



House of Commons
CANADA

Standing Committee on Veterans Affairs

ACVA

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NUMBER 011

•

1st SESSION

•

39th PARLIAMENT

EVIDENCE

Monday, October 2, 2006

—
Chair

Mr. Rob Anders

Also available on the Parliament of Canada Web Site at the following address:

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• (1535)

[English]

The Chair (Mr. Rob Anders (Calgary West, CPC)): Ladies and gentlemen, we're about to begin another rendition of our veterans affairs committee meeting.

I'd like to bring a few things to our attention before I introduce our guest, our witness today, Mr. Chadderton.

For Wednesday, we scheduled a meeting with our Russian delegation counterparts. That has been cancelled. They were turned back at the airport. I guess there is some sort of issue. There's a lock-down in Moscow, apparently, right now. We don't know exactly what it is, but I'm assuming it has something to do with the spy situation between them and the Republic of Georgia. These are fascinating developments, which I'm sure we'd love to hear from our Russian counterparts, but they won't be here.

If people want to get an explanation straight from the horse's mouth, I believe the Russian ambassador will be giving explanations tomorrow here on the Hill for some sort of Canada-Russia delegation.

At the end of the meeting today, we'll use the last few minutes to deal with that and fall-out issues.

That being said, today we have our witness, Cliff Chadderton, the chief executive officer of the War Amps and chairman of the National Council of Veterans Associations in Canada. Mr. Chadderton has been a prominent spokesman for veterans issues over the years. He's been assisting veterans and children who are amputees.

The group of his that we also mentioned, the National Council of Veterans Associations in Canada, includes about 50 veterans associations, such as the Hong Kong Veterans Association of Canada, Bomber Command Association Canada, the Canadian Merchant Navy Veterans Association, the National Aboriginal Veterans Association, the Korea Veterans Association of Canada, etc.

I note that Mr. Chadderton previously supported the proposed veterans bill of rights and the appointment of a veterans ombudsman, and I imagine he'll have something to say with regard to the Woods committee and some of his previous work on related issues. I also note that he's taken a stand in favour of extending VIP services to all widows of seriously disabled veterans. And I appreciate his comments previously with regard to Canada's role in the bomber offensive during the Second World War and the treatment of that issue, or dealing with it.

I turn it now over to our witness. Mr. Chadderton.

Mr. H. Chadderton (Chief Executive Officer, The War Amps): *Merci beaucoup.* Thank you, Mr. Chairman.

In accordance with a procedure I established for myself many years ago, I never read a brief. I do, however, bring along some notes. I provide the committee with notes in both French and English, and I would use these notes for my ten minutes to explain what we mean by an ombudsman.

In the first page there are the names of the 25 organizations that make up the national council. Now just to get right to the meat, our understanding of today's meeting is that we would have an opportunity to ask your committee to consider the appointment of an ombudsman who would make final decisions in respect of applications to benefits available under the Department of Veterans Affairs legislation. This was a matter of extensive review recently, certainly within the last six to eight months at meetings with the staff from the Prime Minister's Office, as well as the staff of the minister's office. So they are both briefed on how we believe an ombudsman could be used, and the rationale therefor.

I'll just go right along and answer any questions when I'm finished, if that's okay.

There was a favourable reference during the recent election campaign to an ombudsman. That generated interest among the public, and it also generated interest among the media. It's the first time in my experience when the whole question of an ombudsman has been front and centre as an alternative to the various tribunals that operate now under the Department of Veterans Affairs. As the chairman has mentioned, we will make reference to the Woods committee, the committee to examine the work and organization of the Canadian Pension Commission. That committee sat for three long years, between 1963 and 1965. I had the privilege of being the secretary of the committee working under Mr. Justice Mervyn Woods, who was sitting on the bench in a court of appeal in the province of Saskatchewan.

There are a few outstanding questions that people have about ombudsmen. I'll try to answer them as I go along.

Firstly, I have made reference to the Woods committee. I should make reference also to Judge Walter Lindal, who was a member of the Woods committee. He has now passed on. He was a leading expert, world-renowned expert on the work of ombudsmen. I travelled to Sweden with him as part of my work with the committee. I found that Judge Lindal had a very firm grasp of why an ombudsman probably would be a good alternative.

The alternative is that the Woods committee was looking towards a new appeal body. It would be a question of whether they put in something like the Veterans Review and Appeal Board, or on the other hand they said no, we should go the ombudsman route.

● (1540)

If you're looking for a reference, I've put in my report an interpretation by a very senior legal expert in the United Kingdom, the best expert we could find on this whole question of an ombudsman. I'll just read it, as it's short: "The Council"—that is, an ombudsman—"is an advisory and consultative body only, having itself no adjudicatory or executive powers, and it is in no sense a super tribunal, nor a court of appeal from tribunals." It is an extra body sitting out there with tremendous knowledge of the whole pension process, with contacts with the minister and Parliament, and you'll see how the appointment would be made.

I certainly would take the liberty of saying, having spent three years of my life going into the adjudication of the Canada Pension Commission, that without question the system works, and I can't think of a better system or system that is fairer—fairer for the government, fairer for the applicant, fairer for the advocates who are working in the system.

Incidentally, Mr. Garner's definition of an ombudsman is also world-renowned. I have yet to be at conferences where the whole question of an ombudsman comes up and Mr. Garner's name is not known. I mean, he is an expert, no question.

On page 3 of my notes, if you're following them—and it's really not necessary—I touch on some things that people wonder about. First is the time required to establish an ombudsman. We were trying to think, in the Woods committee, of a better system than that of the Pension Commission and the Pension Review Board. When we studied the whole question of the ombudsman, we came to realize that if the system worked, it would be an excellent alternative to a lot of hide-bound tribunals and what not that we have had going back to 1924, and none of them have really been fully satisfactory.

One of the things that always comes up is whether it is adjudication. Yes, an ombudsman can adjudicate. He can advise. He can go back to the minister and say, "I think you should do this", or "you should do that". He can go back to the advocates and say, "I think you should do this", or "I think you should do that".

The question comes up, what about administration? A lot of the problems that we've seen in pension administration in the fifty-some years in which I've been involved have been from interpretation of administration. In other words, how many people should be appointed to do this or do that? How much on the administrative end should you put forward, as opposed to at the adjudicative or legal end? The ombudsman would be fully equipped to deal with that kind of administration.

Adversary proceedings? No, no, not at all. An ombudsman does not serve as a person acting on behalf of the applicant or the government, and certainly does not become involved in adversary hearings.

The working relationships are threefold. In the first one, he would have a good working relationship with the Minister of Veterans Affairs. Secondly, he would have a very good role to play in the

machinery within the department, normally called, say, the veterans bureau.

● (1545)

With regard to veterans organizations, the same thing applies. If it's going to be an isolated situation where an ombudsman runs off into his corner and doesn't tell the veterans organizations what he's doing, it would be, in our view, a great mistake. He should have complete access to what the veterans organizations are doing, and they should have complete access to saying he's right or he's wrong or let's get at his policies and see if they could be made better or what not.

So he'd have a good working relationship with the minister, with the veterans bureau, and with veterans organizations.

In essence, Mr. Chairman and ladies and gentlemen, he is an independent agent under the Minister of Veterans Affairs. That would be his role. The procedure of the ombudsman would generally be considered effective only when the applicant has exhausted all of the essential means available to him to prosecute his case.

The ombudsman would be empowered to carry out his own investigations, and at this point you might easily say, "Well, this man is going to be a one-man band and he's going to have an awful lot on his plate." Not necessarily, but he has to have access to the departmental records; he has to be able to carry out his own investigations if necessary; and when it comes to advice, he has to be absolutely open to let the applicant know why decisions were made and to report to the minister, etc.

On the question of reconsideration, it always comes up as a big item in adjudication of veterans pensions. What they really want to know is, "Okay, you turned me down. Do I have reconsideration?" The ombudsman would have the power, on reconsideration, to look again at a case. So the door is never really shut in the ombudsman's role.

I'll try to wrap this up as quickly as I can. There's not too much more.

The ombudsman would have to publish quarterly reports to Parliament. His reports would be open; they would be accessible to the public; they'd be published as public documents, in both languages, of course. Where they have successful ombudsmen, he's considered an agent of Parliament.

In general terms, the ombudsman should prevail upon the commission to do its job. He should not, however, do the job for the commission. After a trial period of two years, the commission should establish a review of the ombudsman so that he doesn't say, "I have a job for life, and I'll prosecute it in my own way."

Now, as to an appointment, it's interesting that with every ombudsman we studied, the appointment is made by the Governor in Council on the recommendation of Parliament. It would be considered a non-political appointment. He could be removed for cause, of course. He could secure medical and legal advice if necessary.

As to a title, we realize that it would be very important to use a title that everybody would understand. And once you mention “ombudsman”, people get the general idea that you have a superpower on your hands who has all these powers at his disposal. But you'll notice that there are checks and balances in any system that sets up an ombudsman.

● (1550)

Refusal to investigate—I would say, Mr. Chairman and gentlemen, that one of the aggravating aspects of our pension system is the person who insists on his case going forward. At the moment the Canadian Veterans Review and Appeal Board really has to look at the case if it's referred to them. An ombudsman would be given the power to say, “Just a minute. You've exhausted all of your remedies; you've had a fair shake at this thing, and it would not be in the public interest to take this case any further.” Naturally, there are drawbacks to that in a highly charged political situation where the man can go to his member of Parliament, we'll say, and have him take up his case, but don't forget that the member of Parliament has already had a hand in the appointment. It doesn't necessarily solve all things, as we know, but the refusal to investigate is essential.

That, Mr. Chairman and gentlemen, is my rough submission. It's a distillation of all the points that you will find in Judge Lindal's report, which came out in 1976. There is one other document to which I would make a quick reference because it received a lot of publicity at the time that the Woods report came out, and that's under the heading “General Comment”.

I would still say that two things are in our present pension legislation that an ombudsman would not touch. One of them is the spirit and intent. As an advocate on behalf of veterans, I'm here to say that I think the spirit and intent of the Pension Act has been well and duly carried out. I think there have been problems, naturally, but generally the spirit and intent is there.

The other thing, of course, is the benefit of the doubt. The benefit of the doubt is very difficult to explain. For one thing, the benefit of the doubt only applies in legal cases. You can't have somebody basing his case on the fact that his papers were lost, or something like that. There is a procedure for that, but it's not under benefit of the doubt.

The other thing is the traditions of the office. Where they have been established, the Woods report found that the traditions of the office carried a tremendous amount of weight. Once the ombudsman reported—the ombudsman had to report—it was full stop. The media could see what was happening. The ombudsman has a report, and it's only when the ombudsman is finished his work that the whole question of where do we go from here comes up.

I've tried to explain that in this general comment because it was a general statement as to how things should happen. Now, the Woods committee did not recommend an ombudsman as its first port of call. It recommended the establishment of a pension review board, and that review board would have all the powers of interpretation, adjudication, referral to a higher court, etc.

On the other hand, if you take the benefit of the doubt and you shake it up, you find that it really is only intended to apply in civilian cases. That's why probably a lot of people think it works. But after

60 years or so, I can tell you that nobody I know of ever got a pension based on the benefit of the doubt. I mean, he got somebody to look at his case, but he didn't get a pension based on that. It is not a basic piece of legislation that can be adjudicated and upon which the veteran could get his case reviewed and perhaps approved.

● (1555)

Thank you, Mr. Chairman.

I noticed that we were given ten minutes. I think the committee was wise. We haven't watched the clock, but to try to say what the ombudsman is and do it in ten minutes.... I've done the best job I can. But I can answer any questions on it.

The Woods report was in 1976, but under no circumstances have I ever forgotten my lessons, based partly on law, partly on equity, partly on fairness, and partly on everything that goes into making sure that the veteran really does get a fair shake once his pension application is in the mill.

Thank you.

The Chair: Thank you, Mr. Chadderton.

You're right. Normally we allow ten minutes, but I think we allowed you closer to twenty. I thoroughly enjoyed the presentation. I can tell that you put in a great deal of thought, and you bring a good deal of history and experience to the discussion, so I think that's perfectly fine.

Mr. Cuzner is first up for questions.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): First, let me thank you for your presentation.

Being a new member of this committee, personally I'd like to express my thanks to you on behalf of the many veterans from my riding, from my area, for the work you've done on behalf of the veterans of this country. Really, your reputation precedes you. You're to be commended. Certainly this is just another example of trying to move forward the situation of the veterans of this country, and I begin my intervention here with a gesture of respect for all you've done and for the great wisdom of our chairman to allow you that extra ten minutes.

On the ombudsman position, you began your comments with your experience in the U.K. Have they had an ombudsman in place in the U.K. for a number of years now?

Mr. H. Chadderton: No, I was talking about Sweden, the Scandinavian countries. The U.K. does not use an ombudsman.

Mr. Rodger Cuzner: Okay. I'm sorry. So they've used the ombudsman in Sweden and Scandinavia for a number of years now?

Mr. H. Chadderton: Yes, swear by it, sir.

Mr. Rodger Cuzner: Okay.

In those countries, does the ombudsman report to the minister or to Parliament?

Mr. H. Chadderton: To Parliament, sir.

Mr. Rodger Cuzner: What you're recommending in this particular case is that he report to the minister or recommend to the minister but provide quarterly reports to Parliament?

Mr. H. Chadderton: That's correct, but in the final analysis, he is an agent of the Crown. He's an agent of Parliament, which takes him right back to the fact that he was appointed by members of Parliament.

Mr. Rodger Cuzner: You had mentioned as well the relationship with the veterans organizations. How do you see that evolve? Your comment was that the veterans organizations might be able to weigh in on whether he should be changing his approach to how he's exercising his duties, or whatever. But how do you see that relationship with the veterans organizations?

Mr. H. Chadderton: I see it as friendly and advisory, and one more port of call to which a veterans organization could go if it were unhappy about a decision. It doesn't mean that he twists the ombudsman's arm. An ombudsman has to be a very strong person who has to know the law. But when it came up, the veterans organizations in Canada all said they would support an ombudsman if that was the way the Woods committee was going to go, 26 years ago.

● (1600)

Mr. Rodger Cuzner: Concerning investigations—I hesitate to call them appeals—where do you see them being triggered from? What do you see allowing them to be triggered? And are there other instances, aside from those that are frivolous or however they might be termed, where the ombudsman would not engage in an investigation? What would pre-empt an investigation? Maybe you could make a comment on each of those.

Mr. H. Chadderton: Yes.

The ombudsman has to have the power to say the application is frivolous, without taking it any further. And that has been one of the strongest sort of *modus operandi* tools that an ombudsman has. At the moment, if the Canadian Pension Commission or the Veterans Review and Appeal Board were to turn down a man and say no, fine. What happened in the Woods report is that he said we will always allow a man one more crack at the apple.

It doesn't work when you get to your serious case. But the fellow who has a lot of time.... And he can have an advocate outside of the system, or within the system. On the whole question of frivolous applications, certainly we found—and all I'm doing is I'm saying what other ombudsmen have done and what ombudsmen felt—that if it's a frivolous application, they should be able to say no and turn it back to the minister, back to the veterans organization, back to wherever it came from. But he only does that after he's given it a lot of thought and re-investigation.

Mr. Rodger Cuzner: Back to the first question of the three posed: Who could trigger a request for an investigation?

Mr. H. Chadderton: I'll give it to you quickly. It could be triggered within the system by a veterans bureau or veterans

organization or something. It could also be triggered outside of the system. We do have in the Pension Act a proposal that a veteran can use his own lawyer, and some of that happens. He could even take his own case, and they don't frown upon that; they say okay, fine. But I got the feeling that they don't spend a lot of time on them, because they know they're frivolous, and they simply cut it right off.

Mr. Rodger Cuzner: Thank you.

The Chair: That's taken up Mr. Cuzner's seven minutes. We now move over to Monsieur Perron, for the Bloc.

[Translation]

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

I would like to give you my definition of an ombudsman.

[English]

Mr. H. Chadderton: I'm struggling with one eye and a bad hanger.

Mr. Peter Stoffer: Yes, they have a guy who comes here at night and confuses everybody with this.

Mr. Gilles-A. Perron: It would be easier if everybody were bilingual.

Mr. H. Chadderton: Yes, but if you come from Saint Boniface—

[Translation]

Mr. Gilles-A. Perron: I am from St-Eustache.

● (1605)

[English]

Mr. H. Chadderton: —like I do, and you move to Ottawa, you don't get a chance to use your French any longer.

[Translation]

Mr. Gilles-A. Perron: I'd like to give you my definition of an ombudsman, and you will tell me whether it makes sense or not.

In my opinion, an ombudsman is independent, and I would emphasize the word “independent”. His role is to examine complaints made by members of the public with respect to a specific administration or department. Is that correct?

[English]

Mr. H. Chadderton: Yes.

[Translation]

Mr. Gilles-A. Perron: Based on my definition and the answer you gave my colleague, I would like you to tell me to whom the ombudsman is supposed to be accountable: to the Government or to the Department?

[English]

Mr. H. Chadderton: His decision must go in writing, and it would go back to the person who generated the referral to the ombudsman in the first place. So it could be the minister's office, it could be a veterans organization....

[Translation]

Mr. Gilles-A. Perron: I'm really asking you who is supposed to be his boss: the Department or the Government?

[English]

Mr. H. Chadderton: I think the secret of an ombudsman is that he's appointed by Parliament. He reports to Parliament. The Woods report gave two years to see whether the system worked or not.

To whom does he report? Sir, he reports to whoever made the reference. If it was from the minister's office, he gives his advice to the minister; if it was from an individual member of Parliament, it's the same thing: he gives his advice to the individual member of Parliament.

[Translation]

Mr. Gilles-A. Perron: The reason why I feel uncomfortable about his reporting to the Department is that the Minister of Veterans Affairs would then be his boss. In that case, how can he then criticize or question a departmental decision? No one wants to bite the hand that feeds him.

[English]

Mr. H. Chadderton: Yes, I like the obligation that you don't bite the hand that feeds you, but somewhere within the system there has to be a better means of adjudication than the one we were enjoying when the Woods commission first sat. The whole system was bogged down with complaints. It was taking as long as four years to get a decision, sir, so we asked what would be quicker, but still fair. The answer—and this may be something that's not possible—is that if the minister's office or a member of Parliament or a veterans organization made a referral to the ombudsman, then the ombudsman's report goes back to them. He's not saying yes or no.

[Translation]

Mr. Gilles-A. Perron: Let's try and keep both our answers and questions short, so that we can cover as many topics as possible.

If the Minister of Veterans Affairs were to be responsible for appointing the ombudsman, would his candidacy have to be reviewed by a Government screening committee?

[English]

Mr. H. Chadderton: Yes; he's appointed by order in council on recommendation of Parliament.

[Translation]

Mr. Gilles-A. Perron: There is a difference between a recommendation and a screening committee. A screening committee would give Members of Parliament the opportunity to say that a candidate was not suitable. On the other hand, with a recommendation, a certain amount of pressure can be enough to ensure that a candidate will be accepted.

[English]

Mr. H. Chadderton: Mr. Chairman, I will try to answer, but I will say that the Woods report was 450 pages and the answer is in there. What the answer is, in simple terms, is what I've given—that is, whoever initiated the application is the one who gets the decision. Mind you, the decision doesn't say to give him a pension; the decision simply says to reconsider or review, or that they agree, or that it's frivolous, or what have you, sir.

● (1610)

[Translation]

Mr. Gilles-A. Perron: I believe my question has resulted in a misunderstanding. I'd like to move on to something else now.

What should the term of the ombudsman's first mandate be: two years, five years, or ten years? Do you have any particular opinion in that regard? If it is decided to go with a longer term, should a removal process be provided for, in a case where the person's performance is not satisfactory?

[English]

Mr. H. Chadderton: Yes, I believe the committee looked at that carefully. What they said was two years—to put the appointment in and give it two years—but that there will be an automatic mandate to review in two years' time, sir.

[Translation]

Mr. Gilles-A. Perron: Do you believe the ombudsman should also be monitored by the Auditor General, who conducts investigations in all the departments? Should this ombudsman be included in the Government's general auditing system?

[English]

Mr. H. Chadderton: Monsieur, that was not contemplated by the Woods committee. They said they would lay down the law on how he should be appointed. They said to give it two years, and if it worked, fine. They did not say there would be a review by the Auditor General or anything like that. They simply said two years would be enough time to know if it was going to work.

[Translation]

Mr. Gilles-A. Perron: I am very proud of the Auditor General. She is the one that brought to light the sponsorship scandal.

[English]

I'm fast.

The Chair: You were fast. Monsieur Perron, we gave you an extra minute and 13 seconds, based on difficulties with the translation.

We now move to the NDP, Mr. Stoffer.

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

Thanks, Mr. Chadderton and Mr. Forbes, for coming today.

One of the comments I've heard from some groups is on whether there is any consideration to combine the so-called veterans ombudsman with the defence ombudsman—in other words, expand the current powers of the defence ombudsman or the military one and have the department expanded so that individual can do both.

For example, if you take a situation such as the one for Helen Rapp, of whom you are aware, she is the widow of a veteran who married past 60. She's not entitled to any pension benefits because of the fact that they married past 60. Her argument is not with the veterans affairs department. Her argument is with the defence department, although her husband was a veteran.

The other example is those veterans with SISIP and the clawback of the disability payment that they received. It's under review by the defence committee. Veterans are going to the defence ombudsman in that regard.

Have you given any thought or consideration to the possibility of, instead of having two ombudsmen, having one with expanded powers?

Mr. H. Chadderton: Mr. Stoffer, our mandate was to come up with a system that would result from a review of the present pension situation. That's the Department of Veterans Affairs.

My personal views, of course, are not what I'm putting forward today. I'm only telling you my definition, or whatever you like, of the ombudsman as it was in the Woods report to Parliament.

Mr. Peter Stoffer: Right. As you would know, more than anyone else, you are aware that veterans have a lot of issues, not only pension-related issues.

If an ombudsman of veterans affairs were established, the individual in that office would be extremely busy. With modern-day veterans and their families and the various issues and concerns with which they are coming forward, especially now with the interpretation of the new Veterans Charter, I can see this individual, as you say, interpreting, questioning, and reviewing various pieces of legislation at length.

I'm wondering about the two-year process for a review of this ombudsman. Is it fair that the individual should have to be reviewed in two years? It will probably take him two years to get his feet wet in this regard.

• (1615)

Mr. H. Chadderton: If he read the report and saw the atmosphere in which it came forward, because we were in a panic with regard to how we were handling veterans claims, he would say he had better find a solution. The solution might simply be that he was sorry, but it was beyond his jurisdiction, or whatever.

We were looking for a stopgap, if you like, and that's one of the roles that the ombudsman can play. He can make sure there's an independent investigation, but he could not go beyond veterans affairs into the ombudsman's role of national defence.

Mr. Peter Stoffer: Were you asked in any way to elaborate on, if you were setting up the ombudsman office, how many employees should they have, where would they be located, and what would be the annual budget of an office of that nature? Were you asked for your advice or an opinion on that?

Mr. H. Chadderton: Yes, sir. It is all contained in the other 60 or 70 pages of Judge Lindal's report on the ombudsman. It would be unfair for me, just off the corner of my desk, to say I know what it is. We know roughly what it was because there was too much being spent on pension administration.

Generally, the Woods report said that if we spent \$1 million last year, we have to cut it down and find a more inexpensive way to handle pension applications. It was the guideline under which we operated.

The Chair: Now we're over to the Conservative side of the table.

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

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Thank you very much, Mr. Chairman. I'm of course substituting here today for Mrs. Hinton, but it's an honour to do so.

Mr. Chadderton, I thank you for being here. At the risk of using up too much of my time, I wonder whether you would mind giving me, for my personal interest, a 30-second summary of your military service just so that I get to know a little more about you.

Mr. H. Chadderton: Yes.

I joined the Royal Winnipeg Rifles in June of 1939. I took a commission in July of 1941. I was fully trained in commando tactics and was on one raid prior to D-Day. My battalion landed in D-Day on June 4, 1944. I at that time was a captain who was promoted to major, and I was wounded in the hand. Some of you saw me fumbling. And I also lost the sight in one eye. I lost a leg, and I have 13 gunshot wounds. I almost hate to say it, but that's the story. And finally I was wounded on the border of Belgium and Holland on October 10, 1944.

Mr. Ken Epp: Thank you.

I was afraid, seeing all those decorations on your lapel, that we wouldn't do this in 30 seconds, but that's good. I really appreciate that.

I must say that as a member of Parliament I had the privilege every year of laying a wreath on November 11 and seeing all the veterans going and marching past. They're getting slower these days. Their ages are going up. So I certainly commend you for your advocacy on their behalf.

I have a couple of questions. One is a really short-answer one. Throughout your presentation, speaking of an ombudsman, you kept using the personal pronoun "he". Do you have any objection to perhaps it being a female?

• (1620)

Mr. H. Chadderton: No, not at all.

Mr. Ken Epp: I ask because I have an idea that a female might have a different perspective on it from the point of view of advocating for rights and so on. I don't know whether that's true, but—

Mr. H. Chadderton: No. Let me say this. In all the reading I've done, of which there has been a gargantuan amount, an ombudsman is always referred to in the masculine gender.

Mr. Ken Epp: Okay.

Then I have this next question. It's been my observation in my life—and I've observed a lot of things in my years—that there is some correctness in the old proverb that says, "There's wisdom in many counsellors." In that sense, I think perhaps an argument could be made for having a committee—or as we have now, on the Veterans Review and Appeal Board, that you have three people instead of one or five instead of only one. I'm wondering why you would advocate so strongly for giving so much power to only one person and the position that he or she holds, as opposed to having a committee or a small group of people who can hear both sides of an issue and hopefully come up with a wise decision on how it should be handled.

Mr. H. Chadderton: Well, sir, when the Woods committee commenced its deliberations, that was exactly the system. There were tribunals of three people. There was a review board of five people, and simply put, it was not working. The decision of the House at the time was that they needed an independent report, and one of the mandates that we were given was to get something quicker and cheaper. Now, quicker and cheaper doesn't always work, but that certainly was the mandate that we were given, and we had to live by that.

Mr. Ken Epp: Okay. This is my next question, then. I don't really quite fully understand your perception of the mandate of the ombudsman or ombudsperson, whatever we're going to call that individual. In some of your talk in your presentation, you indicated that the decision of that ombudsman would be final and binding and not appealable, yet on the other hand this individual could make a mistake and it would be a good idea if there were some method of appeal. So I'm not sure whether you're advocating for final and binding and no further appeal, or whether you think.... Because in other statements you seem to say that yes, you could take it further.

I think that in all such cases in Canada, you can still involve the courts. Maybe your solicitor friend there could help with that. That's an impression I have, that you can go beyond the judgment of a single person or a tribunal by taking it to the courts. I wonder if that's accurate.

Mr. H. Chadderton: Yes, an unsuccessful applicant's case could go to the courts through the veterans bureau or through his own lawyer. We stayed away from that simply because it was one of the no-nos. We said don't plug the courts up with applications, because it's just going to slow the whole process.

Mr. Ken Epp: My last question is with respect to who this ombudsman would answer to. You really haven't answered the question of who should appoint. You talked about the fact that it will be an order in council appointment. I understand the mechanism of that. But where should the nomination come from? Should it come from the veterans? Should it come from the government? Should it come from the department? Who would actually nominate the person?

How do you view the ombudsman? Because I always think of an ombudsman.... We have an ombudsman in Alberta, for example, a provincial ombudsman. If our citizens have troubles with the government, they can go to the ombudsman. It's generally perceived that the individual is an advocate for the citizen versus the government. And yet it looks to me as if there's an ambiguity here in the role the ombudsman would serve in this capacity, because he

would be, first of all, a spokesperson for the department, a defender of their policies and a defender of their decisions. How would that individual, at the same time, be able to advocate for a veteran or a veteran's family that was having a serious and unsolvable problem with respect to pensions or other issues?

• (1625)

Mr. H. Chadderton: Again, it came back to the mandate, and the mandate was to come up with a new system of adjudication or to tell us that the present one was okay. But there was no wiggle room left. The committee could not recommend a system in which the ombudsman was giving the final decision.

All I would say to you is that I wrote the report. It's poorly written, I would be the first to admit it, and it only really came to light again when the election campaign was on and the word was spread. But, no, not all the answers are here, sir.

Mr. Ken Epp: Good. Thank you very much, sir.

Thank you, Mr. Chairman.

The Chair: Now we go over to Mr. Valley, for five minutes.

Mr. Roger Valley (Kenora, Lib.): Thank you, Mr. Chadderton. Thank you for your presentation today, and thank you for your service to the country. It was quite something to hear of your service and of the problems you had during your service.

I have a question, and maybe I'll read the bullet point on page 2. It goes back to the members of your council, and it says:

The reference in the Woods Committee Report, which was generally considered an alternative to the major recommendations of the committee, would be an indication that an Ombudsman had the support of Veterans Organizations.

Mr. H. Chadderton: Yes.

Mr. Roger Valley: Was that built over years of realizing that this was an office you needed to have to serve veterans? Has it been controversial to get to that point, considering the vast number of members you have serving veterans groups and so on? I'm just wondering how that was achieved. Was it easy or was it difficult, coming to the point where everyone in the veterans organizations supported the idea of an ombudsman?

Mr. H. Chadderton: Yes. The committee met with almost all of the viable veterans organizations at that time. One of the questions the committee threw out was, "This is what we're thinking of if we have to go the minority route." I'm not saying it still applies, but at that time the veterans organizations said they would prefer an ombudsman rather than a system that had five or six different members on it. The word "political" came into the discussion quite often. I did not make that point particularly, except to say that the appointment of an ombudsman would be considered non-political.

Mr. Roger Valley: Of the vast number of members on your council, would it be fair to say that the vast majority or just the majority support the ombudsman? Do they do it in entirety? I'm just trying to get a feel for how much support there is for it from your members.

Mr. H. Chadderton: We had a meeting of the National Council of Veterans Associations. I gave them a report on how an ombudsman would work. They seemed to think that was the way we should go, rather than being bogged down with more red tape, administrative horrors, and everything that could come up.

Mr. Roger Valley: So the only current-day alternative we have is the ombudsman. Your group feels that's the way to go.

I think you mentioned that back in 1924 a bunch of high-bound commissions tried to do work on it and it got wrapped up in the red tape you're speaking of now.

Mr. H. Chadderton: Yes.

If it were put to the national veterans organizations today, I cannot say that they would agree. But I have a feeling that the ones for which I speak—I'm the chairman of a 55-member group—would certainly accept it. They'd say, "Get on with the job and make it quick."

Mr. Roger Valley: Get on with the job because we've had difficulty working with the system we have right now.

• (1630)

Mr. H. Chadderton: Absolutely.

Mr. Roger Valley: In your report it says that the ombudsman's position should be reviewed after a couple of years—but reviewed to what end? I'm going to list a couple of things. Are we looking at the success of the office, or the ombudsperson and whether they've been doing a good job? Are we looking at the approach of the office, the satisfaction of the clients, or all of those things together?

The review is as important as the ombudsman, because we have to make sure we're serving veterans. Some thought needs to be put into a review; it needs to be extensive, and it needs to arrive at the goal we all want.

Mr. H. Chadderton: I think the review would be primarily of the job the ombudsman was doing. If there were flaws in the system he would have to accept responsibility, and there would have to be another study to decide how it would go. The committee was so strong an alternative to the ombudsman because they said that veterans had had enough. By that time they'd waited 30 years for pensions, and widows had waited 30 years for pensions. So the system is not perfect, but it was the way the committee felt we should go. Once the door opened, the committee felt very keenly that this was well worth considering.

Mr. Roger Valley: Thank you very much.

The Chair: Thank you, Mr. Valley.

Now we move to Mr. Lévesque from the Bloc for five minutes.

[Translation]

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Mr. Chadderton, I want to commend you on an excellent presentation. I would like to ask all my questions at once, and give

you my vision of how things should work, and you can answer at the end, since speaking time is more limited on the second round.

Peter, my colleague over here, and myself often find ourselves defending retired veterans in our ridings who are experiencing difficulties. We have to deal with a number of committees. I want to commend you for thinking of the idea of an ombudsman. It is a very good way of addressing the problem of large numbers of appeals and we hope it will result in a more effective process for dealing with complaints.

Be that as it may, you have talked about a two-year term. In that regard, I'm wondering whether an ombudsman would really have time to deal with all the problems associated with resolving appeals. Very often, these are administrative problems associated with the operation of the Act itself. The ombudsman's job would be to resolve these issues, as I understand it.

You are also saying that the ombudsman would be appointed by the Government. Who would recommend him? Have you considered the possibility that a committee recommend to Parliament two or three candidates that you and the responsible departments deem to be appropriate or able to meet the requirements of the position? That committee would agree on the candidates to be screened in and then it would be up to Parliament to make a decision. That kind of process would ensure the ombudsman would be fully independent and retain his credibility with veterans. He would then make recommendations to the Department, rather than actually working for it. He would work for the veterans system as a whole, as I understand it. But if he had to be a middle man between veterans and the Department, he would be caught between a rock and a hard place.

In that sense, in order for the ombudsman to be truly independent, what kind of selection process do you think would be appropriate? And finally, it seems to me we should consider giving him an initial term of five years, so that he has time to restore some order and prove his effectiveness.

[English]

Mr. H. Chadderton: Certainly there was nothing in the report that would work against a five-year period, if that were considered necessary. I think you are absolutely right, sir, in saying that it should come to a committee. Mind you, the members of the Woods committee—and if I may say so, I myself—were fairly familiar with the way Parliament works, although I can't say for sure that in the report you would find the suggestion that it should go first to a standing committee. However, when we talked about Parliament, we were talking, as a first port of call, about a standing committee; I don't think there's any doubt about that.

That would mean that the report I have given you this afternoon would be longer, but we're trying to cut a few corners here.

I can see that a committee could look at this now and ask, what information do we have? Well, we have the Lindal minority report, and so far as we know it has the sanction of the Legion, but maybe not the sanction of the people within the department, because some of them may see their jobs going; I don't know. We certainly are not closing the door on them.

If my nomenclature is wrong, I'm sorry, but what we would have is an ombudsman's office first, which would go through the throes of being exposed, if I can use that word, to the committee system. The committee could then make its report. If the report said yes, and it carried, then presumably we would have all the railroad tracks out for an ombudsman and we'd see where he goes.

There's no magic in the two years, sir. That was just a question of asking how many years we would need. I think the answer was we don't really know, but so that we're not grasping something out of the air, we realized that if it had taken three years for the Woods committee to get to its conclusion, its conclusion would take perhaps another two years, if it's going to work. Who knows?

The whole idea of Canadian veterans' pensions being exposed to an ombudsman is rather new, but once you've said it and have made the decision, then you stand back and ask, what are the results? Is it working or not? It should be clearly understood that after two years we'd look at it. But it's not two years wasted; it's two years to find out that this is not the way to go. I think that's the way we would look at it.

• (1635)

The Chair: Thank you, gentlemen.

Now we'll go over to Mr. Shipley for five minutes.

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

Mr. Chadderton, I thank you for taking the time to come and to be with us today and, as all of us do, thank you for your commitment, like that of many other Canadians, to our country through the armed forces. It has been exemplary, and we thank you for it.

There's been a fair bit of discussion—Mr. Lévesque brought it up also—about the independent part of being an ombudsman, being an advocate basically for the client, as we may say, and yet reporting back to the minister and Parliament—being an arm of Parliament. I'm wondering if you can help me a little as to how, respecting the ombudsman, we can settle our minds that in fact it really would be a role as an ombudsman for the veteran, whether it's on pension issues or other complaints or issues that would come up for a person.

What can we do to give the level of comfort to the veterans that this would be a spokesperson for them and that in fact this person would deal fairly and adequately with their concerns?

• (1640)

Mr. H. Chadderton: Naturally I think the level of comfort is very important. What I'm seeing is that if an ombudsman were to come about, then the two-year period would be very important. Having said that, is the ombudsman out there to make certain that the system is fair?

What if you had a situation where the adjudicator had messed things up pretty badly, and the applicant was very unhappy? If the applicant gets to the right track, puts his case there, the ombudsman would be looking at an administrative system. If he felt that despite everything else the system really was working, he'd have to say so. This doesn't mean that's the end of it. That means that in the opinion of the ombudsman, the system didn't work.

That might sound like so much hogwash, but you have to realize that the Woods report was three thick volumes and written by wonderful men, who have all passed on now. Of course Justice Woods was well known and at one time was the president of the Legion. The army was represented by Judge Gerry Nantel, and, of course, there was Mr. Walter Lindal.

I think one of the things we were striving for was a system where the applicant would feel that his case was being handled fairly. That's been one of the big complaints. I have spent a lot of my years working as an advocate, and they've been delightful. Quite often, when you find out what went wrong, you say, well, we have to fix that.

I remember the case of a man who felt he was entitled to a pension, even though he was not enlisted in the army. He wasn't in the armed forces, but he got his day in court, so to speak. That's the kind of thing that establishes an area of discomfort in the system. It soon gets around that it isn't going to work.

Mr. Bev Shipley: Going back many years, you talked earlier about where things got bogged down in committees.

Mr. H. Chadderton: Yes, terribly.

Mr. Bev Shipley: I think what you're seeing is that this system didn't serve the individuals and veterans well, and that the ombudsman is an opportunity to take a different look at how things could be served.

I just want to go back. We've had veterans reviews, we've had people in, and we know there's a backlog in terms of those sorts of reviews. I'm wondering if you could do two things: give an opinion on the review board and on whether it's still useful.

Mr. H. Chadderton: Mr. Chairman, may I refer this case to Mr. Forbes, because he's the lawyer?

Some hon. members: Oh, oh!

Mr. H. Chadderton: He's the one who is in close contact with the people, and he handles all those naughty cases for us.

Mr. Brian Forbes (Association Solicitor, The War Amps): Thank you, Mr. Chairman.

I would answer that quite simply by saying that you have to remember the Veterans Review and Appeal Board only hears cases that affect the Pension Act and the allowances under that act. Under the new regular force charter, the VRAB will not be hearing cases affecting a large part of the department's work in the area of earnings, lost benefits, rehabilitation, job placement.

The role of the ombudsman in that context would be invaluable, because the ombudsman would be the only independent authority outside of the system that would review those types of departmental decisions. The VRAB's jurisdiction has been severely narrowed by the new regular force charter, and even under the old act had nothing to do with health care benefits and so on. Without wandering too far afield, if you're looking at a bill of rights, isn't that a concept that the ombudsman would be looking at as well?

Maybe to answer your direct question, I think the VRAB still has a role with regard to individual disputes, but one of our concerns over the years has been that if you do not get a satisfactory decision out of the VRAB, you're faced now with having to go to the Federal Court of Canada. The Federal Court of Canada has produced, in my humble judgment, a lot of rather bizarre decisions affecting veterans over the last ten to fifteen years.

I would suggest to you that an ombudsman would produce a much more lucid type of decision, hopefully being someone who is more knowledgeable of the veterans field, someone who has a unique knowledge. As a lawyer, going to the Federal Court, putting it badly, is a bit of a crap shoot, because you don't know whether the judge has ever looked at the veterans Pension Act and whether he's going to give you a decision that's going to be helpful for the system.

I've given you a rather long answer, but those are my thoughts.

● (1645)

Mr. Bev Shipley: No, but that's good. I appreciate that.

I guess I'm done. Thank you.

The Chair: Thank you.

Now over to Mr. Valley for five minutes.

Mr. Roger Valley: Thank you, and I don't expect to use all my time, Mr. Chairman.

I have a couple of questions and I'm just going to say some of the things that have been said. The ombudsman would be a non-political appointment, report to whoever requested the information—the minister, a veteran, MP—and would be an independent agent under the Minister of Veterans Affairs. That's the one point I want to make. By recommendation of Parliament is how he gets there, and he can be removed.

Some of that is somewhat confusing to me, and maybe it's because I just got here a little while ago. I don't know that all of that makes sense; we'd have to look at it. Is that the way they do it in the systems where they're successful right now? You mentioned some Scandinavian countries, some countries where they do have ombudsmen, and it is working. It's protecting and helping the veteran, helping the system improve itself, making sure everything works. One of your comments in here is that it's not his job to do the department's work. The department has to do its own work, which I appreciate. Is that the way it works in the successful countries? How did you arrive at some of these recommendations? Are they all in the Woods report?

Mr. H. Chadderton: Yes, you would find parts of them that you would have to put together and make the jigsaw puzzle make some sense, because we looked at various ombudsmen.

Basically, if you go to Mr. Garner's report, which I included, you would realize that in there is the situation we were faced with, and we're still faced with—that is, he really can't overstep. If the ombudsman oversteps, he's in trouble. And how can you count on him being fair? It's very difficult.

If you use, for example, the case of the ombudsman for DND, the decisions that have come down—one in which I was involved, concerning a group captain, which was successful—there is so much about it that maybe what we're doing here is trading Peter for Paul and neither of them are going to do their job.

We think the ombudsman is worth a try; otherwise the Woods report would never have touched it.

I'm just looking at it very closely, but I did a comment for Mr. Justice Bora Laskin and Chief Justice Brian Dickson, who were looking over my shoulder saying, "Let's make sure that as a reporter you're picking up what we think we're picking up."

That report was published in the Canadian law review journal and two or three other places. That was going beyond our mandate, and some people didn't like it, I might say. But we really reached a point where we said we have to come up with something. You just can't spend three years of your life and come up empty-handed, because the information we had was a lot more than we had when we started. Distill that information and maybe you're going to get somewhere.

● (1650)

Mr. Roger Valley: So we're not really looking for the perfect system. We need a system in place, and then we'll adjust it as we go.

Mr. H. Chadderton: Yes. In fact, I couldn't have said it better myself.

Mr. Roger Valley: Thank you.

As just one last comment, there is a lot of good stuff in here, but the part that bothers me is the wording, "under the Minister of Veterans Affairs". If he's going to be an officer of Parliament or some kind of agent of Parliament, I think that's the part we have to look at, if we want to maintain true independence.

Thank you very much.

The Chair: Now we'll go over to Mr. Sweet for five minutes.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Mr. Chadderton, I too would like to thank you for your service and for your advocacy for veterans as well.

We've had some witnesses in the past who have challenged just how connected some organizations are to current-day veterans, and so on. So I just want to ask you—and I apologize if it was mentioned—what size is the membership of all the organizations? Do you have an aggregate number for all the organizations that you represent right now on a national—

Mr. H. Chadderton: Yes. The 55 organizations represent approximately 400,000 traditional veterans.

Mr. David Sweet: I was starting to shake there for a second when I heard “400”. So that's 400,000 veterans.

Mr. H. Chadderton: Yes.

Mr. David Sweet: Okay.

I want to clarify from Mr. Shipley's last question, and Mr. Forbes was involved with that as well, your opinion going back to the Woods report and the dissenting report as well—and I'm fine with your personal opinion, too—that the ombudsman being complementary or a next step for the Veterans Review and Appeal Board does not in any way constitute their activities being less essential here. In fact, if I heard Mr. Forbes correctly, if anything, the mandate should be broadened.

Mr. H. Chadderton: Yes, that is correct.

Mr. Brian Forbes: I think I would share your view of “complementary”.

Mr. David Sweet: But the role of the VRAB is affirmed in this sense, and the ombudsman, of course, would not only adjudicate or hear issues concerning pensions, but, as you said, the broader suite of services now that are available to veterans.

Again—and I think you'd have to give your personal opinion on this—over the years between the Woods report and now, is there anything, in your opinion, that has changed, where we need to look at the dynamics of the appointment of an ombudsman in a different light as compared to when that report came out?

Mr. H. Chadderton: No, not at all. It's a question of keeping everything simple, above board, and non-political, if that's possible. That's not a criticism, of course.

I would like to answer the question this way. After two years, Mr. Forbes and I began appearing before the Pension Review Board, not always with success, and we had to ask for interpretation hearings. On two occasions we took cases to the Supreme Court of Canada, both of which we won, but we didn't want to do that. If we had had an ombudsman, none of that would have been necessary, in my opinion. Now, that may be a pie in the sky, but that's the way I look at it.

Mr. David Sweet: Okay.

You'd also mentioned that the Woods report gained new life in the last election with the talk of an ombudsman. Did you get a lot of response from these 400,000 members during that time of hope that an ombudsman would be appointed?

• (1655)

Mr. H. Chadderton: The answer to that is yes. We work on the system and let them know what you're proposing. I write to literally 55 different organizations and tell them that the Prime Minister has used the word “ombudsman”, tell them it's liable to come up again,

and ask if they are prepared to support it the way they were before. The answer was yes, let's get on with it. There is some unhappiness—not as much as there was back in 1963, but there is some unhappiness about the system right now that we would like to see cleared up.

Do I think an ombudsman would work? I think the idea of an ombudsman deserves a fair shake. The idea deserves somebody to look at it beyond what I'm saying today, saying maybe you were giving up the ghost too soon.

The Chair: Mr. Stoffer is next, for five minutes.

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

I'm going back, Mr. Chadderton: for what reason was the Woods report commissioned ?

Mr. H. Chadderton: The Woods report was commissioned because several members of Parliament were very unhappy with the time the adjudication system required. There were many complaints, so the minister of the day, Mr. Roger Teillet, got the idea that we should have a royal commission. That was turned down, so they said they'd have a judicial committee. That's why it was brought into being—because the number of complaints was just ridiculous.

Mr. Peter Stoffer: And those complaints were basically related to pension issues?

Mr. H. Chadderton: Yes.

Mr. Peter Stoffer: Okay. As you know.... I'll give you my personal view. I deal with a lot of veterans issues in Nova Scotia. Most of the complaints aren't pension-related. They're related to issues of service in terms of pharmaceutical coverage, eyeglasses, hearing aids, times to get a hospital bed, getting a lift from their basement to their bedroom, and all kinds of other issues that are not pension-related. They are service- and equipment-related.

With the modernization of something of this nature, if you were doing a report today—if you were asked today to do a commission—could I assume it would be more than just on pension advocacy?

Mr. H. Chadderton: It could be two things. It could look at all the problems that are coming from administration and it could set up in the ombudsman's workhouse a system that would allow him to be able to tell us whether these complaints are justifiable or not. That's the way I would look at it, rather than having another committee.

Mr. Peter Stoffer: Okay.

This is my final question for you. A lot of individuals have concerns. They're veterans, but their issues are defence-related because of the legislation and statutes within the defence department, they're not necessarily veterans-related. If people have concerns and complaints, right now they either go through their MP, through the proper channels, or through the defence ombudsman.

If you're free to give me your own personal opinion, would you not see a possibility of expanding the defence ombudsman's role—give them the resources and tools and the people—in order to do both, instead of having two separate ombudsmen? As much as I support both ombudsman's positions, I sense there could be some confusion to people about who they go to. Could you see any role for expanding the defence ombudsman to include veterans issues or should they be two separate things?

Mr. H. Chadderton: I have to say no. My strong belief on the matter is that the defence ombudsman has a set of rules under which he's operating, and that's it.

With regard to keeping the two separate, it takes a long time to become familiar with our pension system. Once somebody is familiar with that, he should not have a foot in another camp.

• (1700)

Mr. Peter Stoffer: Okay. Thank you.

The Chair: I'm going to exercise the chair's prerogative to pick up a couple of questions, if I might.

On page 1, I was intrigued, where you said:

The Swedish word "Ombud" refers to a spokesperson or representative speaking for another person. It is generally considered as a substitute for lengthy and/or complicated issues normally handled by tribunals.

And then on page 2, you're referring to Judge Lindal:

...a man of Icelandic origin who was acknowledged as a world-renowned expert on the Scandinavian application of the role of Ombudsman in matters of adjudication and administration.

You've obviously had some experience, or certainly Judge Lindal has, with regard to the Swedish experiment.

It mentioned Scandinavia. I was wondering, are there other countries in Scandinavia that are particularly fond of ombudsmen and have experience related to that field as well?

Mr. H. Chadderton: The answer to that, sir, is that all of them do. It may not be experience in pension matters, but they all have an ombudsman system. Somebody not connected with, let's say, a widow's pension or whatever—outside of the veterans pension thing—can take a referral. Somebody calls him up to say, "Mr. Whatever-it-is, can you look at so-and-so?"; he'll say yes, and he will dig it out. They all operate with a system where somebody who's not connected with what happened, such as an adjudicator, is taken out of the picture, and the ombudsman comes into the picture and produces a fair report.

During the times we were there, no ombudsman had been relieved of his duty, for whatever reason, for something like 15 years. The system was working—no question.

The Chair: Now, when you refer to "Scandinavia", I'm assuming you're referring to Denmark, Norway, and Iceland. Am I missing any? Is Finland included in that as well?

Mr. H. Chadderton: Yes, Finland and Greenland. We stopped in Greenland, and I remember seeing how these people operated.

So it's really all the Scandinavian countries.

The Chair: Do you know how long they've had those in operation and when they took effect?

Of course, a lot of issues are tied to our involvement in the First and Second World Wars. That's where we have a lot of our veterans. There's Korea, etc., and we have some from Afghanistan as well.

Do you know when they started that in the Scandinavian countries?

Mr. H. Chadderton: Mr. Chairman, I would say long enough for it to be ingrained into their system, and in no case would you find an ombudsman.... The man may have changed, but the duties of the office have not changed for 20 years at least.

The Chair: Interesting. Okay. It may go back before that, but it's certainly when you were investigating.

Mr. H. Chadderton: Yes.

The Chair: Okay, that's interesting.

Mr. Stoffer, I'm not going to recognize you because it's now Monsieur Perron's time.

[Translation]

Mr. Gilles-A. Perron: In your opening statement, you said that you believe the ombudsman would be authorized to terminate a case. Have you considered an appeal mechanism, for cases where an applicant wanted to challenge the termination of his case or believed that the ombudsman may have made a mistake? Here I am not talking about the Federal Court of Canada.

• (1705)

[English]

Mr. H. Chadderton: Monsieur Perron, if an ombudsman made a mistake, it would be brought to his attention when he submitted his report and somebody said we don't agree. What happens then—and that's I'm sure the big question—if you disagree with the ombudsman? That's where the advice of superior powers comes in, such as the Minister of Veterans Affairs, or even the Office of the Prime Minister. He was unable to resolve it, and if he says he disagrees, then it has to go to a higher authority, but not the courts.

[Translation]

Mr. Gilles-A. Perron: I'm just thinking of a veteran who is told the ombudsman has closed his file but, because he believes in his cause, wants to continue his defence.

I guess you assume there would be an out-of-court settlement in such cases.

[English]

Mr. H. Chadderton: Yes, as we said, Monsieur, the ombudsman should not do the pension commission's job for it. What it should do is provide advice if the chairman of the commission—he has a new title now—if the chairman of the Veterans Review and Appeal Board does not agree, he has at least gone one step further and gotten advice, and he says to hell with that, I don't agree with your advice. The system is that fluid.

[Translation]

Mr. Gilles-A. Perron: Mr. Chairman, would you allow me to ask a question that doesn't deal with the ombudsman, but that would probably be enlightening for many of us?

I'm looking at the list of 55 associations that you represent. For example, the list includes the Dieppe Veterans and the Prisoners of War Association and the National Prisoners of War Association of Canada. Are they not one and the same organization? Why are there 55 of them?

[English]

Mr. H. Chadderton: Because they have different financing, they have different slates of officers, as we'd call it. The Dieppe people are interested only in what happened in Dieppe. The European prisoners of war are interested only in what happens to the veteran who was a prisoner of war in a European theatre or the African-Eurasian theatre. Then, with another group, of course, there are the Hong Kong veterans, and with the Hong Kong veterans they have a different system.

[Translation]

Mr. Gilles-A. Perron: And how are these associations funded?

[English]

Mr. H. Chadderton: None of it comes from the government—that's number one—none of it.

Mr. Gilles-A. Perron: Honest answer?

Mr. H. Chadderton: Yes, none of it comes from the government. They're very proud of the fact that they're independent of any government financing, and sometimes this leads to some pretty healthy debate at the meetings. I'll be going to one in two weeks' time.

What really happened was that there were some organizations that were very strong, but they depended on having to meet every two years or whatever. We found that people such as the Canadian fighter pilots said, "Go to hell"; they just said, "We'll do it ourselves." Over a period of 20 years they began developing ways and means of fundraising.

For example, one of them has, believe it or not—and this is an indication—a motorcycle bike ride that goes into Sunnybrook Hospital, which raises \$30,000 every year. They've found ways and means. The War Amps never get a nickel from the government.

• (1710)

[Translation]

Mr. Gilles-A. Perron: There are 55 associations on the list, but are there any others that you do not represent? How many are there altogether?

[English]

Mr. H. Chadderton: So far, the peacekeepers, as we call them, were members of our organization. There was a falling out on a policy question, and we said, "You're free to disestablish yourselves, and more luck to you," and that's what happened. Now, there are very few.... Mostly, regimental organizations want to come in. Hardly two weeks go by that we don't get an application from some veterans organization, because they feel we're independent.

[Translation]

Mr. Gilles-A. Perron: Thank you, Mr. Chairman, for your indulgence.

[English]

The Chair: Well, gentlemen, I think because we still have some business to deal with in regard to our upcoming committee meeting for Wednesday....

Mr. Stoffer.

Mr. Peter Stoffer: Mr. Chairman, very quickly, sir, I think it's important for our committee. It's not like what Mr. Perron did.

Some hon. members: Oh, oh!

The Chair: I'll give you one minute, Mr. Stoffer.

Mr. Peter Stoffer: I can ask this through you to Mr. Chadderton. Is he aware of the United States or any Commonwealth country that has an ombudsman for veterans affairs?

Mr. H. Chadderton: There is no ombudsman employed in any adjudicative system that I know of in the North American milieu—none.

Mr. Peter Stoffer: Thank you.

The Chair: Thank you very much, Mr. Stoffer.

Mr. Gilles-A. Perron: If you had done research on the Internet, you'd see that there's always a kind of imagined country—

The Chair: On behalf of the committee, through the committee, I would like to thank Mr. Chadderton for his presentation.

Some hon. members: Hear, hear!

The Chair: I particularly appreciated Mr. Epp's question and your answer, Mr. Chadderton, with regard to your service. I hope that more than 60 years after having gone through some of what you went through during the Second World War I would be able to do as well as you've done before a parliamentary committee, sir. It's very impressive, and we appreciate your experience, your wisdom, and your insight here today. Thank you.

Mr. H. Chadderton: Thank you.

I just wanted to take a moment to explain why I wore my medals today. I was at the funeral at noon today of a comrade of mine. I don't wear my medals to impress anybody. Normally I would not wear them at a parliamentary committee meeting.

The Chair: Sir, there's no better place to wear your medals than here. Absolutely.

Thank you very much for your presentation.

Mr. H. Chadderton: Thank you.

The Chair: Perhaps I'll just give people two minutes to make their good-byes and clear the room.

• (1710)

(Pause)

• (1715)

The Chair: Yes, Mr. Stoffer?

Mr. Peter Stoffer: For future reference—and this certainly isn't a slight to anyone—when we have someone like Mr. Chadderton or any other veterans who are disabled, we should try to have someone meet them so that we can avoid their having to walk up those stairs as he did earlier today.

The Chair: From what I understand, we had somebody who did meet him, but it was after he'd already gone through security and what not.

We try, Mr. Stoffer. There was a wheelchair organized, and security was advised. We do what we can.

Let's move on to the next meeting.

As I told you at the beginning, we have an interesting scenario with our Russian friends. My staff left for the office to try to catch them before 5 p.m., because we were awaiting an official letter on behalf of the embassy and the Russian delegation saying they couldn't make it. Even though we don't have it officially in writing, I have it based on all sorts of other pieces of advice, including what's happening in the media in Russia right now, and from the verbal commitments we've had from the Russian embassy and what not, that it's a no go.

Before the end of business today, we were also in a sense going to be dealing with a motion approving the budget for our meeting the Russian delegation. Of course, since the Russian delegation isn't coming, and we're not spending any money, I don't think we need to, right?

Okay, that's the scenario.

We actually tried to get some witnesses on short notice who would be able to come for Wednesday, in lieu of the Russians coming, but

it's just too short notice for some of our witnesses. So we really don't have any....

Yes, Monsieur Perron?

[*Translation*]

Mr. Gilles-A. Perron: Mr. Chairman, as regards Wednesday, I believe we could study the Woods Report. Michel could summarize it for us.

No, no! That was just a bad joke aimed at Michel!

[*English*]

The Chair: You say that with a very wry smile on your face, Monsieur Perron.

Do people really want to go through the 450—

Some hon. members: No.

The Chair: Okay, good. Just checking. Speaking of consensus feedback on that, Monsieur Perron....

Other than the suggestion of Monsieur Perron to go through all 450 pages of the Woods report, do we have any real reason to meet on Wednesday?

Yes, Mr. Valley?

Mr. Roger Valley: Very quickly, when the Russians do get here, can we carry on with the program you were planning?

The Chair: Yes.

From what I'm told, the Russians were at the airport, ready to go, happy to come to Canada, and then the whole Georgian situation caused kind of a meltdown, and there was a lockdown in Moscow, and they couldn't come.

Mr. Roger Valley: So whether it's two days or two weeks or two months, when they can come, we'll carry on with what we're—

The Chair: Absolutely. Hopefully our Russian friends will visit.

The meeting is adjourned. We'll start up again Monday, next week. There's no meeting Wednesday.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

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