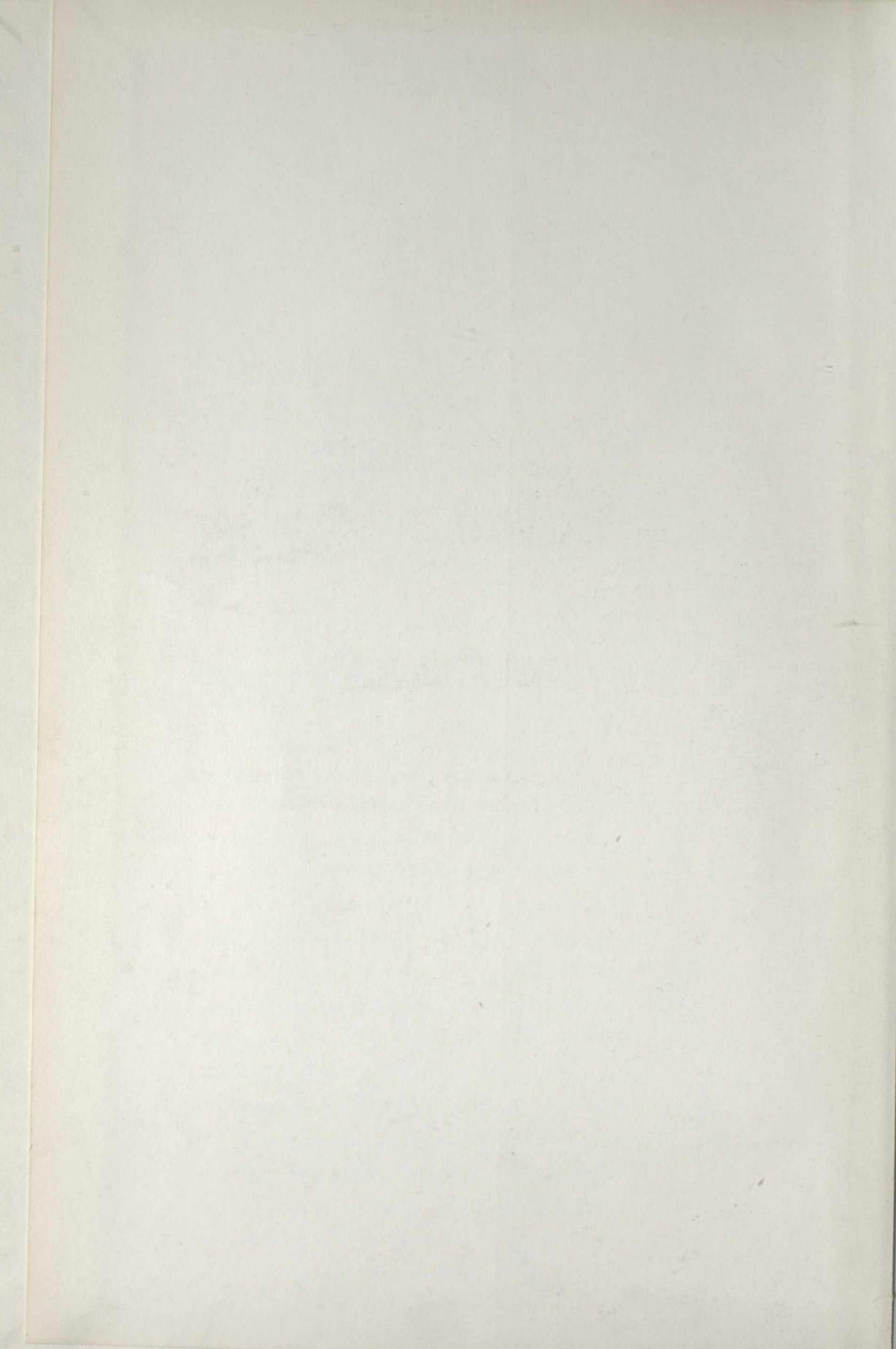


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HOUSE OF COMMONS  
Standing Committee on  
Veterans Affairs

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1st Session, 26th Parliament  
1963

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HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# VETERANS AFFAIRS

*Chairman:* J. M. FORGIE, ESQ.

---

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

---

THURSDAY, JULY 4, 1963

THURSDAY, OCTOBER 24, 1963

---

Respecting

THE SUBJECT-MATTER OF BILL C-7:

An Act to amend the Pension Act (Judicial Appeal)

---

WITNESS:

Mr. Jack McIntosh, M.P.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON VETERANS AFFAIRS

*Chairman:* J. M. Forgie, Esq.

*Vice-Chairman:* D. W. Groos, Esq.

and Messrs.

Bigg,  
Boulangier,  
Cadieux,  
Cameron (*High Park*)  
Clancy,  
Émard,  
Fane,  
Greene,  
Harley,  
Herridge,  
Kelly,  
Lambert,  
Laniel,

Laprise,  
Latulippe,  
MacEwan,  
MacInnis,  
Mackasey,  
MacLean,  
MacRae,  
Matheson,  
McIntosh,  
Millar,  
Moreau,  
Morison,  
O'Keefe,

Pennell,  
Perron,  
Peters,  
Pilon,  
Prittie,  
Pugh,  
Rideout,  
Rock,  
Temple,  
Thomas,  
Webb,  
Weichel.

M. Slack,  
*Clerk of the Committee.*

## ORDERS OF REFERENCE

HOUSE OF COMMONS,  
THURSDAY, June 27, 1963.

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

Messrs.

Bigg,	Lambert,	Morison,
Boulanger,	Laniel,	O'Keefe,
Cadieux,	Laprise,	Perron,
Cameron ( <i>High Park</i> ),	Latulippe,	Peters,
Clancy,	MacEwan,	Pilon,
Émard,	MacInnis,	Prittie,
Fane,	Mackasey,	Pugh,
Forgie,	MacLean	Rideout,
Gelber,	Matheson	Rock,
Greene,	Madill	Temple,
Groos,	McIntosh	Webb,
Harley,	Millar,	Weichel,
Herridge,	Moreau,	Winkler—40.
Kelly,		

(Quorum 15)

*Ordered*—That the said Committee be empowered to examine and inquire into all such matters and things as may be referred to it by the House; and to report from time to time its observations and opinions thereon, with power to send for persons, papers and records.

TUESDAY, June 11, 1963.

*Ordered*—That the subject-matter of Bill C-7, An Act to amend the Pension Act (Judicial Appeal), be referred to the Standing Committee on Veterans Affairs.

FRIDAY, June 21, 1963.

*Ordered*—That the subject-matter of Bill C-13, An Act to amend the Civil Service Act (Remembrance Day) be referred to the Standing Committee on Veterans Affairs.

THURSDAY, July 4, 1963.

*Ordered*—That the Standing Committee on Veterans Affairs be empowered to print such papers and evidence as may be ordered by the Committee, and that Standing Order 66 be suspended in relation thereto; and that the quorum of the said Committee be reduced from 15 to 10 Members, and that Standing Order 65(1)(n) be suspended in relation thereto.

FRIDAY, July 5, 1963.

*Ordered*,—That the name of Mr. Pennell be substituted for that of Mr. Gelber on the Standing Committee on Veterans Affairs.

STANDING COMMITTEE

WEDNESDAY, October 2, 1963.

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

TUESDAY, October 15, 1963.

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

MONDAY, October 21, 1963.

Ordered,—That the Items listed in the Main Estimates and the Supplementary Estimates (A) and (D) for 1963-64, relating to the Department of Veterans Affairs, presented to this House at the present session, be withdrawn from the Committee of Supply and referred to the Standing Committee on Veterans Affairs, saving always the powers of the Committee of Supply in relation to the voting of public monies.

Attest

LÉON-J. RAYMOND,  
The Clerk of the House.

REPORT TO THE HOUSE

THURSDAY, July 4, 1963.

The Standing Committee on Veterans Affairs has the honour to present its

FIRST REPORT

Your Committee recommends:

1. That it be empowered to print such papers and evidence as may be ordered by the Committee and that Standing Order 66 be suspended in relation thereto;
2. That its quorum be reduced from 15 to 10 members and that Standing Order 65(1) (n) be suspended in relation thereto.

Respectfully submitted,

J. M. FORGIE,  
Chairman.

*(Note,—This Report was concurred in by the House on the same day.)*

REPORT ON THE ...

January 15, 1958

The Board of Directors of the ...

THE ...

The ... of the ... is ...

Respectfully submitted,

A. M. ...

Chairman

Note: This report was prepared in the ...

## MINUTES OF PROCEEDINGS

THURSDAY, July 4, 1963

(1)

The Standing Committee on Veterans Affairs met at 11.45 a.m. this day for organization purposes.

*Members present:* Messrs. Boulanger, Cadieux (*Terrebonne*), Clancy, Emard, Fane, Forgie, Gelber, Groos, Herridge, Lambert, Laprise, MacEwan, Mackasey, Matheson, Madill, McIntosh, Millar, Moreau, O'Keefe, Perron, Pilon, Prittie, Rideout, Rock, Temple, Webb, Winkler (27).

The Clerk attending, and having called for nominations, Mr. Groos moved, seconded by Mr. Gelber, that Mr. Forgie be elected Chairman of the Committee.

There being no further nominations, Mr. Forgie was declared duly elected as Chairman.

The Chairman expressed his appreciation for the honour conferred on him.

The Chairman invited nominations for a Vice-Chairman.

Mr. Herridge moved, seconded by Mr. Moreau, that Mr. Groos be elected Vice-Chairman.

Mr. McIntosh moved, seconded by Mr. Winkler, that Mr. Pugh be elected Vice-Chairman.

After discussion, Messrs. McIntosh and Winkler, by leave, withdrew their motion.

Mr. Groos was declared duly elected as Vice-Chairman.

On motion of Mr. Moreau, seconded by Mr. Emard,

*Resolved*,—That a Subcommittee on Agenda and Procedure, comprised of the Chairman and 6 members, to be named by him, be appointed.

*Agreed*,—That the representation of the parties on the Subcommittee on Agenda and Procedure be as follows: The Chairman; and 2 Liberals, 2 Progressive-Conservatives, 1 New Democratic Party and 1 Social Credit.

On motion of Mr. Boulanger, seconded by Mr. Prittie,

*Resolved*,—That the Committee recommend to the House that it be empowered to print such papers and evidence as may be ordered by the Committee, and that Standing Order 66 be suspended in relation thereto.

On motion of Mr. Mackasey, seconded by Mr. Rock,

*Resolved*,—That the Committee recommend to the House that its quorum be reduced from 15 to 10 members.

At 12.10 p.m., the Committee adjourned to the call of the Chair.

THURSDAY, October 24, 1963.

(2)

The Standing Committee on Veterans Affairs met at 10.00 a.m. this day. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Cameron (*High Park*), Clancy, Fane, Forgie, Groos, Herridge, Lambert, Laniel, Laprise, MacEwan, MacInnis, MacRae, McIntosh, Millar, Moreau, O'Keefe, Pennell, Peters, Pilon, Prittie, Rideout, Rock, Temple, Webb, Weichel (25).

*In attendance:* Mr. C. W. Carter, M.P., Parliamentary Secretary to the Minister of Veterans Affairs; *From the Canadian Pension Commission:* Messrs. T. D. Anderson, Chairman, and P. Nutter, Pension Counsel; *From the Royal Canadian Legion:* Messrs. D. M. Thompson, Dominion Secretary, and M. MacFarlane, Director of the Service Bureau; *From the Department of Veterans Affairs:* Mr. C. F. Black, Secretary of the Department.

The Clerk of the Committee read the Orders of Reference.

On motion of Mr. Herridge, seconded by Mr. MacRae,

*Resolved,*—That pursuant to its Order of Reference of July 4, 1963, the Committee print 1,000 copies in English and 500 copies in French of its Minutes of Proceedings and Evidence.

The Chairman announced the composition of the subcommittee on Agenda and Procedure comprising the following members: Messrs. Forgie, Groos, Laniel, McIntosh, Pugh, Herridge and one member to be named later.

The First report of the Subcommittee on Agenda and Procedure was presented as follows:

1. That the Committee meet on Thursday, October 24 and Tuesday, October 29 at 10.00 a.m.
2. That subsequent days of sitting be decided by the Main Committee.
3. That the Committee first consider the subject-matter of Bill C-7, An Act to amend the Pension Act (Judicial Appeal) and then consider the subject-matter of Bill C-13, An Act to amend the Civil Service Act (Remembrance Day).
4. That Messrs. McIntosh and Herridge respectively be heard first on the subject-matter of Bills C-7 and C-13 and then be questioned thereon.
5. That Veterans organizations be invited to appear and present briefs to the Committee, and also request their views on the subject-matter of Bills C-7 and C-13.

On motion of Mr. Pilon, seconded by Mr. MacRae,

*Resolved,*—That the first report of the Subcommittee on Agenda and Procedure, presented this day, be now concurred in.

On discussion of the Committee's future days of sitting, Mr. Lambert suggested that this decision be deferred until the committee ascertains what facilities are available in the West Block for simultaneous translation. It was agreed that this matter would be further considered at the Committee's next sitting.

The Chairman introduced the officials from the Canadian Pension Commission, the Royal Canadian Legion and the Secretary of the Department of Veterans Affairs.

The Committee proceeded to the consideration of the subject-matter of Bill C-7, An Act to amend the Pension Act (Judicial Appeal).

The Chairman called Mr. McIntosh, M.P., Sponsor of Bill C-7, who made an extensive statement explaining the purpose of the Bill, dealt with the history of various decisions rendered by the Pension Commission, and was questioned thereon.

It was agreed that the Committee continue consideration of the subject-matter of Bill C-7 on Tuesday, October 29, and hear officials from the Canadian Pension Commission and the Royal Canadian Legion.

At 11.45 a.m., the Committee adjourned to meet again at 10.00 a.m., Tuesday, October 29, 1963

M. Slack,  
Clerk of the Committee.

## EVIDENCE

THURSDAY, October 24, 1963.

The CHAIRMAN: Gentlemen, if you will come to order I will ask the secretary of the committee to read the orders of reference.

The CLERK OF THE COMMITTEE:

TUESDAY, June 11, 1963.

Ordered,

That the subject matter of Bill C-7, an act to amend the Pension Act (Judicial Appeal), be referred to the standing committee on veterans affairs.

The second is:

FRIDAY, June 21, 1963.

Ordered,

That the subject matter of Bill C-13, an act to amend the Civil Service Act (Remembrance Day) be referred to the standing committee on veterans affairs.

The third order of reference:

MONDAY, October 21, 1963.

Ordered,

That the items listed in the main estimates and the supplementary estimates (A) and (D) for 1963-64, relating to the Department of Veterans Affairs, presented to this house at the present session, be withdrawn from the committee of supply and referred to the standing committee on veterans affairs, saving always the powers of the committee of supply in relation to the voting of public moneys.

The CHAIRMAN: The first question we have to decide is the matter of printing. How many copies of our Minutes of Proceedings and Evidence should we have printed in English and how many in French?

Mr. HERRIDGE: What has been the usual practice?

The CHAIRMAN: We suggest 1,000 copies in English and 500 copies in French.

Mr. HERRIDGE: I so move.

Seconded by Mr. MacRae.

Motion agreed to.

The CHAIRMAN: Gentlemen, I would like to announce to you the members of the steering committee: Messrs. Forgie, Groos, Laniel, McIntosh, Pugh, Herridge, and one to be named. Does this meet with the approval of the committee?

Agreed.

The CHAIRMAN: Next I will read the first report of the steering committee:

Your subcommittee recommends:

1. That the committee meet on Thursday, October 24, and Tuesday, October 29, at 10 a.m.
2. That subsequent days of sitting be decided by the main committee.

3. That the committee first consider the subject matter of Bill C-7, an act to amend the Pension Act (Judicial Appeal), and then consider the subject matter of Bill C-13, an act to amend the Civil Service Act (Remembrance Day).

4. That Messrs. McIntosh and Herridge respectively be heard first on the subject matter of Bills C-7 and C-13 and then be questioned thereon.

5. That veterans organizations be invited to appear and present briefs to the committee, and also request their views on the subject matter of Bills C-7 and C-13.

Mr. LANIEL: I move the adoption of this report.

The CHAIRMAN: May I have a mover and a seconder to the report of the subcommittee?

Moved by Mr. Pilon, seconded by Mr. MacRae that this report be adopted. Motion agreed.

The CHAIRMAN: I believe there has been a request for an interpreter. As I have stated, we are sitting today and will sit next Tuesday. The question of what days we shall sit subsequent to October 29 presents some difficulty because if you look at the number of committees which are formed already, you will see that it will be rather difficult to fit our committee in.

Mr. LAMBERT: In view of the fact that a legitimate request is made to have the services of an interpreter, I think because of the installation of the translation facilities in the committee rooms in the west block, you should also bear in mind the availability of those rooms.

The CHAIRMAN: Are there any comments in respect of our days of sitting?

Mr. HERRIDGE: Could we leave this until another meeting?

The CHAIRMAN: I think if we leave it we can decide this question next Tuesday.

Mr. PRITIE: Are you going to take up the point raised by Mr. Lambert?

The CHAIRMAN: Yes.

Mr. LAMBERT: It does not bother me, but it certainly bothers other members. I think some of the members might like a translation of our proceedings.

The CHAIRMAN: Gentlemen, we have present with us today Mr. T. D. Anderson, the chairman of the Canadian pension commission; Mr. Nutter, the pension counsel to the Canadian pension commission; Mr. Donald Thompson, dominion secretary, Royal Canadian Legion; Mr. Murray McFarlane, director of the service bureau, Royal Canadian Legion, and Mr. Black, departmental secretary, Department of Veterans Affairs. On behalf of the members of the committee I welcome these gentlemen to today's meeting as well as to subsequent meetings.

Some hon. MEMBERS: Hear, hear.

The CHAIRMAN: At this time I would call upon Mr. McIntosh to explain the purport of his bill.

Mr. HERRIDGE: Would Mr. McIntosh go to the head table where we can see him to better advantage.

The CHAIRMAN: Yes, come right up here, Mr. McIntosh.

Mr. MCINTOSH: May I sit down, Mr. Chairman?

The CHAIRMAN: Surely.

Mr. MCINTOSH: Mr. Chairman, in order to be as brief as I possibly can in presenting this bill in a layman's manner I had hoped that most of you had read what I said on the bill already; it was contained in *Hansard* of March

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

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

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

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

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

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

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

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

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

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

Then Mr. Mutch replied as follows:

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

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

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

(1) Until such time as they become subject to the dangers peculiar to war, why should this provision be made available to members of the peace-time forces any more than to any other civil servant.

(2) Section 13 (2) does not provide the protection which is needed at all times.

In regard to the first observation he made, I would say it is not the duty of the Canadian pension commission to question or to weigh what the dependants or the applicants, as veterans, are given under the Pension Act as compared to what the civil servants get under their act. I have on several occasions noticed, in going through the minutes of these proceedings, that reference has been made to why should the veterans get this and not the civil servants. Also, comparison has been made between the Pension Act and the Workmen's Compensation Act. I intend later to bring up a case in regard to a vehicle driver, which they say is not covered under this Pension Act and in which they try to compare a similar case under the Workmen's Compensation Act. But, I have information here which was obtained from the treasury manual of financial authorities and procedures, volume II. Referring to the Workmen's Compensation Act it says:

For example, some boards have accepted claims for injuries received during the recognized "coffee break", and also while lunching in the departmental cafeteria. A claim by an employee injured in a hotel fire while on an official trip has also been accepted. Each case must, however, be decided on its own merits.

I point this out to show you that in certain circumstances, for example, a vehicle driver is not required to be on the grounds all day; by the very nature of his duty he may be called to, say, another area or another province but he still should be covered the same as those remaining in camp. I do not think that is the general finding of the pension commission when dealing with cases.

I have been informed by the pension commission that in making its decision it is governed by certain guiding principles largely based on precedent. When I asked for copies of the rules and regulations which the commission uses as a guide the chairman replied in part, and I have no complaint with his reply because it may be a good idea if it is followed, that the commission has, nevertheless, set down certain guiding principles largely based on precedent, which are studied whenever a particular type of case arises. This is very much the same procedure which is followed by the British Judiciary generally; that is to say, in the United Kingdom and commonwealth countries the law is largely established on precedent. These guiding principles have been loosely referred to as regulations and interpretations. In point of fact, they are no such thing since they are simply designed to provide some guidance to the commissioners in reaching a decision. In most cases they make reference to specific cases which have been dealt with in the past, and without a complete case file to which reference is made, they would be meaningless. Many do nothing more than make reference to several specific cases and suggest that these be reviewed when similar claims arise. Under the circumstances you will appreciate that it would be quite impossible to provide a copy of such so called regulations which would not mean anything without access to the many other sources of information which must be used in conjunction with them.

In the case of decisions under Section 13(2) of the Pension Act, several specific cases are referred to, but the reference makes no firm suggestion as to the exact basis on which any claim under Section 13(2) should be decided. In other words the commission is left, as was intended by the legislation, to decide each case on its individual merits.

Am I speaking loud enough? Can you hear what I am saying?

Mr. MACRAE: Yes, but I think you are going a little fast for the reporter. I suggest you slow down.

Mr. McINTOSH: The reporter has not complained as yet.

When questioning the committee in regard to this same subject the deputy chairman made certain statements. These statements appear at page 282 of the Proceedings and Evidence of the committee on veterans affairs dated May 18, 1961. I do not intend to go into the minutes at any great length to indicate how the circumstances came about, but I will ask you to retain a few facts in your mind, as I intend to refer to them later.

The deputy chairman of that committee had the following to say in reply to a question asked:

"Generally speaking, if a man has left his quarters and is in possession of a pass for a weekend, or a fortnight, from the time that he acquires that pass and leaves the orderly room, he is not on duty, and anything which happens to him, is his responsibility. He is in the same position as any other civil servant."

The deputy chairman also said at the same page:

"...if the man who was going on the mess parade to get his dinner was hurt, he would not normally be pensionable."

On another occasion as reported at page 280 of the same evidence, the vice chairman stated that an individual would not be pensionable if he was away, and he meant away from camp.

On a previous occasion I made reference to how narrow-minded some of the decisions made by this commission have been. One example had reference to a chap who was ordered to deliver a message and was killed. If he had been killed going in through the door to deliver the message he would have been pensionable, but as he was killed coming out of the door after delivering the message he was not pensionable.

If all these statements or principles were adhered to, regardless of how ridiculous they appear, there would not be any basis for my charge of discrimination.

I shall put on the record a few examples of decisions handed down by the commission which are in direct contradiction to the precedents or interpretations to be followed by the board. Some of the examples are as follows.

This is a decision of the board in regard to an airforce officer serving in Europe. He was killed while flying for a civilian flying school while he was off duty. You will remember what the deputy chairman said about people not on duty. I imagine the decision of the board was handed down following one or two appeals. I have the history here but I do not think we have to go into it.

The board ruled, after that comprehensive study of all the circumstances attendant upon this case, that the applicant, although not on duty at the time of the fatal accident, was by his efforts making a contribution in the best interests of the Royal Canadian Air Force. Service compulsion does not appear to be involved in this case, but the interests of the service would appear to be involved. Invoking to the full the provisions of section 70, it is, therefore, concluded that the accident causing death was directly connected with regular force service in peacetime.

This is a direct contradiction of what the deputy chairman told at a committee meeting. I would say this is a very strong example of discrimination.

If you look in your own files you will see the number of cases that have been turned down because the commission ruled that the applicant was not on the base at the time of the accident and was, therefore, not pensionable. Whether this fellow was treated differently by the commission because he

was an officer, or whether officers are treated in a different manner from other ranks, I do not know. That is a question you will have to settle in your own minds.

I should like to give you another example. The vice chairman has stated that very seldom has a veteran or an applicant been given a pension as a result of something which happened to him when he was on leave. The pension commission's decision in respect of one individual is as follows. A man was on leave just prior to discharge and was ordered to report to Ottawa for discharge. Returning from leave to report he crashed into a standing bus suffering chest injuries which resulted in a permanent disability. The first two hearings turned down his plea on the basis that he was not on duty. The appeal boards decision reversed those decisions stating that he was pensionable under section 13(2). The appeal board's decision was unanimous. Keeping in mind again that the vice chairman of the commission told us that unless he was on the base he was not pensionable, you can observe the contradiction.

I should like to state another example and suggest to you that this is a very important case. This has reference to a naval personnel who was on shore leave. During an attempted robbery, and I do not know how he became involved in it as I have not gone into the case thoroughly, he was shot in the back by a bullet. They ruled that he should receive a pension. I am very interested in the observation by the pension commission in this case. There is one sentence here of which I would like you to take particular notice. I think this statement lends strong support to my contention that these cases should be tried by qualified legal men. The final paragraph states that the facts of the case are not in dispute. The only issue is whether the incident arose out of or was directly connected with peacetime service.

This is what the commission themselves say:

The undersigned were impressed with the learned counsel's argument and conclude that whereas the sequence of events leading up to the injurious accident cannot be classified as entirely peculiar to military service, reasonable doubt has been raised that service routine and requirements played a dominant part in the incurrence of this veteran's back injury. The provisions of section 70 are invoked in this case.

Bear in mind that when this applicant retained the services of a very competent lawyer, the commission were so impressed with the competent man, regardless of what the deputy chairman tells the committee, that they granted a pension. I have no objection about this type of application being approved; I do not object to that at all. What I do object to is the discrimination which is apparent between a type of case such as this and a type of case such as you people have in your files on which you can get no where.

This is another one in regard to a corporal working overtime. You remember what the deputy chairman told us about going on mess parade because it was not obligatory and there was no pension. Here is a case that was pensionable. I have pages of them. Here is another chap in N.P.A.M. returning from a special assignment on Armistice day or something like that who, returning from the place where the ceremony was held back to his home, was killed. His dependents received a pension. The deputy chairman says this type of case is not pensionable. In one case it is. Discrimination again, I say.

Here is another case where the applicant was not on the base at the time. This appellant reported for duty at midnight a short distance from the place of duty and at approximately 11:20 his car ran out of gas and an unlighted car struck him from the rear. The two automobiles were involved in an accident. He suffered an amputation of the right leg together with compound fractures of the left tibia and fibula. A decision of the appeal board ruled the condition arose out of and was directly connected with regular force service.

I think those are enough examples to prove what I am trying to say.

I think I will leave section 13(2) for the time being and wait for some questions.

In regard to the other section to which I referred, section 70, I am aware that there are representatives of the Canadian Legion here today and any of you who have their briefs for the past number of years will see that they have continually objected to section 70. I am also aware that the Canadian Legion as an organization is not supporting this bill that I have proposed. I have a good idea why they are not supporting it as an organization. However, I do not think they disagree with the bill in principle.

I would like to say a few words about section 70. I do not think it is necessary to read what the Canadian Legion has said continually in their briefs; any of you who have their briefs can look up what they have said with regard to this section.

Mr. ROCK: May I interrupt? Can you give us the gist of the section?

Mr. McINTOSH: It reads as follows, and it is normally called the benefit of the doubt clause:

Notwithstanding anything in this Act, on any application for pension the applicant is entitled to the benefit of the doubt, which means that it is not necessary for him to adduce conclusive proof of his right to the pension applied for, but the body adjudicating on the claim shall draw from all the circumstances of the case, the evidence adduced and medical opinions, all reasonable inferences and presumptions in favour of the applicant.

Not being a lawyer, I went to a lawyer and asked him to give me his interpretation of that clause. I would like to read it to you and ask those of you who are lawyers if you agree with his interpretation. He says this:

The benefit of the doubt means that doubt that might exist in the mind of a reasonable man, the average man on the street. A judge does not apply a doubt that exists in his mind; he applies that which he considers would exist in the mind of a reasonable man if a reasonable man was sitting on the bench. The judge interprets the law to the best of his ability as a man learned in law; he looks at the facts and weighs them, tests them and doubts them, and he, the judge, imagines what a reasonable man sitting in the jury would do. In other words he applies the law as a learned man and considers the facts as a reasonable man. The conception that a reasonable man as a judge is a conception of British justice that is drilled into all law students, I understand. It is not unusual for a judge to say to an accused 'I have no doubt of your guilt; nevertheless, there is an element of doubt and under the law I must give you the benefit of it.' The judge here refers to the doubt an average man might have, a doubt that exists in the mind of a man in the street, not the doubt that exists in the mind of the judge?

Now I understand that such a statement and such an understanding of a section such as that is basic to lawyers and I would ask you, Mr. Pennell, if that is right under British justice?

Mr. PENNELL: I would say that in my humble opinion they are dealing with reasonable doubt as applied in criminal cases.

Mr. McINTOSH: Right. The interpretation put on clause 70 by the commission is directly opposite to the interpretation of the courts, and opposite to the intent of the court and the intent of parliament, I would suggest.

This statement is verified by the evidence of the deputy chairman again as recorded in the minutes of proceedings of this committee dated April 9, 1959.

This is what the deputy chairman says, and you will remember what the definition I received stated, that it was not in the mind of the judge but in the mind of a reasonable man. Now in explaining this to Mr. Beech in these minutes, Mr. Mutch, the deputy chairman says:

The benefit of the doubt which is described in section 70 is a doubt in the mind of the judge, if I may use that expression, or the man who is hearing the case. In effect the section says that if the three men who constitute the appeal board hearing a case have reasonable doubt—and it says “reasonable doubt”—in their minds as to the decision which they shall take, then they shall draw reasonable inferences in favour of the applicant. The act says reasonable inferences, and again the decision as to what is reasonable or unreasonable must exist in the minds of the men who are hearing the case. The result is that when an application is granted, as a very great number are granted as a result of section 70, the person who succeeds is satisfied. But the person who does not succeed is likely to suggest that we have not exercised that discretion in his favour. The power to give, in a section like that, is balanced by the power to deny. The commission has through the years—and I think it has been generally accepted—that the decision lies solely in the minds of the judges themselves, as their responsibility.

One cannot say that the appeal board should have a doubt about this simply because I have a doubt. On the whole it works to the advantage of the veteran population generally, and I would venture to suggest to you that more than 80 per cent of the entitlement awards granted in respect to world war I, in the last five years while I have been with the commission, could not have been granted without resort to the benefit of section 70. I do not think anyone would challenge that.

Well, I would challenge it. I would say that it would appear that members of the commission have taken the attitude that they are supreme beings. They take the attitude that the applicant has to approve his case beyond a reasonable doubt. The intent of parliament and I would say of the law of the land in a civil action only asks the applicant to produce a preponderance of evidence, and in legal phraseology I understand that preponderance means just slightly over 50 per cent, if it just tips the scale in favour of the applicant then that is reasonable doubt and the applicant should be given the pension.

In reviewing some of the 18,000 applications which have been denied under section 13(2) in a ten year period between 1950 and 1960, by the pension commission, it is remarkable to note that in nearly all cases the commission never questions the original diagnosis of the medical officer at the time of discharge. The opinion and diagnosis of the doctor appearing before the board is not accepted, even in view of the fact that more modern and advanced medical knowledge has been presented at recent hearings.

In this respect I would like to cite some more examples. If the committee will bear with me I am going to read some of the letters, and these examples are all taken from my own files. I know that all of you could produce exactly the same type. This one about which I am going to tell you now is about a veteran of world war I who was gassed. He, as were all gas victims of that time, was treated for tuberculosis. That was apparently routine treatment for anyone gassed in world war I. He had claimed all during his lifetime since world war I that he never had tuberculosis although they wanted to treat him for it at all times; in fact they wanted him to have an operation and have a lung removed but he refused. Right then he got into trouble with the Department of Veterans Affairs and with the pensions commission because he would not have this lung out. He never had a positive reaction to tuberculosis tests that

he had taken. He was denied benefits although he was entitled to them. He was denied them because he had a disorder of his respiratory system as a result of his service.

Whether the original diagnosis was wrong or whether the recent diagnosis was wrong should have been no concern of this veteran's at all. He was disabled because of his service. I can go through case after case. You can imagine the worry and the financial difficulties that these veterans go through because of unjust decisions of this commission.

I am going to read you part of a review of this veteran's file which I believe will show that his disability was a result of contact with mustard gas during service. This fact was recorded and not in dispute by the pension commission. I further believe that the file reveals that he has suffered from 1917 to the present time as a result of his disability.

The evidence on the file reveals that there was damage to his respiratory system. I think it can be safely said that all these facts are recorded and acceptable to everyone. A difference of opinion does seem to exist in diagnostic records of certain members of the medical profession as to what the disability should be called. One opinion or diagnosis is tuberculosis, the other is chronic bronchitis and emphysema. One could be wrong, but to a layman such as myself this point seems incidental and could be termed in common vernacular as splitting hairs in relation to the damage or disability. It is interesting to note that subsequent medical examinations of the veteran have never recorded a positive symptom of tuberculosis.

I would suggest the commission should give greater consideration to the basic fact of disability, the respiratory system, of this veteran as a result of war service than to the term the members of the medical profession wish to use in regard to this disability. It is conceivable that the original diagnosis could be wrong, as I understand most of the lung conditions in world war I were diagnosed as tuberculosis and treated as such. The medical treatment I assume produced desired results regardless of the medical term used to record the disability.

The purpose of my letter is to require as to the proper procedure I should follow to have the commission consider the ruling that would apparently clarify this situation to the satisfaction of all concerned.

To me the matter is quite simple. As I previously stated, I am not too much concerned with the recorded medical term of this veteran's disability but rather the fact that he has a respiratory disability as a result of his services which is giving him trouble and for which he needs and has needed medical care and treatment.

Am I correct in assuming that the same care and consideration would be extended to the veteran for his respiratory condition as a result of war service if the original diagnosis had been phrased in the same terms as the more recent medical opinions?

My point is pension entitlement should be given for a respiratory disability caused from contact with mustard gas. Late developments from the disability, such as chronic bronchitis and pulmonary tuberculosis are related conditions which could be expected. Does the commission consider the rules are so rigid and binding that they require higher authority before they can rule there is some doubt as to the original diagnosis?

Here is another case in regard to a veteran who enlisted in Canada for service in world war I in the flying corps. He was accepted as physically fit,

A-1. But part way through his training he developed influenza. Perhaps I had better read this. His pension application and the decision read as follows:

Pulmonary tuberculosis—post-discharge condition not applicable to service in world war I with the imperial forces.

Such a decision by the board is difficult to understand after reading the evidence and the reason for the decision arrived at by the board. The board admits the records show the applicant was accepted as physically fit on enlistment and physically qualified to become a pilot. The board had evidence of hospitalization diagnosed at the time as influenza, and influenza is defined as a disease exhibiting catarrh of the upper passages.

The evidence shows he was hospitalized twice for what was diagnosed as influenza, once for five weeks and once for two. The evidence, I would suggest, also shows if the diagnosis was correct the treatment received for influenza failed to cure the ailment. The board from evidence records this statement: 'His recovery from this illness was apparently slow and he did not regain his former strength very quickly.'

And I insert here that the evidence shows during his whole life he never regained the health he had on enlistment—rather a long time to recover from a bout of influenza.

Present-day doctors would say either the diagnosis was wrong or the treatment was wrong. We know the treatment did not cure the ailment, so therefore it is logical to believe that the diagnosis was wrong. Some symptoms of influenza and pulmonary tuberculosis are the same.

In fact, we are told by the present day doctors that both affect the lungs or air passages of the human body.

We know the medical records for veterans of world war I were far from complete and in fact at times were non-existent. May I request that you refer this veteran's file to the senior pensions medical officer, requesting a change in the original diagnosis in that subsequent results prove this veteran was suffering from a more serious ailment than the earlier hasty diagnosis recorded as influenza.

This veteran, as seen from British ministry of pension records, has been awarded pensions, but never received,

for nervous debility, which means languor and feebleness, also symptoms of pulmonary tuberculosis.

I could go on. The reason I am reading these is to show you that in the mind of the average man the benefit of doubt clause has not been applied in the cases that parliament intended it should.

This one here is in regard to a veteran from Quebec and the only reason I quote it is because I feel that some of the Quebec members might be interested in it. This veteran was taken prisoner of war at Dieppe. The day prior to embarking for Dieppe, he injured his back, but because he knew he would be left behind he did report it. You all know what happened at Dieppe. He was taken prisoner the very next day. Being taken prisoner, he was again hit in the back by a rifle butt by one of the Germans, and his back was further hurt.

I could go on and relate many points in the history of this man from the time of his discharge and tell you how he was bothered with his back ailment and so on. Different diagnostic decisions were given by different doctors to whom he went. However, the story is still here, from the very day of his discharge it backs up his contention and the contention of those with him during the time that he was prisoner of war, that his back was

injured even before he went into Dieppe and he suffered from it since; but still it is said that it has no connection with his military service and they do not give him the benefit of the doubt.

Mr. PETERS: They never do.

Mr. ROCK: They hardly ever do.

Mr. McINTOSH: I say the interpretation of this section by the commission is not the interpretation which was intended by parliament or those who drafted it.

This is confined to another application and it is recorded by a chap who was by profession a chartered accountant, and I would say he was a reasonable man off the street. This case was turned down. He gave this opinion, I think before the decision was handed down by the commission in which they rejected the application. He says:

The evidence adduced in my hearing proved the following:

a. That was treated as a result of complaining of pains in the back and right shoulder which he himself thought of as bursitis) in St. Thomas air force hospital in June, 1942. There was a suggestion of temporo mandibular arthritis at the time. He was ordered ten days heat treatments with complete absence from duty. He was in fact given four days treatment only and no absence from duty except when undergoing the treatments. A systematic investigation recommended by a Dr. McArthur at the time was never made.

b. That in 1944, he was taken off a draft for Italy because he was found to be suffering from otitis media, but on this occasion was only given aspirin, with the result that in the middle of 1946, after discharge, he had to be rushed to hospital in Vancouver in a condition that was very nearly inoperable and might have cost him his life.

c. That in the official record an opinion given by Dr. McGillicuddy (in writing) as to a long standing suppurative condition was falsified to state that this condition probably went back to childhood, whereas Dr. McGillicuddy refuted this idea completely and said that in his opinion any such condition lasting over one year was very definitely of long standing.

d. That textbooks of recognized authority definitely stated that such a condition was not only sometimes but very often the beginning of rheumatoid arthritis, and that this opinion was very positively backed up by Dr. Gibson.

e. That in fact Berglund had never been free from symptoms of arthritis from 1942 until his collapse in 1960 and had been treated regularly from time to time for them.

f. That the reason he had not mentioned this complaint on discharge was that the ear trouble, otitis media, was bothering him more than the arthritis and that he was exactly the sort of man who would neglect to make a song about something which at the time was of minor importance to him.

g. That he worked overseas in 1943 and 1944, under such conditions that were almost certainly conducive to the condition with which he was now afflicted.

h. That statement . . . of the board's findings as to lack of evidence before the board is completely untrue, and that they utterly failed to take into account the mandatory provisions of section 70 of the act.

Then there is the case of an air force veteran who was a pilot during the war. I did not bring it down with me, but he complained while flying one time of

being dizzy and of unstable balance, so he was taken off flying for a short time. But as we lost more planes and the need for pilots became increasingly great, he was put back into service; and he completed his tour of duties as a pilot. The time when he was taken off service and treated for this dizziness was recorded on his medical documents. At the present time this veteran is in a hospital in Calgary, I believe. His wife has left him. He has three small children to look after. He has applied for a pension. The diagnosis was that of multiple sclerosis not attributable to his service, and he was denied the pension.

His whole history reveals that this disease—if you can call it a disease—became apparent to him for the first time while he was on military service. In fact, he was grounded because of the symptoms that he had at that time.

My point for bringing up this case is that they said his illness was not attributable to service. I asked a doctor what was the cause of multiple sclerosis and he said “to tell you the truth, Jack, no one knows.” But still our pension commission is so all-powerful that they can say it was not caused by military service. I also know that in some cases of multiple sclerosis they have awarded a pension. Why in one case and not in another? I say this is discrimination.

Mr. FANE: Involuntary discrimination.

Mr. McINTOSH: I am not so sure at times. I hate to make that statement, but I would like to back it up if I am forced to do so.

The reason I am going to review this case is because there is a medical opinion here by a well qualified doctor. The initials after his name at least are very very impressive. He signs M.B., B.S., M.R.C.S., L.R.C.P., L.M.C.C.; so he must have quite a few qualifications. I wrote to the pension commission in this case. My letter is not very long and I will read it.

I am particularly interested in the fourth last line of “Reasons for Decision”, page 4, where it states “there is no real evidence in the opinion of this board to establish the cardiac death which occurred forty years after discharge”, etcetera.

May I ask what type of evidence does the board generally accept as real evidence. Would you not agree in the doctor’s conclusion that it was recognized there was some evidence he could have died as a result of damage to his respiratory system caused by gassing? To me this is where the benefit of doubt clause should be applied . . .”

The world war I records here were vague. This doctor has stated that

“ . . . with modern methods of diagnosis and investigation many of these cases would be accurately diagnosed today, but in those days they were conveniently lumped under the diagnosis of trench fever because of limited medical knowledge.”

I believe there is sufficient evidence presented that this veteran has been suffering from a chronic chest disease since his discharge which could be related to a disability caused by war service to grant a pension under the benefit of doubt clause.”

Here again the pension was denied in a case of gas. I ask that you members who are responsible for seeing that proper law is established in Canada protect these people. Think of the suffering and heartache that has gone on in the homes of these veterans who know their disability was caused as a result of war service but because of a fight between what the doctors call the disability, they were denied a pension.

This is another world war veteran and the doctor says about this case:

First I will make some general comments about this case and these cases in general, and then refer specifically in sequence to the summary of the appeal board.

The first principle which should be adhered to is that where there are any reasonable grounds of attributing sickness or death to service in either war, the ex-serviceman concerned should be entitled to receive the benefit of doubt. I think this principle is reinforced by the fact that these men served in the first war as volunteers when in Canada they were perhaps divorced from the geographical physical and political considerations that induced men from England to fight. I have spoken to many ex-servicemen from the first war and the great majority of these men at some time or other, were subject to the effects of gas, either during a major attack or sporadically throughout the campaign. Those desperately ill went on sick report, and in some cases were hospitalized. Those who received repeated minor attacks of gassing, resulting in respiratory illnesses of relatively minor degree, found it easier and safer to remain in trenches rather than undertake the hazardous journey to a field hospital. In a great number of cases it was not even possible to enlist medical aid for several weeks, and by the time medical aid was available the initial effects of gassing perhaps had been overcome."

I now refer you to the first point I wish to make...I think the board have accepted later in the evidence that this man was in fact gassed. The gassing he experienced was not severe enough for him to be hospitalized and he overcame the initial insult. I think the board accepted my evidence as to the normal chronological picture to be expected.

It is now recognized that many patients present to us fever, joint pains, loss of weight and general debility. Although one might not appreciate any clinical signs of respiratory disease, it nevertheless, on taking test x-rays one finds radiological signs of either lung collapse or consolidation, that is inflammation of the lung tissue. X-rays were not taken at the time and no pulmonary lesion was discovered.

This may or may not have been the case, but I would again stress it is a possibility, and this being so this man should be given the benefit of doubt. The fact that he had arterio sclerosis is purely incidental, and is to be expected. What trench fever was in fact I do not know.

I asked the medical services of the pension commission what it was. I have to this day not received an answer.

It would be extremely difficult, so many years after the event to sort out this complicated pathological entity. With modern methods of diagnosis and investigation, many of these cases would be accurately diagnosed today, but in those days they were conveniently lumped under the diagnosis of trench fever because of the limited medical knowledge. This evidence is well documented and I think it is accepted by most of the medical profession.

It is my contention that it is possible at this time that this man could have had a so-called silent pulmonary lesion which was not recognized.

We do have reliable evidence that this man suffered from pulmonary disease as far back as 1930. This evidence is impartial and without prejudice. As he would have been a relatively young man at that time, it seems it would be very unusual for a man of that age to be suffering from chronic chest disease. The fact that he did not seek medical attention after he was gassed, in my mind, does not constitute a weakness in this case. In my own experience, I have known good soldiers who have suffered from some injury or condition, requiring medical treatment, and did not seek medical aid because they had no desire to leave their comrades and go out of action. They are usually the better men.

In conclusion, therefore, I would like to cite the following relevant facts: The board recognize the fact that he was gassed. The board recognize the fact that he showed signs of respiratory disease in 1930. The board recognize the fact that he died as a result of longstanding respiratory disease. I also know as a fact that he took the liquor store job in Cabri in 1930 because he could not stand any heavier work. It is for these reasons that I most earnestly ask your aid in this case, to see that justice is done to the widow and child of this man, because if a pension claim is refused in this case, I feel it is not in Her Majesty's best interest.

It would appear that the present pension commission is in a rut and has outlived its usefulness. Some thought should be given to the suggestion that in refusing these applications time and again, the commission is insuring itself there will be sufficient applications for rehearing to keep the commission employed for years to come.

It is not unreasonable to assume that 20 years after the last major conflict there are not sufficient new applications being submitted to keep the board as fully occupied as those members of the board were at the cessation of hostilities in the late forties. Perhaps the present board should be disbanded and replaced with fully qualified men who could adjudicate justly with the remaining applications coming up for rehearing.

An appeal board should be separate and distinct from a board normally set up to hear the original application. To my mind there is danger and evidence of collusion under the present system.

If the committee will not endorse the principle of Bill C-7, that an appellant be allowed to appeal to the courts against an unjust decision, may I suggest, in view of the admission of the spokesman for the commission as recorded in evidence that they do not understand the meaning of the legal phraseology of some sections of the present act, that a subcommittee be appointed from the house to redraft those sections and other relevant sections in line with the intent of parliament and in language that can be understood by the present members of the Canadian pension commission. That is all the submission I have to make at the present time, Mr. Chairman.

Mr. WEICHEL: Mr. McIntosh mentioned that about 18,000 have been refused pension. Is that under the benefit of the doubt?

Mr. McINTOSH: That is under 13 (2). It arises out of or is directly connected with it. If I might explain the section, parliament in its wisdom saw fit to change that from the way it was originally recorded in the act; it used to be "arose out of and directly connected with military service", and it was changed to read "arose out of or directly connected with military service", making it one or the other. They tried to make it as broad as possible. That was the intent of parliament at the time.

If the commission had read *Hansard*, they would have found out the intention of parliament of that day, and how they intended the commission to interpret that section. But to my mind they have not done so.

Mr. WEICHEL: Of these 18,000, some could be veterans who did not reveal any disability at the time of their discharge, in order that they could get out of the service as soon as possible. Then later some of them discovered that the disability was being aggravated, and a lot of them applied for a hearing. At that time, of course, no medical papers were available on their file in regard to such a disability. Many veterans have talked to me and a lot of them were given no benefit of the doubt.

Mr. MACRAE: Is it our intention now to question Mr. McIntosh or to hear other evidence before we launch upon an exhaustive and complete questioning of Mr. McIntosh?

The CHAIRMAN: I would prefer to have members of the committee ask questions of Mr. McIntosh after he has finished his brief. I take it that the chairman of the pension commission would like to say a few words.

Mr. ROCK: May I interject a little here. What about calling him?

The CHAIRMAN: You mean calling the chairman of the Canadian pension commission?

Mr. ROCK: Are they prepared right now more or less to contradict Mr. McIntosh, in a sense, or would they need time to investigate all the claims or cases he has brought out?

The CHAIRMAN: I do not know what is in their minds.

Mr. ROCK: Would it be fair for them to come up and start right away without first giving them time to have all the facts that Mr. McIntosh has mentioned before them, to see the minutes of this meeting, and to come back at another time to plead their case in a proper way?

The CHAIRMAN: There is no compulsion here. Mr. Anderson is free to speak, if he wishes to do so.

Mr. FANE: I move that Mr. Anderson be invited to say a few words if he so wishes.

The CHAIRMAN: All those in favour?

Mr. MOREAU: On a point of procedure, I was trying to get your eye. Would we not save time in the long run if we questioned Mr. McIntosh and completed his examination on the material he has presented to us? Then I am sure we would be very interested to hear from the pension commission later, and they would have had an opportunity to prepare their side of the story and we might question them then? Otherwise I think we might get into a lot of difficulty if we do not operate in that way.

Mr. FANE: It would get us into more difficulty if we did it that way. I think we should allow Mr. Anderson to say something about his reaction to this bill, and to Mr. McIntosh's further details, and then Mr. Anderson could fill in later, or both could be questioned at the same time. In that way I think we would arrive at a clearer outlook of what the pension commission feels about Mr. McIntosh's statement.

The CHAIRMAN: Perhaps it would be better to have the members question Mr. McIntosh. Mr. Anderson of course is present and he will hear what is said. And if we have our next meeting on the 29th, then Mr. Anderson might be prepared to speak at that time.

Mr. HERRIDGE: I think that is the best suggestion. I support the member over here, and I think we should have an opportunity to question Mr. McIntosh and then, in the meantime, the members of the commission might have an opportunity to examine the evidence given.

There are two points in this bill: First, the question of procedure, how Mr. McIntosh proposes to remedy the situation he complains about; and second, the commission should have the right to reply after reading the evidence and the information given to the committee.

Mr. CLANCY: We are not putting the commission on trial. I think they are carrying out the regulations laid down by the government, and we are the government. So I suggest we adjourn this meeting, and that we all take the trouble—as have other veteran committees—to go through our files. We have been trying to handle this individually as members for our veterans over the years. We all have had cases where we thought there has been gross injustice. I support this bill, not that I think it will be ever be called upon, or made use of too often. But this is a final court of appeal, and my suggestion right now is that every member of this committee, when we adjourn, should go away and

first of all find out what is in the bill, and go through our files and consult with the people available who are always willing to give us an interpretation of the regulations. We should not put the commission on the witness stand now, they are not on trial.

Mr. MACRAE: May I suggest that if the hon. member wishes to do that, then let him go and do it, but let us get on with this meeting. May I suggest to the clerk that he prepare a list of members who are interested in asking questions.

The CHAIRMAN: If it meets with approval I suggest that we do so on October 29.

Mr. PENNELL: I do not appear as counsel for Mr. McIntosh, but I offer very full sympathy and support of the bill. However I would like to clear something up. Am I right that really your purpose in this bill is to clear up two points: you feel first that the commission is not properly interpreting section 70?

Mr. MCINTOSH: That is right, yes.

Mr. PENNELL: And your other point is that you feel there should be the right to appeal to a court so that an applicant will feel that he has had a fair hearing?

Mr. MCINTOSH: That is right.

Mr. PENNELL: Is there any other purpose to this bill? I would like to get the ground rules laid down.

Mr. MCINTOSH: Yes, there is one more purpose, a very general one. I think I pointed out that the commission is not satisfied with the act in its present form because as laymen, which most of them are, they cannot interpret it. It needs, possibly, clarification. There are certain parts of the act which possibly do not go far enough. I think that was pointed out by the chairman, Mr. Anderson. Let us find out what those points are. The trouble in the past has been, in my opinion, that each one of us members—our predecessors as well as ourselves—has been dealing with these cases time and time again and getting nowhere. But it is our responsibility primarily to see that the act be made clear, and if it needs amendment, then let us amend it.

We have been denied the opportunity because there have been many elections and no one took it upon himself to follow it up. My hope is that this bill will impress upon your minds the need for some clarification. I may be all wrong in some of my statements, but I made them forcefully and for a purpose. If I have embarrassed anyone, then I am sorry. But I am very sincere in what I said, and I do not retract a single word.

Mr. PENNELL: The substance of the bill is merely to provide an appeal to the supreme court of the province in which the applicant lives.

Mr. MCINTOSH: That is right.

Mr. PENNELL: There is nothing to go beyond that?

Mr. MCINTOSH: That is right. As Mr. Clancy has said, possibly it would never be used more than a couple of times, but as long as an applicant feels he has that right, which I would say is his right under our democratic way of life, he should be satisfied.

Since I came in today I was asked who would pay the costs. It is entirely up to the applicant. If he feels that his case is strong enough, he will pay the costs himself. There will be no obligation on the government, or on this committee, or on the pension commission whatsoever.

Mr. PENNELL: There has been evidence on the part of applicants that there should be the right of appeal to the supreme court?

Mr. MCINTOSH: That is right.

Mr. PENNELL: And there is nothing more than that at this moment.

Mr. MACRAE: As I understand it, and as Mr. McIntosh said at one point, the statement was purported to be made by members of the Canadian pension commission that they could not interpret the act. Now, surely no member of the Canadian pension commission would say that he could not interpret what he is doing.

Mr. McINTOSH: I am not saying that. It is recorded in the evidence. Maybe the reporter was wrong, but on page 285 of the standing committee of Veterans Affairs, number 12, dated 18 May, 1961 the following appears: Mr. Jones was referring to Section 13-2, as I said, and the deputy chairman, Mr. Mutch, speaking for the commission, said this in regard to that section:

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

To my mind that is an admission by the deputy chairman of the commission that the commission does not understand what is in the act, or at least in this one particular section.

Mr. MACRAE: You are entitled to place your own interpretation upon it.

Mr. McINTOSH: I can substantiate it also with other cases which I have had before the commission, and in connection with which I have received replies from the same deputy chairman.

Mr. MACRAE: It would seem to me from what the witness has said, speaking on behalf of his own bill—and I am not trying to be humorous at this point—he seems to feel that the legal fraternity would seem to be the fount of all wisdom as far as interpretation is concerned, or just in using common sense. But that is not something I would accept at all. It seems to me that in the case of the Canadian pension commission, we have all had a great deal of experience with it, and we have found that they are extremely able men, and not only that, but they are also extremely sympathetic men; and in the cases with which I have had anything to do, they have leaned over backwards in connection with section 70, to give the benefit of the doubt. But assuming that, there must be substance for some doubt, which you must lean towards. Now may I ask how many Canadians today are receiving disability pensions in this country?

Mr. McINTOSH: I have some figures, but in answer to your first question may I say that I think I have made reference in my statement to the fact that it is the interpretation of the act that the commission does not understand. If you have something the matter with you physically, would you go to a plumber or a medical man?

All I ask for is interpretation, and I think I made this plain when I cited the lawyers' definition of section 70, and said that a judge very often is away ahead of the jury, the prosecutor, and the defence lawyer; but he has a difficult time to hold himself back from making his decision on the facts presented. I cited one case where a judge often says: "to my mind you are guilty, but there is doubt here according to law." He is well trained and qualified to interpret the law. But I think I am free to say that all the members of the commission are not trained to interpret the law. Moreover their predecessors have stated it as well.

Mr. MACRAE: Would you mind repeating that again, please?

Mr. McINTOSH: I said that they have, on their own admission, said that they are not competent to interpret all the legal provisions being put in the Pension Act.

Mr. MACRAE: I do not agree with that at all. If the Pension Act is not clear, it is not the fault of the pension commission, but rather the fault of each one of us sitting at these tables. We who legislated that act should see to it that there be no difficulty. It seems to me that there are thousands of men in this country getting pensions because they have received the benefit of the doubt. Many of them, it seems to me, were not entitled to a pension at all, yet the pension commission leaned over backwards to give them the benefit of the doubt.

I heard a member say, when you were reading, that they came to a decision by tossing a coin. I think that is a most unfair and inaccurate statement to make in reference to the pension commission. You suggested that appeals to the appeal court of a province would not be used more than a few times. Do you mean that? Do you believe that?

Mr. McINTOSH: Oh, yes, I believe it.

Mr. MACRAE: Well, I do not. I know that after we were elected, a lot of applications were resubmitted in the belief that political influence would get the applicants more than medical evidence got them.

Mr. McINTOSH: I admire Mr. MacRae's defence of the pension commission, but I want to refer to something he said to you a moment ago, that it is our fault that this act is not phrased properly. May I suggest to him that he has already forgotten that this is one of a very few acts in the laws of Canada that does not contain the right of appeal to our supreme court. This is one of a very few. There are a couple of others, but this is one act which I am only asking to have treated in the same manner as the rest of them. This act was compiled by legal draftsmen, the same as all other acts. But in the case of the other acts, there are qualified personnel—and I refer to judges—who can interpret the acts properly. Our contention is that those who are responsible of interpreting this act are not qualified to interpret it in the way it is laid down at the present time in legal phraseology.

Mr. HERRIDGE: May I ask one question?

The CHAIRMAN: Mr. Moreau has the floor.

Mr. MOREAU: I have a very brief question. I shall begin by saying that I am very new with these pension cases, and like most of the members I have received a number of them since I have been elected. I have not formed any opinion. However I do like the idea of the bill. I would like to ask Mr. McIntosh, after noting his obvious interest in this whole question, if he would not agree that the difficulty lies in many cases with the medical profession. I have formed the distinct impression that doctors are really afraid to stick out their necks in many of these cases. Have you formed the same opinion?

Mr. McINTOSH: I tried to bring that out in my evidence. Actually I am talking about two doctors. The first one who examined the veteran upon his discharge, could not have cared less what the veteran said. He just put it down on the veteran's sheet. That is why in the services when a man was discharged, it would be very hasty, and he would say that he had nothing the matter with him, and everything was o.k., and the doctor would sign it and out he would go. I know that was so in my case although I had a disability; but I wanted to get home and I told the doctor just to sign it. That is why that diagnosis is on your record.

Now, as Mr. Weichel pointed out, later on this disability became aggravated and started to cause the veteran some trouble. He went to a private, local physician. The doctor went all through his history, and came to the conclusion that the disability began while he was in the service. For example, when you get hit in the back with a rifle butt, this could have been the cause of everything else that happened in the 20 years since discharge.

In many cases the doctor has gone with the veteran before the board, the pension commission, yet very seldom, in my opinion, has the commission said that the original doctor was wrong and accepted the fact that the veteran's current doctor was all wet. They gave that impression to me in all these cases.

Mr. MOREAU: I was referring more to recent medical testimony, and I had a firm impression that the pension commission perhaps employed as medical consultants, doctors who were perhaps tough or easy. Would you have any views on that matter?

I admit that in some cases there must be a difference of medical opinion or view, or the medical opinion is not definite enough perhaps to give the commission sufficient evidence; or perhaps the reason is revealed after, that is, following the earlier discharge and medical examination. I wondered if you have formed any opinions?

Mr. McINTOSH: Yes, I have. I have come up against the same problem, when there was a fight between the doctor representing the commission and the doctor representing the applicant. Of course the cases I have had I remember very well, because I had to deal with them as an officer of my legion branch, and they have always been the difficult ones, I admit. But what I tried to get at is that since parliament in its wisdom inserted clause 70, I suggest that the pension commission, except in a very few instances, have not endeavoured to give the benefit of the doubt to the applicant.

Mr. HERRIDGE: I wish to congratulate Mr. McIntosh for his interest and industry in this matter. He has done a lot of work on it, and I recognize it, whether I agree with the purpose of the bill or not.

This clause to which Mr. McIntosh refers, has been a matter of long standing contention, and I think his evidence indicates that this committee should give some consideration possibly to a clarification or an amendment of the act. I hope that before we conclude we shall hear from the Royal Canadian Legion as well as from representatives of the commission. I would like to ask one question: does Mr. McIntosh know of any case in Canada where any organization representing those who have suffered civilian disabilities have requested any government to introduce similar legislation, relating possibly to the workmen's compensation act, to admit an appeal to the courts?

Mr. McINTOSH: No, I have not investigated the matter that far. I understand there have been very few complaints in regard to decisions handed down by the workmen's compensation boards, but in saying that I would like also to delve into the circumstances of the workmen's compensation board. Are those people qualified. Are they learned legal men capable of interpreting the act, or in that act clearer, shall we say, than is our Pension Act? I may be all wrong in saying this of our pension commission, but until this thing is cleared up, they are the ones who are my opponents.

Mr. HERRIDGE: Have you any knowledge of any organization represented by any workmen's compensation act in any province making representations for a bill to grant an appeal to the courts?

Mr. McINTOSH: I have not tried to find out but I have very little knowledge about such claims. I dare say that if I should go into it, I could find out about it.

Mr. FANE: I would like to compliment Mr. McIntosh on his presentation. I think he has done an amazing amount of work, because I perhaps have had as many pension difficulties as anybody present. I know how much work it is. I would like to ask Mr. McIntosh if this does not all boil down to this: if a veteran had had proper representation and had had his case presented better, he would have had a better chance to get a pension and get consideration? I think you more or less mentioned that at one time. Is that how you feel

about it? Do you feel that by bringing it before a court he would have better counsel and better representation, and there would be a better judge?

Mr. McINTOSH: I also add to that that there is another deterrent reason that could be included. That the pension commission, knowing full well that if the applicant wished he could go to the court, might stop and reconsider their decision to see if they had weighed all the points. I am quite sure it would do away with the charge of discrimination which I tried to bring out by comparison of some of the decisions handed down by the commission and some of the principles by which the deputy chairman of the commission said they are guided. They are contradictory to one another.

How did they arrive in one case at the fact that a man away from the base was entitled to a pension—and I refer now to the man on leave, who was represented by good legal counsel, who was shot in the back as a result of a robbery. How do they decide that he was entitled to a pension and, in a case to which I did not refer, when a vehicle driver was killed, who to all intents and purposes was still on duty, he had not completed his tour of duty, and yet it was ruled by the pension commission that he was ineligible according to section 13(2) because they say it did not arise out of nor was it connected with military service. What else was it connected with? A court would rule whether it was or was not. The widow and two little children at the present time would be provided for.

I will say this, the government or the people of Canada expect the commission to do two things. They expect it to watch the money that it awards, because it is public money, and also the people of Canada I feel sure would not wish to deny any veteran or veteran's dependants the rewards, if you wish to so call them, to which they are entitled. It has two purposes. It cannot just give out indiscriminately to any of those represented by qualified legal men; there has to be some principle on which their decision is founded. I feel that at the proper time the principle is not too tight.

Mr. FANE: I go with you all the way on the cases you have mentioned. I have had cases somewhat similar and I have found that with proper presentation and the pension commission getting the facts, they have considered and reconsidered the cases. I have had cases that were appealed twice, and even went to the final appeal, and I have had wonderful cooperation from the board of pension commissioners.

I imagine that perhaps Mr. Anderson will say when he makes his statement that he thinks your bill, if it were put into effect, would probably be of assistance to them because then if somebody did not like the commission's ruling it could be taken to a higher court. I just want you to know that I asked for Mr. Anderson's reactions at the start of this meeting in order that we might know his feelings towards the bill, Mr. Chairman.

Mr. WEICHEL: I agree with Mr. Herridge that the pensions commission and the legion should have an opportunity to express their views, but I believe we should adjourn now and give them a chance to weigh everything said here this morning and bring it back to the next meeting.

The CHAIRMAN: I will hear members of the committee.

Mr. PRETTIE: I have just one question. I think it is a practical one. If we become convinced that the appeal procedure should be set up, I wonder why Mr. McIntosh suggested the supreme court of the particular provinces. I think the practical difficulty is, as far as I know, that on the civil side you have to wait a very long time before cases are heard because the courts are rather overloaded. Did you consider any other body than the supreme courts?

Mr. McINTOSH: I think I said "a court" in each province should be set up.

Mr. PRETTIE: A court?

Mr. McINTOSH: Yes, "a court". This is a legal technicality. I have it here and will look it up if you wish me to do so.

Mr. CLANCY: I would like to second the motion to adjourn.

Mr. MOREAU: I realize a motion to adjourn is before us but I wonder if we could complete Mr. McIntosh's presentation. I do not think there are many questions left, if any. We could then hear from the pensions commission at the next meeting.

Mr. McINTOSH: I have a note here to the effect that if the committee did not like going to the provincial courts the alternative is that a court be provided in the province where the applicant is domiciled; so it means a court in each province.

Mr. HERRIDGE: Mr. McIntosh, you know of course there is a system of veterans act advocates who provide legal advice to veterans. Do you think, in view of the cases you have quoted, that service has not been satisfactory?

Mr. McINTOSH: I would not say there has been complete satisfaction. There is an old saying, "familiarity breeds contempt". Possibly these pensions advocates have been appearing before the pensions board so many times that the board at times just does not recognize them as legal men. They pay more attention to a strange lawyer than they do to one they know is employed by the same employer as themselves.

Mr. HERRIDGE: Have you any idea of the cost of launching an appeal to the supreme court of a province? The veteran is probably in poor circumstances.

Mr. McINTOSH: I know in many cases there are people who would have been willing to pay the costs of an appeal had it been possible to appeal. There are such people who are very interested in the cases and so interested in the provisions that they would gladly pay the costs of a veteran who they know is in dire circumstances. In some cases I would do it myself. The only case in which I appeared was for an applicant who was not one of my constituents, but an Ontario veteran. I became so interested that it cost me \$300 personally to come down here and attend this court.

I am annoyed about it because I think the commission at the present time just treats this in a routine manner. It is no concern of theirs at all, they feel, and they have no idea how serious it is to the families and dependants who are left. That is my personal opinion. I know I have been very harsh against the Canadian pensions commission today in my presentation, but I also want to deal with Mr. Fane's suggestion that in a great number of cases our present chairman, Mr. Anderson, has done a great deal; and on this point I would like to agree with Mr. Fane. I realize I am only giving you the cases in which I have not been successful and that there have been a few cases in which I have been successful. I appreciate that very much, but I still maintain that the Canadian pensions commission were only doing their duty and if they had come up with reasons showing that there are principles under which they cannot do this, I would have no argument. But they are not consistent in their decisions and there is discrimination, which I say is so apparent that I am going to continue fighting these cases.

Mr. CLANCY: Before we take up the motion to adjourn I would like to point out that the Royal Canadian Legion runs a veterans service. I do not like to throw more work on them, but they certainly are supported by every veteran in Canada.

Mr. PENNELL: May I be permitted to say one thing. It may be a little premature, but we should keep in mind that this bill is concerned only with the right to appeal.

I have great respect for the commission and I think some of the criticisms that may be directed at them are unfair because I feel if there is any injustice

it could be corrected by a rewriting of section 70. There are two problems here: one is section 70 and the other is the right of appeal. I am endorsing that wholeheartedly, but I want to make it clear that these are two separate things and even if the right of appeal is granted it will not necessarily cure the ills that are alleged against the commission because section 70 is the key to a lot of them. In the discussions at this stage, however, we should keep it before us that we are dealing simply with the question of the right of appeal.

Mr. MCINTOSH: Our discussions here today have been with regard to the reasons for which I ask that there be a right of appeal.

Mr. HERRIDGE: I agree with the last speaker's remarks.

The CHAIRMAN: Is it your pleasure that we adjourn the meeting now and reassemble next Tuesday at 10 a.m. when we will hear Mr. Anderson?

Mr. FANE: On a point of order, Mr. Chairman, I still think that we should ask Mr. Anderson to say a few words on whether he accepts Mr. McIntosh's bill and supports it. That might save further difficulty next time. It will not take long. Mr. Anderson has come, not like one of the foolish virgins with his lamp empty but undoubtedly with the intention of being able to speak. So I suggest Mr. Anderson should have a chance to say a few words.

Mr. WEICHEL: We might also hear from the legion.

Mr. FANE: I would go along with the legion too.

The CHAIRMAN: Then it is agreed that we hear from both Mr. Anderson and the legion at 10 o'clock next Tuesday.

Agreed.

HOUSE OF COMMONS  
First Session—Twenty-sixth Parliament  
1963

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STANDING COMMITTEE  
ON  
**VETERANS AFFAIRS**

*Chairman:* J. M. FORGIE, ESQ.

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MINUTES OF PROCEEDINGS AND EVIDENCE  
No. 2

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TUESDAY, OCTOBER 29, 1963

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Respecting  
THE SUBJECT-MATTER OF BILL C-7:  
An Act to amend the Pension Act (Judicial Appeal)

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WITNESSES:

Mr. T. D. Anderson, Chairman of the Canadian Pension Commission and  
Mr. P. Nutter, Pension Counsel.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON VETERANS AFFAIRS

*Chairman:* J. M. Forgie, Esq.

*Vice-Chairman:* D. W. Groos, Esq.

and Messrs.

Bigg,  
Boulangier,  
Cadieux,  
Cameron (*High Park*)  
Clancy,  
Émard,  
Fane,  
Greene,  
Harley,  
Herridge,  
Kelly,  
Lambert,  
Laniel,

Laprise,  
Latulippe,  
MacEwan,  
MacInnis,  
Mackasey,  
MacLean,  
MacRae,  
Matheson,  
McIntosh,  
Millar,  
Moreau,  
Morison,  
O'Keefe,

Pennell,  
Perron,  
Peters,  
Pilon,  
Prittie,  
Pugh,  
Rideout,  
Rock,  
Temple,  
Thomas,  
Webb,  
Weichel.

M. Slack,

*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

TUESDAY, October 29, 1963.

(3)

The Standing Committee on Veterans Affairs met at 10.05 o'clock a.m. this day. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Bigg, Cameron (*High Park*), Clancy, Emard, Fane, Forgie, Herridge, Kelly, Laprise, MacEwan, MacInnis, MacRae, Matheson, McIntosh, Morison, O'Keefe, Pennell, Peters, Pilon, Prittie, Pugh, Rideout, Thomas, Webb, Weichel—(25).

*In attendance:* Mr. C. W. Carter, M.P., Parliamentary Secretary to the Minister of Veterans Affairs; *From the Canadian Pension Commission:* Messrs. T. D. Anderson, Chairman; L. A. Mutch, Deputy Chairman, and P. Nutter, Pension Counsel; *From the Royal Canadian Legion:* Messrs. D. M. Thompson, Dominion Secretary, and M. MacFarlane, Director of the Service Bureau; *From the Department of Veterans Affairs:* Mr. C. F. Black, Secretary of the Department.

The Committee agreed to sit on Tuesdays and Thursdays in Room 371 West Block.

The Committee proceeded to the consideration of the subject-matter of Bill C-7, An Act to amend the Pension Act (Judicial Appeal).

The Chairman called Mr. Anderson, Chairman of the Pension Commission, who made a statement dealing with the system of pension adjudication, the operations of the Pension Commission, and the subject-matter of Bill C-7.

Mr. Anderson read into the record the qualifications of the Pension Commissioners. A suggestion to identify the Commissioners was negated on division.

Mr. Anderson was questioned and then retired.

Mr. Nutter, Pension Counsel, was called and made a statement reviewing pension appeal proceedings in the United Kingdom and the United States, and reported on the technical aspects of Bill C-7.

Mr. Herridge, on behalf of the Committee, thanked the witness for his explanation of the terms of Bill C-7.

At 11.50 o'clock a.m. the Committee adjourned to meet again at 10.00 o'clock a.m. Thursday, October 31.

M. Slack,  
*Clerk of the Committee.*



## EVIDENCE

TUESDAY, October 29, 1963.

The CHAIRMAN: The first item on our order of business is to determine on what dates, subsequent to this meeting, we should hold our meetings. I may point out to you that room 308 in the west block is signed up for the remainder of the session, and if we wish to have simultaneous translation we can have room 371 in the west block on Tuesdays and Thursdays; otherwise we can hold our meetings right here.

Mr. MATHESON: Could you tell me, Mr. Chairman, how many members of the defence committee are on the veterans committee?

The CHAIRMAN: I cannot answer that question.

Mr. MATHESON: Do you know the defence committee meets regularly in the west block on Tuesdays and Thursdays at 10.30?

The CHAIRMAN: They may have outlived their usefulness by the time we are ready to get on because we are slated to have another meeting here next Thursday.

Mr. MATHESON: I am asking you seriously, Mr. Chairman, whether this location will not seriously inconvenience the committee. I sit on both committees.

The CHAIRMAN: There are five committees sitting today. It is just a question of which room we can get. We can have this room, room 112. We cannot have simultaneous translation here. If you want simultaneous translation, we can have room 371 in the west block on Tuesdays and Thursdays which, I suggest, are two admirable days for holding meetings of the veterans affairs committee. Will somebody move that we meet in the west block on Tuesdays and Thursdays?

Mr. BIGG: What hour would that be?

The CHAIRMAN: Ten o'clock. Is it agreed that we use room 371, in which case we will have translation, or that we use room 112? Is it agreed that we use room 371 in the west block on Tuesdays and Thursdays?

Agreed.

Gentlemen, the next order of business is to call on Mr. Anderson. He would like to make some explanatory remarks.

Mr. T. D. ANDERSON (*Chairman, Canadian Pension Commission*): I think, first of all, Mr. Chairman and members of the committee, I would like to say that I always enjoy the opportunity to appear before the committee. This is not the first time I have done so and it is always a pleasure to come before you. This is true even when I may be sometimes a little bit on the hot seat. It is still nice to be here. I think I felt the other day a little bit like the old saying, to the effect that if you cannot stand the heat you should not go into the kitchen. I knew perfectly well when I went to work for the commission that I was entering a rather warm kitchen. However, I am quite prepared to try to stand the heat.

I think, Mr. Chairman, I would like to start off, if I may, by making just a brief reference to the three-way relationship between parliament, the Canadian pension commission and the veterans who seek pensions under the terms of the Pension Act and through the pension commission. That can perhaps

best be done by putting it this way. When a veteran who is convinced that he is entitled to compensation for some disability decides to seek recourse, he naturally thinks of the government of Canada or of parliament because parliament is the only organization that is authorized to expend public or federal funds. He is however told by parliament in effect—not in so many words, but in effect—that they are not in a position to pay a pension simply because he thinks he has entitlement, but that he must go before their agent which, in this case, is the pension commission which they have set up under the Pension Act. He is also told that this group is charged with the complete and exclusive responsibility to decide whether or not he has in fact a proper claim for compensation.

Now, this is the origin of the system of adjudication which is in operation at the moment. It has been that way basically for many, many years, and up until this moment there has never been any very serious consideration given by any government to changing those basic principles. However, as you know and as I have said, this puts the pension commission, acting as the agent of parliament, in the position of having to decide whether or not these are valid claims and whether or not compensation should be paid.

It goes without saying, of course, that while some of the claims will be allowed, some of them will be denied. Parliament would not have gone to the trouble of setting up an elaborate organization under an item of legislation such as the Pension Act had it felt that every claim should be allowed.

When a claim is disallowed it is reasonable to assume that the individual who submitted the claim feels, as also do his friends and advocates who supported it, that it was a good claim, despite the fact that the commission has ruled it out. Now we get right back to the old question of course that only the commission has the responsibility for deciding. Parliament has given them that responsibility and they must assume it, regardless of whether there are people who think their decisions are right or wrong. There is of course plenty of opportunity to refer the claim back again. In the case of world war I people, they can come for a first hearing, a second hearing and finally to appeal, and if they can establish a claim for leave to reopen under section 65(4) they are also free to do so. So there are many many opportunities for these people to come back and seek further hearings at the hands of the commission.

Having gone through all this and having had the claim considered by as many as 12 or 14 commissioners on many occasions, there are some which may still be denied. Some of these decisions are of course not acceptable either to the pensioner or the advocates or those who feel that he should have entitlement, and this of course is where we get into some difficulty.

It stands to reason that any organization which is given the authority and the very wide discretionary powers which are vested in the Canadian pension commission, is going to be criticized from time to time. I do not suggest for a moment that we discount this criticism; we take it most seriously and we do try to take the necessary action to overcome the type of criticism to which we are frequently subjected. We know that our critics are motivated by a sincere desire to assist the applicants whom they represent, and we also take this into consideration. We have I think most frequently been criticized with regard to section 70 of the Pension Act. This is the section which is known to everyone as the benefit of the doubt section.

I was, and had been for some time, well aware of this criticism when I went to the commission. I felt that it was my responsibility to look into this situation and ascertain just how valid the criticism was and, if it was valid, to take some action to try to correct it. One of the things that I eventually decided to do was to ask the commissioners to make certain whenever they had in fact found it necessary to invoke section 70 and had invoked it, that they say so in the decision so we would have some record of the number of times this section

is invoked over a period of time. As you well know, there are claims in which section 70 does not need to be invoked. A man who has lost an arm in combat almost automatically gets entitlement. It is not a question of giving him the benefit of the doubt; his claim is obvious to everyone, as we all know. But in cases of systemic disease and the like, inevitably disputes arise as to whether the condition was incurred during service. It is this type of claim to which section 70 was designed to apply.

We have not been following the procedure of actually stating in the decision that section 70 was invoked in this particular case for any very great length of time, and there has not really been time at this stage to give you a completely accurate assessment. The best I could do was, fairly recently, to ask that ten C.E.F. files be drawn—and as you know C.E.F. means world war I—on which there were favourable decisions. Of those ten files containing favourable decisions, two were granted for gunshot wounds from world war I. It is rather astonishing to me that a person who served in world war I and suffered from a gunshot wound would not make an application for a pension until this late stage, but we do get some. Many of the old boys are independent fellows and they feel that they can get on all right and therefore do not bother anyone, but there are some of them now who are reaching the stage where their wounds are beginning to bother them and they are coming forward for the first time for this entitlement. Of these ten files, two were in this category. Of the other eight, in the form the decision is written it was stipulated that section 70 had been invoked in granting the claim. As I said, I would not presume to suggest this is a completely accurate measurement of what the commission is doing in this way, but I would say that this result suggests that 80 per cent of the C.E.F. claims are granted under the provisions of section 70. I think a statement was made to that effect sometime ago in this committee. The figure may have been a little higher than that, and it may well be that we will find the figure is higher when we are able to get a completely correct analysis of the situation.

Even courts of law have been known to condemn innocent men, and I do not think we as commissioners can presume attributes which are not present in judges and juries, so we are going to make mistakes. Human beings do make mistakes; we are not perfect. But I can assure you gentlemen that the mistakes are errors of judgment which are not due to incompetence on the part of the members of the commission or to a lack of good faith or a desire to help their fellow veterans. I do not think anyone—including myself and members of the commission—has any claim to exclusive interest in the welfare of veterans. I think there are many many people who have very great interest in the welfare of veterans, but I suggest to you that the members of the pension commission do have an interest in the welfare of veterans.

I think it is understandable that where a veteran makes a claim and this claim is supported by advocates and friends and his member of parliament and so on, if the claim is granted he does not and should not be expected to go to the trouble of writing to all the people who have been interested in his claim telling them that he has received a favourable decision at the hands of the commission. Some do, but the majority do not; they accept it and do not bother to tell everybody about it.

On the other hand, if the individual's claim is rejected, he naturally does write and complain about it. This is not unnatural; it is quite an ordinary thing to do and quite a proper thing to do. So people acting on behalf of these veterans are bound to gain the impression that all these claims are turned down or that section 70 is never used, or something like this, because they never hear of the claims that are granted, they only hear of those and receive complaints about those which are refused. This is something that is inevitable

in this type of work. It is nevertheless a fact that a very high percentage of claims are granted and a very high percentage of them are granted through the use of section 70 of the act.

As I said before, it goes without saying that there are some claims which cannot be granted under any circumstances because of the legislation.

I would like to mention section 13(2) of the act which was discussed here at the last meeting. I am not certain, gentlemen, that it is in the best interests of veterans generally to attempt to define precisely just what certain sections of the act mean. I think the minute you set down a precise definition of an item of legislation you limit your discretion under that legislation. In other words, you say this is what must be done in this particular case and this is the principle upon which we must operate. Then, for all time to come you are bound by that. The act itself was not designed for that purpose. The act is deliberately drafted in a loose way, leaving discretionary authority to the commission and leaving it open so far as it is humanly possible to ensure that every possible consideration can be given to the claim, thus avoiding the unfortunate possibility of the commission's hands being tied by previous decisions.

I suggest to you in all seriousness, gentlemen, that had the commission set up hard and fast regulations and defined very precisely thirty years ago all the sections of the act, there would be many men today receiving pensions who would never have been granted entitlement. The reason we have been able to improve our attitude toward these claims and become more and more lenient over the years—and we have, as is well established by the figures—is that the act is framed in that way and the commission has never tied its hands with any definite hard and fast rules.

This of course leaves us open to such accusations as we heard the other day, accusations to the effect that we are discriminating because we do not decide an apparently similar case in exactly the same way as we decided a previous case. You cannot have your cake and eat it too. If you want this act to be loose and open so we can proceed along these lines and improve as we go along, you cannot tie yourselves down with regulations. It may look as though at times there is discrimination but I assure you, gentlemen, there is no such thing. These decisions are based on evidence adduced before the commission in connection with each particular claim. This is the way all decisions are reached.

Having said that, I must further say that the commission must be guided to some extent by previous decisions, but they are not firmly tied by them; and I think this is all I can say about it.

Consequently I want to say that I do not think it is a good idea to attempt to define precisely what is meant by section 13(2). My own opinion is that if it appears from the evidence that the man's condition—and I am talking now of peacetime forces, which have come in for considerable discussion in times gone by, and still do—if as I say the man's death or disability was caused by the fact that he served, then a pension should be granted. I think this is about as closely as we should ever attempt to define the section. This I think was the intent of the legislators who drafted it, and it is the belief I think of myself and my colleagues.

Before I go any further, in view of the opinions expressed regarding the members of the commission itself, I would like to read into the record a very brief outline of their qualifications. I will start with myself.

I think you all realize that I was employed for some 15 years as an officer of the dominion command of the Legion; and I can assure you that they do not keep people around the Legion who are not sympathetic to veterans. I can also assure you that I would never have been given my present position had I been unsympathetic to them.

The deputy chairman has seen service in two world wars and served in theatres of war on both occasions. He has been active in veterans' work for many years and has been chairman of this committee on several occasions.

The first commissioner I want to mention served in aircrew in world war II, was shot down over Europe after a considerable number of sorties over the continent, evaded capture and returned to England via the underground. He has been a member of the pension commission for 19 years. He is a layman.

Mr. McINTOSH: Would you give the names.

Mr. ANDERSON: I deliberately avoided doing that because I did not want to bring in personalities.

Mr. McINTOSH: It does not mean anything without the names. I do not think the fact that anyone was shot down over Germany or anywhere else has anything to do with his qualifications.

Mr. MACRAE: I suggest we leave out the names.

The CHAIRMAN: All those in favour of giving the names please indicate. Those opposed?

Suggestion negated.

Mr. ANDERSON: Next, a man who saw service on the high seas as a naval officer during world war II. He too has been with the commission for almost 19 years and has been reappointed on numerous occasions.

Then we have a doctor who took medical training after the war and who has probably done as much to relieve suffering and distress among human beings as any man alive. He served in the trenches in world war I and in the medical service in world war II. He has been with the Department of Veterans Affairs or the commission ever since. Two of our members are veterans of Dieppe. Badly disabled and confined to German prison camps, they have suffered the ill effects of war for many years. One is a doctor, the other a lawyer, and both know a great deal about the problems of the disabled, and have every sympathy for their fellow veterans and the dependants of those who lost their lives as a result of war.

Next we have a man who was twice decorated in world war I, and served again in a theatre of war during world war II. He has devoted his life to the welfare of his fellow veterans, and has been active for many years with the department, the pension commission and the legion. He, too, is a layman.

Then, two more lawyers, one of whom served in both wars and in theatres of war on both occasions. The other served in a theatre of war during world war II. Both have been active in veterans' work for 20 years or more.

Another naval veteran served on the high seas during world war II, and is a graduate in social service. He has devoted almost all his adult life to welfare work, particularly among veterans and their dependants.

Two more doctors saw service in war theatres during world war II; one as a medical officer, the other as another rank. One remained in the permanent force as a medical officer and devoted much of his time to the health and welfare of the troops, during both war and peace. The other was in private practice for many years following world war II, and is well aware of the many problems of war veterans and their dependants.

The last two are also laymen, and both have been active in teaching and welfare work for many years. One served in theatres of war in both wars, and the other was a combat officer in world war II.

These, then, are the men who make up the Canadian pension commission, and I can assure you they all have very much at heart the good interests of veterans and their dependants.

Mr. PETERS: Is that the total composition of the board?

Mr. ANDERSON: That is right.

I would like to mention briefly—I am coming to the end of what I have to say—some of the problems which we have—and we do have our problems, as everyone else does. For example, I might refer to certain systemic diseases such as heart condition, arthritis, diabetes and cancer. Doctors will say quite definitely that it is difficult to assess these conditions, the circumstances under which these arise, when or where or how.

The question we are faced with is how do we decide whether or not a man who develops one of these conditions after service should be granted entitlement. The only way we can do it is to review all the facts, look carefully at each individual case, and make a decision based on the merits of that particular claim. Surely, we cannot be accused of failing to give the benefit of the doubt when we find that some who develop arthritis 30 years after service, are not entitled to pensions, because the condition was not incurred during his service. These are some of the problems with which we are faced. I do not think there is any other item of legislation that gives the discretionary power to any group that the Pension Act gives to the Canadian pension commission. No other act of which I am aware contains a section similar to 5 (5), which is the section giving us the final word on the question of interpretation of the act. And, these two things are going to continue, of course, to be a source of criticism of the commission. Yet, strangely enough, up until now there never has been any serious consideration given to taking these powers away from us. Of course, this is a matter for you gentlemen to decide.

Also, I think I should point out that referral of claims to a court of law in this country is not new; it was tried many years ago and, unfortunately, it was not successful. Veterans organizations objected very strenuously to it and, so far as I am aware, they still continue to disapprove of the general idea. When I was with the legion I know all you had to do was mention this subject at a legion convention and you would start a near riot. I remember two occasions on which it was discussed and it was a pretty hot discussion.

The British system, which was referred to in the submission, is not exactly like the one proposed here, and I am going to ask our legal counsel, Mr. Nutter, later to mention this together with a number of other things. The United States Congress very recently considered the advisability of introducing this type of legislation into their pension adjudication system, but it was rejected.

Mr. PUGH: Is it only on final appeal?

Mr. ANDERSON: That is right. Many wise and experienced men have considered this question on a good number of occasions over the years. I am sure the oldtimers on this committee know that without me telling them. Of course the act has been amended, the attitude of the commission has changed for the better, and I think these two developments will continue.

Again, in my closing remarks, I suggest to you that uniformity in pension adjudication, while it may make it easy for the commission and the people who are acting as advocates, is of doubtful value to applicants. Again, I repeat, if the commission had adopted a completely uniform system in the 30's there would be many people who are receiving pensions today who would never have been granted entitlement.

There is one further remark I wish to make and then I will be finished. It was mentioned that 18,132 claims were rejected, under section 13 (2) and I think this merits some further explanation. Actually, what this figure applies to is decisions. As you know, under 13 (2); there is the first decision, a second decision, and then the claim goes to appeal. Although there were 18,000 decisions, many of these people were allowed in on second hearing and more on appeal. So, while the number of unfavourable decisions that were rendered is

12,526, the total which were ultimately rejected over a five year period—and I am referring here only to a five year period—having gone through all those stages, was only 9,000.

That is all I have to say. Thank you very much Mr. Chairman.

Mr. MATHESON: May I ask Mr. Anderson if the main reason that the Legion, in their wisdom, was against an appeal to a court was that this would open up an appeal for both sides in each case.

Mr. ANDERSON: I do not think, Mr. Chairman, that I should speak for the Legion; they are here today and, I presume, you will be giving them an opportunity to speak for themselves. I would rather not go out on a limb, as far as they are concerned. I am not with them as an officer any more.

Mr. HERRIDGE: Mr. Chairman, Mr. Anderson made a very interesting observation in concluding about the commission improving throughout the years, and he said that would continue. Does he mean by that that there is room for improvement in the attitude of the commission?

Mr. ANDERSON: There is always room for improvement in everyone and everything and, this of course applies to the commission.

The CHAIRMAN: Thank you very much, Mr. Anderson.

Mr. McINTOSH: Before Mr. Anderson leaves the stand, Mr. Chairman, are we at liberty to question him or would you rather that we wait until later?

The CHAIRMAN: Do you wish to continue, Mr. Anderson?

Mr. ANDERSON: I am in your hands.

The CHAIRMAN: I think it would be better if we finished with Mr. Anderson. If there are any questions the members wish to direct to Mr. Anderson they may do so at this time.

Mr. McINTOSH: I have a couple of questions. First of all, you mentioned this figure of 18,000. I think the figure which I used was 18,600. This was the number of cases turned down under 13(2). I gained this information by putting a question on the order paper to the department just last year. Now, Mr. Anderson tells me this figure is not correct; in other words the answer we got from our question on the order paper is in error. Is that correct?

Mr. ANDERSON: I do not recall the form of the question at the moment, but the answer that was given may have been given in error, because the question was not understood. However, the answer that was, in fact, given, was the number of adverse decisions, and I think that was the question that was asked. The answer was 18,600.

Mr. McINTOSH: Well, I can get the question and the answer as handed to me by the Clerk of the House.

As Mr. Anderson was referring to the classifications of the commissioners I would like to put this question to him—and I would like it on the record. Were not these commissioners political appointments?

Mr. ANDERSON: They are all appointed by cabinet, yes.

Mr. McINTOSH: Then I would like to ask Mr. Anderson if he has any figures as to new cases which the commission hears each year now as compared to right after world war II, and how many are repeat cases?

Mr. ANDERSON: Yes, I can give you the figures for 1946 and 1958. In 1946 we heard a total of 1,541 appeals and in 1958 we heard a total of 1,368 appeals, a difference of less than 200. I think it should be borne in mind that as years go by these claims get more difficult to deal with, as a result of which the actual figures do not tell the whole story.

Mr. McINTOSH: Are these new claims or repeats?

Mr. ANDERSON: No, new claims.

Mr. McINTOSH: Have you any recent figures say for the last couple of years?

Mr. ANDERSON: No, I have not. That is the last year on which we have a complete figure.

Mr. McINTOSH: Did you say 1948?

Mr. ANDERSON: No, 1958.

Mr. CLANCY: Do these figures include W.V.A.?

Mr. ANDERSON: No. We have nothing to do with the War Veterans Allowance Act.

Mr. McINTOSH: Could you give the committee some idea of the new claims, say for the last three or four years, where section 70 would not apply? You mentioned an obvious case where there would be no benefit. However, in connection with these new claims how many are considered under section 70, the benefit of the doubt section.

Mr. ANDERSON: We make certain that we write into the decision that section 70 has been invoked, but it is still too early to give accurate information as to what the facts are. However, out of these 10 files, which I previously mentioned, eight had been granted under the terms of section 70.

Mr. HERRIDGE: When you mention the total number of cases dealt with does that include claims from veterans, widows and dependants?

Mr. ANDERSON: Yes.

Mr. PUGH: You used the word "invoked" in connection with section 70 and you said now it is put in the decision. Is it put in if it goes either for the man or against him?

Mr. ANDERSON: Yes.

Mr. PUGH: In connection with the word "uniformity" you mentioned the discretionary power. I take it this would mean that this gives you a certain leeway on all cases. But, the C.P.C. has been going on a long time now and I am wondering how close you are getting to your previous decisions. How much do you use that discretion? I went over the minutes of evidence from the last meeting and, of course, there were cases set out there, for instance, when a man is on station and when he is off station, and in one case he got it and in another he did not. Is your sum total of all the cases now getting to the point where you would have a uniform decision without too much discretion?

Mr. ANDERSON: I would not want to think we would ever tie this thing up in complete uniformity because I hope we can continue to become more lenient as the years go by and to improve our attitude toward them. I see no reason why we should develop a strictly uniform system, even with the experience over the years, because we want to leave ourselves open to change our attitude as we go along so that it will be in the best interest of the people applying for pensions.

Mr. PUGH: I hope you do not think I am directing any criticism toward the C.P.C., as I have not had that much to do with them, but obviously behind it all there is a reason for this bill being put forward. If I can briefly summarize, there has been a tremendous number of objections and a certain amount of criticism arising from people who feel they have been hard done by. Now, this is not criticism of the C.P.C. in each individual case; it may be entirely justified in many cases and, in others, it may be the other way around. In other words, a man has a hearing; he is not satisfied and there is another hearing, with which he is not satisfied, and then he goes to appeal. Now, on appeal he may win it, as in many cases he has done.

Mr. ANDERSON: Yes.

Mr. PUGH: Why did he not win farther down the line? Was it a lack of medical evidence in the first instance or a lack of consideration, or were the decisions made earlier on exactly the same evidence as made farther up? To finish up, what I am getting at is that many people have come to me—that is, veterans—and asked me what I thought about this. They have said they were told by the veterans advocate that they did not have a chance, and I always advise them to put in another appeal. I think it is just common sense to do so. But then the appeal comes and, finally, the man is dissatisfied. He says: these are the same people who adjudicated my case before and now they are rehearing it, and they do not want to go back on what they said previously. This is what the veteran says. In my mind, as long as there is that doubt in the man's mind, then the important thing surely is that that doubt should be cleared up by some form or other. I do not mean necessarily a complete judicial appeal but a judge joining up with you on a final appeal, which in addition to giving the benefit of considerable experience, would have the effect on the person in question feeling that he had a full and proper appeal. Although we do know they get an appeal before you, a full and proper one, in the man's mind this is not the case. This has been my experience from those with whom I have spoken and who have lost out on a final appeal.

Mr. ANDERSON: I agree that you have a good point there. I never have made any suggestion that I personally do not like this bill because, as far as the commission is concerned, it would make our work easier.

The CHAIRMAN: Mr. MacEwan, have you a question?

Mr. MACEWAN: I do have a question but perhaps I should wait until counsel speaks. My question relates to the legal interpretation given in decisions and so on. I would like to know what the procedure is that is carried out by the commission. Of course, the commissioner in every case that is heard is not always a lawyer and, in those cases, is the commission's counsel asked for an interpretation of these matters?

Mr. ANDERSON: No.

Mr. MACEWAN: Do they have due regard to this? The only reason I ask is that in some cases the civil law of the land is brought into different matters, contributory negligence and so on, and I was wondering whether legal counsel is consulted in this regard?

Mr. ANDERSON: Not normally no.

Mr. MACEWAN: In other words, if a commissioner hearing a claim is not a lawyer and the decision given refers to the law of negligence—that is contributory negligence, a person doing something which contributes to whatever takes place, in that case counsel is not asked to assist in the decision at all?

Mr. ANDERSON: No, but I would point out that we have several lawyers on the commission, and if this particular type of case comes up I doubt very much that a decision would be reached without some consultation with one or two of our lawyers on the commission.

Mr. MACEWAN: Do these lawyers on the commission keep themselves posted on the matter of the ordinary law of the land where it has any reference to the legislation and, of course, the Pension Act itself.

Mr. ANDERSON: Well, most of them have had fairly extensive experience in private practice before coming to the commission. I do not know what they do in addition to commission work but I would say they attempt to keep up on the current law.

Mr. MACEWAN: As I understand it, the commission is supposed to rule upon the matter of the Pension Act and not outside acts.

Mr. ANDERSON: I am sorry but I did not hear you.

Mr. MACEWAN: I said the commission is supposed to interpret the Canadian Pension Act and not to bring in other outside acts or measures of financial law, or anything in that area.

Mr. ANDERSON: That is correct.

Mr. MATHESON: I would like to follow up a little bit on what Mr. MacEwan has been saying. This is what was in my mind when I put my hand up earlier. I say with the utmost respect to the pension commission—and, I am very much a beneficiary of the commission and have been ever since world war II, and I have nothing but praise for their work on my behalf and many of my friends—that I do know of cases—and a good number of them—where it appears to me that the hearings—and these, I submit, probably have been hearings before lay people—have been handled in a rather wooden way. Now, it is easy to suggest, as I think the Chairman said this morning, that really the effect of some of these sections of the act is to give to the commission, if you like, more equity and perhaps less absolute dependence upon law. But, I think that fact (1) of the results, particularly in the case of some of the lay commissioners, is that they have been, in a sense, beholding to the law and stuck with the law, as they felt it their duty to Canada, their country and the legislation to stick woodenly to it without this equitable remedy which I think would be available. I think this is what is in the minds of the people like Mr. McIntosh, Mr. Pugh and so on. I do believe that in some of our courts there would be far more recourse to a problem and more liberal interpretation of the law than we find possibly before the commission. A good example of this is the case of Mary Brett. The commission comes to certain decisions with respect to a man and, in some instances uncovered later, they tend to disclose there has been something in the nature of deceit. I am thinking of a claim where a man's marital status may be in doubt. I take the greatest objection in the case of an amputee or a person badly shot up overseas, who has been supporting a wife, perhaps not legally but a person he calls his wife, and his children, who at some stage in his life generally has to pay back to Her Majesty for monies he has received and paid out for the maintenance of these children. As I say, I cannot go along with that. I wonder if Mr. Anderson could give us some idea as to the extent to which this sort of problem presents itself to the commission. Has the commission any freedom to act charitably and reasonably in these cases and to forget the mistakes the man has made.

Mr. ANDERSON: Well, Mr. Chairman, as you all know, on the last occasion when the act was amended we introduced sections—34 (5) and 34 (6)—into the act, which allows us to pay additional pension to a commonlaw wife and to pay a widow's pension when a person with whom she has lived dies. Before that time we had no authority to pay full pension to other than the wife. This is one of the difficulties in tying the commission's hands with clauses such as that. The act does provide for additional pension for a wife. This is our problem and that is why section 34 (5) and section 34 (6) were put into the act, in order that we could deal with that type of case.

Mr. MATHESON: But supposing you discovered after you have been paying a man a pension for many years, maybe since world war I, that he misled the commission with respect to his marital status at the time that he received his pension for say, his amputation; is it absolutely necessary within the law as it presently stands to take that out of his pension month by month?

Mr. ANDERSON: If we do not set up the overpayment the Auditor General gets on our back because we have been paying that man a pension illegally in behalf of someone who is not, in fact, his wife. We have been checked up on this sort of thing by the Auditor General's department on occasion.

Mr. MATHESON: Are there many such cases?

Mr. ANDERSON: No, very few, as a matter of fact, and we do not go out with a big club and try to collect the overpayment.

Mr. MATHESON: But there are a good many which you do collect?

Mr. ANDERSON: Well, we sometimes recover from the pension in payment.

Mr. HERRIDGE: I do want to take exception to the suggestion made by my esteemed comrade, Mr. Matheson, that pensioners are beneficiaries of the Canadian pension commission. They are beneficiaries of the people of Canada. I hope I make myself clear. That remark rather made my blood rise.

Mr. ANDERSON: I think I covered that point in my opening remarks. We are only acting on behalf of the people of Canada.

Mr. HERRIDGE: Quite correct. But, I think Mr. McIntosh, in his long sequence of complaints the other day, did make a good point with respect to the rehearing of cases by similar commissioners, and Mr. Pugh has taken that up just now. I think that is a situation that causes a lot of discontent and I suggest that that is one thing which could be remedied which at least will leave these veterans or the dependants who make claims before the commission, shall I say, under the impression their case has been heard under more just circumstances.

At this time I would like the Chairman to explain to the members of the committee the exact procedure from the time that a claim is made until the final appeal and if the question of the same personnel hearing these claims is a frequent practice.

Mr. ANDERSON: Mr. Chairman, I do not try to hide the fact this is a real problem with us. For example, you have this sort of thing, as you know, under the legislation; two commissioners are the commission for the purpose of adjudicating on a pension claim. In recent years we have had many difficult claims with which to deal. We feel these should be given a very great deal of careful consideration. Sometimes many people may be called in on the claim. This reacts to the benefit of the applicant, of course. However, it does unfortunately have the effect of bringing more people into the actual hearings, the first hearing, that is the initial one, the second or renewal hearing and so on. Strictly speaking, under the terms of the legislation I suppose those people would all be ineligible to sit on an appeal board at a later date, and this would create a most serious situation because you would have to have dozens and dozens of commissioners to ensure that anyone who dealt with a claim before would not be allowed to sit at appeal.

I am afraid that under the existing circumstances, if we are going to give these claims the consideration they deserve at first and second hearings and on the initial or subsequent rulings, we just cannot guarantee that the people sitting on the appeal board have not at any time had anything to do with the case before. It is impossible with the existing number of commissioners.

Mr. HERRIDGE: Are there cases in which the personnel hearing the claim are all the same as the ones who previously heard it?

Mr. ANDERSON: Never.

Mr. HERRIDGE: What is the number?

Mr. ANDERSON: We very seldom permit more than one consent on the appeal board. That means that the other two have never dealt with the claim.

Mr. PUGH: Did you not say that in some cases you have had all the members of the Canadian pension commission on an appeal?

Mr. ANDERSON: Not on an appeal, sir. Where we are dealing with claims, at the first or second hearing or below an appeal, we sometimes call in five or six or even more members to deal with it.

Mr. PUGH: All I was asking, Mr. Anderson, was the number of people who might hear the first instance or the second instance as well as an appeal? You mentioned the fact that on occasion where you had a fairly difficult one you had practically all the members of the C.P.C. there. Were they actually sitting on the board, at a table, or was this a sort of a bull session afterwards?

Mr. ANDERSON: We would never at any one time have all the commissioners on one case because we have two appeal boards on the road all the time, so they are never altogether on the board except at general meetings.

Mr. PUGH: If, for instance, you have a hearing in Vancouver, would you have the appeal in that same area or would you move the appeal here?

Mr. ANDERSON: We send the appeal boards to different areas all over Canada and they deal with the claims right in the area in which they originate.

Mr. PUGH: Are they sent from here or are they out there?

Mr. ANDERSON: They are sent from here. They are members of the commission.

Mr. MCINTOSH: I have not finished asking all my questions, and this might be a good place to have Mr. Anderson answer one question for the benefit of the committee because they might have other questions on it. Could Mr. Anderson tell the committee the procedure and the length of time it takes to hear a leave to re-open?

Mr. ANDERSON: The length of time would vary of course with the amount of evidence.

Mr. MCINTOSH: But usually, what would be the length of time?

Mr. ANDERSON: Well, as I recall, we are hearing five a day, I believe. This is the maximum in any one day.

Mr. MCINTOSH: In that day would you hear, say, five applications for leave to re-open within an hour?

Mr. ANDERSON: This is not likely. It is possible but it is not the normal practice.

Mr. MCINTOSH: You deny that it is usual, that you do not hear five within an hour?

Mr. ANDERSON: It is not usual at all.

Mr. PENNELL: The question I had in mind has been answered in connection with the question asked by Mr. Herridge. I have one other. Has there been any occasion where an applicant was morally entitled to a claim but you had to reject it because of the interpretation of the section?

Mr. ANDERSON: Not because of the interpretation of the section but there are claims which we feel have a moral entitlement and yet the act itself prohibits us from granting them. There are, after all, some sections of the act that do not lend themselves to interpretation and are not at all discretionary.

Mr. HERRIDGE: I have another question in that respect. Would Mr. Anderson suggest that the Pension Act requires some amendments in view of the changing circumstances?

Mr. ANDERSON: I do not know. It is difficult to say because, after all, no matter what you do with an item of legislation, I presume it is going to result in somebody not being able to get the benefit to which they think they are entitled and to which we may think they are entitled. It is a difficult problem. Amendments are not necessarily indicated.

Mr. CAMERON (*High Park*): I would like to ask the following question. Do you keep a resume of the facts of each case, of the decision in each case, the section of the act under which it was decided and a classified index so that

anyone wanting to find out where a decision of the commission has been made can quickly find it and compare it to the facts of his own case and the reasoning that has been applied to such a case? If you do not do that, do you not think it should be done and that this information should be readily available to the pension commission and to any other counsel or to the representatives of the applicant?

Mr. ANDERSON: Information about which you speak is, I think, confidential and would be only on the man's file. Nevertheless, his advocate or the service officers of the Legion would have access to it according to the act.

Mr. CAMERON (*High Park*): I find the answer as to its being confidential irrelevant because no confidence need be revealed. The case would simply have an initial or something of that kind which need not indicate who the person was, but the facts would in this way be available for study and you would be able to find out and ascertain what was the reasoning behind the decision of the Canadian pension commission in that particular case and its application to any particular section or sections of the act. Is there an answer to that?

Mr. ANDERSON: The only answer I can give you is that there are certainly items included in the pension commission files that are confidential. I do not want to mention any particulars but there are veterans who would not want it known by certain people what their condition was, why they have a pension and so on.

Mr. CAMERON (*High Park*): They would not be known by name.

Mr. ANDERSON: As I say, Mr. Chairman, the act provides for certain specific groups to have access to the files. I have no say in this matter. This is a matter of legislation.

Mr. BIGG: I have had some experience with the pension board myself. I might say that I am very satisfied with my connection with them. However, the criticisms that I have heard have always centred on one thing, and that is the lack of evidence which the serviceman can produce in order to substantiate his claim. Usually it goes something like this. If I had become sick on active service I would have papers to substantiate my claim.

We find that in a great many cases the better soldier did not go sick and therefore sometimes the more deserving claims do not get a proper adjustment although the better person was in fact morally more entitled to a pension perhaps than someone who was sick all the time and went on the records as being sick and therefore becomes a 50 per cent pensioner. The better person sometimes cannot get entitlement even to the medicine which would be the minimum he could get if he could prove a claim.

I will give one example. In artillery—there are several artillerymen here—we were continuously subjected to damage to our eardrums. I was once in front of the pension board as a witness and I heard a member of the pension board say that there would be no ill-effects to the eardrums from five and a half years in the artillery. I think, as an artilleryman, that it is impossible to serve five years in the artillery, in close proximity to the guns, without trauma to the eardrums. If, at the age of 55, you find yourself hard of hearing, you naturally presume it is caused by the time you spent in the artillery during the war, and on occasion at that time you were deaf for two or three days at a time. I think the spirit of the act presumes that if you had been in the artillery for five and a half years and you were deaf for two or three days at a time and if you can substantiate this by verbal evidence, that this should have more weight than any paper evidence which said that you went sick with a headache, and all that. I believe what most of us are worried about is the fact that good soldiers cannot get the evidence they need unless there is a wider discretion on this board and a certain amount of knowledge, the kind of knowledge I

am speaking about, that trauma to your eardrums can occur, as any artilleryman knows. There should be a wider use of appeal on new evidence. A fellow may find out that his appeal falls flat because he did not have the right paper. Perhaps he needs better advice. Perhaps he has not had enough preparation on his case. If the decision is final, if the door comes down in front of him, he may feel he has been let down by the commission perhaps through his own stupidity.

Mr. PETERS: There are a couple of problems here. I think the one Mr. Bigg mentioned is good, the inability of the veteran or his dependants to get evidence that could be useful to his case. The other day there was one case mentioned on this on-and-off-the-base business. In this particular case the airman on the base in Germany, where they were having an epidemic of flu, was told, like all the other airmen, that his dependants had to be brought to the base for inoculation. This airman brought his wife to the base, took her back home, and on his way back he was killed. I would think that a large part of his case would hinge on his ability to get evidence that what he was doing was part of his duty, to bring his wife to the base for the inoculation and to take her home.

In this particular case the lawyers were not able to get this information because the air force would not give it. It is not too hard to get the commander of the air base to agree that this was a fact, but to get any substantiating evidence is very difficult. The fact that he had to return to the base also has to be established, but this is verbal information through a third party. If a court were involved in this, the court would issue an order to cover the situation, and in a court this could be established. The pension commission cannot do that because the commission do not appear, in this case, to be interested in getting the evidence themselves. They are really acting as the court and the court would be able to make an order that this be produced. If the commission is going to fulfil their duty, then they are going to have to provide this kind of evidence, and they are the only people who can provide it. The widow cannot provide this information and the air force does not seem to be interested in providing this. Therefore, the people who are hearing it, to have the true story, are going to have to substantiate it, and they do not appear to be doing so.

I do not know if this is an isolated case but I know there is a great deal of trouble on and off the bases. There were also other factors where there were pictures that were obtained from the German police force, but the air force and other parties were not interested in getting them. The police were willing to provide the pictures because the wife was a German and her father was quite influential. The police were willing to give them duplicate copies of these pictures as a kind of courtesy. However, normally, if the police had evidence it could be obtained by a lawyer going to court and saying "I want an order for such and such documentary evidence". This does not seem to be available to the pension commission.

This may be an isolated case and it may not happen very often but it would seem to me that although there is some advantage in this discretionary power it would be helpful to the dependant if an order could be given making evidence available. I am wondering if the commissioner does not think there is some merit in maybe extending the powers that the commission would have to obtain evidence in such cases. In such cases, if there were a court order, I would see many advantages. It is also true that the commissioner's proximity to the act and to the problem may be an advantage on their side. I think all of us are interested in establishing those good cases. There are some bad aspects in it also. It seems to me that probably every member of parliament here has one or two cases that he feels are really bad cases where the veteran has not got a break. It seems to me there is something wrong with the appeals machinery of the commission. It may be, Mr. Chairman, that in many cases it

hinges on our ability to understand the problem because, after all, we only handle one or two cases a month and we are not familiar enough with the whole problem. This may be part of it. As advocates, we are not doing a very good job, but maybe the commission should help the members of parliament more than it helps the Legion or other agencies that are better qualified and equipped for this business.

Mr. ANDERSON: We would be glad to do that at any time. Members of parliament come to me very frequently and I try to be helpful and I do whatever I can.

Mr. PETERS: Can anything be done about this extension into the field of obtaining evidence if it is requested?

Mr. ANDERSON: We have the authority. I would like to look into the case you mentioned because I am not familiar with it. I know we have the authority to requisition that kind of evidence. We should be able to do it in your case. Would you drop me a line?

Mr. WEBB: How many appeals and applications for pension would you hear or deal with in a twelve-month period?

Mr. ANDERSON: I can quote the figures that are here. In 1958 we dealt with a total of 1,368 claims.

Mr. WEBB: Has there been a great decline of applications since the war?

Mr. ANDERSON: That concerned only the appeal boards.

Mr. WEBB: I mean the new applications.

Mr. ANDERSON: I have more recent figures on the total picture. From April 1, 1962 to March 31, 1963 we dealt with a total of 21,307 claims.

Mr. PRITTIE: I have one comment. Early in your remarks, Mr. Anderson, you seemed to be worried about the charge of discrimination. I suggest you used the wrong word. You are appointed to discriminate, are you not?

Mr. ANDERSON: That is right.

Mr. WEBB: Mr. Anderson, did the figure you gave us apply to one year? You mentioned a figure of 21,307 claims and 1,800 appeals.

Mr. ANDERSON: That is correct.

Mr. WEBB: There is another question I would like to ask. If a person applies for a pension and he is a sort of character—a hooting-tooting character—is this evidence brought before the pension commission by, say, local authorities, or do they get a history of this person?

Mr. ANDERSON: Well, Mr. Chairman, it may be that we do in some cases and not in others, but we never try to play God. We rule on the man's claim as we see it. We do not care whether he likes a drink or not.

Mr. BIGG: It would not be considered contributory negligence.

Mr. McINTOSH: Mr. Chairman, in case there was thought of exaggeration on my part when I said 18,000 cases, I would like to submit a document that I have from parliament in regard to a question that was asked and an answer that was given by the Minister of Veterans Affairs. I would also like to say something further on the same figures. In the answer that was received it was said that roughly 10 per cent of these cases were cases where the veteran was dead; in other words the application was made by the dependants.

Now, in cases for leave to re-open, I understand there has to be new evidence before the commission will allow the case to be re-opened. I wonder if the chairman could tell the committee how difficult it is to get new evidence when the veteran himself is dead; that is new evidence gathered by the dependants. I am thinking of section 13(2) where it is said that it must arise out of or directly connected with military service. Is there any yardstick which

they can use to say whether it arises out of military service or if the person killed would not normally have been in that location but because of his duty he was? Would that have arisen out of his duty?

I also want to say the following. In a number of cases where the commission do not deny the fact that the applicant was on duty but they do deny that his disability or death arose out of what was directly connected with his duty, it is not a case of determining whether or not he was on duty—that is incidental as I understand it to the pension commission.

I would also like to ask Mr. Anderson to inform the committee whether the commission has found a number of cases where an applicant asserts that he did have, say, some hospitalization during service and his records do not disclose that—and this arose out of the question Mr. Bigg asked. I know of one particular case where one veteran had many entries on his document for hospitalization and when it was investigated all those entries should not have been on his papers but should have been on one or two other veterans' papers. Although documentation was better in world war II than it was in world war I, there are still quite a few errors made. Have you found that to be true?

Mr. ANDERSON: Yes, we have found some such cases. It is true that mistakes do occur and it is sometimes difficult to get them straightened out. However, all we can do is to do our best to get at the truth and find out the facts and deal with the case on that basis.

Mr. BIGG: There are 21,307 new cases in a year, you said. I was wondering whether we have enough veterans' advocates. This seems to be a staggering burden of cases, if you are going to take the veterans or their dependants' cases to a court of law and if you are really going to represent the fellow.

Mr. ANDERSON: All of these claims of course are not necessarily dealt with by the veterans' advocates. These include initial hearings and subsequent rulings, and so on. The advocate normally only appears in the appeals board.

Mr. BIGG: But do you think we have enough advocates?

Mr. ANDERSON: This is a question which Mr. Reynolds, the chief pensions advocate, would have to answer.

The CHAIRMAN: Mr. Nutter, the pension counsel, has a few words to say.

Mr. PETERS: Is this gentleman with the advocates department or the commission?

Mr. ANDERSON: Mr. Nutter has recently been appointed to the Canadian pension commission as pension counsel to the commission. Mr. MacDonald retired as pension counsel about a year ago and Mr. Nutter was appointed to fill that position. He is asked to advise us on legal problems.

Mr. P. G. NUTTER (*Pension Counsel*): Mr. Chairman, it is stated that Bill C-7 is founded on the principle that decisions of administrative tribunals likely to affect the rights of the individual, should, where possible, be subject to review by the courts.

Perhaps the most universal exception to the application of this principle is found in the area of veterans' pension legislation. In the United Kingdom, for example, decisions of their pension tribunals are not open to review by the courts except within narrow limits by no means comparable to those proposed by Bill C-7. Take as another example the legislative provisions of the United States, here the courts are not permitted to review decisions of their board of veterans appeals in any manner whatever.

While it is not for me to here attempt an explanation as to why administrative tribunals dealing with veterans' pensions are not normally the subject of judicial review, it is interesting to note that veterans' organizations are generally opposed to any such legislative provisions.

Recently in the United States a bill was advocated by the congressional house committee of veterans affairs which, had it been passed, would have resulted in a court of veterans appeals. This court would have been composed of judges appointed from the legal fraternity who would have judicially reviewed the decisions of their board of veterans appeals. This bill did not receive the approval of congress nor of the American legion. The house veterans affairs committee did, however, authorize a very complete study of the United Kingdom pension appeal provisions. This investigation resulted in the printing of an excellent report which is available from Washington and entitled "a Study of the British Ministry of Pensions and Pension Appeal Tribunals". It is dated December 1962. I have a copy of it here.

I am advised that this American study has not resulted in any change in their legislation pertaining to appeals. It is interesting to note, however, that it did apparently influence the passage of two congressional bills amending certain administrative procedures one of which allows for independent medical opinions. The subject matter of both of these congressional bills was already a part of our own Canadian pension administrative policy.

The explanatory notes appended to the printing of Bill C-7 state that the bill applies to the Pension Act that principle of the rule of law that decisions of administrative tribunals should, where possible, be subject to review by the courts. The explanatory notes then go on to say that the United Kingdom has applied this rule of law to as many of its tribunals as possible through the passing of the tribunals and inquiries act, 1958. It would appear that there is some suggestion in the explanatory notes that the United Kingdom legislation of 1958 had some effect on the appeal provisions of their then veterans pension legislation. I am informed that this was not the case and that while a number of administrative boards and tribunals were, as a consequence of this act, made the subject of court review, similar provisions were not applied to pension appeal tribunals. It should here be pointed out, however, that as previously mentioned in the United Kingdom there had always been a restricted measure of court review of pension tribunal decisions limited to matters of law alone.

Pension appeal tribunals in the United Kingdom are administrative boards which in their practical operation may be said to be similar to the appeal boards of our Canadian pension commission and to the sections of the board of veterans appeals in the United States. The essential difference lies in the fact that in the United Kingdom their boards are composed of three part-time appointees of the lord chancellor who normally come from outside the ministry of pensions, whereas in Canada, as in the United States, the boards are composed of persons devoting their full time to such work and are, as a consequence, perhaps not as independent of the general administration of veterans affairs.

In respect of decisions on matters of fact, there is presently no appeal whatsoever from any of these administrative boards having similar functions in each of the three countries. Nor has a right to appeal ever existed on matters pertaining to fact in any of these instances. Only in the United Kingdom is there a further appeal and this limited solely to questions of law. This right is itself somewhat restricted and should perhaps be explained.

Upon a pension applicant having received an adverse decision from a United Kingdom pension appeal tribunal he can, should he be of the opinion that the tribunal erred on a point of law, make application for leave to appeal on this ground alone. His application is made to the pension appeal tribunal that made the decision complained of. The application must be accompanied by a written statement of the point of law in respect of which leave to appeal is sought.

Should the application be granted, the appeal is made by way of stated case to a judge of the high court of justice. Though the procedure differs slightly in

Scotland and Ireland, the stated case appeal in respect of all English applications and those coming from outside of the British Isles, go to a single nominated judge of the high court of justice, that is, only one particular judge hears all such applications in England. For the benefit of those unfamiliar with the legal expression "stated case", same means the transmitting in writing to the court of all the technical facts surrounding a question of law. The stated case is prepared by the chairman of the pensions appeal tribunals and forwarded to the judge nominated to consider such appeals. As these appeals concern only technical legal arguments, no other evidence is submitted, though the court may hear arguments by legal counsel appearing on behalf of the applicant and on behalf of the ministry of pensions. Reports of certain selected appeal cases are published and are available here in Ottawa to anyone who may be interested.

It can be readily seen from the above, that the provisions of Bill C-7 are a very great deal wider in scope than similar provisions existing in the United Kingdom. The main difference, of course, is that Bill C-7, in clause 6 provides for appeals from findings of fact. Another difference is that the applicant's petition for leave to appeal under the provisions of Bill C-7 is made directly to the court to whom the applicant hopes to appeal. This latter fact is perhaps not too inconsistent with the United Kingdom provisions, for in the United Kingdom, should the pension appeal tribunal reject an application for such leave, there is provision for the applicant to appeal such rejection to the nominated judge.

A number of the provisions of Bill C-7 would appear to raise questions of administrative problems. In this regard may I refer you first to clause 5 of the bill. This clause proposes to amend the present section 63 of the Pension Act. Section 63 of the Pension Act is that section under which the commission presently pays all expenses of a person exercising his right to appear before an appeal board of the commission. Such payment includes the expenses of the applicant and his witnesses and covers such items as transportation, fees and allowances, including certain allowances for loss of income as a result of appearances before appeal boards.

Clause 5 of Bill C-7 amends section 63 to include the applicant's expenses for proposed court appeals and supreme court references. These are placed in the same category as those presently incurred at appeal board hearings. It would appear, therefore, that should the present interpretation of the Pension Act be continued, then bill C-7 purports to pay the expenses of applicants for court appeals and supreme court references. I would also draw your attention to the explanatory notes attached to the printing of Bill C-7 which state, in reference to clause 5, that same, and I quote, "provides for party and witness fees and allowances on a court appeal or reference". I am particularly pointing out this fact, for, last Thursday, when the proposed bill was being explained, it was stated that the costs of the proposed court appeals would be, and I quote "entirely up to the applicant". As my remarks must be confined to the bill as presently printed and to the Pension Act as presently interpreted and administered, any further references to administrative difficulties that could arise out of the bill will assume that applicant's expenses are to be borne by the government.

The bill allows for an appeal both as to matters of fact and of law to any one of the 12 provincial appeal courts in Canada. I realize, Mr. Chairman, there are only ten provinces, but there are two extra appeal courts for the Yukon

and Northwest Territories. These courts altogether are composed of, I believe, 74 appeal court justices. One of the reasons given for Bill C-7 was that the present pension commission was not at all times consistent in its findings of fact. This raises the question as to whether the providing for appeals on matters of fact from the appeal boards of the commission to 12 separate and distinct courts would be likely to improve the present claim of inconsistent decisions. It must also be borne in mind that the 15 commissioners spend their full time adjudicating on matters of fact and law arising out of pension applications, whereas the 74 appeal justices across Canada would not be availed of the same opportunities of ensuring consistency.

One of the provisions of clause 6 of Bill C-7 is, however, apparently intended to provide for some measure of consistency in appeal court decisions on matters pertaining to law. This is the clause which would permit the commission to refer questions of law to the Supreme Court of Canada. It is interesting to compare such a proposed provision with that which has existed over the years in the United Kingdom.

In England, though both the applicant and the ministry of pensions apparently have equal right to refer matters pertaining to law to the single nominated high court judge, in practice, only pension applicants take such action. I am informed that as a matter of policy, the ministry does not avail itself of this provision. Bill C-7, on the other hand, while denying the pension applicant the right to refer such matters to the Supreme Court of Canada, makes such action almost obligatory on the part of the commission as otherwise it could be faced with as many as 12 separate court judgments arising out of the same question of law, each of which might vary in some specific instance.

Before leaving a comparison of United Kingdom appeal provisions with the present and proposed provisions in our own pension legislation, it may be of interest to consider whether or not there is a greater need under United Kingdom legislation for appeals on matters of law than is presently the case in Canada. Our commission appeal boards are composed of three members. This is similar to the pension appeal tribunals of the United Kingdom. Whenever possible, under our past and present policy, it is intended that each appeal board shall include at least one fully qualified barrister. In the United Kingdom, a pension appeal tribunal includes a barrister only when the appeal is on a question of entitlement, the other two members being a medical practitioner and a lay person. However, when the appeal is on assessment, the makeup of the tribunal specifically excludes a person trained in law. It would appear, therefore, that the need for such a review would appear of greater importance in the United Kingdom.

As Bill C-7 provides for appeals from decisions concerning both law and fact and assuming that the bill in its present form provides for the payment of all expenses of the applicant, regardless of the outcome of the appeal, it could be well anticipated that a very considerable number of applicants would avail themselves of the opportunity to appeal to the courts. Present statistics would indicate that over 250 applicants would annually qualify for the right to appeal to courts in the province of Ontario alone.

The bill does provide for some measure of screening applications for leave to appeal through the provisions in clause 6. This is the provision which would require a pension applicant, who desires a court appeal, to first petition to a provincial appeal court judge for leave to appeal. The explanatory notes

accompanying the printed bill suggest that through this procedure "frivolous or nuisance applications" could be refused. It would appear doubtful, however, whether such a provision would have much effect on the number of cases that would require to be heard by the courts. The justice before whom a petition for leave to appeal may be brought (and he may be any one of approximately 74 provincial appeal court justices in Canada) would be at a considerable disadvantage when deliberating the acceptance or rejection of such a petition as:—

Firstly, few of such justices would have had any prior knowledge of the complexities of veterans' legislation, same having only infrequently been the subject of litigation or publication; and

Secondly, there is no body of printed precedent to which the justice could refer and;

Thirdly, no provision is made by the bill for such a petition to be answered and consequently the justice would have before him only the contentions of the applicant and not that of the government.

In the United Kingdom, as previously mentioned, the applicants petition for leave to appeal to the court is made in the first instance to the tribunal from whose decision on a matter of law he desires to appeal. Should the tribunal reject his application, he may then take same to the nominated justice of the high court. In this instance the justice has before him both the applicant's contentions as well as tribunal's reasons for having refused the application for leave to appeal. It must also be borne in mind that the justice of the high court not only has a very considerable body of printed precedence to guide him, but also he is the only justice in England who deals with such matters rather than being one of 74 as proposed in Bill C-7.

A further administrative problem arises when considering the status of persons presently representing applicants at pension appeals and the status of persons that will be required to represent such applicants before provincial appeal courts or the Supreme Court of Canada. Presently, applicants are represented by departmental pension advocates or by representatives of service bureaus of veterans' organizations. In only a very few cases is an applicant represented by a practising barrister. Though clause 4 of Bill C-7 purports to give the right to an applicant to be represented before provincial courts of appeal or the Supreme Court of Canada by a pensions advocate or by a representative of a service bureau or "by some other person", it must be borne in mind that in the case of courts, as opposed to appeal boards of the commission, such persons would be limited, to those who have received their call to the bar and hold current practising certificates from a recognized law society.

For a person to represent another before a court of appeal of a particular province, such person must first obtain his call to the bar from that particular province and also hold a current practising certificate from the recognized law society of that particular province. This fact could create a difficulty for applicants seeking court appeals though the bill does not indicate this. Of the present 30-odd pensions advocates presently on departmental staff I am advised that approximately 10 are not employed in the province in which they were originally called to the bar. Another pensions advocate has no formal legal training, while a number of the remaining advocates would not presently hold practising certificates as same are not required of them under present circumstances. Considering the present status of most representatives of service bureaus of veterans organizations, a similar situation exists.

The pension commission's position in this regard would be considerably more serious. At the present time there is no need for the pension commission

to be represented by counsel before appeal boards. It would, of course, be necessary, in the case of court appeals, that the commission be represented in every instance. As there would be 13 courts before which appeals would be heard, it would seem necessary for the commission to have a qualified legal representative prepared to act before each such court. At the present time, the commission employs only one legal counsel who is qualified to appear before only one provincial appeal court. As provincial appeal courts would not be in a position to organize their court lists from province to province to allow for the attendance of a travelling pension commission counsel, it would seem necessary that the commission's legal staff would have to be very considerably expanded.

On reviewing the provisions of Bill C-7 there is also the question of delay to be considered.

The bill provides for the commission alone to move to refer a question of law to the Supreme Court of Canada. The bill does not provide for the notice of such motion to be served upon any interested parties, though it does provide for a stay of proceedings in any appeal cases at that time before any of the provincial courts of appeal in which the same question of law may form part of such case.

Though the commission is not required to serve notice of such motion on any interested party, the supreme court has the power to direct that certain such persons be notified of this hearing and may also request counsel to argue the reference on behalf of unrepresented parties who appear to have an interest in the hearing.

Though the reasons for these provisions are clear, it might be anticipated that an applicant could well be greatly delayed in obtaining a decision from the appeal court of the province in which he resides. Take as an example—an appeal in respect to aggravation of a pre-existing disease also involving a question of interpretation. (Most applications will, in fact involve a mixture of law and fact). The applicant first petitions a judge of the court of appeal wherein he resides, say British Columbia. If his petition is accepted, he then serves notice on the commission and the matter is placed on the appeal court lists of British Columbia to await hearing. Court lists of most provinces, though varying in degree, are normally heavy.

Should the commission, on investigating the reason for the appeal, conclude that as the matter of interpretation involved might well arise in many different appeals across the country and thus be susceptible to a number of different findings, it would move for a reference to the Supreme Court of Canada. Upon notice of such a motion having been made, the appeal court of British Columbia would then remove their appeal case from its lists until the matter before the supreme court is debated and a decision rendered.

As the supreme court lists are normally heavy, it may be some considerable period of time before the reference will be heard. This will be particularly true should the supreme court decide that certain interested parties should be notified, or that it should request counsel to argue the reference as to "any interest that is affected and as to which counsel does not appear". It is not until the decision of the supreme court has been completed and promulgated that the appeal case in British Columbia would be again placed on the court lists of that province and the applicant's case eventually heard.

Doubtless the thinking is that most references on points of law to the Supreme Court of Canada will concern only the interpretation of certain sections of the act and once decided will not again be the subject of reference. However, the volume of demands for interpretation of the Pension Act is not too generally understood.

Legislation conferring a special benefit on a restricted group is subjected to continual demands for interpretation. This is particularly so of the Pension Act as here:

Firstly, the "restricted group" is itself composed of many special categories; and

Secondly, the "special benefit" conferred upon them is actually made up of many different types of benefits which in turn apply in varying degrees.

Thus, after 45 years of policy decisions, pension legislation still continues to be the subject of debate on interpretation. The references to the Supreme Court would doubtless be many. If the bill were to be accepted in its present form would seem that references by the commission to the Supreme Court would need to be heavy, otherwise we would be faced with a very large volume of decisions on interpretation of the act rendered by all of the 12 proposed provincial appeal courts across the country.

I have attempted to touch on some of the major administrative problems that might arise out of the provisions of Bill C-7. The bill raises a number of lesser questions of which you could be advised should debate on the bill be extended. There are also certain omissions. One example of omission is the fact that the bill does not provide for court appeals in respect of applicants who reside outside the country. Last year, 37 claims for non-residents were prepared and submitted to the appeal board of the commission by the veterans bureau alone.

In closing, the Chairman has asked that I make some reference to the provisions of section 70 as were discussed in your meeting of last Thursday. The wording of section 70 is perhaps somewhat unfortunate as references to 'benefit of the doubt' and 'reasonable inferences and presumptions' often lead to persons jumping to the conclusion that same is a reference to the same doctrine of 'benefit of the doubt' as is applied to all criminal matters within the realm of British justice—but solely to criminal matters.

This doctrine follows from the belief, under British law, that in criminal matters the crown must prove 'beyond a reasonable doubt' that the accused is guilty. The prisoner at the bar need say nothing in his own defence, and, indeed, in a considerable percentage of all criminal prosecutions, he never does. The accused merely relies on the crown's inability to first prove, beyond a reasonable doubt, that he is, in fact, guilty.

Surely it is not the intention of section 70 of the Pension Act to apply this same thinking to applications for pension benefits.

What interpretation is placed on these words by the pension commission? Firstly, evidence must be adduced by, or on behalf of, the applicant, sufficient to show some basis for a claim. In this he is aided by pension commission and departmental staff as well as by service bureaus of veterans' organizations or by private legal counsel, dependent upon the applicant's wishes. The onus then shifts to the medical and claims branches of the pension commission to adduce such evidence as may seem fit and proper, for the protection of the Canadian taxpayer. The applicant has ample opportunity to reply to, or to refute, any evidence that might be tendered on behalf of the crown. The commission must then weigh the preponderance of evidence. If there is any reasonable doubt in the minds of the commissioners hearing the case, same must be resolved in favour of the applicant.

The Pension Act clearly states that the 'doubt' referred to, must actually exist in the mind of the individual commission member and I quote "the body adjudicating on the claim shall draw . . . all reasonable inferences and presumptions in favour of the applicant".

The fact that the question of 'doubt' is presently one exercised by each individual member of the commission, who were each individually selected for the task of adjudicating specifically and solely on veterans' claims, would to me appear to be of great benefit to the veteran. If this task were, in the final decision, to be removed from these particularly selected persons and passed to the judiciary, the over-all effect on the veterans' cause must be questionable. In the first place, the commission would be forever bound and consequently restricted by precedents set by the courts. If this were to be carried still further, as the hon. member suggests, and the courts were not to exercise reasonable doubt as felt, at the time by the individual justice, but rather the doubt that the particular justice might deem to exist in the mind of the reasonable man, the effect on the veteran's cause is yet more indefinite. These remarks are, of course, in reference to matters of fact and not law.

I trust this information may be of some assistance to you.

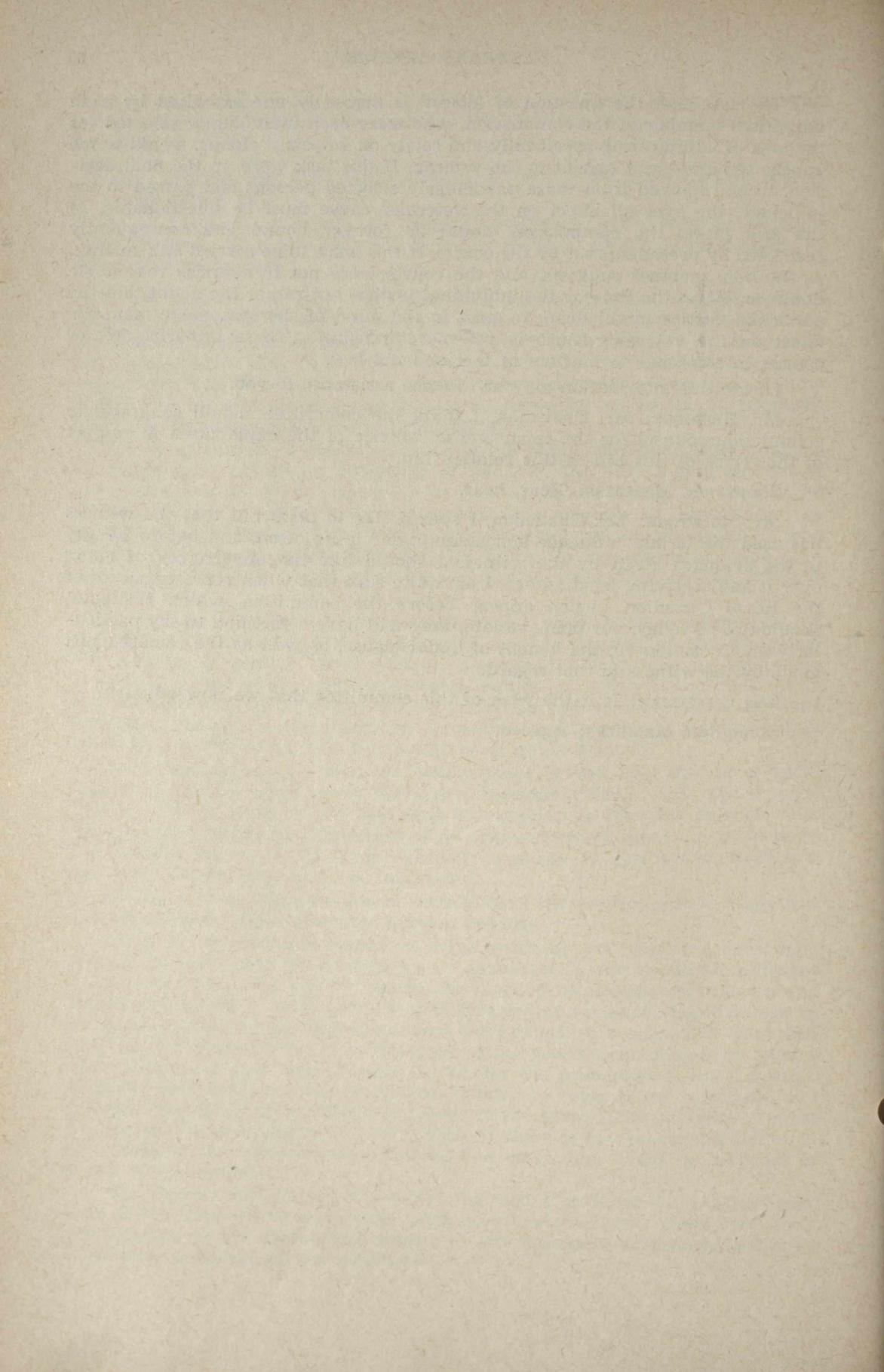
Mr. HERRIDGE: Mr. Chairman, I think the committee should congratulate commission counsel for the spirit and excellence of the explanation in respect of the terms of this bill in this relationship.

Some hon. MEMBERS: Hear, hear.

Mr. McINTOSH: Mr. Chairman, I should like to point out that the witness has used the terms "influence and assumption" quite often, and before I reply to the evidence given by the witness I should like the opportunity of going over it and receiving legal advice. I am quite sure that when representatives of the Royal Canadian Legion appear before the committee, which I suggest should not be today, our being so late, they will have something to say particularly about section 70, the benefit of doubt clause, as well as the remarks just made by the witness in that regard.

The CHAIRMAN: Is it the wish of this committee that we now adjourn?

Some hon. MEMBERS: Agreed.



HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

**VETERANS AFFAIRS**

*Chairman: J. M. FORGIE, ESQ.*

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

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THURSDAY, OCTOBER 31, 1963

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Respecting

THE SUBJECT-MATTER OF BILL C-7:

An Act to amend the Pension Act (Judicial Appeal)

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WITNESSES:

Mr. P. Nutter, Pension Counsel and Mr. T. D. Anderson,  
Chairman of the Canadian Pension Commission.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: J. M. Forgie, Esq.

Vice-Chairman: D. W. Groos, Esq.

and Messrs.

Bigg,  
Boulanger,  
Cadieux,  
Cameron (*High Park*),  
Clancy,  
Émard,  
Fane,  
Greene,  
Harley,  
Herridge,  
Kelly,  
Lambert,  
Laniel,

Laprise,  
Latulippe,  
MacEwan,  
MacInnis,  
Mackasey,  
MacLean,  
MacRae,  
Matheson,  
McIntosh,  
Millar,  
Moreau,  
Morison,  
O'Keefe,

Pennell,  
Perron,  
Peters,  
Pilon,  
Prittie,  
Pugh,  
Rideout,  
Rock,  
Temple,  
Thomas,  
Webb,  
Weichel.

M. Slack,  
Clerk of the Committee.

## MINUTES OF PROCEEDINGS

THURSDAY, October 31, 1963.

(4)

The Standing Committee on Veterans Affairs met at 10.10 o'clock a.m. this day. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Fane, Forgie, Herridge, Lambert, Laprise, MacEwan, MacLean (*Queens*), MacRae, Matheson, McIntosh, Millar, O'Keefe, Pennell, Pilon, Prittie, Pugh, Rideout, Thomas, Webb.—(19).

*In attendance:* Mr. C. W. Carter, M.P., Parliamentary Secretary to the Minister of Veterans Affairs; *From the Canadian Pension Commission:* Messrs. T. D. Anderson, Chairman, and P. Nutter, Pension Counsel; *From the Royal Canadian Legion:* Messrs. D. M. Thompson, Dominion Secretary, and M. MacFarlane, Director of the Service Bureau; *From the Department of Veterans Affairs:* Mr. C. F. Black, Secretary of the Department.

The Committee proceeded to the consideration of the subject-matter of Bill C-7, An Act to amend the Pension Act (Judicial Appeal).

Mr. Nutter was called, questioned on his statement at the sitting of October 29, and retired.

Mr. Anderson was recalled, questioned on various aspects of pension adjudication, and then retired.

The Committee agreed to defer consideration of the subject-matter of Bill C-7 to hear further representations later and to commence consideration of the subject-matter of Bill C-13, An Act to amend the Civil Service Act (Remembrance Day) at its next sitting.

At 11.25 o'clock a.m., the Committee adjourned to meet again at 10.00 o'clock a.m., Tuesday, November 5.

M. Slack,  
*Clerk of the Committee.*



## EVIDENCE

THURSDAY, October 31, 1963.

The CHAIRMAN: We have a quorum, gentlemen. I will ask Mr. Nutter to come forward. You will remember that at the last meeting Mr. Nutter made a statement. We will now have an opportunity to question him on that statement.

Mr. McINTOSH: Mr. Chairman, I doubt very much whether the members have seen a copy of his statement. Since it was in legal phraseology it is pretty hard for any of the members who are not lawyers to remember what he said. I did get a transcript of what he said, and I went over it. I notice that one of the documents from which he quoted referred to a study of the British pensions made by the United States pensions' people. This is a very recent study and I doubt very much whether the United States organizations have had time to act on it. I believe it was dated December, 1962. However, I do not think there is too much that any of us could quarrel with in what Mr. Nutter said except on the matter of interpretation of section 70. He seemed to think, as did Mr. Mutch, the deputy chairman, that the doubt had to be in the minds of the judges. I think that is where I personally differ. I agree with the legal interpretations, which are produced, to the effect that the doubt had to be in the mind of the average man on the street, or a reasonable man, I think the term is. This may be something we might discuss later in this committee.

Mr. MATHESON: Mr. Chairman, would it be possible, for the purpose of the record of today's proceedings, to have section 70 read out to the members?

The CHAIRMAN: Which?

Mr. McINTOSH: Section 70 of the present act.

Mr. P. G. NUTTER (*Pension Counsel*): Mr. Chairman, section 70 of the act presently reads:

Notwithstanding anything in this act, on any application for pension the applicant is entitled to the benefit of the doubt, which means that it is not necessary for him to adduce conclusive proof of his right to the pension applied for, but the body adjudicating on the claim shall draw from all the circumstances of the case, the evidence adduced and medical opinions, all reasonable inferences and presumptions in favour of the applicant.

Mr. MACEWAN: I would like to ask Mr. Nutter a question which I have already asked Mr. Anderson. Would you agree with the statement that in their interpretation the Canadian pension commission should in every case base their interpretation, judgment, or decision, on an interpretation of the Canadian Pension Act itself, and in reaching this decision should not bring in any other matter such as the ordinary laws of negligence, for instance contributory negligence, and so on? Do you agree to that statement?

Mr. NUTTER: I am afraid I do not entirely follow it. Do you mean that they must interpret the act as it stands?

Mr. MACEWAN: May I put it this way: A man in the service crosses the street. There are traffic lights there and the light flashes red and the man is hit by a car in the course of his duties, we will say, and the Canadian pension commission in its decision finds that there is no need to decide whether or

not the man was in the course of his duties, because he was guilty of contributory negligence. Do you think the pension commission in its findings and decision should consider contributory negligence or anything allied to it?

Mr. NUTTER: I do not see the application of contributory negligence to the arriving at a decision in the matter.

Mr. MATHESON: It is my feeling that because the pension commission sometimes failed to take a juridical view of a case—and I again relate it to the Mary Brett case where they followed rather woodenly the language of the Pension Act—and they actually would be giving to the veteran very less consideration than would any sensible court of justice, without even applying equity. They say that the common law of England, or of Ontario, or of any common law district of Canada under this bill, would tend to enlarge the rights and benefits which flow out of certain sets of circumstances. This was the case of an officer who was serving as a nursing sister. As she was proceeding to her breakfast when on duty—compelled to be there, and under compulsion not to be away from this place—she slipped on very dangerous and treacherous footing and ended up with injuries which are very substantial, perhaps of the order of \$10,000. She did not receive a penny from the pension commission, because they would not apply the Pension Act. They said this is not as a result of employment. I am sure that in a court of law the result would have been the reverse; they would have regarded this as a normal risk within her duty.

While I quite understand what my friend is saying in respect of contributory negligence, which I think is another point, surely we have run into a good number of situations in the pension commission where courts of justice would be giving larger rights to applicants than the pension commissioners in their duty to their country feel they can give. Frankly, this is one of the reasons why I have felt that some of the lay members of the commission would be well advised, perhaps, to consider the implications of legal decisions. I am not suggesting we should have more lawyers on the board, but I would ask them to think of the legal decisions. Surely it is not to reduce, but to enlarge. It seems to me, really, that clause 70 is unemployable when you balance it with the fact that they are sticking woodenly to the question of what can flow from certain results, the problems of causation which they would not interpret nearly as widely as lawyers or judges do.

Mr. NUTTER: I do not think I am in a position to give my own opinion on these matters because of the nature of my employment. I can give evidence, however, in respect of what has happened. On the basis of prior facts in respect of veterans legislation, I would have to disagree that by and large the courts would give a wider interpretation than is presently given by the Canadian pension commission. I have only been connected with the commission for a short period, but I could tender to you some facts. We have had appeal courts, of course, of a number of varieties.

Mr. McINTOSH: In the interpretation that a judge would put on any act, he has within his mind a wealth of knowledge regarding other acts which a layman would not have. I am thinking now in respect of the interpretation of the Pension Act; there may be interpretations of other acts, such as the Interpretation Act or the Canadian Bill of Rights, which should be considered. Would you not agree that in interpreting the Pension Act those who do so should have some knowledge of these other acts at the same time because they do work in conjunction with each other?

Mr. NUTTER: That is true. I think some attempt has been made in respect of each appeal board to indicate that the intent of the commission is to have on each board at least one fully qualified barrister.

Mr. McINTOSH: The intent and what actually takes place are not always what is desired.

Mr. NUTTER: Or possible.

Mr. McINTOSH: I agree. I would like to follow this up by saying that to my mind in interpretation they stick too close to what is written in the Pension Act and do not take into consideration what has happened in respect of, for example, the workmen's compensation board. I am thinking of a man who is a driver of a vehicle and who, by the very nature of his duty, is taken away from the base; then someone shows that he should have been on the base, and if an accident or death occurs, he is not pensionable. In respect of workmen's compensation, as I understand it, the legal base is different. In the case of a driver they said that compensation had to be given to his dependants when he was burned in a hotel fire in the course of his duties. Without mentioning names, I have a case which I think a court would back up. Because this person was not in his own vehicle when the death occurred but was in another vehicle, the board said he was not pensionable. To me that is splitting hairs pretty fine.

Mr. MATHESON: It is a problem of the ambit of risk.

Mr. MACEWAN: What I was trying to say is do you agree that in the interpretation of the Pension Act the commission should act in a like manner to the workmen's compensation board in that the question of negligence, even one iota of negligence, on the part of the applicant should not be taken into consideration in the decisions?

Mr. NUTTER: I do not think it is.

Mr. MACEWAN: I had a case in which the commission found that the applicant was guilty of contributory negligence, and therefore it was not necessary for them to rule on whether or not the applicant was acting in the course of duty. That is the reason I asked that question.

Mr. NUTTER: I have not seen that case.

Mr. MACEWAN: I will send you a copy.

Mr. HERRIDGE: I would like to ask the witness a question, Mr. Chairman. I want you to understand that I am in pretty deep water when we get into legal matters. I lead a much simpler life than that. Mr. McIntosh made a rather intriguing suggestion. He suggested that the persons judging a claim should judge the claim on the basis of what they would consider would be the reasonable doubt existing in the mind of the normal man on the street. That seems to be a rather abstract application. Do you know of any person who is required to give a decision, such as a commissioner, and so on, who bases his decision on an assessment of the reasonable doubt which might exist in the mind of a normal man on the street?

Mr. NUTTER: Yes. This would be the case in respect of a judge in a criminal matter, when he is following the doctrine of reasonable doubt as applied to criminal matters in our criminal courts. He must assess whether the prisoner is guilty and is guilty beyond a reasonable doubt. There are many court decisions which state that the reasonable doubt in the mind of the justice is the reasonable doubt which exists in the mind of the reasonable man. This is not an easy thing for a justice to do. As I pointed out the other day, I do not think that in passing section 70 the legislature meant that the reasonable doubt there should refer to the doctrine of reasonable doubt as applied to criminal cases.

Mr. McINTOSH: Why do you make the statement that you do not think that?

Mr. NUTTER: I think it is obvious it could not possibly be so.

Mr. McINTOSH: I think this is what the dispute hinges on. That act was drawn up by legally trained people, the same as is any other act of parliament; it is in the same phraseology as other acts, and the only difference between this act and the others is that the interpretation is solely in the hands of laymen, according to section 55 of the act. The other acts were intended to be interpreted by judges and lawyers. I think this is where the problem arises.

Mr. NUTTER: For one thing, Mr. Chairman, I believe section 70 makes it quite clear that it is the doubt which is in the minds of the commissioners, because the section says "the body adjudicating on the claim shall draw from all the circumstances of the case".

Mr. MATHESON: Is not the real purport of that section simply to reverse the normal burden in civil litigation? If a plaintiff appears before a court presenting a claim of negligence, or whatever it may be, he has to establish his case, or we say he has to satisfy reasonable doubt. Does the meaning of those words not simply take away this burden and put the burden, if there is such, on the other side; in a sense to compel that the commission will have the burden of disproving any reasonable doubt?

Mr. NUTTER: Yes; but that is a great deal different from the criminal law doctrine where the accused can sit back and need say nothing at all unless the crown can prove beyond a reasonable doubt that he is guilty. If you are going to put the pension applicant in the same position, he can say "I have a sore leg, I had a sore leg in France 20 years ago and I want a pension". Following the criminal law doctrine that would put the commission in the position of having to prove beyond reasonable doubt that this man's sore leg, which he claims to have, is not the sore leg which he had in France.

Mr. MATHESON: Therefore if the pensioner can come before the board and put forward a prima facie case, which stands up, and the board is in some doubt, I think they must find for him.

Mr. NUTTER: I think all the pensioner must do in the original instance is show a basis for a claim in which he is helped by the commission, the commission staff, by the department and by the veterans' advocates, and having established that basis, then the onus shifts to the various departments of the commission, the medical branch and the claims branch, to show that there is no basis for the claim. The commission would judge on the preponderance of evidence, always bearing in mind that if there is any doubt whatsoever, this doubt must be resolved in favour of the applicant.

Mr. McINTOSH: Have you gone back and read the *Hansard* debate at the time this section was put in the act to see what was the intent of members of parliament at that time?

Mr. NUTTER: I have not done so recently, but I did at one time.

Mr. McINTOSH: Do you have the same conclusion now as you arrived at from your reading of the debates?

Mr. NUTTER: I could not answer that.

Mr. PENNELL: Actually, section 70 modifies the burden of the plaintiff in a civil action. He just has to adduce evidence and if upon the preponderance of evidence there is a doubt, then it is in his favour, which would make it even lighter than in a civil action.

Mr. NUTTER: Yes.

Mr. PENNELL: Because I understand the purport of Bill C-7 is to allow an appeal to a court, can you say where there is going to be any disadvantage to a veteran where his claim has been reviewed by the appeal board; what has he to suffer if we permit him to go with leave to a court after his claim is refused?

Mr. NUTTER: There are statements which have been made this morning to the effect that a court would look upon his rights on a larger basis than does the commission.

Mr. PENNELL: I want to assume that his claim has been reviewed by the appeal court. What has he to lose if we permit him with leave to have a court hearing?

Mr. NUTTER: I think he has very little, if anything, to gain. He might have a considerable amount to lose if there is a further appeal from the present appeal boards. It might be of interest, in respect of the suggestion as to how the courts might look upon this, if I were to take an excerpt out of *Hansard* from the debates of 1939 when the pension appeal court was abolished. The statistics there are quite startling to say the least. When Mr. Howard Green at the time was speaking in favour of the bill to abolish the appeal court, he pointed out that in the previous fiscal year (1938) the pension appeal court had dealt with 2,363 decisions, and of those 2,363 decisions on appeal, 19 were granted. These were 19 appeals by veterans appealing the prior decision against them which were granted and 23 were sent back for rehearing. The commission at that time also appealed to the court of appeal and they won 17. So, in 17 instances where the veteran had been granted pension, they were taken away from him by the court of appeal. This is out of 2,363 cases. I quote Mr. Green: "So that during the year the pension appeal court has not been of very great benefit; in fact, one might say that it has been of no benefit at all to the veterans of Canada." I think this has been the situation in every case where a type of court appeal has been tried.

Mr. LAMBERT: I am not too sure that that is a logical and necessary conclusion you have put forward. We do not know how many decisions were favourably influenced by reason of the fact that there was a right of appeal. If there is still somebody behind to review, then they may say "we must be much more careful in this." This naturally does not appear in the statistics, and it is impossible to adjudge. I do not think the figures you have cited, or the conclusions are necessarily that final. It may be that this may have been of immeasurable value to the applicants; it may be at the time that because the commission knew there was an appeal body it was rather more careful.

Mr. McINTOSH: I would like to add something to what you have said. At the last meeting I suggested I was a little bit concerned about the very short time allowed in respect of the one case on which I appeared before the board for leave to reopen. I noticed that no one took notes. They did not give the decision until a couple of months afterwards. I was informed at that time that I had quite a length of time before the board, because usually they run five or six cases in the time I took. If they take the evidence of five or six cases in less than an hour, and then deal with each case, say a month or 60 days later, I do not know how anyone could remember the evidence in any one of the cases presented.

This concerns me and it brings up the point of Mr. Lambert that if there is an opportunity to go to a court of the land, in my opinion, the board would give more consideration to the evidence presented before it, and be more careful in the decision handed down. As Mr. Lambert pointed out, I think the number of cases which were dealt with favourably was because of the thought that there could be a further appeal.

Mr. NUTTER: In reply I would point out this was in 1938, which is quite a few years after the end of the first war. We are now in 1963, and the number of appeals for 1961—which is a somewhat analogous situation—were fewer than 1,400; that is, there were 1,300 odd appeals before the appeal boards of the commission. The situation is somewhat the same, except in the number of

cases that have been accepted. You heard the other day that over 50 per cent of the appeals going to the appeal boards of the commission at the present time are accepted, and you can see what the situation was back in 1938.

Mr. PENNELL: Would you agree that it would be fair if the board or commission was limited to an appeal on a point of law only whereas the applicant should be entitled to appeal on fact and law, as is the case in many summary or Criminal Code cases.

Mr. NUTTER: I do not think I am able to answer as I would be giving an opinion of my own. I think my opinion must be that of the commission, and I do not know what the commission's opinion is on the particular question.

Mr. MATHESON: That, in principle, would be similar in nature to an ombudsman, which would permit a "look see" at every government tribunal in extraordinary cases. But, speaking specifically to this problem of appeal from a pension commission hearing, do I understand that over many years the Royal Canadian Legion and other veterans' organizations have come to the view that an appeal was dangerous to the veterans' interest? Is that the consensus of their judgment and, if so, what are the arguments they put forward?

Mr. PRITTE: Mr. Chairman, I think Mr. Nutter is quite right in what he says. He is being put on the spot here. He is an employee of a commission and is being asked for opinions, which I do not think is proper. I do think it would be fair to question the commissioners along these lines, but I do not think these types of questions should be directed to Mr. Nutter.

Mr. HERRIDGE: Would members of this committee be justified in assuming, when dealing with the question of reasonable doubt, that the thought processes and reactions of the commission would be similar to that of a normal man in the street.

Mr. NUTTER: I do not think I can answer that question. I really have very little to do with files or decisions on files at all. I am in the commission as a legal adviser and most of my work is completely apart from the commission; that is, dealing with matters that come up under sections 20, 21 and 22, dealing with legal forms, court actions and various like matters going on across the country. So, I really have very little to do with how decisions are arrived at.

Mr. McINTOSH: What court actions would the commission have, since they are not subject to the courts?

Mr. NUTTER: This would be in connection with pension applicants or persons in receipt of pensions. This is going on at all times, where their pensions are made subject to review under sections 20, 21 and 22. This forms part of my work.

Mr. HERRIDGE: I will direct my question to the chairman of the commission.

Mr. MACEWAN: In connection with any applications or actual appeals have you ever been called on to give a legal opinion on the evidence given by an applicant before the commission?

Mr. NUTTER: I have been, yes, but not very frequently.

Mr. PENNELL: As I understand it, on a hearing for an appeal by the applicant, the evidence is not now transcribed. I am correct in this assumption?

Mr. NUTTER: There again I am not too familiar with that end of the commission's work. I have been with the commission only a short time and most of the work I do is entirely on my own.

Mr. PENNELL: But, you would agree, where there is a right of appeal to a court that certainly the evidence would have to be transcribed.

Mr. NUTTER: I think all the evidence now is transcribed.

Mr. PENNELL: Would you not agree that in accordance with the provision contained in Bill C-7 there has to be leave and this would screen out all the frivolous cases?

Mr. NUTTER: But I question how many frivolous cases would have reached that point. There may have been any number of renewals and finally they get to appeal, and at that time I doubt whether there would be very many ruled out for that reason. I mentioned the reasons in my report to you the other day, where, under the present reading of the bill, the judge would find himself in a very awkward position in coming to a conclusion.

Mr. PENNELL: The reason I raised the question was that, as I understood it the other day, there was some suggestion the courts might be cluttered up because of the thousands of cases that might arise, and my question was directed to the fact that this leave to appeal would, in a sense, entail a fairly cursory review of the whole matter, whereas if there was no merit on the face of the application it would be rejected there and then, and only those with some merit would go on to the courts of appeal. Do you agree with me on that?

Mr. NUTTER: No, not if there are 74 judges across the country, who may not be informed on this type of decision because they have no knowledge of the complexities of the legislation, to begin with. They have no body of decision to refer to.

Mr. PENNELL: Judges in a court of appeal could look at it. They would have the evidence from the prior hearing and hear counsel on behalf of the applicant, and then they could determine whether a prima facie case had been made out.

Mr. NUTTER: But he would have to have a good background of the legislation, to begin with, and this is not a simple thing to do in connection with the pension legislation as it stands now.

Mr. PENNELL: With great respect, it seems to me that the complexities of the Pension Act are very small compared with the Income Tax Act, for instance. The judges have to master a good deal of the complexities of the Act in those cases.

Mr. NUTTER: Yes, but they are dealing with these types of cases frequently. Of course, in so far as the Income Tax Act is concerned, they are going to a court which is dealing with this type of thing all the time, namely the Exchequer Court of Canada.

Mr. PENNELL: But it seems to me the Pension Act is not so complex that a man, sitting in a court of appeal, with the necessary qualifications, which they have, would have too great difficulty in mastering the technicalities connected with it.

Mr. NUTTER: No, but I was merely suggesting that a great many of the applications will doubtless be received rather than rejected.

Mr. PENNELL: In my experience in going before the courts of the land I have found, when wanting to get leave to appeal, that there has to be some merit in the basis of my application.

Mr. NUTTER: If I may, Mr. Chairman, there was one question which I did not have an opportunity to answer, which dealt with the views of veterans' organizations. I cannot answer that question directly even though I have been well involved in veterans' organization work myself over quite a few years. But, I think it is interesting, and it should be very interesting to the members of the committee, to point out that although the appeal provisions at the present time appear to be somewhat internal, the same situation existed originally in pension legislation in Canada from 1916 until 1923, when we had the old

board of pension commissioners. Appeal during those years was much more internal than now, as the board itself heard the appeals. There were not the safeguards which we have now. From 1923 to 1939 we tried a variety of different types of appeal and very independent boards, some of which were set up on the recommendation of the Minister of Justice and completely apart from the department itself. None of these worked. Some lasted only a short time. The medical appeal board lasted only 14 months. Then in 1939, we went back to the original view, but with certain safeguards, and from 1939 on this has continued. I might point out that on both occasions when we have had the appeal more or less internally, these have been the occasions when there has been the greatest number of applications, from 1916 to 1923 and from 1939 until the present day. So, in 47 years of veterans' pensions legislation in Canada, 31 of these years we have had, what you may call, an internal appeal, and in the other 16 years there were many, many problems. It was a difficult period and one that veterans' organizations did not like to look back on. I would just suggest that before any further changes are made, a very close study should be made of what has gone on before so that we do not get ourselves back into the difficulties of those years.

Mr. MATHESON: I would like to ask this question. I take it from the comments we have heard that basically the argument against appeal is that the Canadian pension commission has built up perhaps a practice and jurisprudence peculiarly its own and peculiarly suited to serve veterans and this would be disrupted by a fresh look by a variety of judges who have no common standards and no ideas that have brought them along in the philosophy of pension assistance to veterans. I understand this, but is there not a more fundamental legal consideration, and if there is an appeal on one side, namely on the side of the applicant, then it is sound jurisprudence to say there would have to be some offsetting right to appeal on the other side. From the standpoint of the veterans themselves this would be more dangerous than helpful in that there could be a reversal of benefits already received.

Then, there is the other point which I think the witness already indicated before, namely that the commission can always rely in a doubtful case on the fact that the man has a remedy somewhere else and, therefore, if they are in doubt they are not going to resolve in his favour.

Mr. NUTTER: That would appear to be historically correct, which is about all I can say without giving a personal opinion.

Mr. McINTOSH: Mr. Chairman, I would like to refer to a case in order to bring out my point. I refer to a world war I veteran who was gassed. There seem to be a number of these cases coming to the fore at the present time. I mentioned before that the common treatment in world war I for gassing was the same as that for treating tuberculosis. The diagnosis of the doctor at that time was pulmonary tuberculosis. The veteran's respiratory system was damaged because of his service, but because the original doctor diagnosed it as tuberculosis that veteran was denied the benefits that the people of Canada said he could get. The subsequent doctor who treated him said it was bronchitis or used some such term. During the time of his discharge from world war I up until the present time he has not received the benefits he was entitled to because the pension commission said they could not do anything for him since he is not being treated for a pensionable disease although they realized at the time that he was suffering from the effects of his service. Now, it is in cases such as this that I think there should be appeals. There are many others which I could cite as well. However, that seems to be a common reason for appeal after appeal.

In the case which I have in mind—and I mentioned it before—this veteran got into trouble with the pension commission for refusing to take advice,

which they were trying to give him, to have one lung out. He said that his doctor said he did not require to have it out. Because of his persistence, he has got his pension. But, the point I wish to make is that from world war I up to 1960, 1961 or 1962 he was denied all these benefits and, as a result, his family suffered because of the lack of funds owing to his being unable to work and be properly educated.

These are the cases I have in mind and that is what is behind Bill C-7. I would say today that the pension commission possibly is confronted with a great number of these difficult cases because the act is worded in the way it is. I agree with the deputy chairman that a layman cannot interpret the present act or cannot read into it the intent of parliament. I think either the act should be rewritten in layman's phraseology or the interpretation should be taken away from laymen and given to those trained in legal procedures.

The CHAIRMAN: Are there any other questions?

Mr. PENNELL: Assume for the moment that the act was amended to allow appeal, do you think it should be a trial *de novo* or do you think it would be more expeditious if the court of appeal dealt with it on the basis of a transcript of the evidence before the commission appeal board? I am asking you to speak now as a lawyer because I would appreciate the benefit of your opinion in this connection. This is something the committee will have to consider in connection with this bill. I do want to make it clear that you are not speaking for the board now. I do want the benefit of your legal experience though.

Mr. NUTTER: I do not know that I can do that because of the risk of doing the wrong thing. I may say that I think it would be wrong if a court appeal was to be written into the act. I do think it would be wrong to allow for a court appeal on matters of fact. If there was to be a court appeal, I think such appeal should be on a point of law only. This appears to be where most of the trouble lies. If it is confined to a matter of law there would be no need for a trial *de novo*; it could be done by stated case. Also, it need not be done across the country. It could be before one court, possibly the Exchequer Court of Canada which, in my opinion, would be much better than the supreme court.

The CHAIRMAN: Mr. McIntosh, I understand you wish to examine this witness later when the evidence is printed.

Mr. McINTOSH: Not that I want to question the witness but I would like to make some observations to the committee, and I would hope the witness would be present at that time. He should be given a chance for rebuttal, if you wish to call it that.

Mr. MATHESON: May I ask one question, which is rather suggesting an alternative to Mr. McIntosh's bill, for which I am sure all of us have a very great general sympathy. Has there been any experience in any comparable department in another country? Could there be something in the nature of discretion vested in, the minister if you like, in certain extraordinary circumstances which do not appear to come within the general ambit of the legislation? The pension commission could, if you like, divest itself of this burden and the government of the country could pick up this special case and do something that was manifestly equitable and right and not, at the same time, remove itself from the practice and the procedures of the law which the pension commission have to faithfully administer.

Mr. NUTTER: Yes, and I think this has been done from time to time. I do not know if there is anything comparable in other countries along that line, but section 25, I think, has been amended from time to time and, at one time, I believe, though I could not say for certain, it was intended to be used along that line before it was amended to its present form.

Mr. McINTOSH: We already have the same idea incorporated in some of our other legislation. I am referring to the Minister of Agriculture. I know he can overrule the ruling of the board. I am referring to the P.F.R.A. and boards such as the wheat board and so on, which come under his department. As I say, he has certain powers which are very seldom used. However, for certain reasons he can overrule the ruling made by such a board. I think what Mr. Matheson is referring to is an appeal to the minister in cases such as those I have cited, where the pension commission feel they are still acting on the interpretation of the act and, in special cases, the minister possibly could overrule the commission.

Mr. NUTTER: You mean if it concerns matters on compassionate grounds?

Mr. McINTOSH: Yes.

Mr. NUTTER: I think this has been done.

Mr. HERRIDGE: Mr. Chairman, I want to adequately express my strenuous opposition to any such suggestion which would place a minister in the difficult position as stated. It does not matter how fairly one tries to accept his responsibility all of us with experience know that he could be accused of political favouritism.

Mr. MACEWAN: I agree with that. As I understand it, originally, that is why the Canadian Pension Act was drafted and why the commission was set up.

Mr. NUTTER: He certainly would end up with all the cases that are rejected, to start with.

Mr. MATHESON: My question was whether or not there was any alternative. I appreciate Mr. Herridge's sound position on this. But, in the Department of Justice we have the Solicitor General who is burdened with the business of bringing capital cases before the cabinet, and while no cabinet wants the responsibility of giving life imprisonment instead of execution, they do it over and over again and have had to stand by their decisions and meet their responsibilities politically when they are challenged. I am asking the witness whether he knows of any other alternative whereby discretion could be exercised in special cases perhaps not in the offensive way I suggested.

Mr. HERRIDGE: I am not suggesting it was offensive.

Mr. MATHESON: But it is politically offensive. Do you know of any other way it could be done in respect of special cases.

Mr. NUTTER: Not other than by an amendment to the act or enlarging the provisions of section 25, which already is in the act.

Mr. MATHESON: Could you tell us what section 25 said before when it had that purpose.

Mr. NUTTER: I do not know that it did have that purpose but I do know it has been amended.

Mr. HERRIDGE: We have had that experience with this act since 1917 and the present act was evolved as a result of that experience—and sometimes it was a bitter experience—in the early days.

The CHAIRMAN: Gentlemen, if you are through with this witness I would ask Mr. Anderson to come forward if he has anything to say at this time.

Mr. ANDERSON: Mr. Chairman, I believe Mr. Herridge had a question. Could I have that repeated?

Mr. HERRIDGE: I am asking questions here as a layman as I am not capable of leaping into the dark waters of legal intangibles. I am interested in the approach of the commission. Concern has been expressed about the commission's approach to the interpretation of the words "reasonable doubt" and dealing with

the benefit of the doubt. My question is this: would you say that the thought processes and reactions of the commission when dealing with the question of the benefit of the doubt or reasonable doubt are the same as those of the normal man on the street?

Mr. ANDERSON: I would answer that with an unqualified yes; they are reasonable and normal men of the street. I think so. Why would they not be? This whole question bothers me a little. I am not a lawyer, so perhaps I had better be careful what I say with regard to legal matters. But is it not a fact that a judge does not make the decision when it comes to a question of criminal law, such as murder; surely it is the jury which does that; and these men are reasonable men on the street, the same as our commissioners, and they are the men who make the decisions.

Mr. McINTOSH: Sometimes a trial takes place before a judge alone without a jury, and it is up to him to make the decision.

Mr. ANDERSON: We have fifteen commissioners, doctors, lawyers, and laymen; and surely over the years there have been many, many men who have acted as commissioners so there must have been a fairly high percentage of them who were normal, reasonable men.

Mr. O'KEEFE: Not lawyers!

Mr. McINTOSH: With respect to the qualifications which you gave the other day for the commissioners, I know that the question has been asked; but were all these commissioners officers, or were any of them of other rank?

Mr. ANDERSON: I can think of two who were of other rank, but I am not sure. I would have to check. As far as I am concerned I do not think it has mattered whether they were officers or of other rank as far as the cabinet is concerned; they did not appoint them on that basis, but rather on the basis of their ability.

Mr. McINTOSH: But the applicants might be concerned about it, even if you are not—I mean, concerned about their qualifications.

The CHAIRMAN: Is there anything further?

Mr. MATHESON: May I repeat my question to Mr. Anderson and ask with his very wide experience—not experience confined to his present senior appointment, but to his experience in veterans' work over many years—if he knows of any possible technique whereby there might be something in the nature of special consideration for unusual cases which did not appear to come, in the opinion of the commissioners, within the ambit of the act? Is there any technique by which that could be done without confusing the facts and making them political?

Mr. ANDERSON: In my opinion that is exactly the purpose of section 25 of the act. Following and during world war II a number of Canadian veterans married girls in England and on the continent. When they returned to Canada, the veterans came back, while in some cases their wives decided either not to come at all or if they did come, then to return overseas. In other words, they left their husbands and returned overseas. These men could not divorce their wives because there was no basis in Canada on which to grant divorces under those circumstances. So they took common law wives, raised families, and lived respectable, decent lives.

If we stuck directly to the terms of the legislation, we could not grant these people additional pensions for their wives. The reason section 25 was enacted, is so that we can deal with special cases which have merit and this has been going on for years. Section 25 was designed with that specific purpose in mind.

Mr. HERRIDGE: I had personal experience of a case like that. It was very fortunate the section was there. But let me say it was not my own case.

Mr. McINTOSH: In the length of time you have been chairman of the commission, have you recommended any changes in the act to the minister? I took note of your remarks concerning section 32, that you were not fully satisfied with it. I take it there are other sections as well with which you are not quite satisfied. Have you recommended to the minister at any time since you have taken office as chairman, that amendments be made?

Mr. ANDERSON: Yes. The minister has asked me on a good many occasions and I have suggested certain recommendations which I thought would be beneficial to veterans generally.

Mr. McINTOSH: Have there been any changes made?

Mr. ANDERSON: Yes, the act was very widely amended in 1961. I started in office in 1959.

Mr. FANE: May I ask two or three questions. Unfortunately I was unable to be at the last meeting. I would like to ask Mr. Anderson that if Bill 7 is passed and brought into effect and becomes part of the pensions act, is that going to make it more difficult for the board of pension commissioners to reach proper decisions or will it make it easier?

Mr. ANDERSON: I answered that question the other day and I realize that you were not present at the time. I believe I said that I am satisfied that this would make the work of the commission easier. Some system such as that obvious in this legislation, might be of some assistance to us. I think you realize that I am not competent to speak in favour of or against legislation. That falls into your province. I simply administer what you give me to administer and I have no authority to do otherwise. But it is probably true, and I think it would make our work a little easier. The danger is however that some of the commissioners might feel that this application is going to go to another court anyway, so it does not matter too much whether we grant it or not. I wouldn't say this would be the common reaction, but it could have this effect on someone, so it could be a little dangerous in that regard.

Mr. FANE: That is the main objection which would be raised to it.

Mr. ANDERSON: I would not raise it as an objection. I do not think it would likely be a very serious problem, but as I say, I do not wish to raise anything either as an objection or in favour of it. That is not my prerogative.

Mr. McINTOSH: Do you not believe, or have you not wondered—I mean in interpreting the act—why certain benefits are given to the veteran under the Pension Act, and why similar benefits are not given to the civil servants? I think you included that in your letter to me.

Mr. ANDERSON: I am sorry, I overlooked explaining that the other day when I spoke. As I said, it is not my prerogative to question legislation. I might not have written the letter to Mr. McIntosh very well, but I did not intend at that time to question the legislation. What I wanted to say was that this question had been asked of me by taxpayers—who have a perfect right to ask such questions. I was not implying that I was questioning section 13(2), but rather that the question has been raised.

Mr. PENNELL: Do you find there are any sections which give you difficulty in the way of interpretation?

Mr. ANDERSON: It depends on what you mean by difficulty. I am not a lawyer, and I assume that things mean what they say. This does not seem to be true. I have had lawyers tell me that things did not mean what they say, but rather they mean what somebody interprets them to mean. And I am not trying to be facetious at all.

Mr. PENNELL: Are you ever driven into the position where you have to say: I have to have a legal opinion on the whole application before me, because I find difficulty? Is that so?

Mr. ANDERSON: There are times when I feel I would like to consult with one of the lawyers on the commission, just as at times I must consult with one of the doctors, and I do so. I call in one of the lawyers or doctors, and we go over the case very carefully from the point of what is a proper decision. So we do get legal advice at all times. We do not go off half-cocked on something which would obviously require some legal opinion.

Mr. PENNELL: The decision is not delivered to the veteran then so that he may have an opportunity to reply to it? I mean, you may put a certain interpretation on the section. Here is where injustice may come about. Unfortunately perhaps you may put a certain interpretation on it, and if it could be made an open opinion, and made known to the applicant, he would have an opportunity to submit argument for a different interpretation. But you merely submit your judgment and give your reasons, while the applicant is denied the right to argue concerning the interpretation you have put on it; whereas if you had had an opportunity in the first place to listen to his submissions, he might be able to convince you otherwise. This could be dangerous, as I see it. That is why we should have an appeal court. The judge may give his reasons, and then the applicant has the right to argue against the decision and the interpretation placed by the court in the first instance, and that is something which I do not think exists in the present system.

Mr. ANDERSON: Of course, it should be borne in mind that you are speaking of appeals now.

Mr. PENNELL: Yes, I am.

Mr. ANDERSON: Where a veteran takes his claim to an appeal board, he has his own lawyer, while there is no prosecuting attorney in the sense that there is one in a court of law. There is nobody to try to argue against the advocate who is supporting the veteran's claim.

Mr. PENNELL: I appreciate that, but let me make it clear that I am not trying to do anything that would prevent the commission from doing the right thing. However, the applicant does not know what interpretation you are going to put on it until it is too late, when he cannot argue against it because you have handed down your decision, and he has no right of appeal. Had he known what was in your mind, he could have dealt with it in time.

Mr. ANDERSON: This is a problem inherent in the very legislation itself, in that it is very loosely drawn, with the deliberate intent that the commission should have an opportunity to operate within the broad terms of the act itself and to administer what they consider to be justice.

It is true that it has acted to the disadvantage of the advocates in the way you mentioned. However it is pretty difficult to have your cake and eat it too; and that is a big part of the problem.

Mr. FANE: Are the pension advocates not adequately prepared to deal with all kinds of cases? Are they not authorized to question the applicant at any time and on any matters which could concern him? They could come up with a full case under any circumstances. They are doing this all the time, and they must know what kind of blocks are going to be put in the way, or are going to appear. I do not mean "put" in the way; I mean blocks that are going to appear.

Mr. ANDERSON: The advocate certainly has complete freedom of action, and he does not miss any bets; he usually brings out every particle of evidence that he can in support of the claim.

Mr. FANE: That has been my experience, too.

The CHAIRMAN: Well, would you prefer that we carry this forward to the next meeting when the evidence is before us, and question these witnesses at that time? Is that your idea?

Mr. McINTOSH: I would like to hear the remarks of the Royal Canadian Legion.

The CHAIRMAN: They will be along with their brief later. I might explain to you that their brief could not be presented before November 11.

Mr. McINTOSH: I think for the benefit of the committee we should have the Legion's view of this bill. I see no advantage in making any remarks about it until after the committee has dealt with it. I feel that the veterans' organization will certainly be interested, and if they are opposed to it, they will give their reasons why.

The CHAIRMAN: There is nothing to prevent us from holding it further until we have the Legion before us, when we can ask any question of the Legion, and they in turn can put forward anything they have in the way of an answer.

Mr. HERRIDGE: We are to understand then that the Royal Canadian Legion representatives wish to make their annual presentation to the cabinet prior to November 11, and I believe it would be regarded as only correct procedure and courtesy not to divulge the content of that brief until they have first presented it to the cabinet.

The CHAIRMAN: Yes, that is pretty much so. I am not sure of the date, but I think it is on or about that time.

Mr. HERRIDGE: Yes.

The CHAIRMAN: There are two points I would like to deal with. I would like to know if you would like to have these witnesses return next Tuesday for the next meeting?

Mr. McINTOSH: I do not know. I do not think we would gain anything. I do not think we should touch on this bill until after we have heard from the Legion.

The CHAIRMAN: Shall we deal with Mr. Herridge's bill next Tuesday? Is that agreed?

Mr. HERRIDGE: Would it be proper that I move that further consideration of this bill be laid aside until we have had an opportunity to hear from the Legion?

The CHAIRMAN: I think that is in the evidence now.

Mr. PENNELL: Why should we not adjourn to the call of the Chair?

Mr. PUGH: The only point I want to clear up is this: as I understand the answer given, the doubt is doubt in the minds of the members of the Canadian pension commission. If there is enough evidence to put a doubt in their minds, it must be in their minds as judges. Is that the answer?

Mr. McINTOSH: That is the interpretation I took from Mr. Nutter's evidence.

Mr. ANDERSON: Yes, that is in accordance with the evidence which Mr. Nutter gave.

Mr. PUGH: As against that doubt which appears in the minds of a reasonable man faced with the same situation?

Mr. ANDERSON: Mr. Nutter did say that in his opinion from a legal point of view the doubt must be in the minds of those adjudicating the claim; and in his opinion the act requires it. I want to say that when I was asked the question by Mr. Herridge I said that in my opinion commissioners are all reasonable men, and therefore it is through doubt in the minds of reasonable men that the decision is given. They are, on the average, reasonable men the same as anybody else.

Mr. PUGH: I thought so.

Mr. McINTOSH: Just as a judge is, you mean?

Mr. PUGH: If there is a law. I am sorry that I came in late.

The CHAIRMAN: These witnesses will be back with us later on.

Mr. PUGH: When we come back may we not hear from them?

The CHAIRMAN: You will have the evidence in print.

Mr. PUGH: May we not then have a straight definition of the benefit of doubt as it does appear in two places, either in legal lexicons, such as *Stroud*, or from actual cases as set out? I think it is most important to know where that benefit of doubt must exist, whether it is in the minds of the tribunal or in the minds of reasonable men who would be faced with similar circumstances.

Mr. ANDERSON: The only answer I can give is what we have already said, that as a commission, we have operated for many years on the basis that under the terms of the legislation it is doubt in the minds of the commissioners, as the men who are adjudicating the claim. That is the basis on which we have operated.

Mr. PUGH: In the first day's evidence Mr. Mutch is quoted as having said that there was doubt in the minds of the tribunal. I suggest that if you look into it, you will find that the benefit of the doubt section was framed originally free from legal definition, which is just a little different, and designed to shade it; it is different, quite different; and when it was drawn the legislators of that day had the benefit not of the doubt but the benefit of the legal beagles who operated within the department. Obviously when they put the benefit of the doubt in, it was subject to what they thought would be a legal definition.

The CHAIRMAN: Gentlemen, shall we go ahead with Mr. Herridge's bill next Tuesday and postpone discussion of this matter until such time as the Legion has presented its brief to the government, and we have a copy of it?

Agreed.



HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# VETERANS AFFAIRS

*Chairman:* J. M. FORGIE, ESQ.

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

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TUESDAY, NOVEMBER 5, 1963

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Respecting

THE SUBJECT-MATTER OF BILL C-13:

An Act to amend the Civil Service Act (Remembrance Day)

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WITNESSES:

Mr. H. W. Herridge, M.P.; Miss R. E. Addison, Commissioner, Civil Service Commission; and Mr. D. M. Thompson, Dominion Secretary, Royal Canadian Legion

ROGER DUHAMEL, F.R.S.C.

QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

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Temple,  
Thomas,  
Webb,  
Weichel.

M. Slack,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

TUESDAY, November 5, 1963.

(5)

The Standing Committee on Veterans Affairs met at 10.00 o'clock a.m., this day. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Clancy, Emard, Fane, Forgie, Herridge, Kelly, MacEwan, MacLean, Matheson, McIntosh, Millar, Morison, Peters, Pilon, Pugh, Rock, Thomas, Webb—(18).

*In attendance:* Mr. C. W. Carter, M.P., Parliamentary Secretary to the Minister of Veterans Affairs; *From the Civil Service Commission:* Miss R. E. Addison, Commissioner; *From the Royal Canadian Legion:* Messrs. D. M. Thompson, Dominion Secretary, and M. MacFarlane, Director of the Service Bureau; *From the Department of Veterans Affairs:* Mr. C. F. Black, Secretary of the Department.

The Committee proceeded to the consideration of the subject-matter of Bill C-13, An Act to amend the Civil Service Act (Remembrance Day).

The Chairman called Mr. Herridge, M.P., Sponsor of Bill C-13, who made a statement on the spirit and recognition of Remembrance Day and explained the purpose of the Bill and was questioned.

Miss Addison, of the Civil Service Commission, was called and made a statement explaining the effect this Bill would have on civil servants and was questioned.

Upon conclusion of questioning, the Committee agreed that further representations on the subject-matter of Bill C-13 would be heard later when veterans organizations appear before the Committee.

The Chairman announced that the Estimates of the Department of Veterans Affairs would be considered at the next sitting on Thursday, November 7.

The Committee then decided to hear representatives of the Royal Canadian Legion. Mr. Thompson was called, and after introducing his colleague, Mr. MacFarlane, made a statement on the subject-matter of Bill C-13.

Mr. Webb, on behalf of the Committee, thanked Mr. Thompson for his statement.

At 11.30 o'clock a.m., the Committee adjourned to meet again at 10.00 o'clock a.m., Thursday, November 7.

M. Slack,  
*Clerk of the Committee.*



## EVIDENCE

TUESDAY, November 5, 1963.

The CHAIRMAN: Ladies and gentlemen, we have a quorum.

Today we have before us consideration of Bill C-13. I would ask Mr. Herridge to explain the bill.

Mr. HERRIDGE: Mr. Chairman and members of the committee, if you will permit me a personal reference, being an old man, 47 years ago today I was crouched in Regina Trench on the Somme suffering an unpleasant bombardment by the German artillery. To my right a young lieutenant was also doing his best to avoid extinction. That young lieutenant's name was Howard Green who later served for many years in the House of Commons and as Secretary of State for External Affairs. Little did I realize during the war years that we would serve together for some 18 years in the House of Commons and from 1945 until 1957 as members of the veterans' affairs committee. I am sure, regardless of party, we all miss his presence in the house and as a member of this committee. I am confident that were he present today he would be giving his whole-hearted support to the principle and purpose of this bill.

I have introduced this bill because I believe Remembrance day should be an annual occasion for the spiritual remembrance of our dead and a season for the practical remembrance of the living and a recognition of our responsibility which has been bequeathed to us and which we should accept.

In this connection I would like to quote a paragraph from a speech given by our grand patron of the Royal Canadian Legion on the occasion of his installation. This is what he had to say on that occasion:

Each of us, in his own way and place, however humble, must play his part towards the fulfilment of our national destiny. To realize how mighty this destiny will be let us lift our eyes beyond the horizon of our time. In our march forward in material happiness, let us not neglect the spiritual threads in the weaving of our lives. If Canada is to attain the greatness worthy of it, each one of us must say, 'I ask only to serve'.

I certainly agree with those words and that sentiment. It is my opinion that in serving it is necessary to remember.

Before proceeding with the bill, I would like to quote from one paragraph of an editorial in the *Legionary* of October, 1962:

Only from the great recorded achievements of the past can we draw inspiration for the fortitude and courage required of us in the future. Canadians should realize today more than ever the tremendous debt of gratitude they owe to our war veterans and to our war dead. By their courage and supreme sacrifice they made it possible for us to retain our dignity, pride and integrity as citizens of a free nation.

I say, again, this is another reason we should remember.

Mr. Chairman, the spirit and recognition of Remembrance day has been kept alive by branches of the Royal Canadian Legion, national council of veterans, Canadian corps association and their ladies auxiliaries. I cannot overlook mentioning the non-pensioned widows association. All these organizations supported by a host of Canadians who do not forget the significance of this day.

This question, has been discussed at branch level of veterans' organization and by provincial and dominion commands. The dominion and provincial commands of the Royal Canadian Legion have conducted essay contests among high school and public school children on the subject of Remembrance day. And the Imperial Daughters of the Empire have repeatedly expressed their support of the veterans' organizations of Canada in their efforts to promote an understanding and continued recognition of Remembrance day.

No doubt you will hear later from the Legion representative his views in respect of this bill. So far as the national council of veterans is concerned, Colonel Lambert, who is well known to this committee, has expressed in his usual vigorous language his support for Remembrance day being established as a statutory holiday.

Now, I wish to refer to the attitude of a wide section of the press to indicate that even among the owners and publishers of the press there is a recognition of this day. I quote from an editorial in the *Legionary* of December, 1960, entitled "Remembrance Day Postscript":

Remembrance day in Canada—but not in Britain or the United States—is a public holiday in the sense that school children, civil servants, members of the armed forces, bank and court employees are given the day off to honour Canada's war dead. November 11, however, in spite of strenuous efforts by the Canadian Legion over the years to make it so, is not observed as a holiday by the great majority of stores and business firms. With most of them it is a case of "business as usual," even though some may give their employees an hour off to attend the ceremony at the local war memorial. That has been the general pattern for many years, and it seems unlikely that it will ever change to any extent now.

It was something of a surprise, therefore, when the *Legionary* happened to come across an item in the October 28 edition of *Marketing*, stating—purely for the information of advertisers—that the following newspapers do *not* publish on Remembrance day: All Newfoundland, Saskatchewan and British Columbia dailies (except one that doesn't publish on November 12); and, the Amherst, N.S., *Daily News*; the New Glasgow, N.S., *News*; the Truro, N.S. *Daily News*; the Fredericton, N.B., *Gleaner*; the Moncton, N.B., *L'Evangeline*; the Moncton, N.B., *Transcript*; the Saint John, N.B., *Evening Times-Globe*; the Kenora, Ont., *Miner & News*, and the Red Deer, Alberta, *Advocate*.

We were not aware, until we read this item, that so many newspapers across the country observe November 11 by not publishing at all. In these ultra-materialistic times this seems worthy of note and commendation.

I certainly think those papers are entitled to commendation for their public spirited recognition of Remembrance day.

Conversations I have had with hundreds of people throughout the years and my correspondence indicate a strong support in the country for the principle and purpose of this bill.

The sympathetic reception given to it by members of all parties during the debate on second reading on June 21 is a reflection of that spirit.

While I gave a historical review of the legislation with respect to Armistice and Remembrance days during the debate on second reading, for the sake of the record I will repeat the explanation as to the purpose of this Bill, which is to be found in the bill so that the minutes will be understandable to those reading them.

The purpose of this bill is to restore, in so far as the parliament of Canada is legislatively able, Remembrance day to the position intended by the spirit and meaning of the Remembrance Day Act, R.S., c.237. That act provides 2. Throughout Canada in each and every year, the 11th day of November, being the day in the year 1918 on which the great war was triumphantly concluded by an armistice, shall be a holiday, and shall be kept and observed as such under the name of Remembrance day. The Civil Service Act, Acts 1960-61, c.57, section 62, provides that Remembrance day is a holiday in the civil service for which leave of absence may be substituted when Remembrance day falls on a day when civil servants are not required to work. The section also limits the holiday to civil servants and, presumably, leaves the declaration of a holiday for those who are in the public service but not in the civil service to the discretion of the responsible crown authority.

Clause 1: Remembrance day is deleted from the list of holidays in subsection (1) for which, under subsection (2), leave of absence may be substituted. Subsection (3) is added so that Remembrance day becomes a holiday in the language and within the meaning of the Remembrance Day Act. The wider meaning of "public service" is substituted for "civil service" so that government boards, commissions and agencies are included.

I am quite sure when we hear evidence from other witnesses we will hear some comments on the bill and its relationship to section 62 of the Civil Service Act, and we shall welcome any information we can get in that respect.

Mr. Chairman, you know I am not a lawyer; I am simply a rancher. When I get involved in the tangled brush of legal questions I have to seek legal advice; and for this reason I discussed the contents of this bill at length with counsel provided to members of parliament. I do not want you to assume that what I present to you now is the result of my own knowledge; it is the result of knowledge of other people applied to the circumstances as I know them as a result of my experience.

Owing to the separation of powers under the British North America Act, the legislative jurisdiction to declare legal holidays is shared by Canada and each of the provinces. When the federal government declares a holiday by statute, it can affect banks—due to its control of banks under section 91(15): bills of exchange and promissory notes—under section 91(18); the federal courts—under section 101; the public service of the federal government under section 131. There are other powers in the B.N.A. Act by which the federal government can affect special groups of citizens. Not all of them have been exercised. The Canadian parliament has also defined "holiday" in a general act—the Interpretation Act, section 37(11) so that, unless the context reads otherwise, "holiday", whenever used in any federal statute, means certain named days. That is why we included the name Remembrance day in the amendment we proposed to the Civil Service Act.

Similarly, the provincial governments find their right to declare holidays under section 92 of the B.N.A. Act and other sections. The chief power, of course, is section 92(13)—property and civil rights within the province. Canada possesses these provincial powers with respect to the territories. It is only in the territories, through the combination of federal and provincial powers, that Canada possesses exclusive power to make laws respecting holidays that are binding upon all the inhabitants.

A convenient summary of Canadian and provincial holidays is found in the "Canadian Almanac and Directory" 1963.

Where there are several federal acts on holidays, there is also the likelihood of inconsistencies creeping in between them. It is probable that the Civil Service Act provision is incompatible with the Remembrance Day Act.

In that connection I want to quote briefly from the 1963 edition of the Canadian Almanac and Directory. The information contained in this book is always considered to be based on sound authority. I read from page 24.

Dominion of Canada. In accordance with the provisions of the Interpretation Act, the Bills of Exchange Act, the Civil Service Act, the Victoria Day Act as amended, the Dominion Day Act, and the Remembrance Day Act, the holidays to be observed throughout Canada are as follows:

Bills of Exchange Act.

(a) In all the provinces of Canada,

Sundays	Dominion Day
New Year's day	Labour day
Good Friday	Thanksgiving day
Easter Monday	Remembrance day
Victoria day	Christmas day

(b) In the province of Quebec in addition to the aforesaid days—

The Epiphany,	All Saints' day
The Ascension,	Conception day.

In any of the provinces any day proclaimed by the lieutenant-governor for a holiday, fast or thanks giving; also any non-judicial day by virtue of a statute of the province.

In any city, town, municipality or other organized district, any day appointed as a civic holiday by the council or other administrative body.

I have given a brief summary, Mr. Chairman, of the attitude of many Canadians and organizations to the principle and purpose of this bill, the sympathetic response it met with when it was dealt with in the second reading in the House of Commons, and the opinion of organizations representing veterans and their auxiliaries.

In conclusion, Mr. Chairman, I urge your sympathetic consideration of this bill because I believe the government of Canada should exercise its jurisdiction to make certain the Remembrance day is commemorated in fitting fashion, now and in the future. I believe the government of Canada should use its influence to this end, and in so doing set an example that the vast majority of Canadians will welcome.

That is the conclusion of my presentation. Mr. Chairman.

The CHAIRMAN: We have a short brief by the Civil Service Commission of Canada regarding this bill, C-13, an act to amend the Civil Service Act (Remembrance day). I think Miss Addison has some remarks to make.

Miss R. E. ADDISON (*Commissioner, Civil Service Commission*): I should just like to say, Mr. Chairman and members of the committee, that the purpose in presenting this brief to the committee is to make sure that you understand the effect the bill in its present form will have on the civil service of Canada. I merely want to make it clear that we think it is up to parliament to decide whether this should be a holiday for all the civil service or all the public service, but there are certain effects of this bill which we thought you should understand; this is really our main purpose in appearing here. We want to make certain you understand the effect of this bill.

I would like to recall for those of you who were perhaps on the parliamentary committee concerned with the Civil Service Act that this point was discussed at some length at that time.

Section 62 (2) purposely was included in the act to provide equity of treatment for all civil servants. There really is a question here of equity of treatment; in other words, should all civil servants have the same number of holidays per year or not? I would like to read this statement so that this point might be clarified:

The civil service commission welcomes the opportunity to draw the attention of the committee to the effect which this bill would have among civil service employees if it became law in its present form. By removing Remembrance day from the application of section 62(2) of the Civil Service Act, this effect would be a discriminatory one, since an employee could not be granted another day of leave when Remembrance day falls on his rest day and so he would work more days in the year than other civil servants.

I would like to make clear that the present Civil Service Act does not provide another holiday, but does give another day off to employees. The principle is the number of days off.

The inequitable feature of this proposal may perhaps best be illustrated by an examination of its effect in the current year. This year November 11 falls on a Monday and, since this a work day for a large majority of employees, the days these employees will be required to work in the year will be reduced by one day. Monday, however, is a rest day for some 3000 to 4000 employees and, should Bill C-13 be in effect, the number of days these employees would be required to work would be unaltered by the holiday. During the year, therefore, they would be required to work one more day than the remainder of the civil service. The same situation would arise whenever Remembrance day fell on other than Saturday or Sunday. There would, however, be quite a different effect in a year in which Remembrance day fell on a Saturday or Sunday. In this situation the majority of employees would be required to work one more day than those several thousand employees for whom Saturday or Sunday was a work day.

The variety in rest days for employees results from the fact that certain operational functions in the civil service must be performed every day in the year, including Saturdays, Sundays and holidays. Consequently, while most civil servants work Monday through Friday and have rest days on Saturdays and Sundays, a fairly large number of employees must work on Saturdays and Sundays and rest on other days of the week. Employees falling into this category occupy such positions as stationary engineer, fireman-labourer, watchman, mail handler and many others.

Under the old Civil Service Act, there was no provision for another day of leave with pay where a holiday coincided with a rest day. At that time the lack of consistency in days off granted to employees was a matter of grave concern to employees, departments, staff associations and the commission. Section 62(2) was therefore included in the new act to remove this inequity. Under authority of this section, the Civil Service Holiday Regulations were subsequently passed providing for a day's leave where a holiday coincides with a rest day and thus ensuring that all employees will have the same number of days off in a year. The civil service commission would strongly urge that very careful consideration be given before any step is taken which would result in a return to the inequities which existed under the old act.

With regard to the provisions of section 62(2) now in effect, the commission would like to stress that the granting of another day of leave does not change the date of a holiday. Pursuant to section 62(1) of the act, holidays are on fixed days and they remain unaltered regardless of whether or not leave is granted on another day. Therefore, to grant a day of leave where a holiday coincides with a rest day does not affect the actual observance of the holiday on the rest day.

The commission would also like to draw to the committee's attention another matter concerning the bill. While it does not question the desirability of Remembrance day being a holiday for the entire public service, there is a question of whether it is appropriate to use this section of the Civil Service Act to provide for a single holiday for persons in the public service. Such action could conceivably result in confusion and possible conflict with other legislation. The committee may wish to explore other ways in which Remembrance day could be established as a holiday for public servants not in the civil service.

I also would like to point out that the Civil Service Act applies only to a certain portion of the public service. This is defined in the act and does not cover a number of the crown corporations. By amending the Civil Service Act, the effect would be to cover only a certain portion of the public service and would not apply to all government employees.

Mr. THOMAS: Mr. Chairman, what would be the effect of just adding Remembrance day to the list of days already set out in section 62 (1)?

Miss ADDISON: It is already in section 62 (1) of the present Civil Service Act.

Mr. THOMAS: But this proposed amendment leaves it out and puts it in a section by itself.

Miss ADDISON: Yes.

Mr. THOMAS: It is in respect of that that you raise this question?

Miss ADDISON: Yes. We suggest it be left in section 62 (1). Section 62 (2) would still apply to Remembrance day.

Mr. THOMAS: May we ask Mr. Herridge why the bill is set out in this way?

Mr. HERRIDGE: I sought the advice of parliamentary counsel in this respect, and it was on his recommendation that the bill was drafted in its present form. When the bill was introduced I recognized that the question is so complicated with regard to civil servants, public employees and prevailing rate employees, that there are thousands of persons employed by the federal government in prevailing rates who do not come under this provision; but it was thought that by introducing the bill it would bring out all these various features, and possibly as a result of our discussions we might be able to suggest an amendment to the act which would achieve the purpose intended in this bill.

Mr. THOMAS: We do manage to get around all these difficulties in respect of the present holidays as listed. It seems to me that we should be able to get around the difficulties in connection with the proposed holiday.

Mr. EMARD: Every argument brought up by Mr. Herridge tends to suggest that this holiday should be a general legal holiday for everybody in Canada. I would like to ask why this clause is restricted in such a way that it covers only the larger class of the civil service, and does not declare a general public holiday?

Mr. HERRIDGE: The Remembrance Day Act provides for Remembrance day to be observed as such on November 11. Mind you, however, as I mentioned in my presentation, the federal government only has certain jurisdiction in this regard; but it does have jurisdiction completely with regard to the civil service.

Mr. EMARD: I think you will find that in most collective agreements it is specified that if an additional holiday is decreed by the federal government, it will automatically become part of the collective agreement. I know that has been the practice in respect of the union with which I was associated.

Mr. HERRIDGE: You are quite right.

Mr. EMARD: If I may continue, I certainly agree with the request by the civil service that whenever a holiday falls on an employee's day off, another day should be granted in lieu of this holiday. This also is a clause you will

find in many collective agreements. I think it is about time we revised the agreements with the civil service to make them as good as they are in respect of industry today because their working conditions are far behind what is enjoyed in industry today. I think something should be done here to state that whenever a holiday falls on an employee's day off it should be replaced by another day at the choice of the employee.

Mr. CLANCY: I have a question I would like to ask of Mr. Herridge. As you know, the Remembrance Day Act can be put into force by a local group. In Yorkton, Saskatchewan, the civil servant has a holiday on November 11 every year because it is designated as a holiday by the city council. Therefore, in effect the argument falls down because in certain areas of the country these people do get an extra day off.

Miss ADDISON: The civil servant can only get a day off as a result of the Civil Service Act.

Mr. CLANCY: I can assure you that the employment office in Yorkton is closed on November 11. Is it not true that the observation of a public holiday depends on the location?

Miss ADDISON: Not in respect of Remembrance day. This is a holiday for civil servants anywhere across Canada, and it does not depend on the declaration of a holiday in any particular location.

Mr. CLANCY: Does the civil servant take a holiday every time it is declared?

Miss ADDISON: No. There is one holiday in the year which the civil servant gets on the day declared in the area where the person works; but this is civic holiday and not Remembrance day.

Mr. CLANCY: It depends on the province and the locality.

Miss ADDISON: Not in respect of Remembrance day. What you are referring to involves another part of the act which provides for an additional holiday which the government can proclaim, and the government give the same holiday as the municipality proclaims for these people; this is section 62 (1) (i):

the day fixed by proclamation of the Governor in Council as a general day of thanksgiving;

and any other day fixed by proclamation of the Governor in Council as a holiday for all or any part of the civil service...

This is why Boxing day is a holiday for some people and for others it is a Monday in August or such other day that has been set aside as a civic holiday. The day varies across the country.

Mr. CLANCY: What happens in the community where the civic authority proclaims both of them as holidays?

Miss ADDISON: They only get the one.

Mr. HERRIDGE: May I ask a question of Mr. Clancy? What you are saying is because the municipal authorities, say in Saskatoon, declared a civic holiday, the federal civil servants have a holiday on that account.

Mr. CLANCY: They certainly do.

Miss ADDISON: That does not apply to Remembrance day. Remembrance day is a holiday because of the Civil Service Act. This is the basis on which civil servants get this day off.

Mr. CLANCY: What is the difference between November 11 and Christmas day? Someone has to work on Christmas day, too.

Miss ADDISON: This is true.

Mr. CLANCY: Christmas day falls on a different day every year. I know the maintenance people have to work. What is the rule in the Civil Service Act there; is it a double day or is it a day and a half?

Miss ADDISON: They would get a day off. The purpose of this section of the act, however, is to make sure that employees get the same number of days off. This is what section 62 (2) does; all employees would get the same number of days off, no matter what their shift is.

Mr. WEBB: It is my view that Remembrance day should not be classed as a holiday. It is a day of dedication and remembrance. I know the Legion is striving to strengthen this day. In my own area the boys get on their Legion uniforms in the morning and attend as many as three or four services on Remembrance day. Many hunters, regardless of how enthusiastic they are, come out from their hunting camps and attend Legion services throughout the district. I do not think this should be classified as a holiday for anyone. It is a day of dedication and remembrance.

Mr. HERRIDGE: In respect of Remembrance day, do you not think that those who understand the significance of the day, when they use the word holiday, use it in the root sense of the meaning of the words holy day?

Mr. MATHESON: My comment is almost identical to that of Mr. Webb. It seemed to me that the burden of Mr. Herridge's remarks were to the effect that Remembrance day was in danger of losing its real purpose; that this is not a day to raise Cain, to simply have a happy time, or to sleep; it is a day on which to hold Remembrance services, and to bring our minds back to what this day involves. I wonder if Mr. Herridge would directly address himself to that; that is, just how does this proposed amendment help to make Remembrance day the day he wishes it to be?

Mr. HERRIDGE: In reply to that I would say that it attempts to do this in so far as legislation can do it; but no legislation can infuse the spirit of the day into the people; that is entirely up to the people themselves. However, this does provide the official recognition and opportunity.

Mr. MATHESON: By placing the reference to Remembrance day in section 62 (3) rather than in section 62 (1), was it Mr. Herridge's thought that he was placing it in a category by itself on the one hand, and also extending it so that it would cover the entire public service? Was that the object?

Mr. HERRIDGE: Yes.

Mr. MATHESON: In other words, you were trying to broaden this day.

Mr. HERRIDGE: To include the public service as well, the crown and public agencies.

I would like to hear from Miss Addison with regard to what she would suggest as an amendment in order to do what we are attempting to do, and at the same time not violate the rights under the Civil Service Act.

Miss ADDISON: I think the question here is really one of equity of treatment. So long as the people have time off on Remembrance day, they certainly can pay tribute on that day; but if we are to say that someone else cannot have the same number of days off in the year, then I do not think this will improve the attitude towards Remembrance day or make it remembered in any better way. I repeat, the problem here is one of equity of treatment. In most labour agreements holidays are days off. This is the purpose of including them in the Civil Service Act which deals primarily with conditions of employment.

Mr. MATHESON: Is this not the root of the whole problem? This is not really a day off but a day to appear in a parade or attend a church service. I think Mr. Webb put his finger right on this. Some people feel strongly about this day. Some of them attend three services, and it becomes very properly a day devoted to a single purpose. This is not a day in respect of which another day may be taken off.

Miss ADDISON: The question really is are you going to achieve the purpose you are trying to achieve by taking away one day from a number of civil servants? This is what Bill C-13 does. It would mean that one person would have one less day off in the year than another person earning the same amount of money and in the same kind of work.

Mr. McINTOSH: My question is on exactly the same line as that of Mr. Matheson and Mr. Webb. I think what Mr. Herridge is attempting to get at here is that November 11 seems no longer to be Remembrance day; it is a forgotten day. We are forgetting what November 11 stands for. I agree that it is not a holiday, but rather is a day. However, it is a day on which certain people who, as mentioned in the civil service commission brief, cannot get off from work because they have to keep essential works going; but on November 11 all the people who can should have the opportunity of attending the dedication ceremonies at cenotaphs, cemeteries, and so on, and should have the time off.

I think perhaps Mr. Herridge has gone about it in the wrong way in attempting to revise the Civil Service Act. Is there some other way in which it can be done? I think the witness for the civil service commission has taken the wrong attitude. In fact, in the explanation she said that it does not provide a holiday, but provides another day off. The intention of the bill is not to provide a holiday for anyone; it is to provide a day to remember. I think that is what the Canadian Legion has been trying to bring to the fore. As members of the Canadian Legion we are not concerned that someone gets another day off. We want to make sure that they remember what Remembrance day stands for.

I think if the Legion were to present a brief they would say that a good number of their members on that day are dedicated to go to schools to teach children what November 11 stands for, to tell the children what these people are who are in the veterans' hospitals ever since world war I and world war II. Also, this day provides an opportunity to governments and others to remember the horrors of war. I think this is what Mr. Herridge is trying to bring out. I am not denying that he may have brought this up under the wrong act. I take it that Mr. Herridge is not intending to provide a holiday so that somebody can go hunting or fishing on that day; he wants them to observe Remembrance day.

Mr. HERRIDGE: Yes. The purpose of the bill is to get a national observance of Remembrance day without interfering with anyone's rights as mentioned by the witness from the civil service commission. I am of the opinion that these two points of view can be reconciled.

Miss ADDISON: I think so too. Really it is the Remembrance Day Act that declares November 11 a holiday. The Civil Service Act does not proclaim November 11 a holiday at all.

Mr. McINTOSH: Are we, in veterans affairs, concerned with the repercussions? All we want to do is make sure that we do not do away with November 11 as Remembrance day and the purpose of it.

Mr. CLANCY: I was going to take the line Mr. McIntosh took. I would like to supplement it by asking whether a civil servant could take a half an hour off to go to a service.

Miss ADDISON: Oh yes. Time off could be provided on Remembrance day for those who wish to attend a service.

Mr. CLANCY: At 11 o'clock on November 11 in London, a great city, the traffic stops for two minutes and the city just stands still. It is more impressive than all the parades we hold.

Mr. PUGH: Mr. Chairman, we have heard a number of expressions of opinion commencing with Mr. Webb and followed by quite a number of the members of the committee. So far as we are concerned, it would seem there is a basic reason for Remembrance day and all veterans are in favour of it. There seems to be sort of a lingering doubt in a number of minds as to why the veterans affairs committee now has this bill before it. It would seem to me that surely it should be brought up in some other committee. Remembrance day is a holiday, or it is listed as a day of remembrance. Surely the civil service can fit in under that; if it is a day, then that should be an end to the matter. I am wondering why we are discussing it.

Mr. HERRIDGE: The reason we are discussing it is that one of the ministers moved—and it was seconded—that the bill be referred to this committee; that is the reason the veterans affairs committee is discussing it.

Mr. PUGH: I think it is not the bill which was placed before this committee, but rather the subject matter of the bill.

Mr. HERRIDGE: Yes.

Mr. PUGH: Surely in all respects this is proper because certainly the representation made by Mr. Herridge in the house was that we as the veterans affairs committee are concerned with Remembrance day, and surely the technical aspect of employment in the civil service is not as important as is the suggestion Mr. Herridge so eloquently presented in respect of Remembrance day. I think broadly and simply we have before us the subject and not just the bill.

Mr. McINTOSH: Before we continue our discussion in respect of the bill, I would suggest we hear all the briefs which are to be presented.

Mr. PUGH: I would like to say Miss Addison has been completely fair in saying that this is a question of equality between civil servants in respect of holidays.

Mr. PETERS: Mr. Chairman, I think there is general agreement that what we are talking about is not what the representative of the civil service commission is talking about, in a sense.

In respect of the intent of the bill, the consensus of opinion appears to be that Remembrance day is not necessarily a holiday, but rather a day of remembrance in a different sense. Of course, there have been attempts to accomplish this in many different ways.

In my own area there is a considerable amount of civic thinking that this day should not be a holiday because it would destroy its purpose, and that it is much more effective to declare an hour or two hours in the morning as a time for services and a time when stores close down for a period. I think this increases the interest in the communities on Remembrance day in the sense that we and the veterans are all agreed it should be increased. I think it is generally agreed it is not a holiday in the same sense as is the first of July. It may be necessary, Mr. Chairman, that we rely on the Remembrance Day Act itself to provide a different connotation of the word holiday in respect of this particular act. I think that to substitute another day for it is just the same as saying "Let us not make it the eleventh, but let us declare Remembrance day a particular day of the week, the fourth or second Friday in November." I think by doing this we would lose the purpose of November 11. Eleven o'clock on November 11 was the time of the signing of the armistice which affected the lives of many veterans throughout the world. That is the day and the time, and it is not in the true sense a holiday.

Certainly, I think the veterans affairs committee primarily is agreed that we wish to provide through legislation the full significance of what Remembrance day was intended to be. Personally, I am opposed to treating this particular day as a holiday in the same way you would treat other holidays

with the substitution of another day, and other things which go along with normal holidays. I can see inequalities in it, but only by those people who do not believe in Remembrance day, but think of it as only another holiday. If they think in this way they really do not deserve the substitution in any event.

Mr. WEBB: I think there is a movement towards a great revival of Remembrance day. I have noticed, especially in the last three years, that the halls and churches are filled. I think this is due largely to the publicity by our Canadian Legion and the editorials which have been in all the papers telling people they have not been attending these services. As I say, I can only speak for our own area, but on Remembrance day the services in the halls and churches are filled. The schools now are taking part; the Girl Guides, Boy Scouts and Cadets are all taking their part in these services. I think it is up to us to further this thing and make it stronger. I believe we should take the lead in this matter, along with the Legion.

Mr. PUGH: Let us not call Remembrance day a holiday in the same way as Christmas day. I come back to what I said before. Surely there are persons in the department who could do this, or there is some other way of getting the act amended to cover this. All the words which have been said are true, and if this act could further that in any way, I would say let us go ahead; but I still feel this is not properly before this committee.

Mr. HERRIDGE: The subject matter of this bill has been referred to this committee and as a result this committee will make a report to parliament in respect of its study. It may recommend certain other procedures, but I think it is very properly a subject for discussion by the veterans affairs committee.

Mr. CLANCY: I would agree with Mr. Herridge that the committee should study the subject matter of the bill. If we do not agree with the bill, at least when we report to the house we should recommend an alternative, or suggest the government undertake to make a provision in respect of Remembrance day as far as possible; you cannot make anybody remember legally, but you can provide the opportunity.

Mr. EMARD: I think we have to find out if we can extend this holiday to another group of people. I believe we have to be practical. We certainly cannot force everybody to attend these services. The only way we can do it is to give them the opportunity. Therefore, I feel we should go along in the way this bill intends, and extend the participation of this holiday to the groups mentioned. It may be that the problem brought up by the civil service commission does not fall under the jurisdiction of this committee. However, we still have to realize that the way employees look at the holidays is that they want to have the same number of holidays as everyone. I think we should recommend that the people who have to work on these days be granted an additional day.

Miss ADDISON: I would be glad to work out with the committee, or with Mr. Herridge, some way in which perhaps the objectives of the committee could be accomplished, not necessarily under the Civil Service Act, although it might be done under that Act. I think we now have a better understanding of what you are trying to achieve.

Mr. HERRIDGE: That is a good suggestion.

Mr. THOMAS: Mr. Chairman, I am not sure we are all talking about the same thing. Mr. Herridge is proposing that November 11 shall be declared a holiday. I believe there is a pretty clear meaning in the minds of the people of Canada of what a holiday is; it is a day when you do not work, like Sunday, Christmas day, or these other days which have been mentioned.

It appears to me that the House of Commons in referring this matter to this committee wanted an expression of opinion in respect of whether or not November 11 should be a holiday in that sense. Now, Mr. Herridge has prepared this bill as a result of legal advice he has received, and it has run into one obstacle in the way of civil service arrangements. So far as I can see that is not too serious if November 11 is made a holiday in the same sense as every Sunday or Christmas day is a holiday. I see no great problem there, unless there is some special difficulty.

I think this committee should decide on the basis of Mr. Herridge's proposal, and that alone; that is, should November 11 become a holiday? If, as some members have suggested, there are better ways of celebrating Remembrance day, it seems to me that is a matter which should be taken into consideration. I assume those who feel that way would say November 11 should not be declared a holiday, but some other method of celebration should be used. As far as I know the league in my constituency and in my area favours the declaring of November 11 as a holiday in the accepted meaning of that term.

Mr. MILLAR: I would like to ask some questions. Miss Addison has indicated that the civil service is already taken care of as far as Remembrance Day is concerned. Mr. Herridge, your bill is intended to extend the scope of the coverage of Remembrance Day. You are not worried about the civil service as such, are you? I understand you are worried about the broader coverage. Is that not so?

Mr. HERRIDGE: Yes, including subclause (3):

The public service shall keep and observe Remembrance Day as a holiday.

Mr. MILLAR: In this case you are broadening the scope of what is already covered in the Civil Service Act. Well then, is it not a fact that to bring these people in is simply a further application of the Remembrance Day Act?

Mr. HERRIDGE: Yes.

Mr. MILLAR: Rather than interfere with the Civil Service Act which already covers it. I quite agree with the sentiment expressed here by the veterans and on behalf of the Canadian Legion but at the same time I am convinced that you cannot compel people to observe any particular actions on any particular day. As a matter of fact, this is not an industrial holiday in Canada at all.

Mr. HERRIDGE: It is in some sections. In the community I come from I am very glad to say that all the sawmills are shut down, all the industries are closed and all the businesses are closed on that day.

Mr. MILLAR: Where I come from—and it is a pretty large community—they do not shut down. If you work in a factory, you stop at 11 o'clock for three minutes' silence, and that is it. There is no provision for time to attend a service of remembrance any place.

Mr. HERRIDGE: That is a matter of local application.

Mr. MILLAR: It is simply a matter of further application of the Remembrance Day Act. Under the provisions of the Remembrance Day Act authority is given to municipalities to declare November 11 a holiday in that community. That is the intent of the Remembrance Day Act. Why should our crown corporations not be directed under the Remembrance Day Act to treat it as a holiday? Would this not be a legal authority for doing just what you want to do?

Mr. HERRIDGE: Yes. I suggest that after we have heard other representations on the bill we accept Miss Addison's suggestion which is a good one. We should possibly have a discussion as to what could be done to make this bill fit all the circumstances without taking any rights away from anyone. This would achieve the purpose. We could make some recommendations in that respect to the

committee and then the committee would have a basis on which to make its recommendations in its report.

Mr. THOMAS: Mr. Chairman, I would like to ask a direct question. Mr. Herridge, are you in favour of having November 11 set aside as a holiday in the accepted meaning of that term?

Mr. HERRIDGE: Yes. I am in favour of having the Remembrance Day set aside as a commemorative day, but we use the word "holiday" in the legal sense.

Mr. MCINTOSH: What Mr. Thomas is trying to get at is that, as he said, in his area November 11 is not a holiday as it is in your area. Mr. Thomas wants to know whether you think it should be a holiday right across Canada.

Mr. MILLAR: In the same sense as Thanksgiving and Christmas.

Mr. HERRIDGE: I do definitely but I would prefer the term "commemorative day" used in the legislation. We use the word "holiday" in the legal sense.

Mr. PUGH: Going back to the page on explanatory notes and going back to the Remembrance Day Act, if you read it, it says:

2. Throughout Canada in each and every year, the 11th day of November, being the day in the year 1918 on which the great war was triumphantly concluded by an armistice, shall be a holiday, and shall be kept and observed as such under the name of Remembrance day.

It has been named as a holiday. In your preamble, it says:

The purpose of this bill is to restore, in so far as the parliament of Canada is legislatively able, Remembrance day to the position intended by the spirit and meaning of the Remembrance Day Act.

Cannot the Civil Service Act cover all civil servants now?

Miss ADDISON: It does cover all civil servants but not all public servants, and therefore not all government employees.

Mr. PUGH: I have one further question. I do not want to get into the legality of this but you said, Mr. Herridge, that in getting the bill set up you went to the law officers of the crown and asked them what you have to do. Will not the words "public servants" cover all the others not now covered by the Civil Service Act?

Miss ADDISON: No, it will not cover them at all. It will only cover those who are named in the Civil Service Act.

Mr. PUGH: What about the public servants?

Miss ADDISON: Public service is defined in the Civil Service Act under section 2.

Mr. MCINTOSH: Is there a public service act as well as a Civil Service Act?

Miss ADDISON: No, there is not. Under the Civil Service Act, public service is defined in the Public Service Superannuation Act. Some crown corporations have their own pension plans so that they would not be included in this definition.

Mr. PUGH: They are not brought in in so far as holidays are concerned and the like?

Mr. HERRIDGE: No, not at the present time. The intention of the bill is to include the public service as a whole, as well as crown corporations and federal government agencies.

Miss ADDISON: At the present time it has the limitation I mentioned.

Mr. PUGH: I want to get down to the intent of your bill, Mr. Herridge. If the intent as you expressed it did apply to all public servants and the legal

officers of the crown said that this is the only way we can do it, then I am wondering how far the discussion can go on here without, for instance, having the legal help in as a witness to explain why it was done this way and why it cannot be done any other way.

Mr. HERRIDGE: I am quite sure the legal counsel would not have said that it could not be done any other way. In fact, in discussing it with the parliamentary counsel I understood he thought the thing over and he recommended this approach to it. He did say that this was quite an involved question and that anyway it would provide the basis for a discussion of the problem.

Mr. PUGH: Perhaps a word with the counsel as a witness might clear all those doubts away.

Mr. McINTOSH: Maybe some of the advice counsel gave to Mr. Herridge was because of the restrictions put on the private member's bill presented to the house. You cannot include many expenditures in a private member's bill in presenting it to the house. It would then be ruled out of order. Perhaps he thought that might be one of the ways in which Mr. Herridge could present his bill to parliament.

Mr. PUGH: I would not want to take any kudos away from Mr. Herridge but maybe a more effective way could be arrived at if, as a basis of recommendation from this committee the government might feel that they would like to bring it forward as a government bill, paying due respect to Mr. Herridge for his persistence in bringing this forward rather than going at it piecemeal which would not cover the whole thing. If the government took the thing in hand and brought forward a bill which would cover all the aspects and still give the full intent to that which Mr. Herridge wanted to bring forward, maybe that would be a better way.

Mr. HERRIDGE: I am willing to accept any reasonable suggestion. I do not want any personal kudos. I want to attain objectives accepted generally in the committee. It would be wise to have some discussion with the representatives of the civil service commission so that the committee could be clear on the situation and when it came to make its recommendations it could do so on the basis of knowledge.

Mr. MILLAR: I have just one more question. The Remembrance Day Act is spelled out in the explanatory notes as follows:

Throughout Canada in each and every year, the 11th day of November, being the day in the year 1918 on which the great war was triumphantly concluded by an armistice, shall be a holiday, and shall be kept and observed as such under the name of Remembrance Day.

Why then is it necessary to redefine it under the Civil Service Act?

Miss ADDISON: I would have to see the whole bill.

Mr. MILLAR: I would understand from that statement that this makes it a national holiday, and here we want to have it spelled out again in the Civil Service Act.

Miss ADDISON: And in the labour contracts too. There must be an additional part of the act which does not make it applicable.

Mr. HERRIDGE: That was what I understood from the parliamentary counsel. Those are the points which the committee wants to get cleared up, the relationship of the bill to the civil service.

The CHAIRMAN: Are there any further questions?

Mr. PUGH: Was Remembrance Day listed under clause 62(1)?

Miss ADDISON: Yes, it is listed in the Civil Service Act. It is listed under 62(1). Remembrance Day would be under (g) and Christmas Day would be under (h).

The CHAIRMAN: Is it agreed next Thursday we will have the estimates and we will, of course, hold those open until the people who are coming here before this committee have an opportunity to express their feelings on the matter and give their opinions. This present treatment of Bill C-13 will be held over until all witnesses who are appearing before this committee will have an opportunity to express their views on the matter.

Mr. MCINTOSH: Is it the wish of the Canadian Legion, as it was in regard to Bill C-7, that they not make a statement at this time but withhold it until they make their full submission to the cabinet?

The CHAIRMAN: It is my understanding that the brief of the Legion would come before the Prime Minister and the cabinet within a week's time and that after that the Legion would be in a position to come before this committee and express its views on this piece of legislation.

Mr. MCINTOSH: It is regrettable that they cannot express their views at the time the bill is under discussion because we will lose continuity.

Mr. PETERS: They would only be asked today if they are willing to make a presentation of their views on the two matters that have been raised, the situation where Remembrance Day under the Civil Service Act is another holiday in the sense of a civil service holiday and the alternative suggested by Mr. Herridge where Remembrance Day is to be taken out of the context of a holiday and put into the context that was obviously suggested in the Remembrance Day Act. I would feel very strongly that the Legion should make a presentation today or have the opportunity to make a presentation on that particular point. It seems to me that without going all over this again we would not be back to the matter as closely as we are now.

The CHAIRMAN: If that is the opinion of the committee I would ask Mr. Thompson if he has anything to say on this matter.

Mr. D. M. THOMPSON (*Dominion Secretary, The Royal Canadian Legion*): Mr. Chairman, I want to thank you for the opportunity of appearing here this morning, and also to apologize to the committee for the inconvenience that we might have caused you through the timing of our presentation. I realize that what Mr. Peters has just said is quite true, that you reach a certain point in your discussions where it seems logical and sound to continue, and we are sorry that we had to make the request that we be permitted to withhold our submission on Mr. McIntosh's bill in which we are keenly interested until after our presentation to the cabinet on November 11. We do appreciate your kindness in granting us this request. Bill C-13 will not, we believe, be involved in that submission, and therefore we would be pleased to make our views known on this Bill.

I would like, sir, at this point, to introduce Mr. MacFarlane, director of our service bureau.

In regard to Bill C-13, the Royal Canadian Legion is pleased to support Bill C-13 as the proposed amendments would have the effect of accomplishing the intent of the recommendation expressed by the Legion delegates in the following resolution passed at the 1962 Dominion convention in Halifax.

Whereas there is a growing tendency across Canada to treat November 11 as just another holiday rather than a day sacred to the memory of our fallen comrades, and

Whereas the government of Canada saw fit to grant the civil service a holiday on an alternate date when November 11 fell on a Saturday or Sunday;

Therefore be it resolved that the Royal Canadian Legion inform the government that its action in this regard is deplored and that the Legion looks to the government to set an example to the whole nation of the significance of Remembrance Day.

We are also pleased with the proposal in paragraph (3) of section 62 which provides that all government employees other than armed service personnel would come within the amended section.

We realize from the discussion that certain points have come up which indicate that this may possibly not accomplish the broader picture of bringing in all those within the public service. Our main point is not one of compulsion. We agree that we cannot compel people to observe Remembrance Day. This is an emotional thing and it does not matter what legislation you pass, you cannot force people. However, there is a question of the status in the recognition of Remembrance Day, as to whether it should continue to be a day set apart for remembrance. I would say there has been an increased interest in recent years on the part of local and provincial governments, and specifically in the province of Ontario's school system, to encourage increased participation in remembrance. It is not a question of compulsion but of the status of Remembrance Day. If it just falls into the category of another long weekend, then we believe this is not helping to educate the public or to assist the public in participating in the act of remembrance. This is why we endorse the bill.

We realize that some difficulties have come to light, and I am sure that in the tradition of this committee and of parliament in general it is not necessary to scrap a good idea because there may be one or two administrative difficulties that may arise. That is the purpose that committees such as this serve. You bring these difficulties to light. We certainly would not want to interfere with the conditions of employment of the civil service. We do not want to get involved in that side of it. However, we do feel that it is extremely important not only in the recognition of those who died but for the future generations to realize that these things we enjoy in Canada are not just something that someone has given us or that we ourselves have earned, but that a big price was paid for the freedom we enjoy.

I do think that of the 365 days of the year it is not asking too much of government as an employer or private employers or citizens as employees to set aside one day as a day of remembrance in which tribute can be paid to our fallen.

About three weeks ago I was in Holland. We have arranged a series of visits by the next-of-kin to the graves of their fallen in Holland, through the co-operation of the Netherlands war graves committee. We had four groups this year. I had the privilege of going over with the last group three weeks ago and I made arrangements for four more groups to go next year. While they were in Holland, the Dutch people provided them with complete hospitality throughout the time they were there. They did not have to pay for anything. They were accommodated in private homes, their transportation to cemeteries was taken care of as well as a trip around Amsterdam. In answering a remark I made to one of the Dutch citizens in Holten, the local school master, on what a wonderful thing it was the Dutch people were doing, he said "Mr. Thompson, we were free in our country. We then lost our freedom and the Canadians came along at the time of the liberation and they gave us back our freedom. It would be a sin if we were ever to forget or let our children forget the price that was paid to give us back our freedom."

The people in Canada are very fortunate that our country has been saved from this experience, I do think it is not asking a great deal to suggest that one day a year should be set aside and observed as Remembrance Day for the 100,000 Canadians who gave their lives for our freedom.

We will not attempt to argue on the technicalities of the bill. We are only concerned with the fact that we would not want to see Remembrance Day become just another holiday.

The CHAIRMAN: If there is no more business, we will adjourn until next Thursday at 10 o'clock.

Mr. WEBB: I would like to express our appreciation, and I speak both for myself and for Mr. Peters. Mr. Thompson, you have provided us with an armistice day speech.



HOUSE OF COMMONS  
First Session—Twenty-sixth Parliament  
1963

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STANDING COMMITTEE  
ON  
**VETERANS AFFAIRS**

*Chairman:* J. M. FORGIE, ESQ.

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MINUTES OF PROCEEDINGS AND EVIDENCE  
No. 5

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THURSDAY, NOVEMBER 7, 1963

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ESTIMATES (1963-64) OF THE DEPARTMENT OF  
VETERANS AFFAIRS

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WITNESSES:

The Honourable Roger Teillet, Minister of Veterans Affairs; Mr. Paul Pelletier, Deputy Minister; F. T. Mace, Assistant Deputy Minister; and Dr. J. N. B. Crawford, Assistant Deputy Minister and Director General of Treatment Services, all of the Department of Veterans Affairs.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON VETERANS AFFAIRS

*Chairman:* J. M. Forgie, Esq.

*Vice-Chairman:* D. W. Groos, Esq.

and Messrs.

Bigg,  
Boulangier,  
Cadieux,  
Cameron (*High Park*),  
Clancy,  
Émard,  
Fane,  
Greene,  
Harley,  
Herridge,  
Kelly,  
Lambert,  
Laniel,

Laprise,  
Latulippe,  
MacEwan,  
MacInnis,  
Mackasey,  
MacLean,  
MacRae,  
Matheson,  
McIntosh,  
Millar,  
Moreau,  
Morison,  
O'Keefe,

Pennell,  
Perron,  
Peters,  
Pilon,  
Prittie,  
Pugh,  
Rideout,  
Rock,  
Temple,  
Thomas,  
Webb,  
Weichel.

M. Slack,

*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

THURSDAY, November 7, 1963.

(6)

The Standing Committee on Veterans Affairs met at 10.30 o'clock a.m. this day. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Bigg, Clancy, Emard, Fane, Forgie, Herridge, MacEwan, Millar, O'Keefe, Pugh, Rock, Thomas, Webb.—(13).

*In attendance:* Honourable Roger Teillet, Minister of Veterans Affairs; Mr. C. W. Carter, M.P., Parliamentary Secretary to the Minister; Mr. Paul Pelletier, Deputy Minister, and the following other officials of that Department: Mr. F. T. Mace, Assistant Deputy Minister; Dr. J. N. B. Crawford, Assistant Deputy Minister and Director General Treatment Services; Mr. J. E. Walsh, Director, Finance, Purchasing Stores; Mr. C. F. Black, Secretary of the Department.

The Chairman welcomed the Minister of Veterans Affairs who made a statement dealing with various items in the Estimates of his Department, and also referred to recommendations of The Royal Commission on Government Organization relating to veterans hospitals and veterans affairs.

The Minister then introduced the new Deputy Minister of Veterans Affairs, Mr. Paul Pelletier and Messrs. Mace and Crawford. Mr. Pelletier made a brief statement.

Mr. Mace made a statement reviewing certain aspects of the Estimates of the Department of Veterans Affairs.

The Chairman called Item 1—Departmental Administration.

Mr. Mace was questioned, assisted by Messrs. Pelletier and Crawford.

The Chairman announced the Committee's schedule of sittings from November 12th to December 5th, listing dates of appearance of veterans groups before the Committee.

At 11.50 o'clock a.m., the Committee adjourned until Tuesday, November 12th, at 10.00 o'clock a.m.

M. Slack,  
*Clerk of the Committee.*



## EVIDENCE

THURSDAY, November 7, 1963.

The CHAIRMAN: Gentlemen, this morning we are delighted to have with us our minister. Without wasting any time I will call on him to make a few remarks.

HON. ROGER TEILLET (*Minister of Veterans Affairs*): Thank you very much, Mr. Chairman. It is very considerate of you to let me make my presentation immediately, because I do have to get away.

After reading the minutes of former meetings of this committee, I think what I am about to say is almost a quotation from what was said by another minister—I am referring to Mr. Brooks—when I say I have only a few minutes because I must go to a cabinet meeting.

I do welcome this opportunity to meet with you this morning, particularly when you are about to begin the examination of the estimates of the department. This is my first appearance before this committee, but I have had an opportunity to read the minutes of previous meetings of this committee and it is obvious to me this committee is unique in many respects.

I will not say that you have not had some disagreements and some differences of opinion; but certainly from reading the minutes it is obvious to me that this committee has acted in a manner different from most parliamentary committees in that there has been a non-partisan spirit in existence. The decisions and the differences of opinion have been because of honest and real differences, not because of partisan policy, but rather a difference of opinion in respect of how best to serve the veteran, which is the reason for the existence of this department.

Again I recall in reading the minutes of a meeting of this committee where Mr. Herridge referred to these as family rows; and while these things are resolved after heated discussion at times, it is not done in the way it sometimes is on the floor of the house, or in some other committees.

I suppose it is inevitable that after every election there is a change in the personnel of any standing committee of this house. Nevertheless, by looking at the names of the members of this committee, I find there are a number who have acted on this committee for some time. Perhaps Mr. Herridge is the one person who has been a member of this committee for the longest period—I believe from 1945. There are others, too. I do not believe Mr. Weichel is here this morning, but he is another member of this committee of long standing as is your chairman. I am sure that the newer members will find these persons very helpful to them in their discussions.

As you know, I have only been with the department since April. However, in this short time I have learned that the officials of the department all have a common dedication to ensure that the wishes of parliament, as reported in the various acts of the veterans' charter, are passed on in the interest of veterans in the best manner possible.

On more than one occasion members of this committee have complimented the department on the efficient manner in which it has dealt with the many queries they have made on behalf of veterans. We are doing our best to give you the best service. I would like to say that if there are any kudos to be handed out to the department, because the members are getting service, it is largely because of the manner in which the officials of the department have

organized themselves to serve you. I believe the administration of the department is of a very high order. Of course, I am not saying this personally. I am sure that any time any mistakes or errors are pointed out they are corrected as quickly as possible.

I am also sure I can speak for all the officials of the department when I say they welcome this opportunity to have the estimates of the different branches and directorates examined in detail by this committee under conditions which permit you to ask questions of those who are most familiar with the day-to-day operations of the department.

The estimates which are before you include the 1963-64 main estimates together with a few items contained in supplementary estimates A and supplementary estimates D, in accordance with those originally tabled and detailed in what we commonly refer to as the blue book, and the attachment thereto, the supplementary estimates.

When the estimates which you will be considering were tabled on May 29, 1963, the Minister of Finance indicated that these estimates, which were prepared in the fall of 1962, were being submitted to parliament without revision, but it was the intention that a review of 1963-64 requirements would be undertaken by all departments in the light of their up-to-date experience. In so far as this department is concerned, we were able to suggest a reduction slightly in excess of \$1 million. This was brought about by reductions of \$250,000 in the construction vote, \$700,000 in the war veterans' allowance vote, and \$65,000 in the veterans' benefits.

The first item constitutes a stretch out in our proposed construction program; whereas the other two items arose mainly from our being able to make a more accurate estimate of our actual requirements for this current fiscal period. As hon. members know, estimates usually are prepared in October of each year for the following fiscal year, when experience of current expenditure trends is somewhat limited. However, six months later with the expenditure experience of nine months' operation available, it is possible to prepare a much more accurate estimate of the financial requirements and as I have already said the recalculation, particularly of the requirement for war veterans allowances, indicated quite clearly there had been an overestimate of our needs in the estimate originally submitted.

The reductions do not represent any change in the scope of the department's activities, and it is my intention that when these estimates are being considered in the house I will move that the votes in question be reduced accordingly.

Honourable members are aware that the report of the royal commission on government organization contained many recommendations affecting the Department of Veterans Affairs. The one which received the greatest publicity concerned veterans hospitals. I must be frank and say that the future of our hospitals constitutes a major problem. I recognize and have already said publicly that no policy of this government, as it relates to veterans hospitals, will adversely affect the availability of proper treatment facilities for those veterans entitled to such treatment under the veterans treatment regulations. However, hon. members will recognize that with the passing of time, and God willing, with the creation of no more "new" veterans, the future management of our hospitals will require close and careful attention and I can say that this is a question to which I intend to give the closest personal consideration.

Other recommendations such as the suggestion to set up an over-all governmental purchasing and supply agency which would absorb the purchasing activities of the department once again, mainly in the hospitals, could affect our future organization as would many others contained in the commission's report if they are accepted and implemented by the government.

I believe that hon. members will be interested to know that, subsequent to the royal commission's report, the need for an over-all improvement in government financial administration appeared desirable. As a result, this department was selected as one of four which would be subjected to a survey by a firm of management consultants to examine and recommend such changes in procedures which would lead towards improved financial control and administration. This survey is due to start within a month or so, will take approximately six months and will, I am afraid, place a considerable workload upon the officials of the department most directly concerned with matters of finance.

I do not need to tell hon. members that a great deal is involved in the consideration of these estimates. You are required not only to examine and if you desire, challenge the amount of money which is being asked for in the estimates, but also to examine the purpose for which the money is being spent. I am sure that your investigation will be a thorough one and I can assure you that I will be most interested, as I am sure that the officials will be, in any suggestions and comments that you might make.

I understand that the intent today is to introduce the vote in departmental administration, to discuss the items therein, but then to let it stand so that it is available for the reintroduction of any general items which cannot be brought up under the other more specific estimates. From there, I assume you will continue to district administration and then, in an orderly manner, to the different estimates of the department. As in the past, officials of every branch of the department will appear before the committee so that those most competent to provide answers to your questions will be available to do so.

Let me wish you every success in your discussions. Before I conclude my remarks, I would like to introduce to you the three top officials of the department who are here and who, in turn, will present other members of the department. First, I would like to present to you our new deputy minister, formerly with the civil service commission, Mr. Paul Pelletier. Mr. Pelletier succeeds Col. Lalonde who, as you know, is now with the Department of Public Works. Would you take a bow?

Some hon. MEMBERS: Hear, hear.

Mr. TEILLET: At this stage I present to you a man who I am sure is an old and well known friend of yours. Mr. Mace, the assistant Deputy Minister, has been with the department since 1948 and assumed his current position in 1955. I am sure that he probably knows more about the estimates than anyone else in the department at the moment, is responsible for the preparation of these estimates and perhaps because of that will be able to answer more questions than anyone else. Mr. Mace, I am glad to see you here.

Some hon. MEMBERS: Hear, hear.

Mr. TEILLET: Of course, we have with us Dr. Crawford who has just been appointed assistant deputy minister in charge of treatment. He was so appointed at the end of last month. This was done, because, on my taking over the department it was apparent that the treatment services was the most important branch of his department and it was felt appropriate that Dr. Crawford's responsibility should be recognized by giving him this status.

Mr. Chairman, I am going to leave the presentation of the other officials to the deputy minister in order to cut this presentation as short as I can. I must express my regrets at not being able to remain with you. I will, of course, be available at any time the committee wish me to be present. I will be only too pleased to attend on those occasions.

Mr. ROCK: Which gentleman is Mr. Crawford?

Some hon. MEMBERS: Hear, hear.

Mr. HERRIDGE: I thought everyone in Canada knew Dr. Crawford.

Mr. TEILLET: I think everyone does know Dr. Crawford.

Mr. ROCK: We are new members to this committee, Mr. Chairman.

Mr. TEILLET: Would you excuse me, Mr. Chairman?

The CHAIRMAN: Yes.

Gentlemen, I should like to call upon our new deputy minister to say a few words. I have known him for roughly 25 years and I can assure you he will fill this position very capably. I will call on Mr. Pelletier.

Mr. PAUL PELLETIER (*Deputy Minister, Department of Veterans Affairs*): Mr. Chairman, I believe it is customary when officials appear before parliamentary committees that the deputy minister is expected to answer a great many if not most of the questions asked. However, because of the shortness of my tenure in this office (little more than two weeks) I hope that no one in this room will expect me to answer any questions with anything more than minimal intelligence and virtually no knowledge.

However, as the minister has just said, we have with us Mr. Mace, who has long and close association with all financial matters of the department and who is well known to you. We also have Dr. Crawford who, as a result of his distinguished service as director general of the treatment services, certainly needs no introduction. In addition, we have a number of other senior officials of the department with us here today. All of these gentlemen, I am quite confident, will be able to answer with both accuracy and lucidity, any or at least the majority of the questions you will ask.

I should just like to add, Mr. Chairman, that I have appeared before different parliamentary committees in vastly different contexts and I believe firmly, even though this may make officials lives a little more difficult, that they welcome such opportunities because they provide them with marvellous occasions to do some very beneficial soul searching. I believe they also provide members of parliament with probably more detailed answers than they would otherwise receive.

Mr. Chairman, I should like, therefore, to sit back, listen and thereby further my own education. Before doing so, and with your permission, I should like to call upon Mr. Mace to make a general statement on the estimates before you take them up item by item.

The CHAIRMAN: Yes. I should like to mention the names of the other officials who are here this morning. We have Mr. Cromb with us, Chairman of the war veterans allowance board and Mr. P. R. Cross, the deputy chairman.

Mr. Mace would you proceed, please?

Mr. F. T. MACE (*Assistant Deputy Minister of Department of Veterans Affairs*): Mr. Chairman, and gentlemen, may I first express my own personal pleasure at meeting once again with this committee. Although many faces are new there are still a sufficient number of those whom we have met in the past to make us feel at home. May I also repeat what the minister said, namely, that we the officials of the department do welcome the opportunity of our estimates being examined by hon. members in this somewhat less formal atmosphere than that which prevails in the house. While it may not be my place to comment on the advantages and disadvantages of a standing committee, I am sure there can be no argument that a parliamentary committee permits a much more searching analysis of our budget. I can assure you that many of the questions which have been raised by this committee have been most useful to the department.

Referring now to the main estimates for 1963-1964 which are before you, I think it might be useful if I made a few over-all comments relative thereto. The net position of our financial requirements over the previous years as recorded in the tabled estimates, is shown as approximately \$9 million which will be reduced by the minister's motion by \$1 million when the estimates come before the House of Commons.

However, \$7 million of the net figure of \$8 million is accounted for by a very substantial increase in the activity under the Veterans' Land Act. There were major changes in 1961 and 1962 which have resulted in increased activity in the Veterans' Land Act. Hon. members will note that vote L-80, which covers the purchase of land, and other things, is to be found in the loans and investment section of the blue book and that these votes do not constitute budgetary expenditures. That is to say, any advance in this particular estimate is set up as an account receivable in public accounts and, of course, is eventually repaid by veterans under contract. So these do not constitute an expense as we normally consider it.

The remainder of the increase, in the amount of roughly \$3 million, in the provision for war veterans' allowance is offset by the decrease of approximately \$1,700,000 in the pension vote.

Apart from these three large items there is not a great deal of difference between the votes asked for last year and those contained in the estimates which are now before you.

This is also exemplified in the department establishment of 1963-1964 which only shows a reduction of six positions from the previous year. However, gentlemen I should point out that these are authorized establishment figures only and that the actual number on strength can and does vary considerably from the establishment ceiling.

For the benefit of those members who are new to this committee, I think I should also explain that while parliament is supreme in approving amounts requested in the different votes, some flexibility does exist in so far as primaries or standard objects of expenditures are concerned. The department may, with the approval of the treasury board move funds from one primary to another. If, for example, the funds asked for in respect of postage in a vote is found to be inadequate and a surplus of funds exists in the provision for telephones and telegrams a switch can be effected by what we call a transfer between the allotment, subject, as I said before, to the approval of the treasury department. I mention this particular point because in your questioning you might, for example, ask what the expenditures were for postage, for departmental administration, and wonder how we were able to spend \$4,000 whereas the actual provision for this item is, as detailed on page 449 of the estimates, only \$3,500.

Mr. Chairman, I thank you for the opportunity of speaking to you briefly in respect of these estimates. Just before I conclude I think I should introduce two of our officials who are here today and who, together with myself, will probably attend most, if not all, of your session.

First of all I should like to present Mr. Walsh, our director of finance, purchasing and stores, who, in spite of what the minister and deputy minister have said, did more work than I in preparing these estimates, and who generally has the answers relative to the detailed figures. I present Mr. Walsh.

Some hon. MEMBERS: Hear, hear.

Mr. MACE: We have with us Mr. Black, our departmental secretary. I am sure that you have met Mr. Black on previous occasions. He will probably attend all of the meetings of this committee. I introduce Mr. Black.

Some hon. MEMBERS: Hear, hear.

Mr. MACE: Mr. Chairman, I should also mention that it has been our practice in the past to provide members of the committee with copies of the departmental annual report, a report containing a wealth of information as to the activities of our branches as well as charts on organization and expenditures. Unfortunately the report for the year ending March 31, 1963 will not be available until around November 20. I can assure you that we will distribute that report to the members of the committee just as soon as possible. In the meantime, no doubt members of the committee will find that the blue book gives considerable detail in respect of the budget which is now before you.

Members will probably notice in the supplementary estimates that there are three or four dollar items. These are basically legislative items in respect of which we are asking parliament's approval for certain actions which may not be covered by our specific regulations. That is a general explanation in this regard. Some of these are rather complicated and I hope you will not ask too many questions about them.

Thank you, Mr. Chairman.

The CHAIRMAN: I call item No. 1:

Departmental administration ..... \$2,406,800

Mr. HERRIDGE: Mr. Chairman, would the witness mind informing us which vote of the department shows the greatest fluctuation from year to year because, if you noticed, the estimates were fairly closely estimated throughout the years. Where would there be the most improbables?

Mr. MACE: Mr. Chairman, I believe, sir, that in the past few years anyway there has not been any great fluctuation in so far as our votes are concerned. There have been changes, there have been increases where there had been legislative changes, and these gave rise to higher levels of expenditure. You may recall I made reference to the quite large increase in our provisions for the Veterans Land Act—some \$7 million. This was due to a number of factors such as increased settlement, a change in the qualification for advances, and so on. The details of this particular activity of course can be brought up when Mr. Pawley, the Director Veterans Land Act is here. Then, of course, as far as the war veterans' allowance is concerned, there have been increases from time to time as the allowances granted have been increased. On the other hand, pensions particularly in so far as world war I people are concerned have grown smaller. As time passes it is inevitable that pensions being paid for world war I come down. However, once again when the pension vote comes up Mr. Anderson will be here and could answer any questions on this particular vote.

Apart from these three I do not think that there have been any really violent fluctuations. We have been amazingly steady in the last several years. However, we are slowly going down. There has been quite a reduction in the net amount provided in Dr. Crawford's vote—for treatment of course—and this came about with the advent of the various hospital plans because the department recovers from the plans for the treatment of certain veterans in our own hospitals who nevertheless are entitled, as citizens of different provinces, to the benefits of their hospitalization plan. I think recoveries are in the neighbourhood of \$21 million.

Mr. HERRIDGE: That is the interesting point I was asked, Mr. Chairman. Would you mind explaining the procedure in that connection? I have been asked that question a number of times.

Mr. MACE: I would be glad to do so. I should like to go back a few years before the plans were in effect. The department has for years provided a treatment service for the armed forces, the R.C.M.P., Department of Health and Welfare for different people they have sponsored. We had a modest recovery of funds for expenditures incurred for the treatment of these particular people, and we have always been able to keep this money. It has been credited to our vote to give us a net position. They tried to take it away from us some years ago but we resisted and hung on to it. When the various federal and provincial agreements were signed relative to hospitalization it became abundantly clear at that time, particularly since the federal government took over roughly 50 per cent of the cost of hospitalization, that certain of our veterans, primarily war veterans allowance recipients, since they are citizens of any province and therefore contribute to the revenues of that province where hospitalization is financed

through revenues, should be entitled to the same privileges as any other citizen of the province. We therefore took the stand that these people should be included. In all of the agreements which were between the Department of National Health and Welfare and the provinces this fact was spelled out very clearly. As each province has come into the plan, it has meant that the cost of treating this particular class of veteran has been transferred to the plan, and we bill the plans on a monthly basis.

There is one other point of interest; that is that in those provinces which levy a premium—Ontario, Manitoba and Saskatchewan—in order to ensure that these people are on the same footing as an ordinary resident of the province, we pay the premiums.

Mr. HERRIDGE: Who would you recover from for members of the Sons of Freedom sect when they are placed in a veteran's hospital at the request of the Department of Justice.

Mr. MACE: We would recover from the Department of Justice unless these people did happen to have provincial coverage. I would think that in this case it would be the Department of Justice.

Dr. J. N. CRAWFORD (*Director General, Treatment Services, Department of Veterans Affairs*): Yes, specifically. We must not lose sight of the fact that although we are primarily set up as veterans' hospitals we are also willy-nilly federal hospitals and I think the federal government has every reason to expect that we will supply hospital service to people who are the responsibility of the federal government for treatment purposes. It is for this reason that we accept a number of people into our hospitals who are wards and patients of the federal government, including from time to time convicts in federal penitentiaries, for whom the federal government would have to pay hospital charges wherever they were hospitalized. They send them to us and the sponsoring department pays the charges. I may say that the people who are included in this class of treatment represent just about one per cent of the total patient load in the department's hospitals.

Mr. MACEWAN: Mr. Chairman, I would like to ask Mr. Mace if he could give us some further details on the statement which the minister made on the reduction which has been effected in the vote for the war veterans' allowance board. Could you give us some details on that please?

Mr. MACE: I think the minister mentioned that this was a planned or expected reduction of \$700,000. The details of this are very simple. As the minister said, we prepared this estimate in October 1962 and we expected, based on the trends which were then developing as shown by the expenditure graph, that we might require a certain amount of money for this year. Peculiarly enough that trend of expenditure we thought would go up and would remain at a certain level for awhile and then would start to go down as the world war I veterans started to pass on. However, the turn down came faster than we had expected. I do not know why, but it did. When we were asked to review our budget in May or June of this year, it became fairly obvious, based on a nine months' expenditure trend which was then available to us, that we had asked for too much money. This is the only reason for it. It was an overestimate of our expected expenditures, and this was the case in the other vote. I think that was the veterans' benefit vote which was relative to the children of the war dead educational assistance act. The minister did say that in so far as the construction program was concerned this was a stretch-out and we deferred projects, but in the other votes it was nothing more than the correction of an overestimate.

Mr. PUGH: Further to Dr. Crawford's statement, he mentioned that the veterans' hospitals are taking in people other than veterans. Do we get a recovery of the medical costs, for instance on operations, bandages and so on?

Mr. CRAWFORD: When we are dealing with other federal departments we establish a flat rate of recovery which includes both the cost of hospitalization, the cost of drugs and the cost of medical attention, and we recover from other federal departments according to this flat rate. With respect to certain veterans who come into the hospitals electively, who choose to come in, who have no entitlement really to come in to a veterans' hospital, the provincial plan pays us at a negotiated rate which they establish.

Mr. PUGH: Is this on hospitalization?

Mr. CRAWFORD: This covers hospitalization only. The cost of medical attention and the doctor's fees are recoverable from the veteran. This is a private arrangement between the doctor and the veteran himself.

Mr. PUGH: If a veteran goes to a veterans' hospital, elects to go there, would he be paying more for the same services, say, than a convict who would be put in there under a veterans' scheme?

Mr. CRAWFORD: The veteran himself should be paying very much less than the federal government would be paying on behalf of the convict because he pays nothing for his hospital charges. The provincial plan pays this on his behalf.

Mr. PUGH: Take British Columbia for example, there you pay a doctor a dollar a head. That is fine in respect of the hospital end of it; but this is part of a plan. Suppose there is an operation on the convict which is an operation similar to that on a veteran who has elected to go to a veteran's hospital, who pays the most, or what is the recovery?

Mr. CRAWFORD: In this case the question of the fee between the surgeon and the veteran who has elected to come into hospital is a matter for arrangement between the veteran and the surgeon concerned. In many instances it is nothing; the surgeon just does not bother to send in a bill. However, he might send in a bill and in that event we would have no control over the amount of it except that we would not expect it to exceed the amount laid down in the provincial schedule of fees arranged by the provincial college of surgeons. In respect of wards of the federal government, we pay our doctors an annual honorarium. They are either on a part time or a full time basis, and they are paid an honorarium in respect of providing medical service for pensioned veterans, for W.V.A. recipients, and these section 21 people, the wards of the federal government. Therefore, the cost in respect of any individual is evened out. We estimate the medical costs to be in the order of about \$2 a day, so that when we send the bill to the Department of Justice we say that the hospital charges are so much, the medical charges are \$2 a day, and this applies whether the patient has been treated for pneumonia or whether he had a gallbladder removed.

Mr. PUGH: You mentioned that a veteran might receive a bill. What is the situation when a veteran who is under the war veterans allowance elects to go to hospital for some ordinary treatment?

Mr. CRAWFORD: This is a little different. A war veterans allowance recipient at the moment is regarded as being our responsibility for treatment. We do not give such a person complete freedom of choice in respect of where he is going to go; that is, whether he comes to our hospital or not. We say that he should seek his treatment in one of our hospitals. There are occasions when this is not desirable, and then we would allow him to be treated by some doctor in his own community. When this is done, the Department of Veterans Affairs pays the doctor for the services he has provided in accordance with the provincial schedule of fees for that service.

Mr. PUGH: If a pensioned veteran elects to go to one of our hospitals for treatment of something which is not allied to his pensionable condition, how is he charged?

Mr. CRAWFORD: He would be included in this elective group of veterans.

Mr. PUGH: Would he have the opportunity of going to the hospital and saying at this point that he wants a member of the staff to do the operation?

Mr. CRAWFORD: He must use one of our staff members.

Mr. PUGH: I have another question, but it is under the V.L.A. You mentioned the difference in respect of the half acre. Has there been an increase in V.L.A. staff over past years?

Mr. MACE: No, sir; I think there has been quite a decrease.

Mr. PUGH: Mr. Chairman, if I am going too far afield, please tell me.

Mr. MACE: The actual establishment provided for in 1963-64 is 797 as opposed to 803 for the previous year.

Mr. PUGH: You made reference to the half acre. How would this bring about an increase?

Mr. MACE: Because of the fact that more veterans became interested in settling under the Veterans Land Act when the acreage requirement was reduced to half an acre. At least part of the reason for this was the previous difficulty of finding acceptable property with an area of three acres. It is very difficult to find a piece of property of three acres around Ottawa, but half an acre is a different proposition entirely. I believe this obtained particularly in British Columbia. When they reduced the acreage requirement back to half an acre, this brought in quite a number of additional veterans under the part time farming section.

Mr. PUGH: If the veteran goes out, sees a piece of land, decides to purchase it, gets it and is ready to go ahead, I am wondering how the department would be out more money.

Mr. PELLETIER: There are such matters as the legal fees to be paid and possibly a number of other things. Even though the staff of the department has not increased, with an increase in the number of applicants there would be a resulting increase in legal fees and would probably be other ancillary expenditures.

Mr. MACE: I was speaking primarily of the loan and investment vote. If the veteran finds a piece of property on which he wishes to settle under the Veterans' Land Act, then the director purchases the property and sells it back to him. He might see the property and buy it himself, say, for \$7,000. Then, if he can qualify under the Veterans' Land Act, he will be reimbursed.

Mr. PUGH: I suppose it could be said that the increase in the amount necessary in the estimates is to cover increased building or purchases under the Veterans' Land Act?

Mr. MACE: Yes. There are a number of other reasons for this. I would prefer that you leave this question until later when the director will be here.

Mr. HERRIDGE: Mr. Mace and Dr. Crawford, I would like to return to the original subject. I think we should run this the same as we do the grievance procedure in the house. This question of hospitalization of veterans is an interesting one. There has been much misunderstanding and confusion. For the information of the committee and veterans generally, would it be possible for Dr. Crawford to supply this committee with a memorandum outlining all the types of qualification, the procedures and the costs in respect of admission of veterans to hospital?

The CHAIRMAN: Is that a big task?

Mr. CRAWFORD: It is quite a big job, but we would be glad to do it. I understand you wish this in general terms?

Mr. HERRIDGE: Yes.

Mr. BIGG: Many veterans do not know what they can or should do. They sometimes go to one hospital when they should go to another.

Mr. MILLAR: Did I understand Mr. Mace to say that they have recovered some \$20 million through these provincial hospital schemes?

Mr. MACE: No. I said our recoveries had increased to that. This is the total recoveries.

Mr. MILLAR: How is this \$20 million reflected in your budget?

Mr. MACE: Have you a blue book?

Mr. MILLAR: No, I do not.

Mr. MACE: The details of treatment are shown on page 452 of the blue book. This shows the net requirement of the vote is \$42,865,600. You will note also that the total expenditure requirements are \$62,817,900 from which is deducted an amount of \$19,952,300; this is the recoverable cost, namely the amount of money we recover for the treatment of patients generally. We have been permitted to net our requirements for treatment services. They tried to take this and put it in the consolidated revenue, but we insisted on the argument that the net cost of running our treatment services should be shown, and fortunately this was agreed to.

Mr. MILLAR: As I understand it, the Department of Veterans Affairs is receiving \$20 million more than it normally would. Up until the time these hospital schemes went into effect, D.V.A. paid the whole cost of a veteran being in hospital. In other words, the income each year is being increased by the amount paid under the provincial hospital services.

Mr. MACE: Yes.

Mr. MILLAR: Actually, the budget for the present year is increased.

Mr. MACE: No. Our net budget has been cut down.

Mr. MILLAR: This helps to bring it down?

Mr. MACE: Indeed. Many other cost factors have been going up.

Mr. MILLAR: This is normal in respect of any government department.

Mr. MACE: Yes; but our net actually has been coming down.

Mr. CRAWFORD: When you are speaking of recoverable costs it is perhaps well to remember that the per diem amount which is recoverable from provincial hospital plans does not amount to our estimated per diem costs. We are operating at a loss vis-a-vis the hospital plans. This spread in some provinces amounts to almost \$5 a day.

Mr. MILLAR: I thought the payment the provincial hospital plans provided was substantial. Is it not \$18 a day?

Mr. MACE: It varies in respect of each institution. It is based on the cost of running the institution. Certain elements of our cost may not be acceptable to the provincial authorities. Unfortunately, they set the rate for the hospital, not us. We negotiate with each province through our financial division. If our level of expenditure for a particular activity in the hospital in their opinion is higher than in a comparable civilian hospital, they would say that ours is too expensive, and would reduce the amount. They go through all our items of cost and come up with a figure which they feel compares with the service being provided by the civilian hospital. There are other complications, but I do not want to get into those now.

Mr. MILLAR: I am satisfied.

Mr. MACE: There are a great number of difficulties.

Mr. BIGG: Does it cost a great deal more to keep a patient in a veteran's hospital for a day than it would in a civilian hospital?

Mr. MACE: Generally speaking I would say that our hospitals actually are a little cheaper on a per diem basis than the average civilian hospital.

Mr. BIGG: Would there be certain expenses which might be hidden by the non-payment of taxes, or by other means?

Mr. MACE: No. I would say that our costing is quite accurate and inclusive.

Mr. BIGG: More efficient than in civilian hospitals?

Mr. MACE: No. I think it is a broader question than just that.

Mr. CRAWFORD: To put the thing in its simplest terms, in our hospitals we do a great many things which are not done in civilian hospitals. We have larger and more expensive areas for physiotherapy, occupational therapy, arts and crafts, entertainment, auditoria, and this type of thing. When you divide the total cost by the total number of patient days you come up with a per diem cost which may be higher than that of a civilian hospital; but when you take these things out of the picture, then I think our hospitals are run very efficiently at a lesser cost per patient day than most civilian hospitals.

Mr. BIGG: I was not attempting to be critical of the department. Sometimes we are criticized for allowing these hospitals even to exist. The civilian hospitals complain. I am seeking ammunition. Personally I am in favour of these tri-service hospitals. However, we want the facts so that we will be able to better argue the pros and cons.

Mr. CRAWFORD: I think when the treatment branch estimates come up, we may have an opportunity to get into a discussion of this general philosophy.

Mr. THOMAS: I would like to ask whether, in setting hospital rates, the capital costs of the building are taken into consideration.

Mr. MACE: No, they are not.

Mr. CRAWFORD: Neither in our case nor in the case of civilian hospitals.

Mr. MACE: This is basic to accounting in all hospitals, in so far as plant is concerned. I think it is referred to as C.H.A.M., Canadian Hospital Accounting Manual, and this has received the blessing of the Canadian Hospital Associations and does not provide for capital depreciation on buildings.

Mr. THOMAS: Neither in civilian hospitals nor federal hospitals.

Mr. MACE: That is right. It does take care of the cost of equipment replacement, but not depreciation of buildings themselves.

Mr. HERRIDGE: Equipment is part of the cost of operation?

Mr. MACE: Yes.

Mr. THOMAS: The suggestion has been made that at least in respect of world war I veterans the peak has been reached and that the cost now is on the decline. Can you tell us approximately when that peak was reached?

Mr. MACE: All I can say is there appears to have been a downturn during the last 12 months. As I say, when we calculated the estimate in October, 1962, based on the existing trends, and assuming that the same pattern would continue, we asked for a certain amount of money. When we looked at the actual figures some nine months later it appeared there had been already a downtrend. It is rather hard to say at this time whether or not this will continue. In other words, we cannot be absolutely sure at this time that the peak has been reached, but certainly the indications were that it had, when considering this year's estimates.

Mr. BIGG: Would it be safe to assume that the reason for this situation is that world war I veterans are now coming to old age pension age and that we will perhaps have an upturn again when world war II veterans reach the twilight stage a few years from now when a greater number of individuals will be covered under war veterans allowance?

Mr. CRAWFORD: Mr. Chairman, I am very much afraid of the use of the word "peak". It would be very difficult for anyone to believe on the basis of the present program that we have passed or even reached our peak. The greater number of world war I veterans who will be covered under war veterans allowances are now covered. The number of deaths of world war I veterans now covered under war veterans allowance is approximately equal to the number of world war II veterans reaching the age of 60. This state of affairs will not last forever. There are a great many imponderables in this equation, for example, the influence of industrial pension plans as well as other things which make people ineligible for war veterans' allowances.

Discarding these things for the purposes of calculation I expect our greatest War Veteran's Allowance population to be reached in the year 1985. Therefore, we have not reached our peak with respect to war veterans' allowances. I think the population will begin to climb in two or three years fairly sharply until 1985 at which time, if life tables can be trusted, it will fall off.

Mr. EMARD: Can you explain why this department has a surplus when, as has been explained to me, a specific military hospital is understaffed to the extent of approximately 40 employees as a result of insufficient funds?

Mr. CRAWFORD: Would you repeat your question, please?

Mr. EMARD: I should like you to explain why this department has a surplus when, as has been explained to me by the authorities of a specific military hospital, they were understaffed by approximately 40 employees as a result of the lack of funds?

Mr. MACE: Perhaps we could clarify one point, sir.

The CHAIRMAN: Your question is not very clear.

Mr. EMARD: I do not know how I can be more precise. I visited the Ste. Anne de Bellevue hospital and was informed by the officials there that they were understaffed to the extent of approximately 40 individuals because of insufficient funds.

Mr. ROCK: Perhaps that occurred at the time of the Conservative austerity program.

Mr. CRAWFORD: There was in effect what has been referred to as an austerity program, although this has not been a very popular word, when the entire civil service was under some restrictions in the way of recruitment. In all fairness, however, I should say that the working members of the treatment branch—individuals actually involved in the treatment of patients—were very quickly taken out of that austerity program, and the effect of this program has never created any significant problems in regard to recruitment for the treatment branch. We have not been affected in my branch significantly by any control of recruitment.

There are, of course, areas of possible criticism in respect of rates of pay. We do find, for instance, that our trained nursing staff suffers a shortage, but then very few hospitals in Canada can obtain the number of nurses needed. Nurses are in short supply. With some allowance for regional variation I think probably we are doing about as well as we can expect to do in recruiting nurses. We do not have the number required in some of our hospitals. One of my hospitals, for instance, is almost 100 nurses short at the present time, and I have had to close wards because of this shortage. This situation is not a reflection of government policy, but a reflection of the shortage of supply.

The CHAIRMAN: The situation is general throughout Canada, is it not?

Mr. CRAWFORD: Yes, and the shortage varies from year to year.

Mr. ROCK: Mr. Chairman, I should first of all like to state that I have not attended many of the meetings of this committee because of the fact that I am a member of two other committees which seem to sit on conflicting days. As a result I have not been able to follow closely that which has taken place at the Veterans' Affairs committee meetings.

I should like to make a suggestion at this point, Mr. Chairman. When notices of meetings are sent to members I suggest that they include a foot note indicating the subject to be discussed and the names of individuals to appear. Had I known that we were going to have representatives of the department of veterans' affairs before us this morning I would have been here promptly.

The CHAIRMAN: I think there is an indication on your card as to the subject to be discussed this morning.

Mr. ROCK: I see that there is, Mr. Chairman and I apologize.

I should also like to suggest that when we are to receive delegations from important departments such as the one before us this morning, a list of the names of those individuals who will participate should be supplied.

There has been reference made to certain unforeseen surpluses as a result of the death of veterans. Is this surplus reflected in the comparison between the \$269 million and \$267 million?

Mr. MACE: This summary that you have at the back of the blue book covers standard objects of expenditure, not by votes.

Mr. ROCK: Yes, I understand that situation. You have veterans' disability pensions and other payments to veterans' dependants, and I am wondering whether this figure is included in the figure to which you have made reference?

Mr. MACE: Yes.

Mr. ROCK: In that event there will be an amendment made in order to reduce this figure, is that right?

Mr. MACE: There will be a motion to reduce the amount asked for under vote 45 which does not show on this summary. It is shown at page 446 of your blue book. When you are discussing the votes in the House of Commons you will make reference to page 446 of the blue book covering vote number 45. I understand there will be a motion, according to what the minister has stated, to reduce that figure of \$86,244,000 by \$700,000.

Mr. ROCK: Mr. Chairman, with your permission, I should like to make a general statement. There has been some suggestion in the past that the operation of veterans' hospitals will be discontinued completely and the federal government will make arrangements with private hospitals in the provinces. I mention this subject, Mr. Chairman, because of the fact that there has been some speculation voiced through the newspapers in the province of Quebec in this regard, and I should like Dr. Crawford to make some comment.

I received an unsigned letter from a veteran at Queen Mary Veterans' hospital to the effect that the veterans were not in favour of such a change, and although I have not placed much importance upon this letter I should like to hear Dr. Crawford's comment.

Mr. CRAWFORD: Mr. Chairman, I would be very pleased to comment on this subject at this time but I would prefer to wait until we are discussing the estimates for the treatment branch. You will appreciate that this is a tremendously complicated matter. I should like to have the opportunity of discussing this subject and expressing some of my views in this regard. I could give you an extemporaneous and reasonably logical explanation at this time but I think I could do more justice to this subject when we are dealing with the treatment branch estimates, if that is agreeable.

Mr. HERRIDGE: Mr. Chairman, I think Dr. Crawford's suggestion is a good one in respect of his branch as well as the other branches. At this time we are actually asking questions in a general manner.

Mr. ROCK: Mr. Chairman, I should like to ask one further general question. May a veteran elect to go to a private hospital in all the provinces of Canada as he can in the province of Quebec?

Mr. CRAWFORD: In general there are three classes of veterans. There are veterans seeking treatment for service connected disabilities. For a variety of reasons we give very little leeway as to where veterans in this class are to be hospitalized. We must pay treatment allowances in such cases, and we must know that the treatment given is in accordance with the treatment we think should be given for that particular service connected disability. We must have the case assessed and reassessed by the Canadian pensions commission. For these and other reasons we feel that the veteran seeking treatment for a service connected disability should if at all possible be hospitalized in one of our hospitals, and we are very insistent in this regard.

The second class of veteran is that veteran in receipt of war veterans' allowance. This is a rather different category. This man is insured under a provincial hospital plan. If he goes to our hospital we provide him with a certain type of treatment. If he goes to a community hospital he receives very much the same kind of treatment, barring some of the perquisites that attend treatment in veterans' hospitals. However, medically speaking the treatment he received in a community hospital is satisfactory.

The hospital bill in such a case is sent to the insurance commission rather than to our branch, but we receive the doctor's bill. We do not object to any extent to a war veteran allowance recipient seeking treatment in a community hospital, provided we receive some advance notice of his intention in this regard.

The third class of veteran comprises everyone else. That is, veterans who are not covered by war veterans' allowances or are seeking treatment for a service connected disability.

In regard to this type of veteran this department has no real responsibility. This type of veteran can be hospitalized wherever he desires, making his own arrangements for admission, medical care and a doctor of his own choice. If this man elects to come to one of our hospitals, provided we have available beds suitable for the treatment to be given, we accept him at the discretion of the department. If he comes into one of our hospitals we expect him to be treated by one of the doctors on our staff, and he must make his own financial arrangements with that doctor. This arrangement is nation-wide. This arrangement exists in exactly the same way in Newfoundland as in British Columbia or Quebec.

Mr. MILLAR: Mr. Chairman, is there any relationship between recipients of war veterans' allowances and the flow of patients in and out of veterans' hospitals? I understand this is not related closely, but is there any relationship in this regard? A veteran can receive war veterans' allowance yet not require hospitalization; is that true?

Mr. CRAWFORD: That is absolutely true. We referred to a population peak but there is a fairly obvious connection. When dealing with older men who utilize medical services at a much higher rate than younger men, the greater the total population the greater the utilization of medical services.

Mr. MILLAR: My question has reference to this situation. Is your estimate of the expected peak of veterans hospital treatment related to the peak expected in respect of recipients of war veterans allowances?

Mr. CRAWFORD: Yes, indeed.

Mr. MILLAR: Thank you.

Mr. FANE: In view of the fact that the restrictions on treatment of elder

veterans seems to have become slightly relaxed, if a pensioner receiving a 50 per cent pension was hospitalized because of something that could not conceivably be considered due to his war service, would he be eligible for treatment in a Department of Veterans Affairs hospital? I am thinking in terms of an older veteran who requires a prostate operation.

Mr. HERRIDGE: That would be in the plumbing department.

Mr. CRAWFORD: I think perhaps I have already answered that question. I said that my first class of veterans were those veterans seeking treatment for a service incurred disability. In the third class of veteran we have all other types of veterans. An individual of the type you have mentioned would by law fall into this third class, unless he was in receipt of a war veterans' allowance. Of course, the mere fact that he has a pension gives him a rather higher priority for admission to one of our hospitals than if he was not in receipt of a pension, but he is eligible to come into our hospital on an elective basis, just as any other veteran.

Mr. FANE: Such an individual would receive treatment comparable to treatment received in a civilian hospital?

Mr. CRAWFORD: You are making me blush. Of course, I must assume that our treatment is always better than can be provided any place else.

Mr. HERRIDGE: Hear, hear.

Mr. CRAWFORD: I think perhaps in this regard you are referring to what we call domiciliary care. Perhaps I could refer to this subject for a moment. This category includes older veterans who require institutional care for reasons such as mental confusion to the point that they can not be trusted outside of an institution, or because of some medical reason require permanent institutional care. We accept this type of veteran because at the moment we have beds available. When a veteran is placed under domiciliary care in accordance with section 29 of our regulations we assume the responsibility for the medical care which may be required, surgical or medical. This care is not necessarily given free. In the event such a veteran has means I am allowed to charge up to \$4 per day to cover his board, lodging and medical care.

The cost of this care averages at something around \$9 a day. Once a man comes into section 29, which is perhaps what you are thinking of, then his medical care is provided by us.

Mr. FANE: I was not thinking about a man who was ready to be institutionalized. I was thinking about one requiring hospitalization who was in possession of all his faculties.

Mr. CRAWFORD: In accordance with the existing regulations, the fact that he had 50 per cent or 100 per cent pension makes no difference. He is in the elective role unless he is seeking treatment for his service-connected disability.

Mr. MACEWAN: On that point, Mr. Chairman, is that \$4 the maximum that is charged?

Mr. CRAWFORD: That is the maximum I am allowed to charge, and it may be nothing.

Mr. EMARD: Could you tell me what rates are established for the unskilled worker? Are they based on area rates or are they negotiated with the associations?

Mr. CRAWFORD: Rates are set by the civil service commission on advice by the pay research bureau, but the unskilled labour that you are talking about is probably established on the prevailing rate basis. Estimates are found or figures given by the Department of Labour of what is being paid for a certain class of work in that area.

Mr. EMARD: Could you tell me whether the rates paid in different hospitals are similar across the country?

Mr. CRAWFORD: Payment of classified civil servants is at a national rate.

Mr. PELLETIER: The prevailing rates vary from region to region. Of course they are vastly different in Charlottetown from the rates paid in Vancouver for the same kind of work. This is a kind of employment that is to be found throughout the civil service and it is treated by the Department of Veterans Affairs in exactly the same manner as by any other department. Prevailing rates based primarily on information that is gathered on a continuous basis by the Department of Labour and they are subject to verification. The prevailing raters, cleaners and so on, are paid in our hospitals the same rates as cleaners and helpers outside the hospital in that area.

Mr. EMARD: If the civil service is given the right to negotiate wage rates and working conditions, would they be negotiating with the Department of Veterans Affairs or would it be done on a national basis? In other words, if the civil service employees are given the opportunity—which we think will happen very shortly in your department—would the negotiations be done between the civil service and your department or would they be done between the civil service and maybe one of the officers of the government?

Mr. PELLETIER: There may be some confusion here. The prevailing raters, the bulk of them, are not civil servants and have nothing to do with the civil service commission. The wages they are paid are set by treasury board on the basis of information received from the Department of Labour. There is a small group of what you might call prevailing raters who are classified civil servants. Dr. Crawford has some of those in his hospitals. These people have set salaries which are based on rates prevailing across Canada. This material is gathered by the Pay Research Bureau, and we try to arrive at a rate that is reasonably viable from St. John's, Newfoundland to Victoria, British Columbia. This is not an easy trick to perform.

You referred to negotiation. At the moment, there is no negotiation in the industrial sense of the word. However, there is machinery under the Civil Service Act whereby these people can, if they so wish, be heard by the Minister of Finance or by the civil service commission or by both.

If the time comes—and it will since the government has already said it would—the precise form such negotiation will take I am not in a position to say.

The CHAIRMAN: Are there any other questions, gentlemen?

I would like to read the schedule of the veterans' affairs committee for the next meetings—November 7, estimates; November 12, estimates—pension commission; November 14, estimates; November 19, Canadian Corps Association; November 21, National Council of War Veterans Associations in Canada; November 26, Royal Canadian Legion; November 28, War Amputations of Canada; December 3, Hong Kong Veterans Association; December 5, Canadian Council of War Veteran Associations.

There is another point I would like to explain. Next Tuesday the house sits at 11 o'clock in the morning. This will give us one hour, from 10 a.m. to 11 a.m. I hope we will have a quorum on time next Tuesday so that we will be able to get through some of this work on the estimates.

Mr. MILLAR: Mr. Chairman, in connection with what Mr. Rock has said this morning, we are running into this conflict of meetings all the time, and in fairness to the witnesses who have appeared today, it should be explained that I was pulled out of another meeting to come here to form a quorum.

The CHAIRMAN: We are apprised of this difficulty, and this matter has been discussed with the whips. You will find that some action will be taken between now and next Tuesday.

Mr. ROCK: In other words, next Tuesday there will be no conflict with any other meetings?

The CHAIRMAN: We hope not.

Mr. HERRIDGE: You cannot avoid some of it.

HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# VETERANS AFFAIRS

*Chairman: J. M. FORGIE, ESQ.*

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6

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THURSDAY, NOVEMBER 14, 1963

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ESTIMATES (1963-64) OF THE DEPARTMENT OF  
VETERANS AFFAIRS

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WITNESS:

Mr. T. D. Anderson, Chairman of the Canadian Pension Commission.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON VETERANS AFFAIRS

Chairman: J. M. Forgie, Esq.

Vice-Chairman: D. W. Groos, Esq.

and Messrs.

Bigg,	Laprise,	Pennell,
Boulanger, 3	Latulippe,	Perron,
Cadieux, 2	MacEwan,	Peters,
Cameron ( <i>High Park</i> ),	MacInnis,	Pilon,
Clancy,	Mackasey, 1	Prittie,
Émard,	MacLean,	Pugh,
Fane,	MacRae,	Rideout,
Greene,	Matheson,	Rock,
Harley,	McIntosh,	Temple,
Herridge,	Millar,	Thomas,
Kelly,	Moreau,	Webb,
Lambert,	Morison,	Weichel.
Laniel,	O'Keefe,	

M. Slack,

*Clerk of the Committee.*

1. Replaced by Mr. Habel on Friday, November 8.
2. Replaced by Mr. Asselin (*Richmond-Wolfe*) on Friday, November 8.
3. Replaced by Mr. Honey on Friday, November 8.

ORDER OF REFERENCE

HOUSE OF COMMONS, FRIDAY, November 8, 1963.

*Ordered*,—That the names of Messrs. Habel, Asselin (*Richmond-Wolfe*), and Honey be substituted for those of Messrs. Mackasey, Cadieux, and Boulanger respectively on the Standing Committee on Veterans Affairs.

Attest.

LÉON-J. RAYMOND,  
*The Clerk of the House.*

REPORT TO THE HOUSE

THURSDAY, November 14, 1963.

The Standing Committee on Veterans Affairs has the honour to present the following as its

SECOND REPORT

Your Committee recommends that it be granted leave to sit while the House is sitting.

Respectfully submitted,

J. M. Forgie,  
Chairman.

*(Note,—This Report was concurred in by the House on the same day.)*

## MINUTES OF PROCEEDINGS

THURSDAY, November 14, 1963  
(7)

The Standing Committee on Veterans Affairs met at 10.15 o'clock a.m. this day. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Bigg, Cameron (*High Park*), Emard, Fane, Forgie, Habel, Herridge, Honey, MacEwan, McIntosh, O'Keefe, Pugh, Rock, Thomas, Weichel—(15).

*In attendance: From the Canadian Pension Commission:* Mr. T. D. Anderson, Chairman; Mr. E. G. Stockley, Executive Assistant to the Chairman, and Mr. J. E. Walsh, Director, Finance, Purchasing and Stores.

Also, A Parliamentary Interpreter and interpreting.

On motion of Mr. McIntosh, seconded by Mr. Cameron (*High Park*),

*Resolved*,—That the Committee request permission to sit while the House is sitting.

The Chairman tabled a letter from the Director General, Treatment Services, giving information requested by Mr. Herridge at the sitting of November 7, on treatment benefits for veterans. The Committee agreed this letter be printed as an Appendix to this day's Minutes of Proceedings and Evidence. (*See Appendix "A"*).

The Committee then proceeded to consideration of the Estimates of the Canadian Pension Commission.

The Chairman called Item 75—Administration Expenses, and Mr. Anderson was questioned, assisted by Messrs. Stockley and Walsh.

Item 75 was adopted.

Item 80 was called, and the Committee continued to question the witnesses.

Item 80 was adopted.

Item 85 was called and adopted.

The questioning of the witnesses being concluded on the Pension Commission Estimates, at 11.50 o'clock a.m., the Committee adjourned until 10.00 o'clock a.m., on Tuesday, November 19.

M. Slack,  
Clerk of the Committee.

(Note:) The Committee did not sit on Tuesday, November 12.



## EVIDENCE

THURSDAY, November 14, 1963.

The CHAIRMAN: Gentlemen, we have a quorum.

At the outset I have an announcement to make. Next Tuesday we will have the Canadian Corps Association followed by the National Council of War Veterans Associations of Canada on Thursday.

I am going to submit to the meeting this morning the suggestion that we should seek permission to sit while the house is sitting. Our business is piling up and, as you know, we missed a meeting yesterday. It is my wish that we complete this before Christmas. If you are agreeable to this suggestion would someone make a motion to that effect.

Mr. McINTOSH: I so move.

Mr. CAMERON (*High Park*): I second the motion.

Motion agreed to.

The CHAIRMAN: Mr. Herridge requested some information in respect of treatment benefits for veterans. This is a three page document. Is it agreed that this be incorporated as an appendix in the minutes of today's evidence?

Some hon. MEMBERS: Agreed.

Mr. HERRIDGE: Mr. Chairman, I think that would be a good idea.

Mr. THOMAS: Has that document been read to the committee?

The CHAIRMAN: No, it has not.

Mr. THOMAS: I think we should have it read before incorporating it in the minutes.

Mr. HERRIDGE: That would be a duplication of what would appear in the minutes. Dr. Crawford has prepared this memorandum for the committee in respect of this subject and if it is incorporated in the minutes all members will have the information readily available.

The CHAIRMAN: Then, is it agreed that we incorporate this document in the minutes of today's proceedings?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Gentlemen, this morning we are dealing with the estimates of the Canadian pension commission. We have with us as witnesses, Mr. Anderson, the chairman of the commission and Mr. Stockley, the executive assistant to the chairman.

There are three items to be dealt with this morning, namely item 75, 80 and 85 under the Canadian pension commission. These are set out at page 447 of your estimates.

### 75. Administration Expenses, \$2,592,200.

Are there any observations or questions to be directed in respect of item 75?

Mr. THOMAS: Mr. Chairman, does the chairman of the pension commission wish to make a statement at this time?

Mr. T. D. ANDERSON (*Chairman, Canadian Pension Commission*): Not particularly, Mr. Chairman. As you know, I made a fairly complete statement when I appeared before the committee on the bill. I do not think that I could add anything useful at the moment.

Mr. PUGH: It would appear that the expenditures for the last three years are about the same. It would seem they follow pretty close to a set pattern.

The CHAIRMAN: Yes.

Mr. PUGH: I suggest we pass that item.

The CHAIRMAN: Are there any further questions in respect of item 75?

Item agreed to.

Mr. MCINTOSH: One moment, Mr. Chairman. I note that this item lists the administrative and professional salaries and I was wondering if Mr. Anderson would tell us what the professional salaries cover.

Mr. ANDERSON: Which item are you referring to?

Mr. MCINTOSH: Item 75.

The CHAIRMAN: The details on this item will be found at page 456.

Mr. MCINTOSH: Yes, the breakdown will be found there.

Mr. ANDERSON: These are all the salaries of medical officers, medical advisers and pension medical examiners.

Mr. MCINTOSH: They cannot be all medical officers because it says "administrative and professional".

Mr. ANDERSON: What did you say the number was?

The CHAIRMAN: Item 75.

Mr. ANDERSON: Yes, those are all medical. It indicates they are administrative and professional, but under that it says: medical officer 7, medical officer 6, and so on. All those others there are medical officers. There is a total of 58 medical people on the staff altogether.

Mr. MCINTOSH: Well, if they are all medical officers, the bodies add up to more than 58.

Mr. ANDERSON: I am sorry, Mr. Chairman; Mr. Walsh informs me now he has included in this group some of our administrative officers, including the pension counsel, secretary to the Canadian pension commission, and so on. This is the group above a certain salary level in the administrative and professional field.

Mr. WEICHEL: Would they be included in the figures 34 there?

Mr. ANDERSON: The group under the number 34 would all be medical officers.

Mr. WEICHEL: All medical officers?

Mr. ANDERSON: Yes.

The CHAIRMAN: What are the 23?

Mr. ANDERSON: I imagine they would be all medical officers as well, or certainly mostly medical officers.

Mr. MCINTOSH: I would like to know how many of these are full time employees of the Canadian pension commission?

Mr. ANDERSON: All of them are.

Mr. MCINTOSH: All of them are?

Mr. ANDERSON: Yes.

Mr. MCINTOSH: Are they all employed in veterans' hospitals or are they in an advisory capacity?

Mr. ANDERSON: None are employed in hospitals. Some of them are employed at our district offices doing actual examinations of applicants. Then, there are others who are advising the commission at head office.

Mr. McINTOSH: Are they full time employees of the Canadian pension commission or part time?

Mr. ANDERSON: All of them are full time employees of the Canadian pension commission.

Mr. McINTOSH: And they do no other work?

Mr. ANDERSON: No other work.

Mr. McINTOSH: Are there any recommendations to the effect that this number should be decreased or increased? Is the work getting greater or is it remaining pretty much the same?

Mr. ANDERSON: Perhaps I should qualify what I said before about them all being full time employees by saying there are three or four who are working in a dual capacity as senior treatment officers and pension medical examiners. There is one in Newfoundland, one in North Bay, one in Charlottetown and one in London, England. However, they are still full time employees of the department. They are not doing any work outside the department.

In respect of the next question, whether we have sufficient or too many, I would say we have taken on a number in the last six or eight months because of an increase in the volume of work which they have been required to do. But, at the moment, I think our staff is pretty well up to the strength that is going to be required to carry on for some time, unless we get an unexpected increase in the number of applications.

Mr. McINTOSH: Could you give the committee some idea of the type of duties these officers do full time?

Mr. ANDERSON: Well, the pension medical examiners in the district offices examine the actual applicants. These applicants undergo a medical examination before their application is considered and a report goes in from the pension medical examiner. The medical advisers are there to advise the commission in respect of medical matters, just as we have our legal adviser who advises us in respect of legal matters. They never actually see the applicants themselves but go over the information which comes in, including the files obtained from the Department of National Defence and the central registry. A review is made of all the information and a precis is submitted to the commission in respect of the medical aspects of the claim.

Mr. WEICHEL: Mr. McIntosh inquired whether the help you have at the present time is sufficient. Is this about the time when the second world war veterans would be applying in greater numbers than they have before? I am thinking that it is possible the work might increase.

Mr. ANDERSON: Well, this is a very complex problem. We cannot be definitely certain what will happen. It is difficult to judge from the pattern of what occurred following world war I because the situation was so entirely different at that time. They were not as well provided for at that time and a good many came along much later than they normally would have had they been given access to the sort of thing that the second world war veteran is getting. As I say, it is difficult to judge. There are two factors, one operating against the other, in this important picture. Of course, one is that our comrades from world war I are now passing away fairly rapidly, which is bringing about quite a decrease in the number of world war I veterans in recent months.

Mr. WEICHEL: But would not their place be taken by the second world war veterans at the present time?

Mr. ANDERSON: Yes. There is one significant thing about this; the figures indicate an actual drop, I think, in the number of applications from world war II pensioners dealt with this year for the first time since world war II, so it

would appear, all things being equal, that the volume of work may in the fairly immediate future start to drop off a bit. However, as I said, there is no real indication of that at the present time.

Mr. WEICHEL: The reason I asked that question was that I heard a man speaking some time ago and he stated that he felt the work was pretty well completed in respect of the veteran, and I then inquired about the world war II veterans; he replied that he was not thinking about that.

Mr. ANDERSON: There is no indication it is completed at the moment, but there is the possibility it may start to drop off. We must also consider that these claims are becoming more and more difficult to deal with. They take a good deal longer to deal with the farther away we get from the war.

Mr. WEICHEL: You probably are receiving more applications now from those men who got out of the army and then had some disability and, of course, they are coming back now.

Mr. ANDERSON: Yes.

Mr. WEICHEL: You are receiving more of this type?

Mr. ANDERSON: Yes.

Mr. MACEWAN: In respect of this breakdown of the medical officers, are they general practitioners or specialists?

Mr. ANDERSON: They vary. There are some specialists but they are mostly general practitioners, men who have been in practice a number of years.

Mr. PUGH: Are they living here in Ottawa?

Mr. ANDERSON: The medical advisers all live here but the pension medical examiners, as I implied earlier, are out in the districts where they conduct the physical examinations of the applicants.

Mr. PUGH: Do the medical advisers ever go out when a board meeting is being held in order to sit with that board?

Mr. ANDERSON: This has never been done in my time and I do not think it was done previously.

Mr. PUGH: These men assess the information which comes in from medical reports made on the spot. I know they advise you on the evidence, but have we any record where they have sent it back, for instance, for a re-board.

Mr. ANDERSON: Yes.

Mr. PUGH: That is, prior to you hearing it here.

Mr. ANDERSON: Yes. This is particularly true of assessments.

Mr. PUGH: I have one more question. Are many of these sent back for a re-board?

Mr. ANDERSON: I would not want to quote any figures but I would say a very small number are.

Mr. PUGH: So they are really here advising the board on information which they already have received?

Mr. ANDERSON: Yes; that is their basic responsibility.

Mr. THOMAS: How much weight is given to the medical report made on a veteran when he enters the service? I have run into a number of cases where it seems that it is very difficult for a veteran 15 or 20 years after service to establish a claim that his condition of health deteriorated as a result of service, when he was taken into the service as an A-1 man. However, when he left the service he reported that he had some aches or pains and discomforts somewhere, but this was not very seriously regarded. Now, 15 or 20 years later he comes back; his health has deteriorated further and he claims a pension.

There is a tendency, I think, for the medical examiners to go away back to his childhood; they do not give any weight to the fact that he went into the service as an A-1 man. As I say, they go away back to his childhood and see if they can pick up some information to the effect that he had a cold or that he had some injury during childhood which affected his health at a later time. They seem to give more weight to that type of information than they do to the fact that he was taken into the army in A-1 condition. Have you any comments to make in that respect, Mr. Anderson?

Mr. ANDERSON: I would comment to this extent in connection with your question; I would say that our pension medical examiners and medical advisers do not deliberately attempt to go back into the man's ancient history in an endeavour to find some factor which will lead the commission to believe the man had a pre-enlistment condition. If evidence comes up in the course of their investigation it is put forward, but they do not deliberately set out to find some means to prove to us that this man had a pre-enlistment condition. I am afraid there are people who feel that they do that sort of thing, but I can assure you they do not. They simply go through the man's file, the evidence that is available to them, and whatever evidence they find they put it on record and we deal with the case on that basis.

Mr. HERRIDGE: Mr. Chairman, I would like to put a question in that connection. Would Mr. Anderson advise me how they get evidence as to a pre-enlistment condition? Is such evidence recorded on the file in the district?

Mr. ANDERSON: Well, certainly in the majority of cases this is the sort of thing which happens. The man gets a disability during his period of service; he goes in and the medical officers at the unit examine him. He tells the doctor at that time: I had so and so back when I was ten or twelve years old, or perhaps three years before the war, and the medical officer puts this information down on his record.

Mr. WEICHEL: I would like to make this point: sometimes these medical reports to which you are referring include also what might have happened to your father and mother.

Mr. ANDERSON: Well, it depends on what questions the medical officers asked the man. If he is looking for a complete history he will ask certain questions which will bring out certain answers.

Mr. WEICHEL: It seems to me that I was asked the question whether or not my mother and father had any serious illnesses.

Mr. ANDERSON: You are speaking now at the time of enlistment, I presume?

Mr. WEICHEL: Yes, that is right.

Mr. THOMAS: From my experience with doctors I assume that is standard practice. You can go to any doctor and the first step in the examination is to question you very closely about your whole past medical history.

Mr. ANDERSON: Yes, that is right.

Mr. THOMAS: I raised the question of whether the medical examiners try to go back into this past history to see if they can find out certain things. Now, perhaps it is not that they try to go back but it is a natural thing for them to go back. The point I was trying to make is that it seems that more weight is given to childhood diseases and what happened prior to a man's enlisting than the doctor's report on the man's enlistment, when he was accepted in A-1 condition.

Mr. ANDERSON: Of course, this could lead to an interminable argument. There really are no facts to prove it one way or the other. But, as I said before, I do not think that either the pension medical examiners or the advisers nose

around to try to find evidence which would prohibit the man from getting a pension; they give us the facts as they see them and the commission makes their decision based on those facts.

Mr. HERRIDGE: Mr. Chairman, this discussion interests me very much because it is so different from my own personal experience, if you would pardon me for making a personal remark. Was there a difference in the form of enlistment during the first world war and the second world war? I know when I enlisted in the first world war there were a dozen of us passed the doctor in about three minutes. He said we were wonderful physical specimens, smacked me on the bottom and said: "away you go".

Mr. MCINTOSH: We all make mistakes, Mr. Herridge.

Mr. HERRIDGE: We were not subjected to any investigation in respect of our pre-enlistment medical history.

Mr. ANDERSON: I can only speak from my own personal experience; I was given a very careful medical examination on enlistment.

Mr. EMARD: Mr. Chairman, I understand we have an interpreter here today and, as it is easier for me to speak in French, I will do so.

Mr. EMARD (*Interpretation*): Mr. Chairman, at the last meeting I understood it was said that there was a \$750,000 surplus. Would it not be a good suggestion to use that surplus to raise the veterans' pensions? Those pensions have always been too low, lower than they should be and they should have been raised earlier. Why do we not use this surplus to raise the veterans' pensions?

(Text):

Mr. ANDERSON: Mr. Chairman, this is a question that I cannot decide. You, gentlemen, will have to decide that.

Mr. EMARD (*Interpretation*): Has any step been taken to show the Department of Veterans Affairs that this surplus could be used to raise the veterans' pensions?

(Text):

Mr. ANDERSON: I have never taken any steps in that direction. Usually what happens is this: parliament decides they want to raise the pensions, so they ask me for detailed information when the decision has been made, and I give them whatever information they require.

Mr. HERRIDGE: Would it be correct to say the pensions would be lowered if you overspent?

Mr. ANDERSON: I do not understand what you mean.

Mr. HERRIDGE: The question was that there was a surplus and on the basis of the surplus the commission should recommend an increase in pensions, but on that basis the pensions would be lowered if you overspent.

Mr. EMARD (*Interpretation*): When we ask that the veterans' pensions be raised, is not the reason for not doing so the fact that there is not enough money?

(Text):

Mr. ANDERSON: There again that is something that only you gentlemen can answer. Thank goodness I do not have to raise the money.

Mr. WEICHEL: Seven hundred and fifty thousand dollars would not go far to raise the pensions.

Mr. HABEL: What would be the number of veterans getting pensions?

Mr. ANDERSON: We can give you the figure.

Mr. MCINTOSH: Is this question not irrelevant to the subject before the committee this morning?

The CHAIRMAN: I think it is.

Mr. McINTOSH: On a matter of procedure, what the gentlemen in the committee are asking is that a recommendation be made to the government that pensions be raised. This is a separate item which should be brought before the committee. Whether or not the pensions should be raised has nothing to do with the subject before this committee.

The CHAIRMAN: We have entered a foreign field at the moment, but we will soon get back on the road after this question is answered.

Mr. ANDERSON: I am sorry, I do not seem to be able to find those figures although we have them somewhere.

Mr. S. G. STOCKLEY (*Executive Assistant, Canadian Pension Commission*): The number of pensions combined for world war I and world war II is 182,713.

Mr. WEICHEL: Would that include the war veterans' allowances?

Mr. ANDERSON: No, just the disability pensions.

Mr. THOMAS: You mean those now in payment?

Mr. STOCKLEY: Yes, as of June 1963, the figure is 182,713.

Mr. McINTOSH: My first question concerns Mr. Anderson's reply to my previous question. These medical officers who are employed by the department are employed purely in an administrative capacity. Is that correct? Do they give any treatments whatsoever?

Mr. ANDERSON: I am not sure which officers you are speaking about. There are two groups of medical officers: Those at a district office when an applicant is examined, and the medical advisers at headquarters who advise the commission.

Mr. McINTOSH: Can we break those down into numbers? What are your requirements?

Mr. ANDERSON: How many medical pension examiners have we and how many medical advisers?

Mr. STOCKLEY: At head office we have 19 medical advisers, and in the district office we have 39 medical officers of whom four are part time, doing double duty as pension medical examiners and senior treatment medical officers. In their capacity as senior treatment medical officers they are involved in the provision of treatment.

Mr. McINTOSH: As a civilian it seems to me there are a great number of medical officers employed by the commission. I would ask the chairman whether in his opinion they are all required.

Mr. ANDERSON: If we are going to follow the procedure we have in the past, they are. We would require a very drastic change in our procedure if we were to attempt to reduce our medical staff.

Mr. McINTOSH: Have you thought of changing the procedure and is there any necessity for changing it?

Mr. ANDERSON: It has been carefully considered and under the existing circumstances we have felt it is not practicable at this stage.

Mr. McINTOSH: What is it that makes you believe there should be a change?

Mr. ANDERSON: It has been suggested. I would not admit that I personally think there should be a change. My investigation led me to believe that we should continue under the existing conditions. It has been suggested that we do not need medical advisers at the head office.

Mr. McINTOSH: You mean the 19 referred to? These 19 medical officers at the head office I presume are all full time employees of the commission, are they not?

Mr. ANDERSON: That is right.

Mr. McINTOSH: And they are employed daily at the head office in going over applications? Has there been a decrease in the number of applications since you have taken over as chairman of the commission?

Mr. ANDERSON: No, there has been an increase.

Mr. McINTOSH: And has the trend, since you have taken over, been towards an increase in the number of these applications?

Mr. ANDERSON: It has varied from year to year. Some years it has been down a bit from the previous year, other years it has been up. At the moment it is up over what it was last year.

Mr. McINTOSH: I remember that in the previous committee meeting there was a trend shown by a graph which indicated that up to a certain year we could expect so much and after that there would be a drastic drop-off. Can you give the committee any information on when that peak will be reached and when the drop-off can be expected?

Mr. ANDERSON: It was originally suggested that 1962, based on experience following world war I, might be the year in which that would happen. However, we discovered that our prognostications along that line were not correct. It just did not happen. Although, as I say, our total annual pension liability is going down and has gone down from \$175 million odd to \$172 million odd this year, this is not because of any decrease in the number of applications but rather because of the passing away of world war I veterans, and even now some second world war veterans have passed away, as well as the fact that children have reached the age limit and are coming off pension. As I say, the total number of applications during the last fiscal year was higher than the previous fiscal year.

Mr. McINTOSH: In other words, you do not think you have too many medical officers?

Mr. ANDERSON: No. In 1959 we reduced the number but we had to replace them later on.

Mr. McINTOSH: Are they fully employed?

Mr. ANDERSON: Yes, and they have a fairly heavy backlog of work on their desks.

Mr. WEICHEL: I suppose the 19 advisers would be made up of civilian ex-servicemen?

Mr. ANDERSON: All of them at the moment with a record of service in theatres of war.

Mr. McINTOSH: In regard to the commissioners, I notice here that provision is made for 15 this year which is an increase of one over last year. According to the act it seems to me there were 13 commissioners originally and I do not remember any amendment to the act. There were also eight ad hoc commissioners. Is that not right?

Mr. ANDERSON: No, there is provision for 12 full time commissioners, which is the maximum, and five ad hoc commissioners. The total is 17 commissioners which is the maximum under the act.

Mr. McINTOSH: Has their salary increased at all?

Mr. ANDERSON: In 1961 the salary was increased.

Mr. MACEWAN: I would like to ask what is the breakdown of these medical officers, how many of them are general practitioners and how many are specialists.

Mr. ANDERSON: We have five departments dealing with different types of conditions and we try to head those departments with specialists in that par-

ticular line of work. Normally we attempt to keep five specialists, although we have not always been able to keep that many.

Mr. MACEWAN: At the head of each department? How many officers are there on the pension commission itself?

Mr. ANDERSON: Four at the moment. This changes from time to time.

Mr. MACEWAN: Are they specialists or general practitioners?

Mr. ANDERSON: We have one who I am sure is a specialist, but the other three are general practitioners.

Mr. MACEWAN: When it comes to a matter of a specialist's report from an area—from Kemptville or any other hospital—do you feel that the medical advisers and the medical men on the commission give full weight to these specialists' reports when they reach a decision?

Mr. ANDERSON: I am satisfied they do.

Mr. MACEWAN: And of these specialists in the various areas what are the part time specialists paid and on what basis?

Mr. ANDERSON: I am not sure to which group you are referring. Are you speaking now of these pension medical examiners in the field who are operating in a dual capacity?

Mr. MACEWAN: I mean those who come in on a part time basis such as, say, a surgeon.

Mr. ANDERSON: We do not normally employ part time specialists in our work. If we feel we need further information we do send our applicants to specialists for an examination but they may be consultants with the Department of Veterans Affairs, in which case they are paid by the Department of Veterans Affairs and we are not involved. On the other hand, we may have to pay a special fee to get advice from a certain specialist whose advice we feel we need, and they are usually paid by us. We have one specialist who comes in periodically. He is a psychiatrist and he advises us on questions dealing with psychiatric problems. We pay him on a part time basis. I cannot tell you what the exact figure is.

Mr. EMARD (*Interpretation*): Mr. Chairman, could you advise me if your duties are limited to the administration of pensions or can you make recommendations to the minister to the effect that the pensions are too low and they should be increased or that some other administrative services should be provided?

(*Text*):

Mr. ANDERSON: We would give such recommendations only if the minister requested it.

Mr. PUGH: To go back to the duties of the medical advisers, as I understand it every file that comes up goes through the medical advisers first. What information do they give to the Canadian pension commission before the hearing?

Mr. ANDERSON: They give us what we call a white slip containing all the medical evidence which they have been able to dig up from the file, from examinations by the pension medical examiner, from their medical records during service, and so on. This is their responsibility, to assemble all this material. They prepare this on a white slip and it is submitted to us as the complete medical evidence with regard to this claim. It is the medical evidence that is available at that point.

Mr. PUGH: Is it made available to the applicant?

Mr. ANDERSON: Yes.

Mr. PUGH: Is it made available prior to the hearing?

Mr. ANDERSON: The advocate has access to the files and he can also see these medical white slips if he wants to look at them.

Mr. PUGH: Is that normal routine, to have these sent out?

Mr. ANDERSON: Yes, the advocate has complete access to all of these items of evidence which pertain to the claim. He has that right under the act. What he does in effect or what he actually does is to prepare a long precis covering all of this. He certainly has complete and unobstructed access to any information he requires.

Mr. PUGH: Does the written report contain a recommendation to the Canadian pension commission as to whether or not it should be accepted?

Mr. ANDERSON: Most frequently it does, but not necessarily in all cases.

Mr. PUGH: Do they lend weight in this report to medical evidence submitted by the man's own doctor?

Mr. ANDERSON: Yes.

Mr. PUGH: Is it assessed before it comes to you and is a decision taken on what weight should be attached to that report as against the previous medical reports or the man's enlistment medical report?

Mr. ANDERSON: Yes, the medical advisers will comment on it frequently, not always. They express their views on it.

Mr. PUGH: Do they sit along with you on the board?

Mr. ANDERSON: No.

Mr. PUGH: Do you not think that might be advisable so that you could question them when you needed to?

Mr. ANDERSON: It has not posed a problem up to this point because if the commissioners need further information they simply refer back to the medical advisers and ask them to provide further comments.

Mr. McINTOSH: Can I ask a supplementary question at this point? This was one of the questions I was going to ask. In the case of an applicant having a doctor at his hearing on his behalf and the doctor giving professional evidence before the board which may be contradictory to the evidence already received from his own medical adviser, is there any opportunity for those two medical men to get together to discuss the differences of opinion in regard to this particular case?

Mr. ANDERSON: There is always a doctor on the board and he will discuss the matter with the medical man who is giving evidence.

Mr. McINTOSH: Would he be one of the commissioners?

Mr. ANDERSON: That is right.

Mr. PUGH: I want to follow on with my questioning. There is a medical doctor as part of the board; is that correct?

Mr. ANDERSON: He is a member of the board.

Mr. PUGH: Is he acting on the board as a member of the board or as a doctor?

Mr. ANDERSON: As a member of the Canadian pension commission.

Mr. PUGH: How much weight do you attach to his statements?

Mr. ANDERSON: No more weight than to any other member's statements.

Mr. PUGH: But you mentioned he sat in with the board and that he would discuss the case with any other doctor. Should that discussion not take place prior to the hearing? I am thinking here of the medical advisers, not the members of the Canadian pension commission. Is there any discussion at that time with the medical adviser himself?

Mr. ANDERSON: I am not too clear as to what you mean, sir, but what happens is this, the medical adviser certainly reviews all the reports from any of

the medical people, who are submitting medical evidence. They go over it. They then comment on it in their white slip. When the case goes to appeal, the doctors giving evidence in support of the claim before the appeal board are questioned by the medical officer on the appeal board in order to bring out the medical questions which are of interest to all three members of the board in reaching a decision. Of course, naturally the doctor is the only man on the board who can really ask questions with regard to technical medical problems. He does this in order to bring out these points for the benefit of the other members of the commission. All this material is available to the commission at that time. I am not sure there would be any particular advantage to have the medical examiner who cannot make a decision in regard to the claim. He can make recommendations but he cannot make a decision. The commissioners do that.

Mr. PUGH: These recommendations he makes to the commission as a medical adviser are naturally going to carry a lot of weight. However, getting back to this business of attendance at the time of the appeal, would it not be better to have one of the medical advisers there?

Mr. ANDERSON: You mean present at the appeal board session?

Mr. PUGH: Yes. Do you have a legal adviser and does he sit along with you?

Mr. ANDERSON: Not at appeals.

Mr. PUGH: You mentioned that when there is a point on which you are dubious you refer it back to the medical adviser. I suppose the same thing applies to the legal side. What I am suggesting is that if they were present at the time of the hearing, the whole matter could be settled right away. Probably the person who is there on behalf of the veteran could question the medical adviser at that time. In other words, if there is a particular medical point, he would not just discuss it with the member of the Canadian pension commission but he would cross-examine the medical examiner on why he reached the conclusion he did as set out in the white paper. I would say this could be advice in favour of the veteran or against him. That could give him a bit of weight with the members of the pension commission. Would it not be better to allow the veteran to cross-examine the medical adviser at the time?

Mr. ANDERSON: There are a number of problems which could arise in connection with that particular procedure. First of all, by the time the claim gets to appeal it has gone through at least first and second hearing and sometimes has had an initial ruling and four or five hearings. There may be a different medical adviser who deals with this claim at each of these various hearings, so that in order to carry out completely what you have suggested, it would be necessary to have four or five medical advisers sitting on the board. As I told you, the hearings are held in all parts of Canada, so you would run into a great deal of additional expense to move these people around. It has always been accepted as sufficient that a medical officer sit on the board and that he be a trained doctor who is capable of asking any questions with regard to these details and who is also capable of answering questions that any of the witnesses may ask.

Mr. PUGH: To follow that up, could you tell me how many medical men you have sitting on the board?

Mr. ANDERSON: As members of the Canadian pension commission? Four.

Mr. PUGH: Would you not run into the same difficulty if these appeals are heard all over Canada?

Mr. ANDERSON: We only have two boards on the road at any one time.

Mr. PUGH: To get back to the white slip medical recommendations from the medical advisers, they would be prepared before the first hearing, would they not?

Mr. ANDERSON: The white slip which is dealt with by the commission at first hearing is prepared before the first hearing.

Mr. PUGH: Then at each additional hearing there is a brand new white slip. From your experience, has there been any change in the white slip as the hearing progresses?

Mr. ANDERSON: Different medical advisers will express different opinions. This is natural. If you have the claim dealt with by three or four different medical advisers, you are apt to get a fair variety of opinions.

Mr. PUGH: That would be all to the good. I have no criticism there. I want to find out the procedure.

Mr. McINTOSH: On the same point, referring to these white slips that are passed to the commission by the medical advisers, they are professional findings from a man's file. Is there no transcript of evidence taken during these hearings? If a doctor appears with the applicant there is no record of his remarks, that can be passed on to these medical advisers who provide you with a white slip, on the different opinions that they have provided to the commission in the first place.

Mr. ANDERSON: There are no witnesses appearing at a hearing. This is paperwork. You have no witnesses appearing there. They only appear when you come to the appeal. The only thing that happens on an appeal is that the evidence in the white slip is available with other details of the claim and the decision is made, whether it be favourable or adverse. But, at appeal board hearings where the claim is rejected a transcript of medical evidence is made; it is reported verbatim.

Mr. McINTOSH: I am thinking of certain findings of the appeal board which I have read in respect of, say, such disease as multiple sclerosis, where it said "this disease is not necessarily the result of the man's service". Then you speak to other medical doctors and they say there is no way of determining how this disease starts. But, in some cases your commission have given pensions for victims of multiple sclerosis and in others they have not. How would your medical staff determine whether or not it was attributable to service?

Mr. ANDERSON: They would simply go through every scrap of medical evidence they could find, and if the evidence was sufficient to indicate there was some development of this condition during the man's service they would say so. This is the basis upon which it would be done. On the other hand, if there was nothing to indicate the man's service had anything to do with the condition they would also say so, and this would be the basis on which we would make the decision.

Mr. McINTOSH: I find that very hard to accept, from the experience I have with the commission. I had one case in which a flyer was taken off flying because he had these dizzy spells which, I understand, is one of the early symptoms of multiple sclerosis. It was the first time he noticed any symptoms at all, and your commission did not give him a pension. And, I know of other cases with less glaring—if I might use that word—evidence, and you have given a pension.

Mr. ANDERSON: This is a problem with which we are faced, as I tried to explain the other day. I am not a doctor and I am not going to start arguing whether dizzy spells have anything to do with multiple sclerosis, and—

Mr. McINTOSH: If I may interrupt you, I am not criticizing you as chairman; we are trying to bring out the weaknesses in the procedures we have now. That is why I asked my original question. Have you recommended any changes in this connection? This is not a dispute between myself and yourself, but I do not think the present system is correct.

Mr. ANDERSON: I want to add to what I said. I think most doctors will tell you that dizzy spells can be caused by one of a hundred different things, and this is our problem. They get the report a man had dizzy spells and they have

to decide in their best medical judgment whether or not this was the beginning of multiple sclerosis; sometimes they decide it was and sometimes they decide it was not, and they so recommend.

I realize this is not a perfect system; probably there are people who have every right to be receiving pensions and do not get them. But, this is the best we can do.

Mr. McINTOSH: Would you recommend any changes which would make it better?

Mr. ANDERSON: Well, a good many people who are a good deal wiser than I am have given thought to it and suggested recommendations. I may say that I have too, both as a member of the commission and in my capacity when I was with the Canadian Legion. I am certain the procedure has developed and improved over the years, and it will continue to do so. Unfortunately, we cannot have perfection immediately, and probably never; all we can do is strive to do the best we can and improve these things as we go along. This is what we have done. I know this is a general statement but this is the sort of thing you cannot expand on any more than I have done.

Mr. McINTOSH: Another type of application with which you have trouble is in respect of a deep injury caused by a blow, resulting in a malignant tumour which ultimately may result in amputation of one of the limbs. I have run across two cases of this during the last week.

Mr. ANDERSON: We have trouble with all these types of cases because medicine is not an exact science. Doctors will disagree amongst themselves on how a certain disability arose. In the final analysis we take a cross section of the best possible available advice we can get and deal with the claim on that basis. Again, while some doctors would say perhaps the cancer was caused by this traumatic incident, others would say it had nothing to do with it.

Mr. McINTOSH: Would you say that a broadening of the interpretation of clause 70 would solve some of the problems?

Mr. ANDERSON: I recall a few years ago that three gentlemen who were members of this committee at that time went to a good deal of trouble to revise clause 70, and I thought they did a good job on it.

Mr. McINTOSH: Did I understand from your previous evidence that there were some clauses in this Pension Act which you, as a layman, could not interpret?

Mr. ANDERSON: No, I did not say that.

Mr. McINTOSH: You will not admit it now?

Mr. ANDERSON: No; I admit some are difficult to interpret but I will not admit I cannot interpret them.

Mr. McINTOSH: Then you as a layman feel capable of interpreting this act as it is drawn up by legal experts?

Mr. ANDERSON: Yes, I feel quite capable, and the same could be said of all our commissioners. I am not going to say that my interpretation may agree with yours and it does not mean that your interpretation is going to always agree with mine.

Mr. McINTOSH: I would say mine is wrong because I do not understand legal phraseology. I do not think parliament intended that I should be able to interpret that because they hire experts who daily are dealing with the terminology to be interpreted by legal men.

Mr. FANE: They cannot understand it either.

Mr. WEICHEL: Does a request of a veteran to see his local doctor for treatment come under the supervision of the director general, Doctor Crawford, and his treatment service?

Mr. ANDERSON: Yes.

Mr. WEICHEL: It would not come under your department?

Mr. ANDERSON: No.

Mr. HERRIDGE: Mr. Chairman, I have two questions to ask. First of all, I must take exception to Mr. McIntosh's statement that members of parliament pass legislation which they do not understand. I think it should be recorded that that is not the case.

Mr. MCINTOSH: Have you any proof to back up your statement?

Mr. HERRIDGE: May I ask this question: under what circumstances would any person other than one of the commissioners or their officers, or any of their staff, or the veterans' advocates, have access to a pension applicant's file?

Mr. ANDERSON: The applicant himself never has access to his own file. You are probably aware of that. This is a regulation of the department. But, the act spells out exactly which persons or organizations should have access to the files, and that includes the advocates and the veterans' organizations which, of course, are chartered organizations. I do not know that there is any other limitation placed on it other than that. If they are qualified advocates and representatives of these particular organizations they are free to review the file at any time they deem it necessary.

Mr. HERRIDGE: Would any person other than a person representing an organization have the right to review the file with the applicant's permission?

Mr. ANDERSON: If he wants to appoint that man as his advocate and signs an authority to that effect, yes, we do give him permission to read the files.

Mr. HERRIDGE: I will now come to my second question. Does the Auditor General spot check payments made under the authority of the Pension Act in order to prove their legality in every case?

Mr. ANDERSON: You mean spot checks here and there?

Mr. HERRIDGE: Yes.

Mr. ANDERSON: Yes, this is done.

Mr. HERRIDGE: Then you have to take that into consideration.

Mr. ANDERSON: Yes.

Mr. HERRIDGE: You are certain in every case the pension has been awarded to the best of the commissioners' knowledge under the terms?

Mr. ANDERSON: Yes.

Mr. BIGG: There is one point, Mr. Chairman, which I wish to clarify for the benefit of the whole committee. I know from my own personal experience that when an applicant asks for a pension he can bring in an almost unlimited number of witnesses on the advice of his advocate and so forth. In fact, he can make a statement on his own, so any history he has naturally would come out. If the board does not think the applicant is doing the best for himself—and I think this might be so, in view of the man's temperament and so on; he may be covering up his own physical injuries and does not want to admit he is incapable of working and so on—will it participate on his behalf to see that his case is properly brought before it?

Mr. ANDERSON: At appeal boards this is left very much to the advocate. But, where members of the appeal board feel a man is not presenting his claim too well and the advocate for one reason or another is not bringing out the full facts, they can ask the man a number of questions which will bring out all the evidence he has. There is no question about that. Their purpose is to see that justice is done. If they feel that the man has a good claim they do their best to establish it.

Mr. HERRIDGE: I have one more question which I forgot to ask. Is there any case on record where the Auditor General has questioned payment under the Canadian Pension Act?

Mr. ANDERSON: Yes. I cannot recall any specific one but there has been the odd case in which we have granted a pension and he has questioned our right to do that.

Mr. HERRIDGE: That objection would be on legal grounds rather than on medical grounds?

Mr. ANDERSON: Yes, on legal grounds.

Mr. MACEWAN: Do these medical advisers and members of the commission periodically take refresher courses in the various medical fields?

Mr. ANDERSON: We have had some difficulty doing that recently. There was a time when they used to go back on the wards for a period of time to acquire a bit of experience and so on. But, within the last three or four months we have been so busy dealing with these various claims we have not had an opportunity to send them out. However, we have a plan under consideration now whereby we do hope we can get them back into the wards and hospitals in order to bring them up-to-date on various conditions.

Mr. MACEWAN: Do the members of the board or the advisers attend various medical associations provincially and so on? I know they often have refresher courses in the various fields of surgery, internal medicine and so on.

Mr. ANDERSON: Not as frequently as I would like them to, but they do. They have attended meetings of the Canadian Medical Association and that sort of thing.

Mr. PUGH: In respect of these 19 medical officers, how long have they held their appointment?

Mr. ANDERSON: Oh, it varies all the way from 15 years down to six or eight months. We have taken on new people within the last six or eight months, but we have had people there for 15 years.

Mr. PUGH: I take it they do go on until retirement?

Mr. ANDERSON: Yes.

Mr. PUGH: And, that would be normal?

Mr. ANDERSON: Yes.

Mr. PUGH: What is the turnover?

Mr. ANDERSON: It is fairly heavy. As a matter of fact, I think of these 19 medical advisers there are only about three or four at the most left who were there when I went to the commission five years ago, so it is a very heavy turnover. We lose a good many of our doctors because of heart attacks. They seem to be subject to heart attacks. On the other hand, many of them, of course, have retired. During this particular five year period we have had a good many of the first world war doctors, that is, who were veterans at that time reach retirement age, and this has caused a rather more rapid turnover during that five year period than is normal.

Mr. PUGH: And, probably in all cases they would go straight in from practice as a G.P. or specialist.

Mr. ANDERSON: Yes.

Mr. PUGH: So, the refresher course might not be that important?

Mr. ANDERSON: That is right.

Mr. PUGH: I have one more question, Mr. MacEwan asked whether the present system was the best system; you mentioned procedures, and then did I gather from you that you had given it a good deal of thought, and probably the

Canadian pension commission? Then you went on to say: I am not in my own mind sure that a change should be made. How far has that examination or thinking gone in order that the system might be improved?

Mr. ANDERSON: Well, we of the commission have the procedures and the system and so on constantly under surveillance. We are watching it all the time. Administratively we strive to economize and on the other hand the veterans' organizations, such as the Canadian Legion, are watching this all the time. They are always seeking means to improve the legislation.

Mr. PUGH: Did you have it in mind that the doctors who made the examinations might not be writing the white slips?

Mr. ANDERSON: That question has been considered, yes.

Mr. PUGH: Would there not be a tremendous saving in actual dollars if they were to do so?

Mr. ANDERSON: Yes, there would indeed.

Mr. PUGH: In other words, it could cut the staff here down to a minimum simply because they would be there. I would hope that at the same time the medical adviser would be sitting with the board at the time of the appeal, and he could have all that information and make his own recommendations at the time, and be there subject to cross-examination—no, I should not say that, but to give an explanation of the medical opinion which he had arrived at?

Mr. ANDERSON: Yes.

Mr. PUGH: It would seem to me that actually there would be a tremendous saving of money there. In other words, I cannot help but think that there is a lot of duplication going on.

Mr. ANDERSON: Yes. This very question, as you say, has been very carefully considered not only in recent years but in years gone by. There are some practical difficulties in the way of the suggestion. For example, there is only one head office file and one set of service documents. It would pose a bit of a problem in order to get these distributed around to the various areas. However, this is not an insurmountable problem, and it could be done.

Mr. PUGH: When a man applies in the beginning, does the file not go out with the pension commission?

Mr. ANDERSON: The service documents normally do not go out to the districts. They could go out if they were required.

Mr. PUGH: At times would not the white slip go out of the first hearing?

Mr. ANDERSON: White slips do not go out. They are dealt with by the commission only. They do not go out either to the man or to the pension advocates.

Mr. PUGH: If you have an examination, let us say, and you have a doctor in Vancouver, at the same time he would probably go over the other medical evidence. In other words, the man, prior to coming up for pension, would have seen his own doctor who would probably say "this is pensionable and you should take it up; and as a result he would follow it through. I am still trying to get it back to the point where you consider the man's case right at the time; then if there is any pre-existing trouble disclosed on his documents, they could be forwarded. Once again, it would be obtaining it right at the point where the man is, and not away down the line, not forgetting the final appeal.

Mr. ANDERSON: You suggest that only a limited amount of evidence from the man's service documents need be seen, and that the white slip could be prepared at that level.

Mr. PUGH: Yes, or the whole file.

Mr. ANDERSON: This could be dangerous to the applicant himself in that I do not think it would be wise to have a recommendation with regard to the

medical evidence made to the commission without a thorough and complete review of all his medical documents. I think this should be done in fairness to him. This is where we ran into some of the difficulties we inevitably run into if we try to have P.M.E. do the complete job.

Mr. PUGH: What do you mean by P.M.E.?

Mr. ANDERSON: Pension medical examiner, the men out in the field, prepare the documents for us.

Mr. PUGH: Have you any other changes in mind? I am thinking of the fact that you are looking at it with a view of either keeping the present administrative set up or making changes.

Mr. ANDERSON: I would not at the moment be prepared to make any drastic administrative changes. If we were going to make any very drastic administrative changes in respect of the medical examining and advisory establishment, it would have to be carefully reviewed and looked into before we did anything in order to ensure that the applicant himself would not lose a good deal by it. Right at the moment I am not prepared to recommend any drastic changes in our existing procedures.

Mr. PUGH: There is one further weakness in the method of appeal which arises out of necessity. A man may have been going to his own doctor who knows his history fairly thoroughly. He may have been doing that for quite a number of years. Yet all that you have here or nearly all, is the note of the doctor himself with regard to his treatments, plus his recommendation. This would seem to me to be an actual weakness; and if medical evidence is brought in, from the Canadian pension commission point of view, to the contrary, or at a slight variance, it would seem to be something concerning which there should be some method of talking these things over, which might set forth how they reached their conclusion, and it might work more in favour of the veteran.

Mr. ANDERSON: Again you refer to the appeal board where the man himself appears before the appeal board of three commissioners.

Mr. PUGH: Yes, but without his own doctor.

Mr. ANDERSON: Oh, he may have his own doctor if he considers it necessary.

Mr. PUGH: Who would pay for it?

Mr. ANDERSON: The government.

Mr. PUGH: It might be hard to get a doctor to come down to Vancouver from, let us say, the interior of British Columbia. I am thinking of a man in practice who has his book filled up for days and days in advance.

Mr. ANDERSON: We try to hold boards in locations convenient to where these people are. We do hold boards in the interior of British Columbia, even up at Prince Rupert, Whitehorse and so on.

Mr. HERRIDGE: There has been a big improvement in this respect over a long period of years.

Mr. BIGG: Many pensions are granted forthwith and it is not necessary to have this centralized.

Mr. ANDERSON: Oh, no.

Mr. BIGG: An amputee usually gets his pension right away.

Mr. ANDERSON: That is right.

Mr. BIGG: But after many years the history becomes complicated. Suppose it were a case of diabetes or something like that. You would need a lot of evidence.

Mr. ANDERSON: That is right.

Mr. BIGG: Your machine is set up to handle this type of case and if we changed it drastically, while it might help in one case, it might not help in ten others.

Mr. ANDERSON: I think that is true, yes.

Mr. MCINTOSH: Does Mr. Anderson think there is duplication, and that when the P.M.E. is in the district, the white paper should also be given to your commissioners?

Mr. ANDERSON: No. They simply submit their report on the actual physical examination which they conduct. Their report is a much more personal document in so far as the applicant himself is concerned than is the medical adviser's white slip, because it deals with the actual condition that the man is in and so on. They also, of course, suggest to the medical advisers concerning the extent of the disability and so on. That is their responsibility.

Mr. MCINTOSH: The medical records of the individual applicant are not available to the P.M.E. at the time they make their actual physical examination.

Mr. ANDERSON: Not the complete records, no.

Mr. MCINTOSH: At no time could they be?

Mr. ANDERSON: Yes, they could get them if they felt that they required them.

The CHAIRMAN: Shall item 75 be adopted?

Mr. MCINTOSH: I notice they have 22 technicians listed on page 457, where it says:

Vote 75 (*continued*)

Salaried positions: (*continued*)

Technical, operational and service: (\$4,000—\$6,000)

Can you get that for us?

Mr. ANDERSON: I think these would be dictaphone operators and that sort of thing.

Mr. BIGG: Does that include X-ray people?

Mr. ANDERSON: No, we do not employ X-ray people. I think these would just be clerical staff, operators of dictating machines, and that sort of thing. I do not think we would have any other groups in this category.

Mr. MCINTOSH: Before we leave this question, Mr. Chairman, I would like to have an answer to my question.

Mr. ANDERSON: I think perhaps we had better have a little further investigation of this. I did not prepare these things, and technically I do not know what is meant by "technical, operational and service".

Mr. STOCKLEY: I think they are referring in this case to field investigators who are now classified as welfare officers, people who make investigations in the field.

Mr. ANDERSON: Pension visitors I believe.

Mr. STOCKLEY: They are now classified as welfare officers.

Mr. ANDERSON: I cannot think of any other people we employ whom that term would fit.

Mr. MCINTOSH: Who prepares the estimates?

Mr. ANDERSON: All the estimates are prepared by the treasury branch.

Mr. STOCKLEY: Particularly personnel; that part is prepared by the personnel division of D.V.A.

Mr. MCINTOSH: This item does not come under your jurisdiction but under the minister's own office?

Mr. ANDERSON: Preparation of these estimates comes under the treasury department of D.V.A. To save expense we use the services of the D.V.A. treasury office and of the D.V.A. personnel office, so these things are all prepared by the treasury office.

Mr. McINTOSH: Do you make recommendations to the treasury office that you should have so many people in a certain category?

Mr. ANDERSON: Yes, of course.

Mr. McINTOSH: You do not have that with you today?

Mr. ANDERSON: No. I am not sure about this particular item as to just what it applies to.

Mr. J. E. WALSH (*Director, Finance Purchasing and stores Directorate, Department of Veterans' Affairs*): This shows the position by description, to simplify the estimates presentation. I think this was the first form, and they revised it so that it shows a group of people according to professional, technical, or clerical, and they put them into a broad salary group. I can say with confidence that the 22 persons referred to are pension visitors, now classified as welfare officers.

Mr. McINTOSH: In regard to the salaries paid to medical advisers, the salary range here is close to \$10,000, while you may have the odd one at \$15,000. Do you think that is high enough to get the type of medical adviser that you require? Have there been any moves on the part of your medical advisers for an increase? What about your applicants when you have a vacancy? Do you find that you have enough applicants to choose from? Are you getting the type of adviser that you need? I have nothing against the present ones, I do not know whether they are good or bad. But to me it seems a fairly low salary for a doctor.

Mr. ANDERSON: We did have some difficulty when I first went to the commission. But these salaries have been increased on two or three occasions in the last five years, and they are under review again. Of course I have no responsibility for the review of these salaries. These medical officers are appointed by the civil service commission, and the question of salary is something over which I have no jurisdiction.

But we did have some difficulty originally. I remember the first civil service advertisement that was run for medical advisers. We got very few replies to it. Subsequent to the granting of these increases the picture changed very markedly and we had 35 or 40 applicants for two or three positions. These applicants were good doctors and men with professional experience.

Mr. McINTOSH: In other words, these salaries are determined by the civil service commission rather than by the Canadian pension commission. I suppose they are in accordance with the salaries paid to medical people in other branches of the government service.

Mr. ANDERSON: They are all kept in line.

Mr. THOMAS: Mr. Chairman, I do not know whether this is the time for it, but I would like to make a motion that in considering applications for disability pensions the board give more weight to the medical report made at the time of the man's enlistment than to the pre-enlistment conditions reported.

Mr. HERRIDGE: Would that not be more appropriate when we are considering our report?

The CHAIRMAN: Yes, that could be included when we are making our recommendations.

Is item 75 adopted?

Item agreed to.

The CHAIRMAN: Item 80:

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, \$174,829,000.

Mr. FANE: Mr. Chairman, what does the item on the Newfoundland special awards mean?

Mr. ANDERSON: There was a group of widows living in Newfoundland prior to the inclusion of Newfoundland in confederation. They were being paid special compensation because there was no provision under Newfoundland legislation by which they could otherwise be paid. These were war widows. When Newfoundland came into confederation we could not continue to pay these widows under any item of legislation of the Department of Veterans Affairs. This was a special provision.

Mr. FANE: I was wondering whether that embraced the Newfoundland firefighters?

Mr. ANDERSON: It has nothing to do with that.

Mr. THOMAS: Mr. Chairman, why is there a special item on the flying accidents compensation order?

Mr. ANDERSON: It is not commonly known that the Canadian pension commission does administer items of legislation other than the Pension Act. We do administer the act which provides for civilians who suffered disability during the war. We also administer this flying accidents compensation order. This provides compensation for the widow of a man who is killed while flying in a non-scheduled air line on government business. It provides compensation for a man who is disabled under similar circumstances. This is referred to the Canadian pension commission and we adjudicate on such claims, we decide whether or not the man is entitled to compensation or whether his widow is entitled to a pension.

Mr. BIGG: This is like rescue and firefighting.

Mr. ANDERSON: It has nothing to do with the war.

Mr. THOMAS: Does it not have anything to do with the war veterans?

Mr. ANDERSON: Nothing whatever.

Mr. MCINTOSH: If a veteran's application for pension was turned down during a regular procedure when he presented his case to the commission, could he again re-apply under this same heading?

Mr. ANDERSON: Only if he were disabled in an accident while flying on government business in a non-scheduled air line.

Mr. THOMAS: Would this be a soldier or a civilian?

Mr. ANDERSON: A civilian. It would not necessarily have any relationship to service at all.

Mr. THOMAS: Would this apply, for instance, to pilots in the Department of Transport?

Mr. ANDERSON: No, it refers only to people who are flying on government business in a Department of Transport plane. The Department of Transport pilots themselves are, I take it, covered by other forms of compensation.

Mr. BIGG: We had a case in Cold Lake where civilians were transported to fight a fire.

Mr. ANDERSON: This is a typical example.

Mr. WEICHEL: The figures for world war I are different from those for world war II. As you said before, the first world war veterans passed away

and thereby reduced the number while world war II veterans are beginning to show up.

Mr. ANDERSON: Yes indeed.

Mr. McINTOSH: Before we get away from Mr. Bigg's question in regard to personnel flying in air force planes to fight a fire, I wonder why a special heading was made for aircraft. Suppose the same personnel were riding in an army vehicle and were killed in an accident, under what heading would that appear?

Mr. BIGG: There may be no no legislation for that.

Mr. McINTOSH: Why is it necessary to have this heading for aircraft only?

Mr. ANDERSON: I am not completely aware of all the thinking which went into the introduction of this special order in council because it has been in existence for 35 or 40 years. It has been in existence for some time and it was basically designed to provide a form of compensation for people who were required, in the nature of their employment with the government, to fly in what are known as non-scheduled airlines into the north country. This was the basis for the item.

Mr. McINTOSH: Were there non-scheduled air lines 30 or 40 years ago?

Mr. ANDERSON: We have had bush pilots for longer than that.

Mr. BIGG: There were R.C.A.F. bush pilots long before world war I.

Mr. THOMAS: Could Mr. Anderson tell us under what section of the Pension Act this authority is provided?

Mr. ANDERSON: It is not provided in the Pension Act but under a special order in council known as the flying accidents compensation order.

Mr. BIGG: Our planes do not carry insurance.

Mr. FANE: There is another item, civilians, world war II, \$590,000. Just what does that cover, Mr. Chairman?

Mr. ANDERSON: I presume that those are payments made for disability pensions and for deaths. They are payments made to widows of those who are killed in the merchant navy, and those who were disabled.

Mr. McINTOSH: Mr. Chairman, in regard to the total amount of pensions paid for world war II veterans, there is very little increase from last year's estimates. I wonder if you have any figures on the number of pensions that were cancelled owing to deaths and the number of new ones granted since the last estimates were before the committee. I should like this as a comparison.

Mr. ANDERSON: The figures showing the total number of world war II pensioners in 1962 and the total number of pensioners in 1963, or at least the difference between the figures, would provide what you need.

Mr. McINTOSH: That would not give the figure. There could be a hypothetical case where the amounts are the same, although there may be several hundred pensioners who died during the year while a few hundred were granted pensions.

Mr. ANDERSON: Yes. It would not be an accurate figure. I am not sure we maintain those figures.

Mr. McINTOSH: Can you give us the figures on the increase of pensions owing to new applications being granted last year?

Mr. ANDERSON: The only figure we can give you here is in relation to the increase in the number of pensioners or the change in the number of pensioners, whether it be increase or decrease, and the change in the total annual pension liability.

Mr. McINTOSH: We have that in the estimates, have we not?

Mr. ANDERSON: Yes. All these statistics are maintained in the treasury department and I do not think they ever maintained that figure.

Mr. McINTOSH: Can you give us the number of new pensions granted last year?

Mr. ANDERSON: Yes.

Mr. McINTOSH: I do not mean an increase, I mean just the new ones.

Mr. ANDERSON: Nineteen thousand, one hundred and twenty-one is the figure for the total new applications granted between March 1, 1962 to the end of April, 1963.

Mr. McINTOSH: Can you give us any figures in relation to the number of pensions that have been increased during the last year?

Mr. ANDERSON: I have not got that figure here—that would be assessments.

Mr. McINTOSH: Or the number of pensions that have been decreased?

Mr. ANDERSON: We have not that figure either.

Mr. McINTOSH: Is the figure great or small?

Mr. ANDERSON: The number decreased would not be great because as far as world war I people are concerned the stabilization policy applies, so they are not brought in for examination unless they want to come. In the past few years we have been proceeding along the same lines with world war II veterans when we have postponed calling them, so that this has had a tendency to stabilize even these pensions to some extent. The number of the decreases is not large.

Mr. McINTOSH: Are there any pensioners today who have to look forward to the day when their pensions may be decreased for any particular reason?

Mr. ANDERSON: I hope not. I would hope that before too long we will be able to introduce a complete stabilization policy for all of them.

Mr. McINTOSH: I am thinking of the pensioners with a 50 per cent disability. In some cases they have been lowered below the 50 per cent and their worry of course is for their dependants because in such as case the dependants would get nothing. Have you figures on how many were reduced to below 50 per cent?

Mr. ANDERSON: No, but wherever the question of reducing a pension below 50 per cent occurred it was very carefully looked at and it was not done lightly. There are not many cases where that has happened.

Mr. WEICHEL: Has further thought been given to the widows of pensioners below the 50 per cent? Has thought been given to allowing them some compensation?

Mr. ANDERSON: This is a matter which you gentlemen will have to decide. It is out of my hands.

Mr. WEICHEL: I have brought this up for three years now and I think something should be done for them.

Mr. McINTOSH: In view of the fact that the commission have not got these figures available here, I presume they will have them in the department. Could we be provided with the figures we have asked for?

Mr. ANDERSON: If we can be given something definite on what is required, we can dig up most of these figures.

Mr. McINTOSH: Our requests will be on record. I asked for these figures for a reason.

Mr. HERRIDGE: I suggest we would be in a better position to discuss matters that come within the field of policy after we have heard the Legion's brief.

The CHAIRMAN: Is item 80 adopted?

Item agreed to.

The CHAIRMAN: Item 85:

Gallantry awards—world war II and special force . . . . . \$26,000.

Mr. PUGH: Why is there an increase to \$26,000 this time? I notice the estimate was for \$25,000. What is the reason for that?

Mr. ANDERSON: The introduction of legislation providing special payment for the Victoria Cross people. That is basically the reason.

Mr. WEICHEL: Was there not a case where the M.M. or the D.C.M. was to be paid by the Canadian government?

Mr. ANDERSON: In the case of world war I they are still being paid by the British.

Mr. WEICHEL: But now they come under the Canadian government for the second world war?

Mr. ANDERSON: Yes.

Mr. MCINTOSH: Following up Mr. Weichel's question, it was brought up at the previous discussion of the estimates that there was some effort made by the minister, not the Canadian pension commission, to withdraw that from the British ministry and put it under the Canadian ministry, as in the case of world war II veterans. Have you any information on the result of the efforts of the minister at that time? Perhaps this is not a fair question to ask you, although it is under your department.

Mr. ANDERSON: Of course, any such change as that would be the responsibility of the minister and I would not necessarily know anything about it. I am not aware of any recent negotiations.

Mr. WEICHEL: What is the present pension or compensation for a V.C. holder?

Mr. ANDERSON: I believe it is \$300 a year.

Mr. WEICHEL: I thought it was \$250.

Mr. ANDERSON: No; it is \$300 a year.

Mr. WEICHEL: Is it not time now that consideration should be given to boosting that compensation for the first world war veterans?

Mr. ANDERSON: It was boosted two years ago. I think it was \$150 or something like that and it has been doubled.

Mr. MCINTOSH: Is the military medal \$100.

Mr. ANDERSON: They receive a gratuity. Do they not receive some monthly or daily compensation if they have a disability?

Mr. WALSH: Yes, they do.

Mr. WEICHEL: The disabled V.C., D.C.M. or M.M. veteran is paid so much.

Mr. ANDERSON: Yes.

Mr. WEICHEL: And, other than the V.C. holders the amount is \$100; is that all they get?

Mr. ANDERSON: Yes.

Item agreed to.

The CHAIRMAN: Gentlemen, just before we adjourn may I say that this room is not available for next Tuesday so we will meet in room 112-N in the centre block at 10 o'clock.

Mr. WEICHEL: Thank you. It will not be so far for me to walk.

The CHAIRMAN: Will the members of the steering committee remain for about two minutes.

## APPENDIX "A"

## DEPARTMENT OF VETERANS AFFAIRS

Ottawa 4, 13th November, 1963.

Chairman,  
Standing Committee on  
Veterans Affairs

RE: *Treatment Benefits for Veterans*

In accordance with a request made at the meeting of the Committee on 7 November, 1963, the following is submitted for the information of members of the Committee as a brief and perhaps very simplified explanation of the treatment benefits offered to veterans by the Department of Veterans Affairs.

The authority to operate the Treatment Branch of the Department stems from Section 6 of the Department of Veterans Affairs Act which authorizes the Minister, subject to the approval of the Governor in Council, to make regulations for the control and management of hospitals and other institutions for the care and treatment of persons who served with the Armed Forces. The regulations which have been made under this authority are collectively known as the Veterans Treatment Regulations. Thus all the activities of the Treatment Branch are carried out under the authority of an Order in Council.

It should be remembered that the original purposes of the hospitals operated by the Treatment Branch were to enable the Department to provide continuing treatment of the highest possible standard for injuries and illnesses which were attributable to military service and to assist in the rehabilitation back into civilian life of servicemen discharged from the forces at the end of the war. The aspect of rehabilitation back into civilian life has long since been achieved to the maximum possible extent. Any extension of service undertaken by the Treatment Branch since the end of World War II has been undertaken with the purpose of enabling departmental hospitals to maintain a degree of activity which would ensure the continuation of the highest possible standards of treatment for service-connected disabilities.

For the purpose of discussing the treatment benefit, veterans may be divided into three main groups.

*Group 1* consists of veterans who are seeking treatment for a service-incurred disability with respect to which the Canadian Pension Commission has granted disability pension or entitlement to treatment. Such veterans have an unequivocal right to treatment of the service-connected disability at the total expense of the Department and have first call upon the treatment of resources of the Department. The Department has a responsibility for the quality of treatment supplied to such veterans and must, therefore, be in a position to select the physicians and surgeons who supply the treatment. Treatment allowances are paid to such veterans while undergoing treatment. Assessment and re-assessment of the pensioned disability is carried out by the Canadian Pension Commission following treatment. For these and other reasons it seems desirable that the treatment of these veterans should be concentrated in hospitals or treatment centres where these conditions can be met. The Department, therefore, encourages the idea that such treatment be carried out in departmental hospitals or departmental treatment areas of contract hospitals. However, in cases of bona fide emergency and in cases where it is clearly in the interest of the Department and the veteran to do so, treatment may be carried out in the veteran's home community by a doctor of his own choice.

The treatment of a service-connected disability is entirely the responsibility of the Department. Whether treatment is carried out in a departmental hospital or, with the consent of the Department in some other hospital, the Department pays the full cost of hospitalization and the medical and surgical fees involved.

*Group 2* is made up of veterans who are recipients of War Veterans Allowance. The Department provides treatment to such veterans on the basis that they are indigents who would otherwise have to depend upon charity for the provision of necessary medical services. These veterans do not have a "right" to admission to a departmental hospital in the way that veterans seeking treatment for a service-connected disability have a "right" to admission; although it is true that long usage and custom has established their privilege to admission on a very firm basis. This difference in status has been clearly recognized in that while the total cost of treatment of a service-connected disability is borne by the Federal Government, the cost of treatment of a recipient of War Veterans Allowance is shared with the provinces. War Veterans Allowance recipients are insured persons under Federal-Provincial hospital plans and where an insured service is provided, the provincial plan pays the cost of hospitalization. The premiums necessary to insure War Veterans Allowance recipients under the provincial hospitalization plans are paid by the Federal Government on behalf of the veteran.

For so long as the Department continues to operate independent veterans hospitals it seems desirable that these should be kept full for reasons of efficiency and economy. The Department, therefore, takes the view that War Veterans Allowance recipients should to the maximum extent possible be treated in departmental hospitals. However, a great deal of treatment with respect to War Veterans Allowance recipients is satisfactorily carried out in the veteran's home community under the Doctor of Choice Plan. In such cases the costs of hospitalization are borne by the provincial hospitalization plan, the medical fees are paid by the Department.

*Group 3* is composed of all other veterans, i.e. veterans who are not seeking treatment for a service-connected disability and who are not recipients of War Veterans Allowance.

Section 13, Veterans Treatment Regulations, was originally promulgated in order to permit the Department to provide hospitalization for certain veterans principally with overseas service and of limited financial means and who required lengthy hospital treatment. A rather complicated formula was set up by Treasury Board. Under this formula charges for hospitalization could be made against a veteran but these charges would not exceed an amount which it was considered the veteran could afford to pay in accordance with his means. The onset of almost universal coverage under Federal-Provincial hospitalization plans has largely removed the necessity for continuation of this section in Veterans Treatment Regulations but it has been retained since in one province coverage under a hospitalization plan is not compulsory. Veterans admitted to a departmental hospital under this section of the Veterans Treatment Regulations are in theory responsible for the medical or surgical fees which may be incurred in their treatment. In practice, and as a result of the generous attitude of the doctors involved, a bill is rarely sent to a veteran being treated under this section. Section 13, therefore, has been interpreted by some veterans as offering a free medical service. This was not the original intention and to some extent the opportunity offered under Section 13 is abused. This has been the subject of observations by the Auditor General and the situation is being reviewed.

Under Section 23 of the Regulations any veteran may seek admission to a departmental hospital if he wishes to do so in preference to utilizing a community hospital. However, admission to a departmental hospital for this class of veterans is entirely at the discretion of the Department. Veterans will be admitted if beds of the kind suitable for the kind of treatment required are available and are not otherwise needed for the treatment of other classes of veterans.

Veterans admitted under this section must use the services of one of the part-time doctors on the staff of the hospital. The veteran is personally responsible for the professional fees charged by the doctor concerned and this is a matter for arrangement between the patient and the doctor. Hospital charges are paid by the provincial hospital plan or if the veteran is not insured under such plan, then he is personally responsible for such charges.

The above covers the benefit of treatment in departmental hospitals which is extended to veterans. In addition, the departmental hospitals provide a hospital service to certain other people who are the responsibility of the Federal Government for treatment. For example, certain members of the Armed Forces and the Royal Canadian Mounted Police whose right to treatment is a term of their employment are hospitalized in departmental hospitals. Certain other persons who are the treatment responsibility of other federal departments such as the Department of Justice, the Department of External Affairs, the Department of National Health and Welfare, are similarly admitted to departmental hospitals. In all such cases the Department of Veterans Affairs recovers the costs of treatment from the sponsoring department.

Finally, certain other people who require a very specialized kind of treatment which is not otherwise available may be admitted to departmental hospitals. Admission must be sponsored by a corporate body or agency which undertakes to pay the treatment costs of the Department.

J. N. Crawford, M.D.,  
Director General, Treatment Services.

HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

VETERANS AFFAIRS

*Chairman: J. M. FORGIE, ESQ.*

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7

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TUESDAY, NOVEMBER 19, 1963

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ESTIMATES (1963-64) OF THE DEPARTMENT OF  
VETERANS AFFAIRS

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WITNESSES:

*From the Canadian Corps Association: Mr. E. V. Heesaker, Dominion Executive Vice-President; Mr. E. J. Parsons, Dominion Pensions Advocate; Mr. John R. Stroud, Dominion Resolutions Chairman. From the Department of Veterans Affairs: Mr. T. D. Anderson, Chairman, Canadian Pension Commission; Mr. W. T. Cromb, Chairman, War Veterans Allowance Board.*

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON VETERANS AFFAIRS

*Chairman:* J. M. Forgie, Esq.

*Vice-Chairman:* D. W. Groos, Esq.

and Messrs.

Asselin (*Richmond-  
Wolfe*),  
Bigg,  
Cameron (*High Park*),  
Clancy,  
Émard,  
Fane,  
Greene,  
Habel,  
Harley,  
Herridge,  
Honey,  
Kelly,

Lambert,  
Laniel,  
Laprise,  
Latulippe,  
MacEwan,  
MacInnis,  
MacLean,  
MacRae,  
Matheson,  
McIntosh,  
Millar,  
Moreau,  
Morison,

O'Keefe,  
Pennell,  
Perron,  
Peters,  
Pilon,  
Prittie,  
Pugh,  
Rideout,  
Rock,  
Temple,  
Thomas,  
Webb,  
Weichel.

M. Slack,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

TUESDAY, November 19, 1963.

(8)

The Standing Committee on Veterans Affairs met at 10.15 o'clock a.m., this day. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Cameron (*High Park*), Clancy, Fane, Forgie, Greene, Habel, Herridge, Kelly, MacEwan, McIntosh, O'Keefe, Pennell, Peters, Pugh, Thomas, Webb, Weichel.—(17).

*In attendance:* Mr. C. W. Carter, M.P., Parliamentary Secretary to the Minister of Veterans Affairs; *From the Canadian Corps Association:* Mr. E. V. Heesaker, Dominion Executive Vice-President; Mr. E. J. Parsons, Dominion Pensions Advocate; Mr. John R. Stroud, Dominion Resolutions Chairman; *From the Department of Veterans Affairs:* Mr. F. T. Mace, Assistant Deputy Minister; Mr. W. T. Cromb, Chairman, War Veterans Allowance Board; Dr. K. S. Ritchie, Director of Hospital Administration; Dr. C. C. Misener, Director, Admission Service; Mr. C. F. Black, Secretary of the Department; *From the Canadian Pension Commission:* Mr. T. D. Anderson, Chairman.

The second report of the Steering Committee was made by the Chairman, recommending the request of the Canadian Corps Association for 300 copies in English and 100 copies in French of the Proceedings of today's meeting of the Committee.

Mr. Herridge moved, seconded by Mr. Weichel, that the said report be adopted. *Carried unanimously.*

The Chairman read into the record a letter from Mr. T. D. Anderson, Chairman of the Canadian Pension Commission, in which he made two corrections to his Evidence before the Committee on November 14. The Committee agreed to the corrections.

The Chairman expressed his regret that Mr. Harpham, Dominion President, of the Canadian Corps Association, was unable to attend due to illness, and then welcomed Messrs. Heesaker, Parsons and Stroud.

Mr. Heesaker thanked the Committee for the invitation to appear before the Committee and together with Messrs. Parsons and Stroud read the brief of the Canadian Corps Association.

The witnesses were examined on the brief.

At 12.15 o'clock a.m., the Committee adjourned until 3.30 o'clock this afternoon.

### AFTERNOON SITTING

(9)

The Committee reconvened at 3.40 o'clock p.m. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Bigg, Clancy, Emard, Fane, Forgie, Habel, Herridge, Kelly, MacEwan, McIntosh, O'Keefe, Peters, Pugh, Webb, Weichel.—(15).

*In attendance:* Same as at morning sitting.

The Committee resumed consideration of the brief submitted by the Canadian Corps Association and further questioned the witnesses thereon.

The Chairman tabled a letter from Mr. T. D. Anderson, Chairman of the Canadian Pension Commission, explaining the history of the origin and effect of Sections 20, 21 and 22 of the Pensions Act. The Committee agreed this letter be printed as an Appendix to this day's Minutes of Proceedings and Evidence. (See Appendix "A").

Mr. Peters moved, seconded by Mr. Webb, concurrence of the Committee in Canadian Corps Association Resolution No. 13. The Chairman reserved decision.

Mr. Herridge, on behalf of the Committee, thanked the witnesses for their brief.

At 5.45 o'clock p.m., the Committee adjourned until 10.00 o'clock a.m. on Thursday, November 21.

M. Slack,  
Clerk of the Committee.

## EVIDENCE

TUESDAY, November 19, 1963.

The CHAIRMAN: Come to order, gentlemen.

The first matter on the agenda is the second report of the steering committee. Members of the steering committee considered the request of the Canadian Corps Association for 300 copies in English and 100 copies in French of the Minutes of Proceedings and Evidence of today's sitting of the committee. Your steering committee recommends this request be granted. Does the committee approve of this?

Mr. HERRIDGE: I so move.

Mr. WEICHEL: I second the motion.

Motion agreed to.

The CHAIRMAN: The next item of business is a letter which I have received from Mr. T. D. Anderson, Chairman, the Canadian pension commission, calling attention to a couple of errors in the minutes of Proceedings and Evidence. I will read the letter:

There are two corrections which I would like to make in my evidence as given before the parliamentary committee on Thursday, November 14.

In checking the transcript of evidence and proceedings, I noted that on page A-10 of the said transcript, I made the statement that for the first time the total number of applications from world war II veterans had decreased this year. This statement is incorrect, and what I intended to say was that for the first time the total number of world war II pensioners had decreased over the past year.

Then on page B-17 of the transcript, Mr. Pugh is recorded as having asked the question, "Is it (the white slip) made available to the applicant?" I understood Mr. Pugh to ask is it made available to the advocate, and I answered "yes".

Mr. PUGH: What was the last correction?

The CHAIRMAN: I will pass the letter to you. Does the Committee agree to these corrections?

Agreed.

Gentlemen, we have with us this morning the officials of the Canadian Corps Association who have a brief to present to this committee. We regret exceedingly the absence of Mr. Stanley Harpham, dominion president of the Canadian Corps Association, who because of illness is unable to attend today. We wish him a speedy recovery.

The Canadian Corps Association is represented by Mr. E. V. Heesaker, dominion executive vice president, Mr. E. J. Parsons, dominion pensions advocate, and Mr. John R. Stroud, dominion resolutions chairman. Gentlemen, I think we will follow the customary practice of having the appointee of the Canadian Corps Association read the brief to the meeting. Mr. Heesaker will start off.

Mr. E. V. HEESAKER, (*Dominion Executive Vice President, Canadian Corps Association*): Mr. Chairman and gentlemen of the committee, I take this opportunity to thank you, Mr. Forgie, and the members of your committee, on

behalf of the dominion president of the Canadian Corps Association, Mr. Stanley Harpham, and our entire membership, for assembling today, to review the brief of resolutions of the Canadian Corps Association, dominion command, adopted unanimously by the provincial commands' delegates at the dominion annual general meeting of our organization. Before commencing with the reading of our resolutions, may I introduce my fellow officers to you?

I have with me Mr. E. J. Parsons, dominion pensions advocate, and Mr. John R. Stroud, dominion resolutions chairman.

We now present to you the Canadian Corps Association, dominion command resolutions, a copy of which you have before you, and we will begin with the Canadian Corps Association, dominion command's very strong opinion on two national subjects of great importance to all veterans in Canada, and following our comments on the Canadian red ensign and November 11 we will then present the 22 resolutions pertaining to amendments required in the War Veterans Allowance Act and in the Canadian Pension Act, etc.:—

### THE IMPORTANCE OF RETAINING THE CANADIAN RED ENSIGN AS CANADA'S NATIONAL FLAG

The Canadian Corps Association, dominion command has been continuously sending letters and resolutions to Prime Minister Pearson, urging the retention of the Canadian red ensign as Canada's national flag. Who better than the veterans who fought to preserve the freedom of this land should state what the preference should be for Canada's national flag?

The three major veterans organizations in Canada, the Canadian Corps Association, the Royal Canadian Legion and the army, navy, and air force veterans in Canada, in addition to hundreds of small veterans' groups, have spoken with one voice in urging the dominion government to firmly declare the Canadian red ensign as Canada's national flag.

The majority of veterans in Canada, and their families, which accounts for several million of our total population, will be very bitter towards any government who scraps the Canadian red ensign.

If Prime Minister Pearson is thinking only in terms of a modification of the crest on the "fly" of the Canadian red ensign, that probably would be acceptable. But if he is thinking of a completely new design, it would not be acceptable. Such a change would be deeply wounding to millions of Canadians and to the unity of our nation.

The time has come, when all members of the House of Commons, are respectfully and urgently requested to see that the Canadian red ensign, which has been Canada's national flag since 1867, so remains.

Included with the items passed out to the standing committee members today, November 19, 1963, is a complete history which the Canadian Corps Association, dominion command, has prepared on the Canadian red ensign, and you will find recorded in full, the many orders-in-council of previous governments of Canada, that have made the Canadian red ensign, by usage and history, the only flag which can be truly declared Canada's national flag.

### RESOLUTION HAVING REFERENCE TO REMEMBRANCE DAY, NOVEMBER 11th

Be it resolved by the Canadian Corps Association, Dominion Command that November 11 should be declared by the government of Canada to be an annual national statutory holiday similar to Memorial Day which is observed in the United States of America. By the Government of Canada declaring

November 11th as a national statutory holiday, all industries and businesses would be closed and veterans and the general public would have a proper opportunity of paying tribute to those who paid the supreme sacrifice.

The Canadian Corps Association, dominion command has received on several occasions, reports from our various units across Canada that veterans have lost their jobs or received serious reprimand for taking time off on November 11th to take part in veteran memorial services. The Canadian Corps Association, dominion command feels that steps should be taken by the Government of Canada to ensure that this does not happen, for a man should not be penalized for taking time off to pay tribute to his fallen comrades, and his requesting time off on November 11th should not place his job in peril.

I would ask Mr. Parsons to continue at this time.

Mr. E. J. PARSONS (*Dominion Pensions Advocate, Canadian Corps Association*): Mr. Chairman and gentlemen, they wished the dirty work on me. Our resolution No. 1 is something which I am sure all of you have heard about before. I have not changed it very much. I will read it as is:

Be it resolved that the standing committee on veterans affairs recommend the amendment of the Canadian world war I service requirements for war veterans allowance in order that the Canadian first world war veterans will qualify on exactly the same basis as the Canadian veterans of world war II, abolishing the present requirement of 365 days in the United Kingdom prior to November 12, 1918, for Canadian veterans of world war I.

Comment—Those of us, engaged in veterans welfare service, know only too well the hardship which has resulted from this 365 day overseas requirement for world war I Canadian veterans. Many cases requiring hospitalization and treatment and vital income have resulted in the death of veterans, because of the lack of these services. Many with one to five years of voluntary service, who were available for overseas duty, but not called to such service except for shorter periods towards the end of world war I have, and will continue to suffer, unless this service requirement is adjusted. Case histories can be furnished by the Canadian Corps Association, and I am sure by other organizations, to verify these facts.

Those who crossed overseas in world war I, exposed themselves to the same dangers, in the ocean crossing as those of world war II. Camp facilities in world war I were not nearly as adequate as those of world war II, and some disabilities can be traced back to those conditions. In any event, there is no just reason for any differentiation between the Canadian veterans who served voluntarily in the two major wars. Further, it is actually easier to qualify allied veterans of world war I, in many cases, than those of our own Canadian forces. There are many known cases of real hardship involving Canadian veterans presently just outside the service requirement, who, if they were allied veterans, would be covered. This is discrimination against our "own"! There are known cases of Canadian veterans with over four years service, but lacking a few days of United Kingdom service prior to the cut off date of November 12th, 1918, and these cases, when compared to some who are now under war veterans allowance, wherein the veteran spent less time in the forces, but in some cases, one or two days on the continent, which qualifies him, and too, those in naval service who did not leave the coastal waters of North America, but whose so-called "high seas" service qualifies him—the act discriminates against the Canadian first war veteran of Canada's army. There are many allied veterans drawing war veterans allowance from world war I, whose countries were our enemies in world war II, and whose service documents are such that actual combat service cannot be confirmed, yet, because their service, 95 per cent under compulsion, qualifies them for war veterans allowance if it was 365 days or more, because it was on the continent of

Europe. The service allowance of the time spent on the high seas, crossing to the United Kingdom, as awarded in Bill C 101, was a very minor concession and to date, has not enabled one single Canadian veteran of this organization to qualify on the basis of this very insignificant award, many being still just a few days short of the required 365 days.

World war I navy personnel, are required to have made one voyage only on waters considered dangerous. Many veterans of the Canadian army, of world war I, made more than one voyage over the same dangerous waters, and are still, due to the requirement of 365 days service in the United Kingdom or service in a so-called theatre of war, not qualified for war veterans allowance under the present requirements. It is contended that a voyage over dangerous waters, such as the Atlantic ocean, constitutes service in a theatre of war.

Therefore, the application of the War Veterans Allowance Act, as related to the service requirements of Canadian army veterans of world war I, is discriminatory and unfair.

#### Canadian Corps Association Resolution No. 2

In view of the recent announcement that the Government of Canada increased the old age security payments to \$75.00 per month, it is hereby resolved by the Canadian corps association, dominion command that the ceilings for maximum payments under the War Veterans Allowance Act be forthwith set at \$128.00 single, and \$214.00 married, for monthly payments. The above new ceiling rates would allow the entire payment of \$75.00 per month to be deductible from the stated ceilings.

You will notice, gentlemen, we now are asking for an increase in the basic rate.

It is suggested that, by increasing the ceilings governing the payment of war veterans allowances, as indicated above, and subtracting therefrom all regular income, i.e. old age security payments, industrial and disability pensions alike, the allowance will be equalized as applicable to those veterans under 70 years of age, and those aforementioned.

The present practice of subtracting from the war veterans allowance ceilings, only a portion of the present old age security payment has the effect of increasing the actual income of those veterans over 70 years of age, who receive old age security, whereas it is usually found that the most acute financial stress is felt by those in the age groups between 60 and 70 years, particularly those released from industrial work, arbitrarily, at age 65, with inadequate industrial pension, or no pension at all, and still having considerable family responsibilities.

It is further pointed out that the present ceilings of the War Veterans Allowance Act are considerably below the ceilings of the general welfare allotments, particularly in the larger centres where high rents prevail.

#### Canadian Corps Association Resolution No. 3

Be it resolved that the War Veterans Allowance Act be amended to grant eligibility to Canadian ex-service women who served in world war II for not less than 365 days, of single status or widowed, without domestic support or self-maintenance, who, although with every willingness, volunteered for theatre of war service, were not called to such service, and now have reached the age of 55 years.

Comment—Less than 10% of all women who served in the armed forces of Canada during world war II were assigned to overseas service, although all offered unlimited service.

There was a marked difference between the service man in world war II proceeding overseas who had no choice providing he was physically fit, and

the system which governed overseas service for women—a quota was established for service women and approximately only ten per cent were so assigned. War veterans allowance district authorities could examine each applicant's circumstances in respect of the need according to the regulations.

Canadian Corps Association Resolution No. 4

Be it resolved that the practice by the Department of Veterans Affairs of reducing the allowances of married war veterans allowance recipients, while in department of veterans affairs hospitals be discontinued.

Comment—The reduction in living expenses while a veteran is hospitalized is not as high as Department of Veterans Affairs' officials believe, as the wife encounters extra travelling expenses in hospital-visiting the veteran, and also tries to provide some thoughtful comforts for her husband out of her already too meager allowance. Also, the high expenses of the married couple, such as rent, insurance, public utilities, etc. are not in any way reduced by the absence of the hospitalized husband. The only item showing a reduction is food and because of the limit of the allowance, only the barest necessities are purchased in this connection as the allowance recipient has insufficient money for food once rental, etc. are paid during any month.

Canadian Corps Association Resolution No. 5A (Amendment required to the Treatment Act)

The portion of the treatment act, which we request the government to amend is subparagraph (i) of subsection (1) of section 13—which, as amended by order in council 1959-948, July 22nd, 1959, presently reads:

- (i) In world war I, or in world war II, in any of His Majesty's forces other than those of Canada, or in any of the forces of His Majesty's allies, or of the powers associated with His Majesty, and who was resident of Canada or Newfoundland on August 4th, 1914 (world war I) or on September 1st, 1939 (world war II), or was domiciled in Canada or Newfoundland at the time he joined such forces for the purpose of such war, or was not resident or domiciled but was resident in Canada or Newfoundland for a total period of at least ten years, and who, in any case, is receiving pension for a disability related to such service, or had overseas service and was honourably discharged.

This covers imperials and allies . . . .

Be it resolved by the Canadian corps association that this section be further amended to read:

"In any of Her Majesty's forces, including those of Canada, and the words or had overseas service be deleted and to read: and who served a minimum of 365 days in active service, inside or outside of the boundaries of Canada, or Newfoundland, and was honourably discharged." We want to broaden the treatment of the act if possible there.

Canadian Corps Association Resolution No. 5B. (Re section 13 of the Treatment Act)

The present ruling that "Treatment under this section is not a right"—"and is extended at the discretion of the department" shall be changed to read—"Treatment under this section shall be deemed to be the right of all veterans qualifying under the treatment act by virtue of their service, and shall be extended to them, by the department, whenever circumstances will permit, and that no veteran, in need of treatment shall be turned away from any departmental treatment center in case of emergency, and in all other circumstances, prompt arrangements shall be made by the treatment officers for the handling of the case."

Comment—Certain cases are known to have been turned away from department hospitals, and sent to other hospitals, where charges are greatly in excess of those prevailing in departmental centers, while short service peace time service personnel or being cared for, for minor conditions of health in the said departmental hospitals. Veterans should receive all possible preference in these treatment centers, and the extension of section 13 should be theirs by right, not at the whim of departmental officials.

Canadian Corps Association resolutions No. 5C (Re treatment for ex-permanent forces' personnel)

Be it resolved that the Department of National Defence direct or arrange with the Department of Veterans Affairs to grant treatment longer than a period of one year for ex-permanent forces' personnel, and until the disability has been completely treated, and/or eliminated.

Comment—This resolution results from an enquiry to the Minister of National Defence in February, 1958, requesting that post-discharge treatment where required by terminated members of the ex-permanent forces of Canada, should be extended for more than one year after discharge—one year now being the limit of time set by national defence' regulations. If any disability occurs during the service and a pensionable award is granted by the Canadian pension commission, then the treatment is granted indefinitely.

The Canadian Corps Association recommend that where treatment is indicated without pensionable award, by the Department of Veterans Affairs, and so conveyed to the Department of National Defence, the Department of National Defence should be in full agreement.

Canadian Corps Association resolution No. 6

A delegation from the Hong Kong veterans association, Toronto branch, members of the Canadian corps association, appeared before the Minister of Veterans Affairs in Ottawa on December 4, 1959, and also made several representations to the standing committee on veterans affairs in Ottawa, requesting a complete report on the distribution made from the war claims fund and the monies presently in the fund.

Therefore be it resolved by the Canadian corps association that a complete report of the distribution of the war claims fund be made public and that the Hong Kong veterans association be supplied with a copy of the report.

Canadian Corps Association resolution No. 7

Whereas—Para (b) of Section 75, of the Civilian War Pensions and Allowances Act, which sets forth the qualifying requirements of service and so on for former members of the merchant marine, is, when applied in connection with the award of allowances on the basis of recent amendments covering the said ex-members of the merchant marine service, ambiguous. Furthermore, this requirement nullifies to a great extent, the actual meaning of the said recent amendment to the War Veterans Allowance Act (civilian) and is contrary to the intent of the said amendment covering merchant seamen, as presented to and by the standing committee on veterans affairs, and the veterans organizations presenting themselves to this committee, in 1961, on behalf of these said merchant seamen.

Therefore—to clarify the service requirement of merchant seamen for allowances, under the War Veterans Allowance Act, (civilian) the following resolution is submitted—i.e.

## Resolved

- (1) That clause (b) of section 75, shall apply only to the ex-members of the Canadian fire fighters (civilian) in its present form.
- (2) That the service requirement for merchant seamen who served in vessels known to belong to and controlled by the Canadian naval reserve, or the royal naval reserve, in troop or supply service, including hospital ships, shall be the same residence requirement now applied to ex-members of the Canadian or allied forces namely—ten years residence in Canada prior to application for allowance. The requirement that they should have been domiciled in Canada or Newfoundland prior to the commencement of service, shall not apply to merchant seamen whose service, during world war I or world war II, on the high seas for a period of not less than six months, was under the control of the naval authorities of Canada or the United Kingdom.

It is submitted that the above resolution brings the recent amendment to the act, in line with the definite understanding obtained by the representatives of veterans organizations, appearing on behalf of these ex-servicemen. It also will eliminate the very apparent uncertainty in the interpretation of the requirements of section 75 of the said act, as presently constituted. It is further submitted that Merchant Seamen, including nursing sisters who served on hospital ships, and vessels under naval control should take the same status as personnel on other naval vessels in naval service.

A merchant seaman is therefore described in a dual fashion—

- (1) One who served on a vessel under naval control who bears a service number and is entitled to wear war service medals, whose service was on the high seas, for a period of not less than six months duration.
- (2) A civilian merchant seaman, whose service in world war I or world war II was on the high seas for a period of not less than six months, and whose service was on vessels of Canadian or Newfoundland registry, and who meets the requirements of Clause (b) section 75, Civilian War Pensions and Allowances Act, chap. 21, revised statutes 1927.

## Canadian Corps Association Resolution No. 8

Sections 20-21-22 of the Canadian Pension Act, as presently interpreted, create a hardship on dependents of service personnel, involved in accidents in which there may be third party liability. It is the considered opinion of the advocate of this organization that these clauses were originally intended to prevent the payment of double pensions—viz from both the Canadian pension commission and the workmen's compensation. As presently administered however, it means that any payment of damages by a third party must be handed over to the commission before pension can be paid, if awarded.

Therefore, the Canadian corps association recommends that—sections 20-21-22 of the Canadian Pension Act shall be interpreted as—only restricting the payment of dual pension—with a modification that:—

- (a) Any amount payable under third party liability, to a widow in respect to an award of damages by any court or out of court settlement, on behalf of a veteran, or to a veteran personally, shall only be considered as being affected by the above-mentioned sections, if the amount of said damages shall exceed the pension payable by the Canadian pension commission in respect to said injury or death, for a period of three years—that the said three years shall be clear of

assessment, so to speak, the amount, so cleared for payment to the recipient of said damages, shall be considered sufficient to cover all legal and other costs. At present the total amount of third party award must be handed over to the Canadian pension commission with no provision for legal or other expenses.

- (b) Where stated amounts of damages, payable by a third party, is judicially placed in trust for minor children, until they reach a given age, that these funds shall be entirely exempt from any requirement of the A/M clauses of the Canadian pension commission and shall not, in any way, interfere with the payment of any pension by the Canadian pension commission on behalf of the said minors, during their age limitations as provided by the Canadian Pension Act.

Canadian Corps Association Resolution No. 9 (re veterans' insurance-beneficiaries)

That inasmuch as both the Canadian pension commission and the War Veterans Allowance Act now both recognize so called "irregular" marriages, that qualify otherwise, the present requirement of the beneficiary clause of veterans insurance creates a hardship to those veterans, unable to contract a regular marriage. Many would like to participate in the insurance coverage, but cannot do so because of the restrictive beneficiary clause, which adheres to the "preferred beneficiary" requirement.

Therefore, it is recommended that Veterans Insurance Act shall be so amended to permit in the case of a married veteran—the naming of a "beneficiary in trust", or any spouse as recognized by the said Canadian pension commission or war veterans allowance board and who has a monetary claim on the said veteran's estate, or that, upon the choice of the insured veteran, that policy could be payable to his estate, and payment governed by a last will and testament, that it shall no longer be a mandatory requirement that a preferred beneficiary shall be named. In other words, the same choice of estate regulation shall exist with veterans insurance as with any other insurance on the life of the said veteran.

Canadian Corps Association Resolution No. 10A

Section 13 (2) of the Canadian Pension Act, as it refers to members of the permanent forces and reads "pensions shall be payable where the injury or disease or aggravation thereof, or death, in respect of which application for pension is made, arose out of or was directly connected with military service. It is the considered opinion of this organization that entirely too much stress is laid, in the interpretation of the act, on the words "directly connected with". We see numerous cases where a fine dividing line based on the so-called insurance principle stands between bona-fide claims, and the award, by this interpretation.

Therefore, to bring the coverage, for accident or illness, and/or the effects thereof, incurred during the service, or any other bona fide claim, properly established as an aggravation of a pre-enlistment condition by service, that the words "directly connected with service" be deleted from the qualifying clause of the Canadian Pension Act, and that the said clause, of section 13 (2) shall read:—"pension shall be payable where the injury or disease or aggravation thereof, or death in respect of which application for pension is made, arose out of or was connected with military service" . . . that the word directly be eliminated from this clause. This will enable the commission to make awards on the basis of "while on the employer's business, or while on duty", etc. bringing the peace-time coverage to the equivalent of the Workmen's Compensation Act.

## Canadian Corps Association Resolution No. 10B

That in cases where the Canadian pension commission, under the act, cannot cover what may be considered a bona-fide claim for compensation or injury, or disease, or aggravation thereof, suffered while a member of the forces, that recourse be granted to the workmen's compensation board of the province in which the disability was incurred, and that the necessary governmental steps be taken to provide this coverage.

However, we might add that we feel coverage can be extended by the Canadian pension commission under existing regulations, if the correct interpretation is made of the act, A serving member of the armed forces, who suffers occupational injury, or death, while on duty should be covered, to the same extent as if the said member were industrially employed, or employed under the civil service commission.

## Canadian Corps Association Resolution No. 11

Be it resolved that upon the death of a pensioner drawing 48 per cent or more disability pension, married, with or without children, whether death results from his pensioned condition or not, that the amount of pension payable at time of death on behalf of the said veteran shall continue to be paid to the surviving widow for a period of one year following the death of the veteran, provided this payment, at married rate, shall be lower than the pension payable to a widow where the veteran shall die as a result of his pensioned condition, the higher rate payable shall be paid, as presently provided for under the Pension Act, and this latter payment of widows pension shall be automatic.

Be it further resolved that upon the death of a disability pensioner drawing less than 48% disability pension, at married rate, with or without children, that the said pension shall, where the death does not result from the pensioned condition, be payable to the said widow, and dependants, for a period of one year from the date of the death of the said veteran, except that where the rate of pension is lower than that provided by the War Veterans Allowance (Widows) Act, the latter shall be payable, for the said period of one year, regardless of the age of the said widow, with the following exceptions:—

- (1) Where the said widow is covered under the workmen's compensation act of any province of Canada,
- (2) Where the estate of the said veteran exceeds the limits of the War Veterans Allowance Act, in cash or property, less any encumbrance upon any real estate falling upon the responsibility of the widow.

Comment—Many times in veterans' welfare work we come upon cases where veterans are drawing disability pensions, of amounts, less than the statutory 48 per cent, and who, through these disabilities, are forced into employment where their income is greatly reduced. The disability pension therefore, forms an important part of their needed income. The veteran dies from causes other than that for which he is pensioned. The widow, many times with children to support, but below the age of 55 years, is without any income and requires at least one year to orient her affairs. The continuation of payment of this pension, or the payment of the widow's portion of the war veterans allowance would be of material assistance in these cases, particularly the lower income group.

## Canadian Corps Association Resolution No. 12

Be it resolved that the government of Canada amend the Pension Act and the War Veterans Allowance Act having reference to the rates paid for the care of orphans. Regardless of the number of children who survive the veteran, \$648 per year, per orphan should be awarded and the present sliding scale of rates should be eliminated.

Comment—In many cases where a veteran dies and is survived by more than one child, these children are separately placed into different homes. Under the current regulation, a veteran leaving three orphans, placed in three different homes, would each be awarded only \$504 per year for support, instead of \$648 which is awarded to a single surviving orphan. The Canadian corps association feels that this is very unfair to a veteran survived by more than one orphan, for even the \$648 per year rate is inadequate to raise a child at today's present cost of living.

Canadian Corps Association Resolution No. 13

Be it resolved that the Canadian Pension Act be amended forthwith, to permit appeal to the courts of any cases which have been heard by the presently appointed pension commission, sitting as an appeal board, and upon which unfavourable decisions have been given, and further, on which it is demed that a proper legal interpretation of the Pension Act has not been made. The costs of such Appeal to the courts to be borne by said pension commission. An authority, for the furtherance of such an appeal to the courts, to be designated in the amendment to the act, and that has reference to Bill C-7.

Comment—There is reason to believe that strictly speaking, legal interpretation of the present act has not always been given in some cases. It is felt that the act, as presently constituted, wherein it relates to conditions arising out of or directly connected with service, is adequate, provided that the said act is interpreted in this form in which it was undoubtedly intended that it should be. Whereas it is evident that, in some cases, appeal boards have not made a thorough legal interpretation, and it is felt that trained judiciary would be in a position to do this. Often, the interpretation of a case, at appeal, involves certain strictly legal understanding as to liabilities, and so on somewhat outside the jurisdiction of a Pension Appeal Board.

Canadian Corps Association Resolution No. 14

Be it resolved that the portion of the War Veterans Allowance Act, referring to widows—and those dependants of deceased recipients of the war veterans allowance recognized as widows—be amended to read “has attained the age of fifty years, and/or is, in the opinion of the board, incapable of providing for their maintenance because of:—

- (a) Physical or mental disability
- (b) Has one or more dependants under sixteen years of age
- (c) Has one or more dependants, who is physically or mentally infirm regardless of age, and who was supported by the veteran during his lifetime.”

2. That the war veterans allowance be continued regardless of age of wife for the period of 12 months after death of veteran provided her financial status is below the ceilings allowed after all last sickness and funeral expenses are considered.

Canadian Corps Association Resolution No. 15

Due to the destruction by enemy action of world war II, of the service records, particularly those of veterans of world war I, in the United Kingdom and the difficulty in many cases of establishing the type of service performed by U.K. veterans of world war I, through lack of official records, it is resolved that United Kingdom veterans of world war I, who served 365 days in or outside of the United Kingdom, and who otherwise meet the requirements of the act, shall qualify for war veterans allowance. Those other requirements would be residence, financial requirements, and so on.

Comment—In the case of allied veterans such Italians, French, Belgium and other allied forces of world war I, actual combat service is, in many cases, impossible to prove, but because their service was on the continent of Europe, 365 days service qualifies them for Canadian war veterans allowance providing they meet residence and other requirements of the act. A United Kingdom veteran, living on the south coast, or the Thames Estuary, could easily have seen much more enemy action in world war I, than an Italian, or for that matter, many other allied veterans. Presently a United Kingdom veteran is required to have served "in a theatre of War" to qualify. Under certain conditions, for other veterans, the British Isles are considered a theatre of war in world war I, such as the R.F.C. and naval personnel. How about the army's artillerymen on the south coast, A.A. gunners, and so on. We suggest that if one year's service qualifies allied veterans, it should also qualify United Kingdom veterans for war veterans allowance.

#### Canadian Corps Association Resolution No. 16

Recommendation—That the term "war disability compensation" be substituted for the word "pension" where the latter appears in the Pension Act.

Comment—We strongly urge that the term "pension" be eliminated from the Canadian Pension Act and that the term "war disability compensation" be substituted in the title and the word "compensation" be substituted for the word "pension" through the act.

We urge this change because the word pension or pensioner carries with it the connotation of an hireling, a dependant or one in receipt of income as an act of grace. Employers often associate with the word an inferior status and government responsibility for support.

In the 1930's disabled veterans were discharged from jobs on the grounds that they were in receipt of "pension". It is difficult for the public, including employers, to distinguish between pensions as compensation and pensions as an act of grace. The payment of war disability compensation must always be treated as something separate and apart from any general social security program. War disability compensation must be clearly understood as being an attempt at compensation by the country for a disability incurred by members of the armed forces while in the service of their country.

#### Canadian Corps Association Resolution No. 17

It is apparent that there is insufficient staff in certain departmental hospitals, in particular at Sunnybrook, causing serious delays in admittance and treatment of patients, even though numerous beds seem to be available. It would appear that this trouble stems from apparent lower rates of remuneration for staff than the prevailing rates in civilian hospitals.

Therefore, the Canadian corps association, dominion command recommends that forthwith, the Department of Veterans Affairs take immediate steps to compensate doctors, nurses, and other staff members in departmental hospitals on a level comparable to that existing in civilian hospitals and where necessary, increases in staff personnel should be immediately made.

#### Canadian Corps Association Resolution No. 18

Be it resolved that all money received by the government of Canada through enemy assets or war claims or other payments from enemy governments on disposal of their assets, be equally distributed to prisoners of war of the Canadian armed forces, in compensation for maltreatment. This applies particularly to those prisoners of the Dieppe raid who were chained, and the Hong Kong prisoners of war who were held captive by the Japanese.

## Canadian Corps Association Resolution No. 19

Be it resolved by the Canadian corps association that the government of Canada retain veterans's preference in all government examinations and general policy, for veterans' preference must never be eliminated in connection with all civil service positions.

Comment—The findings of the Glassco commission indicating a demand for the elimination of the veterans' preference in civil service employment, was unanimously renounced by the members of the Canadian corps association. Our organization emphasizes the importance of the government of Canada retaining veterans' preference, which will not only ensure that the best men possible will be serving as civil servants, but also these veterans are entitled to this preference in view of their active service for Canada.

## Canadian Corps Association Resolution No. 20

It is resolved by the Canadian corps association U.S. Canadian veterans association of Detroit, Michigan, that they wish to have it brought to the attention of the Department of Veterans Affairs in Ottawa, that the present conditions prevailing in the Dearborn veterans hospital in Michigan, U.S.A. should be corrected.

Comment—On August 3, 1962 Pte. Aurlian LeGendre, a member of this post in good standing, was suddenly taken ill, he was in great pain and spitting up blood.

A lady, Mrs. Mable Dixon had him picked up and taken to the Dearborn veterans hospital, she also had his discharge papers along. They were refused admittance because he was a Canadian veteran. This was only for an emergency until they could get him to London. In desperation, Mrs. Dixon took him to her own doctor who diagnosed the case as a punctured lung with pneumonia setting in. Contact was made with Major Bell of Windsor who arranged for his immediate admittance to Westminster hospital in London. Upon arrival, the doctors marvelled that he had lived to make the trip. What if he had not made it to London?

Pte. A. LeGendre, #889252 enlisted September, 1916 in the 189th Montreal, then drafted to the 22nd battalion. He is a pensioner, stone deaf, and possibly shell-shocked.

In connection with that last case I might say that the veteran concerned has since died. I do not know but this might save us further discussion and I should like to say that under the circumstances there is a move on foot through a combined effort of the Canadian veterans in the United States, particularly in the Detroit area. The Canadian Corps branch there, through the allied veterans' council made an appeal to the veterans' administration in Washington to bring their non-disability pension act in line with our War Veterans' Allowance Act as it applies to allied veterans. At the moment the American non-disability pensions act, which is their equivalent of our War Veterans' Allowance Act, does not cover allied veterans in any way. That was the trouble here.

This gentleman was not suffering from a pensionable condition, but we still felt that if a little bit of human feeling could have been put into it and he had been taken into this hospital—which I do not doubt for one minute we could have managed somehow here—things would have been a lot better.

Be it resolved that where there is more than one dependant in a veterans family covered by war veterans allowance, and that dependant be a child under the age of 16 years/or over 16 years and still attending school/or a dependant parent without income and solely dependant on the war veterans allowance recipient for a livelihood/or an infirm child unable or incapable of supporting himself or herself that . . . and additional monthly payment of thirty dollars

be permitted over and above the current income ceiling which is equivalent to the full assistance fund payment applicable to a war veterans allowance recipient at married rate.

Comment—Many cases of real hardship exist in families of veterans under war veterans allowance where there are children or other first category dependants living with the said veteran or widow and for whose care no provision is made under war veterans allowance except the addition of family allowances which are only a mite. Even the full married rate including the family allowances are below welfare payments which would be applicable if the said family were under municipal welfare. Many of these veterans who are not in receipt of Canadian pension commission partial coverage are forced to draw on the assistance fund monthly or periodically to cover their cost of living. We feel that where more than one bona fide dependant lives with a war veterans allowance recipient, an additional payment which will not exceed thirty dollars per month or three hundred and sixty dollars per year is a reasonable request. Said payment to be restricted to cases where the veteran is unable to assist himself or the widow herself by casual earnings to an amount equivalent to the additional payment requested.

Be it resolved that members of the armed forces of Canada, who served outside the boundaries of Canada, under United Nations command or control, in areas such as the Congo, the Gaza strip, and Asia, shall for their protection against disease or injury, be treated in all respects as if they were on active service during time of war, and shall qualify for treatment on the same basis as accorded active service personnel who served in wartime, and also pensions to be awarded on a basis equivalent to the qualifying basis applicable to war-time service personnel.

This coverage to be restricted to areas where armed conflict has taken place or is a possibility and where tropical or area diseases are known to exist.

Thank you very much, gentlemen, for listening to that long list of resolutions.

The CHAIRMAN: It was a very interesting brief. Let us start the questioning on resolution No. 1.

#### Canadian Corps Association Resolution No. 1

Be it resolved that the standing committee on veterans affairs recommend the amendment of the Canadian world war I service requirements for war veterans allowance in order that the Canadian first world war veterans will qualify on exactly the same basis as the Canadian veterans of world war II, abolishing the present requirement of 365 days in the United Kingdom prior to November 12th, 1918, for veterans of world war I.

Mr. HERRIDGE: With respect to resolution No. 1, have you had any cases where the man just lost his entitlement to the war veterans' allowance by a day or two?

Mr. PARSONS: That is right, Mr. Herridge. To be quite honest, I have not been able to bring in any one man with this last amendment where they started to count the 365 days from the day he left Canada. This resolution was written a couple of years ago. You start counting the 365 days from the day he leaves Canada to go overseas, and, of course, prior to November 12, 1918. But I have several who are within a few days of the qualifying days.

The CHAIRMAN: I imagine a good many members have had that experience.

Mr. PARSONS: Might I add that what actually annoys you in this business, as it does me, is that in many cases, were the applicant an allied veteran we

would have been able to look after him; but because it was one of our own people, a world war I Canadian veteran, he was just outside by the margin of a few days.

Mr. McINTOSH: Should not this resolution be connected with the resolution having to do with those serving in the allied forces?

Mr. PARSONS: They work together.

Mr. McINTOSH: I have had cases where a pension was given to a member of the allied forces, such as an Italian, and so on. Why should not a Canadian be able to be cared for in the same manner?

Mr. HERRIDGE: I think that is a very good argument.

Mr. PARSONS: There are two classes affected by the 365 days of service: those Canadian veterans of world war I who must have spent 365 days outside of Canada prior to November 12, 1918, and the United Kingdom veterans who served in Great Britain only. We point out in this other resolution that we have allied veterans who will produce discharge certificates. They may be Serbians, Yugoslavians, or any of our allies in world war I. I do not know how they can do it. I have been told by departmental officials that they can establish whether these men served in a theatre of war or not. Frankly, I do not go for that. I do not think you can. I would like to see our Canadian veterans taken off the penalty list and given the same chance as everyone else.

Mr. McINTOSH: What other resolution makes reference to allied veterans?

Mr. PARSONS: It is over over here, No. 15.

Mr. McINTOSH: How does it differ from No. 1?

Mr. PARSONS: In No. 1 we are talking about Canadian veterans, but here we are talking about veterans of the United Kingdom forces,

Mr. WEICHEL: There are many allied veterans who were drawing the war veterans' allowance in world war I. I think this is a very important part of this clause, and certainly it should be given every consideration.

Mr. PETERS: How far would you suggest changing the thing? The figure of 365 days is used now. Would you cut it in half or remove it altogether?

Mr. PARSONS: Personally I cannot see any difference in service in world war I and in world war II. I say, take that restriction out and let the Canadian veteran of world war I qualify on the same basis as those of world war II. They both crossed the sub-infested ocean to get over there, even if they did not get beyond the United Kingdom. It is possible for a Canadian veteran of world war II just to have made a round trip, yet he qualifies for the war veterans' allowance. A world war I Canadian veteran crossing the same ocean to English waters may not have served 365 days outside Canada, yet if he had just set foot in France for one day, he would be covered. This covers them even though they were only in France for a few days.

Mr. PETERS: Those who landed in France would be excluded from the 365 days.

Mr. PARSONS: Yes, those who served in a theatre of war.

Mr. WEICHEL: Why was the difference made between the first and the second world wars?

Mr. PARSONS: I do not know.

Mr. McINTOSH: Because the United Kingdom was not considered to be a theatre of war in world war I.

Mr. PARSONS: That is right, and they forgot that they had to travel the sub-infested ocean to get there.

Mr. WEBB: How many men would be involved?

Mr. PARSONS: I buried nine of them in the last two years. They are dwindling in number all the time.

Mr. WEBB: There is not a great many.

Mr. PARSONS: I do know that the number is fast dwindling.

Mr. WEBB: Is it 10,000?

Mr. PARSONS: It is pretty hard to say what the possible number of applications for war veterans' allowance would be if we eliminated the 365 days.

Colonel W. T. CROMB (*Chairman of the War Veterans' Allowance Board*): The figures that I have in connection with the number who served less than a year in the United Kingdom indicate that there were about 20,500. About 80% of those who served less than a year, served less than six months. I think we have a number very close to 20,500, and they served less than six months.

Mr. WEICHEL: If this 365 days proviso were eliminated, it would mean that the men who served in Canada for three or four years could qualify?

Mr. PARSONS: No.

Mr. WEICHEL: It does not include them.

Mr. PARSONS: All I had in mind when I drew this up was to put the Canadian veteran of world war I on the same qualifying basis as the Canadian veteran of world war II.

Mr. WEICHEL: In other words, he would have to serve in a theatre of war.

Mr. PARSONS: That is right. We called the United Kingdom a theatre of war in the second world war. It is a theatre of war in world war II. But if I remember correctly, two years ago when we were here, we had this same thing up, and the number that you mentioned then was larger than that, was it not? It seemed to me that it was somewhere in the thirties.

Mr. CROMB: No, those are the figures we had at that time.

Mr. HERRIDGE: So the number would be considerably fewer.

Mr. PARSONS: The number has actually gone down since then. I know that they are going.

Mr. McINTOSH: This would differentiate between those who volunteered and those who were called up in world war I. That seems to be the dividing line there.

Mr. PARSONS: There is another school of thought about these allied veterans being covered. I would say that 95 per cent of these men served under compulsion. They did not have any choice. And another thing is that when the military Service Act went into effect in world war I, it was a general act, and you went where they sent you. You did not have a choice to stay at home. It was a general call up. I do not think you could distinguish. I do not think that you should distinguish between them. I became of age at the end of 1917 and I could not help it. I just was not born soon enough.

Mr. McINTOSH: That is a point. You have veterans of allied countries, and you give them permission to apply for the war veterans allowance whether they were called up, or whether they volunteered; but you will not give the same consideration to Canadians.

Mr. PARSONS: We do not stipulate here. My personal feeling with respect to stipulating between any of the Canadian veterans, whether they come in under the act or volunteered is this: I think, if you recall it, when the Military Service Act in world war I came into effect, it covered everybody from that moment. Everybody was in the war in one form or another. I think most of those who served under the act or were otherwise called up in 1918, and who only had the chance to serve a few months prior to November 12, were kept on in the army of occupation and did not get home for two or three years. But

that does not count. It was no fault of theirs. I mentioned those with one or more years of voluntary service just to bring out a point. But I think we should keep in mind the fact that the Military Service Act of 1918 generally took in everybody, and that was that.

Mr. McINTOSH: I wanted to get clear the significance of the 365 days. Why was this number taken and not some other number?

Mr. PARSONS: I do not know who chose that number in the first place, but it has been there for quite a while.

Mr. THOMAS: Does the witness know of any difference in world war I between those who volunteered and those who came under the Military Service Act?

Mr. PARSONS: Not to our knowledge, sir.

The CHAIRMAN: Shall this resolution be accepted?

Mr. PETERS: Are we going to pass it?

The CHAIRMAN: I should have said shall we pass on to resolution No. 2?

Mr. CLANCY: In 1917 I was 17 years old. I am 63 now. I was not old enough to volunteer. Those who came in 1918 under the conscription act would be 64 now, and so is everybody else, and there were no volunteers. Therefore he should not be penalized because it was not his fault that he was not born soon enough. They are reaching 64 to 65 years of age, and a good many of them now are having a great deal of difficulty in making a living.

Mr. HEESAKER: It is definitely not our intention to distinguish between the two.

The CHAIRMAN: We will continue with No. 2, gentlemen.

#### Canadian Corps Association Resolution No. 2

In view of the recent announcement that the government of Canada increased the old age security payments to \$75.00 per month, it is hereby resolved by the Canadian corps association, dominion command, that the ceilings for maximum payments under the War Veterans Allowance Act be forthwith set at \$128.00 single, and \$214.00 married, for monthly payments. The above new ceiling rates would allow the entire payment of \$75.00 per month to be deductible from the stated ceilings.

It is suggested that, by increasing the ceilings governing the payment of war veterans allowances, as indicated above, and subtracting therefrom all regular income, i.e. old age security payments, industrial and disability pensions alike, the allowance will be equalized as applicable to those veterans under 70 years of age, and those aforementioned.

The present practice of subtracting from the war veterans allowance ceilings, only a portion of the present old age security payment has the effect of increasing the actual income of those veterans over 70 years of age, who receive old age security, whereas it is usually found that the most acute financial stress is felt by those in the age groups between 60 and 70 years, particularly those released from industrial work, arbitrarily, at age 65, with inadequate industrial pension, or no pension at all, and still having considerable family responsibilities.

It is further pointed out that the present ceilings of the War Veterans Allowance Act are considerably below the ceilings of the general welfare allotments, particularly in the larger centres where high rents prevail.

Are there any comments on 2, gentlemen?

Mr. McINTOSH: The essence of No. 2 is that the recent increase in the old age pension does not help the people here; is that correct?

Mr. PARSONS: Prior to this last increase, the old age security payment was \$65 and only \$55 was being subtracted from the ceiling by the war veterans allowance board. That had the effect of putting an old age pensioner—a man of perhaps 70 years of age or older—into a higher category than he was in. For example, suppose my friend here has a disability pension of \$65 a month and he is on war veterans allowance; in these circumstances the entire \$65 is subtracted from his ceiling and he gets his \$65 pension cheque from the Canadian pension commission, and he will get the difference between that and the present ceiling of \$108 from the war veterans allowance board.

Assume, for example, that I am 70 years of age and I am drawing the old age security. I also have been getting \$65 each month from my old age security, but they have only been taking \$55 off my ceiling, so I wind up with \$10 in excess of the income of my friend. Therefore, I have \$20 a month in excess of his income. What I am afraid of is the fact that if you do not push up these ceilings and make some provisions, which may be already being made—I have no information on it—some of these recipients will find themselves in lower-paid positions some day.

I would also point out, gentlemen, that the ceilings for which we ask, while they are \$40 in excess of our present ceiling for married veterans and \$20 in excess of the present ceiling for single veterans, they are still not quite as high as it is possible to give a family in the high rent areas such as Toronto, Montreal and perhaps Ottawa. I have evidence, if anyone wants it, as to the welfare payments and the maximum welfare payments made by the city of Toronto. These add up to \$247 for a family. Montreal has a ceiling of \$206, and they will increase that in certain circumstances. When we ask for a ceiling of \$214 for a married couple on the war veterans allowance, that will include all income—the old age security, disability pension, and any small industrial pension, less the \$75 old age security. Therefore the fellow who is in receipt of \$75 old age security will end up in exactly the same position as someone here in receipt of \$75 disability pension. There will be no differentiation.

Mr. WEICHEL: Is it correct that the war veteran can receive the full amount also of his war veterans' allowance?

Mr. CROMB: The amount of \$55 only is assessed and the remainder will be exempt—\$20 for a single recipient and \$40 for a veteran and his spouse if both are on the old age security pension.

Mr. WEICHEL: The minister mentioned in the house that they could now draw their \$75 per month old age pension.

Mr. CROMB: Their pension cheques goes to them from the Department of National Health and Welfare. They get that cheque, but we assess \$55 in arriving at the amount which we can subsidize up to the ceiling with the war veterans allowance.

Mr. WEICHEL: They are not really getting that? They are getting part of it?

Mr. CROMB: The sum of \$55 is assessed. They are getting \$20 here if they are single. It is completely exempt for war veterans' allowance purposes. If they are married, and both on the old age pension, \$40 is completely exempted for war veterans' allowance purposes.

Mr. McINTOSH: Has Colonel Cromb any figures of the numbers over 70 years of age drawing the old age pension?

Mr. CROMB: The number of war veterans allowance recipients also in receipt of old age security pension is approximately 32,000.

Mr. McINTOSH: When was this figure of \$35 last amended?

Mr. CROMB: Until 1962, all the old age security pension had been assessed. There was then a departure from that policy in February, 1962, when the increase was made in the old age security pension. At that time there was an increase of \$10 per month, and that was exempted. That is the history up to this point.

Mr. PETERS: How did they arrive at this exemption? In passing that increase, I do not remember putting the exemption in as far as the old age pension was concerned for the war veterans' allowance.

Mr. CROMB: That was announced by the Minister of Veterans Affairs in 1962, and again in 1963. It was announced by the minister that in the case of war veterans' allowance recipients also receiving the old age pension, \$55 of the cheque would be assessed for war veterans' allowance purposes.

Mr. HERRIDGE: It was considered as income.

Mr. McINTOSH: Does that not contradict your argument, Mr. Parsons?

Mr. PARSONS: No.

Mr. McINTOSH: I do not understand from Colonel Cromb's statement that that would not benefit all veterans of over 70 years of age because they are not assessed, as he calls it, for the increase.

Mr. PARSONS: My argument is based on two things, Mr. McIntosh. I am glad you have brought up this point. I should say that we do not feel that a veteran who is in receipt of old age security and at the same time a war veterans' allowance should be permitted any greater income than a veteran in receipt of a war disability pension, for example, and also war veterans' allowance. In other words, if they only assess \$55 of John's old age security against his ceiling and I have a disability pension of \$75, they will take all that off. At the end of the month, if he is single, he will have \$20 more than I, and if he is married he will have \$40 more.

We are not asking for an increase in the basic rate. I feel that with the adjustments that are possible in the War Veterans' Allowance Act as it is presently constituted, through the assistance fund and the advent of the increase in the old age security, and the fact that families are permitted to keep their children's allowance, the minimum payments at the present time are not out of line. We are not asking for an increase. We are merely asking for an increase in the maximum ceilings that one could attain, single or married, at the same time bringing them more in line with the ceilings on municipal and provincial welfare schemes in high rent areas.

Mr. McINTOSH: You would not recommend that the assessment be the same whether it is a disability pension or an old age pension?

Mr. PARSONS: You have to take the disability pension out; that is mandatory.

Mr. McINTOSH: In the two cases to which you have referred there is preference given to one.

Mr. PARSONS: We do not like a preferred class of veteran.

Mr. McINTOSH: That is correct. You think by raising the ceiling the preference would be eliminated?

Mr. PARSONS: Yes, you would take off the entire old age security of \$75. He is not going to draw more war veterans allowance. Your cheque to him from war veterans allowance will be the same as it is now.

Mr. McINTOSH: But he will be permitted to earn more on his own if he wishes?

Mr. PARSONS: Yes, if he wishes to do so.

The CHAIRMAN: Shall we move to No. 3?

## Canadian Corps Association Resolution No. 3

Be it resolved that the War Veterans Allowance Act be amended to grant eligibility to Canadian ex-service women who served in world war II for not less than 365 days, of single status or widowed, without domestic support or self-maintenance, who, although with every willingness, volunteered for theatre of war service, were not called to such service, and now have reached the age of 55 years.

Comment—Less than 10 per cent of all women who served in the armed forces of Canada during world war II were assigned to overseas service, although all offered unlimited service.

There was a marked difference between the service man in world war II proceeding overseas who had no choice providing he was physically fit, and the system which governed overseas service for women—a quota was established for service women and approximately only ten per cent were so assigned. War Veterans Allowance District authorities could examine each applicant's circumstances in respect of the need according to the regulations.

Are there any questions on this?

Mr. HERRIDGE: Can the witness tell us if they have had experience with women who served in the armed forces needing this type of assistance?

Mr. PARSONS: Yes, Mr. Herridge, we have. The C.W.A.C. girls and the W.D.'s of world war II are getting up into their fifties now. They are getting older. We have run into some who were badly in need of assistance. We have had to assist them. Their service in the cases we referred to was only in Canada, but they were available for overseas service. To be honest with you, for a long time I did not take kindly to this resolution. I felt that if we give it to women who served only in Canada, we should also give it to the men; but my mind was changed for me when I saw a few cases in point where there was definitely a need. Some of those girls served for three or four years during the war, and I think they should be recognized. There are not too many of them, and it would not be costly.

Mr. WEICHEL: Do you feel that the figure of less than 10 per cent is accurate?

Mr. PARSONS: I would not make a guess.

Mr. HESAKER: According to the Department of National Defence statistics it is roughly 10 per cent.

The CHAIRMAN: Resolution No. 4.

## Canadian Corps Association Resolution No. 4

Be it resolved that the practice by the Department of Veterans Affairs of reducing the allowances of married war veterans allowance recipients, while in department of veterans affairs hospitals be discontinued.

Comment—The reduction in living expenses while a veteran is hospitalized is not as high as department of veterans affairs' officials believe, as the wife encounters extra travelling expenses in hospital-visiting the veteran, and also tries to provide some thoughtful comforts for her husband out of her already too meager allowance. Also, the high expenses of the married couple, such as rent, insurance, public utilities, etc. are not in any way reduced by the absence of the hospitalized husband. The only item showing a reduction is food and because of the limit of the allowance, only the barest necessities are purchased in this connection as the allowance recipient has insufficient money for food once rental, etc. are paid during any month.

Mr. MACEWAN: What does this reduction usually amount to?

Mr. PARSONS: I think they are still deducting up to \$10 a month which I understand is available to the veteran if he needs it. The real hardship, however, is that when a veteran who lives, as I do, for instance in Rouyn-Noranda is hospitalized and goes to the Queen Mary hospital in Montreal, invariably there is a delay of two or three weeks, and sometimes longer, in getting the next cheque to his wife. It seems that the accounts have to be sent into the hospital for administration and by the time all the work is done on it that woman is waiting sometimes for quite a period to get her share of that money. This is all because of a possible withholding of \$10 so that the men may have comforts. I have been in Queen Mary hospital and I do not think you need any comforts. They certainly look after you. The same thing applies in all veterans' hospitals. Personally I feel it would be better if this were simply withdrawn and the allowance were left to go along on its normal course. It would create much less hardship. The hardship it creates more than outdoes the little bit of good.

Mr. McINTOSH: Do you remember when this clause was put into the act?

Mr. PARSONS: I do not remember exactly. I know it has been there quite a long time.

Mr. McINTOSH: Would Mr. Cromb give us an indication of the amount of money involved when it was first put in and the amount of money involved today, and whether or not there is a great difference?

Mr. CROMB: In the case of a single war veterans' allowance recipient, when he enters a hospital his allowance is suspended, but he is allowed to build it up for three months and it is available to him when he comes out. In the case of a married recipient, \$10 is deducted. The cheque goes to his wife, and if there is hardship or if there is some additional expense, it is within the power of the District authority to deduct only \$1 a month. They must deduct something.

Regarding Mr. McIntosh's question, the amount of \$10 has been in operation for many years. The rates have been raised on a good many occasions, and the \$10 has always remained constant.

Mr. McINTOSH: I am wondering whether this is something which has outlived its usefulness. I wonder what Mr. Cromb would say about that?

Mr. CROMB: It has been in existence for a long time. Frankly I do not know that I could offer an opinion on this at the present time. However, I do know that in cases where there is hardship only \$1 is taken off and it does not pose a particular problem. With the increased rates in effect, if the recipient himself is not living at home, it does not cause a great problem in providing the means for the wife who is keeping the home while he is in hospital.

Mr. McINTOSH: May I ask Mr. Parsons whether he has had any complaints in respect of this deduction from members of his corps?

Mr. PARSONS: I find that the biggest complaint comes up when the veteran enters hospital and there is a readjustment in the accounting of his affairs in a departmental way. This almost always incurs a delay in getting that first cheque started to the wife.

Mr. McINTOSH: How long a delay?

Mr. PARSONS: I have seen it go a month. There was one case where we had to give help last week. I do not know why there should be such a delay; but to my mind this deduction has more nuisance value than anything else for that very reason.

Mr. HERRIDGE: I am sure the witness has touched the sympathetic core of the government representatives.

Mr. WEBB: The first cheque the wife receives when he is in hospital is cut down and there is a certain amount of bitterness there which is not good.

Mr. PARSONS: I feel right now that it is just a nuisance.

Mr. PETERS: I am more sympathetic, I think, with the problem of the cheque being delayed than with taking off the \$10. Is there any way in which this can be speeded up, because of course in this, as in everything else, it always appears to be the case in a beaurocracy that whenever you do anything there is an unreasonable delay. These people are living from day to day and week to week, almost. Is there some way in which there could be less disruption of the maintenance.

Mr. CROMB: In answer to Mr. Peters, I am not aware that there is a large delay, because some time ago the payment of cheques to recipients in hospitals was delegated by the chief treasury officer in Ottawa to the district treasury officer in the area where the veteran is hospitalized so there would be no delay, and the administrative work would be cut down to a minimum. I am unaware of a marked delay in these cases. If there are delays, I would certainly like to know of them, because I do not think there should be a delay.

Mr. HABEL: Would it not cost even more than \$10 to send out an investigator to find out the conditions of the family in order to readjust the pension if need be?

Mr. CROMB: No. That is frequently done by the knowledge which the welfare officers have of the family situation. It could be done by telephone. It is not necessary for any full scale investigation in matters of that type.

Mr. WEICHEL: Why is that \$10 taken off in the first place? Is it just a matter of legislation or order?

Mr. CROMB: Mr. Chairman and Mr. Weichel, the necessity to make a deduction has been written into the act, I think, since the inception of the act and it is still in the act.

Mr. WEICHEL: I am wondering why it could not be taken out.

Mr. CROMB: I believe the original reason was that when the veteran was in hospital he was receiving all his personal maintenance. If there are some additional expenses in the home, that deduction can be made as low as \$1, but under the act something must be taken off.

Mr. WEBB: Does this only occur in veterans hospitals? If the veteran went to a private hospital in a city or a town, what would be the situation?

Mr. MACE: This applies whenever the war veterans' allowance recipient is taken on treatment strength. In other words, if the department accepts the responsibility for the war veterans' allowance recipient's hospitalization and treatment, then this deduction is made.

Mr. WEICHEL: It would not matter where.

Mr. WEBB: Then, if a veteran went into a community or a city hospital today, the expenses pretty well are paid and he still gets his full cheque and nothing is deducted?

Mr. MACE: I think you are referring to the fact that when he goes into hospital his hospitalization is covered by the provincial plan.

Mr. WEBB: Yes.

Mr. MACE: This is so, but if his treatment is accepted by the department, then there is an automatic deduction from his war veterans' allowance. We pay the doctor's bill relative to this man's condition. If he goes into a civilian hospital and we know nothing about it, there is no adjustment of his war veterans' allowance. Invariably, however, when a war veterans' allowance recipient goes into hospital, naturally he will hope that the department will accept responsibility for his treatment. In most cases he would be anxious to

be sure that he had advised the department ahead of time in respect of the necessity for treatment, and the department may authorize his having treatment in a local hospital. Generally, of course, we do prefer to provide treatment in our own institutions if we have beds available.

Mr. McINTOSH: Under a scheme where hospitalization is provided by the community or under a provincial act and you accept responsibility for the veteran going there, are you charged by the hospital services for the per diem rate during his time in hospital; is your department charged?

Mr. MACE: If he is in our hospital or if he is in an outside hospital?

Mr. McINTOSH: In an outside hospital.

Mr. MACE: Then that hospital will claim directly on the provincial plan.

Mr. McINTOSH: At no charge to the department?

Mr. MACE: No charge to the department.

Mr. WEICHEL: Mr. Chairman, I imagine in a number of cases a war veterans' allowance recipient who is ill could not be moved, say, to London, Toronto, or another place, and then you would advise that he go to a local hospital?

Mr. CROMB: That is a treatment matter and I would rather it would be answered by the treatment people.

Mr. MACE: I missed the question.

Mr. WEICHEL: Suppose a war veterans' allowance recipient takes ill, for instance in Kitchener, and is unable to be moved to London or Toronto, you would advise him to go to a local hospital?

Mr. MACE: Probably in that emergency he would be admitted to a local hospital if it were an emergency, and under those circumstances we would accept responsibility for his treatment. As I said before, the hospital would bill the provincial plan directly, and bill us for the medical charges. For the information of the committee, I might make clear that in so far as war veterans' allowance recipients are concerned, the department pays the premiums where premiums are levied by a province in order that they are covered by the provincial hospitalization plan.

Mr. McINTOSH: How about in the case of Saskatchewan where treatment and hospitalization are provided?

Mr. MACE: At the moment it is my understanding that in Saskatchewan the war veterans' allowance recipients have remained a responsibility of the department. I believe there are some complications. I assume you are referring to the medicare plan in Saskatchewan. The cost of their medical care is still a cost of the department.

Mr. McINTOSH: I was referring more to what we call health region No. 1 within the province of Saskatchewan where all services are paid.

Mr. MACE: They get the same benefits so far as hospitalization is concerned in Saskatchewan when they pay their premium which, I presume, we pay.

Mr. McINTOSH: You pay the premium for the war veterans' allowance recipient?

Mr. MACE: We pay the premium whenever a premium is levied by a province under its plan. This applies to the provinces of Ontario, Saskatchewan, Alberta, and I think one of the maritime provinces.

The CHAIRMAN: Shall we continue on to resolution 5A.

Canadian Corps Association Resolution No. 5A (Amendment Required to the Treatment Act)

The portion of the treatment act, which we request the government to amend is sub. para. (i) of subsection (1) of section 13—which, as amended by order-in-council 1959-948, July 22nd, 1959, presently reads:

- (i) In world war I, or in world war II, in any of His Majesty's forces other than those of Canada, or in any of the forces of His Majesty's allies, or of the powers associated with His Majesty, and who was resident of Canada or Newfoundland on August 4th, 1914 (world war I) or on September 1st, 1939 (world war II), or was domiciled in Canada or Newfoundland at the time he joined such forces for the purpose of such War, or was not resident or domiciled but was resident in Canada or Newfoundland for a total period of at least ten years, and who, in any case, is receiving pension for a disability related to such service, or had overseas service and was honourably discharged.

This covers imperials and allies . . . .

Be it resolved by the Canadian corps association that this section be further amended to read:

In any of Her Majesty's forces, including those of Canada, and the words or had overseas service be deleted and to read: and who served a minimum of 365 days in active service, inside or outside of the boundaries of Canada, or Newfoundland, and was honourably discharged.

The CHAIRMAN: Resolution 5B.

Canadian Corps Association Resolution No. 5B (Re Section 13 of Treatment Act)

The present ruling that "treatment under this section is not a right" —"and is extended at the discretion of the department" shall be changed to read—"treatment under this section shall be deemed to be the right of all veterans qualifying under the treatment act by virtue of their service, and shall be extended to them, by the department, whenever circumstances will permit, and that no veteran, in need of treatment shall be turned away from the departmental treatment center in case of emergency, and in all other circumstances, prompt arrangements shall be made by the treatment officers for the handling of the case."

Comment—Certain cases are known to have been turned away from department hospitals, and sent to other hospitals, where charges are greatly in excess of those prevailing in departmental centers, while short service peace time service personnel are being cared for, for minor conditions of health in the said departmental hospitals. Veterans should receive all possible preference in these treatment centers, and the extension of section 13 should be theirs by right, not at the whim of departmental officials.

Mr. HERRIDGE: If the government saw fit to accept this recommendation, do we have ample accommodation in departmental hospitals in order to provide the service?

Mr. MACE: Mr. Chairman, I would say that this would have no effect upon hospitalization under section 13. All the resolution suggests is that this merely be recognized as a matter of right. It says here "not at the whim of departmental officials". I do not think it is exactly at the whim of the departmental officials. Permission under section 13 is defined clearly in the treatment regulations. Let us keep in mind, that section 13 today has become almost inoperative because of federal and provincial plans. Most of the veterans who, because of their scale of income, could receive assistance or reduced charges for their treatment, I would say, are all now covered by the various provincial plans and are not faced with any charge for hospitalization. In so far as medical care is concerned, I believe Dr. Crawford answered this fully at the last meeting of the committee.

Mr. HERRIDGE: Yes. Thank you.

Mr. WEICHEL: Mr. Parsons, you say veterans should receive all possible preference in these treatment centres. Have you any doubt that they do?

Mr. PARSONS: Section 13 is merely mentioned to call attention to part of the treatment act. I happen to know that the instructions by the treatment branch to departmental officials state that treatment shall not be granted as a right. I have had difficulty, and I know other officers have also, in getting a bona fide overseas veteran into hospital even when the veteran is quite willing and able to pay his own way. I do not entirely blame the hospital; the hospital may have been overcrowded. However, I would like to see it worded so that it be given to a veteran as a right; that if it is possible to admit him, and his service qualifies him for admittance to that hospital, whether or not he is going to pay his way, he should be admitted. If he wants to get in and has the service to qualify him, he definitely should be able to get into a departmental hospital, I would say, in preference to a member of the permanent force who is just undergoing cursory or ordinary treatment for a bad cold. The veteran should get the preference; it should be his right.

Mr. MCINTOSH: Is this not an administrative matter?

Mr. PARSONS: Up to a point it is. If you saw a copy of the instructions given to the hospitals covering treatment under section 13, and the other treatment, I think you would see what I mean.

Mr. MCINTOSH: I thought I took it from your remarks that sometimes when there are beds available they are sent to a civilian or community hospital.

Mr. PARSONS: We have had that trouble.

Mr. MCINTOSH: Could the officials give us a reason for that?

Mr. MACE: This is a matter of treatment. We have two doctors from treatment services here, Dr. Ritchie and Dr. Misener. Dr. Misener is particularly familiar with the treatment regulations. This is in respect of treatment regulations and not the act.

Mr. PARSONS: Yes.

Mr. MACE: Dr. Ritchie, who was previously assistant superintendent at Shaughnessy hospital is here.

Mr. MCINTOSH: The reason I asked the question is I find it hard to believe that any hospital administration would turn away a patient if there were beds available.

Dr. K. S. RITCHIE (*Director of Hospital Administration*): The question of whether or not the patient be admitted to hospital is determined on the medical need of that individual, and not primarily on his eligibility for treatment. If a patient is acutely ill and requires admission to hospital, he will take priority even if he has no entitlement. First and foremost all hospitals treat people in the community, so that regardless of the entitlement, if the need is there it is done on an emergency basis.

It is true that all hospitals, either community or departmental, must establish priority admissions. They must have some procedure whereby they can determine which case they will select. It is true that in departmental hospitals section 13 cases are low down on the priority list, and if there are elective cases they may be refused admission to hospital at that time; but they probably could be taken, if they are elective cases, at some time when the demand for beds is not so acute.

Mr. MCINTOSH: Mr. Parsons, with that explanation may I ask whether, when you use the words "that it is a right of the veteran", you suggest that he should take priority over an emergency case?

Mr. PARSONS: I would not say over an emergency case. I will give you a case in point which happened in May of this year. I was taking my annual tour around the corps branches in the Niagara peninsula while on vacation. A lad in our Brantford unit came to me. The man had a carcinoma prostate. He had a note from his doctor saying what the trouble was. They had written to the treatment hospital and the treatment hospital had sent him an application for treatment for a non-pensioned disability. I helped him to fill out that form. We made it out and attached to it the doctor's diagnosis which was marked urgent. The next day I left town. A week later I was in town and I telephoned to see if the lad had heard anything. He had not. So I took up the matter with the district treatment medical officer directly. He had not seen the man and yet he decided that it was not urgent. He decided that Sunnybrook hospital was pretty full—and no doubt it was—and the Hamilton department was pretty heavily loaded, and decided that it would be just as well to leave him where he was in Brantford.

The man thought he needed specialized care and was worried about his condition. We had quite an argument about that and eventually the lad did get over into Sunnybrook hospital, but it took about a month or six weeks. That man had five years service overseas. Had it been his right instead of just a privilege, I think we would have had less argument. This is one of the things which you cannot force even if you feel strongly about it. It is a privilege and not a right.

Mr. HERRIDGE: Has Dr. Ritchie any experience in respect of an overseas veteran being denied admission to a departmental hospital because hospital beds were full owing to the presence in the hospital of persons who were there because of a request by another department of government.

Mr. RITCHIE: I have not had any experience of this nature at all. If the veteran requires treatment, he has always been able to get it. The case you are speaking of is a matter of professional judgment, and I do not think I should express an opinion about that.

The CHAIRMAN: Shall we proceed with resolution 5C?

Canadian Corps Association Resolution No. 5C (Re treatment for ex-permanent forces' personnel)

Be it resolved that the Department of National Defence direct or arrange with the Department of Veterans Affairs to grant treatment longer than a period of one year for ex-permanent forces' personnel, and until the disability has been completely treated, and/or eliminated.

Comment—This resolution results from an enquiry to the Minister of National Defence in February, 1958, requesting that post-discharge treatment where required by terminated members of the ex-permanent forces of Canada, should be extended for more than one year after discharge—one year now being the limit of time set by national defence regulations. If any disability occurs during the service and a pensionable award is granted by the Canadian pension commission, then the treatment is granted indefinitely.

The Canadian Corps Association recommend that where treatment is indicated without pensionable award, by the Department of Veterans Affairs, and so conveyed to the Department of National Defence, the Department of National Defence should be in full agreement.

Shall we proceed with resolution 6?

Canadian Corps Association Resolution No. 6

A delegation from the Hong Kong veterans association, Toronto branch, members of the Canadian corps association, appeared before the

minister of Veterans Affairs in Ottawa on December 4th, 1959, and also made several representations to the standing committee on veterans affairs in Ottawa, requesting a complete report on the distribution made from the war claims fund and the monies presently in the fund,

Therefore be it resolved by the Canadian corps association that a complete report of the distribution of the war claims fund be made public and that the Hong Kong veterans association be supplied with a copy of the report.

Mr. HERRIDGE: Mr. Chairman, I should like Mr. Heesaker to answer a question in this regard. Since 1959 when the veterans affairs committee discussed this matter thoroughly, what information have you received regarding the distribution of the war claims fund?

Mr. STROUD: In answer to your question, Mr. Herridge, the only information we have received is as a result of appearing before the then minister and other ministers since, and in addition, the information received while appearing before meetings of the veterans affairs committee which was mentioned in the House of Commons. There is approximately \$73,000 remaining in the fund. The fund is still being used. There are claims in excess of the amount remaining.

Perhaps you recall the Hong Kong Veterans Association appearing before the veterans affairs committees and requesting consideration in regard to \$1.50 for slave labor by Hong Kong veterans. This claim has never been recognized to date.

The only information we have in this regard to date is that the fund is rapidly being depleted. We do not know the amount of the claims. We have never been given this information, or breakdown of the claim. We do know that approximately \$3 million was paid out of this claim in respect of maltreated applicants. We have never been given any information in respect of the balance of the fund.

Mr. HERRIDGE: You would like to receive a complete report in detail regarding payments made and assessments received, and the amount of payments made to individuals.

Mr. STROUD: That is exactly the information we should like to obtain.

Mr. WEICHEL: Mr. Chairman, I should like to ask a question in respect of resolution 5C. How does the department of national defence become involved in this subject?

Mr. PARSONS: Mr. Chairman, perhaps I could answer that question.

We are referring to permanent forces personnel and I should like to give you one example.

I have on file the case of one young lad who has been discharged two years. To make a long story short, something occurred making it necessary to amputate one leg. He was in the permanent force. He developed osteosarcoma, a leg bone cancer, and it became necessary to amputate the whole leg. He was given treatment for one year. He was given an artificial limb. This occurred approximately 18 months ago. This young fellow is out of hospital now. He received treatment for one year. One year has lapsed since that time and he has not been granted a pension as yet. He cannot wear the artificial leg which was provided. His stump has changed and the young lad is completely out of luck. He will never have his leg back.

Under workmen's compensation act I would venture to guess that there would be no doubt that this boy would be granted permanent coverage providing the accident happened while he was about his employer's business.

We receive numerous applications of this type from members of the armed forces and they receive treatment for one year only unless the condition involved is pensionable.

We are asking for an amendment which will cover an individual who suffers from some condition which has arisen during his service even though that condition may not be pensionable. The individual may be suffering from something that is not considered to be a pensionable condition, in which case he receives treatment for one year only. If after six month's treatment, or a year's treatment, he develops tuberculosis or something of that kind which is not tied in with his service, he should be treated to clear up the condition, but he is only entitled to treatment for one year.

Mr. McINTOSH: For the sake of the record, Mr. Chairman, should it not be noted that Mr. Weichel's question related to resolution 5C, re treatment for ex-permanent forces' personnel, and my question was related to resolution 6 in respect of the Hong Kong Veterans Association.

Mr. WEICHEL: That is right.

The CHAIRMAN: Shall we proceed with resolution number 7?

Mr. PETERS: Mr. Chairman, before we leave our discussion in respect of resolution No. 6, is any one of the departmental officials in a position to indicate to us why this amount is not made available?

Mr. MACE: The war claim fund does not come within the jurisdiction of our department, sir, and we have no responsibility in respect of it. I am not sure under whose jurisdiction this falls, but I believe it is the Secretary of State.

Perhaps I could correct that statement. This fund is within the jurisdiction of the Minister of Finance. It was handled by the war claims commission, which I believe has been wound up, but the actual fund and the distribution of money was the responsibility of the Minister of Finance.

Mr. PETERS: Does your department have something to do with the administration of this fund? It certainly applies to veterans? Are your facilities used in administering the distribution of this fund?

Mr. MACE: Not at all, sir. Mr. Black our departmental secretary, has been involved in this to some extent and I think maybe he can give a general explanation which may be satisfactory to you.

Mr. C. F. BLACK (*Departmental Secretary*): The department's involvement in the administering of this fund was purely from a point of view of supplying information concerning the service record of the veterans. The war claims commissions, having established the eligibility on the basis of our information, would then make their judgment. Payments from the fund were authorized by the commission and made by the department of finance.

Mr. PETERS: Is information in regard to records of service personnel given to the Department of Veterans Affairs, because of war veterans' allowances payable to these veterans under certain circumstances, in order to establish the income level. How do you find out, for instance, that a veteran has applied? How do you find out what an applicant has in the way of income from other government sources if distributions from this fund are not broken down and made available on an individual basis?

Mr. CROMB: I did not hear the question.

Mr. McINTOSH: Mr. Chairman, perhaps we are going a little far afield. I should like to ask a question in relation to the question asked by Mr. Weichel on resolution 5C. I wonder why Mr. Parsons referred to the amputee with the artificial leg? I understand this comes within the jurisdiction of the Department of National Defence and not within the jurisdiction of the department of war veterans or the Department of Veterans Affairs. In the event this man received his artificial limb on the last day of his year's treatment and someone was in error, is not the Department of Veterans Affairs or the Department of National Defence responsible to see that he receives a correct fit, or must he assume this expense?

Mr. PARSONS: I have that boy's file in my bag here. He underwent surgery on June 13, and about the end of September 1961 he received his artificial leg and was discharged the following January. He has had this leg for close to one year, or perhaps a little longer, but he cannot wear it at this time. I have made application to the pension commission in this regard and I do not think we need to go into the details, but I am asking for a pension hearing. I think I am in a position to establish that the loss of the leg was due to something which happened during this boy's duty service. I have not been able to find a doctor who will tell me what actually causes osteosarcoma. Perhaps one of the two gentlemen present will indicate how this is caused. I know that it can develop from a deep bruise and on that basis the pension commission can expect to hear from me in the very near future. It may well turn out that the boy will be a pensioner. In the meantime his case falls under the restrictive provisions, in respect of which he has received his treatment for one year.

Mr. McINTOSH: If an individual is undergoing treatment and overextends the 365 day period, does the department drop all responsibility in respect of treatment, and is that individual responsible for any further treatment necessary?

Mr. PARSONS: This individual was treated for one year after, and I can give you the exact date from his files which I have with me, if you are interested.

Mr. WEICHEL: If an artificial leg does not fit properly will the department see that it does fit?

Mr. PARSONS: This individual has received an artificial limb which no longer fits. He could wear one if it was a proper fit. In fact, steps will be taken shortly by another service club and ourselves to provide this boy with a proper fitting limb. He has no money and his family has no money. Unless we receive something from the pension commission very quickly in this regard we will make sure that this lad receives a leg which fits properly. However, even though he is not a veteran in the strict sense of the word, he was available as a member of our permanent forces for services anywhere. He is only 24 years of age, and quite a pathetic case.

Mr. McINTOSH: Is this act so restrictive that common sense cannot be used? Do the doctors have to stop at midnight on the 365 day even though an operation was in progress? This is a ridiculous example, I agree, but would the doctors have to stop at the time? I do not think any act is meant to be that restrictive.

The CHAIRMAN: Shall we conclude our mornings session by dealing with resolution number 7?

Mr. McINTOSH: Mr. Chairman, I wonder whether I could have an answer to my question?

Mr. MISENER: Mr. Chairman, the authority for this treatment is found in section 11 of the veterans treatment regulations made by the Minister of the Department of Veterans Affairs under the Department of Veterans Affairs Act. However, it reflects the wishes of the Department of National Defence, and they reimburse us for all the cost, including the cost of treatment.

There is a maximum of one year's treatment under section 11. If the treatment is not completed at the end of that time, according to the regulations of our administrators, and if a disability pension has not been awarded, it is the duty of our administrators to find other treatment and accommodation for that treatment so it can be completed. That is the first attempt, because nobody pays us properly after the end of that year and the patient is not a veteran for the purposes of the treatment of veterans regulations. Section 5 of the treatment of veterans regulations allows us to keep a patient in our hospital when treatment cannot be arranged in another place. We have some people who come in under that category.

Mr. PETERS: This would not cover the case in question in which the discharge had taken place, and circumstances indicated later that the treatment had not been satisfactorily completed?

Mr. MISENER: I gather the first continuous episode of hospital treatment had been completed and our responsibilities ceased at the end of the year in that case.

The CHAIRMAN: Let us move to No. 7:

Canadian Corps Association Resolution No. 7

Whereas—para. (b) of section 75, of the Civilian War Pensions and Allowances Act, which sets forth the qualifying requirements of service, etc. for former members of the merchant marine, is, when applied in connection with the award of allowances on the basis of recent amendments covering the said ex-members of the merchant marine service, ambiguous. Furthermore, this requirement nullifies to a great extent, the actual meaning of the said recent amendment to the War Veterans Allowance Act (civilian) and is contrary to the intent of the said amendment covering merchant seamen, as presented to and by the standing committee on veterans affairs, and the veterans organizations presenting themselves to this committee, in 1961, on behalf of these said merchant seamen.

Therefore—to clarify the service requirement of merchant seamen for allowances, under the War Veterans Allowance Act (civilian) the following resolution is submitted—i.e.

Resolved

- (1) That clause (b) of section 75, shall apply only to the ex-members of the Canadian fire fighters (civilian) in its present form.
- (2) That the service requirement for merchant seamen who served in vessels known to belong to and controlled by the Canadian naval reserve, or the royal naval reserve, in troop or supply service, including hospital ships, shall be the same residence requirement now applied to ex-members of the Canadian or allied forces namely—ten years residence in Canada prior to application for allowance. The requirement that they should have been domiciled in Canada or Newfoundland prior to the commencement of service, shall not apply to merchant seamen whose service, during world war I or world war II, on the high seas for a period of not less than six months, was under the control of the naval authorities of Canada or the United Kingdom.

It is submitted that the above resolution brings the recent amendment to the act, in line with the definite understanding obtained by the representatives of veterans organizations, appearing on behalf of these ex-servicemen. It also will eliminate the very apparent uncertainty in the interpretation of the requirements of section 75 of the said act, as presently constituted. It is further submitted that merchant seamen, including nursing sisters who served on hospital ships, and vessels under naval control should take the same status as personnel on other naval vessels in naval service.

A merchant seaman is therefore described in a dual fashion—

- (1) One who served on a vessel under naval control who bears a service number and is entitled to wear war service medals, whose service was on the high seas, for a period of not less than six months duration.
- (2) A civilian merchant seaman, whose service in world war I or world war II was on the high seas for a period of not less than six months,

and whose service was on vessels of Canadian or Newfoundland registry, and who meets the requirements of clause (b) section 75, Civilian War Pensions and Allowances Act, chap. 21, revised statutes 1927.

Mr. WEICHEL: I would like to hear something from a parliamentary secretary who has sat on this committee for six or seven years. I know he is very interested in this, Perhaps he could give us some suggestions in regard to No. 7.

Mr. HERRIDGE: He is very interested in the merchant marine and naval affairs.

The CHAIRMAN: May we deal with No. 7 and then adjourn?

Mr. WEICHEL: No. 7 is the one to which I am referring. At the same time, I would also like to congratulate my friend on his appointment.

Mr. HERRIDGE: Mr. Weichel asked the question because the parliamentary secretary is keenly interested in this aspect.

Mr. WEICHEL: Yes.

Mr. CARTER: Mr. Chairman, I would like to study this much more before I do so. I would not like to get up and make comments without having had an opportunity to study this. This really is a very involved question.

Mr. WEICHEL: I would suggest we adjourn now and perhaps Mr. Carter would give us an answer when we return.

The CHAIRMAN: Gentlemen, if it is agreed, we will meet in this room at 3.30 p.m., or after the orders of the day.

Agreed.

#### AFTERNOON SESSION

TUESDAY, November 19, 1963.

3.40 p.m.

The CHAIRMAN: Gentlemen, we have a quorum. Shall we proceed now with resolution number 7.

Canadian Corps Association Resolution No. 7

Whereas—Para (b) of section 75, of the Civilian War Pensions and Allowances Act, which sets forth the qualifying requirements of service, etc. for former members of the merchant marine, is, when applied in connection with the award of allowances on the basis of recent amendments covering the said ex-members of the Merchant Marine service, ambiguous. Furthermore, this requirement nullifies to a great extent, the actual meaning of the said recent amendment to the War Veterans Allowance Act (civilian) and is contrary to the intent of the said amendment covering merchant seamen, as presented to and by the Standing committee on veterans affairs, and the veterans organizations presenting themselves to this committee, in 1961, on behalf of these said merchant seamen.

Therefore—to clarify the service requirement of merchant seamen for allowances, under the War Veterans Allowance Act, (civilian) the following resolution is submitted—i.e.

- Resolved (1) That clause (b) of section 75, shall apply only to the ex-members of the Canadian fire fighters (civilian) in its present form.
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application for allowance. The requirement that they should have been domiciled in Canada or Newfoundland prior to the commencement of service, shall not apply to merchant seamen whose service, during world war I or World War II, on the high seas for a period of not less than six months, was under the control of the naval authorities of Canada or the United Kingdom.

It is submitted that the above resolution brings the recent amendment to the Act, in line with the definite understanding obtained by the representatives of veterans organizations, appearing on behalf of these ex-servicemen. It also will eliminate the very apparent uncertainty in the interpretation of the requirements of section 75 of the said act, as presently constituted. It is further submitted that merchant seamen, including nursing sisters who served on hospital ships, and vessels under naval control should take the same status as personnel on other naval vessels in naval service.

A Merchant seaman is therefore described in a dual fashion—

- (1) One who served on a vessel under naval control who bears a service number and is entitled to wear war service medals, whose service was on the high seas, for a period of not less than six months duration.
- (2) A civilian merchant seaman, whose service in world war I or world war II was on the high seas for a period of not less than six months, and whose service was on vessels of Canadian or Newfoundland registry, and who meets the requirements of clause (b) section 75, Civilian War Pensions and Allowances Act, Chap. 21, revised statutes 1927.

The CHAIRMAN: Are there any questions in respect of resolution number 7?

Mr. WEICHEL: Mr. Chairman, I do not intend to put Mr. Carter on the spot, but perhaps he would make a comment in regard to resolution number 7?

Mr. CHESLEY W. CARTER (*Parliamentary Secretary to the Minister of Veterans Affairs*): Thank you, Mr. Chairman.

I should like to thank my friend Mr. Weichel for giving me the opportunity of saying at least one or two words, because it has been quite a struggle to stay here in the corner listening to all the questions which have been asked without having the opportunity of saying a single word. This opportunity will at least relieve some of the torture. I am glad I did not make an attempt to express an opinion in respect of this resolution before we broke off for lunch because it is a bit involved.

Mr. HERRIDGE: To which resolution are you speaking?

Mr. CARTER: I refer to resolution number 7.

Of course, I know my colleagues will appreciate that I can only express my personal opinions in respect of this matter and cannot speak for the government or make any statements of policy. However, I never have been backward about expressing my own opinions, and it is too late to commence at this stage.

My opinion in respect of this particular subject is the same as it has always been, because if I understand the essence of this resolution, it is that maritime seamen should be placed on the same footing as any other member of the naval service. In other words, he would be classed as a veteran. This is something which I have personally advocated on both sides of the House of Commons ever since the commencement of my tenure here. The reason I have had this opinion is that I have always felt that we should not make comparisons between one man's service and another man's service to his country. If a man gives up his life serving on a merchant ship, he has paid the

supreme sacrifice, just as a man who has lost his life during a naval engagement or on the battlefield. Once a person has given his life he has paid the supreme sacrifice and there is nothing more he can do. To suggest that a man in the merchant marine who has lost his life in a battlefield area has done less than an individual in another branch of the service is a discrimination that is unwarranted.

If one accepts the general principle I have outlined, it automatically follows that we should have the same regard for the dependants of these individuals who have lost their lives serving in the merchant marine as we have for the dependants of members of the armed services.

On that premise it would appear that a person who did not give his life but lost a limb or his health should be entitled to the same consideration.

This suggestion brings me back to my original premise. I feel personally that it is wrong to discriminate or make invidious comparisons between men serving their country in one way or in another. Considering the particulars of this resolution I must confess that I cannot understand the necessity of the two definitions given at the end.

I have made reference to the statutes and feel that the first definition applies to part I of the Civilian War Services and Allowances Act which provides disability pensions and treatment services for those who have served in the merchant navy, but that is not so. When one looks at part XI, one will see that it deals with the provision of allowances to merchant seamen. I do not understand why there are two definitions suggested. I think perhaps Colonel Crombe, who is responsible for the administration and has been for many years, is much more familiar with this subject and can perhaps clear up any difficulties in this regard.

I personally agree with the general principle of this resolution and think that it should apply to women who served on ships including nursing sisters, wrens and nursing aids in the same way that it applies to the men.

Mr. WEICHEL: Mr. Chairman, I am very pleased to hear from the parliamentary secretary because as I say I agree with him in respect of this subject matter and was aware that he could explain it much better. I know very little about merchant seamen.

Mr. HERRIDGE: Mr. Chairman, I was very pleased to hear the parliamentary secretary's remarks. He has exercised less caution than some individuals who have been elevated to office.

Mr. CLANCY: Mr. Chairman, I wonder whether there are any figures available in respect of the number of merchant seamen who lost their lives during the second world war?

The CHAIRMAN: I do not know who may be able to answer that question. Perhaps that is a question which should be directed to Mr. Cromb.

Mr. McINTOSH: Mr. Chairman, while a search is being made for those figures, perhaps I could ask whether it is the intent of this clause to cover all merchant seamen whether they were sailing in ships assisting the allies, or just Canadians?

Mr. PARSONS: At the present time the act covers all merchant seamen who sailed on a ship of Canadian or Newfoundland registry making at least one trip through dangerous waters, or merchant seamen serving on an allied vessel but who is domiciled in Canada and is a Canadian citizen as defined by the Canadian Nationals Act, chapter 21, Revised Statutes of 1927. In other words, an individual who was domiciled in Canada at the time he enlisted.

At the present time a Canadian who sailed on a Canadian merchant ship; an individual sailing on a United Kingdom ship, Canadian by domicile living in Canada when he joined the merchant marine.

Mr. McINTOSH: Does the act cover Newfoundlanders as well?

Mr. PARSONS: This does cover Newfoundlanders, yes.

Mr. BIGG: It also covers individuals serving on Canadian ships, of course.

Mr. PARSONS: This act covers Canadians on Canadian ships, yes. It also covers men who served on a British ship.

We have numerous naval personnel both of the United Kingdom and our own covered by war veterans' allowances who made one or more trips through dangerous waters across the Atlantic.

What difference is there between a fellow who stood at the back of the ship wearing bell bottom trousers looking after the one gun with which merchant ships were equipped and the fellow down in the stoke room? Very likely both of these individuals came from the old country. Most sailors come from the old country.

Mr. CLANCY: These individuals come from either the old country or Saskatchewan; is that right?

Mr. PARSONS: They come from Saskatchewan. The difference between the individuals is that one is paid by the naval service and the other by the merchant marine, yet they both take orders from the same captain, and I cannot differentiate between the two, but the act does.

Mr. WEICHEL: Mr. Parsons, what is the significance of the statement; "—for a period of not less than six months—" which appears in the resolution?

Mr. PARSONS: There exists two classes of individuals in this regard. One class of merchant seamen qualify if they have served on a vessel under naval control; they carry a service number and are entitled to wear war service medals and have served on the high seas for a period of not less than six months. That is a naval qualification. These individuals must have served one trip in dangerous waters with a total service of not less than six months. The resolution, as a result of neglect does not include the qualification of one trip through dangerous waters.

Mr. WEICHEL: Does the second apply to the merchant seamen?

Mr. PARSONS: Yes. This applies to individuals who have served during world war I or II on the high seas for a period of not less than six months on a ship of Canadian or Newfoundland registry. The qualifying act has separated them, and I have had to separate them in this resolution to distinguish between the two.

For the purpose as of this fact, "civilian" means a person who served at sea on a ship of Canadian or Newfoundland registry during world war I or world war II for a period of at least six months and during the period referred to made at least one trip through dangerous waters. The phrase "one trip through dangerous waters" was inadvertently left out of the resolution.

Mr. McINTOSH: Are we going a little far in this regard in looking after personnel whose responsibilities were to a country other than Canada? Perhaps I did not understand your explanation correctly. As I understand it, Canadian seamen are now being looked after but you are seeking to look after a group of merchant seamen other than Canadians?

Mr. PARSONS: We are seeking to cover individuals of the United Kingdom or an allied country who served on allied ships during the war transporting our wheat and who have lived in Canada for ten years or more. Had these individuals been in the naval service of the United Kingdom or France or other allied countries they would qualify under the War Veterans' Allowance Act. Because these individuals did not wear a naval uniform while serving on certain ships they are classified as civilians and not covered by the act.

Mr. McINTOSH: Are you aware of any other country which gives the consideration to merchant seamen Canada gives in this regard?

Mr. PARSONS: The United Kingdom has a merchant seamens' act which covers individuals in this same category although I do not think it is as broad.

Mr. McINTOSH: Have you received any complaints or applications from nursing sisters or in respect of individuals in this category?

Mr. PARSONS: If these individuals had served in the navy, army or an allied force they would be automatically covered by this act.

Mr. McINTOSH: I am wondering why you have made this particular reference?

Mr. PARSONS: We intended to cover not only nursing sisters but other individuals serving on ships such as a stewardess or war aids who served on hospital ships which were not properly equipped with trained personnel.

Mr. McINTOSH: I am afraid I do not understand why there has not been representations made on behalf of those individuals you are now trying to cover under the considered new legislation.

Mr. PARSONS: There have been representations made in this regard.

Mr. McINTOSH: Have there been representations made in respect of nursing sisters?

Mr. PARSONS: A bona fide nursing sister would be covered under the Pensions Act.

Mr. McINTOSH: I understand that military gunners serving on these merchant ships are now covered?

Mr. PARSONS: Yes. We made a similar suggestion some years ago. I was in attendance at a committee meeting when representatives of the Canadian Legion appeared proposing a resolution covering merchant seamen. I do not know what impression was gained by my friends of the Legion at that time, but I certainly felt individuals in this category would be given equivalent rights under the war veterans' allowance act. That is not the case today because of this restrictive clause contained in the act. It has not been possible in very many cases to cover individuals in this category because of these restrictions. We would like to have merchant seamen given the same entitlement to war veterans' allowances as naval personnel because we consider their services was practically the same.

The CHAIRMAN: Mr. Cromb, have you an answer to the question asked by Mr. Clancy?

Mr. CROMB: Mr. Chairman, we do not have the figures available as to casualties suffered by merchant seamen during world war I.

Mr. CLANCY: I did refer to merchant seamen serving during world war II.

Mr. CROMB: We do not have those figures available.

Mr. CLANCY: Mr. Chairman, I have always been sympathetic toward merchant seamen, and I think we should look into this suggestion very carefully. It is my understanding that when a merchant seaman left a ship at a port on the east coast he was obliged to sail out on an allied ship. There was a press gang type of operation in Halifax during world war II. Any Canadian who sailed on the Atlantic on convoy was obliged to sail out on an allied ship other than of his own choice. I am sure records are in existence in Halifax, because every ship that left port was required to file a name list of the crewmen.

I feel these merchant seamen should be entitled to the same rights as naval personnel. These individuals were placed in a position where they had to sail on Greek ships, for example. I am informed that there are no figures regarding the number of casualties suffered by Canadian merchant seamen, and if this is the fact then someone was not keeping proper records.

I suggest we give these individuals the benefit of the doubt in such a case because in many instances these individuals sailed during world war II for a period of two, three or four years.

Mr. McINTOSH: Mr. Clancy, I suggest you are referring to Canadian sailors.

Mr. CLANCY: I am referring to Canadian and Newfoundland sailors who were obliged to sail out on ships of allied registry.

Mr. McINTOSH: Perhaps you were not present when the explanation was given in respect of coverage of these individuals.

Mr. CLANCY: The individuals to which I have made reference are not covered at this present time.

Mr. PARSONS: May I read from the qualifying clause?

The civilian—

—and that means the merchant seamen—

—who served at sea on a ship of Canadian or Newfoundland registry in world war I or world war II for a period of at least six months and made one trip through dangerous waters;

(b) a Canadian citizen or Canadian national.

That would be one domiciled here when he signed up, and it refers to a Canadian citizen or a Canadian national who did the same thing.

The ones who are not covered are, let us say, the United Kingdom seamen who came over here, sailed in the pool, as you state, taking what ships they were told to take. I understand that many did not know from one trip to the next on what ship they would be sailing the next time.

After the war they came and lived here, they moved to Canada and established residence here, and they have lived here for the qualifying period of ten years. Had those men been in the British navy or the French navy, or in the navy of any of our allies, and lived here for ten years, having had high seas service, they would have the way open to apply for and receive war veterans' allowance, all things being equal. Because they were in the merchant marine, however, and were not domiciled in Canada when they joined up, and in many cases did not sail on a Canadian vessel, they are not qualified. Those are the people who are presently outside the act. As far as they are concerned, as I see it, it is just a case of what uniform they wore although they both performed the same service.

Mr. HABEL: Could you say if it is possible to find out if these people have served in the merchant marine of other countries? How can one obtain that information?

Mr. PARSONS: Those seamen who served in war time under naval control have a service number. If they had six months' service and had at least one trip over dangerous water they wear the service medal.

Mr. HABEL: Do I understand you to say that those people from other countries and the merchant marine should qualify if they are Canadian citizens? How is it possible to find out if those people do qualify?

Mr. PARSONS: They have to produce their service papers. It is not hard to prove.

Mr. McINTOSH: You are saying that we look after the personnel of our allied army forces and we should also look after our allied merchant seamen?

Mr. PARSONS: Yes.

Mr. O'KEEFE: I find myself in absolute agreement with everything Major Carter, the parliamentary secretary, said a moment ago. Surely in ordinary common justice there should be no discrimination against these men. I agree completely with what Major Carter said.

Mr. HERRIDGE: Mr. Chairman, I look forward to an excellent motion on this excellent resolution.

Mr. WEICHEL: I second the motion.

The CHAIRMAN: Resolution 8:

Canadian Corps Association Resolution No. 8

Sections 20-21-22 of the Canadian Pension Act, as presently interpreted, create a hardship on dependents of service personnel, involved in accidents in which there may be third party liability. It is the considered opinion of the advocate of this organization that these clauses were originally intended to prevent the payment of double pensions—viz from both the Canadian pension commission and the workmen's compensation. As presently administered however, it means that any payment of damages by a third party must be handed over to the commission before pension can be paid, if awarded.

Therefore, the Canadian corps association recommends that—sections 20-21-22 of the Canadian Pension Act shall be interpreted as—only restricting the payment of dual pension—with a modification that:—

- (a) Any amount payable under third party liability, to a widow in respect to an award of damages by any court or out of court settlement, on behalf of a veteran, or to a veteran personally, shall only be considered as being affected by the above-mentioned sections, if the amount of said damages shall exceed the pension payable by the Canadian pension commission in respect to said injury or death, for a period of three (3) years—that the said three (3) years shall be clear of assessment, so to speak, the amount, so cleared for payment to the recipient of said damages, shall be considered sufficient to cover all legal and other costs. At present the total amount of third party award must be handed over to the Canadian pension commission with no provision for legal or other expenses.
- (b) Where stated amounts of damages, payable by a third party, is judicially placed in trust for minor children, until they reach a given age, that these funds shall be entirely exempt from any requirement of the A/M clauses of the Canadian pension commission and shall not, in any way, interfere with the payment of any pension by the Canadian pension commission on behalf of the said minors, during their age limitations as provided by the Canadian Pension Act.

Mr. PARSONS: That has been brought up here before.

Mr. HERRIDGE: This organization and others have brought this situation before the committee before. Have you any recent illustrations of a person's suffering because of this present provision?

Mr. PARSONS: In my experience recently, Mr. Herridge, no. We know that it is there and I might say that we are governed accordingly. I frankly feel that third party liability is something that could be handled in a much better way than is provided for by sections 20, 21 and 22 of the Pension Act. For example, a serviceman may be killed and there may be third party responsibility for his death. If he was on duty at the time when he was killed his family has every right to sue and do sue the third party, and obtain judgment against that party. If the dependants of that serviceman wanted to collect his service pension for his death while in the service—in this case he will be in the permanent force—they must turn over to the pension commission the amount they obtain from the third party in its entirety. They have their choice: they may

keep that money and forgo the pension or turn that money over to the pension commission and obtain a pension.

There was possibly a reason back in the old days for putting in this provision. Perhaps the legislators considered that the young widow was going to obtain damages of, let us say, \$50,000 and also obtain a pension, and then within a few years would remarry. However, it is not working out in quite that way.

I have made some allowances in this resolution. If we cannot keep it all at least we should be permitted to retain a certain amount of the damages, certainly enough to pay all the legal costs and everything else involved. I feel myself that it should not be the business of the Canadian pension commission how much money the widow gets from the third party if the man died and his death arose because of or was directly connected with his duties. I do not think it should be the business of the Commission, but there is a school of thought which thinks it should, and I have made allowances for that school of thought. In any event, you will notice that in (b) I have made provision for a portion of the third party damages, if they are placed in trust on behalf of minor children, not to be considered in any way by the Canadian pension commission. I feel that is right.

These are matters which you gentlemen may consider and mull over. You may perhaps ask your lawyers to work on it and see if they can come up with some improvement upon the present situation.

Mr. McINTOSH: May I ask about a hypothetical case?

Let us suppose third party liability is paid to a widow of a serviceman but that it has taken the dependents four or five years to establish their right to a pension. What happens then if the widow has spent all she has received from the third party?

Mr. PARSONS: You and I have a case on tap right now. We are both directing our thoughts to it.

Here is a case in point. An ex-world war II air force man who stayed in the air force was killed in 1958—in the performance of his duty, I feel. The Canadian pensions commission feels otherwise. We will see who wins the argument eventually.

Mr. McINTOSH: They have not denied that he was on duty?

Mr. PARSONS: No, they have not denied that. It is the word “directly” that we have to take out of there.

In the meantime, there was third party liability and damages were sought and paid. The widow and her children have lived on that money since 1958 until now, and are still living on it, supplemented by work she is doing. If we ever succeed in getting that boy a pension, will the Canadian pensions commission ask us to find the third party money in full? We will never be able to do it.

Mr. McINTOSH: Have you had any experience in cases of this type?

Mr. PARSONS: No, not extending over that period of time.

Mr. McINTOSH: I wonder if we could ask the officials to give us a statement as to whether any such cases have occurred. Maybe Mr. Anderson could tell us if he has had any experience in such cases?

Mr. ANDERSON: Mr. Chairman, in the minutes of the proceedings of the committee which sat in May, 1961, there is a very complete statement on this whole question of the origin, the effects and the actual operation of sections 20, 21 and 22.

For the purposes of the discussion on this particular occasion I might quote just one or two brief excerpts from that, and incidentally I have prepared a

further and up to date statement which I would like to have in the record on this occasion.

First of all, the intent of this particular legislation is set forth in statements contained in the minutes of proceedings and evidence of the parliamentary committee of 1919, and I will quote that to you.

A number of accidents of various descriptions have occurred and will continue to occur, in which the disability caused by the accident is pensionable and also entitles the soldier and sailor to damages or compensation from the person or company which was responsible for the accident. It is not reasonable that both pension and damages should be paid.

This was the basis of the legislation. To enlarge on that slightly I would like to read this paragraph:

If these sections were not in the act, the result would be that the serviceman who had suffered injury which, while incurred on service and pensionable under the insurance principle, was caused by the tortious act of a third person, would be placed in a preferred position to a serviceman who suffered a disability due to enemy action. This by reason of the fact that in the first case the man, in addition to being awarded pension for the full extent of disability, could recover damages from the tort feaser and retain such damages, whereas in the second case the only compensation the man could receive would be by way of pension. Similarly, the widow of a serviceman whose death occurred under such circumstances or the widow of a class 1 to 11 pensioner whose husband's death resulted from a tort or an accident which involved payment of workmen's compensation would be placed in a preferred position.

The question before the committee and the people who drafted the legislation at the time was: should a man killed by an accident be given something to which a man killed in the trenches is not entitled? This is the basis of the legislation.

As I say, that is all in the resumé which I would ask to have included in the proceedings.

The CHAIRMAN: That can be included.

Mr. ANDERSON: There is another question which arises from this particular resolution to which I would like to refer briefly, Mr. Chairman. In the last sentence of the first paragraph of the resolution it is stated:

As presently administered, however, it means that any payment of damages by a third party must be handed over to the commission before a pension can be paid, if awarded.

In the second last paragraph on the page, the last sentence reads:

At present the total amount of third party award must be handed over to the Canadian pension commission with no provision for legal or other expenses.

This is the procedure we followed in carrying out the terms of this legislation. We capitalize the pension on the basis of the age of the individual at the time the pension is authorized, and if the capitalized value comes to more than the total amount of damages collected, the commission pays the difference. If the total is more than the capitalized value of the pension, we pay nothing. However, the individual can pay a sum of money to us in any case, and draw full pension. In the second statement I quoted, it is said that there is no provision for other or legal expenses made. All such expenses are invariably deducted from the total value of the settlement before we start to figure out the value

of the pension to be paid. These expenses are therefore taken into consideration.

Mr. PUGH: The deduction is to satisfy the expenses?

Mr. ANDERSON: Let me put it in another way. Suppose the claimant gets a settlement of \$8,000 and the legal fees are \$2,000. In this case, we take as the value of what that individual has received, \$6,000.

Mr. PUGH: But is the additional \$2,000 kept in the government pot or is it taken to pay the expenses?

Mr. ANDERSON: No, we assume that the expenses are paid at this stage.

Mr. PUGH: They are paid by the man asserting the claim?

Mr. ANDERSON: That is right.

Mr. PUGH: He will be \$2,000 out of pocket.

Mr. ANDERSON: No, we do not deduct that from the total amount of capitalized value of the pension.

Mr. PUGH: He is still \$2,000 out of pocket if he has paid the costs.

Mr. ANDERSON: I do not think I have made myself clear. We take only the amount of the money the individual has received by way of settlement, and that is deducted from the capitalized value of the pension over the period. Legal fees are not included. That is the point. These are not considered as a part of the settlement. The difference between the settlement less the legal fees and the capitalized value of the pension will be more, so that the individual will receive more by way of pension in consequence.

Mr. McINTOSH: May I take another hypothetical case?

Mr. PUGH: May I continue my line of thought, Mr. Chairman?

It seems to me that we have taken a case where there is \$8,000. The sum of \$2,000 is taken out of that and it is not capitalized. I know a case where a widow did get \$2,000. Her husband was on pension at the time he was killed. She received \$2,000. Her legal expenses were about \$1,500. She was paid that and she was out of pocket \$1,500, and the pensions commission took the \$2,000. I suppose they would capitalize only \$500 of the pension. Would it not be better if the pensions commission took the \$2,000 and reimbursed her the fees she paid and still capitalize the balance? She is out of pocket to the extent of \$1,500, and in this case \$1,500, or the whole \$2,000, which she lost, made a very big difference to her life. When one gets behind to that extent by using one's savings to pay legal fees, the pension would not help very much.

Mr. ANDERSON: She is not out of pocket to the extent of \$1,500 in the long run because that is not deducted from the capitalized value of the pension, and she is paid that. In other words, we only deduct \$500 and pay her the balance in monthly pension payments.

Mr. PUGH: What do you do with the other \$1,500?

Mr. ANDERSON: It is paid over the years by way of pension.

Mr. PUGH: In the meantime she is out of pocket to the extent of \$1,500.

Mr. ANDERSON: She is out of pocket temporarily but she does get it back.

Mr. PUGH: How quickly does she get it back?

Mr. ANDERSON: It would depend on the amount and the difference between the capitalized value of the pension and other factors. I could not give a completely accurate answer to that.

Mr. McINTOSH: Mr. Anderson made the statement that when this legislation was first brought into force it was considered unreasonable for damage settlement and pension both to be paid. In other words, you would put one of them in a preferred position. I was wondering what happens in the case of, for example, a man who is killed now or during the war and who obtains insurance.

Are they not in a preferred position also? Does the pension commission request that the widow turn over the insurance to the pension commission?

Mr. ANDERSON: No, they do not.

Mr. MCINTOSH: Would it not then be logical to say that if the individual instituted a court action and received damages, the same idea should prevail as with insurance?

Mr. ANDERSON: I am not saying that this is necessarily the correct thing to do. All I say is that this was the thinking behind the drafting and the introduction of this legislation into the Pension Act.

Mr. MACEWAN: Mr. Chairman, I would like to refer to what Mr. Parsons has said. Paragraph (a) states that at present the total amount of third party award must be handed over to the Canadian pensions commission with no provision for legal or other expenses.

In view of what Mr. Anderson said, is it not correct to say that the provision is made so far as legal expenses are concerned?

Mr. PARSONS: I would say it would be correct to say that no immediate provision is made. Perhaps I should have the word "immediate" in there.

Mr. MACEWAN: I am not quite clear as to what you mean in respect of the three years in that paragraph.

Mr. PARSONS:

. . . . if the amount of further damages shall exceed the pension payable by the Canadian pension commission in respect to said injury or death, for a period of three years, that the said three years shall be clear of assessment . . . .

In other words, the intention here was to at least set aside the value of the three years pension and have that clear. If they do not want to give it all to her, let her at least keep that. In this way she could at least meet her current expenses. There is the cost of the court action, and all this, that eventually has to be taken care of. I am thinking chiefly of the widow in this case.

If it is not the intention of the commission to give to the widow all of the third party damages which may have been assessed, at least let her have the value of three years pension. I am thinking in other terms too, gentlemen. Let us suppose here is a member of the forces who is permanently disabled. He is not killed, but is permanently disabled as a result of an accident in which third party liability is involved. If he is on duty, and being on duty the accident is construed as arising out of or directly connected with his service, he may get a pension. Undoubtedly that man will need something with which to re-establish himself. He is going to be faced with the choice of forgetting all about that third party payment, and take the pension, or forget the pension and keep the damages.

Mr. PUGH: He has the election?

Mr. PARSONS: I understand he has the election. If during my service days I had been killed my wife would have collected my insurance. It was up to me how much I had. This would not be taken into consideration; but suppose I was not able to qualify for life insurance, but was involved in a third party accident in which there was an amount equivalent to what I would have liked to have had in life insurance, she would have had to turn around and turn that over. It does not seem right.

Mr. BIGG: I was going to say that if we are thinking about a preferred position, we are off the beam. Why not wipe this out and say that if a man is entitled to a pension he gets it. Instead of humming and hawing about it, why not make a clean slate of it now. If she gets a pension, she gets it, and the bookkeeping and legal work, and all of this, would be reduced to a minimum.

Mr. PARSONS: That is right.

Mr. HERRIDGE: Mr. Anderson, could you tell us what number of cases the commission has handled during the last year which would come under this clause?

Mr. ANDERSON: I would not want to quote specific figures, but they are very few in number, perhaps no more than eight or ten in the course of a year, if that many. I might add that this is not a question of what the Canadian pension commission wants or does not want to do. It is what you gentlemen want to do in the legislation. Our hands are tied by the legislation.

Mr. HERRIDGE: It is a very small financial cost on the part of the government.

Mr. PUGH: In stating the reasons given at the time of enacting these sections 20, 21 and 22, Mr. Anderson told us it was felt that if someone was injured, claimed damages and received them, he would be in a better position than the man overseas. I put forward the case of an ordinary civilian killed by a bomb, or in an ordinary accident in wartime who would just have an ordinary claim; if that same civilian was run over and killed, it could be that his estate or his widow would receive \$20,000, \$30,000, \$40,000 or \$50,000. If we are considering this, one thing we should do is look at the general nature of the questions. You have specific and general damages. The general damages seem to cover everything in the nature of a punitive amount; in other words, in the case of someone acting illegally or foolhardily who kills somebody. The damages which are received compensate those who are left.

What I am suggesting is that if we are thinking on that basis, we should look right into it and say "All right; the general damages which are paid compensate the widow and the children for the loss of the husband or father." Of course, along that line it would seem to me not good thinking to exclude the amount coming in which normally would go to those who are left. I mentioned that one specific case which was a case of hardship; but I only mentioned it in view of the fact that she did not get her legal fees out. Of course, they are capitalized in the pension and she will get it over a period of time. I think all these factors should be looked into based on the principle that there is a loss of a husband and possibly a father. Normally these damages would come to a civilian. The other point mentioned was about life insurance. If a man is in receipt of a pension, or if a widow gets a hangover from a pension, then surely if the one is good, the other should be good as well, and the government should not come along and say because you have a pension you should not have life insurance.

Mr. ANDERSON: There is one point I would like to clear up. Reverting to the question of legal fees, I would call your attention to the fact that the provisions in the act do give us authority to indemnify for costs if we think the widow has a good claim. If in our opinion it is a good claim, we can appoint a lawyer and indemnify for costs.

Mr. PUGH: Following along on that, in respect of this \$2,000 claim eventually was paid, the widow I believe said that the people in authority knew she was going to make this claim and advised her not to make it. She went ahead and made it and the money was then turned over to the government. I think this is wrong. In that case you were thinking of the costs if she lost the case.

Mr. ANDERSON: Either way.

Mr. PUGH: If she lost the case, it would not make any difference; she would have to assume that herself.

Mr. ANDERSON: Not if we agreed to indemnify.

Mr. PUGH: I would say that the injured parties do not realize they are going to lose this to the government even if they win.

Mr. ANDERSON: Of course they are not necessarily going to lose it all; they may, but not necessarily.

Mr. PUGH: Suppose she received \$1,500 and the costs were \$1,500. The government would have kept the \$1,500 and handed nothing back to her to pay for this, she having paid \$1,500 out of her own pocket.

Mr. ANDERSON: That is true, unless we had agreed to indemnify for the costs to begin with.

Mr. PETERS: In the event that a woman did not have sufficient money to pay for this third party litigation, would the department take it on on her behalf?

Mr. ANDERSON: If we think it is likely to succeed, yes. It is a matter of the judgment of the commission.

Mr. BIGG: I understand that the theory behind pensions is to compensate a man on the average, shall we say. Suppose a musician went into the army and he lost his arms; he can no longer play the piano. The pension only will look after him as if he were a labourer; he could never get \$150,000 for the use of his hands from the government, but if he were smashed up in an accident he could collect. Are we going to give a serviceman less right than a civilian to protect his arms just because he serves in the forces? How about the negative side of this; are we going to put him in a lesser position than a citizen? I think we should put him right up level.

The CHAIRMAN: I have received a letter from Mr. Anderson, president of the Canadian pension commission. It is a very detailed letter. Is it agreed that this be printed as an appendix to today's proceedings? It has to do with section 20, 21 and 22.

Mr. HERRIDGE: Is it a statement or a letter?

The CHAIRMAN: It is a letter addressed to me as Chairman of the committee.

Mr. HERRIDGE: I move it be included in the Minutes of Proceedings and Evidence and printed as an appendix.

Motion agreed to.

The CHAIRMAN: Resolution No. 9.

Canadian Corps Association Resolution No. 9 (Re Veterans Insurance—Beneficiaries)

That inasmuch as both the Canadian pension commission and the War Veterans Allowance Act now both recognize so-called "irregular" marriages, that qualify otherwise, the present requirement of the beneficiary clause of veterans insurance creates a hardship to those veterans, unable to contract a regular marriage. Many would like to participate in the insurance coverage, but cannot do so because of the restrictive beneficiary clause, which adheres to the "preferred beneficiary" requirement.

Therefore, it is recommended that veterans insurance act shall be so amended to permit in the case of a married veteran—the naming of a "Beneficiary in Trust", or any spouse as recognized by the said Canadian pension commission or war veterans allowance board and who has a monetary claim on the said veteran's estate, or that, upon the choice of the insured veteran, that policy could be payable to his estate, and payment governed by a last will and testament, that it shall no longer be a mandatory requirement that a preferred beneficiary shall be named. In other words, the same choice of estate regulation shall exist with veterans insurance as with any other insurance on the life of the said veteran.

Mr. HERRIDGE: What the Canadian Corps Association means by this resolution is that veterans who take out veterans' insurance should be treated in the

same way as they are treated by the Canadian pension commission in respect of war veterans' allowance so far as qualification for marriage is concerned.

Mr. PARSONS: The idea behind this is it is possible that a veteran might not be able to pass an insurance medical examination in order to obtain any other type of insurance. We want him to be able to take out veterans' insurance and name the beneficiary of the policy the same as he could arrange it under any other type of insurance. In other words, if he is married and has not lived with his wife but is living in a form of marriage recognized by the commission, has a will and wants to award that insurance in the manner in which he feels is his right, he should be able to do that the same as if it were insurance with any other insurance corporation. I think he should have the right to do that. At the moment it is tied down in the case of a veteran to a first degree beneficiary basis.

Mr. WEICHEL: Is the present limit in respect of veterans' insurance \$10,000?

Mr. E. J. RIDER (*Director, Veterans Welfare Services Branch, Department of Veterans Affairs*): It is \$10,000 in multiples of \$500.

Mr. PARSONS: This is a little bit out of my line, but I have run into cases and I do not doubt there are others who also have run into them where a veteran cannot qualify for life insurance owing to the state of his health. Possibly he may not have seen his legal wife since 1944 or 1945, and does not even know whether she is alive or dead. He is living in a type of marriage recognized by the commission, and he would like to protect that beneficiary but cannot do it under the Veterans Insurance Act.

Mr. PETERS: Would this involve a major change? Would it be a change in the veterans' insurance legislation?

Mr. RIDER: Yes. The prime beneficiaries are designated by the Veterans Insurance Act as the wife and children on the basis of the original intent of the act to protect the man and the family when he became uninsurable.

The CHAIRMAN: Resolution No. 10A.

Canadian Corps Association Resolution No. 10A

Section 13 (2) of the Canadian Pension Act, as it refers to members of the permanent forces and reads:

Pensions shall be payable where the injury or disease or aggravation thereof, or death, in respect of which application for pension is made, arose out of or was directly connected with military service. It is the considered opinion of this organization that entirely too much stress is laid, in the interpretation of the act, on the words "directly connected with".

We see numerous cases where a fine dividing line based on the so-called insurance principle stands between bona fide claims, and the award, by this interpretation.

Therefore, to bring the coverage, for accident or illness, and/or the effects thereof, incurred during the service, or any other bona fide claim, properly established as an aggravation of a pre-enlistment condition by service, that the words "Directly connected with service" be deleted from the qualifying clause of the Canadian Pension Act, and that the said clause, of Section 13 (2) shall read:—

Pension shall be payable where the injury or disease or aggravation thereof, or death in respect of which application for pension is made, arose out of or was connected with military service ...that the word "directly" be eliminated from this clause. This will enable the commission to make awards on the basis of "while on the employer's business, or while on duty", etc. bringing the peacetime coverage to the equivalent of the Workmen's Compensation Act.

Mr. McINTOSH: Resolution No. 10A actually is very important. I think it is one of the major stumbling blocks, as I see it, in the Pension Act at the present time. To my mind there is great merit in this resolution in relation to the word "directly". I think we should not let this clause go by without a little more discussion and possibly have Mr. Parsons explain to the committee the reason why he has picked out the word "directly", and suggested that it should be deleted from the act at the present time.

Mr. PARSONS: Mr. Chairman, I will give you a specific case. This involved a war veteran who remained in the permanent force—the R.C.A.F. His orders one day were to drive a truck we will say from point A to point C. It was in November. He gets as far as point B in the evening; there is a storm and there is sleet. He decided he had better not go any farther because the weather conditions were pretty bad. So, he parks the truck at a point we will call B; it happened to be an R.C.A.F. supply depot. This individual makes contact with his superior at point B and is informed there are no quarters available for him at that station but quarters are available across the road. Perhaps this takes place on Avenue road in Toronto. The superior officer says to this individual, "Go across there and you will be taken care of". The individual steps out on Avenue road and is knocked down by a third individual and is killed.

This is the same case we were referring to a short while ago. That case went to the first, second and third board and then to appeal. We are attempting to re-open that case at the present stage.

At the appeal board two of the commissioners ruled against the application because the individual was not directly involved in his duties at the time of the accident.

An hon. MEMBER: How stupid can one be?

Mr. PARSONS: They ruled that this individual was not driving his truck. The dissenting judge gave a minority decision in favour of the veteran. He suggested the accident happened as a result of the individual performing his services.

That is one example of this situation, and I am personally aware of a great number of similar cases, having been involved in this work for many years.

I have dealt with numerous cases where the word "directly", through no fault of the commission has stood in the way of a veteran receiving a pension. At one time the qualifying clause read: "arising out of and directly connected". That was changed and we felt that we really had accomplished something by changing the word "and" to read "or", in effect giving a choice. It then read: "arising out of or directly as a result". Our difficulty seems to be with the word "directly"; therefore, we are asking you gentlemen to amend the wording so that it will read: "pensions shall be payable where the injury or disease or aggravation thereof, or death in respect of which application for pension is made, arose out of or was connected with military service", leaving the word "directly" out of the section. I feel that such a change would make this qualifying clause similar to the protection provided under the workmen's compensation act of any province.

Mr. HABEL: Mr. Chairman, I feel that is a good suggestion.

Mr. PARSONS: In other words, Mr. Chairman, as long as a man was conducting the business of his employer he would be covered, and I do not understand why such an individual should not be covered.

Mr. HERRIDGE: Mr. Chairman, I think Mr. Parsons has presented a very sound argument. Such an individual should receive the same protection as given under the workmen's compensation act.

Mr. McINTOSH: Perhaps the difficulty involves the interpretation of the word "directly". If the government saw fit, could it solve the problem of providing

a definition of the word "directly"? Section 55 states that the commissioners shall interpret the language and apply the section as it sees fit.

Mr. BIGG: Surely we cannot place words in the section which will ensure that individuals will use common sense no matter how the words are interpreted.

Mr. HERRIDGE: The word "directly" is somewhat more binding than the terminology suggested by the witness.

Mr. BIGG: Do you think such an amendment will assist these individuals to use common sense?

Mr. HERRIDGE: I think the amendment would make this section comparable to the compensation acts of the various provinces.

Mr. PARSONS: I do not blame the commission in any way if it decides to interpret the words in any way they see fit. However, how can two comparable cases, almost like peas in a pod, be interpreted in directly opposite ways? Precedent does not seem to apply to decisions. I myself felt that the word "directly" pinpointed this category much too tightly. To my mind if a man is on his master's service he should be covered. I myself work on the railroad, and if I am on my master's service I am covered. I do not have to worry at all about being covered as long as I am conducting my master's business. If I am driving a truck back from point A to point B, I do not have to be driving that truck when I am hurt to be covered. I would be covered even though I was returning from the delivery.

Mr. PUGH: I should like to pose a hypothetical question. Suppose in this same example which you have given the individual chose to stay in the truck and the temperature dropped to 60 degrees below zero and he froze to death, this man would be covered; is that right?

Mr. PARSONS: Yes, that is the case.

Mr. HERRIDGE: Mr. Chairman, I am aware of the case in British Columbia of a farmer getting out of bed in a hurry because his cattle had got out of the pasture, and when he got out of bed he slipped on the chamber and fell on his bottom but was covered by compensation.

Mr. PUGH: What about the cows? Was there no pot?

The CHAIRMAN: Perhaps we could proceed with our consideration of resolution of number 10B?

#### Canadian Corps Association Resolution No. 10B

That in cases where the Canadian pension commission, under the act, cannot cover what may be considered a bona fide claim for compensation or injury, or disease, or aggravation thereof, suffered while a member of the forces, that recourse be granted to the workmen's compensation board of the province in which the disability was incurred, and that the necessary governmental steps be taken to provide this coverage.

However, we might add that we feel coverage can be extended by the Canadian pension commission under existing regulations, if the correct interpretation is made of the act. A serving member of the armed forces, who suffers occupational injury, or death, while on duty should be covered, to the same extent as if the said member were industrially employed, or employed under the civil service commission.

Mr. PARSONS: Mr. Chairman, resolution 10B was passed before resolution 10A. We felt that if we were going to take the word "directly" out of the qualifying clause we could resolve resolution 10B. We felt that all members of the permanent forces as they are today, should be covered in a manner equivalent to the coverage provided by the workmen's compensation act and other civil servants.

The CHAIRMAN: Shall we consider resolution 11?

Canadian Corps Association Resolution No. 11

Be it resolved that upon the death of a pensioner drawing 48% or more disability pension, married, with or without children, whether death results from his pensioned condition or not, that the amount of pension payable at time of death on behalf of the said veteran shall continue to be paid to the surviving widow for a period of one year following the death of the veteran, provided this payment, at married rate, shall be lower than the pension payable to a widow where the veteran shall die as a result of his pensioned condition, the higher rate payable shall be paid, as presently provided for under the pension act, and this latter payment of widows pension shall be automatic.

Canadian Corps Association Resolution No. 11 continued

Be it further resolved that upon the death of a disability pensioner drawing less than 48% disability pension, at married rate, with or without children, that the said pension shall, where the death does not result from the pensioned condition, be payable to the said widow, and dependants, for a period of one year from the date of the death of the said veteran, except that where the rate of pension is lower than that provided by the war veterans allowance (widows) act, the latter shall be payable, for the said period of one year, regardless of the age of the said widow, with the following exceptions:

- (1) Where the said widow is covered under the workmen's compensation act of any province of Canada,
- (2) Where the estate of the said veteran exceeds the limits of the war veterans allowance act, in cash or property, less any encumbrance upon any real estate falling upon the responsibility of the widow.

Comment—Many times in veterans' welfare work we come upon cases where veterans are drawing disability pensions, of amounts, less than the statutory 48%, and who, through these disabilities, are forced into employment where their income is greatly reduced. The disability pension therefore, forms an important part of their needed income. The veteran dies from causes other than that for which he is pensioned. The widow, many times with children to support, but below the age of 55 years, is without any income and requires at least one year to orient her affairs. The continuation of payment of this pension, or the payment of the widow's portion of the war veterans allowance would be of material assistance in these cases, particularly the lower income groups.

Mr. WEICHEL: Mr. Chairman, perhaps we could have a further explanation in respect of the 48 per cent level?

Mr. PARSONS: A pensioner drawing a pension of 48 per cent or more who dies will leave dependants qualifying for that pension.

Mr. WEICHEL: This resolution does not state that clearly.

Mr. PARSONS: The resolution states:

—upon the death of a pensioner drawing 48 per cent or more disability pension, married, with or without children, whether death results from his pensioned condition or not, that amount of pension payable at time of death on behalf of the said veteran shall continue to be paid to the surviving widow for a period of one year following the death of the veteran—.

This is similar to the War Veterans' Allowance Act. When a war veterans' allowance recipient dies his widow will receive his pension for a period of one year. This gives her an opportunity to orientate herself.

Mr. PETERS: And get married again.

Mr. WEICHEL: The reason I have touched upon this subject is that I understand that when a veteran receiving 48 per cent or more pension dies, his widow or dependants will receive \$138. per month.

Mr. PARSONS: That is true if his death is due to his pension condition.

Mr. WEICHEL: In my case, for example, I am receiving 80 per cent pension and if something happened to me my wife would receive \$138. per month as long as she lives.

Mr. PARSONS: That is right.

Mr. WEICHEL: I cannot understand this statement in respect of payment for one year.

Mr. PARSONS: The widow would receive the full rate for one year. This is exactly the same situation as in the case of war veterans' allowance.

Mr. WEICHEL: There is a point I was trying to make.

The CHAIRMAN: Shall we move to resolution number 12.

Canadian Corps Association Resolution No. 12

Be it resolved that the government of Canada amend the pension act and the war veterans allowance act having reference to the rates paid for the care of orphans. Regardless of the number of children who survive the veteran, \$648.00 per year, per orphan should be awarded and the present sliding scale of rates should be eliminated.

Comment—In many cases where a veteran dies and is survived by more than one child, these children are separately placed into different homes. Under the current regulation, a veteran leaving three orphans, placed in three different homes, would each be awarded only \$504.00 per year for support, instead of \$648.00 which is awarded to a single surviving orphan. The Canadian corps association feels that this is very unfair to a veteran survived by more than one orphan, for even the \$648 per year rate is inadequate to raise a child at today's present cost of living.

The CHAIRMAN: Resolution number 13.

Canadian Corps Association Resolution No. 13

Be it resolved that the Canadian pension act be amended forthwith, to permit appeal to the courts of any cases which have been heard by the presently appointed pension commission, sitting as an appeal board, and upon which unfavourable decisions have been given, and further, on which it is deemed that a proper legal interpretation of the pension act has not been made. The costs of such Appeal to the Courts to be borne by said Pension commission. An authority, for the furtherance of such an appeal to the courts, to be designated in the amendment to the act.

Comment—There is reason to believe that strictly speaking, legal interpretation of the present act has not always been given in some cases. It is felt that the act, as presently constituted, wherein it relates to conditions arising out of or directly connected with service, is adequate, provided that the said act is interpreted in this form in which it was undoubtedly intended that it should be. Whereas it is evident that, in some cases, appeal boards have not made a thorough legal interpretation, and it is felt that trained judiciary would be in a position to do this. Often, the interpretation of a case, at appeal, involves certain strictly legal understanding as to liabilities, etc. somewhat outside the jurisdiction of a pension appeal board.

Mr. PARSONS: Mr. Chairman, I should like to make a statement in regard to this resolution. If you gentlemen become bored listening to me I hope you will tell me.

In resolution number 13 we are asking for the right to seek a higher court opinion, such as a legal definition, from an appeal court where it is felt the decision given by the pension commission is not quite proper and does not satisfy us. In other words, we are asking for permission to go to the appeal court for a definition of a set of legal circumstances which will set a precedent for the commission to follow. I do not think that this resolution, if passed, will produce a lot of cases for the appeal courts. I doubt very much whether more than five or six at the most would ever go to appeal. However, we have had instances where there has been minority judgments given on the legal technical point by the commission. Two of the commissioners ruled against the application and one ruled in favour on the basis of technicality. We should like the right to take such a case to the court of appeal so that we can get a trained judicial opinion, setting a precedent for the commission to follow.

We are not attempting to take anything away from the commission in any way shape or form. It is quite possible that this right would work to their advantage as much as to ours in view of the fact that any such appeal would require a decision on the part of the judiciary. If we are given a right similar to that sought by Bill C-7 we will then be in a position to go to the appeal court for an interpretation and ruling, setting a precedent for the commission to follow. Any other case with similar circumstances would then be ruled on by the commission on the basis of that precedent.

I should like to make it very clear that the situation existing in regard to this resolution is not the same as the situation which existed before 1939.

Mr. McINTOSH: Mr. Parsons, in this regard I should like to refer to evidence given this committee by Mr. Nutter in answer to questions asked by Mr. Pennell, a member of our committee who unfortunately is not present.

Mr. Pennell asked Mr. Nutter, who is counsel for the pensions commission the following question:

Because I understand the purport of Bill C-7 is to allow an appeal to a court, can you say where there is going to be any disadvantage to a veteran where his claim has been reviewed by the appeal board; what has he to suffer if we permit him to go with leave to a court after his claim is refused?

Mr. Nutter replied as follows:

There are statements which have been made this morning to the effect that a court would look upon his rights on a larger basis than does the commission.

Mr. Pennell then asked this question.

I want to assume that his claim has been reviewed by the appeal court. What has he to lose if we permit him with leave to have a court hearing.

Mr. Nutter replied:

I think he has very little, if anything, to gain.

As a result of the remarks you have made I have the impression you do not agree with Mr. Nutter's statement, is that right?

Mr. PARSONS: Mr. McIntosh, I would say that we would gain in this regard by having a directive from the appeal courts in the form of precedent and will know why a case has been turned down or approved.

Mr. McINTOSH: If you read these minutes you will see that Mr. Nutter gave statistics in regard to the situation of 1939. He refers to 2,363 decisions on appeals, which 19 were turned back and 17 denied. I have the impression that

the organizations with which I have had correspondence feel that Mr. Nutter is perhaps right in this regard, that allowing appeals to courts would be detrimental to applicants who have received pensions. Do you agree with that suggestion?

Mr. PARSONS: No. I cannot see any direct similarity between the Pension Act of the days prior to 1939 and the Pension Act as it is today. I do not think our commission set-up of those days can compare with our commission set-up of today. I do feel that the pension commissioners are not following precedent. The commission will rule in favour of one applicant and against another applicant on an identical set of circumstances. I should like to know that the circumstances surrounding a specific case can be compared to the circumstances surrounding an earlier case so that comparable decisions can be made. At this time we do not have precedents to follow. There are outlines of cases in existence but they are not followed.

It is my feeling that we have everything to gain and nothing to lose by having the right to appeal a decision of the commission to the supreme court.

Mr. McINTOSH: Would you agree with this statement made by Mr. Lambert, after Mr. Nutter gave that answer, which is as follows:

I am not too sure that that is a logical and necessary conclusion you have put forward. We do not know how many decisions were favourably influenced by reason of the fact that there was a right of appeal.

Mr. PARSONS: I quite agree with that statement.

Mr. McINTOSH: In other words, the purpose of your resolution number 13 is very similar to the purpose contained in Bill C-7 with the exception that you are asking for the costs of such an appeal to a court to be paid by the pension commission; is that right?

Mr. PARSONS: That is right.

Mr. McINTOSH: You realize, of course, that this cannot be done through a private members bill?

Mr. PARSONS: We felt that while we were asking for the right to appeal we should include that request.

Mr. McINTOSH: Mr. Parsons, I am also concerned in respect of another word in your resolution. You have stated in your comments, "—provided that the said act is interpreted in this form in which it was undoubtedly intended that it should be". What do you mean by the words "undoubtedly intended"?

Mr. PARSONS: I feel that when the qualifying clause was changed to read: "arising out of or directly connected with" it was intended that there should be a broad enough base there that it would not be pinned down as tightly as some of the judgments are being pinned down.

Mr. BIGG: I am afraid that if the reason for an appeal is to have precedent set you are going to tie the commission to wooden judgments. It is my impression that we have set up this commission to avoid that type of situation. If these cases are to be decided on legal decisions we do not need a pension commission at all. We could say to an applicant that he was not entitled to a pension because he could not show precedent, but with the pension commission, and I understand that all the commissioners are veterans, we can expect them to make human, reasonable judgments. You are trying to establish precedent so that one individual will receive a pension because of the fact another has received a pension under similar circumstances, and I think in this way you are tying the hands of the pension commissioners.

Mr. McINTOSH: Mr. Chairman, perhaps I could clarify the situation.

Mr. BIGG: Mr. Chairman, I have the floor.

Mr. McINTOSH: I just wanted to clarify the position. Mr. Chairman, perhaps you would read section 55 of the Pension Act to Mr. Bigg?

Mr. BIGG: I think I am familiar with the Pension Act.

Mr. McINTOSH: Mr. Chairman, Mr. Anderson probably knows what I have in mind. The interpretation of the act is entirely within the jurisdiction of the pension commission and no one else. You cannot base a legal definition on what has gone before in respect of pensions because the interpretation is left entirely to the commission.

Mr. BIGG: I suggest that a legal interpretation of the Pension Act is not satisfactory in many cases. If an appeal is allowed the decision is then taken out of the hands of the pension commission; instead of allowing flexibility in respect of decisions made by the pension board, there will be a morass of precedent which will tie the hands of the commission. Instead of decisions being made by the commission as a result of human opinions you will have decisions being made on the basis of precedent established by lawyers and courts.

I think the result of the adoption of this resolution will be an increase in appeals. Every serviceman who does not receive a pension will feel that he has been treated unjustly and will appeal to the courts. Individuals now receiving appeals may ask leave to appeal. These individuals will suggest that because Joe got a pension they should also receive their pension.

Mr. McINTOSH: Mr. Chairman, I do not think Mr. Bigg was present at a previous meeting when the fact was brought forward that this act is one of a few acts under Canadian law where interpretation is not left to the court. This is a law phrased by legal experts to be interpreted by laymen. We feel there is proof that they are capable of interpreting it.

Mr. BIGG: I am not trying to get into an argument at all. I suggest we may open up a new field of difficulty in regard to the human decision.

Mr. PARSONS: Mr. Bigg, in my resolution here and in Bill C-7 permission would have to be sought from the commission before you could go to the court. That would cut out all frivolous appeals.

Mr. BIGG: Is it correct that if perhaps they feel they cannot otherwise give justice the commissioners have the right to obtain legal advice from the best legal brains in Canada when they want an interpretation? They are entitled to ask the best legal brains in Canada whether they are interpreting the act according to the human desires of parliament. If they do this, I see no reason for setting up another burdensome appeal system. If there is a dissenting judgment on the part of the board, it could be put in the request for an opinion from legal counsel. It could be made mandatory for the commission to seek advice from the best legal brains we have in Canada.

Mr. PETERS: Which in effect is an appeal court.

Mr. BIGG: One does not need a new trial and a cumbersome appeal, and further expense to the government. This is only my opinion; I am not hoping to sway the whole committee.

Mr. PARSONS: I have two cases that are identical as far as liability is concerned. One fellow was actually reporting for duty; the other is the one about whom we spoke a little while ago who was temporality parked. The man who was reporting for duty was in his own car and went into the back of a bus. He received a pension. The other man was doing exactly what he was told but did not receive a pension because in that case they say the accident was not directly connected with service.

Mr. BIGG: I thought we covered that five minutes ago on the other point. If the commission is given the right to make a decision, appeals are not required.

Mr. PARSONS: If we take out the word "directly" this could be dispensed with. If you do not delete the word "directly" I think we should have higher authority.

Mr. BIGG: You are asking for a safeguard if you do not have "directly" deleted?

Mr. PARSONS: Yes.

Mr. CLANCY: I do not agree that these should be taken to the courts, because once we have set up a rigid precedent the commission are unable to use their discretion. The courts will set precedents and they will interpret the act as it is written. At the present time the commission has a chance to interpret the act in the spirit in which it is intended to be interpreted. There is quite a difference. Although we may not always agree with the commission, this system does give flexibility for the act to be interpreted in the spirit in which it was intended by the legislators in the House of Commons. The minute we take it to the courts we will have a rigid set of legal interpretations from the supreme court.

Mr. PETERS: Mr. Chairman, I think this is a very important section because I think it gives the claimant the same right as the commission would have for seeking a legal decision, which in fact they already have, as we heard from the gentleman who presented argument to us the other day.

Because I think this is important, I move, seconded by Mr. Webb, concurrence by this committee in this resolution.

Mr. CLANCY: Before the motion is put to a vote, let me bring up one point. The minute the first case goes to court, every case in which the commission has used its judgment in interpreting the spirit of the act is going to be thrown out. How many veterans are you going to affect?

Mr. HEESAKER: All we are asking here either in this resolution or in Bill C-7, is for somebody to whom we as the veterans' representatives can appeal if we feel the commission has not given the correct interpretation to perhaps one word, such as "directly", or one term such as "connected with". We have no appeal after the pensions commission has ruled now.

For one instant I would like to go back to the information we were given today in regard to the 2,000 odd cases. There is a different set-up altogether. There it is a case of the commission appealing the courts appeal, and they win 17 out of 19. I do not think for one instant, Mr. Chairman, that we will have such people as judges asking for a different ruling on something upon which they have already ruled. The judge does not go back to change his decision.

Mr. CLANCY: When you take it to the courts, if the commission has interpreted the act in the spirit of the act, the courts can say it is illegal and then hundreds of veterans will not qualify.

Mr. HEESAKER: Not necessarily. It would have to have been through all the other channels first.

Mr. CLANCY: There is only one thing the government could do. When one case is upheld by the courts and the decision of the commission is reversed, the only thing the government can do is take out the other pensioners.

Mr. PARSONS: No, not necessarily. That could be overcome.

Mr. HEESAKER: We are only asking for someone to whom we can appeal a decision of the pensions commission on words.

Mr. MACEWAN: All you are asking is for appeal on questions of law, not for new trials with witnesses and so on?

Mr. PUGH: Mr. Chairman, on a point of order, is it not correct that we have a resolution and a seconder? Should we not be hearing the evidence and then make our report? We are reporting to parliament. At that time we can put

forward a resolution, bill C-7, this brief, the Legion brief and everything else. We have a great deal more evidence to hear.

The CHAIRMAN: Gentlemen, the committee will take this under advisement and we will give a decision at the next meeting of this committee. It must be borne in mind that we are dealing also with Bill C-7.

Mr. HEESAKER: On Thursday this same resolution will be presented again. I will be here representing the national council, and they are supporting this resolution.

Mr. PUGH: Then that is all the more reason why it should wait for our report.

Mr. PETERS: You are reserving your decision on the acceptance of this resolution?

The CHAIRMAN: Yes, we will give it consideration and then make a decision.

Resolution No. 14:

Canadian Corps Association Resolution No. 14

Be it resolved that the portion of the War Veterans Allowance Act, referring to widows—and those dependants of deceased recipients of the war veterans allowance recognized as widows—be amended to read “has attained the age of fifty (50) years, and/or is, in the opinion of the board, incapable of providing for their maintenance because of:—

- (a) Physical or mental disability
- (b) Has one or more dependants under sixteen (16) years of age
- (c) Has one or more dependants, who is physically or mentally infirm regardless of age, and who was supported by the veteran during his lifetime.”

2. That the war veterans allowance be continued regardless of age of wife for the period of 12 months after death of veteran provided her financial status is below the ceilings allowed after all last sickness and funeral expenses are considered.

Mr. WEICHEL: What you are trying to do in this resolution is lower the age from 55 to 50?

Mr. PARSONS: That is correct.

The CHAIRMAN: Resolution 15.

Canadian Corps Association Resolution No. 15

Due to the destruction by enemy action of world war II, of the service records, particularly those of veterans of world war I, in the United Kingdom and the difficulty in many cases of establishing the type or service performed by U.K. Veterans of world war I, through lack of official records, it is resolved that United Kingdom veterans of world war I, who served 365 days in or outside of the United Kingdom, and who otherwise meet the requirements of the act, shall qualify for war veterans allowance.

Comment—In the case of allied veterans such Italians, French, Belgium and other allied forces of world war I, actual combat service is, in many cases, impossible to prove, but because their service was on the continent of Europe, 365 days service qualifies them for Canadian war veterans allowance providing they meet residence and other requirements of the act. A United Kingdom veteran, living on the south coast, or the Thames estuary, could easily have seen much more enemy action in world war I, than an Italian, or for that matter, many other allied veterans. Presently a United Kingdom veteran is required to have served

"in a theatre of war" to qualify. Under certain conditions, for other veterans, the British Isles are considered a theatre of war in world war I, such as the R.F.C. and naval personnel. How about the army's artillerymen on the south coast, A.A. Gunners, etc. We suggest that if one year's service qualifies allied veterans, it should also qualify United Kingdom veterans for war veterans allowance.

Are there any questions in regard to this resolution?

Resolution No. 16:

Canadian Corps Association Resolution No. 16

Recommendation—That the term "war disability compensation" be substituted for the word "pension" where the latter appears in the Pension Act.

Comment—We strongly urge that the term "pension" be eliminated from the Canadian Pension Act and that the term "war disability compensation" be substituted in the title and the word "compensation" be substituted for the word "pension" through the Act.

We urge this change because the word pension or pensioner carries with it the connotation of an hireling, a dependant or one in receipt of income as an act of grace. Employers often associate with the word an inferior status and government responsibility for support.

In the 1930's disabled veterans were discharged from jobs on the grounds that they were in receipt of "pension". It is difficult for the public, including employers, to distinguish between pensions as compensation and pensions as an act of grace. The payment of war disability compensation must always be treated as something separate and apart from any general social security program. War disability compensation must be clearly understood as being an attempt at compensation by the country for a disability incurred by members of the armed forces while in the service of their country.

Does anyone wish to speak to this resolution?

Mr. PETERS: May I ask if there is any particular concern about the word "compensation" rather than the word "pension"?

Mr. WEICHEL: I think that has been brought up quite often.

Mr. PETERS: Is this a major consideration or not?

Mr. HEESAKER: We do not feel it is a major change. We feel that the pensioners would rather have it called compensation for an injury they have received. It is called compensation in every other line of work. A pension is something one receives when one is too old to do the job, if one is lucky enough to qualify. These people are still young and they are receiving a war pension. I do not think it sounds right. We in the association do not think it sounds right.

Mr. WEICHEL: As a pensioner, I believe what you are saying is quite fair.

Mr. BIGG: It is not a pension.

Mr. WEICHEL: It is compensation.

Mr. BIGG: It is not a full living for a family.

The CHAIRMAN: Resolution No. 17:

Canadian Corps Association Resolution No. 17

It is apparent that there is insufficient staff in certain departmental hospitals, in particular at Sunnybrook, causing serious delays in admittance and treatment of patients, even though numerous beds seem to be available. It would appear that this trouble stems from apparent lower rates of remuneration for staff than the prevailing rates in civilian hospitals.

Therefore, the Canadian corps association, dominion command recommends that forthwith, the Department of Veterans Affairs take immediate steps to compensate doctors, nurses, and other staff members in departmental hospitals on a level comparable to that existing in civilian hospitals and where necessary, increases in staff personnel should be immediately made.

Mr. WEBB: When Dr. Crawford was giving evidence the other day he led us to understand that the salaries in the veterans' hospitals were equal to those in other hospitals.

Mr. PARSONS: I think they have recently been increased.

Mr. PETERS: May I ask whether in your experience the complaint had not only been in regard to hospitals but also district offices and the type of people available for treatment centers.

Mr. PARSONS: Mr. Peters, I work with all the different district offices and I do not bypass any of their pensions advocates. I get 100 per cent cooperation from them. The only reason we seem to have any difficulty in getting veterans into Sunnybrook has been through over crowded conditions or at a time not long ago when part of the hospital had to be closed down for lack of staff. I understand part of it is still closed. Those conditions do not prevail all over. For example, I have never had any trouble with the Queen Mary in Montreal. I can pick up the telephone from Noranda and have a man on his way to the Queen Mary hospital in no time at all without any trouble. I think the reason is that so many of the hospitals in Montreal are operated by religious orders and do not run into the salary problem; and this, of course, does not apply to such places as Toronto. I understand the salaries were increased and that should help the situation.

The CHAIRMAN: Resolution 18:

Canadian Corps Association Resolution No. 18

Be it resolved that all money received by the government of Canada through enemy assets or war claims or other payments from enemy governments on disposal of their assets, be equally distributed to prisoners of war of the Canadian armed forces, in compensation for maltreatment. This applies particularly to those prisoners of the Dieppe raid who were chained, and the Hong Kong prisoners of war who were held captive by the Japanese.

Mr. WEICHEL: This resolution, it is stated, applies particularly to those prisoners of the Dieppe raid who were chained, and the Hong Kong prisoners of war who were held captive by the Japanese.

I do not think you should make any distinction. There should be no discrimination between prisoners of war. If you take a prisoner of war who was in a prison camp for perhaps three years he probably suffered more than the men who were in chains and the men who were in Hong Kong for two or three months. I know this was terrible, but the long periods of imprisonment were also terrible. I know many first world war and second world war prisoners of war, and when one talks to them one can see the effect was tremendous, no matter how they were treated. They were still prisoners of war, and I think there should be no distinction made between them.

Mr. PUGH: We have four or five who are members of parliament, and I do not notice any difference.

Mr. PARSONS: Mr. Weichel, I run into a great many of these prisoners of war, and I can say that the men who were imprisoned in Hong Kong—and I

am not saying this because John Stroud is sitting beside me—developed conditions that are not found among other prisoners of war.

Mr. WEICHEL: I am not denigrating them. I say God bless them.

Mr. PARSONS: The Dieppe prisoners were treated very roughly. The reasons for which those two types were put in there were really based on the hardship.

Mr. WEICHEL: You are trying to demonstrate your point?

Mr. PARSONS: That is right, on the basis of known hardship.

Mr. BIGG: In other words, when you say compensation for maltreatment you mean, in general, they were all badly treated. You are not saying that because a man was blinded he suffered more than a man who was not blinded?

Mr. PARSONS: We do know that the Dieppe prisoners had to undergo forced marches and were chained. We do know the Hong Kong prisoners had the worst time of all; there is no question about that.

The CHAIRMAN: Resolution No. 19:

Canadian Corps Association Resolution No. 19

Be it resolved by the Canadian corps association that the government of Canada retain veterans' preference in all government examinations and general policy, for veterans' preference must never be eliminated in connection with all civil service positions.

Comment—The findings of the Glassco commission indicating a demand for the elimination of the veterans' preference in civil service employment, was unanimously renounced by the members of the Canadian corps association. Our organization emphasizes the importance of the government of Canada retaining veterans' preference, which will not only ensure that the best men possible will be serving as civil servants, but also these veterans are entitled to this preference in view of their active service for Canada.

Mr. FANE: I think we should approve that.

Mr. WEICHEL: We have discussed this quite often, Mr. Chairman. I think it is very important that this be kept in. I have heard many people say that it is time it should be taken out, but I do not believe it. This preference was just as important as trying to keep patronage out of the civil service commission or some different departments. I think it works in the same way.

Mr. PETERS: What has been the operation, in the opinion of the corps, of this veterans' preference?

Mr. PARSONS: It has resulted in getting boys into the civil service or getting them work when otherwise they may not have been able to do so. It does give them a break on their examinations.

Mr. PETERS: Have you found that government departments cooperate in this?

Mr. PARSONS: I think so. We do not want it taken out of there, and that shows how much we like it.

Mr. PETERS: I was just wondering how it has worked.

Mr. PARSONS: It has worked.

Mr. WEICHEL: I believe the preference clause refers to active service. Mr. Anderson may be able to tell us about this. That is the point where preference shows up, I understand?

Mr. PARSONS: Yes.

Mr. McINTOSH: May I ask, Mr. Chairman, if all notices for positions going out state that there is a veterans' preference?

The CHAIRMAN: Yes, they do.

Mr. BIGG: Where there is one.

Mr. McINTOSH: The reason I ask is that I understand recently there have been some positions in the postal department where the veterans' preference clause has not been included in the notice. This is merely hearsay.

Mr. HEESAHER: I believe that is true. We have a case in Quebec which I could look up on that point.

Mr. JOHN R. STROUD, (*Dominion Resolutions Chairman, Canadian Corps Association*): We have noted this in Toronto because we still have veterans we are trying to place in postal positions. It has been noticeable lately that the staff hired in Toronto are non-veterans. They have been hiring females. The prevailing rate paid to female employees is less than the rate for male employees, and this is the reason for the tendency in the Toronto area to hire females rather than veterans. This is perhaps something which has arisen since the Glassco commission recommendations. We have not been able to find out, but we have noted that they are starting to hire non-veterans in the post office in Toronto.

Mr. WEICHEL: Just female help?

Mr. STROUD: Female help, yes.

Mr. McINTOSH: This is not the responsibility of the Department of Veterans Affairs; I presume it would be the civil service commission. Possibly this committee should make recommendations to this commission to the effect that the preference should not be overlooked.

The CHAIRMAN: Resolution No. 20:

Canadian Corps Association Resolution No. 20

It is resolved by the Canadian corps association U.S. Canadian veterans association of Detroit, Michigan, that they wish to have it brought to the attention of the Department of Veterans Affairs in Ottawa, that the present conditions prevailing in the Dearborn veterans hospital in Michigan, U.S.A. should be corrected.

Comment—On August 3rd, 1962 Pte. Aurlian LeGendre, a member of this post in good standing, was suddenly taken ill, he was in great pain and spitting up blood.

A lady, Mrs. Mable Dixon had him picked up and taken to the Dearborn veterans hospital, she also had his discharge papers along. They were refused admittance because he was a Canadian veteran. This was only for an emergency until they could get him to London. In desperation, Mrs. Dixon took him to her own doctor who diagnosed the case as a punctured lung with pneumonia setting in. Contact was made with Major Bell of Windsor who arranged for his immediate admittance to Westminster hospital in London. Upon arrival, the doctors marvelled that he had lived to make the trip. What if he had not made it to London?

Pte. A. LeGendre, No. 889252 enlisted September, 1916 in the 189th Montreal, then drafted to the 22nd battalion. He is a pensioner, stone deaf, and possibly shell-shocked.

Mr. PETERS: Has there been on the part of the department an attempt to get some reciprocal agreements with American institutions for emergency treatment? What action has been taken and what overtures, if any, have been made? It must arise in many cases where we have veteran tourists in the United States who, because of their veteran's status, would be eligible for admission to military hospitals and other institutions on an emergency basis. I can see this would be of great advantage to them because of the difficulty of admission into civilian hospitals. Has this arisen before or is this a new

problem, and if not a new problem what reciprocal arrangements have we tried to make?

Mr. ANDERSON: This is a question for the treatment services people to answer.

Mr. RITCHIE: I think possibly I can best answer this by quoting from the letter Dr. Crawford wrote on November 27. It states as follows:

Where a Canadian veteran lives outside of Canada the department has authority to treat only a disability in respect of which the Canadian pension commission has granted pension entitlement. Where the veteran lives in the United States of America this treatment is provided, on behalf of the department, by the United States veterans administration. I am quite sure that all treatment facilities of the veterans administration know, through veterans administration technical bulletins and otherwise, about the limitation of the department's treatment responsibility.

Mr. PETERS: This does not affect the type of a case where a reciprocal agreement would be necessary. For instance, if a United States army air force officer or other rank was in Canada, and became ill, I am quite sure the arrangement under the Department of National Defence would be such that he would be admitted to a military hospital in Canada because of a reciprocal agreement. I am wondering whether we have tried to arrange this in the field of veterans' arrangements both in respect of the United States and Canada. Let me ask it in another way. If an American veteran was in Toronto and suddenly became ill, would he have the opportunity of going to Sunnybrook hospital for emergency treatment?

Mr. PARSONS: May I clear up something. This arose out of the fact that a Canadian veteran who was domiciled in the city of Detroit and was a pensioner pensioned by the Canadian pension commission suddenly became ill on the street from a condition for which he was not pensioned. Now, the Americans do not have anything which compares to our War Veterans' Allowance Act as it applies to an allied veteran. An American ex-serviceman who served in the United States army can move over here to Canada, live here for ten years, and if he is otherwise qualified can get the war veterans' allowance and be treated as one of our own. They do not have anything like that in their non-disability pension act which is their equivalent.

In some respects their act is quite broad but it gives treatment in the United States only; it does not take care of allied veterans. This morning we read that I mentioned in May I was in Detroit at the convention of the allied veterans council which is composed of members of the Canadian Legion, the Canadian corps, the army and navy veterans, the Polish veterans association and others; it is quite a large group. At that time they formulated a plea to the veterans' administration in the United States which would, if granted either in whole or in part, bring it in line with the coverage which our War Veterans' Allowance Act gives allied veterans. Our veterans who are our own pensioners, if they move to the United States, can and do get treatment for a pension condition, but only that condition for which they are drawing a pension; but a 10 per cent pensioner from here who lived in the United States for ten years would not qualify for anything, whereas a United States serviceman who was on overseas service and who had the qualifying service according to the act can move over here, live here for ten years, and qualify for war veterans' allowance. If they ever have an act to balance that, this will automatically be taken care of. What we are after in this case is not a solution to look after the serviceman in peacetime, but our veterans over there. We have a large number of

veterans in the border city who are not pensioned at all. Some of them moved over here to draw their war veterans' allowance and went back.

Mr. BIGG: What do you expect out of this resolution; do you expect the American authorities to take action?

Mr. PARSONS: We put it in here with the idea that we might start some interest and perhaps our government might, in consultation with the United States authorities, be able to have something done to assist these chaps. For example, I ran into one in Detroit. He was an elderly person close to 90. He is on relief over there. I suggested to him that if possible he should move back over to Canada where he would be able to get his war veterans' allowance just like that. He said that he had lived there so long he did not want to do it. He is not a pensioner; he is just a charge on the city of Detroit.

Mr. HERRIDGE: You are suggesting that our government might bring this to the attention of the Americans and ask for a reciprocal arrangement?

Mr. PARSONS: I think it might assist the allied veterans there in their effort if something of this nature were started.

Mr. WEICHEL: I would recommend that this committee ask Dr. Crawford to look into this further and bring back a report as to what might be done in this regard.

Mr. HERRIDGE: I know they are not entitled to any reciprocal arrangements in so far as a non-service pension is concerned.

The CHAIRMAN: Is this not a question which would involve a brief by the Department of External Affairs?

Mr. HERRIDGE: I would think the departmental officials well could inform the government of the discrepancy in the arrangements.

Mr. PETERS: I would like to endorse Mr. Weichel's recommendation.

Mr. PUGH: If Private LeGendre was in Canada, could he have gone to any hospital?

Mr. PARSONS: Yes. He was a pensioned overseas veteran and entitled to treatment for anything.

Mr. PUGH: Is he entitled to treatment for anything?

Mr. PARSONS: He would certainly be entitled to treatment for his pensionable condition and, had he been a resident of Windsor instead of Detroit, because we happened to know of his financial position, he could have been admitted immediately under section 13. He would qualify as an overseas pensioner to treatment.

Mr. BIGG: But only for his pensionable trouble.

Mr. PARSONS: No, for anything, just the same as I would qualify for treatment myself if I came to the Queen Mary hospital; and if I paid for it is would be on a reduced scale.

Mr. BIGG: If he is under the war veterans' allowance—

Mr. PARSONS: Then he is covered for anything.

The CHAIRMAN: Resolution No. 21.

#### Canadian Corps Association Resolution No. 21

Be it resolved that where there is more than one dependant in a veterans family covered by war veterans' allowance, and that dependant be a child under the age of 16 years/or over 16 years and still attending school/or a dependant parent without income and solely dependant on the war veterans' allowance recipient for a livelihood/or an infirm child unable or incapable of supporting himself or herself that . . . and additional monthly payment of \$30 be permitted over and above the current income ceiling which is equivalent to the full assist-

ance fund payment applicable to a war veterans allowance recipient at married rate.

Comment—Many cases of real hardship exist in families of veterans under war veterans' allowance where there are children or other first category dependants living with the said veteran or widow and for whose care no provision is made under war veterans' allowance except the addition of family allowances which are only a mite. Even the full married rate including the family allowances are below welfare payments which would be applicable if the said family were under municipal welfare. Many of those veterans who are not in receipt of Canadian pension commission partial coverage are forced to draw on the assistance fund monthly or periodically to cover their cost of living. We feel that where more than one bona fide dependant lives with a war veterans allowance recipient, an additional payment which will not exceed \$30 per month or \$360 per year is a reasonable request. Said payment to be restricted to cases where the veteran is unable to assist himself or the widow herself by casual earnings to an amount equivalent to the additional payment requested.

The CHAIRMAN: Resolution No. 22.

Canadian Corps Association Resolution No. 22

Be it resolved that members of the armed forces of Canada, who served outside the boundaries of Canada, under United Nations command or control, in areas such as the Congo, the Gaza Strip, and Asia, shall for their protection against disease or injury, be treated in all respects as if they were on active service during time of war, and shall qualify for treatment on the same basis as accorded active service personnel who served in wartime, and also pensions to be awarded on a basis equivalent to the qualifying basis applicable to wartime service personnel.

This coverage to be restricted to areas where armed conflict has taken place or is a possibility and where tropical or area diseases are known to exist.

Mr. HERRIDGE: On resolution No. 22, I would like to know whether any cases have been brought to your attention of men who served under the United Nations, and who suffered from disabilities as a result of climate, and that sort of thing.

Mr. PARSONS: Not that I have handled myself. However, they might very well have recurrent malaria, or something like that. The point we would like to bring up here is that when we take our permanent force men who are primarily peacetime troops and send overseas to places such as the Congo, the Gaza Strip, Asia, and these places where we know there is a tendency for disease which they would not get here, they should have active service coverage.

Mr. BIGG: Is this new?

Mr. PARSONS: As far as I know they are just treated as peacetime servicemen, the same as if they serve in Canada.

Mr. PETERS: What happens if a serviceman gets killed while serving with the United Nations force in the Congo today?

Mr. ANDERSON: First of all, if he was a Canadian peacetime serviceman his wife would be entitled to apply to us for a pension. If he were killed in the circumstances outlined in section 13 (2), she would receive a pension. Also I understand that under the United Nations provisions they are covered by a form of insurance which provides compensation for certain injuries or for death.

Mr. PETERS: Would there be other advantages such as disability pensions?

Mr. ANDERSON: Yes.

Mr. PETERS: Would these be different from the case of someone who was injured in Canada in the light of day?

Mr. ANDERSON: They would be different to the extent that we certainly have a policy whereby if the individual gets some sort of a disease which is common in the area, or endemic in the area, we would most likely say that it arose out of service, and in that case he or his widow would have entitlement. To some extent this covers the point in respect of conditions peculiar to the particular climate or region.

Mr. HERRIDGE: Before we finish, I would like to say, and I am sure all members of the committee agree, that we have appreciated the evidence given by the witnesses, the answers to the questions, and the knowledge of the subjects under discussion that the witnesses have shown throughout these two meetings.

Mr. WEICHEL: I would second that and also include our friends from the Department of Veterans Affairs and our Chairman.

The CHAIRMAN: It has been most instructive and enjoyable today to everyone.

Mr. HEESAKER: Mr. Chairman and gentlemen, we still have one resolution which was not numbered. It is on the first introductory page of our recommendations. This has to do with November 11. I know there is a private member's bill before the house which has been discussed here in committee. I just wonder whether this resolution declaring it as an annual national statutory holiday would not be better than the bill before the house?

Mr. WEICHEL: I believe the Armistice Day Act and the Remembrance Day Act say that it should be a statutory holiday.

Mr. HEESAKER: I do not think so.

Mr. PETERS: Do the witnesses give any consideration to the idea which I think is fairly prevalent in the minds of some of the members of the committee that if we declare this a national statutory holiday it may not accomplish what we have in mind. Certainly in Ontario this year there was one example. I went to two cenotaph ceremonies and at both of them there were almost no children at all. Normally the children are marched there from the schools; each teacher brings the children. This year in Ontario they made it a school holiday and in the case of New Liskeard with a population of 5,000 there was one troop or possibly two troops of boy scouts numbering 30 or 40, but very few children were around. I think the number would be fewer than 50. Normally there would have been several thousand children brought there for the specific purpose of learning what Remembrance Day is for. The stores and factories close for a couple of hours and everyone goes to the cenotaph. This year the mines and government offices had a holiday, and the people just did not go to the cenotaphs. I wonder if you have considered this. I believe there is a considerable difference of opinion in relation to having a statutory holiday or a Remembrance Day which is supposed to serve a different function altogether. It is very important that we show to our young people in an organized fashion what Remembrance Day stands for rather than just say to them it is a holiday and you may go hunting, and so on.

Mr. WEICHEL: This last year I heard some school officials who were opposing Remembrance Day as a holiday for the children. I said to them "Here you are standing up and wanting to cut out a holiday on Remembrance Day, but you are still content to leave the Queen's birthday, May 24, as a holiday for the school children, and it is not even acknowledged in England, the home of our Queen, as such. They could not give me an answer to that."

Mr. HEESAKER: Our strongest opponents to having Remembrance Day declared a holiday is the school board because they lose the per diem for

the children going to school and still have to pay the teachers. I know that in Winnipeg this November 11 everything was shut down for the day; nothing was open at all. Going back to the question Mr. Peters brought up of children attending the memorial service,—

Mr. PETERS: Adults too.

Mr. HEESAKER: —under the present situation we have no possible arrangement whereby adults can get time off to attend. Who is to say that if it is declared a public holiday these people will not pay their proper respects? Surely everybody today has a relative somewhere down the line who was a veteran at some time. Certainly it is not the teacher's duty to take these children to the cenotaph; it is the parents' duty. If we can have this day declared a statutory holiday, I am sure there is a solution to some of the problems. The teachers who teach the children could teach on another day during the Easter holidays or the Christmas holidays. We feel if the people want to attend these services, they should have the right to do so and pay their respects on Remembrance Day.

Mr. WEICHEL: I think you have made a very sound point. I know a Polish chap living in Waterloo operating a firm with approximately 500 employees. These employees do not stop for even two minutes at 11 o'clock on Remembrance Day. I received a letter with many signatures complaining about this situation. These individuals are not given the chance to remember their own comrades.

Mr. PARSONS: Mr. Chairman and gentlemen, I should like to make one further point. In many cases individuals responsible for a number of employees will receive directives stating that they may permit monthly salaried employees two hours off, from 10 a.m. to 12 noon on November 11. He may also receive a directive allowing hourly rated employees to take time off, providing it does not interfere with their work, but in the case of hourly employees there will be a deduction for time lost. In other words, if an individual is paid by the hour he will lose two hours pay.

Mr. WEICHEL: Mr. Chairman, in my estimation Christmas and Easter are the two main and important holidays and I cannot think of another more important day than November 11 to be considered as the third important holiday.

Mr. HEESAKER: Mr. Chairman, the celebration of Remembrance Day is becoming less and less important and unless we do something to correct this situation it will be forgotten altogether.

Mr. HERRIDGE: This resolution is introduced in line with resolutions passed by the Royal Canadian Legion and other organizations. I have discussed this with parliamentary counsel. Of course the federal government can only legislate within its jurisdiction and the application of Remembrance Day is within provincial jurisdiction. Remembrance Day is a national holiday but the parliamentary counsel suggested that we should amend the Civil Service Act so as to include Remembrance Day as a statutory holiday for all civil servants and employees of crown corporations. After introducing this resolution I received a copy of a circular sent to all employees of the printing bureau and attached to it was a letter stating that all employees agreed with my bill. All these employees were directed that Remembrance Day, November 11, 1963, in accordance with Section 62 of the Civil Service Act, Monday, November 11, would be a holiday for the employees of that department who were subject to the civil service regulations. No provision was made however, for the observance of that holiday in respect of employees who were subject to the prevailing rate employees general regulations.

My day is now before the committee. It has been discussed to some extent but must be considered further. I feel that it is the first step in the right direction.

Mr. WEICHEL: Mr. Black, have you got a copy of the Remembrance Day Act?

Mr. BLACK: I have a copy of the section.

Mr. WEICHEL: Would you mind reading that part of it relevant to this discussion?

Mr. BLACK: Section two of the Remembrance Day Act reads as follows:

Throughout Canada in each and every year, the 11th day of November, being the day in the year 1918 on which the Great War was triumphantly concluded by an armistice, shall be a holiday, and shall be kept and observed as such under the name of Remembrance Day.

Mr. BIGG: There is no suggestion contained in that section that this is a statutory holiday.

Mr. BLACK: This is a statute, Mr. Bigg.

Mr. HEESAKER: It is a statute, but Remembrance Day is not declared as a statutory holiday.

Mr. WEICHEL: Mr. Chairman, if we do not work to improve the importance of the day, the celebration of November 11, will fade away.

Mr. MCINTOSH: Mr. Chairman, in view of the fact that Mr. Thompson from the Royal Canadian Legion is in attendance, perhaps he could tell us when we are to hear from the Legion.

The CHAIRMAN: We expect the Legion to present their position on November 26.

Mr. MCINTOSH: If we could have the brief before then we would have a chance to read it over and in this way perhaps we would save time.

The CHAIRMAN: Yes.

Mr. D. M. THOMPSON, (*Dominion Secretary of the Royal Canadian Legion*): Mr. Chairman, the brief presented to the Prime Minister and the cabinet is being mailed out this week to members of this committee.

We will not be speaking primarily to the brief when we appear before this committee. We will be speaking to Mr. McIntosh's bill to amend the Pension Act. However, the brief will be distributed to members of this committee because of their interest in the matter of our proposed legislation. The brief was presented to the government only on November 11, and they have not yet had an opportunity to consider it or reply to it; therefore it would seem premature to bring it before this committee at this time.

I trust that is satisfactory.

Mr. MCINTOSH: I take it you have no intention of speaking to this committee on other items which you have already taken to the cabinet.

Mr. THOMPSON: Not as yet, no, because we have received no reply to it.

Mr. HEESAKER: On behalf of the Canadian Corps Association may I thank you very much for your indulgence here today. I would also like to thank the different departments here who have answered questions. I also extend our thanks to you, Mr. Chairman, and would add that we hope to see you again.

## APPENDIX "A"

Ottawa 4, Ontario,

NOVEMBER 19, 1963.

Mr. James M. Forgie, M.P.,  
Chairman,  
Standing Committee on Veterans Affairs,  
House of Commons,  
Ottawa 4, Ontario.

Dear Mr. Forgie,

During the discussions which took place at the meeting of the Standing Committee on Veterans Affairs today, the Committee discussed the provisions of Sections 20, 21 and 22 of the Pension Act. The following is a brief history of the origin and effect of these sections.

When the original Pension Act was being considered by a Parliamentary Committee in 1919, after noting and referring to the insurance principle, it was stated:

A number of accidents of various descriptions have occurred, and will continue to occur, in which the disability caused by the accident is pensionable and also entitles the soldier and sailor to damages or compensation from the person or company which was responsible for the accident. It is not reasonable that both pension and damages should be paid . . . .

In this connection, an example was quoted of an accident which was the primary cause of the disability and which would fall under the section.

As a result, a section was included in the Act which provided "that the Commission would, as a condition to payment of pension, require the pensioner to assign any right of action he might have to enforce any such liability of such persons . . . ."

At the outbreak of World War II, the Commission had some doubts as to the effectiveness of the section to accomplish the purposes for which it was enacted, and wrote the Deputy Minister of Justice requesting advice on the following points:

- (1) Does Section 18 apply in cases coming within the jurisdiction of the several Provincial Workmen's Compensation Boards?
- (2) If the answer to (1) above is in the affirmative, would an assignment of rights in such cases be binding upon a Workmen's Compensation Board?

The Deputy Minister replied that he was of the opinion that the section in its present form was really unworkable, as it did not enable the purposes for which it was apparently enacted to be effectually carried out. As a result of this opinion, the section was repealed by Chapter 23, 4-5 George VI, 1941, and re-enacted as Section 18 until the 1952 revision, from which it emerged as Sections 20, 21 and 22.

If these sections were not in the Act, the result would be that a serviceman who had suffered injury which, while incurred on service and pensionable under the insurance principle was caused by the tortious act of a third person, would be placed in a preferred position to a serviceman who suffered a disability due to enemy action,—this by reason of the fact that in the first case the man, in addition to being awarded pension for the full extent of his

disability, could recover damages from the tortfeasor and retain such damages, whilst in the second case the only compensation the man could receive would be by way of pension. Similarly, the widow of a serviceman whose death occurred under such circumstances, or the widow of a Classes 1 to 11 pensioner whose husband's death resulted from a tort or from an accident which involved payment of Workmen's Compensation, would be placed in a preferred position.

The background and history of this legislation is set out in more detail in Appendix "B", "C" and "D", pages 225 and 232 inclusive of the report of your Committee, dated May 12, 1960.

It should be noted that while the original section provided for an assignment of a chose in action, which as regards simple damages is not assignable in any province except Quebec, the present section merely empowers the Commission in its discretion to require the applicant to pursue a claim for damages and, when the result has been accomplished, to take the damages recovered and paid into consideration in fixing the amount of pension that can be paid under the Act. The effect of the amendment was to remove any suspicion of champerty which could arise under the old section, and the fact that the Commission was empowered to indemnify for costs could not be construed as maintenance in the legal sense in connection with the required damage action.

It may be observed that the Commission in any application in which these sections might apply would be perfectly justified in deferring an award of pension until such time as the action involved or claim for compensation had reached a finality and, when this time arrived, determining the amount of pension that might be paid in the light of the damages or compensation recovered and collected. To adopt this course would, however, work a hardship on the applicant. In the experience of the Commission in cases of death, the widow and children are usually left without adequate resources, and in view of the fact that there might be considerable delay in an action coming to trial, to defer an award of pension pending the outcome of the action would work genuine hardship on the applicant. For this reason, the practice of the Commission is to make an award if the circumstances justify, and to direct that such award is made subject to future adjustment under Section 22 if it appears that the provisions of the section apply. This has the effect of relieving any immediate distress that the applicant might be suffering. When the damages are recovered or compensation is awarded, the Commission reviews the award of pension and makes the necessary adjustments.

In order that the capitalized value of widows' pension might be determined, the Commission requested the Department of Insurance to prepare a table based on the monthly pension that the Statute provides for a widow. In preparing the table, the Insurance Branch considered the value of a monthly pension payable to a widow until death or until remarriage, together with a remarriage gratuity equal to one year's pension, and subject to restoration (discretionary in cases of need) of the pension in whole or in part in the event of again becoming a widow within five years of remarriage. This table is the basis used by the Commission in determining the amount of pension that can be awarded a widow who has recovered damages or received compensation.

As a result of this legislation, the Commission carefully reviewed all cases in which an injury or death resulted from a tort. In some cases the pensioner or his dependants had already commenced an action for damages, or a claim for Workmen's Compensation had been lodged. In other cases, the Commission required action to be taken and indemnified the litigant for costs. The largest single amount that was secured by any one litigant was \$43,203.91, exclusive of costs; this was an action by a merchant seaman during war time taken

in the United States. In addition, in one case \$40,000.00 was recovered; this was the case of the death of a peace time soldier which resulted from an aeroplane accident in British Columbia, the accident being caused by faulty equipment on the plane on which he was a passenger as a result of military necessity, and the damages were paid on behalf of his widow and children. There were two cases in the neighbourhood of \$28,000.00, and one of \$24,000.00. In a few more cases damages of between \$10,000.00 and \$20,000.00 were recovered, but in the great majority of instances damages involved were small amounts varying from a few hundred to a few thousand dollars.

On November 13, 1942, the "Lillian E. Kerr", a small schooner, was sunk when it was rammed by the "Alcoa Pilot" which was travelling in convoy. An action was commenced on behalf of the owner of the ship, the owner of the cargo and the dependants of the seamen which included several widows, children and some dependent parents. This action resulted in the recovery of damages and interest of all claimants of \$179,700.75. The owner of the schooner and Bailee of the cargo recovered out of this sum approximately \$102,250.00, leaving approximately \$70,000.00 and interest for the death claims and for lost personal effects.

In the Canoe River train wreck a number of servicemen were injured or killed, and the Canadian National paid damages to them or their dependants. However, none of the payments were large.

In one case a serviceman who was injured in an automobile accident during war time recovered damages totalling \$21,000.00. He and other passengers in the car who were not servicemen had sued and recovered \$88,575.00. In this case the capitalized value of the pension which the serviceman could have been awarded was \$6,792.00. He, however, elected to retain the corpus and consequently no pension could be awarded.

This will bring up to date the very detailed statement relative to these provisions of the Pension Act which appeared in the Minutes of Proceedings and Evidence of the Standing Committee on Veterans Affairs, dated May 12, 1960.

I trust this meets the requirements of the Members of the Standing Committee.

Yours faithfully,

T. D. Anderson,  
*Chairman.*



HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# VETERANS AFFAIRS

*Chairman:* J. M. FORGIE, ESQ.

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 8

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THURSDAY, NOVEMBER 21, 1963

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ESTIMATES (1963-64) OF THE DEPARTMENT OF  
VETERANS AFFAIRS

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WITNESSES:

*From The National Council of Veteran Associations in Canada:* Mr. G. K. Langford, Chairman; Judge F. G. J. McDonagh, Honorary Vice-Chairman; Lt. Col. E. A. Baker, Honorary Chairman; Mr. W. C. Dies, Honorary Vice-Chairman; and Messrs. F. J. L. Woodcock, H. C. Chatterton and W. P. Purvis. *From the Non-Pensioned Veterans' Widows Association Inc.:* Mrs. Margaret Wainford, President, Quebec Branch.

ROGER DUHAMEL, F.R.S.C.

QUEEN'S PRINTER AND CONTROLLER OF STATIONERY

OTTAWA, 1963

STANDING COMMITTEE ON VETERANS AFFAIRS

*Chairman:* J. M. Forgie, Esq.

*Vice-Chairman:* D. W. Groos, Esq.

and Messrs.

Asselin ( <i>Richmond-</i> <i>Wolfe</i> ),	Lambert,	O'Keefe,
Bigg,	Laniel,	Pennell,
Cameron ( <i>High Park</i> ),	Laprise,	Perron,
Clancy,	Latulippe,	Peters,
Émard,	MacEwan,	Pilon,
Fane,	MacInnis,	Prittie,
Greene,	MacLean,	Pugh,
Habel,	MacRae,	Rideout,
Harley,	Matheson,	Rock,
Herridge,	McIntosh,	Temple,
Honey,	Millar,	Thomas,
Kelly,	*Moreau,	Webb,
	Morison,	Weichel.

M. Slack,

*Clerk of the Committee.*

\*Replaced by Mr. Otto after the morning sitting of Thursday, November 21.

ORDERS OF REFERENCE

HOUSE OF COMMONS,  
THURSDAY, November 14, 1963.

*Ordered*—That the Standing Committee on Veterans Affairs be granted leave to sit while the House is sitting.

THURSDAY, November 21, 1963.

*Ordered*—That the name of Mr. Otto be substituted for that of Mr. Moreau on the Standing Committee on Veterans Affairs.

*Attest*

LÉON-J. RAYMOND,  
*The Clerk of the House.*



## MINUTES OF PROCEEDINGS

THURSDAY, November 21, 1963.

(10)

The Standing Committee on Veterans Affairs met at 10.15 o'clock a.m., this day. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Bigg, Cameron (*High Park*), Fane, Forgie, Habel, MacEwan, Morison, O'Keefe, Pugh, Thomas, Webb, Weichel.—(12).

*In attendance:* Mr. C. W. Carter, M.P., Parliamentary Secretary to the Minister of Veterans Affairs; *From the National Council of Veteran Associations in Canada:* Lt. Col. E. A. Baker, Honorary Chairman; Mr. Wm. C. Dies and His Honour Judge F. G. J. McDonagh, Honorary Vice-Chairman; Mr. G. K. Langford, Chairman; Mr. Keith Butler, Mr. J. C. Lundberg, Vice-Chairman; J. P. Nevins, Secretary; Brigadier James L. Melville, Ottawa; Messrs. Albert Bianchini, Edmonton; E. V. Heesaker, Toronto; John G. Counsell, O.B.E., M.C., Toronto; Andrew C. Clarke, Toronto; Wm. P. Purvis, Toronto; Walter Gray, F. J. L. Woodcock, W. M. Mayne, J. W. Châtwell, H. C. Chadderton, Ottawa; John Black, Burlington; *From the Department of Veterans Affairs:* Mr. T. D. Anderson, Chairman, Canadian Pension Commission; Mr. W. T. Cromb, Chairman, War Veterans Allowance Board, and Mr. C. F. Black, Secretary of the Department.

The Chairman made a statement in connection with the motion moved by Mr. Peters at the sitting of November 19. (*See Evidence*).

The Chairman then called Mr. Langford, Chairman of The National Council of Veteran Associations in Canada, who, after introducing the members of his delegation, called on Judge McDonagh, who read the brief.

The witnesses were examined on the brief.

Upon conclusion of the questioning, Judge McDonagh thanked the members for the opportunity of appearing before the Committee.

The Chairman and members of the Committee expressed their appreciation to the delegation for their recommendations.

At 12.10 o'clock p.m., the Committee adjourned until 3.30 o'clock this afternoon.

### AFTERNOON SITTING

(11)

The Committee reconvened at 4.30 o'clock p.m. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Bigg, Fane, Forgie, Greene, Habel, Herridge, Kelly, MacEwan, O'Keefe, Otto, Pugh.—(11).

*In attendance:* Mr. C. W. Carter, M.P., Parliamentary Secretary to the Minister of Veterans Affairs; *From the Non-Pensioned Veterans' Widows Association Inc.:* Mrs. Margaret Wainford, President, Quebec Branch; Mrs. Mona Wheaton, Secretary, Quebec Branch; Mrs. Helen Hickey, President, Ontario Branch; and Mrs. Lilly Potter, Secretary, Ontario Branch. *From the Department*

of *Veterans Affairs*: Mr. T. D. Anderson, Chairman, Canadian Pension Commission; Mr. W. T. Cromb, Chairman, War Veterans Allowance Board, and Mr. C. F. Black, Secretary of the Department.

The Chairman welcomed Mrs. Wainford and her delegation from the Non-Pensioned Veterans' Widows Association Inc.

Mrs. Wainford introduced her delegation, and then read the brief of her Association and was questioned thereon.

The questioning being concluded, Mrs. Wainford thanked the Committee on behalf of her Association.

Mr. Herridge thanked the delegation for their recommendations.

At 5.15 o'clock p.m., the Committee adjourned until 10.00 o'clock a.m. on Tuesday, November 26.

M. Slack,  
*Clerk of the Committee.*

## EVIDENCE

THURSDAY, November 21, 1963.

The CHAIRMAN: Gentlemen, please be seated.

The first business on the agenda is the following: on Tuesday last Mr. Peters moved, seconded by Mr. Webb, concurrence of the committee in the Canadian Corps Association Resolution No. 13. I reserved decision at that time.

As you know, Resolution No. 13, resolves that the Canadian Pension Act be amended forthwith to permit appeal to the courts. This is also the subject matter of Bill C-7 sponsored by Mr. McIntosh, which is presently before the committee for consideration.

I would refer the members of the committee to the first report of the steering committee on page 8, issue No. 1 of Minutes of Proceedings and Evidence of this committee. You will note that the steering committee recommends that veterans' organizations be invited to appear and present briefs to the committee and also request their views on the subject matter of Bill C-7, an act to amend the Pension Act, judicial appeal.

We have heard one veterans' organization so far. Today we will hear the National Council of War Veterans Association in Canada; November 26, Royal Canadian Legion who have intimated they have certain views on Bill C-7; November 28, War Amputation of Canada; December 3, Hong Kong Veterans Association and on December 5 we will have the Canadian Council of War Veterans Association.

Since we have five veterans' groups to hear from, and in accordance with the report of the steering committee and adopted by the main committee, I suggest that Mr. Peter's motion be tabled until we have heard the representations of all veterans' groups.

I call on Mr. Langford to introduce the delegates.

Mr. G. K. LANGFORD (*Chairman, The National Council of Veteran Associations in Canada*): Mr. Chairman, we appreciate this invitation to meet the committee this morning and we brought along officers of each of the member organizations of the national council. I should like to take a moment to introduce them briefly.

First of all we have our honorary chairman, well known to all of you. Lt. Col. E. A. Baker. We also have the Army, Navy and Air Force Veterans in Canada represented by Brigadier James L. Melville, J. C. Lundberg, Albert Bianchini and J. P. Nevins. From the Canadian Corps Association we have E. V. Heesaker, and from the Canadian Paraphlegic Association John G. Counsell, G. Kenneth Langford, Andrew C. Clarke and William P. Purvis. From the Hong Kong Veterans Association in Canada we have Walter Grey. From the Sir Arthur Pearson Association of War Blinded we have W. C. Dies, F. J. L. Woodcock, W. M. Mayne and J. W. Chatwell. From the War Amputations of Canada we have H. C. Chadderton and from the war pensioners of Canada we have judge F. G. J. McDonagh and John Black.

Gentlemen, some of these men will be before you on other occasions with other presentations but this morning we have brought along those resolutions on matters of the most serious concern to all of our members. With your permission I would suggest that we have Judge McDonagh read the brief.

The CHAIRMAN: Would you come up to the front, Mr. Langford, please? Would Judge McDonagh also come up to the front, please.

His Honour Judge F. G. J. McDONAGH (*The War Pensioners of Canada*): I understand that copies of the brief have been distributed to each member of the committee.

This submission is made by the National Council of Veteran Associations in Canada on behalf of the following member organizations:

	<i>Organized</i>
Army, navy and air force veterans in Canada . . . .	1840
Canadian corps association . . . . .	1934
Canadian paraplegic association . . . . .	1945
Hong Kong veterans association in Canada . . . . .	1946
Sir Arthur Pearson association of war blinded . . . .	1920
The war amputations of Canada . . . . .	1920
War pensioners of Canada . . . . .	1922

We appreciate the opportunity of meeting with you to present certain recommendations with regard to veterans legislation. All of these recommendations carry the unanimous approval of all member organizations of this council. We are appreciative of the co-operation of the Department of Veterans Affairs, the Canadian pension commission and the war veterans allowance board. However, we recognize that officials of these must operate within the limits of the legislation expressing the wishes of parliament, hence, our recommendations to this committee.

1. Recommendation: That the term "war disability compensation" be substituted for the word "pension" wherever the latter appears in the Pension Act.

Comment: The need for this change has been discussed on several occasions in previous parliamentary committees. We urge this change in the interests of clarity and to avoid any misunderstanding as to the real purpose of this legislation.

In this connection the word "pension" is an unfortunate one in that it indicates a payment for past services, payable usually on retirement, and paid out of a fund established by an employer for this purpose. It carries a secondary connotation of income paid as an act of grace or as a welfare or social security measure.

In the 1930's disabled veterans were discharged from jobs on the ground that they were in receipt of "pensions". This was indicative of a widespread assumption that a "pensioner" is a second class citizen who is no longer suitable for employment or who should be prepared to work for less than the normal rate of wages.

A proper understanding of so-called "war pensions" must have regard for the definition contained in the act which states that pensions are paid for disabilities and that "disability means the loss or lessening of the power to will or to do any normal mental or physical act". This is in fact an attempt at compensation by the country for a disability incurred by a member of the armed forces while in the service of the country and in all fairness to the war disabled, it should be so described.

2. Recommendation: That in the case of those of the war disabled who have sustained multiple disabilities, war disability compensation, i.e. pension, should be paid in accordance with the true extent of the disabilities and in conformity with the express wishes of parliament as set out in the Pension Act.

Comment: The authority for granting war disability compensation (pension) in respect of disability or disabilities incurred during military service is found in the Pension Act, R.S.C. 1952, chapter 207 as follows:

Section 13(1)(a)—pensions shall be awarded in accordance with the rates set out in schedule A to or in respect of members of the forces when the injury or disease or aggravation thereof resulting in the disability in respect of which the application for pension is made was attributable to or was incurred during such military service.

Section 28(1) is the operating section and states that pension shall be awarded in accordance with the extent of disability, as follows:

Section 28(1)—subject to the provisions of section 13, pensions for disabilities shall, except as provided in subsection (3), be awarded or continued in accordance with the extent of the disability resulting from injury or disease or aggravation thereof as the case may be, of the applicant or pensioner.

Section 28(2) provides for a method of determining the extent of a disability as follows:

Section 28(2)—the estimate of the extent of a disability shall be based on the instructions and a table of disabilities to be made by the commission for the guidance of physicians and surgeons making medical examinations for pension purposes.

We suggest that the cardinal rule of construction of a statute is that the statute must be construed in a method to carry out the intention of parliament, and if the words are clear and unambiguous then this intention is best declared by the words themselves. In the Pension Act, we submit, the words that clearly show parliament's intention to award disability pensions are found in section 28(1) which states "Pensions...shall be awarded...in accordance with the extent of the disability..."

Parliament in its wisdom, we submit, is the only body which has the power to enact exceptions to its legislation. We submit that while the Canadian pension commission has the power of interpretation of the Pension Act it does not possess the power to legislate by interpretation, which it has done by the insertion of an arbitrary limitation in the table of disabilities as follows:

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 provisions of the Pension Act. In contrast to this arbitrary limitation we insert here the second paragraph of said Item 11 of the table of disabilities which is as follows:

When separate pensionable disabilities are the result of wound, injury or disease and confined to, either the extremities, the eyes, the ears, or vital organs, and the 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 the fourth paragraph of said 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., 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.

Again in Item 14 we find this statement:

The table of disabilities exists only to assist the Canadian pension commission and medical officers in fulfilling their responsibilities. It does not offer final, nor absolute values. Every disability must be considered on its own merits.

We submit that these statements are in accordance with the provisions of the Pension Act but they are defeated by the previous arbitrary limitation which we submit the pension commission has no authority to impose.

The following assessments as shown in the table of disabilities indicate the discrepancy between the assessed disability and the compensation actually awarded.

	Per Cent	
Loss of both eyes .....	100	
Loss of one arm above elbow .....	80	Pension commission
One deaf ear .....	40	Arbitrary limitation
Frequent headaches and sinus trouble .....	20	Total 100 per cent
	<hr/>	
Assessment total	240	
Loss of nose .....	60	Pension commission
Loss of one eye .....	40	Arbitrary limitation
Loss of hearing (total both ears) .....	80	Total 100 per cent
	<hr/>	
Assessment total	180	
Loss of one arm above elbow .....	80	Pension commission
Loss of one eye .....	40	Arbitrary limitation
Pulmonary Tuberculosis (not improved) ....	100	Total 100 per cent
	<hr/>	
Assessment total	220	
Loss of both eyes .....	100	Pension commission
Loss of hearing (total both ears) .....	80	Arbitrary limitation
Disarticulation one arm (above elbow) .....	80	Total 100 per cent
	<hr/>	
Assessment total	260	

Prior to 1945 the pension commission had inserted in the table of disabilities a provision whereby the majority of veterans with multiple disabilities could never reach 100 per cent under the rule of diminishing assessments. At that time we took the position that the pension commission was wrong and we submit that they are wrong now.

Anticipating the argument that under section 5 of the Pension Act the pension commission has the power to do what it has done, we find in Section 5(5) "The commission shall determine any question of interpretation of this act and the decision of the commission on any such question is final". We suggest that such power of interpretation does not give to the pension commission power to make such regulations as are contrary to the wording of the Pension Act and the wishes of parliament. In other words, the Canadian pension commission is not empowered to legislate by interpretation.

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 disabling conditions.

The Pension Act clearly shows parliament's intention to award compensation in accordance with the extent of a disability. It provides no authority for limiting awards to a portion of the disability actually suffered.

3. Recommendation: That the present rate of war disability compensation (i.e. pension) payable at 100 per cent be increased to \$2880 per year and that compensation payable under schedules "A" and "B" of the Pension Act be increased proportionately.

Comment: The rate of compensation for war disability has continued to fall farther and farther behind the level of wages normally enjoyed by other Canadians.

Since 1939 the basic rate of war disability compensation has increased from \$900 to \$2160 per year, for an increase of 240 per cent. During the same period the industrial composite average wage as calculated by the dominion bureau of statistics has increased from \$1220 to \$4320 per year for an increase of over 350 per cent.

4. Recommendation: That the maximum attendance allowance payable under Section 30(1) of the Pension Act be increased to \$2400 and that those allowances now being paid under that section be increased proportionately.

Comment: This is in effect an expense allowance paid to those on war disability compensation of any class who are in addition "totally disabled and helpless" in many essential respects. This allowance is designed to offset some of the additional expenses incurred by reason of their disability where special facilities or assistance are needed in terms of accommodation, of transportation or of obtaining help, either on a casual or a regular basis, to assist with the many chores of daily living that the ordinary person can perform unaided.

This allowance, which has in the past remained close to the basic rate for 100 per cent disability compensation, was last adjusted in 1957.

5. Recommendation: That the rate of war veterans allowance payable to a single recipient be increased to \$1200 and to a recipient having married status to \$2000.

Comment: For the same reasons that have made necessary an increase under the Old Age Security Act, we suggest that an adjustment in the rates of war veterans allowance, together with an appropriate adjustment in income ceilings, is in order at this time.

6. Recommendation: That sections 20, 21 and 22 of the Pension Act be amended to provide that, where a pensioner in classes 1 to 11 is killed as a result of the negligence of some person and damages are obtained by civil action or settlement, the amount of damages so recovered should not affect the widow's pension to which she is entitled as a right under section 36, subsection (3) of the act.

Comment: 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 in law as special damages, that is funeral, hospital and medical expenses, ambulance charges, etc., are not allowable to the widow without reduction in her pension.

These sections may be applicable where the man was in uniform and suffered injury or death from the tortious act which established the pensionable disability. We suggest, however, that they should not apply where the pensioner in classes 1 to 11 was not in uniform but was a civilian and where the tortious act had nothing to do with his service. In such case the widow is already entitled to pension as of right as a result of the man's service-incurred disability and she should be entitled to damages as a matter of civil right as a result of a further injury in civilian life.

7. Recommendation: That on the death of a married pensioner, classes 1 to 9 inclusive, war disability compensation at married rate be continued for a period of one year.

Comment: The economic adjustment that must be made by the widow on the death of her husband requires some time to complete. A sharp reduction in income on the first of the month following her husband's death may leave the widow facing a financial crisis before she is able to make the necessary adjustments. Under the War Veterans Allowance Act it is provided that on the death of a married recipient, or his wife, war veterans allowance shall be continued at married rate for one year.

We believe that the principle established under the War Veterans Allowance Act is a wise one and recommend a similar continuation of compensation at married rates for a period of twelve months to widows of those war disability pensioners in classes 1 to 9 inclusive.

8. Recommendation: That adequate provisions be made for appeals from decisions of the Canadian pension commission.

Comment: In our briefs of 1959 and 1960 we requested that action be taken to emphasize the responsibility of the Canadian pension commission in its administration of section 70 of the Pension Act so that "the body adjudicating on the claim shall draw from all the circumstances of the case, the evidence adduced and medical opinions, all reasonable inferences and presumptions in favour of the applicant."

A perusal of *Hansard* for 1961 will show that some thirty-nine members of the House of Commons indicated that they were not satisfied that section 70 was being applied or interpreted by the pension commission in accordance with the intent of parliament.

Under the provisions of the Pension Act the only body at present that has the power and duty to interpret the terms of the act is the very commission that has the responsibility to administer it. We are of the opinion that the time has come when there should be provision for appeals from decisions of the pension commission. In this connection we approve the principle embodied in Bill C-7 as introduced in the house by Mr. McIntosh.

9. Recommendation: That war disability compensation cases in classes 1 to 11 be afforded treatment and hospitalization for any condition without charge to the pensioner.

Comment: Departmental treatment regulations provide for complete coverage of treatment and hospitalization for the pensionable disability. In addition the federal-provincial hospital insurance plans will cover most but not all of the hospitalization costs for other causes. This recommendation is intended to complete the present coverage and so ensure that the serious disability cases in classes 1 to 11 may in fact obtain free treatment and hospitalization for any condition, whether directly related to war service or not.

This is a privilege already enjoyed by recipients of war veterans allowance and we feel very strongly that those who were seriously disabled in the service of their country, the pensioners in classes 1 to 11, should have the same privilege. Many pensioners in classes 1 to 11 are hospitalized for reasons that appear to be definitely consequential upon their major disability. Acceptance of this recommendation would remove a feeling of injustice that has disturbed the serious disability pensioners for many years.

Conclusion: In conclusion we wish to thank you for the opportunity to meet and to become better acquainted with the members of this committee.

We commend these recommendations to you in the knowledge that they will receive your serious consideration and with the hope that it may be possible for constructive action to be taken to deal with these matters which are of particular concern to the war disabled of Canada.

The CHAIRMAN: Thank you very much, Judge McDonagh. We will take the recommendations in order. We are now on recommendation 1. Are there any questions?

Mr. WEICHEL: I would like to say as a pensioner that I agree wholeheartedly with the recommendation and strongly urge that our committee recommend to the government that the term "war disability compensation" be substituted for the word "pension". As a pensioner I am sure they will understand exactly what is meant.

Mr. ROCK: I just want to ask one question. I agree with Mr. Weichel on what he said. My question is: is there any difference between the National Council of Veteran Associations in Canada and the Canada Council of War Veterans?

Mr. McDONAGH: They are not part of the National Council of Veteran Associations in Canada.

Mr. HERRIDGE: Mr. Chairman, I also am one who heartily agrees with the proposal. I think it is a very fair recommendation having in mind the circumstances of the pensioners, particularly in small communities. However, I suggest we should leave the definite decision until we come to write the report of the committee.

The CHAIRMAN: We are now on the second recommendation. Are there any comments?

Mr. THOMAS: Mr. Chairman, might I ask just what is implied here? Are we to understand that in the examples that were given concerning loss of both eyes, the compensation shall be 100 per cent, and so on, but where the assessment total adds up to more than 100 per cent, the compensation shall be paid in that relation; that is more than 100 per cent?

Mr. McDONAGH: We believe that is the intent of parliament as expressed in the Pension Act.

Mr. THOMAS: Then how would you interpret item 11?

Mr. McDONAGH: Item 11 is taken from the table of disabilities set up by the Canadian pension commission.

Mr. HERRIDGE: Your Honour, do you know whether there have been any recent amendments to the table of disabilities? It was a secret document produced in the house.

Mr. McDONAGH: I remember that. You are one who helped the veterans get a copy of it if I am not mistaken.

Mr. HERRIDGE: Has it been amended since?

Mr. McDONAGH: There have been some amendments but none of a major nature.

Mr. HERRIDGE: Are veterans' organizations supplied with a copy of the table of disabilities, I mean the national offices?

Mr. McDONAGH: Copies are sent to Mr. Nevins and he distributes them.

Mr. J. P. NEVINS (*Secretary, The National Council of Veteran Associations in Canada*): There have been no recent copies sent out.

Mr. THOMAS: Mr. Chairman, if I might pursue that line of questioning, can we understand that this association of veterans' organizations is recommending that payments be made in excess of 100 per cent of disability? Do you think the wording has perhaps not been properly interpreted? Are you recommending that actual payments be made in excess of 100 per cent?

Mr. McDONAGH: Definitely, in the terms of the act. If I might just enlarge on that for a moment, sir, schedule A of the Pension Act is divided into 20

classes and those are the classes authorized by parliament. However, the pension commission has clamped an arbitrary decision and said "It will not be more than 100 per cent". We say that they have not the power to legislate by interpretation.

Mr. THOMAS: Do you not think that such a program, if entered into, will upset the complete pension program as it exists at the present time? How can you have more than 100 per cent disability if a person is completely and totally disabled? I do not see how you can have more than 100 per cent disability. This would be an arrangement which would increase pensions by several hundred per cent in some cases and would upset the present program entirely.

Mr. McDONAGH: If the present program is wrong, sir, we think it should be upset.

Mr. MACEWAN: Mr. Chairman, do you feel that the pension commission has any right under the act as passed by parliament with its amendments to make these regulations in regard to the interpretation of the act? This is a legal question and maybe I should not ask it.

Mr. McDONAGH: We admit, under subsection 5 of section 5 of the Pension Act, that they have the right to interpret the Pension Act, and as we read the proceedings of this committee and of the previous committees the position of the commission has been that they are infallible in their interpretation of the act and that only parliament can correct it. However, we say they do not have the right to put in regulations which are contrary to the provisions of the act which expresses the wish of parliament. I do not know whether or not I should say so but to answer your friend let me say that prior to 1945 the pension commission had, according to the table of disabilities, said that if a man got a leg amputated to his upper thigh the rate of disability on that was 80 per cent. If at the same time he had lost an eye, the rate was 40 per cent. He did not get 120 per cent, he did not get 100 per cent, he got 20 per cent or 40 per cent, and so on if he had lost an arm. If the major disability had not reached 100 per cent and he had multiple disabilities prior to 1945, he could not reach 100 per cent under the table of disabilities. We brought that before the committee in 1945 and it was changed, but then the arbitrary ceiling of 100 per cent was put in.

Let us take a man who has lost two legs. Under the table of disabilities a single assessment would be 80 per cent, say, for the right leg and if he lost the left leg, under the present ruling of the commission, all he would be getting for the loss of that other leg is the 20 per cent, which brings him up to the 100 per cent, and yet in the very table of disabilities in the item which we commented upon they refer to the arithmetical total which in that case would be 100 and 60 per cent but they have put the arbitrary limitation on it. I suppose a definition or a review of what is meant by 100 per cent would be in order. It should be borne in mind of course, as is known to all members of the committee, that you are dealing with an unskilled labour market. That has been the basis since the pension legislation came in during the first war.

Mr. HERRIDGE: I just want to observe that it is most rare, most enjoyable and most unusual on occasion to hear an honourable judge pleading a case.

Mr. McDONAGH: If I may put it this way; I served in France from March 1916 to September 1918. I saw men live, I saw men die, and if I can continue to serve them, I will.

Mr. HERRIDGE: I was just going to say, Mr. Chairman, that I think the suggestion made by the judge is a good one, that this interpretation requires a thorough review.

The CHAIRMAN: Well, it will get that.

Mr. WEICHEL: Perhaps I can explain it in this way: a 100 per cent disabled single man gets \$2,160, if he is married he gets \$620 extra, that would be \$2,780. I myself as an 80 per cent pensioner get \$2,400. I think \$480 difference is not enough for the full pensioner compared to my 80 per cent, because I manage to get around well. A full pensioner has more difficulty and there is only \$480 difference there. Of course, to make that up I think this schedule here would probably overcome the difference.

Mr. McDONAGH: I may say these assessments are taken directly out of the table of disabilities, and it is not something new in the pension legislation. As some of you gentlemen are aware, with service-connected disabilities under the American plan, they do consider the individual assessment and it takes them over the 100 per cent, but that is only in relation to service-connected disabilities which are referred to under American legislation as compensation as distinct from pension.

Mr. BIGG: It seems to me that if we accept recommendation No. 1 and look at this whole question as war disability compensation, then we are getting away from this idea of living entirely on pension, and I agree with this. Therefore, we must look at this table of compensation and see whether in fact the veteran is being compensated for what he has lost. I certainly would think that if I lost my eyes and my legs, although I might not be entitled to more pension-wise, I would certainly be entitled to more in compensation for what I have lost than the man who merely lost his eyes. There may be some question about whether parliament is willing to pay the extra for multiple disabilities. We can pay them 240 per cent of the 100 per cent assessment. Perhaps we should look at the schedule and find out whether or not a man who lost both legs and eyes should be entitled to a higher assessment than 100 per cent, but perhaps not as high as 240 per cent. There must be a monetary level somewhere concerning how much we can afford to pay people. It does not sound very nice but there is no other way of paying a man for his eyes anyway.

Mr. McDONAGH: Nor a paraplegic.

Mr. BIGG: They have tried to relate it to the earning power of a labouring man, which is not a very good answer but we have to get a figure somewhere. Therefore, I think benefit should be given to the man somewhat above the labouring man's earning power because he causes distress to his family, he cannot live where he would have been able to live otherwise, and so on.

Mr. McDONAGH: If I can be of any assistance, I am just a Canadian and I am not usually pro-American in that sense, but I understand that under the pension legislation dealing with war disabilities in the United States they set a maximum in dollars. If a man has a 400 per cent disability there is a ceiling that he cannot go beyond. For instance, in the case of a paraplegic, he could reach that maximum, and in addition they would supply him with a car and things like that. This is part of a field we have never gone into in Canadian legislation because we have tried to be reasonable men in our presentation and in our requests.

Mr. BIGG: As I have said, I think it is a piece of practical politics perhaps; we would rather see a 50 per cent rise in this multiple disability assessment than have the thing stopped by a charge that we are unreasonable and that we are asking for the moon. If we establish this principle it might work anyway part way.

Mr. McDONAGH: Our opinion, sir, is that members of parliament are not unreasonable.

Mr. HERRIDGE: Mr. Chairman, I wonder if the judge has any information on the percentage of pensioners who are affected by the present application of the law in this respect?

Mr. McDONAGH: I would say that it is mainly the first classes, classes one to five which take in your amputation cases, who get their increases at 55, 57 and 59. I doubt whether in classes one to five you would find more than 8,000 people.

Mr. LANGFORD: I would think that when you are getting into the multiple disabilities it will affect them as well as the blind and the paraplegic group and that the multiple disability group, at which we are trying to get in this recommendation No. 2, would number between 500 and 1,000.

Mr. BIGG: It would be very important to point out that it would not be an enormous amount in aggregate.

Mr. LANGFORD: It is a relatively small group. The present system under the table of disabilities works well for minor disabilities. It is very easy to count figures and degrees of assessment in amputations from the wrist to the shoulder or from an ankle to the hip, but as soon as you get into the multiple amputations, the blind and the paraplegics, we are banging our heads against this ceiling which limits the payment to one compensation payment of a single 100 per cent compensation.

Mr. WEICHEL: Does one to 11 include say 48 per cent to 100 per cent, or what class is that?

Mr. McDONAGH: Forty-eight per cent to 100 per cent under schedule A of the act.

Mr. WEICHEL: How many veterans are receiving compensation in that class from 48 per cent to 100 per cent?

Mr. McDONAGH: I do not have the report with me and I understand the latest report is not available even to the committee. As Mr. Langford pointed out, it is mainly this group with multiple disabilities who are the major ones.

Mr. BIGG: Would that not affect only the 100 per cent pensioners as compensated at present because presumably we are trying to raise the 100 per cent to a figure considerably higher? That would cut down your numbers enormously.

Mr. LANGFORD: It would be necessary to review all class 1 pensioners. It would affect only a portion of that group at the top end.

Mr. HERRIDGE: I suggest the committee would be able to get that information later.

Mr. MACEWAN: I should like to know if Judge McDonagh could tell us how the amounts paid under the Canadian Pension Act compare with the amounts paid under the workmen's compensation act in the province of Ontario?

Mr. McDONAGH: I have not made a study in regard to that, and when I was practising law you may recall also that sometimes members of the bar were not very welcome in workmen's compensation cases.

Mr. MACEWAN: I come from Nova Scotia and I think it is the same in all of Canada.

Mr. McDONAGH: I do not profess to be an expert there at all.

Mr. PUGH: I would be interested in knowing the total number of pensioners this will affect. You suggested a review of all of class 1, for instance. Would there be a tremendous number of pensioners who would be affected?

Mr. McDONAGH: I doubt whether the amount would be very large. When I mentioned classes one to five I was thinking of another principle, but as pointed out by the hon. member and by Mr. Langford you would be dealing with the 100 per cent disabilities. The department used to put out the degrees and number of percentages and I presume they are still carrying it.

Mr. PUGH: I am wondering whether the C.P.C. have those figures for us; that is the number of 100 per cent pensioners we have at the present time?

Mr. T. D. ANDERSON (*Chairman, Canadian Pension Commission*): The group who would be affected would be those in the 100 per cent class and the total is 6,354 as of March 31 of this year.

Mr. PUGH: Would you have an idea of how many there are with multiple disabilities?

Mr. ANDERSON: I cannot get that from these figures.

Mr. WEICHEL: I understand that the 30 per cent covers the 48 per cent of 100 per cent and the 70 per cent deals with those below the 48 per cent. Therefore, the 6,000 would be a pretty accurate figure on the 100 per cent disability.

Mr. McDONAGH: That would be roughly 6,000 out of over 200,000 who are in receipt of pension.

Mr. HERRIDGE: And without a doubt a good number of the 6,000 would not be multiple disability cases.

Mr. BIGG: Might we also say that the 100 per centers with multiple disabilities are all very worthy cases and that there is a human factor there which cannot be ignored. Some who are 20 per centers are getting well paid but those who have 100 per cent disability are underpaid.

Mr. MORISON: Do you submit item 11 is contrary to the provisions of the Pension Act? If you find this is so, does that mean that the government is going to be liable for back-dating the pensions of the men entitled to over 100 per cent?

Mr. McDONAGH: I would not think there is any liability. I believe there is protection in the Pension Act itself for anyone who acts within its authority.

Mr. MORISON: In other words the pensioners would not come back and say, "We are entitled to over 100 per cent from 1945 to 1963"?

Mr. McDONAGH: You might have the odd one but the sensible ones would not be doing this, I think.

Lieutenant-Colonel E. A. BAKER (*Honorary Chairman, The National Council of Veteran Associations in Canada*): May I say a word? It seems to me that in considering this problem we are possibly overlooking something from the standpoint of Canada as a whole. Canada appealed to the young men who could go to the services in the first world war. They made a large appeal and there was considerable pressure put upon them. The men went, and of the number who served overseas I believe the figure was somewhere in the neighbourhood of 30,000 who never returned to collect. The only compensation that was ever awarded in respect of such men would be in a percentage of cases where pensions were awarded to the dependants. In my own case I had two sons serving in the second war; one son returned without a disability after service in the fleet air arm on the *Illustrious*. The other, on the *Indomitable* was shot down south of Okinawa. There was never any compensation required in that case and it has not been suggested. However, when we do have men with multiple disabilities and excessive inconvenience even in carrying on in life it seems to me that it is not unreasonable to suggest that Canada should take into account not only the excessive disability but the excessive inconveniences suffered by that man in attempting to live, let alone do something to occupy himself satisfactorily. I think that when you get down to it, when you consider that 30,000 died for whom there are only allowances for dependants, those who suffered excessive disabilities might be given consideration to make their remaining life just a little more comfortable.

Mr. WEICHEL: It has always been my contention over the years that a great many men like Colonel Baker and others who are totally incapacitated and are fighting their disabilities every day should have at least \$500 a month. I am sure I would be tickled to death to pay extra taxes in order to see that these men do not suffer financially.

Mr. William C. DIES (*Honorary Vice-Chairman, The National Council of Veteran Associations in Canada*): I happen to be in the category which you are discussing. I have been down here many times and the matter has come up several times. I doubt whether at the rate you work and move I will eventually benefit from this. However, I hope for a change of heart. You can believe me when I say I have terrific trouble here this morning listening and hearing what is going on. That is only because of a disability for which the government accepts responsibility. I have no entitlement to it but if they can do anything for me at Sunnybrook or whatever other hospital they can I would be glad to accept it. I have to sit down.

When I go to Sunnybrook the specialists look at my ears and say "yes, there is no change". I did have a very bad attack of bronchitis about ten days ago and it has not helped my ears. I am not pleading here because I am a kind of a proud individual who, when I received my disability, started to prove to people that if you had guts and thrift you could get by. But I do want to speak on behalf of those who do have this disability and are handicapped to the extent where they cannot get around and who are not blessed with the good surroundings with which I am, owing, to some extent to my own courage, I presume. I also have a sinus condition for which a grateful country accepts the responsibility, and can do little or nothing about it. On top of that I am, as you see, minus one arm.

I am not pleading here for Bill Dies, but I do think it is about time that this country did something a little more than they are doing for those with multiple disabilities. I have lived with it and I know it. I am not a young man but I have lived with it for over 40 years, and the only reason I am living with it is that I thought enough of this country to go to war and if necessary die for it, and almost did incidentally. I could not have been where I was, as I said before in this committee, when the Germans attacked us at three o'clock in the morning in a raid, had I not been 100 per cent healthy.

I do not know what effect these remarks have on you, gentlemen, but I hope they have some effect. This is no bed of roses, the necessity to be led around by people and the necessity to be careful when you are walking. You get more bumps than you can possibly imagine. I have to quit because a couple of years ago I had a heart attack and it is beginning to bother me. I leave that with you, gentlemen.

Mr. BIGG: I would like to thank Mr. Dies for his presentation. I do not think he has to sell this program to anyone in this room. It is a question of whether we can get it through. I can assure him that as his salesmen we will try. It is only a question of how to do it, and I want to thank him again.

The CHAIRMAN: That is the unanimous opinion.

Mr. CAMERON (*High Park*): I take it that this interpretation of item 11 has never been construed by the courts.

Mr. McDONAGH: I have been asked that question and I said I thought the only way in which it could be questioned would be by way of certiorari and I do not know anyone who is going to take those proceedings.

Mr. CAMERON (*High Park*): I understand that argument quite thoroughly and I do agree with you that the intent of parliament does not seem to be carried out in item 11. However, I was wondering, if the true intent were carried out, just what the effect would be on recommendation No. 2 that pensions should be paid in accordance with the true extent of the disability. How would you interpret that? Say a man was to lose two eyes and both arms; this is away over 100 per cent. How would you assess the disability that will be paid to him?

Mr. McDONAGH: I would say there, sir, that, taking the first example on page 6 where it shows the assessment total of 240 per cent, we would say there,

in the wording of the table of disabilities quoted at the top of page 5 that "the composite assessment will be the arithmetical sum total".

Mr. CAMERON (*High Park*): I might have thought that another way would be by assessing the additional amounts added to his disability, maybe not the total figure, but in the 240 per cent you might say there is 100 per cent disability on account of these other things which would have made him totally disabled. We would then have 50 or 75 per cent.

Mr. McDONAGH: I understood that is the point which the members on this side felt should be reviewed so that they could get a picture of it. Our difficulty is that the pension commission threw a block in an earlier item 11 before they could apply the arithmetical sum total which they set out in another paragraph.

Mr. BIGG: I would like to think that the pension commission were acting in good faith here and they thought that parliament was putting a monetary ceiling on how much we would pay, and I think that if this question was aired in parliament with the proper facts behind it parliament would agree that they had no intention of putting a monetary ceiling, not at this level anyway, on multiple injuries. We all know that you cannot be more than 100 per cent disabled, but it is quite possible for parliament to put a ceiling on the payment and if that ceiling should be raised, changed or taken off altogether, then if we had the facts we would be in a much better position to make that argument, and I think we can.

Mr. WEICHEL: Perhaps on the assessment total we could say a maximum of 200 per cent for all 100 per cent disabilities and in this way give them leeway to work on.

Mr. HERRIDGE: I suggest it is obvious that the committee as a whole is very sympathetic to some serious consideration and when we get a chance to review that situation we may make a sound recommendation that provides some extra consideration for these unfortunate cases.

Mr. H. C. CHADDERTON (*The War Amputations of Canada*): May I say two things, sir? We have studied this at great length in war amputations. We feel that the problem of assessment for those whose disability is obviously more than the present 100 per cent ceiling is not too difficult. I should like to give you an example. The pension commission table of disabilities at the moment provides a 70 per cent assessment for loss of a leg at mid-thigh. We concede that although not too generous this is adequate.

However, when we look at the case of the paraplegic who is confined to a wheelchair and has his many complex problems, we would think that his disability is at least three times that of the man with the loss of a leg at mid-thigh, and we also feel that this 100 per cent ceiling is a mythical thing. Mr. Bigg just said that you cannot be more than 100 per cent disabled, but this has always been brought out in these arguments and we feel that it is really not an accurate way of looking at it, because a person who is 100 per cent disabled obviously can neither walk, think, talk nor do anything else; and if you study the pension legislation you will see that the squeeze has been at the top. This is the sad thing about it in our opinion. It would affect something like 200 members of the 3,600 war amputations of Canada. These are the really seriously disabled in our group.

I should also like to say one other thing. In previous discussions of this item some people who are against this have brought out the fact that people who have 100 per cent assessment and are more seriously disabled than that receive compensation in the form of something called attendant's allowance. Our contention, Mr. Chairman, is that this is a red herring because attendant's allowance is paid for a specific purpose; it is to provide attendance. It is what we would like to consider incumbent income and it should not be taken into

consideration when somebody is sitting down to say that a man with one leg would receive 70 per cent. The commission says you get 70 per cent for the loss of one leg but 30 per cent for the other. This does not make sense from an arithmetical viewpoint.

To come back to attendant's allowance, to say it is compensated for by paying attendant's allowance is saying that in the normal case, when the attendant's allowance which is paid to a serious pensioner to give his wife for the extra work she has to do, she has to give it back to him to make up his compensation. Our submission, and the war amputations will be here next week, is based on the fact that the table of disabilities is adequate in most instances except for the very seriously disabled. I am speaking here not so much for the amputations as for the paraplegics, and we feel that this whole thing should certainly be reviewed.

Mr. WEICHEL: I would like to back up Mr. Chadderton. I happen to be 80 per cent disabled and I am getting around to doing my daily duty. The gentleman here near me in the wheelchair is only getting 20 per cent more and his difficulties are 50 per cent more than mine. This is the point I am trying to bring out.

Captain F. J. L. WOODCOCK (*The Sir Arthur Pearson Association of War Blinded*): Mr. Chadderton brought out the subject of the red herring concerning the attendant's allowance being part of the compensation. Yes, we have unfortunately heard that before, but I would like to point out that a pensioner with flat feet and other pensioners with minor disabilities such as the five per cent pensioner who loses his sight in old age receive exactly the same amount of attendant's allowance as does the man who lost it in battle. We are told that there is no difference. From a blind man's point of view there is none, but if that 5 per cent pensioner is receiving compensation for his war disabilities, then, sir, you must add the 5 per cent pension plus the maximum attendant's allowance for blindness. I am saying he is being compensated for flat feet at a terrific rate.

I would like to suggest more than 100 per cent. I do not like the saying that a man cannot be disabled any more than 100 per cent. Again, this is to me a false barrier. I would hate to suggest that a good many of these loan shark firms were limited to 100 per cent. They talk in terms of 200 or 300 per cent proper. If there is no disability beyond 100 per cent I would suggest that some who make those statements should visit those who have multiple disabilities.

Mr. FANE: Mr. Chairman, I was going to make some remarks a little while ago. I was a little reticent about making them earlier but I do want the committee to know that I approve of all that these gentlemen have said, having been more or less one of them for many years. I was one of the fortunate ones who was allowed to throw it off, but I think that their point is very well taken and for these people who are so much more disabled than 100 per cent there should be a separate class at least so that nobody could say that they are getting more than 100 per cent. If there was a different class which had different levels of compensation, then they would be put in that class, a double A class or something of that kind, and they would get consideration and there would be no stigma about having 240 per cent. I would go all out for an addition in this way to what is now called the Canadian Pension Act.

Mr. THOMAS: Mr. Chairman, we have had a good discussion on this 100 per cent conception of the payment of pensions and I know Judge McDonagh says it is time this was upset. I am not going to quarrel with that. I think we should give it thorough consideration, but what probably is required is some new wording in the act. One hundred per cent still means 100 per cent, but possibly we do not want this based on 100 per cent, and certainly this recommendation does upset the basis, the present basis and the past basis,

upon which pensionable disability and pension payments have been calculated. I agree that we should give it the most careful consideration with a view to providing fairer compensation for those who, as has been pointed out, have been getting squeezed at the top of the pension.

The CHAIRMAN: Thank you. I am sure this matter will be given our serious consideration, and the committee will meet and we will draft our ideas and recommendations on the matter and do all we can to assist those who are worthy of consideration.

Mr. McDONAGH: May I interject a facetious remark, Mr. Chairman? I was somewhere in the same area in November 1916 as Mr. Herridge was. He recounted it to the committee the other day, and I think both of us were given an issue of something that we learned was more than 100 proof. That was more than 100 per cent.

Mr. HERRIDGE: Can I correct the judge? We did not get the issue; we belonged to the wrong brigade.

Mr. PUGH: I wonder if we could get a recommendation or a suggestion form on this 100 per cent ceiling from the C.P.C. plus any ideas on the change to the legislation from the law officers. Would that be possible?

The CHAIRMAN: I would think that would be feasible and possible.

Mr. PUGH: What happens with these things normally? You make a nice fat recommendation and it has to be put in a convincing form so that it gets complete approval. As various witnesses have brought out, it has been a long time since the first war and the suffering of the multiple disability cases has been gradually increased along with the other pensions, but at the top level there is a squeeze. I suppose parliament felt it is very just when a man is a 100 per cent but there are going to be questions on the cases over and above 100 per cent disability. This is one recommendation we should take to heart and work upon.

Mr. MACEWAN: I take it there would be no need for an amendment to the actual Pension Act?

Mr. McDONAGH: No sir.

Mr. MACEWAN: Of course, there would be if the committee saw fit to put recommendations to the government and to the Minister of Veterans Affairs.

Mr. McDONAGH: There is no limitation in the Pension Act but the pension commission have put arbitrary limitations in their regulations.

Mr. BIGG: In recommendation 3 I presume the increase would be on the single allowance and the married allowance would remain the same.

Mr. McDONAGH: Yes.

The CHAIRMAN: We are now on recommendation 4.

Mr. HERRIDGE: Can the witness give us a few illustrations there where he and his colleagues note the need for this increase?

Mr. McDONAGH: As far as my own experience is concerned, I have been closely associated with most disability groups but more particularly with the war blind. The amount in the helpless allowance is not sufficient to supply anybody totally blind with the type of help that it is possible to get. A man who is totally blind and unable to earn any other income and who is not married cannot possibly get attendance for the amount set out as helpless allowance in section 31. I think possibly Mr. Langford would be in a better position to describe the position of the paraplegics.

Mr. DIES: Mr. Chairman, there are a number of us here who are not hearing half of what is being said. I understood that there would be no difficulty and that earphones would be provided but could the technicians put some life into them?

Mr. WEICHEL: I have something to say on recommendation No. 4 concerning attendant's allowance. I would like to hear from Mr. Purvis. Perhaps he could tell us whether it is adequate or inadequate.

The CHAIRMAN: Mr. Langford was going to speak on that subject.

Mr. WILLIAM P. PURVIS (*Canadian Paraplegic Association*): I am a quadraplegic and I am receiving an allowance of \$1,800 a year. I employ an attendant who costs me \$60 a week plus a basement apartment in my house. He dresses me in the morning and puts me to bed in the evening. He drives me to work.

Mr. BIGG: Is it \$60 a week?

Mr. PURVIS: Yes, plus an apartment in the basement of my house for his wife and himself. Sometimes he is on call at night when my wife is out. I do not think \$1,800 covers it at all.

Mr. BIGG: This would be \$2,800 plus accommodation? Thirty years ago \$2,400 would have been adequate but it is not so today.

Mr. WEICHEL: These are the men we are concerned about. They can talk on it much better than those that have not got that disability. Could some of these men stand up and give us their story?

The CHAIRMAN: We would be glad to hear them.

Mr. WEICHEL: I am sure we would be glad to hear anyone who could tell us a story. This man demonstrated that the cost is almost double what he is getting.

Mr. LANGFORD: I think, Mr. Chairman, in most instances there is no such thing as an attendant as such. Most of us have to depend on what amounts to be a series of casual attendants which may include the people that carry us on the plane, the bellboys at the hotels, a whole string of assorted handymen, plumbers, electricians and various people whom we call on at home to do the things that are relatively simple and that an ordinary person who can stand up and use his hands can do for himself. We wind up with a whole series of increasing costs in terms of housing and accommodation.

Once you get into a wheelchair or have any serious disability with locomotion you wind up with the need for relatively expensive housing. It has to be ground floor accommodation. A wheelchair requires certain spaciousness in terms of bathroom doors and not the sort of things that can be available at minimum cost in any of our cities and towns in Canada. Once you go travelling, again it is necessary to travel first class because you require certain additional facilities. There again a bit more spacious bathrooms, resort hotels that have elevators instead of walk-up rooms, and so on is necessary. In terms of accommodation we are all precluded when using the normal public transportation. It is necessary very often to depend on taxis or to operate our own cars such as when travelling between the Chateau and here.

There are a thousand and one things that our wives, friends and neighbours find necessary to do for us at home. You cannot be entirely dependent on your friends and neighbours, and you have to be able to hold up your own end and to provide certain courtesies and certain services, possibly the odd bottle of rum now and again which could be uncorked in partial compensation for their kindnesses to you. It is all very well to be dependant on your wife to look after you 24 hours a day, but this normally precludes a lot of other activities on her part, including her employment.

Mr. WEICHEL: There is one other point that is perhaps very important, you have to compete with others in the normal advantages regarding your everyday work, if you are working.

Mr. LANGFORD: Yes.

Mr. BIGG: This is an arbitrary figure of \$2,400. It seems to me that here again we will have trouble because those who need full time attendants need more than that sum, while on the other hand there might be those who might possibly think that it is too much to pay for a wife who has private means and is looking after you as a hobby. That is about what it would amount to. Certainly \$1,800 is nothing like the pay which we would expect for a wife who would stay away from an otherwise useful employment and stay home with her paraplegic husband. I wonder if this again is not something where we need some kind of sliding scale. Perhaps we should think about whether it would not be necessary to have a new civil service category where we would pay according to the need without a ceiling.

Mr. McDONAGH: Again here the number is not very great. The need is great but the number is not large.

Mr. BIGG: Is \$2,400 going to be enough? We heard from one man who pays \$2,800 out of his own pocket. According to me he should not have to pay anything.

Mr. McDONAGH: These men down through the years have been entirely too modest in putting forward what their needs are and what their country owes to them.

Mr. BIGG: If we do not move now, it is going to be too late. This is not something that we are going to reform fifty years from now; we want to get on with it now.

Mr. LANGFORD: It has been our feeling that this is merely an attempt to have a flat rate expense allowance which, while not adequate, is at least a help for normal additional cost of living, transportation and casual attendants. If you get the type of multiple disability case who is in need of nursing and orderly care while living at home, I think it may well be possible that the department through treatment services could provide that attendant from the departmental staff. On occasions in the past that has been done but it is not the general practice. It may be that treatment services could cover that more frequently.

Mr. BIGG: At present this is just a straight attendant's allowance without these side issues being involved at all. Is it just a straight raise from the \$2400?

Mr. LANGFORD: That is all we are asking for.

Mr. McDONAGH: It is something that might be considered by members in the committee where there could be an enlargement on the treatment regulations to look after such things as this. I think we are all agreed that a man who is a paraplegic should not be confined to a hospital or to an institution if he can live with his family.

Mr. CAMERON (*High Park*): I was wondering if we accomplish our purpose by putting these gentlemen there. The earphones are not plugged in. Maybe if they had earphones they might hear what is happening better.

Mr. WOODCOCK: It is only Mr. Purvis we could not hear. While I am on my feet may I add my story on the attendant's allowance? Many of the things that the Chairman mentioned apply also to the blind. Do you admit that blindness defeats you or do you try to carry on? I am thinking in terms of my position right now as the Canadian council member to the world veterans' federation. Has any member here any idea what it is like to be the only blind member of a council, to have your way paid by the Paris office which is all they pay? Have any of you any conception of the number of quarters, dimes and dollars that I have to hand out to make a trip around the world on behalf of the veterans' business? Five or six hundred dollars for one of those trips is nothing, I can assure you, Mr. Chairman, and it is just a question of saying to yourself, "Is all this too much for me?" Do we give up? There are not very many of us,

only 385 of us in this country, and I do not know one of them who will give up if he can keep going on.

The CHAIRMAN: Are there any other questions?

Mr. HERRIDGE: I suggest that the recommendation of the committee is very reasonable and as the result of the additional evidence we have had we can give consideration to possibly the treatment regulations being amended to provide extras where they are required above this.

The CHAIRMAN: Most definitely. All those suggestions will be given very serious consideration by this committee. I am sure of that.

Mr. PUGH: Have you any real information on particular cases? What is the average attendant paid? Is there an average amount that is paid to them? What does a pensioner have to pay?

Mr. McDONAGH: I do not think we have that information except for individual cases. Since I took office in my association in 1919 this country, in so far as multiple disabilities are concerned, has owed another department which it has not paid; that is the wives of these men who have assumed the responsibility of rendering the service that the country asked them to provide. This is not going to be a huge sum. You are faced with the other situation. As a comparison may I suggest that if these men were hospitalized, they would require special nurses for every hour of the day and the government would pay for it. That is some of the cost if they were hospitalized or institutionalized. Each man has to make his own arrangements and to do the best he can at the cheapest rate possible.

Mr. PUGH: For instance, take the case of a single pensioner. How much would he have to pay his attendant? We have one pensioner here who says it runs to \$2,800 or more plus living accommodation. What happens in the case where someone has not his own house and is not married. He is a pensioner and he has to have an attendant? What does he pay?

Mr. McDONAGH: I do not think we have any case with us that could answer this question this morning.

Mr. PUGH: Are there any cases who are not hospitalized?

Mr. McDONAGH: We have three paraplegics here who are not.

Mr. PUGH: Unmarried?

Mr. McDONAGH: They have been fortunate in getting wives who will take the responsibility. I do not think we have any single men with us.

Mr. PUGH: I wonder if we could get that information from the Canadian pension commission, the payment to a single pensioner.

Mr. ANDERSON: No. Mr. Chairman, we would have no way of knowing what are the actual costs.

Mr. BIGG: In order to have a male nurse in attendance full time would involve at least \$3,600.

Mr. WEICHEL: At the present time \$1,800 is paid in the way of an allowance.

Mr. ANDERSON: That is the maximum.

Mr. THOMAS: Mr. Chairman, might I ask Judge McDonagh whether consideration has been given to grants in lieu of hospitalization. If it costs \$15 or \$20 a day to keep a man in a veterans' hospital, and if he is able to look after himself in his own home, or if his people are able to look after him, have you given consideration to a grant in lieu of hospitalization?

Mr. McDONAGH: That has to be considered under treatment regulations. Under certain circumstances that has been done. I have known a quadraplegic in respect of whom that was done through the treatment regulations. I hope this is one of the things this committee will study so that this might be enlarged under the treatment regulations, particularly in respect of these serious cases.

Mr. BIGG: If we knew the figures in respect of the cost of keeping a paraplegic in the hospital, this would be a guide on what the wife would need to look after him in the home.

Mr. McDONAGH: I think we have a very sympathetic listener and answerer in the person of Dr. Crawford when he appears in front of you.

Mr. PUGH: Would a veteran pensioner be eligible to go to a hospital at any time if he is in a fit enough condition to stay at home?

Mr. McDONAGH: Do you mean for any condition in a D.V.A. hospital?

Mr. PUGH: No. We were talking about paraplegics and someone was asking how much it would cost to keep him there. I had the impression that if a person was a paraplegic, he might not be able to go to a veterans' hospital and live there. What is the determining factor in whether he is hospitalized or remains at home?

Mr. LANGFORD: He could be admitted to any D.V.A. hospital if he requires medical treatment or nursing in connection with his disability. If it is just a matter of finding a place for him to live, then I believe the answer is no, because he would probably be classed as domiciliary care which would only involve room and board without the requirement of nursing.

Mr. PUGH: Suppose he is not able to earn a living as a result of his disability; what happens then?

Mr. LANGFORD: So long as these men remain in reasonably good health they would, of course, much prefer to live out of the institution. In that situation I do not believe it is possible for any of these people to hire certain attendants even for a 40 hour week. One of our paraplegics in Toronto came to me a while ago and said he was able to maintain himself in an apartment without a house keeper by hiring casual service, and paying for additional delivery costs, and so on, for the things he needed, but the only way he could do so was to dispose of his car which eliminated his only means of economical transportation. So, to all intents and purposes he is confined to that apartment, living alone, and remaining there unless he wants to take a taxi to make a specific trip somewhere.

The CHAIRMAN: We will now proceed with recommendation No. 5.

Mr. THOMAS: For the record, may we have the present rates payable to single and married recipients of war veterans' allowance?

Mr. McDONAGH: I do not have that information with me.

Mr. W. T. CROMB (*Chairman, War Veterans Allowance Board*): The rate for a single war veterans' allowance recipient is \$84 a month and the rate for a married recipient is \$144 a month. In addition to that there is an income ceiling which, in the case of a single recipient is \$108 a month and for a married recipient \$174 a month. The actual rate is \$84 for a single recipient, and \$144 for a married recipient.

Mr. WEICHEL: How much may a recipient earn in a year?

Mr. CROMB: Under the War Veterans' Allowance Act and the regulations a single recipient may earn in casual employment \$600 and in the case of a married recipient he is permitted to earn \$900 in the war veterans' allowance year. Those amounts are not considered as income; they do not affect his allowance at all.

Mr. HERRIDGE: I think, Mr. Chairman, that silence means assent to this recommendation.

The CHAIRMAN: Recommendation No. 6.

Mr. PUGH: This has been before us and we devoted quite some time to it the other day. It is in the same wording, and we all have expressed opinion on it. We might leave it by saying that the recommendation is under study.

The CHAIRMAN: Is that agreed?

Agreed.

The CHAIRMAN: Recommendation No. 7.

Mr. PUGH: This also is exactly the same as a recommendation we studied previously. This has been spoken on by many. Once again I would ask that we take it as read, and assure these gentlemen that we are looking into this very thoroughly.

The CHAIRMAN: Recommendation No. 8.

Mr. PUGH: No. 8 is exactly in the same position. It was the subject of Bill C-7.

Mr. MACEWAN: Judge McDonagh, I wonder what you personally think would be the best type of an appeal body or other body to deal with such appeals.

Mr. BIGG: If necessary.

Mr. McDONAGH: You have asked my personal opinion. You know I am not allowed to give legal views. However, you have put me on the spot. I now am speaking for myself and not for the national council. I have given a great deal of thought to the bill as introduced by Mr. McIntosh. I have read with great interest the views expressed before the committee, and also what took place when the bill first was introduced by Mr. McIntosh.

I do not question the honesty and good faith of the members of the Canadian pension commission; but I am not in complete agreement with the chairman of the Canadian pension commission when he stands before this committee and says that the best thing which has happened to Canadian pension legislation is the fact that the members of the commission are the only ones who have the power to interpret the act, and that is what makes the pension legislation good. I think the individual member of the pension commission is what makes the pension legislation good.

Sir, you opened the door. I have been in this particular field since I took office and first attended the Ralston-MacEwan commission which was going on in 1922. I was a member of the committee appointed by the government of the day back about 1932 to inquire into the administration of the Pension Act. At that time the then chairman of the pension commission took the view that the pension commission stood between the man and the state; he said so. We corrected that opinion and convinced the government of the day that the commission stood with the man and the state. We believe that is what the position of the commission should be.

I had occasion to present a case before this committee a few years ago. The Committee was good enough to allow it to go into the record. This was a claim of a gentleman from British Columbia and, in my opinion, the members of the appeal board expressed a doubt. The word "may" was used, I believe, on two occasions by a member of the commission in giving his judgment. To my way of thinking, that is a case where there must be application of the benefit of doubt section, if the benefit is in the mind of the commissioner. I understand that is the position of the commission; that the benefit of doubt only arises if there is a doubt in the minds of the commissioners.

I see a great deal of difficulty in having the provisions of Mr. McIntosh's bill apply throughout Canada. We have ten provinces, and under the British North America Act the constitution of the courts is a provincial matter, in so far as courts of appeal are concerned, and trial courts. In order to appear before those courts, one must be a qualified member of the bar in that province. Under the present section of the veterans' bureau, if these appeals became numerous, I doubt very much whether you would have the staff which could present the appeals. I also doubt very much, with the court lists as heavy as they are whether you would get the cases on for a year with any expedition at all.

I have had the thought, having in mind what is done in Britain in respect of appeals relating to pensionable conditions, that there should be a section of the exchequer court, which is a federal court, in which these appeals could be handled. The exchequer court could be enlarged to take care of these situations. This is my opinion; I have not discussed this with the members of the national council. However, we do approve in principle that there should be some forum to where it should go.

I will put myself right out on a limb. I think it should be the exchequer court and that a branch of this court should be set up for the specific purpose of undertaking these appeals.

The CHAIRMAN: Recommendation No. 9.

Mr. WEICHEL: Mr. Chairman, I think recommendation No. 9 has been discussed here quite often. Of course, we can see that it has great merit. I am sure that very serious consideration should be given to this matter of treatment and hospitalization without charge to the pensioner.

Mr. HERRIDGE: I believe we discussed that. There is a great deal of sympathy for this proposal by members of the committee who have had experience in their constituencies.

Mr. McDONAGH: Before I ask the chairman of our council to thank you, may I express my appreciation of the opportunity of appearing here today. I may say that Col. Baker and myself assume this will be our swan song so far as appearing before parliamentary committees is concerned. For a great many years, in the national council, we have been associated as chairman and vice chairman, and we are of the opinion that the men of the second war should take over in all these matters. Therefore we have opened the way so that the national council could have a chairman from the second war and two vice chairman also of the second war.

It has been very gratifying for me to meet this committee and see the interest on the part of the committee. As Mr. Herridge and the chairman know, we have been very frank and I think reasonable in our presentations down through the years. We want the young men to carry on, and we came here this morning to show you that we support them 100 per cent in what they are trying to do for those who received disabilities in the service of Canada.

The CHAIRMAN: Thank you very much indeed.

Mr. WOODCOCK: Mr. Chairman, may I advise the committee on one point. I realize you have listened to many veterans' organizations and that some of our resolutions here perhaps have been presented previously in this or another form. However, I would like to advise you, sir, that this resolution in respect of the continuance of the married rate for our widows was born in the living-room of a totally blind veteran. I visited the widow the day after he dropped dead. He was a veteran of the second world war. The only way one really could appreciate what we are asking would be to have been with the two of us on that occasion. We saw the desperation that this widow had to face with the refrigerator unpaid for, the car unpaid for, payments on the house, and so on, and so on, and so on. It was a pitiful situation. I came right back to Toronto and wrote the original resolution which you have before you now in condensed form. I thought you might like to know that that resolution had its origin with the widow of one of the blind war veterans of the air force in the last war.

Mr. WEICHEL: I would like to say that we appreciate what Judge McDonagh said, but as a veteran of the first war I do not like to hear Judge McDonagh and Col. Baker saying that this is their swan song. I am sure everyone feels that these gentlemen are badly needed in order to carry on in respect of these things which should be changed over the years. We would like to see them remain to do what they can to improve the situation of the veterans.

Mr. BAKER: I was associated in training with A. G. Bates who was our first blinded soldier in the first world war. He served with the Princess Pats at St. Julien. He came back and there was no Pension Act when he arrived in Canada in the spring of 1916. He was put on the old South African rate and I think he received as much as \$30 a month. I arrived back in August and there was still no Pension Act in force. It had been enacted, but did not take effect until September, 1916. So, I think a few of us can say that we were a little early, even for the original Pension Act. I have seen many changes down through the years. The Pension Act has been substantially improved and increased. There is some question even in the present day whether or not it has kept pace with the increasing cost of living and wages and/or the devaluation of the purchasing value of the dollar.

Whether or not we may be drafted to come back and impress on you or your successors, some days hence, that there still are certain rubs affecting the veteran, that remains to be seen. A good old friend of mine who is a blind civilian who celebrated his sixty-seventh birthday anniversary the other day, said: "I am thinking of living and not of dying"; that is my sentiment. However, if we can ever be of service, I am sure Frank McDonagh, Bill Dies, and any others who have been involved down through the years, will be happy to come back here and help out if we can assist in a better understanding of the needs of the veteran.

Some hon. MEMBERS: Hear, hear.

The CHAIRMAN: Thank you.

Mr. WEICHEL: As I said, we do not want these gentlemen to back out. Something which happened 20 years ago helped me to carry my disability as gracefully as possible; that was when I met Col. Baker at the war amps. convention in Vancouver. He said: "I like to go to the New Westminster hospital and help encourage those fellows up there". I said to myself, just imagine a blind veteran overlooking his own disability in order to inspire others.

We are really very happy to have these gentlemen here. These 100 per cent pensioners were really the chaps who helped win the war for us.

Mr. LANGFORD: You have been very patient with us this morning. I hope these discussions have been advantageous to you. I trust that when you give your recommendations in due course to parliament we will be able to come back with a much smaller brief the next time.

The CHAIRMAN: Could we meet again this afternoon at 3.30 p.m. to hear the representatives of the non-pensioned veterans' widows. I do not think it will take too long.

#### AFTERNOON SESSION

THURSDAY, November 21, 1963.

The CHAIRMAN: Gentlemen, we have a quorum.

Will you ladies please come up to the front table?

The first item on the agenda is the presentation of a brief by the non-pensioned veterans' widows association incorporated. The spokeswoman for the association is Mrs. Margaret Wainford.

Would you come up here, Mrs. Wainford, please, and read us your brief, if you will?

Mrs. Margaret WAINFORD (*President, Non-Pensioned Widows Association Incorporated*): I will not take very much time.

The CHAIRMAN: It has been very difficult to find people today because of all the committees sitting.

Mrs. WAINFORD: Mr. Chairman, members of parliament and members of the various departments of veterans affairs and pensions commission, I am going to try to go through these resolutions as quickly as possible; as we have no brief attached to them, I will read the resolutions to you. I think there are seven. Then I will explain the reason why we have drawn them up in this manner and will then be open to your questioning.

Before I do so, I should like to introduce to you Mrs. Helen Hickey, who is here from Toronto. Mrs. Hickey has been in this organization for about 27 years, as I have, which is quite a long time.

Mrs. Mona Wheaton from Quebec and Mrs Lilly Potter from Toronto.

I should like to make one or two comments before I read the resolutions because I do not know very many of the members sitting at this committee. I think I only know the Chairman, Mr. Carter and Mr. Herridge. Everyone else is new. I have been coming to these committees since 1941 when we had our first experience, in the time of the late Ian Mackenzie.

There are some items in our resolutions which will refer to that position. I do not wish to go into any further detail at this time, so I will go ahead and read our resolutions.

Some time ago, about six weeks, the province of Quebec took it upon itself to send out a copy of the resolutions with an attached letter. We had many replies; however, in the meantime, the extra \$10 was given to those individuals receiving the old age pension and war veterans' allowance, so we changed the first two resolutions.

There was an error in printing and my secretary has changed it. In our previous resolution which we sent to the members and the minister we were asking for \$90; we are now asking for \$94. We are asking for this increase in order to bring ourselves into a comparable position as a result of the \$10 increase that old age pensioners receive.

Our first resolution is:

#### BE IT RESOLVED

A. That the Veterans' Allowance under the Veterans' Allowance Act, be increased to \$94.00 per month, making a total allowance of One-thousand-one-hundred-and-twenty-eight dollars (\$1,128.00) per year; the cost of living is steadily increasing.

B. That the permissible income ceiling be raised to Three-hundred-and-sixty dollars (\$360.00) per year, bringing the total income to One-thousand-four-hundred-and-eighty-eight dollars (51,488.00) per year. We find that the families of Veterans' and Widows are being penalized and that the allowance be awarded as of right. This at least would give the recipient the privilege of a better scale of living.

C. That all the recipients of the War Veterans' allowance whose late husbands served in England with the Canadian Forces be given full consideration of War Veterans' Allowance, we recommend an amendment be made at this Session to abolish the Three-hundred-and-sixty-five-days.

D. We recommend that the Government bring in a Bill at this Session of Social Security and National Health on a contributory and non-contributory basis.

E. Suggested change in the wording of the resolution regarding the over-seventys. Be it resolved—That the recipients of the Veterans' Widows Allowance over seventy years of age be allowed a ceiling of permissible income to cover their old age security pension without reduction of basic Veterans' Widows Allowance so as to make it possible

for such recipients to receive the old age pension in exactly the same manner as received by all Citizens throughout Canada after reaching the age of Seventy.

F. We recommend a Federal Sweepstake, this could be set up through the Postmaster's Office and, the monies used solely for Hospital purposes and medicines. The Government would make money on this from time to time, as in Australia, New Zealand and Ireland.

Mr. Chairman, those are the six resolutions most of which have been submitted on several occasions. We have changed the first two in the meantime.

I should like to take this opportunity to give you an idea why we are asking for this extra \$10 and why instead of \$240 per year from the assistance fund we are asking for \$360. If there are any questions we can go into this at the same time.

A widow today is receiving \$84. That is the allowance given to her today. She received \$84 per month; with the \$240 from the assistance fund she receives a total amount which I have indicated. At the present time we find this \$84 a month, and I am speaking personally in respect of cases with which I deal in our office, is not sufficient.

I read *Hansard* daily and the proceedings of this committee and there is discrimination in the pensions act. Perhaps I should not call it discrimination because I feel that the various departments do not have the power to control; it is the cabinet that tells them what to do. The same applies in respect of war veterans' allowances.

I should like to quote one case in particular concerning a woman who lives approximately 25 to 30 miles from Montreal. She was receiving \$84 a month. She was living with her daughter and paying \$60 a month for her room and board. If this woman needed a doctor, or had to go to the hospital, transportation to and from the hospital and medicines cost her sometimes \$10 per day. I have experienced this situation myself as the result of being hospitalized.

I phoned Mr. J. D. McFarlane, our representative of the D.V.A. in Montreal and explained the circumstances of this woman. I did get results in this regard, and she was given \$90 per month rather than \$84. I was not satisfied with this increase and got in touch with the chairman. As a result this woman is receiving a total of \$108.

I had to make two phone calls in regard to this one incident.

Some widows are receiving \$93, some \$98, some \$103 and some \$103.40. Those are the actual amounts they receive.

Through our experience in coming to Ottawa we feel that the widows are getting this allowance as of right and that their family should not be penalized because of this act.

If I go to hospital, and I will make some reference in this regard when I refer to resolution D, I find the situation very difficult.

In respect of certain individuals in lower income brackets living in districts where rents are very low, many of these women are paying as much as the woman to whom I referred who is paying \$60 for board, and are only receiving the room and are not receiving the full amount of war veterans' allowances through the assistance fund. As I said before, this is not the fault of the department; this is the fault of the government in not allowing the departments to give us this money as of right. I hope you will give full consideration to this situation.

I shall move to our second resolution. I think I might just as well go through them and then answer questions if there are any questions to be answered.

The next resolution has regard to allowances. We are suggesting the assistance fund allowances be raised from \$240 to \$360. We find that the old age pensioners are receiving \$128 per month and there is too great a gap between those individuals receiving war veterans' allowances and the widow under the war veterans' allowance who may only receive \$108. If we are given this extra \$10 which we are requesting at the present time that will bring us up to \$128. An old age pensioner receiving \$75, added to the department of veterans affairs money, is in the position of getting a total of \$128, and this makes it equivalent.

I have the figures before me. In a year with \$194 a month they would receive \$1,128. With an increase to \$360 they would receive \$1,488 in total income for the whole year. The old age pensioner who is receiving \$75 in war veterans' allowance would receive \$1,280, but their total income at the end of the year is \$1,536. This resolution is designed to fill in the gap at the present time because they are only getting \$84 per month and there is too much of a gap between the two allowances, to the old age pensioner and the widow who is only receiving the \$84.

I will move on to resolution C.

The CHAIRMAN: Mrs. Wainford, this subject has been thoroughly discussed by the members of this committee and I do not think it is necessary for us to go into it again at this moment.

Mrs. WAINFORD: That is quite all right. I have no further comments to make in this regard at this time.

I think we can move to the next resolution, but before I do I should like to make one or two comments. We suggest that the widows of men who served in Canada only are not being considered. Perhaps their husbands only went on the boats in Halifax and did not get overseas. I know this subject has been discussed, but there are many widows who are not on war veterans' allowance because of this fact. When a man received a summons to serve at that time in the first war he did not know where he would be sent but was willing to do his duty for his country. It was not his fault if he did not leave Canadian shores.

In the first war the government did not know anything about pensions. Many men who went overseas were carpenters on boats, for instance, and when they came back their wives received pensions from that time because the government was not lame but capable of passing legislation. However, there are cases of widows whose husbands went only as far as Halifax, and they are being penalized. We feel they are being penalized because of this service, and these widows are not being cared for.

I shall now refer to resolution D.

We recommend that the government bring in a bill in respect of social security and national health. We have discussed this at many committee meetings in past years. During the late Ian Mackenzie's time, in 1941, we appeared before the first committee on veterans affairs. Mrs. Hickey joined me at that time. That was my first experience before the veterans committee and we brought this subject into light at that time. We should like a social security and national health plan on a contributory and noncontributory basis. In 1945 the late Ian Mackenzie went overseas to Britain to study social security and national health. In 1946 we had a convention in Ottawa. This subject was very thoroughly discussed by the same government which is in power today. It was tabled and shelved and has never been followed. This is an old old resolution. We should have had social security and national health for the sole reason that families now are being penalized by not receiving this allowance as of right.

Toward the end of January, and February of this year I went into the hospital in Montreal without hospitalization insurance. I went from Quebec the first day and it cost me exactly \$12.50. I am not under the war veterans'

allowance and the woman to whom I have referred had to do the same as I in this regard. She could not afford this expense. I can show you the bills as I have kept them all. I paid \$2.10 for my transportation into Montreal. I paid \$1 at one point and \$2 to go from Quebec. I paid \$5 for X-ray, \$3 for medicine and I had to pay my lunch and car fare. I was so ill I was admitted to the hospital. I was very ill with pleurisy and bronchitis and was isolated for ten days. When I arrived home I received a bill from the province of Quebec for \$440. I did not have to pay this amount, but I had to go back into hospital again in June.

Speaking solely in respect of the province of Quebec, if the federal government brings in a federal scheme I am afraid the province of Quebec will not go along with it. This scheme is to cover veterans, widows and old age pensioners as well as low income bracket workmen, receiving \$60 or \$70 per month. They just cannot afford these expenses, so you can imagine the position the outlying districts are in when it cost \$5 very often in one day for medicine. They cannot live and pay these expenses with the allowances they are now receiving.

This situation has existed since 1959, the year of the last increase. We are still living on \$1 per day for food. I have studied this situation very thoroughly and I know that we only have \$1 per day left for food and have been in this position for some years. This is an absolutely impossible situation. No one can live and buy food for \$1 per day. I am sure we do not have to discuss the increase in prices of meat, potatoes and everything else one requires for daily living.

Widows, old age pensioners and individuals with small salaries are being bled because where one individual would buy one dozen eggs, for example, we can only afford half a dozen and must pay two or three cents more because we have to buy in small quantities.

In 1945, when the late Ian Mackenzie came back from overseas, we were asked what we would suggest to the government on our behalf in regard to hospitalization. We asked to be given a card showing that we were recipients of war veterans' allowances so that when we went to the hospital we would not be subjected to all this red tape. Even to this day in the province of Quebec if I have a brother or grandfather who is able to pay for my expenses in the hospital the province claims the amount from those individuals. It is not logical that family members should be penalized because during the second world war these same families sent three or four of their sons overseas to do their duty. The second war veterans have come out a little better as a result of the experience of first war veterans.

In regard to resolution E, I shall not go into it in detail because this resolution was first brought forward by one of our delegates. I opposed this resolution because if it were passed the old age pensioners with the war veterans' allowances will receive more than the veterans' widow as of right and I refer to the widow of a man who died or who had a war disability. With the passage of this resolution they would receive more, and I feel this would not be right. I know that this has been referred to by some of the other organizations and we will leave it for the time being.

With regard to our suggestion that a federal sweepstake be operated, this resolution was brought forward four years ago. I did speak about this resolution before when there was a great deal of talk about a federal sweepstake four or five years ago. I refer often to the province of Quebec because that is the province in which I live. That province has refused to accept certain grants from the federal government in respect to educational programs, so when we decided to include this resolution it was solely on the basis of a federal program operated through the Postmaster General's department. This still could be done. Lotteries are illegal all over the country, but they still are carried on. A bingo game was being run through the use of television by certain stores,

but when an organization tries to run a bingo the police come in and take them off to jail and charges are laid against them. I think the government should reconsider this suggestion. A great deal of money could be brought into the country through an operation of such a sweepstake. Britain has operated sweepstakes for a number of years. I happened to be in Ireland and made a visit to the location of the Irish sweepstake. That country derives a great deal of money in this manner and build hospitals to help the people there.

If anyone wishes to ask questions I am prepared to answer them at this time.

Mr. OTTO: Mrs. Wainford, you made some comment about the difficulties that your members of the association and war veterans widows, non-pensioned pensioners, were having in respect of hospitalization. I do not know whether you are aware that with the approach of the Glassco commission some of the senior civil servants in charge of veterans' hospitals, feel that the veterans hospitals are not getting the variety of cases that can challenge the doctors, and that perhaps there should be a merger of veterans' hospitals with the general hospital scheme. Has your association give any consideration in regard to a scheme by which all veterans and veterans' families could take advantage of the war veterans' hospital, or the department of veterans affairs hospitals? Has your association ever considered this suggestion and would it meet with your approval?

Mrs. WAINFORD: You will excuse me for smiling but I find this suggestion very strange. I remember when the late Ian Mackenzie discussed this problem with us when he came back from overseas. I was the speaker for our association at the time it was suggested that we should be given cards to take when we had to be hospitalized, and receive free medicines, but the minister asked at that time whether we would be willing to go into the veterans' hospital. I said that we did not care what hospital we were going to so long as we could get free medicine. We were only asking for free medicine at that time. I would be very pleased if the government recommended that we use the facilities provided by the veterans' hospitals. I am sure these hospitals are among the finest in the country and the care provided is also of the finest. I am sure that since they put ex-servicewomen in some of these hospitals it would not make any difference if widows were allowed entry.

Mr. OTTO: I think this would be a good idea.

Mrs. WAINFORD: We have not considered your suggestion, but I am suggesting that we would be in favour of this proposal since you have mentioned the question.

Mr. OTTO: Thank you.

Mrs. WAINFORD: We would be very happy in this regard.

Mr. HERRIDGE: Mr. Chairman, I think there is general sympathy toward the intent of the resolution. We have discussed this principle during other representations.

Mrs. WAINFORD: Mr. Chairman, excuse me for interrupting, but I should like to say that we have not taken part in these previous proceedings, but I have sat and listened and that is why we have drawn this list of resolutions, and particularly this resolution, in the manner in which it appears so that we would not have a prolonged debate.

The CHAIRMAN: Yes, Mrs. Wainford. We are dealing with the resolutions in order. We have discussed resolution C.

Mr. HABEL: That subject has been covered.

Mr. HERRIDGE: Yes, the other organizations made some representations in this regard.

The CHAIRMAN: Yes, that matter has been covered.

Mr. HERRIDGE: This is the concern of all of these groups.

Mr. HABEL: I should like to ask Mrs. Wainford a question. It has been stated that in Quebec when an individual goes to a hospital, and that individual has a relative who is in a position to pay the hospital bill, the provincial government must be reimbursed. Do I understand you correctly in this regard?

Mrs. WAINFORD: That is right, sir.

Mr. HABEL: Does the province not pay the whole bill for everyone in Quebec?

Mrs. WAINFORD: No. I think you are referring to what we call indigents, and you must be in this category before you receive payment in this regard. In previous years I have experienced this situation in the province of Quebec, and my brothers-in-law were supposed to pay the hospital.

Mr. HABEL: What is the situation now in this regard?

Mrs. WAINFORD: At the present time the situation is exactly the same.

Mr. HABEL: The situation is the same?

Mrs. WAINFORD: Yes, I will try to explain this situation in this way. Many of the women who are put into hospitals are on hospitalization plans. They go to their own doctors. The doctor advises them to go into a semi-private, and these women have to pay the extra cost. If they have an operation they may receive a bill from the doctor for \$300. I am sure that any of the other ladies present with me today can certify that this is the case.

Mr. HABEL: I understand that the doctor's bill must be paid, but surely the hospitalization cost is covered by the government?

Mrs. WAINFORD: It depends upon the circumstances of the person hospitalized, but if their families can afford to contribute to the hospital cost they are expected to do so.

Mr. HABEL: Are you saying that the cost of rooms and board in the hospital has to be paid back to the government?

Mrs. WAINFORD: Yes.

Mr. HERRIDGE: What is the situation at this time, Mrs. Wainford?

Mrs. WAINFORD: I would say that up until six months ago this was the situation. In my own case I did not have a relative or dependant who could pay anything on my behalf and I went into a public ward. I do know that when widows go to a hospital under social welfare they are asked about their families, where they work, so that this money can be recovered. We resent this very much. If an individual had to go to the same hospital five times during the year that individual would be subject to this rigamarole on each occasion. This same practice is followed in respect of applications to the Department of Veterans Affairs in Montreal. When an individual is receiving \$93 a month and I make an application for an increase to \$108, and this is before the old age pensioners received the extra money, there would be an investigator sent out. In some cases the investigator suggested to the individuals that they have a telephone installed so as to qualify for the extra money. In outlying districts a telephone is a necessity not a luxury, but I ask you gentlemen to explain to me what this has to do with allowances to which we are entitled. I am probably saying this in crude words, but we resent very much the red tape to which we are subjected by these individuals. Some of these women, when they total up the money they have to live on, find they cannot buy the necessities. They cannot even go to church and make a donation. They have to live very cheaply. I hope the members of this committee will please remember that I have come here with knowledge of these cases as I deal with them every day. I have had the authority from the government to fill in the blue forms on behalf of these women, and I advise them in this regard. I help them before these blue

forms are sent to the board for application. These are all bona fide cases. I work very closely with these people. I have even worked with men on their cases and often have been able to help them.

As I told Mr. Murray before I came we have no complaint about the department. We work very closely with the department.

He might get only half a dozen cases but there are hundreds of people that are not aware of the existence of war veterans' allowance because it is not common knowledge on the byways and highways of the country.

Mr. HABEL: Mr. Chairman, I agree completely with this madam, and I feel that widows should receive a fair pension. There is no question in this regard. I know a case myself of a widow who had moved from Ontario to Quebec. We had to write about her pension and we had to apply for an increase because she was living in Montreal. Then she moved back to Ontario in the Norton district, where the allowance is a little higher, and she had to apply another time for an increase in her allowance.

I was under the impression that with the hospital insurance in Quebec there was no longer a question of trying to collect the hospital fees. As far as the doctors' fees are concerned, it is different. They may have the physician's service, as we have in Ontario, but the hospital care surely is paid by the province and is not recoverable.

Mrs. WAINFORD: Could I answer the hon. member? I lived in Ontario for a while and paid hospitalization. In the province of Quebec at the present time we are not paying hospitalization, so if there is any way at all of obtaining any moneys from the families, they try to do so. I do not say they get it in all cases, but there is investigation by the welfare officers before one goes into the clinic.

The situation arises because these people will not go to the hospitals but would rather go to private doctors. Then when they go to the hospital they want their own doctor; and this is where the expense comes in.

There is another item I would like to bring to your attention. I want to tell you about a widow whose husband died about two months ago. The husband was drawing the old age pension and both were on war veterans' allowance. The man was taken to the veterans' hospital and he died within six hours of being taken in. The widow, who was living beside me, came to me and I explained to her that she should notify the old age pension authorities that he had passed on so they would not send that month's cheque, and I told her to notify the Department of Veterans Affairs. The second day after the husband was buried an investigator went to see her and asked her all sorts of questions. She told me that she answered the investigator by saying "Look, I have told you already that I have no money in the bank. You may go to any bank in Canada and you will find I have no money and no bonds. I have no money". When she came to me I asked her what her position was with regard to money and she said "I have \$5 to last me for three weeks." I said "You cannot live on that. If you are short of money I will do something for you." I did not intend to do something for her financially out of my own pocket but I knew where I could go to get some money for her. We waited—and I will be very conservative in my estimate of the length of time we waited—for five days, and then I telephoned back. They told me they had to wire Ottawa. It was another 15 days before we heard anything. The lady only received the money last Friday, just before I came here. In the meantime she was waiting and living from hand to mouth. I think the assistance fund could have helped her with a loan of money. This, however, was not suggested to me by the department and I did not request it. I thought I would bring it to your attention here.

There is another case which I would like to bring to your attention. This is the case of a lady who took a little boy from the family welfare authorities

many, many years ago. She was a widow. I would say this was approximately 25 years ago. She has brought up this young man. She was an Imperial veteran's widow. She attended her association for 26 years, always looking forward to the day when something would be done for the Imperial veterans' widows. Eventually we managed to put her case through. She was receiving \$93 a month. She brought up this boy on practically nothing all through these years—and you will remember that in the middle thirties we had a depression that was worse than the recession we have now, and many of these people were put out in the streets and were without food. I lived through that and I know all about it.

This woman brought up this young man. She had a little trouble with him as a youngster from a foster home, but at the present day he is working and paying her \$15 a week for room and board. This woman was receiving \$84 each month. I made application again in the past two or three months for something to be done for her. She is getting \$93. She is not receiving the total amount because this boy is working. She is entitled to a certain income on her ceiling. She is working for this boy in the house and he is paying \$15 per week for his room and board, which is \$60 a month. The government has never altered its position in saying it costs only \$50 a month for room and board. Nobody can keep a person today on \$15 a week for room and board. I can get a room for \$8 or \$10 a week, but the amount one needs for food has to be added to this. When I go back I will take up this case again because I still think she is entitled to the full amount of allowance after years of bringing up this boy.

These are the little things that we women in voluntary work have done for many many years, coming to the House of Commons, going to the Daly building and now to the Wellington street building, meeting the ministers, passing our comments back and forth. They are learning from us and we are learning from them. I would like to tell you that the late Mr. MacKenzie said if the women had not organized they would never have been recognized. I am very thankful to the government for the legislation they brought in on January 1, 1943 giving \$20 a month, then putting it up to \$30 and then to \$40.41. That is when we asked for hospitalization on a non-contributory basis. It has been tabled and shelved, and nothing has been brought down for years. I hope they will bring it down now as a result of our having been here.

The CHAIRMAN: Is there any other question any of the members would like to ask?

We now come to resolution (e).

Mrs. WAINFORD: I think that has been discussed thoroughly by other organizations.

Mr. HERRIDGE: This resolution has been presented in principle by other organizations.

Mrs. WAINFORD: Yes, I do not think we should deal with it now.

Mr. HERRIDGE: This is an indication that the demand is widespread.

Mrs. WAINFORD: We could perhaps have it recorded that we have brought forward this resolution, without actually discussing it.

The CHAIRMAN: Let us now move to resolution (f). This matter is now before the government and may or may not be settled at the federal-provincial conference which takes place next Monday. The matter is actively before the government.

Mr. HERRIDGE: The Prime Minister has announced this as one of the things to be discussed at the federal-provincial conference, and we expect something to come of it.

Mrs. WAINFORD: As far as I am concerned, there is nothing more I would like to say, but I would like to call on Mrs. Hickey since she has been in this

work so long in Toronto. I would like to call on her also because there may be something I have left out. I will leave her to thank you all, though I thank you too, and I hope in your minds you will take notice of what we have said and that when it comes up in the house for debate you will do what you can for us. I would also request, for our years of service in this work that we still be recognized as a group of non-pensioned veterans' widows.

Mrs. HELEN HICKEY (*President, Province of Ontario Non-Pensioned Veterans Association, Toronto*): Mr. Chairman, members of parliament, Mr. Cromb: I think this brief containing our resolutions has been very well put before the committee. There is, however, perhaps something that I could add. This organization has worked from coast to coast with many members, as you know; Mr. Herridge is one and Mr. Carter is another.

Mr. HERRIDGE: I have known you, Mrs. Hickey, for 19 years.

Mrs. HICKEY: That is right. This organization has done a wonderful job and we appreciate what you gentlemen have done to help. I think you are all honest and wish to do what is right; in fact, you have proved that.

I was very glad to hear what the member from York East had to say. If there is anything to be done with Sunnybrook, let the veterans' widows and their children benefit from the services of that very great institution.

Another matter I would like to mention here is that of drugs. They are very expensive, and it is quite essential that women have these drugs for certain diseases. It is a real problem for the women to meet the cost of these drugs from their income, but they must have them. I hope, therefore, the members of this committee will think over these things; if they do, we shall all benefit.

We always hear many "beefs" from Quebec; but there are no "beefs" from Ontario. Why is it?

Mr. HERRIDGE: But you are supporting Quebec in their representations today.

Mrs. HICKEY: That is what we are here for, yes. We too have "beefs", but we know where to go to straighten them out.

I want to thank all you members and you, Mr. Chairman, for the courtesy you have shown us today.

Mr. HERRIDGE: I am sure all the members of the committee admire the great interest these ladies have taken in the problems of the needy throughout the years, and for the assistance they have given and the hard work they have done. I am sure we all recognize it.

The CHAIRMAN: Is there a motion to adjourn?

Mr. FANE: I so move.

Mr. HABEL: I second it.

Motion agreed to.

The CHAIRMAN: We will meet at 10 o'clock next Tuesday in the railway committee room.

The first part of the history of the  
country is a description of the  
country and the people who  
lived there in the early  
times.

The second part of the history  
is a description of the  
country and the people who  
lived there in the middle  
times.

The third part of the history  
is a description of the  
country and the people who  
lived there in the late  
times.

The fourth part of the history  
is a description of the  
country and the people who  
lived there in the present  
times.

The fifth part of the history  
is a description of the  
country and the people who  
lived there in the future  
times.

The sixth part of the history  
is a description of the  
country and the people who  
lived there in the past  
times.

The seventh part of the history  
is a description of the  
country and the people who  
lived there in the present  
times.

The eighth part of the history  
is a description of the  
country and the people who  
lived there in the future  
times.

HOUSE OF COMMONS  
First Session—Twenty-sixth Parliament  
1963

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STANDING COMMITTEE  
ON  
**VETERANS AFFAIRS**

*Chairman:* J. M. FORGIE, ESQ.

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MINUTES OF PROCEEDINGS AND EVIDENCE  
No. 9

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TUESDAY, NOVEMBER 26, 1963

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Subject-matter of Bill C-7, An Act to amend the Pension Act,  
and Estimates (1963-64) of the Department of  
Veterans Affairs

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WITNESSES:

Mr. D. M. Thompson, Dominion Secretary, Royal Canadian Legion, and  
Mr. T. D. Anderson, Chairman, Canadian Pension Commission.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON VETERANS AFFAIRS

*Chairman:* J. M. Forgie, Esq.

*Vice-Chairman:* D. W. Groos, Esq.

and Messrs.

Asselin (*Richmond-  
Wolfe*),  
Bigg,  
Cameron (*High Park*),  
Clancy,  
Émard,  
Fane,  
Greene,  
Habel,  
Harley,  
Herridge,  
Honey,  
Kelly,

Lambert,  
Laniel,  
Laprise,  
Latulippe,  
MacEwan,  
\*MacInnis,  
MacLean,  
MacRae,  
Matheson,  
McIntosh,  
Millar,  
Morison,  
O'Keefe,

Otto,  
Pennell,  
Perron,  
Peters,  
Pilon,  
Prittie,  
Pugh,  
Rideout,  
Rock,  
Temple,  
Thomas,  
Webb,  
Weichel.

M. Slack,  
*Clerk of the Committee.*

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\* Replaced by Mr. Kennedy on Friday, November 22.

ORDER OF REFERENCE

HOUSE OF COMMONS,  
FRIDAY, November 22, 1963.

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

Attest.

LEON-J. RAYMOND,  
*The Clerk of the House.*

CHAPTER ON THE HISTORY

OF THE

REPUBLIC OF THE UNITED STATES

OF AMERICA

BY

THE

## MINUTES OF PROCEEDINGS

TUESDAY, November 26, 1963.

(12)

The Standing Committee on Veterans Affairs met at 10.10 o'clock a.m., this day. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Bigg, Clancy, Fane, Forgie, Groos, Habel, Heridge, Kennedy, Lambert, MacEwan, Matheson, MacRae, McIntosh, Morison, O'Keefe, Otto, Peters, Prittie, Rideout, Rock, Thomas.—(21).

*In attendance:* Mr. C. W. Carter, M.P., Parliamentary Secretary to the Minister of Veterans Affairs; *From the Royal Canadian Legion:* Messrs. F. T. O'Brecht, Dominion First Vice-President and Chairman Veterans Welfare Advisory Committee; D. M. Thompson, Dominion Secretary; M. L. MacFarlane, Director, Service Bureau; D. A. Knight, Service Officer; H. R. Stewart, Dominion Honorary Treasurer; J. Hundevad, Editor, The Legionary; L. Manchester, Assistant Editor; N. A. Shannon, Public Relations Officer; K. J. Dunphy, Executive Assistant; E. H. Slater, Service Officer; *From the Department of Veterans Affairs:* Paul Pelletier, Deputy Minister of Veterans Affairs; T. D. Anderson, Chairman of the Canadian Pension Commission; W. T. Cromb, Chairman of the War Veterans Allowance Board, F. T. Mace, Assistant Deputy Minister, and C. F. Black, Departmental Secretary.

The Third Report of the Steering Committee was presented by the Chairman, recommending the request of The Royal Canadian Legion for 2,100 copies in English and 200 copies in French of the Proceedings of today's meeting of the Committee.

Mr. McIntosh moved, seconded by Mr. Prittie, that the said Report be adopted. *Carried unanimously.*

The Chairman called Mr. Thompson, who after introducing the members of his delegation, read the brief of The Royal Canadian Legion dealing with the subject-matter of Bill C-7, and was questioned thereon.

At 12.05 o'clock p.m., the questioning of the witness continuing, the Committee adjourned until 3.30 o'clock this afternoon.

### AFTERNOON SITTING

(13)

The Committee reconvened at 3.50 o'clock p.m. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Bigg, Fane, Forgie, Greens, Groos, Habel, Heridge, Kelly, Kennedy, MacEwan, MacRae, McIntosh, Morison, O'Keefe, Pennell, Webb, Weichel.—(17).

*In attendance:* Same as at morning sitting with exception of Mr. Paul Pelletier and Mr. F. T. Mace.

The Committee resumed consideration of the brief submitted by The Royal Canadian Legion and further questioned Mr. Thompson thereon.

Mr. Anderson, Chairman of the Canadian Pension Commission, was also questioned.

The Chairman tabled a letter from Mr. Anderson containing information requested by Mr. McIntosh on November 14th on pension assessments and payment. The Committee agreed this letter be printed as an Appendix to this day's Minutes of Proceedings and Evidence. (*See Appendix.*)

Mr. Herridge, on behalf of the Committee, thanked the delegation from The Royal Canadian Legion for their brief.

The questioning of the witnesses being concluded, at 4.35 o'clock p.m., the Committee adjourned until 10.00 o'clock a.m., on Thursday, November 28th.

M. Slack,  
*Clerk of the Committee.*

## EVIDENCE

TUESDAY, November 26, 1963.

The CHAIRMAN: Gentlemen, we have a quorum.

The first matter on the agenda is the third report of the steering committee.

The steering committee considered the request of the Royal Canadian Legion that they be provided with 2,100 copies in English and 200 copies in French of the Minutes of Proceedings and Evidence of the sittings of this committee today. Your steering committee recommends that this request be granted. May I have a motion in this regard?

Mr. McINTOSH: I so move, Mr. Chairman.

Mr. PRITTIE: I second the motion, Mr. Chairman.

The CHAIRMAN: Is it agreed that 2,100 copies in English and 200 copies in French of the Minutes of Proceedings and Evidence of today's committee meeting be forwarded to the Royal Canadian Legion?

Some hon. MEMBERS: Agreed.

Motion agreed to.

The CHAIRMAN: I should like to call upon the delegates of the Royal Canadian Legion to come forward and take their seats at the front. I should like Mr. Thompson to introduce the members of the delegation.

Mr. D. M. THOMPSON (*Dominion Secretary, Royal Canadian Legion*): Mr. Chairman and members of this committee, I should like to introduce the other members of the Royal Canadian Legion who are present this morning.

We have with us Mr. F. T. O'Brecht, our dominion first vice president and chairman of our veterans' welfare advisory committee, and member of the Dominion executive council. We have also with us Mr. Murray L. MacFarlane, director, service bureau; Mr. D. A. Knight, service officer.

At the back of the room we have with us Mr. H. R. Stewart, dominion honorary-treasurer; J. Hundevad, editor, *The Legionary*; L. Manchester, assistant editor; N. A. Shannon, public relations officer; K. J. Dunphy, executive assistant, and E. H. Slater, service officer.

Some hon. MEMBERS: Hear, hear.

Mr. THOMPSON: Mr. Chairman and gentlemen, the brief which we have to present to you this morning, which has been distributed, you will note is not the brief which we previously sent to you. That brief is a copy of a brief presented to the Prime Minister and cabinet. This is a submission to this committee in connection with Bill C-7.

Mr. Chairman, perhaps I may suggest that we go through the entire brief and give you the complete picture, then if there are any questions you should like to ask we will be very happy to attempt to give answers. I suggest this might be a better method of progress than to attempt to deal with this brief on a piecemeal basis.

The CHAIRMAN: That is all right, Mr. Thompson.

Mr. Chairman, on behalf of the Royal Canadian Legion we thank you and the members of your committee for this opportunity to appear and present our

views with respect to Bill C-7. We are indeed appreciative of your kindness in permitting us to delay our representations until after our dominion president, accompanied by the Legion's dominion executive council, had presented our brief to the Prime Minister and members of the cabinet.

We would like to pay tribute to Mr. McIntosh for the study and work which has been entailed in the preparation and presentation of this Bill, and to the members of your committee who are taking such interest in the welfare of veterans and their dependents. We are pleased that the government has continued this committee and we do hope that your deliberations will enable you, from the evidence presented, to support recommendations in legislation or the administration of it, to ensure that veterans and their dependents will receive the benefits they so richly deserve for the service they have rendered their country.

While there is much legislation forming the veterans' charter, we think you will all agree that the pension act is the most important and the one which has created the most difficulty in interpretation and adjudication. We believe that amendments can be made in the act to improve the legislation but also important immediate benefits would result from a more liberal and just interpretation of the act as it is now written.

The question of appeals beyond the present limitations of the pension act was explored by the Legion as a result of a direction of our 1958 Dominion Convention. Our 1960 convention received and approved a report of a special committee appointed to study this matter. The chairman of this committee was the then dominion vice-president, now immediate past dominion president, the hon. Mr. Justice Mervyn Woods of the Appeal Court of Saskatchewan.

Mr. McIntosh's Bill was studied at recent meetings of our dominion executive council and the members of our council were in agreement that the views of the Legion remain as set forth in the report of our special committee of 1960.

I would like to read an excerpt from that report as published in *The Legionary*, July 1960.

At the Edmonton convention it was resolved that the dominion executive council bring in a report for the next dominion convention on the desirability of establishing an appeal from the pension commission to an independent authority. This resolution was referred to the members of the veterans' welfare advisory committee who made an extensive study of the problem and considered the opinions of a large number of people with first-hand knowledge of the circumstances and background of the whole matter. This committee reported to council through its chairman, comrade Mervyn Woods, to the following effect:

1. The present legislation and procedure is basically sound and the establishment of an appeal board would not serve to advance the interests of the veteran.
2. There are a number of ways in which the commission may improve its operations and bring them in line with the intent and purpose of the statute under which it is established. These include:
  - (a) Use of section 8 to make regulations in respect of procedure to be followed instead of allowing unwritten policies to have the effect of regulations without the knowledge of those to whom they apply.
  - (b) Proper use of the "benefit of the doubt" clause. The commission interprets this to mean that the veteran must create the doubt. The latter portion of the clause (section 70) places upon the commission the responsibility of drawing all reasonable in-

ferences and presumptions in favour of the applicant and removes from him the necessity of conclusive proof of his right to pension.

- (c) Discontinuance of practice of occasionally having two doctors on the same appeal board.
- (d) Allowing no commissioner to sit on the board which reviews any decision which he either prepared or signed.
- (e) A broader interpretation of the statute as it relates to veterans with Canadian domicile and residence prior to service with the United Kingdom or other allied forces, and the Newfoundland veteran who gets entitlement to pension under the provisions relating to the United Kingdom.

Council approved the report and now brings this matter before you, recommending that you approve it and thus give your new council a mandate to ask that either the procedure and approach of the commission to these matters be altered or the necessary statutory amendments be made to give effect to them."

From this report it will be evident that the Legion is well aware of the problems that arise from the commission's interpretations of the pension act, as referred to by Mr. McIntosh. We have made repeated references to these in our briefs over the years. We do not, however, accept the proposal that the remedy lies in an appeal to the courts. We submit that if the following recommendations of our committee report were carried out—

- I. Use of section 8 to make regulations in respect of procedure to be followed instead of allowing unwritten policies to have the effect of regulations without the knowledge of those to whom they apply.
- II. Discontinuance of practice of occasionally having two doctors on the same appeal board.
- III. Allowing no commissioner to sit on the board which reviews any decision which he either prepared or signed (dealing with).
- IV. Proper use of the "benefit of the doubt" clause. The commission interprets this to mean that the veteran must create the doubt. The latter portion of the clause (section 70) places upon the commission the responsibility of drawing all reasonable inferences and presumptions in favour of the applicant and removes from him the necessity of conclusive proof of his right to pension.

and if the pension act were interpreted in accordance with the provisions of the interpretation act, section 15, an effective remedy would result. This section reads as follows—

"Every act and every provision and enactment thereof, shall be deemed remedial, whether its immediate purport is to direct the doing of any thing that parliament deems to be for the public good, or to prevent or punish the doing of any thing that it deems contrary to the public good; and shall accordingly receive such fair, large and liberal construction and interpretation as will best ensure the attainment of the object of the act and of such provisions or enactment, according to its true intent, meaning and spirit."

There are several points which have been raised in the meetings to date which we welcome the opportunity to comment on but first we would like to enlarge upon our recommendations as outlined above.

- I. Use of section 8 to make regulations in respect of procedure to be followed instead of allowing unwritten policies to have the effect of regulations without the knowledge of those to whom they apply.

Section 8 of the pension act authorizes the commission to "make regulations" in respect of procedure to be followed in adjudication of claims. This section reads as follows:—

With the approval of the Governor in Council, the commission has power to make regulations not inconsistent with this act in respect of the procedure to be followed in matters coming before the commission or any appeal board thereof for adjudication.

To the best of our knowledge the pension commission does not issue regulations under this section of the act. The commission does, however, issue directives or instructions having the effect of regulations. From time to time the pension commission sends copies of some of these directives and instructions to the Legion, but we have not been able to obtain copies of all of these documents. The Legion firmly believes that it is not possible for us, nor for any other advocate, to advise properly on pension applications and to prepare effective submissions if we are not fully aware of all the law, including regulations, under which the body adjudicating operates.

II. Discontinuance of practice of occasionally having two doctors on the same appeal board.

We have made representations to the pension commission from time to time requesting that the commission rigidly follow the policy of having appeal boards consist of a layman, a lawyer and a doctor. At the same time our committee report was adopted in 1960 and for a number of years prior thereto, the pension commission was composed of seven laymen, five doctors and three lawyers. This had resulted in appeal boards on occasion being composed of two doctors and one layman. We understand today that there are eight laymen, four doctors and three lawyers on the commission. An imbalance still exists, but with respect to lawyers and laymen, rather than doctors. Some recent appeal boards have been composed of two lawyers and a doctor and others of two laymen and a doctor. These boards, therefore, do not have the balance which we believe is necessary for proper adjudication of the legislation. To correct this imbalance and to ensure that every applicant's case receives the fairest consideration, we suggest that our recommendation be adopted and rigidly followed by the pension commission.

III. Allowing no commissioner to sit on the board which reviews any decision which he either prepared or signed.

A commissioner is not permitted to sit on an appeal board hearing on entitlement if he previously sat on the case unless consent is first obtained from the applicant. Sometimes the applicant is not advised prior to the time that he appears for the hearing that a member of the board is ineligible to hear his case. The provisions of the act permitting an applicant to consent to a commissioner who is ineligible to adjudicate on his appeal, place the applicant in a very prejudicial position in that he must determine whether or not his case will be heard by a board which includes at least one member who has ruled previously against him, or return home to wait many months for another board. We suggest that such a decision should not rest with the applicant and the legislation should be amended to prevent such an occurrence.

This situation is further complicated because the pension commission makes a practice of having decisions dictated by one commissioner, but signed by two other commissioners, so that there is no way for the applicant nor his

advocate to know whether one of the members of the board has previously dictated a decision. On page 104 of the Minutes of Proceedings and Evidence before the standing committee on veterans' affairs on July 8th 1958, the former Chairman of the commission, Brigadier J. L. Melville, explained the procedure when a file had gone from the medical advisory branch to a commissioner. The Chairman stated,

He (the commissioner) in turn examines the records and he notes the opinion of the medical adviser and he—and he alone—is responsible for the real decision as to whether or not that disability was incurred on or aggravated during service.

He takes it away with other applications and he dictates his decision.

The pension act provides that a decision of the commission shall be the decision of two commissioners. So when that decision comes back to the board room, it is reviewed by one of my colleagues. The reasons are fully stated in the decision. If he concurs, he signs it.

Then it is reviewed by a second commissioner who follows the same procedure, and if he concurs, he also signs it, and that constitutes the decision of the commission.

We note that the Chairman pointed out that the second and third commissioners signed the decision thereby providing two signatures. This would indicate clearly that the first commissioner did not sign the decision. This is contrary to section 66 of the act, which reads (in part)—

On the approval of the commission or of an appeal board thereof of the award of any pension or of the refusal of any pension, a form shall be placed on the file of the member of the forces by or in respect of whom application for pension has been made bearing the personal signature of at least one of the commissioners and containing the following information:

(a) the names of the commissioners dealing with the case;

We cannot see how the first commissioner, who dictated the decision, could be considered as doing other than dealing with the case and is thereby ineligible to sit at appeal.

To overcome this practice of the commission and to ensure that the provisions of the legislation are properly carried out, we feel that the pension commission should comply with the act by placing the name of the commissioner who dictated the decision on the file and declaring him ineligible to sit at appeal.

IV. Proper use of the "benefit of the doubt" clause. The commission interprets this to mean that the veteran must create the doubt. The latter portion of the clause (section 70) places upon the commission the responsibility of drawing all reasonable inferences and presumptions in favour of the applicant and removes from him the necessity of conclusive proof of his right to pension.

The interpretation of section 70 appears to be the crux of perhaps more than 90 per cent of the problems arising in adjudication of claims. The Legion is concerned with the commission's interpretation and application of this section, particularly because we find that at appeal board hearings, commissioners are much more amenable to invoking the provisions of section 70 than they are when considering cases in the board room. While this results in favourable decisions, it causes delays, sometimes very lengthy, with consequent loss of pension.

We believe it is obvious from statements made by the Chairman of the commission, the pension counsel, committee members and other members of parliament that there is a great divergence of opinion in interpreting this section. It reads as follows:

70. Notwithstanding anything in this act, on any application for pension the applicant is entitled to the benefit of the doubt, which means that it is not necessary for him to adduce conclusive proof of his right to the pension applied for, but the body adjudicating on the claim shall draw from all the circumstances of the case, the evidence adduced and medical opinions, all reasonable inferences and presumptions in favour of the applicant.

It is our opinion that the pension commission is not providing the benefits of this section as it was intended by the legislators. The meaning of the phrase, "benefit of the doubt" is carefully set out. The commission interprets the legislation in a manner outlined by the deputy chairman before the committee on veterans' affairs on April 9, 1959:

The benefit of the doubt which is described in section 70 is a doubt in the mind of the judge, if I may use that expression, or of the man who is hearing the case. In effect the section says that if the three men who constitute the appeal board hearing a case have reasonable doubt—and it says: "reasonable doubt"—in their minds as to the decision which they shall take, then they shall draw reasonable inferences in favour of the applicant. The act says reasonable inferences, and again the decision as to what is reasonable or unreasonable must exist in the minds of the men who are hearing the case.

The Legion submits that this is contrary to the legislation which clearly states that the body adjudicating shall draw all reasonable inferences in favour of the applicant. If section 70 read only, "notwithstanding anything in this act, on any application for pension, the applicant is entitled to the benefit of the doubt", then the pension commission might be justified in the interpretation outlined by Mr. Mutch, but this is not the case. This section spells out what is meant by the phrase, "benefit of the doubt". Our interpretation of the legislation is that the applicant is not called upon to prove his case absolutely, but upon presentation of a prima facie case the commission must draw from

- (1) all the circumstances of the case
- (2) the evidence adduced
- (3) the medical opinions

all reasonable inferences and presumptions in each instance in favour of the applicant.

In his presentation to the committee Mr. McIntosh set out many cases to support his reason for introducing Bill C-7 to amend the pension act to provide for appeals to courts of appeal following adverse rulings by appeal boards of the pension commission. The interpretation of section 13(2) by the commission, together with the commission's interpretation of, or unwillingness to invoke the provisions of section 70 is, in our opinion, what has created Mr. McIntosh's interest and, we believe, the main reason for his bill. On page 13 of the Evidence and Proceedings Mr. McIntosh referred, we believe, to the case of the late Flight Lieutenant M.(503/2). In its reasons for decision the appeal board referred to the fact that the flight lieutenant was piloting a plane of the Canuck Flying Club. This private flying club was approved and sponsored by the R.C.A.F. support unit stationed at Metz, France. It was stated that

the aim of the club was to foster interest in flying amongst non-flying members of the R.C.A.F., thus encouraging younger airmen to apply for air crew training. The club was listed together with other station recreational activities. These activities were generally encouraged by the R.C.A.F. in order to provide a wholesome form of recreation for NATO forces overseas, thus creating and maintaining high morale.

In granting the widow a pension the board concluded its decision as follows:

This board, after a comprehensive study of all the circumstances attendant upon this case, concludes that the applicant, although not on duty at the time of the fatal accident, was by his efforts making a contribution in the best interests of the Royal Canadian Air Force. Service compulsion does not appear to be involved in this case, but the interests of the service would appear to be so. Invoking to the full the provisions of section 70, it is therefore concluded that the accident causing death was directly connected with regular force service in peacetime.

Another case in which we feel the pension commissioners have interpreted the legislation fairly is that of airwoman M.(437/5). Miss M. was serving overseas and was stationed at Grostenquin in France. The facts of the claim are set out as follows in the appeal board decision:

She did not claim to be on any special duty at the time she was hit by this car but stated that she was walking with a service comrade from the football field back to her headquarters in order to prepare herself for duties that evening. While so walking with this comrade, she was hit by a car driven by a serviceman. She remembers nothing further about the accident as she was unconscious for some 63 days and very severely injured. . . . The official records clearly reveal that this servicewoman was severely injured on the 5th of May, 1956 as a result of being struck by a car driven by a serviceman at or about 1600 hours, on that date, within the military confines of the Canadian base at Grostenquin, France.

Although the board cannot find that this servicewoman was performing any definite duty at the time of the accident, she was returning to her base to prepare for specific duties that evening; and having regard to the obligations and requirements of service placed upon these troops serving with NATO forces and the train of circumstances attendant upon this case, namely, a servicewoman injured by a car driven by a serviceman within the military confines of a Canadian base in France, the board does find that the circumstances leading to the accident resulting in the injuries and conditions under review were service connected and peculiar to service in the NATO forces and on this basis the case is granted.

The decision of the board indicates that Miss M. was not required for duty until midnight. Again, Mr. Chairman, may I assure you that we are pleased that the commission has granted entitlement to the widow of flight lieutenant M. and to airwoman M. respectively, but in each instance the evidence available to the appeal board had been available at prior adjudications, having been provided by boards of enquiry. Commissioners have in these instances, interpreted the legislation as was intended by the parliamentarians when they approved the pertinent section of the pension act.

The one observation that must be raised is with respect to the delay occasioned in finalizing these claims by way of an appeal board hearing. Surely

all the evidence presented at the board hearing was or should have been available at the time of the first hearing and at the second hearing. As near as we are able to determine, the only witness present at the widow's hearing was the applicant herself and she would be unable to offer any information whatsoever concerning the accident which resulted in her husband's death. In the case of the airwoman, again she was the sole witness. The facts of the case had been clearly established through a board of enquiry. If the commission could not grant entitlement without interviewing the applicant herself, we suggest that this could have been resolved by taking evidence under section 7 (2). We wonder, too, what would have happened had the applicant been so severely injured (as happens in some instances) that she might have been unable to appear or testify?

When the Legion has made enquiries of the pension commission as to why in certain instances an appeal board hearing has been necessary before entitlement could be granted, we have received the reply that the commissioners need an opportunity to judge the credibility of witnesses. This we can appreciate when records are vague and incomplete, but with respect to peacetime service, since World War II, records are usually well documented. Boards of enquiry have been held and the complete record is available to the commission. In the case of Mr. P. (555/21) after entitlement had been granted by an appeal board (having been previously denied at first hearing and second hearing) we sought to have the commission rule that his award should be effective from an earlier date, claiming

it is obvious from the board's decision that the evidence on which entitlement has been granted was before the commission prior to the adverse second hearing decision of May 6, 1959. There is nothing in the appeal board's decision to indicate that any new evidence was presented at that hearing.

In reply to our letter, the Deputy Chairman stated (in part),

that which may be 'obvious' to an interested party may be, and often is, indiscernible to the judge. Second, it is impossible to compare the decision of an appeal board with a decision taken on documents without the applicant being present.

Even if the recorded evidence should be identical in both instances, the appeal board must take into consideration the credibility of the witnesses, and even more that of the applicant himself. The commission has emphasized over and over again the difficulty, if not the impossibility, of assessing the credibility of a witness on the basis of documents.

Before an appeal board the demeanor of the applicant and the presentation of his personal evidence may, and frequently does, so impress the appeal board that, despite the paucity of supporting evidence, the appeal board believes the applicant; in so doing, they may cast doubt upon adverse evidence, or ignore the absence of conclusive supporting evidence, and find in the applicant's favour.

We can agree that the commission must, on occasion, take into consideration the credibility of witnesses as well as the demeanor of the applicant and the presentation of his personal evidence. However, in the case of Mr. P. entitlement appears to have been granted solely on a communication from the Adjutant-General which had been presented prior to the second hearing decision and could easily have been made available prior to the adverse first hearing, had the commission made the enquiries it should have under the provisions of section 59 (1). The credibility of the applicant was not a factor and the Adjutant-General was not called as a witness.

In the light of the decisions rendered in the cases of flight lieutenant M. and airwoman M. we must frankly express amazement at the appeal board's decision in the case of airman C. (128/8) (in part)—

The court of enquiry held on December 2, 1957, had apparently established that on the day of the accident Mr. C. had been detailed by the proper authority to deliver a military vehicle from the R.C.A.F. station at Centralia, Ont., to the mechanical engineering section at Downsview. He reached the R.C.A.F. station, Avenue Road, Toronto, around 1700 hours in the evening and as he could not reach his original destination, Downsview, on time to complete the delivery of the vehicle, he asked permission from the proper authorities to leave the vehicle at the Toronto station and to proceed with the final delivery of the vehicle to Downsview on the next morning; the permission was granted. Mr. C. then proceeded to find a place to eat and also some sleeping quarters, as there were no such facilities at the Toronto station. He then left the Toronto station and while crossing the street, he was hit by a motor vehicle and killed. It appears from the police report (page 9 of the summary of evidence) that on that evening and at the time of the accident, it was dark, with the street lights on, but it was raining and foggy. In a communication from the chief of the air staff, Ottawa, dated 2.6.58, it is stated that Mr. C., at the time of the accident, was considered to have been on continuous duty during the whole time of his mission, namely, from the time of his departure from the R.C.A.F. Centralia station until the time he would have reported back there after completing his assignment.

It was argued on behalf of the widow applicant, who was present at the hearing, that death in this case arose out of and was directly connected with peacetime service and therefore should be pensionable under section 13(2) of the Pension Act, as the member of the forces was on duty at the time of his accidental death.

The appeal board decision then went on to say:

Cases of peacetime service are governed by section 13(2) of the Pension Act which stipulates that death sustained during such service, to be pensionable, must have arisen out of or been directly connected with such service. The Pension Act does not provide for the application of the insurance principle in respect of peacetime service. In its final analysis of the present case, the board cannot find that the fact that the late Mr. C. was accidentally killed by a motor vehicle while crossing a street by himself, on his way to his meal or sleeping quarters, whether on duty or not, arose out of or was otherwise directly connected with circumstances peculiar to peacetime service, within the meaning of section 13(2) of the Pension Act.

Although it was not referred to in the appeal board's decision, the communication from the chief of air staff also contained the following statement—

In our opinion, LAC C's. death arose out of air force service and was directly connected with such service. He was on temporary duty for the purpose of delivering the truck from station Centralia to station Toronto and from there to the ME section at Downsview. He had not completed this duty and was still in the performance thereof.

Other commission and appeal board decisions clearly indicate that the serviceman need not have been on duty at the time of the accident. In a very detailed decision written by the then deputy chairman of the commission, this

aspect is referred to when the board granted entitlement to the widow of the late lieutenant colonel D. (196/5). In their decision the commissioners stated,

In deciding this case it is important to determine:—

At the time when the accident happened, was the soldier going about his own business or was it the business of the service?

Was the thing the soldier was doing at the time of the accident altogether outside and unconnected with the service?

It seems clear from the evidence that a definite command is not essential to create a liability under the statute. All soldiers by the very nature of their service assume that instructions given in one way or another are instructions with which the soldier has to comply. It may also be that a particular soldier will be doing work within the sphere of the service without specific instructions.

There is one test which is always applicable because it arises from the very words of the statute: It is this:—Was it part of the deceased's service to do that which caused his death? If "yes", it was not directly connected with his service. If not, it was not, because it could not then have been directly connected with the service.

This principle has also been borne out in the case of the late petty officer D. This serviceman was killed while driving a military vehicle from Victoria to Vancouver. After reviewing the circumstances leading up to the accident which caused death, the board, in its decision, stated,

In order to establish entitlement in this case the board must, from the evidence, reach a conclusion that the late veteran was performing a duty at the time of his death or that the events leading to his death were connected with service. Following analysis of the evidence available the board has reached the conclusion there was no direction to proceed with a service vehicle at such a late hour. Indeed, there is no evidence to indicate the truck was to be returned for some ten days. It seems clear, however, it was the deceased's responsibility to bring it back to Vancouver at some time of his own choice and while on this particular trip when he was proceeding to his home on a weekend he was not 'on duty'. The board feels the events leading to death were connected with service.

How does the pension commission reconcile these favourable decisions with the unfavourable ruling in the case of airman C.?

Lieutenant R. (574/9) was stationed in Soest, Germany, with the Canadian Guards Regiment. He was the regimental sports officer. In the summer of 1958 he had planned to take leave with his wife and children, visiting Paris and other parts of France. He was approached by the trainer and assistant coach of the brigade swimming team, who suggested to lieutenant R. that he would be an asset to the brigade team, and asked him if he would train for a coming meet. It was known to the trainer and assistant coach that lieutenant R. had planned a trip with his family and it would be necessary for him to alter these plans if he were to train for this meet.

Lieutenant R. consented to do this and as a result, met his death when he dove into unfamiliar waters in Sweden. He was at the time on leave. We feel that he, just as much as F/Lt. M. was "by his efforts making a contribution in the best interests..." of the Canadian army, his brigade and his own particular regiment. Despite the enunciations of appeal boards in other cases, in this case, after recognizing that devotion to duty is commendable, the commissioners ruled, "entitlement can only be granted if it is found that death arose out of or was directly connected with such service"! While this uses the words of section 13(2) of the Pension Act it, to us, indicates a very narrow, limited interpretation of the legislation, contrary to the provisions of

section 15 of the Interpretation Act and indirect conflict with favourable decisions we have referred to.

Mr. Chairman, we of the Legion feel the pension commission has a duty and an obligation to ensure that all applicants receive the same fair, just and liberal treatment in the consideration of their cases. Airman C's. widow is every bit as deserving as the colonel's widow.

Let us contrast the decisions of the appeal board in the case of the late captain S. (647/4) and bombardier E. (215/4). Both served throughout world war II and remained in peacetime service. Captain S. died in October 1954. Mr. E. was discharged in 1950, approximately two years following an accident which left him with a disability assessed by the pension commission at 100%, although no entitlement was granted.

Captain S. was stationed in Germany with the Canadian brigade. He had remained in barracks until after 10 o'clock in the evening and he was returning to his residence in his own automobile and was involved in an accident which took his life. His widow was granted entitlement by an appeal board. After receiving the circumstances leading up to the death, and hearing the evidence presented, the board concluded:

Apart from the peculiar circumstances governing the use of outside married quarters, this board is also impressed by the fact that special service requirements kept captain S. on duty until late in the evening of the fatal accident. Ordinarily it would not be conceded that a member of the forces using his own automobile to return home from barracks to his private quarters was 'on duty' during such journey. In this particular case, however, there is tangible evidence that conditions peculiar to service with the Canadian Brigade in Germany were dominant and influencing factors in the circumstances leading to the accident which resulted in death. This appeal board finds that death 'arose out of' military service within the provisions of Section 13(2).

In the case of Mr. E. the board decision states,

it would appear that the applicant was a motor mechanic in the regular army whose duties it were (sic) to repair army vehicles. He had been engaged on these duties at the armories in Halifax on October 15, 1948. After completion of his duties he left the armories and was proceeding on a bicycle towards his home in Dartmouth when he was hit by a civilian motor car driven by—— at approximately 20 minutes before eight o'clock.

Evidence indicates Mr. E. worked overtime on the night of the accident. Continuing, the decision states,

The Board has noted the opinions of colonels F. and W., as to whether the applicant was on duty or not at the time he sustained the accident.

These opinions, however, are not helpful to this board in arriving at a conclusion, as, in order to succeed in a case of this nature, the applicant must show that the injury sustained arose during the performance of military duties which he was legally bound to perform, and the non-performance of which would have rendered him liable to the penalties of military law.

According to the evidence the applicant at time of the injury sustained, had completed his daily duties at the armories, and was proceeding to his home. He was, therefore, in the opinion of this board, a free agent at the time of the accident and at liberty to follow his own inclinations in the same manner as any other ordinary citizen.

This board therefore finds that the accident claimed for neither arose out of, nor was it directly connected with military service subsequent to world war II, in accordance with the provisions of Section 13(2) of the Pension Act.

The application is accordingly not granted.

To us it appears the commissioners look at one claim in a much different manner than another. In the case of the late Captain S. the board apparently concluded that he was on duty during his homeward journey, yet they were not concerned with whether Mr. E. was on duty, and this is the same attitude adopted in the case of the late airman C. These two men were, it is submitted, every bit as much on duty as was the late captain S. and further, the disabilities of Mr. E. and the death of airman C. were every bit as related to, and arose as directly from service as did Capt. S's. death. Since the widow of Capt. S. is entitled to pension, so is the widow of airman C. and so should Mr. E. be entitled to pension.

In their first appearances before this committee, both the chairman and the pension counsel read prepared statements. On page 54 of the proceedings in Mr. Nutter's statement, he refers to section 70 and the interpretation placed on these words by the pension commission. He spoke of the preponderance of evidence and a reasonable doubt in the mind of the commissioners hearing the case. He then said,

The Pension Act clearly states that the "doubt" referred to must actually exist in the mind of the individual commission member...

This, Mr. Chairman, is along the line of interpretation placed on the section by the deputy chairman and referred to earlier in this submission. If you will refer again to section 70 you will find that this is an incorrect statement.

Mr. Anderson stated that he had been for some time well aware of the criticism of the commission with respect to the application of section 70. As a result of this he eventually decided to ask commissioners to make certain whenever they had found it necessary to invoke section 70, and had invoked it, that they should say so in the decision. He advised the committee that he asked that ten C.E.F. (world war I) files be drawn, on which there were favourable decisions. He indicated that two of these claims arose from gunshot wounds and entitlement was conceded without any question. Of the other eight he informed the committee that entitlement was granted by invoking the provisions of section 70. This, of course, is the intention of the legislation. We wonder why the Chairman did not study ten, twenty, fifty or one hundred decisions where entitlement had not been conceded and assure himself, and you gentlemen, that it was not possible, even by invoking the provisions of section 72, to grant entitlement. It has been stated that up to 80% of the world war I veterans gaining entitlement do so only through this section of the act. This point is not in dispute. What concerns us is the number of unsuccessful claims; those in which evidence has been presented, favourable opinions from medical specialists submitted, reasonable grounds for entitlement established. Surely if the committee is to be informed of ten successful cases, some study should be made and reported upon with respect to unfavourable decisions.

In commenting on the benefit of the doubt before the special committee on veterans' affairs in 1948, the then chairman of the pension commission, Brigadier J. L. Melville, stated,

After all, the benefit of the doubt is something which is cradled in the balance of justice and we are endeavouring, as has been said, to lean over and extend that to the very fullest extent.

In view of this statement and the implication by Mr. Anderson that the provisions of section 70 are invoked in every claim coming before the commission, we would like at this time to bring to your attention a number of other cases which we believe firmly establish that section 70 was not applied in all board room decisions.

The widow of the late squadron leader D. (206/17) sought the assistance of the Legion following unfavourable rulings by the pension commission with respect to the death of her husband in 1956 while he was serving with the R.C.A.F. Following a study of the D.V.A. file we submitted documentation to three outstanding medical specialists requesting their opinions concerning the relationship of death to service. When the opinions were received representations were made to the pension commission. In refusing entitlement, the commission commented,

The opinions and conclusions by the experts in this field have been carefully noted and the evidence in the file analyzed, but the commission does not feel there is anything in the active force documents or in the post-discharge documents to indicate active force service played any part in the progress of the disease leading to death at age 43 years.

Our organization was not satisfied with this decision by the commission and we asked for further consideration. At this time we referred again to the opinions that had been submitted. We felt that the commission had not, as provided by section 70 of the act, drawn all reasonable inferences and presumptions in favour of the applicant. We quote a portion of our submission—

With this knowledge we ask the commission to consider especially the following points in connection with these expert medical opinions:

- (1) Dr. Neil Feeney—(McGill, 1927, Internal Medicine; Professor of Medicine, McGill University; Senior Physician Montreal General Hospital; Chairman, Dept. of Electrocardiology, Montreal General Hospital; Consultant Cardiologist, St. Mary's Hospital, Montreal) is of the opinion that the condition resulting in Mr. D's. death was not of pre-enlistment origin. He says that while the deceased *may* have had a mild hypertension pre-enlistment it was certainly greatly aggravated during service in world war II and that this aggravation was the major factor in the production of death;
- (2) Dr. Samuel Mirsky—(McGill, 1924, F.A.C.P., D.Int. Medicine; Chief, Dept. of Medicine, D.V.A., O.T. (Ottawa) district; Senior Att. Physician, Ottawa Civic Hospital) stated that, in his opinion, the deceased had an unusual form of generalized arteriosclerosis. He says that while it may have been present prior to enlistment it was never recorded or recognized and that it undoubtedly became worse *during* service. In fact, he notes definitely elevated blood pressure was *first recorded* in 1942, after enlistment. He further expresses the opinion that the failure of the medical authorities to recognize the seriousness of the heart condition and so allow the airman to continue his hard work may have hastened his death.
- (3) Dr. W. Ford Connell—(Queen's, 1929; M.R.C.P. (Lond.) F.R.C.P. (C), F.A.C.P., M.A.B.I.M., Int. Med; Physician-in-Chief, Kingston Gen. Hospital; Prof. of Med. & Head, Dept. of Med., Queen's University) is of the opinion that although coronary atherosclerosis *likely* anti-dated enlistment, there was definite aggravation on service in the active force. He states that, in his opinion, it is impossible to judge the exact degree of aggravation on service but inasmuch as such conditions show episodic progression with exacerbation

tions during periods of stress—such stress as the deceased had during service—the aggravation in this case may well have been of critical importance in determining the premature development of coronary occlusions, the last of which caused his death. Dr. Connell expresses the opinion that the single blood pressure reading at enlistment in itself meant little and did not prove atherosclerosis.

In view of these opinions and the qualifications of the specialists from whom they were obtained, the Canadian Legion contends that the weight of evidence in this case is definitely in the applicant's favour and, therefore, because of the express instructions contained in section 70, we believe that Mrs. D. is entitled to widow's pension.

In granting entitlement three months later, the commission stated, "In support of this claim there are three specialists' opinions." Certain blood pressure readings from the late officer's file were referred to and reference was next made to the opinions offered by each of the medical specialists. The decision then concluded,

From the above evidence it seems established that hypertension, though pre-enlistment in origin, was not obvious nor recorded at the time of enlistment, but aggravated during service in theatre of actual war; and that the myocardial infarction due to arteriosclerotic heart disease was a post-discharge condition but aggravated by the hypertension, and this aggravation was a major factor in causing death. Therefore, the commission rules—death from myocardial infarction due to arteriosclerotic heart disease—attributable to service."

The case of Mr. H. (339/1) is one in which the commission refused in the first instance to accept the weight of evidence or draw reasonable presumptions in favour of the applicant as provided by section 70. In turning down entitlement on June 12, 1957, the commission stated that his was a constitutional disorder and that one acute episode in service could not be considered as evidence of aggravation. It was stated,

This conclusion has been reached with due regard for the several special (sic) opinions on file. After careful analysis of the evidence presented in this case, the commission rules nervous condition of pre-enlistment origin, not aggravated, . . . .

The Legion subsequently wrote the commission and we quote the following portion of our submission,

In view of the fact that the file contains the opinions of five consultant specialists, all of whom are firm in their statements that this condition was definitely aggravated by Mr. H's. war service, we believe the commission has fallen short of its duty under section 70 of the act. May we again refer you to the statements of three of these specialists.

On 28.3.51 Dr. W. states, 'I feel that his condition has been aggravated by his war experience'. Dr. J. offers the opinion, 'I think this is a character neurosis exaggerated by service', and a further report of 5.10.55 from Dr. M. contains this opinion, 'this man could have had this disturbance anytime in his life but his war experience hastened and aggravated his breakdown'.

Within three weeks, the pension commission ruled that this disability was a pre-enlistment condition, aggravated during war service and the veteran was granted full entitlement.

In its reasons for decision, the commission stated,

In reviewing the claim again the commission notes the references to instability and panic reaction during the service period. While at the time of discharge, treatment was not considered necessary, a review

shows there were opinions by several psychiatrists in the post-discharge period that while the condition was due to an inherent personality factor in the applicant's makeup, there was evidence that since the world war II episode there have been recurrences of the nervous disorder requiring special medical care.

In view of the age of the applicant on service attestation, and the fact that no medical attention was required for any nervous disorder prior to service, and with due regard to the opinions of the consultants that in the post-discharge period there have been continuing manifestations of the nervous disorder, the commission feels a reasonable doubt has been established that there was aggravation during world war II of more than a temporary nature. This doubt is resolved in the applicant's favour.

Had the Legion accepted the earlier decisions in the cases and accepted the statement of Brigadier Melville that the commission was endeavouring to lean over and extend to the very fullest extent the provisions of the benefit of the doubt, it may well be that the widow of Squadron Leader D. would today not be in receipt of pension and their children would not in all probability have had an opportunity of attending university under the provisions of the children of war dead (educational assistance) act. Neither would Mr. H. have received pension entitlement and the protection that goes with it for treatment of his disability.

Mr. Chairman, the case of Mr. F. (243/12) is that of a world war I veteran living in the United States. In ruling adversely at second hearing, the commission stated,

In the absence of any signs of upper respiratory disease during service or until many years subsequent thereto . . .

In granting entitlement, the appeal board (which was not attended by the applicant nor any other witness) stated,

The board has reviewed all the evidence and has noted the entries during the service period on more than one occasion of sore throat and also to the fact that the veteran was exposed to mustard gas vapour and required treatment for this condition. Furthermore, there is clear continuity in the post-discharge period of chronic throat trouble and the board feels a reasonable doubt has been created that the present disability of chronic laryngitis did have its onset during world war I service. This doubt is resolved in the veteran's favor and the claim is therefore granted.

The Legion's comment is, Mr. Chairman, that the same evidence was present at the time of the first hearing and at the time of the second hearing, but section 70 was not applied until the appeal board hearing.

In the case of Mr. B. (85/3) entitlement was conceded on an aggravation basis only until the appeal. In a renewal decision it is stated,

It is possible and probable that the albumin noted in the urine in early 1942 was the result of the hydronephrosis and it is reasonable to assume that this condition had its origin prior to service attestation. It is reasonable to assume that there has been some aggravation during the service period.

Contrast that statement with the following from the appeal board decision granting full entitlement,

While it is quite possible that the hydronephrosis was of pre-enlistment origin, this is by no means certain, and in any event, the nephritis was not evident until some months after the commencement of military duty.

Certainly the appeal board decision spells out the facts as they exist while the earlier decision actually drew inferences against the applicant contrary to the provisions of section 70 of the act.

In refusing to grant a widow's pension to Mrs. K. (390/13) whose husband had died of a brain tumour, the commission refused to accept opinions of three consultant neurologists. The departmental neurologist at Queen Mary Veterans' Hospital said,

In conclusion in my opinion the patient had symptoms of a temporal lobe tumour in 1949 from which he died in 1957, whether this started before this date I am not prepared to say except to comment that he may well have had them in 1946 because he was having "spills" off bicycle; I wonder if these were seizures, too.

A consultant neurosurgeon from Saskatchewan stated,

I am of the opinion, unequivocally, that the brain tumour from which this man died, had its onset while he was in the active service.

The department's own consultant neurosurgeon at Sunnybrook Hospital said,

It is my opinion that this tumour was therefore present or commenced somewhere between 1944 and 1945.

In its decision denying entitlement, the commission stated,

This type of tumour is known to be of low malignancy and of slow growth. Records provided this department show a duration of this type up to ten years. We have evidence of increased cerebral pressure in this case in 1949 but beyond this point any attempt to establish onset is pure guess work, there being no evidence the man showed any manifestations of symptoms indicative of tumour during the service period.

When the Royal Canadian Legion pressed the commission for a further decision entitlement was conceded and while referring to the opinions above quoted, it was also stated,

Head office has located an opinion expressed by Dr. Wilder Penfield of the Montreal Neurological Institute regarding the duration of a fibrous astrocytoma in other cases. It is noted that the pathological diagnosis in this case was that of a grade I astrocytoma which is the slowest growing of any.

We wonder if the commission had not "located" this opinion by Dr. Penfield, despite the other three consultants' opinions, would the widow have been granted entitlement?

Dr. Penfield was involved in the case of the late Mr. S. (629/3) who also died from a brain tumour. It is interesting to note that in ruling unfavourably on October 24, 1961, the commission stated,

From the documents and medical opinions, the commission finds there is no evidence to show the condition under review, with first recorded symptoms noted in 1951, which is medically considered to cause death in four to five years, had its onset during service, . . .

The above is rather an unusual statement because in this particular case the neurosurgeon from Saskatchewan who was referred to in the above-mentioned case also stated,

Other cases of grade I astrocytoma involving the temporal lobe of brain have had a proven tumour life of up to sixteen years.

Indeed, when a member of the pension commission wrote him, Dr. Penfield stated (in part),

It may have become rapidly growing toward the end but the fact that there were seizures, usually mild but occasionally severe, from the

period eight years before, makes it seem perfectly clear that the tumour must have been present in 1951. I suppose the pension commission is interested in two possibilities, first, could any injury received while in service have been the cause of the beginning of the growth of the tumour? Secondly, was there any tumour present at the time of his discharge from service? . . . To answer the second question, one knows that a slow growing tumour is usually present several years before the onset of the first seizure. If it was 8 years from the onset of the first seizure to the time when the tumour killed this patient, it is quite possible that the tumour was present in his brain 6 years before the onset of the first attack. Indeed I would put it at about a 50 per cent chance that it was there before he was discharged and a 50 per cent chance that it appeared afterwards.

In granting entitlement the commission did not refer to the opinion obtained from Dr. Penfield nor to that submitted from the neurosurgeon in Saskatchewan. Reference was made to an opinion from another neurosurgeon who said,

A tumour as slow growing as Mr. S's. could easily have been present during his term of service.

We cannot help but wonder on what basis the statement in the decision of 1961 was made, indicating that the commission was then of the opinion such tumours are,

medically considered to cause death in four to five years?

Mr. L. (408/14) had made application for pension entitlement for a heart condition and this had been ruled on unfavourably by an appeal board in 1950. The Legion was successful in having the claim re-opened by obtaining an opinion from a medical consultant who was referred to in the decision granting leave to re-open as "a specialist in internal medicine". In the subsequent unfavourable decision it was stated,

There was additional evidence available in the form of a communication from a physician who had reviewed the file . . .

When the Legion resubmitted the claim for further consideration by the pension commission and objected to this statement, it ruled,

The claim now comes forward for a first renewal hearing with a submission from the Canadian Legion, pointing out that the report of Dr. O., eminent cardiologist, brings this claim within the provisions of section 70.

The doubt was resolved in favour of the veteran but the facts had been before the commission earlier and if the Legion had not strongly protested the slighting of the specialist's qualifications, this veteran might well today be without entitlement. We believe you will agree with us that these cases prove that a great many claims proceed unnecessarily to appeal.

The report of the veterans' bureau (D.V.A.) for the year 1961-62 indicates entitlement was conceded, wholly or partially, in more than 50 per cent of the claims. In Alberta the percentage of successful claims was in excess of 80 per cent. Many appeal board cases involve claims arising from deaths or disabilities entirely unconnected with service. The high percentage of favourable decisions clearly indicates to us that many cases are not considered carefully enough in the board room. The Legion, which deals with but a small percentage of cases handled by the pension commission, has records of many cases which we contend should have been favourably resolved without the necessity of an appeal board. Some of these have been cited; we would like to make reference to a few more.

The appeal board decision in the case of Mr. H. (346/21) is one of the shortest that we in the Legion have ever seen. After setting out the applicant's year of birth and his service it is stated,

The records in this case make it quite clear that the condition, the subject matter of this appeal, was with the applicant on enlistment and was certainly aggravated during service. The ailment was recorded on enlistment.

The application succeeds as to aggravation during service.

Mr. H's, case had been before the pension commission and unfavourably ruled on with respect to this particular condition six times. Apparently no medical or other testimony was presented to the appeal board, which found "the records" sufficient to indicate entitlement should be granted. Why was it necessary for this case to proceed to appeal? Had entitlement been conceded when the case was first presented in 1943, Mr. H. would have received a 20 per cent pension more than eighteen years earlier than he eventually did. He was therefore deprived of more than \$8,000 pension.

The claim of widow L. (45-2/5) was ruled on unfavourably by the commission in 1946 and 1947. In 1959 it was resubmitted when action with respect to war veterans' allowance benefits was requested. The commission again ruled unfavourably. The case proceeded to appeal at which time the district pensions advocate referred to the statements which had been submitted by the late veteran's family physician prior to the 1946 decision of the commission. A separate hearing took place to obtain evidence from that physician. In reporting on this the appeal board decision reads,

At the hearing he confirmed the information contained in Exhibits 3 and 6 and again expressed the opinion that the nephritis was chronic when he first saw the deceased, some eight months' post-discharge.

He was firmly of the opinion that the condition was developing during service.

The Board ruled,

Having considered all the aspects of this case, the board is unanimously of the opinion that a reasonable doubt exists. This is resolved in favour of the widow applicant.

Because the statements the doctor submitted in 1946 were not accepted by the commissioners in the board room, this widow lost \$23,000. It may well be that the veteran's two daughters also lost the benefit of a university education which would have been available under the provisions of the children of war dead (educational assistance) act.

Mr. B. (79/10) was discharged in 1941 with a disability which the commission ruled incurred during service, Canada, but not pensionable. Following a change in the legislation in 1946 (P.C. 2077) extending the "insurance principle" for world war II service in Canada, the commission ruled,

Keratitis, left eye—aggravation not arising out of nor directly connected with service. Pre-enlistment condition, aggravated during service Canada within the provisions of P.C. 2077. Aggravated two-fifths. Award effective June 1, 1946.

Subsequently the Legion studied his case and requested full entitlement on two occasions (it had been ruled on twice previously). Each time the commission confirmed its decision that this had been a pre-enlistment condition aggravated only two-fifths during service. Finally, in November of 1959 an appeal board granted full entitlement. In the decision the board stated,

There is no evidence that this was a recurrence of any pre-enlistment condition and, regardless of the source of etiological factors, the condition had its onset during service.

The claim of Mr. H. (313/9) was considered by the pension commission on seven occasions before entitlement was conceded by an appeal board in December 1960.

At this appeal board no specialists were called, but the previously considered evidence of four specialists was reviewed. In concluding the decision it is stated:—

The board, after a comprehensive review of the complete record and having regard to the preponderance of evidence to the effect that the recorded symptoms during service were significant, concludes that this case is brought within the reasonable doubt bracket under the provisions of section 70 which are invoked in this case.

Mr. Chairman, we realize that we may have burdened the committee with details of a large number of cases. We feel that this has been necessary in order to enable the committee to appreciate the problem: that the pension commission is not, particularly in board room discussions, properly applying the provisions of section 70.

In addition to the recommendations contained in the Legion's 1960 convention report, we wish to make reference to some other points which have been raised in earlier meetings of your committee.

In his evidence on October 29th, the pension counsel, Mr. Nutter, said:—  
... The applicant has ample opportunity to reply to, or to refute, any evidence that might be tendered on behalf of the crown ...

Contrary to what Mr. Nutter said, there is no opportunity at that hearing to reply to or to refute, "any evidence that might be tendered on behalf of the crown".

On October 14th the commission Chairman, Mr. Anderson, answered questions regarding the medical advisers' white slips, as follows:—

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Mr. PUGH: To go back to the duties of the medical advisers, as I understand it every file that comes up goes through the medical advisers first. What information do they give to the Canadian pension commission before the hearing?

Mr. ANDERSON: They give us what we call a white slip containing all the medical evidence which they have been able to dig up from the file, from examinations by the pension medical examiner, from their medical records during service, and so on. This is their responsibility, to assemble all this material. They prepare this on a white slip and it is submitted to us as the complete medical evidence with regard to this claim. It is the medical evidence that is available at that point.

Mr. PUGH: Is it made available to the applicant?

Mr. ANDERSON: Yes.

Mr. PUGH: Is it made available prior to the hearing?

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Mr. ANDERSON: The advocate has access to the files and he can also see these medical white slips if he wants to look at them.

Mr. PUGH: Is that normal routine, to have these sent out?

Mr. ANDERSON: Yes, the advocate has complete access to all of these items of evidence which pertain to the claim. He has that right under the Act. What he does in effect or what he actually does is to prepare a long precis covering all of this. He certainly has complete and unobstructed access to any information he requires.

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Mr. PUGH: At times would not the white slip go out of the first hearing?

Mr. ANDERSON: White slips do not go out. They are dealt with by the commission only. They do not go out either to the man or to the pension advocates.

We believe it is important that the members of the committee understand that these medical advisers' white slips, which play such an important part in the commission's deliberations, are available only here at head office. They are not available to pensions advocates, legion or private legal counsel in any other part of Canada. They may be studied at the head office of the pension commission only under certain restrictive procedure. It is quite apparent that most advocates have no knowledge whatsoever of the information contained in the white slips.

Since the white slips are not included in summaries of evidence, prepared before second hearings and appeals, there is no opportunity to rebut the evidence in the form of medical advisers' opinions.

Another point with respect to Mr. Anderson's statement, "the advocate has complete access to all of these items of evidence which pertain to the claim", is that of "findings" of boards and courts of enquiry. While we are permitted to study the evidence, the findings and the remarks and opinions of reviewing officers which are available to the pension commission are not available to Legion representatives on the grounds that such information is considered by the Department of National Defence as "privileged documents". All evidence used in consideration of the claim is therefore not available to us, which is contrary to the provisions of section 69 of the act.

In his evidence on November 14 in discussing the procedure carried out by the medical advisers, Mr. Anderson stated,

I would say that our pension medical advisers do not deliberately attempt to go back into the man's ancient history in an endeavour to find some factor which will lead the commission to believe the man had a pre-enlistment condition,

and later,

but, as I said before, I do not think that either the pension medical examiners or the advisers nose around to try to find evidence which would prohibit the man from getting a pension;

We have in our records cases which indicate that the commission has made deliberate attempts to establish that claims were of a pre-enlistment nature without attempting to establish that there was aggravation during service.

In his evidence as recorded on Page 71, Mr. Anderson said:—

Where a veteran takes his claim to an appeal board, he has his own lawyer, while there is no prosecuting attorney in the sense that there is one in a court of law. There is nobody to try to argue against the advocate who is supporting the veteran's claim.

Contrast that statement with the following evidence given by the chief pensions advocate to the standing committee in 1958:—

... At these hearings the commission is not represented by counsel so the bureau recognizes the duty to the commission to make full disclosure of all relevant evidence in its possession . . .

These statements indicate that the veterans' bureau has two duties, one to the applicant, the other to the pension commission. We feel that in the interest

of the applicant the veteran's bureau should be expected to act only on his behalf.

In conclusion, Mr. Chairman, we respectfully submit that the foregoing presentation amply illustrates the need for study and subsequent improvement of the administration of the pension act.

It is our contention that the paramount problems which must be satisfactorily resolved are:—

- (a) lack of careful study of cases in the board room;
- (b) reluctance to apply the provisions of Section 70 prior to an appeal board;
- (c) reluctance to accept opinions offered by eminent medical specialists many of whom are departmental consultants;
- (d) refusal to be guided by decisions in cases based on similar circumstances, particularly with respect to claims arising out of peacetime service under the provisions of Section 13(2).

Since the only effective solutions to these problems lie with the Commission itself the proposals in Bill C-7 would not resolve them.

The CHAIRMAN: Gentlemen, are there any questions?

Mr. HERRIDGE: Mr. Chairman, I think the committee should compliment the Legion for its presentation of this very excellent brief.

Some hon. MEMBERS: Hear, hear.

Mr. HERRIDGE: They should be commended for the illustrations they have given in respect of possible improvements in the administration.

The CHAIRMAN: Are there any questions in respect of this brief? I suspect there will be many questions.

Mr. PRITIE: Mr. Chairman, perhaps Mr. Thompson could confirm my suggestion that a similar clause in respect of the benefit of the doubt is contained in the New Zealand act. Do you understand that it is rather more liberally interpreted in New Zealand than here?

Mr. THOMPSON: I do not have sufficient knowledge in this regard to give an answer of any value. I do not know that that is or is not the case.

Mr. MATHESON: Mr. Chairman, I was intrigued by the recommendation which suggested that there was a need for a balance of personnel on an effective board consisting of a medical officer, a lawyer and a layman. I wonder whether Mr. Thompson is prepared to expand on that suggestion and give the reasons why the Legion feels this kind of a balance is desirable? It has been my feeling that at certain times the commission has acted rather less liberally than courts of law, consisting of judges, might have acted because legal principles have tended to extend liability.

Mr. McINTOSH: Mr. Chairman, perhaps the member could speak louder.

Mr. MATHESON: I wonder whether Mr. Thompson could indicate why he feels a balance of this character is desirable, and what could be contributed to an efficient board by, if you like, the members being a doctor, a lawyer and a layman?

Mr. THOMPSON: Mr. Chairman, I think it is the considered opinion of most people that in presenting a case to an appeal board which is composed of a doctor, a lawyer and a layman, there will be a better balance. For instance, if you have two doctors you may find that the evidence given by a doctor appearing on behalf of an applicant, which might impress a layman or a lawyer, might not impress a doctor because of his previous training, even though that

member of the commission may well have been out of his field of practice for many years. This member may not be impressed by that evidence as a result of his experience and knowledge, which may well be out of date. It is our feeling that if the appeal board consisted of a doctor, a lawyer and a layman there would be a more reasonable chance that the point of view as expressed by the applicant would be understood.

On the other hand, if there are two lawyers on the board there may be too heavy an interpretation or attitude in respect of the legal aspect. If two laymen are members of the commission there may well be a lack of assistance through the exchange of information and discussion in the deliberation of the case with their colleagues because they are not doctors or lawyers.

Mr. Chairman, I agree that the situation cannot be improved in respect of every application. We realize that the personal attitude and makeup of doctors can vary, as in the case of lawyers or laymen. However, the Legion advocates across the country, as well as the majority of the membership, feel that an application will receive a more balanced consideration when the board is made up of one of each.

In fairness, this has been, I understand the aim of the commission throughout the years. I think the commission has felt that this is a sound approach. I understand the commission has strived to attain this balance throughout the years, but because of the variation in the makeup of the personnel, this goal is very difficult.

Mr. Chairman, to give you an absolutely solid answer to the question is rather difficult, but it is our experience that the advocates and applicants have felt that they would have a better chance with a board made up of one doctor, one lawyer and one layman.

Mr. MATHESON: Mr. Chairman, the witness has given us some assistance in regard to the imbalance between these groups, laymen, doctors and lawyers. Does Mr. Thompson have any judgment on the effect of the failure of applying equity as a result of this imbalance? Is there too heavy an emphasis placed on the layman aspect of the commission; are doctors attempting to dominate the situation, or has there been a lack of legal interpretation? Perhaps Mr. Thompson does not wish to comment in this regard at all, but I should like to know whether we should be thinking in terms of a balance ultimately between these three categories in respect of future applications?

Mr. THOMPSON: It is not possible to give an accurate answer in this regard. I do not believe there is any attempt within the commission itself to balance the composition of the commissioners who sign the boards decisions. When checking back on the signatures in respect of many cases it is very difficult to define any pattern. However, I think it is reasonable to assume that if our view in respect of balance on an appeal board is valid, then a similar balance in respect of commissioners considering these cases is valid.

Mr. OTTO: Mr. Chairman, I wonder whether Mr. Thompson can state that the Legion still holds to the idea that a pension qualification must be connected to a service injury or illness, as is now the case? Has there been any change in respect of the approach to a service connected injury as a result of the progress now being made by medical science? In other words, could a heart attack at age 50 be considered a service connected injury, as a result of an individual taking part in ten battlefield courses, without direct proof? An opinion has been expressed in many quarters that it is difficult to define where an injury originated. Does the Legion still support the original definition of a pension qualification, having a direct service connection, or does the Legion take a broader view in this regard?

Mr. THOMPSON: Mr. Chairman, I assume the hon. member is referring to a claim in respect of which an attempt is made to relate that heart attack to wartime service. One of the illustrations we have cited in our brief has reference to a man who died at age 43 as a result of a heart condition. This example illustrates the point. There was reference, if I remember correctly, to dizziness during his wartime air force service, particularly during his flying training time. There was also a high blood pressure recorded during his service. Our attitude in this regard was to submit this information to an outstanding specialist; a man who was dealing with this type of case every day of his life, and get his opinion on whether, in view of the cause of the man's death, these findings during the period of his service were significant. In the case to which reference is made three medical specialists were of the opinion that because these symptoms were recorded during the period of his service his death was a result of a combination of factors.

Had it not been possible to obtain specialists' opinion relating these symptoms to this man's death, then I suggest we would not have had a case.

Mr. OTTO: You are suggesting that you are still in agreement with the service connection feature? Have you explored the possibility of a pension scheme for service men or veterans, because of the increasing number of medical opinions to the affect it is difficult to connect subsequent illnesses with previous service? As an example of this situation may I refer you to the fact that certain administrators of veterans' hospitals have stated that a number of the people admitted to these hospitals for treatment are psycho-somatic. Who can determine the effect of pressure or tension upon a man during his service and relate it to an individual's inability to adjust himself? Who can determine whether or not the psychosomatic condition of a veteran resulted from his wartime service? Has the Legion considered the possibility of establishing a pension scheme whereby veterans would be covered without the necessity of proving a direct link or connection with wartime service, or is the Legion satisfied with the present requirement which makes it necessary for a veteran to establish some connection between his illness and a service injury or aggravation?

Mr. THOMPSON: Mr. Chairman, I think in answer to that question I should state that we have explored the question in respect of the relationship of a link back to service, but we contend that a portion of this link is to be found in the opinion of specialists in the particular field. If certain symptoms recorded during an individual's service are found to be significant by a specialist in the field, particularly when this opinion is supported by more than one specialist, we believe that we have in fact established the link or connection to which you have referred.

Mr. OTTO: Mr. Thompson, in your recommendations you have mentioned the fact that if there is an advocate acting on behalf of the applicant there is not an advocate acting on behalf of the commission. It has been my experience in legal matters that a board or commission fulfils the position of prosecutor so to speak. Do you feel that it might be advisable, where there is an advocate acting on behalf the pensioner, to have also an advocate acting for the commission so that the commission may sit as judges rather than attempt to fulfil the dual role of adjudicating and prosecuting at the same time?

Mr. THOMPSON: Mr. Chairman, if we go back in history, and I have not the statistics with me, we will find that some such system was attempted at one time.

The feeling of veterans' organizations, from my recollection of reading the statements when the act was amended, was that this had proved to be an absolute failure, and that it did not work to the advantage of veterans. I forget the exact year, but I do remember the records at the time.

Mr. HERRIDGE: Mr. Chairman, I refer to page 5 of the brief. From my personal experience I think this recommendation contains a lot, and if matters could be improved in this connection, I believe a lot of our difficulties would be overcome. You say there:

To the best of our knowledge the pension commission does not issue regulations under this section of the act . . . The Legion firmly believes that it is not possible for us, nor for any other advocate, to advise properly on pension applications and to prepare effective submissions if we are not fully aware of all the law, including the regulations, under which the body adjudicating operates.

Are you not of the opinion—I have felt this personally for a long time—that if these regulations were issued and made clearly defined, it might clear up a lot of pension difficulties, and we might thereby overcome a lot of our difficulty?

Mr. THOMPSON: We do receive some regulations from the pension commission from time to time; but at other times we only learn of the issuance of one because of reference made to such and such a procedure. When we come back and ask for the authority or reason for it, we sometimes receive an actual copy of the particular document. Where they have been received, they have been helpful. The commission has over the years undoubtedly worked out many things and has put them down in writing for the guidance of the commission and the medical advisers. We have access to some of them but not to all of them. As we have found the ones given to us to be helpful, it is only reasonable to assume that had we full access to them all it would be of even more assistance.

Mr. McINTOSH: I have a feeling that this brief is not complete. I might also say that I agree with Mr. Herridge that it is an excellent brief, but I do not believe that it contains everything we were trying to bring out in Bill C-7. I agree with the problems listed under "conclusion" on page 43, but I note that they say that Bill C-7 would not resolve them. And I also note that they do not suggest any remedy either.

I suggest that there is an appeal to a higher court, and in saying that I refer to cases which every member of parliament receives from his constituents. This is in actuality a higher court, because we bring them to the attention of the commission. This may not be considered a proper channel, but I think the commission is stirred by the organizations which represent the veterans. It is a further appeal provided in the act. In some of these cases we do get benefits for the veteran, and I refer mostly to the ones I have been successful with in regard to gassing, in connection with world war I veterans who suffered from the effects of gas. I believe I brought this out in my first appearance before this committee. I pointed out that they do suffer aggravation to the respiratory system. It may be determined by the doctors who treated them that they are pensionable for pulmonary tuberculosis, yet that tuberculosis may not develop. Therefore they are not pensionable. But the fact remains they did receive damage because of their service, and they should be pensioned. There is an appeal here, and I think it has done some good. I would like Mr. Thompson to comment and say that the brief is not complete in that it did not bring out a remedy for all these problems that they have in their conclusion.

Mr. MACEWAN: Perhaps Mr. Thompson might amplify and tell us how these things could be carried out or done, say, either through study by a body, or by some person in the department, such as an officer of the commission. What does the Legion think would be the best way to carry out these improvements in regard to points (a), (b), (c), and (d)?

Mr. THOMPSON: Our answer to Mr. McIntosh is found in the last paragraph on page 43 of the "conclusion" where we say:

Since the only effective solutions to these problems lie with the commission itself the proposals in Bill C-7 would not resolve them.

We believe that under the act as now written the machinery is there with which to remedy these things. What is needed is for the pension commission to take a good look at itself, and take a look at the procedures which have grown up over the years, and be willing to perceive where these difficulties exist, and themselves alter their procedure to remedy them.

Mr. McINTOSH: You say the effective solution lies within the pension commission itself. Yet in all the evidence you have brought forth you do not say that it is not possible under the present act. So it is not an effective solution. Yet you have cited all these different cases.

Mr. PRITTIE: My question bears on this point. You are concerned about the number of appeals which have reversed rulings of the commission. A number of them date back several years. Have you noticed any change in the last two or three years? Is the commission acting differently now?

Mr. THOMPSON: In relation to board room decisions?

Mr. PRITTIE: Yes. Are the decisions being taken in the commission itself these days going to appeal more than previously?

Mr. THOMPSON: No, I would say there has not been any great change in that respect. The figures we quote were from the 1961 report, were they not? We have no reason to believe that there is any great change in board room decisions. This picture continues.

Mr. BIGG: About half these cases are concerned with the question of whether or not the man was on duty. It appears to me that if this point were clarified, the commission might come to a proper or final conclusion itself. Surely the question of whether or not the man was on duty at the time of his service is not too difficult to solve. I think any mounted police officer is considered to be on duty 24 hours of the day, although he may in fact work only eight hours. Nevertheless he is on call and is subject to military regulations throughout his service. The question of whether or not a person is on duty at any given time should not be too difficult to decide, unless he is perhaps on holidays, or flying an airplane, on his own, or something like that. Could we not have it clearly defined when a serviceman is on duty and when he is not? This would seem to be a very clear legal point. Why should the commission have to worry about this?

Mr. THOMPSON: I would imagine when you start to define it, you would run into difficulty.

Mr. BIGG: Why not say that if you left Canada and went to Europe you were on duty until you got back? As far as I am concerned, when you go to Europe you are on active service, if you have left your country to serve in the armed forces. You are on service until you get back home, even though you may take holidays in the Alps. So why not say that until he gets home, it is our responsibility to return him to his mother or to his family in the same condition in which he went away? If you say this is an insurance principle, all right. Let the insurance principle cover death as well as injury.

Mr. THOMPSON: This would alter the situation.

Mr. BIGG: It would make it equal. Because when the commission rules in favour of the man, it is criticized as being generous; yet when it rules against the man, it is criticized as being narrow. It is not an enviable position to be in.

Mr. McINTOSH: When was the commission criticized for being generous?

Mr. BIGG: Right here in this brief. Why would you not give it to airman C., when you gave it to airman D.?

Mr. McINTOSH: They qualified it later to say that he was entitled to it. Why not make it a rule that although he was not on duty, nevertheless he is entitled to a pension? The crux of our problem is in section 70 and 13(2), particularly where it arises out of, or is connected directly with military service. That seems to be the problem with others also, so that the commission will not accept it in the case of airman C., as quoted in the brief, that he was on duty, yet the pension commission did not deny the fact. There is difficulty about the question of being on duty, or performing services in connection therewith. A lot of us feel it to be odd that at one time he may be considered to be on duty, and at another time this is not the case. If it arises out of his duty, then in my opinion the man is on duty, and is engaged in something which is connected with his duty. My submission is that if we take this wording right out "directly connected with his duty", it would mean that he is pensionable, because the commission cannot satisfy themselves under the circumstances.

Mr. MACRAE: On page 37 at the bottom the brief states:

The claim of Mr. H. (313/19) was considered by the pension commission on seven occasions before entitlement was conceded by an appeal board in December 1960.

My first question, I take it, is one with which Mr. Thompson directly concerned himself, or was one with which the Legion was directly concerned. Therefore we can discuss this with someone.

Mr. THOMPSON: I am afraid I do not understand your question.

Mr. McINTOSH: I take it that this was one of your own cases that you yourself, or Mr. McFarlane from the Legion handled?

Mr. THOMPSON: Yes.

Mr. McINTOSH: That is the reason you cite it?

Mr. THOMPSON: Not all the seven times, no.

Mr. McINTOSH: But you were privy to the cases, and you knew about them?

Mr. THOMPSON: Yes.

Mr. McINTOSH: Under what circumstances did the commission rule seven times in this man's case? Perhaps my knowledge is foreign to this. There was a first hearing, a second hearing, and then an appeal. Then there was leave to re-open with presentation of evidence, when the appeal was considered or continued. Could you people tell us why a man would be seven times before the commission?

Mr. THOMPSON: The explanation is that in world war I, the peacetime procedure was, as Mr. MacRae has said, a first hearing, a second hearing, and an appeal. But in relation to world war II there is an initial decision, then a renewal decision. There is no restriction on the number of renewal decisions, and then there is ultimately or normally an appeal board.

Mr. MACRAE: Under what circumstances would renewals be granted?

Mr. THOMPSON: On production of new evidence or new arguments, the commission will consider a new hearing.

Mr. MACRAE: Because of my long association with the Legion, I would be the last to offer criticism, but surely this evidence might have been found before going seven times to the commission. It took seven times to go there with little bits of evidence each time. This would seem to be extremely long drawn out, because the matter was finally granted in a few words by the appeal board.

Mr. THOMPSON: It sometimes happens that you go back to his file and to matters which in themselves appear to be clear, and if you can add to what has been considered before, the commission may still review. So it is not unusual to have six or seven renewals.

Mr. MACRAE: It is possible there might have been even more than that.

Mr. THOMPSON: It is possible within the legislation to have them.

Mr. MACRAE: Could you elaborate on the kind of effective solution the Legion proposes?

Mr. THOMPSON: We believe, because of the complicated problem, that simply to establish an appeal to the courts would not solve all these separate pieces which make up one composite problem. It would be adding another appeal procedure, but it would not be getting at these things we mentioned. It would permit you on a particular point of law to go to the court, outside the commission, for a ruling. But we do not believe this would be a cure to any of these problems which work against a veteran's interest. We believe that the act as now written, in so far as the adjudication of claims is concerned, is sufficient, and that when properly interpreted and administered, these problems would be diminished if they did not cease to exist altogether. In any event they would certainly be taken care of.

Mr. PETERS: It was satisfactory in one of the cases where there was legal doubt. Would it not be equally satisfactory in all cases?

Mr. THOMPSON: We have examined this very carefully, and we have spent a lot of time and consideration on it. We are convinced that if section 70 is properly applied, then there would be no cause which would be served by an appeal to the court.

Mr. MACRAE: You may lead a horse to water, but you cannot make him drink. How do you propose to water the horse?

Mr. THOMPSON: Mr. McIntosh may feel that we have not given a solution. But I think the suggestion of an appeal to the courts would be only taking the problem somewhere else and not solving it. Each of these has an adverse effect on the man who applies for a pension. We believe that the proper application of the act as it now stands could remedy this situation. It may be that some very high level reviewing is necessary. We do not believe that appeal to the courts is going to solve these problems.

Mr. PETERS: Would not appeal to the minister do, then?

Mr. MATHESON: In your summary you state that in your opinion the establishment of an appeal board would not serve to advance the cause of the veteran. Let me ask this question: in this 28th parliament there has been extraordinary interest in the establishment of some kind of tribunal, perhaps in the nature of the ombudsman as in the Scandinavian countries, which would enable any citizen with a claim who feels that he has been aggrieved by any tribunal, to present the facts before such an officer, with a view to having his case opened again and maybe referred through the ombudsman to the proper authorities, or maybe to a court of law. What would the Legion feel about having, instead of Mr. McIntosh's bill providing for an appeal board, some form of ombudsman who would promote the causes of aggrieved veterans, when the veteran brought his case to the ombudsman, and when that officer would have some compulsion on the pensions commission so that the case might be reopened before them? Would such a procedure be of service to the veteran, or would you have any objection to that kind of solution?

Mr. THOMPSON: The answer to that is that such a proposal would have to be studied, just as was the proposal to have an appeal court. It would have to be studied by a committee of the Legion before a final stand should be taken, so that their views might be ascertained, just as they were with respect to this problem in 1960. It would have to receive careful study by a committee of the Legion, as well as independent study of the proposal.

Mr. OTTO: Did I understand Mr. Thompson to say that the Legion is in favour of reducing the number on the board to three, a lawyer, a layman, and a doctor? Was that a recommendation to reduce the size of these boards?

Mr. THOMPSON: No. The appeal board now consists of three members, and we were only speaking about the balance as between doctors, lawyers, and laymen. We do not suggest reducing the number.

Mr. OTTO: I am trying to find a solution in your recommendations. In the experience of Mr. Matheson, myself, and any other lawyers, if you have a commission of from three to six, you might as well have a commission of one, because you will find that one man is the dominant personality, and that consequently in the application of these benefit of the doubt clauses, it will still be the interpretation of one man, unless you have a larger commission, when you would have a complicated opinion.

Has the Legion considered, in recommending application of the section having to do with the benefit of the doubt clauses, how this is going to be done in the light of all the facts, and if it is still going to be the same board, the same commission, under the same personality or dominance of one particular person? How are you going to get that in your recommendation or authority? Is it going to be done by some regulations, or by precedents, or how are you going to overcome the experience of the past in this same board?

Mr. THOMPSON: I think the answer there is that there should be a sincere and serious effort made to remedy the situation by the body which is charged under the act to administer it. As I said before, this is, we believe, the best answer to the problem. We do not believe from our experience—certainly not in recent years—that there has been any attempt on the part of the commission or of the government to do this.

As to how you can change the future to make it different from the experience of the past, I would say that with the situation as it now exists in these cases, and the problems which exist, if they are looked at now that the matter has again been brought into focus, and if they are looked at by the commission, it is reasonable to assume that there could be a change of administration of this section, and if this happened, there would be great benefit resulting without any addition of appeals.

Mr. OTTO: You have said that the section should allow for broad interpretation, and that the boards are not applying this. How would you recommend it? What can the commission do to force the boards to employ a broad interpretation? Is there any procedure which you can recommend? What can they do? Can they send out instructions, a set of regulations, or say that precedents will be followed at all times? What is the procedure which you recommend other than the general statement that they should. We all know they should, but how?

Mr. THOMPSON: I feel that it would be presumptuous on the part of the Legion to suggest directions or steps, because the pension commission is in fact operating under an act passed by parliament, and the pension commissioners are appointed on recommendation of the Minister of Veterans Affairs in compliance with that statute. It would seem to me that the appropriate implementation of these various changes is something which could come from them, rather than from suggestions made from without. Our submission is that the law is now broad enough, and that the machinery exists, and that if that machinery is working properly, it will alleviate these problems.

Mr. OTTO: This committee would be only too happy to receive recommendations of how this could be done.

Mr. THOMPSON: I really believe this. I am not attempting to be facetious.

Mr. GROOS: The greatest difficulty that an advocate faces in putting forward a claim is to acquire the evidence to support his claim. The information is not always in the record. It takes time to acquire it. You have to start from where other people have left off, and put forward your claim. Sometimes when a claim comes up it may go back six or seven times, each time with more information from a review of the case. I can see the desirability of emphasizing this proper interpretation of section 70. It may be that the result is going to be a fusion of Mr. McIntosh's idea of an appeal to the courts with what you have suggested here. But I am looking for information. And now that Mr. McIntosh is present might I ask: what would be the situation if, let us say, a case has gone up six or seven times and it finally goes to this court of appeal? Some new information may come to light. Would the case still be resubmitted in the normal way further down, or, if the case were not resubmitted, would it be approved by the pension commission? How would this differ from a court of appeal? Do you see what I am trying to get at, Jack? May I have some idea from you?

Mr. McINTOSH: As far as I am concerned, Bill C-7 and the phrasing thereof was the only means available to me to bring this problem before the committee and before parliament. I am not too concerned whether you pass Bill C-7 as it is written. As has been pointed out in the brief, when reference was made to the Interpretation Act, I am sure the Interpretation Act is considered to be a remedial act. That is what we are looking for. If we succeed in getting the pension commission to interpret the act in the way that parliament intended, then I think perhaps our problems will be solved and there will be no need for an amendment to clause 70 or clause 13(2). These clauses have been amended from time to time but the problems with which we are faced have not been entirely eliminated. I think we must somehow get the pension commission to view this act in the same manner we view it, but I do not think this can be done as long as Section 55 is in existence, which says that the act is the sole responsibility of the commission. We cannot contradict the opinion of the commission in its interpretation. Our predecessors in their past judgment left this interpretation entirely with the commission.

I could go further and argue that perhaps the interpretation of this act was left to the commission as a temporary measure because of the number of cases with which it had to deal following world war II. However, some consideration should be given to the suggestion that the section be removed and the interpretation of the act be left to some higher authority. I am not too concerned as to how this problem is solved. I am not too concerned whether the provisions of Bill C-70 are accepted. However, I would like to see these two clauses made perfectly clear. I am sure that such a clarification would solve a great many of our problems.

The CHAIRMAN: Gentlemen, this room is reserved from 12 noon on so I think we will have to adjourn at this time and return at 3.30 p.m.

#### AFTERNOON SITTING

TUESDAY, November 26, 1963.

The CHAIRMAN: Gentlemen, we have a quorum. I would ask you to please take your places.

Are there any further questions to be directed in respect of this brief?

Mr. HERRIDGE: Mr. Chairman, in view of the nature of some of the questions which have been asked may I say that we are here to listen to the

briefs and to the evidence presented to the committee in response to questions put. It is then up to the committee to decide upon the recommendations it will make in its report.

The CHAIRMAN: You are referring to the recommendations which this committee will make in its report?

Mr. HERRIDGE: Yes.

The CHAIRMAN: We will follow that principle.

Mr. MACEWAN: Mr. Herridge, do you feel we are putting forth ideas which should be kept until we make our report?

Mr. HERRIDGE: No, not at all; what I had in mind was this: one or two of our members suggested the witness had not told us what to do or what was necessary to cure this particular situation. The Legion has presented its case and the witnesses have given evidence in respect of the need for remedies and have made proposals. It is now up to us to deal with this at a later time.

Mr. MACEWAN: Yes, but I think we should be entitled to ask the witnesses their feelings in certain respects.

Mr. HERRIDGE: Certainly. I am afraid you misunderstood me.

Mr. MACEWAN: Well, I do not know what I did.

The CHAIRMAN: Are there any further questions to be directed by members of the committee?

Mr. WEICHEL: Mr. Chairman, I was not here this morning; was there anything special brought up?

The CHAIRMAN: We could have the shorthand notes read over to you, if you like, Mr. Weichel.

Mr. HERRIDGE: It was all special, Mr. Chairman.

The CHAIRMAN: If there are no further questions I would suggest that at this time we proceed with some of these estimates in order that we may complete a few of them.

Mr. O'KEEFE: Mr. Chairman, as I am not a lawyer and this is all new to me I would be interested in knowing just when is a serviceman not on duty?

The CHAIRMAN: That is a legal question and we could get an interpretation of that later on in the proceedings. It is a controversial thing.

Mr. MCINTOSH: I think possibly the member would like a little bit of explanation in respect of how active service personnel are treated and the permanent army under peacetime conditions are treated. I believe he wishes to know what the difference is between the treatment of the two by the pension commission, if they become applicants for a pension. I think one of the pension commissioners or one of the officials could explain that.

The CHAIRMAN: Mr. Anderson, would you come forward?

Mr. T. D. ANDERSON (*Chairman, Canadian Pension Commission*): I am sorry, Mr. Chairman, but I did not hear the question. It is very difficult to hear at the back of this room. Would you please repeat the question?

Mr. O'KEEFE: I asked, Mr. Chairman, when a serviceman actually is not on duty.

Mr. ANDERSON: Well, first of all, I think perhaps I should say that section 13 (2) of the Pension Act makes no reference to the question of duty; it simply says that pension shall be paid if the condition arose out of or was directly connected with service.

I suppose a man could be on duty and be injured perhaps by his own hand and that would not necessarily constitute anything that was directly

connected with or arising out of service. Perhaps that is not a good example, but there are other examples. He could be on duty and not pensionable under that particular section of the act.

Mr. O'KEEFE: Then the fact he is not on duty really has no bearing on the award?

Mr. ANDERSON: I would not say that. However, the Pension Act does not say anything about being on duty; it says that disability or death must have arisen out of or been directly connected with service.

Mr. O'KEEFE: But in the brief it mentions that it was refused many times because the serviceman was not on duty.

Mr. ANDERSON: Yes. I think some claims are rejected because the question of whether or not he is on duty has a bearing on whether or not the condition arose out of the service.

Mr. GREENE: Is there any judicial interpretation in the Supreme Court of Canada or anywhere else of the words: "arising out of service", or is the board bound by any prior decisions?

Mr. ANDERSON: Under section 5(5) of the act the commission is the group charged with the responsibility of interpreting the said act and, therefore, under those circumstances a ruling as to interpretation from any outside body would not carry much weight, except with the commission itself. I personally never have sought any such ruling; however, in the past perhaps previous chairmen may have.

Mr. FANE: I would like to refer to the case of this airman "C" mentioned on page 16 of the brief. In this case nothing has been done. How is it that that man was not considered on duty when he was under direct orders from his commanding officer?

Mr. ANDERSON: Well, this is a matter of a decision by an appeal board and, of course, it is not my prerogative to question that decision.

The act provides that a decision by the appeal board is final and binding on everyone until and unless it can be established the decision of the appeal board was in error. Since that has not been established, I am in no position to question the decision.

Mr. FANE: What can be done to correct an apparent injustice like that without having the case referred to a higher court? If it cannot be re-appealed what can be done about it?

Mr. ANDERSON: The only course provided by legislation is the provision for leave to re-open his claim. The widow must do that in this case. That is the only recourse provided in the act.

Mr. FANE: Has anything been done in recent times in respect of allowing her to make this appeal?

Mr. ANDERSON: I have no first hand knowledge of anything recent except that I have been told that there is an application for leave to re-open pending. I have nothing official on it at the present time.

Mr. FANE: I have had cases I re-opened and they have been successful. It is my opinion, with the information that is provided to us in a case such as this, that it is unjust that this widow does not get recognition. It seems to me that every effort should be made by everyone involved to see that this is done in this case and, of course, in respect of other cases that are similar.

Mr. GREENE: Mr. Chairman, I would like to ask the Canadian Legion witness whether there is any contention on their part that the definition of the words "as a result of service" should be broadened within the legislation to enable the board to give this wider interpretation.

Mr. THOMPSON: Do I understand you are referring now to the peacetime service claims?

Mr. GREENE: I am referring to section 13 (2).

Mr. THOMPSON: It is a question of the interpretation of the wording of that section. At the present time that section says: "when the injury or disease or aggravation thereof resulting in disability or death in respect to which the application for pension is made arose out of or was directly connected with such military service." Many of these matters, in our opinion, come under the heading of "arose out of" rather than "directly connected with such military service".

Mr. GREENE: My question was this: could this question be solved or alleviated to some degree by an interpretation within the legislation itself of what that means?

Is it the Legion's contention that parliament should give a definition of what those words mean and should make it broader than the present interpretation.

Mr. THOMPSON: Well, Mr. Chairman, it is our contention in respect of the cases which are being adjudicated that the interpretation of this section should be applied as broadly as possible and not restricted to a specific question of duty from "A" to "B". It is our contention that the whole section should be looked at and the words "arose out of" be given their proper weight.

Mr. GREENE: Do you suggest this should be done by legislation or by a broader interpretation on the part of the board itself?

Mr. THOMPSON: Yes, Mr. Chairman, by broader interpretation by the pension commission.

Mr. MCINTOSH: Mr. Chairman, I have two questions. My first question arises out of the part in the brief dealing with the white paper. From evidence received from the chairman of the pension commission at a previous meeting it would appear to me, from what has been stated by the Royal Canadian Legion in this brief, that there is a difference of opinion in the way these white papers are handled. Could Mr. Thompson elaborate a bit more on that for the benefit of the committee. I will save my second question until later.

Mr. THOMPSON: In respect of the white slips, I am not just sure which portion you are referring to; I assume you are referring to the availability of these white slips to the advocates.

Mr. MCINTOSH: Yes.

Mr. THOMPSON: We have set forth here our understanding of the availability based on our own experience with these white slips which, incidentally, for many years we were refused access to; it was only after special representations that the commission did agree that they do, in fact, form a part of the material considered by the commission in arriving at a decision, and they made them available. But, they were made available only here at headoffice, and for many years there was a special restrictive procedure whereby we had to go to a special office and take a separate oath on the Bible each time that we would not disclose the contents of the white slips.

Also, we were allowed to examine them only under the eye of the chief medical adviser to the commission, and then they were returned. This procedure has been eased somewhat. I am not presently engaged in actively reviewing files but I understand they have omitted the necessity of swearing an oath on the Bible each time in respect of the confidential nature of the material and that they would not disclose it. However, it is our understanding that the situation has not altered, in that they are not sent out to the districts and they do not form a part of the file as such. They are kept on separate files and when

preparation is made for a claim these white slips do not form a part of the file; it is also our understanding they are not available at the district office level for study there by the pension advocate or any other person acting on behalf of the applicant.

Mr. McINTOSH: Did I misunderstand you. Mr. Anderson, I thought you said they were part of the applicant's file and were available to the pension advocate.

Mr. ANDERSON: No. What I said is set out and there is no conflict between what I said and what Mr. Thompson said. It is true that these white slips do not form a part of the file and, as I said, reading from the note at page 39 of the brief: "white slips do not go out. They are dealt with by the commission only. They do not go out either to the man or to the pension advocates." Nevertheless, the pension advocates at headquarters have access to them. However, what procedure they follow in getting the information out to the advocates in the field is something I am not familiar with.

Mr. McINTOSH: Mr. Pugh asked:

Is it made available to the applicant?

Your answer is:

Yes.

Mr. ANDERSON: I corrected that in a letter to Mr. Forgie which will appear later on. I understood him to say: was it available to the advocate?

Mr. McINTOSH: My second question concerns page 6. This statement is made by the Canadian Legion.

These boards, therefore, do not have the balance which we believe is necessary for proper adjudication of the legislation.

I wonder if Mr. Thompson would elaborate or explain that statement in a little bit more detailed way.

Mr. THOMPSON: Mr. Chairman, I was asked a somewhat similar type of question earlier today and I assume what you mean is why do we feel an appeal board is better balanced if there is one doctor, one lawyer and one layman?

Mr. McINTOSH: Have you any thoughts in respect of the composition of the board of commissioners as a whole? Do you think they are appointed in the right manner or not composed of the right personnel, or what? I was wondering what you mean by the words:

These boards, therefore, do not have the balance which we believe is necessary for proper adjudication of the legislation.

Mr. THOMPSON: Well, in this sense, we were referring to the balance between doctors, lawyers and laymen. As I said, we feel that a claim stands a better chance of a well rounded consideration if the appeal board consists of one of each of these rather than there being two doctors, two lawyers, two laymen, and one of the others. This is a feeling that I think most people who have been active in pension work would agree with. The commission over the years has itself agreed with this policy by endeavouring to maintain this balance, but in recent years it has been out of balance.

Mr. BIGG: Mr. Chairman, I would like to direct a question to Mr. Anderson. Are there any words in the act as it now stands which are obscure to the members of the commission? Are there words which we, as members of parliament, can clear up for you? We are always arguing about the Interpretation Act as if there is something big and sinister about it. Have you no four letter words which would carry out the will of parliament? What are the words we are tripping over which cause the board to meet up with these problems?

Mr. ANDERSON: Mr. Chairman, I have never said that we have difficulty interpreting it; nevertheless, I am willing to admit it is a difficult piece of

legislation to interpret. Any legislation which is designed for the purpose for which the Pension Act is designed, to specifically grant the organization administering it a tremendous amount of discretionary authority, is bound to be a controversial piece of legislation. For instance, it is not impossible that you could, if you made a real study of the act, say that almost anyone who comes before us, even if he is not a veteran, if we wanted to stretch the act to the limit, could be granted a pension. Section 25, for example, does not mention veterans; it says that a pension can be granted so long as it is not in excess of that which would have been available had the man been able to establish his entire claim. In the minds of some people this does limit it. This is bound to be a controversial act. I do not expect that we will all read it in the same way or that everyone will agree with the decisions given.

Mr. BIGG: But, are there any words at all which you continually run up against, such as "directly connected with his service"? If the words "directly connected with his service" were taken out would it help or not?

Mr. ANDERSON: I am not sure that it would.

Mr. BIGG: Do you feel that it must be attributed to some violent act or some calamity connected with an explosion, let us say.

Mr. ANDERSON: I venture to say there are sections of the act which could be amended to make them clearer to everyone, myself included.

Now, there is always the danger when you spell things out specifically in the act that you may limit the authority of the commission and the right for them to make grants in certain cases. This is what we have tried to avoid in years gone by. Parliament has gone out of the way to avoid anything which would tie the commission's hands so they would not be able to grant entitlement to people whom the commission feel should get it. I am sure you realize this is a difficult matter; it is not easy.

While the wording of some sections could be amended to make it much more readily interpretable to us and easier to deal with, I question that you would do anything to benefit the applicants if you introduced these amendments, and this is what you are faced with.

Mr. HERRIDGE: You have had a long experience; do you feel that too detailed information could result in restriction?

Mr. ANDERSON: Yes, and that is the reason we have carefully avoided setting up any hard and fast regulations. If we did this we would restrict ourselves with the result that the applicants would suffer.

Mr. McINTOSH: Further to Mr. Bigg's question, what would you say in regard to section 70, where the whole clause, in your opinion or in the commission's opinion, is different from the opinion held by most of us on this committee; you say that the benefit of the doubt must be in the minds of the commissioners; whereas the organization before us today and other organizations agree that the doubt is in the minds of a reasonable man on the street. I would say that whole clause is under debate at the present time.

Mr. ANDERSON: Well, attempts have been made to clarify it. Mr. Herridge is well aware of the efforts made in this regard when he was a member of a subcommittee which did look into that matter.

Mr. McINTOSH: With all due respect to that subcommittee, it could not have been too thorough an examination if it is not resolved today.

Mr. HERRIDGE: Mr. McIntosh is not in the habit of paying respect to the aged.

Mr. BIGG: If I remember the question properly, someone mentioned the word "duty", and asked who introduced that into the act when the word "service" was so broad that it meant perhaps a person who was not a soldier and who happened to be riding in a vehicle as a Canadian citizen, and yet the government thought we should not stretch the act to that extent. If he was hurt

in the service of his country and made a contribution I think there should be something done about it. If people are narrowing the interpretation to mean something other than in the general service of his country and that the Pension Act is intended for any person with a claim under section 70, then it appears to me it should be always interpreted in favour of any Canadian citizen, even if not a soldier. We all agree this is certainly our attitude and anyone interpreting the act otherwise is being perverse. If we can spell it out, let us do so. I would be anxious to learn of any words of one syllable which we could use which no one can argue with.

Mr. ANDERSON: As I say, this is a complex problem; if I understand what Mr. Bigg is suggesting it is that the act be drafted in a more specific way to state more specifically who is entitled to a pension and who is not. Is that your point?

Mr. BIGG: No, but if we are going to allow the commission leeway, and in some cases they take it, why not spell it out and then they would not have to be embarrassed about interpreting the act that way.

At the present time they are the last court of appeal, and we want to give them the widest powers within their discretion. If they do not use them, then the question of replacement may come up. I can see the value in not having appeals on appeals on appeals, particularly when they stretch the limit of credibility, that this man is entitled to what he thinks he is entitled to. If it is our wish to put it in plain enough language, then let us do so, if that is the will of parliament. I am only speaking for myself in this connection. I say, give the pension to any man who is on service, and where, in the plain words of section 70, you can say that it is in the service of his country, then the benefit of the doubt has to be in his favour.

The only thing which would have to be considered was whether he got the disability in the service of his country, and the board would then have to resolve that. I do not think you need any precedents. In this way, every case could be adjudged in the broadest possible way.

Mr. ANDERSON: I agree it should be that way.

Mr. GROOS: In support of this idea of yours, do you say it should be stretched to cover such a case as the doctor who was called out by the R.C.M.P.?

Mr. BIGG: Yes. I have a case in mind as well. There was a helicopter accident at Cold Lake. In this accident five civilians were burned to death in the flaming wreckage. There is nothing in the act to cover these people. But surely, when they are going out to put out fires or conduct rescues and the aircraft crashes it would have to be considered that they were on active duty to all intents and purposes. Surely the wives or relatives of such people are as entitled to some form of compensation as the others. The fact they were not signed up on the dotted line should have nothing to do with it. Mr. Kennedy was shot one or two days ago. He died in the service of his country, and it would be preposterous to say that his wife could not get a widow's pension, if she wanted one, merely because of the fact he did not sign on in the navy, air force or army. As I say, these five civilians were going out in an aircraft to put out fires or to do rescue work and yet only by special act can we give them some sort of assistance.

Mr. GROOS: Mr. Chairman, I think we are getting away from our subject. We are trying to resolve another problem now. But, if we could resolve them together they might complement one another and then we would get the right answer.

We heard in the house the other day the case of a doctor in British Columbia who had been called by the R.C.M.P. to go out on an emergency trip with them to help rescue someone. He did this. He did not just help him; he gave the man medical care, and on his way back he slipped down a crevice

and broke his own back. The doctor is now completely incapacitated, and yet there is no means by which the country at the present time can provide this man with any pension. This is the sort of thing which Mr. Bigg has suggested and, to my mind, it opens up a way by which we could handle these cases.

Mr. BIGG: It is not my intention that everyone should be included under this act, but if the man is on service, temporary or otherwise, perhaps the board could consider him as an active soldier at that particular moment.

The CHAIRMAN: I think we had better confine ourselves to the act.

Mr. WEBB: Mr. Anderson, has the pension commission ever requested that you bring in suggestions and possible amendments to the act, at which time they could be studied by the committee? If this were done I am sure it would be more beneficial to this committee. We seem to be going over the same questions with each group that appear before us. I think if the commission, who are familiar with all these trouble spots in the present legislation, would bring in recommendations and amendments it would be very helpful to the committee.

Mr. ANDERSON: As you know, amendments have in the past been referred to this committee for study prior to going to the house for adoption.

The CHAIRMAN: The Pension Act is not before the committee.

Mr. WEBB: It would have the effect of eliminating a good number of these trouble spots.

The CHAIRMAN: I appreciate that.

Mr. HERRIDGE: Mr. Thompson, in connection with a statement at page 42, where you deal with the veterans' bureau in respect of duties, you indicate that the veterans' bureau has two duties, one to the applicant and the other to the pension commission. Then, you go on to say:

We feel that in the interest of the applicant the veterans' bureau should be expected to act only on his behalf.

I am rather interested in that because in presenting the case would not the veterans' advocate reveal or present the case on his evidence? What was your reason for making that observation?

Mr. THOMPSON: Well, Mr. Chairman, our concern on this point was the statement made in evidence in connection with the responsibility of the pension's advocate to the veteran, and this has come up from time to time in parliamentary committees. In part of the evidence the impression is created that the pensions advocate is completely independent and that the man in effect has a lawyer fighting his case. This is the usual impression. We have interest not only in the pension claims, but in the welfare of veterans generally across the country.

This has come up before in different forms; it came up again this time in the evidence given by Mr. Anderson in respect of the veterans bureau. We feel this picture is not quite as clear as one would be led to believe from the evidence of Mr. Anderson, in that the chief pensions advocate did in a previous committee in 1958 make the statement that at these hearings the commission is not represented by counsel, so the bureau recognizes a duty to the commission to make available all relevant evidence in its possession. We feel this puts the veterans' bureau in an unfair position, because if their obligation is to look after the interests of the veteran, they should not be saddled with such an obligation out of courtesy to the commission at the time of the appeal board.

Mr. HERRIDGE: I quite agree with you in that contention.

Mr. THOMPSON: This is in our submission. It has nothing directly to do with the cases on which we are making representations, but it has to do with the evidence of many veterans claims in their cases before the commission.

Mr. GREENE: Do you feel it would be a better method of approach if we use the proponent method; that is, that the pension commission have a counsel and the pensions advocate would be counsel for the applicant and it would be presented in a forceful manner with examination and cross-examination and then leave the board completely impartial? Do you think this would be a better approach than the present one where everyone sort of works together in a fashion to try to come to a conclusion without any definite proponent and opponent?

Mr. THOMPSON: In answer to that question, we cannot find in the act the responsibility of the veterans' bureau to do other than represent the veteran applicant. So, we are not suggesting there is a need for any change; but it does seem from this evidence that this responsibility is there. If this is there, we believe it can hamper the presentation of the claim. We are not suggesting a change in the existing procedure under the act. This other side of it already has been explored. We just raised the point because it did seem that both sides of this had not been brought out and the impression was created that the advocate was free to act fully on behalf of the applicant without consideration of this courtesy. We suggest his responsibility is to the applicant and not in any way to the commission.

Mr. WEBB: A great deal of the information in all the briefs we have received, certainly pertains to the interpretation of the Pension Act. I did not receive an answer. I wondered if you would be willing to put before the committee suggested amendments to clear up these matters. I think it would be most helpful to the committee. With that I think we could certainly expedite matters.

The CHAIRMAN: In other words, you are asking Mr. Anderson to read all the evidence which has come before us and supplant us. It is our function to study the briefs and then make proposals.

Mr. WEBB: I realize that; but, on the other hand, Mr. Anderson is close to and dealing with these problems 365 days of the year. Surely the officials have at their fingertips the problems we are facing today which are brought to their attention year in and year out. I was endeavouring to bring this about in order to expedite the work of the committee.

The CHAIRMAN: This committee is ready to accept any proposals or suggestions Mr. Anderson cares to bring forward; they will come forward as part of the evidence. We will then make our recommendations to the government in respect of what we think should be done in the matter. We have no objection to reviewing any evidence anybody produces before this committee, and have no objection to giving effect to it if we consider it desirable.

Mr. MCINTOSH: I have a question arising out of page 31 of the brief where the Legion makes this statement:

In refusing to grant a widow's pension to Mrs. K. whose husband had died of a brain tumour, the commission refused to accept opinions of three consultant neurologists.

I wonder if it was the intention of the Canadian Legion to modify that word "refuse", or have they any evidence that this did take place? I would also like to ask Mr. Anderson, in respect of specialists' evidence put before the commission, particularly medical evidence, if it is the medical adviser attached to the department who advises the commission or who disagrees with the specialists' findings in any one application, and whether the commission is bound by the medical adviser's information on the white slip, you might say, to the commission?

Mr. ANDERSON: The commission is bound by nobody's evidence. It has to weigh all the evidence from all sources; it then makes an independent decision

based upon the sum and total of all that evidence. It is not bound by the medical advisers evidence although they are employed to advise us. Quite frequently we do not act according to their advice.

Mr. McINTOSH: In other words, the evidence of the specialists is before the commission at all times.

Mr. ANDERSON: Oh, yes.

Mr. GREENE: Mr. Chairman, I would like to pursue Mr. Webb's point for a minute. I think it is well taken, although I do not take quite the same approach he does. I think what matters most with the commission is the generic ill of all administrative tribunals. With any sort of judicial body, all decisions are recorded, and if something is wrong, legislatures can then change what is wrong, judging it on all the decisions. As the commission is an administrative tribunal, all its decisions are not covered. There may be a good reason for this.

As Mr. Anderson points out it may give more breadth and flexibility. The only decisions we ever hear of on which to base possible legislative changes are the ones brought to us specifically by organizations like the Royal Canadian Legion. We do not see the many hundreds which may have been perfectly well decided. I think Mr. Webb's point is if the decisions are not reported, the only persons who see everything going on before the commission every day are the members of the commission themselves. If there is a danger—and undoubtedly there is—in reporting all decisions, which I think would solve our legislative problem, is there some means which Mr. Anderson could suggest whereby the legislators could be kept abreast from year to year at least of the need for new legislation. Unless the commission tells us about them, there is no way for legislators to determine what is needed except from the representations of organizations such as the Royal Canadian Legion who, obviously, only present to the attention of the committee those cases with which they disagree in large measure. Is there any way in which the legislators could be brought abreast of at least what the commission is thinking about these things, without impairing the efficiency of the commission?

Mr. ANDERSON: I think, at least to some extent, that is the purpose of this committee. I do not know whether it manages to accomplish entirely what it hopes to accomplish; but certainly I do my best to answer any questions which are asked with regard to this complex subject. The veterans' groups certainly make it plain where they consider there are flaws in the legislation, or in the administration, and I rather feel this is perhaps the most effective way with which to deal with this type of problem.

Mr. HERRIDGE: I agree with that. It is our duty to listen to both sides of this and to make recommendations.

Mr. McINTOSH: Did you say that on a former occasion you did from time to time make reports to the minister in the nature of confidential reports?

Mr. ANDERSON: When I am asked to, yes.

Mr. BIGG: I have had a little legal training; there may be others here who have not. In respect of this question of appeal, although the act gives no right to appeal beyond the commission, in a democracy this cannot be a closed door, because the cabinet certainly can act any time it feels the commission has been perverse, and we as representatives of the people can act also in extreme cases. I know there are cases known to this committee where appeals have been made and justice has been done. I think there is a danger in opening up a wide field of appeal unless something is to be gained. I believe the back door never is closed, and where there is an open case of injustice the advocate of the veteran knows about it and we are always available. Although we do not want to be considered as a court of appeal, there is in fact justice to be done in the end.

Mr. ANDERSON: Yes.

Mr. BIGG: Although the act does not give us the right of appeal, there is this if all the steps are taken.

Mr. ANDERSON: Parliament is supreme.

Mr. PENNELL: Are we concerned with these appeals mostly on points of law or on points of fact?

Mr. ANDERSON: I would not be prepared to say whether one or the other predominates. I think it is a combination of both in practically all cases.

Mr. HERRIDGE: Did not the evidence given by the Royal Canadian Legion indicate that the decisions are decisions based on interpretation of the act?

Mr. ANDERSON: Largely, yes. I think that is a fair statement.

Mr. MCINTOSH: On that basis then, it is a basis of law; would you not say that interpretation is law, Mr. Anderson?

Mr. ANDERSON: To a very large extent that is true. It is based on the interpretations of the legislation.

Mr. MCINTOSH: That was the very reason for the submission of Bill C-7.

Mr. BIGG: Certainly I think there is room for Bill C-7, or something like it. In other words, where the veteran's advocates and the veterans think they have not had justice in the last appeal to the commission, they should be able to submit some kind of a stated case to some judicial body for an explanation of the interpretation.

The CHAIRMAN: Gentlemen, if there are no further questions, in the Minutes of Proceedings and Evidence on November 14 Mr. McIntosh requested certain figures in respect of pension assessments and payments. A list of these figures is attached to a letter addressed to me. Probably you would like to have this included in the Minutes of Proceedings and Evidence as an appendix. Is that agreed?

Agreed.

The CHAIRMAN: Gentlemen, the next meeting will be in room 371 west block at 10 a.m. on Thursday when we will hear the brief of the War Amputations of Canada. I would suggest that you bring along your estimates book so if the meeting is short we may continue on with the estimates on that day.

Mr. HERRIDGE: Before we conclude, I am sure all members agree we owe the Royal Canadian Legion representatives a sincere vote of thanks for presenting their brief.

The CHAIRMAN: You have just taken the words out of my mouth. However, I agree with you. If there is no other business, the meeting stands adjourned.

## APPENDIX

Ottawa 4, Ontario,  
November 26th, 1963.

Mr. J. M. Forgie, M.P.,  
Chairman,  
Standing Committee on Veterans Affairs,  
House of Commons,  
Ottawa.

Dear Mr. Forgie,

In the Minutes of Proceedings and Evidence, No. 6, dated November 14th, 1963, pages 137 and 138, Mr. McIntosh re-requested certain figures reference pension assessments and payment.

A list of these figures is attached, which you may wish to have included in the Minutes as an appendix.

Yours sincerely,

T. D. Anderson,  
*Chairman.*

NEW AWARDS, AND CANCELLATIONS DUE TO DEATH  
Veterans of World War II and their dependants

	New Awards		Cancellations Due to Death	
	Disability	Dependent	Disability	Dependent
1.4.61 to 31.3.62	1,871	668	1,357	321
1.4.62 to 31.3.63	1,816	590	1,494	304
1.4.63 to 30.9.63	799	290	686	171

NEW AWARDS—1.4.62 to 31.3.63  
(World Wars I and II, Special & Regular Forces)

	Number of New Awards	Increase In Liability
Disability	2,342	\$ 907,623
Dependent	1,199	2,072,682

INCREASES AND DECREASES IN DISABILITY PENSIONS

	1.4.62 to 31.3.63	
	Number	Liability
Increases	4,647	\$1,886,886
Decreases	1,050	405,926

HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# VETERANS AFFAIRS

*Chairman:* J. M. FORGIE, ESQ.

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 10

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THURSDAY, NOVEMBER 28, 1963

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ESTIMATES (1963-64) OF THE DEPARTMENT OF  
VETERANS AFFAIRS

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WITNESSES:

*From the War Amputations of Canada:* Messrs. Alan L. Bell, Honorary Secretary; Keith E. Butler, and H. C. Chadderton. *From the Department of Veterans Affairs:* Mr. T. D. Anderson, Chairman, Canadian Pension Commission; Mr. P. E. Reynolds, Chief Pensions Advocate; Mr. E. J. Rider, Director, Veterans Welfare Services; and Mr. G. L. Mann, Chief, Special Services, Veterans Welfare Services Branch.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON VETERANS AFFAIRS

*Chairman:* J. M. Forgie, Esq.

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Pugh,

Rideout,

Rock,

Temple,

Thomas,

Webb,

Weichel.

M. Slack,

*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

THURSDAY, November 28, 1963.

(14)

The Standing Committee on Veterans Affairs met at 10:20 o'clock a.m., this day. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Bigg, Clancy, Fane, Forgie, Groos, Habel, Herridge, Kennedy, Lambert, MacEwan, Matheson, MacRae, McIntosh, O'Keefe, Otto, Peters, Prittie, Rideout, Rock, Weichel.—(20).

*In attendance:* Mr. C. W. Carter, Parliamentary Secretary to the Minister of Veterans Affairs; *From The War Amputations of Canada (Members of Dominion Council):* Mr. Alan L. Bell, Honorary Secretary, Toronto; Mr. Keith E. Butler, Kitchener; Judge K. L. Crowell, Bridgetown, Nova Scotia; Mr. H. C. Chadderton, Ottawa; *From the Department of Veterans Affairs:* Mr. T. D. Anderson, Chairman, Canadian Pension Commission; Mr. F. T. Mace, Assistant Deputy Minister; Mr. W. T. Cromb, Chairman, War Veterans Allowance Board; Mr. C. F. Black, Secretary of the Department.

The Chairman welcomed the delegation from The War Amputations of Canada and called on Mr. Bell, who, after introducing his delegation, read Sections 1 and 2 of their brief dealing with the subject matter of Bill C-13 and Bill C-7 respectively.

Mr. Chadderton then read Section 3 of the brief, "Symes Amputation-Pension Assessment" and was questioned thereon.

Mr. Anderson, Chairman of the Canadian Pension Commission, was also questioned on Section 3.

Mr. Butler read Section 4 of the brief—"Multiple Disabilities".

Mr. Anderson was questioned on Section 4.

The questioning of the witnesses continuing, at 11:55 o'clock a.m., the Committee adjourned until 3:30 o'clock this afternoon.

### AFTERNOON SITTING

(15)

The Committee reconvened at 3:40 o'clock p.m. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Bigg, Cameron (*High Park*), Clancy, Fane, Forgie, Groos, Habel, Herridge, Laprise, MacEwan, MacRae, McIntosh, O'Keefe, Peters, Webb.—(16).

*In attendance:* Same as at morning sitting with the addition of Mr. P. E. Reynolds, Chief Pensions Advocate, Mr. E. J. Rider, Director, Veterans Welfare Services, and Mr. G. L. Mann, Chief, Special Services, Veterans Welfare Services Branch.

The Committee resumed consideration of the brief submitted by The War Amputations of Canada.

Mr. Bell read Section 5 of the brief, "Increase in Basic Rate of Pension", and Messrs. Chadderton and Butler were questioned thereon.

The questioning of the witnesses being concluded, the Chairman thanked the delegation for their brief and they were retired.

The Chairman called Mr. Reynolds, Chief Pensions Advocate, who made a statement explaining the role played by the Veterans Bureau in assisting pension applicants.

Mr. Anderson advised the Committee on rates paid for symes operations by various Workmen's Compensation Boards and was questioned thereon.

By agreement Mr. McIntosh read into the record extracts of an address by Lord Denning relating to pension appeal tribunals. (*See Evidence*).

The Committee then proceeded to the consideration of Estimates and introduced Messrs. Rider and Mann.

The Chairman called Item 10—Veterans Welfare Services, and Mr. Rider was questioned thereon.

Item 10 was adopted.

Items 50, 115, and Supplementary Items 117a, 118a and 119a were severally called and adopted.

At 5:00 o'clock p.m., the Committee adjourned until 10:00 o'clock a.m. on Tuesday, December 3rd.

M. Slack,  
*Clerk of the Committee.*

## EVIDENCE

THURSDAY, November 28, 1963.

The CHAIRMAN: Gentlemen, we have with us this morning members of the dominion council of the war amputations of Canada. I would like Mr. Bell to introduce the members of his executive.

Mr. Alan L. BELL (*Honorary Secretary, The War Amputations of Canada, Toronto*): Mr. Chairman, and gentlemen, I would like to introduce my colleagues from the war amputations of Canada. Beginning on my right there is Mr. Keith E. Butler, who is from Kitchener, Ontario, Judge K. L. Crowell, from Bridgetown, Nova Scotia and Mr. H. C. Chadderton, of Ottawa.

The CHAIRMAN: Mr. Bell will read the brief that he has brought along to present to this committee. I now call on Mr. Bell.

Mr. BELL: Thank you, Mr. Chairman, our first words are those of regret over the fact that while we ordered our brief to be prepared in both official languages, the French version is not available to you this morning. It is being printed now and will be furnished to the members of the committee within the next few days.

If it meets with your approval, we would like to break up the brief so that each of us might take a section or two.

The war amputations of Canada represents approximately 2600 veterans of the armed forces of the commonwealth and its allies who have lost a limb, limbs or total eyesight as a direct result of war service.

The association maintains a national headquarters in Toronto, Ontario with 19 branches in major cities across Canada.

The main operations of the war amputations of Canada include:

### *Welfare*

- (1) The provision of services to promote well-being of the members and their dependents.

### *Prosthetics*

- (2) The constant study of, and research into, the problems in the prosthetics services field.

### *Key Tag*

- (3) The establishment and maintenance of a key tag service, to provide automobile owners with identification tags, and to furnish luggage identification tags.

### *Civilian Liaison*

- (4) A programme to extend advice and assistance to civilian amputees.

This brief is submitted to the standing committee on veterans affairs. The brief submits the views of this association on the following subjects:

- Section I — Comments on Remembrance day
- Section II — Comments on Pension Act amendment regarding appeal procedure
- Section III — Increase in assessment for Symes amputee
- Section IV — Removal of pension ceiling for multiple disability
- Section V — Increase in basic rate of pension

This association wishes to inform the standing committee that resolutions on other matters affecting the members of the war amputations of Canada have been forwarded to the national council of veterans associations in Canada, of which the war amputations of Canada is a member. The national council shall be presenting a brief at a later date which will incorporate our views of these matters.

We also desire to inform this committee that there are a number of new resolutions which were approved at our 1963 dominion convention held in Saint John, New Brunswick in September. Our dominion council has not had sufficient time to obtain information and supporting data on these resolutions. It is hoped that this association may have an opportunity of making a further representation to this committee at an early date, at which time we would be able to submit these further recommendations for your consideration.

### Section I

#### Comments—Bill (C)—13

##### An Act to Amend the Civil Service Act (Remembrance Day)

The war amputations of Canada desires to support this bill which would make it mandatory for crown corporations and all government agencies to recognize Remembrance day as a statutory holiday, in the same manner as is now done by government departments whose employees come within the jurisdiction of the Civil Service Act.

This association hopes that, through such widening in scope of the present government regulations respecting observance of Remembrance day, private employers throughout Canada will be encouraged to give similar recognition to this day in which Canada honours its war dead.

### Section II

#### Comments—Bill (C)—7

##### An Act to amend the Pension Act (Judicial Appeal)

The war amputations of Canada considers that the provision of judicial appeal in regard to applications under the Canadian Pension Act is essential in order to ensure effective adjudication of applications for pension.

In supporting this bill, this association desires to emphasize that the Canadian pension commission, as constituted, is an administrative body charged with the responsibility of interpreting the Canadian Pension Act. Appeals with respect to decisions of the commission are at present, the sole responsibility of appeal boards comprised of members of the pension commission. Accordingly, such appeal boards are, in effect, reviewing earlier decisions made by the same or other commissioners.

This association considers that this procedure does not constitute a proper method of review, and is not consistent with principles of law or justice.

It is understood that the intent of Bill (C)—7 would be to permit a review of pension applications by the appropriate courts of law. The promulgation of this bill would institute provision under which the decisions of the commission would not be final, and would, in fact, be subject to review by courts which are in no manner or means connected with the pension commission.

This would permit a review of pension commission decisions by an independent body capable of rendering an impartial decision based on

an interpretation of the act, and would provide an applicant for pension under the Pension Act with the possibility of a final review by the same appeal courts which are charged with the responsibility to decide other matters of law, affecting Canadians.

This association hopes that the Canadian pension commission will support this bill, and suggests that the commission should recognize the right of an applicant to have the final decision reviewed by a competent court, where the pension commission or an appeal board of the commission has ruled against his or her entitlement. This association believes that the commission could have no legitimate objection to the institution of an appeal procedure through the Canadian courts, bearing in mind that such appeal procedure would serve to uphold the commission decisions if they are correct.

This association takes cognizance of the statements made by the chairman of the Canadian pension commission to the standing committee on veterans affairs, to the effect that "veterans organizations" are generally opposed to the intent of Bill C-7. The chairman of the commission did not consult with the war amputations of Canada in this matter and we trust that his statement was not interpreted by the committee as meaning that we are opposed to this amendment to the legislation.

Mr. Chairman, and gentlemen, we were invited to make comments on these two portions, and we have done so to the best of our ability. This ends my part of the presentation, and we are now open to any questions on these matters before proceeding to the next section.

The CHAIRMAN: Are there any comments on sections one and two?

Mr. WEICHEL: I think we have discussed Remembrance day with other committees.

The CHAIRMAN: Yes.

Mr. WEICHEL: Perhaps we might pass on.

Mr. BELL: Now perhaps I might be permitted to turn section III over to comrade Chadderton. That is the section having to do with Symes amputation.

Mr. H. C. CHADDERTON (*Ottawa, Ontario*): I would like to make a few brief introductory remarks to this section. First of all the problem of the assessment of Symes amputation is a longstanding one with our organization. For years we have been asking for changes with respect to pension assessment, and it has never been carefully enough considered. We consider what we are asking for is fair and reasonable. Therefore we have gone into considerable detail in this next section of the brief. I have had some personal experience with Symes amputation. I happen to have a Symes myself. I think it is very necessary to spell out for you that we are speaking of Symes assessed at 40 per cent. My personal pension is quite higher than that because of some other wounds. I would like to place that on record before I start.

### Section III

#### Symes Amputation—Pension Assessment

This association considers that it is necessary to request the standing committee on veterans affairs to review the assessment of 40 per cent for the Symes amputation, as set out in the table of disabilities by the pension commission.

We are aware that the responsibility to fix such assessment under the table of disabilities is that of the pension commission, and that the authority of parliament is not required in order to revise such assessment.

We have attempted on numerous occasions to discuss this matter with the commission, without success. In the latest such attempt, our dominion council informed the Minister of Veterans Affairs, under date of November 13, 1962, that we would be prepared to meet with the pension commission to review this situation. This offer was not accepted.

Our submissions have not been recognized by the pension commission. Thus our only alternative is to request that the standing committee investigate this matter, which is of such grave importance to Symes amputees and their families.

Historical Background

Prior to 1 November 1924 the assessment for *all* forms of amputation below-the-knee was fixed at 40 per cent. At that date the assessment for a below-knee amputation was increased to 50 per cent but the assessment for the Symes amputation remained at 40 per cent. No change has been made in the assessment for Symes amputation since then. It has been, and still is, the firm conviction of this association that the assessment for the Symes amputation should be the same as that for the loss of leg below-the-knee, i.e. 50 per cent.

Comparison with Arm Amputees

The table of disabilities provides the following assessments:

Symes .....	40%
Loss of part of hand (thumb, index, middle and ring fingers) .....	50%
Loss of one hand .....	60%

These hand assessments, although none too generous, are satisfactory. It is our contention, however, that the assessment for the loss of one foot, represented by the Symes amputation at the ankle, is at least as disabling as the loss of part of a hand.

An illustration, showing the comparison between the assessment for Symes, loss of hand, or part of hand, will be found at appendix "A" to this section.

Comparison with Below-Knee Amputees

The Symes amputation is done at the ankle joint, whereas the site of the below-knee amputation is usually four to five inches below the knee joint. Generally speaking, the Symes amputee is left with nine to ten inches of leg which serves little or no useful purpose and, in fact, may create some extra disability through poor circulation and other problems which will be detailed later in this submission. The relative assessments are as follows:

Symes .....	40%
Below-Knee .....	50%

It Must Be Noted That The Difference Is Merely 10% In Pension

But:

- (a) The Symes amputee at 40% does not receive automatic increase when he reaches 55; and
  - (b) His pension is not continued for dependents in the event of his death.
- Inability to Qualify for Increase with Age

Our analysis of Symes amputee cases over the years has convinced us that the many problems which face the younger amputee become far more disabling when he reaches the upper age bracket. The inability of the Symes amputee, assessed at 40%, to qualify for automatic increase

with age seems to indicate a very serious area of discrimination between the Symes amputee at 40% and the below-knee amputee at 50%. Under present conditions the Symes amputee must remain at 40% throughout his life-time, whereas the below-knee amputee is increased automatically from 50% to 80% between the ages of 55 and 65.

It is true, of course, that the Symes amputee could qualify for a higher pension if he were to develop some definable medical problem over-and-above his amputation, but the discrimination arises from the fact that all other amputees whose disability arose from enemy action receive increases on an automatic basis without having to show evidence of an associated medical problem.

#### Situation of the Widow on Death of Symes Amputee

The classification of the Symes amputee at 40% results in another very serious area of discrimination in that, on the death of the pensioner, the provisions of the Pension Act, section 36(3) do not apply. The effect is that no pension is continued for the widow of a Symes pensioner at 40%, whereas widows of pensioners assessed at 50% continue to receive pension.

#### Special Problems of the Symes Amputee

It has been claimed by the pension commission that Symes amputees have some advantage in mobility over the normal below-knee amputee. This argument appeared to be nullified by the under-mentioned factors, which are peculiar to the Symes wearer:

- (a) A high level of discomfort.
- (b) The unsightly appearance of the prosthesis.
- (c) Circulation problems (extremely susceptible to cold in winter).
- (d) Nerve storms created by the constant friction of the stump within the enclosed socket.

#### Survey Results—60 Symes Amputees

Dominion council has conducted three surveys among 60 members of this association who wear the Symes prosthesis. The results indicate, beyond doubt, that the Symes amputation should be assessed higher than the present 40%. Our members compared their disability to other conditions in the same pension classification (e.g. diabetes and asthma) and considered that the physical incapacitation for a Symes wearer is much more severe. Extracts from this survey are given below:

- (a) The average Symes wearer can walk in a normal fashion for a distance of only one-quarter to one-half mile.
- (b) The weight of the leg when lifted from the ground in walking is extremely tiring. This is due to the fact that the weight is supported by the upper half of the "ball" at the stump end.
- (c) Most cases indicated an ache in the knee joint or the hip at the end of a day's activities.
- (d) Most cases indicated they had to remove the prosthesis in order to rest or sit comfortably to avoid twisting of the leg and friction within the socket.
- (e) Most cases reported a sensation of physical and/or nervous shock when the artificial leg is lifted off the ground in order to carry the foot to the forward position in walking.
- (f) Most cases reported "phantom limb" pains, plus a serious effect on the stomach and nervous system, and pain in the lower back.

- (g) All cases reported that it was impossible for them to remain outside for more than a few minutes in freezing temperature, due to the discomfort—and, in fact, the danger associated with frost-bite of the stump.
- (h) All cases reported extreme hazard in traffic, due to lack of mobility and difficulty in walking in icy or other slippery conditions.

The replies in connection with a request to explain the problems of living a day-to-day existence with a Symes amputation were most revealing. The discomfort commences in the morning, when the prosthesis is put on, inasmuch as all Symes stumps tend to swell overnight. The Symes wearer then finds that he is extremely hindered in many of the everyday tasks, such as moving about the house, taking showers, etc. He has little opportunity to participate in sports and must, of necessity, secure sedentary work. By late afternoon the nerves in his stump will have reached an aggravated state. In most cases he will have to take off the prosthesis immediately upon reaching home at the end of the day's work, in order to secure some relaxation and rest before he can have dinner or enjoy activities with his family.

In mid-1960 the Department of Veterans Affairs commenced a study of the effect on the user of a Symes prosthesis as opposed to a prosthesis for a Below-Knee amputation. It is understood that this survey was carried out in Toronto and London. The following results were obtained:

Problem	Symes Cases	Below-Knee Cases
Stump pain .....	52%	38%
Phantom limb .....	52%	56%
Phantom pain .....	4%	18%
Back ache .....	32%	38%
Scar tenderness .....	8%	8%
Employed full time .....	60%	70%

NOTE: In the opinion of this association, the results of the survey taken by the Department of Veterans Affairs would appear to indicate that the Symes cases suffer approximately the same disabling effects as the below-knee cases. These figures may give some indication that the Symes is slightly less disabling. However, this difference would not be 10% in extent, and would certainly not be sufficient to warrant depriving the widow of a Symes case of her rightful pension, or depriving the Symes wearer of the benefits of the automatic pension increase at age 55.

The association would wish to point out, also, that the D.V.A. survey was conducted solely in Ontario. Many of the disadvantages experienced by the Symes wearer are worsened by conditions of climate found in provinces where the winters are more severe. Particular reference is made to circulation problems.

#### *Type of Prosthesis*

The pension commission has pointed out that the Symes is able to benefit from a new type of plastic prosthesis. This association argued, in its brief presented to this committee in March of 1962, that the provision of the new plastic Symes prosthesis should not be used as a basis for withholding an increase in the assessment for the Symes, compared with the below-knee amputation.

The situation which has developed since proves our point beyond question, in that both the Symes and the below-knee amputee are being fitted with a new patellar tendon-bearing prosthesis. In effect, the Symes and below-knee cases are wearing the same prosthesis. The disadvantage now occurs for the Symes wearer, in that the unsightliness of the Symes prosthesis is considerably enhanced by the large socket which must be constructed to surround the ball of the stump at the ankle joint. An illustration, showing the comparison between below-knee and a Symes prosthesis, will be found at appendix "B" to this section.

#### Comments of the Canadian Pension Commission.

In a letter dated 11 May 62 the chairman of the Canadian pension commission informed this association as follows:

It is, and always has been, the consensus of medical opinion that the Symes amputation, if successful, is much less disabling than a below-knee amputation.

If, of course, the Symes is not successful, then a below-knee amputation is performed. In the light of the available information, the commission felt that the present 40% assessment is fully adequate.

Our association would wish to present the following information, in reply to the views of the Commission:

- (a) Consensus of medical views—The medical opinion to which the chairman of the pension commission refers is presumably that of the medical advisers of the commission. This association has studied the opinions of orthopedic surgeons in Canada, the United States and other countries. There is no clear consensus that the Symes is less disabling from a medical viewpoint. There may be some advantages in mobility, but these are considerably nullified by other disadvantages including unshapely appearance and discomfort.
- (b) Re-amputation—The chairman of the pension commission states that if a Symes amputation is not successful, a below-knee amputation is performed. This contention cannot be supported by facts. Our association has knowledge of many Symes cases which are not successful, but re-amputation at a higher site has never been contemplated either by DVA surgeons or by the amputees themselves. There may be a strong difference of opinion between the pension commission and our association regarding the definition of a successful Symes amputation. We have evidence of many instances where a Symes amputation leaves sensitive scar tissue, a badly-protected shin or other faults which create a great deal of discomfort. However, these faults would not represent sufficient justification to the amputee to warrant the extreme measure of re-amputation.
- (c) Increase for below-knee at November 1st 1924—Our association had hoped that the pension commission would provide some explanation as to why the assessment for the below-knee amputee was increased from 40% to 50% while the assessment for the Symes amputee was permitted to remain at 40%. The commission has not furnished this association with any factual data which would support the decision to deprive the Symes amputee of the increase which was accorded to below-knee cases in 1924.

#### General Statement by Pension Commission

The Pension Commission summed up its views on our request to increase the Symes to 50% with the statement that, in the light of available information, the commission felt that 40% assessment is fully adequate.

This statement leaves our association with no alternative but to disagree in the strongest possible terms. We would ask that the veterans affairs committee take into consideration the fact that our association has, in good faith, provided a great deal of additional information regarding the extent of disability involved in the Symes amputation. The comments of the chairman of the pension commission would indicate, however, that the commission has not examined this information. Moreover the pension commission has made no attempt to discuss the matter with our dominion council.

#### Summary

There are believed to be only 32 Symes amputees at the basic assessment of 40%. It can be assumed, therefore, that the cost of this increase would be very small and, although it is not possible to make a close estimate, the total would presumably be less than \$2,500. monthly. (This does not take into consideration the additional costs involved in automatic increase at age 55, or pension for widows after death of the amputee).

It is uncomprehensible that anyone who familiarizes himself with the day-to-day problems of the Symes wearer can come to any conclusion except that this disability is at least as disabling as the below-knee amputation, and is a far greater disability than the diabetes and asthma cases for which the commission is quite properly awarding assessment of 40 per cent.

Our Association is deeply concerned with this matter. It is tragic to think that, with the passage of time more and more of our members are being deprived of the automatic increase in pension at age 55 now granted to those in receipt of a 50 per cent assessment. It is even more tragic to consider the situation of the widow whose pension is discontinued on the death of the Symes amputee because a surgeon decided, at the time of the amputation, to make his incision through the ankle joint, rather than at a site a few inches higher on the leg.

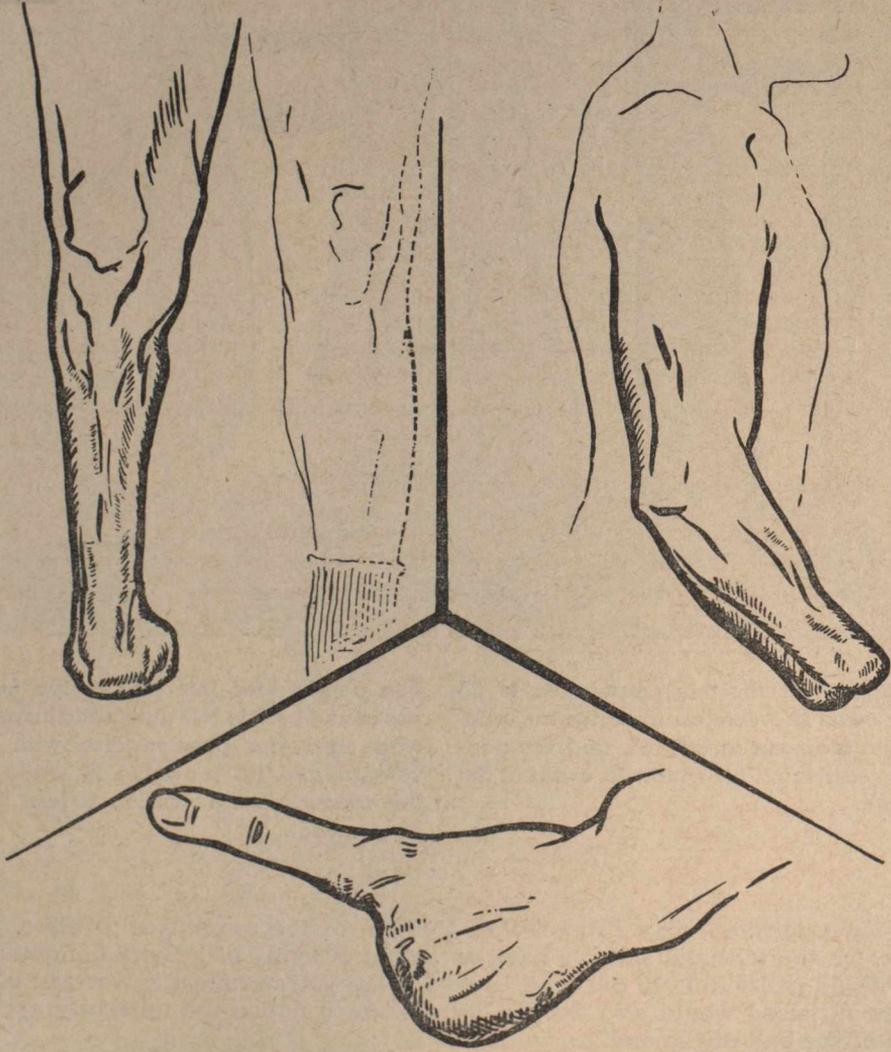
This Association now requests the veterans affairs committee to re-examine the assessment for the Symes amputation. If the committee determines that the request for an increase to 50 per cent is justified, we respectfully suggest that the committee recommend that the minister of veterans affairs direct the pension commission to increase this assessment accordingly.

If the pension commission refuses to accede to this request, this Association then requests that the pension commission provide our dominion council with a full explanation regarding their rejection, including its arguments against the points made in this brief. This will enable our association to undertake additional research, and to obtain medical and other learned opinion from orthopaedic surgeons and prosthetists in other countries, to support our contention that the Symes and below-knee amputations are approximately similar, in so far as physical incapacity is concerned.

APPENDIX "A"

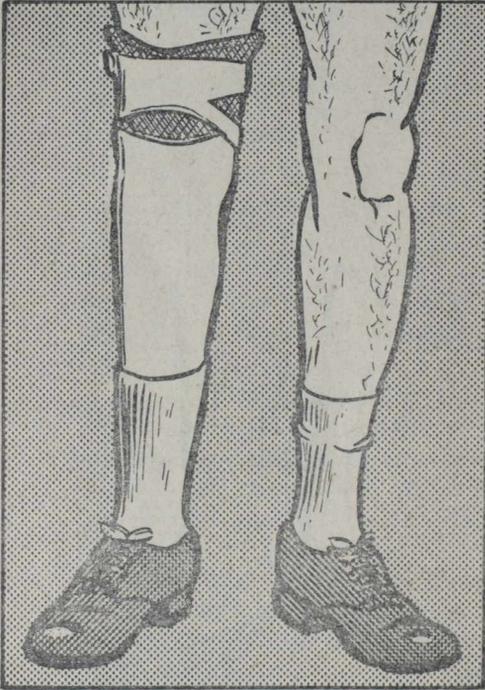
SYMES AMPUTATION  
40 PER CENT

AMPUTATION OF HAND  
60 PER CENT

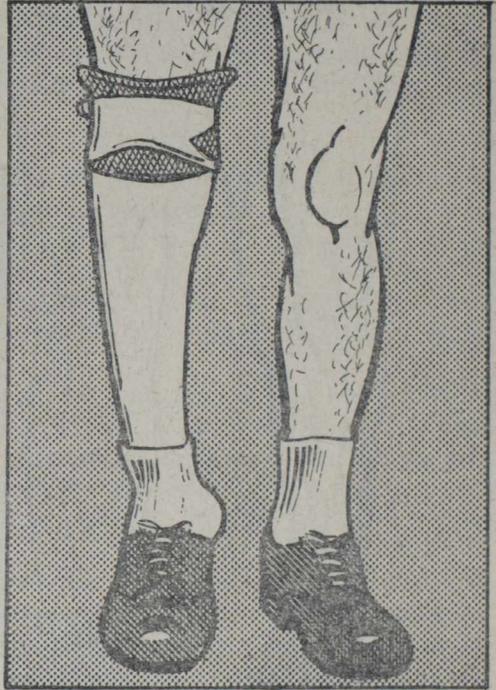


AMPUTATION THUMB, INDEX, MIDDLE AND RING FINGERS 50 PER CENT

## APPENDIX "B"

**BELOW-KNEE**

The pension for this amputation is 50 per cent. The veteran qualifies for automatic increase at age 55, and the pension carries on for widow in event of his death.

**SYMES (at ankle)**

The pension for this amputation is 40 per cent. There is NO automatic increase with age. The pension dies with the veteran and no provision is made for the widow, as the pension is less than 50 per cent.

Mr. Chairman, may I direct the attention of the committee to the appendices. On the lefthand side we have an actual drawing of a Symes amputation, showing a pension of 40 per cent. I would like you to note the wastage of the lower muscle. I would also ask the committee to notice the unsightly appearance of the ball at the end.

On the righthand side we have an actual drawing of the amputation of a hand and although this assessment is not too generous it is 60 per cent, 20 per cent more than a Symes amputation.

Then, at the bottom of the page we have a drawing showing a hand amputation, leaving only the little finger. I would ask you to note that the table of disabilities provides a 50 per cent assessment.

In appendix "B" we have endeavoured to bring out as graphically as we could the fact that there is no basic difference between a below-knee and the Symes. As shown on the left hand side, a below-knee amputee wears the same type of prosthesis as the Symes. But, as we say in the brief, the Symes prosthesis is more unsightly because of the ball at the bottom of the leg. The

pension for the below-knee amputee is 50 per cent; the veteran qualifies for automatic increase at age 55, and the pension carries on for the widow in the event of his death. The amputation at the right which is, so far as we are concerned, similar in the extent of disability. The pension for this amputation is 40 per cent and there is no automatic increase with age, at 55 and, more particularly, if the Symes amputee dies the pension dies with him and no provision is made for the widow, as the pension is less than 50 per cent.

Mr. MATHESON: On November 19, 1962 I asked the government question number 589, which reads as follows:

Has the Department of Veterans Affairs or the Canadian pension commission received a brief from the dominion council of war amputees of Canada, requesting a re-assessment of the Symes pension, and if so, is consideration being given to implementing the recommendations contained therein.

A reply was given by Mr. Jones which alluded to the representations of this association, which I think was submitted early in 1962. The reply indicated that the representations were considered at a general meeting of the commission on April 17, 1962. I take it that is the meeting to which we have heard reference. Then, the concluding paragraph of the answer given by the government reads as follows:

While the decision at that time was adverse . . .

That is, on April 17, 1962.

. . . this matter is to be further considered at a general meeting of the Canadian pension commission early in 1963.

My question is this. Since this reply was given has there been any direct contact between this association and the government? Have the government been furnished with further material, for instance?

Mr. CHADDERTON: Yes. I do not have the exact date but Mr. Alan Bell, our honorary dominion secretary at the request of this council wrote to the Minister of Veterans Affairs under date of July, 1962, providing further information.

Mr. MATHESON: Was it of the same character that is now being put before you?

Mr. CHADDERTON: Yes.

Mr. HERRIDGE: Have you heard anything further?

Mr. CHADDERTON: No.

Mr. MACRAE: Mr. Chairman, may I ask a very brief question in connection with page 14 of the brief?

About half way down the page Mr. Chadderton in his very excellent presentation, said:

It is even more tragic to consider the situation of the widow whose pension is discontinued on the death of the Symes amputee because a surgeon decided, at the time of the amputation, to make his incision through the ankle joint, rather than at a site a few inches higher on the leg.

I think this is a most important point. As I understand it—and I want to get this confirmed—if the incision was made, say, even one or two inches higher than the amputee would get a 50 per cent pension and his widow would receive the entire benefits that go with more than 45 per cent. Am I stating the case correctly? Even one or two inches would make that difference.

Mr. CHADDERTON: That is exactly the case.

I would point out that for many years the medical profession was divided on the merits of the Symes amputation and certainly in world war I this was the case, even up until 1942 and 1943; many Symes cases today are being deprived of this simply because a surgeon says he likes a Symes. Some surgeons take the leg off two or three inches below the knee. Other surgeons are more or less addicted to using the Symes, if they can; they say they like the Symes, that it will be successful and they take the leg off at the ankle so long as that six or seven inches has not been injured in the wounding. So, quite often it boils down to elective surgery on the part of the surgeon.

Many Symes amputees are getting along but quite often it has deprived the member of his automatic increase and if he dies it deprives the widow of pension on death.

Mr. McINTOSH: Could a member of the pension commission give us some information as to the reason why below 50 per cent pensioners do not receive an automatic increase at the age of 55 and 65 and why their widows do not receive a pension similar to those over 50 per cent?

In listening to the presentation this morning and in going back over some of the letters that I have received from pensioners it seems to me that their deep concern is to get their pension increased to over that 50 per cent. They are not so concerned with the difference between 40 per cent and 50 per cent, but as they get up in years they start worrying about their dependents and widows. How was this 50 per cent figure arrived at? What was the reason for it at the time? I have not done any research in this connection but the thought struck me, when listening to this presentation, that perhaps this group as well as others would not be as much concerned in getting it up to 50 per cent if the 50 per cent barrier was taken away. Could we be advised as to the amount of money it would cost the government if they continued the pension to the widows regardless of what the percentage of disability was or if the automatic increase came at the age of 55 and 65.

Mr. WEICHEL: Mr. Chairman, if I could—

Mr. McINTOSH: Is there anyone here that can answer my question?

The CHAIRMAN: Mr. Anderson, would you come forward?

Mr. T. D. ANDERSON (*Chairman, Canadian Pension Commission*): Mr. Chairman, this principle was decided a good many years ago. The principle is that when a pensioner is in receipt of a 50 per cent or greater pension his widow will receive a widow's pension on his death and the man in receipt of a 50 per cent pension for a certain type of disability would receive automatic age increases. This is based on the assumption, or at least it was at that time and I presume it is still, that the man who is 50 per cent or more disabled is not as capable of providing for the protection of his wife and family in the event of death as a man who is receiving a pension of less than 50 per cent. Now, it could have been set at a different rate, I presume, but where would you set it, at 25 per cent, 75 per cent, or what? Originally it was 80 per cent and it was reduced to 50 per cent.

This is simply a question of deciding an arbitrary spot at which you will set it. Apparently this was thought to be the most appropriate place because of the fact that a man who has 50 per cent or more disability is assumed at least to be so heavily disabled he is not capable of providing for the protection of his wife and family in the event of his death.

The CHAIRMAN: Have you a question, Mr. Weichel?

Mr. WEICHEL: I just wanted to say, Mr. Chairman, that for years I was in daily contact with a Symes amputee. I saw him regularly over a period of 15 years. I am referring to Mr. Jack Johnson of Toronto, who was president of the association there and also the superintendent of the limb factory at that

location. I used to go two or three times a year over a period of ten or fifteen years and I can say that I never went there that he did not complain about this Symes. He asked me how I was getting along and I said pretty good. I was 80 per cent. He was complaining continuously about that ball on his foot. I was informed that as soon as he got home at night he absolutely had to take that limb off. I do not have to do this with my 80 per cent. In my opinion they are entitled to that 50 per cent.

Mr. HERRIDGE: First of all Mr. Chairman, I want to say that this is an excellent presentation of the case; I think it is the best presentation we have had to date. I do suggest that the committee is dealing with a particular brief and a particular problem limited to one group of pensioners. The request for the automatic increase, in my opinion, is another matter of inquiry, which is much broader in scope. I think we should direct our attention to this brief because here are a group which, in our opinion, has suffered an unfair disadvantage, particularly their widows. I have had this experience in my own constituency.

I have one question to ask. Have you any idea of the numbers of pensioners who have suffered from this assessment with which you have been dealing?

Mr. MCINTOSH: It says 32 in the brief.

Mr. CHADDERTON: In clarification, the brief implies these are members of our association; there may be another 20 involved. But you would not be dealing with more than 50 people.

Mr. MCINTOSH: That is the information I have. So, the number is relatively very small.

Mr. MATHESON: Mr. Chairman, I know that Mr. McIntosh has tried to be helpful here when he suggests there may have been a real reason for this submission, because of the 50 per cent effect on dependents. Could I ask the witness and also Mr. Anderson whether the real basis for this contention is not that there is a disadvantage in the opinion of some of the amputees in that additional bit of leg.

I am really curious whether or not the pension commission does, in fact, hear regularly complaints that would not come from people who seek amputations a few inches higher up, and whether or not for instance, there has been any subsequent surgery done. What is the history in that connection. In my opinion, no pensioner wants to go back and get more of his leg off. I do know that our surgeons do not recommend this if they can avoid it. But, has there been a history of regular complaints? Is the Symes man worse off in some respects really than the person with the shortened limb?

Mr. CHADDERTON: We were up against a peculiar problem in getting the type of information to which Mr McIntosh refers that is a survey of complaints from our members. It is just like pulling teeth to get these people to register any kind of complaint. I have known people who have worn these Symes 40 years; they will walk around and suffer with it and the last thing they will do is complain about it. This fact came up when the Department of Veterans Affairs made its survey. I checked back with some members of our association who were involved in this D.V.A. survey. I asked them what they said and they said they did not want to cry in their beer. So, you see we do have this problem. However, we have given it very serious consideration. We have had surveys within our own association and the truth of the matter is that the extra five or six inches of leg is certainly no advantage and, in many cases, it is a real disadvantage, not because of it being unsightly—they do not worry about that—but because of the lack of circulation, and the incision which is very close to the front of the leg. To illustrate, you have a ball here and your incision is right across the front of the leg. It rubs all the time. In the case of the below-knee amputation the amputees do not have to put up with that.

In respect of your other question concerning re-amputation I do not know of any members of our association who would put up with re-amputation; they would rather suffer it out for the rest of their lives.

Mr. BIGG: We would not ask them to.

Mr. WEICHEL: I had two amputations and I would not like to see anyone have a second one.

Mr. FANE: I would like to ask Mr. Anderson why the pension commission decided that Symes amputees should be pensionable in a lesser amount than an amputee with an amputation one or two inches farther up. Surely the loss of that much leg would result in just as much disability as one, two, three or 10 inches farther up. What was the thinking of the pension commission or whoever decided that?

Mr. ANDERSON: Well, Mr. Chairman, I can assure you this whole question has been given a good deal of careful consideration and this decision was not based on the advice only of our medical advisers but on the advice of prosthetic people across Canada.

We conducted a survey among the many medical people who do prosthetic work regularly prior to our second last general meeting, and we had before us at that time the representations from the war amputations people.

The survey indicated that the overwhelming majority of medical opinion from these prosthetic people was that the Symes was not as disabling an amputation as below-knee amputation. So, this was the basis on which the decision was reached. It is not a decision that was reached yesterday or last year; it is a decision that has been in effect for many years.

Mr. GROOS: You had not at that time—

The CHAIRMAN: Are you finished, Mr. Fane?

Mr. FANE: If I might ask my other question at this time, I wanted to ask Mr. Chadderton a question in respect of page 11.

At page 11 he says:

The situation which has developed since proves our point beyond question, in that both the Symes and below-knee amputee are being fitted with a new patellar tendon-bearing prosthesis.

Would you tell me what that means?

Mr. CHADDERTON: For many, many years the Symes wore a prosthesis which started about three inches below the knee and took most of the weight on the ball of the stump; the below-knee amputee wore a prosthesis which took some of the weight in a socket below the knee and the rest in another socket above the knee. Three or four years ago a new prosthesis was developed called the patellar tendon-bearing prosthesis which takes the weight on the patellar flare, the front part of the knee joints and it was used in these early stages by the below-knee cases. Many Symes had difficulty with the prosthesis they were wearing, which took all the weight on the ball of the stump, and now the department is fitting the Symes with the same one. The Symes case is taking his weight on the patellar flare the same as the below-knee case. This is a relatively new procedure within the department. They have only begun fitting Symes with this during the last four or five months.

Mr. FANE: Is that an improvement?

Mr. CHADDERTON: Yes, a very great improvement.

Mr. MATHESON: Obviously Mr. Anderson has had access to this brief for some time. Would he be kind enough to tell this committee what advantages, if any, he sees in the man having a Symes stump over a shorter stump below-knee? He has referred to the fact that there is some opinion he is better off. Would he tell me how, where and why?

Mr. ANDERSON: I want to clear up one point first; I have never seen this brief until today.

Of course, we have had representations from the war amputees association on several occasions and we have given this whole matter a very great deal of careful consideration, not only on the basis of advice from the medical advisors or any related group but on the basis of advice from medical people across the country who deal with this type of disability.

There is a suggestion in the brief that we have refused to have the amputees association people come before us and make representations. We have never done that; they are welcome to come at any time. I would be more than glad to have them, at any time.

Having said that, in answer to your question I think I should say that the evidence which we got from the doctors and from the people who deal with this sort of condition is to the effect that people are able to get around at least temporarily without any prosthetic devices; they can get up at night and go to the bathroom, for instance. I cannot say this from personal experience but this is what the doctors tell me. Offhand, I cannot think of any other advantage at the moment. However, medical people have given us this information, and there were a number of examples.

Mr. MATHESON: Do they also have some disadvantages?

Mr. ANDERSON: The majority of opinion was to the effect there were no comparative disadvantages, as I recall it. Now, I am talking without the evidence before me and I do not want to be accused of making misstatements; but, as I recall the evidence from doctors who did not fully agree that it was a better type of amputation did feel that it was probably about the same.

Mr. PETERS: Do you know from your contacts with the compensation boards across the country whether or not they are still doing Symes amputations, or is this an outdated procedure?

Mr. ANDERSON: No. I think these operations are still being done, as far as I know.

Mr. CHADDERTON: To clarify that point, Mr. Chairman, Symes is still an elective surgery procedure; some doctors prefer it and some do not.

If I might clear up another point, we are not implying in our brief that the Canadian pension commission refused to meet with us; what we are saying is that we wrote to the Minister of Veterans Affairs and suggested we wished to meet with the Canadian pension commission, and we have had no reply or answer. That letter was sent over a year ago.

If I could ask Mr. Anderson a question, are the surveys to which you refer different from the survey carried out by the Department of Veterans Affairs?

Mr. ANDERSON: Yes, it was separate and apart from that.

Mr. CHADDERTON: I think this should be examined because the Department of Veterans Affairs survey indicates, as we say, that the Symes may be to a very small extent a lesser disability but it is certainly not anything like 10 per cent. It would seem to me the Department of Veterans Affairs people, who run these surveys, would be in a position to know, as they carried out a survey involving our members.

Mr. HABEL: Would you not think the commission would have set the rate at 40 per cent for the Symes amputees on account of the increase in expenditure involved by an increase to 50 per cent?

Mr. ANDERSON: No.

Mr. HABEL: Would not the cost of the increase not only in pensions for the veteran but for widows' pension have a bearing on account of the cost?

Mr. ANDERSON: As far as I am concerned, it would have no bearing whatsoever.

Mr. HABEL: My second question is this: Would the 40 per cent compare with the same allowance on Symes paid by compensation boards across Canada?

Mr. ANDERSON: I personally have never attempted to conduct any survey of what the various compensation boards pay, so I could not give you a correct answer to your question.

Mr. HABEL: In other words, you would say that the amounts paid by the compensation boards across Canada would have no bearing on the decision of the commission?

Mr. ANDERSON: None whatever, as far as I am concerned.

Mr. KENNEDY: May I, as an amputee myself, offer an opinion. My humble opinion is that too much emphasis is being put on the matter of disability in respect of earning. Perhaps this decision was made in a day when everyone was expected to be working on the level of the pick and shovel. As you know, there has been a great change in the matter of employment and it is continually changing from day to day.

It seems to me that all amputees suffered the same disability in respect of discomfort and the possible effect on their nervous system from pain and so on whether a prosthesis is used or not. Probably those who use a prosthesis have a great deal more discomfort than a person like me, who attempted to use one but found the discomfort outweighed the usefulness of having it; I threw it away, and have never worn it since.

As I said, it seems to me there should be more emphasis put on that; I think the disability goes farther than the actual loss of the limb itself.

Mr. PETERS: My question is along the same line of a question asked earlier. It seems to me the department and the pension commission are out of date and perhaps they are handling the situation in the same way as it was in the time of war. I do think some of the compensation boards throughout the various provinces today are very effective organizations and they are handling these matters in terms of today's economy.

As Mr. Kennedy said, there is a considerable change in respect of the results which compensation boards will find concerning particular amputees in line with improved factors.

I find it very surprising that Mr. Anderson and his department have not made surveys. I am not casting any aspersions on the department but I do think certain things should be brought more up to date.

Of these 32 people of whom we spoke I would imagine only one or two of them would be Korean war veterans; the remainder would predate that.

I do think that consideration should be given to the changes that are coming about not only by the department but by the various compensation boards across the country. Any survey conducted would have to take into consideration the views of the specialists, the surgeons and all the others in that field across the country. It is my opinion that it is extremely unlikely that most of the compensation boards will handle this type of amputation any longer. I have not seen any Symes operations in the compensation hospitals; of course, that does not mean there is not any, but I would think there would be a limited number of them now.

Perhaps it would be a good thing for this committee to summon some of the members of the compensation boards from at least some of the provinces—that is, the industrial provinces particularly—in order that we may get some information on this which could have a bearing on our decision as to whether or not we should raise the amount or whether a change should be made. I think this is the crux of the matter. If we do come to the conclusion the Symes amputa-

tion is only a 40 per cent amputation then we probably would still want to consider lowering the availability of the benefits to widows below the 50 per cent.

As you know, these matters have been before the committee on a number of previous occasions and have not been settled. I would strongly suggest to the committee that we should give consideration to bringing in some of the officials from the compensation boards in the industrial provinces.

The CHAIRMAN: I think we can discuss that matter later on. Have you a question, Mr. Weichel?

Mr. WEICHEL: Mr. Kennedy spoke along the lines which I was going to follow.

It was mentioned that the Symes amputee could go to the bathroom easier than anyone else. I think perhaps he uses crutches the same as I do.

If I may say something else, I think we are directing our feelings toward the chairman of the pension commission and, after all, he is only one member of the commission. He, along with some of the other members associated with it feel the Symes amputee has not as much disability as below-knee. We have a man here who has one. The other day we had a blind and paraplegic case and their cases were explained. How can anyone who is not an amputee or a blind person say that one is better off than the other?

As Mr. Peters suggested, I think we should have a further hearing and have other views presented in this connection.

The CHAIRMAN: That is our purpose, Mr. Weichel.

Mr. BIGG: Mr. Chairman, I was going to say that although I agree with Mr. Kennedy and some of the other speakers in respect of this question of earning a living, I feel this question of earning a living is the principle on which this act is based. Unless we are prepared to change that principle, then we have to look upon it as earning a living.

In respect of the Symes amputation it seems clear to me that a man with a Symes amputation is in the same position as the man with a below-knee in respect of earning a living. If he is, in fact, 50 per cent capable of earning a living, the same as below-knee, he should get a 50 per cent pension, and then this would clear up the question of the widow. I think we should upgrade this question of the Symes amputation forthwith. I am prepared to change the whole principle of the act and I say we should at least look at it in the light of the new economic era in which we are living. But, if we are looking for equity under the act it seems clear to me the Symes amputation should be upgraded.

Mr. HERRIDGE: At page 10 it is mentioned that in mid 1960 the Department of Veterans Affairs commenced a study of the effect on the user of a Symes prosthesis as opposed to a prosthesis for a below-knee amputation. I would like to ask Mr. Anderson if any of his officials who conducted this study discussed the result of their study with the members of the pension commission?

Mr. ANDERSON: You are referring to the survey conducted by the treatment services branch of the department?

Mr. HERRIDGE: Yes.

Mr. ANDERSON: Yes. Our chief medical adviser and the director general, treatment services, had many discussions on this matter and the chief medical adviser prepared a lengthy brief for our advice in respect of this whole survey.

Mr. HERRIDGE: Mention was made that a letter was written to the minister of Veterans Affairs.

Mr. CHADDERTON: Yes.

Mr. HERRIDGE: Do you not think the organization should write another one to the present minister and bring him up to date?

Mr. BELL: I would be delighted to do that.

Mr. MATHESON: Does Mr. Anderson have any objection to filing the material that was submitted to the pension commission. The reason I asked the question is that if we were a jury, we would have had a very strong case presented today, not only in respect of the inequities in this matter but, I submit there are many disadvantages of a Symes amputee over and above the other. For my part, I am not convinced of the advantage of being able to rise in the middle of the night and go to the bathroom. I was in the hospital on one occasion and a chap I knew lost his four front teeth as a result of getting up in the middle of the night and going to the bathroom, and this was a Symes amputee. The only compensation he has received is a new set of dentures. In my opinion, this is a very weak argument.

In my submission, we have had presented today very compelling reasons why these people suffer more. I would concur in the suggestion made that this should be upgraded right away to 50 per cent.

As you know, Mr. Chairman, this has been a complaint of long standing of which the pension commission and the department have known for a good many years.

Mr. McINTOSH: Mr. Chairman, my question is based on the same page, namely page 10 in which this table is set out comparing Symes cases with below-knee cases.

May I get it clear what a Symes case is; I understand it is an amputation at the ankle, and if it is an amputation at the knee socket it is not considered a Symes case?

Mr. CHADDERTON: That is right.

Mr. McINTOSH: In respect of the percentages under both these headings I do not think they prove anything, with the extent of the last one, "employed full-time".

How are these percentages arrived at? Do they take a certain number of Symes amputations and below-knee amputations and ask them how many had stump pain, phantom limb, phantom pain and 52 per cent said yes in respect of stump pain under "Symes cases" and 38 per cent under "below-knee cases".

Mr. CHADDERTON: This survey was conducted by the Department of Veterans Affairs and all we received were the results, which are in front of you. But, we do know the department called in a certain number of Symes cases and a certain number of below-knee cases and asked specific questions from which they deduced this information.

Mr. McINTOSH: For instance, take the heading of "backache". In respect of "Symes cases" the figure is 32 per cent and in respect of "below-knee cases" the figure is 38 per cent. To me, that is coincidental because backache may have been caused by some other injury, or there may have been some other reason.

Mr. CHADDERTON: Yes.

Mr. McINTOSH: I think it has been shown today that we cannot rely on a table such as this, which shows that 60 per cent of the Symes cases only have full time employment and 70 per cent of below-knee cases have full time employment. I wonder if the witnesses could tell us why the difference of 10 per cent. Is there any particular reason for it?

Mr. CHADDERTON: I would suggest the answer is due to circumstance; it has reference only to the people who were surveyed, and some were employed and some were not.

I would not want to suggest, and I think it would be incorrect to leave this committee with the impression, that our feeling is that a man with a

Symes is less able to hold employment than a man with below-knee; our contention is they are exactly in the same category and, again, these figures are just coincidental.

Mr. McINTOSH: In other words, this table means nothing at all.

Mr. CHADDERTON: I would not suggest that; I would suggest to the committee that for many years our association has been operating completely in the dark in respect of the views of the pension commission.

At our convention in 1959 we passed a resolution asking the Department of Veterans Affairs to carry out a survey in an effort to provide information for us as to whether or not a Symes was a less disabling condition, and these are the results. On the whole they may mean something, but it concerns a small percentage of our over-all presentations; our presentation is based on the fact that, not only medical opinion should be taken into account, but everything else involved in the wearing of a leg prosthesis, and we do not feel there is anything like 10 per cent difference.

It was not brought out too clearly that we referred to this as the application of the tape measure principle, in providing assessments and of course, this is exactly where the Symes case has been discriminated against. One may say four inches, another five or six inches, and so on.

Mr. McINTOSH: All I was trying to point out is that actually this is all coincidental information. Would Mr. Anderson agree with that statement? What information has the pension commission received from the specialists that there is this difference between a Symes amputation and below-knee amputation? If one is a lesser disability than the other, with the exception of, say, being able to get up and go to the bathroom, what is the difference?

Mr. ANDERSON: From the replies we have received from the medical people whom we have contacted it is generally accepted that the Symes amputation is the best of all leg amputations. This is the general statement we get from practically all. Of course, they do not go into the question of whether it is 10 per cent better or 5 per cent better, or how much it is. However, this is the statement you will get. I think it is generally considered by the prosthetic people that the Symes is the best of all leg amputations. As I say, I do not remember the details; I have not all the information before me as to why they make this statement, but this was the sort of reply we got from most specialists in this line of work.

Mr. McINTOSH: And you base your decision that it was, generally speaking, the best amputation on the statement of the specialists, and that it is generally the less painful and so on?

Mr. ANDERSON: To a large extent, yes.

Mr. McINTOSH: I am thinking of another type of operation, namely for a gall bladder condition. After the operation is completed and the patient is on the road to recovery there is a great difference in respect of the effects of a gall bladder operation on one person than on another. Some will have a complete recovery and others will only have a partial recovery, and they may have to eat certain things and so on. But, is that not the case in a Symes amputation? Generally speaking, you say they are better off.

Mr. ANDERSON: If they are successful, yes.

Mr. CLANCY: These percentages are so much for the loss of the hand, so much for the leg and so on; have they been revised since they were originally laid down?

Mr. ANDERSON: I do not believe this particular one has been revised. However, others have been over the years.

Mr. GROOS: Mr. Chairman, it seems to me that Mr. Anderson has a very difficult job in administering the Canadian pension commission, in as much as

we are trying to take disability assessments, and rate them in terms of percentages. What worries me is that the chances of a disabled veteran making a living are somewhat dependent upon the employment situation outside and how he progresses as he becomes older. Are there periodic surveys made by the Canadian pension commission, particularly in respect of the matter of employment or livelihood, because it seems to me the wish of the nation is that those who have been deprived of the means of earning a livelihood as a result of war should be recompensed. I feel that a survey should be done every year. Is there such a survey?

Mr. ANDERSON: First, I think I should say that the payment of pensions has no relation whatsoever to the man's income from other sources. Disability pensions are paid for a disability suffered in wartime, regardless of what the man is earning, the amount of capital he has, or what his status is. As you know, the rates of pensions have been increased twice in the last four or five years. Each time the increase was made it was done on the basis of an increase in the cost of living or because of an increased standard of living perhaps. All of these factors were taken into consideration.

While we do not conduct a survey every year in respect of this matter, certainly the whole situation is very carefully looked at when increases in the basic rate are introduced into the act.

Mr. GROOS: We find that in 1960 four out of every ten amputees of the Symes variety were out of work. That is a poor situation. If it gets worse, we ought to start thinking of raising the percentage we are giving these people, because obviously they do not have as good an opportunity of being able to make a livelihood as does the normal person. They are the first ones, I would say, who in this day and age would be laid off in the event of some cut-back. I think that every year there ought to be a survey made to find out how the livelihood of these persons is being effected.

Mr. ANDERSON: I do not think it has been the experience generally that amputees are the first ones laid off from a job where there has been a curtailment in the employment in any industry.

Mr. GROOS: With a general unemployment rate of between five and eight per cent it seems to me that the amputees really are in a bad position. Forty per cent of them seem to be out of full time employment, according to these figures for 1960.

From what I have heard today I would think it would be feasible for either the Department of Veterans Affairs or some government organization to conduct a survey every year so that this trend could be followed and the necessary action taken by the Canadian pension commission if we thought it necessary.

Mr. HERRIDGE: Mr. Chairman, I am interested in this discussion concerning the varying medical opinions and the question of greater employability and so on which certainly are intangibles and are very difficult to come to conclusions on.

However, in essence, the argument of Mr. Chadderton is that in effect the Symes amputee has a disability equal to amputees who have below the knee amputations in the process of living and obtaining employment; secondly, as a result of the present assessment, the widows suffer an injustice.

Mr. CHADDERTON: Yes. Our presentation is not based specifically on the hope that there would be increased pensions to provide something for widows; this really is incidental. What we are saying is there is no basic difference in the disability suffered by the Symes and the below the knee amputees.

Mr. MCINTOSH: In respect of what Mr. Herridge and Mr. Groos have said, from this figure of 60 per cent it would seem that roughly half the Symes

amputees are unemployed. Could anyone give us any information as to whether or not there is any other season, besides being an amputee, they are not employed in the present day.

Mr. CLANCY: I think I can partially answer that. I have had several cases of this in smaller industries where there has been a lay-off. The argument of the bosses was that they have to lay off so many men. They say this man has a guaranteed income because of his war disability and therefore we will lay him off and keep the other men working.

Mr. GROOS: So, this is affecting his livelihood; there is a relation.

Mr. MATHESON: Mr. Chairman, I have a question which I would like to put both to Mr. Chadderton and probably Mr. Anderson; it relates to prosthetic services. I think we have the best prosthetic service in the world. I think they have made fantastic advances in the last 15 years particularly.

In the brief which has been submitted it is obvious that there have been changes in the kind of prosthesis provided for amputees. I think Mr. Chadderton indicated, for instance, that the weight now is being borne in this knee limp which makes quite a change. When a change of this type comes up, does the department have any means of making available to all people who are wearing this kind of equipment the fact that these changes take place?

Personally I know of other types of prosthesis which have been vastly improved in the last 15 years. To my knowledge there has never been any intimation to those people who are going around with considerable pain actually day by day that these improvements have taken place. I gather from Mr. Chadderton's brief that the change really has meant that the advantages of low ankle amputation have gone, from the medical point of view, and now they really are in the same category.

I wonder if they would tell us what is being done to inform anyone who is carrying around any prosthesis of the improvements that are available so that they can get away from some of this great pain and pressure on the lower extremity, which is more sensitive than higher up on the leg.

Mr. CHADDERTON: I am not speaking for the veterans affairs people, but I would like to answer this question. The two major changes in prosthesis in recent years are the hydracadece leg for above-knee and the pateller tendon bearing leg for below knee and Symes amputations. The Department of Veterans Affairs does release this information to their own people. They give it to us and we put in in our magazine, and in notices to branches. The moment the Department of Veterans Affairs puts a new prosthesis into production, the amputation cases across Canada are informed. Quite often the D.V.A. prosthetics service writes a letter to all amputees, and as a double service we inform our own members through our own channels.

Mr. BIGG: Do we have any information, for instance, from the United States? In the United States do they treat these cases in the same way? Also, what is the situation in respect of Australia?

Mr. CHADDERTON: Mr. Chairman, the Americans pay exactly the same pension for a Symes as for below the knee but, in fairness, the British pay a lesser pension in some cases to a Symes than to a below the knee case.

Mr. BIGG: Perhaps we are talking about successful Symes. From the evidence it appears to me that an unsuccessful Symes is more painful and distressing than a good below the knee amputation. In this case I do not see how you can say that a successful operation is the same as an unsuccessful one, although we have taken that arbitrary stand. This is another case where we should give the benefit of doubt.

Mr. KENNEDY: Mr. Chairman, I would like to ask the witness a question in respect of the operation of a motor vehicle. I bring this up, because today

liability insurance pretty well is a necessity if you are going to operate a motor vehicle. In my case the insurance company argued that although I have not had one single accident since the war, I am a poor risk despite that fact. They say that if I were to become involved in a court case, it would probably be proven that I could not operate a motor vehicle efficiently in any event. Is there a difference between the two types of amputation in this regard?

Mr. CHADDERTON: The Symes and the below the knee are regarded in exactly the same way by the insurance companies.

Mr. KENNEDY: They are penalized too.

Mr. CHADDERTON: It would depend entirely on the company. The companies which write a higher premium for amputation cases rate Symes exactly the same as a below the knee.

Mr. HERRIDGE: Do you know that in respect of employment in the lumber industry, in the bush, in the sawmills, applicants, with a Symes amputation or below the knee leg amputation very often are treated on the same basis as not being suitable for employment?

Mr. CHADDERTON: Yes.

Mr. McINTOSH: Mr. Chairman, I think this brief has been very good in that it has revealed to the committee something we did not realize before; that is, that a great percentage of our amputees are now unemployed because of their disability. Would Mr. Anderson or Mr. Carter tell us whether a similar percentage is involved in respect of arm or hand amputations?

Mr. ANDERSON: Is that question directed to me?

Mr. McINTOSH: Do you have that information?

Mr. ANDERSON: Our information, generally speaking, is to the effect that the vast majority of amputees are fully employed; that has been the case up until now. I am not sure this brief does establish the fact that a vast number of amputees are unemployed because of their amputations.

Mr. McINTOSH: It says 60 per cent of the Symes cases are employed on a full time basis, and below the knee 70 per cent.

Mr. ANDERSON: I do not want to start interpreting the brief, but it seems to me these figures only indicate time lost from work at regular jobs.

Mr. CHADDERTON: The figures are those of the Department of Veterans Affairs. I do not wish to leave the idea that 40 per cent of our Symes amputees are unemployed. I am sure it does not mean that. This is merely an attempt to show that of the Symes cases we have surveyed, 60 per cent are able to obtain full employment, and of the below the knee cases which have been surveyed 70 per cent were able to obtain full time employment.

Mr. GROOS: This figure could be very misleading in so far as we do not know the ages of these persons.

Mr. ANDERSON: I suggest also they could be unemployed for other reasons.

Mr. BIGG: I would like to come back to the principle on which this act was based in the first place. I have been a labourer myself for several years. I do not have any doubt that a man with one leg is 50 per cent disabled so far as outdoor work is concerned, basic farm work, bush work, mining, and that sort of employment. The fact he happens to be a bookkeeper in somebody's establishment where he does not need any leg at all is aside from the point. The fact that these people work at something else has nothing at all to do with their physical ability to make a living in the physical industries of Canada. As I understand it, that is the basis of the Pension Act. I think there is a definite injustice to these people in discriminating in respect of whether the leg is off at the ankle or half way up.

The CHAIRMAN: Shall we go on to section 4?

Mr. BELL: Mr. Butler will deal with this section.

Mr. BUTLER: Mr. Chairman and gentlemen, before I start on the brief I would like to express the regret of our group that we are not being led by Col. Lambert this morning. He is always an inspiration to our group and I think to any meeting. He sends his very best regards. We are sorry he is not with us.

Mr. HERRIDGE: Will you tell him the committee misses him, too.

Mr. BUTLER:

#### Section IV

##### Multiple Disabilities

Under the table of disabilities, the pension commission follows the principle that, where more than one pensionable disability exists, the combined assessment will be based on the combined disability as a whole, but in no case will the combined assessment exceed 100 per cent. This has the effect of establishing a mythical "ceiling", with the result that the commission can assess several disabilities to a total considerably in excess of 100 per cent, but by its own regulation, will not approve a combined assessment in excess of 100 per cent.

This would seem to imply that a 100 per cent assessment is, in effect, a 100 per cent disability. This could not be correct, as a human being classified as 100 per cent disabled would be unable to move, think, talk or function in any way.

The effect of this 100 per cent ceiling established by the pension commission is that, in the case of a double leg above-knee amputee, the commission pays pension at the rate of 70 per cent, for one of these amputations and only 30 per cent for the other. This is completely unjustifiable. The loss of a second leg above-the-knee should carry exactly the same compensation as the loss of what might be termed the first leg. In fact there are good grounds to suggest that the double leg amputee should receive a higher assessment for each leg, in that he does not have one natural leg for propulsion and support.

The inequity in the application of this 100 per cent ceiling is demonstrated in the illustration at Appendix "A" to this section.

##### Attendance Allowance

It may be argued that the pension commission can award attendance allowance as a means of reimbursing a multiple disability case over-and-above the amount received for 100 per cent pension. In this regard this association wishes to emphasize that attendance allowance is paid to the pensioner to compensate for the help he requires in carrying out his normal functions in the home. In other words, the amount represented by attendance allowance is encumbered income, and does not represent a financial gain to the recipient.

It is also pointed out that attendance allowance may be paid to any pensioner, regardless of the extent of his assessment if it can be shown that he requires assistance with daily tasks.

There are cases on record of 5 per cent pensioners who receive maximum attendance allowance because they are disabled from non-

pensionable disabilities. Accordingly, it does not seem justifiable that the commission could argue that attendance allowance is given as a means of providing an income over and above the 100 per cent ceiling to pensioners with multiple disability.

#### Seriously Disabled Group

It is desired to point out that the multiple disability cases represent those of our war wounded who have suffered the greatest. As a group, they are not large in number. They are entitled to the maximum compensation which can be justified. The arbitrary action of the pension commission in withholding part of the pension to which they are entitled because of their assessment (which is more than 100 per cent) is certainly open to question.

This association desires to point out that, while we are qualified to represent the views of amputees only, the application of this 100 per cent ceiling seriously limits the payment of pension at a higher rate to other groups of the seriously disabled.

Accordingly, this committee may wish to examine the views of the associations representing these groups.

#### Intention of Parliament

It is the view of this association that the intention of parliament is clearly set out in the Pension Act in section 28, sub-section (1) which states that:

...Pensions for disabilities...be awarded...in accordance with the extent of the disability.

The Pension Act clearly shows parliament's intention to award compensation in accordance with the extent of such disability. The act provides no authority for limiting pension awards to a portion of the disability actually suffered.

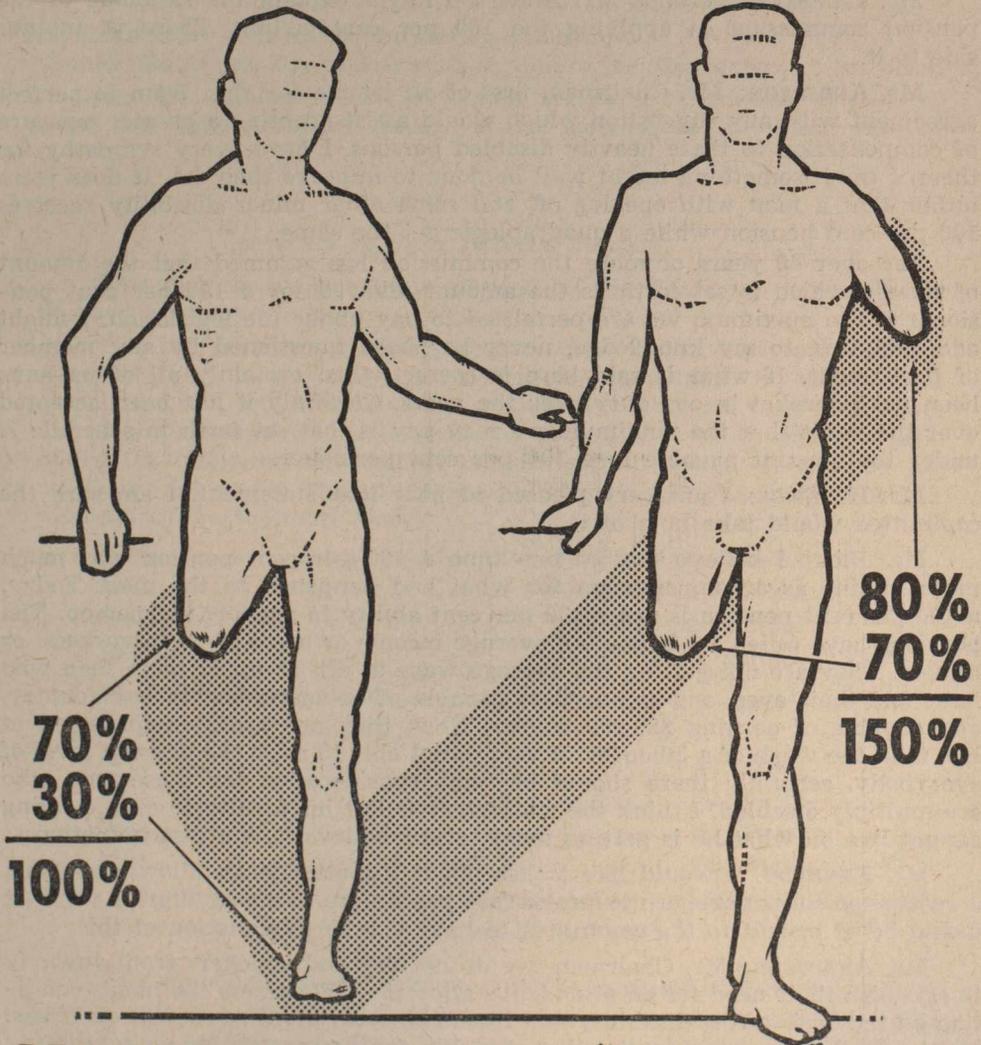
We would request that this committee direct the pension commission to review the table of disabilities, particularly in reference to the practice followed in combining the assessment for multiple disabilities and in restricting such assessment to 100 per cent in instances where the combined disabilities are in excess of that figure.

If you will now turn to Appendix A there is a fairly clear diagram there.

APPENDIX "A"

LOSS RIGHT LEG ABOVE KNEE  
AND PART OF LEFT FOOT

LOSS RIGHT LEG ABOVE KNEE  
AND LEFT ARM ABOVE ELBOW



**BECAUSE OF THE 100% "CEILING" BOTH AMPUTEES RECEIVE SAME PENSION**

The man on the left has lost the right leg above the knee and part of the left foot. The existing method of establishing pensionability gives him 100 per cent. The man on the right has the loss of the right leg above the knee and the left arm above the elbow. This man obviously is more disabled than the man with the loss of a leg and part of a foot. He should be entitled to 150 per cent pension, but because of the 100 per cent ceiling, he is assessed the

same as the other man. Mr. Bill Dies was here last week. I am sure he met some of you. He is armless and does not have his eyesight. He is assessed the same as I am—100 per cent. He is much more disabled than I. We feel this ceiling method is very discriminatory. A man who is badly disabled should receive more than the less seriously disabled man.

If there are any questions on this, I would be glad to answer them.

Mr. LAMBERT: Perhaps Mr. Anderson might explain the rationale of the pension commission in applying the 100 per cent ceiling. There is another side to it.

Mr. ANDERSON: Mr. Chairman, first of all let me say this. I am in perfect agreement with any suggestion which would assist granting a greater measure of compensation to these heavily disabled persons. I have every sympathy for them. I think something might well be done to improve their lot. It does seem unfair that a man with one leg off and some other minor disability receives 100 per cent pension while a quadraplegic get the same.

For over 40 years or more the commission has assumed that the amount of money which is set forth as the amount allowed for a 100 per cent pensioner is the maximum we are permitted to pay under the legislation. I might add that this, to my knowledge, never has been questioned by any member of parliament. If what is said here is correct, then certainly all of us have been very derelict in our duty over the years. Certainly it has been accepted over the years that the maximum we may pay is that set forth in schedule A under the amount payable to a 100 per cent pensioner.

Mr. HERRIDGE: I am very pleased to hear that statement. I am sure the committee would take note of it.

Mr. BIGG: I believe that at one time a 100 per cent pension was much more in line as a compensation for what had happened to the man. Today, a 100 per cent pension is not a 100 per cent ability to support the person. The pensions have fallen far below the average income or wage of bush workers, or miners. They are not getting the average wage at all. Many of these men who have lost their eyes, and so on, were capable of being leaders in our country, and capable of earning \$20,000 a year. Now, they are being compensated at less than the wage of a labourer. If we are not able to raise the pension level of everybody, certainly there should be some consideration for these men who are multiply disabled. I think the man who has lost his faculty to earn a living cannot live on what he is getting today, and I believe it is a discrimination.

Mr. KENNEDY: I would like to ask about the attendant's allowance. Must a recipient show vouchers to prove that people are assisting him? I think it would be of benefit to the committee to have a brief explanation of this.

Mr. ANDERSON: Mr. Chairman, we do not demand vouchers from anybody to establish their need for an attendant's allowance. We assess the man's condition on the basis of the disability and his inability to perform certain exercises, and he is given an attendant's allowance. We at no time ask for an accounting of that attendant's allowance. So long as I have been there this has not been done, and so far as I am concerned, never will be done.

The CHAIRMAN: Gentlemen, it is just 12 o'clock. I suggest we adjourn to reconvene at 3.30 this afternoon in order to complete the brief and then go on with the estimates.

Mr. MCINTOSH: I wonder if Mr. Anderson could tell us whether there is a regulation or a part of the act which says that a widow of a 40 per cent pensioner does not get a continuation of the pension. Is it a regulation under the act?

Mr. ANDERSON: It is in the act itself.

The CHAIRMAN: Gentlemen, I would ask you to be on time at 3.30 p.m., or immediately after the orders of the day so that we may complete this brief and get started on the estimates.

AFTERNOON SESSION

The CHAIRMAN: Gentlemen, we have a quorum. I should like to ask Mr. Bell to read section 5, the last section of his brief.

Mr. BELL: Mr. Chairman and gentlemen, section 5 commences at page 19 and covers our suggestions in respect of an increase in the basic rate of pension.

Section V

Increase In Basic Rate Of Pension

This dominion council was advised by the Canadian pension commission in 1962 as follows:

The 100 per cent disability pension has always been paid on the basis of the average wage for unskilled employment in the general labour market, and this basis has remained unchanged over the years.

The Department of Labour of the government of Canada has provided the following information regarding the average wages paid for unskilled labour in the construction industry for Vancouver, British Columbia for a 44½ hour week:

1947 .....	\$2,082.60 per annum
1952 .....	\$3,471.00 per annum
1957 .....	\$4,188.60 per annum
1961 .....	\$5,067.92 per annum

The basic rate for 100 per cent pension for the same years for a single veteran is given below:

1947 .....	\$1,128.00
1952 .....	\$1,500.00
1957 .....	\$1,800.00
1961 .....	\$2,160.00

NOTE: The maximum allowances for dependents (wife and three children) would increase the pension to \$3,630.00.

This council submitted a request to the minister of Veterans Affairs under date of 9 Mar 61, for information as to the standard dollar value of 100 per cent pension. The Canadian pension commission replied that a 100 per cent pensioner with wife and three children receives \$3,636.00 per annum, and compared this with the maximum income for a customs guard in the federal civil service of \$3,540.00 per annum. It is interesting to note that the maximum salary for the customs guard in the federal civil service now has been increased to \$3,740.00.

This comparison, now showing a disparity for the 100 per cent pensioner, does not represent an accurate basis, in that the customs guard now receiving \$3,740.00 per annum could be a single man. Therefore, this would have to be compared with the 100 per cent War Disability Pension paid to a single man which is, of course, \$2,160.00 per annum.

This association would wish also to make a comparison between war veterans allowance and 100 per cent disability pension. The annual payments for a married man with no children are as follows:

War veterans allowance .....	\$2,088.00
War disability pension (100 per cent) .....	\$2,880.00

We are not implying criticism of war veterans allowance, and are in favour of reasonable remuneration for this group. We do consider, however, that a 100 per cent war disability pensioner should be entitled to compensation in an amount considerably greater than that payable under the war veterans allowance act.

This association considers that the arguments submitted back and forth between the commission and dominion council concerning an adequate basis for payment of 100 per cent pension serves no useful purpose. The pension commission cites the "average wage for unskilled employment in the general labour market". Neither the dominion bureau of Statistics, nor the federal department of labour, have been able to give this council an accurate estimate of the average wage for this group. We consider, therefore, that it is not practical to devise a satisfactory basis for comparison.

The intention under the Pension Act is to make compensation to a 100 per cent disability pensioner to the extent that he would have been able to earn had he not suffered disability. It is common knowledge today that any man (or woman) who was good enough to fight for his country would be able to earn at least \$400 a month, provided that he were not physically incapacitated.

There seems little doubt that the increase in war disability pension rates have not kept pace with the general increase in the rates for wages paid for an unskilled labourer. Moreover, the government of Canada has twice recognized the necessity for increases in pay raises in its civil servants, the Royal Canadian Mounted Police and the armed forces of Canada since March 1961.

This association respectfully requests this committee to study the matter, with a view to recommending an increase in the basic rate of pension of not less than 33½ per cent.

The CHAIRMAN: Gentlemen, are there any questions in respect of section 5?

Mr. CLANCY: Your recommendation is that there be a flat 33½ per cent increase in all pensions?

Mr. CHADDERTON: Yes, that is right.

The CHAIRMAN: Are there any further questions?

This recommendation will be considered by the whole committee and we will have to make a recommendation to the House of Commons.

Mr. LAMBERT: Having regard to the statement made at page 19 of your brief in respect of the scale of wages paid for unskilled labour in the construction industry in Vancouver, I suggest this is a matter of degree and that Vancouver is perhaps one of the highest wage areas in Canada. You do not have a national average?

Mr. CHADDERTON: In answer to that question, Mr. Chairman, I think this council would like to state to this committee that it is not our intention to imply that the 100 per cent pensions should be increased to this figure of \$5,067.92. We have cited this figure for two reasons. Firstly, to point out that the wages for unskilled labourers in certain parts of the country have far outdistanced 100 per cent pensions. Secondly, we think it is fallacious to continue to attempt to provide any basic figure across Canada in respect of unskilled

labourers. We did get in touch with the Department of Labour and the dominion bureau of statistics, but neither of those branches of government were able to give us any figure which we could present to this committee stating as the average wage paid to unskilled labour across Canada. In as much as we were able to give any figure for unskilled labour across Canada, we felt it was perhaps best to just cite the figure for the Vancouver area, knowing full well that it was one of the highest wage areas, and point out to the committee that this is merely an indication of the increase in wages across Canada and particularly in the city of Vancouver since 1947.

Mr. LAMBERT: In respect of the argument appearing at the top of page 21 of your brief, that the intention under the Pension Act is to make compensation to a 100 per cent disability pensioner to the extent that he would have been able to earn had he not suffered disability, perhaps this is generally so, but I think you will agree that in the case of a barrister who earned perhaps \$35,000 or \$45,000 before going into active service and being discharged as a 100 per cent pensioner, this is not the intention of the act?

Mr. BIGG: Perhaps this is why these people have quoted the labour wages.

Mr. LAMBERT: Yes, but if you take this statement out of context it might be subject to a different interpretation.

Mr. CHADDERTON: Mr. Lambert, I think we have to refer again to the statement which the Canadian pension commission has given to our Dominion Council and this is quoted in the first paragraph of section 5 of our brief. The statement is as follows:

"The 100 per cent disability pension has always been paid on the basis of the average wage for unskilled employment in the general labour market, and this basis has remained unchanged over the years."

Our interpretation of that statement is that when the pension commission and/or the government set down the rate, devising some scale or basis for a 100 per cent pension, they were thinking of the wage that a 100 per cent physically capable person could earn.

Mr. GROOS: You are referring to the unskilled labour market?

Mr. CHADDERTON: I am referring to the unskilled labour market, yes.

Mr. CLANCY: Mr. Chairman, I should like to ask the witness whether he is referring to a pension by right; in other words a pension as a result of war service? I think I am correct in this regard. Secondly, is there any discrimination against a pensioner by right whether or not he is limited in his earning capacity? In other words, if a 100 per cent pensioner earns \$1 million per year will he lose his pension?

Mr. CHADDERTON: No.

Mr. CLANCY: I think your suggested solution involves an overall increase in the percentage.

The CHAIRMAN: Are there any further questions?

Mr. GROOS: Mr. Chairman, I should like to mention again the benefit resulting from a continuous survey of employment possibilities in respect of pensioners with various disabilities. I think such a continuous survey would be helpful to our deliberations. I think we should be aware of this situation at the time we are considering bills of the type now before us.

Mr. MACEWAN: Mr. Chairman, I should like to agree with Mr. Groos in that regard. I receive reports from the national employment services unemployment insurance commission office giving figures in respect of job opportunities, and the last paragraph of these reports always refers to assistance to handicapped veterans. Perhaps figures in this regard could be provided on a monthly basis and be included in the national employment services reports.

Mr. GROOS: The problem in this regard is that in respect of 100 per cent pensioners the pension given is obviously not one which enables the pensioner to establish a very high standard of living. The majority of 100 per cent pensioners are young men, perhaps with young wives, and they are able to supplement this income and enjoy a reasonable standard of living, but as they grow older they are not able to do this, or find it more difficult to hold down a job. In view of this fact it is possibly necessary over the years to increase the levels of income of the 100 per cent pensioners. Figures in respect of job opportunities for handicapped persons would be very helpful to us in our deliberations.

Mr. McINTOSH: Mr. Chairman, one other fact supporting that argument is the fact that many pensioners find that their disabilities do not become aggravated until later years and as a result they are not prevented from supplementing their pensions.

Mr. GROOS: Mr. Chairman, I would like to suggest that the figures to which I have referred should cover not only 100 per cent pensioners, but pensioners at various percentage levels.

Mr. BIGG: Mr. Chairman, there has not been much reference to this upgrading principle. As a pensioner grows older, would not the upgrading principle take care of the situation? Perhaps we should make the upgrading principle more generous. It appears that age aggravates disabilities, making it more difficult for pensioners to supplement their incomes. Perhaps an increase in the upgrading principle would actually look after the situation, obviating the necessity to raise pensions.

Mr. BUTLER: Perhaps I could answer this question. The only problem in respect of an increase in upgrading is that the heavily disabled people do not benefit now from the upgrading. A 100 per cent pensioner receives nothing as a result of the upgrading. A 90 per cent pensioner receives one tenth; an 80 per cent pensioner receives two tenths and a 70 per cent pensioner receives three tenths. The seriously disabled pensioner does not receive any help at all from upgrading.

Mr. CLANCY: I understand we are discussing pensions by right as a result of war service disabilities. I should like to know whether there is any discrimination against a man receiving a 40, 50 or 60 per cent pension as compared with an individual receiving war veterans' allowances. Do you believe that the handicapped are being discriminated against?

Mr. CHADDERTON: I think perhaps Mr. Clancy is referring to the figures we have included at page 20, comparing payments under the War Veterans' Allowance Act at the married rate, which is \$2,088, with those received by a disabled pensioner. Our feeling is that this amount is not over generous. War Veterans Allowance is perhaps not sufficient. We have made a comparison between a 100 per cent war disability pensioner at married rates which is only \$2,880, with a pension received under the war veterans allowance act.

This is another reason we feel the members of this committee should look seriously at the situation regarding 100 per cent pensioners. I would not suggest that there is discrimination against a pensioner when comparing that with a similar pension under the War Veterans' Allowance Act, but we feel the whole question of pension rates should be considered through many windows including a comparison with the war veterans' allowances; including the wage scale for unskilled labour in Vancouver, British Columbia, and any other yardstick which can be used. I think, having done so, we will arrive at this same conclusion as set out in our brief; that if a man were 100 per cent physically capable he certainly would be able to earn \$400 a month in the average labour market in Canada today.

Our feeling is that we are not being discriminated against, but that a 100 per cent pension certainly has not kept pace with the general increase in the cost of living, and the general increase in salaries and wages. This fact becomes quite apparent when you study the increase in pensions, the increase in wages as well as the increase in the cost of living.

The CHAIRMAN: Are there any further questions?

Mr. BIGG: Mr. Chairman, my remarks in respect of the upgrading principle were based on the idea that any increase should apply to 100 per cent pensioners as well as others. If such an individual received \$200 a month at age 50 perhaps he would have greater need as he grew older. I suggest that perhaps an automatic ten per cent increase should be given to a pensioner according to his age group, so that not only pensioners receiving 50 per cent pensions, 60 per cent pensions and 80 per cent pensions would receive an increase, but the 100 per cent pensioner would also receive the same increase. If you can justify an increase to a 50 per cent pensioner in a certain age group, certainly you can justify the need for an increase in a 100 per cent pension. If you accept the fact that a pensioner at age 50 has less opportunity for employment than at age 40, and less opportunity at age 60 than at age 50, certainly this principle must apply to a 100 per cent pensioner.

Mr. CHADDERTON: Perhaps I can answer that question. We have discussed this situation, and you are suggesting one other approach to the problem. However, if you upgrade your 90 per cent pensions to 120 per cent and your 100 per cent pensions to a 130 per cent you will be going beyond the ceiling which is presently in force. We feel that an increase across the board is probably more beneficial to all our pensioners than supplementing a 100 per cent pension as the pensioner grows older. If a pensioner had a multiple disability pension plus this basic increase such a system would look after the special upgrading of the high pensioner.

Mr. McINTOSH: I wonder whether the association has given consideration to the discrimination which exists between pensioners receiving below 50 per cent pension and those receiving above 50 per cent pension. There does seem to be a discrimination in that area. You have two classes of pensioners, one in a preferable position with dependants who receive a pension in the case of death with an automatic increase at age 55 and age 65. I wonder whether we should eliminate this discrimination. Have you given any thought to this suggestion?

Mr. BUTLER: Perhaps I could answer that question. The reason we as a group of war amputees present specific briefs basically on behalf of high pensioners is that we are fighting particularly for those pensioners. Certainly there are elements of unfairness in respect of the 50 per cent cutoff. In view of the fact this is the group we are fighting for specifically we concentrate most of our efforts in this regard.

Mr. McINTOSH: Your statement does not apply to a Symes amputee, of course?

Mr. BUTLER: My statement does not apply to a Symes amputee; that is correct.

Mr. McINTOSH: There is a discrimination in respect of that class of pensioner?

Mr. BUTLER: Yes.

The CHAIRMAN: Are there any further questions?

Thank you very much, gentlemen, for your very splendid brief.

Mr. ANDERSON: Mr. Chairman, I should like to add one or two remarks.

The CHAIRMAN: You will be allowed to make your remarks, in a moment, Mr. Anderson.

Mr. Reynolds, would you come to the front table, please?

Mr. P. E. REYNOLDS (*Chief Pensions Advocate Department of Veterans Affairs*): Mr. Chairman, I am the chief pensions advocate.

The CHAIRMAN: Mr. Reynolds the chief pensions advocate would like to make a few remarks this afternoon.

Mr. REYNOLDS: Mr. Chairman and gentlemen, I think it may be helpful to the members of this committee if I briefly explain the role played by the veteran's bureau in assisting pension applicants and, in particular, I would like to make a few brief comments with regard to the point raised by The Royal Canadian Legion in its brief concerning the duty owed by the veteran's bureau to the applicant and to the commission. The brief quotes part of the statement I made to the committee in 1958 and I would like to read my statement in its entirety to this committee. That statement reads as follows:

The veterans' bureau has been in the operation since 1930 and is authorized by the present section II of the Pension Act. It is a branch of the Department of Veterans Affairs and is completely independent from the service bureau of the Canadian Legion or other veteran's organizations and is also equally independent of the Canadian pension commission.

Its duties are prescribed by the act, and may be summarized thus: to assist and advise applicants for pension or other relief under the pension act with regard to all phases of pension law.

These duties are carried out by means of a head office staff at Ottawa and by district pensions advocates and appropriate staffs in all the district offices.

The number of advocates employed in a district ranges from part-time advocates in some of the smaller districts to four full-time advocates in some of the larger ones. All the advocates are members of the legal profession with the exception of three, and these non-legal advocates, by virtue of a great many years of experience in the work of the bureau, are very efficient in their work.

The bureau endeavours to give pension applicants free of all charge exactly the same kind of service as litigants would have the right to demand of a law firm representing them in civil litigation.

It is the policy of the bureau that the district pensions advocate, who is in direct contact with the applicant, is responsible for the preparation and presentation of the claim throughout. The head office staff is available to advise and assist him.

The work of the bureau commences as soon as an applicant contacts an advocate. This may be before any claim is made or it may be after the claim has received one or more hearings by the commission. The duty of the bureau at each of these hearings is to do its utmost to find and present to the commission all available relevant evidence.

This entails reviewing the service documents and the departmental files which are available to the bureau as well as service records, the post discharge documents and the departmental files.

The Pensions Act provides that a summary of evidence must be prepared and supplied to the applicant with certain very minor exceptions in all claims prior to a second hearing or an appeal board hearing. The statute places the responsibility for the preparation of this document on the bureau in all cases. That is even if the bureau is not representing the applicant, the bureau is still responsible for the preparation of the summary of evidence. The preparations of this summary is

an extremely exacting and important duty which requires the examination of all the relevant service documents, post discharge documents and their summarization. That is, it is up to the bureau to find all the documents available and then summarize them.

These summaries are actually prepared by the district pensions advocate, the head office staff assuming the responsibility of ensuring that he is supplied with copies of all relevant documents.

One of the most important duties performed by the district pensions advocate is the preparation and presentation of claims before appeal boards. At these hearings, viva voce evidence is produced and the advocate appears at the hearings as the applicant's counsel. As the decision of an appeal board is a final one, the advocate is required to take every possible care that all available evidence is placed before the board. At these hearings the commission is not represented by counsel so the bureau recognizes the duty to the commission to make full disclosure of all relevant evidence in its possession.

The Pension Act provides that under certain circumstances an appeal board decision may be reopened. Applicants of this kind are now quite numerous and presentation of these applicants to specially designated appeal boards is one of the duties performed by the advocates on the head office staff.

The issues in a great many pension claims are medical ones and advocates are required to secure medical evidence. In this regard the bureau is most grateful to the director general of treatment services Dr. Crawford, for his cooperation in securing for the bureau the opinions of outstanding specialists right across the country. The bureau simply could not function efficiently without this assistance.

That is the statement I made in 1958, Mr. Chairman. It is perfectly correct that the veterans' bureau owes a duty to make full disclosure of all available evidence. This duty arises out of the statutory duty imposed upon the veterans' bureau by the pension act to "prepare a summary of all available evidence relating to the claim". This summary of evidence is required before second hearing or before an appeal board hearing and it consists of extracts from medical service documents, and all documents which are relevant to the claim which are contained on either head office or district office files. The summary is brought up to date immediately before an appeal board by the preparation of a supplementary summary which includes all relevant documents which appeared on the files after the summary was completed.

In the process of collecting evidence the advocate endeavours in every possible way to secure all the evidence which is favourable to the applicant's claim but if some of the evidence he obtains is not favourable he is under a duty to include it also. Once the advocate has satisfied himself that all available evidence is included in the summary he has, in my opinion, discharged his duty to the commission to make full disclosure. Therefore, when he appears before the appeal board he is completely free to present the applicant's case in whatever way he believes will be in the applicant's best interests.

Before the present practice was introduced, the advocate was opposed at the hearing by pension counsel who vigorously cross-examined the applicant and his witnesses and argued against the application. Whatever defects there may be in the present system it is significantly superior from the point of view of the applicant to the previous one.

As I have pointed out, the main issue in a great number of claims hinges on the answer to a medical question. The main disadvantage of the present practice of full disclosure by the advocate from the point of view of the appli-

cant is that, when the advocate secures an unfavourable written opinion from a medical expert he is obliged to produce it and place it in the summary of evidence.

If the bureau was relieved of the duty of preparing the summary of evidence and producing all evidence, it found, this would be beneficial to the applicant in some cases but, on the whole, I feel that the present system is working reasonably well. The success achieved in about 50 per cent of appeal board applications establishes this.

The advantage of the present system is that it has eliminated the appearance of pension counsel to oppose applications and has enabled the bureau to develop a reputation of complete candor with the commission and its appeal boards which reacts to the advantage of many applicants. I would expect that, if the practice of full disclosure was not followed, the commission would feel obliged to test the reliability of all the evidence produced by the bureau by conducting a searching inquiry for evidence itself. If this was done it would entail endless delays and, in many cases, would probably result in the commission turning up the evidence which the bureau did not consider advisable to disclose.

That is my statement, Mr. Chairman. Are there any questions?

Mr. CLANCY: Mr. Chairman, may I suggest that we have Mr. Reynolds' statement printed in the evidence, and refer again to this subject when we have the officials from the Department of Veterans Affairs before us? Today we are dealing with an obvious case; if an individual does not have a leg he does not have a leg; if he does not have an arm, he does not have an arm. We do not need a medical opinion in this regard.

The CHAIRMAN: Mr. Reynolds' statement will appear in the evidence.

Mr. BIGG: Mr. Chairman, I gather his duty is to produce all documentary evidence; he does not have to disclose what the veteran said to him in discussion?

Mr. REYNOLDS: No, we do not disclose any verbal information.

Mr. BIGG: You just produce the documentary evidence.

Mr. CLANCY: Mr. Chairman, I respectfully submit that this problem which has been brought up be held over until we have the departmental officials here.

Mr. HABEL: I would like to ask the witness a question. You mentioned there was only one advocate who was not a lawyer?

Mr. REYNOLDS: Yes.

Mr. HABEL: Which district does he represent?

Mr. REYNOLDS: Victoria.

The CHAIRMAN: Is there anything further?

Mr. McINTOSH: Mr. Chairman, I think there is some misunderstanding here. The war amps are still sitting at the front. It was my feeling we were finished with their submission and that this now is an additional submission.

The CHAIRMAN: It was my understanding as well that we have completed hearing evidence from these witnesses.

Mr. BIGG: Mr. Chairman, I understood Mr. Anderson wanted to say something about war amps.

Mr. PETERS: Mr. Chairman, what testimony are we hearing now? What relationship has it to what we have heard?

The CHAIRMAN: Well, I heard it; I thought you did. Mr. Reynolds was setting forth the procedure which takes place when an application for relief is

made by someone who desires a pension, and Mr. Reynolds is the senior official in the bureau.

Mr. PETERS: But has this anything to do with the representations we have had?

The CHAIRMAN: This was to enlighten the members of the committee in respect of the procedure when an application is made for a pension through his advocate or his agents.

Mr. PETERS: But this is a completely different subject than we have been discussing.

The CHAIRMAN: Of course.

Mr. HABEL: Did it not have some reference to the section of your brief?

Mr. BUTLER: It concerned the second item in the brief; it is relevant to bill C-7, which you were discussing.

Mr. HERRIDGE: Mr. Chairman, I apologize for being late but I was at a mines, forests and waters steering committee meeting.

Have you any observations to make to the committee in respect of the function of veterans advocates concerning application for pensions?

Mr. CHADDERTON: I do not think we have any observations to make in that regard.

The CHAIRMAN: At this time I think Mr. Anderson, the chairman of the pension commission, would like to make a statement.

Will you come forward, Mr. Anderson, and make whatever comments you wish to make?

Mr. ANDERSON: I would like to answer one or two of the questions raised this morning.

There was a question raised concerning workmens' compensation boards and the rates they pay for Symes operation.

When I got back to the office I asked some of my staff to look up anything recent in that connection but, unfortunately, the latest we had was a report from six of the provinces in 1953. At that time they were paying 30 per cent. However, the chief medical adviser for the workmen's compensation board in Toronto, and he says they pay 25 per cent for a Symes operation. I also checked with the British Ministry on the rate they pay and they tell me they pay 30 per cent.

I have here an American schedule for ratings for disabilities. As today is Thanksgiving day in the United States I was not able to check to see if this is completely up to date. However, the rating shown in this book is 40 per cent. To be fair, I should add that they pay a bonus to all disability pensioners in a certain amount, depending on the extent of the disability, and the Symes amputees get the benefit of that.

Mr. BIGG: On that point, do the Americans have the same ceiling of disability or could this Symes be included with blindness, making a 140 per cent disability?

Mr. ANDERSON: I am afraid I could not answer that.

Mr. BIGG: If they have a different ceiling it would have a bearing on this 50 per cent figure. Would it help him to get a 50 per cent pension and the widow's benefit?

Mr. ANDERSON: The Americans have nothing which is exactly comparable to our age increases for this type of disability. This is the only bonus they pay.

Mr. CLANCY: A figure of 25 or 30 per cent was mentioned previously; 25 per cent or 30 per cent of what? Percentages mean nothing.

Mr. ANDERSON: This is the amount that is set at 100 per cent.

Mr. CLANCY: It is 100 per cent then?

Mr. ANDERSON: We will give you that figure.

Mr. BIGG: What is the percentage for the below-knee and the one we were comparing it with in the brief?

Mr. ANDERSON: The American?

Mr. BIGG: All three. Supposing you had your leg off below the knee would there be any difference between that and the Symes in so far as the workmens' compensation board is concerned?

Mr. ANDERSON: I did not get that information from the compensation board but it is the same for the Americans, both 40 per cent.

Mr. BUTLER: The question was asked: percentage of what? This concerns the wages at the time of the accident?

Mr. BIGG: In respect of the American rates apparently this disability is one and the same, whether it is below-knee or at the ankle.

Mr. McINTOSH: Mr. Chairman, my question is along the same lines as Mr. Bigg's. You mentioned 25 per cent for a Symes amputation; what is the percentage for below-knee amputation in order that we can make a comparison?

Mr. ANDERSON: In respect of the Americans?

Mr. McINTOSH: Workmen's compensation.

Mr. ANDERSON: I do not have that figure.

Mr. HABEL: But the workmen's compensation would be based on a certain percentage of the wages that the man was getting at the time of the accident?

Mr. ANDERSON: Yes, I presume so.

Mr. HABEL: And that might mean quite a difference.

Mr. ANDERSON: That is correct.

Mr. CLANCY: What is the 100 per cent pension under the Canadian act?

Mr. ANDERSON: 100 per cent pension at single rate is \$2,160 a year.

Mr. CLANCY: Then all our percentages are based on that?

Mr. BIGG: I understood the workmens' compensation board paid a percentage of the wages and there was not an arbitrary ceiling. A man earning \$4,000 a year might get \$1,000 whereas the man in the lower bracket would get less.

Mr. ANDERSON: Yes.

Mr. CHADDERTON: We have gone into the workmens' compensation legislation time and time again and have run up against the same blind wall.

Workmen's compensation board cases can start at 50 per cent, 60 per cent or 70 per cent of the salary being earned. Then the compensation board places the injured man in the rehabilitation field, and if they move him back into employment his payments decrease accordingly, whereas the principle behind the payment of war pensions, particularly with a fixed disability, is to say it is 40 per cent, and that is where it stays. The pensioner may go out and earn \$15,000 a year and it has no bearing on his pension.

The CHAIRMAN: That is what I understood.

Thank you very much, gentlemen. We will now proceed to deal with the estimates and I would like Mr. Rider to come forward.

Mr. McINTOSH: Mr. Chairman, before we proceed with the estimates do I assume this is the last brief we are to hear from anyone?

The CHAIRMAN: No, there are two more.

Mr. McINTOSH: What two are they?

The CHAIRMAN: On December 3 we have the Hong Kong delegation and, on December 5, we have the Canadian council of war veterans associations.

Mr. McINTOSH: Mr. Chairman, may I with your permission and the permission of the committee at this time read into the record a submission that was dug up by Mr. Pennell, who is unable to be here, in support of Bill C-7. It will take only a few minutes.

The CHAIRMAN: Is that agreeable? If so, I would ask Mr. McIntosh to proceed with his submission.

An hon. MEMBER: Submission by whom?

Mr. McINTOSH: The submission is part of a speech made by Lord Denning in the House of Lords. This has a bearing on the principle behind Bill C-7.

The CHAIRMAN: Could we print it as an appendix?

Mr. McINTOSH: It will not take long to read it.

The CHAIRMAN: Fine.

Mr. McINTOSH: May I come up to the front?

The CHAIRMAN: By all means.

Mr. McINTOSH: It may be of interest to the committee if I tell you that this is part of the maiden speech of Lord Denning to the House of Lords in December, 1957. I will just read the part which I feel is relevant to Bill C-7. He starts off:

My Lords, it has been my lot as a judge to review the decisions of many tribunals, and may I say how welcome it is that this important report should be accepted by all parties in the state, because it contains and reaffirms a constitutional principle of the first importance—namely, that these tribunals are not part of the administrative machinery of government under the control of departments; they are part of the judicial system of the land under the rule of law. This report shows how that principle should be put into practice. These tribunals should, whenever appropriate, give reasons for their decisions, and their decisions should be subject to appeal to the courts on points of law.

Then the latter part is this:

I will tell your Lordships something about an appeal structure with which I had some connection—namely, the pensions appeals tribunal. After the war the late Lord Jowitt, of honoured memory, appointed me as the nominated judge to hear all appeals from ex-servicemen. The machinery of appeal is this. The ministry look into a case, and say whether or not it is a proper case for a pension. If they reject it, there is an appeal to a pensions appeal tribunal, which consists of a lawyer, as chairman, a medical man and a service member. If they reject it, there is an appeal to the high court on points of law. I was nominated as the judge to hear all these appeals.

See how the course of justice may unknowingly go wrong! I had not been sitting for two or three weeks, when I realized that the tribunals had been putting the burden of proof the wrong way—they were putting it on the service man to prove that his disability was attributable to war service. That had been the law before 1943; but in 1943 the royal warrant was amended to say that if a man was fit when he went into the service and disabled when he came out, there should be a presumption, and a compelling presumption, that his disablement was due to war service and that the burden was on the Ministry, if they could, to prove the contrary. So far as I could see, despite the change in the royal warrant, the tribunals had gone on in the old way. They were saying in their reasons, 'We cannot find sufficient ground for saying that this was attributable to war service'. I hope I was right, but in every case I allowed the appeal.

Further than that, there arose the question of those people whose cases had been decided in the last two years on a wrong basis. Application was made to extend the time limit for an appeal. The Attorney General of the day argued that a judge had no power to give an extension of time. I held that an extension of time was permissible, and made it reasonably clear that in every case the time would be extended; whereupon the government of the day, very properly, set up a special review tribunal which reviewed all those cases. As a result, many men got the pensions to which they were entitled, and counsel for the British Legion, addressing me afterwards, told me how admirably the review tribunal had done their work.

What I have said shows how, quite unconsciously and unmeaningly, a tribunal may slip into error and may need to be corrected. But that is not the only purpose of an appeal. Another purpose is to get uniform decisions. There were 14 or 15 tribunals operating all over the country, and one might come to a decision different from that of another. There were difficult cases. Cancer, for example, is a very difficult and arguable case. On the one hand, doctors could not say what was the cause of cancer, so how could it be said that it was not due to war service? On the other hand, it was said that cancer is just as prevalent in civilian life as it is in the army, and that there is no possibility of its being due to war service. One tribunal would decide a case in one way and another tribunal would decide in quite a different way. How unfortunate for all the widows and other dependants! We arranged to have test cases in which the medical evidence and the legal position in a typical case of cancer could be settled and decided, so that that might act as a signpost for all other cases of that type. That was done in regard to cancer, leukaemia, varicose veins and other ailments which continually arose, so we achieved uniformity of decision. That, then, is the other value of an appeal.

As a result of this experience, I would ask that, if appeals are to be limited to points of law, a liberal interpretation should be given as to what constitutes a point of law. I will give your Lordships one illustration. Gunner Lee had suffered a great deal from stomach trouble while in the army. He had reported to army doctors, and they had pooh-poohed him and put the case on one side. One suggested that he was malingering. When he went to a civilian hospital it was found that his condition was by then inoperable and he died. His widow brought the case which eventually came to me. She conducted it in person. The man's captain, his comrades and his wife herself proved how he had reported sick to the army doctors and not been given attention; and the tribunal had decided against him simply because nothing appeared in his medical history sheet in regard to his complaints. Medical history sheets, however, may be incomplete. Rightly or wrongly, I held that if a tribunal comes to an unreasonable conclusion, that is a point of law with which courts can interfere. I am glad to say that only a year ago this house, in its judicial capacity, held that if a tribunal comes to a conclusion to which no reasonable man could come, that is a point of law on which the courts can interfere. In passing, may I express the hope that in any structure which is made in future the jurisdiction of this house in its judicial capacity will be preserved. Those who remember the workmen's compensation cases which came to this house will recall the liberal interpretation then given by the house in its judicial capacity—that the burden should not be on the workman who is injured but on his employer.

He goes on to say:

My Lords, I have drawn attention to the demerits of tribunals. Let me now say this on their behalf. We all make mistakes. These tribunals are a most valuable part of modern society. They decide disputes which are usually between the individual and the state, and for the most part they are composed of laymen, often unpaid. Most of them have the essential qualifications that they are knowledgeable, right thinking people, and they do the work often as a matter of public service and not for reward. Do not think that it is necessary to replace all of them by lawyers. A good layman on a tribunal is better than a bad lawyer—and there are not enough good lawyers to go around. These tribunals form as valuable and indispensable a part of our judicial system as justices of the peace; their work is just as valuable, and they too should be held in high regard. It is the great merit of this report that it is unanimous. It is accepted by all parties of the state, and by Her Majesty's government. That, surely, will give all the ordinary people of this country who are interested in liberty great cause for hope.

Thank you, Mr. Chairman.

The CHAIRMAN: I will now call Mr. Rider and Mr. Mann.

Gentlemen, the items we would like to cover, if we can, this afternoon are votes 10, 50, 115, 120, and in the supplementary estimates, terminable services, votes 117a, 118a, and 119a.

I call vote 10.

10. Veterans Welfare Services, \$3,689,400.

The CHAIRMAN: Mr. Rider has a short statement which he would like to make.

Mr. E. J. RIDER (*Director, Veterans Welfare Services Branch*): Mr. Chairman and gentlemen, the veterans' welfare services branch of the department operates with an establishment of 770 positions for a small supervisory staff at head office and 23 field offices being district and sub-district establishments. By recent re-organization each district office has two major divisions:

The Rehabilitation and Social Welfare division, and the War Veterans Allowance and Administration division. The former includes a pool of welfare officers and the latter a pool of clerical and stenographic positions to provide the greatest possible flexibility for local management.

The work of the branch is quite varied and covers the administration of statutes, the provision of a field service for other branches, the C.P.C., the Benevolent Funds, and to some degree to other departments. The preparation and processing of W.V.A. applications and reviews for decision, and the promulgation of the decisions made forms the largest single item of the work. Also included is the provision of rehabilitation and welfare services including, wherever possible, counselling and reference to appropriate agencies both public and private for material assistance and services of various kinds. Although the branch is not a placement agency we do, in close co-operation with the national employment service, arrange placement in employment for a restricted number of veterans:

- (i) pensioners with handicaps.
- (ii) disabled or older veterans with overseas service.
- (iii) special placement cases on discharge from hospital with direct medical recommendations.

The branch administers certain trust funds which are used for the benefit of veterans in accordance with the terms of the individual trusts. Owing to the

co-operation by the three forces benevolent funds, there is now in each district a minor disbursement fund. Although the amount available to an individual is small, these funds are most important because of the value of immediately available assistance. Welfare officers continue to work in our hospitals to provide necessary rehabilitation and welfare counselling and to work with the hospital team in efforts to return veteran-patients to a useful life in the community. Visits are made to their areas by itinerant welfare officers at a frequency normally dictated by the workload. Close co-operation is maintained with three national organizations which provide specialized services to veterans for which they are reimbursed in part. These are, the Canadian National Institute for the Blind, the Canadian Paraplegic Association and the Canadian Hearing Society.

The breadth and depth of the services provided are such that without the co-operation of veteran organizations, forces benevolent funds, public and private agencies, employers and the large number of contacts used by the welfare officers, it would not be possible to achieve the results now attained. I would, therefore, like Mr. Chairman to express our thanks to all concerned for their interest and assistance.

Mr. HERRIDGE: Mr. Chairman, I would like to ask the witness a couple of questions. It is very interesting to hear of the small amounts for welfare payments. Could the witness give the committee an illustration of how that might be used in a case, for instance?

Mr. RIDER: Yes, sir, in the minor disbursements funds relatively small amounts are available, normally about \$10. It can go up to \$25 payable immediately at the district office to a veteran who is in a tight situation at the moment. He has a job, he has not the train fare to go to it, or he needs \$10 to back him up to stay overnight in the Salvation Army hostel or something of that nature. It is truly minor disbursement expenditure. This money is not public money; it is provided for the forces benevolent funds, for our administration.

Mr. HERRIDGE: My second question is in respect of the visits of welfare officers in the interior of British Columbia. Some of the Legion branches have suggested that there should be a welfare officer established in the interior of British Columbia. Would you mind telling the committee what would be the objections to that and what are the advantages of having a welfare officer travel through all that district and return to the Vancouver office?

Mr. RIDER: Yes, this is not an unusual complaint, Mr. Chairman. I think that practically every veterans' organization branch in the country would like to have a welfare officer posted next door to themselves, but basically, when the itinerant welfare officer goes to his area depends upon the work load that there is to be done.

In our district offices decisions on things such as the war veterans' allowance are made by the District Authority, and decisions on other benefits are made by more senior officers who are stationed in the district offices. If the welfare officer is based at the district office he is then available to assist these decision-making bodies by advising them concerning local conditions and facts about the individual, which often assist in getting an award granted by having the additional information available. Further, when awards are made or adjustments are made to awards, these can be explained to the welfare officer while he is in office so that when he goes out to his area he can give the veteran a proper explanation as to why this adjustment has been made.

I think the next important reason for having been based in the office is that there is always quite a lot of development and staff training required. The welfare picture in Canada changes rapidly. The welfare officers do not only look

at what the Department of Veterans Affairs can do; they look at what is available elsewhere, what the provinces can do, what is available through other agencies and organizations, because if D.V.A. cannot help a veteran we at least expect our veterans' welfare officer to tell the veteran where he can get help or to make referral to an agency which can help the veteran. Therefore, up to date training of welfare officers is most important. For these reasons, Mr. Chairman, we feel that our welfare officers serve the veterans best by being based in the district offices.

Mr. HERRIDGE: It is very well explained, thank you.

Mr. BIGG: Mr. Chairman, do these welfare officers have an opportunity to take social training and university extension courses, and that sort of thing?

Mr. RIDER: Yes, sir, they do. There is a course going on now in British Columbia given by the staff of the University of British Columbia which was organized by the D.V.A. office out there. We have welfare officers attending the course. It is a night course. It has also been made available to the workmen's compensation people and the provincial welfare officers and other federal civil servants. There have been similar courses in Saint John, New Brunswick and Winnipeg. These courses are arranged with the universities.

Mr. BIGG: Do you assist them financially, I mean the officers?

Mr. RIDER: The welfare officers pay for themselves.

Mr. HERRIDGE: That is an interesting reply. You mean the welfare officers pay themselves?

Mr. RIDER: Speaking of the course in Vancouver, yes sir, we are in the process of making a submission to treasury board on the basis that the government should at least assist in this payment.

Mr. BIGG: That was the point I was trying to make, because it appears that some of these officers are not overpaid, and I should think that this might be an area in which we could assist them somewhat.

Mr. HERRIDGE: I should think so.

Mr. RIDER: There were some limitations placed on this type of training but I am hopeful that we shall be able to get some assistance for these welfare officers through a submission to treasury board.

Mr. BIGG: I was wondering whether or not one way of doing it perhaps would be to consider these courses as part of their duty. They would then be paid while attending the courses. This might take some of the pressure off. They would work in a shift and be paid for attending the course.

Mr. RIDER: Normally these courses are night classes.

Mr. BIGG: They might have to moonlight in order to make a living.

Mr. HERRIDGE: You are talking about tuition?

Mr. BIGG: I am speaking of government assistance to enable these welfare officers to upgrade themselves without it costing them money. They may not be able to get more money in spite of the fact that after the course they would be better welfare officers.

Mr. RIDER: We do have our own training programs for developing welfare officers, and there are also outside courses which we think can be given by the university staff better than we can give them so that we encourage our welfare officers to go.

Mr. BIGG: I was trying to find whether we could not recommend that a little treasury help should be given to this project.

Mr. RIDER: Maybe the fact that this discussion has taken place will help me when we make our submission to the treasury board.

Mr. MACEWAN: I believe it is in the annual report, but I wanted to ask Mr. Rider the difference between pensioner training regulations and veteran rehabilitation regulations which are referred to in the annual report.

Mr. RIDER: The veterans' rehabilitation regulations relate to the veterans' rehabilitation act, which was the act under which training was given during the post-war period. The pensioners' training regulations are a body of regulations which are intended to assist pensioners by providing them with training and retraining where their disabilities make it no possible for them to continue their old job, and where we see the means of rehabilitation.

Mr. BIGG: Would teaching braille to a blind person come under this heading?

Mr. RIDER: No. We co-operate with three special agencies of which the C.N.I.B. is one. We see no point in duplicating specialized services, when we can get it from the experts themselves.

Mr. CLANCY: I have two questions, first, on rehabilitation, how far do we go with it, or how far do we slough the responsibilities off on the provinces?

Mr. RIDER: We rehabilitate where it requires training for a pensioner under the pensioner's regulations completely. Where the veteran is not eligible under the pensioners' training regulations, the normal thing is for us to try to motivate the veteran towards training for re-employment within the framework of the national employment service, for training to be taken under the Federal-provincial training plan.

Mr. CLANCY: Under the normal procedure of veterans affairs can you take charge of the veteran in any province in Canada and see that he gets what he is entitled to, or do you try to move him on to provincial social welfare? I have seen it happen, and that is why I ask the question.

Mr. RIDER: When you say social welfare, do you mean social assistance?

Mr. CLANCY: No, I mean under provincial laws.

Mr. RIDER: For example, the war veterans' allowance can be given to a veteran in Canada, and this makes the need for social assistance normally unnecessary. In the broad rehabilitation field pensioners training regulations enable us completely to rehabilitate the pensioner. But with the non-pensioner we have to do it the other way, through the province.

Mr. CLANCY: I want to know the regulations. In Saskatchewan, for instance at Yorkton, you have a veteran who needs rehabilitation. Do you try to shove him off on to social aid?

Mr. RIDER: Not if we can do it under the pensioners training regulations.

Mr. CLANCY: Where is the line drawn?

Mr. RIDER: The line is that to come under pensioners training regulations, (a) the man must be a pensioner; (b) he must be unable to continue with his former employment because of increased disability, or he must be able to continue with that employment, but unable to find a job within what is considered to be a reasonable time. He must have a reasonable chance of rehabilitation.

Mr. CLANCY: I wanted to know the procedure? For instance, suppose I am a pensioner. What is "reasonable time"? Who makes the decision?

Mr. RIDER: In that case the district office would take the application and give all the information possible and send it to the head office, to me. I am guided to a great extent by the recommendations made by the district office, because they know what the local conditions are, and they know the availability of employment in their own areas.

Mr. BIGG: Would I have to be registered as unemployed? Would I have to go and have my name registered at the local registry office?

Mr. RIDER: No. We encourage the veterans to go to the national employment service when unemployed, because this is a national placement service.

Mr. MACRAE: I have a question. The veterans' welfare officers themselves are paid under that section as "technical operational and service, 268." Is that correct? They are under vote 10?

Mr. RIDER: Yes, "technical operational and service." The veterans' officers are in there.

Mr. MACRAE: The maximum paid to the men in the field is \$6,000, according to this.

Mr. RIDER: Yes, the welfare officer 3 is paid \$5,880 a year. We have 333 welfare officers and social workers in the branch.

Mr. MACRAE: That seems to be low in view of the high calibre of the men. I have been very happy from my experience with the welfare officers over the years but I think this is one area where there might be something done in the way of an increase.

Mr. CLANCY: How many welfare officers do you have in Saskatchewan?

Mr. RIDER: There are nine welfare officers located in the Regina office, and nine in the Saskatoon office. These men work out in their areas. Some work in the city, and at times have rural areas to work in.

Mr. CLANCY: We have not seen one in my area over the past ten years.

Mr. MACEWAN: As I understand it these welfare officers, for instance, in the province of Nova Scotia normally work out of Camp Hill. As I understand it there is a placement officer in the national employment service in the immediate area, to deal with these matters, and I think the departmental officers go around periodically and check with these placement officers.

Mr. RIDER: That is true. But the officer in the employment service office is not a D.V.A. employee. This is a matter of agreement between the D.V.A. and the national employment service. These officers are often trained by us, but it is a case of working together to do the best job. The national employment service man is there, and he can often deal with a problem or refer it to the welfare officer should it be beyond his ability to deal with it.

Mr. MACEWAN: I believe that is right. In my area the service officer of the Legion branch is a national employment service employee himself, and it works out very well.

Mr. RIDER: That happens quite often. The welfare officer calls at the national employment service branch.

Mr. BIGG: Mr. Chairman, I see a very slight reduction in the amount of money.

The CHAIRMAN: Yes.

Mr. BIGG: This is a very important department, in my opinion. We certainly do not want to short-cue for reasonable needs. I see your budget is down slightly. Is there any specific reason for this?

The CHAIRMAN: That is the austerity program!

Mr. BIGG: Is your program curtailed or is it expanding slightly?

Mr. RIDER: Let us say it was curtailed, but we have been granted some relief from this and we hope to build back up to our necessary requirements.

Mr. BIGG: There is some hope of that, is there?

Mr. RIDER: Yes.

The CHAIRMAN: Is vote 10 adopted?

Item agreed to.

50. Assistance in accordance with the provisions of the assistance fund (war veterans allowances) regulations.

This is at page 455.

Item agreed to.

The CHAIRMAN: Vote 115.

115. Terminable services—veterans benefits, including assistance and the training of certain pensioners under regulations approved by the governor in council.

This appears at the top of page 460. There is a decrease of \$250,000 in this item.

Mr. RIDER: There is one statement I should make in regard to this vote.

At the time the section on extensions was placed in the Children of the War Dead (Education Assistance) Act, the then minister agreed in the house when the matter of the manner in which these extensions would be reported came up, that it should be done at the parliamentary committee level, as was suggested by Mr. Herridge.

Mr. HERRIDGE: Yes.

Mr. RIDER: The minister agreed it would be sufficient to report there. I therefore would like to report that in the year 1962-63, under that act there were 28 extensions approved. Of these 28, 14 of the approved students graduated at the end of the year; nine are continuing on by further extension, by scholarship; two are continuing on their own because they did not reach scholastic standards which would allow us to extend their assistance; one withdrew; and one deferred because he was granted a Rhodes scholarship.

Item agreed to.

The CHAIRMAN: Supplementary estimates—terminable services: under this item we have vote 117a, vote 118a and vote 119a.

Mr. RIDER: These items are put in at \$1 to get the approval of this committee to perform certain acts.

The first one relates to a Miss Hannough, the daughter of a veteran. This is an insurance case in which the veteran died and was deemed to be not pensionable. An insurance settlement was made. Section 10 of the Veterans Insurance Act was then repealed. Following that, the pension commission granted a pension, and a ruling was made in the department that section 10 should not apply. A settlement was made on the insurance policy. The Auditor General then brought forth the fact that section 10 should apply, and we feel that in the circumstances this young lady, who would have quite a large overpayment in this case because of the circumstances involved, should be relieved. Therefore, we ask for a vote of \$1 for your approval to make this settlement so there will be no matter of collecting an overpayment, which has happened in this manner because of a technicality.

Item agreed to.

The second case is that of a Miss Isted. This is the only case of its kind that we have run into so far. Miss Isted is the daughter of the late Sergeant W.C. Isted, who was allowed to go on leave without pay when he was an instructor under the British commonwealth air training plan during the war. He was killed while serving in this capacity. Through the Department of

National Defence and insurance payments, Miss Isted now receives an allowance which is equal to the allowance a pensioned child would get, but she has no eligibility under the Children of the War Dead (Education Assistance) Act. The Department of National Defence actually took this up with us and asked us to bring this case before you.

By voting \$1, this young lady will become eligible for assistance under the Children of the War Dead (Education Assistance) Act back to the date when she started university, which was September, 1961. I recommend this case to you.

Item agreed to.

The CHAIRMAN: Vote 119a.

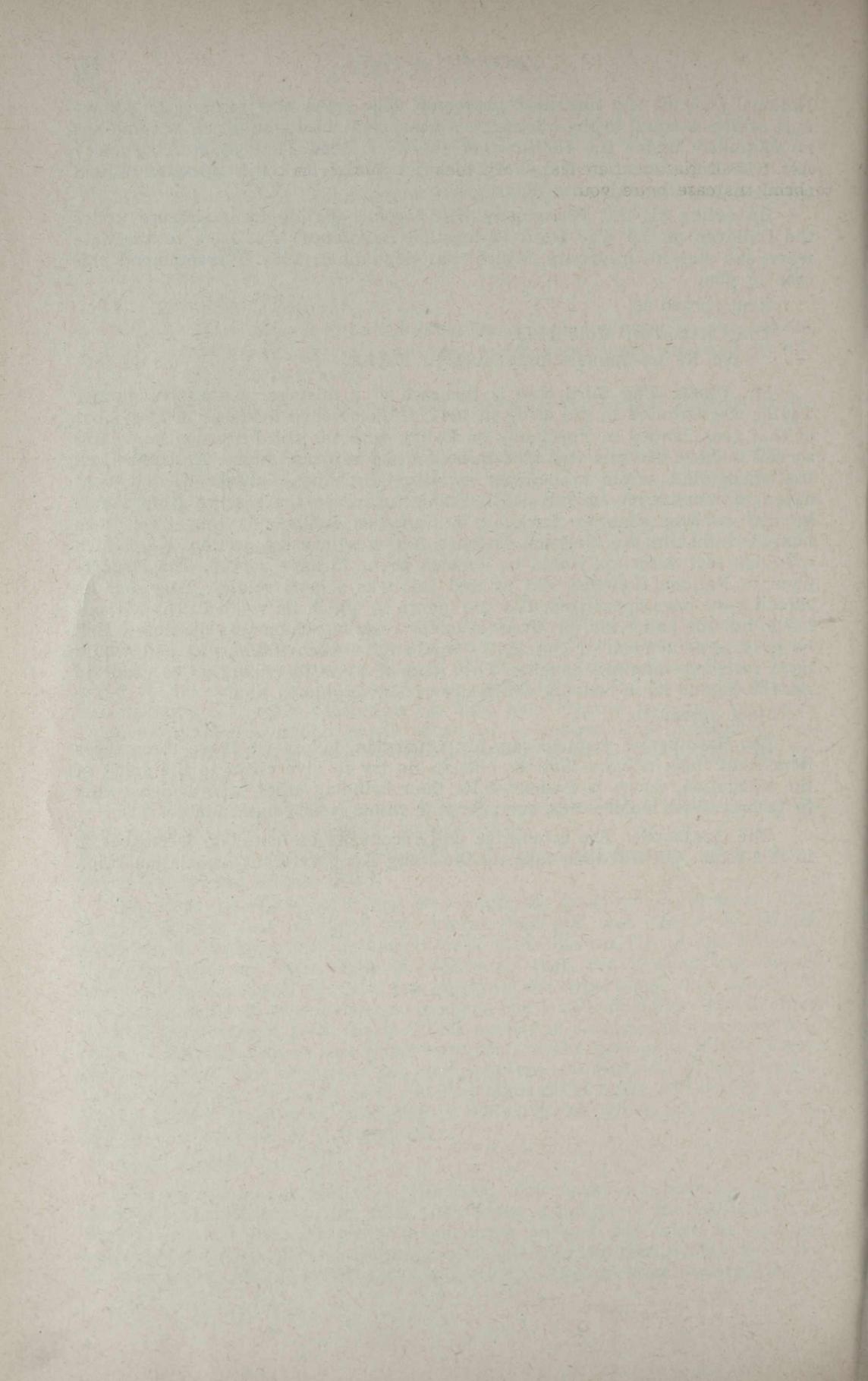
119a Re ex-gunner John Ausborn Taylor.

Mr. RIDER: The third case is the case of a mistake, gentlemen, gunner Taylor was enrolled in the army in 1941. He proceeded overseas in December of that year, landed in Normandy on D-day with the third division, and later served in Italy. He was wounded in action and returned home. He came back to Canada and, while in a depot awaiting discharge, Gunner Taylor went absent without leave in July, 1946, and returned to the reserve from which he had enlisted. Gunner Taylor is a Canadian Indian. At that time it so happened that in the National Defence Act was inserted section 248, which provided that deserters would be deemed never to have served. The Department of National Defence told us that this was a good soldier. They felt he should have been apprehended in the month in which he went absent without leave, but the police did not even go to the reserve, which was his home. Had he been apprehended, of course, he would have been discharged and would have received veterans' benefits. This item of \$1 is to enable us to grant to gunner Taylor those benefits which are still available to him.

Item agreed to.

Mr. HERRIDGE: I want to say, Mr. Chairman, before we leave these three items that they indicate that the officials do try to give effect to the spirit of the legislation, which is evidenced by their bringing cases of injustice owing to technicalities before this committee. I think it is commendable.

The CHAIRMAN: The committee will reconvene on Tuesday, December 3, in this room. We will then take up the Hong Kong veterans association brief.



HOUSE OF COMMONS  
First Session—Twenty-sixth Parliament  
1963

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STANDING COMMITTEE  
ON  
**VETERANS AFFAIRS**

*Chairman:* J. M. FORGIE, ESQ.

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MINUTES OF PROCEEDINGS AND EVIDENCE  
No. 11

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TUESDAY, DECEMBER 3, 1963

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Estimates (1963-64) of the Department of Veterans Affairs

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WITNESSES:

*From the Hong Kong Veterans Association of Canada:* Messrs. A. H. Delbridge, National President; R. F. Lytle, National Secretary; W. Grey, National Treasurer; J. R. Stroud, President—Toronto Branch; F. Breakwell, President, Victoria, B.C.; L. Hurd, Secretary, Quebec; and C. Brady, Director, Quebec. *From the Department of Veterans Affairs:* Dr. J. N. B. Crawford, Assistant Deputy Minister and Director General, Treatment Services; Mr. P. E. Reynolds, Chief Pensions Advocate; Mr. G. L. Mann, Chief, Special Services Division.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON VETERANS AFFAIRS

*Chairman:* J. M. Forgie, Esq.

*Vice-Chairman:* D. W. Groos, Esq.

and Messrs.

Asselin (*Richmond-  
Wolfe*),  
Bigg,  
Cameron (*High Park*),  
Clancy,  
Émard,  
Fane,  
Greene,  
Habel,  
Harley,  
Herridge,  
Honey,  
Kelly,

Kennedy,  
Lambert,  
Laniel,  
Laprise,  
Latulippe,  
MacEwan,  
\*MacLean,  
MacRae,  
Matheson,  
McIntosh,  
Millar,  
Morison,  
O'Keefe,

Otto,  
Pennell,  
Perron,  
Peters,  
Pilon,  
Prittie,  
Pugh,  
Rideout,  
Rock,  
Temple,  
Thomas,  
Webb,  
Weichel.

M. Slack,  
*Clerk of the Committee.*

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\* Replaced by Mr. MacInnis after the morning sitting of Tuesday, December 3.

ORDER OF REFERENCE

HOUSE OF COMMONS,  
TUESDAY, December 3, 1963.

*Ordered*,—That the name of Mr. MacInnis be substituted for that of Mr. MacLean on the Standing Committee on Veterans Affairs.

Attest.

LÉON-J. RAYMOND,  
*The Clerk of the House.*



## MINUTES OF PROCEEDINGS

TUESDAY, December 3, 1963.

(16)

The Standing Committee on Veterans Affairs met at 10.10 o'clock a.m., this day. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Bigg, Clancy, Fane, Forgie, Groos, Habel, Harley, Herridge, Kelly, Kennedy, MacEwan, MacLean (*Queens*), MacRae, McIntosh, Peters, Pugh, Thomas, Weichel.—(18).

*In attendance:* Mr. C. W. Carter, Parliamentary Secretary to the Minister of Veterans Affairs; *From the Hong Kong Veterans Association of Canada:* Messrs. A. H. Delbridge, National President; R. F. Lytle, National Secretary; W. Grey, National Treasurer; J. R. Stroud, President—Toronto Branch; F. Breakwell, President—Victoria, B.C.; L. Hurd, Secretary, Quebec; C. Brady, Director, Quebec; *From the Department of Veterans Affairs:* Messrs. T. D. Anderson, Chairman of the Canadian Pension Commission; W. T. Cromb, Chairman of the War Veterans Allowance Board, and C. F. Black, Secretary of the Department.

Mr. Carter, Parliamentary Secretary to the Minister of Veterans Affairs, welcomed the delegation from the Hong Kong Veterans Association on behalf of the Minister, who was unable to attend.

The Chairman called Mr. Delbridge, National President, who after introducing his group, called Mr. Lytle, who read the brief of the Hong Kong Veterans Association dealing with increased pensions, treatment entitlement and medical care of Hong Kong veterans.

Messrs. Delbridge, Stroud, Breakwell, Lytle, Grey, Hurd and Brady supplied supplementary information relating to their personal experiences and were examined on their recommendations to the Committee.

Reference was made to a document "Hong Kong Prisoners of War Study", undertaken to record the veteran's opinions concerning their present status with respect to their welfare and disability pension awards. Copies of this document were distributed to members of the Committee present at this sitting.

The questioning of the witnesses being concluded, the Chairman thanked the delegation for their brief.

At 12.10 o'clock p.m., the Committee adjourned until 3.30 o'clock this afternoon.

### AFTERNOON SITTING

(17)

The Committee reconvened at 3.50 o'clock p.m. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Bigg, Clancy, Fane, Forgie, Habel, Herridge, Kelly, Kennedy, MacEwan, Matheson, MacRae, McIntosh, Morison, O'Keefe, Thomas.—(15).

*In attendance:* Mr. C. W. Carter, Parliamentary Secretary to the Minister of Veterans Affairs; *From the Department of Veterans Affairs:* Dr. J. N. B. Crawford, Assistant Deputy Minister and Director General, Treatment Services; Mr. P. E. Reynolds, Chief Pensions Advocate; Mr. G. L. Mann, Chief, Special Services Division, Veterans Welfare Services Branch, and Mr. C. F. Black, Secretary of the Department.

The Committee proceeded to the consideration of Estimates, and the Chairman called Item 120 under the heading of Terminable Services.

Mr. Mann supplied supplementary information and was questioned thereon. Item 120 was adopted.

On item 35—Veterans Bureau, Mr. Reynolds was examined. Item 35 was adopted.

On Item 15—Treatment Services—Operation of Hospitals and Administration, Dr. Crawford reviewed various aspects of hospital administration and referred to recommendations of the Royal Commission on Government Organization and was examined thereon.

Item 15 was adopted.

On Item 20—Medical Research and Education, Dr. Crawford supplied additional information and was questioned thereon.

Item 20 was adopted.

Items 25, 30 and 55 were severally called, and after explanations by Dr. Crawford, were adopted.

The questioning of Dr. Crawford being concluded, at 5.30 o'clock p.m., the Committee adjourned until 10.00 o'clock a.m., on Thursday, December 5.

M. Slack,  
*Clerk of the Committee.*

## EVIDENCE

TUESDAY, December 3, 1963.

The CHAIRMAN: Gentlemen, we will open our meeting. The minister hoped he would be able to be here this morning to speak to the delegation. Unfortunately he has been unable to come. Mr. Carter will speak to the delegation of Hong Kong veterans.

Mr. CARTER: Mr. Chairman, representatives of the Hong Kong Veterans' Association of Canada and members of the committee, as the Chairman has just told you, the Minister of Veterans Affairs was very anxious to be here this morning. Right up until a few moments ago he thought he would be able to make it. He may be able to be here later on. However, he asked me to be here in order to greet you on his behalf, and to say that he is looking forward to seeing some of you. The minister has a special interest in the Hong Kong veterans, I think, because he has had a similar experience himself. I know he was looking forward to being here at this meeting. However, on his behalf I welcome you to this committee and wish you every success with your representations.

Thank you.

The CHAIRMAN: Gentlemen, Mr. Delbridge, the national president of the Hong Kong Veterans' Association of Canada will introduce the members of his delegation.

Mr. A. H. DELBRIDGE (*National President, Hong Kong Veterans' Association of Canada*): Mr. Chairman and gentlemen, may I take this opportunity to thank you, Mr. Forgie, and members of the committee on behalf of the Hong Kong Veterans' Association of Canada, National Association.

Before commencing with the reading of the brief, may I introduce my fellow officers to you: Mr. Bob Lytle, national secretary; Mr. Walter Grey, national treasurer; Mr. J. R. Stroud, president, Toronto branch; Mr. Frank Breakwell, president, Victoria branch; Mr. L. Hurd, first vice president and secretary, Quebec branch; Charlie Brady, director, from the Quebec branch.

I will ask our national secretary, Mr. Lytle, to read the brief.

Mr. R. F. LYTLE (*National Secretary, Hong Kong Veterans' Association of Canada*): Mr. Chairman and gentlemen, this is our brief dated December 3, 1963.

Brief in respect to increased pensions, treatment entitlement and medical care of HONG KONG VETERANS.

—Submitted by the Hong Kong Veterans' Association.

The Hong Kong Veterans' Association is an organization wherein the membership is comprised of ex-members of Canadian and other commonwealth forces who were prisoners of the Japanese for nearly four years after the capitulation of Hong Kong December, 1941.

Branches of the Hong Kong Veterans' Association are presently functioning in Vancouver, Vancouver Island, Winnipeg, Quebec and Ontario with head office in Winnipeg. The Association is affiliated with the Canadian Corps Association and had the co-operation of the Canadian Legion at local levels.

All Hong Kong Veterans at the time of return from imprisonment showed the adverse effects of their experiences in varying degrees. The treatment

which was provided then and subsequently has in many instances been beneficial but in many cases disability, either physical or psychological, remained. With the passage of time, the condition of many of these veterans has in fact deteriorated and it is the contention of the association that compensation in the nature of disability pensions has not shown an appropriate corresponding increase. In addition, that treatment for disability at D.V.A. treatment centres across Canada varies and should be brought to a uniform level.

The diseases which occurred during imprisonment have been described by Drs. Crawford and Reid, (Ref. #1). Surveys carried out by Dr. Adamson, (Ref. 2, 3, 5) and Dr. Crawford, (Ref. #4) have shown that many of the persisting complaints are permanent in nature. Fisher has described the nature of the pathological changes in the nervous system, (Ref. #6).

The reports which have appeared in medical literature show that the effects resulting from malnutrition and other diseases suffered by these veterans while P.O.W.'s are widespread and involve all body systems (central nervous system, cardio-vascular system, genito-urinary system, gastro-intestinal system, etc.). It is the contention of the association that many diseases which have subsequently arisen among these veterans may well be related to the service-incurred disability. Particularly with reference to coronary disease, the association feels that the high incidence of this disease among Hong Kong veterans strongly suggests that there is a relationship with service-incurred disability and that evidence to the contrary is lacking. Therefore, the association believes that in many cases of coronary diseases occurring among Hong Kong veterans, any doubt as to relationship should be resolved in favor of the veteran.

The psychological stresses to which Hong Kong veterans were subjected during their period of imprisonment were severe and long continued. Four years of rough treatment, beatings and constant threat of torture in many forms, stress of undernourishment, inadequate clothing along with forced labor under intolerable conditions have left hidden personality scars which continue to lower these veterans ability to adjust into normal civilian life. Even cursory observation of many of these veterans today will verify the permanent damage that was suffered under deplorable conditions experienced by no other prisoner of war. As a result of this experience, many Hong Kong veterans show psychological disorders. Where a psychological disorder was evident immediately after return to Canada, the pension commission has recognized its relation to service. However, many Hong Kong veterans made a determined effort to re-adjust to a normal way of life and only after a passage of several years has it become evident that they are unable to do so. Therefore, the association contends that in all cases of psychological or emotional disturbances among Hong Kong veterans any question of doubt as to the relationship with service-connected disability should be resolved in favor of the veteran.

In view of the many areas where differences in professional opinion and attitude can occur in the assessment of disabilities arising among Hong Kong veterans, the association respectfully makes the following recommendations:

1. A review of pensions of the case of Hong Kong veterans.
2. A revival of the survey started in 1950 and a yearly regular check-up of every individual.
3. The supplying of eye glasses and dental care without question.
4. A study of the effects of beri-beri, pellagra, dysentery, etc. to establish without question the connection with present disabilities such as optic atrophy, cardiac deficiencies, nerve destruction, stomach conditions, etc.
5. An award of a minimum 50 per cent of pension for residual effects of avitaminosis to every ex-Japanese P.O.W. of world war II.

6. An annual increase of 5 per cent of pension, as from 1962, for residual effects of avitaminosis.
7. That all ex-Hong Kong P.O.W.'s be given complete entitlement.
8. That the Canadian pension commission review all cases where a Hong Kong veteran's death has been attributed to coronary thrombosis, especially where there is history of beri-beri. Members of this group are much concerned about the many decisions in these cases that death was not attributed to service-related disabilities or conditions.

#### References

1. Crawford, J. N. and Reid, J. A. G.  
Nutritional disease affecting Canadian troops held prisoner by the Japanese.  
Can. Journ. Res. E: 25, Apr. 1947.
2. Adamson, J. D., et al.  
Residual disabilities in Hong Kong repatriates  
D.V.A. Treat. Serv. Bull., Jan. 1947
3. Adamson, J. D., et al.  
Ultimate disabilities in Hong Kong repatriates  
D.V.A. Treat. Serv. Bull., Apr. 1948.
4. Crawford, J. N.  
A follow-up study of repatriates from Japanese prisoner-of-war camps  
D.V.A. Treat. Serv. Bull. Apr. 1950.
5. Adamson, J. D. and Judge, C. M.  
Residual disabilities in Hong Kong prisoners-of-war.  
Can. Serv. Med. Journ., Nov. 1956.
6. Fisher, M.  
Residual Neuropathological changes in Canadians held prisoner-of-war by the Japanese  
Can. Med. Serv. Journ., March 1955.
7. Dr. Maj. Gen., Sir Robert McCarrison  
Report Survey 1960.
8. Findings of General Questionnaire circulated to all surviving ex-Can. Hong Kong prisoners of war in 1960.

In addition, I would like to include excerpts from the *World Veteran* which is an official publication of the World Veterans Federation. This issue is dated December, 1962. I would like to refer to page 10:

Voluntary medical examinations for veterans with a 50 per cent or more disability have been organized by the district groups of the Finnish Disabled Ex-Servicemen's Association. Among the hundreds of veterans examined so far almost everyone has been found to suffer, in addition to his war injury, from some further disability, mostly from heart conditions.

Further special measures are being planned by the FDEA for the prevention of these additional disabilities and for the rehabilitation of those who are being threatened by loss of earning capacity as a result of them.

Secondly, we refer to page 15:

An international conference on the pathology of prisoners of war, organized by the International Confederation of Former Prisoners of War (CIAPG), took place in Brussels on November 2 and 3. More than

100 participants attended the meeting which brought together 65 experts and more than 40 observers delegated by associations of former prisoners of war and national government departments. Two experts were sent by the Soviet union.

Among the international organizations which sent representatives were the international committee of the Red Cross (Mr. Frederic Siordet), the international committee of military medicine and pharmacy (General Voncken), and the World Veterans Federation, which contributed to the meeting by delegating three experts: Dr. Slavka Moric-Petrovic of Yugoslavia, Dr. W. F. Noordhoek Hegt of the Netherlands, and Dr. Bjorn Rogan of Norway who delivered a message on behalf of the federation. The WVF was further responsible for the presence of Dr. K. Hashikura of Japan, and Mr. P. N. Brownstein of the United States Veterans Administration.

Cardio-vascular disorders, psycho-somatic disorders and premature aging were discussed by the three sessions held under the chairmanship of Dr. Pierre Houssa of Belgium. The aim of the conference was to acquaint the medical profession with the results of studies carried out on the pathology of imprisonment and to bring to public attention the abnormal frequency of certain diseases among former prisoners of war. If governments can be made aware of these facts, it is hoped that now, more than 15 years after the war, appropriate legislative measures based on the recognition of the casual link between captivity and later effects, may still be taken.

This was emphasized by CIAPG President Raoul Nachez, when he said in his speech at the opening session:

Certain disorders due to captivity which were not observed when the prisoner returned home, or which were considered less important at the time, have developed into serious diseases now resulting in grave incapacity and premature aging.

The conclusions of the conference were submitted to the 4th Confederal Congress of the CIAPG which immediately followed in the Congress Palace of the Belgian capital.

Thirdly, we refer to the report of the war claims commission, dated 1959, at page 52.

The fact of frequent maltreatment resulting in permanent physical or mental injury or permanent damage to health and loss of expectancy of life is likewise evidenced by many individual cases and considerable additional material that has been made available to the Commission.

On the basis of evidence examined it appears that the after-effects of prolonged malnutrition show themselves in a great variety of forms, such as beri-beri, heart disease, liver damage, impaired vision, susceptibility to various diseases, muscular and nervous atrophy, and many other manifestations. Because of the inexperience of the average American physician with malnutrition itself, it has been suggested that these conditions are not well understood, and that a certain vagueness and variability of symptoms are sometimes mistaken for neurosis or malingering.

Another important aspect of the permanent after effects of imprisonment concerns the mental aberrations linked both to malnutrition which damaged nerve tissue and to subjection to torture, brutality, and every conceivable kind of mistreatment. The subjective nature and varying degree of these conditions makes them difficult to diagnose and to understand.

Mr. Chairman, this now concludes our submission.

Mr. HERRIDGE: Mr. Chairman, I suggest that we have an opportunity to ask questions in order in respect of the brief. Starting off, I would like to ask the witness a question. On page 1 it says:

In addition, that treatment for disability at D.V.A. treatment centres across Canada varies and should be brought to a uniform level.

Would you mind expanding on that sentence?

Mr. DELBRIDGE: In the case of avitaminosis, in the province of Quebec it could range from 20 per cent, and in Toronto, for the same disease, you might get 10 per cent. Further, in Manitoba it might be 8 per cent, and in Vancouver 5 per cent. This is what we call the varying degrees of pension, on this particular level, across Canada. They are not equalized.

Mr. HERRIDGE: You say there is not the same approach taken by different boards.

Mr. DELBRIDGE: Different boards have different approaches on this matter. In Manitoba it is 10 per cent for avitaminosis and in Quebec it could be 30 per cent. I think Mr. Stroud has these figures.

Mr. J. R. STROUD (*President, Toronto Branch, Hong Kong Veterans' Association of Canada*): In answer to Mr. Herridge, we did send out a questionnaire across Canada to all Hong Kong veterans with the co-operation of the Department of Veterans Affairs. They assisted in respect of what questions should be asked, but the work was done by the Hong Kong Veterans' Association. We received 482 replies. One of the things which was noticeable is that 329 people answered they were not satisfied with their assessment, and entitlement, which we 68.3 per cent of the answers. One hundred and thirteen stated they were satisfied, which is 23.4 per cent. Forty persons answered the questionnaire without stating whether or not they were satisfied; that was 8.3 per cent. This brought it to a total of 482 answers. The main thing we were concerned about in reviewing these questionnaires was the varying degree of entitlement and award for avitaminosis across Canada. A man with avitaminosis in one centre may have a 5 per cent pension, and perhaps in Hamilton a man may have 20 per cent; I am not saying this is the situation at Hamilton, but it does vary between 5 and 60 percent in respect of the same disability.

Mr. McINTOSH: I thought the question had to do with treatment and not pension.

Mr. STROUD: I think it states in there, treatment for disability at different centres across Canada varies.

Mr. McINTOSH: Then this is in respect of the pension?

Mr. STROUD: Well, it is both in respect of pension and treatment. The word "avitaminosis" in some instances covers many residual effects. There have been instances where, if it is not combined with beriberi, or some other disease, he has not received entitlement for the disability for which he is applying at the hospital.

Mr. WEICHEL: How many Hong Kong veterans are there today?

Mr. STROUD: Roughly 1,200 or 1,300.

Mr. McINTOSH: May I ask what avitaminosis is?

Mr. F. BREAKWELL (*President, Victoria Branch, Hong Kong Veterans' Association of Canada*): Avitaminosis is a blanket diagnosis covering the effects of vitamin diseases, or the result of vitamin deficiencies which are many and varied. It is blanketed under the diagnosis of avitaminosis.

Mr. MACRAE: Could the secretary of the Hong Kong Veterans' Association tell us what has been the mortality rate among those who survived the prisoner of war camps of the Japanese? Perhaps my question is not entirely clear. I believe these men who perhaps suffered worse treatment than any of us who were in world war II, are not living as long and will not live as long as the others; because of their service they do not have the life expectancy we have. Could this be substantiated by any form of a table or by any other witness?

Mr. STROUD: At present we have had 109 deaths. The age ranges from 32 up to early fifties. In the book we made reference to there is mention of some of the earlier causes and the nature of the deaths. There is suicide, heart conditions, and various other factors which have relation to their service. The net rate at the present time, I believe, is 109 Hong Kong veterans who have died since we came back from Japan.

Mr. MACRAE: You have no way of comparing that to the percentage of deaths in respect of others who did not serve in Hong Kong during world war II?

Mr. BREAKWELL: There are some other figures in respect of the death rate in the various prisoner of war camps whilst these people were interned. The ratio was 4 per cent in other prisoner of war camps as against 27 per cent in the Japanese prisoner of war camps.

Mr. HARLEY: Mr. Chairman, going along with the question of Mr. McIntosh, in the first page of your brief you state:

Particularly with reference to coronary disease, the association feels that the high incidence of . . .

And so on. Have you any evidence or have you a table to show what the rates of death were from coronary disease, and what they would be in respect of a normal population?

Mr. BREAKWELL: I doubt very much whether I can give you this information. However, I can give you some idea of the percentage of coronary involvement, or cardio involvement, from a survey which was carried out by the Department of Veterans Affairs started in 1950. Eleven cases were studied in autopsies; these were pathological and neurological studies. In this particular instance it is recorded in a publication by M. Fisher, B.A., M.D., F.R.S.C., of Queen Mary hospital. It was recorded also in a reprint from the *Canadian Medical Journal* No. 11, 157-199, dated 1955. In this particular volume it was shown that one was struck and killed by a train; one was stabbed to death; one died of a cardio infection which was thought to be recent and remote; another died of myocardial infraction; one died from bronchial pneumonia, and another from polio arthritis; another had hyper tension and cardio vascular depression; another, uremia.

From this list you will see that out of about 11, four persons died with a heart condition. This, in our opinion, is a pretty high incidence. This survey was discontinued. Further in the brief you will be discussing it.

Further in respect of heart conditions, I would like to draw your attention to a publication entitled *Myocardosis* by Gerdinand Wuhrmann and Serge Niggli. This was published by Charles Thomas of Springfield, Illinois, in 1960. In this book they have reviewed a very large experience in a follow-up of patients suffering from avitaminosis. They have shown that many of these patients, known to have beri beri, have gone on to develop myocardial fibrosis, such as is common with chronic diarrhoea. The symptoms these patients commonly suffer from in later times are insidious and show fatigue, some breathlessness, and all the signs of impending heart failure. The diagnosis of chronic

coronary heart disease, in North America, is usually made on circumstantial evidence and what we are inferring is that this is the only likely or known cause of myocardial fibrosis in North America. This, of course, is not true for the rest of the world and it is possible the coronary heart disease diagnosed in many of these cases is real myocardial fibrosis of unknown origin, which may be coronary heart disease or the residue of avitaminosis.

This, Mr. Chairman and members of the committee, is a publication which would substantiate a claim by the Hong Kong veterans for full entitlement in respect of heart conditions.

Mr. BIGG: Mr. Chairman, I, of course, am a layman, as I think is the case in respect of most of us here, when we come to medical matters. But I think it might be helpful if we had some information in respect of the weight loss in camp; how long were they in these camps, and how much weight did they lose? If our children, for instance, had a serious weight loss, any one of us would be alarmed. If such were extended over a period of four years, I do not think we would need to question a doctor to know they suffered seriously.

Mr. STROUD: All the gentlemen here came from different camps. For instance, in my case, we were taken on December 25, 1941, interned in Hong Kong for approximately one year and three months, and then removed to what they call slave labour camps in Japan. Some worked in mines, coal yards, and the docks. We handled the unloading of coal from Korea. Some of us weighed approximately 172 pounds when we were taken prisoners. Beginning in Hong Kong our diet was mainly barley and seaweed and, for a while, we did get some fish; later on the fish disappeared and we went on to barley. Rice was a delicacy and the Japanese used it themselves. We got barley, because if you drink a lot of water you puff up and feel good for a while; and we got seaweed. The same type of diet went on in Japan. When I was liberated in 1945 I was down to 84 pounds. I should have brought the pictures which the Japanese took for identification purposes. In our camp the main diet was barley and seaweed.

Mr. BIGG: Was yours the worst camp?

Mr. STROUD: No; it would be an average camp. However, in our camp possibly we had a little more brutality; we had a camp commandant who had us in huts with only one blanket, and we went through severe winters. Out of 125 Canadians in our camp, 52 died in the camp. They died of malnutrition principally. We got a one day holiday a month; that was the day the birthday fell on.

Mr. C. BRADY (*Director, Hong Kong Veterans' Association of Canada*): I would like to say, looking at it from the Japanese point of view, the first nine months were the hardest because they were out to get the guys down. In the first nine months nobody had malnutrition, but everybody had it after nine months. First of all, their eyes and legs went. In some cases, when their legs would go, there would be a terrific burning sensation and hot feet. At night you would go over to the seashore to pay your toilet call and you would find the guys with their feet in the water trying to cool off. There were three medical officers with us in the camp and one of the versions was, if you kept putting your feet in the water it would affect your heart. Some fellows did enjoy themselves a bit by putting their feet in the cold water and when they went to walk again there would be a complete numbness. I remember Labour day in 1942 I was out on this day and at noon hour I went to take my boot off and could not get it off. There was a loose nail, and when I did get it off I drew part of the flesh with it; I did not even know it was there; that is how numb it had got. Sooner or later everybody got it. You could not run away because you could not run. They really broke us down physically.

Mr. BIGG: What kind of clothing did you have?

Mr. STROUD: So far as clothing was concerned, a lot of us were able to retrieve what we had on our backs, but the first thing the Japanese did was come in and gather up all the clothes; then we were officially issued what they call the Japanese work uniform. This is mainly what we had in Japan. Other than the clothes on your back you had no other clothes at all. You were given one blanket, and this was all the clothing you had for the four years.

Since someone is likely to bring this up, I would like to mention the Red Cross parcels. In the 1,365 days we were imprisoned we had two and a half parcels. We thought we were lucky because we got more than one in our camp. These parcels were taken by the Japanese for their own field rations.

Mr. WEICHEL: I notice there still are 1,200 or 1,300 Hong Kong veterans. When you boys came back, did you receive special treatment until you were back to normal weight again?

Mr. DELBRIDGE: When some of our boys got back they got quite bloated. I weighed 75 pounds when I came out. Six weeks after I got home I was hitting 225 pounds. I understand this is what they call wet beriberi. If you drink water and add any food, it turns into water in your system. I could not tell you how this takes place. Our national secretary here was quite thin when he came back and he went back up to over 200 pounds in less than six weeks.

Mr. STROUD: We did not come back directly from Japan. The majority of us stopped off at Guam. We were not put on any particular rations. The United States bombers came over and dropped hundreds of tons of food in our camp and everybody gorged themselves. In most camps fires were going 24 hours a day. We did rapidly put on weight. We were at Guam for 14 days. In all the camps we just put on weight too fast.

Mr. WEICHEL: If you had not received some treatment there would have been many more deaths.

Mr. STROUD: Yes.

Mr. W. GREY (*National Treasurer, Hong Kong Veterans' Association of Canada*): I came from a different part. I was in Hong Kong all the time. The reason why there were approximately two or three hundred members still in Hong Kong was that they would come into camp and take all they considered to be able-bodied men for these forced labour camps in Japan. Each time, whether I was lucky or unfortunate, I was on what they considered the hospital side of the camp. I was taken out of Hong Kong on a stretcher to a hospital ship going to Manila. We were put in camp hospital for approximately three weeks with the idea they were trying to put enough vitamins into our bodies so that we would be able to stand the trip home.

We came home on an American ship into San Francisco, and from there on to Victoria. Again in Victoria we were put in the hospital camp for another three or four weeks, depending on our physical capabilities. Apparently this was so that we could present ourselves to our families in a reasonable manner when we got back home. When I came back to Toronto, we were allowed approximately ten days and then a notice was sent out to report to the nearest hospital which in my case, was Christie street hospital at that particular time. The ones in Toronto—and I am merely speaking of the known cases of sickness which were quite bad—all were put into Shirley Park which was used as a military hospital at that time.

The attitude of the doctors and everyone concerned seemed to be "We do not know exactly what to do with you people. Naturally we will give you all the vitamins we possibly can, and all the food you can possibly eat; but outside of that right now we are kind of stymied; we really do not know what to do."

From there we went out to Malton. After we were at Shirley Park for a couple of months, we went out to the rehabilitation centre at Malton where we started taking exercises in an attempt to get our bodies back into shape.

From there on I spent six weeks in a place just outside of Toronto on the Lakeshore which was used more or less as a nerve hospital. There we were injected with insulin on a scientific basis to put weight back on us. Beriberi affected everyone, almost, in different ways. I had what was known as a dry beriberi; others had what was called wet beriberi. This was a bloating up. I never had that. I had the opposite, dry beriberi. We became almost skeletons, and the pain in our feet was unbearable and it felt like pins and needles going through your body every minute of the day. Then all of a sudden after a certain period it was like someone turning out a light; the pain went out of your legs and your legs became numb. You could stick needles or a pin into them, or bump against anything and would never have any feeling of doing so.

This is the treatment so far as I am concerned when we came home. This does not necessarily mean it was the treatment received by everyone. More or less they were all treated in a different manner; there was no uniform treatment

Mr. STROUD: One important factor we did find was that many of us came back with dysentery; we still had the bug when we arrived in Canada. The records will show that in Shirley Park several of the nurses contracted this disease, and as a matter of fact, there were several cases where our wives contracted it. We were still alive with the bug. No one knew this. There was only one specialist who could take a stool and positively identify it by a test. This was Dr. Sammon at the D.V.A. hospital in Vancouver. No one in Canada who had ever heard of dysentery thought that we would still be positive when we arrived back.

Mr. BIGG: Would you tell us a little about the vermin.

Mr. L. HURD (*Secretary, Hong Kong Veterans' Association of Canada*): There were plenty of bedbugs in Asia; they are very active. We were infested with them and had nothing to treat them with; no antiseptics, or at least a very limited amount. One method which was used during the hot period—which was nine months of the year—was to lay our bedding out in the hot sun. That quietened them down some; but our clothing continually was infested with them and there was very little we could do about it.

Mr. BIGG: What did this do in respect of your nerves, your sleeping, and so on?

Mr. STROUD: The Hong Kong vermin was the bedbug. One of the happier thoughts about going to Japan was that it was colder and we would get rid of the bedbugs and at least be able to sleep. Then in Japan we picked up the lice and fleas, and these took over where the bedbugs left off.

Mr. GROOS: I have just returned from Europe, and I was in Victoria when the veterans from Hong Kong and Singapore arrived there. I had something to do with them at that time. You do not have to convince me in respect of the condition in which they were. One of these men in the hospital told me that one of his friends, when he came out of the hospital, weighed 45 pounds. This to me was incredible.

Of the 1,200 Hong Kong veterans, how many now are receiving disability pensions of one sort or another?

Mr. DELBRIDGE: Some are receiving no pensions whatsoever. Some of these are in Quebec and some in Manitoba; there also might be some in Toronto.

Mr. HURD: I can give you approximate figures. As of 1960 it was reported there were over 100 receiving no pensions.

Mr. GROOS: I notice you said there are about 1,200 Hong Kong veterans still living?

Mr. HURD: Yes.

Mr. GROOS: You sent out your questionnaires, presumably, through D.V.A.?

Mr. DELBRIDGE: Yes.

Mr. GROOS: How many of the Hong Kong veterans belong to your association?

Mr. DELBRIDGE: We have approximately 150 in Winnipeg. Each branch would have to answer this.

Mr. GROOS: Could you tell me how many there would be altogether?

Mr. DELBRIDGE: I would say roughly 1,000 belong to the association.

Mr. GROOS: Did you send out the questionnaires to the whole 1,000?

Mr. DELBRIDGE: We sent out questionnaires to every member we had contact with.

Mr. GROOS: And how many replies did you get back?

Mr. DELBRIDGE: Four hundred and eighty-two.

Mr. STROUD: The complete list of all Hong Kong veterans was supplied to us by D.V.A., and the national association sent this out to every one whether or not he was a member. Some of these men are residing in the United States, including our nursing sister.

Mr. GROOS: D.V.A. does have a list of all Hong Kong veterans, regardless of whether or not they are receiving a disability pension?

Mr. DELBRIDGE: We understand about 90 to 92 per cent of the Hong Kong veterans receive some disability entitlement. D.V.A. has a list of these.

Mr. GROOS: I notice the dates of these references are 1947, 1948, 1950, 1955 and 1956. To me this would indicate there has not been any study done for ten or 15 years in respect of the after effects. These studies were in the years 1947 and 1948, and are in respect of the disabilities the Hong Kong veteran was suffering when he returned from Hong Kong. I think it would be helpful to us if we had some up to date information in respect of how they are faring today. I believe this information would have to be prepared in a more professional manner than this. This survey which has been done by you really has been done by a group of civilians who have no special training in this matter. Would you not agree that now, after ten or 15 years, this would be the time to have another look taken at how the entire group has fared?

Mr. HURD: I think we asked for that in the brief.

Mr. BREAKWELL: Mr. Chairman, at the beginning of this meeting Mr. Heridge suggested we were going to take this clause by clause.

In clause 4 you will see we have asked for this study which Mr. Groos now has mentioned.

Mr. GROOS: I did not read that into it, Mr. Chairman. The point I want to make is there is no up to date study, or if there is I would like to be made aware of it.

Mr. McINTOSH: I have a question which is very much along the same line as that of Mr. Groos. I am interested in the word "suicide" which appears in some of your remarks. I think one gentleman said, if I remember correctly, two out of 11 were suicide cases. You said there were 109 who died in the last year, and you also mentioned suicide.

Mr. HURD: No; it was not that 109 died last year—since we were released.

Mr. McINTOSH: You also mentioned a cause of death as suicide. What percentage of the 109 were suicide? The reason I ask is I am wondering whether there now is evidence of mental disturbance in respect of the Hong Kong veterans which was not apparent before.

Mr. STROUD: I would have to answer yes to this. This is noticeable. It also came up at the world federation. This has been noticeable in respect of British, American and Australian prisoners of war who were in Japan, as well as in respect of other prisoners of war. I understand a survey is going on at the present time, and I believe Dr. Crawford probably could give you more information on this. I believe they are investigating specific cases on this subject.

Mr. McINTOSH: You said that roughly 92 per cent of your veterans were receiving pensions?

Mr. STROUD: Right.

Mr. McINTOSH: I wonder if any of these suicide cases which you had involved persons who had made application to the pension board for a pension and were not receiving a pension?

Mr. STROUD: I do not know.

Mr. McINTOSH: It may be unfair to ask you this, but I was wondering whether you have any idea of the number of applications from Hong Kong veterans for pensions which have been turned down by the Canadian pension commission?

Mr. STROUD: I could not answer that. We would know what was happening within our own branch. We would not know the total number of applications made across Canada. We continually are making applications in respect of cases which have been turned down and have had to dig for more medical evidence and look for witnesses who were with the person in the camp. It is not the fault of the pension commission, because they have to have evidence to refer to. I might say we also have a number of cases of persons who are on war veterans' allowance. These people are young men who are unable to work again. There are cases where their feet are so swollen because of beri beri that they cannot wear shoes. These people are put on war veterans' allowance; they cannot get 100 per cent pension, so it is supplemented by the war veterans' allowance.

Mr. McINTOSH: Have you any idea how many are in receipt of war veterans' allowance?

Mr. STROUD: No. The department would have this information.

Mr. WEICHEL: Mr. Groos mentioned something about a check-up. Would these men not have to have a board each year?

Mr. DELBRIDGE: Some of our members have not been called for a reboard before the pensions board in the last five or six years. There is nothing to stop you asking for a reboard, but we feel our members should be called in for a reboard because they will not go up on their own; they do not want to have anything to do with the hospital.

Mr. CLANCY: They do not receive a notice to appear for a check-up once a year?

Mr. DELBRIDGE: No. I have not been called in the last four or five years.

Mr. HERRIDGE: You think it should be done in respect of the progressive nature of the disability?

Mr. DELBRIDGE: Yes.

Mr. GROOS: I would like to continue on with my previous line of questioning. You mentioned a magazine which you have. What was this called?

Mr. LYTLE: The *World Veteran*. This was in relation to a meeting held in Brussels in October, 1962.

Mr. GROOS: Is there any channel of which you know for an exchange of information in respect of the far eastern veterans? I am thinking of an exchange of information, for instance, between the United States and the United Kingdom. They also have had similar experience.

Mr. STROUD: Yes. The last one which was held in the United States was a follow-up study in respect of world war II prisoners of war. There is that and the one from which we cited a paragraph with the report in connection with the war claims commission matter. There was a meeting of doctors who were prisoners and also civilian doctors. The report was made in Washington in 1950. Doctors assembled from all across the United States, as well as one from Europe and one from Japan.

Mr. GROOS: It seems to me your case is unique in that the disabilities and affirmaties from which the Hong Kong veterans suffered were not necessarily those caused by action; this was the result of enemy treatment. In this regard, I wonder whether there is very much difference between the treatment of military prisoners and civilian prisoners by the Japanese.

Mr. STROUD: Yes. We had civilian internees in Hong Kong. They were interned separately. In 1942, when the exchange of internees came about, we exchanged Canadians, British and Americans for Japanese interned in the United States and Canada. They were given an opportunity of returning home or moving to another country. I must say that approximately half refused, because they had lived in Hong Kong all their lives. However, their treatment was much better. We were treated as prisoners of war and expected to do forced labour. The civilians were pretty well left alone. In Hong Kong, so far as the Canadians were concerned, we found that definitely there was a difference between the civilian internees and the prisoners of war.

Mr. BIGG: I do not know whether or not you can answer this question from the point of view of your association, but is there a scarcity of documents with which to back up your claims? Supposing you were hospitalized while you were in camp, are there any records, Red Cross or otherwise, or are you very short of documentary proof.

Mr. STROUD: We have discussed this with the Department of Veterans Affairs. In Hong Kong there were records kept, for instance on toilet paper, or any paper available. These records which were kept have been made available to departmental doctors, the pension commission, and the advisers to the pension commission. Unfortunately, however, in Japan and in some other camps there were no records. We did not have a doctor, for instance. Our doctors for the first year consisted of persons who knew a little about first aid. I had taken a first aid course, and for a while I was considered as Dr. Stroud. I knew how to bandage a finger and give a pill; otherwise I knew nothing. Later on there was a United States' doctor. But very little records were kept. Any records which were kept, the Japanese destroyed. When the war ended and the Japanese got word, the first thing they did was got out and destroy all records. The only thing they did not get were the pictures. We seized them and used them as evidence.

Mr. BIGG: Do you feel that this lack of records is a factor in respect of your people not getting proper action on their claims?

Mr. STROUD: Definitely. We had to produce witnesses. We had men who came back who had so many things wrong with them. It could not always be said they had beri beri, but they felt sick, they perspired and they had certain other symptoms; but we could not prove they got them in Japan.

Mr. LYTLE: In the camp I was in near Yokohama there were 500, and of this 500 there were not too many left. We had Captain Reid with us. He is now in medical practice in Vancouver. There has been talk about these records. He did keep records there in the same manner as described by Mr. Stroud, on any piece of paper available. Through D.V.A. we have asked for these files. The difficulty which arises is they are not understood by anybody except the man who wrote them. He is not connected with D.V.A. therefore, their value really is nullified by the fact that they do not mean much to someone else. He wrote them in his own handwriting on paper which was fragile.

Mr. FANE: Have the witnesses ever thought of getting their friend, Dr. Crawford, to work for them? He himself was a Hong Kong prisoner. He could be your greatest asset in presenting your difficulties wherever you may have them.

Mr. STROUD: Before Dr. Crawford came into the Department of Veterans Affairs, he was asked to do a survey. However, it was discontinued because he became a member of the Department of Veterans Affairs. I imagine it is very difficult for him, being an official of the department, to stick his neck out for one particular group of veterans. Probably he would like to do so, but it would put him in an embarrassing position.

Mr. FANE: Yes, but his word should go an awfully long way towards helping you.

Mr. WEICHEL: I think Dr. Crawford should be able to speak up for you fellows, regardless of his position. I think the department should request that.

Mr. LYTLE: This is very true. Dr. Crawford did experience this, along with many of our people. However, Dr. Crawford stayed in the camp at Hong Kong throughout the entire imprisonment period, whereas many of us, the majority, did not stay in Hong Kong; we were moved to Japan to slave labour camps. Of course, his experience was not necessarily identical to ours. I do not mean to say it was any easier, but it was not the same. In respect of many of our cases, he could not describe things, because he was not there.

Mr. WEICHEL: Even if it was not the same thing, certainly he should be able to give you a lift.

Mr. McINTOSH: Was any study made in respect of a comparison between the survivors from the civilian camps and the survivors of the P.O.W. camps as to the after effects of captivity.

Mr. STROUD: I would have to refer back to the war claims commission report of Mr. Ilsley. I am not too sure it gives the figures in respect of civilians.

Mr. BIGG: It seems to me that these people have not been able to do a proper survey. Is this due to a lack of funds or a lack of consultation with the Department of Veterans Affairs? Could you have a better survey if you had funds available?

Mr. STROUD: We have gone outside and have asked advice of medical experts. We have come up with one solution. I understand before this survey could be started you would have to have appropriate funds. I understand the department has limited funds for this type of survey. We would like to see everyone re-examined and a record made, because there are quite a few right across Canada who are not getting entitlement. The type of survey we suggest, if the funds are available, is to take a large group of, say, 100 or 200 Hong Kong veterans and their brothers in the European theatre who have had a comparable education, and see how both fared when they came back. This would mean obtaining their consent to have their backgrounds checked, their job positions looked into, the salaries determined, and then a comparison made.

In respect of our own group in the Toronto area, we know what it is like; we know there is a remarkable difference. It would take funds to do this, and it would have to be carried out by the department.

Mr. HERRIDGE: This is in essence what you are contending in recommendation No. 2.

Mr. STROUD: That is a different survey. This survey in recommendation No. 2 is a survey which was started by Dr. Crawford and Dr. Reid. It really referred to Hong Kong veterans who died. They were given autopsies and the autopsy findings were made available in this report. We have gone on record in saying "For God's sake, if you die, for your widow's sake make sure that she requests an autopsy be performed and let the findings be forwarded to the Department of Veterans Affairs", so that if we cannot get something for the veteran when he is living, let us hope at least we can do something for the widow.

Mr. HERRIDGE: I thought your recommendation No. 2 included a departmental survey along the lines previously described.

Mr. STROUD: I think this other survey probably would prove much more beneficial to us if it could be conducted rather than the survey started by Dr. Crawford. Probably we could have both surveys.

Mr. HERRIDGE: Would it be better for the group to ask for an all inclusive survey by the department covering all aspects of this problem so that it would be properly recorded?

Mr. DELBRIDGE: Definitely.

Mr. STROUD: And leave it up to the department.

Mr. BREAKWELL: Could we get it on the record that this has been suggested by this committee?

The CHAIRMAN: It is on the record now; that is, the evidence is there. Any recommendations will come from the committee later on.

Mr. PETERS: What was the role of the Red Cross in the various camps? I do not want to move ahead, but I am wondering why some of these matters were not looked after by the international Red Cross.

Mr. STROUD: The Red Cross were ready to do this, but the Japanese stated they would look after the prisoners of war. They never signed the Geneva Convention. However, in 1942 they said they would abide by it. There were shiploads of Red Cross parcels, but a very small percentage ever found its way to the prisoners of war. On one occasion we had six persons sharing one parcel which did come in.

Mr. PETERS: Was there any investigation by outside officials from the Red Cross in the Hong Kong area?

Mr. GREY: As I stated before, I was in Hong Kong all the time. On an average of once a year Red Cross officials visited the camps. I will give you sort of a preview of what would happen. Two or three days before the Red Cross officials were expected, everybody was busy as a bee cleaning up the camp in an appropriate manner. The route through which the Red Cross official would be taken would be clearly marked out. Each one of the patients in the hospital where he would be taken would be issued with a clean singlet, a clean pair of shorts, a towel, and a pair of running shoes; in other words, everything was immaculate. The hoe-down which contained our food rations would be completely stocked with all types of canned food. In other words, when you poked your head in the hoe-down you could not help but see there is a well supplied stock. In some cases they even went as far as to lay on a full course dinner, and just as you were almost in the act of eating it, and as the Red Cross officials passed through, it was taken away. Your clean singlet and

clean pair of shorts and running shoes also were taken away. The Red Cross official never was allowed to talk to an individual. On the odd occasion when this happened, the individual was very severely reprimanded.

Mr. CLANCY: Who was the protective power?

Mr. BREAKWELL: The Argentinians.

Mr. CLANCY: In Europe the Swiss were the protective power.

Mr. HURD: The official was formerly the Swiss consul in Hong Kong.

Mr. CLANCY: The Swiss actually were the power.

Mr. BIGG: Was there any great discrepancy between the treatment received by other ranks and officers in these camps in respect of accommodation, and so on?

Mr. STROUD: It was pretty well standard. The method of cooking may have been different; we do not know. We had our own men cooking our meals, but everybody got barley and seaweed. If the officers made it taste better, they were fortunate, because it was the same rations.

Mr. BRADY: To answer the question concerning the Red Cross and parcels, I think the blockade had an influence on this. Prior to the blockade they would not recognize the Red Cross, but after the blockade they saw an opportunity to get something for their own troops, and they recognized the Red Cross then. When a boat load came in, they would feed their troops with it. They beat the blockade by that angle.

Mr. STROUD: In Japan we knew there were Red Cross parcels in the camp. They were unloaded and we thought we might get them for Christmas. Christmas and New Years went by and we wondered what happened. Then one day we heard a Japanese complaining about the American soap, that it was no good. Here he was using Kraft cheese as soap. He was using the Red Cross parcel.

Mr. PETERS: For certain parts of the population there was a very great malnutrition. Yet after a long time they have been able to eliminate the long-range effect of some of these oriental diseases which D.V.A. in some cases have not even understood. Has there been any effort on your part to learn how to apply eastern treatments to eastern diseases rather than to try otherwise? You mentioned that there are many problems which you encountered, such as beriberi, affecting people now, with swelling and that sort of thing. It would seem to me that there would probably be treatment used for it in Asiatic countries of which we appear to be ignorant entirely.

Mr. BREAKWELL: During the time we were prisoners of war—I cannot speak for what has happened since—75 per cent of the people in Japan had beriberi, just as we did.

Mr. PETERS: You mentioned Dr. Crawford. I have found him to be very pig-headed in many ways. He is not the least bit susceptible to modern methods of treatment. For instance, chiropractors have not been accepted by him because he does not believe in that particular field. I wonder if this might not be a similar case. You say that beriberi was a very common disease in Asiatic countries, after having examined the effect this has had on the population there, and the difficulties with their very large populations. But with the small number of people that we have as compared to the millions of people in Asia—we have only 1,200 cases—it would seem to me that we should be able to give a greater measure of attention to this smaller number of people.

Mr. LYTLE: I do not think you could get comparable results in treating Europeans with the treatment that is given to Asiatics. They are accustomed to this type of diet, so it does not have the same effect on them as it has on us. A European is accustomed entirely to a different diet. So you would not get comparable results. It is a matter of two entirely different environments and

the people involved therein. They do suffer from malnutrition, but in a different manner, because this is their regular diet. But we are accustomed to eating meat and potatoes and the like, a regular European diet. So if this Asian diet is forced on us, it reacts on us in a very different manner. And the same thing would be the case in reverse, should you put them in an environment of low diet.

Mr. PETERS: I do not understand some of the diseases you mentioned, because I have not been interested in them but some of them must be contagious. I can understand a vitamin deficiency and that sort of thing. But are there not some of them quite contagious diseases for which they would have treatment in those countries which we might be using. As you say, many of these veterans are not continually in contact with D.V.A. They probably had some of these diseases at the time of their return. I know a witness mentioned dysentery which is considered here to be something you get from inside the stomach, or something of that nature. Is the type that you get from a germ the same type of dysentery we have knowledge of here? Certainly we have knowledge of it now, but this is a contagious type which you said had not been treated.

Mr. STROUD: There was a contagious disease, diphtheria which was common in the camp, although most of us got dysentery shortly after arrival because of the flies and the mosquitoes, and from being hungry because of the low calory diet. We got dysentery. I have never talked to people who had dysentery in Canada. But I believe the germ is present in the blood, and it can spread rapidly because there was no boiling water to sterilize anything with.

In the case of diphtheria they placed us in separate compounds. I was called a carrier. They said you could not get diphtheria if you were a carrier. But I did get malaria, and as soon as my health went down I got diphtheria. In addition I went totally blind, and had this heaviness in the lower section of the stomach.

When I went blind, a serum was smuggled into camp for it. We had men totally blind from it, while others had their hearing affected, and others had their legs affected in various degrees. And the same thing goes for dysentery. The men went downhill. They lost weight. Those who suffered from dry beriberi had their skin crack, and they got what was known as the Hong Kong balls. There is no other name for it. This causes inflammation under your legs because of lack of vitamins. With wet beriberi, it works the opposite. I have seen men drink themselves to death just from drinking water. And with the more water they drank, their chests arms and legs extended, so that finally their hearts could not take it any more. That is known to be contagious.

Mr. CLANCY: Was this dysentery amoebic dysentery?

Mr. STROUD: Yes.

Mr. CLANCY: You said there was no check-up on it when you came back.

Mr. STROUD: No. We have had check-ups. There are men with diarrhea and dysentery today. I do not think we have them licked yet, because we had it for three-and-one-half years. You could not get rid of it. When we came back some of the fellows still had it. There was only one man in Canada who could diagnose it and could say whether or not you had amoebic dysentery. It was hard to see.

Mr. CLANCY: You mean you had no check to ascertain if it were amoebic dysentery or ordinary dysentery?

Mr. STROUD: Yes, we had checks, but there was only one specialist in all Canada who could say whether or not you had amoebic dysentery. No man could possibly say you had amoebic dysentery. The man who has a running stool for the rest of his life cannot prove it.

Mr. CLANCY: When I was out of the army for six months I got notice to report to say that I had amoebic dysentery, and they did not want me to spread it.

Mr. PETERS: The people who came through the prisoner of war camps and back to Canada and went into hospital were cured, and their dysentery was cleaned up. So this could have been done, if you had ever been treated after a competent diagnosis, whether it was the contagious type of amoebic dysentery or not. If this was not suspected it still could be cleared up although it would not appear on the records.

Mr. STROUD: It may be cleared up, but this is one of the things that is very hard to do, because if a man is affected by amoebic dysentery it works in various directions. Most of the men who have it will have loose stools the rest of their lives, but that does not mean that they are carrying the bug. We spread the bug in the Sterling hospital. One nurse died from the bug.

Mr. PETERS: Would you say for this reason that almost everybody had it. Would you say that this would not have happened if there had been a complete resurvey of the Hong Kong veterans, with a complete medical check-up?

Mr. STROUD: Yes, I would say it would; and the other effects which came from amoebic dysentery were the quickest to bring a man down in health, because the little food he did get went right through him, and he could not get anything good out of it. I wish somebody could tell us about the after effects of these things. I know the Americans have been experimenting with it, and with the after effects of amoebic dysentery following prolonged starvation.

Mr. BIGG: A horse or a dog never gets over it.

Mr. PETERS: Are there other contagious diseases which would be in the same category? Are there other diseases such as malaria which are continually repeating themselves in certain people? Are there other fields in which we do not appear to be competent either in our original diagnosis, or in our treatment? Do you feel we are competent now, with the people we have available, to do a competent survey that would bring the diagnosis up to date.

Mr. BREAKWELL: Speaking to this, I have with me an extract from a report of the United States war claims commission, which I would like to read, because I think it covers this particular point very well, and also opens up a new area of thinking. This is an extract from page 52 of this report as follows:

Page 52.

The fact of frequent maltreatment resulting in permanent physical or mental injury or permanent damage to health and loss of expectancy of life is likewise evidenced by many individual cases and considerable additional material that has been made available to the commission.

On the basis of evidence examined it appears that the after effects of prolonged malnutrition show themselves in a great variety of forms, such as beri-beri, heart disease, liver damage, impaired vision, susceptibility to various diseases, muscular and nervous atrophy, and many other manifestations. Because of the inexperience of the average American physician with malnutrition itself, it has been suggested that these conditions are not well understood, and that a certain vagueness and variability of symptoms are sometimes mistaken for neurosis or malingering.

Another important aspect of the permanent after effects of imprisonment concerns the mental aberrations linked both to malnutrition which damaged nerve tissue and to subjection to torture, brutality, and every conceivable kind of mistreatment. The subjective nature and varying degree of these conditions makes them difficult to diagnose and to understand.

I also have an extract from page 88, paragraph three as follows:

Speaking for Jap POW's it is my opinion that their duration of life will average probably 10 to 15 years less than that of the general population. They are not desirable insurance risks . . . disorders which were brought on by barley and seaweed diet. . . . unstable emotional patterns . . .

(5) . . . I do believe that it is impossible for the average physician to diagnose or understand these patients, . . .

In my opinion the duration of their lives will average probably 10 to 15 years less than that of the general population. They are not desirable insurance risks. The disorders were brought on by the very low form of diet, and I would think it is impossible for the average physician to diagnose or understand these patients.

Gentlemen of this committee, this is a sore point. It is not uncommon for a young doctor to look at you and say that after 17 years on North American diet you should be as fit as you are. This is not the case. There are volumes by way of bibliography to support this. Coming back to your survey, this will have to be done by experts.

Mr. HARLEY: Coming back to what Mr. Grey said, I think the committee spoke about the nature and the historical side of the camps in Hong Kong. I wondered if you could give the committee some idea of what actual medical treatment you were able to receive and what drugs, if any, were available.

Mr. GREY: When the disease started to hit at the north point camp, where we were, I understand they did not know exactly how to treat it. The first type of treatment was segregation. Then the other prisoners of war did the same thing, yet it started to increase.

Mr. BIGG: Is this dysentery you are talking about?

Mr. GREY: This is the average picture. We had one small hut segregated for dysentery cases in particular. It was the case of volunteer help going in. The basic treatment which we all realized, and the doctors realized, was good food, but it was not available. Therefore, I started again on the smuggling trend, if possible, to see if we could help the ones who were sorely in need. Let us say that if they got a little bit of milk or some supplement to their diet, it might check this particular disease. But as far as medicine as drugs being available, there was very little, and it was very poor quality. It was all Japanese made material, and it was diluted many numbers of times in order to make larger portions.

When we were at the Chenner camp they segregated the ones who were sick. It was a case of trying to beat out the particular disease you had. At one time they were able to get in a serum, nicotinic acid, and the worst cases received a shot of this nicotinic acid every day which helped greatly, but it did not have the desired effect, because it continued to spread around. There was nothing in the medical line and the best medical advice was just the fact of the doctors coming around once or twice a day checking to see if the degree of your disability was getting worse or better. If it was getting better, they would let you out of the hospital. There was always a lineup waiting to get back in. In the main, however, medicine was very meagre.

Mr. HARLEY: When you mentioned doctors, you meant Canadian doctors who also were POW'S?

Mr. GREY: Yes.

Mr. HERRIDGE: Mr. Chairman, the committee has heard most useful evidence which I am sure has impressed the members of the committee very much indeed. Later on the committee has to consider the recommendations it

makes to parliament in its report. I want to be quite clear that it seems to me from the evidence we have heard there is need for the latest up to date information and knowledge in respect of the problem as a whole and the problem of the physical and mental condition of our Hong Kong veterans. Am I correct in saying from what we have heard as evidence and from what is reported, and so on, that you want the Department of Veterans Affairs to conduct a complete survey of the problem as a whole in respect of the Hong Kong veterans as individuals, in co-operation with your organization?

Mr. DELBRIDGE: This is what we want and we hope the Department of Veterans Affairs will do it; that is, conduct a proper survey in respect of this.

Mr. CLANCY: I would suggest the Chairman arrange to have the Department of Veterans Affairs and the war veterans' allowance people give us a breakdown in respect of the Hong Kong situation.

Mr. BIGG: If this survey is to be made and done properly, I imagine it would take quite some time. I do not want this survey to interfere with the immediate needs. Some of these things are urgent and we should not put off the urgent things while waiting for this survey.

Mr. MACLEAN (*Queens*): Mr. Chairman, I am not too aware of the circumstances under which Hong Kong prisoners lived. I am wondering how many Canadian army doctors were prisoners of war who have survived, and whether these doctors ever have been asked by the Department of Veterans Affairs to make a group report on the conditions suffered by the Hong Kong prisoners, from a medical point of view, so far as they know it. I think this would be helpful in substantiating claims which are made by veterans who themselves are not qualified, at least in medical terms, to explain what their disabilities are. It seems to me this would be a useful exercise to undertake if it has not already been done. Perhaps someone might tell me whether this was ever done.

Mr. STROUD: In our references we refer to some inquiries which have been conducted by various countries. We have checked with the prisoner of war organizations in England, the United States and Australia, and to the best of our knowledge the ones referred to here are the ones on which reports have been made. The *World Veterans* had doctors and representatives from every country in Brussels in October, 1962. That publication came out on November 22, and we were notified that our copy is being forwarded. I believe a copy also is being forwarded to the Department of Veterans Affairs. Copies of these are available to anyone who wishes to subscribe. That is the most recent one. All the doctors got together from countries, including enemy countries, which had prisoners of war. Some of the problems discussed are those we have mentioned in respect of the Hong Kong veterans, such as premature aging and beriberi. This is covered fully in this report.

Mr. MACLEAN (*Queens*): Am I correct in saying that when the p.o.w.'s were repatriated the doctors among them were not asked to make a joint or individual report in respect of camp conditions?

Mr. STROUD: In your initial inquiry you asked whether the Canadian doctors were asked to make a report. In our references you will see a reference to a report that Drs. Crawford and Reid made.

Mr. LYTLE: They were our doctors over there. Another is Dr. Adamson who was director of Deer Lodge hospital when the people who came to the Winnipeg area were examined.

Mr. STROUD: There was another report by a doctor who was given a special opportunity to perform autopsies and make a report; that report came in in 1961.

Mr. GROOS: It was mentioned that this study should be done by experts. Am I right in saying that it should be done by someone who has lived through the experience himself. In this regard, would it not be one of the suggestions by this committee that one of the doctors associated with this survey should be one of the ones mentioned?

Mr. STROUD: You would have to have medical doctors who have some knowledge of oriental diseases and their after effects. I do not think there are any doctors who have knowledge in respect of prolonged starvation and what happens; at least I do not think there is one in Canada. Studies are being carried out in the United States in respect of this, but we have none in Canada to which we can refer.

Mr. GROOS: We would have to find out some of these answers from the survey we are going to make. May I have some information from the president of the Hong Kong Veterans' Association of Canada in respect of his association. What is the source of funds; what amount of money has been collected during the years?

Mr. DELBRIDGE: Our funds are raised, in Winnipeg, by charging each member \$4 a year. In order to raise further funds we have to hold raffles. We could not operate on the membership money alone. During the last few years, it has cost the association something like \$20,000 to send people to Ottawa. We put on a Christmas draw and held a reunion dance. If it is just a dance we charge \$1.50 in Winnipeg, and if it is a supper, we have to charge \$6. This is how our funds are raised.

Mr. GROOS: You all are here today at your own expense?

Mr. DELBRIDGE: At the expense of the association. Each branch pays into the association on a per capita basis.

Mr. STROUD: We made it clear to the war claims commission that we were out of pocket when sending delegates to Ottawa. We have had heavy expenses over the years, because we had to do a great deal of work before they would recognize there was a war claims fund. We had many trips down here. Also, we have assisted them in locating next of kin when war claims distributions were made. We have never been paid expenses for appearing before any committee. Speaking of Toronto, we never have had any other way of raising funds other than by holding a raffle. We have had dances, and so on, in an attempt to make money, but we have no clubhouse and our members are spread around the country; they have duties to carry on all day and are not able to run a clubhouse at night. Our main source of revenue is raffles, and that is a difficult matter now.

Mr. HERRIDGE: The witness mentioned war claims. Would you inform the members of the committee what you were attempting to do in respect of the war claims commission?

Mr. STROUD: We have made representations to standing committees, we have met with the Minister of Finance, we have had appointments with former secretaries of war, and the question also has been brought up in the house. As a matter of fact, the most recent one was about a year ago when Mr. Pickersgill, in opposition, asked the question, was the total in the fund \$72,000, and he was never given any answer as to what happened to the \$15 million which had been in the war claims fund. We made a request for \$1 a day for all treatment and \$1.50 a day for forced slave labour. We were asking the same as the United States troops who were in prisoner of war camps with us. They were given \$1 for all treatment and \$1.50 for forced labour for every day they were a prisoner of war. We were told that the Ilsley report did not recommend, in respect of forced labour, and therefore we have not been paid.

I understand there were payments made out of the war claims fund which were not recommended by Mr. Ilsley. Also, the delegation which came down here was paid full expenses. We never learned of this officially and are still trying to get a breakdown of the fund. This was brought up in the Canadian Corps Association brief.

Mr. CLANCY: I would like to suggest that it is time this committee had the Minister of Finance in front of us in respect of the war claims. I think the figure of \$75,000 is a little low. I was on the committee, and it was over \$2 million at the time.

Mr. HERRIDGE: That is a good suggestion.

Mr. HARLEY: Are we going to continue on now, or is it the intention to come back this afternoon?

The CHAIRMAN: I would like to finish this brief.

Mr. HARLEY: On page 2, in respect of recommendation 3, and the supplying of eyeglasses, I think we have heard enough to understand about the necessity for eyeglasses because some of the diseases cause optic atrophy. Would someone like to comment with relation to the dental care and what happened to the teeth of prisoners of war?

Mr. STROUD: You must remember that the diet we had did not include any heavy food; there was no meat or potatoes. We were on barley. Our gums were softened up and the teeth were falling out. Those who were fortunate enough to have teeth when they came back found they had bleeding gums. We still have bad gums today. Even with the diet which we have now, we cannot restore the gums. It has been recognized by some physicians that it is impossible, with a normal diet, to bring the gums back and restore them to the condition they were in before we were over there.

Mr. HARLEY: I have one other question in respect of recommendation 5 and recommendation 6. I take it that these two recommendations are to be taken together. Am I interpreting this correctly to read that in ten years every ex-Japanese prisoner of war then would have a 100 per cent pension, going on a 5 per cent increase over a ten year period?

Mr. LYTLE: If both were granted simultaneously, this would be the situation.

Mr. HERRIDGE: I have one final question. In recommendation No. 8 you mention that members of your group are much concerned about the many decisions in these cases. You refer to coronary thrombosis. I would like a little comment on this.

Mr. BREAKWELL: Mr. Chairman and members of the committee, with regard to Mr. Herridge's question, we have been successful in obtaining pensions in respect of coronary heart disease where death has taken place and an autopsy has been held. Otherwise there is no way of proving this. I, myself, have a heart condition which has been attributed by the Canadian pension commission to malnutrition, and I was awarded a pension for this condition. However, it took years to establish that condition actually did exist, and then to have it eventually assessed as having been due to avitaminosis. That difficulty still arises. With the evidence we have produced here in respect of the relationship of cardio vascular conditions and myocardial degeneration, I think there should be no question as to the pensionability of a Hong Kong veteran who is suffering from any type of heart condition.

Mr. STROUD: We have another case in respect of which we still are battling with the Canadian pension commission. The chap died of leukemia. He was in the area where the first atomic bomb was dropped. We had many veterans down in those areas. This person died in Sunnybrook hospital of leukemia. The benefit of doubt was not given in this case.

Mr. McINTOSH: In that one particular case did they attribute the leukemia to any other cause?

Mr. STROUD: Yes; they said it was inherited. Another case turned down was in respect of pernicious anaemia. They said he must have inherited it from a parent. They claimed it could not have been affected during his period as a prisoner of war. He was a prisoner of war for three and a half years. No one could say it would not at least have worsened the condition. We have other examples. We have more in my own area and across Canada; that is, heart conditions which were turned down as not being attributable to war service, even though there is a record that the person concerned had beriberi.

Mr. HURD: The president of our branch was not able to be here because of a stroke. Whether or not that was caused by his experiences in war, we do not know; but this is under study.

The CHAIRMAN: Gentlemen, I think we will adjourn now, if it is agreeable.

First of all, I would like to thank the members of the association for their attendance here today. We have learned a good deal. I now am satisfied that very careful consideration will be given to this brief when it comes before the committee.

This afternoon I would ask the members to bring their estimates book. We will meet in this room after the orders of the day.

#### AFTERNOON SITTING

TUESDAY, December 3, 1963.

The CHAIRMAN: Gentlemen, we have a quorum. Item 120 was overlooked previously, and we have with us Mr. Mann whom I will ask to come forward to speak on item 120 which appears on page 448 of the estimates.

120. Repayments under subsection (3) of section 12 of the Veterans Rehabilitation Act, \$5,000.

Are there any questions, gentlemen?

Mr. HERRIDGE: Could Mr. Mann explain to us just what this means?

Mr. G. L. MANN (*Special Services Division, Department of Veterans Affairs*): This item deals with compensating adjustments under the Veterans Rehabilitation Act, section 12, subsection (3). Certain veterans who after the war were eligible for university training under the department's training program were permitted to go on to the universities. Many of them, at the end of the first term of the first year in university, decided that they did not want to carry on with this program and they would prefer to take a settlement on small holdings under the Veterans' Land Act. The government therefore put a section in the act which permits them to pay back to the department the cost of the training including the allowances, and they then become qualified for the V.L.A. small holding. As time went on some of them, not too many, did not settle under the Veterans' Land Act for reasons of their own and some of them had their contracts rescinded while others decided to withdraw. The purpose of this section is to permit the department to pay back to the veteran who had repaid the department for the cost of his training, the money he had given to us to establish himself under the Veterans' Land Act. Those who had been settled would be charged any benefits or any part of the benefits that they might have received under the Veterans' Land Act.

Mr. HERRIDGE: Have you any idea of the number involved?

Mr. MANN: No. I did try to find that figure but we do not seem to have it around. I can tell you that there were not many.

Mr. HERRIDGE: Is it still going on and do you still have occasional cases?

Mr. MANN: There could still be cases because the Veterans' Land Act is still open.

The CHAIRMAN: Are there any further questions on this item?

Item agreed to.

The CHAIRMAN: The next item is on the estimates of the Department of Veterans Affairs, veterans' bureau. The witness is Mr. P. E. Reynolds, chief pensions advocate. We are now on vote 35, appearing on page 454 of the estimates.

Vote 35—Veterans' Bureau

Salaried Positions:

Administrative and Professional:

- Senior Officer 1 (\$14,800-\$15,800)
- (\$10,000-\$12,000)
- (\$8,000-\$10,000)
- (\$6,000-\$8,000)
- (Part Time)

Clerical:

- (\$4,000-\$6,000)
- (Under \$4,000)

Salaries .....	(1)	637,000
Travelling Expenses—Staff .....	(5)	12,400
Postage .....	(7)	2,800
Telephones and Telegrams .....	(8)	6,600
Office Stationery, Supplies and Equipment .....	(11)	5,000
Travelling Expenses—Applicants, Recipients and Others .....	(22)	2,000
Sundries .....	(22)	200
		666,000

Mr. P. E. REYNOLDS (*Chief Pensions Advocate*): Mr. Chairman, I would like to introduce Mr. Don Ward.

Last week I made a statement with regard to the veterans' bureau, and there is not much more that I can add to what I said last week about what we do. I would be glad to answer any questions you would like to ask.

Mr. HERRIDGE: Mr. Chairman, I would like to ask one question concerning veterans' advocates in the interior of British Columbia. What would be the longest period that a veteran would have to wait for a visit from the advocate? How many cases would have to pile up to warrant the advocate's visit to the area?

Mr. REYNOLDS: The usual practice now is for the pensions advocate from Vancouver to visit the interior once a year. There is usually only one appeal board session held each year in the interior of British Columbia, and the advocate usually goes into the interior prior to the appeal board session.

Mr. HERRIDGE: Do you think that is sufficient under the circumstances?

Mr. REYNOLDS: I think that it might be desirable to have him go more often, but the pressure of work makes it a bit difficult for him to get away from his office for any length of time.

Mr. HERRIDGE: Does that mean that you could actually do with another one or two veterans' advocates in British Columbia?

Mr. REYNOLDS: I do not mean that. There is another factor too, that a lot of our preparation can be done by correspondence, and as long as there is an interview with the applicant before the appeal board session, that in most cases is sufficient.

Mr. HERRIDGE: I know of one visit of your veterans' advocate during which he was very rushed. It was simply a mad rush for him to get around. In some cases he saw the veterans, but in other cases they went to a hotel. On one or two occasions he was very rushed indeed and he said at the time that he wished he could stay another day or two.

Mr. BIGG: It seems to me that our veterans' advocates do not have enough time to go into the individual cases and to really handle them the way a lawyer would if he had an important court case. I was wondering also whether you are not understaffed. You cannot always tell by the number of files whether or not a man is overloaded as it depends on how much work you put on them and how many files he would handle. We might think he has too many to handle. As I said, from my own experience, I think the advocate who handled my case was overburdened and he did not have enough time to devote to my particular case, although I was successful. He did not have enough time to discuss the things with me, let alone with the numerous witnesses.

Mr. REYNOLDS: We consider that we have sufficient advocates to do the job properly, except in Halifax, and we admit that we need another advocate there. We requested another advocate in Halifax. However, we submit that our records at appeal board sessions indicate that we do a pretty fair job, and the number of advocates is not an issue.

Mr. MACEWAN: One of my questions was answered by Mr. Reynolds. I note here on page 36 of the annual report for 1962-63 that in the Halifax office 660 claims were presented to the Canadian pension commission and 126 claims to the appeal board. I was wondering if one advocate there, Mr. Coleman, was sufficient to handle that.

Mr. REYNOLDS: No. We are trying to get another one in.

Mr. MCINTOSH: Is Jerry Coleman a good advocate?

Mr. REYNOLDS: Excellent.

The CHAIRMAN: Shall this item pass?

Item agreed to.

Mr. MCINTOSH: I have one more question. I notice that the personnel of the bureau has not been increased but that there has apparently been an upgrade for seven of the people from the \$6,000 to \$8,000 bracket to the \$10,000 to \$12,000 bracket. Could Mr. Reynolds explain this?

Mr. REYNOLDS: I think that can be explained by the annual increases which places the advocates in a higher bracket according to the way they are classified in the estimates and also by normal replacements. The figures actually shown in the estimates for our establishment are not exactly correct as of today.

Mr. MCINTOSH: I see there is a decrease in the total amount that you have for salaries from \$638,000 to \$637,000?

Mr. REYNOLDS: These figures are really based on what our establishment could be if every position were filled and every employee was at the top of his classification for that grade.

The CHAIRMAN: Shall we go on with the votes?

Dr. Crawford, would you come up to the table please?

Gentlemen, on page 451 we have vote 15—treatment services.

Vote 15—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:

Administrative and Professional:

- Senior Officer 3 (\$17,400-\$19,000)
- Medical Specialist 2 (\$13,800 and up)
- Medical Officer 7 (\$16,400-\$17,400)
- Medical Officer 6 (\$14,800-\$15,800)
- (\$12,000-\$15,000)
- (\$10,000-\$12,000)
- (\$8,000-\$10,000)
- (\$6,000-\$8,000)
- (\$4,000-\$6,000)
- (Under \$4,000)

Technical, Operational and Service:

- (\$10,000-\$12,000)
- (\$6,000-\$8,000)
- (\$4,000-\$6,000)
- (Under \$4,000)
- (Part Time)
- (Seasonal)

Clerical:

- (\$4,000-\$6,000)
- (Under \$4,000)
- (Part Time)

Prevailing Rate Positions:

(Full Time)

Continuing Establishment .....	\$37,360,000
Casuals and Others .....	140,000
	<hr/>
Salaries and Wages .....	(1) 37,500,000
Overtime .....	(1) 210,000
Allowances .....	(2) 50,000
Hospitalization in other than Department of Veterans Affairs Institutions .....	(4) 4,750,000
Fees—Doctors and Consultants, Department of Veterans Affairs Institutions .....	(4) 3,300,000
Corps of Commissionaires Services .....	(4) 760,000
Canadian Red Cross Society—Arts and Crafts Program .....	(4) 120,000
Other Professional and Special Services .....	(4) 2,877,000
Travelling Expenses—Staff .....	(5) 205,000
Freight, Express and Cartage .....	(6) 50,000
Postage .....	(7) 55,000
Telephones and Telegrams .....	(8) 194,800
Publication of Medical Services Journal, Canada ..	(9) 9,500
Office Stationery, Supplies, Equipment and Furnishings .....	(11) 85,500
Materials and Supplies .....	(12) 8,500,000

Repairs and Upkeep of Buildings and Works, including Land .....	(14)	825,000
Repairs and Upkeep of Equipment .....	(17)	230,000
Light and Power .....	(19)	415,000
Water Rates, Taxes and Other Public Utility Services .....	(19)	175,000
Hospital Insurance Premiums or payments in lieu thereof re War Veterans Allowance Recipients .....	(20)	1,365,000
Unemployment Insurance Contributions .....	(21)	44,500
Travelling Expenses—Patients and Escorts ..	(22)	626,000
Laundry .....	(22)	300,000
Nursing Assistants—Trainees' Allowances ....	(22)	61,000
Sundries .....	(22)	47,600
Compensation for Loss of Earnings .....	(28)	62,000
		\$62,817,900
Less—Recoverable Costs—Treatment of Patients, Staff Meals and Accommodation, etc. ....	(34)	19,952,300
		42,865,600

Are there any questions on vote 15?

Mr. HERRIDGE: Mr. Chairman, I have a question as a result of a person coming to my office recently. Does the Department of Veterans Affairs subsidize the tri-service hospital here?

Dr. J. N. B. CRAWFORD (*Assistant Deputy Minister and Director General, Treatment Services, Department of Veterans Affairs*): Indeed we do, Mr. Herridge. The tri-service hospital had a rather stormy conception. It took about seven years in my experience to persuade the finance people that the hospital should be built, and it was finally built on the understanding that it was required, as it is required, as a sort of medical mecca for the armed forces, but also on the understanding that it would serve as a federal hospital. As a result of this the Department of Veterans Affairs is a tenant in the tri-service hospital, as we were in the Civic hospital. The Department of National Defence supplies us with our housekeeping service, our nursing service and so on, and to a large extent with the medical service, although I have retained my own medical staff for the care of veterans. I am not absolutely certain as to the proportion of our contribution to the tri-service hospital but it is in the order of 50 per cent. About half the patients in the tri-service hospital are in fact charges of the Department of Veterans Affairs.

Mr. HERRIDGE: The persons who came to my office were persons from the hospital and they were complaining of the number of civilian orderlies, men who are not veterans. Have you any knowledge of this?

Mr. CRAWFORD: I quite believe it to be true. However, I cannot become too exercised about the fact that they were not veterans. After all we have reached a point in time now where if quality is what we are looking for in a nursing staff then we must reach beyond the limits that are available to us if we dip only into a pool of veterans.

Mr. HERRIDGE: I am speaking of orderlies.

Mr. CRAWFORD: Even so, orderlies are a very important part of the nursing service and they must be young, they must be able. The veterans available to us now, if they are not otherwise employed, are either too old or not very desirable as nursing personnel.

Mr. MACEWAN: Mr. Chairman, could I ask Mr. Crawford the following question? There is a note in the annual report, on page 23, which states that 79 persons attended courses, 29 nurses, 15 doctors and 35 miscellaneous personnel. I was wondering, and I asked Mr. Anderson this in regard to the medical people of the Canadian pension commission, whether you encouraged personnel from time to time to attend refresher courses which are held in their various fields. Is that correct?

Mr. CRAWFORD: Yes, indeed we do. As the report indicates, a number of doctors have gone to courses. I think that perhaps we are particularly fortunate in the fact that almost all of our treatment staff is made up of part-time people who are in practice, specialists who have made their reputation and are continuing to practise their specialty in a competitive way. They, for their own interests, keep themselves very much up in the medical field, therefore the courses we pay for in the main are supplied to our full-time medical staff who do not have this opportunity and who indeed should not be required to attend courses at their own expense. We send them on refresher courses of all kinds.

Mr. McINTOSH: Does that apply to the nurses as well?

Mr. CRAWFORD: It applies to the nurses also. Every year we have two or three girls at the university, mainly training in nursing administration, so that they can become supervisors in our hospitals, but we have some clinical courses as well. Indeed we run one clinical nursing course at Westminster every year where we have non-departmental nurses in attendance learning from us.

Mr. McINTOSH: Do you have trouble getting qualified staff for your hospitals?

Mr. CRAWFORD: Yes.

Mr. McINTOSH: Any more than in civilian hospitals?

Mr. CRAWFORD: I cannot answer that with certainty because I do not know exactly what the situation is in civilian hospitals. I know in general terms that there are shortages. However, I am seriously concerned with the shortages that we have, particularly in our nursing service. Out of an establishment of approximately 3,732 nurses in October I had 350 vacancies. I was short 350 nurses. This is an awful lot for an establishment of that size. I cannot help but feel that perhaps we are not doing as well as we should, admitting that the nursing market is a tight one and that it is a buyer's market. I think that perhaps we are not getting quite our fair share of the nurses available.

Mr. McINTOSH: Would your patients be suffering at all because of the lack of nursing services, and if so have you given any thought to nurses' aides?

Mr. CRAWFORD: We make much greater use of nurses' aides than most civilian hospitals. We were among the pioneers in this field. We ran our own schools for a number of years and we still run a school in Halifax for the training of nursing assistants, and very useful girls they are too. We spread these around the system. This helps a great deal. We make considerably greater use of our nursing orderlies than do ordinary hospitals. We train them on the job. We think we train them to a very high level of efficiency. All this helps. However, the fact remains that the key person on a nursing team is the registered nurse, and we are short of registered nurses.

Mr. McINTOSH: Have you any vacancies in regard to the orderlies, or have you sufficient applications for the orderly positions?

Mr. CRAWFORD: We have no trouble recruiting orderlies. We get them as we want them. It takes us a while to train a man just off the street, but we can get them.

Mr. HERRIDGE: What ages do you prefer when you are recruiting orderlies, or up to what age are they found useful?

Mr. CRAWFORD: A trained orderly is useful until he reaches retirement age of 65. The more experience he has, given the fact he is intelligent, the more useful he is.

Mr. HERRIDGE: You cannot find enough people to fill those positions from the pool of veterans?

Mr. CRAWFORD: No. Let us face it, the veteran who is not in a better paying job than a hospital nursing orderly has probably not very much to offer at this stage. There is a great deal more required than just sympathy and goodwill in a nursing orderly. He has to be able to learn very complicated skills, and we naturally like to start them young. We require a grade 10 minimum education.

Mr. HERRIDGE: And the knowledge of English or French?

Mr. CRAWFORD: Either or. I do not think a nursing orderly would be very much use if he did not speak one or the other.

Mr. BIGG: This question is perhaps not quite to the point but I was wondering if your hospital is geared for emergency measurer. Is there any emphasis put on preparedness for taking over in times of serious national emergency?

Mr. CRAWFORD: Yes indeed. The emergency health service I think counts very heavily on the support that D.V.A. hospitals could give in a national emergency. Of course, we have no greater guarantee of survival than any other hospital in these circumstances, but we do have in every one of our hospitals emergency plans which will go into operation on the giving of an alert.

Mr. BIGG: To handle a sudden influx of patients and that sort of thing? Do you have part-time standby staff?

Mr. CRAWFORD: Additional staff required would have to come to us in the same way that it comes to any other hospital through the emergency health organization.

Mr. BIGG: I was wondering whether thought was given to this and whether there are bottlenecks in the financing of this?

Mr. CRAWFORD: We have nothing to do with the financing of the emergency health plan, you realize that. That is done by the Department of National Health and Welfare.

Mr. BIGG: I meant a state of alert or perhaps a state of war or a sudden attack.

Mr. CRAWFORD: We would not be affected by the financial implications at the present time. What we have done is to plan on how our hospitals could best be used in the case of an emergency. We have additional stockpiles of some stores that would be required. We have normally a three months' supply of drugs in our hospitals, and in the case of an emergency we could increase that stockpile.

Mr. McINTOSH: Do you find much wastage in the amount of obsolete drugs that you carry? You say you keep a three months' supply. I am thinking of the times when sulpha drugs were replaced by penicillin, or such cases.

Mr. CRAWFORD: This is true. I do not think that our experience in wastage is any worse than in any other institution. As a matter of fact I do not think that it is as great as it is in many institutions. We have a standard list of drugs that we stock. These are things that do not go out of fashion. We allow our specialists in every one of our districts the new drugs that come out. These are bought locally in small amounts as they are required. However, they are not put in any quantity in our hospitals until they have established themselves as useful preparations.

Mr. McINTOSH: Where does the value of drugs appear in the estimates?

Mr. CRAWFORD: They come into the general vote on materials and supplies.

Mr. McINTOSH: Could you give us any idea as to how much average wastage there is of drugs that are discarded?

Mr. CRAWFORD: I am sorry, I cannot do that. I can tell you what we pay for drugs, but I cannot tell you how much we waste.

Mr. HERRIDGE: Suppose the laws and regulations were changed so as to make the terms of admission for older veterans, particularly to these hospitals, more generous, would you have the capacity to take care of those persons?

Mr. CRAWFORD: It would altogether depend on how generous you made these regulations. There are roughly 1,200,000 veterans in Canada at the present time. If the government of Canada wished to make me responsible for the hospital treatment of 1,200,000 people, then I could tell you how much it is going to cost you. At the moment, I do not feel that this responsibility has been laid on me. I feel that I have a statutory obligation for the treatment of service connected disabilities. There are 150,000 of those. I have the responsibility for the treatment of recipients of war veterans' allowances, roughly 50,000 of these at the present time. Our hospitals are running at about 80 per cent occupancy. Pensioned veterans are going to die off and war veterans' allowance recipients are going to increase. I think I know the rate at which this is going to happen. I think I can forecast the need for beds under the existing policy for the next 25 years, and although it varies from district to district in general we will be about 5,000 beds short in 1985. This however does not mean that the Department of Veterans Affairs necessarily should build these beds. I think much greater use could be made of community facilities and I think that using community facilities to the utmost we could probably get by with the number of beds we now have.

Mr. HERRIDGE: That information is very interesting. In your opinion the Department of Veterans Affairs hospitals have a part to play caring for veterans for many years ahead?

Mr. CRAWFORD: I think that perhaps I should tell you that I believe we are facing a time of decision in the future of the Department of Veterans Affairs' hospitals. I think that sooner or later—and the sooner the better—you will have to tell me clearly what you expect me to do. We have in the past, since 1945, established a very enviable reputation because of the quality of care which we have been able to give. For some years now there have been signs appearing, not perhaps alarming as yet but unmistakable, that this quality of care is beginning to change. This is the inevitable result, I think, of the increased age of our population. More and more we are becoming used less as hospitals and more as havens of refuge for old men who seek a place to die.

Now, there is nothing wrong with this, if this is our job, but this type of patient load is not clinically attractive, is not stimulating, and is beginning to reflect itself in the kind of people we can attract to our staff. As I say, I think that you must tell me some time whether I am to operate hospitals for the treatment of the sick or institutions for the accommodation of the aged, or both. If it is to be both, you are going to have to be prepared to dig deep into your pockets, deeper than you have dug before. I do not think that I can promise you the continued maintenance of the standard of treatment which we have enjoyed in the past. This is a problem which is very close to me. I have discussed with my minister a number of ways of meeting this problem, and no doubt in his own time he will be discussing these possibilities with you.

However, the answer to your question, Mr. Herridge as to whether there is still a place for veterans' hospitals, is yes, there is, but I think that the place has to be re-defined.

Mr. McINTOSH: What is the solution or what are the alternative solutions?

Mr. CRAWFORD: There are a number of possible solutions. Perhaps the most attractive one is to say that we will continue to supply accommodation for the chronically ill and the aged in our own institutions and that we will buy from other resources our active treatment which is becoming less and less important numerically in what we are doing now. The reason I say this is that I am very doubtful as to how long we are going to have an active treatment load that will warrant this sort of operation of our departmental hospitals. This is one possibility. Another possibility is the suggestion made by the Glassco commission that we should re-define our federal responsibilities in the care of veterans and buy what we are required to buy from community resources, if necessary making federal grants to see that these community resources are in fact available. This is a possibility which cannot be discarded lightly and should be studied. This is the sort of solution which has to be considered.

Mr. McINTOSH: Could I ask you whether the cases which you call chronically ill or aged are increasing percentagewise and the active treatment ones decreasing, and could you give us some idea as to the figures?

Mr. CRAWFORD: Yes indeed. Suppose we divide these people in a slightly different way. Let us take a look at what is clearly a federal responsibility, that is the care of service incurred disabilities. In 1945 this represented almost entirely the patient load of our D.V.A. hospitals, and at that time we had something in the order of 12,000 beds. We now have 8,000 or 9,000 beds in departmental institutions. Excluding for the moment our committed mental cases who have service incurred mental diseases, eight per cent of our patient load is made up of service connected disabilities. Including mental cases that figure is 15 per cent, so that 15 per cent of our total patient load is made up of service connected disabilities. Twenty per cent of our patient load is made up of people receiving active treatment because they are recipients of war veterans' allowances. This active treatment is a general sort of phrase, but it means that they need an awful lot of attention and intensive care. Fifty per cent of our hospital population is made up of people under section 29, this means people who are receiving domiciliary care. I think that "domiciliary care" is a most unfortunate term because the fact is that these people in our hospitals are sick. They all have some degree of medical reason for being in the hospital and many of them have a very great degree of medical reason. They are bed-ridden, they need a great deal of chronic nursing care. Nevertheless, almost 50 per cent of our population is made up of people receiving chronic long term or domiciliary care.

Mr. McINTOSH: And the 15 per cent balance?

Mr. CRAWFORD: About six per cent of them are members of the armed forces or Royal Canadian Mounted Police. About one per cent of them are patients receiving care at the request of the other federal departments, and the balance are veterans who are paying their way to a greater or lesser extent in accordance with their means, veterans who have elected to come into a veterans' hospital.

Mr. CLANCY: Mr. Chairman, you would suggest then that the active treatment centre would be comparable to the university hospital in Saskatoon with long term care being supplied as it is in the Veterans Home at the airport?

Mr. CRAWFORD: I would hope it would not be like the one at the airport.

Mr. CLANCY: So the university hospital is your active treatment centre and you think, like most of us, that we should take some steps to set it up? I agree with you I would not like to live in such a place with the same set-up.

Mr. CRAWFORD: I am glad to report we are getting along with the business of replacing that horrible business at the airport in Saskatoon.

Mr. BIGG: Take the war veterans' allowances, it seems to me that an awful lot of these people are getting medical treatment which we do not attribute to service but which nevertheless they think they incurred partly

owing to their service. I am thinking now of the Hong Kong people. Apparently it is very difficult to assess the effect on a man of malnutrition and the effect of the mental trauma of being in a prisoner-of-war camp where his bones remained intact but his insides evaporated. A great many of your patients, I gather nearly 50 per cent of them, are still veterans but not clinically connected to anything you can say was incurred during service. Suppose we broadened the base of treatment for all veterans, would there not be a lot of treatment cases in your hospitals which might keep you going full blast for several years, cases of people who cannot afford to get into civilian hospitals, for instance?

Mr. CRAWFORD: I suppose that if one broadened the base of treatment you would get more younger people in the hospitals. I have no room for them at the moment. We would have to make other arrangements to accommodate the old folks that we have in now. Assuming that this were done, you could I think then ask yourselves the question, to what extent do you want the federal government to subsidize a state medical scheme for the benefit of this segment of the population? This question I cannot answer for you and I have no comments on it.

Mr. BIGG: All this fits into one over-all scheme. As I understand it, we are saying now that the main use of the hospitals has gone beyond its peak, that is looking after the treatment of wounds and that sort of thing. Now, the hospital is there, the plan is there and we own them. Possibly it would be a sensible thing to fill these hospitals up with people who need treatment in order of priority. There are no favourite groups, they are going to get treatment anyway in our new concept of life in Canada, and it is just a matter of priority.

Perhaps it would be advantageous to move the chronic cases out of your hospitals because they really are not hospital cases at all but home care cases. These people cannot actually look after themselves but need care in nursing homes, for instance, rather than in hospitals. When we have officials appearing before this committee they seem to be reticent about giving us their frank opinions. I do not know why this is so because we certainly do not intend to discipline anyone in this way. I am sure all members would be very harsh on anyone in any department who did so, because we want to receive your frank opinions to the fullest extent. Individuals such as yourself are more familiar with these problems than anyone else and we welcome your view points with complete frankness. We would welcome your opinions regarding moves and changes to be made, whether they be in regard to the tri-service hospital being used as an old folks home, whether it be used for war veterans or Hong Kong veterans who need active treatment or otherwise. You might suggest that we should build an old folks home and I am sure we would welcome your suggestion in that regard.

Mr. CRAWFORD: This, of course, in essence is what was recommended by the royal commission on government organization. In fact what that commission recommended was to turn the veterans' hospitals over to communities to be used as active treatment hospitals and let the Department of Veterans Affairs buy its active treatment from these or some other community hospitals, leaving the chronic diseases hospitals and old folks homes for the Department of Veterans Affairs to operate.

It has been suggested that the chronic diseases or aged institutions be operated by the Department of Veterans Affairs for the benefit of those veterans who are considered to be the responsibility of that department. This is in effect what the royal commission suggested, and I see nothing unreasonable in this regard. I think in this way there are variations of this general theme. You could say: "All right, you own this hospital. Use it as an old folks home."

This is all right, but I think it would be a waste of potential active hospital accommodation. I would hope, if we ever get into the business of implementing these royal commission recommendations, or something like them, we will be in the position of making swaps. I do not pretend for a moment that any community is going to pay us very much for one of our hospitals because that is not the way communities operate. It might be possible to persuade them to build us something in the way of a chronic institution. This is a possibility, but perhaps failing that, and if you say this is what you want us to do, perhaps we could ask the community to give us the money and we will build the chronic places ourselves and give them our active treatment hospitals.

All these are possible variations of the same theme aimed at one end which is to protect our standards of treatment.

Mr. MATHESON: Mr. Chairman, I should like to ask the doctor whether it would be fair to say that the D.V.A. needs first rate hospital services from the standpoint of treatment in the same way that the public needs first rate hospitals.

Mr. CRAWFORD: Yes, I think that is fair.

Mr. MATHESON: Therefore, I think Mr. Bigg was talking about the point of diminishing returns or something to that effect.

Mr. BIGG: I said that we have passed the point where we need this over-emphasis on the treatment of cases such as war wounds, and it is more of a social service we now need.

Mr. MATHESON: Therefore, at this time it might be propitious from the standpoint to make a change; does that make sense?

Mr. CRAWFORD: It makes sense in quite another way as well. If we are going to turn over our hospitals to communities, unless we first have a place built to receive the patients who are going to be transferred out of them, we are going to be in a better position to turn them over as going concerns now than we will be say five or six years from now when our case load is even more heavily weighted on the side of chronic and aged than it now is. I think we stand perhaps a better chance now of making deals under conditions which would be satisfactory to us than we would in perhaps five or six years time.

Mr. CLANCY: Dr. Crawford, war veterans' allowances are now paid at age 60 across Canada, but in most provinces social aid is paid at age 65. You have stated that a number of the people now taken into these hospitals are individuals who need supervision and care but are not chronically ill. Perhaps we could make an agreement with the provinces to take over your active service beds and they would contribute in their own small way to the adjustment of that five year gap, because we can always pay a war veteran social aid when there is a necessity.

Mr. CRAWFORD: I am not quite sure that I follow you exactly. Are you suggesting that we should ask the communities to take on the care of these old people?

Mr. CLANCY: No, I am not suggesting that. I am suggesting that we are in a position now to hand over to the communities some very fine hospitals, since war veterans' allowance is available only at age 60, and these individuals are entitled to all the entitlements under war veterans' allowance; whereas in most of the provinces age 65 is the minimum for a recipient of social welfare. Perhaps we could assume some of the burden now on the communities and give them something as well.

Mr. CRAWFORD: That is very true; however, I think I should let Colonel Cromb discuss the philosophy of the war veterans' allowance. I think there are many permutations and combinations of arrangements which might be made to do this job in a different way. I think different arrangements might well be

made in different districts. I do not think we will have, necessarily, unity of approach in this regard. What I wanted to say when I started to get off this line of the estimates was that I am concerned about our ability to continue to maintain our standards of care under existing practices and policies. We may have to introduce new policies, but I want to assure you at the same time that any change that is made will only be made under conditions which will allow us in the department to maintain the interests of the veteran.

Mr. McINTOSH: The main difficulty along this line, as I understand it, results from the fact you cannot attract the specialists that you feel should be in your hospitals; is that correct?

Mr. CRAWFORD: It is not really so much in respect of specialists. We have a hard core of very highly qualified and devoted people who are veterans themselves.

Mr. McINTOSH: You are talking about the medical staff now?

Mr. CRAWFORD: I am referring to the medical staff. They work very happily. We are having difficulty in attracting what is an essential element in the field of medical care, the teaching element—interns and residents for our hospitals. These people are tremendously important and the very fact that teaching is going on in our hospitals has helped us maintain our standards of care. We are having trouble in this regard. We are having trouble recruiting nurses. In Toronto I have two wards closed.

Mr. McINTOSH: Did I understand you to say that this situation is not the result of lack of finances?

Mr. CRAWFORD: I am 277 nurses short in the Sunnybrook hospital. This is a difficult market. We offer as much money as other hospitals are offering but I am not getting nurses. I think the difficulty involves working conditions. There are several other things wrong which I would like to correct in our own institutions. I would like to have shift differentials. I would like to be able to do a number of things which I cannot do. Over and above that we have a non-attractive kind of patient in our hospitals. I am having difficulty attracting nurses to work in the Sunnybrook hospital for reasons apart altogether from a question of pay.

Mr. BIGG: Does the administration of some institutions have difficulty in this regard, keeping in mind the treatment of aged individuals, or do you not know anything about this situation?

Mr. CRAWFORD: I do know something about this, but I do not know the numbers involved.

Mr. BIGG: I am trying to isolate the difficulty, and it seems to me it is one of working conditions in hospitals because of the type of patients treated.

Mr. CRAWFORD: A few months ago a chronic disease hospital at Toronto was opened with considerable fanfare. There were no patients in that hospital for quite a few months after they had opened it because they did not have any staff. The problem, as you can see is general.

Mr. McINTOSH: Are patients considered as world war I veterans increasing in numbers in your hospitals and, if your answer is no, has the problem to which you have referred not existed all along?

Mr. CRAWFORD: I do not have comparative figures indicating how this situation has developed, but I would make a reasonable guess and say that our proportion of world war I veterans is now beginning to decline. We have not always had this problem, because with the passage of every year every patient becomes a year older, so the problem becomes worse with each year that passes. Our breakdown in this regard at the present time is roughly 50-50. I may be able to give you the exact figures.

Mr. McINTOSH: I think that is close enough, doctor.

Mr. CRAWFORD: I have the information here. In our own hospitals we have approximately 3,000 world war I patients and 2,500 world war II and Korean veterans.

Mr. BIGG: Mr. Chairman, would it be fair to say that this problem is almost chronic; whether or not this problem exists in the service hospitals or in old folks homes or aged institutions? This problem will remain and continue to grow whether or not we relate it to service hospitals or civilian hospitals; is that right, I have the impression that this problem will remain, whether you relate it to your hospitals or to institutions outside the present walls, and will remain whether or not your hospitals are turned over to civilians; is that correct?

Mr. CRAWFORD: I think perhaps we should not lose sight of the possible advantages of mixing the aged population, even if you are confined to an aged population, by sexes. For example, in respect of our home in Regina, we co-operated with the province in building a geriatrics centre. Our old veterans in Regina are as happy as bugs in rugs. There are old ladies there with whom they play bridge. These people intermingle socially and they have a much more vital approach to their existence than individuals in some of our homes where we try to stimulate this sort of thing with art groups and moving pictures. We carry out this type of program at Regina as well, but the existence of a mixed population is an advantage in my opinion.

Mr. McINTOSH: I should like to ask one further supplementary question. Are you not just transferring this difficulty to some other body? If you are having difficulty in recruiting nurses to nurse this type of patient, whoever turns over the hospital will also have the same difficulty; is that right?

Mr. CRAWFORD: That is true, and the difficulties might be every bit as great for the other body as they are for me. However, with all due respect to the civil service, of which I am a loyal member, I would expect that someone outside of it might have greater mobility of movement in the way of recruitment and adjustment of working conditions than I find I have in a federal hospital.

Mr. HERRIDGE: Mr. Chairman, I should just like to say that I am sure that all members of this committee welcome Dr. Crawford's statements. He has presented a very excellent expose of the circumstances. We have had a very excellent discussion and we realize that we are faced with a very difficult problem because veterans' hospitals across Canada are national institutions for which the veterans of Canada have great affection as a result of the service they have received in the past.

This committee is particularly concerned with the welfare and wishes of all veterans in the first instance, and I think that is generally accepted. I should like to hear Dr. Crawford's comments on my suggestion that we must face the fact that we are moving into a changing set of circumstances and conditions. Would it be a good idea to have this matter thoroughly threshed out across Canada, then finally deciding upon a policy which will meet the needs of veterans and have the support of the veterans, so in essence we will have a policy satisfactory to the veterans of Canada giving them the service we have given in the past, but with some possible changes to meet the circumstances to which the doctor has referred?

Mr. CRAWFORD: Mr. Herridge, I think your suggestion makes extremely good sense. As a matter of fact I cannot see any other satisfactory method of operation. This is exactly what I would have to be done.

Mr. HERRIDGE: I think the veterans' organizations would desire to be consulted in this regard.

Mr. MATHESON: Mr. Chairman, I should like to ask a question. Mr. Herridge has pointed to the great importance of the associations, in the main the Royal Canadian Legion and others which collectively represent veterans. However, quite apart from the representations that have been received from these veterans' associations, what about representations from the actual patients in these hospitals? Has your department over the years received any communications from hospitalized veterans some of whom have asked that they be given standard treatment in the average general hospital rather than in a veterans' hospital?

Mr. CRAWFORD: Yes, we have indeed received such communications and I think that it is worth while to consider the many real advantages of treating an old man as near his own home as possible, in his own community, near his own family and friends. One must not lose sight of this fact. I think you understand why it is necessary, as long as we are operating veterans' hospitals, to keep them full. We bring people in from considerable distances. Sometimes this bothers me slightly, but we have to operate as efficiently as we can. I have often felt, and indeed do so more and more, that we should and do give treatment under the doctor of choice plan to veterans in their own communities, and such treatment is parallel to that received in our own veterans' hospitals.

Mr. MATHESON: I should like to ask another question along the lines of the suggestion made by Mr. Herridge. I take it Mr. Herridge is suggesting that any policy the government or department might be interested in promoting should be arrived at in some fashion so that veterans' organizations can at least study them in depth.

Mr. HERRIDGE: Yes, and they should be consulted.

Mr. MATHESON: They should be allowed to express views in respect of these suggested policies.

May I ask the doctor if he would think it more helpful to have the views of the patients in the hospitals as well as the views of the veterans' organizations because they are a special class within the whole, and the department might tentatively and cautiously proceed with a few pilot cases, studying them with some care and considering just how this is working out? I am asking you whether you think this would give the veterans generally a better chance of how they fit in?

Mr. CRAWFORD: That would be something similar to the suggestion that the monkey pull the chestnuts out of the fire.

Mr. HERRIDGE: That is very subtle.

Mr. CRAWFORD: I can think of nothing worse than embarking on such a plan in a pilot area and then having quickly to pull ourselves back and reverse our field.

I am talking now about perhaps a political approach of which I know nothing, but it would seem better to me to do as Mr. Herridge has suggested, making a decision jointly with the veterans' organizations, and then banging into it rather than going in tentatively and then stopping half way through.

Mr. BIGG: Are you suggesting there could be no flexibility in this regard? Personally, if I was ill I would far sooner go to a veterans' hospital than anywhere else because I would want to be among my old pals, and be nursed by a nursing sister who knew something about the conditions under which I became incapacitated.

Mr. CRAWFORD: I understand your feeling in this regard.

Mr. BIGG: These circumstances would persuade me to go to a veterans' hospital, while many other veterans might not want to attend the veterans' hospital for other reasons of their own. I am wondering whether there could be some method of working out a system of choice.

Mr. CRAWFORD: As I indicated some time ago, there are bound to be great differences in the application of any policy that may be adopted. I think we should insist that whatever arrangement is made it must be satisfactory to us in that it will provide protection for the treatment of service incurred disability and that the resources in any community are adequate and available to absorb the work load created by recipients of war veterans' allowances; otherwise, no deal. This is about all we can ask for, a sort of approval in principle of the acceptance of necessity for change, and you must rely upon us to implement these changes as best we can, keeping your wishes and the wishes of the veterans in mind.

Mr. BIGG: What I am concerned with is really the establishment of more flexibility in your interpretation of your rules. Perhaps we should give you more leeway of flexibility in respect of the treatment of veterans generally. It is apparent to me that we have large veterans' hospitals partially empty at any time while there is such a great need for hospital accommodation for civilians within any reasonable distance from these hospitals.

Mr. CRAWFORD: I certainly think there is a need for direction by you as to the limits of our responsibilities. I gather from what you have said, that you do not feel I have a great degree of responsibility in respect of all 1,200,000 veterans in this country. I would appreciate very much knowing the limits of this responsibility. Have I a total responsibility? To what extent do I have a partial responsibility? How am I expected to discharge this responsibility at the various levels? This would be very helpful to me, but so far I have not been told.

Mr. BIGG: It is difficult for us to give this direction without knowing what the circumstances are. You said you would like to be able to offer accommodation to this type of veteran, but we cannot offer it to this type without upsetting our efficient routine. Perhaps we could open this closed door.

Mr. HERRIDGE: We do not deal directly with the officials. We will be making recommendations in our report after listening to all this evidence in general.

Mr. CLANCY: Mr. Chairman, I should like to ask Dr. Crawford whether civilian hospitals will admit veterans for treatment? I am referring specifically to Saskatchewan. I know in our locality hospitals will only keep chronic cases for a certain period of time and then want such a person out. In other words, if we are going to take W.V.A. or chronic veterans we will almost find it necessary to set up special hospitals for them. Emergency and accident cases can be taken into civilian hospitals and treated, the treatment being paid by the department, but none of the hospitals in Saskatchewan, particularly in my district, will keep a chronic case whether civilian or veteran, after a certain period of time.

Mr. CRAWFORD: This is the sort of area where I think the federal government might well stimulate the development in communities of the kind of institutions needed to provide this type of accommodation. Saskatchewan is not particularly well fixed in this regard. Your neighbouring province Alberta on the other hand is making great strides toward the provision of this kind of care. That province now has an adequate number of active treatment beds and an adequate number of chronic treatment beds in their auxiliary hospitals, and it is rapidly getting into the field of nursing homes for purely domiciliary care. That province is making real strides in this direction to the benefit to the whole community. I think perhaps veterans should benefit from this sort of a situation. I think we might be very well advised to look to the possibilities of stimulating this sort of thing in the other provinces of Canada so that the community as a whole will benefit.

Mr. McINTOSH: I take it from your remarks that you are somewhat in favour of the recommendations as contained in the Glassco commission report?

A discussion in this regard could become political and I do not intend that it should be but I wonder whether in your capacity, having the experience you have and knowing the opinion which you have given us today, you have made an attempt to approach the veterans organizations giving them your reasons why this type of change could come about?

Mr. CRAWFORD: Let me say this. I feel that the principle underlying the Glassco commission report is not unreasonable. I think that it has to be carefully considered and studied. I do not agree with the method which is suggested in this regard. I think another and better method could be found to implement these principles.

As to the other point, I have not talked to veterans' organizations, with the exception of a few individual veterans, in an unofficial sort of way, for a very good reason. I talk first to my minister. When my minister tells me to get out and hit the sawdust trail I will do this.

Mr. HERRIDGE: You are quite right.

Mr. CRAWFORD: I am dealing with my minister and he with you, and I have no right at all to contact veterans' organizations unless I am told to do so.

Mr. McINTOSH: Are you ever asked to appear before meetings of veterans' organizations to give your views in respect of treatment?

Mr. CRAWFORD: I have not been asked by any veterans' organizations in this regard as yet. I certainly would not introduce this subject at a veterans' meeting until I was authorized to do so by my minister.

Mr. McINTOSH: My experience has been that committees are really the birth places of forward movements on the part of the government rather than in the government. The government acts largely upon our recommendations, it seems to me. I think this is why it is up to us to gather all the evidence we can and make recommendations so that the government has a proper guide to follow.

Mr. HERRIDGE: I do not agree with Mr. Bigg. The committee has often conceived ideas, but they are not in many cases the birth places of ideas.

The CHAIRMAN: Shall vote 15 carry?

Some hon. MEMBERS: Carried.

Item agreed to.

The CHAIRMAN: Next item is vote 20 of the estimates covering treatment services, medical research and education.

Vote 20—Treatment Services—Medical Research and Education

Salaried Positions:

Administrative and Professional:

- (\$10,000—\$12,000)
- (\$8,000—\$10,000)
- (\$6,000—\$8,000)
- (\$4,000—\$6,000)
- (Part Time)

Technical, Operational and Service:

- (\$4,000—\$6,000)
- (Under \$4,000)
- (Part Time)

Salaries .....	(1)	250,000
Fees of Specialists engaged in Research .....	(4)	130,000
Other Professional and Special Services .....	(4)	1,000

Travelling Expenses—Staff .....	(5)	4,000
Special Research Drugs .....	(12)	1,000
Special Research Equipment .....	(16)	5,000
Medical Education .....	(22)	12,000
Miscellaneous Research Expenses .....	(22)	14,000
Travelling Expenses—Patients and Escorts ....	(22)	1,000
Compensation for Loss of Earnings .....	(28)	1,000
		419,000

Mr. CRAWFORD: This program has not changed in quantity, gentlemen. Some of the projects are a little different. We are still doing very much the same as in the past.

Mr. THOMAS: I should like to ask Dr. Crawford whether he has found that the establishment of our national hospital scheme has made his administrative problems any easier as far as providing hospitalization is concerned? In other words, I understand that the Department of Veterans Affairs pays the hospitalization and for veterans on a means test?

Mr. CRAWFORD: Yes.

Mr. THOMAS: Has this helped the situation?

Mr. CRAWFORD: I would hesitate to say that it has helped or hindered the situation, really. It has helped to this extent, perhaps, that more people go to their community hospitals than formerly because their hospital bills are paid by an insurance plan. They do not come to our hospital which may or may not be a good thing. It has added to the complications of hospital administration in that we now have to fill out additional forms in quadruplicate to report on the insured services which we provide in our hospitals. By in large this has not made very much difference one way or the other, except of course, that we collect roughly \$14,500,000 per year from hospital plans for the provision of insured services.

Mr. THOMAS: Would that not have the effect of cutting the cost of the departments treatment services?

Mr. CRAWFORD: It reduces the amount of my budget, as you will see. This reduction is reflected here by the fact that I have asked for \$14,500,000 less than it otherwise would have been.

Mr. THOMAS: That, of course, would be offset by the payment of premiums?

Mr. CRAWFORD: Yes, it is offset in the statement. It is not completely offset. We pay \$1,300,000 or \$1,400,000 in premiums.

Mr. McINTOSH: I should like to ask one further question. Dr. Crawford, could you tell the committee something about the research that is carried out under this vote? I notice you have an increase from \$80,000 to \$130,000 and I am wondering whether you are going to do a little more research this year?

Mr. CRAWFORD: There is something wrong in this regard because my research vote is \$419,000.

Mr. McINTOSH: I was referring to the second line.

Mr. CRAWFORD: We are not necessarily going to do any more research this year. We work under a financial ceiling in research. The treasury board says we can have approximately \$400,000 for research. The type of research we do varies from year to year, although it is all confined within the four walls of our own institution. We do not support any research outside of our own D.V.A. hospitals. We do not do this for two reasons. We want to add something to the sum of human knowledge and, secondly we want to attract

to our staffs the kind of people who are interested in research as well as teaching and this keeps a sort of ferment going within our treatment staff.

Our projects vary from year to year. Some of them require more Research Fellows than others. Within that over-all ceiling of approximately \$400,000 you may find considerable variation from year to year in salaries, equipment, depending upon the particular sort of job we are doing. I am sorry that I can not tell you exactly how that \$130,000 is made up, but perhaps I could find out and give you an answer at a later date.

Mr. McINTOSH: I am not really interested in that aspect, but was wondering whether you were able to do as much research as you require or desire.

Mr. CRAWFORD: No one who has ever done research has ever had enough money. Let us start off with that premise.

Mr. HERRIDGE: That is a very true statement.

Mr. CRAWFORD: However, I would like to have about another \$100,000. I think I could usefully spend perhaps \$500,000. The fact that I do not have \$500,000 to spend merely means that there are some projects which we would like to do that we do not start. Whether this fact is world-shaking or not depends upon your point of view. I would like to have a little bit more money. I do not want very much more because I think I would have difficulty in spending it wisely.

Mr. McINTOSH: Is the type of research which you carry out peculiar to veterans or is it general?

Mr. CRAWFORD: In the main it has to do with degenerative diseases. We spend a lot of money on research in respect of arthritis, for instance. In one of our hospitals we spend quite a lot of money on research in respect of Parkinson's disease which is a disease of older men.

I have just returned from a conference in Washington in this regard where our research there was given great praise.

All our research projects are slanted toward the utilization of the kind of population we have in the veterans' hospitals, and we make particular use of the fact that we have a fairly rigidly controlled population medically speaking. We make a great deal of use of back records and that sort of thing.

Mr. BIGG: These hospitals provide a good place for research of this type?

Mr. CRAWFORD: For this particular kind of research I feel we have a unique opportunity which cannot be equalled under any other circumstances.

Mr. BIGG: Would you suggest that this situation encourages younger doctors of an exploratory nature to stay with you rather than move to different fields?

Mr. CRAWFORD: No, I cannot agree with that. Certainly we get some very keen research types, but few of them stay. Most of them seek higher qualifications and go elsewhere. They go to England and to the United States; they go to Vancouver, or other places to further their studies.

Mr. MACRAE: I notice that your mental patients are concentrated in the two hospitals St. Anne and Westminster. Are you conducting any extensive research in the field of mental diseases?

Mr. CRAWFORD: We have very interesting projects being carried out particularly in Westminster hospital.

The professor of psychiatry at the University of Western Ontario is a very keen member of our staff at Westminster. He uses the facilities of our hospital extensively for teaching and for research.

The CHAIRMAN: Is vote 20 agreed to?

Item agreed to.

The CHAIRMAN: Vote 25—treatment services—hospital construction, etc.

Item agreed to.



very little is known about these prosthetic services. My impression is that very few private companies would be seriously affected if these services were made available to the public as a whole. I am wondering if you, sir, knowing the service as you do, could speak on the feasibility of this branch of our D.V.A. work being made more generally applicable either for free or at cost?

Mr. CRAWFORD: You said you had asked this question and you got an answer which, I think, was reasonably cunning because it is a tremendously difficult question to answer. You ask if consideration had been given to making that service more available. I suppose officially, considering that the government has not made any pronouncement on this, it would be quite proper to say that no consideration had been given. On the other hand, I have been shouting from the housetops, personally, as an individual who knows something about the prosthetic needs of this country. However, you must remember that what I say is a personal view. I think it a crying shame that ordinary civilians who get hurt in a car smash and lose a leg or an arm have to pay fantastic prices to get an artificial limb and then get one that is of mediocre quality, while we are in a position to supply to our own veterans at a reasonable price, costing them nothing in most instances, a limb or an artificial appliance which I think is of very good quality. It breaks my heart many times when some poor person—not poor financially but poor because of the circumstances of the tragedy—asks if there is not some way that we can make a limb for him and I have to say no, because there is not. I feel myself that there is room in this country for a national limb service. It need not necessarily put private industry such as it is out of business.

On the other hand I think that it is quite possible that a national limb service could equally absorb all the problems that there are in this country at the present time. Such a service could supply limbs to anyone who needed them at cost or at a slight mark-up, if you will. This is not the important thing. The important thing is that it be available. Provincial welfare programs could buy limbs from it, workmen's compensation boards could buy limbs from it, and the Department of Veterans Affairs could buy limbs. I think that this could be one of the greatest contributions that could be made to the welfare of Canadians because I am most unhappy about the state of the civilian who needs prosthetic help.

Mr. CLANCY: Mr. Chairman, I would like to ask Mr. Crawford whether the knowledge is not generally available to the medical profession regarding the type of work you are doing in that field?

Mr. CRAWFORD: I think that the medical profession that is interested in artificial limbs, the orthopaedic surgeons, are quite aware of this.

Mr. CLANCY: Is everything made for the Department of Veterans Affairs patented by the department?

Mr. CRAWFORD: No.

Mr. CLANCY: Then why should not an orthopaedic surgeon order the type of limb he wants from anybody who makes them?

Mr. CRAWFORD: The private industry in Canada is so tiny that it cannot supply this. The private industry in Canada in the main is made up of outlets for some of the big limb houses, very good limb houses, in the United Kingdom and the United States, people like Hanger and Steeper. People like this make excellent limbs, but the fitter in Canada merely measures you up and orders a Steeper limb or a Hanger limb for you. Now, it will probably fit. If it does not, he will whittle at it until it fits. This may not be the kind of limb you need.

Mr. MACRAE: There are a few that are good.

Mr. CRAWFORD: Yes.

Mr. CLANCY: Where are the limbs made which are supplied by D.V.A. to a veteran? Are these special orders made to these firms?

Mr. CRAWFORD: No. In the main we make our limbs in Toronto. We make a great number of limbs in our district shops, but the difficult ones are done in Toronto. We import some parts, for instance the knee which you heard about a couple of years ago, the hydrocadence knee which is really a hydraulically controlled knee mechanism. We buy the mechanism in California, and incorporate it into a limb we make. We buy very little of finished limbs or of components for issue to veterans. We make almost anything either in Toronto or in our district shops.

Mr. CLANCY: To sum up, a private manufacturer could use any design you have, but you are prohibited under the law from taking an outside order. Is that right?

Mr. CRAWFORD: I am prohibited under the law from dealing with an individual. I do deal with some workmen's compensation boards, for example the workmen's compensation board of Ontario which gets almost all their limbs from us. We do this under a section of our regulations which allows us to provide treatment at request and at the expense of a corporate agency. We do it for the W.C.B. and we have done it for the Red Cross in Saskatchewan. Now, Saskatchewan is developing a couple of limb centres of its own and we will probably get out of this field there, but up until now we have supplied almost all civilian limbs in Saskatchewan because the Red Cross has sponsored it. I can do it if a certain agency comes to us.

Mr. MATHESON: Can you do it for a shrine hospital?

Mr. CRAWFORD: I could, I think. Mind you, the agency has to perjure itself to some extent in that they have to say that the service is not otherwise available, I do not inquire too carefully into the evidence behind this statement.

Mr. BIGG: Is it on a sort of cost-plus basis?

Mr. CRAWFORD: We work at cost.

Mr. MACRAE: It has happened in one case where I know a service club wished to purchase a limb for a child who had lost a leg and the family was indigent. The service club in that district paid the fee and bought the child a limb. At that point there was a considerable amount of friction developing between the limb maker in that particular district and the department.

I want to ask you a question. You say that recoveries from outside organisations is \$220,000 as estimated in 1962-63. You are referring there to the Red Cross or to others you suggested such as the workmen's compensation board?

Mr. CRAWFORD: Our actual manufacture of limbs now works at about 50 per cent for veterans and 50 per cent for civilians.

Mr. HERRIDGE: Would it be correct to say, with reference to these people, that they have to make applications because they are not otherwise available? They are correct in the sense that the quality of the limb and service is not available otherwise.

Mr. CRAWFORD: I am studiously careful not to inquire into the evidence.

Mr. MATHESON: I have a supplementary question. I thought you said a moment ago that the manufacture of limbs for the veterans and civilians was about fifty-fifty. Now, the reply I got to this question on November 27, 1963 indicates that the fittings were just under 25,000 for veterans and somewhere near 4,000 for civilians. Are you suggesting that with respect to actual limbs we are almost on an equal basis?

Mr. CRAWFORD: Your question asked for fittings, which is different from the manufacture of limbs. A limb may require 20 or 30 fittings. With respect to a workmen's compensation board case, we do the original work and then he

goes out to Malton. We then lose track of him. Any further after care is done out there. The veterans keep coming back to us. The actual supply of limbs is about fifty-fifty or pretty close to it.

Mr. MACRAE: I have a supplementary question to that. If that is so, this rather intrigues me at the moment. We received \$220,000 for outside fittings and it costs us roughly \$1,500,000 for the maintenance for our own people, our veterans.

Mr. CRAWFORD: Do not forget we do many other things in prosthetic services other than limbs, such as hearing aids, artificial eyes and spectacles. All these things we issue with respect to veterans.

Mr. MATHESON: I take it that vote 30 shows an annual cost of something in the order of \$1,500,000 for prosthetic services of all types. I think you indicated to us that the number of veterans you were concerned about and that we have in Canada is something in the order of 1,500,000. Would it be fair to say that an overhead for prosthetic services in effect of a dollar a head for a veteran is very high and that economics alone would suggest that we take that cost and spread it over 20 million people rather than 1,500,000? If that were so, would this also have the result of probably making more employment for the disabled people in prosthetic service factories and fitting agencies?

Mr. CRAWFORD: I suppose we can go through that sort of arithmetic. I think we would be deluding ourselves were we to talk about this service being maintained for the benefit of 1,200,000 veterans. It is maintained for the veteran who is pensioned for an amputation. I think there are some 3,000 to 4,000 of these. Really the population here for whom the service is maintained are the 4,000 war service amputees and the 50,000 potential W.V.A. recipients.

Mr. MATHESON: It comes to an average cost of \$300 a year, because you are dealing with such a small number.

Mr. CRAWFORD: This is a very expensive operation and we are in it because we have not been able to get the service another way, and we cannot do without it.

You had a brief from some of the finest people in the world, the war amputees. This is a service that has to be provided to them one way or another. Now, I think it could well be provided to other people under certain conditions.

The CHAIRMAN: Vote 30 is agreed to.

Item agreed to.

We now come to vote 55—treatment and related allowances.

Item agreed to.

Gentlemen, I think that will end the work for today. We will meet again on Thursday morning in room 218 of the west block. We will hear a brief from the Canadian Council of War Veterans Associations, and then we will go on with the estimates.

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HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

**VETERANS AFFAIRS**

*Chairman:* J. M. FORGIE, ESQ.

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 12

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THURSDAY, DECEMBER 5, 1963

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Subject-matter of Bill C-7 and Bill C-13 and Estimates  
(1963-64) of the Department of Veterans Affairs

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WITNESSES:

*From The Canadian Council of War Veterans' Associations:* Mr. Robert A. Dow, President; Mr. John A. Small, Executive Secretary; and Norman Hooper, Chairman, Veterans' Affairs. *From the Department of Veterans Affairs:* Mr. W. T. Cromb, Chairman, War Veterans Allowance Board; Mr. R. W. Pawley, Director, Soldier Settlement Board and Director, Veterans' Land Act; Mr. A. D. McCracken, Senior Administrative Officer; and Mr. W. Strojich, Superintendent, Farm Service Division.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON VETERANS AFFAIRS

*Chairman:* J. M. Forgie, Esq.

*Vice-Chairman:* D. W. Groos, Esq.

and Messrs.

Asselin ( <i>Richmond-</i> <i>Wolfe</i> ),	Kennedy,	Otto,
Bigg,	Lambert,	Pennell,
Cameron ( <i>High Park</i> ),	Laniel,	Perron,
Clancy,	Laprise,	Peters,
Émard,	Latulippe,	Pilon,
Fane,	MacEwan,	Prittie,
Greene,	MacInnis,	Pugh,
Habel,	MacRae,	Rideout,
Harley,	Matheson,	Rock,
Herridge,	McIntosh,	Temple,
Honey,	Millar,	Thomas,
Kelly,	Morison,	Webb,
	O'Keefe,	Weichel.

M. Slack,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

THURSDAY, December 5, 1963.

(18)

The Standing Committee on Veterans Affairs met at 10.15 o'clock a.m., this day. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Bigg, Clancy, Fane, Forgie, Groos, Habel, Harley, Herridge, Kennedy, MacRae, McIntosh, Millar, Morison, O'Keefe, Otto, Thomas, Webb, Weichel—(18).

*In attendance:* Mr. C. W. Carter, Parliamentary Secretary to the Minister of Veterans Affairs; *From The Canadian Council of War Veterans' Associations:* Messrs. Robert A. Dow, President; John A. Small, Executive Secretary; Norman Hooper, Chairman, Veterans' Affairs; *From the Department of Veterans Affairs:* Messrs. T. D. Anderson, Chairman, Canadian Pension Commission; F. T. Mace, Assistant Deputy Minister; W. T. Cromb, Chairman, War Veterans Allowance Board; C. F. Black, Secretary of the Department.

The Chairman welcomed the delegation from The Canadian Council of War Veterans' Associations. Mr. Dow, President, made a brief statement on the background of his Association and then Mr. Small read the brief dealing with the subject-matter of Bills C-7 and C-13 and other recommendations for amendments to the Pensions Act.

Mr. Hooper supplied supplementary information and was examined thereon, assisted by Mr. Small.

*Agreed.*—That letter tabled by Mr. Hooper, and signed by Mr. Andrew H. Atkinson, of Toronto, dated December 3, 1963, relating to Mr. Atkinson's medical and hospital problems, be printed as an Appendix to this day's Evidence. (*See Appendix A*).

The questioning of the witnesses being concluded, the Chairman thanked the delegation for their brief.

At 11.30 o'clock a.m., the Committee adjourned until 3.30 o'clock this afternoon.

### AFTERNOON SITTING

(19)

The Committee resumed at 4.05 o'clock p.m. The Chairman, Mr. J. M. Forgie presided.

*Members present:* Messrs. Bigg, Cameron (*High Park*), Clancy, Fane, Forgie, Habel, Herridge, Kennedy, O'Keefe, Otto, Thomas—(11).

*In attendance:* Mr. C. W. Carter, Parliamentary Secretary to the Minister of Veterans Affairs; *From the Department of Veterans Affairs:* Mr. F. T. Mace, Assistant Deputy Minister; Mr. W. T. Cromb, Chairman, War Veterans Allowance Board; Mr. H. B. Mersereau, Member, War Veterans Allowance Board; Mr. J. H. M. Dehler, Executive Assistant; Mr. R. M. Pawley, Director, Soldier

Settlement Board and Director, Veterans' Land Act; Mr. A. D. McCracken, Senior Administrative Officer; Mr. W. Strojich, Superintendent, Farm Service Division, and Mr. C. F. Black, Secretary of the Department.

The Committee proceeded to the consideration of Estimates and the Chairman called Mr. Cromb, who introduced some members of his staff.

The Chairman called Item 40—*War Veterans Allowance Board—Administration*, and Mr. Cromb explained the organization and operation of his Board and was examined thereon. The Committee agreed to print as an Appendix to today's Evidence, two tables submitted by the War Veterans Allowance Board. (See Appendix B).

Item 40 was adopted.

Item 45—*War Veterans Allowances and Civilian Allowances* was called and Mr. Cromb was further examined and supplied supplementary information.

Item 45 was adopted.

Supplementary items 57A and 45D were called and adopted.

The Chairman then called Item 90—*Soldiers Settlement and Veterans' Land Act—Administration*, and Mr. Pawley reviewed the operations of his branch and was examined thereon, assisted by Mr. McCracken and Mr. Strojich.

The Committee agreed to print as an Appendix to today's Evidence two tables submitted by Mr. Pawley. (See Appendix C).

Item 90 was adopted.

Items 95, 100, 105, 111, L80, 60, 65, 70, 5, and Supplementary Items 90A and 95A were severally called and adopted.

At 5.45 o'clock p.m., the Committee adjourned until 10.00 o'clock a.m. on Tuesday, December 10.

M. SLACK,  
Clerk of the Committee.

## EVIDENCE

THURSDAY, December 5, 1963.

The CHAIRMAN: Gentlemen, we have a quorum. Today we are to hear the brief of the Canadian Council of War Veterans' Associations. The executive of this organization is present. I would ask these gentlemen to come up to the head table. Mr. Dow will introduce the members of his executive and Mr. Small will read the brief.

Mr. ROBERT A. DOW: (*President, Canadian Council of War Veterans' Associations*): Gentlemen, we were here in 1961. Since that time there have been new members on this committee. I would like to give you a brief run-down of what the Canadian Council of War Veterans' Association is.

Back in the early 1950's a group of veterans organizations, which are listed on the back page of our brief, got together in order to more or less do a double duty, look after the affairs of the veterans who are our members, and do some welfare work which would be of benefit to the communities in which we operate. These are not large organizations. They started out as industrial groups and gradually grew to include the civil service, and things like that.

Since our formation we have created a great deal of interest among our membership in veterans' affairs. This is why we are here today. The two main parts of our brief are on Bill C-7 and Bill C-13. When we are discussing Bill C-7, any questions you may have will be answered by Mr. Norman Hooper who is well versed on that subject. In respect of Bill C-13, Mr. John Small will look after any questions.

On page 12 of the brief there are a few items in addition which we would like to bring to your attention.

We came to Ottawa on Tuesday, and in the car we had a Toronto paper in which we noted that at the last meeting a question came up in respect of hospitalization in veterans' hospitals. We would like to express our opinions on that subject.

Mr. Norman Hooper, who is the chairman of the veterans' affairs committee of our organization, is on my right, and Mr. Small, our executive secretary, is in the corner.

Mr. JOHN A. SMALL (*Executive Secretary, Canadian Council of War Veterans' Associations*): Mr. Forgie and members of the committee, I would like to read our brief to you.

The Canadian Council of War Veterans' Associations wishes to thank most sincerely, the standing committee on veterans' affairs, and the chairman of that Committee, Mr. James M. Forgie, Esq., for the courtesy extended to this council, in making known to us, the subject matter before the committee, and by inviting our views and information relative to the matters before the committee.

We also wish to thank the standing committee on veterans' affairs, for the opportunity to present such other matters to the committee, that we feel are in the best interests of veterans.

We will deal first with the subject of Bill C-7, an act to amend the Pension Act. (Judicial Appeal)—

The Canadian Council of War Veterans' Associations supports the acceptance in its entirety, of Bill C-7, and congratulates the sponsor of the bill, Mr. Jack McIntosh, M.P., for his interest and foresight into a facet of the Pension Act that seems to cause endless dissatisfaction to a large number of veterans, and in some measures, to the Canadian pension commission itself.

However, we feel that judicial appeal should be used only as a "court of last resort", and that before it should be necessary to apply the provisions of Bill C-7, changes should be made with regard to interpretation and application of section 70 of the Pension Act. By incorporating such changes, we feel that judicial appeal from the final appeal board of the Canadian pension commission would be rare. It would certainly be of great benefit to the individual veteran, to know that he always has another chance before the courts of the land.

We are very grateful that the introduction of Bill C-7 calls attention to section 70 of the Pension Act. In our opinion this section is in dire need of clarification. This committee would be doing a great service to all veterans by recommending a clearly defined format for application of section 70, for the guidance of all veterans' advocates, adjustment officers, and the Canadian pension commission.

We feel that the rights presently vested in the Canadian pension commission regarding interpretation and application of the Pension Act are too powerful, thereby leaving the commission open to charges of discriminatory findings, and to apparent conflict of decision by individual members of the Canadian pension commission.

To illustrate this point, we call the attention of the committee to a case of one of our members. He was in receipt of a pension for an eyesight condition. Called in for re-examination, the commission in its wisdom, cut the man's pension by 50 per cent. Yet there was not enough change in his condition to warrant any change whatever in his prescription for eye glasses. Quoting from a letter signed by Mr. T. D. Anderson, chairman of the Canadian pension commission, he states: "That the relatively minor change in the condition did not appear to warrant a change in the prescription for glasses." Yet the Canadian pension commission cut this man's pension by 50 per cent.

The Canadian Council for War Veterans' Associations respectfully suggests the following changes with regard to the application and/or interpretation of section 70 of the Pension Act:

(1) Extension of right to apply Section 70

The right to apply section 70 of the Pension Act should be extended to a medical officer or medical board (duly authorized or employed by the Canadian pension commission), to allow the said medical officer or medical board to recommend the application of section 70 to the Canadian pension commission at the time of a first, second, or subsequent hearing.

We contend that the medical officer, or medical board who conducts the examination of the applicant is in the best position to properly assess, not only the medical conditions, but case background, supporting evidence of the applicant, and possible supporting witnesses of the applicant. By adopting such a policy, the Canadian pension commission would be in a much better position to properly adjudicate the case.

(2) Forwarding of recommendations

The Canadian Council of War Veterans' Associations strongly recommends, that after an applicant has appeared before a medical officer, or medical board (such medical officer or medical board having been duly authorized or employed by the Canadian pension commission), that the medical officer, or chairman

of the medical board be instructed to forward a copy of the findings, including recommendations if any, not only to the Canadian pension commission, but also to the applicant involved, particularly, if in the opinion of the medical officer or medical board, section 70 of the Pension Act could be applied.

Present policy of the Canadian pension commission is very clearly defined by a quote from a letter received from Mr. T. D. Anderson, chairman of the Canadian pension commission—Mr. Anderson, in his letter dated October 30, 1963, writes:

Assessments are never changed except by the Canadian pension commission here at head office. The commission, by statute, is the only authority for any change in an assessment. Hence the examining doctor in Toronto could not advise Mr. S— that his assessment was being changed.

In support of this recommendation, we feel that a laid down procedure of duplicate notification and recommendation would help to clarify the picture to the individual applicant, thereby eliminating in many cases, subsequent hearings and appeals. We feel that it would also eliminate in many cases, the feeling of the applicant that he had been the victim of arbitrary findings and rulings of the Canadian pension commission. We feel that this procedure would ensure a more reasonable relationship between the individual applicant and the Canadian pension commission. It would also be of great value to the applicant, when he is compiling additional data, etc., to present before subsequent hearings of the commission.

This next section of our Brief will deal with the subject of Bill C-13, an act to amend the Civil Service Act (Remembrance day).

On May 18th, 1961, we were privileged to appear before the standing committee on veterans' affairs, under the chairmanship of Mr. G. W. Montgomery, Esq. We presented a brief at that time, which included a recommendation requesting that Remembrance day be declared a national holiday.

Our recommendation was:

Whereas many municipalities throughout Canada do not observe November 11, Remembrance day, as a statutory holiday.

Whereas many Canadians are being deprived of the opportunity to pay homage to Canada's war dead.

Whereas we believe that this day should be recognized as a day of remembrance throughout Canada, to the everlasting memory of all who gave their lives for Canada.

Therefore be it resolved that the Canadian government take action to ensure that the present unsatisfactory arrangement at the municipal level be removed, in order that the day may be observed in a fitting manner.

Our comment at that time was:

Many municipalities do not give the respect to this day that this day deserves. We feel that this day should ever be remembered by the present and future generations, for the sacrifices that were made.

We wish to highly commend Mr. Herridge for his leadership in sponsoring Bill C-13, and to thank him most sincerely.

The Canadian Council of War Veterans' Associations support wholeheartedly, the endorsement of this bill, and hopes that it will have speedy passage through the House of Commons.

In support of Bill C-13, we would put before this committee, our resolution of 1961, recorded on page 6 of this brief. In once again submitting our recommendation, the Canadian Council of War Veterans' Associations reiterates its former stand, and, at this time, presents the following additional points of view:

Recent observances of Remembrance day, a day that should have great national meaning, have been nothing short of shameful. In many of our principal cities, evidence of pure mockery towards those who immortalized the name of Canada, has been apparent. It is a fact, that too many persons have forgotten those who rest forever in Canadian war cemeteries throughout the world. And too many persons are forgetting those, who, today, are still suffering from the ravages of war, and who are patients in our many veterans' hospitals across Canada.

Business carried on as usual. Spot checks showed that it was often used as a day for pre-Christmas sales. No organized observance of a period of silence was held. Cash registers were ringing, horns were sounding, even within hearing of those, those who took time to pause, and remember, at war memorials and cenotaphs. Surely you will all agree, that is open contempt for the day that we as war veterans, hold sacred.

We wish at this point, to make reference to a wonderful project of the Department of Veterans' Affairs—the making of a film in vivid colour, entitled "Fields of Sacrifice". This film attempts to point out our obligations as citizens of Canada, to those who paid the supreme sacrifice to preserve our freedom and democratic way of life.

The main reason for making this film, was to show all Canadians, young and old, the manner in which Canada's war dead are remembered, and to assure their next-of-kin that their memory is forever honoured and cherished by a grateful country. It is also designed to give new and trenchant meaning to the spirit of remembrance; to those who were comrades of the war dead, to those who knew and loved them, and to those who never knew them at all.

Therefore, we, the Canadian Council of War Veterans' Associations, respectfully request that the word "statutory", as presently defined to cover only a few, be rectified, in order that all may be given the opportunity to "put our house in order", and to restore to its rightful place, a true Remembrance day.

In further support of Bill C-13, we respectfully call the attention of the committee to excerpts from the Minutes of Proceedings and Evidence, No. 12, dated May 18, 1961, of the standing committee on veterans' affairs. During the question period at the conclusion of our presentation of this recommendation, the following statements were made:

Mr. FORGIE: If I could make the first suggestion, I think the dominion government should take the lead and close on Remembrance day. If the dominion government does not do that, how can they expect the municipalities and the Ontario government to do so?

You will never get it unless it is enacted by Parliament.

Mr. MATTHEWS: I know some towns which are possibly only 30 miles apart, and one will observe it while the other will not. I was wondering to what extent they observed it across Canada.

Mr. CARTER: What you are asking for is a national holiday.

Mr. SMALL: Yes.

Mr. CARTER: Then I think that would place it on the federal level.

The CHAIRMAN (Mr. MONTGOMERY): It should be. I always had the feeling it held the same status as the 1st of July.

Mr. FORGIE: The House of Commons will have to close on that day if it is a national holiday, and I think the leadership should come from the House of Commons.

Mr. HERRIDGE: I think this is a matter for the members of the committee, when they speak in the House of Commons on it. They can express their opinions at that time.

From the foregoing comments, we believe that many members sitting on the present committee have definite opinions on the proper observance of Remembrance day. We feel that their opinions expressed, both in committee and in the House of Commons, will go far to place Remembrance day in its rightful place as a national holiday. We again commend Mr. Herridge for sponsoring Bill C-13.

In regard to Bill C-13, we wish to make the following suggestion, for consideration should this bill receive the approval of the House of Commons.

That should November 11, Remembrance day, fall on a week day, that is Monday to Friday, that Remembrance day be observed on that day on which it falls; that, should November 11, Remembrance day, fall on a Saturday or Sunday, that Remembrance day be observed on the Monday of the week immediately following.

In addition to the foregoing comments on Bills C-7, and C-13, we place the following matter before this committee:

The Canadian Council of War Veterans' Associations respectfully submits the following suggested amendments to the Pension Act for consideration by this committee—

*Amendments to the Pension Act*

*Section 64 (1)*

An appeal board of the commission has the power to direct a medical examination of any applicant whose application is before it by a specialist or duly licensed physician or surgeon selected by such applicant.

It is our contention that this section should be amended to include this right to any and all hearings of the commission, should the applicant so request.

*Section 64 (3)*

That section that deals with payment to such specialist, physician or surgeon, selected by the applicant, by the Comptroller of the Treasury upon certificate of the commission.

We recommend that this section be amended to allow such payments, in conformity with the proposed amendment to section 64 (1).

It is the firm belief of the Canadian Council of War Veterans' Associations, that this section should be amended, as above, thereby allowing an applicant the opportunity, at no cost to himself, of placing such medical facts before a medical officer or medical board (authorized by the Canadian pension commission), as the applicant deems vital and necessary to augment and/or substantiate such records as are contained in his medical file.

The Canadian Council of War Veterans' Associations again thanks the committee, and the committee chairman, Mr. James M. Forgie, for the opportunity of presenting the foregoing information, comments, and recommendations, to the standing committee on veterans' affairs.

Thank you, gentlemen.

The CHAIRMAN: Gentlemen, we will discuss first of all the comments in respect of Bill C-7, an act to amend the Pension Act (Judicial Appeal).

Mr. OTTO: Mr. Chairman, I wonder if the association, when recommending the adoption of Bill C-7, has considered, as most lawyers on the committee, if there are any, will acknowledge, that the matter of putting this into the hands

of a court will bring about a preponderance of precedents; in other words, precedents or like cases which will have a bearing on the decision in any other case.

If you have a certain set of circumstances, no matter what are the other facts, the courts will tend to use the previous cases as precedents in respect of future cases. I wonder whether or not the association has considered this in respect of the recommendation that Bill C-7 adopted. I wonder whether they have considered that the decision of the courts would not be based directly on facts, but that rather the precedents will influence the decision.

In addition, of course, the boards and commissions also will use the precedents because they will know exactly how the court will deal with it. Have you considered this and do you agree this is a good thing?

Mr. NORMAN HOOPER (*Chairman, Veterans' Affairs Committee of the Canadian Council of War Veterans' Associations*): I think you are dealing directly with the bill. Actually, we agree with the bill, but we have given you something else to think about. We have taken these things into consideration. We are only agreeing to the bill as a last resort. We would not like to see that come to pass. That is why we have additional information here in respect of what we have in mind in relation to the benefit of doubt.

If it is in order, I would like to put forward my point of view, and explain what we have in mind. I will deal with this quickly. First of all, I would point out that I may appear to be digressing, but I am not; eventually I will drop back to the actual reason why we are here today.

With reference to the matter of digressing, as you know, sometimes it is necessary to bring up comparable situations in order to point out why certain things become necessary.

Sometimes in respect of the veterans we are faced with the basis of need. I am sure Mr. McIntosh recognized there was a basis of need, and therefore he came forward with this idea of giving a veteran the right to apply to the courts of Canada. As has been pointed out, these things could create a situation which could not possibly be handled, and I hope to deal with this as I go along.

Sometimes we think "why the need"? You are here as a committee on veterans' affairs. As we read your minutes of proceedings, we find that from time to time when you deal with matters there are conflicts of opinion. In the last few days we have noted reference was made to the closing of veterans' hospitals. However, the need has not been clarified. It is odd that the government of the day should spend millions of dollars in creating a situation solely for veterans, and then suddenly, perhaps from a lack of knowledge or internal organization, someone should decide that veterans' hospitals should become part of the municipal set-up.

We should look back to the first world war in which there were approximately 600,000 men who served in all services. We should think then of the number of veterans who are still receiving pension entitlements as a result of those particular services. We should very definitely think of what Dr. Crawford pointed out a few days ago when he stated that in the hospitals it is the responsibility of the government to take care of the veterans under section 29, otherwise known as domiciliary care.

Speaking first strictly of the Toronto zone, there are hundreds of those particular men from the first world war who still are receiving care. This was followed through, of necessity, by pressure, from year to year, put upon the government of the day by various veterans' organizations in respect of need. Dr. Crawford is very well versed in this matter, because he has made a very intensive study of what is happening, actually, in Sunnybrook hospital today. I have to mention this hospital, because it is the one with which I am the

most conversant. As I have said, there are literally hundreds of veterans there from the first and second world war who need care.

The point I would like to bring out here is, what about the second world war? In the second world war you have approximately double the number; therefore, you have over one million veterans in all services. Forty-five years after the first world war we are still faced with the problem of looking after those first world war veterans who are included in the figures of 600,000. We are only 20 odd years away from the second world war, and now we have to start thinking in terms of 600,000 doubled. That is your own figure as published by the Department of Veterans Affairs. So, we have to consider what we are going to do with these people. The other day the question came up concerning—

The CHAIRMAN: We are on the question of Bill C-7.

Mr. HOOPER: I have only about two minutes more to go. Mr. Weichel pointed out that it did not matter in what theatre a prisoner of war served; in other words, they all were the same.

I come back to what I was going to say. What do we need at this time? We need something which will clarify the picture for us and bring us into the realm of today's thinking, and not the past; we have to think not only of today but of the future—from 600,000 to 1,200,000. So, actually, we need a new look at all matters relating to veterans, on which I realize this committee is working very hard at the present time.

As was pointed out by Mr. Small in the brief in relation to Remembrance day, it seems that wherever we go we think only of glorifying the dead; I believe we forget the living, particularly those in hospitals and those who will need care in years to come. Again, referring to your own figures, it says the peak has not been reached in relation to the second world war veteran. We can agree with that; that is a foregone conclusion. You will get new applicants every day.

We have one thing in mind; that is, how are you going to establish a need for something? We have found through our cases that it all boils down to one thing, the benefit of doubt. This seems to be our primary concern and the primary concern of the veterans. We stated we would agree with this bill as a last resort; but we appeal to you as a veterans affairs committee to take into consideration the fact that we believe if a clear definition is made of section 70 and the veteran given a better opportunity in the initial stages of the application, it would be necessary only for the man to defend himself as a last resort.

After all, when we look back at it, I am sure you will agree that many times the pension commission comes back with this ruling "pre-enlistment condition not aggravated during the service". Then, after the veteran spends, shall we say, hours of his own time digging up other medical evidence, and bringing the case to appeal, the pension commission brings in the same ruling. He starts all over again, and suddenly the pension commission reverses its ruling and grants him his pension or entitlement on the basis that he had it prior to service and it was aggravated during service, or was directly attributed to war service. I think I should mention one thing in relation to that. I believe in many cases it is a direct reflection on the medical profession in that if we as veterans are taken into the army at the time of attestation and classified as A-1, and then after our service are told the condition we have is pre-enlistment, then I think you can get the idea; they are trying to tell you, you had the condition prior to your service, and yet the medical officer at the time of attestation was not able to determine that. So, no matter how you look at it, if we had it and it could not be determined, there has to be aggravation as a result of service if later on trouble develops.

We are not trying to tell you what to do or how to do it. We are just saying we believe this benefit of doubt could clarify many issues and would help the veteran tremendously and it would be of tremendous help to the pension commission.

There is another point in respect of the judicial appeal; that is, that those men making the final ruling will not be laymen; they will have to have a professional status, and will have to go into the medical history of the man, as far back as humanly possible, in order to determine whether or not there is any reason why this man, through a judicial board, should then be given a pension or entitlement.

Gentlemen, that is the key to the whole situation. We believe if the man is given the benefit of doubt in the beginning, then only in cases of dire need and necessity will it be necessary to have a veteran take it to the courts of our country.

Thank you.

Mr. OTTO: At a later time, Mr. Chairman, are we going to have an opportunity to discuss Dr. Crawford's statement which was reported in the paper?

The CHAIRMAN: We are.

Mr. OTTO: This is not the time for it?

The CHAIRMAN: No.

Mr. OTTO: I would like to repeat my question in the light of what has been said. I think this committee recognizes there is a need; but is your association satisfied that a procedure of appeal to a court of law will be the answer when you recognize the great preponderance of precedent, costs, delays, and the use of lawyers; is this what you want for the veterans, which the committee wants, or are there other methods and means to answer the need you have outlined?

Mr. HOOPER: I already have stated we believe it should be only a last resort. If you give us the benefit of doubt, we say you would automatically wipe out the very stumbling blocks which are placed in front of the veterans; you would wipe them out through the benefit of doubt.

Mr. WEICHEL: I believe what we are worrying about is that when these fellows came to be discharged they had some physical disability but did not say anything about it for the simple reason they were trying to get out of the army. The cases now are those of fellows who are coming back after 15 or 20 years, and it is hard to prove their cases, because they have no medical papers to show what occurred. I think these are the fellows we would like to see get the benefit of doubt when they do complain, because no doubt they had it, but simply did not mention it at the time because they were anxious to get out of the army.

Mr. HOOPER: Yes.

Mr. FANE: I would like to make a few remarks about what this gentleman has said. I believe he said that when a person who was either accepted voluntarily or called up for service, was accepted in a medical category for war service, no mention was made at the time of enlistment that he suffered from certain things pre-enlistment. Now they say, years and years after he has been discharged, that these things existed as pre-enlistment conditions. Why in the name of heaven were they not recorded somewhere on his medical sheet during his service? Personally I do not have any cases of my own to use as an example in this regard, but I have heard of hundreds of cases in which they have had their disability called pre-enlistment. Why in the name of God was that not taken account of at the time of their original medical examination on their enlistment.

Mr. BIGG: There is a point which has just come up with reference to something in the press. I think it should be made clear that we have not made our recommendation and have agreed to nothing. This committee has not made any recommendation whatsoever. We still have an open mind. That is why you gentlemen are here, to enlighten us further, I hope. For goodness sake, do not spread around what the committee is or is not doing.

Mr. OTTO: With all respect to you, Mr. Chairman, I think if we have witnesses before us we must direct our questions to the witnesses in an effort to obtain information and not express ideas of our own. I think had this been done at the last meeting perhaps the press would not have had the idea the committee was in favour of Dr. Crawford's recommendation. As Mr. Bigg has pointed out, we have not made up our minds. This has done more harm than good.

The CHAIRMAN: It should be obvious that we are adducing evidence at the present time and will make our decision on that evidence in the form of a report. We will listen to these people and then will have an opportunity to study this later on.

Mr. WEICHEL: I believe each member on this committee has the right to express his individual thoughts. He is not asking anybody to put this through. We all have to decide that later. However, I think each member should be able to offer something which may be of help. This may be of benefit.

The CHAIRMAN: Mr. Bigg, are you through?

Mr. BIGG: Yes, apparently.

Mr. THOMAS: It should be the privilege of any member to raise a point of privilege in connection with this rumour which got into the press. I have sat on this committee now for six years, and to the best of my knowledge there was no justification whatsoever for the rumour which appeared in the press the other day. The last official statement which has been made by any Canadian leader I believe was made by Mr. Diefenbaker when he was prime minister to the effect that there were no intentions on the part of the government to transfer veterans' hospitals to civilian authority.

An hon. MEMBER: Here, here.

Mr. MILLAR: I would like some clarification, Mr. Chairman. Was it not a fact that when we had the solicitor from the Department of Veterans' Affairs here as a witness he stated at one time the veterans did have recourse to the courts in the case of a pension appeal? Is that not right, Mr. Anderson?

Mr. T. D. ANDERSON (*Chairman, Canadian Pension Commission*): It is correct.

Mr. MILLAR: Did he not also give us a percentage of rejections as compared to the same type of thing handled by the pension commission?

Mr. ANDERSON: Yes.

Mr. MILLAR: I think those figures were very interesting. The rejections in the case of a court of appeal were much higher than when the same type of cases came before the pension commission. My question, addressed to any of these witnesses, would be, do they recognize that fact?

Mr. HOOPER: Yes, sir. I should have said at the beginning that we had very little time to make a decision whether or not we would appear here. Therefore, as the questions come from the floor, we will do our best to answer them. We have taken into consideration many things. As a council we do not believe we should give you stacks of paper; we want to stick to something brief and to the point. However, we welcome these questions. We have taken many things into consideration. I would like to remind you that there often are cases which were rejected in which had the benefit of doubt been there,

it would have helped. We are not too much concerned with the figures in relation to particular classifications. We like to think in the over-all that all veterans will receive the same privileges so that the statistics will become more realistic.

Mr. HERRIDGE: Is it correct for the committee to assume from this brief your organization is of the opinion that the greater number of these injustices can be remedied by an amendment to legislation, and that there would be very few which you consider would go to judicial appeal? You mentioned that as a last resort only.

Mr. HOOPER: Yes.

Mr. HERRIDGE: Your emphasis is on amendment to the legislation?

Mr. HOOPER: Yes: that is exactly our interpretation.

Mr. OTTO: May I ask a question in respect of war connected injury or illness, and the aggravation of a pre-enlistment condition? Has your association ever had a study made by medical experts or anyone in an effort to find out whether or not medical experts today can even prove what is a war connected injury or illness? Or, is this subject, in today's medical terms, a question in itself; that is, whether any doctor actually can testify or prove that the heart attack suffered by a veteran at the age of 45 has absolutely no connection with a battle course, or two battle courses, which the man took during the war? Has your association made any study of that?

Mr. HOOPER: We have made a study of it in the light that the commission raised this themselves by bringing in this interpretation of "pre-enlistment not aggravated during service". It is up to the commission and the medical offices at their disposal to determine these things. We are laymen and are only taking it as it appears to us. We feel, in getting into a field such as that, you can deal with statistics all you like, but it is the matters contained therein which are important. The pension commission brought them in themselves by saying "pre-enlistment condition not aggravated during service". We do not believe it is our right or that it is necessary for us to determine what they mean by this. We are asking them to clarify this and give the benefit of doubt to the veteran.

Mr. O'KEEFE: I do not think this pre-enlistment condition ever should be considered. I should think the interest would be in the veteran establishing a need, and that that need should be met. It seems stupid to me that a man's pre-enlistment condition should be considered. I was examined by a doctor as fit for service, and 31 years later I would not expect to be rejected because of a pre-enlistment condition. I think this would be grossly unfair.

Mr. HOOPER: I am one of these individuals concerned when you mentioned combat courses, and so on. On the date of my attestation in 1940 I had seven medical examinations over a period of 39 days. I went overseas in special service. The reason for the medical examination was to determine my physical ability to withstand rigorous physical training. I was in that type of work for a long period, as a member of this committee well knows. I passed through these medical examinations. I arrived in England 30 days after the date of my enlistment. I received another very rigorous medical examination in England and was sent on a six months course which I completed in nine weeks, which involved all types of physical training and commando work. I carried on in this until shortly before D-day. My condition was attributed to a pre-enlistment condition not aggravated by service. I ended up with seven hernias in my abdomen, and they said I had a pre-enlistment condition. I ask you, gentlemen!

The CHAIRMAN: Are there any further questions in respect of Bill C-7?

Mr. HOOPER: I would like you to have this letter, sir. This is a letter which was handed to me prior to leaving for Ottawa. Again this hinges very much

on the benefit of doubt in relation to a veteran trying to get into a hospital. I would like you to keep that letter.

The CHAIRMAN: We will table it.

Mr. HOOPER: I do not want it introduced on the floor, but there is vital information in this letter. The man has signed it and it is witnessed. This is a statement that the benefit of doubt has not been granted. He has been refused admission to a departmental hospital despite the fact that he has had numerous conditions attributed to service. He still cannot get in hospital because of the benefit of doubt.

The CHAIRMAN: Gentlemen, we will put this in as an appendix.

Mr. WEICHEL: Could we have copies of that?

Mr. HERRIDGE: I would move that this letter be included as an appendix to today's Minutes of Proceedings and Evidence.

Motion seconded and agreed to.

The CHAIRMAN: If there are no other questions on this, will you turn to page 6 in respect of Bill C-13. Gentlemen, are there any questions in respect of Bill C-13?

Mr. WEICHEL: I think there are many questions. I think it is darned near time we woke up and had Remembrance day as a statutory holiday, as mentioned in the Armistice Day Act and the Remembrance Day Act. I will never understand why we cannot carry that out. We are not doing it only for the dead, but also for the living. I am not speaking like this because I happen to be an amp. myself. I had a letter from a Polish chap who works in Waterloo, Ontario, in a firm with 500 employees. He had a paper signed with 100 names showing that at 11 o'clock the machines did not even stop for two minutes silence. I think it is time we took the bull by the horns and did something, even if it has taken us 45 years to do it.

Mr. OTTO: On a point of order, is this the kind of matter to discuss in the committee at this time, or are we still interested in the witnesses?

The CHAIRMAN: This is the brief of this organization. There are two parts to it. We have heard one part, and are hearing the other part now. You are perfectly at liberty to ask questions of any one of the witnesses.

Mr. OTTO: I do not want to make any comments, because I think it is the duty of this committee at this time to obtain information from the witnesses. Although I have many comments to make, I do not want to make them until such time as we are ready for discussion on this.

You point out the importance of Remembrance day and the purpose of it; yet, on page 11 you recommend an amendment to the effect that should it fall on a Saturday or a Sunday, Remembrance day should be observed on the Monday of the week immediately following. Does this not indicate that you anticipate the day would be used strictly as part of an extra long weekend? In your opinion, would it not be better to leave it on the day on which November 11 falls?

Mr. SMALL: Our reasoning in this matter is, as we point out, in Toronto particularly, when it falls on a day during the week there is a wonderful service at the cenotaph at city hall. Also at the cemetery the sunrise service is very wonderful. However, in the rest of the city, 95 persons out of every 100 could not be bothered; it is just another day. As you may have noticed, there was an editorial which appeared in the *Varsity News*: it appeared last year, too. At that time I wrote to the editorial writer asking for some reason for his talking this way. He put our dead in the category of deluded patients. I think that was the term he used. That chap did not even have the courtesy to reply to my letter.

We believe if this is a holiday it will be brought more to the attention of those who forget; if it is a holiday the factories and stores shut down. If it is on a Saturday, in many cases they will shut down in any event. Sunday is a day of rest, and in our opinion Remembrance day would not receive the special observance it deserves if it were on such a day. It is granted that Monday may give a person an extra day on a weekend, but who are we to say that the person getting an extra day may not in his own way appreciate it just as much and in his own way observe it. If it falls on a Saturday or a Sunday, we feel it cannot be given the same stature as it would if it were on a weekday, and for this reason we recommend it be the first Monday.

Mr. WEICHEL: I think it should be celebrated on November 11, regardless of whether it falls on Sunday, Monday, Tuesday, Wednesday, Thursday, Friday or Saturday. I have stuck to that for 45 years. I do not want to speak against you, but it is my personal opinion it should be held on November 11.

Mr. WEBB: I think we are trying to promote recognition of this day, and I think November 11 is the day, regardless of which day of the week it falls on.

Mr. THOMAS: I have a question of the witness. Does the witness or his association have any suggestions to make in regard to how the Remembrance Day Act may be strengthened. By statute, November 11 already is a Canadian statutory holiday. How can it be strengthened so as to make it better serve its purpose?

Mr. SMALL: We have endeavoured to obtain clarification on this. In the act it says it shall be statutory, but it is not observed as such. In my thinking it is a holiday, but in practice it is not. Should it be declared a national holiday? Is that the wording which should be used? If it were to be declared a national holiday, regardless of what day it falls on, we will certainly go along with that. Our main intent is we want this day a national holiday. We do not want the factory machines still running and the main stores still opening. I do not know what happened in the meantime, but two years ago the board of education in the city of Toronto stated that in 1963 the schools would not shut and they were opposed to letting the children out of school, but in any event the children were allowed off. If you can put it through the house that November 11 will be a national holiday, we would be in agreement no matter what day it falls on.

Mr. THOMAS: Does the association feel there is any legal difference between November 11 and any of the other holidays mentioned?

Mr. SMALL: Not being a lawyer I cannot answer that. All I can go by is the practice. July 1, Dominion day, is a holiday; even the first Monday in August, Civic day, is a holiday. Surely Remembrance day should have the same stature as a civic holiday. On November 11 they can shut things down or not. If Toronto wants to shut things down, they can; if Hamilton wants to stay wide open, they can. We think the direction should come from Ottawa. It is not satisfactory in its present state.

Mr. THOMAS: Has the association given any consideration to working through the Criminal Code to give effect to November 11?

Mr. SMALL: For my clarification, would you enlighten me how it could be dealt with through the Criminal Code? I do not see how it could.

Mr. THOMAS: I believe Sunday under the Lord's Day Act is part of the Criminal Code. I am not a lawyer, but that is my understanding. In the opinion of the association, would it be necessary to have November 11 put in the same status as Sunday, under the Lord's Day Act?

Mr. SMALL: I think it would. It is the only way this is going to happen.

Mr. HERRIDGE: Mr. Chairman, I might explain briefly to the witnesses that I discussed this matter with parliamentary counsel as to the proper course to pursue in order to give effect to the wishes of the Royal Canadian Legion, and other veterans' organizations which have brought this up repeatedly in recent years. It was suggested the best way under the circumstances to do this would be to amend the Civil Service Act so that all civil servants, prevailing rate employees, public employes and all the employees of crown corporations would receive the benefit of this day as Remembrance day.

Since the bill has been before the committee I received a letter from the printing bureau to the effect that the majority supported the bill for the very reason that the civil servants have the day off and the prevailing rate employees were allowed two hours off so they could make a token in recognition of Remembrance day.

The purpose of this bill is to bring the influence of the federal government to bear, so far as it is legislatively possible, more by example than any other way. These are questions which, in my opinion, cannot be solved by the application of the law, the Criminal Code, or anything else; it is a matter of building up a recognition of the day through the example set by federal legislation and the federal authorities.

The CHAIRMAN: Did the law officers give you any information on whether the provincial laws are involved in this matter?

Mr. HERRIDGE: In respect of the recognition of Remembrance day as a national holiday, it was considered that although we have the Remembrance Day Act, it is not in effect a statutory holiday and is left merely to the municipal authorities whether or not they declare it a holiday. One city declares it as a holiday and some other city does not.

Mr. O'KEEFE: Do you know that in Newfoundland in every town, village, hamlet and settlement, Remembrance day is observed completely?

Mr. SMALL: No; I did not know that.

Mr. CLANCY: It is not a statutory holiday. There are only four nationally observed statutory holidays in Canada. Each province has certain days; but Remembrance day in Saskatchewan and in Ontario depends upon the local government. We can declare a local holiday in my village and municipality at certain times each year, but another municipality may say we do not wish to. It is not a statutory holiday; it is local option, and you make up your own mind.

Mr. KENNEDY: I would like to ask the witness whether a declaration of the day as a national holiday might bring about the desired result? In my opinion, when holidays are declared many people go elsewhere; they leave their place of residence and travel in the country; perhaps not so much in the month of November because of the weather. Down in my country the hunting season is open at that time and a great many people go off in the woods rather than attend Remembrance day services. The important thing in respect of Remembrance day is to bring to the attention of the new generation what has happened in the past with relation to the history of and the horrors of war and the sacrifices made to give these young people what they have today.

If you declare it a holiday and turn them loose from school, many of them will go elsewhere. It seems to me, if it could be arranged somehow so that the young people could be brought together on that day so that they might be impressed by a ceremony of some type, this would be well worth while. I think that is a major consideration. For example, I was born in the middle of the first war, and a few years following I was a small child. I lived six miles out of town. We had a small mill there. At that time those responsible for celebrating the day fired off a gun of some kind at two minutes to 11. At that time the mill stopped and everybody stopped until the second gun went

off. That impressed me more than anything else. I would like to see something of that nature. I do not know how you would go about it. Whether or not a holiday would meet it, I do not know.

The CHAIRMAN: In my own town of Pembroke we meet at the cenotaph at 11 o'clock for a service of about an hour and a half. Fifty per cent of the audience is children. I am just pointing this out to you as being the way we operate in Pembroke.

Mr. WEBB: I go along with what Mr. Kennedy said, but I think much of the desired result can be obtained by our legions and veterans' associations in the area. I think it is their part to advertise this. I know in our area we go around showing films in all the schools just prior to November 11, and we are getting results; the attendance is going up every year in great numbers. I think that is the type of work the veterans' associations can do right in their own area. If the government declares it a holiday, then it is up to the associations in regard to how well they celebrate it.

Mr. KENNEDY: If I may continue on, when I grew to militia age, in my part of the country we dressed up in uniform, visited the various schools, and spoke to the children on this occasion.

Mr. WEICHEL: A number of people say children should not be interested, because of the terribleness of war. I believe when we discuss this with the children we are trying to explain to them the seriousness of war, so that when they grow up they will be better citizens. I think perhaps the government took the right step and that we should follow it up now by endeavouring to have November 11 declared a holiday.

Mr. OTTO: Has Bill C-13 been referred to this committee for consideration?

The CHAIRMAN: The subject matter of it has been referred.

Mr. BIGG: I am wondering what difficulty members of the Legion may have in getting away from their employment on Remembrance day in order to attend the parade. I am a legionary myself and I would hate to miss my Legion parade.

Mr. SMALL: While a good percentage of our members are Legion members, we started as an industrial group of war veterans. Two years ago I was called out of town to one of our other branches. Two of the members of that branch were part of the colour party of the corps taking part in the parade on that day. They were veterans, and let us face it; they might have overstayed their time off by half an hour. When they came back they were told to go home. It was doubtful whether or not they were going to get their jobs back. I went up there and we had a meeting on Sunday with the union representative and the men. Thank God it was resolved by management; but it did look as if they were going to be laid off from their jobs.

Mr. WEICHEL: Do you think, in the event this were carried through by the government, that you as an industrial group could make a great contribution in encouraging industry to close on that day?

Mr. SMALL: We are trying.

Mr. WEICHEL: I know you are doing a wonderful job; but if the government came through on this, you would have something to work on more than you have now.

The CHAIRMAN: Are there any further questions in respect of the item in relation to Bill C-13? We will turn to page 12, amendments to the Pension Act.

Mr. HOOPER: I would like to answer one question in reply to Mr. Weichel.

The CHAIRMAN: Go ahead.

Mr. HOOPER: Before we move on, I would like to mention this one item of it being on a Monday. We did not know how you people were thinking, and what your attitude would be in respect of business. Therefore, we as a council certainly commend this committee for saying you do not care what day it falls on. We commend you for that fact. That was the reason we worded it in that way.

The CHAIRMAN: Are there any questions on amendments to the Pension Act?

Mr. HARLEY: Under the amendments to the Pension Act, where it says section 64 (1), could you amplify and explain that? I am a little lost here.

Mr. HOOPER: As we point out here, the appeal board of the commission can give power to an applicant to have certain types of medical examination take place, but this only comes about after he has had possibly two or three hearings; they then allow him to get other evidence. As stated before, one of our main points is to have this more clearly defined so that he would not have to go through all these hearings. He would not have to do this if that were done right at the beginning. He is denied that.

Mr. HARLEY: You are trying to get the right of an applicant to get a medical opinion on his own, or at his request, and have the Department of Veterans Affairs pay for that opinion?

Mr. HOOPER: Under certain conditions, the Department of Veterans Affairs does pay for that now, but he is denied that at his first hearing. We want him to have that right at the first hearing. We believe this would cut out the necessity for further hearings and would do away with a considerable expense to the government. We feel that if the man is given this right, they will come to a much quicker decision.

Mr. HARLEY: Is there any thought of limiting this? I can see how if a person were not satisfied with one report, he might go to one doctor, another doctor, and another doctor, until he got a report which he felt was more suitable than the previous ones.

Mr. HOOPER: We put these things down here for you people to think about. What you are referring to again is directed by the commission; in other words, the man would have to come to the point; they would give him this right, and then if the necessary information was not forthcoming, that would be the end of it, and then his final appeal would be to the courts.

Mr. BIGG: Would it not be true that in most cases where there is a clearcut case before the pension commission there would be no need to call another doctor; he would almost automatically get a pension for his condition. This seems to open the case, and I can see where there might be an abuse of the taxpayer's purse in this regard. This would open the door pretty wide. I would suggest that perhaps he might have this right at the second hearing. Let us wait to see whether or not he is going to get the pension almost automatically, before we call in specialists whose evidence may never be needed.

Mr. HOOPER: If he were given the opportunity to produce not only the medical evidence, but perhaps also his commanding officer, or someone who served with him—if he were allowed to give all this information at the beginning; in other words, if his case were reviewed by the medical board—it probably would not be necessary to have a second hearing. Often he does not know what is necessary at the first hearing. We are asking that the whole thing be broadened.

Mr. BIGG: But he always has an advocate.

Mr. HOOPER: Yes.

Mr. BIGG: Does the advocate not know what evidence should be produced?

Mr. HOOPER: There have been cases where one advocate sitting in one room will make a recommendation exactly different to that of an advocate in respect of a similar situation in another room.

Mr. BIGG: I did not know that advocates made rulings.

Mr. HOOPER: They give an opinion. We have found that some veterans are turned down by the advocates, and when they reappear before a different one their statement is accepted.

Mr. BIGG: You mean that the advocate decides whether or not he has a case to present in the first place?

Mr. HOOPER: Yes.

The CHAIRMAN: Are there any further questions, gentlemen?

That concludes the brief. We are grateful to you, gentlemen, for appearing and we will give serious consideration to your recommendations.

Mr. SMALL: May I make a comment in respect of the hospitals and the item which appeared in the press?

The CHAIRMAN: I do not think so. We know your point of view on that.

Mr. Dow: Thank you very much, Mr. Forgie and gentlemen, for listening to us. I hope we have been of some help to you.

Mr. HERRIDGE: Would the officers of your organization wish to have some extra copies of today's Minutes of Proceedings and Evidence? Has that been suggested?

Mr. SMALL: If possible we would appreciate it. My mailing list to our representatives is 100. Would it be possible to have that many copies?

The CHAIRMAN: I will not make any promise, but we will do our best.

Mr. WEICHEL: I am sure we all appreciate the effort these men are making on behalf of the veterans, and we have been glad to have them before us today.

The CHAIRMAN: We will meet in this room at 3.30 p.m., at which time we will hear from the officials in respect of the War Veterans' Allowance Act.

#### AFTERNOON SESSION

The CHAIRMAN: Gentlemen we have a quorum. We will continue to consider the estimates of the war veterans allowance board. Colonel Cromb will introduce the witnesses and then make a short statement.

Colonel W. T. CROMB (*Chairman, War Veterans Allowance Board*): Thank you very much Mr. Chairman.

I intended to have Mr. Paul B. Cross deputy chairman of the board with me today but he is visiting district authorities in Ontario.

I have brought to help me Mr. Hilton Mersereau, a member of the board, and Mr. John Dehler, the executive assistant to the chairman of the board. I hope among the three of us we will be able to answer any questions which you may ask.

Mr. Chairman, with your permission I should like to table these two tables that have been distributed to the members of this standing committee.

The first table shows the number of recipients of war veterans allowance by wars on strength as of March 31, 1963, with the total annual expenditures, and a table showing the number of recipients of civilian war allowances by wars and by categories on strength as of March 31, 1963 with the total annual expenditures.

The CHAIRMAN: Shall these documents be tabled and printed as an appendix to the Minutes of Proceedings and Evidence?

Some hon. MEMBERS: Agreed.

Mr. CROMB: Mr. Chairman, the statement I propose to make is just a brief but comprehensive outline of the work of the War Veterans' Allowance Board.

The War Veterans' Allowance Board is a statutory body reporting to parliament through the Minister of Veterans Affairs who is charged with the administration of the act. All the members of the board are appointed by the Governor in Council. The Board is a quasi judicial body and is independent as far as its decisions are concerned.

The Board is charged with the responsibility of administering the legislation contained in the act and the regulations.

At the present time the Board consists of six members, all of whom are on salary. In addition, under section 25(3) of the act the deputy minister, for the purpose of liaison with the department, serves as a member without remuneration. Mr. Don Thomas, Dominion Secretary of the Royal Canadian Legion, also serves as a member without remuneration.

The administrative, clerical and stenographic staff are classified civil servants numbering 26.

The administration of the act is decentralized through the establishment of District Authorities under authority of section 23(1) of the act, which states that the minister may establish regional districts of the department for any area, and, with the approval of the Governor in Council, may appoint for each district a District Authority consisting of such number of persons employed in the department as the Minister may prescribe.

There are 19 district authorities including the Foreign Countries District Authority which is located in Ottawa.

The members of the district authorities are employees of the Department of Veterans Affairs and are appointed by the minister with the approval of the Governor in Council. By regulations, a district authority consists of not less than 4 and not more than 7, the strength of the district authority being related to the size of the regional district of the department and the volume of the war veterans' allowance business to be handled.

Under the act district authorities have full and unrestricted power and authority and exclusive jurisdiction to deal with and adjudicate upon all matters and questions arising under the act in the district for which the district authority was established, relating to the award, increase, decrease, suspension or cancellation of any allowance awarded or paid under the act.

The war veterans' allowance board exercises functional authority over its district authorities. In addition, the war veterans' allowance board acts as an appeal court for applicants and recipients aggrieved by a decision of the district authority and the Board may, on its own motion review any adjudication of the district authority and alter or reverse the adjudication.

The board is responsible for instructing and guiding the district authorities in the interpretation of policy, and for advising the Minister with respect to regulations concerning the procedure to be followed in matters coming before a district authority for adjudication.

On February 23, 1962, the Civilian War Pensions and Allowance Act was amended and a new Part 11 added, which makes available to certain groups of civilians, their widows and orphans, the same benefits available to veterans under the War Veterans' Allowance Act. These are specific groups of civilians who, during world war I or world war II were engaged in occupations under conditions that were considered hazardous. This new Part 11 is administered by the war veterans' allowance board and the district authorities and all applications for allowances under this part are dealt with and adjudicated upon

in the same manner as applications for allowances under the War Veterans' Allowance Act, 1952.

The war veterans' allowance board is administratively co-ordinated with the Department of Veterans Affairs and has access to the services provided by offices of the departmental secretary, the director of finance, purchasing and stores, the director general of treatment services, the director of legal services, the director of personnel and administrative services and other branches when required.

The War Veterans Allowance Act, which became operative on September 1, 1930, was originally designed to provide maintenance to qualified recipients who, by reason of their advancing years or physical handicap, are no longer able to make their way in the labour market, and to see that their income does not fall below the scale set out in the schedules of the act. It was considered in 1930 that war veterans by reason of their service in a theatre of actual war were pre-aged.

The original act provided for allowances to single and married recipients. Widows were made eligible for allowances in 1943 and orphans in 1944. Since 1930 parliament has amended the provisions of the act on eleven occasions. During these intervening years rates and ceilings have been increased from time to time and eligibility requirements have been modified. The requirements for service in a theatre of actual war have been modified in two particular instances where dual service, or service in two wars with service in Canada only, will qualify a veteran from the service standpoint. If a veteran has seen service in Canada only but is in receipt of at least a five per cent pension, he too meets the service requirements. In the main, however, the vast majority of veterans who are in receipt of war veterans' allowance served in a theatre of actual war.

The well known saying that "old soldiers never die", is borne out by the fact that we have on war veterans' allowance roles, three recipients who served in the northwest field force which was on active service in 1885. Also, we have on strength as of March 31, 1963, 444 veterans of the South African war. We have four recipients over 100 years of age. The oldest of the group was born in 1856.

I am pleased to report that through excellent co-ordination between the Board and District Authorities, the Act is being administered in a uniform manner right across the country.

That is my statement, Mr. Chairman, and I am prepared to answer any questions on the items in the estimates.

The CHAIRMAN: Gentlemen, we are considering vote 40, the war veterans' allowance board, administration, which appears at page 455 of your estimates book.

Mr. HERRIDGE: Mr. Chairman, I should like to ask Mr. Cromb as a result of his experience whether there have been any requests for the establishment of additional district authorities because of the increasing population?

Mr. CROMB: No, Mr. Herridge. The district authorities have been quite able to handle all the applications up to the present time without the need for the establishment of any more authorities.

The CHAIRMAN: In my experience they are very efficient.

Mr. CLANCY: I should like to ask the witness whether the dropping of the 365 veterans would place an added burden upon the board?

Mr. CROMB: Mr. Chairman I believe this would to a certain extent. The reason for the 365 day rule, which is related only to eligibility for Canadians who served in the United Kingdom in world war I was to take care of those Canadians who served at that time and who suffered living conditions which

were considered to be akin to wartime conditions, in as much as they lived under canvas on Salisbury Plains and Shorncliffe and faced great hardships to health through these living conditions. Laterally, as world war I progressed, the conditions improved very greatly. That is why the 365-day regulation was put in the act, it was to take care of those individuals who actually suffered those conditions which were akin to wartime service.

Mr. CLANCY: Could you give us any estimate of the approximate increased burden to the department as a result of removing this regulation?

Mr. CROMB: Mr. Chairman, I can give you the number of individuals who were in the United Kingdom less than one year. These figures are two years old. The estimated number in this regard, is 20,500. Of that group of 20,500, 80 per cent served less than six months in the United Kingdom during world war I.

Mr. HERRIDGE: Mr. Cromb, are there many cases where men are unable to qualify because they lack from one to ten days of the 365 days?

Mr. CROMB: Yes, occasionally we run into these cases. When the act was amended in 1961, sailing time was added in order to qualify these individuals with 365 days service prior to armistice, and there were somewhere in the neighbourhood of 75 veterans who qualified by reason of that modification. However, whenever you have a line of demarcation there will always be someone who does not quite make it.

Mr. HERRIDGE: Mr. Cromb, do you have any difficulty in respect of deliberate overpayments in some cases and overpayments through ignorance on the part of recipients in other cases?

Mr. CROMB: Mr. Chairman, we have a fair number of cases regarding overpayments as a result of the recipient not reporting in time the fact that he is employed. That is a fairly common occurrence but it does not involve great amounts. The cases which involve larger amounts usually arise from a deliberate attempt on the part of the recipient to draw his allowance and work at the same time. Fortunately there are not too many cases of that type, but when they occur they usually involve fairly large amounts.

Mr. HERRIDGE: One thing I have noticed is the number of individuals who have done this in ignorance of the law, and I am wondering whether anything is being done to direct the attention to the law and particularly to this section of the act? Perhaps a letter should go out to these people directing their attention to this situation.

Mr. CROMB: When the individuals make the original application for allowance they are thoroughly counselled by the veterans' welfare officer who takes the application and they sign a form agreeing to advise their district authority of any changes in their financial circumstances. That policy has been followed and considerable emphasis has been placed in this regard from time to time. No doubt this has helped, but these overpayments as a result of individuals failing to report their employment, do occur from time to time.

Mr. HERRIDGE: Recently I received a letter from a war veterans' allowance recipient who is a married man but separated from his wife and lives completely in a different domicile, inquiring whether it would be considered a violation of the law if he was considered as a married man but only spent Saturday night with his wife.

Mr. CROMB: Mr. Chairman, an individual must be residing with and supporting his wife in order to qualify for the married rate. There are relaxations of this rule in circumstances where the wife is in hospital or the recipient in hospital. Otherwise he is supposed to live with and support his wife.

Mr. OTTO: I suggest spending one night with his wife is not only legal but logical.

Mr. BIGG: Once a month is legal.

The CHAIRMAN: Shall we move now to vote 45? Is vote 40 carried?

Some hon. MEMBERS: Agreed.

Item agreed to.

The CHAIRMAN: We shall now move to vote 45.

#### WAR VETERANS ALLOWANCES AND OTHER BENEFITS

Vote 45—War Veterans Allowances and Civilian Allowances	
North West Field Force .....	19,000
South African War .....	210,000
World War I .....	64,200,000
World War II and Special Force (Korea) .....	19,000,000
Dual Service (World Wars I and II) .....	1,915,000
Civilian War Allowances .....	900,000
	(28) 86,244,000

Mr. HERRIDGE: Do veterans' field officers now do the bulk of your investigation work?

Mr. CROMB: All the investigations are done by officers of the welfare services branch of the deperement for the district authorities.

Mr. HERRIDGE: I should like to ask one more question along this line. I am interested in this situation because there is a great deal of confusion and complication regarding an individual receiving old age security as well as war veterans' allowance. Many individuals expect to receive old age security after attaining age 70, as well as the war veterans' allowance, and apparently do not realize that they are not entitled under those circumstances to both.

Mr. CROMB: The age of a recipient is noted on his file, and the date when he is approaching the age at which he will qualify for old age security pension is also noted. There is good liaison between the board and the department of National Health and Welfare throughout the country. These individuals are advised to apply for the old age benefits. Occasionally we find a veteran who does not wish to apply at all until we explain to him that he will be financially better off to do so. The district authority is aware of the time at which recipients will reach an age qualifying them for old age security.

Mr. HERRIDGE: In respect of applicants who are presently receiving unemployment insurance; does the board generally recommend that they draw their payments in full before applying for war veterans' allowance?

Mr. CROMB: That is correct. We also supplement the unemployment insurance payments to certain individuals.

Mr. HERRIDGE: You do so if the amount received is below the ceiling?

Mr. CROMB: That is right.

Mr. BIGG: Mr. Chairman, I should like to ask a question in respect of civilian war allowances; do these allowances apply under unusual circumstances to civilians receiving benefits because they were connected with the army or something of that kind?

Mr. CROMB: Civilian war allowances are awarded under the new part eleven. This is a completely new act, Mr. Chairman, and it is administered by the war veterans' allowance board and the district authorities. Perhaps you were wishing to know who these people are?

Mr. BIGG: No, I am just looking at the vote, and I noticed that there is a \$900,000 item.

The CHAIRMAN: Is this carried?

Item agreed to.

Supplementary estimates (A):

57a. To authorize payment of an allowance to Mrs. Cecile P. Arcand, widow of Louis George Arcand, a recipient of war veterans allowance, etc, \$1.

Mr. HERRIDGE: What is the reason for that special vote?

Mr. CROMB: This vote is to authorize payment of an allowance to Mrs. Cecile P. Arcand, widow of Louis George Arcand, a recipient of war veterans' allowance, in an amount equal to the amount that she would otherwise receive under the War Veterans' Allowance Act, 1952, as amended from time to time, if her marriage to Louis George Arcand had fully complied with the requirements of section 11 of the said act.

I might say in explanation of this that this was one case where the board locked horns with one of the control agencies, namely the Comptroller of the Treasury.

Section 11 of the act states briefly that before the marriage allowance may be awarded to a widow there must have been at the time of her marriage at least a year's expectation of life on the part of the husband. Louis George Arcand, a veteran, had been a recipient of war veterans' allowance since 1938; and since 1923 he had been engaged to be married to Miss Cecile P. Paradis. Their marriage was deferred because of Mr. Arcand's deteriorating mental disability. Miss Paradis expressed a wish to marry Mr. Arcand on many occasions but at that time he was under interdiction for insanity under the laws of the province of Quebec and it was not possible for her to marry her fiancé. However, she was very loyal to him and for more than forty years she looked after him and visited him regularly in hospital. She looked after his affairs. Finally, the interdiction was lifted because he had then expressed a wish to marry his fiancée of such long standing. The marriage was then solemnized, but the veteran died within two days. The board did not feel that section 11 should apply in a case of this sort and awarded an allowance to Mrs. Arcand, effective from the day following the death of her husband.

The Comptroller of the Treasury refused to authorize payment on the grounds that section 11 of the War Veterans Act prohibits such a payment. This led to a submission which was made to the Treasury Board in an endeavour to have this decision of the comptroller set aside. However, the Treasury Board was very sympathetic but upheld the ruling of the Comptroller of the Treasury and suggested that we should take this means of securing parliamentary approval so this lady could receive the widow's allowance as if she were legally a war veterans' allowance widow recipient.

It is a very touching case. The board felt when it went ahead with this, that it was carrying out the intent of the act, but legally we were stopped on that. We are now asking you to help to put through parliamentary approval so that this lady may receive this allowance.

Mr. THOMAS: Is it now in effect?

Mr. CROMB: It would be effective from the start; it is not now.

Mr. THOMAS: Is there any precedent for this?

Mr. CROMB: If parliament gives its authority it can be done.

Mr. HERRIDGE: I think the board is to be commended for staying with this widow and giving her such sympathetic consideration. I am glad to know that the board has horns!

Item agreed to.

The CHAIRMAN: Supplementary estimates (D).

45d. War veterans allowances and civilian allowances—To provide effective October 1, 1963, and during the twelve month period thereafter, that a pension paid pursuant to the Old Age Security Act be deemed for purposes of the War Veterans Allowance Act, 1952, and Part XI of the Civilian War Pensions and Allowances Act, to be \$55.00 per month, \$74,166,685.

Mr. CROMB: This, Mr. Chairman, is an item to ensure that war veteran recipients and recipients of civilian war allowance who are also recipients of old age security pension get the benefit of the last two increases in old age security pension by authorizing the board only to assess \$55 for war veterans allowance purposes rather than the full amount of \$75.

Mr. CLANCY: It is rather general, not only under war veterans' allowance but other pensions acts too.

Mr. CROMB: This takes in the war veterans' allowance and the civilian allowance recipients.

Mr. CLANCY: But the principle is carried on?

Mr. CROMB: At the present time this is just put in the estimates so that we can obtain authority not to assess more than \$55 out of the \$75 O.A.S.P. cheque for war veterans' allowance purposes, and civilian war allowance purposes.

The CHAIRMAN: Is the vote carried?

Item agreed to.

That completes the estimates of the war veterans' allowance board.

Mr. HERRIDGE: It is obvious from the limited number of questions the members have asked that they are very satisfied with the work of the board.

The CHAIRMAN: Yes.

Gentlemen, we will take up the estimates of the veterans land administration and we will ask the director and officers of that administration to come forward.

Mr. Director, will you introduce your executive and then proceed to make your statement.

Mr. R. W. PAWLEY (*Director, Soldier Settlement Board and Director, Veterans Land Act*): Mr. Chairman, hon. members, I would like to introduce my two able assistants, Mr. Arthur McCracken, who is my senior administrative officer, and Mr. W. Strojich, superintendent, farm service division.

I have prepared a statement and I have passed this around with the thought that it might be a little easier to follow my comments.

Since last appearing before this committee in 1962, a number of significant developments have occurred. During the period, the amendments to the act have taken effect, and they have had a considerable impact on our volume of loans and other activities. The Glassco commission report has come out. A major organizational change has been made in our operations in the province of Ontario.

The amendments to the act in 1962 provided for:

Increased loans to small holders to permit maximum financial assistance of \$12,000;

Home improvement loans to established small holders up to \$4,800;  
Loans to veterans established in small family farms up to \$12,000;  
Life insurance to cover the indebtedness to the director.

For convenience, I would request permission to pass around some statistical information and have this included in the report.

Table A provides comparative workload figures for the various programmes during 1947-48, 1959-60, 1962-63 and up to September 20 of 1963-64.

Table B is a consolidation of the workload, together with a comparative financial picture.

Rather than make specific reference to items, I would like to draw certain points to your attention which to me have a very significant bearing on the existence of the veterans' land administration.

Our farm loans have decreased in numbers since 1947, but those made in 1962-63 still represented 50 per cent of the total public dollars loaned in the earlier year. Fifteen years ago, the average farm value, including chattels, was \$9,000 and today it is over \$27,000. Market value of the small family farm under V.L.A. today averages about \$13,000 (1953) and on the commercial farm \$20,300 (1961). Gross investment varies a great deal but is not uncommon for V.L.A. farm units to reach \$75,000 or more.

In your mind compare the complexity of the agricultural problems today with those in 1947, and visualize the role our staff must play in their everyday business association with the farmer. I think you will agree with me that farm credit advisers have an extremely difficult task to perform under present-day circumstances.

Small holding activity in 1962-63 was 27 per cent greater than in 1947-48. Here again, the skills needed to administer the purchase of property demand more from the individual than has been evident in the past. Planning boards, restrictions governing land use, inept or unwise financing methods, the ever-present danger of imprudent side deals and many other schemes require constant and alert vigilance on our part in order to keep ourselves and veterans out of trouble.

I would draw your attention to the fiscal years 1962-63 and 1947-48. The fiscal year 1947-48 was considered to be a peak settlement year during the early period of operations and was the period used by the Glassco commission for comparative purposes. I would like to emphasize that 16 years have elapsed but the workload comparisons with last year's activity may be described as follows.

In 1963 the net public dollar investment in veterans' properties is 80 per cent higher than it was in 1947. The number of active accounts is 25 per cent greater in 1963. The actual amount of money loaned in 1962-63 was only 10 per cent less than that loaned in the fiscal year of 1947-48. The individual loan amounts permissible are now almost double for small holdings and nearly  $3\frac{1}{2}$  times greater for farms.

I feel that the workload for last year, and which will continue for some time to come, is as great—if not greater—than for 1947-48. The point I wish to make is that the significantly high volume of business which exists now is being done by about one-third of the staff to that on strength in 1947.

I look with a great deal of pride on the staff of the veterans' land administration across Canada. If my remarks appear to be boastful, this is intentional. Of our field staff, there are 20 who are fully qualified professional appraisers and accredited as such by the appraisal institute of Canada. In addition, there are 16 of the administrative staff who have reached the same level of qualification. Another 95 are just slightly short of having received accreditation and

are recognized as having near professional status in the field of residential and farm appraisal. Each year additional members are successful in receiving full accreditation in the appraisal institute. Before a candidate can receive accreditation under the appraisal institute, he must have five years experience as an appraiser of property, pass two extensive examinations and have had approved by the institute three demonstration appraisals. Usually it takes two or more years of actual study to prepare for the examinations alone.

At the present time our farm supervision work is directed primarily to helping veterans to improve the financial and operational management of their farms. This is done to a large extent by encouraging them to maintain adequate farm records. These are analyzed and the weaknesses appearing are discussed with the farmer. An approach of this nature requires considerable knowledge of farm accounting and farm management. Each of our farm field staff has been given a farm management course conducted by our own farm service officials which, when added to the extensive training in appraisal work, produces a good calibre staff member. As an aside comment, our supervision programme of farm accounting and management is tied as closely as possible to the provincial programmes whenever this can be arranged.

The Veterans' Land Act has developed into one of the most complex pieces of legislation in the federal statutes. For those of us who are responsible for administering the act, the important part is its application to individual veteran establishment. In this regard, I feel that the faithful, untiring efforts of my staff represent a useful and valuable service rendered on behalf of this country and, more particularly, on behalf of the veterans established or who desire to be established under the act.

Early in 1963, the last staff member associated with the soldier settlement board in 1919 retired. Out of the original 25,000 world war I veterans settled on farms, there are only three remaining contracts with soldier settlers, with title still in the name of the director some 44 years after the end of the fighting. The soldier settlement board stopped lending money five years after commencement and remained as a cohesive organization to form the basis of the veterans' land administration in 1942. The Veterans' Land Act total volume of business has been nearly four times that of the S.S.B.; it is providing financial assistance to veterans 17 years after hostilities ceased; and there will be several thousand agreements with the director 30 years after the cut-off date for qualification in 1968.

In these circumstances, I have had great difficulty in attempting to rationalize the specific recommendation in the Glassco commission report on government organization which relates to V.L.A. It has been no secret to anyone in our organization that new settlement under the act would eventually draw to a close. For some, the end will coincide with retirement but to others, many years of useful and productive work will remain.

Time does not permit me to mention the many factors involved when considering the disposition of staff when the major part of their job is finished. There are, however, two major factors which I believe are of prime importance: First, the new settlement work of V.L.A. must be brought to a successful conclusion. I estimate that our workload will remain at a fairly high level until 1968. After that date, it will take three to four years to establish the remaining qualified veterans and thereafter the administrative work in the field will remain for several years.

The foregoing general pattern is fairly obvious but the rate of workload decline and at what point it may drop suddenly, is not known. You will realize that when it is evident a job of work remains to be done, staff are content—but fear of an unknown future could prematurely deplete my staff,

both in numbers and quality. In the face of this possibility, it is my responsibility to retain a quality staff of adequate size to do the work required.

In many respects, this same problem faced the soldier settlement board. From 1924 to 1927, the work connected with the British family settlement and other settlement schemes was given to the board. During the thirties, the board was assigned the job of doing the appraisal work under the Farmers' Creditors Arrangement Act. In 1939, the Department of National Defence turned to the S.S.B. staff to assist on investigations for dependents allowance, and to act as their agent relative to many large land acquisitions. These arrangements permitted the board to carry on its remaining work and still provide a useful service to other departments of government.

I believe a similar arrangement could solve our problem for the future. Records indicate that, since 1953, the veterans' land administration has completed 9,300 appraisals for other departments at an average cost of \$20 each to them. Of these, 2,600 were for other than the farm credit corporation and involved property having an estimated value of \$50,000,000. Our experience indicates that the best administrative method for doing work on behalf of others is on an assignment basis. Such an arrangement induces a client relationship and permits management to absorb the work without fear of interference. In my view, I consider it is both practical and reasonable that, with the high standard of training possessed by the staff of the veterans' land administration, their services can be utilized to perform work on behalf of other departments and agencies of the government. Moreover, with the cost of these services to others placed on a modest basis, the recovery would, in effect, partly underwrite the cost of the staff it will be necessary to maintain in any event after new settlement is completed.

As a service to other departments or agencies, we are prepared to undertake appraisal and property management functions on a fee assignment basis to an increased extent. The field of appraisal could cover farms, residential and commercial properties. Property management would be confined to those being agricultural in nature, such as the several landing fields we are now looking after on behalf of the Department of National Defence.

If a firm plan can be developed which permits the foregoing arrangement, the problem of future administration becomes much more flexible. Gradual changes could take place without disruption. A devoted and qualified staff would be available not only to carry out the continuing work of this Administration but for increased utilization of their talents to the benefit of the people of Canada.

Before I finish, there are a few additional points to which I would like to refer.

In the month of November, 1963, a veteran in British Columbia died suddenly. He was 50 years of age and had just acquired a new home on the 1st of October with a loan of \$9,000. The V.L.A. mortgage insurance for the period before he died cost \$21.97. This veteran's heirs are now living in a virtually debt free home.

If the veteran had lived for a year, the insurance would have cost \$87.88—or slightly more than \$7.00 per month. For a veteran ten years younger, at age 40, with the same debt, the cost annually would be \$43 or around \$3.50 per month.

Since the plan went into effect on the 1st of August 1963, almost 1,800 applications have been sent in to the insurance company to insure almost \$11 million of debt to the director. Notwithstanding the fact that detailed information about the plan was mailed to each veteran, a comparatively limited number to date have made application. It will be unfortunate if veterans do not take full advantage of this scheme because between now and 1978 it is

calculated that 23.9 per cent or 12,000, will die and leave their wives still indebted to the director.

The second point has to do with taxes. From one side of Canada to the other, there has been a significant and almost continual increase in property taxes. According to our records, as of last summer, about 20 per cent of the total number of veterans established under the act were in arrears of taxes for one year or more.

I realize this perhaps sounds like an alarming situation and I want to stress at once that we know this figure is not entirely correct. For one thing, our records are based on tax receipts filed with us and on information secured from various municipalities. Undoubtedly, there are many cases where the veteran has paid his taxes but has neglected to forward his receipt. For another, we are aware that—since our tax survey was completed—many veterans who had heavy tax arrears have liquidated them completely or substantially.

Nevertheless, we believe a problem does exist and we are not sticking our heads in the sand hoping it will go away by itself. In the close attention it is receiving, we have adopted the practice followed by other lending institutions of requiring small holders to include with their monthly payments one-twelfth of their annual tax levy. There are now 8,245 veterans paying on this basis, which is an increase of 5,000 over that of a year ago. I anticipate this number will increase by another 5,000 during the course of the next 12 months.

Generally speaking, it is our experience that too many municipalities are not sufficiently aggressive in ensuring that taxes are paid promptly and prefer to depend on the director to bail out the delinquent veterans. This situation is compounded by the attitude of many taxpayers who deliberately let taxes go unpaid on the assumption that 6 per cent interest is not excessive, only to find after two or three years have gone by that their tax debt may be as high as \$2,000 and that the interest rate—taking into account penalties and interest—may have increased to the equivalent of 18 per cent.

We have always taken the stand that we are not tax collectors. Accordingly, apart from encouraging veterans to pay their taxes, or collecting a proportionate one-twelfth of the taxes with the monthly payment to the director, or of paying the tax arrears when a property is in tax sale or the director's security is endangered—we have not become heavily involved. I have no doubt you appreciate there is a fine line between the role of the municipal tax collector and our practice of encouraging veterans to pay their taxes promptly as they agree to do in their contracts. Increased efforts on our part in this respect might easily result in a further reduction or withdrawal by municipalities of their own responsibilities in this field. It is nevertheless our intention to step up our encouragement efforts but, at the same time, continuing with our general policy of letting a property go up for tax sale before taking recovery action.

In the vast majority of cases where veterans have tax arrears, their payments to the Director are up to date. Where arrears exist in both categories, usually there is cause for concern. When the means to pay is present in such cases, the situation must be met with a firm hand by the administration. We temper our action with as much sympathy as possible but not at the expense of the public purse.

On the average, veterans established under the act have a greater equity in their properties than does the normal property owner in comparable circumstances. I am concerned, therefore, when they permit their equities to diminish by allowing tax arrears to accumulate. In the circumstances, and as I mentioned earlier, we are giving this problem close study, and if further

review indicates no appreciable improvement it is my intention to tighten down on the administration of this particular phase.

Finally, I would like to mention that during 1962, the district offices of London and Toronto in Ontario were amalgamated with the headquarters in Toronto. The former western Ontario district with headquarters at London continues to serve as a sub-district office and is responsible for small holding administration in western Ontario. The farm accounts for all the province are administered from Toronto. This change in organization has been effected in a very satisfactory manner with no diminution of service to veterans and, by virtue of the fact it was implemented at a time when a number of staff had reached their normal retirement age, it enabled us to achieve appreciable savings without staff displacement.

The CHAIRMAN: Is it agreed, gentlemen, that the tables prepared by the director be included as an appendix to the proceedings of today?

Agreed.

Gentlemen, you have heard this very excellent report from Mr. Pawley. We will now start on vote 90:

90. Administration of Veterans' Land Act; Soldier Settlement and British Family Settlement, \$4,198,900.

Mr. BIGG: Is this insurance available for N.H.A. mortgages as well? Or is this where you hold equity?

Mr. PAWLEY: I assume you mean N.H.A. mortgages under part II of our act.

Mr. BIGG: Yes.

Mr. PAWLEY: No, it is not.

The CHAIRMAN: Are there any further questions?

Mr. HERRIDGE: What increase has there been in the number of applications for small holdings since the acreage was reduced to half an acre? Can you tell me the percentage, roughly?

Mr. PAWLEY: If you would refer to table A, Mr. Herridge, you will notice the total number of loans for the fiscal year 1959-60 shown at 1,797. This was just prior to the amendment reducing the acreage down to half an acre. In 1962-63, you will see from the column showing "financial assistance—new" the figure 2,994; this actually represents the increase over and above the previous year in the new establishments and these were mainly veterans established on half an acre.

Mr. HERRIDGE: So the amendment had a very decided effect on the number of veterans making application.

Mr. PAWLEY: During that period the number established increased by 1,200. If you go to the column under "Financial Assistance—additional" you will see that in 1963, we made 1,731 loans in that fiscal year, and this is in addition to the 2,994 new loans.

Mr. CLANCY: Was there not a move on foot to combine our Veterans' Land Act with the farm credit people?

The CHAIRMAN: It died a natural death.

Mr. PAWLEY: In 1960, a joint operation was planned between the director of Veterans Land Act and the then chairman of the Farm Credit Corporation whereby the staff of the Veterans' Land Act would be made available to the corporation for field work operations on their behalf. At the same time, any of their staff located in a field would perform work on our behalf. You will recall that the Farm Credit Act started in 1960. This arrangement was cancelled in

January of 1962. I think probably at this stage, unless you wish further explanation, I can say quite frankly it just did not work. In fact, the field staff were serving two masters. Our staff had to perform work for the corporation and to perform work for the Veterans' Land Act. Similarly their staff did work on our behalf in respect of which this just did not work out.

Mr. CLANCY: In respect of this field work, it involved a straight basis of appraisal, did it not?

Mr. PAWLEY: This is where the conflict came in, sir. As far as the Farm Credit Corporation was concerned, they are a mortgage company and I think it is safe to say without contradiction this is their main purpose in life.

As far as we were concerned, we had two interests. We loan money to veterans on the basis of an agreement for sale, whereas they have a mortgage. Title to the land held by veterans remains with the director of the Veterans Land Act when the veteran enters into an agreement. In addition to that, one of the big differences was the follow up service which has been in existence under the Veterans' Land Act almost since its inception. This, of course, is not done with the Farm Credit Corporation, with the exception of farmers who come under the Part III loans—wherein the maximum is \$27,500.

So there is a difference in mortgage philosophy as opposed to the philosophy that we have. As far as the veterans are concerned, for many years we have assisted these people and brought them along, and we cannot drop this overnight and get away with it.

Mr. CLANCY: My point was not in respect of the difference of loans or the difference between the Veterans' Land Act and farm credit, but I have continued to receive a great many complaints about the slowness of appraisals. I just thought that since you both have qualified appraisals available in the districts perhaps the work load on straight appraisal could be shared.

Mr. PAWLEY: I think it could be shared on an assignment basis. I feel quite confident, as a result of experience, that this is probably the way it should have been done initially. It may have worked in that way, but the other way just did not work.

Mr. HERRIDGE: That is the reason for your recommendation?

Mr. PAWLEY: Yes.

Mr. HERRIDGE: I thought that was so when I originally read your recommendation.

Mr. FANE: I have two questions I should like to ask Mr. Pawley; why is it that these veterans who build houses under Part II of your act are not allowed to have the life insurance that is available to individuals under the Veterans' Land Act, keeping in mind the much higher cost of insurance coverage outside the department?

Mr. PAWLEY: The Veterans' Land Act specifies that the veteran must be indebted to the director before he is eligible to apply for the life insurance coverage in respect of his indebtedness to the director.

Under Part II, the provisions permit the Central Mortgage and Housing Corporation to take a mortgage if a house is built by the director under the Veteran's Land Act. In this case, by taking a mortgage, the title passes from the director to the veteran, and he holds the title subject to the mortgage of Central Mortgage and Housing Corporation, and therefore he is beyond the provisions of our act.

Mr. FANE: May I ask why this arrangement was made?

Mr. PAWLEY: It was not arranged intentionally to keep them out. I doubt very much whether or not any insurance company would be prepared to insure loans if we had asked them to, because the veterans would no longer be indebted

to the Director. We do the administration; we collect the premiums in respect of this life insurance and once veterans leave us we have no way of collecting the premiums.

Mr. FANE: So the proper thing to do would be to allow these veterans to make loans through the V.L.A., to build their houses and then cut their connection with the V.L.A. from under them?

Mr. PAWLEY: This would be legislation, sir, and I have no control over that.

Mr. FANE: I was just asking for information.

Mr. CLANCY: I have one further question to ask the witness.

Mr. FANE: Perhaps the hon. gentlemen would allow me to complete my questions.

I should like to ask another question in respect of small holdings. When authority was given for veterans to get small holdings in the amount of one-half an acre instead of three acres as before, a great many veterans still owed money on their three acre disbursements. Were these veterans allowed to sell the remainder of their holdings up to one-half an acre; that is two-and-one-half acres, or did the department take that portion of the land back and go into the land business, or what arrangement was made?

Mr. PAWLEY: I can assure you that veterans may sell down to one-half an acre, and not only can they use the proceeds from the sale for improvements to the property, but in addition they can apply those proceeds to reduce the debt. Even after that the veteran can still get an additional Part III loan, in spite of the fact he may have made money out of the sale of the land.

Mr. FANE: Yes, and with that money he could pay for the house he had already built?

Mr. PAWLEY: He could apply it against his debt, reducing the debt.

Mr. FANE: Yes. Because they had these small holdings were they allowed insurance under Part II, and I refer to life insurance? When they built a house under Part II were they allowed life insurance comparable to that allowed veterans on Veterans' Land Act farms?

Mr. PAWLEY: Are you referring to the veterans who built under Part II of the act?

Mr. FANE: Yes.

Mr. PAWLEY: They could not get life insurance. In certain cases where a veteran built under Part II and had one half an acre, this veteran could, under the Veterans' Land Act, under what we call the provisions of Part I and III obtain life insurance.

Mr. FANE: Yes.

Mr. PAWLEY: But he could only do so if he had half an acre.

Mr. FANE: But not in respect of three acres?

Mr. PAWLEY: Yes, this applied to one-half an acre or more.

Mr. FANE: I see. Thank you very much.

Mr. HERRIDGE: I should just like to ask one further question.

Mr. MACRAE: I think I am next, but I will defer if you are asking a supplementary question.

Mr. HERRIDGE: You go ahead and proceed with your questions.

Mr. MACRAE: Mr. Chairman, I should like to refer to procedure. In some committees it is the policy of the Chairman to indicate the names of members who wish to ask questions. The Chairman makes a notation of the order and that order is followed. I just thought that that would be a good procedure to follow in this committee.

The CHAIRMAN: That is the procedure that we have been following.

Mr. MACRAE: I should like to ask a question in respect of the last line in table (b) regarding veterans qualified but not established. I notice there are still 19,633 at the end of the last six month period who are qualified but not established. Does this figure relate to all veterans back to the end of world war II, or to the midst of world war II?

Mr. PAWLEY: This figure includes all world war II veterans. There may be a scattering of Korean veterans among this number.

Mr. MACRAE: That was not quite what I meant. How old are these applications?

Mr. PAWLEY: We have followed the policy for quite some time, sir, that if a veteran had an application in for some considerable time and had not done anything about it we made contact with him. If we could not reach him by correspondence we cancelled the qualification. To the best of our knowledge 19,633 represents the number of veterans who apparently are still interested in taking advantage of the act.

Mr. MACRAE: You have answered my question; thank you.

Mr. CLANCY: Mr. Chairman, I should like to ask the director whether he has figures available regarding veterans of world war II or later who had entered in agreements with the director and have since elected to terminate their association. I do not wish to put you to a lot of trouble, but can you give me those figures?

Mr. PAWLEY: I am going to ask Mr. McCracken to answer this question because I feel sure he has the information.

Mr. A. D. MCCRACKEN (*Senior Administrative Officer, Soldier Settlement and Veterans' Land Act Branch, Department of Veterans Affairs*): I am afraid I cannot answer this question entirely in that way. I can tell you that at September 20, 1963, there had been a total of 10,603 veterans established as full time farmers who had acquired title to their property by paying out the balance to the director. Whether that happens to coincide with the terminal date of the contract or whether in advance of the terminal date I do not know. There were 13,306 veterans established as small holders who had done the same thing, which gives us a total of approximately 24,000. There were 203 veterans established as commercial fishermen who had done this.

In addition to that number, there had been 1,428 veterans established as full time farmers who had given us a quit claim deed to their property. There were 671 small holders who had given us a quit claim deed, and 89 veterans who had been established as commercial fishermen.

With regard to the veterans, we have found it necessary to take action to rescind their contracts by means of the consent of the provincial advisory boards in each province, and there are 147 veterans who were established as full time farmers, 94 veterans who were established as small holders and 13 veterans who were established as commercial fishermen. We have had a number of others who have sold their properties to other veterans by what we call voluntary transfers. There were 691 full time farmers who sold their property with a new veteran coming in under the terms of the Veterans Land Act; 4,362 veterans established as small holders have done the same; and 24 veterans who were established as commercial fishermen.

Mr. KENNEDY: I have a further question in relation to voluntary transfers. Has the director been adequately protected in most cases? Has there been much loss to the crown, in other words?

Mr. MCCRACKEN: Not in the case of voluntary transfer, Mr. Kennedy. The property passes from one veteran to the next for not less, certainly, than our appraised value of the property. Generally speaking there are no terms of distress in these cases, it is usually a matter of a small holder who has been

transferred from one area to another by his employer, and in the normal course of events he locates a purchaser for his property. If the purchaser happens to be a veteran, he is established on the property under the Veterans Land Act.

In respect to land losses, we can provide this information. The arrears and special advances outstanding at the date of the rescission, or the quit claim deed in place of full time farmers, to December 20, 1963, totalled \$345 approximately, which was offset by \$118,000 where the amount collected was in excess of the sale price of the property. For part time farmers, the figure was \$87,000 with the arrears and special advances outstanding, which was offset by \$45,000. We have no figures here which tell us exactly what the amount of the loss has been when we have sold properties for less than the outstanding cost to the director.

Mr. KENNEDY: It is not a very significant figure, is it?

Mr. PAWLEY: I could give you another comparison, sir. In relation to the total amount of money that has been loaned, our actual losses are just slightly in excess of one per cent.

Mr. KENNEDY: Yes, it is a very good record.

The CHAIRMAN: Mr. Clancy, have you a question?

Mr. CLANCY: Yes, but it has been partly answered. I was going to ask the director, if I were a farmer under Veterans Land Act and I was paid up, if I cleared off my account and wanted to expand once again, would he advise me to go to farm credit or to go back to Veterans Land Act?

Mr. PAWLEY: I take it you are a veteran who has already earned his grant under the act?

Mr. CLANCY: That is correct, yes.

Mr. PAWLEY: I would advise you, sir, to go to the Farm Credit Corporation. The interest rate is five per cent and in addition to that you could not come back under V.L.A., anyway.

Mr. CLANCY: That is a very good reason.

Mr. HERRIDGE: Mr. Pawley, does a person who receives mortgage insurance have to be in debt to the administration? In view of the value, could a veteran pay up the entire amount he owed the administration, say less a hundred dollars, and continue to take advantage on that account because he owed this money.

Mr. PAWLEY: The amount of the life insurance that a veteran can take out is actually roughly \$500 in excess of his theoretical debt to the director.

Mr. HERRIDGE: What is a theoretical debt to the director?

Mr. PAWLEY: For example, if he borrowed from the director \$20,000, this is his actual as well as his theoretical debt. If the veteran died in ten years' time by applying the amortization table his debt at that time, let us say is down to \$14,000 and he had paid us off with the exception of \$100. In accordance with our agreement with the insurance company the heirs of the veteran through the director, would be paid the \$14,000.

Mr. CLANCY: The director would be paid \$14,000?

Mr. PAWLEY: This is also in the agreement with the insurance company. In each and every case the director is paid the insurance.

Mr. HERRIDGE: The director pays that amount to the widow?

Mr. PAWLEY: The director will pay off any debts remaining, and any surplus will go out to the estate.

Mr. BIGG: Plus \$500? It gives him a little burial fee on top of his debt?

Mr. PAWLEY: I would not like it to be interpreted in that manner. The reason why we gave the veteran the privilege of receiving \$500 in excess was that one cannot accurately calculate the debt situation. The veteran might be in arrears at the time; there might be a little more interest charged. This \$500 is a buffer.

Mr. CLANCY: That was my point, Mr. Chairman. In other words, if the veteran has this \$500 and you find out that his estate is paid up, then you do return the excess?

Mr. PAWLEY: We only retain the amount owing to the director; everything else goes to the estate.

The CHAIRMAN: Is vote 90 carried?

Item agreed to.

The CHAIRMAN: Vote 95.

95. 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, \$58,800.

Mr. THOMAS: Does the Veterans Land Act have any property at the present time under development? I know that in times past there has been development in various parts of the country. Is that all finished or is it still going on?

Mr. PAWLEY: We are developing land to a very limited extent, and only land we have owned for a quite a number of years. I think the one that is most prominent in my mind at the present time is located on the Prescott highway just outside Ottawa. Spotted throughout the country there are parcels of land in two-acre blocks and three-acre blocks, and in some cases these are being resubdivided into half acre lots. Our general policy in connection with this land owned by the director is that, with the exception of land that we feel we are going to need for veterans establishment, we will sell on the open market and hope to have it disposed of or sold some time between now and 1968. The reason for that, of course, is obvious: we have to pay taxes. The director feels that in some of these cases where he is assured veterans do not need the land for establishment purposes and he can sell it to interested persons or organizations, he will do so at the full market value. In most cases this will represent a small profit and in some cases even a substantial profit to the director. The director has not as yet too many compunctions about taking this profit because he has through the years lost some money as well.

Mr. BIGG: On the same point, Mr. Chairman, is it not correct that during world war II the department went out and, with great foresight, bought up certain parcels of land anticipating this use? Is there any such move anticipated now to ensure that we keep ahead of this and perhaps in the future have this type of bargain in land ready for veterans?

Mr. PAWLEY: The problem now almost invariably is that the land is controlled by municipal planning boards. The land is costly to maintain. Even just keeping down the weeds is costly, and the taxes on land of this nature, land which would be suitable for the purposes we have in mind, would I think be costly to carry. As a snap judgment, I would say no.

Mr. CLANCY: Are we losing sight of the principle underlying the purchase of this land? Today it may look as though it is a losing proposition; tomorrow we may be paying five times as much to find the same type of land.

Mr. PAWLEY: Of course, you realize the director has no power to buy land on speculation. In the past he has only purchased land when there has been an evident need or when veterans have been interested.

Mr. CLANCY: Am I correct in saying this was bought on speculation in the forties?

Mr. PAWLEY: In the forties it was bought strictly for the purpose of veteran settlements. I do not think you could call it speculation. I think some person did some good thinking. Incidentally, there were some farms bought as well; this also represented good thinking. The unfortunate feature of it—and this has been a little detrimental in some respects—is that in the early days the maximum loan under the act was \$4,800, which meant that inferior farms were purchased on some occasions. I want to assure you, however, that there were some very good farms purchased even though there was the tendency to unload some of the poorer, run-down farms. This is being perfectly honest; however, I think that is the case. I would suggest that for the director to go out and purchase tracts of land on the off-chance of it being utilized for the establishment of veterans in the future is a little too pessimistic for my way of thinking. I hope there is not another war.

Mr. CLANCY: I was not thinking pessimistically; I was just thinking that we should hang on to what we have.

Mr. PAWLEY: We do not sell unless we are sure there is a demand. We think we are pretty good land purchasers, but we have used judgment that just did not turn out as anticipated on one or two occasions, and we own land in the wrong places in some locations. I am confident that we will not lose money on it, however.

Mr. HERRIDGE: That is inevitable in this type of business.

The CHAIRMAN: Is that agreed?

Item agreed to.

Vote 100.

100. 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 northern affairs and national resources under section 38 of the Veterans' Land Act, \$115,000.

Mr. HERRIDGE: Mr. Chairman, I notice this vote is down. I was on the committee in 1945 when this legislation was under consideration. It has not turned out as beneficial as was expected. I persuaded provincial government authorities in one case to agree to set aside a whole tract of land, and I got ten veterans to go in. I made arrangements for a highway to be bulldozed for two miles, for electric lights to be put in, and that kind of thing. However, at that time the wives were not wanting to go in. People today are offering \$1,000 an acre for that land in the Arrow lakes district. Of course, you cannot expect people always to have foresight.

Is this type of settlement declining?

Mr. PAWLEY: It is difficult to say that it is declining. In 1961, we established 10; in 1961-62 we established 18; in 1962-63, we established 20; and in the first six months of 1963-64, we established 12. This is just on provincial land. In addition to that, there are establishments on dominion land where the same pattern exists. In 1960-61, we established eight; in the last fiscal year we established 20; and in the first six months of this year we established eight. Most of these establishments took place in the national parks, in Banff and in the Yukon and some in the Northwest Territories.

Mr. HERRIDGE: At the time this legislation was drafted it was expected that more veterans would take advantage of it. But in most cases the land

opportunities were away from schools, hospitals and other facilities, and there were other attractions that the younger generation think more of today than many people did 50 years ago.

Item agreed to.

The CHAIRMAN: Carried. Vote 105 "grants to Indian veterans settled on Indian reserve lands, etc.

105.—Grants to Indian veterans settled on Indian reserve lands under section 39 of the Veterans' Land Act, \$40,000.

Motion agreed to.

Mr. FANE: Is there any way in which an Indian veteran can get assistance to settle on an Indian reserve from the D.L.A.?

Mr. STROJICH: The practice followed is that the Indian who wishes to become established on an Indian reservation applies through the Indian superintendent, and they get identically the same financial benefits as do the veteran who becomes established on provincial land. The only difference is that the administration is done by the Indian affairs branch rather than by the veterans land branch. That does not mean that the Indians are limited to the Indian reserve. That is a special consideration for Indians. The Indian can be established under all the other sections of the act at the same time. They can also be established under any other section of the act. This is just a special consideration for the veteran who wishes to remain on the reserve.

Mr. FANE: They can be assisted to settle on the reserve?

Mr. STROJICH: That is right.

Mr. FANE: Even though they can not possibly get title to the land or the farm?

Mr. STROJICH: That is right.

Mr. FANE: They have to have the same active service qualifications though?

Mr. STROJICH: The eligibility requirements are identical.

Mr. BIGG: But the benefits are the same?

Mr. STROJICH: It is \$2,300 grant tax.

The CHAIRMAN: Shall the item carry?

Item agreed to.

Vote 111.

111.—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, \$6,000.

Mr. HERRIDGE: What does this really mean.

Mr. McCracken: It means just exactly what it says; where houses have been constructed and where a difficulty is discovered subsequently for which neither the veteran nor the contractor can be held financially responsible, or are financially responsible, the defect has to be fixed up, and this is the place where we get the money to try to fix it. We do not have many, and we do not have any more than we can avoid.

Mr. HERRIDGE: I was interested in the term "remedial" being used in connection with human beings? I thought it was rather reserved for use with animals.

Mr. BIGG: Would that cover such things as an unknown spring appearing in the basement?

Mr. McCracken: That is right.

The CHAIRMAN: Does the item carry?

Item agreed to.

Item L80. Soldiers settlement and Veterans' Land Act, purchase of land and permanent improvements, etc. You will find that on page 467 at the bottom of the page.

L80.—Purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; and protection of security under the Soldier Settlement Act and the Veterans' Land Act, \$41,500,000.

Item agreed to.

Vote 90a. You will find this at page 24 of the supplementaries.

90a. Administration of Veterans Land Act; Soldier Settlement and British Family Settlement, \$115,000.

Item agreed to.

Vote 95a. That is on the same page.

95a. Upkeep of property, Veterans' Land Act, including engineering and other investigated planning expenses that do not add tangible value to real property; taxes, insurance and maintenance of public utilities, \$10,200.

Item agreed to.

May we revert. We have three other items, Vote 60, burials and memorials, which you will find on page 446

60. Burials and memorials, \$1,691,500.

Are there any questions?

Mr. HERRIDGE: With respect to the last post fund, has there been any difficulty in administration of the fund, or any complaints?

Mr. MACE: Not as far as I am aware.

The CHAIRMAN: We have finished with Mr. Pawley and his officers of the Veterans' Land Act. Thank you very much gentlemen for coming today. We have had a good go on the estimates. Thank you very much indeed.

Shall Item 60 carry?

Item agreed to.

Vote 65, grant to benevolent fund.

65. Grant to army benevolent fund, \$18,000.

Item agreed to.

Vote 70, grant to Royal Canadian Legion.

70. Grant to Royal Canadian Legion, \$9,000.

Item agreed to.

Vote No. 5, district services—administration. You will find that on page 446.

District services—administration, \$3,395,800.

Now we come to vote No. 1, departmental administration. Does it carry?

Mr. HERRIDGE: Have not we done very well at this stage?

The CHAIRMAN: Yes, we have done very well indeed.

Mr. HERRIDGE: If we pass this vote, we spike our own guns, you know.

Mr. MACRAE: We do not have a quorum right now, so perhaps we had better not pass item 1.

The CHAIRMAN: Very well, there has been a motion to adjourn. We shall meet next Tuesday.

Mr. THOMAS: Have we taken care of vote 50 on page 455?

The CHAIRMAN: Yes, we took care of vote 50.

## APPENDIX "A"

497 Hopewell Ave.  
 Toronto 10, Ontario  
 December 3rd. 1963

Regimental No. A-29305      Enlisted—June 1940      Discharged July 1946  
 Served with R.C.E.M.E. Northwest Europe

To Whom It May Concern;

While receiving my Medical discharge in 1946 it was found that I was afflicted with Osteo Arthritis and Ostro Chondromatosis.

I had Ten deep Xray treatments while in the service which caused spurring of the bone and four years later I was operated on in Westminster Hospital London, Ontario and 39 bone spurs were removed from my right shoulder and right arm. After Major Surgery my Pension was cut in half from 20% to 10%. The Medical Board recommended that the Pension be 20%.

Recommended by Dr. Ecclestone of Sunnybrook Hospital That Pension be 20%.

At the time of Medical Board of May 30th, 1963 they found nothing wrong. No Xrays were taken at this time. If Xrays had been taken it would have shown the above condition. My Pension still remains the same.

On July the 19th. 1963 I collapsed at work and Phoned Sunnybrook Hospital to be admitted on Emergency and was refused admittance as I had to have my own Doctor phone to have me admitted.

Dr. Maloney of the Northwestern General Hospital took Xrays at the Northwestern General Hospital and diagnosed my disability as described above and sent the Radiologist Report to Sunnybrook Hospital.

Dr. Maloney who was on vacation at the time referred my case to Dr. Alan Carrie also of the Northwestern General Hospital. Dr. Carrie contacted a Doctor Currie of Sunnybrook Hospital to have me admitted and was refused.

Dr. Carrie then made arrangements with Dr. Kugler 200 St. Claire Ave. West, Toronto to have me admitted to the Northwestern General Hospital on November 20th, 1963 which was the first available date for Surgery.

My place of employment realizing the serious situation of the length of time before I was to be operated on, contacted St. Joseph's Hospital where I was finally admitted and operated on by Dr. Galbraithe Williams who has been Chief Consultant at Sunnybrook Hospital for many years and who operated on me immediately. Grafted from Shin to Hip. (Fuse).

I am still in a body cast as of this date in Hillcrest Convalescent Hospital. To have Xrays and Examinations I am taken by Ambulance to St. Josephs Hospital, this happens periodically.

My last Xrays that were taken show that I am suffering from a Ruptured Diaphragm from coughing which is aggravated by Chronic Bronchitis. My Records show of having Bronchial trouble while in the Service and I am waiting for a hearing from the Pension Board.

From July 19th. 1963 to September 17th. 1963 I was a bed patient in my own home waiting for admittance to any Hospital.

Note . . . . Dr. Alan Carrie has a letter from a Dr. G. W. McPerson of Sunnybrook Hospital refusing me admittance to Sunnybrook Hospital.

Andrew H. Atkinson

*Signed*

Fred H. Smart

*Witness*

Dec. 3, 1963.

*Date*

## APPENDIX "B"

## WAR VETERANS ALLOWANCE BOARD

Table Showing Numbers of Recipients of War Veterans Allowances,  
by Wars, on Strength as at 31 March 1963  
With Total Annual Expenditure

	Veterans	Widows	Sec. 5(1)	Orphans	Total
N.W.F.F.	3	28	—	—	31
South Africa	444	472	19	—	935
W.W. I	41,224	20,903	1,233	99	63,459
W.W. II	11,243	2,005	244	181	13,673
Dual Service	1,194	324	43	7	1,568
Special Forces	110	5	1	5	121
Section 4	32	1	—	—	33
Totals	54,250	23,738	1,540	292	79,820

Total 1962/63 Expenditure: \$81,316,111.08.

## WAR VETERANS ALLOWANCE BOARD

Table Showing Numbers of Recipients of Civilian War Allowances,  
by Wars and by Categories on Strength as at 31 March 1963  
with Total Annual Expenditure

		Civilians	Widows	Sec. 5(1)	Orphans	Total
Voluntary Aid Detachment	WW I	2	—	—	—	2
Merchant Seamen	WW I	87	32	—	—	119
Merchant Seamen	WW II	255	53	12	—	320
Canadian Fire Fighters	WW II	6	1	—	—	7
Welfare Workers	WW II	2	—	—	—	2
Trans-Atlantic Air Crew	WW II	—	—	—	—	—
Newfoundland Foresters	WW II	78	10	3	1	92
Civilian War Pensioners	WW II	2	—	1	—	3
Totals		432	96	16	1	545

Total 1962/63 Expenditure: \$611,468.00.

## APPENDIX "C"

## VETERANS' LAND ACT

Table "A"

	1947-48	1959-60	1962-63	6 Months 1963-64
<i>Farms</i>				
Qualifications Issued	5,264	473	327	181
Fin. Assistance—new	4,557	320	263	136
Fin. Assistance—additional	—	939	1,118	736
Total Number Loans	4,557	1,259	1,381	872
<i>Small Holdings</i>				
Qualifications Issued	6,134	3,377	4,649	2,105
Fin. Assistance—new	3,751	1,797	2,994	1,357
Fin. Assistance—additional	—	—	1,731	1,023
Total Number Loans	3,751	1,797	4,725	2,380
<i>Commercial Fishermen</i>				
Qualifications Issued	195	45	30	18
Financial Assistance—new	186	40	33	15
Financial Assistance—additional	—	—	12	4
<i>Other (Pt. II, P.L., D.L.)</i>				
Qualifications Issued	1,170	999	311	102
Financial Assistance	1,417	686	306	135

## VETERANS' LAND ACT

Table "B"

	1947-48	1959-60	1962-63	6 Months 1963-64
Total Active Accounts	42,434	53,992	52,134	52,061
Total Qualifications Issued	12,763	3,937	5,317	2,406
Total Loans Made	9,946	4,123	6,280	3,535
Total Loan Expenditure—\$000	46,922	26,420	41,288	18,390
Net Total Loan Investment— \$000	127,144	186,903	227,217	238,041
Annual Administrative Cost— \$000	4,670	4,879	4,395	2,101
Total Number of Staff (Excl. H.O.)	1,536	790	589	582
(a) Staff in the Field	—	299	235	235
(b) Administrative Staff	—	491	354	347
Veterans Qualified Not Established	20,464	15,957	18,996	19,633



HOUSE OF COMMONS

First Session—Twenty-sixth Parliament

1963

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STANDING COMMITTEE

ON

# VETERANS AFFAIRS

*Chairman:* J. M. FORGIE, ESQ.

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 13

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TUESDAY, DECEMBER 10, 1963

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Estimates (1963-64) of the Department of Veterans Affairs  
Including Third Report to the House

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WITNESSES:

Dr. J. N. B. Crawford, Assistant Deputy Minister and Director General  
Treatment Services, and Mr. F. T. Mace, Assistant Deputy Minister,  
both of the Department of Veterans Affairs.

ROGER DUHAMEL, F.R.S.C.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1963

STANDING COMMITTEE ON VETERANS AFFAIRS

*Chairman:* J. M. Forgie, Esq.

*Vice-Chairman:* D. W. Groos, Esq.

and Messrs.

Asselin (*Richmond-  
Wolfe*),  
Bigg,  
Cameron (*High Park*),  
Clancy,  
Émard,  
Fane,  
Greene,  
Habel,  
Harley,  
Herridge,  
Honey,  
Kelly,

Kennedy,  
Lambert,  
Laniel,  
Laprise,  
Latulippe,  
MacEwan,  
MacInnis,  
MacRae,  
Matheson,  
McIntosh,  
Millar,  
Morison,  
O'Keefe,

Otto,  
Pennell,  
Perron,  
Peters,  
Pilon,  
Prittie,  
Pugh,  
Rideout,  
Rock,  
Temple,  
Thomas,  
Webb,  
Weichel.

M. Slack,  
*Clerk of the Committee.*

## REPORT TO THE HOUSE

THURSDAY, December 12, 1963.

The Standing Committee on Veterans Affairs has the honour to present its

### THIRD REPORT

1. Your committee has made a thorough examination of the Estimates of the Department of Veterans Affairs and has agreed to recommend same to the House for adoption.

2. Your committee has considered the subject matter of Bills C-7 and C-13 in accordance with the terms of reference authorized by the House.

3. Your committee was most pleased with the extreme efficiency and the high degree of human sympathy and understanding which mark the administration of all branches of the Department of Veterans Affairs.

4. Your committee received briefs and heard witnesses from the following organizations:

Canadian Corps Association

National Council of War Veterans Associations in Canada

Royal Canadian Legion

War Amputations of Canada

Hong Kong Veterans Association

Canadian Non-Pensioned Veterans' Widows Association.

5. From these briefs and the questions asked of witnesses, your committee received much evidence and many valuable opinions and suggestions relative to the subject matter of Bills C-7 and C-13, as well as many other matters of general concern to veterans which also impinge on departmental administration.

6. With respect to the subject matter of Bill C-13, it was unanimously agreed that more effective steps should be taken to observe November 11th as a National Holiday and solemn Day of Remembrance in all parts of Canada.

7. In this connection your committee recommends that this matter be made the subject of Federal-Provincial discussions with a view to attaining the desired objective.

8. Your committee was impressed with the amount of evidence that seemed to indicate that the original and obvious intention of Parliament as set forth in Section 70 of the Pension Act (benefit of doubt clause) is not uniformly applied in cases where the circumstances appear to be identical or extremely similar received quite different rulings.

There was general agreement in committee that this situation should be corrected. There was unanimous support for the purpose of Bill C-7 and substantial support for the principle involved.

9. Your committee feels that the time has come when major pieces of pensions legislation should be reviewed and is of the opinion that much of the difficulty can be overcome by reviewing the sections in question so as to clarify the following points:

(a) 'Benefit of doubt'. At the moment there is some evidence to show that the interpretation now being given by the Commissioners is not sufficiently broad to be entirely in keeping with what we believe to be the spirit of the Act.

We suggest that the word 'doubt' in the phrase 'benefit of doubt' be interpreted to mean 'a reasonable doubt' as might be expected to arise in the mind of a reasonable man in the street.

(b) That the burden of proof rests with the commission and not with the veteran applicant. Vide—Extract from Lord Dennings report.

10. Your committee further feels that instead of a "one-shot" appeal which is both final and binding, there should be two appeals as follows:

(a) a preliminary appeal in which all the evidence is transcribed and then ruling is given in the form of a written judgment in which all points of evidence, both medical and legal on which the ruling is based is set forth in writing and signed.

(b) a second ruling as at present. Your committee recommends that this procedure would correct the disadvantage the veteran now suffers as he would know what arguments must be rebutted instead of having to prepare his appeal blindly as at present.

11. Your committee is of the opinion that the time has come when the excellent prosthetic service developed by the D.V.A. should become a national service available for all Canadians.

12. Your committee is aware that a point has been reached where a decision must be made regarding treatment services in both areas of responsibility and administration. Your committee recommends that fullest consultation be carried out with veterans organizations before any changes are made.

13. Your committee was impressed with the arguments that adjustments in payments to veterans either by way of pensions or War Veterans Allowances should be favourably considered whenever similar adjustments are made to the salaries of Civil Servants and members of the Armed Services, and recommends that consideration be given to legislation that would bring this about.

14. In view of the special problems that time and experience have revealed concerning the Hong Kong Veterans this committee urges that a special study and survey be made of their problems and particularly disabilities.

A copy of the relevant Minutes of Proceedings and Evidence Issues Nos. 1 to 13 is appended.

Respectfully submitted,

J. M. FORGIE,  
*Chairman.*

## MINUTES OF PROCEEDINGS

TUESDAY, December 10, 1963.

(20)

The Standing Committee on Veterans Affairs met at 10.10 o'clock a.m., this day. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Fane, Forgie, Groos, Habel, Herridge, Kelly, Kennedy, Lambert, MacEwan, Matheson, MacRae, McIntosh, Morison, O'Keefe, Otto, Prittie, Temple, Thomas, Webb, Weichel.—(20).

*In attendance:* Mr. C. W. Carter, Parliamentary Secretary to the Minister of Veterans Affairs; *From the Department of Veterans Affairs:* Mr. Paul Pelletier, Deputy Minister; Mr. F. T. Mace, Assistant Deputy Minister; Dr. J. N. B. Crawford, Assistant Deputy Minister and Director General, Treatment Services, and Mr. C. F. Black, Secretary of the Department.

The Committee proceeded to the consideration of Estimates and the Chairman again called Item 1, *Departmental Administration*.

Dr. Crawford supplemented his statement to the Committee of December 3 when he reviewed various aspects of hospital administration, and was examined thereon.

The questioning of Dr. Crawford being concluded, the witness was retired.

The Committee agreed that answers requested to questions by Mr. McIntosh be printed as an Appendix to this day's Evidence. (*See Appendix*).

Mr. Mace was examined briefly.

Item 1 was adopted.

Mr. Herridge moved, seconded by Mr. Thomas, that the Committee print 400 extra copies of its Proceedings of November 21, 1963, for the National Council of Veteran Associations in Canada; 100 extra copies of its Proceedings of December 3, 1963, for the Hong Kong Veterans Association of Canada, and 100 extra copies of its Proceedings of December 5, 1963, for The Canadian Council of War Veterans' Associations. *Motion carried.*

At 11.45 o'clock a.m., the Committee adjourned until 3.30 o'clock this afternoon.

### AFTERNOON SITTING

(21)

The Committee resumed, *in camera*, at 3.45 o'clock p.m. The Chairman, Mr. J. M. Forgie, presided.

*Members present:* Messrs. Clancy, Fane, Forgie, Groos, Herridge, Kelly, Kennedy, MacEwan, Matheson, MacRae, McIntosh, Millar, O'Keefe, Prittie, Pugh, Temple, Thomas.—(17).

A draft report was presented by the Subcommittee on Agenda and Procedure and following its consideration and amendment, was adopted, and the Chairman ordered to present it to the House as the Committee's Third Report.

At 5.15 o'clock p.m., the Committee adjourned to the call of the Chair.

M. Slack,  
Clerk of the Committee.

## EVIDENCE

TUESDAY, December 10, 1963.

The CHAIRMAN: We have a quorum, gentlemen. I should like to call Dr. Crawford up to the front to present any remarks he may wish to make at this time in respect of item one.

Dr. J. N. B. CRAWFORD (*Assistant Deputy Minister and Director General of Treatment Services, Department of Veterans Affairs*): Mr. Chairman, I am at somewhat of a loss to know just why I am here. I understand there were perhaps some further questions and I will be delighted to answer any that I can. However, as I say, I am somewhat in the dark at the moment to know just what it is I am supposed to tell you.

The CHAIRMAN: I thought perhaps you might have some remarks to make. If there are any further questions to be asked by members of this committee I am sure Dr. Crawford will be pleased to answer them.

Mr. HERRIDGE: While Dr. Crawford is here I should like to say this. I think, owing to the way his remarks were reported in the press, there has been some misunderstanding in regard to his explanation of his analysis of the hospital situation.

Mr. CRAWFORD: I see. I think perhaps the best thing I can do is to recount a little bit of the history in the development of this situation as it exists at the present time.

Back in 1959 my adviser in medicine first expressed to me his concern about the effect of an aging population on the ability to maintain treatment standards in our hospitals.

In June of 1960, I called a conference in Montreal of all chiefs of medical service in all the D.V.A. hospitals. We met here for one or two days and threshed out this problem. The consensus at that time was that the high proportion of older men in our hospitals certainly did have an effect on the quality of care which could be given in a hospital that was trying to be a general hospital. However, it was apparent at that meeting that the situation varied greatly from place to place in Canada and varied indeed as between services within any one hospital. It was the medical service rather than the surgical service which was being most adversely affected.

The conclusion I remember from this particular meeting was that we should probably carry on very much as we were doing at that time since the situation was not alarming and, indeed, there did not seem to be any other logical solution to propose.

I then wrote a paper or report for my minister in which I outlined the problem and proposed three possible solutions as I saw them at that time.

The first was that we would admit to our hospitals a younger patient load. This obviously had to be found from the non-veteran population. It could not be found from the veteran population. I did not think this was a very good idea. There were many objections to the federal government actually engaging in the direct operation of community hospitals.

The second possibility was that we would buy the services we required in the federal government from community hospitals, and in this way there was a possibility that D.V.A. hospitals which were potentially active treatment hospitals might be turned over to suitable agencies.

The third possibility was that we would carry on as we were doing, accepting the fact that we would thereby more and more come to be hospitals for the care of chronic diseases and for the provision of domiciliary care.

This took place in the summer of 1960. In the fall of 1960 you will recall that the royal commission on government organization was set up. I was interviewed, as were members of my head office staff and, as I was directed to do, I gave them all the information pertinent to their study including a copy of the paper which I had prepared for the minister. When the Glassco commission report appeared it was evident that they had discarded the recommendation I had made in that paper; that is, that we carry on as we were at least for the time being, and had adopted the second proposal I had made; that is, buying care from community hospitals and turning over veterans' hospitals.

The reaction which immediately occurred following the publication of the Glassco report is something with which I am sure you are all familiar.

However, as time went by we were again asked to study the possibilities of implementation of various aspects of the Glassco report including the recommendation affecting veterans' hospitals.

Of course, having been asked to study the possibilities of implementation, one had to admit that it would be possible to implement this recommendation under certain conditions. The methods which were advocated by the Glassco commission report did not appear to me to be practical methods. If one, indeed, desired to reach this end point there were ways in which this might be done. These I outlined in reports, first to the bureau of government organization and, second, to the treasury board at their request.

We now find ourselves faced with the problem I outlined when I was last before you, the problem of maintaining the kind of care of which you and I can be proud, and which the veterans of Canada seem to want, in an environment which is more and more being devoted to the chronic care of elderly people.

Suppose that one were to agree that we were going to turn over our hospitals to communities so that these active beds could be used for the purposes for which they were originally designed, what sort of conditions would the department have to insist upon in order to make this sort of arrangement acceptable to the department? The first thing is that the department would have to have an unconditional guarantee of priority use of beds, either in the hospitals which were transferred or in other suitable hospitals, for the treatment of service connected disabilities. This sort of unconditional guarantee could be obtained and could work. It works now at the University Hospital in Saskatoon and it works now in the Kingston General, and the Hotel Dieu Hospital at Kingston. It works now in two hospitals in Charlottetown.

The second condition is the important one which I tried to point out at our last meeting. There must be facilities in the community which are adequate to absorb the load that is now created by the veteran population and is now accommodated in veterans hospitals. Without this the situation becomes completely ridiculous. One cannot contemplate closing up hospitals and throwing these veterans who need institutional care out into the street.

The question then would be whether we provide this institutional care in hospitals which are operated by the department or whether this care is to be provided in other suitable accommodation, but that accommodation must be available. It is not available at the moment. There are ways in which it might be made available, I suppose. Perhaps the federal government would feel that it should encourage the growth of such facilities in communities as a whole for the benefit of the community as a whole.

Mr. McINTOSH: You are referring to things such as geriatrics centres, doctor?

Mr. CRAWFORD: Yes, that is the type of thing I had in mind.

The third condition which we would have to insist on perhaps has nothing to do with the problems of veterans, but it is a very practical consideration, indeed, and affects the staff that we have in our hospitals. There are some ten thousand people on the payroll of the treatment branch of the Department of Veterans Affairs. They are loyal, able people who happen to be civil servants. If we close these hospitals up we must have some sort of arrangement which will protect the employment and superannuation status of these people with respect to their new employers, if any. I think that such arrangements could probably be worked out.

Along with these problems there are a lot of other details to be worked out. For example in respect of the prosthetic services, one would have to make sure this was protected. One would have to make sure of arrangements for the administration of veterans' treatment, the granting of treatment allowances, the question of determination of eligibility. That sort of thing would all have to be protected, but these are minor details.

If there has been, and there seems to be, some misunderstanding of what was said at our previous meeting, the fact of the matter is that no one is proposing that veterans no longer be cared for. They must continue to be cared for. We have a statutory obligation to a group of them. We have a moral obligation to others, but this moral obligation perhaps is the same as that owed to citizens of the country generally by the country. These obligations must be discharged. The only question is, how can these obligations best be discharged in a way that will guarantee and maintain the highest possible standards of treatment and care?

The CHAIRMAN: Thank you very much.

Mr. FANE: Mr. Chairman, I should like to ask Dr. Crawford something about the situation of supplying care. Is that what you do in the Mewburn pavilion in Edmonton? Is that comparable? In the past I have been led to believe that that has not been a satisfactory situation there and I am wondering whether a situation such as that could ever be considered satisfactory to the veterans throughout this country.

Mr. CRAWFORD: That is a very interesting statement. First of all I disagree with you heartily that this is unsatisfactory. To my mind this is the ideal method of providing care. I admit that I am looking at it from the point of view of a scientist, professionally, who is interested only in one thing, namely the provision of good care.

Mr. FANE: You are looking at it with stars in your eyes.

Mr. CRAWFORD: No, I am not. I am looking at it with cold hard facts. No, I have not got stars in my eyes, but complaints are coming from people who cannot see because of the stars in their eyes. The objection that has been made to the Colonel Mewburn pavilion is that it is not our hospital and it is not a place which we, the veterans, control.

Mr. FANE: That is right.

Mr. CRAWFORD: Those are not objections which I am prepared to accept.

Mr. FANE: A great many of the objections that have come to my attention in this regard have resulted from the fact that the Department of Veterans Affairs providing treatment and care for veterans had no control over anything there.

Mr. CRAWFORD: Is this a valid objection? The treatment that is provided there is the very best.

Mr. FANE: I have not been there for 20 years.

Mr. THOMAS: I wonder whether I might ask the doctor to give us an explanation?

Mr. FANE: Perhaps I should say I have not been a patient there for 20 years.

The CHAIRMAN: Mr. Thomas, I have your name next on my list, and then Mr. Weichel.

Mr. THOMAS: I have a supplementary question. Perhaps we might have an explanation of how this Mewburn hospital works? I am not familiar with it.

Mr. CRAWFORD: The department built the Mewburn pavilion as an annex to the University Hospital in Edmonton. We own the Mewburn pavilion. However, the nursing staff, the dietary services, the housekeeping and so on are all provided by the University Hospital. We pay for the service we get. We pay the University Hospital a per diem rate for every pensioned person that is treated there. The provincial hospital plan pays a per diem rate for the insured services which are provided. We supply our own medical staff there. We select it from the university staff. The professor of medicine is our chief of service, medicine. The chairman of the department of surgery is our chief of surgery. These men then provide care for the veterans in the Mewburn pavilion. They also bring to the Mewburn pavilion on rotation, the interns and resident staff which are so tremendously important to maintaining treatment standards.

Mr. McINTOSH: In other words, you mean that the challenge is not there in the ordinary veterans' hospital for these young doctors and they would much rather go into community hospitals than into your hospitals where procedures are more or less set and routine at the present time?

Mr. CRAWFORD: That is so.

Mr. WEICHEL: I should like to ask the doctor whether he thinks that perhaps in ten years time we will need all these hospitals again for the second world war chap who will be coming along, having reached the age of 50, 55 or 60? Probably they will need more space than the first world war veteran; is that right?

Mr. CRAWFORD: This is a matter of policy, Mr. Weichel, which I really cannot discuss with you. I can, I think, tell you that in 25 years there will be twice the number of war veterans' allowance recipients than we now have. There will be many fewer disability pensioners, unfortunately, with the passage of time.

The question of policy that has to be answered is, how are these people going to be treated? The war veterans' allowance recipient is the man who served his country but whose age and infirmity bear no relation at all to his military service.

The question you have to answer is, are you going to provide, for this segment of the general population, treatment in an isolated kind of hospital? In doing so are you being fair to him? Would he not be better off perhaps being treated in his own community, near his own family and friends under a doctor of his choice? These are questions you must answer yourselves.

Mr. WEICHEL: In our district both hospitals are filled. What would be the picture in Kitchener for example, under these circumstances?

Mr. CRAWFORD: I am repeating myself now. I have said that facilities are not available and that they have to be made available before any thought can be given to a change.

Mr. MATHESON: Doctor, obviously with the passage of time, with a peace intervening between these wars, which we hope will continue, we have to regard the number of serious medical disability cases as declining very sharply.

Do you not now, as a doctor and head of a service who has distinguished himself as a veteran, a man who has been involved with veterans for a number of years, think it is consistent with Legion philosophy, as we see it developing, that we would generally like to see benefits that have come to us sort of spread out and expanded? I am thinking, of course, particularly of the prosthetic services. Surely it would be contrary to the idea of veterans that we try to throw up certain changes and build walls around ourselves so that they cannot be expanded? I would like to feel that the various types of things that were done for veterans educationally, training veterans for occupations and so on, are to some extent the prototype of what we hope to do for all manner of people in this country within the limits of what we consider a possible and successful social security load. Do you feel there is anything damaging to the prestige of a veteran if these services are spilled out and expanded?

Mr. CRAWFORD: I really cannot answer that question. It delves into areas in respect of which I could only guess. I can, however, tell you that at a recent meeting of the war amputations organization in Saint John, New Brunswick, they described a program which they were undertaking with respect to the assistance they were giving to civilian amputees. This is a sort of a service club approach to civilian amputees. They are going out and showing them what can be done with an artificial limb, giving them encouragement. I told them at that time that I felt that this was the greatest thing that had ever happened in my experience in veterans' organizations; where a veterans organization finally began to feel that it was more important to give than it was to receive. I am delighted with my friends in the war amputations association for what they are doing. I would hope, indeed, that the same philosophy which you have expressed so well might pertain elsewhere in the veterans' movement.

Mr. WEICHEL: A similar situation occurred recently in Kitchener. We bought a leg for a chap and put him on his feet.

Mr. GROOS: I am sorry I was not here at the earlier meetings of this committee and you may have answered this question before. If we were to go along with the idea of having special hospitals built to take care of the elderly veteran who has to be hospitalized for a reason other than a purely medical one, what positions would we have to fill with veterans affairs people to make sure that the admission to those hospitals is done in the way we want it to be done? I mean with a great deal of latitude and discretion given to the admitting officer so that individuals who appear and want to be admitted are able to be admitted even though they are not perhaps in the strict sense entitled to admission?

Mr. CRAWFORD: I must be sure, Mr. Groos, that this is what the country wants. I have no instructions along that line at the present time. I am working to a set of regulations which have the force of law which discriminate quite definitely between the type of people who have an unqualified right to admission and those who have not. I am in your hands, obviously. And will do what I am told to do, but this may require a complete change in philosophy on the part of the government of Canada.

Mr. GROOS: That may be so, but the thing that has impressed me so far, and I have a veterans' hospital in my area, is that great common sense is being used by those in the hospitals in interpreting the present rules for admission. I should like to see this situation continued. If we do stay out of the hospital business I should like to make sure that veterans are protected in the future.

Mr. CRAWFORD: In respect of the service connected disability case, this must be a fundamental part of any agreement for change.

Mr. GROOS: Yes.

Mr. CRAWFORD: In respect of other kinds of veterans, I think that one cannot insist on the same sort of priorities unless the government is prepared to change its thinking along this line.

Mr. GROOS: I think we are prepared to admit that these rules are being interpreted in favour of the veterans and perhaps not strictly in accordance with the letter of the law.

Mr. CRAWFORD: No, they are being interpreted in accordance with the law because the law provides leeway for this exercising of common sense. Indeed, this exercise of common sense is encouraged.

But that is not quite the question you asked. You asked me what we would require to guarantee this same sort of treatment in a situation where the department was not itself operating these hospitals.

Mr. GROOS: Yes, that is the question I meant to ask.

Mr. CRAWFORD: And I have outlined our requirements.

Mr. LAMBERT: Mr. Chairman, I have a supplementary question. Doctor Crawford in this regard, knowing that there are admissions into service hospitals with this leeway or, shall we say, common sense interpretation, if there were agreements with various hospital authorities, whether provincial, municipal or otherwise, to supply medical services which the Department of Veterans Affairs is now supplying, is it your considered opinion that in the foreseeable future the non-disability veteran patient would still be able to get the same access to hospital facilities as he now can, bearing in mind the great pressure on public hospitals today?

Mr. CRAWFORD: Mr. Lambert, I pointed out a little earlier that if this sort of action is contemplated, and if one is going in fact to try to bring this set of affairs about, it is essential that the community resources for the provision of this sort of treatment be expanded. Beyond that, obviously, one cannot guarantee the perpetuation of the preferential admission of people because they are veterans. We can guarantee preferential admission for service connected disability cases.

Mr. MATHESON: If we should implement this concept, if you like, of getting rid of service hospitals to municipalities in exchange for the assurance given to serve both categories of veterans, would it be practical at the same time for the Department of Veterans Affairs to hold within its control perhaps three hospitals, one in central Canada, one in eastern Canada and one in western Canada where veterans anywhere might find easier access, if such were required? Perhaps these might tend then to continue in the domiciliary character and really be hospitals in geriatrics, or would this throw the whole scheme out?

Mr. CRAWFORD: It would not throw it out at all. This is possible but, frankly, I do not think it is a very practical proposition. If we thought to set up, let us say, three homes for Chelsea pensioners or something along that line, there would be a very natural and justifiable resentment on the part of people who had to travel a long distance in order to avail themselves of these facilities. I feel that it is perhaps not right, the geography of Canada being what it is, to try to concentrate or build in a few places, but it could be done. There is nothing at all that suggests we cannot do this. I would hope that if we were going to institute or build such places, or operate such places, that you would tell me who is going to get into them; anybody who wore a uniform; anyone who had service? Are we going to do this on the basis of meritorious service? Then you will have to tell me what meritorious service is. Are we going to do it on the basis of indigency and ability to pay? These are all ways in which you can break down the veteran population.

Mr. MATHESON: You are posing problems.

Mr. CRAWFORD: I am posing problems to illustrate my suggestion that the proposition you mentioned was not a practical one.

Mr. MATHESON: Suppose there is this practical problem, and that regardless of how one might desire it, conditions will never prevail precisely the same from coast to coast, there will certainly be veterans who feel they are not getting quite the same treatment in one area as they might were they in another area. Incidentally, sir, a number of these people I think are without families, and some of them are really right at home in the hospitals. Does it make sense, or would it be practical at all, to say that these people could at least make application to these centrally located places on any of these bases you have suggested, either service, indigency or whatever other the conditions may be?

Mr. CRAWFORD: Of course it could be done. The department could run one or two or three veterans' homes if this is what is required of it. There is nothing wrong with that except that it is going to cause some practical difficulties from time to time.

Mr. McINTOSH: Mr. Chairman, I should like to get clear in my mind just what Dr. Crawford is suggesting to us. I should like to take this step by step.

Doctor, are you suggesting to us that we as a committee of the House of Commons should consider a change in policy at this time because you have said that 50 per cent of patients in your hospitals are of a chronic nature and need only routine care, while the other 50 per cent are perhaps cases that could be treated in an ordinary community hospital? In other words, are you suggesting that the 50 per cent taking up bed space in hospitals now receiving special care could possibly do with lesser care and should be thought of as chronically ill cases to be treated in separate institutions altogether, such as in a geriatrics centre?

I believe you suggested there were advantages in this procedure. Those individuals who are now in larger hospitals in larger centres could possibly go back to their own communities near their relatives and friends, and perhaps could be happier under those conditions knowing full well they perhaps will never get out of the hospital although needing a certain amount of special care.

I think you also suggested that the 50 per cent who need surgery, and disability pensioners who need treatment of a minor nature, could be treated in the ordinary community hospitals by specialists who you suggest could be paid for. I am thinking of the time when it will be necessary for a committee of the government to look at the war veterans' allowance recipients situation and decide that perhaps because of service they have aged prematurely and should be considered.

From your explanation I think perhaps we have now reached another crossroad. We must consider these people who, by reason of the fact that they will be in the hospital for the rest of their lives needing care, do not need the type of care that is generally given in your hospitals. Is that roughly the picture?

Mr. CRAWFORD: I think the principle of what you have said is quite reasonable. I do think that perhaps we should clarify one point. In respect of the 50 per cent of people who are in our hospitals for chronic care, many of them need a great deal of care and are very demanding, indeed, in terms of nursing care particularly. They are not going to get better.

Mr. McINTOSH: The situation will not change radically from day to day?

Mr. CRAWFORD: They will doubtless die in hospitals eventually.

They do need a great deal of care and they must be in an institution. Apart from that, I think much of what you have said is quite true.

I have exposed this problem to you in response to a question by Mr. Herridge. Mr. Herridge asked me if I thought veterans' hospitals still had a role to play. I said, yes, I thought they did, but the role should be re-examined. As a result of that situation we find ourselves in this lengthy discussion regarding this subject.

We do have a problem and I am glad this committee is aware of it and is studying it with me.

Mr. PRITIE: On that point in respect of a re-examination, it appears to me that the question in respect of veterans' hospitals is only one of many things that the Glassco commission looked at, and I doubt very much whether a committee constituted as we are could give the type of study necessary. One hesitates to recommend the establishment of another commission to report on this subject, but it seems to me this probably will be necessary before policy can be determined. I imagine there are a great many statistics that would have to be obtained in order to forecast the veterans' population of five, ten or twenty years from now and the type of care required for those veterans. I think a more thorough-going investigation with the proper statistics and reports would be necessary before a change in policy could be contemplated.

Mr. KENNEDY: Mr. Chairman, I should like to ask the witness a question in respect of this plan. If this plan were brought into being it would sort of break up the continuity of treatment that exists in respect of domiciliary patients. What effect would this have on research which is most important to medicine? Would the lack of continuity there upset your research? You are now able to study individuals suffering from certain things perhaps from the time they are 35 years of age until they are 70 years of age. The adoption of this plan will very likely create a separation in service from one place to another.

Mr. CRAWFORD: I explained sometime ago that we did research in our institutions for two reasons. One was that we were anxious naturally to add something to the sum of human knowledge. The other was that as a result of research programs we attracted to the staffs of our hospitals the kind of people we wanted on the staffs. Certainly a research program in respect of the second objective would not be necessary if in fact we were not going to operate hospitals ourselves.

There would be opportunity for research in the group which we retained under our minimum control. There are many other ways of conducting medical research in this country. The Department of Veterans Affairs, as a matter of fact, has probably the smallest research budget of any of the research agencies. I would hope that the \$400,000 that I have for research might be moved over to the medical research council and their budget increased so that many of these projects would continue, but it is quite true that many of them would disappear.

Mr. LAMBERT: Dr. Crawford, in the assessment of your facilities at the present time, do you envisage being able to work out any more agreements such as you have in Edmonton, and I am particularly familiar with that, as distinct from the one that exists in Calgary where you have your own active treatment hospital but where a great percentage of the hospital population is domiciliary or chronic as against active treatment? By utilizing facilities at the University Hospital at Edmonton you are able to get at all times highly qualified medical facilities even though the patients are in veterans' wards. Do you envisage any other working arrangements of that kind across the country?

Mr. CRAWFORD: The answer to your question is yes. This is exactly the type of situation which I would like to see in many places of Canada. Where we now have veterans' hospitals I would like to have veterans' wards in a general hospital set-up. This, as you have said, guarantees us the best kind of medical care.

The CHAIRMAN: Does this situation not exist in respect of the Queen Mary Hospital?

Mr. CRAWFORD: The Queen Mary Hospital is an independent veterans' hospital. We are particularly fortunate in respect of the Queen Mary hospital in that we have, backing it up, St. Anne's Hospital, so that we have been able to use St. Anne's as a chronic diseases hospital and keep Queen Mary purely as an active treatment hospital. We do not have exactly the same problem at the Queen Mary Hospital as we have in some of the other veterans' hospitals.

Mr. LAMBERT: On the other hand the Colonel Belcher Hospital in Calgary being a modern grade A hospital has a great deal of its hospital population either chronically ill or domiciliary because you have no other facilities. Do you feel that this is the most economical use of such facilities that you have at the Colonel Belcher Hospital and, undoubtedly, in some other parts of the country?

Mr. CRAWFORD: The answer to that question Mr. Lambert, depends on one's breadth of vision. If in my vision I encompass the hospital needs of the entire community, then the answer is clearly no, this is not an efficient way of using hospital beds. If on the other hand I narrow my vision and say I am interested only in the treatment of veterans, then I can justify the use of beds in the Colonel Belcher by saying that we are using them for the kind of care that veterans need.

Taking the broader view, knowing that Calgary at the moment in respect of active treatment hospitals is very short, then I must admit that this is not an economical or efficient way of using the active treatment hospital beds.

Mr. LAMBERT: I had in mind the operating theatres and modern facilities which you do have at the Colonel Belcher Hospital.

Mr. CRAWFORD: This is what makes an active treatment bed, Mr. Lambert. A hospital bed is a hospital bed. The thing that is different in an active treatment hospital is the existence of these very costly and efficient ancillary services, such as X-ray, laboratories, operating room theatres and so forth.

Mr. LAMBERT: Have you any comment to make in respect of the situation where you are able to use general hospitals for disability treatment patients who are there, for instance, for a matter of surgery and can be treated in a surgical ward or surgical wing of a modern community hospital operated either by the municipality or some religious order or hospital board? I feel those individuals would receive better medical treatment under those circumstances than in a veterans' hospital where they cannot expect to get the same level of specialist training, nursing services and other similar services.

Mr. CRAWFORD: In our veterans' hospitals at the moment we have these specialist wards and we have the highly qualified treatment teams that are required to provide this excellent care. At the moment the sort of surgery that we do in veterans' hospitals is as good as surgery done any place else. My concern has to do with my ability to continue this state of affairs.

Mr. LAMBERT: I am also concerned, Dr. Crawford, whether you can maintain that standard and whether you can continue to maintain that high specialized staff to provide this service, because you are in a very competitive market. I am wondering whether we can realistically view the future and decide that we can continue this program.

Mr. CRAWFORD: That is exactly the theme of my discourse, Mr. Lambert.

Mr. HERRIDGE: Mr. Chairman, I should just like to say that I am sure Dr. Crawford's statements have been most informative to the members of this committee, because there are a good number of aspects of this situation that this committee did not appreciate until we heard from Dr. Crawford.

In my opinion we are not in a position at the present time to even consider recommending any policy in respect of this important matter. This is a special problem because we all know the attitude of veterans and their dependants. This attitude is largely based on statements made to the troops during the first and second world wars. I heard Prime Minister Borden make a statement to the troops behind Ypres during the first world war which would lead all those men present to feel they were entitled to special treatment. The right hon. Ian Mackenzie in the House of Commons in 1945 made a similar statement. These statements are remembered by the veterans and their dependants. We have a very difficult situation. I know how the veterans in my own constituency feel in respect of this question. The veterans who served this country are people of common sense and will be reasonable about any situation they are called upon to meet.

Doctor, in your opinion, do you think that after there has been a complete study made of this developing situation a satisfactory policy can be developed in consultation with veterans' organizations which will protect the rights and needs of veterans and meet the needs of changing circumstances?

Mr. CRAWFORD: That is an extremely difficult question to answer, Mr. Herridge. I do not know how veterans are going to react. The majority of them I am sure will see the desirability of introducing some system which will give them good care. Others may interpret their rights in this connection in quite a different way and say: "We do not care anything about the quality of care, what we want is a place that we can go and go to bed". These two points of view may be irreconcilable. I do not know what view is going to be predominant, and I would hesitate to guess.

I do agree that at some point in time a solution will have to be found. All we have been doing the last couple of days is exploring this general field. The government will have to decide the direction it wants to move in, and having done that, I think we must, if we hope to get going, discuss the question with the veterans who are involved or their spokesman.

Mr. McINTOSH: Mr. Chairman, although Mr. Herridge is not a witness, I should like to ask him whether his concern with the veterans, who are a concern of us all, is whether there may be a pledge broken in respect of veterans as a result of this suggested change? I understand from what Dr. Crawford has suggested to us, that from now on there is a danger that we may not be able to give the veterans that special care they have been promised, and as a professional man responsible for this care, he is asking the committee to consider what should be done, having regard to his forecast that he is not going to be able to provide this service. How then can he give the veterans this special service? Can it be given by having fewer veterans' hospitals and placing more of these individuals in community hospitals where they will receive this special care?

Mr. HERRIDGE: Mr. Chairman, I should like to agree with the witness and suggest there will possibly be some veterans who will take an extreme point of view, and that is why I have every confidence that when this whole question has been explored and the veterans' organizations have been consulted the government will be able to devise a policy which will satisfy the veterans and meet the changing circumstances.

Mr. GROOS: Who is going to do the exploration?

Mr. OTTO: I wonder whether I could just say to Dr. Crawford that, acknowledging the problem you outline in respect of the chronically ill being 70 or 90 per cent of the patients, and presuming or envisaging that you are going to merge the veterans' hospitals with the municipal hospitals, is it your thought that the control of the hospital will still remain in the hands of the department or will it be shifted over to the municipality or province?

Mr. CRAWFORD: I would contemplate under these circumstances that the department would have an unquestionable priority use of a certain number of beds in order to do the job we have to do in respect of certain disability pensioners. To this extent we would have control of those beds. When they were not filled in this way they would be filled with other people who needed this kind of a bed.

The administration of the hospital would be in the hands of the agency which was running the hospital. That would be the community agency.

I say this because there are many good solid objections to the federal government as such, or any branch of the federal government, operating community hospitals. First of all, I doubt very much whether it is constitutional. The British North America Act forbids this specifically in one part. Whether this has currency at the present time I do not know, but this is something I have to bear in mind.

Mr. OTTO: Who would make the choice of staff doctors?

Mr. CRAWFORD: I would make that choice. The responsibility would be mine.

Mr. OTTO: These doctors would be hired by the department?

Mr. CRAWFORD: Yes.

Mr. OTTO: In respect of the veterans' wings or sections to which you have referred, the doctors responsible to the department may not be on the staffs of those hospitals.

Mr. CRAWFORD: Indeed they would be on those staffs.

Mr. OTTO: How could you control whether these doctors were members of the staffs, since the hospital boards themselves make the choice in respect of staff doctors?

Mr. CRAWFORD: First of all, let us admit that if I were choosing an operating agency to run one of these hospitals which was about to be transferred, my first choice would be a university medical school. This would be ideal. I would choose the doctors, who were going to be responsible to me for the treatment of veterans, from the university staff as I now choose them. In most cases they would be the same people who are now working for the Department of Veterans Affairs on a part time basis.

Since I have great flexibility in my choice of doctors I ask only that they have certain qualifications and certain teaching appointments. It would be a simple matter for me to pick either people who were on the staff of the hospital to be responsible to me or to come to some arrangement with the hospital that the people I chose would in fact be on the staff of the hospital. There is no real problem in this connection at all.

Mr. OTTO: Do you not think there will be a conflict? Surely you are aware of the present difficulties in many hospitals in regard to staff problems; which doctors are to be put on staff, which are not to be put on staff, which get preferred treatment and which do not? If you say you are going to have a group of doctors paid by the government who may be interested in research

and you have another group of doctors who happen to be friends of the members of the board, or on the board itself, do you not think there will be a conflict?

Mr. CRAWFORD: Not in the situation I envisage.

Mr. McINTOSH: These doctors could be one and the same doctors?

Mr. CRAWFORD: I can promise you there would be no complications of this sort in respect of the staff.

Mr. OTTO: Dr. Crawford, in respect of this whole problem, have you ever considered opening veterans' hospitals to all veterans, and would that not solve the problem of providing a challenge and diversity of treatment to the staffs?

Mr. CRAWFORD: In fact this situation now exists. Any veteran can go to a veterans' hospital, if beds are available and if he is willing to pay his way in the hospital. In other words, he can elect to go to a veterans' hospital rather than to a community hospital. So long as we are dealing with part time staffs in a closed staff hospital we can carry on at about the rate we are now doing. If we increase this any more we are going to get into the sort of trouble that you have indicated. As an example, perhaps a veteran is a patient of Dr. Jones, but chooses to enter a veterans' hospital under the care of Dr. Smith. Dr. Jones is a taxpayer and has every right to say: "Why are you taking this patient away from me?" He then says: "Why can I not follow him to the veterans' hospital?" The answer to that question is one of the cornerstones of quality of care in a closed staff hospital. We may not want Dr. Jones to follow his patient into our hospitals because we do not think Dr. Jones is a very good doctor. I know that many people say this is prejudice; this is the union at work, but in our case the question of whether a man is on staff or not is a question of qualification and ability.

Mr. OTTO: As a result of your desire to see veterans' hospitals attached to universities have you envisaged the likelihood that this might be possible?

Mr. CRAWFORD: It would be presumptuous of me to say I have explored this possibility because I have been given no mandate to do so. I am not in a position to do this. It is true that I have had discussions with some deans of universities, but these have been private personal discussions. We have discussed this problem and some deans have suggested it might be a good idea to turn some DVA hospitals into university hospitals. In some places in Canada I think this would be possible.

Mr. OTTO: The reason I asked the question, doctor, is that of my conversations with Legion representatives. I am sure you would find very favourable reception to this idea rather than to the idea of just throwing the hospitals to the general scheme of hospitals. In your opinion do you feel there is any chance for a scheme of university affiliation?

Mr. CRAWFORD: Yes, there is a chance.

Mr. OTTO: Thank you.

Mr. CRAWFORD: I assure you that before any consideration were given to transferring hospitals I would have to be satisfied as to the competency of the agent to whom the hospital was to be transferred. The whole object of this exercise is to protect my jealousy of the maintenance and standards of care.

Mr. WEICHEL: I should like to ask the doctor a question in respect of the Shaughnessy hospital. I believe there is a home for soldiers at Shaughnessy?

Mr. CRAWFORD: It is some distance away, actually. It is in Burnaby.

Mr. WEICHEL: A soldier can go there if he can pay his own way. I wanted to know whether the home paid its own way?

Mr. CRAWFORD: I have forgotten the exact figure of the per diem cost in this particular centre. It is the George Darby home in Burnaby. In my recollection it is of the order of \$8 or \$9 per day per patient. The most I am allowed to charge a veteran who goes in there is \$4 per day. So, if you ask me if it is paying its own way I must say it is not.

Mr. WEICHEL: The reason I asked that question, doctor, is because I was there a number of years ago and I was quite impressed with that home and the possibility of certain individuals going there, who have no relatives, making their own home out there.

I should also like to ask you a question in respect of your statement some time ago that great medical strides had been made in regard to our battle fatigue patients.

Mr. CRAWFORD: I think there is little active work going on now in respect of the specific problem of battle fatigue. After all, this is an acute situation. There is a great deal of work going on in respect of the whole area of mental disorders. We are doing some and there is a great amount going on in other centres.

Mr. WEICHEL: Would you still have a lot of patients in Westminster, London, suffering from this condition?

Mr. CRAWFORD: Not under that label. Battle fatigue, as you know, comes and goes. Sometimes it is gone in 48 hours. An individual may have schizophrenia or personality disorders of all kinds, and of this type of patient we have many

Mr. HERRIDGE: You can have diarrhea temporarily as well.

Mr. WEICHEL: These individuals used to be suffering from what was called shell shock but the name was changed to battle fatigue, is that right?

Mr. CRAWFORD: There are any number of names for the same condition.

Mr. WEICHEL: A number of years ago I was at Westminster, and at that time there were about 500 cases of shell shock victims there. That was one name for the condition.

Mr. CRAWFORD: This is a very euphemistic name for a mental disorder.

Mr. THOMAS: Mr. Chairman, I have heard estimates made of the percentage of active treatment patients in our veterans hospitals as being in the neighbourhood of 50 per cent. I wonder whether Dr. Crawford could give us an estimate in this regard?

Mr. CRAWFORD: Mr. Thomas, at our last meeting I quoted some figures and I have no objection at all to quoting them again. I think we have to look at this in perhaps a slightly different way than as active treatment or chronic treatment cases because this varies tremendously from day to day. A man who is chronically ill today may need intensive care tomorrow for the very same disease. However, I can tell you that the veterans who are seeking treatment for their service connected disabilities amount to approximately 15 per cent of our total patient load at the present time, in departmental hospitals. If we disregard those veterans who are receiving long term care for mental diseases in the St. Anne's and Westminster hospitals, that figure drops to about 8 per cent, so that in general wards in our hospitals 8 per cent of our patient load is composed of people being treated for their service connected disabilities. About 20 per cent of our patient load are recipients of war veterans' allowances who are in with more or less active diseases. At least, they are demanding a great deal in the way of nursing

and medical attention. 49 per cent of our patient load is made up of people demanding or being treated under section 29 of our regulations, which section covers domiciliary care. That is a most unfortunate word because it has the connotation of a boarding house. These people are not boarders, they are sick men. Many of them demand nursing care and are bedridden, so that 49 per cent of our departmental load is made up of people receiving chronic long term care of one kind or another. About six, seven or eight per cent of our people are members of the armed forces or R.C.M.P., obviously receiving active treatment. About one per cent are charges of other federal governments, and about 12 or 13 per cent are veterans who elect to come to our hospitals rather than going to a community hospital. Does that answer your question?

Mr. THOMAS: Thank you. I do not know whether this is a fair question, but you may be able to give an answer, and it has to do with veterans' hospitals. When were veterans' hospitals first established in Canada and why?

Mr. CRAWFORD: I am sorry, I do not know. Our veterans' hospitals, the ones that we have now, date back to world war I. At the end of world war I we had a hospital at St. Anne's. I think that Lancaster started about that time. Deer Lodge started about that time, and Christie Street Hospital in Toronto I guess started following world war I. I imagine that the philosophy at that time was very much as it was following world war II, that there had to be places in which veterans could be concentrated in order to cure them of their war injuries as quickly as possible.

Mr. WEICHEL: Was Davisville part of the Christie Street Hospital at that time?

Mr. CRAWFORD: I know nothing about Davisville, Mr. Weichel, I am sorry. I want to say just while we are talking about this subject, that at that time there was a tremendous use made of wards in general hospitals. I recall my own experience as an intern in the St. Boniface Hospital in the late 20's. We had a ward there that was a D.S.C.R. ward. The treatment that was given to veterans on that ward was absolutely first class. When I consider the kind of treatment that was being given, and this was in the late 20's, 10 years after the end of world war I, and compare that with the kind of treatment which was given at places like Deer Lodge and Christie street at the same time, I come to the conclusion there is no comparison.

The best medical treatment available was being given in the veterans' wards of the general hospitals. The chronic and custodial care which was given in those other places was doubtless very good, but it was not the same kind of care as was given in the general hospitals.

Mr. THOMAS: Is it possible that veterans' hospitals were established following world war I because there was insufficient space in the civilian hospitals to look after veterans?

Mr. CRAWFORD: I imagine that is quite true. Certainly this is true of the prosthetic services. This service was set up because there was not any other prosthetic service available after world war I. The department had to do this.

Mr. THOMAS: Following along that same line of thought, has the establishment of our national hospitalization program across Canada materially altered the need for our veterans' hospital program?

Mr. CRAWFORD: That question, or one very much like it, was asked me at a previous meeting. The situation which has resulted I think from the federal-provincial hospitalization schemes is that probably in most of the communities in Canada there are enough active treatment hospital beds to meet active treatment needs of the entire population. The reason there are waiting

lists to get into these beds is because the beds are occupied by people who are staying in hospital for treatment of chronic diseases. In other words, active treatment beds in the community are being misused in exactly the same way that I have been accused of misusing beds in veterans' hospitals. We are filling them up with chronic patients. The conclusion that one would draw from this situation is that the need in the communities is for chronic hospital accommodation and accommodation for the aged. I think that all we have to do is to decide how this accommodation is going to be made available, and if it is in fact to be used for the benefit of the population as a whole, or is it to be used for the benefit of the population excluding veterans by treating veterans in some other way?

Mr. McINTOSH: Is not the word "misuse" a rather harsh word, doctor?

Mr. CRAWFORD: I have been accused of misusing beds. This was a popular outcry in metropolitan Toronto awhile ago because I was accused of misusing beds in Sunnybrook hospital.

I disabused their minds from this idea by telling them I was using the beds for the people for whom I was responsible. It is true that I have Sunnybrook patients occupying beds that could be used for active treatment if they were not being used for chronic treatment.

Mr. THOMAS: Can domiciliary care be provided at the Mewburn pavilion in Edmonton?

Mr. CRAWFORD: No. We have a double situation there. As part of the University Hospital we have a ward in which we have domiciliary care patients who are not really mobile and who cannot get along too well under their own resources. We also have a veterans home of 75 beds in Edmonton that does provide domiciliary care.

Mr. THOMAS: Can you give us any idea of the cost per day per patient in that veterans home?

Mr. CRAWFORD: I am sorry I do not have that information at my fingertips. It is a reasonably expensive place to run because it is the old converted government house in Edmonton, and like all converted mansions it has its administration disadvantages. It is difficult to heat. It is difficult to keep clean and it is costly. I would say that our per diem cost there is of the order of \$10.

Mr. PRITTIE: That is cheaper than the per diem rate in a hospital?

Mr. CRAWFORD: Yes.

Mr. GROOS: Dr. Crawford in Victoria the veterans' hospital is right next door, as you know, to the municipal hospital, the Royal Jubilee. It was built on land that was given by the Jubilee Hospital to the federal government, or sold to it I understand for \$1 just after the war. The administrator there told me that at that time the understanding was that at sometime in the future that hospital would be turned over to the municipality. I am wondering whether you have been able to uncover any evidence that would indicate that perhaps at the time these hospitals were put up the problem with which we are now faced had been foreseen?

Mr. CRAWFORD: No, I have not been able to uncover any uncontrovertable evidence to this effect, but there are many indications that this was in fact the view at the time veterans' hospitals were constructed. All of them are sited in such a way that they can be utilized by communities. I think they were sited deliberately, because my predecessors, after all, could count and must have realized that at some point in time there was no longer going to be a veteran population.

Perhaps collateral evidence is the type of agreement we have with community hospitals to which we have attached pavilions, as we had here at the Ottawa Civic for quite a long time. There and in some other places we have had agreements which outlined the terms on which the pavilions would be turned over to the community when they no longer were required by us. So I think there is reasonable collateral evidence for the proposition that we realized that someday we would want to turn our hospitals over to the communities.

Mr. GROOS: We have been talking a fair amount about community hospitals. Of course our veterans come from all over the province to go to the veterans' hospitals in British Columbia. I am wondering if you foresee any difficulty in integrating veterans who come from outside the municipality into the municipal hospitals.

Mr. CRAWFORD: We use the name "community hospital" to distinguish it from departmental hospitals. Yes, I think that there will be a period of education required to do this. However, I think that one could expect a great deal of co-operation at the provincial level in indicating to municipalities their obligations with respect to it.

Mr. WEBB: Dr. Crawford, I would like to ask you if you have any complaints about the delays and the manner in which veterans are admitted to the hospitals. I am referring in particular to the Sunnybrook Hospital; I do not know about other hospitals. My experience has been that the veterans are more than happy and pleased with the treatment they have received there, but there has been much delay and not very ethical tactics used in admitting the veterans to the Sunnybrook Hospital. I have heard this complaint several times. I think this relates to the new or the younger employees. Older employees are very decent with the veterans, but some of the new chaps almost indicate to the veteran that he is a beggar trying to get into the hospital for treatment. I know of one case of a first world war veteran who went to Toronto and he was almost insulted on his admittance. Some time later he returned home. He then had to go back again, he was rushed in by ambulance. Again the same delay took place, and I think you will find that this happens. The man I am speaking of died in the admittance room after being rushed in by ambulance.

I wondered if you had many complaints about the manner in which they are admitted to Sunnybrook. The treatment is good, the doctors are good, everything is fine except admission to the hospital.

Mr. CRAWFORD: Yes, I have heard this sort of thing. When I investigated, I found it to be the function of the regulations, and I see no way around this. Many of the veterans, particularly Imperial veterans, are convinced that they have a right to immediate admission and that no one must question it. All they have to do is to bang on the door, and the door is to be opened and no nonsense about it. Unfortunately our regulations do not allow this sort of thing. We must screen people for eligibility for admission.

Now, the most vociferous and vocal complaints which I have had have come from people who are least prepared to try to understand the difficulties facing us. It is possibly true that the newer employees in the admission department are a little slower, a little less aware of the fact that this particular veteran has appeared before and is indeed entitled to admission. It takes time to acquire this experience. Once it is acquired, I think there is a minimum of delay. In the main the complaints come from veterans who are not prepared to agree or to accept the fact that the department has any obligation at all to screen their privilege to admission.

Mr. WEBB: I hope you take it as a constructive criticism.

Mr. CRAWFORD: I have heard it a great many times.

Mr. WEBB: I myself have gone up there and sat just to watch what goes on. I did this purposely. I do remember one evening sitting there and a veteran came in. I do not know what was wrong with him but he asked for some pills and he said to the attendant "I have to have more of those pills because my heart has just about stopped". At that time he was told that the dispensary was closed and that he could not get more pills but that he had to come back tomorrow. I witnessed that myself.

I am bringing this up as a constructive criticism to see if something can be done. Outside of that the praise for the hospital and the staff itself is very high.

Mr. LAMBERT: I have a question supplementary to that. Dr. Crawford, I was wondering whether the following applies elsewhere. I have run into this on a couple of occasions and I must say it was rectified very quickly. Where you have a connected facility such as in the Colonel Mewburn Pavilion where admissions are handled through the University Hospital admittance staff, on clearance from your medical officers at Mewburn, your staff is limited and it does not operate on Saturdays and Sundays. A veteran comes along and wants to be admitted on a Saturday or a Sunday. He cannot do it unless there has been some formal arrangement between the director of the medical services at the Mewburn and the admittance staff at the University Hospital. I ran into a couple of bad situations because the University people were not aware of this man being a veteran and that he would get clearance, he was not admitted, he was just a member of the general public and he had to queue up with the rest of them.

Mr. CRAWFORD: There is nothing much I can say about it.

Mr. LAMBERT: Have you run into this as a general problem?

Mr. CRAWFORD: No, I think any emergency case in Edmonton, as well as elsewhere, is probably admitted on its merits. If a veteran appears at one of our own hospitals over a week end and is not in urgent need of admission, he may not be admitted. This is a matter of what is required. He may be told to come back and report to the out-patient clinic on Monday and be examined to see what he needs. This is standard procedure in most hospitals.

Mr. McINTOSH: I have another question which I would like to ask Dr. Crawford, but it has nothing to do with the subject we have been discussing. Have you completed this part?

The CHAIRMAN: Are there further questions on Item 1? You can proceed, Mr. McIntosh.

Mr. McINTOSH: My case has to do with the medical officers under the control of the Canadian pension commission. Has the doctor any supervision or control over the medical officers in that branch of service?

Mr. CRAWFORD: I have no control or supervision at all. The pension commission is an autonomous body and is not responsible to me in any way.

The CHAIRMAN: If there are no other questions on Item 1, is Item 1 carried?

Item 1 agreed to.

Mr. PRITIE: Does that cover all the estimates? Last week there were so many committee meetings that I could not be present here. I did have a couple of questions that I wanted to bring up under the estimates. They do not relate to Dr. Crawford.

The CHAIRMAN: We have here with us today departmental officials.

Mr. PRITTIE: My questions are fairly brief and you will pardon me if they have been brought up before. One of them has to do with the recent increases.

The CHAIRMAN: Thank you very much, Dr. Crawford.

Mr. PRITTIE: One question has to do with the fact of the recent increases in old age pensions of \$10 and the war veterans' allowance ceiling which was raised for veterans over 70. Has this been considered for those between 65 and 70?

The CHAIRMAN: Mr. Mace, could you enlighten Mr. Prittie on this question? Would you come forward, please?

Mr. F. T. MACE (*Assistant Deputy Minister, Veterans Affairs*): Mr. Chairman, I am not too sure if I got the impact of the question. The old age security only comes into being at seventy.

Mr. PRITTIE: Mr. Lambert, in an aside to me, has cleared this up. I think the legislation is before the house now. My question is whether the allowable income will be changed for that group as it was for the other group?

The CHAIRMAN: I think we had better let that matter go until we get some further evidence on the details of this situation.

Mr. CARTER: There is a means test attached to any welfare payment that is made to people between the ages of 65 and 70. These payments are administered by the provincial Governments and are not paid automatically at age 65.

Mr. MCINTOSH: What Mr. Prittie meant was that the last time old age pension was increased there were thirty thousand veterans that were recipients of both, which was unfair.

Mr. LAMBERT: That was changed.

Mr. MCINTOSH: But is it going to be changed with this increase?

Mr. CARTER: The circumstances are not the same because when a person gets to the age of 70 he gets the old age pension, whatever it is automatically as a right. When a person reaches the age of 65, there is no assurance he will get any payment at all because it depends on the means test attached to it.

Mr. MCINTOSH: They are eligible for the old age pension.

Mr. PRITTIE: The other question I think has come up before. Has there been any consideration given to having people who served in the ferry command considered under the Veterans Land Act? They are not eligible for that now.

Mr. MACE: Not as far as I know, Mr. Chairman.

Mr. MCINTOSH: Maybe I could now ask my question on Item 1. On page 78 of the report of the department dealing with the Canadian pension commission, in the second paragraph it says that the medical advisory branch reviewed 92,000 claims and over 80,000 cases were adjudicated by the commission, many of which involved multiple decisions. I take it that this figure of 92,000 is the number of claims reviewed during the year. If you break that down to man hours or man days, or doctor days, it seems to me that this verifies my statement that not enough time has ever been given to reviewing cases that come before this board or this commission because there are about 230 working days in the year and they have 19 medical advisers, which brings the working days roughly down to 4,600 in a year, and they deal with 92,000 claims. How many a day do they deal with without breaks for anything else?

My other question is, what happened to the 12,000, between the 80,000 that, as referred to here were adjudicated by the Commission and the 92,000 that were dealt with?

Mr. MACE: Mr. Chairman, this is a matter for the Canadian pension commission. I may not be correct in saying what I am going to say, but this is the total number of cases dealt with. I am not too sure that the medical advisers deal completely with each one of these cases. You must not forget that they also have a medical staff in the district. I would think that a lot of the actual medical examinations are carried out by those pension medical examiners. Many of those cases would be re-assessments which might increase or decrease the pension of a veteran according to the last examination. As I said at the beginning, I am not too sure if I am giving you the correct information.

On your second question, I would assume they were the ones which have not been dealt with. There is some process at the beginning of the year which is carried over from the end of the previous year. I do not think those two figures would ever be exactly the same.

Mr. McINTOSH: So that we do not hold up Item 1, could I ask the committee if they would be agreeable to getting answers to my questions in a written form which would be attached as an appendix to the minutes of today's meeting. We could get the answer from the chairman of the pension commission.

The CHAIRMAN: It is agreed.

Agreed.

Are there any further questions on Item 1? Item 1 agreed to.

Gentlemen, that completes the estimates. There is just one matter which I would like to bring to your attention. This committee has the power to print such papers as evidence as may be ordered by the committee. We have had requests from the national council of veterans associations in Canada for 400 copies of the Minutes of Proceedings and Evidence of November 21st, No. 8, 100 copies of the Minutes of Proceedings and Evidence of December 5th, No. 12 from the Canadian council of war veterans associations, and from the Hong Kong veterans we have put in a request for 100 copies of the Minutes and Proceedings of December 5th, that is proceedings No. 12. Is it agreeable that we should order these copies for these two organizations? It is agreed.

Mr. HERRIDGE: I so move that these copies be printed and forwarded to these organizations.

The CHAIRMAN: It is moved by Mr. Herridge and seconded by Mr. Thomas.

Motion agreed to.

I will now ask members of the steering committee to stay behind for about five minutes. At 3:30 I hope we will be able to meet in camera to finish the report to be presented to the House.

**APPENDIX****ANSWER TO MR. McINTOSH'S QUESTION RE NUMBER OF CLAIMS  
REVIEWED BY MEDICAL ADVISORY BRANCH**

1. A total of 100,186 files were referred to the Medical Advisory Branch during the calendar year 1962.

Many of these are the files of discharges from the Regular Force, all of which are screened by the Medical Advisers. In only a small number of such cases are disabilities found to exist and therefore such files can be reviewed quickly and no Commission action is required where no disability exists.

Many more are reports on assessments from the Pension Medical Examiners and where there is no change in the assessment, no further action is required.

Also, some of the files must be sent out by the Medical Advisers for service documents, reports from Medical Consultants, so that the same file may well be referred to the Medical Advisers several times.

These factors account for the fact that the Medical Advisers are able to handle this large volume of files.

2. The number of Regular Force files indicating no disability, the unchanged assessments, and the repeated references of the same file back to the Medical Advisers, accounts for the discrepancy in the number of files dealt with by the Medical Adviser as compared to the number of decisions rendered by the Commission.



