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Mr. Rob Anders

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• (1530)

[English]

The Chair (Mr. Rob Anders (Calgary West, CPC)): Good day, ladies and gentlemen. It is yet another glorious day for the Standing Committee on Veterans Affairs.

Today we have, pursuant to Standing Order 108(2), for our study on the veterans ombudsman, the Canadian Peacekeeping Veterans Association. We have Tom Hoppe, national president, and Larry Gollner, special assignments.

I will let you gentlemen know that you have 20 minutes. You can split that up as 10 minutes apiece if you like, or you can do whatever slice and dice you want. Afterwards it's opened up to questions from the floor corresponding to what we have here. And hopefully you'll have a chance to address some of the questions or the schematic that's been laid out by our researcher. Hopefully you have copies of that.

Gentlemen, the floor is yours.

Mr. Tom Hoppe (National President, Canadian Peacekeeping Veterans Association): Thank you, Mr. Chair.

I'll start with my opening remarks, and I apologize that they're not translated. They've been given to the clerk, and he will translate them as you go forward.

Mr. Chair, respected committee members, I want to thank you for inviting us here to speak today. I am Tom Hoppe, the national president of the Canadian Peacekeeping Veterans Association, CPVA, and with me is Larry Gollner, who is our past vice-president and who leads our special projects team. Larry has been involved in the development of the new Veterans Charter and the early development work done on both the veterans bill of rights and the veterans ombudsman function.

In June, I had the opportunity, as an individual, to have a small part in a presentation to this committee. Today Mr. Gollner and I are here not as individuals, but to represent our association, other Canadian veterans, and, in principle, serving Canadian Forces members.

For the past 14 years CPVA has been actively involved in the veterans community. We have a solid history of working cooperatively and supportively with the government and the Department of Veterans Affairs to improve the conditions for all veterans, young and old. We also have a strong reputation for doing our homework, and on occasion challenging Veterans Affairs. Our

challenges are constructive in nature and are usually done within the confines of the consultation process.

Our successes are well documented. CPVA has assisted in developing the veterans helpline, aided in paving the way for OSISS and in securing Parliament's approval of the Canadian Peacekeeping Service Medal, and has worked with the University of Victoria law faculty to provide well-researched information to facilitate the development of sections of the new Veterans Charter.

CPVA consistently focuses on suitably representing the interests of both traditional and modern-day veterans. Our association was successful in recruiting two serving members to join our board of directors. This allows us to better understand the demands of the modern veteran community. We also have well-established relations with a number of regimental associations. These relationships lend us credibility and the ability to provide current advice to Veterans Affairs on the needs of both our veterans and our serving members.

Why is this important to the committee? The information we provide today is based on years of working within the veterans community in collaboration with other related organizations and on having an intimate understanding for the current needs of the veterans and serving members.

One question we are constantly asked is why a veterans ombudsman is important to veterans. Presently, the more than half a million veterans are represented by a number of associations and organizations, all of which concentrate their efforts to best suit the needs of their members. For example, there are organizations that serve the veterans of world wars and others that serve veterans of UN peacekeeping and peacemaking missions. Some of these focus on period of service or activities; others focus their efforts on the social well-being of their members. Due to this dynamic, the overall veterans community does not have one voice. Although some would have us believe that they have the authority to speak for us all, they do not have such authority.

Why are the internal struggles or politics of the veterans community important to this committee? It is essential that you understand that the veterans organizations have a major impact on how veterans legislation is developed. I am sure that Veterans Affairs has told you that the development of the new Veterans Charter had input from and the support of all veterans organizations. In our experience, this was not the case. The truth is that veterans associations, while active in the development process, did not have the time, resources, or permission to consult with their membership on the critical changes being formulated on pension policy. Under the guise of cabinet confidentiality, Veterans Affairs imposed a gag order on a dozen or so veterans representing their organizations, effectively eliminating any meaningful and democratic discussion within the veterans community at the grassroots level.

After the passage of the new Veterans Charter, considerable consultation was done on formulating the regulations and policies, leading to April 6 of this year, when the new Veterans Charter was proclaimed. On April 6, the then Deputy Minister of Veterans Affairs, the late Jack Stagg, stated that the charter was about 80% complete but needed amendments. He also stated that he expected the work to progress quickly on both the veterans bill of rights and the ombudsman function.

Shortly thereafter, the Prime Minister echoed Mr. Stagg's statement. Since then, seven months have passed without meaningful consultation taking place. We have repeatedly volunteered to help and have considerable resources available to do so, but Veterans Affairs has responded with a polite "thanks, but no thanks".

The much-proclaimed consultation process is clearly faltering.

• (1535)

In summary, the veterans community is split into numerous factions. The consultation process is faltering. The problem is compounded by the inconsistency of support by various veterans organizations, and as a result we have a confused overall veterans community.

How does this impact the Department of Veterans Affairs? Department officials too frequently state that an effective consultation process was in place during development of the legislation, regulations, and policies. In fact, not all associations were consulted, which has occurred more than once, and as a result, we feel senior department officials have lost the respect and trust of some of the veterans organizations. We have to understand the culture of members of the military services. They do not usually complain and will not work outside the chain of command. However, VAC is not only very bureaucratic, it is also legalistic in their process.

When a wounded soldier or veteran is faced with the inflexible system, he or she has nowhere to turn except to the media or the Federal Court. Who can effectively challenge a federal ministry? Most veterans or associations do not have the resources to do so effectively. Hence, when fundamental issues and important questions arise concerning veterans at large, we feel that only an ombudsman could effectively challenge a federal department.

How should the ombudsman office be structured? We believe that the DND-CF ombudsman operation and definition is a good model. The only difference is the veterans affairs ombudsman should be

legislated. An ombudsman will provide an avenue to allow the veteran to have a place to turn to that can investigate why a policy or regulation is not working and provide a solution. A prime example would be the high amount of claim refusals due to the initial application process. Naturally, refusal of a veteran's claim results in a veteran not immediately receiving the services from VAC. As well, there is the concern of the duplication of SISIP and the new Veterans Charter rehabilitation programs and how it will affect the transition of a serving member from the CF to VAC.

We do not see the veterans affairs ombudsman challenging a judicial decision made by VRAB, but an exception might be if there's a specific invitation to do so by the minister or the VRAB chairman. An example would be the investigation by the ombudsman of why the VRAB has such a large backlog of cases. However, some individual veterans may also feel they have been left out in the cold by having their cases rejected by the VRAB and they will undoubtedly return to the ombudsman seeking redress without going to the Federal Court. To help address this concern, we would see some practical options and approaches develop to ensure that such individuals receive the assistance they need to appeal their cases before the Federal Court system.

Members of Parliament and bureaucrats understand we need to support our veterans and serving members. However, we feel the establishment of the veterans affairs ombudsman is caught up in the bureaucratic process. The establishment of the DND-CF ombudsman has proven to be successful; therefore we are of the opinion the veterans deserve to have a place they can turn to for fair and equitable treatment.

In conclusion, it is essential to understand the connection between the veterans community and the development of policy and legislation. It is also important to understand the changing demographics within our veterans community, and which of the veterans groups involved truly represent all veterans. With these concerns in mind, the Canadian Peacekeeping Veterans Association believes the establishment of a veterans ombudsman is a critically important element of the introduction of the new Veterans Charter.

The government of the day said the new Veterans Charter was major legislation that has the capacity to impact tens of thousands of serving members and veterans. Therefore, with an untested Veterans Charter and a growing number of wounded coming home from the Afghanistan mission and with the split within the veterans community, it is clear that having an ombudsman is absolutely in the best interest of our veterans as well as for Veterans Affairs.

Thank you for allowing us to make this presentation, Mr. Chair, and I invite your questions, with which we can offer more than just through the presentation.

● (1540)

The Chair: No problem.

You have used nine of your twenty minutes.

Is there anything that Mr. Golner would like to add to that?

Mr. Larry Gollner (Special Assignments, Canadian Peace-keeping Veterans Association): Not at this time, Mr. Chair. Thank you.

The Chair: All right. Fair enough, gentlemen.

First up, for seven minutes, is Mr. Valley, for the Liberals.

Mr. Roger Valley (Kenora, Lib.): Thank you very much for your presentation.

I want to take you right to a couple of your comments. I don't want to suggest that you said this, but I'm going to ask because I thought I caught it in your comments. You talked about the challenges of all the organizations and trying to be heard. You said no one speaks for all of you at once and you asked how you could actually get your message across. But I did think I heard you say—and please correct me if I'm wrong—that there hasn't been a lot of consultation in the last seven months on some of the issues you're trying to move forward. Was that a statement that you made?

Mr. Tom Hoppe: Excuse me, but did you say that in the last seven months there was consultation?

Mr. Roger Valley: There hasn't been a lot of consultation on these issues.

Mr. Tom Hoppe: There has not been consultation in the last seven months. Actually, we just came from a meeting that, coincidentally, had been set up by Veterans Affairs just prior to this meeting. That's the only consultation we truly have had on the bill of rights and ombudsman since April.

Mr. Roger Valley: I think you're at the right forum right now. I won't look back on those seven months. We're going to try to look forward from here—

Mr. Tom Hoppe: That's true, yes.

Mr. Roger Valley: —and at how we do that. That may seem a little strange coming from an opposition member, but that's the way I want to deal with this.

Tell us straightforward, straight out, how we get you back in the system. I'm not sure how we can listen to all of them, but what's the proper procedure for us to use to hear from everyone?

Mr. Tom Hoppe: I'll say a little bit on that, and then I think Larry can add more to it.

Veterans Affairs has to realize what organizations truly represent veterans. There are many organizations out there that, due to demographics, have membership populations that are changing. Some organizations have a very large membership of civilians who never wore uniforms, and then there are other organizations that are in touch with the serving members and modern-day veterans. I think the department has to look at how they're going to prioritize who should be involved as we move forward, because we are impacting the serving members and the modern-day veterans. They have to sit down and figure that out, and then get those people into the process.

Larry, do you want to add anything?

● (1545)

Mr. Larry Gollner: Mr. Chair, I would add to Tom's comments that all of our members are veterans or their immediate spouses. We also are tied in with a number of regimental and corps associations within the armed forces. That allows us, as Tom mentioned in his opening comments, to have serving members on our board.

On my own committee looking at the development of Bill C-45, the new Veterans Charter paper, I was fortunate to have two injured members of the Canadian Forces. They brought a special poignancy to the discussions, and the points they brought forth weren't academic. They weren't based on legal jurisdiction or who was concerned. They were talking about themselves and their families and how the new Veterans Charter was going to affect them in the future.

That immediacy of the input that we can provide is much different from that of, say, the Royal Canadian Legion—of which I am an active member, I might add—which has a large office here in Ottawa, is well staffed, and has a command structure across the country, as everybody knows. They have 400,000-plus members; however, their contact with the serving individuals is much less common than that of a group like ours. They certainly have contact, and they do a very good job in a number of aspects, not the least of which is providing advice to claimants for Veterans Affairs benefits.

Mr. Roger Valley: Thank you.

In part of your comments, I think you mentioned that the attitude was almost “thanks, but no thanks”, but we're the organization that can try to correct that message for you to Veterans Affairs.

We've talked about the ombudsman. That's why you're here to discuss this with us. We know the challenges vets and your organizations have had in trying to get their message across. We've heard some of that.

From our side of things, we always deal with confidence. That's how we get elected. We have to build confidence. We know that confidence is not necessarily there amongst the veterans that they're getting served in a proper or appropriate manner. We're trying to change that.

How important is this one item of an ombudsman in terms of putting it in place? How big is it in the eyes of the veterans to make sure they have confidence that we know what we're doing and that this is the right step? Is this a big thing for them?

Mr. Tom Hoppe: The ombudsman?

Mr. Roger Valley: Yes.

Mr. Tom Hoppe: It's a very big thing.

We know the serving members are used to having an ombudsman in the Canadian armed forces, which has been very successful.

Don't get me wrong, the VAC staff are doing wonderful work and the best they can on the front lines, but sometimes veterans are caught, because of policy and the bureaucratic structure of VAC. They have a place to turn to in DND, but veterans have nowhere to go. As I've said, soldiers will work within the chain of command to the best of their ability, but there's a breaking point where they need to go somewhere. They have nowhere to go, so they go to the media.

A veterans affairs ombudsman is very crucial because it will allow veterans to go to the ombudsman and present a case that may be a systemic issue, such as the relationship between SISIP and the new Veterans Charter. It's a systemic issue.

The ombudsman could then look at it, resolve the issue, and make the department more effective. It will help the veterans. Yes, it is crucial to the veterans.

Larry, do you have anything to add?

Mr. Larry Gollner: To follow on Tom's comment, I would say we often hear from Veterans Affairs colleagues—and we call them “colleagues” because we've worked closely and cooperatively with them over the years—that we have the Veterans Review and Appeal Board and it can solve all the veterans' claims.

Well, the Canadian Forces have the redress of a grievance procedure. This is a formal legal procedure that has been established for generations.

With the establishment of the Canadian Forces ombudsman, the department didn't fall apart. It seems to be in business, and people still work through the redress of a grievance procedure. But if they're not satisfied, before going to Federal Court they have that different option and can go before the ombudsman.

The other thing is there are some things that the department would like the ombudsman to look at, because there's an interface between the Department of National Defence and Veterans Affairs.

From talking with my own regimental association, right now I know that if there is a difficulty with our wounded coming back from

Afghanistan, it's a grey area between the two departments. It's not the lack of people trying and it's not necessarily the policy. The two departments aren't quite in sync yet.

It's compounded by the new Veterans Charter. The new Veterans Charter was implemented on April 1, and very shortly thereafter we started taking casualties.

● (1550)

Mr. Roger Valley: Thank you.

The Chair: Thank you very much, gentlemen.

We now move to Monsieur Gaudet of the Bloc, for seven minutes.

[*Translation*]

Mr. Roger Gaudet (Montcalm, BQ): Thank you, Mr. Chair.

My first question is as follows: are you in favour of creating an ombudsman position?

[*English*]

Mr. Tom Hoppe: I'm sorry, I'm not getting the English translation.

[*Translation*]

Mr. Roger Gaudet: Are you in favour of creating an ombudsman position?

An hon. member: He said no. Keep going.

Mr. Roger Gaudet: If he said no, that settles the matter. I'm going home.

[*English*]

The Chair: We'll start again, Monsieur Gaudet.

[*Translation*]

Mr. Roger Gaudet: My first question, Mr. Hoppe, is this: are you in favour of there being an ombudsman?

[*English*]

Mr. Tom Hoppe: Yes, we are for an ombudsman.

[*Translation*]

Mr. Roger Gaudet: Would you like the ombudsman to report to the House of Commons or to the minister? That's my second question.

[*English*]

Mr. Tom Hoppe: I don't have a legal background, but I've looked at the testimony that's been presented through this committee, and I would say there are two views.

In the best of all worlds, it would be great if they had the power and the mandate to report to Parliament, but it's going to take a long time. If we look right now at the DND model of today, not the model of nine years ago but the one today, it's working well reporting to the minister.

From a practical point of view, the other issue we could see coming out of this is how it will be addressed when the House rises or a committee is not available and something happens during that time period, whereas a minister can be contacted at all times.

As an organization, we want to see something that's effective and will work. As far as we've seen, the DND ombudsman seems to work quite well. We would support such a model, but it'd be nice to have it legislated.

Mr. Larry Gollner: Mr. Chairman, one of our concerns is that we've been told—I don't know if it's true, and you gentlemen can tell me otherwise—that to get Government of Canada approval for an ombudsman, it would take probably up to five years, and that's if everything works well. In that time, using Veterans Affairs' numbers, we would have 150,000 fewer veterans, because they would die in the interval. We're losing veterans at the rate of 2,500 a month.

[Translation]

Mr. Roger Gaudet: Going back to my second question, if the ombudsman reported to the House of Commons, that would be like for the Auditor General. She receives specific mandates to solve problems, and she doesn't have to come back to the House every week to request permission. She has a clear and specific mandate. However, if there's a new minister, he may change ombudsmen if the incumbent doesn't suit him. That's the important aspect of my question.

[English]

Mr. Tom Hoppe: I'll try to answer that the best I can from my limited knowledge.

I think an ombudsman reporting to the minister has other avenues if the minister doesn't agree with the ombudsman's direction. I think we've seen that with the DND ombudsman where you can go public. I think that's why maybe it would be better to have a legislated ombudsman who can report to the minister, versus a mandated one, but I'm not an expert in that field.

• (1555)

Mr. Larry Gollner: I think that now that we have a standing committee in the House on veterans affairs, somehow this committee has to have a part to play in the ombudsman's role too. This committee can call witnesses. And if it hears through the media, or not necessarily through the media but through its channels, that the ombudsman of veterans affairs is being forestalled or stonewalled, then he can be called before this committee and be required to report. That might provide us with another way around. But whatever we do, now that we've got a standing committee on veterans affairs in the House, thank heaven, we might as well put you gentlemen to work.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Do you want to start over there?

[Translation]

Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ): Good afternoon.

Mr. Gollner, I believe it was you who said that it would take five years to create an ombudsman position. I'd like to know where you got that information.

[English]

Mr. Tom Hoppe: Did you get that?

Mr. Peter Stoffer: He asked where you got the information that it takes five years to get an ombudsman.

Mr. Larry Gollner: From Veterans Affairs, the assistant deputy minister, Keith Hillier, who is the project manager handling the veterans ombudsman and bill of rights portfolios.

[Translation]

Mr. Gilles-A. Perron: In that case, you're suggesting that Keith Hillier is opposed to the ombudsman idea. I can't conceive that that'll take five years, when, all of us around this table, after hearing you, will be making a report and exercising pressure for that position to be created. If we members don't have any more power than that, let's change jobs.

[English]

Mr. Larry Gollner: I didn't hear that, but I understand it.

Mr. Tom Hoppe: He was just saying—correct me if I'm wrong—that you were implying that Keith Hillier doesn't want an ombudsman.

Mr. Larry Gollner: I understood very well. I think that within any bureaucratic structure, there's hesitancy to put a form of watchdog or overseer in place, particularly one who doesn't necessarily account to someone else in the structure. That probably causes some unease. As we know in the Canadian Forces, for Mr. Marin, it took a fair number of years of hard work before he convinced the department that it was in their best interests to cooperate and make the ombudsman's office work. That ground has been passed now. We can take and build on what he's done in the past. It's the same thing with Mr. Côté, who was here a couple of weeks ago.

[Translation]

Mr. Gilles-A. Perron: I sincerely think that, if we can't have the idea of creating an ombudsman position adopted before next summer, then we're doing a bad job, unless there's an election very soon.

We simply have to see what's going on in Quebec, where there is the Ombudsman, in Ontario where there's the Ontario ombudsman, in New Brunswick and in British Columbia. There are ombudsmen all across Canada. The banks have their ombudsmen. Don't tell me we have to start over and work for five years in order to find ourselves a super good god. There are laws, and it would be enough to amend them a little to adapt them to the federal government.

I don't understand. I'm going to phone my friend Keith to ask him why he told us five years, because I completely disagree with him. I conclude that Keith doesn't want an ombudsman.

Furthermore — we've said enough about ombudsmen — you complain that you're having trouble being heard by the Department of Veterans Affairs. Wouldn't there be some way to merge your 53 existing veterans associations and to form perhaps one or two, and to have two spokespersons? Right now, there are 53 veterans associations.

• (1600)

[English]

The Chair: Thank you, Monsieur Perron.

Mr. Hoppe.

Mr. Tom Hoppe: That would be great. I'd like to see that, I really would. But the problem in the veterans associations is everybody protects their era of operation. So Bosnia was different from Afghanistan, and Korea is different from this, and you have these splinter groups and you have a lot of egos. Then you have people who have different agendas. It's a huge issue, and an ombudsman can play a role in that too. Because what ends up happening is the department is allowed to choose who supports its agenda, and that's an issue as well. The ombudsman could play a role in that to make sure everybody is treated equally and fairly and everybody is heard.

I go back to the earlier statement that the department is going to have to start looking at which organizations are representing veterans and that information from those organizations can properly develop policy to help veterans. That's something they're going to have to look at.

The Chair: Thank you very much, gentlemen.

Now on to Mr. Stoffer with the NDP, for five minutes.

Mr. Peter Stoffer: Thank you, Mr. Chairman.

Gentlemen, first of all, thank you for your service and then thank you for being here today.

I'm concerned when you say a gag order was placed on you. I'm wondering if any documents indicate that, that you can share with the committee at a later date.

Mr. Tom Hoppe: One document that was entered in June from the Ontario Legion Command stated they were not involved in the consultation process in the new Veterans Charter. That was one document that would lead to that.

Mr. Peter Stoffer: But not being involved in consultation doesn't necessarily mean a gag order. A gag order means thou shalt not speak.

Mr. Larry Gollner: I only came in when the gag order was in place, and it was one of our principal concerns. It was April Fool's Day, April 1, 2005, and we were given a comprehensive briefing. We were told at that time we were not permitted to share that advice, that information, with our membership, that it was under cabinet confidentiality. And that was frustrating, because three of us were being briefed, and we had a working committee set up, ready, that had been providing information and they were asking what happened—you got a briefing, so where are we going?

Mr. Tom Hoppe: And also, sir, just to add to that, I believe there was testimony in 2005 from Mr. Leduc, who stated who was involved then, as well.

Mr. Peter Stoffer: Very good.

Gentlemen, thanks again.

You also indicated that when someone in the defence department has a problem, they can go to the ombudsman. I remind you, they can also go to MPs, as well, just as veterans can, or the odd time, senators.

One of the concerns, though, that the defence ombudsman has is that he can only go back so far. Things that happened prior to that, he can't touch.

André Marin, in October 2003, did a report on SISIP that said thou shall change the particular rules. It's now November 2006, and it hasn't been done yet. We've had two elections and two different governments. The ombudsman very clearly stated a specific fact that had to be done, and it still hasn't been done. If you're on SISIP, imagine what you must think of an ombudsman, now. You've gone before him, you've gone before his people, you've stated your case, he's agreed with you, he's made recommendations to government, and two different governments haven't changed it yet.

So unless—and I'm not saying an ombudsman is ever going to get this—they can have the legislative tools to actually change policy, in many cases, it's an advisory function, a recommendation board. At the end of the day, if the government or the minister chooses to ignore a particular recommendation, they still have that legislative ability to do so.

Can you not still see in some cases the frustration from veterans in this regard?

• (1605)

Mr. Tom Hoppe: Oh, I think you could. That's why, as an organization, we want to see something that works. How is that done? I'm not a constitutional lawyer. There are many models out there.

I think with the SISIP thing, too, we're also dealing with an outside insurance agency. The ombudsman at Veterans Affairs—and I'm taking a guess—would deal with internal matters and maybe it might be resolved better.

I guess there are a number of ways you can look at it.

Mr. Larry Gollner: If I might add to that, Mr. Chairman, in the briefing we coincidentally had a few minutes before we arrived here, the SISIP problem the honourable member mentioned was brought up again. The Department of Veterans Affairs is finally getting the message we've been beating them over the head with for 18 months or longer. They know the problem is serious, because it was a serious problem before, and it has been compounded by the new Veterans Charter.

For your members' knowledge, we are the only armed forces in NATO in which serving members have to pay for their liability insurance. In fact, by doing so, when an individual is invalidated out of the service and draws SISIP, that lets the public purse off the hook. The serving member in Afghanistan is paying for his coverage.

Mr. Peter Stoffer: Thank you very much, gentlemen.

My last question for you is more positive. Art Connolly, of the Agent Orange Association, has been asking for a national public inquiry into what happened in Gagetown. If we had an ombudsman with the proper resources, human and financial, to do a comprehensive so-called inquiry of his own, would that not be a proper way to go, instead of having a public one? For example, it could ease the call, and maybe save money as well, by having an ombudsman with the legislative authority, to go back as far as he or she wanted to go, instead of having a restricted date that thou shall only clean up files, say, from 1990 on. Would you not agree that once they establish the ombudsman position, there's nothing that person, as far back as they want to go, couldn't reach into? Would you agree with that?

Mr. Tom Hoppe: Yes, we agree.

Mr. Peter Stoffer: Thank you, Mr. Chairman.

The Chair: Thank you very much, gentlemen.

Now, on to Mr. Sweet, for seven minutes. If he doesn't take up his whole time, I understand that Mr. Shipley will help.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Thank you, gentlemen, for coming today and being willing to give testimony to help us with our report to the minister for an ombudsman.

Regarding the new charter, you mentioned there was not the time nor the resources to really have a complete dialogue and consultation for the input of the veterans organizations. Regarding our investigation now on the ombudsman, you mentioned you've been communicating with the bureaucrats in VAC and that you feel it has been bogged down in the bureaucracy. Have you been aware that we've been holding these meetings and consultations over the last few months?

Mr. Tom Hoppe: Do you mean the committee?

Mr. David Sweet: Yes.

Mr. Tom Hoppe: Yes, we're aware of that.

Mr. David Sweet: Had you approached this committee before we contacted you, as far as coming today for testimony?

Mr. Tom Hoppe: We did approach the committee, yes.

Mr. David Sweet: Okay, good. I just want to make sure that we're not in the same boat of not listening as well.

What is the size of your membership?

Mr. Tom Hoppe: Our membership right now, the organization itself, is 1,000, but we are also in, for example, with Mr. Gollner, the regimental associations and we have some ties in with some reserves as well. The actual membership size is 1,000.

Mr. David Sweet: The 1,000 is either veterans or their immediate spouses. Is that also including the active members—

Mr. Tom Hoppe: Yes.

Mr. David Sweet: —or the active members are over and above the 1,000?

Mr. Larry Gollner: No, members are members.

Mr. David Sweet: So it's 1,000 members right now.

In my opinion, we've had two sessions of quite compelling testimony by two ombudsmen. They were talking about systemic investigations and you've been talking about a number of things right now. So we have it on the record. When a veterans affairs ombudsman is in place, what would be your preference for the first systemic investigations that an ombudsman would undertake?

Mr. Tom Hoppe: The two I can think of, and Larry can correct me if I'm wrong, would be the initial application process, because that's been a concern that VRAB has raised, and the relationship between SISIP and the new Veterans Charter.

You have to understand that under the new Veterans Charter, with the 75% income replacement, if SISIP kicks in first then Veterans Affairs doesn't have to kick anything in. As Larry was saying, the soldier in a sense is paying for his veterans benefits, because SISIP is going to kick in first, which he's been paying for.

Those would be the two I could think of off the top of my head.

Larry.

● (1610)

Mr. Larry Gollner: I would think that another major area of concern, and I can't define it in a brief paragraph, would be, as I mentioned earlier, the interface with the Department of Veterans Affairs and the Canadian Forces when a wounded individual moves across from being a Canadian Forces member to being a Veterans Affairs client.

We have these wonderful models, but we're finding in Edmonton, where my regiment is principally based, that if Murphy says there can be a hole, well, a veteran will fall in that hole. That is an area we would certainly expect to see the ombudsman get involved with.

Mr. David Sweet: Thank you, gentlemen.

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Thank you again for coming out.

I'm finding it interesting, because the question was asked, do you want an ombudsman? It's been clear from this government from the start that that's why we're having these discussions. It's been a little frustrating, I guess, and I'm glad to get some clarification. And I do not know that our government put a gag order on anyone.

Mr. Larry Gollner: It was the previous government.

Mr. Bev Shipley: Okay, then I guess that's clear. I'm just saying that's why this committee's in gear. We came on here and one of the things that was said is we aren't going to go back. We want to move ahead to get this in place.

If we don't have elections called, and that's not up to the ones on this side, then we can move ahead. Obviously, when they're called, things get stopped. The timeline politically here is a lot slower than most of us would like to have.

I'm just wondering how we get agreement with all 53 associations.

Mr. Tom Hoppe: I think from what I've read and from what I see on this committee, there's agreement that we need an ombudsman. So how we move forward on that.... I'd like to see this move forward too.

To go to your comment, we have to look where we've been in order to move forward, and that's why we present some of the past to get us ahead, so that the same problems do not arise, as we're developing this important office.

On getting agreement of the 53 organizations, truly, there have only been six so far that have been actively involved in the new Veterans Charter, the bill of rights, and the ombudsman. You're never going to get 53 people agreeing on one thing. I think eventually there has to be a leadership role by the government and by the department to say there's an agreement that we need an ombudsman, so let's look at some models. The DND ombudsman model is a good one. It's worked. Maybe we have to tweak it a bit. Let's move forward.

Mr. Bev Shipley: I think we have agreement on the one. We've stated right from the beginning that we wanted to establish an ombudsman. Actually not everybody was onside at the time. Right now I think they are, and these hearings have been important because they have embraced that need.

So that we aren't caught by people saying we didn't ask them, or we didn't care for what they said, how do we melt those 53 down? How do we know who to talk to so that as a government and as a committee we can do our job and gather that at the end of it? We can take the leadership—that's not the issue. We know what we want to do. Now we're looking at implementation. We're looking at the mandate, the establishment of the rules and regulations, who they report to, and what they should be able to do.

We all have our ideas, and I think those ideas are getting focused. But we want to make sure that at the end of it we don't have the

comments that have come from Mr. Hoppe and Mr. Gollner that we didn't ask them or listen to them. We don't want that and you don't want that. This is an opportunity to put in place as pure an ombudsman as we can—a position we agree on.

● (1615)

Mr. Tom Hoppe: That's a tough question and it's going to be multifaceted. First of all, there's better consultation with Veterans Affairs, which means it's not an information briefing but an exchange of information. You have contact on the ground with your constituents. You can speak to the veterans out there. Veterans belong to many different associations, so we're able to get the word out. It will have to be a team effort.

The Chair: Mr. Shipley, your time is up.

You're free to respond, gentlemen.

Mr. Larry Gollner: I'm heartened by your comments. When we were working on the new Veterans Charter it was not exposed to a committee such as this, for a whole bunch of reasons. The honourable members didn't have an opportunity, and it went through. We all know it was passed in a single day, and all the rest of the things. The Senate had one brief hearing. People didn't have an opportunity to express their concerns and/or support. In many cases people were supportive. That voice wasn't heard equally. Perhaps if a position were shared on the establishment of a veterans ombudsman, this committee could call witnesses to come forth and talk to you.

The Chair: Thank you.

Mr. Rota.

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Before I begin my questions for our witnesses, I have one request from our analyst.

Mr. Perron raised something on the time to set up an ombudsman. I wonder if we can get an average and specific cases on the timelines for setting up an ombudsman, whether it's provincial or national, not only in our country—I was going to say our nation, but that's something we won't discuss right here—but around the world.

A military ombudsman usually deals with complaints from serving members in the Canadian Forces. A lot of the veterans' claims are not brand-new. They don't just pop up later on in life; many of them start with a serving member. Given your involvement with the military ombudsman's advisory committee, do you have any suggestions on how a military ombudsman and a veterans ombudsman could work together to clear up issues delaying the process of applications for disability pensions or awards? Do you see them in different offices, or do you see one office that covers both? Which way do you feel would work best?

Mr. Tom Hoppe: A number of things will have to be looked at. There's how the veterans affairs ombudsman will be structured and how that relationship will be developed with the CF and DND ombudsman. There's the issue of exchange of privacy information, because it will probably be two separate departments. I don't see it being under one. I don't know how it would work if you had two separate ministers and two separate departments. It's not my expertise.

So there's going to be the exchange of privacy information, and some kind of liaison will need to be set up so when it hits the end of the mandate for one, it could transition into another. Things will have to be worked out, and I don't know how that will be done.

Mr. Anthony Rota: So you see two clear divisions there, one for veterans—

Mr. Tom Hoppe: I would say two clear divisions, with the mandates and the liaison between the two departments. As well, you have to look at the privacy issues regarding exchanging information.

Mr. Anthony Rota: Okay, that's nice to hear.

Your organization has often taken the lead in lobbying for improvements to some veterans benefits and programs, but you've also recognized that there should be a close—

Excuse me. I'll just wait for Monsieur Gaudet to finish, and then I'll... Okay, can I continue?

[*Translation*]

Mr. Gilles-A. Perron: Yes, go ahead.

[*English*]

Mr. Anthony Rota: You have recognized the value of close cooperation among different groups. What kind of relationship should exist between a veterans ombudsman and the various veterans groups, notably during investigations and in issues involving a majority of veterans?

There is that relationship, and there are certain groups that are doing the work now. I'm thinking, particularly, of the legion, which is doing much of the work now. All of a sudden you bring in the ombudsman. How do you see that relationship developing, and will it have continued input into the investigation?

• (1620)

Mr. Tom Hoppe: I'll take the first part, and I'll let Larry comment on the one about the Legion.

I think a structure similar to the advisory committee that the current ombudsman has would be one in which you would have veterans. So, representing modern-day veterans as well as traditional

Second World War veterans, you'd have advisers who are in the office daily advising the ombudsman on issues for veterans, as well.

I'll let Larry take the Legion side.

Mr. Larry Gollner: The Legion purports to speak for us all. It does not. Even within their own senior command structure, the positions they've taken at the dominion level have been challenged on their floor and in writing. Tom referred earlier to a very strong position that was taken by Ontario Command, one of the major components of the Canadian Forces legions, saying they disagree. So they don't speak for all the veterans—that's for certain—and they don't speak for us.

The Legion has a very good role, though. They have advocated on behalf of veterans for a long time. But we believe there's a difference between being an advocate and being an ombudsman. We're well acquainted with the Legion's senior staff, and we work with them all the time. They know they don't have the legal and financial resources or expertise to do the sort of investigation that an ombudsman's office can do, nor can they breach, for example, the privacy restrictions. The ombudsman moves in one sphere, and the Legion moves in another sphere. The Legion does a great job advocating—and we don't have any difficulty with that—but let's not mix up advocating and being an ombudsman.

The Chair: Mr. Rota, we're up on time. Sorry.

Monsieur Perron, we originally had you down, but I have a cross-off here. Would you like to take your five minutes?

Mr. Gilles-A. Perron: Oh, yes.

The Chair: All right. I thought you would, sir.

[*Translation*]

Mr. Gilles-A. Perron: Coming back to the question whether the ombudsman should be accountable, we just heard from Mr. Marin, the former National Defence and Veterans Affairs ombudsman. I think he did a superb job, so much so that he was told his contract wouldn't be renewed.

I really like nominating people because our meeting is public. We also heard from Mr. Leduc, who is the ombudsman at the Sainte-Anne-de-Bellevue veterans hospital. I don't know whether my colleagues will agree with me, but it emerged from this meeting that Mr. Leduc was an employee of the hospital's executive director: he answered only what she wanted him to answer. She also protected her friend Mr. Leduc when he was asked questions.

We heard from Mr. Côté, who is the National Defence ombudsman. Personally, I wasn't satisfied with his performance because we could see that he had both hands tied and couldn't really react because of the system in place in the Canadian Forces. His bosses are the general of the Canadian Forces and the Minister of Defence. He's protecting his job. He doesn't want to bite the hand that feeds him.

I don't blame either Mr. Leduc or Mr. Côté for acting that way because they're protecting their professional lives. However, it would be wasting our time and taking the wrong direction to have a Veterans Affairs ombudsman who would take the side of his real boss, who is the minister, instead of that of veterans.

I'd like you to comment on what I've just said. If you want to refrain from doing so, I'll understand, because I know you're often in a poor position to answer that kind of question.

[English]

Mr. Tom Hoppe: I will go back to our position as an organization. We support an ombudsman who has the teeth to do the job. How that's established I leave that up to this committee, because I'm not a constitutional lawyer. I've been on the advisory council of one model and I've seen that it's had success. I've heard of other models, as you have stated. Which one will work? I leave that up to you as committee members to decide. We as an organization want something that's going to work for our veterans, that's going to have some teeth, and that's going to be able to look after our veterans at the end of the day. That's our position.

Larry.

• (1625)

Mr. Larry Gollner: I absolutely reinforce what my president has said. We can't afford to wait for three, four, or five years before we have something in place, because unfortunately, as you know, there were two Canadian soldiers killed yesterday, and their families are going to have to be looked after. Hopefully, everything will be done, but we can't be vacillating and waiting for all the chips to be in position properly.

[Translation]

Mr. Roger Gaudet: Now it's my turn to ask a question. We have 53 veterans associations and none of those 53 associations doesn't want to lose its little kingdom. Each wants to be the head of everything and to solve everything. If you want to solve everything, we won't create an ombudsman position.

I'd like the associations to tell us exactly what they want. Currently, they like the government and don't want to displease it. That's not what I want. I haven't come here to please anyone. I want something logical and fair for everyone. I want everyone to be equal, whether they're in British Columbia, Nova Scotia or elsewhere. I want everyone to receive the same services. If there are 53 associations, there are 53 different services, and you get 53 different answers when you phone somewhere. If there were one single ombudsman... Mr. Marin from Ontario receives 25,000 complaints a year, and he conducts six major investigations every year. He has a budget of \$9.6 million.

Should we do it or not? If we don't do it, I'm going to stop coming to the committee to talk about an ombudsman. I want you to give me concrete answers. Thank you.

[English]

Mr. Tom Hoppe: You're right, it's a hard position. I have to be careful as an organization not to downgrade any other organization, but let's be real here. There are certain organizations that are at the table involved in the development of policy. Maybe those are the ones that should be involved in the future of this. There are organizations' demographics that are changing that don't support... that are not veterans any more.... Maybe they should be rolled out.

At the end of the day, I think the ombudsman is the one who has to have that control over it. The issues that you will see will not necessarily come from organizations complaining about territorial issues, if I understand your question correctly; they're going to come from veterans being treated by the department, be it under the new Veterans Charter or something to do with SISIP. That's where it's going to come from, not individual territorial fight. I think we can leave that outside of the ombudsman's mandate.

Mr. Larry Gollner: I agree.

The Chair: Thank you.

We'll move on to Mr. Shipley, for five minutes.

Mr. Bev Shipley: I just want to go back. Really, then, what you're saying is we want an ombudsman, but when we come to the input and the structure of that you leave that to us.

Mr. Tom Hoppe: Well, you're doing this in the committee right now. You have people like ourselves coming forward providing evidence, giving you our input. You're probably going to find a common thread from certain organizations on structure and the like. At the end of the day, the ombudsman is going to have to look after veterans. We provide that information. If the bureaucrats want to speak to us, as they just did a few hours ago, and they want us to provide some input, they usually go to the six main organizations that have been working with them and have been providing results for the last number of years.

Mr. Bev Shipley: Are you saying we should be embracing a different list—not necessarily a different one, but an expanded list?

Mr. Tom Hoppe: You have to look at who's representing who out in the veterans' world. Who's doing what and who's producing results?

Larry.

Mr. Larry Gollner: I have nothing to add.

Mr. Bev Shipley: I think Mr. Sweet has a comment.

Mr. David Sweet: It's on a different topic, because we're talking about consultation and we'll soon be looking at a veterans bill of rights as well.

Have you viewed the draft of the veterans bill of rights on the Legion's website?

• (1630)

Mr. Larry Gollner: We trashed that. We did not agree with that. That was the Legion advocating and purporting to speak for people they did not speak for.

Mr. David Sweet: Have you drafted anything yourself as a submission?

Mr. Larry Gollner: Several times. In fact, this afternoon we again went through the department's latest submission, did the same, and said you've made a reasonable start, but it's now back to step two—start again.

They're starting to get the message that the veterans bill of rights has to be in accordance with what the minister has clearly enunciated on more than one occasion, that it will be something that is simple, in bilingual format, that is hanging on the wall of every Veterans Affairs office in the country, so when the veteran comes in the door he or she can say "These are my rights." Those rights are what the veteran will judge the performance of the bureaucracy on when they're dealing with his or her case. If the veteran feels he or she hasn't been handled properly, then rest assured, they'll be going to the ombudsman.

The minister has spelled it out on half a dozen occasions. The bureaucrats tend to look for the legal approach, and in their first draft that was eleven pages of legal gibberish.

Mr. David Sweet: Could you table your submission with our committee?

Mr. Larry Gollner: We can, but it's in rough form. They gave us a questionnaire of twelve questions that we had not seen until Friday —

Mr. David Sweet: But you said you'd developed a submission on the bill of rights already.

Mr. Larry Gollner: We have, but that's been succeeded by this latest round of documents.

When we were here in April, the draft we tabled was met with general consensus around the table. People said it's not perfect but we're quite comfortable with it. Then we made the mistake of going to the legal people. That has taken a few months, and we haven't made a lot of progress since.

Mr. David Sweet: I'd like to ask you to table with the clerk the original submission, then your re-draft after these questions, if you would, please.

The Chair: Thank you, gentlemen.

Now on to Mr. St. Denis.

Mr. Brent St. Denis (Algoma—Manitoulin—Kapusksing, Lib.): Thank you, Mr. Chair.

Thank you, gentlemen, for being here and helping us out with this very important project.

Before I go to my questions, your organization is the first one, to my knowledge, to mention the Cold War veterans. One of my constituents, Chuck Miles, has been very interested in there being

proper commemoration of the Cold War veterans, many of them on the undercover side of it, and I will make him aware of your efforts.

The fact that we're spending a fair bit of time in hearing from witnesses such as yourselves on the ombudsman sort of suggests that it's a big, complicated thing, but in listening to Mr. Marin and Mr. Côté and others, there are some basic fundamental elements. It's really in the implementation and in the mechanisms, to listen to veterans where this will work or not work.

Do you agree that it's not rocket science, and if it's done right it's not something that takes...? I think even Mr. Gollner said it's a simple bill. Do you think we need to spend a lot more time studying this before we put something on the table?

Mr. Tom Hoppe: No, I don't think you do. As we said this afternoon to some of the VAC staff, the DND ombudsman is a good starting point today. His mandate, how he's working today, is a good starting point. It's not rocket science and we don't have time. As Mr. Gollner was saying, we're losing 2,500 veterans a month, according to VAC. There is no time. We have to move on with this.

Mr. Brent St. Denis: I value your experience in particular, Mr. Hoppe, as a member of DND's ombudsman advisory committee. How long have you been involved there? Can you tell us a little bit about that experience?

• (1635)

Mr. Tom Hoppe: I've been involved there since 2001. We meet four times per year, unless the ombudsman requests our information. I can't talk about what happens on the committee.

Mr. Brent St. Denis: No.

Mr. Tom Hoppe: Basically we provide advice to the ombudsman on cases, different points of view—a sounding board. That's basically how we work as an advisory committee.

Mr. Brent St. Denis: Did I understand you to suggest earlier that it would be good to have such a committee for veterans?

Mr. Tom Hoppe: You definitely need to do that. You need to have the main veterans organizations on there so that you can get the feel of what's happening on the ground, for both traditional veterans and for modern-day veterans. It's crucial.

Mr. Brent St. Denis: If there were a review mechanism built in, if the government ultimately agrees to start off.... It may not be perfect, because DND's a different constituency from Veterans Affairs. Would it make sense to get started, and then as part of a three- or five-year review do the necessary tweaking to improve it?

Mr. Tom Hoppe: I think that would be fair to say.

Mr. Brent St. Denis: While there may not be unanimity among the constituency associations on the best place to start, might there be agreement that any start is better than no start, to put aside any initial disagreements over the finer details to get started, and then agree at a review time to make any necessary improvements?

Mr. Tom Hoppe: Yes, I think that's a way to go, because we do need to move forward on this. As the committee members have said today, to have 53 organizations try to get consensus is going to be difficult. If we move forward and get the right people involved in it, the right organizations, and we have a review, I think that would be a good way to go.

Mr. Brent St. Denis: You used two words that I thought were exceptionally descriptive. You referred to "traditional" veterans, those who might have been involved in the Second World War. We have only three from the First World War left, but then there's Korea. And some of the earlier peacekeeping missions, I suppose, would include what you might call traditional veterans. Then there are the "modern-day" veterans, those who have left the forces in say the last ten years or so.

Could you characterize whether they really make up two distinct groups in terms of their needs? I'm thinking of an uncle of mine who was hurt in 1942-43, just within weeks of being in training camp. He was 17 or 18. He was too shy to speak up, so he continued, injured. Now he's 80, and that knee has troubled him all his life. I wonder if for the people leaving the services now there's better record keeping and less shyness on the part of younger recruits to speak up.

I'm wondering if we're dealing with two different mindsets—from the traditional veteran versus the modern-day veteran—and if that would impact an ombudsman's work.

Mr. Tom Hoppe: When it comes to veterans, we feel a veteran is a veteran. We used the words "traditional" and "modern" just because that separation is out there already. We'd like to see everybody treated the same. My feeling is that a bullet does the same damage, whether it was in World War II or in Afghanistan.

Naturally, as a person ages their medical needs and the help they'll require is going to be much different, and Veterans Affairs is looking at that already. Is there much difference? In age, yes. Record keeping probably has improved. In regard to people not speaking up, in the combat arms you just do your job. You don't speak up, and you just carry on, even if you have a bum knee.

There probably are a lot of similarities over the years. I think at the end of the day, veterans should be treated as veterans. That way you wouldn't have this split that you're having, and different charters and legislation.

Mr. Brent St. Denis: Finally, a couple of my colleagues have asked about the reporting. There probably would be a difference of opinion on whether it should be to the minister or to Parliament. Although in my mind, in the way that Mr. Côté described his reporting to DND through the minister, he still has the ability to report to the public, and there is an annual report to Parliament. I gather you are satisfied that the DND ombudsman's authority is not being reduced by his reporting through the minister.

• (1640)

Mr. Tom Hoppe: I think, as Larry said, in a perfect world we'd like to have the best, but how much time do we have to get this in

place? Maybe the method that Mr. Côté is using is working. Why not put that in place and make it work for the veterans ombudsman?

The thing is time and practicality and what's best for the veterans at the end of the day.

The Chair: Larry.

Mr. Larry Gollner: I would just say, going back to one of your earlier questions, sir, that you and your colleagues are absolutely right. We have had in British Columbia, where I'm from, an ombudsman for more than 35 years. It's the same thing in Ontario. This is not new in Canada. Today we have our serving members who are acquainted with the ombudsman. This is not a new concept.

There are 700,000 veterans who believe they should have an ombudsman. It's interesting that one of our strongest advocates in support of an ombudsman is Mr. Cliff Chadderton, who I'm sure you all are well acquainted with. He told us a while back that he took part in the Woods commission in the 1960s, which recommended a veterans ombudsman. So it's been a fair number of years coming.

Mr. Brent St. Denis: Thank you.

The Chair: Thank you, gentlemen.

We have exhausted the list of people who have indicated they'd like to ask questions.

Mr. Stoffer, go ahead, please, if you wish.

Mr. Peter Stoffer: Sorry, I just assumed there was an automatic going around.

The Chair: There is, but we've come to a point where people aren't putting their names forward any more.

Mr. Peter Stoffer: Oh, sorry, Mr. Chair.

I have just a quick question.

You talked about members of the military with problems who went to the DND ombudsman, and about how if we have an ombudsman now for veterans affairs, then veterans can go the ombudsman. But a classic example is the case of a veteran dying and the spouse being left behind. We'll take, for example, VIP. A particular individual in Cape Breton was assured by a certain person, who was an opposition leader and now just happens to be Prime Minister, that the VIP services would be done immediately. Now, ten months later, they haven't been done yet. So this person has a legitimate complaint, but she's a civilian, and she's the spouse of a veteran. In the perfect world we talked about, should civilian members attached to veterans have the right to use the ombudsman's services to launch concerns, complaints, or whatever it is that they have?

For example, this particular lady is applying for VIP services. Even though the legislation is absolutely correct that the government is not doing anything illegal—the legislation states this very clearly—she's not getting exactly what the legislation states. But if she feels that she has a valid concern, in your view, should she be able to use the services of an ombudsman, as well?

Mr. Tom Hoppe: Yes. I think you have to look at the whole family unit. If you look at the bill of rights that we are looking at, family involvement is on the bill of rights. So yes, if someone is having that issue and is a spouse of a veteran, the mandate should be broad enough to allow for a family member or a dependant to launch a complaint.

Mr. Peter Stoffer: Okay.

I'm not a lawyer on this question, but it's similar to people developing class action concerns against the government. I'm taking the concerns of the veterans who came back from World Wars I and II and Korea and who were mentally or physically challenged. For whatever reason, the government of the day said they couldn't handle their finances, or something, and that money was put in trust for them. This money has developed into billions of dollars in interest, apparently, and I guess there's litigation now happening on that.

Would you ever foresee an ombudsman being able to get involved in this, prior to it going to the courts? Once it goes to the courts, the ombudsman, obviously—I assume legally—has to be out of the question and let the courts follow the natural path of legality. Would an ombudsman, in this particular case, be able to investigate something of that broad a nature? That is long. It's expensive. Could you foresee doing something of that grand a scale, or should the ombudsman do something more compact in terms of policy arguments?

•(1645)

The Chair: Larry.

Mr. Larry Gollner: That's a loaded question, but fair enough.

Regarding the mentally damaged veterans, that issue—I believe I'm right in saying—is under appeal, is it not?

Mr. Peter Stoffer: It's in the court system, yes.

Mr. Larry Gollner: So if we brought an ombudsman on, he's certainly not going to get involved with the court process.

Mr. Peter Stoffer: That's right.

Mr. Larry Gollner: Whether he could deal with something, going back to your earlier example, sir, where you were talking about Agent Orange, which in fact is still in the working stage, that would be a different matter, but I think once the courts take over too many hands are tied.

That's the purview of a public inquiry, isn't it, or a parliamentary inquiry maybe.

Mr. Peter Stoffer: Thank you.

The Chair: Gentlemen, I think we've pretty much exhausted things at this stage.

I want to thank you very much for your presentation today. I think we have a few matters we're going to be dealing with after your presentation here.

We'll give you a few minutes to collect up your things and for the committee members to make their goodbyes, and we'll continue with the work of the committee.

Mr. Tom Hoppe: Thank you, Mr. Chair.

Hopefully we were helpful.

The Chair: Absolutely, and thank you very much.

Mr. Tom Hoppe: Thank you.

The Chair: Just to update you on the situation here, Mr. Perron has submitted a motion, and this is the 48-hour notice, so it will be coming up at the next committee meeting.

Mr. Gilles-A. Perron: I'm sorry, Monsieur,

[*Translation*]

it's a routine motion. Forty-eight hours' notice isn't necessary for that.

[*English*]

Check your rules.

The Chair: Excuse me. It's possible, Mr. Perron. Just bear with me a second, please.

[*Translation*]

Mr. Gilles-A. Perron: I'm talking to him; I'm not talking to you.

[*English*]

The Chair: Sorry, Mr. Perron. I was under the misunderstanding that you had submitted your motion today, but actually you had submitted it under committee business previously, so that's fine.

Does everybody have a copy of Mr. Perron's motion? It reads that in its current study on the veterans ombudsman, the Standing Committee on Veterans Affairs has heard a sufficient number of witnesses to begin work on a draft report on the subject. Fair enough.

I think we're all pretty much at that stage; that's fine.

I have talked about this issue with the analyst and the clerk previous to this. We only have a couple more witnesses to hear, so they can of course begin working on the draft. We've discussed that.

We have Winzenberg from Australia. We have a consideration of whether or not the Netherlands are going to send a representative. Mr. Stoffer is of Dutch ancestry, so thumbs up there.

•(1650)

Mr. Peter Stoffer: Bring it on. Ask them to bring the Heineken.

The Chair: The Swedes have indicated that they're not particularly interested in presenting.

We have a couple of domestic witnesses who are fairly willing to present. I'm not sure of the nature of them, necessarily. It sounds as though one of them may be somebody who is interested in almost making an application or job CV kind of thing, but who knows, we might want to hear from him anyway.

That's the scenario there. I would certainly encourage all MPs to vote for it.

Is there any discussion?

[*Translation*]

Mr. Gilles-A. Perron: Mr. Chair, as I've introduced this motion, I'd like to have the opportunity to discuss the reasons why I've introduced it.

First, we started to discuss, or chat — because that's often what we do around this table — about creating an ombudsman position under the previous government. In response to an election promise, our friends opposite began discussing the matter. We've been talking about it for months now. Now I think it's time to act. Our discussion with the people here today is very interesting, but they've told us nothing new and are still undecided. Virtually everyone wants an ombudsman, but — and I don't blame them — they don't want to get involved by giving their definition of an ombudsman and the way they view his role.

With the evidence of Mr. Marin and of the various ombudsmen who have appeared, we have enough material to start working on a draft report that we could seriously discuss among ourselves. I propose the following timetable. From now until Christmas, we have at most one week left to hear witnesses. During the holiday period, my friend Michel will have time to get bored and can draft a report. Early next year, we'll start to say yes or no. I don't think any one of us can afford to wait five years before getting an ombudsman. If it takes five years, we'll have made a poor effort of doing our jobs as members. We have to be a little more serious and work a little harder to achieve results more quickly.

[*English*]

The Chair: I think, Monsieur Perron, we're all sensitive to having it happen before five years.

We have invited Mr. Winzenberg to come and present. Out of courtesy, we probably do need to allow him to say what he has to say. We do probably need to make a determination as a committee if we want to hear a couple of the other people domestically who have indicated they would like to present, but I leave that to the will of the members.

Mr. St. Denis.

[*Translation*]

Mr. Brent St. Denis: Thank you, Mr. Chair. I'd like to express my support for Gilles' motion. We've heard from a lot of witnesses, and we could hear from one or two more.

We have the time. It would be good for us to have a draft before Christmas on which we could have a good discussion.

[*English*]

I think it's a good chance to discuss something concrete. There may be some issues that we need to sort out, but better to have a good draft in front of us, I think.

The Chair: All right, fair enough.

Mr. Stoffer.

Mr. Peter Stoffer: Mr. Chairman, I agree with what Mr. St. Denis said. The only caveat I would add is with respect to the individuals who have expressed a willingness to appear before us: maybe we can offer them the opportunity to send whatever written reports they have to us, so we can have access to them. And we should thank and acknowledge them in writing.

In all fairness, due to time constraints prior to Christmas, I think having a draft before us also allows the parliamentary secretary to work with the minister and with her colleagues in order to see where we can go. It would sure be nice to have something in place just prior to a possible spring election. Then we could all say we've done our work appropriately.

•(1655)

The Chair: I agree, Mr. Stoffer.

In terms of the timeline of our analyst and clerk and what not working on this, I do agree with the idea of allowing the Christmas break, because it would be unreasonable to expect them to produce something in the next two days or so.

Mr. Peter Stoffer: I understand—

The Chair: But certainly over the Christmas break is very reasonable.

Mr. Valley.

Mr. Roger Valley: That was my question to the analyst and to the clerk. How long would it take to produce this?

Mr. Michel Rossignol (Committee Researcher): It depends. It could take a minimum of two or three weeks just to draft, and we have to include time for translation and printing and so on. So there are a few.... If you want it before Christmas, it would be problematic. In the first weeks of the new year, the second or third week of January, translated, sent to all members of the committee, that would be possible.

Mr. Roger Valley: We were hoping you would work right through Christmas and New Year's.

Mr. Michel Rossignol: Well—

Voices: Oh, oh!

Mr. Roger Valley: I want to point out that if we follow that scenario we're talking two months from now before we sit here and talk about it. I don't know if there's any way around it.

As to more witnesses, we can get it in writing from local witnesses, but I don't know that we need to hear any more. The only one you mentioned is Australia. He's confirmed?

The Clerk of the Committee (Mr. Alexandre Roger): Yes.

Mr. Roger Valley: Okay, so obviously we have to deal with that issue. We have to listen to that individual.

Are any others confirmed?

The Chair: No, I don't think so.

Mr. Roger Valley: So let's deal with the—

The Chair: The clerk will have to double-check, because he thinks the local ones are not confirmed, but—

Mr. Roger Valley: Okay.

The Chair: I've got notes, obviously, other than the ones here.

The Clerk: Yes, yes.

Mr. Roger Valley: Let's deal with Australia. Let's listen to that, but I don't know how we can avoid, with the timeline coming up, that we don't get to discuss this till the end of January. It's a two-month delay. It's not a delay, it's scheduling, but I don't know what else we can do.

The Chair: Mr. Sweet.

Mr. David Sweet: Before I say I'm in favour of this, Mr. Winzenberg is confirmed for when?

The Clerk: The next meeting was Wednesday, and that was cancelled, so I invited him for the next week.

Mr. David Sweet: That's been cancelled. Okay.

So these local.... Could you give us an idea of who these people are locally?

The Clerk: They're not any groups. They're more individuals now.

Mr. David Sweet: Okay.

The Clerk: A letter was sent to the chair's office.

Mr. David Sweet: Okay, so I see no problem with supporting this. We can be finished by the end of next week. There's absolutely no problem.

The Clerk: For the Dutch ombudsman, I've sent out the invitation, but they never got back to me, so I don't know. They could say they could be available in February, or they could say next week. I really don't know.

Mr. David Sweet: But the ombudsman from the Netherlands, is that specifically for veterans?

The Clerk: Yes.

Mr. David Sweet: It would be beneficial if we could capture him before the Christmas break. I agree with after, but I'm certain—

The Clerk: They haven't got back to me.

The Chair: It's Mr. Shipley next, if that's okay.

Mr. Shipley.

Mr. Bev Shipley: Before we go on, I agree with that. We should move ahead. In terms of some logistics, the local ones, we should ask them to submit.

Secondly, from Australia and the Netherlands, I need to understand how that's going to work, because those are critical. We're trying to learn how to set up an ombudsman, so we shouldn't short-circuit that part of it. I don't know how you want to see that fold into the report, because the report without having the input of other ombudsmen in other countries is not going to be a very productive report, in my mind, and we'll be very much criticized for it.

I'm assuming we're doing this instead of travelling. Is that true?

The Chair: I don't know if the travelling is—

Mr. Bev Shipley: I don't know. I'm asking the question. We had consensus to travel. Now I guess we don't have, so we're going to—

The Chair: It's now up to the opposition. If they want to reintroduce the motion, that's up to them.

Mr. Bev Shipley: At any rate, we should not do a report without having input from other countries that we were really interested in and had agreed to visit. We need to have that input of how they have set up an ombudsman. We've heard from Ontario. We should hear from some other provinces before a final draft. We need to move on this, but we've got to remember we just started this with this committee this year. There's no reason to take five years, and it won't unless you guys call an election. We can move ahead. But I think we cannot short-circuit and leave out those countries that have ombudsmen we want to gather information from.

● (1700)

The Chair: Okay. Mr. Valley next.

Mr. Roger Valley: I don't believe our travel was solely on ombudsmen. It was on the charter of rights, veterans' rights, all the other things.

I'll throw it out there, and I'll be corrected if I have to be, but I think we need to get the witnesses done before the Christmas break. We have to have something in our hands when we get back here in February, or January 29, whatever day it is, and I would like to know what date that is, so it's not on the 28th.

I would like to think if we wrap up on the 16th, maybe we'll have a month for the people to get the draft report in our hands. Maybe it's important to go to.... If that decision is made, it's going to have to be made in December; it can't be made in January to go in February. It doesn't happen that fast. But I think if there's a decision to go somewhere, we do it with a draft report in our hands. We know what we're talking about, and we have to have some kind of endgame lined up.

The Chair: To respond, Mr. Valley, I think that reasonably the situation with regard to going to Australia has probably passed, because their summers and winters are different from here, so when we would be available to go, they are no longer in session. That window of opportunity has probably gone now, but we can certainly re-examine it later. That's my guess.

Mr. Bev Shipley: I'm not suggesting we do. It just needed clarification.

The Chair: No, I understand.

Monsieur Perron.

[*Translation*]

Mr. Gilles-A. Perron: Everything depends on what they want to do on the government's side. In theory, we'll be back in the House on the last Monday in January. That's what appears on the calendar we have. Michel could provide us with the preliminary report in the first week of February, because I don't believe the committee will be meeting on Monday or Wednesday following our return to the House. In general, committee meetings start the following week. Things have gone that way since 1997. That's a first point.

Mr. Roger Valley: Calm down!

Mr. Gilles-A. Perron: Now I'd like to go back to what Bev was saying. If our Chair sends a letter to all the ombudsmen of the Canadian provinces, I'm convinced they'll send us the act that governs how they operate.

Michel, you've seen the Quebec Ombudsman's bill, and Mr. Marin has provided us with the Ontario act. So we could have the acts of all the Canadian provinces that have an ombudsman. We could then know how those ombudsmen operate, to whom they report, the content of their acts, how much is set aside for their old age pensions, and how an ombudsman is hired or dismissed. All that's set out in their acts.

In that way, we could get a very good idea of what's going on across Canada.

[*English*]

The Chair: Okay.

I'll go to Mr. Mayes.

Mr. Colin Mayes (Okanagan—Shuswap, CPC): Mr. Chair, we have a motion before us that talked about different options, and in order to accommodate them, we have to have an amendment to this motion.

The way I read this motion is that we are finished listening to witnesses and so should begin the work on the draft.

So I would like to make a motion to amend: that we hear the delegation from Australia prior to beginning the work on the draft report.

A voice: And the Netherlands?

Mr. Colin Mayes: No, just Australia.

The Chair: I'm not sure it has to be amended, Mr. Mayes.

Monsieur Perron.

[*Translation*]

Mr. Gilles-A. Perron: To support my friend Colin, I'm going to ask that the motion be withdrawn. However, before requesting the withdrawal of the motion, committee members must agree to stop hearing witnesses before Christmas. Then we'll continue once we return after the holidays.

[*English*]

The Chair: I would suggest that maybe the easier thing here is just to consider the motion as it's structured. We all have a general understanding and agreement here that the researcher would provide us a report when we return.

It's understood that Mr. Winzenberg is going to be appearing. We've invited him, he's willing to appear, and I think it's only cordial of us to allow him to do so. We could benefit from it.

• (1705)

Mr. Colin Mayes: Mr. Chair, I disagree.

Then this should have a time on it, because it says that basically if we accept this motion right now, we are finished. Is that not right, as you read it?

A voice: Yes.

Mr. Colin Mayes: So what I'm saying is that if we're going to listen to another witness, then we had better put a time on it, as of a certain date, when this witness is going to appear.

The Chair: I understand where you are coming from, Mr. Mayes, but it is Monsieur Perron's motion, and I think it has to be considered a friendly amendment.

Mr. Gilles-A. Perron: I could draw out my resolution if you guys give me your consent that we're not having any more witnesses come in after Christmas break. That's my viewpoint.

The Chair: My answer, Mr. Mayes, is that we don't get bogged down in translation issues, in terms of drafting.

Mr. Bev Shipley: Mr. Chairman, why not say that on the study of the veterans ombudsman, the Standing Committee on Veterans Affairs will hear the confirmed witnesses—which is only one—and that the staff then begin to work on a draft report on the subject? If we all agree we have one confirmed witness, there you go.

Mr. David Sweet: It's on the record.

The Chair: I'm not sure if we have to go into great detail on this.

Monsieur Perron, how do you feel about that?

Mr. Gilles-A. Perron: No problem.

The Chair: Folks, we're starting to make this more complicated than I think it needs to be, in my humble opinion. I don't know why we need to do all this, but anyhow—

I recognized Mr. Mayes. Mr. Valley indicated he wanted to speak as well.

Mr. Roger Valley: Yes, I only want to clear up something Mr. Perron said. I heard him ask, through the interpreter, that we want the legislation from all the ombudsmen from across Canada. I don't know if that would do us any good or that we'll pay a lot of attention to it. I wouldn't mind having a recommendation from ombudsmen from all across Canada on what they think we should set up, simply a letter of recommendation from them. We know roughly what the legislation's going to say.

I would sooner have their thoughts on how we proceed, rather than send us a piece of legislation that very few of us would put a lot of weight on.

I don't know if I lost something in the translation or not, but I wanted to throw that out there.

The Chair: That's all fair.

Mr. David Sweet: Or lessons learned, like don't do this.

Mr. Roger Valley: Yes, advice.

The Chair: Okay.

Because I don't have an actual written amendment, I'll ask the committee if we can proceed with the motion as it is, with a general understanding based on the discussion we've had here.

Monsieur Perron, as the mover of the motion, seems fine with that.

Mr. Gilles-A. Perron: Agreed.

The Chair: All right. So the motion, as it stands, unamended.

(Motion agreed to) [See *Minutes of Proceedings*]

The Chair: Great. Thank you very much.

At this stage, I'd like to add that the understanding here is that we ask for written reports from the people who haven't confirmed—i.e., not the Australians, the domestic stuff.

Mr. Roger Valley: Give them the opportunity, Mr. Chairman.

The Chair: Yes, absolutely.

As well, I'll maybe look at doing a letter to provincial ombudsmen. Like Mr. Valley, I'm not sure what that's going to really.... Anyhow, I can look at doing something like that.

The third aspect we haven't really decided upon here—and I'm going to suggest something to the committee—is with regard to the Dutch. If they do get back to us and say they are interested in making

a submission, it doesn't mean it delays the report. The report would go ahead. If they would like to make a presentation to us, I don't think we should turn them down. I think it would be interesting to hear from them at a later date.

All right. I think that's—

Oh, sorry.

Mr. Brent St. Denis: I have a business question.

My private member's bill, Bill C-287, on peacekeepers' day, has been referred to the committee. I didn't support Gilles' motion simply to make room for my bill on the schedule. However, it might appear that there would be some time before Christmas, while we're waiting for the report, to have a shot at Bill C-287. I'm simply putting a plug in there for my private member's bill. I maybe have a conflict of interest, being on the committee and having a bill, but anyway—

The Chair: That's what Ottawa's all about.

Some hon. members: Oh, oh!

The Chair: Well, we're going to hear from.... The decision of the committee, for the benefit of our Liberal members, was not to have a committee meeting this Wednesday because of their convention. Fair enough. Then December 4 we have Mr. Winzenberg. Do we have some days after that?

• (1710)

The Clerk: No, no, no, we have some more meetings. We have three more meetings.

Mr. David Sweet: Mr. Chairman, for clarification for me—because Mr. Valley had a good idea—if we're not able to get the ombudsman from the Netherlands prior to the Christmas break, if we have a draft report in our hands and we're able to get him afterwards, then I think it's still very important to make sure we get him on the record before we go to final draft.

The Chair: There you go, Mr. St. Denis. We might have some fun in the last bit of our meetings in December.

Mr. Bev Shipley: Mr. Chair, is there no meeting on Wednesday?

The Chair: That's correct. The Liberals are determining who their new Grand Pooh-bah will be.

Mr. Bev Shipley: I thought that was on the weekend.

The Chair: It starts Wednesday night.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): It's starting Wednesday.

The Chair: All right. I think we have a general consensus to adjourn.

The meeting is adjourned.

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