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## **Standing Committee on Veterans Affairs**

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**Chair**

**Mr. Rob Anders**

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## Standing Committee on Veterans Affairs

Monday, December 4, 2006

• (1535)

[English]

**The Chair (Mr. Rob Anders (Calgary West, CPC)):** Good afternoon, everyone.

We have witnesses from Australia who are here to present. Mr. Roger Winzenberg is from the Australian Department of Veterans' Affairs. We also have Lieutenant-Colonel Lyndon Anderson, military attaché with their high commission here.

Gentlemen, you have 20 minutes.

Mr. Winzenberg, I assume you'll be starting and the lieutenant-colonel will join in at some point. You may structure it in whatever way you wish.

In the way it generally works, we'll give you 20 minutes. After that we have a prescribed situation, where it alternates among various parties for seven minutes, five minutes, etc., for questions and what have you, and it potentially lasts until about 5:30.

We're encouraged to hear what you have to say. The floor is yours.

**Mr. Roger Winzenberg (Australian Department of Veterans Affairs, As an Individual):** Thank you, Mr. Chairman.

I have an opening statement. Lieutenant Colonel Anderson doesn't propose to speak, so I'll use the time I have

I would like to thank the committee for the opportunity to present to you today, and hopefully I can assist your deliberations in terms of establishing a veterans ombudsman for Canadian veterans.

I am an officer of the Australian Department of Veterans' Affairs. I'm appearing here today with the consent of my departmental secretary, which in your language is deputy minister.

The information that I am about to provide is general information about how the Australian system works. It is based on publicly available information and on my experience working in four Australian government departments. It is important that you note that I am not a representative of the Australian ombudsman's office; I am currently in Canada on an exchange with the Canadian veterans department for 18 months. As I said, over the next few minutes I will go through my notes on how the Australian system works.

The office of the Commonwealth Ombudsman was established by the Ombudsman Act 1976, and is administered by the Prime Minister. In 1971 the Commonwealth Administrative Review Committee issued a report recommending the establishment of a Commonwealth Ombudsman. The committee proposed a new and distinctive system of administrative law in Australia. It envisaged

that the ombudsman would play a part, along with courts and administrative tribunals, in examining government administrative action.

The office commenced operation in 1977. It is 30 years old next year. Since then, there have been seven Commonwealth Ombudsmen. The current Australian ombudsman is Professor John McMillan. Although I talk about him in my paper, the ombudsman previous to Professor McMillan was Ms. Philippa Smith. We have had both genders in the office.

On the role and functions of the office, the office of Commonwealth Ombudsman exists to safeguard the community in its dealings with government agencies and to ensure that administrative action by Australian government agencies is fair and accountable.

The ombudsman has three major statutory roles: complaint investigation, which is investigation and review of the administrative actions of Australian government officials and agencies upon receipt of complaints from members of the public, groups, and organizations; own-motion investigation, on the initiative or "own motion" of the ombudsman, of the administrative actions of Australian government agencies, often arising from insights gained from handling individual complaints; and compliance auditing, which is inspection of the records of agencies such as the Australian Federal Police and the Australian Crime Commission to ensure compliance with legislative requirements applying to selected law enforcement and regulatory activities.

The complaint and own-motion investigation roles of the ombudsman are the more traditional ombudsman roles that constitute the bulk of the work of the office. The guiding principle in an ombudsman investigation is whether the administrative action under investigation is unlawful, unreasonable, unjust, oppressive, improperly discriminatory, factually deficient, or otherwise wrong. At the conclusion of the investigation the ombudsman can recommend that an agency take corrective action. This occurs either specifically in an individual case, or generally, through a change to relevant legislation or to administrative policies or procedures.

A key objective of the ombudsman is to foster good public administration within Australian government agencies, ensuring that the principles and practices of public administration are responsive to the interests of the public.

The Commonwealth Ombudsman can consider complaints about almost all Australian government departments and agencies and most contractors delivering government services to the community.

The Commonwealth Ombudsman wears the hats of six other ombudsman roles. First, he also acts as Defence Force Ombudsman, handling grievances lodged by serving and former members of the Australian Defence Force. The Defence Force Ombudsman can investigate complaints about administrative actions and Defence Force employment matters. The Defence Force Ombudsman cannot investigate actions connected with disciplinary proceedings or the grant or refusal of an honour or award to an individual. The DFO investigates complaints from serving members only after they have exhausted internal grievance mechanisms, unless there are exceptional circumstances. The DFO also investigates complaints from ex-service personnel or their families.

The ombudsman also wears the hat of the immigration ombudsman and handles complaints about the Department of Immigration and Multicultural Affairs, with specific responsibilities in the area of reviewing cases of persons held in immigration detention for more than two years.

He also acts as a postal industry ombudsman, handling complaints about Australia Post and private postal operators.

He also acts as the taxation ombudsman, handling complaints about the Australian Taxation Office.

Under the Complaints Act, he looks at complaints about the Australian Federal Police, and he also acts as the ombudsman for ACT, which is the Australian Capital Territory. The ACT is like a province in Canadian terms, but it's a very small province, so the Commonwealth Ombudsman acts as their ombudsman as well.

On the organization and structure of the office, the national office of the Commonwealth Ombudsman is in Canberra, which is our capital, if you weren't aware. He also has offices in each of the provincial state capital cities. The ombudsman and the two deputy ombudsmen are statutory officers appointed under the Ombudsman Act, and the staff are employed under the Public Service Act. The government of the day makes a recommendation to the Governor General to make those statutory appointments, and the staff of the office come under the Public Service Act. Total staffing for the office in 2005-06—our financial year is 1 July to 30 June—was 143 people, and the office had a budget of approximately \$18 million. I've attached a copy of the structure to the back of this, which I'll go through at the end.

In terms of investigating complaints, following a complaint from a member of the public or using own-motion powers, the ombudsman may investigate the administrative actions of most Australian government departments and agencies and private contractors delivering government services. The ombudsman cannot investigate the actions of government ministers or politicians, private individuals, state or local governments, most employment-related matters with the exception of those relating to the Defence Force Ombudsman, the actions of some government business enterprises, and decisions of courts and tribunals.

The ombudsman can decide not to investigate complaints that are stale or frivolous, for which the complainant has not first sought redress from the agency, for which some other form of review or appeal is appropriate, or for which he considers investigation would not be warranted in all the circumstances.

The ombudsman may conduct a complaint investigation as he sees fit. The powers of the ombudsman are similar to those of a royal commission and include compelling an agency to produce documents, and examining witnesses under oath. Most investigations are conducted with minimal formality. Ombudsman investigations are private, and details are generally not revealed to people who are not legitimately concerned with the investigation. Following an investigation, the ombudsman is required to consider whether the actions of the department or agency were unreasonable, unlawful, improperly discriminatory, or otherwise wrong.

In terms of recommendations and reporting, when the ombudsman concludes that an agency has erred, he may report that view to the agency and may recommend whatever remedial action is appropriate. The ombudsman has no power to force an agency to do what he recommends. However, the ombudsman can make special reports to the relevant minister, the Prime Minister, and the Parliament, or release a public report. In 2005-06 the ombudsman released public reports on seven own-motions and major investigations. The reports contained 51 individual agency recommendations, and of those 51, agencies accepted 49.

The ombudsman submits an annual report each year to the Prime Minister, which is required to be tabled in each house of Parliament within 15 sitting days of receipt.

Just to give you a feel for the number of complaints handled last year, I can tell you that the ombudsman handled over 17,000 individual complaints and approaches that were within his jurisdiction. Approaches to the office ranged from simple contacts that could be resolved quickly, through to more complex cases that required the formal use of the ombudsman's statutory powers.

Of the 17,384 complaints received, 35%, or 6,176, required investigation. Of the 6,176 issues investigated, there was agency error identified in 1% of issues, and no error or deficiency in 11%. In the remaining 88% of issues, the complaints were resolved without the need to determine whether there was agency deficiency or error. Eighty percent of all approaches and complaints were finalized within one month, and 93% within three months. Fifty-four percent of the investigated complaints and approaches were finalized within one month, and 81% within three months.

• (1540)

In terms of the causes of complaints, the majority, 58%, of the complaint issues finalized by the ombudsman's office related to correctness or propriety of a decision or action of an agency. The remainder of the finalized complaint issues, 10%, were about procedural matters, such as the accuracy or completeness of advice given by agencies; the timeliness of agency action, 8%; the application of a policy to the complainant's circumstances, 6%; or the conduct of officers in agencies, 5%.

Given that you have a particular interest in the Department of Veterans' Affairs, I've included a bit about the complaints in relation to DVA. In 2005-06 the ombudsman received 276 approaches or complaints in relation to the Australian Department of Veterans' Affairs. Of these, 253 complaints were within the ombudsman's jurisdiction, which was an increase of 25% on the 2004-05 figure.

The volume of complaints has been around the 200 mark over the last three to four years. The spike last year was due to a particular issue involving the resealing and desealing of F-111 aircraft, which is a particular set of issues to do with the Australian context.

Of the 253 complaints and approaches received, 112 were classed as category one approaches. These categories—category one, two, three, and four—are the categories the ombudsman uses to classify complaints. The 112 were resolved without investigation. Outcomes included decisions not to investigate and referrals to another appropriate agency or authority. There were 42 of the 253 complaints and approaches that were classed as category two, which were approaches that could not be resolved as category one. They require further internal inquiries or research or more information from the complainant. They are resolved without contacting the agency. There were 66 of the 253 complaints and approaches that were classified as category three. DVA was contacted, and an investigation was conducted. There were 46 of the 253 complaints and approaches classed as category four. They required further investigation, as the complaint approach was not able to be resolved within category three.

In Australia we also have a Veterans' Review Board, which is similar to the Canadian Veterans Review and Appeal Board. I've included some information on how the ombudsman interfaces with the Australian Veterans' Review Board. The Veterans' Review Board is a statutory body whose role is to provide independent merit reviews of certain compensation and pension benefits paid by the Department of Veterans' Affairs.

The VRB is a specialist tribunal with the power to make new decisions. The ombudsman has no role in the VRB's adjudicative functions and the conduct of hearings. He will investigate matters relating to the administration of applications for review by the VRB's staff. In 2005-06 there were no complaints or approaches to the ombudsman, but in 2004-05 there were two complaints.

I've included a schematic about the structure of the ombudsman. I think the point to take from the structure chart is that there is only one ombudsman, notwithstanding that he wears six hats. He's assisted by two deputy ombudsmen. The three of them, as I said earlier, are statutory appointments. They are recommendations by the government of the day to the Governor General to appoint the ombudsman. I think the legislation allows a term of seven years for the Australian ombudsman, and he or she can be reappointed after that term expires.

Sitting under the two deputy ombudsmen are in effect six units that are headed by a senior assistant ombudsman. The senior assistant ombudsman is responsible for a group of portfolios within government. If you look along the chart, the third senior assistant ombudsman from the right has responsibilities for public affairs and international; taxation, which in your terms would be the Canadian Revenue Agency; and defence, which includes the Department of Veterans' Affairs.

• (1545)

If there's a complaint about the Department of Veterans' Affairs and it's reviewed by the ombudsman, it goes through that senior assistant ombudsman's group, and he or she would finalize it. Then it gets signed off by the deputy ombudsman or the ombudsman. In

effect it's a sort of secretariat, but a whole-of-government secretariat that looks after all of the Australian government's agencies at the federal level.

I might add that like you, we also have state or provincial ombudsmen, which are created in the same way. They're legislated and report to their parliament.

Mr. Chairman, that concludes my opening remarks. I'll be happy to answer the committee's questions.

• (1550)

**The Chair:** Thank you very much for your presentation.

I think we have a lot more meat on the bones now, regarding how it's structured in Australia. I appreciate that.

Mr. Rota will be the first for the Liberals, for seven minutes.

**Mr. Anthony Rota (Nipissing—Timiskaming, Lib.):** Thank you, Mr. Winzenberg, for being here today. Listening to you was very interesting.

One of the discussions that has taken place at this committee level for the last little while is whether to have an ombudsman who is attached to an existing ombudsman, so that there's just a branch of, say, the defence ombudsman.

What you have in Australia seems to be a completely different system from what we have here, where you have one ombudsman for the country, with different departments. It seems to be a very flexible system. Is it very difficult to add an ombudsman for different areas, or is it a lengthy process? What kind of experience have you had in the past with the ability to be flexible?

**Mr. Roger Winzenberg:** The first point to make is that when the government of the day set up the ombudsman back in 1977, the approach was that since Australia was a relatively small country, with a population today of 20 million—as against your 32 million—for economy of scale and efficiency reasons, they created a whole-of-government ombudsman to deal with the totality of the federal government.

Over the years successive governments have added additional responsibilities to the office of the ombudsman, and over the last couple of years he has assumed the specific roles of immigration ombudsman and postal industry ombudsman. So I think there was a staffing addition from 2004-05 through 2005-06 of 40-odd people to pick up those additional roles. As governments broaden the role—it hasn't been compressed, it's gotten broader—they add staff and resources to the office.

**Mr. Anthony Rota:** There are different sections under different senior assistant ombudsmen. Do they act as silos, or do they share information? Is the information fluid?

The reason I ask is that one of the points that came up with us was that if you have a military ombudsman and a veterans affairs ombudsman, often what happens is the information will start in one place, usually in the military, and then flow through later on when the person retires or leaves the military, and it ends up being a veterans ombudsman.

I was wondering, how does the information flow from one department to the other, or do they actually act as silos and not allow information to flow back and forth?

**Mr. Roger Winzenberg:** As I said earlier, I'm not representing the Australian ombudsman; I'm dealing with public information.

As I understand it, a lot of the agencies the ombudsman deals with need information specialists, practitioners, to deal with them. So the easiest way to do that is to create those units within the ombudsman's office. But at the end of the day, it's the ombudsman who signs off on the public reports and signs off in terms of the inquiries and investigations.

As I understand it, the ombudsman moves staff around within his office to meet the changing demands as they occur, but fundamentally there's a starting point of the six units that underpin the major portfolio responsibilities he deals with.

**Mr. Anthony Rota:** You mentioned also that it was administered by the Prime Minister's office. In Canada, we're looking at different modes of implementing this, possibly by Parliament itself, or through the minister to Parliament.

Tell me how it works with the Prime Minister being the main office and administrator. I'm not sure how to ask this, but has there been any wrongdoing, or has anything come up over the years, where the ombudsman reports to the Prime Minister, and the Prime Minister obviously would have certain powers over that individual, being the person who appoints him?

• (1555)

**Mr. Roger Winzenberg:** Firstly, the ombudsman is established by legislation and he is appointed for a seven-year term and that's signed off by the Governor General.

The ombudsman, in terms of deputy ministers—or secretaries, as we say in Australia—is taken to be the equivalent of a permanent head of a department, and in that sense he reports to the Prime Minister. However, in the legislative sense, he has the ability under the legislation to table the reports he produces in Parliament. And indeed, the legislation mandates that the Prime Minister will table the annual report in Parliament within 15 sitting days of its receipt.

The best way to characterize it is that for administrative purposes the ombudsman reports to the Prime Minister, but in terms of the function of the office and the production of reports, they're produced publicly and laid before Parliament.

**Mr. Anthony Rota:** So they're independent.

**Mr. Roger Winzenberg:** Yes.

And I might add, the power of an ombudsman is always in the exposure or the production of the public report, and that's where the power of the ombudsman emanates from.

**Mr. Anthony Rota:** Who decides who appoints the ombudsman? Is it done independently as well, or is that done through—

**Mr. Roger Winzenberg:** It's a recommendation of the government of the day to the Governor General. It's a statutory appointment that the Governor General... And we have a similar constitutional system to you, with the Queen as the head of state and the Governor General as the representative of the Queen. So it's signed off by the Governor General.

**Mr. Anthony Rota:** One of the statements you made early in the presentation was that the ombudsman recommended that the agency take corrective action. I was wondering, what kind of enforcement power does the ombudsman have, or is it just a recommendation that it makes?

**Mr. Roger Winzenberg:** The Australian ombudsman is in the traditional mould of ombudsmen around the world, in that he is a person who makes recommendations and suggests solutions. He has no power to make decisions or overturn decisions. The power is in the production of the report. And as I said earlier, in terms of the major recommendations in his public reports from 2005-06, agencies accepted 49 of the 51 suggestions.

It's a pretty brave agency that would not accept a recommendation of the ombudsman, unless there were pretty solid grounds not to do so. The only occasions I'm aware of when they don't accept the recommendations is when there may be legislative or legal reasons why things can't be done.

**Mr. Anthony Rota:** When he comes up with a solution—

**The Chair:** There will be more time later on, sir.

Now we're over to Monsieur Perron with the Bloc.

[*Translation*]

**Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ):** Good day, sir. Thank you for coming here today.

I would like to take up where Anthony left off.

You said that the ombudsman is appointed by the Governor General. In Australia, is the Governor General appointed by the Prime Minister, as is the case here in Canada? In this country, the Governor General is appointed by the Prime Minister's Office. How does it work in Australia?

[*English*]

**Mr. Roger Winzenberg:** Thank you for your question.

I'm not a constitutional lawyer, but the characterization of how the appointment occurs is that the Prime Minister of the day provides advice to the Queen, and the Queen formally makes the appointment.

[*Translation*]

**Mr. Gilles-A. Perron:** I'd like to avoid a problem. It is customary in Canada — and my friends are going to throw stones at me for this — to fill all senior positions through a prime ministerial appointment. Consequently, these are often political appointments. What matters is not the qualifications of the appointee, but rather his political influence.

I'd like to convince my colleagues here that the ombudsman should be appointed either on the recommendation of a committee or subject to the approval of the House or that the position should be filled following a competition process.

What are your views on this process?

• (1600)

[*English*]

**Mr. Roger Winzenberg:** I described how it's done in Australia.

**Mr. Gilles-A. Perron:** Is it just as bad as here?

**Mr. Roger Winzenberg:** How Canada or the Canadian government wishes to do it is really up to you.

I would add that under the Australian government legislation, the ombudsman can only be removed with cause. Most ombudsmen who have been appointed over the years, both at the federal level and the state level, have been very much people of integrity. They have been widely seen that way by the community and have generally enjoyed bipartisan support across the political spectrum. The Australian experience is that it would be unlikely that the government, at either the provincial or state level or the federal level, would appoint somebody to an ombudsman position if they wouldn't be seen to have the necessary integrity to be accepted in a bipartisan fashion.

[*Translation*]

**Mr. Gilles-A. Perron:** Once the ombudsman has been appointed, our House of Commons — I don't know if you use the same designation in your country — cannot intervene in the selection process. All we can do is wait one year until the ombudsman has tabled his report to the prime minister. MPs have access to the report fifteen days later.

Is that more or less how it works in your country?

[*English*]

**Mr. Roger Winzenberg:** In Australia, our House of Commons is called the House of Representatives, and we have a bicameral system like you do, with a Senate.

To the extent that the government of the day is made up of a majority of members of the House of Commons or House of Representatives—I know you have a minority government at the moment—it's that government that makes the recommendation to the Governor General on the appointment. It's fair to say that the members who comprise the government have a say in who's appointed, through the government.

[*Translation*]

**Mr. Gilles-A. Perron:** What is the annual salary of the ombudsman? Is it \$100,000, \$175,000 or \$200,000? You can quote an amount in either Canadian or Australian dollars.

[*English*]

**Mr. Roger Winzenberg:** I don't have that information, but it's equivalent to a departmental secretary or a deputy minister. In the Australia context, the ombudsman is seen as the equivalent of a deputy minister or secretary, and the remuneration rates are set by an independent remuneration tribunal. If I had a ballpark stab at what the figure would be, it's probably somewhere between \$250,000 and \$350,000 in Australian dollars. I don't have the precise figure.

[*Translation*]

**Mr. Gilles-A. Perron:** You've given us a pretty good idea of what an ombudsman earns when you say that his salary is on par with that of a deputy minister. We more or less know what a deputy minister earns.

You've answered my question very well. Thank you very much, sir.

● (1605)

[*English*]

**The Chair:** That's five seconds over. That's perfect timing.

We'll now go to Mrs. Hinton for seven minutes.

**Mrs. Betty Hinton (Kamloops—Thompson—Cariboo, CPC):** Welcome. I read your report with great interest. I can tell you from the beginning that I wouldn't want to be the Commonwealth ombudsman. I can't imagine the nightmare of looking over the shoulder of the federal police, the post office, defence, and all the rest of those. That would be a hard job.

One of the things I noticed in here is the difference between a gold card holder and a white card holder. It's mentioned twice, and I'd like a little more detail on it, if I could, please. Could you explain that one?

On the size of your veterans contingent, you named a number in here somewhere. I can't find it at this point in time, but in terms of the number of veterans, do you find your veterans are growing in numbers, staying stable, or shrinking?

**Mr. Roger Winzenberg:** In terms of our veteran population, we have around 330,000 veterans. The bulk of them are of World War II vintage. I think the average age is about 83, so we're seeing a decline. I think the projections are that the number will probably decline to somewhere around 200,000 by about 2015. Whilst Australia is involved in what we call “warlike activities” in a number of regions around the world, there's nothing on the agenda that is going to replace the volume of veterans who served in World War II unless we have a World War III or something of that magnitude. So the veteran population is declining.

In terms of your question about gold cards and white cards, in Australia we have a different set of health arrangements from what you have. Under certain criteria, we'll give a veteran a gold card. What a gold card entitles them to is health treatment for any health-related matters, and they don't have to be related to service. For example, take one of the criteria to get a gold card. If you have warlike service—that is, you've served in a warlike theatre of operation, such as Vietnam, since we were in Vietnam and had 50,000 Australians there—when you turn 70, you automatically get a gold card. That covers you for all your health-related requirements, irrespective of whether any of them are related to service or not. That's why our budget for veterans last year was something approaching \$11 billion, whereas I think your budget in Canada is something around \$3 billion, because we cover all health-related matters.

In terms of the white card, if you don't qualify for a gold card, you get a white card. A white card is like the Canadian system. It only covers you for your war-caused health-related problems.

**Mrs. Betty Hinton:** Thank you.

One of the other things I noted with interest is the way you get around it. You have your ombudsman reporting directly to the Prime Minister, as your statement said. One of the issues that has been raised by a number of witnesses who have come is the concern about combining defence and veterans affairs, because there are two different ministers. Under our system, with two different ministers, if you were to combine those two things together, the ombudsman would have to have...“masters” is the wrong word, because they're really not going to be masters, but the ombudsman would answer to two separate ministers. Under your system, they answer directly to the Prime Minister. You've had this in place for thirty years now. Would you do it any differently, or would you stay exactly as you are today?

**Mr. Roger Winzenberg:** May I just clarify this? The Prime Minister administers the ombudsman's legislation, but the ombudsman still tables his report and reports to the Parliament. In terms of his annual report, whilst he gives it to the Prime Minister, the legislation mandates that the Prime Minister must table that report within fifteen sitting days of receiving it.

The ombudsman, under the legislation, has the power to table special reports, either publicly or into the Parliament, so it's not correct to characterize the ombudsman as reporting directly to the Prime Minister. The Prime Minister administers the legislation, but within the legislation, the ombudsman has the power to make reports directly to the Parliament.

• (1610)

**Mrs. Betty Hinton:** I'm fine with that, but what I'm trying to get at is whether the ombudsman actually has any regular interaction with the Minister for Veterans' Affairs and the Minister for Defence. Or does he do his own thing, do his report at the end of the year, and use the system that you've explained here in your presentation?

**Mr. Roger Winzenberg:** The way it works is that the ombudsman tries to resolve problems at the lowest level within the agencies. The vast bulk of the problems, as the stats indicate, are resolved fairly informally, normally by phone calls or a quick note from the ombudsman's staff to the relevant agency, as I understand it. This is probably more appropriately a question for the actual ombudsman himself, but there are interactions between the ombudsman and, normally, the heads of agencies where warranted.

**Mrs. Betty Hinton:** Do I have any time left?

**The Chair:** You have one minute.

**Mrs. Betty Hinton:** Mr. Shipley, do you have a quick one?

**Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC):** Can I just follow up on Mrs. Hinton's question?

In terms of the satisfaction rate, when you have an ombudsman who reports to and actually is committed to six different ministers in terms of the overall reporting, how does he deal with the conflicts that will come because of the overlap between one ministry and the other? An example would be Veterans Affairs and the Ministry of National Defence.

**Mr. Roger Winzenberg:** In Australia it's fairly clear in terms of what each agency is responsible for, so as far as I'm aware, there's very little issue with overlap. But you will note in terms of the structure of the ombudsman's office that the group that looks after defence also looks after veterans affairs. So in an organizational

sense, like agencies are grouped under the relevant senior assistant ombudsman. But certainly in my experience, we haven't had any overlap or those sorts of problems. If a citizen is not getting a service from a particular agency, it's fairly clear that the agency has that responsibility, and it's fairly clear where the ombudsman needs to go to resolve that issue.

**Mr. Bev Shipley:** I'll maybe come back.

**The Chair:** All right.

Now over to Mr. Valley with the Liberals, for five minutes.

**Mr. Roger Valley (Kenora, Lib.):** Thank you very much, Mr. Chair.

Thank you, Mr. Winzenberg, for coming today. I apologize for coming in late. Dealing with the media is never easy, and you have to take the time if you want to get elected again.

You're here for 18 months. I hope you won't have to suffer through two winters.

In one of your statements you said that the ombudsman can make special reports to the relevant minister, the Prime Minister, and the Parliament, or release a public report. You go on to say that there's an annual report.

If the ombudsman makes a report to a minister or the Prime Minister, can that become public after? Does it automatically fall within the 15 days of the annual report? If you're dealing with somebody and you make a report to a minister or the Prime Minister, will that become public eventually?

**Mr. Roger Winzenberg:** That's purely at the discretion of the ombudsman. The legislation allows the ombudsman to make any public reports that he desires. In terms of the annual report, it's just mandated that when he reports to the Prime Minister as the minister responsible for his department, so to speak, in a public service sense that report must be tabled in Parliament.

**Mr. Roger Valley:** That's part of the conflict we're struggling with here as we try to develop this system—where this individual's loyalties lie. We've touched on the fact that they can be appointed by Parliament, appointed by a minister.

You're saying that he could make a report to the Prime Minister, and he could make that public if he wanted to, after. That leads to the question: Has that ever happened, in your knowledge: that the ombudsman made a report, probably felt not enough action had happened on it, and then actually gone public with it?

**Mr. Roger Winzenberg:** I'm not aware of that.

**Mr. Roger Valley:** It would be a bit of a career-limiting move, I would suggest.

He can be reappointed up to seven years, I believe, was the answer there.

• (1615)

**Mr. Roger Winzenberg:** That may well be your observation.



**Mr. Roger Valley:** You're being very careful. And that's very good to do, I guess. I'll have to remember that.

You mentioned 17,000-some reports. That's in the ombudsman's office for all of Australia. Would you know if the number is rising in veterans affairs or defence? I'm just trying to see if there's a trend. In Canada, the veterans are becoming much younger. We have a group coming in that's much more aware of the situation, much more aware of their rights and what they can expect and how they can expect to be treated when they leave the forces.

Do you have any idea or indication if there's an increase?

**Mr. Roger Winzenberg:** As I said earlier, in terms of veterans affairs, the complaint volume has been bobbing along at the 200 mark over recent years. There was a spike last year because of one particular issue. In terms of the totality of the complaints, from the information I looked at, I think it was running at about 17,000 the year before and a bit below that mark the year before that.

The difficulty in trying to track the volume of complaints is that as successive governments add new functions to the ombudsman, that opens up, in effect, a new avenue for new levels of complaint.

**Mr. Roger Valley:** Another comment that was made was that 54% of investigative approaches are finalized in one month, and 81% within three months. This is a general goal for the department. Is it the same in every department? Would the defence department have that same goal? Would that be fair to say?

**Mr. Roger Winzenberg:** All Australian government agencies have a sort of management performance framework that's mandated across the government, so all government agencies usually have a service charter and a performance standard that is normally publicly available to the clients of those agencies.

**Mr. Roger Valley:** The reason I asked that—

**Mr. Roger Winzenberg:** And in their annual report, that's one of the things they have to report against, how they managed their performance.

**Mr. Roger Valley:** The reason I asked that is that as we set this up, we want to make sure it has enough resources. Suppose your department or the department of the ombudsman could not meet that goal. Would they be given more resources, or do they have to simply do what they...? We're worried about setting something up that doesn't have the resources to provide the service, such as is being provided by your office or the office in Australia.

**Mr. Roger Winzenberg:** In that scenario, that would be up to the ombudsman to approach the government of the day and make the case. It would be up to the government of the day as to whether they increased the resources.

**Mr. Roger Valley:** So generally it's felt that they do have the resources then, because the job is getting done.

**Mr. Roger Winzenberg:** I couldn't comment on that.

**Mr. Roger Valley:** Okay.

Do you also have an Auditor General in Australia?

**Mr. Roger Winzenberg:** That's correct.

**Mr. Roger Valley:** Is there some overlap between the two? Some of the comments you make seem to be in some of the areas the

Auditor General of Canada delves into. I'm wondering if there is any overlap between the areas of reporting.

You don't have to answer that. I guess I'm curious, is all.

**Mr. Roger Winzenberg:** Not that I'm aware of. They have similar statutory functions, but one of the things the Auditor General concentrates on is the compliance with the financial management arrangements and making sure that the agencies' financial statements are correct and that sort of thing. So it's sort of a different focus.

**Mr. Roger Valley:** Thank you very much. Thank you, Mr. Chair.

**The Chair:** Now on to Mr. Gaudet with the Bloc for five minutes.

I'd like to add that we've had some complaints from committee members about side conversations, so can you keep it down so that committee members don't have to strain with ear pieces?

Mr. Gaudet.

[Translation]

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

Good day, Mr. Winzenberg.

In your report, as well as in your presentation, you stated that the ombudsman does not have the authority to compel an agency to implement his recommendations. What do you mean by that? Are you saying that there is no mandatory requirement to implement the ombudsman's recommendations stemming from an investigation? Could you explain this to me?

[English]

**Mr. Roger Winzenberg:** Yes, that's correct. The western democratic model for an ombudsman is a person who suggests remedies and solutions, not somebody with a power to make or overturn decisions. But the office, nevertheless, is seen as pretty powerful; and as I said earlier, it's a brave government agency that doesn't implement an ombudsman's recommendations. Normally, the only time they wouldn't do that is if there were legal or legislative issues. But the Australian experience is that most of the recommendations from the federal ombudsman are taken up pretty quickly by government agencies.

• (1620)

[Translation]

**Mr. Roger Gaudet:** You've been here for the past 18 months. Would you recommend that we adopt the same kind of system that you spoke of, or should we opt for one with more independence?

[English]

**Mr. Roger Winzenberg:** I've actually been here since July, so nearly six months. I have another 12 months to go.

[Translation]

**Mr. Roger Gaudet:** I apologize.

[English]

**Mr. Roger Winzenberg:** It's not for me to advise you how you should proceed.

[Translation]

**Mr. Roger Gaudet:** It's not easy biting the hand that feeds you. To my way of thinking, it would be better for the House of Commons and the Speaker of the House to hire the ombudsman. That way, he would be report to the House of Commons, not to any one minister or to the prime minister. In my view, the process should be more independent, and hence, more professional. I'm not saying that the ombudsman wouldn't do a good job, but occasionally, when a minister or the government does not agree with a recommendation, it goes through anyway. That's my point of view.

I'd like to hear your comments.

[English]

**Mr. Roger Winzenberg:** From my point of view, I think the important thing, in terms of an ombudsman, is whether he or she is effective. And normally you gauge effectiveness by the number of recommendations that are accepted and implemented.

I think it's less of an issue in terms of how the office is structured, whether it's legislated or not. As an example, we saw the report by Mr. Côté, of recent times, that was accepted across government without any argument. The minister, I think, directed the department to implement their recommendations immediately. So there's an example of an effective formulation of an ombudsman who is not legislated and reports to a minister.

Any ombudsman you would talk to in the world and I think all the ombudsmen you've had before your committee would all say in the ideal world that they would prefer to be legislated and have whatever resources they need to do the job as an ideal aspiration. From my point of view, it's less important how they're structured; what's more important is how effective they are.

[Translation]

**Mr. Roger Gaudet:** Have any of Australia's ombudsmen been relieved of their duties since 1976?

[English]

**Mr. Roger Winzenberg:** Not that I'm aware of. I'd say no.

[Translation]

**Mr. Roger Gaudet:** Thank you.

[English]

**The Chair:** Mr. Shipley, when you finished off last, you indicated you maybe had more questions. So five minutes for you, if you like —

**Mr. Bev Shipley:** Thank you.

A quick clarification. In terms of the Commonwealth Ombudsman, it's broken down into six, and the Defence Force Ombudsman covers the veterans and the national defence, or what we would call the Canadian Forces or the military. So it covers both. Is that how it should be read?

**Mr. Roger Winzenberg:** The ombudsman wears the hat of Defence Force Ombudsman as well as the Commonwealth Ombudsman. In terms of the way the office is structured, the senior assistant

ombudsman who looks after the defence matters also looks after veterans affairs, the Veterans' Review Board, and I think the other agency within the defence portfolio is the defence housing authority.

**Mr. Bev Shipley:** Of those six that they look after, is there any way of breaking down the proportionate amount that would go towards the veterans, the ex-service, and those who are serving now? You have six components. Is there a breakdown of the workload that goes to each of those?

• (1625)

**Mr. Roger Winzenberg:** I did get some preliminary figures. Within the national office in Canberra there's a small team that looks after the defence matters, and that's of the order of four to five people. Within each of the state offices there are also investigation staff that do on-the-ground work. So it would be an addition of the state office staff and the core group in Canberra. I don't have the exact number, but—

**Mr. Bev Shipley:** Yes, but those would be available. Okay.

Do you have a bill of rights in Australia?

**Mr. Roger Winzenberg:** No.

**Mr. Bev Shipley:** Part of what we're developing, as this committee, is a bill of rights, following through with the commitment that we had as a government. We wanted to see that the veterans had an ombudsman, not unlike what our Canadian Forces and other groups have across the country, so we've been going through this process. I think pretty much everybody is onside now, and we just need to do it right. So I was just wondering if part of the bill of rights was something you had in Australia or not.

We have a Veterans Review and Appeal Board, which has had a fair bit of discussion about how it operates, actually. You also have a review board, a Veterans' Review Board. What percentage of the workload of the ombudsman is related to the review board? You may not know the answer to that question, but I want to have on record the idea of the percentage of work that goes into the ombudsman, that goes towards the appeals that come out of the Veterans Review and Appeal Board, and the process of getting through that board.

**Mr. Roger Winzenberg:** As I said in my introductory remarks, the ombudsman has no jurisdiction over the merits of decisions that come out of the Veterans' Review Board. The ombudsman only looks at issues of process and administration—i.e., systemic issues.

**Mr. Bev Shipley:** That's what I'm trying to get at with the process.

**Mr. Roger Winzenberg:** There were no complaints last year, 2005-06, about the Veterans' Review Board, and the year before there were two complaints. As I understand it, complaints are in the order of one or two per year.

**Mr. Bev Shipley:** Around the Veterans' Review Board.

**Mr. Roger Winzenberg:** Yes.

**Mr. Bev Shipley:** That's good to hear.

Do you go to the veterans and get any type of feedback that would say if the ombudsman is performing a good job or if the ombudsman is not performing satisfactorily? Is that well accepted and something that is seen to be very worthwhile in Australia?

**Mr. Roger Winzenberg:** I think the Commonwealth Ombudsman conducts his own stakeholder or client satisfaction surveys. I don't have any feeders on what's come out of that. As the Department of Veterans' Affairs, we conduct client satisfaction or veterans surveys in the same way vets do here, and our figures are similar. They're running at the low 90% mark. Given the low number of complaints the Australian ombudsman receives in relation to the Veterans' Review Board, it is fairly indicative that this set of arrangements is working reasonably well.

**Mr. Bev Shipley:** You have relayed that there are 330,000 vets in Australia. We have the traditional veterans of World War I and World War II, but not many from World War I are left. Then we have what we call the modern-day veterans. How have you distinguished between and been able to deal with the two? It was brought up earlier by one of my colleagues. How do you differentiate between the requirements, needs, or services the modern-day veteran will have and what the traditional veteran would have? Is that a big issue in Australia? Is that something the ombudsman has to deal with very often?

**Mr. Roger Winzenberg:** Within the Department of Veterans' Affairs, we have a specific policy area that concentrates on that and we use the term "younger veterans". That group looks at the needs of the younger veteran group, what their requirements are, and how they differ from the older veterans. They provide advice to the minister on what policy directions or settings are needed to address the concerns of the younger veterans.

There is anecdotal evidence that the younger veterans are probably more aware of their rights than the older veterans and they're probably more likely to assert those rights than the traditional veterans.

**Mr. Bev Shipley:** Thank you.

• (1630)

**The Chair:** Thank you very much, Mr. Shipley.

Now on to Mr. St. Denis, for five minutes.

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

Thank you, Mr. Winzenberg, for being here. It's extremely helpful.

A quick question to start. I noticed on page 2 the three major statutory roles. The third is compliance auditing. Is there an Auditor General position as well in the government?

**Mr. Roger Winzenberg:** Yes.

**Mr. Brent St. Denis:** This is additional to that.

I was struck by the statistic that there were in the order of 250 complaints from Veterans Affairs' clients versus some 17,000 general complaints. That says there are not a lot of veterans in relation to the total population or the Department of Veterans' Affairs is doing extremely well or they are too shy to come forward.

What is the veterans population in relation to the total population?

**Mr. Roger Winzenberg:** The veterans population is around 330,000 out of 20 million.

**Mr. Brent St. Denis:** So that's significant.

**Mr. Roger Winzenberg:** It's probably more significant than your 220,000 out of 30 million or 32 million.

I think the Department of Veterans' Affairs does do a good job, and that's evidenced by the high satisfaction survey ratings the department gets. Normally, most issues between the veteran and the department are sorted out within the department or through the Veterans' Review Board without needing to have recourse to the ombudsman.

Like the Canadian Department of Veterans Affairs, we also have a very good relationship with the veterans and the veterans organizations. We work in partnership with them and there's mutual trust on both sides. So it's this sort of environment we work in, and I think that's why there's such a low level of complaints.

If you contrast that with our social welfare agency, which I think makes up the bulk of the 17,000 complaints—I think they account for 8,000 to 10,000 of the 17,000, somewhere in that order—where there's not that sort of partnership or—

**Mr. Brent St. Denis:** Is every department that deals with citizens covered by the ombudsman?

**Mr. Roger Winzenberg:** Yes.

**Mr. Brent St. Denis:** I might find a department that didn't deal directly with citizens, like the finance department, but generally speaking, a citizen dealing with the department can ultimately access the ombudsman if necessary?

**Mr. Roger Winzenberg:** Yes, in the broad, yes.

**Mr. Brent St. Denis:** If I were to be on the other side of the fence, arguing not to have an ombudsman, that statistic, the low uptake rate by veterans, would be a good argument for not having one because of the low numbers. So I guess it speaks highly of your veterans affairs department. In fact, I think our own department has an excellent reputation, so it would be interesting to see what the interest and the complaints would be.

It's evident from the chart you provided that this started as a government-wide ombudsman program, it would seem, and then it was broken down to the individual department level, as we see in the chart, whereas ours, if we do implement such a position, will start from the bottom, working it's way up, with the idea to propose an individual ombudsman for the department and there not being a government-wide ombudsman.

Do you see that as a benefit or as a disadvantage to the veteran? In this case, you have a master ombudsman overall, versus in our proposal a specific ombudsman for veterans only. Do you have an opinion on the merits or demerits of one way or the other?

• (1635)

**Mr. Roger Winzenberg:** Often one size doesn't fit all, and it's up to various countries and jurisdictions to work out what best accommodates their needs.

**Mr. Brent St. Denis:** Fair enough.

I also notice that the ombudsman is permitted, if he or she sees a trend with a certain type of complaint, to initiate a more general study of a certain area. Have such generalized studies taken place within the veterans affairs area?

**Mr. Roger Winzenberg:** Not in recent years, not within my memory.

**Mr. Brent St. Denis:** They've generally been a response to individual citizen or veteran complaints?

**Mr. Roger Winzenberg:** In the main, yes. Most of what we call own-motion are in other areas of government.

**Mr. Brent St. Denis:** Thank you, Mr. Winzenberg.

Thank you, Mr. Chair.

**The Chair:** All right, thank you, Mr. St. Denis.

Now over to Mr. Mayes for five minutes.

**Mr. Colin Mayes (Okanagan—Shuswap, CPC):** Thank you, Mr. Chair.

Mr. Winzenberg, your Veterans' Review Board, how are the members selected or appointed?

**Mr. Roger Winzenberg:** They're appointed on recommendation by the principal member who runs the board to government, and I think it's the minister who actually signs it off.

**Mr. Colin Mayes:** It's interesting to look at the various issues the different ombudsmen oversee, because we do a number of those things in our constituency offices as MPs. In some respects we're almost ombudsmen, rather than members of Parliament.

Do you think it's because of vague policy that there's a need for an ombudsman? Is it poor response from civil servants to those who are being served? What is the need? You have elected people and you have policy and you have civil servants—and you need an ombudsman. What do you think is the reason for that?

**Mr. Roger Winzenberg:** I wouldn't want to comment, other than to say that I think it's recognized across the western world that an ombudsman is a good thing in terms of the overall governance of the citizens, and that it's another avenue of redressing the system.

**Mr. Colin Mayes:** So it's almost an overview of how the system is working and the ability to reflect on that.

**Mr. Roger Winzenberg:** Well, it's another mechanism within your governance structures that citizens can use to address complaints that they might have with particular government agencies.

**Mr. Colin Mayes:** Go ahead, Mr. Sweet.

**Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC):** Thank you very much for taking time to answer our questions.

Of that 143 staff, do you know what percentage would be forensic-level investigators for the ombudsman?

**Mr. Roger Winzenberg:** No.

**Mr. David Sweet:** Do you have a tri-service as we have here, in which all three services are combined, or are they a separate army, navy, and air force?

**Mr. Roger Winzenberg:** My colleague, Lieutenant-Colonel Anderson, may be best placed to comment on that.

**Lieutenant-Colonel Lyndon Anderson (Military Attaché, Australian High Commission):** We have the Australian Defence Force—the army, navy, and air force.

**Mr. David Sweet:** Lieutenant-Colonel, do you know what the standing force is right at the moment—the number on the standing force, the combined three forces?

**Lieutenant-Colonel Lyndon Anderson:** It would be around 62,000.

**Mr. David Sweet:** How many veterans hospitals do you have in Australia? Do you have specific hospitals, or do you have beds assigned, or do you have a combination of both, as we do?

**Mr. Roger Winzenberg:** The Australian government used to run what we called the Repatriation General Hospitals. We had one in each major province or state of Australia. In the early 1990s the government made the decision to sell them off.

In answer to your question, there is no such thing as a veteran hospital in Australia. Our health system is different from yours in that we have a combination of a public health system and a private health system; the Department of Veterans' Affairs has contracts with each of the states that allow veterans to access public hospitals, which are run by the state or provincial governments. We also just ran a national tender, actually, with the private hospital operators; we have commercial contracts with the private hospital operators that allow veterans to access private hospitals. In terms of percentages, I think 60% of veterans go to public hospitals and 40% to private hospitals.

The issue of selling the hospitals off occurred because they were in each capital city. Australia is a large country like yours, and veterans might live 300 or 400 kilometres away from the hospital and were quite often elderly. They wanted to go to hospitals within their own communities and not have to travel to the provincial city. It was better to contract with hospitals closer to where the veterans lived to get them service as close to their homes as we could.

● (1640)

**Mr. David Sweet:** Thank you.

I have one last question for the lieutenant-colonel. In the war-like theatres Mr. Winzenberg mentioned, how many personnel would you have deployed right now offshore from Australia?

**Lieutenant-Colonel Lyndon Anderson:** At the moment it would be approximately just under 4,000.

**Mr. David Sweet:** Thank you very much.

Thank you, Mr. Chair.

**The Chair:** Normally we would go to the NDP, but they're not here, so now it goes back to the Conservative Party. You can carry on with some of the questions if you so wish.

Go ahead, Mr. Shipley.

**Mr. Bev Shipley:** When I go through your report, Mr. Winzenberg, actually the turnaround amazes me. Dealing with the issues seems very efficient. The high rate of return in terms of getting a report done and getting it finalized is very good. Is that mainly because of personal initiative, or is there legislation in terms of timelines directing it so that when a complaint comes, there has to be a resolution or something to it at a certain particular time?

**Mr. Roger Winzenberg:** The question arises, and that has to do with the ombudsman office and how they do their work. All I can say is that certainly they have performance standards that they try to meet. However, how the ombudsman has arranged his office clearly is working, given the standards they're meeting.

**Mr. Bev Shipley:** So there's likely some sort of standard within the legislation or within the mandate of the ombudsman to—

**Mr. Roger Winzenberg:** Not within the legislation. As I said, all Australian government agencies have to publish a performance or service charter in terms of how they're going to respond. So the ombudsman would have his, and that would be on his website and in his reports.

**Mr. Bev Shipley:** I just want to follow up with my colleague. He mentioned a little bit about the Veterans' Review Board that you have. I think you mentioned that it is appointed by the head of the review board. There's a process that makes the final appointment, by the head of that board.

**Mr. Roger Winzenberg:** The recommendations go from the principal member, who is the person who runs the board, to the minister, and the minister signs off on that.

**Mr. Bev Shipley:** Can you tell a little bit about the makeup of that board, who actually sits on it? Are there medical people, military people, legal people, or political people? Can you tell us a little bit about that?

**Mr. Roger Winzenberg:** They're a mixture. They normally try to get members with military experience. It's normally people who have some sort of legal experience. Often there are people who have some sort of medical experience. But I'm not sure that it has ever been mandated that you must have  $x$  number of people with these sorts of

I think those three categories are what they try to cover, and they also try to make sure that they have a balance within those three.

**Mr. Bev Shipley:** Is there political representation on it? Do you know?

**Mr. Roger Winzenberg:** I can only tell you how the process works.

**Mr. Bev Shipley:** That's fine.

I think that's all I have, Mr. Chairman, right now.

•(1645)

**The Chair:** We still have a few minutes in the Conservative time, if there's anybody else who would like to add another question on.

**Mrs. Betty Hinton:** I'll ask a question, if I may.

It's not really a question. I'm going to give you an opportunity to state an opinion, I suppose.

I asked earlier whether, after 30 years, you saw anything that you wished you had done differently or that you think could have been done better. If you could make any kind of a recommendation on avoiding a pitfall for us as we put this in place, I would very much appreciate your views on that.

Also, Lieutenant-Colonel, if you would like to add anything.

**Mr. Roger Winzenberg:** Certainly speaking as an Australian citizen, I'd say maybe the ombudsman's office hasn't had the public exposure that it may have had, in the sense that maybe more could be done to make citizens aware that there is that avenue of redress available.

In terms of how the government agencies deal directly with the ombudsman's office, there's a pretty good relationship and partnership and there's a sense that we're trying to get a common outcome for the citizen. I'm not sure whether this is the culture style of 30 years ago, but it's very much now about working together for a common outcome and not about worrying about somebody checking up on you. It's working together to improve the situation. That's probably the greatest advance we've seen over the 30 years.

In terms of the office and the legislation, I do understand that the ombudsman is reviewing the legislation. I would imagine that whatever recommendations come out of that review would be something that may be of interest to you. But that work is on full at the moment.

**Mrs. Betty Hinton:** Do you have any idea when that will be available, when he will have completed that assessment?

**Mr. Roger Winzenberg:** No, I don't know.

**Mrs. Betty Hinton:** Okay.

Lieutenant-Colonel, do you have any comment?

**Lieutenant-Colonel Lyndon Anderson:** None from me.

**Mrs. Betty Hinton:** No comment?

Thank you for joining us as well, nice quiet person at the back of the room.

**The Chair:** Okay, now we're on to Monsieur Perron from the Bloc.

[*Translation*]

**Mr. Gilles-A. Perron:** Mr. Winzenberg, you made it very clear at the beginning of your presentation that you did not represent the Australian government or veterans and that you were not authorized to speak on their behalf. Rather, you were here to share your experience with us as a public servant. Therefore, I'd like to ask you a question, as a public servant. Therefore, forget your government. We won't hold you to account or report back to your government, if ever you were to say something it might not like.

I'll use two ombudsmen as an example, since we have several in Canada who do work similar to that of your ombudsmen. I'll select two provincial ombudsmen and talk to you a little about the appointment process. I'd like to get some comments from the person seated in front of me, not from Roger, or from the Australian official.

The government of Ontario has its own ombudsman, as does the nation of Quebec.

**Some hon. members:** Oh! Oh!

**Mr. Gilles-A. Perron:** It's quite acceptable to use the expression "Quebec nation" in this forum.

In Quebec, an offer of employment is made. The premier reviews possible candidates. Ultimately, the premier's office reviews the applications, because the premier is too busy, especially these days. He's a Liberal and is therefore far too busy. The premier studies the recommendations made to him and selects a person for the position. The candidate who has been selected must be endorsed by 66 per cent of the members of either the House of Commons in Ottawa, or the National Assembly in Quebec. That's how the whole process works. It's much the same if the ombudsman is fired. The House of Commons must agree to the firing.

Is the system too complex? In your opinion, is it acceptable? Again, let me repeat that I would like the official to answer my question.

• (1650)

[English]

**Mr. Roger Winzenberg:** While in the public service you never get away from who your ultimate employer is.

As I said at the start, we have an Australian system that works pretty well. The parliamentarians have a part of that process through the government of the day, and it's the parliamentarians who form the government of the day, normally the majority in the lower house, the House of Representatives, or House of Commons in your terms. So to that extent, they are involved in the process.

What sort of formulation you want to use in a technical sense to either appoint or remove an ombudsman is a matter for you. That's all I'd want to say.

[Translation]

**Mr. Gilles-A. Perron:** Thank you, sir.

[English]

**The Chair:** All right. Thank you, Monsieur Perron.

Now, Mr. Valley, I believe you indicated you'd like to have five minutes.

**Mr. Roger Valley:** Yes, I'd just like to share very quickly my question.

When we've had witnesses here, we've heard a lot about problems with record-keeping, and we're talking about setting up a separate ombudsman for veterans affairs. We have one for the military right now.

You are from the veterans affairs department. Is record-keeping a problem in your area? We're talking about going back into veterans' histories to find issues that can help us with the health care we provide, and everything else. If your records are better than ours, is it because your ombudsmen's offices are together and working closely together?

**Mr. Roger Winzenberg:** We have a very good relationship with our colleagues at the Department of Defence. When a veteran applies for a pension or a benefit from us, we make arrangements with our defence colleagues to have their service and medical records shipped

over. But in-house, in our department, if the veteran's pension claim is rejected for whatever reason and the veteran complains to the ombudsman, and the ombudsman needs to cite or get those records—and he has that power under the legislation—then we would comply with any request and normally provide him with certified copies.

**Mr. Roger Valley:** So it's cooperation, then.

But do you have—I don't want to call them "vacancies"—the difficulties with records, when you go back over decades and decades, that we sometimes encounter, or that we've heard about here?

**Mr. Roger Winzenberg:** I think it's true to say there are issues with very old records, but our legislation gives the department the power to use the benefit of the doubt in determining claims. If there were an absence of a record, but the proposition being put was reasonable and made sense in terms of other veterans in similar circumstances, normally the department would err on the side of giving the veteran the benefit of the doubt, notwithstanding the absence of the record, and would grant the benefit.

**Mr. Roger Valley:** Okay. Thank you.

**The Chair:** Unless we have any Liberals or Conservatives who wish to add more questions.... No? Okay.

I'd just like to say thank you very much for appearing before us today. We deeply appreciate your taking the time to do it. I think you've put more flesh and meat yet again on the bones of what we're doing here. It's great that you guys have been doing this for about 30 years; we're gleaning from your wisdom and experience in these things.

Thank you very much for appearing today.

**Mr. Roger Winzenberg:** Thank you.

**The Chair:** We'll allow a couple of minutes for our witnesses to clear up. There are a couple of issues we have to deal with for our next committee meeting.

I'll just let people make their goodbyes, giving that a minute or two.

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\_\_\_\_\_ (Pause) \_\_\_\_\_

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**The Chair:** The two issues I have to raise are that we've had Mr. Hillier indicate he would like to speak before the committee on this issue. There is an understanding that he thought there was a clarification that needed to be made with regard to some of the presentations.

We have that to consider, and also the question of Mr. St. Denis' Bill C-287 and how we'll proceed with the study on it.

The first question we'll entertain is whether or not we'll have Mr. Hillier as a witness at Wednesday's meeting. Is there any debate on that?

• (1655)

**Mr. Gilles-A. Perron:** This coming Wednesday?

**The Chair:** *Oui.*

Is everybody is in agreement with that?

**Some hon. members:** Agreed.

[*Translation*]

**Mr. Gilles-A. Perron:** This week?

[*English*]

**The Chair:** That's correct, yes.

So Mr. Hillier will be in on Wednesday.

The second issue would be for the subsequent Monday, the study of Bill C-287, Mr. St. Denis' bill. The question is whether or not we're going to be having witnesses to that effect. I understand there are some witnesses we're just.... Let's put it this way: I believe the department would like to appear on the bill.

Mrs. Hinton.

**Mrs. Betty Hinton:** I was just going to say that we're in the process of trying to confirm some witnesses from VAC, from DND, and from Heritage. We'll try to have some confirmation available as soon as possible.

My concern about moving to Mr. Denis' bill, which I happen to agree with, is that we haven't taken even the first steps for the bill of rights yet, and I don't know why we're putting a second thing in front of something that's been in front of us since last spring. We only have an opportunity to talk about your particular bill for two meetings and then the House breaks for Christmas.

**The Chair:** We're taking a list of speakers. We've had Mrs. Hinton. Now we're on to Monsieur Gaudet.

[*Translation*]

**Mr. Roger Gaudet:** You said that Mr. St. Denis' bill was C-287. What is the bill all about?

**Mr. Gilles-A. Perron:** The aim of this bill is to have a day formally designated as National Peacekeepers' Day.

**Mr. Roger Gaudet:** As Ms. Hinton said, if there are many witnesses to hear from, there is no point starting to look at the bill before the holidays. We would be better off waiting until after the break, because if we start now and don't finish, we won't remember anything when we reconvene.

• (1700)

[*English*]

**The Chair:** Okay. Now we'll go on to Mr. St. Denis.

**Mr. Brent St. Denis:** I agree with Betty and Roger.

If I hoped to have everything approved, the day is not until August, and the committee has so many sitting days to deal with it. There's no grief from me if the committee, hopefully, will get to it within its first statutory time limit, without needing an extension. How many sitting days is it, 30 sitting days—60? Anyway, I'm not sure if I have a conflict of interest, being a member of the committee and it being my bill, but there's no grief for me if, for example, the committee wants to look at an actual proposal for an ombudsman ahead of that, in December. We've agreed to have our researcher, Michel, give us something, I think, in January.

If there's more important stuff...as long as there's hopefully general agreement that we don't go to the end of 60 days, sometime next June, because I'm hoping we have something in place for August.

**The Chair:** Okay.

Monsieur Perron.

[*Translation*]

**Mr. Gilles-A. Perron:** Mr. Chairman, I sympathize a great deal with my colleague Mr. St. Denis. We all voted in favour of Mr. St. Denis' bill on first reading in the House. The only point of contention is the date.

Mr. Chairman, the bill contains three clauses. I can't believe it's going to take us two, five or six years to get through it. We can dispense with it in one or two meetings, since everyone is on board. End of discussion. How can anyone object? The only point of contention is the date. Are we talking about yesterday, tomorrow or the day after tomorrow? If we can't agree on that, then it's time for us to get into another line of work.

[*English*]

**The Chair:** Mrs. Hinton.

**Mrs. Betty Hinton:** Mr. Chair, I'd like to move that we continue on with the ombudsman and the bill of rights, as we agreed as a committee at the beginning of the year, and that Mr. St. Denis' bill could possibly be the next piece of business that we do, once we finish the bill of rights and the ombudsman.

**The Chair:** Mr. St. Denis on the motion.

**Mr. Brent St. Denis:** That sounds as if we could never get to it. I know from time to time we'll have a meeting when nothing is scheduled. But so as long as it's understood that it doesn't mean "never"... Hopefully, if it slips past December we could get to it. When we start our first meetings after a break, it's usually quiet. There might be a good chance to do it in the first meeting or two when we come back at the end of January or the first week of February.

**The Chair:** Okay.

**Mr. Brent St. Denis:** So again, no grief from me, if there's an understanding that we're not giving this thing a heist or a hijacking.

**The Chair:** Okay.

[*Translation*]

**Mr. Gilles-A. Perron:** So far, I'm—

[*English*]

**The Chair:** It's take it or leave it here.

Monsieur Perron.

[Translation]

**Mr. Gilles-A. Perron:** I disagree somewhat with Ms. Hinton. I'm not saying she's right, but we've almost completed our study of the ombudsman question. Next, we'll be moving on to the Veterans Charter, which could take weeks and even months. Just think of how many months we devoted to our study of the ombudsman issue. The Charter will take up just as much of our time. When will we adopt Brent's bill on peacekeepers? I would much rather we amend Ms. Hinton's motion. Let's attend to this once we've finished with the ombudsman question — and we're almost done with that, since we have only one more witness to hear from — and before we begin our study of the charter. Madam, it will take us only two days to adopt the bill. We all agree with it, all parties voted in favour of it on first reading. The only minor glitch is the date. Will it be August 9 or August 22? That's the only point of disagreement among the parties. Don't tell me that we can't settle this in a day or two.

[English]

**The Chair:** Okay, Mr. Perron. It seems as though you moved an amendment to the motion. What's the amendment?

•(1705)

[Translation]

**Mr. Gilles-A. Perron:** I just want Ms. Hinton to think about what I said.

[English]

**The Chair:** So you're not moving an amendment.

**Mr. Gilles-A. Perron:** No.

**The Chair:** Okay. Understood.

On the issue of the amendment, we had Mr. Shipley before the motion. Do you wish to speak to the motion, Mr. Shipley?

**Mrs. Betty Hinton:** It's not an amendment.

**Mr. Bev Shipley:** Well, it's all part and parcel of it. Quite honestly, we've.... I don't think anyone is opposed to getting into it, Mr. St. Denis. That's not it. I just don't want to lose our focus. I mean, we say a day or two. I don't know if that's right or not.

I do know that we're committed to dealing with the ombudsman. We know there's some urgency for the vets to start to deal with it and get something in place. I think if we're going to have witnesses, we need to get them lined up. We need to make a decision on committees, so that we have all the ones we want.

I don't know what your thoughts about today were, but it would be good to hear our committee's thoughts on it. I don't know if this is on the amendment or not, but it's really quite—

**The Chair:** I just want to make it very clear that there was no amendment.

**Mr. Bev Shipley:** Okay.

**The Chair:** Proceed with the motion.

**Mr. Bev Shipley:** I think we need to get the thoughts on today. It wasn't the ombudsman from Australia. There were a lot of unanswered questions, even though there was a lot of good information. I don't know where we go with that. We should discuss it, I think.

Did we have the bill of rights? That leads us into the next phase of completion for veterans affairs.

I think we just need to line up our stuff, get our ducks in order so that we don't have a lot of vacant time at our committees. If that is the case, then I would like to move along with both of these in such a way that we could get to Mr. St. Denis' bill and deal with it in an appropriate time. But let's not forget the focus that we have here; that's all.

**The Chair:** Okay. I'm just sort of tracking everything here, because I'm doing without my clerk now.

Now we're over to Mr. Valley.

**Mr. Roger Valley:** Thank you.

I'd like to speak to the motion. I think we have a fair bit of work to do when we get back here. We're going to have a draft in front of us. It's going to take us some time to deal with the draft, to make changes to it.

I think that when we come back we can talk about when we're going to deal with it, if we're going to put it before or after the bill of rights, because the bill of rights is going to be another big chunk of stuff we have to do. We'll have to line up witnesses and everything else. If we could decide when we come back what the scope of work is on Mr. St. Denis' bill, that would tell us whether.... If it's two or three days, we'll put it ahead of it. If it's more than that, we'll have to put it behind. But we can't wait too long.

**The Chair:** I'm just trying to clarify your position. You're saying

**Mr. Roger Valley:** I'm saying that when we come back, we're going to have a draft in front of us. It's going to take us a couple of meetings to deal with the draft, to give some instruction to the researchers, to write our report to the minister—we have to deal with that. So we're at two, three, four, or five meetings when we get back anyway. We have time then to decide the order, whether it's Mr. St. Denis' bill or the bill of rights. The bill of rights is the much bigger chunk to bite.

**The Chair:** Okay. I'm not sure where that's going, but all right.

Monsieur Gaudet.

[Translation]

**Mr. Roger Gaudet:** Is Mr. Hillier the last witness scheduled to appear before the committee in conjunction with our study of the ombudsman question?

[English]

**The Chair:** I'm sorry, I was trying to keep track of all the people who wanted to speak.

What was the question again? I'm sorry.

[Translation]

**Mr. Roger Gaudet:** How many witnesses do we still need to hear from? Is Mr. Hillier the last witness, or are there still others?

[English]

**The Chair:** That is correct. It's Mr. Hillier.



[*Translation*]

**Mr. Roger Gaudet:** Mr. Hillier will be here on Wednesday. Therefore, if we're here next week, we could study this bill. During the holidays, our friend Michel, who is a bit of a workaholic, could perhaps make some changes. I think two meetings would be enough time to dispense with this bill. I don't care one way or another, unless you opt for August 15.

[*English*]

**The Chair:** That's the nature of the motion, I guess, sir.

Mr. St. Denis.

**Mr. Brent St. Denis:** I really appreciate the support on both sides. It's just a matter of logistics, it appears.

Given the level of support expressed here in the House, it might be conceivable to have witnesses and then do the clause-by-clause right after, maybe as soon as Monday, if indeed Mr. Hillier's visit Wednesday is the last official witness on the ombudsman—unless there is something set up for Monday. We won't be able to deal with anything from Michel until the end of January. So I suppose it makes sense, rather than to just push this off...

Roger made a good point about our being really busy when we come back. Maybe there's an opportunity next Monday or next Wednesday—and I would propose Monday—to deal with it and see where it goes.

• (1710)

**The Chair:** Okay.

**Mr. Brent St. Denis:** I do appreciate the support on both sides, notwithstanding the discussion over when we'd start.

**The Chair:** Go ahead, Mr. Sweet.

**Mr. David Sweet:** Yes, I agree. We all spoke and spoke favourably of Mr. St. Denis' bill. My concern is that it's a public session. But it's appropriate to say that we've had some displays of the time investment required for our work, and we have some veterans organizations that want us to first off get the ombudsman job done, but if we delay getting to the bill of rights.... I don't want to send any kind of signal that now we've delayed anything. That's my only concern.

I would say that we also need a planning meeting. We were talking about assessing, for the bill, what it's going to take for witnesses. We also need to sit down and really take a look at what it's going to take for witnesses for the bill of rights, as well, to make sure that we have the people at the table who are required.

The one thing I did voice some concern about with Mr. St. Denis' bill was that I'd like to hear from some veterans organizations to make sure that they have a comfort level with how we would handle this in order not to detract anything from November 11. That's a sensitivity that all of us share.

**The Chair:** Okay. I now have exhausted everybody wishing to speak to the motion, so we will proceed to the vote on the motion.

Ms. Hinton's motion—I'm trying to remember the exact wording, but basically it was to the effect that—

**Mrs. Betty Hinton:** It was that we do the business we agreed to as a committee prior to getting into this motion.

**The Chair:** All right. I call the question.

I count four in favour and four against.

**Mr. Gilles-A. Perron:** Should we have the vote again?

**An hon. member:** I have a point of privilege.

**The Chair:** I'm not going to take that during a vote.

It was four to four. I'm going to cast the deciding vote and cast in favour of the motion.

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

**Mr. David Christopherson (Hamilton Centre, NDP):** If this comes back, I'll return the favour.

**The Chair:** Just to be clear, we can't take points of order and all that stuff during a vote.

**Mr. David Christopherson:** No, I didn't vote because I walked in in the middle of the discussion. At that point it was a point of privilege. I was only seeking to find out what the issue was so I could cast a halfway intelligent vote.

**The Chair:** Mr. Christopherson, we restated the motion before we voted. That's all we can do.

The meeting is adjourned.





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