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## **Standing Committee on Veterans Affairs**

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**Wednesday, December 6, 2006**

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**Chair**

**Mr. Rob Anders**

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## Standing Committee on Veterans Affairs

Wednesday, December 6, 2006

• (1540)

[English]

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

We have Mr. Hillier before us today, and I'll go into that in a bit.

To give everybody a heads up, I did want to note that on Monday we have Brian Ferguson, the assistant deputy minister; Verna Bruce, the acting deputy minister; and possibly Ken Miller, for the beginning of our study on the bill of rights.

Today we're wrapping up with regard to the veterans ombudsman. You're our last witness, sir.

The way we will proceed is for you to have 10 or 20 minutes, as you see fit, then afterward we go with questions.

Mr. Hillier, the floor is yours.

**Mr. Keith Hillier (Assistant Deputy Minister, Corporate Services, Department of Veterans Affairs):** Thank you, Mr. Chairman. Good afternoon.

[Translation]

Thank you, Mr. Chair. Good afternoon.

[English]

I'm here today to clarify comments that were attributed to me with regard to the timeframes required to establish a veterans ombudsman through legislation.

In the spring, I met with veterans organizations bilaterally, including the Canadian Peacekeeping Veterans Association, of which Tom Hoppe is the national president and Larry Gollner is the chair of the Bill C-45 implementation committee. I have been involved in consultations with veterans organizations recently, including the Canadian Peacekeeping Veterans Association, at which time Mr. Hoppe and Mr. Gollner were in attendance.

During the spring meetings, potential timeframes to establish an ombudsman were discussed in general terms. Discussion included the understanding that creating an ombudsman through legislation would undoubtedly take longer than, for example, establishing an ombudsman through other means, such as a ministerial directive.

No explicit timeframes were stated for any potential options. At no point through these discussions did I indicate that the creation of a veterans ombudsman via legislation would take five years.

[Translation]

At no point throughout these discussions did I indicate that the creation of a veterans' ombudsman via legislation would take five years.

[English]

In fact, the actual time to create an ombudsman for veterans via legislation is strictly a matter governed by parliamentary rules and procedure and would be entirely subject to the will of Parliament. I have no influence in these matters, and as you can appreciate, if my comments have been interpreted to mean that it would take five years to establish an ombudsman through legislation, it has been a misunderstanding, for which I apologize and am here today to clarify.

I thank you for this opportunity to provide clarification in this matter, and I welcome your questions and your comments.

• (1545)

**The Chair:** Wow, that was brief! Two minutes.

Mr. Cuzner, for seven minutes.

**Mr. Rodger Cuzner (Cape Breton—Canso, Lib.):** My seven minutes will probably be as brief as Mr. Hillier's.

Thank you very much, Mr. Hillier. We're used to seeing each other on either sides of the plane either coming from or going to Halifax.

You say you really hadn't indicated any time period, or it was simply an arbitrary—

**Mr. Keith Hillier:** I have actually no idea where this idea of five years would come from. For example, if you look at the Veterans Charter, that was implemented in somewhat less than five years.

From my perspective, when we had some discussions—and actually the most recent discussions I had with this particular organization did not have any discussion of timeframes—when we talked about this back in late spring or early summer, we said if we go through a legislative process it's probably going to take a longer than a ministerial directive. But certainly five years was never ever discussed in any meeting that I've been present at, so I really don't know where it came from. I'm at a loss.

If in fact there's some misunderstanding, I'm sure that in the future I'll be speaking with these individuals. These are certainly honourable gentlemen, and as we move forward, I'm sure I will have further consultation with these gentlemen and if there's any misunderstanding it will certainly be clarified. But I don't know where the five years would come from.

It seems to me that it's really left to the will of Parliament. If it is the will of Parliament to proceed with the enactment of any legislation, I would suspect that honourable members would probably want to move more quickly than five years.

**Mr. Rodger Cuzner:** Certainly what's come through in the testimony and the questioning from both sides of this committee is that we want to make sure we get this right, and get it right out of the box. Still, we understand there are veterans who realize the importance of the creation of this position and know that time is of the essence as well.

To that end, would you be willing to comment on the fact that we're not reinventing the wheel? We have some excellent examples, and I think we've received some great testimony here at the committee as well to shed light on past experiences. When we look at the ombudsman for national defence and the experiences we've received there, does it give us a step up? Does that give us a foot ahead in the creation of this new position of ombudsman for Veterans Affairs Canada?

**Mr. Keith Hillier:** I think the fact that we already have ombudspersons in the Government of Canada, including Mr. Côté at National Defence, who I know has testified before this group, provides a lot of wisdom and insight as to ombudsperson models in Canada. I think we should use the information and experience we have as a government in moving forward with an ombudsman specifically to deal with Veterans Affairs matters.

**Mr. Rodger Cuzner:** I think what's come out loud and clear is that we're almost in a position to identify best practices of ombudsmen and best or most pertinent applications in this case. I think five years certainly struck the entire committee as a bit of a surprise when it was entered as evidence. I don't think we would see it taking that long.

To that end, is there somebody else on the opposition side who would like to speak?

**The Chair:** Mr. Rota has indicated he would like to speak.

**Mr. Anthony Rota (Nipissing—Timiskaming, Lib.):** Thank you.

Mr. Hillier, are you in town on other business, or did you come just to speak to us?

**Mr. Keith Hillier:** No, I'm here on other business as well.

• (1550)

**Mr. Anthony Rota:** Very good. That's all I wanted to ask. I just wanted to clarify that. That's fine. Thank you.

**The Chair:** Go ahead, Mr. St. Denis.

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

**Mr. Rodger Cuzner:** You could get the whole side in, Mr. Chair.

**Mr. Brent St. Denis:** I'm not sure if you are familiar with the testimony we heard from Mr. Winzenberg, who is here on secondment from Australia. He has a pretty senior position in their equivalent veterans affairs department in Australia, as I understand it. He didn't represent the ombudsman's office there, but he seemed quite knowledgeable. In their model, Australia has what you could call a master or super-ombudsman; then that's broken up into six

different divisions and broken down from there. They have created an ombudsman and then worked it down through all of the various departments and agencies.

This proposal starts at the other end. It starts within a department. We already have, as you've noted, a defence ombudsman. This is a proposal for Veterans Affairs. There may be other departments with ombudsmen at future times; that's not our concern. Do you see any problems in starting from the bottom and working up, versus the Australian way of starting from the top and working down? This presumes that you agree with the idea. Maybe you can answer whether you agree or disagree on either side.

**Mr. Keith Hillier:** I'll answer in a couple of ways, Mr. Chair.

First of all, I support the concept of an ombudsman. Any model of an ombudsman has its pros and cons in terms of how you go about this.

From my perspective, the actual decision as to whether we will have one for all of the Government of Canada is really a decision the Government of Canada will have to make. I think that when I was at this committee the last time, one of the honourable members suggested how many ombudspersons should there be, or something of that nature, but it isn't a decision that will be made by me as the senior executive responsible for this particular file. The Government of Canada will have to look at it on a horizontal basis to decide whether they want to go with the Australian model, which as you duly noted is one ombudsperson for all of government, with specialists in each particular department, or whether they want to go with individual ombudsmen. That is a Government of Canada decision that will have to be taken.

**Mr. Brent St. Denis:** This committee will be looking at a draft report in the very near future. If we report back to Parliament in February, and Parliament deals with it expeditiously—that may be an ideal scenario and leaves aside a spring election—so that by the fall it is all done, how long would it take from the administrative side, in your estimation, to actually put in place the office or the person?

**Mr. Keith Hillier:** It's difficult to say, because we don't know what it is, but I think we're safe in saying it would probably just be a few months. We've done some scenarios inside the place, looking at technology, looking at infrastructure and what have you, to support the ombudsman. So in fact if legislation is brought in or if an ombudsman is appointed through another means, the department would be able to react fairly quickly to support the ombudsman. But I think it's very important to note that if you look at all the models of ombudsmen, they are independent individuals. They would need time to create their own office. Certainly they would want to tie into things such as corporate infrastructure; they wouldn't want to develop their own computer network or what have you. Certainly we would assist and it would be up to the ombudsperson herself or himself to decide how much time they would need to get the specialists they would need.

Certainly, from my experience, I think you need a multi-disciplinary team. Among the people who would work in the office of the ombudsman, I think they would have very varied skill sets, depending on the nature of the cases and, to a great extent, depending on what the mandate of the ombudsman is.

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

**The Chair:** Just to let you know, you were about 30 seconds over, but when you said that you had 16 seconds left, you actually had 15. I was impressed that you were within one second of that. That's why I gave you the extra 30 seconds.

Mr. Perron.

[Translation]

**Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ):** Thank you, Mr. Chair.

Thank you for being here today.

I will get the blues of Mr. Gollner's testimony. He said the discussion during which you said it would take five years to create an ombudsman had taken place a few days earlier, something like one to two weeks before. But you said this meeting occurred in the springtime.

Did it occur recently or last spring? I am lost. I am not trying to find who is telling the truth, and who is not. I would just like you to give me briefly this information, because I have more questions to ask you.

• (1555)

[English]

**Mr. Keith Hillier:** Yes. I'm quite happy to respond. I met with Mr. Gollner in British Columbia in the spring—it was probably late April or May. I met with him and the then-president of their association, a gentlemen by the name of Mr. Dave Munro. Subsequent to that I met, on a multilateral basis, with veterans organizations here in Ottawa. That was in June. Mr. Gollner was at that meeting as well. My last discussion with Mr. Gollner took place about ten days ago. It was actually on the same day as they appeared before this committee. It was several hours earlier. As a matter of fact, we had to change the time of the meeting to be able to accommodate their coming to this committee.

At that point, I was not at the meeting. I participated by teleconference; I had a personal matter that required me to stay on Prince Edward Island that particular day. I did call in to the discussion and I was on the line for probably 10 to 15 minutes. At no time did we discuss any timeframes for the implementation of an ombudsman during that meeting.

[Translation]

**Mr. Gilles-A. Perron:** What he said is that you discussed this during this meeting. Let us forget about this.

Let us try to find out how much time it would take to create an ombudsman position.

Back in 1968, during Expo '67, the premier of the Quebec nation met the New Zealand ombudsman. The Quebec nation ombudsman, called the *protecteur du citoyen*, existed then and was operational.

My question to all those around this table is this: How come it is so long to find a suitable model, when we have so many good ones in this country? Ontario did not follow exactly the Quebec model, but it changed it, and New Brunswick and Alberta did the same thing.

We have in this country ombudsman offices that work fine. We have the expertise. I challenge all those around this table to work hard together to create a veterans' ombudsman. But we will have to stop hesitating and find the will to create it.

We should try to stop scrutinizing documents and discuss endlessly like we have been doing since 1962, when the suggestion to have a general ombudsman was first discussed. Do we really want to create this position or is this just political idle talk? You should respond and we should get on with it and establish this position rapidly.

Thank you, that is all I had to say, Mr. Chair.

[English]

**The Chair:** Do you have a response, Mr. Hillier?

**Mr. Keith Hillier:** I would respond by saying that the Prime Minister announced there would be a veterans bill of rights and an ombudsman. That announcement was made on Parliament Hill at the launch of the new Veterans Charter. Minister Thompson has reiterated that in many public fora. We, in the department, are working very hard to support that. I know the minister wants to move ahead with due haste, but at the end of the day, it's up to the Government of Canada to decide what the model will be and what the implementation will be through the parliamentary process.

[Translation]

**Mr. Gilles-A. Perron:** I know I am a passionate kind of man who wants to get things moving. I have the feeling the main problem is with the veterans affairs department. It is as if people in the government perceived the ombudsman like an enemy that is out to make trouble and blow the whistle. That is not what this position is all about.

An ombudsman's role is to make sure the veterans get a good service and to contribute to better policies. He or she makes recommendations. An ombudsman cannot say we should pass a piece of legislation or change some program or other. He or she just makes recommendations. We heard last week that the ombudsman in New Zealand made 51 recommendations, and that 49 of them were implemented and the other two were discarded.

The role of an ombudsman is not to turn everything upside down in the government and departments, but to protect the citizens and to make recommendations on whatever is not working well.

One of the things that comes to mind which does not work well is the much talked about Veterans Review and Appeal Board. Some order needs to be restored in this board. I would like to know how Mr. Munro, a former president of the Canadian Peacekeeping Veterans Association, was appointed to this board. Was this a political appointment, or was a competitive process followed? I am really wondering.

How could the former political assistant to Mr. Assad, the former member for Gatineau, be appointed to the Veterans Review and Appeal Board, even if this member did not try to be re-elected? I can give more examples of appointments to the board that seem to be political appointments.

We travelled to the veterans hospital in Ste. Anne de Bellevue. I can tell you the ombudsman there seemed to be more a member of the management team of the institution than a person whose mandate is to care for the patients, who are veterans.

• (1600)

[English]

**Mr. Keith Hillier:** I can't respond to many of the points that Monsieur Parent made, in terms of appointments to the Veterans Review and Appeal Board or other matters where we're proceeding. I'm totally convinced that the government will move forward as soon as possible, but I can't sit here today and say it's going to be at a specific point in time, because that's out of my purview.

**The Chair:** Understood.

Mr. Stoffer, for five minutes.

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Thank you, Mr. Chairman.

Thank you, sir, for appearing before us today.

You indicated that you're fully supportive of the position of an ombudsman. I'm not sure if you can answer this question, and if you can't, I understand.

We heard, through rumblings, that there was slight opposition within the department to an ombudsman. Has that position changed? Is it fair to say that everybody is on board now, or is there still resistance within the department?

**Mr. Keith Hillier:** I can assure you there is no resistance in the Department of Veterans Affairs with regard to the creation of an ombudsman. I hear these comments from time to time, and some of them are attributed to me, but other than at this committee, nobody has ever asked me. In some cases, people are attributing opinions to individuals without actually asking them what their opinion is.

**Mr. Peter Stoffer:** Right. Okay. Thank you.

This is sort of a sidebar. We're talking about the veterans bill of rights, which is coming up for discussion very soon. Correct me if I'm wrong, but overseas veterans—I'm talking British and Polish veterans—at one time were covered under DVA, prior to program review. Is that correct?

**Mr. Keith Hillier:** Yes, you are correct. I don't have the specific details as I don't work on the policy program, but certainly there were changes made in the mid-1990s for what were called Allied vets. As a result, there was a reduction in certain benefits and programs for this group of veterans as compared to those for veterans in general, if I could put it in that context.

**Mr. Peter Stoffer:** In a cooperative nature, and now that we have the fiscal capacity in this country... I'm just throwing this out there for general discussion. It seems that lately we're getting a lot of calls from British and Polish veterans looking for assistance through DVA, and unfortunately, we have to tell them that because they served under another country during the war, they are not covered.

If we do have an ombudsman and if we do have the veterans bill of rights, should not these veterans also have access? They don't have the services now, so the ombudsman would have to say right now, "No, we can't discuss your concern because you're not covered

under DVA." I find it rather unfortunate. They served with Canadians but not under Canadians. I can understand the fiscal restraint in the mid-1990s, but now that that excuse is gone, would it not be feasible or advisable to somehow include these veterans as well under DVA protection so that they in turn could fall under the bill of rights for the veterans ombudsman?

I know that's a parliamentary situation.

**Mr. Keith Hillier:** It is a parliamentary situation. It was a Government of Canada decision to change the benefits for this group of Canadians, and certainly, if in fact these benefits were to be, shall I say, reinstated, there would have to be a Government of Canada decision to do that irrespective of what the fiscal situation might be. That is a matter on a government-wide basis.

**Mr. Peter Stoffer:** Thank you.

• (1605)

**The Chair:** Thank you, Mr. Stoffer.

Now it is on to Mr. Sweet for seven minutes.

**Mrs. Betty Hinton (Kamloops—Thompson—Cariboo, CPC):** We're just going to do a switch here and go half and half.

**The Chair:** All right.

**Mrs. Betty Hinton:** Thank you for coming and clarifying a few issues.

I just have a comment or two for my very passionate friend from the Bloc. I'd like to make it clear that this government is actually determined to put an ombudsman in place and a bill of rights in place because we feel those have been lacking for a long time.

I also recognize that sometimes democracy is awkward and takes a little bit of time, but if you're going to do it right, you actually need to talk to the user groups who are going to be the most affected by this. We'll be in a position fairly soon to move forward quickly, and I was very pleased not to hear you state today that it would take five years, because that seems completely unreasonable to any thinking person.

There are a number of countries that have an ombudsman and a bill of rights for veterans in place. We had a visitor here last week from Australia who gave us a bit of an explanation on Australia. Could you talk a little bit about any of the other countries that you're aware of that have an ombudsman in place and how they went about developing the structure?

**Mr. Keith Hillier:** You talked about Australia. Actually, the British model is very similar. They have an ombudsman for all of government. We looked a little bit to the U.S., but their whole system is so much different. They have something called the GI Bill of Rights—please don't quote me on the number—and I remember seeing the document, and it's about this thick. It's quite a lengthy document.

Mr. Chair, if I may, with regard to the bill of rights, one of the things I can tell you that veterans organizations have told me is that they don't want something that's this thick. They want something that's simple and understandable. In the words of one of the individuals I consulted with, you have to come up with something that a soldier can understand.

Many governments—and I can go to my notes there—have ombudsman models. They all tend to be a little bit different. They tend to be, if I could use the term, home grown to suit the culture and the size of government of the population they're trying to serve.

There are a few fundamental principles that we've seen. First of all, ombudsmen do not interfere in the normal decision-making process. They're not part of a legal system. They are there, in many ways, to recommend, to look at systemic.... Sometimes what you find is that everybody has done the right thing, but maybe the outcome hasn't been the right outcome. They're involved in recommending.

In terms of the models, in some cases they report to Parliament at large, and in some cases they report to a minister. In fact, interestingly enough, in the U.S., if I could use that model, there are some cities and states that actually have ombudspersons for veterans issues. I think if you look at them you'll see that they all have the same basic principles of being able to review cases, review systemic issues, and make recommendations for improvements on a general basis or make suggestions relevant to a specific case. But they have no authority to overturn a decision that has gone through due process.

Also, the other principle, generally, is that in order for an ombudsman to take a case, the normal redress mechanisms, the normal responses through a department, whether it be through an administrative appeal or some other appeal mechanism, would normally have to be exhausted before such time as an ombudsman would launch an investigation, unless there were some very exceptional circumstances.

• (1610)

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

Mr. Sweet can have the balance.

**Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC):** Thank you, Mr. Chair, and thank you, Mr. Hillier.

I'm very happy that a couple of the questions I had have been answered. Just to confirm, I'm very happy that you support the concept of an ombudsman and that you have not felt any resistance. I would take from this that you mean that in the department there's also an endorsement of the process leading up to, and of course, adopting an ombudsman.

In June I had asked you about a timeframe. You'd only had the file for a couple of months, so you couldn't estimate. You did just give an estimate of a couple of months, but you specified that that's for the administrative infrastructure. Give me an idea of the additional things that you would think would have to be put in place, as well.

**Mr. Keith Hillier:** First of all, once an ombudsman is put in place, that person would have to decide on the make-up of their team. My understanding is that at DND it took them about a year, I think, from the time that an ombudsman was actually named until they actually got in business. I believe it was up to a year. Please don't quote me on that, but I understand that was the general timeframe. Having said that, the types of things that have to be done, in my view, are the following.

The ombudsman has to be able to staff jobs. That has to be done through the public service using public service staffing rules. There may be some need for contract employees, and that would have to follow Government of Canada procurement policies. Staffing and procurement are not things that happen overnight. So that is one of the things.

There would have to be a decision on the location of the ombudsman, the physical infrastructure. The ombudsman is going to need office space, computer hookups, and what have you.

Also, the ombudsman, whoever is appointed, really needs to think about what the mix of the team is. He or she would need people, in my view—and having talked to various ombudspersons around town, a variety of people would be needed—people with a legal background, people with a background in administrative investigations, etc.

I think the other thing, too, that would have to be put in place is processes and procedures in terms of dealing with the department. In fact most ombudsman models—I think Mr. Winzenberg stressed this when he was here on Monday—try to do it at the lowest level, try to do it fast. Every case doesn't have to be brought to the attention of the deputy minister or the ombudsman. Hopefully, people working in the ombudsman's office can resolve issues on a bilateral basis with a program officer or an area counsellor or what have you.

So there would have to be some of these administrative processes, but certainly from the standpoint of the department, we are quite capable and quite willing and able to support the ombudsman in terms of helping set up the administration. As for how that would happen, at the end of the day, we would have to wait and see.

**Mr. David Sweet:** I want to make sure I get in one last question, Mr. Hillier.

Have you had in your busy schedule an opportunity to read the transcript of our testimony over the months that we've been gathering it?

**Mr. Keith Hillier:** Yes.

**Mr. David Sweet:** I have two concerns.

One is what I see would be the volume for this ombudsman concerning the backlog from VRAB. The other is that we've had, I think, two ombudsmen say that one role they have a real challenge filling is that of forensic investigator. I'm wondering if you would comment on how that's going to impact the setting up of an ombudsman office.

**Mr. Keith Hillier:** What you touch on is something that's very challenging. The question is, how many people are going to come forward and request the service of the ombudsman?

Of course, we've looked at the Australian model, as was discussed here on Monday. Mr. Winzenberg is working with us on this particular file. I've met a number of times with Monsieur Côté, and he has outlined to me some of the volumetrics that his office has—the number of staff, the number of complaints.

At the end of the day, the person who is appointed, the ombudsman, will have to use what I would call best professional judgment. It's a matter of making sure you have sufficient staff to be able to deal with the intake, because if somebody goes to the ombudsman, and if, for example, they're complaining about slow response time or delay and the ombudsman is no better at responding, the credibility and faith in the system is going to be lost extremely quickly. But by the same token, you don't want to go overboard and staff up an organization with so many people that all of a sudden you don't have sufficient....

My recommendation would be to start with a core group and allow for capability to expand or contract based on the needs. I think it's probably fair to say that maybe in the first year there might be larger numbers of inquiries than maybe there would be so many years out, because of the attention that it will probably attract. Certainly from speaking with veterans organizations, I think there are people out there, undoubtedly, who will pursue the services of the ombudsman.

•(1615)

**The Chair:** Mr. Valley, for five minutes.

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

Thank you, Mr. Hillier.

I'm not trying to trick you in any way, but I usually write good notes, and I don't have any notes from your visit, so maybe I was away when you visited us—in June, I believe it was?

**Mr. Keith Hillier:** Yes, I believe so.

**Mr. Roger Valley:** The question must have been asked whether you supported the ombudsman office at that time. I'm not clear, because it's not in my notes, and I don't know. Did you support the idea then? We have had the question of some hesitation.

**Mr. Keith Hillier:** From my standpoint, I don't recall whether the question was asked. I'd defer to the transcript. If it had been asked to me, I would have said yes. I think I would respond by saying that if I didn't believe in this, I wouldn't have taken this assignment.

Specifically the reason this assignment was given to me as the corporate ADM is due to the fact that I have very little involvement with veterans programs. I'm not responsible for the policies, the programs, the service delivery of any of the programs. And certainly I have, in my view, a greater degree of independence because of the fact that I'm not accountable for the actual delivery of services to veterans.

However, I am part of the overall management team, undoubtedly. Certainly I would not have taken this assignment.... If I may say so, Mr. Chair, I'll have been with the government for 35 years in January coming and have worked in a variety of departments in a variety of cities. Any assignment I've taken in the past and will take in the future will be for things I believe in and things in which I think I can make a difference.

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

You've stated some of this, but I want to tie it together. We know that the forces have an ombudsman. We know that when that person was appointed they helped write the rules...I don't know whether it's

the rules, but how they were going to form the office and what services they were going to provide.

First, should the ombudsman be separate from Veterans Affairs? Should it be joint with the forces? And secondly, should the same opportunity be given to an ombudsman set-up for Veterans Affairs: that he have the chance—I know they'll be setting up their own office—to write up their own rules, or whatever word I should use, to make sure the service is delivered to the veterans?

**Mr. Keith Hillier:** That will be a Government of Canada decision. My role in this is really to provide advice to the minister and to provide research. At the end of the day, it is the government that will have to make a decision about whether there's one for DND and VAC combined, or whether there's one for all of government, or a special one for VAC.

That's a Government of Canada decision. My role is to give the best advice, to give the best research through that advice, but at the end of the day it's a Government of Canada decision.

**Mr. Roger Valley:** You've mentioned a number of different models. You've seen a number of different service deliveries by ombudsmen in different countries. Is there no one in particular of which you would say, "This is the one we should be looking at"?

**Mr. Keith Hillier:** My sense is that as with many things in life there are pros and cons. There are upsides and downsides.

**Mr. Roger Valley:** In a homegrown system, yes.

**Mr. Keith Hillier:** I think what we want is something that works for Canadian veterans, because at the end of the day, this is about improving service for veterans. This is about making the situation better for those who served.

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

Mr. Rota will put a question.

**The Chair:** Sure. He can finish off.

You have a minute and a half.

**Mr. Anthony Rota:** Okay. I'll make it brief, then.

Mr. Hillier, you had some consultations. I was just reading your letter, and you had quite a number of consultations with different associations. Are the notes and the minutes to those meetings something we have access to? Would you mind sharing them with our committee?

**Mr. Keith Hillier:** Certainly I will provide anything that legally I can provide to you, based on the Access to Information Act and Privacy Act. I'd be happy to.

Mr. Chair, I can take that matter under advisement and provide the clerk of the committee, if I may, with any information for dissemination.

•(1620)

**Mr. Anthony Rota:** That would be ideal, because you've seen people from one group; we've seen people from another. If we could put it together, it would probably help us quite a bit.

When you met, you met mainly with groups and not individuals, I take it.



**Mr. Keith Hillier:** That's correct. There were one or two individuals who were met with in the initial discussions that took place last spring.

**Mr. Anthony Rota:** Did you meet with...? I guess it was one or two individuals; you didn't meet with families. Or did you meet with front-line workers within your organization who have prime contact, and maybe get some input from them?

**Mr. Keith Hillier:** I can respond to that in a couple of ways. In terms of the fact that we have had discussions internally about this, we've discussed this matter through our management committees and what have you. As a lead-up to the Veterans Charter, I had the opportunity to visit about 22 of our field offices across the country, doing basically town hall types of discussions with the staff and talking about how we are doing with regard to providing services to veterans. While there was no formal discussion—no formal consultation, if I can call it that—certainly some of these things were, should I say, tested and what have you. From my perspective, then, there is a knowledge there that there will be an ombudsman coming forward. The basic question has been how it's going to work. In fact, that hasn't been sorted out, and it won't be until such time as the decision has been made as to what the ombudsman is.

Interestingly enough, when you talk with veterans organizations—and they've all appeared here—I think they will tell you that they all support the concept of a bill of rights and an ombudsman. Each veterans organization has a different view as to exactly how that might work and what the authorities may be. Until such time as a decision is made by the Government of Canada on what the model is, a lot of the questions are somewhat hypothetical, including how long it will take. Depending on what its mandate is, you may need an office of ten people or you may need an office of fifty people. Gearing up for fifty would obviously take somewhat longer than for ten. It would be a significant challenge for the ombudsperson to do that.

**The Chair:** Thank you, Mr. Rota.

We're moving on to Monsieur Gaudet.

[*Translation*]

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

Mr. Hillier, would you happen to know what Mr. Yves Côté's occupation was before he was appointed as the national defence department and Canadian forces ombudsman?

[*English*]

**Mr. Keith Hillier:** No, I don't know specifically. I don't know this for a fact, but my understanding is that Mr. Côté is a lawyer.

[*Translation*]

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

You travelled throughout this country and met with more than 22 associations. You are an advisor to the government and to the minister. You are a deputy minister.

Are you supposed to find an ombudsman or just to talk with people?

[*English*]

**Mr. Keith Hillier:** Let me define what my role is in the organization. First of all, my primary role is that of assistant deputy minister for corporate services. I am responsible for the computer systems, computer infrastructure, human resources, property management, security, buildings, and what I would say are most of the non-program areas. I was asked by my deputy minister, the late Jack Stagg, to take on this file, which is the creation of the bill of rights and the ombudsman.

In order for the Government of Canada to make decisions as to where this is going to land at the end of the day in terms of the model and in terms of the bill of rights, I was asked to consult veterans organizations to receive their input, their thoughts, and their ideas. Those things will be fed back into the system in order to allow the Government of Canada to make the applicable decisions that it will make.

[*Translation*]

**Mr. Roger Gaudet:** I can understand your point of view, but still, you are working for the Canadian government. We are trying to push this through as quickly as possible. But it is far from moving ahead fast at this time. At this rate, it will take five years to do settle this issue.

Is there a real will to create this ombudsman position? We also have endless meetings, sometimes, but to no avail.

I want to get something concrete. I agree with you, and I agree that Mr. Stagg gave you a mandate to deal with this issue, but we need to have a goal and we need to see that this mandate will end someday. Otherwise, this will never be finished.

• (1625)

[*English*]

**Mr. Keith Hillier:** My response to that, Mr. Chair, is the fact that consultations have been ongoing, last week and this week, with veterans organizations. The information that we've gathered will be fed back through to the minister.

I have to emphasize that at the end of the day this will be a decision by the Government of Canada, through the parliamentary process, in terms of the timing, in terms of the mandate, and in terms of the decisions around what the ombudsman model will look like.

**The Chair:** There's still a minute and a half left, if Monsieur Perron wishes to—

[*Translation*]

**Mr. Gilles-A. Perron:** No, I am finished.

[*English*]

**The Chair:** Okay. Over to Mr. Shipley for five minutes.

**Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC):** Thank you.

I have a couple of comments, and maybe I'll end up with a question.

I think it's really clear that this committee and this government wanted to move ahead with an ombudsman. You've cleared the road in terms of some of the questions that have come about in terms of the department, in terms of resistance, and in fact the endorsement of an ombudsman by your department. I think that's a great step.

Then I think it's up to us. We have met with a number of witnesses who have given us a variety of comments that have drawn us somewhat down the funnel of understanding what an ombudsman will do and can do, and some of the make-up.

I guess what I'm looking for is this. We do not want to short-cut the options that we have to look at. We have one chance to do it right; we should do it right the first time and not have to come back and redo a lot of things. I think we all recognize that nothing is ever cast in stone, and that there has to be some life to everything we do in terms of changing times as things go on, and we have witnessed that from what we call our traditional veterans to our modern-day veterans. So we must have something that's flexible in terms of what an ombudsman is going to be able to deal with.

I think this committee now has an obligation to make some decisions. We are the parliamentarians. We are the ones who have been gathering this information from a number of people. We will make the decisions, and the minister and the deputy ministers and the administration will carry out and get the resources to put it together.

I guess what I'm looking for now, so that we can move ahead—and I believe we can, because if it slows up, we will be the ones slowing it up. I mean, following parliamentary process, which is a drag at the best of times...but unless we get in the way of it, it will still be possible to move things along. So I think it will be the willingness of this committee to move along.

In listening to our witness, Mr. Hillier, about where it's going to be, where the staffing is, what is going to be required in it, what input do we want as a committee, I think we have to be clear to our department about what we want our input to be, so they can give the options to us.

I'm not going to pick sides on this thing. We're all here for the one objective, and that is to get an ombudsman in place. I think that's been clearly laid out and talked about by everyone, and I think everybody's on side for that.

Mr. Chairman, my question, then, is focused around what is the next step so that we can move ahead, clearly defined by this committee. Have we all the information we want? If we don't, now is the time to ask. I don't think it's fair to any ministry staff for us to send them out and then not give clear direction, because we're the ones who carry that responsibility.

To move to our next meeting and to our next step, then, maybe as a committee, after our witness leaves, we need to sit down and give some clear direction today about what our next step is. We need to move ahead and not become the obstacle, so that it doesn't take five years.

That's all I have to say. Thank you.

●(1630)

**The Chair:** Before we get to that, I think that's the last of our speakers in the rotation.

Yes, sir, go for it.

**Mr. David Sweet:** There is only one follow-up question, because you've answered the couple of questions I had, Mr. Hillier. Thank you very much for your testimony.

Mr. Shipley mentioned something that would be appropriate for you to answer. You did mention that you've read through all the transcripts. Is there anything you're missing right now, from the testimony we've gathered, for you to go out and do the job you need to do now?

**Mr. Keith Hillier:** No. Certainly what I read in the testimony was that the views were fairly divergent, I think it's fair to say, and some were very passionate. But I think at the end of the day we have to boil it down and say what makes sense and what is doable. You could probably pick some things from each of the presentations that were given here; there were some commonalities, but there were some other things that were fairly divergent. You have to really think about it in the Canadian context and say we want a made-in-Canada solution that is for our veterans.

For example, just to quote Mr. Winzenberg on Monday, he talked about the fact that the ombudsman was created in Australia many years ago. He talked about the size of the population, for example. They made the decision that based on the size of their country, the size of the population, that they didn't want to go with multi-ombudspersons.

That's a decision that the Government of Canada will have to make here, whether they go with multi-ombudspersons; i.e., someone for Veterans Affairs and DND. And there are a number of others around town that you're probably aware of. It has to be something that's going to work for Canada, but more importantly, at the end of the day, that's going to work for veterans and give them the type of representation that they deserve and that they feel will work for them.

**Mr. David Sweet:** And last, you've been asked this twice, but I want to make it clear for the record once more, because we've had a number of witnesses.

I also notice from both times in your testimony that you're quite a confident leader as well. Have you not had any resistance at all in the department that you've had to deal with where you may have to rally the troops as far as this initiative is concerned, for one thing because they obviously may feel it's going to be another level of oversight?

**Mr. Keith Hillier:** We are a department of 4,000 people. For me to sit here today and say that every one of the 4,000 people are out as cheerleaders of this I think would be an overstatement.

I've been around the organization now for about 12 years so I know most of the players, if I could put it in that sense. I think there is good support for it. I think we're at the point where people are trying to say, before I can say this is a good thing, show me what it is.

In terms of the concept, I've worked in a number of departments of government, I've worked in a number of cities, and I've never seen a group of employees more passionate, more caring, and more focused on their clients. That's not to take away from any of the other organizations I've worked with in the Government of Canada. But I encourage you to meet some of the employees of Veterans Affairs Canada, the front-line people, the pension adjudicators, the case workers. I assure you that you won't find a more dedicated group of people, a more compassionate group of people, anywhere in the Government of Canada, and I've been a few places in my career.

**The Chair:** Okay. Now we're over to Mr. St. Denis.

**Mr. Brent St. Denis:** Thank you, Mr. Chair. I won't be long. If there's time, my colleague Roger Valley might ask a short question.

I've been listening carefully, and Bev is right about setting down some benchmarks, parameters. I have a question to you, which I might have asked Betty when we were talking about process.

The committee is going to express its views in a report, but I think it would be also fair to ask—governments do propose—is there a draft...? I wouldn't be offended if there was a draft somewhere in the department or in the minister's office against which the committee can compare. We all agree we want to do the best job we can for veterans, so is there a working document somewhere that we could have access to as we do our report? It may be full of great ideas, and I'm sure it is.

• (1635)

**Mr. Keith Hillier:** I'm quite prepared to provide any. Obviously there are certain confidentiality and issues of privacy that I have to respect because it is the law. But certainly any information that is permitted to be released will be released.

**Mr. Brent St. Denis:** No, specifically is there a model of an ombudsman and his or her office that the government is prepared to put on the table?

**Mr. Keith Hillier:** No.

**Mr. Brent St. Denis:** If you're uncomfortable with that, we can discuss it later. I just think governments do propose, and it wouldn't be unusual, as with legislation, for the government to lay something down and the committee respond.

Thank you.

If there's some time for Roger—

**The Chair:** Go ahead.

**Mr. Roger Valley:** I'm not sure you can comment on this, Mr. Hillier, but this was provided to me by the researcher. Going back to Mr. Shipley's comments, I don't think—to slightly disagree with you, perhaps—that we have to get it perfect. We'll adjust it if it's not perfect. The idea is to get it in. We'll do the best we can, but it may need to be adjusted.

They gave us the figures for the question we'd asked last week of the Department of Veterans Affairs—specifically, how many requests were there for the ombudsman's service? It averages only about 200 a year. We might be envisioning something much bigger than what we actually need.

We have to build something that serves the needs of the veterans. I don't know what I can say other than that. I had expected the number to be a lot higher, because we'd heard that there were 17,000 requests at the ombudsman's level for all of Australia. Their forces are roughly the same size as ours, but we may have more veterans. I'm not sure how heavy their involvement was in the Second World War.

So it may not be as big as we envisioned, but let's get it going.

**Mr. Keith Hillier:** My sense is that, as I responded earlier, this is going to be a bit of the trick of trying to use the best professional judgment. If you look at Australia, though, I believe they established their ombudsman around the mid-1970s. My sense is that there's probably been some levelling off there.

The way that I would probably see this or the way that government programs normally work, whether they be an ombudsman or another service, is that when there's a new service there's usually a higher level of interest. Even if they're not real complaints, people are calling and saying, "I've heard there's an ombudsman, and I'm calling to find out how I go about making a complaint. Or do I even have something that you would be prepared to look at?"

So I think what we have to be prepared to do is make sure we have enough people to do not just investigations—or we could call them, as referred to earlier, forensic investigations—but also sufficient people to be able to say, "This is the office of the ombudsman. Can I help you?" Undoubtedly there will be an initial surge in interest, and I think it's very important that the ombudsman have sufficient resources to be able to respond to the surge that I believe will take place.

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

**The Chair:** We now have room for a Conservative. If nobody wants up, then it goes to Mr. Stoffer.

**Mrs. Betty Hinton:** I can answer a question that Mr. St. Denis asked. I'll try to make it as clear as I possibly can.

We as a government made it clear that we were going to put an ombudsman and a bill of rights in place. The decision from the minister was that if we were going to do this and have the cooperation of the House of Commons, then it needed to be dealt with at the committee level. We needed to give the committee the right to make recommendations as to how this was going to proceed.

So that's what this is all about—listening to all of these different witnesses and listening to all of these different veterans groups so that we can come together as a committee and make a recommendation that the minister's going to consider.

I don't think there's a person in this room who hasn't had a heartbreaking experience with a veteran in their own riding. I've been part of this portfolio for more than three years, and I have heard some things that I can't believe are actually happening to people who fought for this country. So I would like to make certain that when we do it, we do it right.

I know that the charter was a well-meaning piece of legislation put forward by the previous government. I think it was done fairly well, but there were flaws in there that needed to be addressed before it ever went in. It is a living document, fortunately, so we're able to change those things as we go along. But I'd like to try to avoid those kinds of pitfalls when we put this position together.

I'd love to have nothing but time so that we could look at every single model all around the world, but that's simply not possible. We're going to have to look at what we've had in front of us. We're going to have to assess what the witnesses have told us, make the best decision we can possibly make as a group of people, and put that recommendation forward. Hopefully we're going to have, in very short order, an ombudsman position in place and a bill of rights position in place.

These are things that can't be ignored. They've been needed for a long time. We're going to move forward on them, preferably with the committee's consent and with input from the committee. We have passion from Mr. Perron, we have passion from a number of members sitting directly across from me from the Liberal Party, we have passion from the Conservative Party, and we certainly have passion from the NDP. Surely we can make this happen and make this work.

•(1640)

**The Chair:** Mr. Perron, on a point of order.

[*Translation*]

**Mr. Gilles-A. Perron:** Order. Has the witness been dismissed? We began a discussion. Mr. Shipley mentioned that we should determine what we want to do.

[*English*]

**The Chair:** Mr. Perron, I understand where you're coming from. Mrs. Hinton has five minutes, she's only three minutes in, she can spend it as she wishes.

**Mrs. Betty Hinton:** I'm going to spend them by asking Mr. Hillier this.

Having worked in this department for as many years as you have, with all the experience you have, having read all the committee notes, how long do you think it would take us to put this together—with the help of the department and the help of our clerk, to sort these issues and put them in order as to the commonalities and the differences that have come from the witnesses? What, in your opinion, is the best course to proceed with this? How long do you think it would take?

**Mr. Keith Hillier:** I want to make sure I understand your question. Are you asking how long it would take to implement, or is the question how long this committee should take to sort out its position? It would be a consensus, I hope.

**Mrs. Betty Hinton:** I think you're going to find a consensus once we correlate all the information we've been given, so that everybody's not going back and reading. With your support, I hope, I would like to see the clerk correlate the information so we have some kind of general consensus, a broadsheet, if you will. He can find the common factors on these issues, the things we need to put into the position.

We can see that problem as a committee, but I'm wondering if you can save the committee a little bit of time and, with the help of the clerk of the committee, put out a spreadsheet with both those commonalities and those things that were unique to one witness.

**Mr. Keith Hillier:** Certainly, Ms. Hinton, we're prepared to help. This is something we could speak about to the clerk. We don't want to be perceived as interfering with or trying to influence the committee.

Having been around some of these things over time, my suggestion is that if the committee were to agree on certain principles for the ombudsman, the rest would flow very quickly. For example, if you were to agree that the ombudsman—the Canadian-made model—does not have the right to interfere in the legal process, if you were to agree that the ombudsman would have a right to look at systemic issues, if some of the principles of operation—if I could call it that—or some guiding principles were agreed to among the honourable members, you would probably get to something tangible a little more quickly.

•(1645)

**Mrs. Betty Hinton:** Do I have a minute left?

**The Chair:** No.

**Mrs. Betty Hinton:** I want to say sorry to Michel, because we've done this to him before.

**The Chair:** Okay. I think he's noted that.

Now we're on to Mr. Stoffer for five minutes.

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

Sir, you indicated earlier in your testimony that ombudsmen are individual beasts. They have their own idiosyncrasies in how they do things. When the ombudsman files a report, would you recommend to the government that the report go to the minister first or should it be reported to Parliament first?

**Mr. Keith Hillier:** That's a matter the government will have to decide in the model that comes forward. It will have to decide whether the ombudsman reports to the minister or to Parliament. Once you've made some of those decisions, the other tends to flow.

**Mr. Peter Stoffer:** Ombudsmen will work if they truly feel they have independence and they don't have somebody telling them who to investigate and who not to investigate, except for the legal concerns you've outlined.

The military ombudsman has a lot of latitude in what he looks at, but he's stymied by the fact that he can only look at cases to a particular year and nothing before that date, which I think is wrong. Should the ombudsman for Veterans Affairs be able to look at all issues, regardless of the date?

**Mr. Keith Hillier:** Again, that is a decision the government will have to take through the parliamentary process to finalize what the model is going to be.

**Mr. Peter Stoffer:** But correct me if I'm wrong. You're going around consulting with groups, right, and obviously giving advice to the minister. Am I correct?

**Mr. Keith Hillier:** Yes.

**Mr. Peter Stoffer:** Would you be advising him, then, that if and... not if, when it comes into being, the ombudsman should have the right to investigate any and all cases, regardless of the date?

**Mr. Keith Hillier:** My advice to the minister will be to basically lay out what veterans organizations have said to us. I think if you look at the earlier testimony—and my memory is not perfect—my sense is that this really has not been a large issue with many of the veterans organizations. I think it's fair to say—and I can't speak for veterans organizations—from my review of the testimony here, that it seems that certainly most veterans organizations are looking at this on a go-forward basis, as opposed to looking at something that may have happened, for example—I'll be extreme to make a point—in 1942 or at the end of the Second World War.

**Mr. Peter Stoffer:** My last comment, Mr. Chairman, is that I want to thank the government publicly for the change of the Memorial Cross, the Silver Cross, which now allows the veteran—the soldier, airman, or air force person—to determine who receives the Silver Cross, or Memorial Cross, in the event of the ultimate sacrifice. I thought that was actually a good thing yesterday, and the government should be congratulated for that.

**The Chair:** I'm going to take that on behalf of the minister.

Okay. We've now exhausted our list of speakers.

Mr. Hillier, I know that you have a great deal of—what's the word I'm looking for here—interest, I guess it would be, with regard to the next subject we're going to be dealing with, which is the bill of rights. We are going to be starting our official list of witnesses with regard to that on Monday. Is there anything you'd like to say with regard to that?

**Mr. Keith Hillier:** I would just like to reiterate the comments I made earlier. The clear message from veterans organizations is to keep it simple, keep it straightforward, and make sure that people can understand it. I think if you use those guiding principles, as I said to Ms. Hinton, then in fact I think you will. That's certainly the message, because in the consultation I've been doing—let me be very clear—while I have consulted on the ombudsman, I have consulted on the bill of rights as well.

•(1650)

**The Chair:** We'll go to Mr. Stoffer, quickly.

**Mr. Peter Stoffer:** I'll go very quickly, yes. We know we're talking about a veterans ombudsman and a veterans bill of rights. But would you advise that families of veterans should have access to the ombudsman as well?

**Mr. Keith Hillier:** Let me respond this way. Again, it will be a Government of Canada decision, but I think it's fair to say that the ombudsman is there for the clients of Veterans Affairs Canada, and families, in many cases, are clients of Veterans Affairs Canada.

**The Chair:** We'll go to our last speaker, Mr. Stoffer. I'm hoping that Mr. Gaudet is our last speaker.

[Translation]

**Mr. Roger Gaudet:** Just a quick remark.

What bothers me is that the 22 or 23 associations you met with may be afraid to lose their power. Is that a possibility, and that would be the reason why they say everything is fine?

[English]

**Mr. Keith Hillier:** Just as a point of clarification, when I referred to number 22, that was the number of district offices. The number of veterans organizations I met with was six.

Responding to the second part of your question, no veterans organization expressed that concern to me.

[Translation]

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

[English]

**The Chair:** Thank you very much, Mr. Hillier. Now I'm going to say thank you for appearing, and at this stage you're free to do as you wish.

I'd like to take a bit of time here, based on the fact that I asked our researcher for a kind of schematic that we laid out for some of our witnesses, and also based on the comments of Mr. Shipley. I don't often do this. I'm usually pretty quiet in allowing everybody else to speak. But I would like to initiate a bit of a discussion in terms of what direction we'd like to provide our analyst over the Christmas break for his drafting of the report. I'd like to just briefly discuss a few of those things.

I'm going to lay out on the table what I would like to see in terms of an ombudsman, and then if it opens up discussion for others in terms of what you wish to add, feel free.

We have three options in terms of appointment: by Governor in Council, by Governor in Council after a review of candidates by Parliament, and by the Minister of Veterans Affairs. I would probably choose number two, just in the sense that I believe that for just about any appointment, it never hurts to have a parliamentary committee able to examine these people, ask questions of them, and see if they have what it takes to do the job—and to satisfy us, to make sure they're well qualified for the position. I don't think that ever hurts.

Number two, on accountability, the options are to report to Parliament, report to Parliament with review by the standing committee, report to Parliament through the minister, or report to the minister. I think I prefer reporting to Parliament with review by the standing committee. The way I see it working would be kind of like what happens with the Auditor General, where they have an opportunity at least once a year to go ahead—

Please bear with me, Mr. Perron.

**Mr. Gilles-A. Perron:** I'm just—[Inaudible—Editor]

**The Chair:** Okay, understood. I just want to be able to go through this and then kick it wide open, and then people can say what they wish. We do have time. The committee doesn't officially wrap up until 5:30. We have the room anyhow, so I thought we'd also get this out there.

I like the idea of their having at least a yearly opportunity to come and speak to the committee when they table their report, and have media there, have something that's televised and everything else so that everybody can hear what they have to say, because I think that's their great hammer, if you will. That's what the Auditor General has. Once a year or whatever, she can come and give her presentation and everything else.

In terms of the term of office, I think it should be potentially renewable if they've done a good job. We have options of five years renewable; five years, one term only; six years renewable; six years, one term only. I prefer something that's renewable. Five years is a shorter timeframe than six and probably allows us, as a parliamentary committee, or the government or whatever to actually have a quicker turnaround if somebody is a problem.

In terms of the mandate, I take into account what Mr. Hillier just said, which is to keep it short and simple and something a soldier can understand. I like number one, "Review of all issues pertaining to care, support, and compensation for veterans," just because it's shorter and simpler and has fewer caveats on it and, I think, is more open.

In terms of a review of mandate, I think that every five years is fine, and number three is the option there, "Every five years by Parliament through Standing Committee on Veterans Affairs". I don't see any reason, if indeed we're the ones drafting the report and recommending how it should be set up, that it can't be this committee that reviews the mandate of it.

As for access to documents and departmental officials, there are three options there: number one is full access; two is "full access after completion of..." blah, blah, blah; three is "limited access." Based on the testimony of Mr. Marin, I would prefer "full access on demand", because if you're going to want to have them do the job, they might as well have the tools necessary to do the job.

When it comes to contact with the Minister of Veterans Affairs, the first option is "only upon tabling of the report"; number two is "to inform the minister prior to the tabling of the report"; number three is "to consult with the minister". I personally like the idea of informing the minister prior to the tabling of the report. The way I would see that working is this. Let's say, for example, you set the date at April 1 or something like that, when they made the report to the committee. Therefore it would be sometime in mid-March, I would think, when they could privately inform the minister and let him know some of the concerns they had, what they'd probably be raising in their report to the standing committee. That way, the minister and his office would have a couple of weeks to, hopefully, try to fix some of those things or at least have a heads up on what's coming down the pipe. I think that just makes for better government.

In terms of the question of costs, this one here has three options: "funding allocated by Parliament to an officer of Parliament"; "funding allocated within the Veterans Affairs portfolio"; "funding provided from the budget of the Department of Veterans Affairs". As far as this one goes, I wonder how the Auditor General is structured. I'm not sure off the top of my head how the AG... Is it number one? Mr. Perron is indicating number one. I see other little fingers stabbing in the air. I'll take that to be the case, then. It feels like I'm playing "Who Want to Be a Millionaire?" and phoning friends on the

lifeline. Well, if that's the case, if the Auditor General is structured that way, it would make sense to me.

In terms of the amount of the budget, I honestly don't know. I think we do have to worry when we're first setting this up. I always have this concern about government, that we give something too much, because I've seen around this place in my 10 years that governments spend a lot of money. And it's far better left in the taxpayers' pocket. But I would suggest that in five years' time we can review the mandate of this thing, and if necessary increase it.

We had numbers tossed around here even today about whether it's going to be 17,000 cases or 200 cases. How many is it going to be? I would say that at first you start off with a smaller budget, and then if circumstance requires, review the mandate and what not, to increase that, and so be it. As far as staffing goes, I would generally say the same. We should probably tend towards the lean at first and then, if merit shows it to be necessary, increase that later on.

I think they should have the ability to address systemic issues. It makes sense to me, because if you have a multiplicity of things happening and it makes sense to deal with it in a holus-bolus manner, then that's probably the way to do it.

• (1655)

In terms of the timeframe, Mr. Stoffer raised that question. I would say, once again, don't restrict them in terms of their ability to do the job. If they think they need to look back at issues prior, then let them do so.

Those are my thoughts, for whatever it's worth. I've kicked it out there for our analyst to do with as he wishes.

I don't know if others wish to add.

Monsieur Perron, Mr. Stoffer, and then Mr. Valley.

[Translation]

**Mr. Gilles-A. Perron:** Mr. Chair, I agree with what Bev said earlier. We should sit and talk, and be serious about it.

I for one would like to participate in this process, but I do not want a model that would be similar to the one of the national defence and Canadian forces ombudsman.

After the problems national defence had in Somalia, it was decided to appoint an ombudsman, Mr. André Marin, to appease the Canadian citizens and the military. Back then, and even today, it was never considered that the approval of the House and elected representatives of the people should be sought through a bill, because it was simply a departmental initiative.

Am I right, Mr. Rossignol?

• (1700)

**Mr. Michel Rossignol (Committee Researcher):** The decision was made by the Minister of National Defence.

**Mr. Gilles-A. Perron:** So, the national defence and Canadian forces ombudsman is not supported by any federal legislation. This position was created by the department and the general-in-chief to appease the Canadian citizens.

If this is the kind of ombudsman we want to have, let the Minister of Veterans Affairs, Greg Thompson, choose the way he wants to go about it.

The ombudsman should not be considered an enemy, but an ally of the department. Above all, he or she is a person who will look after the interests of veterans and make recommendations to the department. This position will have to be established through a piece of legislation. Otherwise, we are doing all of this for nothing, and we will end up with an ombudsman who will be controlled by the minister, just like the existing ombudsman is.

[English]

**The Chair:** Okay, Mr. Perron. I'm in agreement with you, and I think most of the members would be. So who do you want to have hire them?

**Mr. Gilles-A. Perron:** Nobody.

[Translation]

We should make up our minds. All the questions you raised are interesting. Do we want the ombudsman to report to the House or to a committee? Do we want him or her to be a kind of auditor general? To we want the ombudsman to report to the department?

That is the first point that should be settled. After that, we will be able to answer all the interesting and relevant questions you asked. But first of all, the House needs to create this ombudsman position and determine its mandate through a bill instead of merely giving directives to the department.

[English]

**The Chair:** Okay. I think we're largely in agreement on that.

Mr. Stoffer.

**Mr. Peter Stoffer:** I know that Mr. Côté had a difference of opinion, but I can't stress enough my belief that the ombudsman should have as much independence as possible. One of the recommendations that I'll be looking for—I'm not married to this; I just throw it out there. I'd love to have a consensus from this committee so we can have a unanimous recommendation go to the minister. And I will do everything I can to achieve that, working with my colleagues here. The only real thing I would look for is that the ombudsman report to Parliament like the Auditor General does. And I'm not married to that. If there are contrary views, I'd like to hear from my colleagues—not now, but later on—because I just think that way it eliminates any discretionary political nonsense that may occur because of it.

I understand Mr. Côté said that it's an opportunity for the ombudsman to work with the minister in order to achieve this.

And on the hiring practice, Michel, you have to help me again. Who actually hired Mr. Marin and Monsieur Côté? Was that by order in council?

**Mr. Michel Rossignol:** I'm not sure if it was an order in council. I'm not familiar with exactly how it was done.

**Mr. Peter Stoffer:** I didn't have much of a problem with their appointments—in fact, I think the previous government picked a couple of good people—but we want to make sure that whoever the ombudsman is, that person is not picked—and this I blame on all

political parties—in the same way as VRAB has been done. We know there are a lot of ex-politicians of various parties who are on VRAB and who may not have the expertise we think....

Pardon?

• (1705)

**Mrs. Betty Hinton:** They're not from various parties.

**Mr. Peter Stoffer:** No, exactly, so the attitude is that we want to make sure the ombudsman is free and clear of all types of politics in that regard, and if the person is truly independent, then I think we'll have achieved a great deal.

I agree with most of your recommendations on the other points you have made, though, Mr. Chair.

**The Chair:** Thank you, Mr. Stoffer.

Go ahead, Mr. Valley.

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

I have to ask. I've only seen a couple of reports—I've only been around here a couple of years—but I thought that's what this was. This is what's coming to us in the report, though.

I understood that when we come back, we are going to have it in our hands for roughly two weeks or 10 days before we get out so that we could study it, and it would tell us why there is one, two, three, and we have to pick. By then we should be informed about it.

Some of them are easy—maybe we don't have to make a big decision about the term of office—but I want to know about the accountability report to Parliament and who said that. I thought it would be in the report.

Those are the two I've seen before. There will be four options, and it'll say who said to report to Parliament. For number two, it'll say who said that. Is that not what we're looking at when we come back?

**Mrs. Betty Hinton:** That's the spreadsheet I asked for.

**Mr. Roger Valley:** I thought that would be in the report; I don't know—

**The Chair:** I'm just opening up the discussion. I'm trying to help Michel when he does this over the Christmas break.

**Mr. Roger Valley:** I think he's clearly going to have to report on all of these—

**The Chair:** Yes, I know.

**Mr. Roger Valley:** —because we've heard a lot of information, but I think it's up to us to be informed. At that first meeting when we get back, we don't want to hold it up. We have to decide which one we're going to support. Then we tell Michel that we agree with number three, or we agree with number four. We have a discussion, and bang, bang, bang—one after the other, we do them. I thought that's where we were going in the report. It almost sounds to me—without putting words in your mouth, Mr. Chair—that you're trying to steer it right now.

**The Chair:** No, no. I'm just saying, based on everything I've heard so far... I just grabbed this document from him just a few minutes ago—he can tell you—and I went through it with a highlighter. Nothing is preconceived here.

**Mr. Roger Valley:** As I said, I've only seen three reports, so I don't know.

**The Chair:** No, I'm just tossing this out because I'm trying to help him put it together.

**Mr. Roger Valley:** Yes, but I was afraid, Mr. Chairman, that you were going to come and we'd only have the reasons for number two, and if we carried on this discussion today—

**The Chair:** Oh no, there is as much discussion on this as you want to have. I'm just trying to help him out, that's all.

**Mr. Roger Valley:** Okay. As I said, those are the only two reports I've seen.

**The Chair:** Go ahead, Mr. St. Denis.

**Mr. Brent St. Denis:** I appreciate that the chair is trying to be helpful and get us talking in order to give some guidance to Michel.

When I look at this list, let's assume for the moment that it's exhaustive. There may be some other things, but I think Michel's draft here is a good working document. When you look at all of this, we're probably going to arm-wrestle only over the second area, which is accountability, and the second last one, which is contact with the Minister of Veterans Affairs. We're going to really have to work on those, I think.

On the first appointment of the veterans ombudsman, I personally agree with you on number two.

Let me skip accountability.

Concerning term of office, I think you said number one. Did you? Yes. Personally, I have no problem with that.

On mandate, did you say number two? You said number one. Well, okay. To me it's certainly not three, and Mr. Marin, the former DND ombudsman, certainly felt that the veterans ombudsman should have some ability, not to interfere with cases, but to be able to look at systemic issues within the review process. To me, one and two are simply nuances. There's not much of a difference between them.

On review of mandate, I think you said number two. Was it three? Well, there is no problem there.

Regarding access to documents, I think I agree with you on number one.

As for contact with the minister, that's one on which we'll have to maybe arm-wrestle a bit.

As for end costs, he or she has to have a budget. I don't think it really matters; I agree with Peter that the independence has to be there.

I would be concerned with the accountability one—the second one—and the second last one, the contact with the minister. My only concern is that we set this up so that the veterans get the service they need. If it speeds things up for the ombudsman to have some kind of well-understood, proper relationship with the minister's office—transparent, if that's a better word—for the purpose of serving the veterans, then I think we need to look at that anyway.

I appreciate what you're doing, Mr. Chair. I think we need to begin this process and then winnow down to the areas in which we have to do some arm wrestling, and get over the easy stuff.

**The Chair:** If I may, just before we move on, let's talk about the arm wrestling on accountability in number two. Do you like the idea that they are able to present, at least yearly, to the standing committee, the accountability aspect?

• (1710)

**Mr. Brent St. Denis:** I have no problem with number two. I guess I'm not sure exactly what number three means.

**The Chair:** I don't like number three. I don't think anybody has suggested number three anyway, unless somebody wants to.

**Mr. Rodger Cuzner:** So it was number two you—

**The Chair:** I suggested number two.

**Mr. Brent St. Denis:** I wasn't sure if it was the accountability section or the contact with the minister section. I just felt that if the ombudsman came across something that needed some attention right away, and that if he or she needed the authority or power of the minister's office to get the job done right away, this person shouldn't be restricted from going to the minister to say, hey, we have a problem here. That's all I was concerned with. If number two doesn't prevent that, because personally contact with minister, I think.... Again, as long as it's transparent and the rules are well understood, I don't see a problem with number three, but this is what the arm wrestling is about. I need to know more about what that means.

**The Chair:** We're following our order of precedence here.

Mr. Shipley.

**Mr. Bev Shipley:** Maybe we are moving ahead on it. I think the issues list needs to be developed with some background on it based on what we've heard and all of ours, so we aren't just cherry-picking some issues here. I think the researchers can provide us with some of those options to look at, maybe in a little more comprehensive a way than what we have right here, and list the issues.

The other one I'm not sure about is who determines the location. When I say "issues list", I think we need to be pretty comprehensive about those things we go through, to make sure we've hit all of them, that take us to the implementation process, to that gate. Then I'm not sure what happens at that gate.

Maybe somebody can help me. Once we go through this and present our report, do we have a say in the implementation at all in terms of the number of people? I think then we turn it over to the administration and say, we think now you need to come to us with a report on the implementation process of it. I'm not so sure why they can't dovetail, so that we are not doing one and then waiting to do the other.

I really think that if we wanted to actually move ahead as a committee, we could follow through with the researchers on this early part of it, from the issues and options list that we can go down, and then at the same time we can have the ministry prepare how they see the implementation. They give us a document based on how they see the implementation and costing. They're the ones who are going to give us the budget, as mentioned by Brent.



Do they have recommendations of where, too? I don't think we should just be cherry-picking on personal venues of where it should go. I think we should have some background from veterans and actual research that tells us where it should go. Some of those things need to come in terms of that implementation.

I don't know. I'd ask, Mr. Chairman, for the committee's comments on that.

**The Chair:** I think that's a fair point. One of the things that jump to my mind is that we prepare a report based on what we would like to see, and then we can have the departmental officials or the minister in to respond to it, to say here's where they'd like to nip and tuck it.

**Mr. Roger Valley:** They'll do that, anyway.

**The Chair:** Yes, we never have to worry; they'll do that.

That's the feedback I have on that.

It's now over to Mr. Stoffer.

**Mr. Peter Stoffer:** Again, and I'm sorry, I should have asked this the first time. On the mandate, I believe it's number two. What I'd like to see are the words, "veterans and their families". I'm looking at, for example, when a veteran passes on, his widow is left behind, receiving VIP services for whatever reason—

**The Chair:** Mr. Stoffer, what are you referring to, exactly?

**Mr. Peter Stoffer:** The mandate, number two.

**The Chair:** Okay, sorry. Thank you.

**Mr. Peter Stoffer:** The widow believes that for whatever reason she's not getting the services that she anticipates. She goes to an ombudsman.

I stress the fact that the ombudsman should also be there for the families, not just the veteran but the spouse and so on. Also, Mr. Chairman, I say that as well because some veterans suffer pretty badly from PTSD. The last thing they can do is try to deal with the bureaucracy, either political or whatever, regarding...it takes this long to do this and that. They may not be able to cope with that because they're dealing with their own mental injury. They may get someone to speak on their behalf, usually a spouse or an older child. I think that person should have an opportunity to speak to an ombudsman on their behalf if the veteran is unable to deal with it themselves.

• (1715)

**The Chair:** I'm glad you clarified that, sir. I thought you were getting into having legal representation and lawyers.

**Mr. Peter Stoffer:** No, nothing like that. That's a different story altogether.

**The Chair:** Ms. Hinton, I apologize.

**Mrs. Betty Hinton:** That's okay, not a problem.

I listened very carefully to the comments that have been made, and I think I'm probably closest to being on the same page with Roger and Bev. One of the things I find interesting, being the only woman on this committee, is that sometimes women think a little differently from men. I have an opinion, obviously. What woman doesn't have an opinion? In terms of what we're looking at here for options, I don't think my opinion really matters that much. I think the opinion that matters is the opinion of the veterans groups and the individuals

we've had here as witnesses. We're supposed to be taking a look at the consensus that the opinions from those witnesses outlined.

My opinion, which I have obviously, doesn't really matter. But I want to be able to take the information that's in front of us on this sheet and I want to be able to answer this based on what the majority of the witnesses who came in front of us feel and not what I feel, never having been a veteran. When I'm talking about agreeing with Mr. Valley, that's what I'm referring to.

I'll take a step back. I have a seven-year-old car. My husband is getting ready to buy a new one and he drives me crazy. Every time I turn around he's giving me statistics. What he's ended up doing is putting a spreadsheet together, and exactly as I mentioned earlier, there are Xs in all the boxes on the features that he wants. What I'd like to see, with what we have in front of us as information, is a spreadsheet that says this group and that group all agreed they want this; this and that group all agreed they didn't want this. Then we have a spreadsheet that has all of the questions in front of us answered from all of the witnesses who have come forward.

It isn't about what I think, or what Mr. Valley thinks, or Mr. Perron thinks; it's about what these groups of witnesses who are involved in the organizations we're supposed to be serving think.

I know Christmas is coming, but I'm asking Michel to put together some kind of spreadsheet, like the car thing, that has Xs in the boxes, so that I can read it at a glance and know what the features are that veterans wanted the most.

**The Chair:** I think some other people have indicated they'd like to see it as well. The only thing I pity our analysts for is that I think with some of the—

**Mr. Roger Valley:** He's getting paid.

**The Chair:** I understand he's getting paid for it, but I know some of our witnesses didn't exactly fill in all the boxes. But that's life.

Mr. Sweet.

**Mr. David Sweet:** To add to that point, not to make it rocket science, but I think we should have our comments on there as well, just like what was mentioned.

I wanted to echo that I feel exactly as Mr. Stoffer does.

I think the other thing too is that as we put this together, the most powerful thing we can do for veterans is to have a unanimous report. We should really look at it and all of us should ask, is there anything I need to die on in this case to make sure we come up with a concise, crisp, clear report from all the evidence we've heard and be unanimous so that we can demonstrate that we want to get this done. And we should do all the head banging that's required in camera so that we can produce a report that's unanimous.

**The Chair:** Mr. Cuzner.

**Mr. Rodger Cuzner:** I'm fine.

**The Chair:** Thank you, sir.

Mr. Valley.

**Mr. Roger Valley:** I can't believe she left. I can't wait to get the transcript. I'm sure I heard her say that her opinion didn't matter.

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

**Mr. Roger Valley:** Very quickly, I want to make one point. I'm sorry if I didn't catch this right, and I don't mean to say anybody said this, but this is the committee's report. We make a report and Veterans Affairs will look at it afterwards. We don't want them telling us what to put in our report. I don't mean to put those words in anybody's mouth, but we have to be very strong on that if we want to get to what David said. This is our report. They'll come and tell us what the problems are afterwards. That's what they get paid to do.

We can do it very quickly. If we all get our homework done and Michel gets it to us, we can make some of these decisions very quickly. As I said, there's no hill to die on here. The department will tell us their problems, but we want to stay clear. This has to be the committee's if we're going to get it unanimous.

• (1720)

**The Chair:** I also want to add that when I laid out my feelings on this, there was no premeditation. I wasn't influenced by anybody in terms of what I said. That was straight off the cuff.

**Mr. Rodger Cuzner:** It's part of the discussion.

**The Chair:** Mr. St. Denis.

**Mr. Brent St. Denis:** Ditto to what you said. To repeat it, Rob, I take what you did in the most positive light, which was to get us started, which you did. That's a good thing.

As David said, it's not rocket science, and the witnesses did not, in the main, comment on any of these points. I don't think we want to go back and say, well, here are a bunch of questions.

They want us to do something. We use our judgment, come up with a consensus report. They will appreciate more that we did it quickly, and they'll forgive us a few little things around the edges. They'll be happier with that than if we get so wrapped up in making

it perfect that we get nothing. I'll repeat what I said a long time ago: let's not let perfection be the enemy of the good.

Is there an equivalent

[*Translation*]

in French for that?

**Mr. Gilles-A. Perron:** I understood what was said in English.  
[*English*]

**The Chair:** Okay.

**Mr. Roger Valley:** We were unanimous while you were gone, by the way. The report's done.

**The Chair:** Mr. Sweet.

**Mr. David Sweet:** We have only a couple of pages of that template.

Michel, do you want to make sure we all have those questions, and we can get our responses to you. As I mentioned, if we could get our responses as well as the testimony all in one spreadsheet.

**Mr. Michel Rossignol:** The document was distributed early in November. It has been passed to the committee already, but we can send it. Then a spreadsheet will be produced before the report.

**Mr. David Sweet:** But you'll take our response to that and put it—

**Mr. Michel Rossignol:** Yes.

**Mr. David Sweet:** *Merci beaucoup.*

**The Chair:** The clerk was just mentioning that, if the committee wants, he can send it again.

I'm going to call the meeting adjourned then. We still have eight minutes to spare. We'll see you on Monday.







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