaire est de $36 par mois environ.

M. Legault: Ce que je voulais signaler, c'est que dans toutes les provinces, on ne suit pas toujours le même régime. Lorsque vous parlez de $1,500 environ, monsieur Chadderton. Je puis vous dire qu'il y a des étudiants qui reçoivent des prêts et des bourses bien inférieures dont une partie est une subvention. A-t-on tenu compte de cela, car, une fois qu'on atteint ce stade, sauf dans le cas des anciens combattants, il y a de nombreux cas où l'étudiant de 21 ans peut se déclarer indépendant et obtenir les sommes d'argent, bien que le régime ne soit pas le même dans toutes les provinces.

M. Chadderton: Oui. Nous ne refusons pas le fait que cette continuation de pension devrait être son seul revenu. Nous nous rendons compte aussi que, lors des dernières années, spécialement, les enfants fréquentant l'université ont reçu une aide supplémentaire provenant de sources différentes comparé avec l'aide dont ils pouvaient bénéficier il y a quinze ans. Nous nous en rendons compte, mais nous croyons aussi qu'il faut que cette aide s'étende au-dessus de 21 ans. Quelqu'un a demandé pourquoi 25 ans. Je trouve qu'il est plus réaliste d'arrêter de verser la pension à 25 ans. Nous ne contestons pas ici la valeur des mesures législatives. Nous voulons simplement souligner qu'à l'heure actuelle, la plupart des étudiants sont diplômés à 24 et 25 ans au moins. Il semble donc peu logique de les priver d'aide à 21 ans aux termes de la Loi sur les pensions.

M. Legault: Merci.

Le président: Y a-t-il d'autres questions? Sinon, voudriez-vous continuer.

[*Texte*]

Lt. Col. Lambert: All right. We will move on to "Legal Damages". Judge Crowell.

Judge Crowell: *Legal Damages:* For many years this Association has requestest the Government to amend legislation which provides that a settlement of legal damages payable to the widow of the pensioner who has died, must either be recovered by the crown or result in a reduction of pension. The legislation provides also that such damages payable to the widow of a member of the Regular Force, or to a pensioner in certain circumstances, may be recovered by the crown or alternatively result in reduced pension. This legislation affects also awards to a pensioner or widow in the nature of workmen's compensation, in some instances.

In our understanding, Recommendation 90 of the Woods Committee (volume 2, chapter 19, page 738) was to the effect that the existing sections be replaced with a new section which would provide only that a person be prohibited from receiving both an award of pension under the Pension Act and an award under similar legislation of the Federal Government.

In the comment furnished by the Woods Committee in regard to this recommendation we note the statement at page 758 as follows:

> Secondly, your Committee is of the view that, on general principle, the provisions of sections 20 and 21 have no place in the Pension Act. This Act confers certain rights upon members of the forces and their dependents, based on the obligation of the Government to provide compensation for disability or death. It is difficult to justify alienation of these rights by reason of the fact that the disability or death may also become compensable from some other source. The responsibility to award legal damages is that of the courts, the awards usually being based on such factors as earning potential and life expectancy. Workmen's Compensation is awarded by provincial boards. A Court or Compensation Board might well decide to take into consideration any award being made under the Pension Act, and might have the right to do so. Your Committee considers, however, that receipt of a pension should not be contingent upon other sources of income.

It seems to us that the nub of the matter is contained in the statement quoted above. In the event of the death of the pensioner, or a

[*Interprétation*]

Lieutenant-colonel Lambert: Très bien. Pourrions-nous étudier la question des Dommages-intérêts, monsieur le juge Crowell?

Dommages-intérêts:

Le juge Crowell: Depus nombre d'années, notre association demande au gouvernement de modifier l'article de la loi prévoyant que les dommages-intérêts versés à la veuve d'un pensionné devront être recouvrés par la Couronne ou alors que la pension sera réduite. La loi prévoit aussi que les dommages-intérêts payables à la veuve d'un membre des Forces régulières, ou à un pensionné, dans certains cas, pourront être recouvrés par la Couronne, ou que la pension sera réduite. La loi vise aussi les sommes versées à un pensionné ou à une veuve comme indemnités de travail, dans certains cas.

Si nous comprenons bien, la recommandation n° 90 du comité Woods (vol. 2, chapitre 19, page 738) propose de remplacer les articles actuels par un nouvel article prévoyant seulement qu'il est défendu à quiconque de recevoir une pension en vertu de la Loi sur les pensions, et une autre pension en vertu d'une autre loi semblable du gouvernement fédéral.

Voici les commentaires du comité Woods au sujet de cette recommandation. Vous les trouverez à la page 758:

> Deuxièmement, votre comité est d'avis qu'en principe les dispositions des articles 20 et 21 ne devraient pas figurer dans la Loi sur les pensions. Cette loi, en effet, confère certains droits aux membres des forces armées et aux personnes à leur charge, droits fondés sur l'obligation de la part du gouvernement d'accorder une indemnité de réparation pour invalidité ou décès. Il est difficile de justifier l'aliénation de ces droits par le fait que l'invalidité ou le décès peut par ailleurs recevoir une réparation d'autres sources. L'attribution de dommages-intérêts est de la compétence des tribunaux, les indemnités étant calculées habituellement sur certains facteurs, dont la capacité de gain et l'espérance de vie, tandis que les indemnités de travail sont accordées par des commissions provinciales. Un tribunal ou une telle commission peut fort bien décider de tenir compte de toute somme versée en vertu de la Loi sur les pensions et il peut être autorisé à le faire. Votre Comité estime cependant que la concession d'une pension ne devrait pas dépendre des autres sources de revenu.

Il nous semble que cette déclaration contient le nœud de la question. Survenant le décès du pensionné, ou d'un membre des For-

[*Text*]

member of the forces, or in circumstances where a pensioner suffers additional injury through causes contingent upon his pensionable disability, the widow or pensioner, as the case might be, is entitled to receive the full benefit of the Pension Act. This is the prior consideration. It is the right of the pensioner or the widow, as guaranteed by law. Over the years we in this Association have heard many arguments from personnel of the Pension Commission concerning the fact that indemnification should not be paid from two sources for the same death or injury; also that the Crown should not be placed in the position of having to pay additional pension where there is the right of recovery from some other source.

Whether these arguments have merit is a moot point. All we can suggest, at this juncture, is that the Standing Committee on Veterans Affairs should study, at length, the arguments prepared by the Woods Committee to support its contention that these sections be removed from the Act. In our view, they amount of a "judgement" which is very difficult to refute.

Concerning the actual recommendation in the White Paper we can suggest only that it is by way of a very small concession. In the first place, it covers only awards of legal damages to widows of pensioners—whereas the Woods Committee recommendation would have removed the effect of the inequities of this legislation from all three groups involved, i.e.:

Widows of pensioners;
Widows of members of the regular force; and
Pensioners who sufler additional disabilities.

Secondly, the proposal in the White Paper is to exempt that portion of the payment of legal damages which is directed towards indemnification for pain and suffering, special damages and loss of *consortium*. In the first place this would be only a very small portion of the usual legal damages settlement. Also, hurried consultation with legal authorities over the past few days appears to indicate that, in some instances, the courts do not identify the actual portions of any claim into the specific categories used in the White Paper.

Therefore it is difficult to see how the recommendation could be carried out.

• 1520

The Chairman: Perhaps this would be a good point at which to have our coffee break? At the back of the room we have made provi-

[*Interpretation*]

les armées, ou quand le pensionné subit d'autres blessures découlant de l'invalidité pour laquelle il reçoit déjà une pension, la veuve ou le pensionné, selon le cas, a droit à tous les avantages prévus par la Loi sur les pensions. C'est la première considération. Il s'agit du droit du pensionné ou de celui de la veuve, tel que le garantit la loi. Au cours des ans, notre Association a entendu le personnel de la Commission des pensions avancer bon nombre de raisons pour que l'indemnité, pour le même décès ou les mêmes blessures, ne soit pas versée de deux sources, et aussi pour que la Couronne n'ait pas à verser de pension additionnelle s'il y a lieu de faire un recouvrement d'une autre source.

Le mérite de ces raisons est discutable. Tout ce que nous pouvons faire, pour le moment, c'est de demander au Comité permanent des affaires des anciens combattants d'étudier en profondeur les arguments qu'apporte le comité Woods pour demander qu'on supprime ces articles de la loi. A notre avis, les arguments du comité constituent un «jugement» difficile à réfuter.

Quant à la recommandation du Livre blanc, ce n'est qu'une bien mince concession. Primo, elle ne touche que le versement des dommages-intérêts aux veuves des pensionnés, tandis que la recommandation du comité Woods aurait fait disparaître de la loi les iniquités qui visent les trois groupes en cause:

Les veuves des pensionnés
Les veuves des membres des Forces régulières, et
Les pensionnés affligés d'invalidités additionnelles.

Secundo, le Livre blanc propose de ne pas verser la partie des dommages-intérêts qui sert à indemniser la souffrance, les dommages spéciaux et la perte du conjoint. Tout d'abord, il ne s'agirait là que d'une infime partie des dommages-intérêts habituellement versés. De plus, une rapide consultation des autorités juridiques semble indiquer que les tribunaux n'identifient pas toujours les diverses parties d'une réclamation aux catégories énumérées dans le Livre blanc.

Il est donc difficile de voir comment cette recommandation peut être suivie.

Le président: Il serait peut-être opportun de faire la pause-café maintenant. Le café nous attend au fond de la salle. Nous pour-

[*Texte*]

sion for it. We can resume with some questions after a cup of coffee. Is that agreed?

Some hon. Members: Agreed.

COFFEE BREAK

The Chairman: Are we ready to resume?

Lt. Col. Lambert: Paul, will you carry on please?

Mr. Paul Bédard (Quebec City): Deposition of pension...

The Chairman: Oh, I am sorry. There were no questions before the adjournment so there may be some questions, I am sorry. Mr. Stanley Knowles.

Mr. Knowles (Winnipeg North Centre): I suppose my question is a rhetorical one, Mr. Chairman, but let me put it anyway. I preface it by saying that I agree with this position about legal damages, but my question is this. What is the rationale that the government uses for taking this away? For example, if a veteran on a disability pension inherits a fortune from a rich uncle does that take away from his pension? If he earns money in some other way, that does not take away from his pension? I know it is a strange phrase to talk about "earning" some money because you have been through an accident but at least it is a separate operation.

The Chairman: Mr. Chadderton, there was a reference to the theory that the same loss of earnings should not be compensated from two different sources; is this the theory that is put forward? There is a reference in your paper to it.

Mr. Chadderton: Yes, generally speaking, Mr. Chairman, that is it. We believe it started toward the end of 1918 when a lot of people who were still in the service were being injured in civilian accidents; not a lot, I would say a very few as a matter of fact. However, they were being injured in civilian accidents and there was under the insurance principle a requirement for the federal government to pay them pension. At the same time the man was open to proceed against the party who had injured him. I recall one case in particular which involved the then Transportation Commission of Toronto, and the federal government people the Board of Pension Commissioners I think at that time, or whatever it was called, said, "Well, we certainly are not going to accept the liability in the federal government when the cause was the streetcar that ran the man down". That was

[*Interprétation*]

rions ensuite reprendre la période des questions. Êtes-vous d'accord?

Des voix: D'accord.

PAUSE-CAFÉ

Le président: Nous sommes prêts à reprendre la séance?

Lieutenant-colonel Lambert: Paul, voulez-vous continuer?

M. Paul Bédard (ville de Québec): Témoignages concernant la pension.

Le président: Il n'y a pas de question. M. Stanley Knowles.

M. Knowles (Winnipeg-Nord-Centre): la question est plutôt hypothétique. Je suis d'accord du point de vue des dommages-intérêts, mais quelle est la raison d'être utilisée par le gouvernement pour enlever ces dommages-intérêts, par exemple, si un pensionné hérite d'une fortune d'un oncle riche, est-ce qu'on soustrait cet argent ou un autre revenu de sa pension? S'il gagne de l'argent d'une autre façon cela ne lui enlève pas sa pension. C'est un drôle d'endroit de parler de gagner de l'argent.

Le président: Monsieur Chadderton, il est question que le manque à gagner ne soit pas compensé au moyen de deux sources, est-ce bien là votre théorie? Je crois que vous y faites allusion dans votre mémoire.

M. Chadderton: Oui, règle générale, c'est cela que nous voulons dire. Cela a commencé vers la fin de 1918 alors que plusieurs faisaient partie du service des forces armées, ils étaient blessés dans des accidents civils, et aux termes du principe de l'assurance, le gouvernement devait leur payer une pension, et même l'homme avait le droit de poursuivre la personne qui l'avait blessé. Je me souviens d'une cause contre la Commission des transports de Toronto, alors que les gens du gouvernement fédéral, la Commission des transports, je crois, ont dit: «il ne nous appartient pas d'accepter la responsabilité parce que l'homme a été heurté par le tramway.» Et c'est ainsi que les choses ont débuté et se passent depuis que la loi sur les pensions existe. Le principe s'applique toujours et cela touche non seulement la pension des veuves, mais aussi celle d'un pensionné qui est blessé

[*Text*]

the original start of it and then that trend continued all the way through the Pension Act despite its many refinements until we get the situation today where the principle still applies and it affects pension, not just to widows but where a pensioner may be re-injured, a member of the Regular Force may be injured, or to the widow of a member of the Regular Force. It is probably the time to point out that one of our objections to the coverage in the White Paper, although we welcome it, we are grateful for it because it is certainly better than nothing, is that it only covers one of the four categories that the Woods Committee was attempting to relieve from the effects of Sections 20, 21 and 22.

The Chairman: Mr. Legault. Sorry, there are three, Mr. Whicher, Mr. Legault and Mr. Weatherhead.

Mr. Legault: I have a supplementary. If someone suffered injuries while not in receipt of a pension, being in the Regular Forces, and whose civil court is obtaining an adjustment, do you suggest that a pension be paid to him plus whatever moneys would be allotted by this court?

Mr. Chadderton: I would answer that by saying, first, the Woods Committee certainly saw that he was entitled to pension if he was covered. Bear in mind that under Regular Force pension today the man is not entitled to the insurance principle; therefore, it would have to be shown that his injury was in some way related to service in the forces. That is a very loose term, you see. The classic example that we gave the other day I think would answer your question. That was the officer returning from Korea who was killed in a TCA crash. It was pensionable under the Pension Act because he was on duty, and it was also the type of accident where there was a third party settlement. Of course, the widow had to choose between accepting pension or accepting settlement. So the answer to your question is that we visualize that the effects of sections 20, 21 and 22 against members of the Regular Force should be removed.

Mr. Legault: Thank you.

Mr. Knowles (Winnipeg North Centre): If a veteran is drawing a disability pension because he is an amputee, he has one leg off, he gets what; 80 per cent pension? If that veteran is involved in a serious automobile accident and sues in the civil courts and gets damages that are in excess of what he was getting as a pensioner, what happens to him?

[*Interpretation*]

une autre fois, d'un membre des Forces armées qui peut être blessé ou même de la veuve d'un membre des Forces armées. Je crois que le moment est venu de signaler qu'une des objections que nous avons contre le Livre blanc est le fait qu'il ne couvre que l'une des quatre catégories que le Rapport Woods essaie de soustraire aux effets des dispositions des articles 20, 21 et 22.

Le président: M. Legault. Excusez-moi. Vous êtes trois: M. Whicher, M. Legault et M. Weatherhead.

M. Legault: Une question complémentaire. Si quelqu'un subit des blessures pendant qu'il ne reçoit pas de pension, un membre des Forces armées du Canada par exemple, et se voit accorder une indemnité par les tribunaux civils, croyez-vous qu'on doive lui verser une pension en plus de l'argent qui lui est accordé par le tribunal?

M. Chadderton: Le Comité Woods lui accorde le droit à une pension, dans certains cas. Aux termes du règlement sur les allocations aux membres des Forces régulières aujourd'hui, il n'a pas droit à l'assurance. Il faut faire valoir que sa blessure se rattache au service dans les Forces armées. L'exemple que nous avons cité l'autre jour devrait répondre à votre question. Vous avez le cas d'un officier qui revenait de la Corée et qui a été tué dans un avion d'Air Canada. La pension a été accordée parce qu'il était en fonction. Il y a eu également le règlement du cas d'un tiers. Évidemment la veuve a dû choisir entre les deux. Donc les articles 20, 21 et 22 défavorables aux membres des forces régulières doivent être supprimés à ce titre-là.

M. Legault: Merci.

M. Knowles (Winnipeg-Nord-Centre): Si un ancien combattant a droit à une pension parce qu'il a perdu une jambe, que reçoit-il? Une pension de 80 p. 100. Si cet ancien combattant est victime d'un accident grave d'automobile et, si après avoir intenté une poursuite devant un tribunal civil, il reçoit des compensations en plus de ce qu'il reçoit à titre de pensionné, que peut-il lui arriver?

[*Texte*]

Mr. Chadderton: Well, if he is merely injured and there is a third party settlement section 21 and 22 of the Pension Act would not apply unless he then applied to the Pension Commission and said, "Because of my artificial leg it gave out on me and I fell in front of this car and I am entitled to a consequential pension", you see of a physical accident type then of course the Canadian Pension Commission would say "Well if there is a requirement upon the Canadian Pension Commission to pay additional pension arising out of that automobile accident you cannot have it both ways". If the Canadian Pension Commission granted the additional pension and there would be an entitlement claim on that first, but if they granted the additional pension then consideration would be given to whether he should receive that pension and retain the damages or whether the damages would be paid to the Crown and he could continue to receive the additional pension because the Crown had received the money, you see.

• 1540

Mr. Knowles (Winnipeg North Centre): I am afraid I got lost at one point there.

Mr. Chadderton: Yes?

The Chairman: Is this the case which relates to the instance?

Mr. Chadderton: Oh yes.

The Chairman: How would you modify that?

Mr. Knowles (Winnipeg North Centre): Let me state a case as I see it. Here is a veteran on 80 per cent pension because he is an amputee. He gets seriously hurt in an automobile accident, such that the court awards him, a third party, very high damages, the capitalized value of which is worth more than the pension he was getting. Does he have to give some of that to the Crown?

Mr. Chadderton: No, sir. It is only when he attempted to apply for additional pension claiming that his bad leg caused him to fall under the car where this section of the Pension Act comes in.

The Chairman: Mr. Whicher had his hand up and so did Mr. Weatherhead.

Mr. Whicher: Mr. Chadderton, I should know the answer probably but if a Regular Force soldier on active duty in Canada today is hit by a truck and his leg is severely damaged, does he have to initiate the action in a civil court or does the Crown do it?

[*Interprétation*]

M. Chadderton: Non, s'il n'est que blessé les articles 21 et 22 pourraient ne pas s'appliquer, à moins qu'il puisse faire valoir devant la Commission des pensions que sa jambe artificielle a été responsable de sa chute devant une voiture. Alors, la Commission répondrait que si on lui demande de payer une pension supplémentaire parce qu'il a été victime d'un accident de voiture, il ne pourrait pas être dédommagé de deux façon. Dans le cas où la Commission canadienne des pensions accorderait la pension supplémentaire, il faudrait alors déterminer si l'accidenté devrait recevoir la pension ainsi que les dommages-intérêts ou bien si les dommages devraient être payés à la Couronne. Alors l'accidenté pourrait recevoir le supplément de pension, parce que c'est la Couronne qui aurait encaissé le montant.

M. Knowles (Winnipeg-Nord-Centre): Je ne saisis pas bien vos explications.

M. Chadderton: Oui.

Le président: S'agit-il du cas que l'on discute?

M. Chadderton: Oui.

Le président: Quelles modifications apporteriez-vous?

M. Knowles (Winnipeg-Nord-Centre): Voici un cas. Un ancien combattant reçoit une pension de 80 p. 100 parce qu'il est amputé. Il est grièvement blessé dans un accident d'automobile et le tribunal lui accorde des dommages-intérêts très élevés, qui en termes de capital, valent plus que la pension qu'il recevait auparavant. Doit-il en remettre une certaine fraction à la Couronne?

M. Chadderton: Non. Toutefois, s'il fait une demande pour une pension complémentaire, en invoquant le fait que sa jambe artificielle a été la cause de sa chute devant la voiture, la Loi sur les pensions entre en jeu.

Le président: M. Whicher, vous désirez parler et vous aussi M. Weatherhead?

M. Whicher: Si un soldat des Forces armées au Canada en service actif est grièvement blessé à une jambe par un camion est-ce lui qui doit intenter une action en justice ou bien est-ce la Couronne qui doit s'en charger?

[*Text*]

Mr. Chadderton: It would depend on which came first, but if he had applied for pension under the Pension Act, Section 13 (2), and then he were awarded a pension because the Canadian Pension Commission felt that this arose out of or was directly connected with service.

Mr. Whicher: It was directly connected with service.

Mr. Chadderton: All right. Then if he does that, and there is a possibility of third party damages, yes, a representative of the Commission will discuss it with him and tell him that he must initiate action against a third party.

Mr. Whicher: But under the White Paper any amount that was given by the court for pain and suffering he will get from now on.

Mr. Chadderton: Yes, except our information on this—as you probably realize, the brief you are looking at was started three or four days ago and we have not had much time to research—is that a very small portion of the usual legal damages award is covered under the words stated in the White Paper, special damages, pain and suffering, and loss of consortium. In other words, in the case of the TCA crash we mentioned, that particular widow would get absolutely no relief under this provision in the White Paper, because there was no pain and suffering nor loss of consortium. It was just a straight award under the Warsaw Convention of I believe $5,000.

Mr. Whicher: That is what she got.

Mr. Chadderton: $5,000 was what she had offered to her.

Mr. Whicher: By TCA?

Mr. Chadderton: Yes. It is not proper to say TCA because TCA really has nothing to do with it. It is under the Warsaw Convention and all airlines are involved in it. I say that because I think TCA could be criticized unfairly in this particular case.

Mr. Weatherhead: Mr. Chairman, in that regard I do not think the witnesses are trying to say that the pain and suffering and special damages, which are out-of-pocket expenses, and loss of consortium are always very minor awards. For instances, in some cases the veteran may have been retired and not had any other income, and this type of damage would be the main award that he would get. In your particular case of the fellow who was coming

[*Interpretation*]

M. Chadderton: S'il demande une pension aux termes du paragraphe 2 de l'article 13 de la Loi sur les pensions et l'obtient parce que la Commission estime qu'il y a droit.

M. Whicher: Cela se rapportait directement au service.

M. Chadderton: S'il fait cela il est possible qu'il y ait aussi des compensations d'une troisième partie. Oui, après consultation avec un représentant de la Commission ce dernier lui dira s'il doit instituer des poursuites contre la troisième partie.

M. Whicher: Mais aux termes du Livre blanc pour la souffrance, le montant qui lui sera alloué par le tribunal sera bien à lui dorénavant.

M. Chadderton: Vous savez que le mémoire a été écrit il y a trois ou quatre jours, donc nous n'avons pas fait partie des dommages qui sont mentionnés dans le Livre Blanc. En d'autres mots, l'avion d'Air Canada—et dans le cas de l'accident d'Air Canada la veuve n'a rien reçu parce qu'il n'y avait pas question de souffrance. Je crois qu'il y a eu une indemnité de $5,000 seulement, en vertu du Congrès de Varsovie.

M. Whicher: C'est bien ce qu'elle a reçu.

M. Chadderton: $5,000. C'est tout ce qu'on lui a offert.

M. Whicher: Par Air Canada?

M. Chadderton: Ce n'est pas juste de dire que c'était Air Canada. Air Canada n'avait rien à voir là-dedans. C'était aux termes du congrès de Varsovie, qui touche toutes les compagnies aériennes. Je ne voudrais pas que Air Canada soit injustement sujet à critique dans cette affaire.

M. Weatherhead: Monsieur le président, je ne crois pas que nous devrions dire que les questions de souffrance ont droit à une certaine compensation, parce que ce sont des prestations assez légères. Je crois que ce genre de dommages pourraient lui apporter la seule compensation qu'il puisse obtenir. Par exemple, un type qui revient de la Corée et qui meurt dans un accident d'avion d'Air Canada, subit une perte de cohabitation s'il

[*Texte*]

back from Korea and died in a plane crash, it is hard to know all the circumstances but there certainly would be loss of consortium if he had a wife. And there certainly would be special damages because there would be a lawyer involved. I suppose there would be out-of-pocket expenses, including legal expenses. With reference to pain and suffering, if he died instantly perhaps there would be no pain and suffering. But I would think that in the case of some of your older veterans who are retired and not making any other income the pain and suffering, if the veteran had not died instantaneously, would be considerable, and perhaps this should not be underestimated. On the other hand, I must say that if, as I gathered, the government is obligated eventually after the pensioners have died for one reason or another to pay the widows, no matter how they died, it is difficult for me to see just why they should get out of it because they were killed in an accident of some sort.

Mr. Chadderton: I will answer quickly both points. Over the weekend I telephoned the lawyer who handled this particular Air Canada case just to find out whether there would have been any relief for that widow under this and he said absolutely not because the amount of damages was not detailed. The court simply said $5,000; it did not say how much was for loss of consortium and so on. This fellow happens to be a judge in the Province of Alberta and he also told me at the same time that in his active experience in this regard this would be very difficult to apply in a lot of cases. I cannot quote his name, I do not think we care about that, but as a point of information he said this would be very difficult to apply because in very many cases, they do not really lay it down that way.

They simply say $30,000 or $20,000 or whatever it is.

Another thing, on general principles we consulted with some lawyers who were with us in Quebec and took a quick rule of thumb on this—the joint veterans association statement of last Thursday, was very similar—consultation was carried out with as many lawyers as could be consulted in the space of maybe two or three days and they all said that generally speaking the relief under the proposal in the White Paper is not too great.

I admit that if you get a man who is no longer in the earning capacity age, a man of 65 years of age, yes, not too much of his award probably would be for loss of earnings. However, compare that with the average World War II veteran in his fifties now who

[*Interprétation*]

est marié. Il y a eu des questions de dépenses, de frais juridiques, etc., s'il meurt sur le coup, il n'y a pas de souffrances mais il me semble que dans le cas d'anciens combattants, qui sont à leur retraite et n'ont pas d'autres revenus, il y a certainement une question de souffrances. Mais dans le cas de nos anciens combattants qui sont à leur retraite et qui n'ont pas d'autres revenus, la souffrance peut être considérable si la personne ne meurt pas subitement. De toute façon, comme le gouvernement est obligé de payer les veuves quelle que soit la cause du décès du pensionné je ne peux pas voir comment il pourrait s'en dispenser dans le cas d'un accident.

M. Chadderton: Je puis vous répondre rapidement sur les deux points. J'ai téléphoné à l'avocat qui s'est occupé du procès d'Air Canada pour savoir si la veuve aurait pu recevoir une indemnité quelconque. Il a dit «absolument pas» parce que le tribunal a relevé que c'était $5,000 tout simplement. Il s'agissait d'un juge de la province d'Alberta et il m'a dit en même temps que, d'après son expérience, dans la plupart des cas, ce serait un cas très difficile à mettre en application parce que bien souvent les questions ne sont pas tellement bien précisées.

On vise $30,000 ou—un montant quelconque—mais, en ce qui concerne les règles générales, nous avons consulté certains avocats qui étaient avec nous à Québec ainsi que tous les avocats qu'il nous a été possible de consulter dans les deux ou trois jours qui nous étaient alloués. Ils ont tous dit que, en règle générale, d'après les propositions du Livre blanc, on ne peut pas prévoir beaucoup de compensation. Dans le cas d'un homme de soixante-cinq ans, on ne pourrait pas allouer trop d'argent pour le manque à gagner. Dans le cas d'un ancien combattant qui est dans la cinquantaire, il a encore quinze ans de vie active devant lui. Ce serait donc une moyenne assez considérable en cause, je crois. Nous ne faisons qu'établir ce point. Si quelqu'un peut

[*Text*]

presumably has 15 years of earning capacity left; as we saw it, it would be a pretty high proportion. But I do not think we want to

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stand or fall on this particular point in our brief, we are simply relating it as information and if the Committee can come up with other information which indicates that we are wrong we would be quite willing to say fine, we agree.

Mr. Weatherhead: Mr. Chairman, am I correct in assuming that the widows of pensioners and of members of the regular force now are all entitled to a pension of one sort or another on the deaths of their husbands?

Mr. Chadderton: The widow of a pensioner in receipt of a pension of 48 per cent or more, Mr. Weatherhead, yes, certainly. Now the widow of a member of the regular forces would be entitled to pension only if the Commission could find that that death had arisen out of or was directly connected with service. During wartime you had what is called the insurance principle. No matter what happens to him, if he dies during the war a pension is paid, but during peacetime service it has to be shown that in some way the death arose out of or was connected with service. That is Section 13(2) of the Act.

Mr. Whicher: So in the Woods proposals which you are supporting do I gather that you want to go further for the widows of pensioners and members of the regular armed forces, or just further as far as letting them keep all their general damages?

Mr. Chadderton: No, sir, we are merely suggesting that if normally a pension would be paid that it be paid without relationship to whether or not there are third party damages available to that widow.

Mr. Whicher: I understand. Thank you.

The Chairman: Are there other questions?

Mr. Turner (London East): Mr. Chadderton on page 46 of the brief you say:

> This legislation affects also awards to a pensioner or widow in the nature of workmen's compensation . . . .

Do I understand you right, that if there is an award under workmen's compensation this is in the event that the pensioner is killed?

Mr. Chadderton: Yes.

Mr. Turner (London East): Does this affect the widow's pension?

[*Interpretation*]

prouver que nous avons tort, nous serions prêts à l'accepter.

M. Weatherhead: M. le président, dois-je supposer que les veuves des pensionnés et les veuves des membres des forces régulières ont toutes droit à une pension quelconque à la mort de leur mari?

M. Chadderton: Une veuve de pensionné qui recoit 48 p. 100 ou davantage, M. Weatherhead, oui, certainement. La veuve d'un soldat des forces régulières a droit à une pension que si on peut prouver que la mort de son mari résulte de son service pendant la guerre. Pendant la guerre il y avait ce qu'on appelait le principe d'assurance. Si la mort survient pendant la guerre, une pension est payée, mais en temps de paix, il faut prouver que la mort a rapport avec le service aux termes de l'article 13-II de la Loi.

M. Whicher: Donc, dans les propositions du rapport Woods que vous appuyez, dois-je comprendre que vous allez aller plus loin pour les veuves des pensionnés ou pour les veuves des soldats des forces régulières, ou bien si vous voulez vous en tenir aux dommages réguliers?

M. Chadderton: Non, nous croyons que si la pension normale est payée, qu'elle le soit, qu'il y ait des dommages payés par une troisième partie ou non.

M. Whicher: Merci.

Le président: Y a-t-il d'autres questions?

M. Turner (London-est): M. Chadderton, à la page 46 du mémoire vous dites que:

> cette mesure législative a trait aux compensations de pensionnés aux termes des indemnités payés aux ouvriers.

Aux termes des indemnités je crois qu'il est question de pensionnés qui se sont fait tuer.

M. Chadderton: Oui.

M. Turner (London-est): Est-ce que cela touche à la pension de la veuve?

[*Tetxe*]

Mr. Chadderton: Oh, yes. If a pensioner is killed in an accident which is compensable under workmen's compensation legislation the Pension Commission sits down and says that normally you would be entitled to pension under the Pension Act, I think it is Section 36(6). If she were also entitled to pension under the workmen's compensation legislation of any province then Sections 21 and 22 of the Act would apply and somebody would have to say whether she could retain the pension and the workmen's compensation because, under the Act, she cannot retain both.

Mr. Turner (London East): Does she have a choice?

Mr. Chadderton: Oh, yes, she certainly has a choice. She can take whichever is the greater or, if she is contemplating remarriage, she may decide not to proceed with the Pension Act right away and take one year's bonus and live on workmen's compensation—because if she remarries she loses her widow's pension under the Pension Act. But she certainly can elect to take a choice here, and of course we have no objection to that.

Mr. Turner (London East): Thank you.

The Chairman: Are there any other questions?

Mr. Chadderton: May I add just one point, Mr. Chairman. On page 757 of Volume II of the Woods Report there is a very important figure quoted which I wish to bring to the attention of the Committee. In the 13 years preceding 1957, according to the Commission's records, there were 182 cases involved in this type of thing and the amount of money was $710,000. In 13 years presumably $710,000 was recovered under this legislation. Thank you, Mr. Chairman.

Mr. Marshall: Did they keep it?

Mr. Chadderton: Yes. This is the amount that was recovered in one way or another.

The Chairman: By the Crown?

Mr. Chadderton: Yes, either recovered or deducted from pension.

The Chairman: Yes.

Lt. Col. Lambert: It is sort of chiselling, in my opinion. Anyway, that has nothing to do with it.

Next is Stabilization of Pensions.

Mr. Bedard: *Stabilization of Pensions:* The Woods Committee recommended that World

[*Interprétation*]

M. Chadderton: Oui. Si un pensionné est tué au cours d'un accident qui tombe sous le coup de la Loi sur l'indemnisation aux employés, on leur dit «vous auriez droit à la pension, aux termes de la Loi sur les pensions». Elle aurait également droit à une pension aux termes de la Loi sur les indemnités aux ouvriers. Donc l'article 21 ou 22 de la Loi s'appliquerait et quelqu'un devrait dire si oui ou non elle a droit aux deux pensions.

M. Turner (London-est): Est-ce qu'elle a le choix?

M. Chadderton: Ah oui, elle a le choix et elle peut choisir la plus considérable des deux pensions ou bien si elle songe à se remarier, elle peut prendre une prime d'un an, puis vivre sur les indemnités aux ouvriers. Parce que si elle se remarie, elle perd sa pension de veuve d'un pensionné. Mais elle a le choix bien entendu.

M. Turner (London-est): Merci.

Le président: Avez-vous d'autres questions à poser?

M. Chadderton: Puis-je ajouter quelque chose? A la page 757 du volume II du rapport Woods, il y a un chiffre très important que l'on cite et que je veux signaler au comité. C'est que dans les treize années précédant 1957, d'après les dossiers, il y a 182 cas, et le montant en jeu était $710,000. Je présume que dans treize ans, le montant qui a été recouvert par la Couronne est de $710,000.

M. Marshall: Est-ce que cela a été gardé?

M. Chadderton: Oui, ça été recouvré d'une façon ou d'une autre.

Le président: Par la Couronne?

M. Chadderton: Oui, sous forme de recouvrements ou de déductions sur les pensions.

Le président: Oui.

Lieutenant-Colonel Lambert: Pour moi ça été injustement encaissé.

Passons à la stabilisation des pensions.

M. Bédard: *Stabilisation des pensions.* Le comité Woods a recommandé de stabiliser les

[*Text*]

War II pensions be stabilized, where the assessment had been in effect for three years or more. (See Woods Committee Report Chapter 31, page 996). Presumably, this recommendation was based on a similar provision for World War I Veterans, which has been in effect since 1936, according to statements made by the Pension Commission.

The White Paper proposes that pensions arising out of service subsequent to World War I will be stabilized:

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  After the pensioner reaches age 60;
  Provided such had been in effect for 10 years or more.

This would have to be considered as a restrictive compromise, compared with the recommendation of the Woods Committee. This Association considers that the White Paper proposal should be examined in depth. The principle of stabilization, which the Woods Committee saw as essential to good pension administration, was presumably introduced by the Pension Commission for the World War I pensions in order to provide a measure of security for pensioners with medical disabilities, on the understanding that, once an assessment had been in effect for a reasonable period of time, three years, the pensioner should not have to live with the fear that his pension would be reduced. Surely the World War II pensioner has every reason to expect similar protection under the Pension Act. Was his war any less hazardous? Are his disabilities any less severe?

In studying this matter further, it seems necessary to consider that stabilization was introduced for World War I pensioners some 18 years after the end of that conflict. It is now nearly 25 years since the end of World War II. Also, inasmuch as the White Paper introduces an arbitrary age of 60, we should perhaps consider the average age of World War II veterans. This is believed, at this date, to be somewhere in the neighbourhood of 50. Accordingly, this group of pensioners must necessarily wait for another ten years before the Commission will allow them the security of permanent assessment, and even then, only if they had had the assessment in effect for ten years or more. Thus, it is inconceivable that the same benefit which was extended to World War I veterans when they were in their early 40's will not be available to the World War II group until they are in their mid-60's.

[*Interpretation*]

pensions des combattants de la Deuxième guerre mondiale dont l'appréciation médicale est en vigueur depuis trois ans et plus. (Voir le rapport du comité Woods, chapitre 31, page 996). Nous supposons que cette recommandation est fondée sur une disposition semblable visant les combattants de la Première guerre mondiale, en vigueur depuis 1936 selon les déclarations de la Commission des pensions.

Le Livre blanc propose que les pensions accordées pour service ultérieur à la Première guerre mondiale soient stabilisées.

Après que le pensionné aura atteint 60 ans;
Pourvu que la pension ait été en vigueur 10 ans et plus.

Voilà un compromis restrictif, si on le compare à la recommandation du comité Woods. Notre association est d'avis que la proposition du Livre blanc devrait être étudiée à fond. Le principe de la stabilisation—indispensable, aux yeux du comité Woods, à la bonne administration des pensions—a sans doute été introduit par la Commission des pensions, en ce qui a trait aux pensions des combattants de la Première guerre mondiale, pour assurer une certaine mesure de sécurité aux pensionnés affligés d'invalidité: une fois l'appréciation médicale en vigueur pendant une période de temps raisonnable (trois ans), le pensionné n'aurait plus à craindre que sa pension soit réduite. Le pensionné qui a combattu à la Deuxième guerre mondiale devrait certainement avoir droit à la même protection en vertu de la Loi sur les pensions. Sa guerre était-elle moins dangereuse? Ses invalidités sont-elles moindres?

En approfondissant cette question, on découvre que la stabilisation des pensions des combattants de la Première guerre mondiale a été introduite environ 18 ans après la fin de ce conflit. Il y a maintenant 25 ans que la Deuxième guerre mondiale est terminée. De plus, vu que le Livre blanc fixe arbitrairement l'âge à 60 ans, nous devrions peut-être nous demander quel est l'âge moyen du combattant de la Deuxième guerre mondiale. Nous croyons qu'il est d'environ 50 ans. Donc, ce groupe de pensionnés devra attendre encore dix ans avant que la Commission leur accorde la sécurité d'une appréciation permanente, et seulement si l'appréciation a été en vigueur dix ans ou plus. Par conséquent, il est inconcevable que les avantages accordés aux combattants de la Première guerre quand ils eurent atteint la quarantaine soient refusés aux combattants de la Deuxième guerre tant qu'ils n'auront pas atteint la soixantaine avancée.

[*Texte*]

We do not intend, in this submission, to expound the virtues of a stabilization policy. These were, in our view, clearly enunciated in the Woods Report. What we fail to understand is how those who had the responsibility to prepare and approve of the White Paper could have strayed so far from the mark!

The Chairman: Are there any questions members want to ask? Yes, Mr. Weatherhead.

Mr. Weatherhead: Mr. Chairman, do I gather that the White Paper makes no reference to the World War II veterans having their pensions stabilized?

Mr. Knowles (Winnipeg North Centre): It proposes that 60 after 10 years have been in effect.

The Chairman: It is a very clear reference.

Mr. Weatherhead: I am sorry, what is the reference?

The Chairman: On page 12 there is a paragraph in the White Paper on stabilizing pensions. It says:

> It is now proposed to give statutory authority to that policy, and to provide that pensions, arising out of service subsequent to World War I, will be stabilized after the pensioner reaches age 60 if, and when, they have been in effect for 10 years or more.

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This is the section which is found, I think, a little onerous by the War Amputations group, who feel that the 10-year requirement is excessive. I gather that is the substance of their recommendation.

Mr. Knowles (Winnipeg North Centre): The 10-year requirement and the age 60.

The Chairman: Well, the two go together, yes.

Mr. Weatherhead: Mr. Chairman, I guess I do not understand the background too well, but is the concern here that the disabilities in the meantime might become less, therefore they would be entitled to a lesser pension than if it had been stabilized earlier?

The Chairman: Mr. Chadderton had better answer that.

[*Interprétation*]

Nous n'avons pas l'intention d'analyser, dans le présent mémoire, les avantages de la stabilisation. A notre avis, le rapport Woods les a très bien mis en lumière. Cependant, nous ne comprenons pas comment ceux qui étaient chargés de rédiger et d'approuver le Livre blanc ont pu se fourvoyer de pareille façon!

Le président: Avez-vous d'autres questions à poser?

M. Weatherhead: Monsieur le président, je comprends que, dans le Livre blanc, il n'est pas question de la stabilisation des pensions des anciens combattants de la deuxième guerre mondiale. Quelle est la référence?

M. Knowles (Winnipeg Nord-Centre): Il l'a proposée à 60 ans, après une attente de dix ans.

Le président: C'est une référence qui est bien claire.

M. Weatherhead: Pardon, quelle est la référence?

Le président: A la page 12 du Livre blanc, il y a justement un paragraphe qui traite de la stabilisation des pensions.

Il y est mentionné:

> Nous proposons maintenant de donner un caractère statutaire à cette politique et à accepter que les pensions résultent d'un service accompli après la première guerre mondiale, soient stabilisés après que le pensionné aura atteint l'âge de 60 ans seulement si celles-ci ont été en vigueur dix ans ou plus.

Je pense que c'est ce paragraphe que le groupe des amputés de guerre trouve un peu excessif. Je trouve la condition de dix années excessive. Donc, je crois que c'est là leur recommandation.

M. Knowles (Winnipeg-Nord-Centre): Cette condition de 10 ans et celle de l'âge de 60 ans.

Le président: Eh bien! Les deux conditions ne sont-elles pas inséparables?

M. Weatherhead: Oui, cela va de pair. Eh bien!, monsieur le président, je ne comprends pas très bien l'historique, ici. Est-ce que les infirmités, dans l'intervalle, peuvent devenir moindres et que, par conséquent, il se peut qu'ils aient droit à une pension moindre que si la pension avait été stabilisée plus tôt?

Le président: M. Chadderton est mieux en mesure de répondre à cette question.

[*Text*]

Mr. Chadderton: Yes, that is quite right. There is every possibility that a veteran with a medical disability—and we are not speaking here of too many war amps, although we have some amps who have in addition medical disabilities—can be assessed by the Commission, let us say 15 per cent for ulcers, and he may have that assessment for three or four years. He feels that this is a permanent assessment now he can count on it and all of a sudden he gets a notice from the Commission to come in to be reboarded.

He goes in, they take another look at him and the doctor says: "Oh, well, your assessment now is only 5 per cent." So he can be reduced.

Now measured against that, sir, is the fact that stabilization of medical pensions has been, what we choose to call it, an essential principle of pension administration for World War I veterans since 1936. There is a quote in the Woods Committee report quoting a letter from the Chairman of the Commission saying that commencing about 1936 they started to introduce this as a principle. Again on the background, Mr. Chairman, this was a wonderful thing for the World War I veteran, because we were in the midst of a depression and about that time the greatest fear of pensioners was that their pension would be cut. Along came the Commission and they stabilized it and they said: "No, if you have had it for three years, we will not reduce it." The veterans naturally breathed a sigh of relief and this has been a wonderful thing in World War I pensions.

What we fail to understand is that it is nearly 25 years since the end of World War II and the government has not introduced a similar principle for World War II pensions.

What the proposal in the White Paper says in effect is that this will not be done for World War II pensioners until they reach age 60. I submit by that time a lot of these World War II pensioners are going to do a lot of heart burning and worrying about whether their pensions are going to be reduced. What is sauce for the goose is sauce for the gander. If it has been a good principle for World War I—certainly the government has never challenged it, the veterans organizations have felt it was good and successive parliamentary committees have supported it—then why can it not be done for World War II veterans? It is exactly the same principle as we see it. But for the World War II fellow, despite the fact that it was available for World War I, 18

[*Interpretation*]

M. Chadderton: Oui, c'est juste. Il est très possible qu'un ancien combattant ayant une infirmité médicale; et nous ne parlons pas ici de trop des amputés de guerre bien qu'il y en ait qui aient des infirmités médicales, puisse être évalué par la Commission, à 50 p. 100 pour des ulcères, par exemple. Il peut avoir été ainsi évalué depuis trois ou quatre ans, il croit que c'est là une évaluation permanente acceptée. Et puis, tout d'un coup, il reçoit un avis de la Commission. On va l'examiner à nouveau.

Le médecin le réexamine et lui dit: votre évaluation n'est plus maintenant que de 5 p. 100. Donc, sa pension peut être réduite. Mais il faut tenir compte du fait que la stabilisation des pensions médicales est un principe essentiel depuis 1936 pour les anciens combattants de la première guerre mondiale et que, dans le rapport Woods, on cite une lettre du président de la Commission que, indiquant que c'est aux environs de 1936, qu'ils ont commencé à énoncer ce principe.

Et puis, question d'historique aussi, monsieur le président, c'était là quelque chose de merveilleux pour l'ancien combattant de la première guerre mondiale, parce que nous étions en plein marasme; et, que la plus grande peur des pensionnés, c'était que leur pension soit coupée. Et la Commission a stabilisé leur pension en disant que s'ils la recevaient depuis trois ans celle-ci était stabilisée. Aussi les anciens combattants ont-ils poussé un soupir de soulagement et ce fut une caractéristique merveilleuse des pensions versées aux anciens combattants de la première guerre mondiale.

Alors, ce que nous comprenons mal ici, c'est qu'il y a 25 ans d'écoulés depuis la deuxième guerre mondiale et nous sommes en droit de nous demander pourquoi le gouvernement n'a pas établi le même principe pour les pensions de la deuxième guerre mondiale.

Alors, ce que le Livre blanc dit en fait c'est que la chose ne se fera pas pour les anciens combattants de la deuxième guerre mondiale avant qu'ils n'aient atteint l'âge de 60 ans. A mon avis, à ce moment-là, ces pauvres anciens combattants doivent s'inquiéter beaucoup de leur pension. Et si c'était un bon principe pour les anciens combattants de la première guerre mondiale, je ne vois pas pourquoi ce ne serait pas la même chose pour les anciens combattants de la deuxième guerre mondiale. Tout le monde est d'accord pour le dire. Le Parlement était d'accord. Les associations d'anciens combattants ont jugé que ce principe était bon et divers comités parlementaires par la suite se sont prononcés en sa faveur. Pourquoi, alors, ne pas l'appliquer

[*Texte*]

years after his service, the World War II fellow is going to have to wait until he is 60 years of age and he is going to have to wait until he has that disability 10 years. Our figures are that it is not going to be of very much value to the World War II fellow until he is in his mid-60's and that is a far cry from the way this provision has worked for World War I veterans.

We are not suggesting that the World War I veterans got something they were not entitled to. They were certainly entitled to it and Mr. Justice Woods and his people also saw it as I think what they called an essential principle of pension administration. We are perplexed, Mr. Chairman, absolutely perplexed, to see why the people who framed the White Paper would come along and say it was all right for World War I, but you fellows are harder, or tougher, or you do not need it, or something to this effect and finally bring it in at age 60 if the fellow has had it for 10 years. There is just one word to describe it and that is "puzzlement". We just do not understand it.

Mr. Weatherhead: Mr. Chairman, once the World War I veterans pensions were stabilized, was it still possible for each of them to have their assessments revised upwards?

Mr. Chadderton: Oh, yes indeed.

Mr. Weatherhead: So stabilized means a minimum base or floor. Is that the idea?

Mr. Chadderton: It is a floor.

Mr. Weatherhead: Thank you.

The Chairman: Mr. Peters.

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Mr. Peters: I would like to know if stabilization means that you do not have to have an annual or regular board. Is this what stabilization means?

Mr. Chadderton: I think I would have to say that when the witnesses from the Commission are before you that is an answer they would have to give. I do not really know. I do know that once it is stabilized, the man quits worrying about it unless he starts getting worse.

[*Interprétation*]

aux anciens combattants de la seconde guerre mondiale. A notre avis, c'est exactement le même principe qui est en jeu. Mais, en dépit du fait que la chose était possible pour les anciens combattants de la première guerre mondiale, 18 ans après avoir servi, le pauvre ancien combattant de la deuxième guerre mondiale doit attendre à 60 ans et avoir souffert d'infirmités pendant plus de 10 ans. D'après nos chiffres, cela ne lui servira pas à grand chose avant la soixantaine. Et, je crois que c'est injuste comparé au traitement des anciens combattants de la première guerre mondiale.

Nous ne disons pas que les anciens combattants de la première guerre mondiale n'avaient pas droit à cette stabilisation, loin de là; et le juge Woods et ses collègues y voyaient aussi un principe essentiel de l'administration des pensions. Et, nous sommes fort perplexes de voir que les gens, dans le Livre blanc, disent: cela était satisfaisant pour la première guerre monaiale, mais vous, camarades, vous êtes plus aguerris ou vous n'en avez pas besoin et, finalement, ils vous l'accordent à 60 ans si vous avez été invalide pendant 10 ans. Un seul mot peut décrire cette situation «incroyable». Nous n'y comprenons rien.

M. Weatherhead: Monsieur le président, une fois que les pensions des anciens combattants de la première guerre mondiale ont été stabilisées, est-ce que chacun d'entre eux pouvait faire rétablir ou réévaluer sa pension à la hausse?

M. Chadderton: Oui, c'était possible.

M. Weatherhead: La stabilisation exige que l'on possède une base consistant en un chiffre minimum. Ai-je raison?

M. Chadderton: C'est une base en effet.

M. Weatherhead: Merci.

Le président: Monsieur Peters.

M. Peters: Est-ce que la stabilisation veut dire que vous n'avez pas besoin de subir un examen annuel ou régulier? Est-ce là le sens de la stabilisation?

M. Chadderton: Je crois que lorsque les témoins de la Commission comparaissent devant vous, c'est une réponse qu'ils devront donner eux-mêmes. Je n'en sais rien exactement. Je crois que lorsque la pension est stabilisée, l'homme ne s'en préoccupe plus à moins que son état empire.

[*Text*]

Mr. Peters: What is stabilizing then? Over the years, or at least for a long time, once a year I used to have to go for a board and now I go for a board occasionally. I do not know just how often, perhaps every three years, or something like that. Do World War I veterans not go for a board at all?

Mr. Chadderton: Yes, I notice that World War I veterans once they are stabilized, do not ask for boards as often.

Mr. Peters: But they would have to ask for the board.

Mr. Chadderton: Not necessarily. As I say though, sir, I would prefer that the Commission answer that question. I would not want to give an answer on just what the Commission's policy is about calling World War I stabilized pensions in for reboard because I do not know what the policy is.

Mr. Peters: What does stabilization mean then.

Mr. Chadderton: It means an awful lot, sir, to the individual. You have mentioned your own case.

Mr. Peters: I think mine is stabilized.

Mr. Chadderton: It cannot be because you are World War II.

A World War I veteran in exactly the same position as you are today with relation to his service in World War I by this time could have quit worrying. If he had had a 15 or 20 per cent assessment for a medical disability the chances are he would not have been reduced because stabilization policy was in effect.

But twenty-five years after World War II the World War II veteran with a medical disability still has to worry about being called in and having his pension reduced.

There is no question in our mind that it is a concession, it is a benefit, and this is what we are requesting. This is in the true spirit of administering the Pension Act, as we see it, and why subject a fellow to the worry of his pension having to be reduced. If it had never been done for World War I, I still submit we would have been here today arguing that it should be done for World War II. Because of the fact that it is in effect for

[*Interpretation*]

M. Peters: Qu'est-ce que cela veut dire «stabiliser»? Pendant longtemps, une fois par année, j'ai dû me présenter devant une Commission. Maintenant, je n'y vais qu'à l'occasion. Je crois que c'est tous les trois ans. Est-ce que les anciens combattants de la première guerre mondiale n'ont jamais à se présenter devant la Commission? Mais est-ce que c'est à eux qu'il convient de demander de passer devant une Commission?

M. Chadderton: Oui, je remarque que les anciens combattants de la première guerre mondiale, lorsqu'ils sont établis, ne demandent pas aussi souvent à se présenter devant la Commission?

M. Peters: Mais il faudrait qu'ils demandent à passer devant la Commission.

M. Chadderton: Pas nécessairement. Mais j'aimerais mieux laisser à la Commission le soin de répondre à cette question. J'hésiterais à dire quelle est au juste la politique de la Commission lorsqu'il s'agit de convoquer les pensionnés de la première guerre mondiale dont les pensions ont été stabilisées, car je ne connais pas cette politique.

M. Peters: Alors, que signifie la stabilisation?

M. Chadderton: Elle signifie beaucoup pour le particulier. Vous avez mentionné votre propre cas.

M. Peters: Je crois que ma pension est stabilisée.

M. Chadderton: Elle ne peut pas l'être parce que vous êtes un ancien combattant de la deuxième guerre mondiale. Placé exactement dans votre situation quant au service, un ancien combattant de la première grande guerre n'aurait plus à s'inquiéter à l'heure actuelle. Si on avait évalué son invalidité à 15 ou 20 p. 100, il y aurait de bonnes chances pour que cette pension n'aie pas été réduite, car la politique de la stabilisation était en vigueur. Mais vingt-cinq ans après la deuxième guerre mondiale, l'ancien combattant atteint d'invalidité doit encore s'inquiéter parce qu'on peut toujours lui annoncer la réduction de sa pension.

A notre avis, il n'y a aucun doute qu'il s'agit là d'une allocation et c'est cela que nous demandons. Selon nous, c'est le véritable esprit dont s'inspire l'administration de la loi; et pourquoi amener la personne à s'inquiéter de la réduction éventuelle de sa pension. Si cela n'a jamais été fait pour la première guerre mondiale, nous ne nous en serions pas moins retrouvés ici aujourd'hui, prétendant que cela devrait être fait pour la

[*Texte*]

World War I and has been in effect for so long it completely puzzles us, as I said earlier, why this recommendation cannot be accepted.

The Chairman: Mr. Guay.

Mr. Guay (St. Boniface): Mr. Chairman, the Woods Committee recommended that the same apply for World War II. When we were discussing it, if my memory serves me right, with Mr. Ward, who made some comments pertaining to some of that Committee's recommendations, it seemed to me, and according to the report we have at hand, that this was agreed to in principle, with modification. However, I do not recall what the explanation was.

The Chairman: I think that the Committee will probably want to ask further questions of departmental witnesses on this matter when we have them back before us.

Lt. Col. Lambert: We do not ask too many questions of departmental people because we know better than they do.

Mr. Chadderton: Mr. Chairman, the word "modification" has us very worried. Take the word "modification" in that legal damages proposal. To our way of thinking, as we read it and I think we can read it very clearly, the White Paper offers a very small portion of what Mr. Justice Woods and his colleagues had recommended on stabilization. The modification, sir, is quite a bit less than the veterans organizations had suggested and that the Woods Committee recommended. We had suggested stabilization after three years for World War II veterans. There was no waiting until he was age 60 and there certainly was no ten-year period in there.

Mr. Saltsman: Mr. Chairman, I would like to direct a question to Mr. Chadderton.

Based on your experience, how many veterans would benefit from stabilization, aside from the psychic or emotional benefits, and how many have been reduced? Have you run into many cases where the Department has reduced pensions?

Mr. Chadderton: Mr. Chairman, from the research done in the Woods Committee I would say not too many are reduced. The great value we see here, and I will use your words, is really in the psychological advantage of being stabilized. We do not really

[*Interprétation*]

deuxième guerre mondiale. Parce que cette mesure était en vigueur pour la première guerre mondiale et est demeurée en vigueur si longtemps, nous ne pouvons pas, nous l'avons dit tantôt, concevoir pourquoi cette recommandation ne peut être approuvée.

Le président: Monsieur Guay.

M. Guay (St-Boniface): Monsieur le président, le comité Woods recommande que la même chose s'applique pour la deuxième guerre mondiale. Si je me souviens bien, lorsque nous en avons discuté avec M. Ward, qui a commenté certaines recommandations du Comité, il m'a semblé que suivant le rapport que nous avons en main que cela a été recommandé et approuvé avec modifications. Cependant, je ne me souviens pas quelle explication fut donnée à ce moment.

Le président: Je crois que le Comité aura probablement d'autres questions à poser aux témoins du ministère lorsqu'ils seront cités à nouveau.

Lieutenant-colonel Lambert: Nous ne posons pas trop de questions aux gens du ministère parce que nous en savons plus long qu'eux.

M. Chadderton: Ce mot «modification» nous cause beaucoup d'inquiétude. Prenons-le par exemple, dans la proposition relative aux dommages en loi. A notre avis, comme sa lecture nous permet de le voir clairement, le Livre blanc offre une très petite partie de ce que M. le juge Woods et ses collègues avaient recommandé sur la stabilisation. La modification, monsieur, représente appréciablement moins que ce que les associations d'anciens combattants avaient suggéré et que le comité Woods avait recommandé. Nous avions proposé la stabilisation après trois ans pour l'ancien combattant de la deuxième guerre mondiale. Il n'était nullement question d'attendre qu'il ait atteint l'âge de 60 ans et il n'y avait certes pas là de période de dix ans.

M. Saltsman: J'aimerais poser une question à M. Chadderton, monsieur le président.

Combien d'anciens combattants profiteraient selon vous de la stabilisation, sauf pour les avantages psychiques et émotifs, et combien d'entre eux ont vu leur pension réduite? Connaissez-vous de nombreux cas où le ministre a réduit la pension?

M. Chadderton: Monsieur le président, d'après les recherches du Comité Woods, les pensions réduites n'auraient pas été trop nombreuses. Il s'agit ici, pour parler en vos termes, des avantages psychologiques de la stabilisation. Nous n'envisageons pas que l'ap-

[*Text*]

visualize it as being a very costly thing for the federal government to implement because not too many people really are reduced—but they live in the fear of being reduced.

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Mr. Saltsman: Yes. In some ways it may cost the federal government less money because they would not have to look at it that often. If there are not many being reduced anyway how costly could it be to eflect this proposal? What you are suggesting is that the same benefits apply to Second World War veterans as to First World War veterans.

Mr. Chadderton: I think that is a very good point. I think that you reach the point of no return. You keep on bringing people in front of medical officers which costs a lot of money, just to see whether their pension is still assessable at the degree they had been awarded.

Mr. Saltsman: The actual experience has been that very few are reduced.

Mr. Chadderton: This would be my experience, indeed.

Mr. Weatherhead: Surely, Mr. Chairman, we would still be bringing them in, would we not, to see if their pensions could be increased? They usually come in to see if their pensions could be increased and not reduced. I think we would still be seeing them in any event. Is that not the case?

Mr. Chadderton: That is why I said earlier, Mr. Chairman, that I would prefer the Commission people answer. I do not really know what the policy is on bringing people in once they have been stabilized. I know they can come in, there is no question about that, and if the man feels he is worse he can come in at any time, but I do not know whether the Commission brings them in regularly once they are stabilized.

Mr. Peters: Mr. Chairman, that was my point. It is not so much the reduction, the fact is that it is a great advantage to the veteran to decide when he wants to come in, if he has a problem. The other way of doing it is to look in the book and say that it is so many months since a person has been in, we had better call 15 people in for this week. This does not seem to bear any relationship to the

[*Interpretation*]

plication en sera tellement coûteuse pour le gouvernement fédéral, car les pensions réduites ne sont pas tellement nombreuses, mais les gens vivent dans la crainte de la voir réduite.

M. Saltsman: Oui, mais il en coûterait peut-être moins cher au gouvernement fédéral qui n'aurait pas à examiner ces questions si souvent. Si de toute façon, il y en a peu dont la pension doit être réduite, combien en coûterait-il pour réaliser cette proposition que vous proposez en somme, d'appliquer aux anciens combattants de la deuxième guerre mondiale les mêmes avantages que ceux qui sont appliqués aux anciens combattants de la première guerre mondiale.

M. Chadderton: Voilà à mon avis une remarque pertinente. Il y a des limites. On soumet les gens à des examens médicaux répétés, qui sont très onéreux, uniquement pour établir si leur pension peut encore être estimée à la valeur à laquelle elle a été accordée.

M. Saltsman: De fait, très peu de pensions sont réduites.

M. Chadderton: Ce serait, en effet, mon avis.

M. Wetherhead: Assurément, monsieur le président, ils seraient quand même appelés par la Commission pour savoir s'il y avait lieu d'augmenter leur pension, au lieu de la réduire? Nous les verrions de toute façon, n'est-ce pas?

M. Chadderton: Voilà pourquoi, monsieur le président, j'ai dit plus tôt que je préférerais que les gens de la Commission répondent. Je ne sache point pertinemment que la politique de la Commission exige d'appeler les pensionnés une fois qu'ils sont stabilisés. Je sais qu'ils peuvent se présenter devant la Commission, cela ne fait aucun doute; et si la personne se sent plus mal, elle peut se présenter en aucun temps; mais je ne sais pas si la Commission les convoque régulièrement, lorsque leur pension a été stabilisée.

M. Peters: Justement, monsieur le président, Ce n'est pas tellement une question de réduction, mais de l'avantage que retire l'ancien combattant de pouvoir décider lui-même quand il ira devant la Commission, parce qu'il a un problème. L'autre méthode consiste à regarder dans le registre et si tant de mois se sont écoulés depuis qu'une personne s'est présentée, en conclure qu'il conviendrait de con-

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problem the veteran himself may have. It is a kind of book operation and they come in annually or bi-annually. It seems to me that this is an expensive way of doing it. It involves not only the medical profession but transportation, loss of wages and other factors, and it is usually quite inconvenient. If a difficulty arises it is to the benefit of the veteran to come in at that time.

Mr. Chadderton: Also, Mr. Chairman, we in the organization are not unmindful of the responsibility of the Commission to the taxpayer. We feel that in certain cases the amount of awarded pensions is not going to progress because the condition can improve. However, we feel that three years should give the Commission doctors plenty of time to decide whether this is an apparently permanent assessment.

Mr. Guay (St. Boniface): In reference to what the second last speaker said, Mr. Chairman, I feel that it goes away beyond even the points of discussion at the moment. For example, there could be many advantages of a review to both the government and the veterans, once the pension is stabilized. By calling him in and giving him a recheck they may find out that they can cure certain ills which otherwise would land him in the hospital and he probably would be there for a long time, which would be costly to the government. On the other hand, by proper treatment at that particular moment they could keep him out of hospital thereby benefitting both the veteran and the government, yet they would not touch his pension. There are many many things which could be discussed in this particular field.

The Chairman: Thank you. I would like to call the time to the Committee's attention.

Mr. Peters: To be fair to the Commission, to some extent this has been advantageous. I can remember right after 1946 every time that a pensioner came in he was informed that he could see the VLA, asked if he was interested in a house, improvements on his property and so on. He was sent to a number of people, if he wished to see them, and there was an advantage. Most of our legislation that affected veterans has now run out in that particular field and if they have not qualified for many of these advantages, such as insur-

[*Interprétation*]

voquer cette semaine-là 15 pensionnés. Ceci ne semble pas s'apparenter au problème même que l'ancien combattant pourrait avoir. C'est purement une question d'écriture dans un livre et ils se présentent une fois l'an ou deux fois l'an. C'est là, il me semble, une façon onéreuse de procéder. Il n'y a pas seulement la profession médicale de mise en cause, il y a aussi les déplacements, la perte de traitements, et d'autres facteurs et il est rare que le moment convienne. S'il survient une difficulté, c'est à ce moment qu'il est à l'avantage de l'ancien combattant de se présenter.

M. Chadderton: De plus, monsieur le président, nous, gens de l'Association, ne perdons pas de vue les responsabilités de la Commission envers le contribuable. Nous croyons que dans certains cas, le montant des pensions n'augmentera pas du fait que l'état peut s'améliorer. Nous croyons cependant que trois ans devraient suffire aux médecins de la Commission pour décider si l'évaluation semble permanente.

M. Guay (St-Boniface): Monsieur le président, au sujet de ce qu'a dit celui qui a été l'avant dernier à prendre la parole, il me semble que cela va bien au-delà de la présente discussion. Par exemple, la révision de la pension, une fois qu'elle est stabilisée, présenterait peut-être beaucoup d'avantages pour le gouvernement et pour l'ancien combattant. On découvrirait peut-être, en le convoquant et en le soumettant à un autre examen, qu'on peut le guérir de certaines infirmités qui, autrement, lui auraient peut-être valu l'hospitalisation, qui aurait pu coûté cher au gouvernement. Par ailleurs, un traitement approprié administré au moment opportun lui aurait évité l'hospitalisation, avantageant de ce fait à la fois le gouvernement et l'ancien combattant, sans pour autant toucher à la pension de ce dernier. Il y a sur ce point particulier nombre de questions que l'on pourrait étudier.

Le président: Merci. J'aimerais signaler l'heure à l'attention des membres du comité.

M. Peters: En toute justice envers la Commission, cela a été profitable dans une certaine mesure. Je me souviens qu'aussitôt après 1946, chaque fois qu'un pensionné se présentait, on lui apprenait qu'il pouvait se prévaloir de la Loi sur les terres destinées aux anciens combattants; on lui demandait s'il voulait acheter une maison; apporter des améliorations à sa propriété, etc... Il était référé à nombre de personne, s'il en manifestait l'intention et que c'était à son avantage. Toutes les mesures de la Loi qui concernaient

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ance, VLA and so forth, they cannot now. There was a big advantage but that is not nearly as prevalent now as it was before.

Mr. Chadderton: I think, Mr. Chairman, that the drafters of the White Paper are hoist with their own petard because, if you look at

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the White Paper, what do they say? They are prepared to put into legislation what is available for World War I. We would much have preferred that if they did not like the Woods Committee recommendation that they would have come out and said, "Look, stabilization is no good". But when they turn around and say they are going to put into the legislation what has been in effect for 20 some years with regard to World War I certainly the government can have no argument about the validity of it, and if they are going to put it in the Act for World War I then why not for World War II?

The Chairman: I call the attention of the Committee to the fact that we still have some sections of the brief to hear and time is passing. If there are no further questions—I do not like to stop questioning—could we proceed with the brief.

Lt. Col. Lambert: We will proceed as speedily as we can.

The Chairman: As required.

Lt. Col. Lambert: Yes. On page 51 in the heading "Pension to be increased to 100 per cent while under treatment for a pensionable disability".

Mr. Chadderton: This provision in the Pension Act results in a $15 deduction for pensioners below 95 per cent when they are placed in departmental hospitals for treatment. The Woods Committee recommended deletion of the provision. There is no mention of the matter in the White Paper. We would wish to express our disappointment and our surprise in regard to this omission.

The disappointment comes from the fact that this provision is one of the small irritations which provoke the war disability pensioner, far out of proportion to its importance in dollars and cents. While he is in hospital, he is excluded from earning his living in the unskilled labour market. Hence he feels enti-

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alors les anciens combattants ont maintenant pris fin dans ce domaine particulier et ceux qui n'ont pas déjà établi leur admissibilité à l'égard de ces avantages, assurance, terres destinées aux anciens combattants etc... ne peuvent plus le faire aujourd'hui. Il y avait alors un avantage notable qui n'est plus, de loin, aussi notable aujourd'hui.

M. Chadderton: Je crois, monsieur le président, que ceux qui ont rédigé le Livre blanc se sont pris à leur propre piège car, en somme,

que disent-ils? Ils sont prêts à traduire en mesures législatives ce qui existe déjà pour la première guerre mondiale. S'ils n'aimaient pas les propositions du Rapport Woods, ils n'avaient qu'à dire sans détours: «la stabilisation ne vaut rien» Mais, lorsqu'ils disent qu'ils vont ériger en loi ce qui se fait déjà depuis 20 ans à l'égard de la première grande guerre, je ne vois pas quelle raison le gouvernement aurait quant à la validité de cette loi et s'ils doivent l'intégrer à la loi pour la première grande guerre, pourquoi ne feraient-ils pas pour la deuxième grande guerre?

Le président: Puis-je signaler au Comité que le temps passe et qu'il nous reste encore certaines parties du mémoire à lire. Je n'aime pas à couper court aux questions, mais si vous avez fini, nous allons poursuivre notre étude du mémoire.

Lieutenant-colonel Lambert: Nous procéderons le plus rapidement possible.

Le président: Selon le besoin.

Lieutenant-colonel Lambert: Le mémoire porte la rubrique suivante à la page 51: *Majoration de la pension à 100 p. 100 lorsque le pensionné suit un traitement pour une invalidité ouvrant droit à pension.*

M. Chadderton: Cette disposition de la Loi sr les pensions aboutit pour les pensionnés reconnus invalides à moins de 95 p. 100, à une déduction de $15 lorsqu'ils sont hospitalisés pour traitement dans les hôpitaux du ministère. Dans son rapport, le comité Woods recommandait la suppression de cette disposition. Or, le Livre blanc n'en parle pas. Nous voudrions exprimer notre déception et notre surprise devant cette omission.

La déception provient du fait que cette disposition est un des petits détails qui irrite le pensionné invalide de guerre à un degré sans rapport avec sa valeur pécuniaire. Pendant son hospitalisation il ne peut gagner sa vie sur le marché de la main-d'œuvre non spécialisée. Il estime donc avoir droit à une pension

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tled to 100 per cent pension but is subject to a $15 monthly deduction, unless he is a 95 per cent or 100 per cent pensioner. The deduction makes no sense to him, and even less to those of us in the Association who represent him.

Our surprise in the matter comes from the fact that, for the 95 per cent and 100 per cent pensioner, governmental authorities have already moved in the direction of eliminating this $15 deduction. This was one of those compromises which did not go far enough and, in fact, it was done by the somewhat subtle manoeuvre of leaving the 100 per cent and 95 per cent pensioners on pension while in hospital, instead of placing them on treatment allowances, as is done for the pensioners of 95 per cent or below.

Most veterans organizations who have long wrestled with this matter, felt that the Government would welcome the opportunity, in conjunction with the amendments arising from the Woods Report, to correct this seeming inequity. This supposition was heightened by the reference of the Woods Committee to a report prepared by the Department of Veterans Affairs Treatment Branch under date of December 2, 1958 which described the $15 deduction as a "discrepancy" and concluded that "there appears to be no sound reason why there should be a difference in the rate depending on whether in-patient or out-patient treatment is involved or of making a deduction in maintenance during in-patient if the principle that the pensioner is 100 per cent disabled while in receipt of treatment for his service disability is accepted."

In fact, as with many other areas, this Association is grateful to the Woods Committee for the research done in regard to this matter, and for the thorough explanation thereof which will be found in volume 3, chapter 40, pages 1183 to 1199. It appears to us that the recommendation to eliminate the $15 deduction is completely logical and as we said earlier, we find it difficult to understand—and amazing as well—to learn that the Government does not intend to accept the recommendation.

The Chairman: Mr. Saltsman and then Mr. Bill Knowles.

Mr. Saltsman: I think this is one recommendation that could commend itself to Members of Parliament because all of us are aware of what happens when you have to leave a residence behind you while you are occupying temporary premises in Ottawa. And in some cases your expenses do not go down, they actually go up. I know, speaking

[*Interprétation*]

d'invalidité de 100 p. 100, mais s'il n'est pas invalide à 95 ou 100 p. 100, sa pension fait l'objet d'une déduction mensuelle de $15. A ses yeux cette déduction est illogique et elle l'est encore davantage pour ceux d'entre nous, membres de l'Association, qui le représentons. Notre surprise à ce sujet provient du fait qu'en ce qui concerne le pensionné invalide à 95 ou 100 p. 100 les autorités gouvernementales s'étaient déjà orientées dans ce sens, c'est-à-dire la suppression de cette déduction de $15. C'est l'un de ces compromis qui n'ont pas été assez loin; en fait, on avait usé d'une manœuvre subtile continuant à verser sa pension au pensionné hospitalisé, invalide à 100 ou 95 p. 100, au lieu de lui verser une allocation de traitement comme c'est le cas pour les pensionnés invalides à 95 p. 100 ou moins.

La plupart des organismes d'anciens combattants qui s'acharnent depuis longtemps à résoudre ce problème, croyaient que le gouvernement se réjouirait, à l'occasion des modifications découlant du rapport Woods, de pouvoir rectifier cette injustice apparente. Cette hypothèse était renforcée par le fait que le comité Woods citait un rapport préparé par la Direction des traitements du ministère des Affaires des anciens combattants, daté du 2 décembre 1958 qui qualifiait la déduction de $15 de «contradictoire» et concluait qu'aucune «raison logique ne semblait justifier une différence de taux qu'il s'agisse d'un traitement comme malade hospitalisé ou externe ni une déduction pour frais d'entretien pendant l'hospitalisation si l'on admet le principe que le pensionné est invalide à 100 p. 100 lorsqu'il suit un traitement pour invalidité causée pendant son service». En fait, comme c'est le cas dans bien d'autres domaines, notre Association sait gré au comité Woods de la recherche effectuée au sujet de cette question et de l'explication approfondie qu'il en donne au volume 3, chapitre 40, pages 1364 à 1373. Il nous semble que la recommandation visant à supprimer la déduction de $15 est parfaitement logique et, nous le répétons, nous avons du mal à comprendre—et nous sommes renversés d'apprendre—que le gouvernement n'a pas l'intention d'accepter cette recommandation.

Le président: Monsieur Saltsman, puis ce sera monsieur Bill Knowles.

M. Saltsman: Je crois que c'est là une recommandation valable aux yeux des membres du Parlement. Tous, nous comprenons ce qui arrive quand il faut quitter son chez-soi et occupé des locaux temporaires à Ottawa. Les dépenses augmentent et ne sont pas réduites. Je parle surtout des familles de la classe ouvrière. Ce sont souvent les maris qui s'oc-

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from personal experience, that particularly in working-class families where the husband often does the minor repairs around the house, the expenses actually rise for the family when the breadwinner is in the hospital.

It makes no sense whatsoever to me to continue this $15 deduction. I think it is eminently sensible that no deduction take place when someone is a patient in the hospital. I say this both from personal experience as a Member of Parliament and from my personal experience with constituents and their problems in my riding.

The Chairman: Mr. Bill Knowles and then Mr. Weatherhead.

Mr. Knowles (Norfolk-Haldimand): I would like to ask whether there has been any research on the cost to the government if the full pension is paid while the person is under treatment. Would you know anything about that?

Mr. Chadderton: I think it would be safe to say that it is not high, but these days almost anything could be high. We really do not know. But it is not a large item.

Mr. Knowles (Norfolk-Haldimand): Do you think this would be the reason?

Mr. Chadderton: I do not know, sir. This is why we are surprised because even the departmental officials themselves recommended some years back that this was just some sort of anachronism and it was time to remove it, and we cannot see why somebody has not taken that action.

Mr. Knowles (Norfolk-Haldimand): Certainly it is an irritation.

Mr. Chadderton: Yes.

The Chairman: Mr. Weatherhead.

Mr. Weatherhead: Mr. Chairman, are we sure the government has rejected this proposal? Which recommendation number in the Woods Committee was it?

• 1615

Mr. Guay (St. Boniface): Mr. Chairman, on page 5 of the report, No. 144 is marked "accepted unchanged." Are they making reference by using the words "accepted unchanged" to what is on page 87 of the Wood Committee report which I have here before

[*Interpretation*]

cupent des petites réparations. Les frais augmentent donc lorsque le chef de la maison est hospitalisé. Je ne vois pas quel avantage il y aurait à continuer cette déduction de $15. Je crois qu'il est tout à fait juste de recommander qu'il n'y ait pas de réduction dans le cas d'un ancien combattant hospitalisé. C'est mon expérience personnelle auprès de mes commettants et celle que j'ai acquise en tant que membre du Parlement qui me dictent ces paroles.

Le président: Monsieur Bill Knowles, puis ce sera monsieur Weatherhead.

M. Knowles (Norfolk-Haldimand): J'aimerais savoir si l'on a fait des recherches quant aux frais qui seraient encourus si le gouvernement décidait de verser le montant entier de la pension aux anciens combattants qui sont hospitalisés.

M. Chadderton: Je crois que le coût n'en serait pas très élevé, mais aujourd'hui presque tout coûte cher. Franchement, on ne sait pas. Nous ne croyons pas que ce soit une dépense extraordinaire.

M. Knowles (Norfolk-Haldimand): Croyez-vous que ce soit là la raison.

M. Chadderton: C'est pour cela que nous exprimons notre étonnement. Même les fonctionnaires du ministère ont souligné, il y a quelques années, que c'était là un anachronisme et qu'il fallait supprimer cette déduction. Nous ne voyons pas pourquoi aucune mesure n'a été prise à cette fin.

M. Knowles (Norfolk-Haldimand): Je comprends que ce soit quelque chose de frustrant pour l'ancien combattant.

M. Chadderton: La chose ne fait aucun doute.

Le président: Monsieur Weatherhead.

M. Weatherhead: Monsieur le président, êtes-vous sûr que le gouvernement a rejeté cette proposition? De quelle recommandation s'agissait-il dans le Rapport?

M. Guay (Saint-Boniface): Monsieur le président, la page 5 du rapport porte la mention «Accepté sans modification» à la suite de la recommandation 144. Est-ce qu'on mentionne les mots «Accepté sans modification» à la page 103 du rapport? Si tel est le cas, le

[*Texte*]

me? If that is the case, accepted unchanged, the words of the Woods Committee report recommendation are that this be deleted. I would take it then, that they were in accord with what we are discussing.

Mr. Chadderton: They were in agreement with No. 144.

Mr. Guay (St. Boniface): Right. In the report which we were given, we were told that No. 144 was accepted unchanged.

Mr. Chadderton: Yes, because it is redundant anyway. It is in the Act now but it does not apply because they overcame this by allowing the 100 per cent and 95 per cent pensioner to remain on pension. But the guts of this issue—if you will pardon the word—is in No. 145. And if this has not been accepted, and we understand that it has not, then this $15 deduction will still apply to any pensioner of 90 per cent or below when he goes into hospital. When he goes into hospital he is off the market. He has got to go on 100 per cent pension. But they say: "Well, no, you will get treatment allowances and that is $15 a month less."

Mr. Guay (St. Boniface): I will have to say something that we have said on previous days here that has not been said today. When the Minister presented us with this White Paper he said that it was flexible. Mr. Chairman, I am not speaking on your behalf, I am speaking for myself. In view of the words of the Minister certainly this Committee can consider this matter and possibly could make some recommendations.

The Chairman: Mr. Marshall.

Mr. Marshall: Mr. Chairman, I would like to ask Mr. Chadderton if he knows how they arrived at this $15. Did they just pick this out of the air, $15 every time a veteran goes into the hospital?

Mr. Chadderton: No, it was not picked out of the air, Mr. Chairman. As nearly as I recall—it has been in the legislation quite a long time—it was at one time thought that when a man was in hospital on treatment allowances, this represented that portion of his total income which his wife in the home would not require because he was in hospital, and it is supposedly less to keep him in hospital than it is to keep him at home. That is the theory.

[*Interprétation*]

libellé des recommandations du rapport Woods portant que cela soit supprimé indique qu'ils sont en faveur.

M. Chadderton: Ils étaient d'accord avec la recommandation nº 144.

M. Guay (Saint-Boniface): C'est vrai. Dans le rapport qu'on nous a fait tenir, on précisait que la recommandation nº 144 était acceptée sans modification.

M. Chadderton: En effet, cette mention est superflue. La Loi renferme cette disposition, mais on a évité la chose en permettant aux anciens combattants touchant une pension de 100 p. 100 ou de 95 p. 100 de demeurer des pensionnés. C'est dans la recommandation 145 toutefois que se trouve le nœud ou la question. Si cette recommandation n'est pas acceptée—on nous donne à entendre que tel est le cas—la déduction de 15 p. 100 continuera de s'appliquer à l'égard d'un ancien combattant hospitalisé qui touche une pension de 90 p. 100 ou moins. Quand il est hospitalisé, il n'est plus sur le marché du travail. Il touche une pension de 100 p. 100. On explique alors que ce n'est pas le cas. L'indemnité de traitement que vous recevez équivaut à une déduction de $15 par mois.»

M. Guay (Saint-Boniface): J'aimerais répéter aujourd'hui ce que j'ai déjà dit quand le ministre a déposé le Livre blanc et qu'il nous a dit que la teneur en était souple. Monsieur le président, il s'agit ici d'une opinion personnelle. Compte tenu des paroles du ministre, le Comité peut certes examiner la question et faire des recommandations.

Le président: M. Marshall.

M. Marshall: J'aimerais demander à M. Chadderton s'il sait comment on en est arrivé à ce montant de $15. L'a-t-on imaginé tout simplement pour l'ancien combattant chaque fois qu'il est hospitalisé?

M. Chadderton: Ce chiffre n'a certes pas été imaginé, monsieur le président. Si ma mémoire est fidèle ce chiffre est prévu dans la Loi depuis longtemps. On était alors d'avis que lorsque l'ancien combattant était traité à l'hôpital, cela représentait la tranche de son revenu dont sa femme n'avait pas besoin, parce qu'il était à l'hôpital. Il est censé en coûter moins pour son entretien à l'hôpital que pour ses soins à la maison. Voilà le principe qui a inspiré ce chiffre.

[*Text*]

Mr. Marshall: I hope whoever was responsible for that—whenever it was—they turn over in their grave for the niggardly amount of $15.

Mr. Chadderton: I believe at one time it was $30 and that goes back to the thirties, and then it was reduced to $15.

Mr. Saltsman: Mr. Chadderton, to what extent have you found in your experience that the $15 deduction sometimes acts as a deterrent, and veterans simply cannot afford to go because of this loss?

Mr. Chadderton: Not very often. I think we described it as an irritant, and I think that is the best word, sir.

Mr. Peters: Mr. Chairman, does it not change the method of payment? It changes the source of payment, and the source of payment means that there is a delay of probably a month, and in some cases more.

This is what I have found. It is not the $15 entirely, but it is the change from the Pension Branch to the Treatment Branch. Instead of the cheque coming from one source it goes through certain processes and these are always subject to the old argument of lost documents. With anything that happens that does not follow along as A,B,C, then there is a delay. This means that the wife will not get the cheque; at least she is apt not to get the cheque at the regular time. This, I think, is why Members of Parliament get involved in it all the time because the family find the cheque did not come. It is transferred from the Pension Branch to the Treatment Branch and there is a delay. This is really the biggest problem.

Mr. Guay (St. Boniface): It probably costs them more than $15 to make the changes from one branch to another. That might be another thing we should look into.

Mr. Peters: In my experience this is where the problem is. It is not the complaint by the family about the $15; it is the complaint that they did not get a cheque, period.

Mr. Chadderton: You are quite right. I would not want to imply that in our experience there is any real delay by the treasury people in DVA. We think they are pretty good. But it is just the force of circumstances of shuffling papers back and forth. It is a delay that is excusable because they are forced to do it.

The Chairman: I call to the attention of the members of the Committee that we still have quite a bit of the brief to go. Would you like to proceed?

[*Interpretation*]

M. Marshall: Alors, celui qui a eu la responsabilité de ce chiffre doit se sentir coupable maintenant. Un montant aussi parcimonieux que $15.

M. Chadderton: Dans les années 30, je crois, ce chiffre était de $30; puis on l'a réduit à $15.

M. Saltsman: Comment, selon vous, monsieur Chadderton, cette déduction de $15 peut-elle servir de préventif et dissuader un ancien combattant d'être hospitalisé?

M. Chadderton: Pas très souvent. Je crois qu'il s'agit-là d'une nuisance. C'est là le mot juste.

M. Peters: Monsieur le président, la méthode de paiement n'est-elle pas modifiée? Il y a modification dans la source de l'allocation et cela signifie un retard probable d'un mois, peut-être plus en certains cas. J'ai découvert qu'il ne s'agit pas seulement du $15, mais d'un changement de la direction des pensions et des traitements. Au lieu d'être émis exclusivement par un bureau, le chèque passe par divers paliers. On peut toujours d'ailleurs invoquer l'excuse du document égaré. Avec tout ce qui arrive, les choses ne sont pas aussi simples que l'alphabet. Il se produit certains retards. Alors, l'épouse ne reçoit pas le chèque au moment prévu. Voilà pourquoi les députés doivent intervenir. La famille n'a pas reçu le chèque, parce qu'il est passé de la Direction des pensions à la Direction des traitements hospitaliers. Alors, il se produit un retard. C'est vraiment là le problème majeur.

M. Guay (Saint-Boniface): Il en coûte probablement plus que $15 pour transférer le chèque d'une source à une autre. C'est là une question qu'il vaudrait la peine d'examiner.

M. Peters: C'est là qu'est le problème, à mon sens. La famille ne se plaint pas au sujet du $15. La plainte qu'elle formule, c'est de ne pas recevoir le chèque. Un point c'est tout.

M. Chadderton: Vous avez raison. Je ne devrais pas laisser entendre qu'il y a des retards imputables à la trésorerie du ministère des Affaires des anciens combattants. Je crois que les fonctionnaires s'acquittent bien de leur travail, mais il y a un concours de circonstances qui expliquent ces retards dans l'acheminement des formules et des documents. Ces choses sont inévitables.

Le président: Je rappelle aux membres du Comité que nous avons encore une bonne tranche du mémoire à examiner. Aimeriez-vous poursuivre la lecture de ce texte?

[*Texte*]

Lt. Col. Lambert: We will proceed, and fast.

The Chairman: No, we will take the time that is required, but I am simply calling to the attention of members...

Mr. Alderdice: I think it will read a little bit faster.

Recommendations Being Implemented Under Existing Authorities:

The White Paper suggests that about one third of the Woods Committee recommendations have been accepted and can be implemented under existing authorities. In this regard we refer to the comments made in the statement by the Chairman of the Canadian Pension Commission, in his appearance before your Committee, on April 17 last. The views of this Association were provided to your Committee by our Executive Secretary on April 19 and it is our intention, in our submission today, to touch only briefly upon the recommendations involved.

Pension Examination While Undergoing Hospital Treatment:

The Commission presumably suggested that examination was, or would be, made at the time of discharge. The Woods Committee was obviously aware that this is now being done, but was suggesting an amendment to the procedure, whereby medical examination would be made *before* discharge.

Disclosure of Information from Veterans Files:

The Commission Chairman suggested that disclosure of information was permitted only where this was considered to be in the best interests of the veterans. Our interpretation of the Woods proposal is that disclosure from the veterans pension file should not be allowed, under any circumstances. This is viewed as a very serious matter in our Association, bearing in mind that the pensioner has no access to his own file, and does not know what information it contains. If he is asked to give consent to allow a prospective employer or insurer to look at his file, he is reluctant to refuse this consent as it could raise suspicions. We feel there are valid and just reasons for the recommendation in the Woods Committee report which would ensure that the information on the pensioner's file would be available only to the Pension Commission and the Department of Veterans Affairs.

It is of particular interest that in his statement on this matter (item 22) the Chairman

[*Interprétation*]

Lieutenant-colonel Lambert: Nous allons continuer, et rapidement.

Le président: Non, nous prendrons le temps nécessaire, mais je rappelle simplement aux membres...

M. Alderdice: Je pense que je lirai un peu rapidement.

Application des recommandations par les services administratifs actuels:

Selon le Livre blanc, environ un tiers des recommandations du comité Woods ont été acceptées et peuvent être appliquées par les services administratifs actuels. A cet égard, nous nous reportons aux observations que renfermait la déclaration du président de la Commission canadienne des pensions lorsqu'il a comparu devant le comité le 17 avril dernier. Les opinions de notre Association vous ont été communiquées par notre secrétaire exécutif et nous nous proposons dans notre mémoire d'aujourd'hui, d'effleurer seulement les recommandations en cause.

Examen de la pension tandis que le pensionné suit un traitement à l'hôpital:

La Commission a probablement laissé entendre que l'examen avait lieu, ou aurait lieu, lorsque le pensionné quitterait l'hôpital. Le comité Woods savait évidemment que c'était la façon actuelle de procéder, mais il proposait qu'on la modifie et que l'examen médical ait lieu *avant* la sortie de l'hôpital.

Révélation de renseignements tirés du dossier des pensionnés:

Le président de la Commission a laissé entendre que la révélation des renseignements n'était autorisée que lorsqu'elle était considérée comme étant favorable à l'ancien combattant. Or, selon notre interprétation de la proposition du comité Woods, on ne devrait autoriser, en aucune circonstance, la révélation de renseignements consignés au dossier de pension des anciens combattants. Il s'agit, pour notre Association, d'une question extrêmement grave, lorsqu'on songe que le pensionné n'a pas lui-même accès à son propre dossier et qu'il ignore les renseignements qu'il renferme. Si un employeur ou un assureur éventuel lui demande de consulter son dossier, il hésite à refuser de crainte d'éveiller des soupçons. Selon nous, la recommandation du comité Woods qui garantirait que seuls le ministère des Affaires des anciens combattants et la Commission canadienne des pensions aient accès aux renseignements qui figurent dans le dossier du pensionné, s'explique par des motifs justes et valables. Fait particu-

[*Text*]

of the Commission paraphrased the Woods Committee recommendation incorrectly. The version used in his report was that instruction be amended to provide that information would only be disclosed when, in the opinion of departmental officials, the disclosure was in the best interests of the veteran, and when the consent of the veteran has been obtained. The Woods proposal was that disclosure from the veteran's pension file should not be allowed, under any circumstances.

Standard Applications Forms:

In his report (item 6) the Commission Chairman refers to the Woods Committee recommendations as follows:

> That standard application forms be used for entitlement claims and standard forms for Commission decisions be utilized.

This presumably refers to the Woods Committee recommendation number 35, but in our opinion something has been lost in the translation. To state Woods Committee recommendation number 35 in the terms used by the Commission Chairman could be misleading. It could give the appearance that the Woods Committee was recommending that forms be instituted for entitlement only. This provided the Commission with a ready-made answer, as there is already such a form. However, the Woods Committee recommendation was using the entitlement application as a model, and suggested that similar procedures be used for all other forms of benefit under the Pension Act. It is not at all clear that this recommendation is being implemented. A further proposal (item 7) purported to have been a recommendation of the Woods Committee, paraphrased in the Commission Chairman's report was as follows:

> That the Canadian Pension Commission may in its discretion accept informal applications for pension.

• 1625

The reply of the Commission Chairman was that the Commission had always accepted informal applications. We submit, here again, that in paraphrasing the Woods Committee recommendation the intent may have been lost. We refer to volume 1, chapter 9, page 359 where it suggests that, for the purposes of establishing the effective date of an award, documentary evidence such as a letter could

[*Interpretation*]

lièrement intéressant, dans sa déclaration sur cette question (article 22) le président de la Commission ait paraphrasé incorrectement la recommandation du comité Woods. Voici la version de son rapport: que l'on modifie les directives pour que les renseignements ne soient révélés que lorsque de l'avis des fonctionnaires du ministère, cette révélation était dans l'intérêt de l'ancien combattant et lorsque ce dernier y avait consenti. Selon la proposition du comité Woods, on ne devrait autoriser en aucune circonstance, la communication des renseignements consignés dans les dossiers des anciens combattants.

Formules de demande réglementaires:

Dans son rapport (article 6) le président de la Commission cite les recommandations du comité Woods, comme suit:

> «Que l'on emploie des formules réglementaires pour les demandes d'admissibilité et que les décisions de la Commission soient rédigées sur des formules réglementaires».

Ce passage fait probablement allusion à la recommandation n° 35 du comité Woods, mais selon nous, on n'a pas rendu tout son sens. Les termes employés par le président de la Commission pour citer la recommandation n° 35 pourraient induire en erreur. On pourrait croire que le comité Woods recommandait que l'on établisse des formules d'admissibilité seulement. De ce fait, la Commission avait une réponse toute prête car il existe déjà une pareille formule. Cependant, le comité Woods dans sa recommandation utilisait la demande d'admissibilité comme modèle, et il proposait que l'on emploie des méthodes analogues pour toutes les autres formes d'avantages en vertu de la loi sur les pensions. Il n'est pas du tout évident que l'on applique actuellement cette recommandation. Une autre proposition (article 7) qui, paraît-il, était censée être une recommandation du comité Woods était ainsi paraphrasée dans le rapport du président de la Commission:

> «Que la Commission canadienne des pensions puisse accepter, à son gré, des demandes officieuses de pension.»

Le président de la Commission a répondu que la Commission avait toujours accepté des demandes officieuses. Là encore, selon nous, en paraphrasant la recommandation du comité Woods, on en a peut-être perdu le sens. Nous nous reportons au Volume I, chapitre 9, page 417 où l'on dit que «la date effective de l'attribution d'une pension nous semble ressortir d'une manière suffisante et

[*Texte*]

be accepted as proof of an intention to apply. The report goes on to suggest, however, that the use of a proper application form for all requests would provide assurance that the full details are made available to the Pension Commission at the first adjudication. The Woods Committee presumably saw this as benefitting the applicant, in circumstances where, if the Commission considered only an informal application and it was turned down, the adjudication may have been based on insufficient detail.

There are, undoubtedly, other recommendations which are under consideration by the Commission or may have already been implemented, but about which we have no specific information at this date. We have no alternative, therefore, but to reserve any comment until we have had a further opportunity to determine the disposition which has been made, or will be made, in regard to put into effect without amending the legislation.

The Chairman: Are there any questions members of the Committee want to ask at this point?

Mr. Legault: Mr. Chairman, this concerns the correction which was made in the first brief about one-third of all recommendations. This is corrected to read that four-fifths of recommendations had been either accepted or accepted in a modified way. I think this should be put in the record because the brief was prepared prior to this information being available.

Mr. Knowles (Winnipeg North Centre): Mr. Chairman, I do not think that should be pressed too hard. It is one thing to say that recommendations were accepted unchanged. That is clear; that is black and white. But these recommendations that have been accepted but modified, in many cases are vitiated. I think that actually there are only 40 out of the 149 that are accepted unchanged.

Mr. Legault: Mr. Chairman, the point that I bring up is not necessarily the details of it, but it is the figure of stating one-third and four-fifths. This is the only...

The Chairman: I think really we are into semantics here. Our own transcript of record will show, as we go along, those which are accepted and those which are modified. But in the interest again of being sure we hear as much as we can today, I would like to have you bear it in mind, Mr. Guay.

[*Interprétation*]

satisfaisante d'un écrit, d'une lettre par exemple, indiquant l'intention de faire une demande». Le rapport continue cependant en disant que l'emploi d'une formule appropriée pour toutes les demandes permettrait à la Commission des pensions de posséder de prime abord tous les renseignements. Le comité Woods y a probablement vu un avantage pour le requérant dans les cas où la Commission avait refusé une demande officieuse, la décision aurait peut-être été fondée sur une insuffisance de détails.

La Commission examine sans doute d'autres recommandations, ou en a peut-être même déjà appliquées mais jusqu'à maintenant nous ne possédons à leur sujet aucun renseignement précis. Nous n'avons donc pas le choix et devons nous abstenir de toute observation jusqu'à ce que nous ayons eu davantage l'occasion de voir le sort qui a été ou sera réservé à une foule de recommandations qui pourraient être appliquées sans modifier la loi.

Le président: Y a-t-il des questions que les députés aimeraient poser?

M. Legault: On a parlé dans le premier mémoire du tiers des recommandations. On a dit que $\frac{4}{5}$ des recommandations étaient acceptés sous leur forme actuelle ou sous une forme modifiée. Je crois que cela devrait être inscrit au compte rendu, parce que le mémoire a été préparé avant que l'on nous fournisse ces renseignements.

M. Knowles (Winnipeg-Nord-Centre): Monsieur le président, je ne crois pas que l'on doive insister trop sur cette question. On peut dire que les recommandations ont été acceptées sans modification. C'est clair comme le jour, mais les recommandations qui ont été acceptés sous une version modifiée, sont déformées dans plusieurs cas. Je crois donc qu'il n'y a en ce moment que 40 recommandations sur 149 qui ont été acceptés sans modification.

M. Legault: Il est possible que les chiffres que je cite ne soient pas exacts, je l'ai fait à titre d'exemple. C'est seulement...

Le président: Je crois vraiment que l'on s'éloigne du sujet. Le compte-rendu indiquera les recommandations qui ont été acceptées et celles qui ont fait l'objet d'une modification. De façon à ce que ces témoignages soient fructueux, j'espère que vous vous rappellerez cette précision. Monsieur Guay.

[*Text*]

Mr. Guay (St. Boniface): When we were given explanatory notes on the various recommendations, and in particular to the application form that, the reason, if I recall, why they did not really want to implement the proper application form was to make it easier for veterans to apply, whether it be by a letter or to make it easy to apply. But on page 56, I think that you have given me another light on the matter here, in that you say if there is a proper application form, the veteran, sometimes through no fault of his own, if he did not have the proper application form, might miss some important details which might benefit him. And by the fact that he would have the proper form, as you spelled out, then he would have to fill in possibly everything that he feels he should fill in, and possibly fill it all, in fact. So it might benefit him on his application, and possibly that is why you are showing your concern and you are requesting that the proper application form be available to all the veterans when they apply and then they would not miss any of the details which are required by the Commission, whoever is going to hear them. I think this is the reason for it, is it not?

Mr. Chadderton: Yes. Mr. Chairman. The Woods Committee did not suggest that the Commission stop taking informal applications. As a matter of fact, if I recall the recommendation, they said that you could use an informal application for the purpose of establishing the date on which he applied. But then you must go back and get all the details because otherwise what happens if the Commission turns down the informal application? It is quite feasible that the Commission may have turned it down because they did not get sufficient information, and it is only fair to the man that somebody go out and take the documents and complete it so that the full facts are in front of the Commission. That was the purpose of the recommendation in the Woods Committee Report, sir.

1630

Mr. Guay (St. Boniface): A very important point.

The Chairman: Are there further questions? Mr. Stanley Knowles.

Mr. Knowles (Winnipeg North Centre): On that question which somebody referred to as semantics. I do not wish to indulge in semantics, but I wonder if this letter from Mr. Ward to Mr. Reynolds, copies of which were given to all of us, could be included in the record, or maybe you have already done this, Mr. Chairman.

[*Interpretation*]

M. Guay (St-Boniface): Lorsqu'on nous avait expliqué les diverses recommandations et en particulier la formule de demande, on nous avait dit, si je me rappelle bien, qu'on n'avait pas voulu donner suite à cette formule pour permettre aux anciens combattants de faire une demande par lettre ou autrement. Mais à la page 56, vous me donnez d'autres précisions en disant que s'il y a une formule de demande officielle, l'ancien combattant sans le vouloir pourrait, sans cette formule, ne pas fournir des détails importants qui pourraient tourner à son avantage. S'il possède cette formule, il devrait alors remplir toutes les rubriques qu'il croit nécessaires et même remplir la formule au complet. Il aurait peut-être avantage à remplir la formule officielle, alors voilà la raison pour laquelle vous avez exprimé cette préoccupation et demandé qu'on fournisse aux anciens combattants toute la formule officielle. Ils répondraient ainsi à toutes les questions de la Commission. Je crois que c'est la raison de son existence, n'est-ce pas?

M. Chadderton: Oui, monsieur le président, le Comité Woods n'a pas proposé que la Commission refuse les lettres ordinaires. En fait, si je me rappelle bien le contenu de la recommandation, il est stipulé que vous pouvez vous servir d'une lettre pour établir la date à laquelle la demande a été présentée. Mais alors, il faut revenir en arrière et obtenir tous les détails possibles parce que autrement, qu'arrive-t-il si la Commission rejette cette demande? Il est plausible qu'elle le fasse à défaut de renseignements suffisants et il n'est que juste pour un homme que quelqu'un aille chercher les documents nécessaires afin de saisir la Commission de tous les renseignements possibles. Tel était le but de la recommandation du comité Woods, monsieur.

M. Guay (St-Boniface): Un point très important.

Le président: Y a-t-il d'autres questions à poser? Monsieur Stanley Knowles.

M. Knowles (Winnipeg-Nord-Centre): Je ne tiens pas à m'engager dans un débat sur la sémantique, mais je me demande si la lettre de monsieur Ward adressée à monsieur Reynolds, dont nous avons tous reçu la copie, pourrait être annexée au compte-rendu, ou peut-être l'avez-vous déjà fait, monsieur le président.

[*Texte*]

The Chairman: We did this first thing this morning.

Mr. Knowles (Winnipeg North Centre): Thank you. There is nothing semantic about it.

The Chairman: No, and we did it for precisely the purpose you have in mind at this point. Is there any further question at this time, on this section?

Lt. Col. Lambert:

Conclusion:

The purpose of a separate submission from the War Amputations of Canada at this time is to emphasize some of the features of the Woods Committee Report which are of special import to the members of our Association. Many of these problems are of long standing, and a survey of our submissions to the government going back to the early 1930's indicates that the problems existed at that time. The fact that no remedies have been forthcoming, despite our constant pleadings over more than thirty years, should not be taken as an indication that the requests are invalid.

It must be borne in mind, firstly, that there has been no major study of the Canadian Pension Commission, and the legislation it administers, since 1932 by persons outside of Parliament. Moreover, despite the fact the Parliamentary Committees from 1946 onward have been responsible for a number of effective changes in the pension legislation, it is perhaps fair to say that such committees were hampered by two factors, as follows:

(1) Invariably, they had insufficient facilities to delve into the intricacies of the pension law and its administration; and

(2) A great deal of their time was taken up in dealing with the major areas such as the basic rate of pension and the benefit of the doubt, leaving little or no opportunity to study and make recommendations in regard to many supplementary matters which do not involved large numbers of people, but which nonetheless are of extreme importance to the individuals concerned.

The Woods Committee Report must be looked upon as a blueprint which, if followed, can bring about a belated—but nevertheless most necessary—revision in much of the pension program for Canada's war disabled.

We who speak for veterans are aware that there are many pressing matters before the

[*Interprétation*]

Le président: C'est la première chose que nous ayons fait ce matin.

M. Knowles (Winnipeg-Nord-Centre): Merci. Cela n'a rien de la sémantique.

Le président: Non, et nous l'avons fait exactement dans le but que vous suivez. Y a-t-il d'autres questions à poser à ce sujet?

Lieutenant-colonel Lambert:

Conclusion:

Si l'Association canadienne des amputés de guerre présente maintenant un mémoire distinct c'est dans le dessein de mettre en lumière certaines particularités du rapport du comité Woods qui ont pour les membres de notre Association une signification spéciale. Nombre de ces problèmes datent depuis longtemps et un examen des mémoires que nous avons présentés au gouvernement depuis le début des années 30 montre que ces problèmes existaient déjà à cette époque-là. Or le fait qu'on n'ait apporté aucun remède, en dépit de nos instances constantes depuis plus de trente ans, ne devrait pas être interprété comme l'indice du manque de validité de nos demandes. Il faut se rappeler d'abord qu'aucune étude d'envergure de la Commission canadienne des pensions n'a été entreprise depuis 1932 par des personnes étrangères au Parlement. En outre, même si depuis 1946 un certain nombre de modifications utiles à la Loi sur les pensions sont attribuables aux comités parlementaires, il est peut-être juste de dire que ces derniers ont été handicappés par les deux facteurs suivants:

(1) Invariablement, ils ne disposaient pas de moyens suffisants pour fouiller les dédales de notre Loi sur les pensions et de son application; et

(2) Une énorme partie de leur temps servait à l'examen des domaines essentiels comme le taux de base de la pension et le bénéfice du doute, ne permettant pas ou très peu d'étudier et de formuler des recommandations sur une foule de sujets complémentaires qui n'intéressent pas un bien grand nombre de gens, mais qui, néanmoins, sont d'une extrême importance pour les intéressés.

Il faut envisager le rapport du comité Woods comme un plan qui aboutira, si on l'applique, à une révision tardive, mais néanmoins impérieuse du programme de pensions pour les invalides de guerre du Canada.

Nous, les porte-parole des anciens combattants, savons que le parlement actuel est saisi

[*Text*]

Parliament of the day and we recognize that the prosperity—and perhaps even the very fabrics—of our nation is involved in many of these issues. Be that as it may, we wish to bring to the attention of those in positions of responsibility the obvious fact that Canada's veterans must remain as a "first charge" upon the economy of the country. We need only reflect back to the dark days of 1914-18 and 1940-45 to realize that, without the contribution of those who served in the armed forces, this country could not have survived to enjoy the high levels of economy which have existed in the 1950's and 1960's.

So, we come to you, this group of wonderful fellows, some of the most brilliant young fellows that ever served their country; one is named Lambert, one is named Butler, one is named Lemay, one is named Crowell, and the others are Alderdice, Bedard and Worling, and there is no better than Cliff Chadderton. And we thank you, sir. We have had a great day, and so have you, and you have also learned something about veterans today that you did not know before, and we thank you for the privilege of coming here. It has been a great joy to us and we look forward to the implementation through this Committee of many of the things that we hope for. We are sure, sir, that you will deal with them in your own way. We know you cannot deal with the raising of pensions, we know that you cannot deal with the question of pensions for widows, but we are for it. They lost the 15 per cent that was never paid, so we ask them to

• 1635

pay their bill, treat us as we should be treated as veterans, love the widows as we love the widows, love the children as we love the children, and in this way this country will never have forgotten the sacrifice of those who gave their lives and suffered for it. Thank you.

The Chairman: Thank you, Mr. Lambert. Speaking for the Committee, I would like to thank you personally and all those people who attended in your delegation for their submissions today and for answering the questions which I think the members have placed quite freely to you. We very much appreciated the opportunity to meet with you.

We will adjourn now until tomorrow morning at 9.30 o'clock.

[*Interpretation*]

d'une multitude de questions pressantes et nous reconnaissons que la prospérité—et peut-être la structure même de notre nation—sont impliquées dans nombre de ces questions. Quoi qu'il en soit, nous tenons à signaler aux personnes en autorité un fait évident: *Les anciens combattants du Canada doivent continuer à être «la premèrie charge» à retomber sur l'économie du pays.* Il suffit de se reporter aux jours sombres de 1914-1918 et de 1940-1945 pour se rendre compte que, sans l'apport de ceux qui servaient dans les forces armées, notre pays n'aurait pas pu survivre pour connaître les hauts niveaux d'économie qui ont existé pendant les années '50 et '60.

Vous aviez devant vous un groupe de personnes composé de quelques jeunes gens brillants qui ont servi le pays, et qui ont pour nom Lambert, Lemay, Crowell et d'autres, Alderdice, Bédard et Worling et le meilleur d'entre tous, Cliff Chadderton. Nous vous remercions, messieurs, la journée a été agréable pour nous tout comme pour vous, et vous avez appris quelque chose au sujet des anciens combattants, des choses toutes nouvelles pour vous. Nous vous remercions d'avoir obtenu le privilège de venir témoigner devant nous. Cela nous a été très agréable et nous attendons de voir l'adoption de nombreuses recommandations que nous avons faites au Comité. Nous sommes certains que vous y donnerez suite à votre manière. Nous savons que l'augmentation des pensions ne relève pas de votre compétence, ni la question de la pension des veuves, mais nous y sommes en faveur. Elles ont perdu le 15 p. 100 qui n'a jamais été versé. Nous leur demandons donc de régler leur compte, de nous traiter comme des anciens combattants, d'aimer les veuves et les enfants comme nous les aimons, et de cette manière, le pays ne pourra jamais oublier le sacrifice de ceux qui ont donné leur vie et qui ont souffert pour lui. Merci.

Le président: Merci monsieur Lambert. Au nom du comité, je tiens à vous remercier vous-même ainsi que tous les membres de votre délégation d'être venus présenter ces mémoires et d'avoir bien voulu répondre aux questions des députés. Nous sommes heureux d'avoir pu faire votre connaissance.

La séance reprendra demain matin à 9h 30.

Appendix "D"

CURRENT PROPOSED DISPOSITION OF THE WOODS COMMITTEE RECOMMENDATIONS.

Recommendation No.	Disposition.
1	Modified.
2	Accepted unchanged.
3	Accepted unchanged.
4	Modified.
5	Accepted unchanged.
6	Modified.
7	Not adopted.
8	Modified.
9	Modified.
10	Not adopted.
11	Modified.
12	Modified.
13	Accepted unchanged.
14	Modified.
15	Modified.
16	Modified.
17	Modified.
18	Modified.
19	Modified.
20	Modified.
21	Modified.
22	Modified.
23	Modified.
24	Modified.
25	Not adopted.
25A	Modified.
26	Modified.
27	Modified.
28	Modified.
29	Modified.
30	Not adopted.
31	Not adopted.
32	Not adopted.
33	Not adopted.
34	Modified.
35	Modified.
36	Accepted unchanged.
37	Modified.
38	Modified.
39	Accepted unchanged.
40	Accepted unchanged.
41	Accepted unchanged.
42	Accepted unchanged.
43	Modified.
44	Not adopted.
45	Modified.
46	Accepted unchanged.
47	Accepted unchanged.

Appendice «D»

DÉCISIONS ACTUELLES RELATIVES AUX RECOMMANDATIONS DU COMITÉ WOODS

N° de la recommandation	Décision
1	Modifiée.
2	Adoptée sans modification.
3	Adoptée sans modification.
4	Modifiée.
5	Adoptée sans modification.
6	Modifiée.
7	Rejetée.
8	Modifiée.
9	Modifiée.
10	Rejetée.
11	Modifiée.
12	Modifiée.
13	Adoptée sans modification.
14	Modifiée.
15	Modifiée.
16	Modifiée.
17	Modifiée.
18	Modifiée.
19	Modifiée.
20	Modifiée.
21	Modifiée.
22	Modifiée.
23	Modifiée.
24	Modifiée.
25	Rejetée.
25A	Modifiée.
26	Modifiée.
27	Modifiée.
28	Modifiée.
29	Modifiée.
30	Rejetée.
31	Rejetée.
32	Rejetée.
33	Rejetée.
34	Modifiée.
35	Modifiée.
36	Adoptée sans modification.
37	Modifiée.
38	Modifiée.
39	Adoptée sans modification.
40	Adoptée sans modification.
41	Adoptée sans modification.
42	Adoptée sans modification.
43	Modifiée.
44	Rejetée.
45	Modifiée.
46	Adoptée sans modification.
47	Adoptée sans modification.

Recommendation No.	Disposition.	N° de la recommandation	Décision
48	Under review.	48	A l'étude.
49	Under review.	49	A l'étude.
50	Under review.	50	A l'étude.
51	Under review.	51	A l'étude.
52	Under review.	52	A l'étude.
53	Under review.	53	A l'étude.
54	Under review.	54	A l'étude.
55	Under review.	55	A l'étude.
56	Under review.	56	A l'étude.
57	Under review.	57	A l'étude.
58	Under review.	58	A l'étude.
59	Under review.	59	A l'étude.
60	Under review.	60	A l'étude.
61	Modified.	61	Modifiée.
62	Modified.	62	Modifiée.
63	Under review.	63	A l'étude.
64	Modified.	64	Modifiée.
65	Modified.	65	Modifiée.
66	Accepted unchanged.	66	Adoptée sans modification.
67	Modified.	67	Modifiée.
68	Accepted unchanged.	68	Adoptée sans modification.
69	Modified.	69	Modifiée.
70	Accepted unchanged.	70	Adoptée sans modification.
71	Modified.	71	Modifiée.
72	Accepted unchanged.	72	Adoptée sans modification.
73	Accepted unchanged.	73	Adoptée sans modification.
74	Not adopted.	74	Rejetée.
75	Modified.	75	Modifiée.
76	Modified.	76	Modifiée.
77	Accepted unchanged.	77	Adoptée sans modification.
78	Modified.	78	Modifiée.
79	Modified.	79	Modifiée.
80	Accepted unchanged.	80	Adoptée sans modification.
81	Not adopted.	81	Rejetée.
82	Not adopted.	82	Rejetée.
83	Modified.	83	Modifiée.
84	Not adopted.	84	Rejetée.
85	Modified.	85	Modifiée.
86	Modified.	86	Modifiée.
87	Accepted unchanged.	87	Adoptée sans modification.
88	Not adopted.	88	Rejetée.
89	Modified.	89	Modifiée.
90	Modified.	90	Modifiée.
91	Not adopted.	91	Rejetée.
92	Accepted unchanged.	92	Adoptée sans modification.
93	Modified.	93	Modifiée.
94	Accepted unchanged.	94	Adoptée sans modification.
95	Modified.	95	Modifiée.
96	Modified.	96	Modifiée.
97	Accepted unchanged.	97	Adoptée sans modification.
98	Accepted unchanged.	98	Adoptée sans modification.
99	Accepted unchanged.	99	Adoptée sans modification.
100	Accepted unchanged.	100	Adoptée sans modification.
101	Accepted unchanged.	101	Adoptée sans modification.

Recommendation No.	Disposition.
102	Accepted unchanged.
103	Accepted unchanged.
104	Modified.
105	Accepted unchanged.
106	Not adopted.
107	Not adopted.
108	Not adopted.
109	Not adopted.
110	Modified.
111	Not adopted.
112	Not adopted.
113	Accepted unchanged.
114	Accepted unchanged.
115	Accepted unchanged.
116	Modified.
117	Not adopted.
118	Not adopted.
119	Not adopted.
120	Not adopted.
121	Modified.
122	Accepted unchanged.
123	Modified.
124	Modified.
125	Modified.
126	Accepted unchanged.
127	Modified.
128	Modified.
129	Modified.
130	Modified.
131	Not adopted.
132	Modified.
133	Not adopted.
134	Not adopted.
135	Modified.
136	Accepted unchanged.
137	Not adopted.
138	Accepted unchanged.
139	Modified.
140	Modified.
141	Modified.
142	Modified.
143	Accepted unchanged.
144	Accepted unchanged.
145	Not adopted.
146	Modified.
147	Accepted unchanged.
148	Accepted unchanged.

Modified	66
Accepted unchanged	40
Not adopted	29
Under review	14
Total	149

N° de la recommandation	Décision
102	Adoptée sans modification.
103	Adoptée sans modification.
104	Modifiée.
105	Adoptée sans modification.
106	Rejetée.
107	Rejetée.
108	Rejetée.
109	Rejetée.
110	Modifiée.
111	Rejetée.
112	Rejetée.
113	Adoptée sans modification.
114	Adoptée sans modification.
115	Adoptée sans modification.
116	Modifiée.
117	Rejetée.
118	Rejetée.
119	Rejetée.
120	Rejetée.
121	Modifiée.
122	Adoptée sans modification.
123	Modifiée.
124	Modifiée.
125	Modifiée.
126	Adoptée sans modification.
127	Modifiée.
128	Modifiée.
129	Modifiée.
130	Modifiée.
131	Rejetée.
132	Modifiée.
133	Rejetée.
134	Rejetée.
135	Modifiée.
136	Adoptée sans modification.
137	Rejetée.
138	Adoptée sans modification.
139	Modifiée.
140	Modifiée.
141	Modifiée.
142	Modifiée.
143	Adoptée sans modification.
144	Adoptée sans modification.
145	Rejetée.
146	Modifiée.
147	Adoptée sans modification.
148	Adoptée sans modification.

Modifiée	66
Adoptée sans modification	40
Rejetée	29
A l'étude	14
Total	149

CURRENT PROPOSED DISPOSITION OF THE WOODS COMMITTEE RECOMMENDATIONS

Recommendations Modified

1, 4, 6, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25A, 26, 27, 28, 29, 34, 35, 37, 38, 43, 45, 61, 62, 64, 65, 67, 69, 71, 75, 76, 78, 79, 83, 85, 86, 89, 90, 93, 95, 96, 104, 110, 116, 121, 123, 124, 125, 127, 128, 129, 130, 132, 135, 139, 140, 141, 142, 146.

Recommendations Accepted Unchanged

2, 3, 5, 13, 36, 39, 40, 41, 42, 46, 47, 66, 68, 70, 72, 73, 77, 80, 87, 92, 94, 97, 98, 99, 100, 101, 102, 103, 105, 113, 114, 115, 122, 126, 136, 138, 143, 144, 147, 148.

Recommendations Not Adopted

7, 10, 25, 30, 31, 32, 33, 44, 74, 81, 82, 84, 88, 91, 106, 107, 108, 109, 111, 112, 117, 118, 119, 120, 131, 133, 134, 137, 145.

Recommendations Under Review

48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 63.

DÉCISIONS ACTUELLES RELATIVES AUX RECOMMANDATIONS DU COMITÉ WOODS

Recommandations modifiées

1, 4, 6, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25A, 26, 27, 28, 29, 34, 35, 37, 38, 43, 45, 61, 62, 64, 65, 67, 69, 71, 75, 76, 78, 79, 83, 85, 86, 89, 90, 93, 95, 96, 104, 110, 116, 121, 123, 124, 125, 127, 128, 129, 130, 132, 135, 139, 140, 141, 142, 146.

Recommandations adoptées sans modification

2, 3, 5, 13, 36, 39, 40, 41, 42, 46, 47, 66, 68, 70, 72, 73, 77, 80, 87, 92, 94, 97, 98, 99, 100, 101, 102, 103, 105, 113, 114, 115, 122, 126, 136, 138, 143, 144, 147, 148.

Recommandations rejetées

7, 10, 25, 30, 31, 32, 33, 44, 74, 81, 82, 84, 88, 91, 106, 107, 108, 109, 111, 112, 117, 118, 119, 120, 131, 133, 134, 137, 145.

Recommandations à l'étude

48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 63.

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