

The Pension Act makes provision for the payment of pensions in respect of disability or death resulting from injury or disease incurred during or attributable to service with the Canadian Forces in time of war or peace. Provision is also made for supplementing, up to Canadian rates, awards of pension to or in respect of Canadians for disability or death suffered as a result of service in the British or Allied Forces during World War I or World War II, or payment of pension at Canadian rates in cases where the claim has been rejected by the government of the country concerned.

In 1972, the Pension Act and the Civilian War Pensions and Allowances Act were further amended to provide for annual adjustments in pensions and allowances based on the consumer price index. The increase, effective January 1, 1972, amounted to 3.6% and resulted in basic monthly pension awards of \$302.51 for a pensioner suffering 100% disability, and additional allowances of \$82.88 for the wife of the pensioner, \$39.37 for one child, \$29.01 for a second child, and \$22.79 for the third and each subsequent child. Pension awards to widows and dependants were also increased to monthly payments of \$155.40 for a dependent parent, \$227.92 for a widow and additional payments for children or dependent brothers or sisters at the following rates: \$78.74 for one, \$136.75 for two and \$45.58 for a third or subsequent child or dependent brother or sister. It should be noted that, in general, the rates for orphan children or orphan brothers and sisters are double the rates quoted. Pensionable children of widows who have been awarded pensions are paid at orphan rates. Under provisions of the Pension Act, pensions awarded to parents or brothers or sisters may be less than the maximum figures already quoted.

Amendments to the Pension Act (SC 1970-71, c.31), which received Royal Assent on March 30, 1971, provided many extensive benefits for pensioners and broadened the entire structure of pension legislation. Among the major changes was the provision of an allowance which permits, where merited, the grant of an additional amount of not less than \$800 and not more than \$2,400 a year for those 100% pensioners who suffer an exceptional incapacity.

A basic minimum payment equivalent to pension at the rate of 50% was instituted for all ex-prisoners-of-war of the Japanese who have any assessable disability. In addition, deceased prisoners-of-war of the Japanese, whose death occurred prior to the proclamation of the amendments, will be presumed to have been in receipt of pension at an amount equivalent to 50% at the time of death; thus, all qualified widows and orphans of ex-prisoners of the Japanese are assured pension benefits whether or not death was attributable to service.

Other new provisions include: clarification of entitlement to pension for members of the peacetime forces; broadening of entitlement and increased amounts for clothing allowances; additional pension for loss of a paired limb or organ from any cause whatever; provisions for posthumous assessment, where pension was paid at less than 48%, to determine whether the disability was adequately assessed at that time; provision for a widow or child to continue or to initiate an application for pension in respect of a veteran's disability during lifetime on which he had failed to make application — if this claim can be established and if this raises the pension level to 48% or higher, survivor benefits may then be paid; and new adjudicating processes which will permit all claimants whose applications have been rejected in the past to re-apply to the Commission.

The amended Act authorized the establishment of the Pension Review Board, which has the power to determine any questions of law or fact as to an award and the amount of any such award; the decision of the Board is final and binding. The Board is also the responsible body when matters of interpretation of the Act are at issue. A pension applicant who is dissatisfied with a ruling of the Commission may appeal to the Pension Review Board.

The Civilian War Pensions and Allowances Act, Parts I to X, provides for the payment of pensions to or on behalf of persons who served in certain civilian groups that were closely associated with the war effort during World War II and who suffered injury or death as a result of such service; these include merchant seamen, saltwater fishermen, auxiliary services personnel, ferry pilots of the Armed Forces Transport Command, firefighters who served in Britain, etc.

Important amendments were also made to this Act in 1971. The principal change was to remove the requirement — in the case of merchant seamen and certain others who served in civilian status — that application for pension must be made within one year of the occurrence of the disability concerned. The new special provisions for members of the Forces who were prisoners of the Japanese are now also fully applicable to merchant seamen and other designated civilians.