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Chair

Mr. Gary Schellenberger

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• (1530)

[English]

The Chair (Mr. Gary Schellenberger (Perth—Wellington, CPC)): I'm going to call this meeting to order.

I know we're a couple of minutes early. Before we start the meeting, I think our camera crew all know there will be no filming during the proceedings.

Welcome, everyone, to the Standing Committee on Veterans Affairs, meeting number 25, and pursuant to Standing Order 108(2), a briefing from the Veterans Ombudsman with respect to the activities of his office.

Our witness today is from the Office of the Veterans Ombudsman, Patrick B. Stogran, Veterans Ombudsman.

Welcome, sir. Would you would like to start your presentation, please?

Colonel (Retired) Patrick Stogran (Veterans Ombudsman, Office of the Veterans Ombudsman): Thank you, sir.

Mr. Chairman, I wish to take this opportunity to thank the committee for allowing me to make one more appearance before the end of my term as the Veterans Ombudsman.

[Translation]

I was invited to appear before the committee to explain the activities of the Office of the Veterans Ombudsman.

[English]

I would also like to use this occasion to reflect upon lessons learned in the almost three years that I have served as Canada's first Veterans Ombudsman.

For example, in the recent case of the Dyck family, I firmly believe that the way Brian, Natali, and little Sophi Dyck were mistreated illustrates everything that is contemptible and wrong about the way Veterans Affairs Canada treats our veterans and their families.

[Translation]

Brian Dyck served in the Canadian Forces for more than 10 years, especially during the first Gulf war.

[English]

In a subsequent career as an Ottawa city police officer, he fell victim to ALS, or Lou Gehrig's disease, a fatal disease whose cause is unknown today.

The United States government has determined that people who have served in their military have a much higher propensity for early-onset ALS than the general population. The chances of military personnel who served in the first Gulf War contracting early-onset ALS are even greater.

The statistical evidence is so compelling that the U.S. Department of Veterans Affairs has ruled that any military person who served in the Gulf War who contracts ALS will immediately receive full benefits. If Bryan Dyck had served in the U.S. forces, their DVA would have launched immediately to support him and his family.

Not so in Canada. To the contrary, in fact, in a letter dated May 27, 2010, the deputy minister of Veterans Affairs Canada went to great lengths to describe why our Canadian system does not support veterans who contract early-onset ALS.

The Office of the Veterans Ombudsman recognized the reasons were completely fallacious, reflecting not the letter of the law as it was intended to support our veterans, but overly restrictive policies and practices deliberately imposed by senior bureaucrats and central agencies to preserve the public purse. The Office of the Veterans Ombudsman therefore undertook to ensure that all Canadians shared the Dyck family's great sorrow and hardship as Brian died a slow and painful death before their very eyes.

I also wanted Canadians to witness first-hand how Veterans Affairs Canada was cheating the Dyck family out of the veterans' services and benefits they deserved. At the same time, we urged the family to have the department's decision reviewed by the Veterans Review and Appeals Board.

Here is a quick chronology. The Office of the Veterans Ombudsman petitioned the Veterans Review and Appeals Board to expedite the Dycks' hearing, which they did on September 8; the Prime Minister intervened on Friday, September 17, pledging to provide help to Canadian war veterans fighting this deadly disease; the board rendered a decision in favour of the Dycks on Monday, September 20, although they reported to Global News they had made their decision before the Prime Minister's announcement; Brian Dyck died tragically on October 8; and on October 15, the Minister of Veterans Affairs Canada announced that Canadian veterans diagnosed with ALS will no longer have to fight for health and financial benefits.

Several issues are particularly disturbing in this case.

First, the deputy minister herself justified the decision to deny the Dycks their benefits. She explained that the statistical evidence in the U.S. studies is not sufficient proof in Canada. Paraphrasing her rationale, she argued that our adjudication process requires that a veteran either display symptoms of ALS while in an operational theatre or be able to prove a direct relationship to military service. However, when the case came under serious scrutiny, the board readily reversed the department's decision, based on the findings of those very studies. This demonstrates how truly arbitrary and susceptible to undue influence the system is.

Second, had the department applied the "benefit of the doubt" clause as it was intended, they would have approved the Dycks' application in the first place. Promoting this case as an intervention on behalf of veterans suffering from ALS conceals the reality that many thousands of veterans continue to be disadvantaged by their excessively high burden of proof. The minister's announcement on October 15 was self-serving and cosmetic, demonstrating a preference to mask the symptoms of a severely diseased system rather than bite the bullet and effect substantive change that, once and for all, will ensure our veterans will be treated fairly.

•(1535)

Mr. Chairman, I have been asserting since my press conference on August 17 that the culture of Veteran Affairs Canada and the Veterans Review and Appeal Board has to be changed, and this case is clear proof that it does.

Up until now, I have placed the blame for the poor treatment of our veterans squarely on the shoulders of senior bureaucrats. While I am more than committed than ever to the substance of my accusation, parliamentarians are also deserving of the shame for the shoddy treatment of our veterans.

What we are witnessing today are some very good lessons in very poor leadership. Leadership is not a position. It's the relationship with followers that is defined by trust, confidence, and loyalty. The leader of a group of lost children trying to find their way out of the woods is not the child at the front of the line. The leader is the child with an idea of how to get out of the woods and the courage to try. A leader without vision, and the moral courage to pursue that vision, is nothing but a manager.

Shame on Veterans Affairs Canada for preferring to manage this crisis they find themselves in and maintain the status quo. Shame on Veterans Affairs Canada for blaming the rank and file for the deplorable way our veterans and their families are treated.

Veterans, departmental staff, and board members need leaders they can trust and have confidence in, leaders with a vision of how to fix this terrible system and the courage to challenge the institutional rot and obstructionism. The insurance company culture of denial must be forever eradicated from Veterans Affairs Canada and the Veterans Review and Appeal Board.

In case you do not have a vision to initiate enduring change in the culture of these organizations, today I will offer you my priority to-do list.

First, as we speak, members of the CF and the RCMP are sacrificing their lives for the government agenda, yet veterans have

very little influence on the system that looks after them. Relationships with the major associations are superficial at best.

Therefore, veterans deserve dedicated representation inside the machinery of government. The government should legislate the Office of the Veterans Ombudsman so that parliamentarians cannot exert undue influence and bureaucrats cannot manipulate or obstruct it. I have proposed a drafting instruction, which is included at flag three of my presentation.

Second, the standard of proof that the department and the Veterans Review and Appeal Board expect veterans to meet is interpreted as per the balance of probabilities in civil tort. This is wrong. Legislation intends a much lower standard in the so-called benefit of the doubt. A more accurate interpretation is enclosed at flag four, based on much of the writings of this report I have beside me, the Woods committee report, which goes into a great deal of depth on the philosophy about the way we have treated and should be treating our veterans.

Third, the Veterans Review and Appeal Board is the only federal tribunal that fails to make its decisions public. Therefore, it should be directed to start publishing its decisions forthwith, and former decisions should be admissible as evidence in the appeals process.

Fourth, the Veterans Review and Appeal Board currently employs the same staff for both reviews and appeals. This collective approach lends itself to undue influence and potential bias. Therefore, the board should be compelled to have dedicated and separate review members and appeal members.

Fifth, veterans who wish to appeal board decisions before the Federal Court must do so at their own expense. The Bureau of Pensions Advocates should be empowered to represent select cases in the Federal Court when it is felt there is potential to serve the greater good.

•(1540)

Sixth, the Veterans Review and Appeal Board has been selective in how it adheres to decisions of the Federal Court. They should be compelled to conform to those decisions that are advantageous to veterans and their families.

Seventh, the department's capacity to conduct research is very limited and has had little impact on improving the treatment of our veterans. Veterans Affairs Canada should therefore be directed to be more proactive in effecting research that benefits the veterans community by partnering with other organizations and by adopting research conducted by allied nations.

Eighth, the government's commitment to keeping veterans programs and services current and relevant is simply woeful. Therefore, the department must be mandated to actively and frequently update programs and, when required, to urge the government of the day to make amendments that reflect leading-edge knowledge, best practices, and lessons learned, to advantage veterans and their families.

Ninth, the department's aversion to taking risks is excessive, and the control measures they employ cause an unacceptably poor standard of service for veterans. Therefore, Veterans Affairs Canada should be compelled to decentralize decision-making to the levels and locations where it will best advantage veterans and applicants.

Tenth, departmental adjudicators will not communicate directly with veterans and applicants to ensure that applications are accurate and complete, which causes unacceptable turnaround times, confusion, and wasted effort. Therefore, Veterans Affairs Canada should be directed to engage directly with veterans and applicants, as is the practice with other service providers of government.

Eleventh, the inefficiencies in the system can cause the adjudication process to literally take years, but the retroactivity upon approval is limited. Government should mandate that retroactivity be applicable to the date of first application.

In conclusion, these are only a start. They are some positive steps towards destroying the insurance company culture that fails to fulfill the obligation of the people and Government of Canada towards the veterans who have served this country so well and to their families.

These are measures that the government of the day can effect with a sweep of the hand, in the same way that it recently injected \$2 billion into the system. Without substantive and enduring cultural changes to the system that mistreats our veterans, however, any promises of improvement are as shallow as Brian Dyck's final breaths.

Merci.

• (1545)

The Chair: We will start questions with Ms. Duncan.

You have seven minutes, please.

Ms. Kirsty Duncan (Etobicoke North, Lib.): Thank you, Mr. Chair.

Before I begin, I want to thank the Veterans Ombudsman for his service to our country as a soldier, for his time and effort in coming today, and for his service in raising veterans' issues across the country.

I also want to express my condolences to the Dyck family and to recognize all of our veterans.

Sir, what would be your top three issues, in order of importance, that this committee should tackle to improve the quality of life of our veterans?

Col Patrick Stogran: I would have to reflect on the priorities as I presented them. First and foremost, the veterans and their families need and deserve a legislated ombudsman who can cross departmental boundaries and enter into any discussions in the Privy Council Office or Treasury Board Secretariat that involve veterans, just to keep the system honest. That's by far the most important priority.

Second, looking at my list of priorities, I think they have to tackle the department's approach to its business being that of an insurance company, to not being proactive in trying to improve the treatment of our veterans. They're very reactive in every respect, from the requirement for veterans to self-identify what they might be entitled

to when they retire through to improving benefits, such as those for Agent Orange. Where the Institute of Medicine in the United States has increased the number of maladies associated with Agent Orange, they did nothing to try to push the system to increase the number here in Canada.

Finally, on the Veterans Review and Appeal Board, I simply find it shocking that I, as an infantry officer, would sit down with senior management within that department, including lawyers, and point out to them blatant errors in principles of natural justice. You've heard some of them here today.

Ms. Kirsty Duncan: Thank you.

I know that the members of this committee, like all Canadians, are shocked by the outrageous treatment of Sean Bruyey and want to ensure that these privacy breaches never occur again. In your opinion, what is the best way of investigating while protecting the health and privacy of our veterans?

Col Patrick Stogran: Mr. Chairman, with all due respect, I would defer that to the Privacy Commissioner. I recognize that in the so-called Veterans Bill of Rights I am presumably mandated to investigate complaints regarding the privacy of veterans; however, I would say, first of all, that the so-called bill of rights is not a bill and it doesn't offer me any executive authority to do things that the Privacy Commissioner is actually mandated to do.

I've met with the Privacy Commissioner and we've discussed the role the office would play. We would simply be a referral agency to allow the commissioner to do her work.

Ms. Kirsty Duncan: Thank you.

Sir, we are bringing our men and women home in 2011. Numerous concerns have been levelled at VAC and my concern is that the department is not meeting the demand today. How can it meet the demands of new veterans returning from Afghanistan? What action would you recommend that this committee undertake to ensure that VAC is prepared for their return?

Col Patrick Stogran: Mr. Chairman, I think once again I'd have to reflect on my comments.

First, I think the culture within the Veterans Review and Appeal Board and the department must be changed, and it would not be difficult at all, with direction from the top, to do so in the short term. Likewise, the Veterans Ombudsman should be a veteran himself or herself so that he or she can relate to veterans and that position should be established as a matter of urgency. I have provided an outline drafting instruction that based on my experience over the last three years and the professional advice of my staff, I think would satisfy an imperative that veterans are looked after.

Finally, the new Veterans Charter has to be changed—urgently. I will go back to the Office of the Veterans Ombudsman's position vis-à-vis the new Veterans Charter, and I will once again say that the revision of the new Veterans Charter should follow four principles. It should be timely. It should be comprehensive. It should be transparent, because so many people have a stake in the outcome of this. Finally, and very importantly, it should be retroactive.

As it stands right now, the promise of \$2 billion—by the advice that has been provided to me—won't come into effect until 2011, when we are presumably moving away from a combat role in Afghanistan. Also, it has been pointed out that those benefits will not be retroactive, so those troops that need it the most will be excluded from those types of benefits. I would just say finally I have no confidence that the system would ever allow those benefits to get down to our troops.

● (1550)

Ms. Kirsty Duncan: Sir, in your opinion, what immediate action should the minister take to address OSIs, particularly PTSD, such as investments in awareness, outreach, and suicide prevention, hiring more mental health professionals, and improving care and treatment. Also, once veterans have a diagnosis, what needs to be done to make it easier to get support?

Col Patrick Stogran: Mr. Chairman, that's a huge question. I have expressed to the minister my own view that Ste. Anne's should be turned into a national centre of excellence for mental health issues. It's a facility that has huge potential.

I think by being proactive, as I have suggested in my opening remarks regarding research to the advantage of veterans, we could explore all sorts of mental health issues, and perhaps with the focus group of the Canadian Forces and veterans, we could identify ways of avoiding stress injuries and dealing with stress injuries, things such as depression and post-traumatic stress that affect the general Canadian public.

I think it's about an attitudinal change on the part of the department and also revisiting the whole idea of how Ste. Anne's itself works into the system of OSIs.

The Chair: Thank you.

Mr. André, please.

[Translation]

Mr. Guy André (Berthier—Maskinongé, BQ): Good afternoon, Mr. Stogran, welcome to the Standing Committee on Veterans Affairs. Of course, on behalf of the Bloc Québécois, I would like to congratulate you for having served Canada and also for the work you have done as a veterans ombudsman in conditions that do not seem to have been very easy.

I also had a question about the confidentiality of the files. However, you replied that this was not your responsibility. Nevertheless, it is a concern. You have surely heard about it, to the extent that not only Sean Bruyca but also a nurse, Louise Richard, said that, in fact, several people had consulted their medical files. You even said that your file had been consulted more than 400 times by officials of the department. Thus, it really is a serious matter.

If you cannot reply on behalf of the other people concerned, could you tell us if you think it fair that officials consulted your private files more than 400 times? In your opinion, was all this related to strictly administrative matters, or was there some other reason? Have you any views on this?

[English]

Col Patrick Stogran: Mr. Chairman, I can only speculate on that. Suffice it to say that there were individuals identified on that list of 400 who had no business looking into my file.

At the time, I presumed that it was just the curiosity of people who had access to the files and were interested in finding out who their ombudsman was, but since the revelations from Mr. Bruyca's case, I have some degree of concern that the reasons may have been more insidious.

The bottom line, from my perspective, is that I have nothing to hide. I make it very clear how, when, and where I received my so-called operational stress injury. From a personal perspective, I have no great concerns.

● (1555)

[Translation]

Mr. Guy André: I simply drew a parallel with the case of Mr. Sean Bruyca who alleges that attempts were made to discredit him because of his criticism of the new Veterans Charter, especially with regard to the issue of the lump sum payment and compensation. I had a question. You also voiced criticism regarding the lump sum payment during your mandate. You said: "[...] with regard to the lump sum payment, it is an extremely contentious issue. I said that I believed that it was wrong to give someone a lump sum payment."

Thus, you have stated your opposition to this measure. I believe that it is fair to make this criticism because an ombudsman must necessarily advance the interests of the Department of Veterans Affairs and make sure that the services to the veterans are improved. He must constantly voice criticism in order to help the progress of various files. In this sense, you have done an excellent job. Thus, you voiced criticism.

You also mentioned in your report that there were endless delays in the treatment of applications for compensation because of complicated red tape. Consequently, this is often harmful to the quality of services delivered to veterans. This is not necessarily because we do not have enough personnel, but sometimes there is a lack of will to respond to the needs.

You criticized certain measures taken by the Department of Veterans Affairs. Do you believe that this has anything to do with the fact that your file was consulted many times in an attempt to discredit you?

[English]

Col Patrick Stogran: Mr. Chairman, once again I would love to be able to give a straight answer, but I am in the process now of... I have submitted a privacy complaint. I hope to find out conclusively who was involved in looking into my file and particularly for what purpose.

In terms of how it may be used, I was publicly admonished by the minister on a couple of occasions. I was privately admonished and it was suggested that people have accused me of lying. I've been called to the Privy Council Office and told that I report to the deputy minister. Suffice it to say there's nothing in my file that would cause me concern that it might have affected my ability to do my job for the veterans.

[Translation]

Mr. Guy André: All right. Thank you.

[English]

The Chair: Ms. Mathysen, for five minutes.

Ms. Irene Mathysen (London—Fanshawe, NDP): Thank you, Mr. Chair.

Thank you, Mr. Stogran, for being here. I also want to thank you for coming to London at the end of September to meet with veterans in my community. They are most grateful and wanted me to extend their gratitude to you publicly.

The committee members have asked you about your personal information and how it may or may not have been used by Veterans Affairs. Of course, we've heard the recent apology to Mr. Sean Bruyey. I'm wondering if that apology is enough. Is it enough for the minister and the government to stand up and say that "this is unacceptable, we did a bad thing"? Or is it necessary now to have a full inquiry? I think that has been alluded to, but do we need a full inquiry into this and perhaps the situation surrounding other complainants?

Col Patrick Stogran: Mr. Chairman, first of all, as the Veterans Ombudsman, I don't feel it is my place to comment on the action taken by the minister and the government of the day. That's up to voters to determine whether it's adequate and if, indeed, all of the other departments are squeaky clean and conforming to our privacy laws.

I will say once again that if the Office of the Veterans Ombudsman were legislated and the deputy minister weren't in a position to control the information that my successor will have access to, then there is less likelihood that incidents of this nature will be allowed to take place.

• (1600)

Ms. Irene Mathysen: Have you had the opportunity to discuss with anyone your belief that the office should be legislated, that there should be rules, and that the mandate should give the ombudsman very clear abilities and powers?

Col Patrick Stogran: Mr. Chairman, yes, in fact, at some confidential meetings I made it very clear that my first priority to offer veterans the enduring and substantive change they deserve is to have representation inside government. I've urged not only a legislated ombudsman, but also perhaps a similar arrangement to what the Canadian Forces have within the Privy Council Office, where, for national security issues, there is a cell inside that office.

Because of the commitment our veterans make to serve the government of the day and the sacrifices they make, I think that would be appropriate. Unlike after World War II and the Korean War, there is no representation by veterans inside government. I think it might be appropriate to have such a cell for veterans, who are indeed public servants and bound by all of the constraints and restrictions of public servants.

Right now, I will say that the relationship of the department with the major associations is superficial, because once the door closes, much like it is for the Office of the Veterans Ombudsman, they are at the mercy of what the department wants them to hear or know.

Ms. Irene Mathysen: Thank you.

The Chair: A short question? Go ahead.

Ms. Irene Mathysen: One of the key concerns that I hear from veterans and peacekeepers in my riding is about the lack of support for veterans.

I'll give you an example. You were talking about Ste. Anne's Hospital. In my riding, there is a plan to close 63 hospital beds at Parkwood Hospital, and these veterans and peacekeepers quite frankly feel forgotten. They feel that when their turn comes and they need the care, there won't be that sensitive care provided by an experienced staff such as that at Parkwood.

I wonder if you could comment on that.

Col Patrick Stogran: Mr. Chairman, I couldn't agree more. The programs and benefits to our veterans have been systematically dismantled since the Woods committee submitted this report.

I would say that the commitment and sacrifices that a so-called peacekeeper makes today are absolutely no different from the commitment and sacrifices made by our veterans of World War I, World War II, and Korea. They put their lives on the line, in short, and the families suffer all the fears, anxieties, apprehensions, and sorrow that we today as a nation suffer with the 150-plus killed in action coming home.

The only thing that has changed in terms of commitment is, first, the commitment of our government—and these are successive governments of the day—to the conflict in which we send people into harm's way, and, secondly and most contemptibly, their commitment to veterans, which manifests itself in the long-term care question and the lack of vision and strategic outlook that exists within the department today about how we will treat such things as early-onset dementia.

We have a case now that I can speak about in the first person singular, concerning a member of my regiment some eight years my senior who is a complete invalid from dementia. Studies in the United States that once again have not been investigated in Canada indicate that PTSD sufferers have a much higher propensity for early-onset dementia. Right now we're trying to get this individual into Camp Hill, but the facilities just aren't there. I really wonder where our veterans will be 20 years from now, particularly our Afghanistan veterans, with the intensity of operations they've been conducting since 2006.

• (1605)

The Chair: Thank you.

Mr. Kerr.

Mr. Greg Kerr (West Nova, CPC): Thank you very much, Mr. Chair.

Mr. Stogran, it's good to see you again.

We have talked before about many issues. I want to say first that it hasn't been easy for you the whole way around, as the original and the pioneer in the ombudsman's job, but I want to commend you for the work you've done.

There's a lot of stuff in your report that is very candid, and we have to hear it. Whether we agree with all of it or not is a matter of time, as you well know, but one thing that strikes me most, I guess, is that the processes themselves have to change. I think you said before that it may not be a deliberate attitude, but that processes themselves have blocked people.

Do you want to expand on that part of it? As an example, we could never interfere with the appeal board, but certainly we can change the process. I'd like to hear more about that, if I could.

Col Patrick Stogran: Mr. Chairman, first, I appreciate the comments by the honourable member.

I would like to emphasize that the people within the system are not the problem. Many employees of the department and members of the Veterans Review and Appeal Board have come to us complaining about the system that ties their hands. They are the ones who have to deal with our veterans and give them the unfortunate news.

I could characterize the processes. My 11 priorities are focused very much on processes. It starts from the application process, when, if an application is incomplete, rather than phone the applicant, or the veteran, or the pensioner—I hesitate to use the terms “client” and “claim”, because this is not an insurance company—as would happen with employment insurance, they mail it back as incomplete, with letters that many veterans find incomprehensible. It starts at that level.

The degree of interaction that the members of Veterans Affairs have with the veterans—particularly the higher management—should be changed. They should become more sensitive to the impact of what they're doing and how it affects the veterans.

Within the Veterans Review and Appeal Board, once again, I've highlighted the major changes in process that should take place. I would submit that perhaps there would be financial implications for the board, but these are simply changing processes, such as publishing their decisions. The board has told me that it will cost them \$4 million to effect this. What is the cost of fairness?

I would also say that these things have to be attacked comprehensively. If I had been given the fullness of time, it was my intent to work with both of these organizations to change the situation. But I would submit that if the department had been doing its job and if it had been exercising the benefit of the doubt since 1923 when it was first started, as described in chapter 8 of this book in great detail, then, first of all, the number of complaints that make it to the Veterans Review and Appeal Board would be much lower. I have submitted to the deputy minister that the 60% overruling rate that the Veterans Review and Appeal Board brags about is a 60% failing on the part of the department.

We should be looking at things comprehensively from stem to stern.

Mr. Greg Kerr: Could I follow through? You mention benefit of the doubt. I was going to go to your tab detailing that. You spent a lot of time on it. You've raised it before in conversation. Would you like to broaden it a little in terms of what you think is missing in the benefit of the doubt approach?

Col Patrick Stogran: Mr. Chairman, I would be only too pleased to.

What I would say is too prevalent in the “benefit of the doubt” as it's interpreted by the department and the Veterans Review and Appeal Board is that it's too legalistic. And when the only tool you have in the drawer is a hammer, you tend to make the work fit the hammer. As for the lawyers and their definition, I found it striking that it was much more akin to balance of probabilities, although it doesn't say so much, than it is to the letter of the law and of course the interpretation that exists in here.

I'll say two things.

First of all, when I first read their interpretation, I saw that what is missing is the definition of “inference”, although there's all sorts of talk around the subject. But I had a young summer student do an academic investigation and a paper into the definition of “inference”, and it came back conclusively from numerous sources, fully attributed, that an inference is not a measure of truthfulness, it is a measure of sound logic and reasoning. In fact, it could be incorrect or not truthful.

The second piece is that there's no definition of what a “doubt” is. I've gone to great lengths to include that in my paper, because as we know, in criminal courts and in fact in civil litigation, lawyers will go to great lengths to try to create that doubt. When we ask adjudicators for their definition of “benefit of the doubt”, they'll go, “Well, fifty-fifty, and then we'll give the benefit of the doubt”. That's not it at all.

As is pointed out in the Bible, if you will, or the Torah or the Koran, just so I don't insult any particular group, it makes very clear that the case should be judged based on the evidence that's presented in the absence of any contradictory evidence. Then, if it's reasonable to believe the claim of the individual—and I say “claim” in the literal sense—they should rule in favour of the applicant.

In fact, they say that the preponderance of evidence, as I use in my example in the final paragraph of the paper that I submitted to you, could indicate that there were alternative sources to a disability that refute the claim of the individual. But in paragraph 3 of the “benefit of the doubt”, they're very clear in saying that any doubt—any doubt—is to be resolved in favour of the claimant.

I don't know if that expresses it, sir.

•(1610)

Mr. Greg Kerr: That's pretty clear.

Thank you.

The Chair: Thank you.

Ms. Zarac.

[*Translation*]

Mrs. Lise Zarac (LaSalle—Émard, Lib.): Good afternoon, thank you for being here with us today. Like my colleagues, I congratulate you for your good work. All the consultation that you conducted shows the efforts that you are ready to expend to ensure a better quality of life for veterans and to find better solutions to their problems.

I was not a member of the committee when you testified on April 22 last, but I got the notes and read them. And in answer to a question that a colleague asked you about the end of your mandate, you replied as follows: "Mr. Chair, my first mandate will end on next November 11, but I expect that it will be renewed."

You seemed very confident when you made these statements. I would like to know what made you believe that your contract would be renewed and what happened afterward between that date and the month of August, to cause it not to be renewed.

[English]

Col Patrick Stogran: Mr. Chairman, any confidence that I may have exhibited regarding my renewal was certainly not confidence; it was basically that I didn't care at the time. As an army officer, you do the mission and you worry about the consequences later.

I wouldn't begin to speculate on the actual reasons for my dismissal. Suffice it to say that I would challenge the minister's suggestion that, after three years from start-up, it's time to inject new ideas into the Office of the Veterans Ombudsman when we haven't even stabilized the old ideas. It's going to set the office back at least a year.

[Translation]

Mrs. Lise Zarac: You made a few suggestions regarding the choice of your successor, and among other things, you said that it should be a veteran. I would like to know what you would recommend to your successor. What would you recommend to him?

[English]

Col Patrick Stogran: Mr. Chairman, I think the first recommendation would be.... If I've done one thing right in the past three years it has been to put veterans as the absolute priority in establishing and maintaining their trust, confidence, and loyalty, and reaching out to them, not spending time in the office.

My second priority is to attain and maintain the trust and confidence of my staff. They really know their business, and I would submit that in the fullness of time, if they're allowed to carry on as they are, especially if they have the powers they desperately need through legislation, they will be in a position to effect tremendous change on the culture within Veterans Affairs and the board.

• (1615)

[Translation]

Mrs. Lise Zarac: You're talking about the powers that they need. Do they have these powers now?

[English]

Col Patrick Stogran: Mr. Chairman, I'd say categorically not. In fact, in the deputy minister's policy statement regarding the sharing of information with the Office of the Veterans Ombudsman, she clearly states that she will determine what information she will release to me so as not to constrain my ability to comment publicly. Fundamentally, that's controlling the message.

I don't know if the committee will remember, but initially I was very optimistic about my mandate in the order in council I was given, for two reasons. First, every member of the department and the Veterans Review and Appeal Board expressed to me their complete loyalty and dedication to veterans. Second, I cannot for the

life of me understand how anyone couldn't have that kind of commitment to our veterans.

I found halfway through my third and final year, particularly among central agencies and senior management within the department, that the commitment was a thin veneer. I'd be the first to say that the order in council, that optimism, is now completely gone. In the absence of a legislated mandate, this could happen all over again.

Mrs. Lise Zarac: Do I still have time?

The Chair: No, you're pretty much done.

Mr. Storseth, please.

Mr. Brian Storseth (Westlock—St. Paul, CPC): Thank you, Mr. Chairman.

Mr. Stogran, I'd like to thank you for the service and commitment you've made to our country in serving in the Canadian Armed Forces and to our veterans in the last three years with your services as the Veterans Ombudsman. I know that my office has had dealings with your office, and you've certainly done a good job of establishing the Office of the Veterans Ombudsman.

I'd like to talk to you about comments you've made in reference to the insurance company mentality within Veterans Affairs, where more focus is put on saving money than on caring for veterans. Could you discuss your conversations with public servants that have led you to this conclusion, along with any examples?

Col Patrick Stogran: Mr. Chairman, suffice it to say that in the early days of my tenure as Veterans Ombudsman, I encountered several members who shall remain nameless, several senior members of both the board and the department, who expressed to me that they have an obligation as public servants to preserve the public purse. I didn't hear that once or twice; I heard that numerous times from policy writers through to.... I'll just leave it at that.

I have to fall back on the benefit of the doubt. I know that my staff has been hearing about this for at least two years now. Not only were the interpretations wrong, but when we submitted observations to the department, we received letters back from the department, from the minister, basically just describing the process as it exists. Our aim in providing our observations to the department was to try to engage in a discussion to break down this legalistic balance of probabilities approach to treating our veterans.

So it's an accumulation of many of those kinds of encounters. I think the penny really dropped for me at one point. Well, I'll say at a couple of points. I was once told that it was Treasury Board that they can't get past. The conversation went on to the effect that there was a time when the department could go to Treasury Board and they would do anything for the veterans. Those days are gone. In one particular instance—this was the turning point at two and a half years where I said, "I'm not going to be able to break this culture"—I was talking with a deputy minister regarding the treatment of widows, and I basically said, "The department is cheating widows of World War II." The response I got is that the department cannot go to Treasury Board to ask for more money for programs.

To me, if the deputy minister is not prepared to let these kinds of issues leave the department and in fact argue on behalf of our veterans, I dare say then it's clear that the senior bureaucrats are in that position for one reason, and one reason only, and I would say that's to enforce the rules that have the culture the way it is today.

• (1620)

Mr. Brian Storseth: You talk about examples and programs. We at this committee have heard about the lump sum payment being kind of iconic in the issue of the insurance mentality. Would you agree that's one of the iconic issues that has been raised throughout the last couple of years, that lump sum payment?

Col Patrick Stogran: Mr. Chairman—

Mr. Brian Storseth: I mean, you also raise a good issue with the reasonable doubt clause as why.

Col Patrick Stogran: Mr. Chairman, I would submit that the entire new Veterans Charter is clearly an attempt—and once again it transcends the government of the day—to unload the financial liability, the long-term financial burden, that the government carries with injured, wounded veterans, and I wouldn't have been speaking this way.... I certainly wasn't a conspiracy theorist early on, but when I observed for almost three full years that nothing was leaving the department in terms of engaging our elected officials on what should be changed as a matter of urgency, I was convinced that it's not just the lump sum issue, it's that entire charter.

I take it one step further: the social contract, as I describe in my paper on benefit of the doubt. Traditionally in legacy legislation, the first clause, one of the first paragraphs in all legislation, reads to the effect that any authority stemming from the legislation in question should be liberally construed and interpreted such that the recognized obligation of the people and government to their veterans and their families could be fulfilled. That is absent in the new Veterans Charter.

When I challenge the department, they suggest that's looked after in the Interpretation Act of 1985. What is not looked after in the Interpretation Act of 1985 is the acknowledgement that the people in the Government of Canada have recognized an obligation to look after their veterans. I think that characterizes the charter.

The Chair: Thank you.

Your time is up.

Mr. Vincent.

[*Translation*]

Mr. Robert Vincent (Shefford, BQ): Thank you, Mr. Chair.

Welcome to the committee and congratulations on your work. I took note of what you said in your presentation regarding the review and the appeal being made by the same persons—this is not the first time that I've heard about this. I think that the legal principles to be followed for all appeals by veterans should be based on accepting his claim.

Previously, I used to represent CSST workers who had been victims of accidents, before all the tribunals. The first question I put to the Minister of Veterans Affairs was about why the decisions of the Veterans Appeal Board were not published. I asked how we

could get access to the jurisprudence that would apply to a given case, how we could find out what decisions are being made.

Did you know that this is the only tribunal that does not publish anything? All other tribunals have publications available on Internet. Now, because of the culture of secrecy of the Veterans Appeal Board, no decision is accessible. Thus, how can we go about finding out about the tribunal's preferences in this case or that case? No one can find this out, because the decisions are not being published.

With all this in mind, do you believe that appointing different persons to this tribunal should be the first thing to do for the Minister of Veterans Affairs? At this time, the same persons are in charge of reviews and appeals.

These decisions should at least be published so that we can know what is in them and find out what led to them. We could find out what reasons led to rejections. Moreover, if we can have access to cases that have been turned down following a review, and if we can know more or less what led to the decision, we could adjust our aim and fill in the gaps when making appeals. Currently, we cannot find out anything, there is nothing that we can take away.

What do you think?

• (1625)

[*English*]

Col Patrick Stogran: Mr. Chairman, I couldn't agree more.

As I've said, the board must make efforts to become completely transparent. That's the nature of a democracy and it's one of the principles of natural justice. It's not that justice is done; it's the perception that justice is done.

Right now, there is an overwhelming perception within the veterans community that they're being cheated, and I have to say after three years that I've seen the evidence. I've challenged the department and the Veterans Review and Appeal Board to educate me to the contrary, but it's quite clear that it should be changing.

Interestingly, not only do other tribunals publish their findings, but when veterans, at their own expense, take their appeal to the Federal Court of Appeals, it will publish all the information. So there are ways around this.

The board also suggests that translation becomes a problem. There are ways around this. There is no excuse for that feeling amongst our veterans.

I would not for a second suggest that all the claims veterans make are justified. I have actually confronted veterans and explained the laws of the land to them.

However, I would submit that because of this feeling of being cheated that is so prevalent within the community, we've gone from where we no longer simply have veterans advocates but veterans activists. They are people who make it their sole job in life to attack and to discredit the department. Indeed, there have been individuals who have tried to discredit the Office of the Veterans Ombudsman—one who testified before you here.

To make matters even worse, we're seeing a day of protest on November 6. The fact that I had to do what I did on August 17 just to satisfy my conscience, and the fact that veterans are standing up and being counted on November 6, I find that very, very distasteful, but that's the state of affairs right now in terms of the natural justice they're facing.

The Chair: Mr. McColeman.

Mr. Phil McColeman (Brant, CPC): Thank you.

I'll underscore the thanks that everyone else has been giving you in terms of the work you've done in organizing this office. It's a difficult job that you took on and you've done a very good job of it.

My question relates to some of the criticisms we've heard about seriously injured veterans and what they're getting under the new Veterans Charter. Recently Minister Blackburn announced \$2 billion towards the betterment of those who are seriously injured, which means that a seriously injured veteran would receive a minimum of \$58,000 a year in benefits. That's not counting the other non-monetary benefits and the lump sum that can go along with a serious injury, as you know.

It is mentioned in your presentation here, in a different context, I believe, from the pure context of trying to make things better, but do you think these are good changes for veterans?

Col Patrick Stogran: Mr. Chairman, first of all, I would applaud the sense of urgency with which the elected government addressed some of the issues. I would certainly express a great deal of gratitude to the Canadians who expressed their outrage at some of the revelations that I had to make in order to get some of the new Veterans Charter issues on the table.

On the \$2 billion, from my perspective, sir, once again, if we don't change the culture within the department and the Veterans Review and Appeal Board, I have absolutely no confidence that the money will get to where it's intended to go. I would submit that in my limited understanding of the terms and conditions of the amendments—once again, I say “my limited understanding” because I get my information on this from the media and I don't receive any privileged information internally—I would say that there are too many terms and conditions.

There are too many definitions that leave a huge amount of latitude to the writers of the regulations, policies, and practices to tighten down the screws such that the intended effect or the desired effect of these announcements will never be satisfied, let alone satisfied in time and in being retroactive to those people who have been severely disadvantaged because our government knowingly brought in flawed legislation. I would understand if all of the filters and screens of government had been used with the new Veterans Charter and our parliamentarians could put their hand on their heart and say, “We did our best for our veterans and on a go-forward basis we'll make changes and fix it for the future”.

But we knowingly brought in flawed legislation, and the people who are suffering are the people with missing legs, missing arms, and lives that have been completely disrupted. I'll go back to one of the principles that I feel should be addressed in this: retroactivity should go right back to the introduction of the new Veterans Charter.

● (1630)

Mr. Phil McColeman: On a different topic, I'm interested in just the day-to-day or the usual schedules that you kept as the ombudsman in an effort to perhaps learn from and advise on the future work of ombudsmen. In your dealings with the ministers themselves—this would, I assume, be the case of Minister Thompson and Minister Blackburn—did you ever have a case or a time when they refused to meet with you, when they didn't answer your correspondence or address anything that you presented to them during your tenure?

Col Patrick Stogran: Mr. Chairman, in reflection, with Minister Thompson, I don't recall ever receiving any formal replies to anything. I may be mistaken on that, but I have to say, certainly in retrospect, that relationships were extremely strained at that point in time.

To Minister Blackburn's credit, when he took office, he took hold of the reins. Unlike his predecessor, with whom I'd have to make appointments several weeks in advance, he summoned me to his office the next day in order to talk about issues. The current minister has been much more proactive in responding to the observations that we bring up in the department.

Unfortunately, what comes to us from the minister's office, from the deputy minister, and from the department is just a regurgitation of exactly the things that we're trying to have redressed within the department. I used benefit of the doubt in one of those cases in point. ALS is another one where the response came back basically as “too bad, so sad”, that's the way it is.

I tried suggesting to both of the ministers that, much like the deputy minister is a voice that the minister has to rely on, the person right beside the deputy minister should be the ombudsman, giving the minister the ground truth. I explained that part of my job.

The rest of the time, sir, I was on the road communicating with veterans and looking into the department. I felt that I could give the minister a sober second look at some of the foolish answers, frankly, that were coming to things like benefit of the doubt and ALS.

The Chair: With that, time's up.

Is there someone else from the Conservatives?

Go ahead, please, Mr. Lobb.

Mr. Ben Lobb (Huron—Bruce, CPC): Thank you, Chair.

Thank you, Colonel. I'm sure there were times when you thought your position was thankless, but all the MPs here today seem pretty thankful for the work you've done.

As you're transitioning out of your current role, what plans do you have in place to help ease the transition for the new ombudsman?

Col Patrick Stogran: Mr. Chairman, first and foremost, I have to say that I have dissociated myself from many of the day-to-day operations within the office, because I feel that on August 17 I was not credible, if you will, to be dealing with the department and the people I've become so actively engaged against. So my director general of operations, Ms. Louise Wallis, who has been with me since the beginning, has been running the Office of the Veterans Ombudsman. I've really encouraged her and her director of strategic liaison, Colleen Soltermann, to take the reins and to ensure that they can really, as I would say, provide a right-seat ride to the incoming ombudsman.

I've also embarked on extensive lessons learned and I've included that in your package. It's what I'm referring to as a blueprint for the fair treatment of veterans. It has been hugely consulted right across the country. It's the accumulation of all of my lessons on the road with my town halls, as well as lessons that my investigators and my early-intervention analysts have had. We've brought this together and have done a public consultation that I hope will help. I'm also doing what in the military we'd call handover notes, which will provide a little insight.

• (1635)

Mr. Ben Lobb: This is a good segue into my next question, believe it or not.

Under the blueprint here, in the "Method" section, you list all the different methods that you have. Do you think that part of the work of the ombudsman, or of the ombudsman's office, should include meeting with members of Parliament individually?

Col Patrick Stogran: Mr. Chairman, I do, absolutely. We were building that capacity, recognizing that we have a very small staff. I have to say that even with the briefing packages we've submitted we're punching above our weight to achieve that, but I very much feel that the Office of the Veterans Ombudsman is in a position not only to educate all parliamentarians on what we find through our good offices, but also to hear from parliamentarians and to learn from the constituents.

Mr. Stoffer has had me sitting in his office for four hours, teaching me things that I just didn't have the time to learn.

So "Yes, indeed" is the short answer.

Mr. Ben Lobb: I would suspect that if Mr. Stoffer had you in his office for four hours, he was teaching you things you wouldn't want to be learning either, if I know Mr. Stoffer.

Voices: Oh, oh!

Mr. Ben Lobb: In all seriousness, I think it would be great if you would consider adding to your methods that idea of meeting with members of Parliament, because I honestly and truly think that the 308 members who are here most of the time are lobbyists and activists for veterans. The more information your office can have and provide and the more you work with us, the more I think you'll find that all parties will support that. It would be great if you could include that in your methods here.

Col Patrick Stogran: Mr. Chairman, that's an excellent suggestion. I think it lends itself to the inclusiveness that I'm hoping to generate in that particular document, so we'll definitely put that on the list.

The Chair: Go ahead, Mr. Rota.

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

Colonel, thank you for joining us today. It's a pleasure to have you here.

I don't normally sit on this committee, so I might ask some questions that are not quite as instructed as those from some of the other members. I was just going through your report and I was very impressed with the way you presented it. The 11 points, the 11 priorities that you've put forward, are very well defined. It's almost refreshing to read a report that you can look at the first time and see what has to be done jump out at you, so that you can say, okay, this is perfect. You can see what has to be done. It's very clear.

Has this report been submitted to...? I think the structure is that you report to the deputy minister, if I'm not mistaken, and not to the minister or the PMO. Am I correct?

Col Patrick Stogran: Mr. Chairman, with all due respect, certainly the Privy Council Office suggested very strongly that was my reporting chain; however, on April 3, 2007 when the Prime Minister announced the formation of this office, he stated that it would operate at arm's length from government. So I feel that I'm a special adviser to the minister. I feel that's a very important role. But I don't feel any compulsion to report to the deputy minister.

Mr. Anthony Rota: Very good. Has the report you have submitted today been reported to the minister or to the PMO?

Col Patrick Stogran: Mr. Chairman, many of the points have certainly been presented to the department and/or to the minister. I couldn't comment on how current we are because, as I say, I have for all intents and purposes embarked on a campaign separate from the day-to-day running within the office. So I couldn't say.

• (1640)

Mr. Anthony Rota: So the report we're looking at today hasn't been submitted.

Col Patrick Stogran: No. It was brought to the leadership level with a view to trying to get some of these things moving within the department.

Mr. Anthony Rota: What do you mean by the leadership level? Do you mean this committee or—

Col Patrick Stogran: Mr. Chairman, I'm referring to this committee and to the deputy minister. I think what's required right now is legislation for the mandate and a discussion within a learned body of people who can effect change. I think the 10 priorities, less the legislated mandate, are doable to a great extent just through ministerial direction.

Mr. Anthony Rota: It seems that these points have been fairly well received at this end. The impression I'm getting is very positive. Have you received any feedback on the points that you said went individually to the minister's office or to the deputy minister's office? Was there any feedback? What kind of response did you get?

Col Patrick Stogran: No, Mr. Chair. Once again I've been very much divorced from that. Since the press conference on August 17, I have committed myself to the veterans. I have spent my time engaging Canadians to describe to them exactly what their sons and daughters and their brothers and sisters will be facing if they join the military and are wounded in the line of duty.

So I haven't been engaging the department. I must admit that since August 17 I haven't been engaging the minister, because I really haven't felt fit to be acting as an ombudsman.

Mr. Anthony Rota: Very good.

If I could just go on to another issue, I remember that when the Veterans Charter was first implemented, one of the concerns I had was the lump sum payment that comes out. What happens all too often is that veterans are injured and then are looking for an income stream to keep them going for a period of time, sometimes for life—and more often than not for life. They're broken, and it's a matter of getting back together again or trying to survive under the circumstances they've been exposed to, through really no fault of their own, but just as part of what they do.

Now, one of the concerns I had with a lump sum payment was that when someone gets a lump sum, the intent is for them to take the money, go off into private life, start up a business or invest it, and go on. Again, these people need help. I mean, these are our veterans, people who we have relied on, and people who are relying on us now. We're giving them a lump sum and sending them off.

That was my concern. It's almost like a buyout. You mentioned the insurance mentality. That was the concern I had. What I was told was that they would get financial advice when they got that money so that they would be able to invest it, so they would be able to do something. My concern was that, sure, but they might go out and buy a new truck, or buy a new car, or spend it on something that wouldn't be there for them down the road.

What experiences have you seen as far as a lump sum payment goes, as far as it goes in providing revenue or providing an income stream for the long term, for the lives of those veterans?

Col Patrick Stogran: Mr. Chairman, that's a very broad question. In my experience, particularly in my capacity as an ombudsman, because people come to me with their problems, more often than not the problem is that the money has disappeared. It has vaporized.

Bearing in mind that there are other financial aspects to the new Veterans Charter and that they should be viewed comprehensively, there's one principle that I feel is very important in this—I don't like talking about lump sum versus pension, because I don't think it's that black and white—and that is peace of mind, and it's differentiation, in that every veteran is different.

You can combine the type of disability they might have when they're leaving with the culture shock, and I can say personally that there is a huge culture shock when life no longer is a battle drill and you have to suddenly adapt to normal civilian life. If you add an operational stress injury on top of that and then give a young soldier a lump sum, which is for pain and suffering, the best way to get rid of pain and suffering is.... Well, we all know what young soldiers would like to do.

So we should be looking at it from that perspective. No soldier coming home from operations, particularly one who has been injured, is going to sit down and take financial counselling when they have a mitt full of money.

They have to relate to the kind of people who join the Canadian Forces.

• (1645)

The Chair: Thank you.

Mr. Mayes, please.

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

Thank you, Mr. Stogran.

I'm the only one of the committee members here who was here in 2006 when we first started down the road of the Veterans Charter. I was very optimistic. I felt it was an action that needed to be started. I felt, maybe as you do now, that veterans were not given the respect they deserved or were not taken care of by the Government of Canada and a grateful nation.

But we had witnesses in during the time that we put together that charter, and the stakeholders told us what the needs were, and we incorporated those in the charter. We worked hard to put something together that was beneficial to the veterans. We knew it wasn't going to be perfect, but we had to get started. On the criticism of the charter, quite frankly, I have a little bit of a problem with it, because we did start it and we got the ball rolling. You can criticize it, but at least you have something to criticize now.

It was the same with the ombudsman. We decided that we needed an ombudsman to deal as an advocate for veterans because we felt they were not getting a fair shake, as you said, from the department. We put together your position and I was very optimistic; I thought it was a good thing for veterans. I really did have a heart to help veterans.

So there are issues here that we're learning about, and I thank you for the input and, as my colleague said, for the great suggestions you have now forwarded about how we can improve what we started. But ultimately we did start, and we had the best intentions for helping veterans. I think everyone on this committee is committed to continuing this, and that's why you're here today, sir.

One of the things you mentioned during your testimony was that you didn't really have a reporting person or connection to the deputy minister, the minister, or the Prime Minister's Office. I find that in a job description when I'm hired: I have somebody to answer to and to whom I bring my reports and my concerns. I find it difficult to believe that you didn't have something in writing that gave you the job description and said who you would report to and what your duties were as the ombudsman.

Was there anything such as a formal draft of a job description or your duties and your role as ombudsman and who you reported to?

Col Patrick Stogran: Mr. Chair, the only thing I have is the order in council, which basically told me what to do: I was a special adviser to the minister. There was no requirement for any kind of reporting, short of my annual report, which the minister would table at his convenience in Parliament. The other constraint was the requirement that the minister was to be in possession of other reports for 60 days before we would publicize them.

I might also add that within my mandate the direction in the order in council is to resolve things at the lowest level. As I have said many times, I spent two and a half years trying to build trust and confidence, working with the deputy minister and senior management to resolve things. I didn't want to bring everything to the minister. I felt that should be a last-ditch effort.

It wasn't until three or four months ago that I realized that in all of the promises—that veterans are first and that they'd do anything to support me—I had been duped and that I'd failed my veterans in terms of the escalation of forces I would use to ultimately go to the minister and have some of these issues addressed.

Had I had another term, there's no doubt in my mind that I would not have done what I did on August 17, because I recognize that you can't turn a bureaucracy on a dime: I have worked at National Defence headquarters.

Mr. Colin Mayes: Do I have more time?

The Chair: Make it very short.

Mr. Colin Mayes: Further to that, one of the thrusts of the charter was to try to encompass not only the veterans but their families, and to make sure the spouses, the children, and the widows were taken care of. I think there were obviously some advances in that type of benefit, because \$750 million was dedicated to those types of benefits. Could you comment on whether that part of the charter has worked?

• (1650)

Col Patrick Stogran: Mr. Chairman, I would like to reflect the optimism that the member had regarding the new Veterans Charter and the Office of the Veterans Ombudsman. In my early days, I praised the collaborative approach that parliamentarians took to getting the new Veterans Charter through.

What has been painful for me is that the reports of the special needs advisory group, as well as those of a special committee on the new Veterans Charter that was convened by the department, were lying dormant within the department. I can say categorically—first person singular once again, point-blank range—that there were no initiatives within the department to fix the new Veterans Charter. That is the fundamental error with this.

We will see by 2011 if some of these quick fixes ever come into fruition, if the very people who have sacrificed their lives, and I don't mean by dying, because I consider dying to be the penultimate sacrifice.... The ultimate sacrifice is having to come home, start a new life, and burden your family with your disability. Those people are not being covered by it.

Quite frankly, I've lost my optimism about the mandate as it was written in an order in council. I've seen the paperwork that led up to the Office of the Veterans Ombudsman, and I can only suggest that it

was watered down and hijacked by bureaucrats who did not want to be checked into.

The office should be of deputy minister status. To me, it's an insult to veterans that their ombudsman would be at the level I am at right now, which was lower than a colonel when I came into this job. I took the job because I'm an optimist and I took it for the veterans. But in the future, this office deserves much more status for the sake of the veterans.

The Chair: Thank you.

Ms. Mathyssen, please.

Ms. Irene Mathyssen: Thank you, Mr. Chair.

Thank you for your candour.

I have been listening carefully, and it seems to me, in looking at your brief and listening to what you say, that certainly a number of things disturb me about the attitude towards veterans. In some ways, they've become a political prop: we love our veterans on November 11. I say that because of the reference to safeguarding the public purse and some of the language in regard to the benefit of the doubt and the fact that veterans are not being given that benefit.

There is the treatment of widows, which you've talked about. I believe the gold-digger clause is still in place, which is, quite simply, disgraceful. It undercuts the right of a veteran to continue his or her life with someone who will make that life have quality.

There is the fact that veterans have to go to court, at their own expense, to get justice.

Also, there is the fact that \$2 billion won't benefit the young men and women coming back from Afghanistan. It seems that this is quite deliberate.

You talked about the culture of the department and the fact that there was a time when it didn't matter, that they would do whatever it took to support the veterans. What has happened? What happened to Canada? What happened to Veterans Affairs? Why did that culture become so alienating and so destructive?

Col Patrick Stogran: Mr. Chair, I would have to say that the problem with the department is a lack of leadership. I say that because I firmly believe that culture is leader-driven. It's not driven by your HR. It's not driven by posters on the wall.

I think it was George Hees who used to go around the department. He had three priorities that he used to impress upon every person in the department. I think they were generosity, speed, and compassion. I regret that I can't remember them offhand.

But we need that kind of leadership. Long before I would ever support the claim that we should be putting more veterans into the department.... Veterans are very good at following orders also, and unless we break the culture so that there's a culture of compassion, so that we in fact do give the benefit of the doubt, not the balance of probabilities, and we treat them not as claimants but as applicants and pensioners, and we recognize the obligation of the people in government....

I think it's manifesting itself in the culture and leadership within the department.

•(1655)

Ms. Irene Mathysen: Thank you.

You talked about the Veterans Ombudsman and the need for that office to be regarded at the level of a deputy minister. I'm wondering if we could take it a step further. Would it make sense to have the ombudsman report directly to Parliament and be that link between the veteran and the parliamentarian? You've talked about sitting down with 308 parliamentarians, which would be difficult. It would be a challenge. Perhaps having that ability to report to Parliament might bridge that divide.

Col Patrick Stogran: Mr. Chair, I couldn't argue with that point. I felt particularly empowered by my order in council, in that my annual report was to be tabled by the minister, at his convenience. It's really the passage of information that's important.

What I feel very strongly is that the ombudsman should be a special adviser to the minister, to offer the minister the balance between his understanding of what's coming to him from the deputy and what's happening at the grassroots. I recognize the job of our elected officials. I certainly would never want to take it on myself. But in the final analysis, the minister is only as good as the information being provided to him or her.

I have seen fundamentally flawed information coming out of the department. We challenged question period notes at one point in time when we were on the distribution list for them, and the action of the department was to cut us out of the distribution list for question period notes. If I were the minister—I'm an information hog—I would want to have many sources of reconnaissance available to me. I think the critical link is to really be able to link with the minister.

The Chair: Thank you.

Now we'll move to the Bloc.

Mr. André.

[*Translation*]

Mr. Guy André: We will continue in the same vein, because these questions are interesting. I was also surprised to find that your contract as an ombudsman had not been renewed. Basically, I was not overly astonished because the list of recriminations that you made regarding some files could, I believe, have made the government in power uncomfortable. I am thinking of all the issues that you raised, for instance when you intervened so that something be done about the endless delays in the processing of applications and your comments about patients who are refused help because of lack of evidence. I am convinced of this because in other files—I am not going to talk about democracy and peace—it was observed that when someone criticizes the government in a system where that is the very same government does the hiring, this government must be very open to accept such criticism and apply it constructively to build a better future with programs that need to be implemented or services that should be delivered to veterans.

Thus, we were surprised because you were very enthusiastic about your work, but others were not, because your criticism—and I am fairly certain of what I am saying—your criticism has cost you the renewal of your mandate.

I discussed things with a colleague who was there when Mr. Mayes was there, and he told me that the Bloc, at the time, wanted the ombudsman to be accountable to Parliament and not to the government or to the minister. I would go even further and I would say that an ombudsman's office should be an independent organization, independent from the government, hired by Parliament, in order to be truly able to play its role.

My fear is that after your departure the next ombudsman will have to, if he or she wants to keep the job, not be too critical of the Veterans Charter or of the services that are not being delivered. He should not challenge too many things because that could cost him the renewal of his mandate. That is what I am concerned about as a parliamentarian.

I would like to hear what you have to say about this.

•(1700)

[*English*]

Col Patrick Stogran: Mr. Chair, I couldn't agree more, hence the recommendations in the proposed drafting instructions for the legislation. I suggest that it should be a seven-year non-renewable term so you don't worry about where your next paycheque will be coming from.

[*Translation*]

Mr. Guy André: Would it be in an independent organization, or one directly accountable to the minister or to the government? Who should hire this ombudsman, in your opinion? Should the minister choose the ombudsman, or should it be an independent organization made up of representatives, who could be veterans, or people from the department?

[*English*]

Col Patrick Stogran: Mr. Chair, I haven't thought it through in that kind of detail. I would be completely comfortable. I think that in the final analysis there has to be a working relationship, a chemistry, between the minister in the first instance at that time and.... But most importantly, I think it's the attitude of the veterans. As I said, my priorities in office were to make and maintain the trust and confidence of the veterans.

I would submit that at this point in time if my successor is chosen from the ranks of bureaucrats, the veterans will have no trust and confidence, and even, I dare say, if my successor is a veteran without adequate troop time and recognition in that respect.

So in terms of who's hiring, if it's a fixed period of time I don't think it really matters.

The Chair: We have only 30 seconds left.

[*Translation*]

Mr. Guy André: Let me say a few words about research. In another context, you said that little money was invested in research on the impact of post-traumatic stress, for instance, on dementia, or on Lou Gehrig's disease, that you mentioned at the beginning of your presentation.

Should we invest more in research on the impact of military missions on the health of war veterans? Is there enough research? Is there any political will to do this?

[English]

Col Patrick Stogran: Mr. Chair, I couldn't comment on the political will. What I can say is that more research is required.

The University of Alberta is actively working now on establishing an academic chair to bring together all of the academic institutions in Canada that do research that might be able to benefit veterans. They started off on the rehabilitation/orthopedic side. They're looking at, potentially, operational stress injuries and those kinds of things. I'm very encouraged by that.

They are going out into the private sector first and foremost to establish a financial base and then they hope to get support from government. I think it's very encouraging.

The Chair: Thank you.

Mr. Kerr.

Mr. Greg Kerr: Thank you, Mr. Chair.

I first want to correct an inaccuracy that Ms. Mathysen from the NDP reported, I don't think deliberately, but it certainly was wrong, and that is that the \$2 billion extension, first of all, does apply very much to modern vets and does apply to returning veterans; it's the criteria that counts. I think it's important to get that on the record here. That's the whole point. It was trying to top up and make sure that it's adequate compensation. I want to get that on the record.

The other thing, of course, is the timing. The minister is coming forward with the legislation and certainly that has to be passed in the House before this becomes active, so the timing is reflective of the passage of the legislation; it's not delivery timed for next year. I just wanted to correct that if I could.

I would like to follow up on the research that Mr. André referred to. I'm looking at recommendations 7, 8 and 9 in that area. When you say the capacity...and I would agree with you about the research. You mentioned universities, and there's a lot of interest there. Who do you see as the obvious partners that the department should turn to in order to try to get that kind of appropriate and active research?

• (1705)

Col Patrick Stogran: Mr. Chair, the ones that jump out are the academic institutions. Indeed, we found somebody at the University of Western Ontario who has been funded for a study into homeless veterans. Academic institutions are the ones that jump out.

What I couldn't really comment on is in regard to other institutions that might do medical and rehabilitative research. I don't really understand that. I haven't investigated that piece.

Mr. Greg Kerr: One of the reasons I ask is that we had representatives from many countries that were in contact with us directly here, and some by conference call. I don't know if it was a year ago or two years ago. For all the members of the committee, it was quite a learning curve to realize that in some cases we were ahead as a country, and in some cases we were behind, and so on. It was a mixed bag. I was intrigued that you mention research conducted by allied nations. Are you talking about existing research they do? Should we tie in with that in some way?

Col Patrick Stogran: Mr. Chair, I think in many ways we do tie in. We participate in boards and symposiums and there is an exchange of information.

What I find disturbing is that a study as comprehensive as the ALS study that the United States military did was basically denied. There's a similar study. And I can't comment on the scientific rigour of the PTSD study, but these are the kinds of things that we should be taking on.

Indeed, for Korean war veterans, we have adopted some of the studies that the Australians have done in terms of chest ailments. It seems that there is no desire to actively reach out and find these sources of information that we might be able to apply in the Canadian context.

Mr. Greg Kerr: Do you think it would be helpful then, in terms of that research and pushing it forward, that a committee such as this should be part of the review of the research when it comes back?

Col Patrick Stogran: Mr. Chair, I think the more leadership that is exercised in terms of being proactive in trying to secure peace of mind for our veterans once they've made the ultimate sacrifice, the better, yes indeed.

Mr. Greg Kerr: Thank you.

Do I have time left or is that it?

The Chair: You have one minute.

Mr. Greg Kerr: When you talk about the risks against the standards of the department, I just want to be clear. I know that quite a while ago we had a quick talk about that and the decentralization. I think we were basically agreeing that caseworkers and those out in the field probably could be more engaged in terms of feeding into the decision-making.

Do they tie together? I notice that you have them in this same number 9, the risk-taking as compared to the caseworkers, I'm going to say, but the ground level people. How do you tie that together?

Col Patrick Stogran: Mr. Chair, that's exactly it. It's a continuum starting with the caseworker. I can give an example of an 80-year-old veteran who had to get three quotes to send to Charlottetown for an orthopedic toilet seat. It was \$300. It's something that the case manager should have been able to buy of his or her own volition.

There are other examples. I'm not exactly sure of the facts, but I think it was in Victoria where they were overworked so the files that had to be actioned were sent to St. John's, Newfoundland because they didn't have the work. They were all sent there and any problems had to be dealt with in that fashion.

I firmly believe that if the people who have to face the veterans were empowered, the system would look after itself if they were properly led, and we wouldn't have to be bringing all decisions for money into Charlottetown or related offices.

The Chair: Thank you.

Final question, Ms. Duncan.

Ms. Kirsty Duncan: Thank you, Mr. Chair.

Colonel, thank you for this afternoon.

Can you comment on what percentage of Agent Orange claims have been paid? We continue to get claims in our office, whether or not you are still receiving claims for compensation. Can you comment on the fairness of the 2006 date, the fairness of the illnesses covered, and what you would recommend doing to address veterans' and families' concerns, please?

• (1710)

Col Patrick Stogran: I'm sorry, Mr. Chair. I don't have that kind of resolution in terms of the numbers. Suffice it to say that there have been complaints that have come our way from veterans and from civilians.

With the town halls that I've done in the New Brunswick area in and around Gagetown, I'm quite disturbed by the Agent Orange situation, not only on the base but how it has affected surrounding communities. As a Canadian, I feel that the movie *Erin Brockovich* might describe the level of seriousness. I'm not at all confident that the studies that have been done have been completely transparent and impartial and are really being fair to people in and around there. But that's just my judgment based on having met with several hundred people, including civilians, non-veterans, who have come to my town halls to complain about it, so I don't have that....

Ms. Kirsty Duncan: Lise, did you want to...?

[*Translation*]

Mrs. Lise Zarac: You briefly mentioned Ste. Anne's Hospital. It is not in my riding, but in a neighbouring riding. Each time that I go to the Royal Canadian Legion, this is a very heated topic. The veterans are worried, and we know that at the end of the Afghanistan mission, and after the missions in Bosnia and Korea, we will need more room.

I would appreciate your comments and your recommendations regarding the Ste. Anne's Hospital.

[*English*]

Col Patrick Stogran: Mr. Chair, the whole idea of long-term care and how long the commitment should be to look after our veterans

perplexes me. I know the argument has been made that constitutionally it's a provincial responsibility, but we saw in Ontario that the facilities for psychiatric treatment of families in and around the Petawawa area weren't adequate. André Marin launched and the basic answer was that the feds picked the fight, they can pay for the fight. He had to reverse that kind of attitude.

Also, I think the business model—if they have a business model—that sees the department divorcing itself of St. Anne's and like facilities is fundamentally flawed, because I have not seen a really accurate assessment about what the potential impact of PTSD is, recognizing that we'll use the argument that provincial health care didn't exist after Korea. Well, we didn't know about the psychological problems that military people endure, so what will be the impact?

The Americans have already done a study and have determined that people with PTSD have a higher propensity of early-onset dementia. So I think before we step away from the traditional care for life for our veterans, we have to really take a look at what the veteran is and give a realistic prognosis of what the veterans will be facing in 20 or 30 years.

The Chair: I thank you very much for your candid answers to the many questions that were asked here today.

I, personally, as chair of the Standing Committee on Veterans Affairs, would like to thank you again for your service to the country, both as a member of the military and in your three years as Veterans Ombudsman. Please accept my thanks.

Col Patrick Stogran: Thank you very much, sir.

The Chair: With that, we will adjourn the meeting.

• (1715)

[*Applause*]

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