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• (1530)

[English]

The Vice-Chair (Mrs. Betty Hinton (Kamloops—Thompson—Cariboo, CPC)): Let me clarify from the beginning that I am not Anthony Rota. Our chairman seems to be absent for a while, so in his place I will begin this today.

My name is Betty Hinton, and I'm the Conservative critic for veterans affairs.

This is our 11th meeting. Today we have with us a witness named Harold Leduc.

I will now open the floor to you, Mr. Leduc, and allow you to make your introductory remarks.

Mr. Harold Leduc (As an Individual): Thank you very much, Madam Chair.

To start with, I'd like to thank you and the committee members for inviting me out here to speak on this important issue. It's an issue that is pretty complex but very essential, and it is my hope that my evidence today will be helpful to you in making this important decision to provide further service to Canada's veterans and their families.

I'd just like to start by saying that I did submit two documents. One was the speaking notes that show a bit of a matrix and an analogy on Bill C-45. The speaking notes are from the Senate Committee on National Finance. The other one is a brief I put together for the Senate Subcommittee on Veterans Affairs to do with post-traumatic stress and programs. The reason I bring this up is that I took the opportunity in this brief to speak about Canadian Forces members as whole persons and about married members as a family unit, their needs and recommendations. Those documents will be eventually distributed. I think they're being held up for translation.

I would also like to take this opportunity to thank the dedicated men and women of Veterans Affairs Canada who have spent many hours doing their best to deliver a modern-day Veterans Charter within unrealistic financial goals. They performed their tasks well, and they must be as frustrated as veterans are that the fruits of their work fall short in meeting veterans' needs.

The evidence presented today is not a criticism of their hard work and dedication; it is, however, about a broken social contract, a broken social contract that fails in meeting the people's and the Government of Canada's well-established, enshrined in legislation,

and clearly recognized obligations to those who've served in our armed forces.

Let me tell you a little bit about me. I spent 22 years in the airborne infantry. I served in Germany and in Cyprus. In 1992 I was told, thanks for your service, you are broken, we do not need you any more. And from that day forward I tried to find out why CF veterans were treated differently from traditional veterans.

After much research I found that the reason we were treated differently, despite having served under the same legislative terms of service, was that our service was not understood. CF veterans in fact continue to be measured against the military operations of World War II and Korea, service covered by the original Veterans Charter. What stopped those who served in West Germany during the Cold War, or on other overseas military operations since the 1950s, from being qualified for Veterans Charter benefits is a mystery, as certainly you must all agree that we are all equal under the law.

This dilemma led to the eventual creation and enactment of Bill C-45, an act that creates a different level and class of veteran. I found early on that it was important to work closely with the Canadian Forces and Veterans Affairs Canada to effect change as well as to work with members of Parliament and the government in general. Although the majority of CF veterans do not belong to organizations—and there are many veterans organizations in Canada—I was fortunate, as national president, to represent one of the few veterans organizations included in Veterans Affairs Canada's consultation group.

As a result of my privileged relationship with Veterans Affairs Canada, I was fortunate to have been included in the consultations for the creation of the DND/VAC centre for the care of injured personnel and their families and the CF Operational Stress Injury Social Support Project, OSISS. Working with VAC, I had the privilege of being consulted on the implementation of the original PTSD policy. One of my proposals planted a seed for the creation of the \$1.8 million Veterans Affairs Canada 1-800 assistance line, and another was at the root of the creation of the Canadian Forces Advisory Council, of which I have been a member since the inception.

Recognized by senior Veterans Affairs Canada management for my expertise on veterans legislation and programs, I was identified as a potential candidate to lead the production of the "Honouring Canada's Commitment" document, eventually completed by the Canadian Forces Advisory Council. However, despite that recognition, that all changed with the creation of the task force.

Why do we need a Veteran Affairs Canada ombudsman? The simple answer to this complex issue is that Veterans Affairs Canada lacks empathy for Canadian Forces veterans. They know us, but they do not understand us.

• (1535)

If I may, I would like to add a little anecdote here from a nurse from World War II who tried to connect as much as she could while she was a nurse in Canada with veterans coming back from overseas, and she couldn't. She just couldn't connect on any type of level with them until she went overseas herself. Then, once she went overseas she understood; all of a sudden, there was a connection. Today we have the same kind of need. We need people who understand us.

The lack of empathy was not the case for World War II and Korean veterans, as these veterans, through preferential hiring practices guaranteed under the original Veterans Charter, were employed through all levels of the Department of Veterans Affairs and other government departments. This practice of veterans helping veterans provided the necessary empathy. Unfortunately, as these World War II and Korean veterans retired from their public service positions with VAC, they were replaced by non-veterans, rather than extending the hiring practice to Canadian Forces active service veterans.

Another example of this shift is that Walter S. Woods, the gentleman who headed the parliamentary committee charged with the development and establishment of the World War II Veterans Charter, was a World War I veteran. He became the first deputy minister of the Department of Veterans Affairs. Conversely, recently, the head of the Veterans Affairs Canada-Canadian Forces Advisory Council, charged with making recommendations for a modern-day Veterans Charter, is a non-veteran.

Following on this shift, every leadership, senior management, decision- and policy-making position in Veterans Affairs is staffed by a non-veteran. Despite their best efforts, the lack of empathy created by a non-veteran leadership of VAC became quite evident in the 10-year process leading to the enactment of Bill C-45. The prime indicator of this lack of empathy is that the recognized obligations of the people and Government of Canada to those who serve, enshrined in legislation for over 60 years, were arbitrarily discarded by VAC, without consultation with veterans, in the creation of Bill C-45. An example of that is in the Pension Act, under "Construction", where it says:

The provisions of this Act shall be liberally construed and interpreted to the end that the recognized obligation of the people and Government of Canada to provide compensation to those members of the forces who have been disabled or have died as a result of military service, and to their dependants, may be fulfilled.

Bill C-45, which was recently enacted, does not include that statement.

Protests by the few veterans in the know about this change in the social contract fell on deaf ears. Because the legislative process for

Bill C-45 was fast-tracked, to the sacrifice of the democratic process, Canadian Forces veterans unknowingly accepted that the people and Government of Canada no longer agree to their legislated, enshrined obligations to those who serve in the Canadian Forces. This change was made without cause.

Unfortunately, there was nowhere for any veteran, including those in the know, to take this serious breach of the social contract and democratic process, a democratic process we served to preserve for all Canadians. Could an ombudsman's investigation of the matter have made a difference? Probably not at the eleventh hour. However, it is my opinion that had a veterans affairs ombudsman been in place through the build-up to the creating of Bill C-45, the process would have been transparent from the onset.

Recognition of military service. The National Defence Act defines military routine and active service. In order to receive the host of benefits for re-establishment into civilian life from the government, a veteran needs merely to have completed active service overseas and in Canada during World War II. This is a simple and straightforward gateway for veterans to qualify for re-establishment and ongoing care benefits. The gateway during Korea was active service overseas. In both examples, the benefits were granted in exchange for active service—in other words, entitlement in exchange for active service.

Despite having served—on active service overseas since 1949, in Canada since 1973—benefits other than Pension Act benefits have been unavailable to CF veterans. The gateway to benefits of the new act will be through varying levels of medical need. No longer will veterans be entitled to benefits in exchange for service. What about veterans who require opportunities but do not have a medical need? Shouldn't re-establishment benefits be available to all who serve?

• (1540)

Unfortunately, this creates two classes of veterans in Canada—traditional, and Canadian Forces veterans. Not only is this approach unconstitutional, it is done in spite of existing legislation to the contrary.

A Veterans Affairs ombudsman report on the subject would have provided guidance to Veterans Affairs Canada, veterans organizations, and the Canadian Forces Advisory Council in creating the new act. A VAC ombudsman would have to have a close, while autonomous, working relationship with the DND CF ombudsman to ensure that CF policies of an operational nature do not impede a veteran's ability to obtain necessary benefits.

This is a little story about how an ombudsman could have helped. Five of six veterans organizations agreed to support an initiative to place a UN and NATO flag in all Veterans Affairs offices across the country, to make CF veterans feel more at home. The person who led this initiative was the president of the Union of Veterans' Affairs Employees. Despite having obtained the funding for the flags and a supplier, the department head responsible for commemoration decided to side with one veterans organization against the initiative. This resulted in another, more costly approach being taken against the majority polled.

In this example, appropriate recognition of CF veterans was made secondary to politics. As we are all aware, a flag is a symbol that not only defines us as a people, but it is also the symbol under which we serve and sacrifice. This decision by this senior bureaucrat responsible for commemoration shows a complete lack of empathy for Canadian Forces service and sacrifice. An ombudsman could have resolved this complaint with a phone call. Is this flag incident a symptom of a systemic problem? Some would agree.

Misaligned priorities. Veterans Affairs Canada has a tried and tested pension adjudication system, which includes a review and appeal process. Currently this system is broken, as far too many files are being appealed through the Veterans Review and Appeal Board. The root of this breakdown in the system can be traced to pension reform in 1995.

The complaint amongst veterans pre-1995 was that it sometimes took years to adjudicate a claim. The reason for this delay was that veterans applied for disability pensions through the Bureau of Pensions Advocates, which was established in the 1930s to assist veterans through their quasi-judicial pension application process. Prior to the establishment of the Bureau of Pensions Advocates, veterans had to pay for their own lawyers to appeal Pension Act benefit entitlements.

To resolve this delay, the first step in a disability application process was turned over to the department's administrative veterans services branch in 1995. While this step sped up the application process, applications were being processed through an administrative lens, thereby creating a higher appeal rate. While a number of appeals are successful at first appeal, far too many do not get through, in large part because VAC is not applying due diligence at the second rather than the first step of the pension application process. The current broken system needs to be fixed if it is to be credible and if the programs of the new bill are to build on this administrative process.

Although they agree that the status quo is problematic, Veterans Affairs Canada will not fix the problem. Resolving this step in the process will result in fewer files being forwarded to VRAB, the Veterans Review and Appeal Board, and would make the process more efficient, saving money, pain, and suffering. An ombudsman review could motivate Veterans Affairs to repair this broken process.

The promise of the Veterans Affairs Canada task force in the new act is that the gateway to the need-based medical rehabilitation and re-establishment programs will be through an administrative process and not the broken pension application process. This is fundamentally flawed in many areas, which include that VAC has not demonstrated it can effectively administer an administrative-based

application process, if the status quo is an example; and it is understood that the appeal process for these programs will be administrative in nature. This is troubling, as it could potentially lead veterans to hire lawyers to assist them with their appeals, while there is an established appeal mechanism in place for that very purpose. It brings us back to the 1930s.

• (1545)

In their pitch to justify the creation of a new Veterans Charter with financial limitations, Veterans Affairs blamed the disabled veterans for becoming dependent on Pension Act benefits. Their claim is that the new programs will replace dependency with opportunity. What they didn't state was that the Pension Act was not meant to be a stand-alone act, and it is the lack of supporting programs that places a burden on the Pension Act benefits and asks the adjudication and appeal system to work outside of their mandate.

The current Pension Act, first established as a pension regulation in 1916 for the Royal Canadian Navy, was the cornerstone of the WW II Veterans Charter. Had WWII and Korea veterans been met with only Pension Act benefits when they returned, what opportunities would they have had? Would they not have become dependent on the Pension Act benefits in the absence of supporting programs?

In the new act, Veterans Affairs did not have to change the Pension Act. In fact, as in the example of the Veterans Benefit Act for those who served in Korea, they could have included existing programs and services to support the Pension Act while bringing in updated regulations, such as the pensioners training regulations, as they did for Korean veterans. To meet other veterans' needs, they would only have to create new regulations, as they will need to do now.

The basic problem we face is that we are not being treated equally to other active-service veterans.

Another example is that in the Canadian Forces Advisory Council's fact-finding travels across the country to the bases a few years ago, we asked if the members of the CF would rather have a lump sum for disability payment. The majority replied that they would prefer a monthly payment, as is currently the case. I was involved in six of the bases we went to.

So what motivated the major overhaul to the Pension Act if the consultation suggested otherwise?

While we should all be concerned with government spending, we need to accept that the cost of re-establishment, training, treating, and ongoing care of people who served in the Canadian Forces is directly linked to Canada's national defence and foreign policy; therefore, funding should be available to meet veterans' needs rather than attempting to fit veterans' needs into an unrealistic dollar cap.

According to the Department of Social Development Canada's website, employability assistance for people with disabilities includes programs that help people with disabilities prepare for, obtain, and maintain employment. In the new act, veterans will be helped to potentially prepare for and obtain employment based on a British model that boasts a 95% job placement rate. Is the Canadian model paramount to workfare, or will there be an emphasis on assisting veterans to maintain employment geared to a new career path, rather than being placed in a job for statistical reasons—just like the civilian models?

Another example of where a different standard may be implied is in qualifying disabled veterans for the public service health care program regardless of years of service. This makes sense, and it is necessary. A veteran who is a superannuate also qualifies for this program. A member of the federal public service qualifies for this program if they leave the public service after only two years of service, whether they are disabled or not.

Is this a reasonable difference? Is it a double standard?

I come back to the pensioners training regulation. We were promised that the pensioners training regulation was repealed but not taken off the books. It was repealed in 1995, but in it was a clause that said people serving in a special duty area actually qualified for university benefits—subsistence allowance and tuition. That was repealed in 1995, but because it was still on the books, we were promised that it could be brought back and it would be brought back. However, the new act will not include university education and similar benefits in the pensioners training regulations as promised.

The gateway to an entry-level position with the federal public service is usually university education. Does this mean that veterans eligible for preferential hiring may miss opportunities because Veterans Affairs has not provided an essential program?

•(1550)

At the risk of going on, and I can, I will stop at this point to say that based on the above examples, a Veterans Affairs Canada ombudsman is not only essential to ensuring that the Government of Canada's recognized obligation to those who serve is honoured, but it is also long overdue.

The examples given above should not take away from the importance of an ombudsman to assist veterans with individual cases, cases such as a Veterans Affairs employee performing a role who says, no, we will not put that claim forward, and in effect, by doing that, potentially taking away a veteran's right to appeal to the Federal Court. When veterans get letters from Veterans Affairs saying it can no longer provide them with service—they may be angry veterans or they may not be able to receive services that are available—where do they go? Today they have nowhere to go. But their needs remain.

A Veterans Affairs Canada ombudsman with a legislated mandate will enhance and support the work of Veterans Affairs Canada, the employees of Veterans Affairs, the Veterans Review and Appeal Board, veterans organizations, and individual veterans and their families.

We should be very wary of people reluctant to allow a mechanism that ensures transparency in the application of public policy.

That concludes my presentation, and I would be pleased to take questions.

The Chair (Mr. Anthony Rota (Nipissing—Timiskaming, Lib.)): Thank you, Mr. Leduc. That was very good. Thank you for being here. I apologize for coming in a little bit late this afternoon. Unfortunately, things tend to overlap a bit. That was a very good presentation.

I'd like to move on to our first round of questions. There will be seven minutes each.

Ms. Hinton.

Mrs. Betty Hinton: Thank you.

Thank you very much for coming today, Mr. Leduc. I appreciate hearing what you had to say.

I've heard from a number of veterans groups that are advocating for a VA ombudsman, and I happen to agree that there's a rationale behind that. In fact, I've written and developed a policy calling for it.

You were one of the original representatives of the six veterans organizations with whom VAC conducted consultations for Bill C-45. You mentioned that an ombudsman would have made the process much more transparent. Can you give any more details about how a VAC ombudsman would have assisted in that process? That's the first question.

The second question is, because you were part of this, did you have access to and full discussion on the full piece of legislation or to the abbreviated brochure?

•(1555)

Mr. Harold Leduc: Thanks for the questions.

I will answer your first question, how could a Veterans Affairs ombudsman have been helpful in the work of producing this bill? I can't remember when it was, but I know we've been asking Veterans Affairs for a long time to improve benefits for Canadian Forces veterans. In some of my research I looked at orders in council, and I've looked at different acts, legislation that changes us from routine service to active service, and I found that active service was the common thread. Active service is what the benefits for World War II veterans were built upon. When I presented that argument to the Veterans Affairs—Canadian Forces Advisory Council—I made a presentation—they researched it, they took it to the justice department, and they said that in fact what I said was correct. However, there was still a part missing, and that was to qualify us for the benefits.

However, we moved on to other things. Even a former JAG with the Canadian Forces, Judge Advocate General Brigadier-General Boutet, said to me, after years of he and I going back and forth, that I had made my case. Active service is the legal definition of other-than-routine service, according to the National Defence Act. A Veterans Affairs ombudsman could have then taken that information and done further review at a government level.

This is not a Veterans Affairs issue; this is a Government of Canada issue. The social contract is between citizens who serve and the Government of Canada—the Government of Canada meaning the umbrella. A Veterans Affairs ombudsman could have looked into it a little further and found those pieces that were missing and at least come back with recommendations that said, yes, this service is equal, therefore they should qualify for programs that are in place today.

Mrs. Betty Hinton: On the second half of that question, please, did you have access to and discussion of the full piece of legislation or the abbreviated brochure?

Mr. Harold Leduc: We were called to Ottawa in March, I believe, and we saw the bill two days before it was given first reading. As I said to the chair of the Senate finance committee, I have been involved in this for a long time. Senior Veterans Affairs management have agreed that I have extensive knowledge of these programs and legislation.

I should have been able to figure out what was in that bill, but it came as a surprise. We knew about the job placement and different types of programs, but on them keeping the fifth system in, Veterans Affairs went around the country marketing this, saying you were going to get \$250,000 if you were disabled. But they didn't tell you it was subject to the fifth, so if disability wasn't 100% caused by the military service, it could mean \$50,000.

Those were little things that surprised us.

Mrs. Betty Hinton: I'm sorry, Mr. Leduc. So you saw the full piece of legislation?

Mr. Harold Leduc: We saw it two days before it was tabled. There was no time for recourse.

Mrs. Betty Hinton: If VAC has been made aware of the sources of many of the problems you pointed out, why does the department not merely fix this problem? What is the rationale behind an ombudsman, from your point of view?

Mr. Harold Leduc: On the rationale for them not fixing the problems, some of it is resources. We're back to 1995—we need a review of the whole system again, unfortunately. There's language that hasn't been changed to keep up with things and there is language that has. The special duty area is interfering quite a bit.

I heard one senior manager say they can't fix the broken application system because it's too complex.

Mrs. Betty Hinton: You just said you think a lack of resources caused the problems to begin with. Given the mandate that is now under Bill C-45 in the expanded programming, etc., is it rational from your perspective that if a lack of resources caused problems before, they'll be able to handle this new expanded version without any difficulty?

Mr. Harold Leduc: Absolutely not. Not completely.

Mrs. Betty Hinton: Thank you.

The Chair: Thank you, Mrs. Hinton.

[Translation]

• (1600)

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour): Thank you, Mr. Chairman.

You are talking about creating an ombudsman position for veterans. The Royal Canadian Legion says it advocates for veterans, and I think it does it well. Wouldn't an ombudsman be redundant?

Mr. Harold Leduc: May I answer in English?

Mr. Louis Plamondon: Do as you wish. I have simultaneous translation.

[English]

Mr. Harold Leduc: The role of the Royal Canadian Legion, and any of the veterans organizations, is different from the role of an ombudsman. I can't speak for the legion, but I can speak for the Peacekeeping Veterans Association. Our role is to advocate for our membership. We have a responsibility and an accountability to our membership. That brings a bias.

We've said in the past that we speak on behalf of all veterans, but that's taking a little bit of licence. The role of ombudsman has to be independent and impartial, and I don't think any of the veterans organizations bring that.

[Translation]

Mr. Louis Plamondon: By creating an ombudsman position, wouldn't you also create a new level of bureaucracy which may well be slower than the present Veterans Review and Appeal Board?

[English]

Mr. Harold Leduc: It will not create another level of bureaucracy. What it will do, if we can use the model of the Canadian Forces ombudsman, is assist in defining problems, paths, and approaches. It will assist the Veterans Review and Appeal Board. It will assist everybody.

[Translation]

Mr. Louis Plamondon: You talked about an ombudsman for the Canadian Forces and the department of National Defence. There is already one. Don't you think it is possible to extend his mandate and powers so he also becomes the ombudsman for veterans instead of creating an additional bureaucracy?

[English]

Mr. Harold Leduc: In my opinion, they are two completely different mandates. They do have some overlap, and that's at the policy level, for instance. The Canadian Forces create a special duty area, whereas in fact in Veterans Affairs the gateway for disability benefits should not be a special duty area; it should be active service or other criteria. So there should be two separate ombudsmen with some overlapping functions.

[Translation]

Mr. Louis Plamondon: When you call for the creation of an ombudsman position, aren't you playing the bureaucracy's game? You want to create this position in order to correct injustice. But don't you think the real problem is that the department took too long to recognize the problems and didn't provide enough funds to correct them? Don't you think the department can get off the hook by saying it created the ombudsman position without putting up the required funds to respond to needs or requests? Don't you think this is a risk?

[English]

Mr. Harold Leduc: I don't think so, because the role of the ombudsman would have many different levels and streams, and they could actually be of benefit to the minister, who could say, "Look, if the veterans aren't happy, find out why and bring that back to me."

[Translation]

Mr. Louis Plamondon: Okay. Thank you, Mr. Chairman.

The Chair: Thank you, Mr. Plamondon.

Mr. Louis Plamondon: I have to leave because I am replacing someone else on another committee. I ask members to excuse me.

The Chair: Thank you for coming.

[English]

Next we'll go to Mr. Stoffer.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Thank you, Mr. Chairman. Again, sir, I apologize for being late, and I apologize for having to leave early. I have another meeting.

I want to thank you, first of all, for your service to your country.

You just indicated that the ombudsman should be impartial and should be without bias, but you've just indicated, in answer to a question from my colleague from the Bloc, that the minister could actually ask the ombudsman to go and do something or research or look into something.

In my view, an ombudsman should not be talking at any time to the minister. An ombudsman should be talking to the veterans, the ones who have the problems, and should isolate himself from any ministerial direction. Would you not agree with that?

• (1605)

Mr. Harold Leduc: Absolutely, and I think maybe the context that I was thinking of is that right now we absolutely have no recourse other than to go to the papers or to go to our members of Parliament or wherever. Sometimes the minister needs help as well, and maybe their department can be asking. Who knows? The ombudsman needs to be able to cover a lot of different areas.

Mr. Peter Stoffer: We had asked the previous witnesses who were here with us today, and we also asked André Marin before he left, if it would be better if an ombudsman were to be created, to have the same ombudsman for the military and the veterans, just to expand the role, as my colleague had stated. The people who presented here last week as well as André Marin said it would be preferred indeed—I'll stand corrected if I'm wrong—that the mandate of the current ombudsman of the military would include veterans, because, as you know, people are CF members and the next day they're veterans.

So would you agree or disagree that the current ombudsman for the military should have an expanded role, where that person and that department have the resources and everything in order to do a job effectively? If you have two you will have an overlap, and I can just sense an even further delay in any kind of report or anything of that nature coming down. So I would agree with André Marin and the people who presented here last time that if an ombudsman position was to be created, the one that's there for the military should

have an expanded role with adequate resources and personnel to do both. Would you agree or disagree?

Mr. Harold Leduc: I started off by saying this is complex, and I would agree that it could be done. It is a model. However, it would have to be legislated. I think for the folks working underneath the ombudsman, there would have to be two separate cells there, because there are some overlaps but definitely some differences. I think there are two different jobs here. I think legislation is the key; however, if they were separate entities, then they would have autonomy, and yes, it could create some buildup. But as far as the questions that would overlap, especially when we're talking about application of benefits to disabled veterans, I don't think there would be a lot of overlap in that case.

Mr. Peter Stoffer: Next I want to ask you, as the past national president of the Canadian Peacekeeping Veterans, can you tell me how many veterans were part of that organization?

Mr. Harold Leduc: Membership in any organization is always fluctuating, but generally around 1,000.

Mr. Peter Stoffer: Right across the country?

Mr. Harold Leduc: Yes.

Mr. Peter Stoffer: Any overseas?

Mr. Harold Leduc: Not in our case.

Mr. Peter Stoffer: In the United States or anything?

Mr. Harold Leduc: No, but we did help the Ukrainian peacekeeping veterans, the Australians, and others in the early 1990s establish themselves in their own countries. One thing I should say is, I'm here as an individual as well.

Mr. Peter Stoffer: Understandable.

You mentioned a situation with a flag, a concern with that, and I agree with you, the flag is a very treasured symbol. In that specific case, if say a member of Parliament or, for example, the chair of the veterans committee was made aware of that, and a phone call was from him in this regard, or from anyone else here, they may have been able to resolve that problem. In hindsight, would that have been possible?

Mr. Harold Leduc: I say yes, but unnecessary. It should never get to that level. We served under that flag.

Mr. Peter Stoffer: I agree with you, but it did get to that level, and usually a member of Parliament or someone who's a chair of a committee, for example, who has a little bit of say, could just slap him in the head and say, smarten up, instead of you having to go through, in this particular case, an ombudsman, and of course everything this entails.

Mr. Harold Leduc: Sure, but when you're dealing with these things here, you're dealing with a lot of veterans organizational politics; you're dealing with departmental politics. I brought it to the deputy. Where else can you go?

Mr. Peter Stoffer: I'll get to my last concern. I understand you expressed concerns about Bill C-45 and how quick it went through the House and the Senate. There are further discussions on this as it goes through the regulatory and legislative process. I need a yes or no response: is Bill C-45, even with its flaws, an improvement over what is currently there for our modern-day veterans? I don't mean for our veterans of Korea and World War II—that's a different story—but for our modern-day veterans and our current CF members, in which now the average age is 36 to 39, if I'm not mistaken. If there was no Bill C-45 we'd have the status quo. But is Bill C-45 an improvement to what there already is, even with its flaws?

• (1610)

Mr. Harold Leduc: There's no way I can answer yes or no to that, because yes, it is for those coming out of the service who would be captured right away; no, it's not for those who are already out; and no, it's not for those who are in their seventies and eighties. It gives some and it takes some away.

Mr. Peter Stoffer: Thank you very much.

Mr. Chairman, thank you.

The Chair: Thank you.

We'll go to Mrs. Ur for seven minutes.

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Thank you, Mr. Chair.

I certainly appreciate your presentation as well. I've always spoken to the fact that working as a constituency assistant and working with veterans coming into the office and some of the concerns they were bringing forth, I thought that probably an ombudsman would be a very positive approach for their concerns. As Peter alluded to, to have an arm's-length agency, ombudsperson, would be the ideal situation.

Looking at that, in your opinion, what criteria should that person have to qualify for such a position, when you really do not want to have a lot of difficulty making decisions on behalf of veterans? What would you be putting forth to bring a qualified person to do the proper job for that position?

Mr. Harold Leduc: Good question. As much as I hate to say this, our military culture is a wonderful culture, but it's very biased. I think the quality of an ombudsman and the criteria for an ombudsman would have to be that they are completely impartial—not on one side or the other. I think they would have to be empathetic to the sense that if they're not a veteran themselves—and I'm not sure if a veteran would be the right person—then they should at least focus on the needs of the veterans culture, mixing that with their office.

Mrs. Rose-Marie Ur: If they have no background within the military, how good a perspective could they have? I was a health care professional, and I didn't have to be by each bedside when a tragedy occurred—and I did have empathy and care and understanding—but I had knowledge of what was going on. I think to have a balancing act, to have someone really do the job well, perhaps they should have some military expertise. It's totally beyond my capabilities, but I think balance would help, so that they have a cross-reference as to what has actually happened here.

Mr. Harold Leduc: You're absolutely right, and I guess what I'm saying goes against some of what I presented.

Mrs. Rose-Marie Ur: Yes, that's confusing me a bit.

Mr. Harold Leduc: I'm a master at that. I confuse the best of them.

What's important is that it has to be the right person. There's more to it than rank. It has to be a person who has the qualities you were talking about. On the other hand, we always have to think of succession planning. We want to establish something. But regardless of who the ombudsperson is, if they had the right advisers giving them direct advice, I think they could be successful, even without military experience.

Mrs. Rose-Marie Ur: You're presenting here on behalf of yourself. How much of a following do you have, based on the principles you presented to us today?

Mr. Harold Leduc: That's difficult to say. Not a lot of people understand what an ombudsman does. I come back to the veterans community. Part of our military culture is that we tend to believe the leadership, whoever they may be. The question hasn't been put directly to a lot of people. We're having our annual general meeting this weekend, so I could answer you better when it's over.

• (1615)

Mrs. Rose-Marie Ur: You said in your presentation that Veterans Affairs Canada lacks empathy. I can't speak for Veterans Affairs Canada, but I can speak on behalf of the minister. I'm not being partisan here, although she is a friend of mine. There isn't a more caring person for that position in this government. Also, I'm not being sexist when I say that I think it's a position that is probably well suited for a woman. She has the caring and understanding—not to say that men don't, but this person certainly has those qualities. So don't throw the baby out with the bath water. I think we've had a good step forward. Other ministers have done a good job, but this lady goes beyond the call of duty sometimes.

Mr. Harold Leduc: One shouldn't confuse passion with empathy, though.

Mrs. Rose-Marie Ur: You stated that the Canadian Forces veterans have been treated differently because their services aren't understood. Can you expand on that?

Mr. Harold Leduc: Active service is what legislatively defines our terms of service. Today the Canadian Forces in Canada and overseas are on active service. The last time that happened was World War II, using those statutory instruments. We were always under the lens of World War II, Korea, this, that, and the other thing. I think it was an emotional argument. Decisions were made on emotion, but not necessarily just on legislation. I guess that's what I'm trying to say.

The Chair: Mr. O'Connor.

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Thank you, Mr. Chair.

I have a few points of clarification. I'll use the term "war veterans" for veterans of World War II and Korea. But within Canadian Forces veterans there are also two categories. There are people who never went into a war zone, like people who went to the Gulf War or maybe Croatia. Did the services identify, for instance, the Gulf War as a special category? When people were deployed there, were they under a special category?

Mr. Harold Leduc: Yes, they were.

Mr. Gordon O'Connor: You implied that CF veterans should have benefits similar to those the war veterans had. I assume you're talking about the people who went to something like the Gulf War. You're not talking about normal veterans who served ten, fifteen, or twenty years and never got in harm's way. Is that right?

Mr. Harold Leduc: No, I'm saying people who volunteer for the Canadian Forces. The Canadian Forces in Canada, from 1949 on, to November 1973, were routine Canadian Forces. So they would be equivalent, during World War II, to non-permanent active militia and the reserve.

Mr. Gordon O'Connor: Okay.

Mr. Harold Leduc: But once you're on active service, it changes the whole ball game.

Mr. Gordon O'Connor: It's just that one of the subtle differences between a war veteran and people who serve today is that the war veterans got paid about \$1.10 a day, they had no pensions, and they were in for basically the duration of the war and out, except for the PF people, who were in before the war and sort of carried on. I don't know what the arrangements were when they got out, because they probably had a different arrangement, but I'm just saying the conditions of service were different—and again, I'm setting aside the Gulf War veterans, and so on.

For the people who had a normal career, whatever you call it, who had pay and benefits and were entitled to pensions, just like people who were in other parts of the government, I just don't see why they should be entitled to land grants, special education, or whatever.

I don't say that for people who went into the war zones. To me, that's a special category. They may not have had any choice, but they put their life on the line, whereas those of us who served, whatever you call it, in normal careers were prepared to put our lives on the line but were never asked to do so. Therefore, why should people like that get land grants, education grants, and so on, since they're being paid normal pay and they're getting normal pensions?

• (1620)

Mr. Harold Leduc: We hear that one quite a bit, and it makes sense. However, when the Canadian Forces are on active service, as I said, it changes things.

During World War II, not everybody went overseas, but they joined the Canadian Active Service Force. My grandfather, who was with the Veterans Guard during World War II, was part of the Active Service Force, but in Canada. He was entitled to benefits when he came out, because when you're on active service, it changes the rules and terms of military engagement.

If you served before 1973 in Canada, when your release day came up you could get out on a day that you signed to. If you're on active service, the military can keep you in for another year. The powers of

punishment are increased. There are all kinds of things that go around that.

I guess the devil is in the details, but it's about more than just doing a job.

Mr. Gordon O'Connor: Again, I'm not against an ombudsman, but I'm going to ask these questions.

The immigration department doesn't have an ombudsman. The human resources department doesn't have an ombudsman. There are people who have severe problems with the immigration department—to give you an example—and things that basically affect their lives, yet there's no ombudsman. What's special about veterans that they should have an ombudsman where other people don't?

Mr. Harold Leduc: For one, we're not public servants. Therefore, we don't fit under any of those federal schemes. We enjoy a special status within Canadian society. That's why there's legislation written to assist us.

One of the main reasons is that we volunteered. Whether or not you put your life on the line, those who signed up and joined volunteered to do the government's bidding. We didn't join up for a contract of employment; we signed up for servitude. We turned our lives over to the government. That's the difference.

All we're asking in return is to have a complaints mechanism that we can go to if our needs or the needs of those who need it are not being met, because the average person, if I can use military terminology, doesn't think past the platoon and the battalion level. They don't think of going to their member of Parliament. They don't think of going to the committees. They just look at their close situation.

Mr. Gordon O'Connor: Okay, thanks.

The Chair: Thank you.

Now we'll go to Mr. Bagnell for five minutes.

Hon. Larry Bagnell (Yukon, Lib.): Thank you.

Thank you for coming. It's very helpful for us to be able to get more details on individuals who have served, because I don't really have a view on this yet. I want to get more specifics on yourself and how an ombudsman might help, once I understand your situation now.

You said you left after 22 years, in unhappy circumstances. Was that when they disbanded the airborne?

Mr. Harold Leduc: No, thankfully not. I'd still be whining about it.

It was in 1992. We were kind of going through a force reduction, and they were really heavy on the universality of service.

Hon. Larry Bagnell: The what?

Mr. Harold Leduc: The universality of service. If you were not fit for your trade, it was implied that you were not fit for the Canadian Forces.

Hon. Larry Bagnell: Your trade was what?

Mr. Harold Leduc: Infantry, ground soldiers.

Hon. Larry Bagnell: You had an injury?

Mr. Harold Leduc: My back was messed up in three places, yes.

Hon. Larry Bagnell: Okay.

So just explain to me what happened and how you applied for your pension and everything and what your benefits were. And then where along the process would an ombudsperson have made a difference?

Mr. Harold Leduc: For me, as an individual, I don't think I would have needed to go to the ombudsman. I went through the appeal process of veterans benefits, and I'm satisfied, but there are many out there who are not.

As president of a veterans organization at the time, it would have been nice for me to be able to go to an impartial party and say, "Here's this research; this is based in fact, based in legislation. On one hand, the department is saying yes and on the other they're saying no. Can you have a look at it?" It would have been good to be able to do that.

•(1625)

Hon. Larry Bagnell: You said you went through an appeal process and you got some type of reading on what you might get and then you appealed it. There's a process?

Mr. Harold Leduc: Yes. Initially my application was denied.

Hon. Larry Bagnell: Even though you had a broken back and whatever it was?

Mr. Harold Leduc: Back problems, yes.

Hon. Larry Bagnell: And then there was an appeal process?

Mr. Harold Leduc: Yes.

Hon. Larry Bagnell: So there was someone to go to?

Mr. Harold Leduc: Yes.

Hon. Larry Bagnell: To rectify the problem?

Mr. Harold Leduc: For that, yes.

Hon. Larry Bagnell: You're talking about going through this as president of an organization. If a member of any one of the many organizations that you were talking about had some problem, would none of those veterans organizations go to bat for their members at all when there was a problem?

Mr. Harold Leduc: The organizations have an advocacy role, and I can see something forming here. The veterans organizations have an advocacy role and they can, through their annual general meetings, put up different things through Veterans Affairs. We have ongoing meetings with Veterans Affairs to try to improve service and conditions. However, that can only go so far. You put it forward and you wait for a response.

As far as helping out the individual, for instance, where do you go? I'm a service officer with one of the branches of the legion as well. So if somebody comes in and says I need help with education, I need this, I need that, where do you go with that? If Veterans Affairs can't supply it and it's not available in a community, where do you go with it?

Hon. Larry Bagnell: I don't know how many employees the Department of Veterans Affairs has. Maybe the chair knows. In that

whole department there's no one who can provide counselling on where people can go for education?

Mr. Harold Leduc: The corporate response is yes, because the pension agents and others are supposed to give that counselling. But the reality is they don't have the resources. Even the area counsellors who go out to see the veterans do not have them. When the Canadian Forces veterans came along, all of a sudden they were more needy. They were younger. They were needier. There are child protection issues. There are all these other kinds of things that they weren't prepared for with the aging veterans, which is what they're used to.

So how much time do they really have to spend with a veteran, and where are they going to send them? If they don't have the time and they don't have the resources, where are they going to send them?

I'm kind of answering with a question. Sorry about that.

Hon. Larry Bagnell: No, that's okay.

On the development of the charter, someone said there were only six organizations that were consulted. That is six out of how many, roughly?

Mr. Harold Leduc: Hundreds, I would say.

Hon. Larry Bagnell: There are hundreds of organizations?

Mr. Harold Leduc: I mean the regimental associations. Each trade typically has a—

Hon. Larry Bagnell: So they consulted only six?

Mr. Harold Leduc: I think we have to understand that it's difficult for Veterans Affairs as well because everybody is giving opinions. So they went to the six. There used to be the traditional three: the legion; the army, navy, air force; and the National Council of Veterans. They formed this from the Canadian Forces Advisory Council. So the six organizations were a part—in fact there was a seventh, which is the Air Force Association—of the Canadian Forces Advisory Council. But as we were working on the advisory council stuff and working towards providing advice towards this, the modernization task force was working in parallel, and we were always trading information.

Hon. Larry Bagnell: I have just one last question related to that.

The Chair: Please ask it very quickly.

Hon. Larry Bagnell: Roughly what percentage of the veterans do these six organizations, if you add them all together, represent?

Mr. Harold Leduc: Oh, Jesus, it's not very high. It's not high at all.

Hon. Larry Bagnell: It's not even 50%.

Mr. Harold Leduc: I'd say that 80% of veterans don't belong to organizations or belong to organizations that are more social in nature. They wouldn't be involved.

On the consultations, I need to make myself clear. The consultations were done with the individuals who were involved. A lot of stuff that we were dealing with was confidential, so we couldn't bring it to our membership for advice.

The Chair: We'll go on to Ms. Hinton.

Mrs. Betty Hinton: This is probably going to be more of a statement than a question, I guess, Mr. Leduc.

Unlike my colleague, Mr. O'Connor, who's a brigadier general, I don't have any military background. I had to learn all of this from the ground up. But in going through advocacy as a member of Parliament for constituents, I have learned that quite often this is really complicated. It's not simply a matter of going to the Minister of Veterans Affairs and saying there's a problem.

Without naming any names or giving you a specific case, I can tell you that in one case, for example, I had to deal with the Minister of Justice because he appealed a judicial order. That added a complication. The defence minister is often involved because there are things that overlap between Veterans Affairs and the defence ministry. I'm telling people who already know this. Sometimes it's hard to tell where the line stops and one department takes over and the next one begins.

From my perspective as a non-military person, I suppose it may be more difficult for me to understand than it may be for a military person to understand. I can't imagine being hurt or wounded—I call it invisibly wounded in a lot of cases—and having to try to deal with three different departments of government, not knowing which one I should be going to, where I should start, and what the next step should be.

From my perspective, I see an ombudsman taking on that role and saving a serving member from that kind of grief.

I would appreciate it if you have any comments to make about that.

• (1630)

Mr. Harold Leduc: Oh, absolutely.

I had to put a young veteran in breach of his probation to put him in jail because that's the only place he could get help. It hurt because the young guy was 25 years old and had lived on the streets for five years after coming out of the Medak pocket. But what else can you do? At least he was in a safe place.

I've helped one veteran out of many, but the case has been going on for 10 years with Veterans Affairs. The poor guy has been diagnosed 19 different times. He lives around Montreal. When he would go to the civilian hospital, they said he was a veteran and he had to go to Sainte-Anne's Hospital. Sainte-Anne's said they didn't have programs for him. So he had to go back and forth.

In the way it works, you have to deal with one organization at a time and one department at a time. We put the effort into Veterans Affairs to try to get at least some care in place. Sometimes these people get 5%, 10%, or 15%, and they can't work. This is still ongoing.

Then the time came when we had to go to the Canadian Forces ombudsman because the release item was wrong. That is complex in itself. The Canadian Forces ombudsman took two and a half years to fix it, but it was fixed. He got back payments on his pension, and he has an annuity that he didn't have before.

The problem is that in the meantime the veteran had gone through Veterans Affairs, and one of the psychologists said to let the crisis happen. The crisis happened, and child protection was called in. Their daughter is still not living with them, and there are all kinds of complex problems. Now it's a provincial matter. Then it's a federal matter. It's this, that, and another thing.

In my opinion, had there been a Veterans Affairs ombudsman...if it took the Canadian Forces ombudsman two years to fix it, then at least it would have taken two years for the Veterans Affairs ombudsman to fix it, but it wouldn't be going on for 10 years.

Mrs. Betty Hinton: Well, we're not going to have a one-upmanship game here, but one of the cases I worked on has been going on for 14 years. Two and a half years or two years sound pretty good to me.

But what you see as a benefit, more or less as I outlined, is to not have someone who has been injured, whether mentally or physically, having to try to figure that out.

I literally had to drop bread crumbs so I could find my way back from some of the different processes I had to go through. I had a lot of support and backup. I can't imagine being an injured veteran and having to deal with it.

Mr. Harold Leduc: Some of the problems these veterans run into, especially with a broken adjudication system, is that they're not getting guidance when they're applying. They say they have a sore knee, but it could be something in their back, and there may be nothing on their medical files. So when it goes in and comes back saying "Denied", there's nothing on your medical file. Then all of a sudden, when it goes to the first level of appeal, the Bureau of Pensions Advocates is taking on a case that really doesn't exist because the case is this.

The administrators started this without consequence; they just said they'd put it through. The civilian doctors write in a different language from the one on the table of disabilities, and it's all a little bit complex. But when the Bureau of Pensions Advocates puts it forward and argues the case, the Veterans Review and Appeal Board has to look at it and say, I'm looking for a square hole to fit this square peg into and it's not there.

I helped a guy who, after 10 years of arguing he had been in a plane crash, finally convinced everybody he'd been in a plane crash. Then the Bureau of Pensions Advocates and everybody told him, you're not here about a plane crash; there is nothing in your documentation that says you were injured in that plane crash. Do you see what I mean? It started wrong; it was wrong from the beginning.

If you want veterans to do something really well, let's fight, but the problem is, when they start fighting, then all of a sudden they become individuals. The organizations move away from them. They become a little bit more vocal, and then all of a sudden they're viewed in a wrong light because all these people are doing is telling you what's wrong with them and telling you they need help.

• (1635)

The Chair: Very good.

Thank you.

I will go on to Mr. Powers.

Mr. Russ Powers (Ancaster—Dundas—Flamborough—Westdale, Lib.): Thank you, Mr. Chair.

I'm going to state the obvious. I perceive that you have a sense of frustration with the system, and you've given some examples of that frustration.

Certainly, I haven't had the involvement of Mr. O'Connor, but I was an officer in the forces. I felt part of my responsibility was not only to provide assistance to the people who worked with me and on my behalf, whether it was a matter of discipline, if it came to it, but also to assist them when they had these things. I probably went beyond what was expected of me, but I felt there was a responsibility that went with you.

Earlier you alluded to some of the frustrations. We're here basically to discuss the creation of a position of ombudsman, particularly in support of the Gulf War veterans and so on, but I get the feeling that you're looking for an ombudsman who will provide support for all veterans, whether they are veterans of the previous wars or actively involved in our offshore conflicts, and even those who today are involved and are frustrated with the thing.

Perhaps you could build on those frustrations, and then I'll enunciate my thoughts.

Mr. Harold Leduc: One of the things that worked really well after World War II was that there were a million veterans coming back into the communities of a Canadian population that was not very large. I don't know the number—11 million? So what you had were units coming back, you had the hierarchy coming back into the community, and those people typically joined a legion. They typically joined organizations, or they stayed together because they had that bond, that comradeship.

Today we don't have that. There are not enough of us coming back into communities. We demobilize individually or come back and are released individually or retire individually, and usually it's in an area where it's our wife's support system, not our own. We don't normally go back to where we came from.

In my opinion, and I've advocated this quite a bit, members of the forces, as they're leaving, all have similar needs; they have a need to re-establish themselves in society. The forces did a wonderful job of taking us when we joined the service and framing us into a different way of being within the military culture, and when we're coming out of that, it just doesn't happen by taking a uniform off. It takes a while, and I think what's important here is that the....

I just lost my thought on that.

Mrs. Betty Hinton: We do that all the time.

Mr. Harold Leduc: This reminds me of when I worked in a youth prison and I was an old man to all the youth.

The Chair: You're in good company. Don't be shy.

Mr. Harold Leduc: I think what's important here is that individuals are struggling through this re-establishment. They're struggling through their lives as individuals, and you band together by shared experience or whatever. I belong to five or six different

organizations. Which organization you go to depends on what level of politics you want or what level of social business you want.

I think I'm missing the point, though, of your question. Again, if I can come back, when people come back in the units and things, the people, the caring people—because it's not a rank level that makes you a caring person, it's your personality—continue to do that as a sideline in the community.

But today, where do you go? The average person.... I spoke to one lady who told me that her son was 42 years old. He lived in her basement suite. He got out of the service as a corporal after 13 years in the infantry—this was during the Cold War. She said she wanted to sell her house, but he wouldn't move. He just wouldn't move. When I started talking to him I found that we were in Germany at the same time. So we had a shared experience and I could connect with him with that.

But you see, he had nobody around him who could do that, so that's what was keeping him closed in. This guy had some problems. He needed help. But if you don't have the people who can help you, or if you don't know where to go.... So what we did was build a social safety net around him and then started getting him out into the community, so that if he fell one way or the other, he would be in good hands.

I probably missed your point, but I remember that we were talking about coming back into a community, and groups, and where to go and how to get help.

As far as the Gulf War, though—I think this is the point, sorry—veterans are veterans. They have similar needs. The Gulf War syndrome, the Gulf War illness, that's specific to a campaign, just like what went on in Yugoslavia; that was specific to there. But generally, as people, the veterans have similar needs.

• (1640)

The Chair: Very good. You're over your time, but what I was going to do is just ask if there are any final questions.

Mr. O'Connor, I won't put the timer on. I'll just let you go ahead.

Mr. Gordon O'Connor: No, no. I don't drag things on. You know that.

The Chair: You're very good that way.

Mr. Gordon O'Connor: Of the groups that have come forward—the people and the groups—the legion clearly stated, at least their representative stated, that they're not interested in an ombudsman. They believe that they in fact act as an ombudsman. I'm just wondering what your opinion is, whether you perceive the legion to be an ombudsman.

Mr. Harold Leduc: I'll speak as a member of the legion. I can do that.

I think the legion was the voice for veterans at one time, but I think the way it's going now, the legion is like the other organizations. We're better off working in partnerships, because we bring our own constituency groups.

The legion does a lot of good work. They're a wonderful community service organization. In fact, I'm on a committee that's building a seniors and veterans housing community out in B.C. They do a lot of good work, but the traditional veterans organizations—the army, navy, air force, the legion national council—have World War II veterans, Korea veterans, and Canadian Forces veterans.

The traditional veterans in fact boycotted the Canadian Forces Advisory Council over an issue of World War II benefits, and when they asked us to follow them, we said we couldn't do it in good conscience. This is the only council we have that advocates for us or where we have an opportunity to put things on the table. They came back to the table.

So they have a different mandate than we do. We're part of the Canadian Forces organization. We tap into them, we work with them, we deal with them as much as possible, but I think we're different. They are not the voice of veterans. We need a partnership.

The Chair: We'll go to Mr. Powers with your last question.

Mr. Russ Powers: My last question is a two-parter. Amongst like minds as yourself, is this the only solution? Did you consider other options that perhaps would achieve the end you require and rule some of them out, or is this just so logical that the other ones made no sense whatsoever?

Mr. Harold Leduc: I have. We've discussed it for years.

Another option and another model for this is to get the veterans organizations working together so that we can become a strong voice. I think at this time the traditional organizations are going through a transition, and at this time, to try to achieve that is paramount to herding cats.

At this point in time, especially with the implementation and the writing of the regulations of Bill C-45, or the new act, I think it's important. While the veterans organizations can be involved in the consultation process, while we can be the watchdogs, we need that impartial body to go to, where we can take our concerns if we're not heard. Oftentimes it happens—we don't get heard.

● (1645)

The Chair: Very good.

I want to thank you very much for coming out today, Monsieur Leduc. It was very informative. You did a very good job of putting it all together. It was certainly enlightening. We've heard a lot of witnesses over the last little while, and we've heard a lot of discussion. I think you managed to package it very well and put it very concisely.

Mr. Harold Leduc: Thank you very much for the opportunity. It's been great.

The Chair: We'll adjourn now.

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