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Chair

Mr. Anthony Rota

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• (1535)

[English]

The Chair (Mr. Anthony Rota (Nipissing—Timiskaming, Lib.)): Order, please.

As you know, just to fill things in, we've been looking at different topics through the committee. One of the areas we're looking at is the review of the appeal board.

This afternoon we have three witnesses to speak to us. We have Verna Bruce who is the associate deputy minister; Eric Marinacci, regional director of pension advocacy in the eastern region; and we have Anthony Saez, executive director and chief pensions advocate—incoming, I understand, shortly, so congratulations on the new appointment—with the Bureau of Pensions Advocates.

Maybe we'll get started. I'm not sure if you have a certain order or how you want to do this. Do you all want to speak or will there be one speaking?

Ms. Verna Bruce (Associate Deputy Minister, Department of Veterans Affairs): I'll probably start with some introductory remarks and then turn it over to Eric to walk us through the details of the deck, which we hope you have. If you don't, you will soon.

The Chair: Very good. In that case I'll turn it over to you. It's your show, and we'll go with the questions afterwards.

Thank you.

Ms. Verna Bruce: Thank you very much for the introduction.

It's my pleasure to be here today to talk about the Bureau of Pensions Advocates and its role within Veterans Affairs Canada. As you know, this afternoon we have Anthony and Eric with us. Anthony will be joining our organization on April 27, so it's an opportunity for him to meet you and a chance for you to meet him. Eric is the director of pensions advocacy for the eastern region of the bureau. He has lots of years' experience, and he'll be able to answer any questions you may have around the review and appeals process.

[Translation]

The mandate of the Bureau of Pensions Advocates, or BPA, as it is commonly called, is taken directly from the Department of Veterans Affairs Act and reads:

6.2 (1) It is the duty of the Bureau, on request,

(a) to assist applicants and pensioners in the preparation of applications for review or of appeals under the Veterans Review and Appeal Board Act; and

(b) to arrange for applicants and pensioners to be represented by a pensions advocate at hearings on review or appeals under that Act.

[English]

BPA essentially provides a special level of service and support when clients are not satisfied with a Veterans Affairs pension-related decision. The BPA pensions advocate guides each client through the redress process, providing legal advice and representation before the Veterans Review and Appeal Board. It's also important to note that BPA is the only government-paid legal aid organization in the world that provides a free legal service to veteran clients.

[Translation]

BPA's clients include traditional war and peace-time veterans; still-serving Canadian Forces members; both serving and discharged members of the RCMP; Merchant Navy veterans; and dependents.

[English]

Pages 3 and 4 of the deck give you a bit of the organizational set-up for BPA. It's a little bit different from the rest of the department. At the top, we have the executive director and chief pensions advocate, who are based out of the Charlottetown head office. The bureau is then divided into two main regions: the west, which is based out of Vancouver, with Evan Elkin as our chief person out there; and the east, based out of Ottawa and with Eric at the head. BPA also has fourteen district offices across Canada, each staffed by at least one lawyer, and an appeal unit in Charlottetown that is comprised of a team of lawyers.

To provide such unique client services, BPA operates with a total annual budget of \$7 million, \$6.2 million of that comprising a salary budget and the remaining \$800,000 covering the operating expenses. BPA currently employs 85 full-time employees, of whom 37 are advocates, i.e., lawyers, and there are 48 support and administrative staff.

On page 6 you get a sense of some of the activity of BPA. In the 2002-03 fiscal year, BPA processed a total of 11,516 claims. This number includes 8,221 completed claims and 3,295 claims that were counselled out at the various levels.

Counselling out is really important. It's a term we use to measure the work done by BPA that does not lead to a decision by an adjudicating body, but which nonetheless requires a lot of time and effort on behalf of the bureau. In 2003-04, the total number of claims dropped slightly to 11,356. To date this year, we've seen 11,444 total claims, including 8,090 completed and 3,354 counselled out.

The numbers are consistently high, especially when you divide those claims between the 34 advocates who work on pension claims full time from the bureau. So far this year, for instance, the workload translates into an average of more than 330 claims for every advocate.

Perhaps the most unique aspect of BPA's fit within Veterans Affairs is the very nature of its relationship. I do want to take a minute just to talk about this. Although BPA falls under my responsibility as associate deputy minister, the reporting relationship is strictly administrative. That is to say that neither I nor any other government official, including the minister, has any influence whatsoever on the outcome of client hearings or on the integrity of their representation. The solicitor-client relationship between the client and the BPA advocate ensures that the client's confidentiality is always fully respected. In fact, all BPA's pensions advocates are members of their respective law societies and adhere to very strict professional standards. Clients seeking assistance from BPA are treated in the same manner as they would be by a private lawyer. The only difference is that our lawyers are highly experienced in pension matters and are considered specialists in the area of pension disability claims.

• (1540)

[*Translation*]

The Bureau of Pensions Advocates provides a very special level of service that we believe veterans deserve and that I believe we at Veterans Affairs Canada can be proud of.

[*English*]

I'll now turn it over to Eric, who is our regional director in the east, to explain the recourse process. We also have some sheets in the deck that will help you.

Eric.

Mr. Eric Marinacci (Regional Director, Pension Advocacy (Eastern Region), Department of Veterans Affairs): Thank you.

Before we start, what I propose to do is give you four examples of what we do at the bureau, without saying they're typical cases. Let me give you the first example.

In essence, we will have a decision rendered by the department in which a client will call and say he's not really happy with the decision and here are the facts. The guy says he served in combat arms for 20 years, did countless route marches, did hard physical work, and has bad knees. He may never have injured his knees in any specific circumstance during military service, but he finds himself literally unable to walk at 45. He quite believes his knee problems were caused by military service. The decision is rendered by the department, which says that because there was no major trauma to the knees—

[*Translation*]

Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ): I enjoy listening to the witness giving us all of this information, but we have been to three or four briefings; we are already aware of what he is telling us and we also know how the system works.

There might some way of tightening things up in order to move more quickly into exchanges between committee members and those who have come to appear before us.

The Chair: I believe it would be good to have some base before asking questions. We have new members here, such as Mr. Casson, for example.

[*English*]

Hon. Larry Bagnell (Yukon, Lib.): I'm not aware of this information, and I don't know if other committees are either.

The Chair: Okay.

[*Translation*]

We are therefore going to continue with this, Mr. Perron. Is that all right?

Mr. Gilles-A. Perron: The choice is yours.

The Chair: Thank you very much.

[*English*]

Sorry for the interruption, Mr. Marinacci.

[*Translation*]

Mr. Eric Marinacci: I will be brief, Mr. Chairman. I simply wish to show you the types of cases we deal with. There are cases where the client knows what caused his problem, and it is usually medical in nature.

For example, a member from CFB Petawawa is transferred to CFB Edmonton. He or she must sell his or her house. Over the lunch hour, the member goes to the bank to sign a contract for the sale of the house, but is run over upon leaving the base and becomes a paraplegic. The member is discharged from the Canadian Forces. The member applies for a pension under the Pensions Act but is told that the condition has nothing to do with past military service since the member was in the process of selling his or her house. This is a case that would come to us.

Here is another example. A veteran from the Second World War received a pension for a leg-related problem over the course of 20 or 50 years. He now has a back problem and says that that problem is linked to the injury to his leg.

There are also those who are assessed for a post-traumatic stress problem.

[*English*]

They may say I'm assessed at 40%, but I may think my condition is just so darn disabling that 40% doesn't adequately reflect the true level of my disability. Those are the types of cases that come to the bureau, so I think that's where we go.

If I can rapidly walk you through the deck right now, you'll see what it is, basically. If I can take you to—

The Chair: You have the time, so take it. I think I'd rather go through it and understand it, rather than rushing through it and then taking more time afterwards.

Mr. Eric Marinacci: Okay, terrific.

I don't know if your deck is numbered like mine. I'm on page 5.

If you go through it, in essence, that is our client base, and it's critical to understand that the client base is changing. We have wartime/peacetime service. We have a fairly significant chunk of still-serving clients right now, and that's the changing demography of our business. We have RCMP. We have merchant navy to a lesser degree, obviously, and we have dependants. A dependant, obviously, is the wife or spouse of a service member who dies, but the dependant maintains the same fundamental rights as the member had under the terms of the Pension Act.

The deputy was showing you the numbers we have. In essence, if you come with me to page 7 you'll see that people who are turned down by the department have—although we have put three options on the page—in fact, have a fourth option that I'll speak of.

They can come to the bureau. As Verna was saying, we have about 12,000 people a year who will pick up the phone and say, may we be represented by you, so we do a fair chunk of that. They may be represented by veterans' organizations. We have the benefit of having Mr. Allard here today.

They can be represented by private or other representatives at their own expense. The fourth option is what we call co-representation. You may elect to take a service officer as your representative, but the service officer, or you, will say, I'd like you two guys to work with the legion, and we work together. We call that co-rep. Generally speaking, we do a very good job of working together.

A while ago I was saying that when a decision is rendered, this is the process. A person will call and say, "I am unhappy with the decision". Obviously we review the decision, and very often what we find ourselves doing is explaining the specific legislation. In the legislation the words sound pretty simple; the reality is pretty complex.

If you go to the Pension Act, the Pension Act in essence says regular force people will be pensioned if it can be established that injuries arose out of or were directly connected with military service. It's very specific, very nuanced.

To come back to the paraplegic case I was telling you about at the outset, you tell the person, okay, obviously this is not connected with military service, but did it arise? Start exploring the possibility of coming up with case precedents and what not with regard to that.

In certain instances we obviously need to, shall we say, seek additional evidence. There are two types of additional evidence we need to seek. Assuming a member says, "I injured myself as a result of a parachute accident", when you go to the reports there isn't a whole lot. If the person said, "Well, the fact of the matter is, I wanted to stay with the exercise, but I really was hurting and there were three or four individuals who saw that", we'd say it would be useful evidence to try to get that evidence so that we can adduce it before the board.

The other type of evidence, which is the one we do more commonly—and let's go back to that individual who had bad knees, who was in combat arms for 20 years. We would write to an orthopedic specialist in that case, saying we're representing Mr. So-and-so with regard to a claim for bad knees. He served in combat arms for 20 years, where there was this, this, and this. Is it feasible to believe that his condition is the result of these various activities? We

say that. Could it have either been caused or at the very least, aggravated as a result of his military service?

If the orthopedic specialist comes back and says, "I've examined your client, I've examined the documents, and I believe it is feasible to believe", we have evidence here that we would adduce before the board.

So that's in essence what we do, and when we have it we do two things.

This is where we have the evidence. We say we have two options. Let's go back again to that chap with the bad knees. I have a very strong orthopedic report that totally supports a proposition that the bad knees are connected to his military service. Rather than take this individual before a full-blown review panel with the Veterans Review and Appeal Board, we have an option that we call departmental review, where we can go back to the department and say, look, you rendered this decision some time ago. The missing link, if I may say, is with regard to the service connection between his knees and his military service, and we have an orthopedic specialist who we believe deals with this here.

• (1545)

We send it back. The department will render a decision on that.

I'm happy to say that the bureau completed 1,000 departmental reviews last year. That represents an awful lot of boards that did not need to take place because we went through this alternative route of resolution, something that we think establishes an organization.

If you go to page 10, you'll see the merits of that. It's a very short submission. It's very specific to the cases that lend themselves to it. These are obviously cases where we have the evidence and cases where in essence there is a strong likelihood of resolution. We call these departmental reviews.

Now I'll tell you the types of cases that won't fall within the ambit of a departmental review. For instance, let's assume we had a case where the individual's credibility was at issue, service documentation was quite devoid of whether or not a given accident had occurred, and there were in essence no witnesses to be found because the accident occurred, shall we say, 30 years ago.

We then appear before the Veterans Review and Appeal Board, which is called an entitlement review panel. We appear before the board. It is always, generally speaking, two members of the Veterans Review and Appeal Board. We're before them with the individual. We can adduce new evidence, we can have the individual testify, and we can make legal representations before the board. It is called an entitlement review panel.

If you look at it, the bureau has in essence 14 district offices, as Verna was pointing out, but we in fact present cases in 40 different locations. There are perhaps some easy examples. We have a district office in Ottawa. We do not have one in Kingston, but we have regular hearings in Kingston, Peterborough, and Toronto. In New Brunswick, for instance, we have our offices in Saint John, New Brunswick, but we have hearings in Fredericton and we have hearings in Moncton. Therefore, there are 40 locations where we have these review panels.

By the way, as you'll see on page 11, the service standard is our commitment to individuals who contact us that, generally speaking, if we get the evidence, we will present the case within 120 days. That is our service standard.

Perhaps the numbers are interesting for some people. Let me say that at the review panel level, 56% of the cases that appear at review are varied by the tribunal. That's 56%. Obviously, when a decision is varied, we have to define what is varied. It's something I'll touch on in a minute.

Let's go back again. I always want to go back to the case of the individual in combat arms with 20 years of service. For instance, assuming that the initial diagnosis had been made when he was 37 years old, what would likely happen in that case is the ruling would say they believe military service may have been a factor, but given that he was 37 at initial diagnosis, the aging process has to be considered as well. In that instance, they may do what I call a split responsibility. They may say that three-fifths of his condition can be deemed to be caused by his military service, but the other two-fifths will be deemed to be the aging process. That's what we call an aggravation award.

Assuming that he is totally turned down, a person then has the option to say that he is not happy with the outcome of the review panel. If I can take you to page 12 of the slides, you'll see that the person can then avail himself or herself of the appeal hearing.

As Verna was pointing out, we have an appeal advocates unit in Charlottetown and that's where the appeals are held. There is no oral evidence in appeal. In other words, it's tantamount to the Federal Court of Appeal or the Supreme Court, where it's an appeal based on the records. We submit a written submission. We appear before a three-member panel, and that's important.

- (1550)

The members who have sat on the review panel can never ever sit, obviously, on the appeal panel; there have to be separate members. The service standard with regard to appeals is 90 days.

The decisions at appeal, as stated on page 13, are final and binding. However, there is an exception to that. There really is what we refer to as *un remède exceptionnel*, an exceptional remedy. It's called reconsideration. Assuming there was an error of fact or an error of law, we can go and say, "The decision says here...", but if we think it was based on either erroneous law, erroneous fact, or if when we represented that individual we needed witnesses but at review we were unable to locate witnesses and at appeal we were unable to locate witnesses, and five years later, lo and behold, the individual runs into a witness, and says, "Eric, I've got me a witness statement with regard to that", then the law says if we have relevant new evidence, we can come forward and submit it to the board, and say, "Would you please reconsider your decision in light of this new evidence?"

Every organization obviously will have planned its recent initiatives.

I think you have a little binder here, and there are a bunch of things in there that I'd like to bring to your attention, which we're very happy about. One of them is an initiative that's not mentioned in the binder, but let me speak to it ever so briefly. It's called a client

service protocol. About a year ago we went out with a survey. We realized that the younger members of the Canadian Forces preferred direct communication. They preferred "Please call me", "Please speak to me and then send me a letter", but they really needed that personal touch. So we initiated what we call a client service protocol where in essence there's an awful lot more direct client contact than letter contact.

We've also come up with documents that keep people informed every step of the way. If you were to call me for instance, Mr. Rossignol, I would send you what is called *About the Bureau of Pensions Advocates (BPA) / Bureau de services juridiques des pensions*. So first and foremost this is telling you about our organization. After I've reviewed your case and we have determined that there is merit to go forward to a review panel, I would send you our next fact sheet that tells you all about what review panels are, what you can expect from the process, and whatnot, information, because people say they want to know about it. If you were to bring the case to appeal, we would send you this, which in essence tells you about the appeal process.

So we have these initiatives because we believe people are better served if they know what we're doing.

There is another thing we're doing, and again I'm very happy about that. Every year we represent roughly 6,000 clients. Since December, every client has been asked to fill out a client questionnaire, at both the review level and the appeal level, because we want to find out how we are doing. If you look at the questions, they're very specific. For example, was our communication clear? Was it timely? And we're getting very good feedback about how we're doing with that. So obviously it's something we're very happy about.

As for other things we've done, I think every organization should obviously try to put itself where the business is. We have moved some of our offices. For instance, we had an office in Saskatchewan a few years ago. The business in Saskatchewan was dwindling, so we took the resource in Saskatchewan and we moved it closer to CFB Edmonton, because Edmonton is a huge base, as you well know. So we're doing this.

We're also partaking in what we call SCAN—second career assistance network—seminars, which are pre-retirement seminars for all members of the Canadian Forces. We go there and certainly speak with regard to the Pension Act so that the people who are there know about their rights rather than finding out through a barrack-room lawyer down the road, or simply saying, "No one ever told me about that".

And we also, like everybody else, have a really neat website, which I would invite you to go to.

We have challenges. If we have initiatives, we have challenges, and any organization without challenges wouldn't be an organization. If I can take you to the last page, you will see a list of challenges. The first one is a real problem: difficulty obtaining medical reports as additional evidence. A lot of these cases revolve around medical reports, medical evidence, and we get it in two ways, in essence. We have it from private practitioners. Assuming you were no longer serving in the Canadian Forces and I say we need a medical report, you may say, "Eric, I don't even have a doctor. How can I possibly get a medical report?" You and many Canadians don't have family doctors.

• (1555)

If you're in the Canadian Forces, the Canadian Forces are saying to the organization as a whole that they have limited medical resources. It is really difficult for these limited medical resources to find the time to provide medical reports in support of these claims. It's very difficult because a lot of these cases will hinge invariably on the quality of medical evidence that we can put before the board. That's obviously a concern.

The second concern is increased volume.

Verna, perhaps you're more familiar with the number than I am, but I think the department is looking at approximately 30,000 cases coming its way this year.

• (1600)

Ms. Verna Bruce: Exactly.

Mr. Eric Marinacci: There are 30,000 cases. I think Verna was saying that the bureau's legal... The number who appear before the board is just over 30 advocates. Therefore, with the increased business, that's a big challenge we need to face. Right now, if people were to ask whether people are working pretty hard, I'd say that people are working more than pretty hard. But that's reality. The caseload of 330 each year, if you figure it, is presenting literally 30 cases a month. That's a lot of business, plus there are lots of other cases.

On complexity of cases, the fact of the matter is that the department is doing a very good job at rendering favourable decisions in straightforward, simple cases. What comes to us are the more challenging cases, the more difficult cases. That's part of the reality, but it is a challenge.

On client expectations, clients have bigger expectations. World War II veterans had expectations. I think the current crowd has higher expectations. On our turnaround time of 120 days, some would say to us that they think it is totally unreasonable. It should be 30 days at the outmost. In actual fact, we cannot do anywhere below that. That's another reality.

On due diligence, let me speak briefly to that. Due diligence is a reality. I was telling you about reconsiderations a while ago. I was saying that if we find a witness who can testify or state that he was a part of whatever it is and can say that this occurred that way... One of the tests we were recently confronted with is the following. We go to the board and we say we have what we think is critical new evidence. The board now says that one of the tests they will put the evidence through before they consider it is the following test, that of due diligence. Could it have been obtained prior to now? If it could

have been obtained prior to now, they will not consider it. Obviously the impact is at reconsideration. We're leery of a lot of the cases on which we would have taken reconsideration because of this test.

It also has another impact at review. Right now, assuming that, again, Mr. Stoffer, you couldn't get a medical report, I'd say that maybe there is an argument that we can go in there based on reports. Let's argue it based on reports. I would have said that up until the due diligence reality. Now I'd say that if we go in there without medical evidence and we do not carry the day, you have effectively lost a strike. My advice to you would be that we really need to think about this long and hard before we proceed without additional evidence. The due diligence impact has had a reality at both review and appeal level.

That's the bureau. There's another neat thing about the bureau. It's the following: 1-877-228-2250. Every single decision that comes out of the department says if you're not happy with your decision, dial 1-877-228-2250. You're not going to get an answering centre. That's the way we've configured it. If you're from New Brunswick and you dial that number, you're going to end up in the right office in New Brunswick. If you're from Montreal, it's going to be Montreal. I can tell you that it's a busy line, and we're happy it's busy.

[Translation]

Thank you very much for your attention.

[English]

The Chair: Thank you very much. Merci beaucoup.

Do you have any further presentation?

Ms. Verna Bruce: No, that's it.

The Chair: Okay, very good.

What we'll do then is we'll go through the first round of the questioning. The way it works normally is it's seven minutes each for the first round and then five minutes each for the second round.

We'll start off with the Conservative member. I believe Mr. Anders has questions.

Mr. Rob Anders (Calgary West, CPC): Thank you. I'd first like to say that I think I would hate to do your job. The reason is that I think in a lot of circumstances there are pressures on you not to pay out as much money as otherwise could be done, and I would hate to do that, because I think the veterans are one of the few examples of people who are well-deserving of what they get.

I'll describe the circumstances of a fellow in my riding, Howard Paddock. In 1943 he was in the air force. He was in a tower overlooking the field. Of course, we trained a lot of pilots for the war who went over and served in Europe. A plane crashed into his tower, took out the tower, and also disabled Howard. His leg was crumpled in the fall and everything else, and he has never had proper use of his leg since.

Since 1943 Veterans Affairs have allowed him to buy shoes and have paid for those shoes that balance him, because one leg is now shorter than the other—almost as though he had suffered poliomyelitis—because of this crash. By the way, these shoes are produced in Red Deer and cost about \$2,000. If he doesn't have those shoes, his back is out of sorts, resulting in all sorts of other problems for him. This has nothing to do with the aging process; it has been going on for Howard since 1943.

Now, all of a sudden, Veterans Affairs has decided they're going to contract out their services to Blue Cross. Now Blue Cross says they're not going to pay for Howard's shoes. Now they say, I'm sorry, Howard, but you have to make an appeal process, and I guess that's where you come in.

I'm going to have to get him the appeal forms and help him through all that, but why is it that somebody who has had these shoes paid for since 1943 all of a sudden is tossed out in the cold, and he doesn't understand why?

I'm going to give you a second case, and that is with—

•(1605)

The Chair: Wouldn't it be easier if he just answered that question and you then went to the second question?

Mr. Rob Anders: As long as I can make it to the second one.

The Chair: That depends on time.

Mr. Rob Anders: Mr. Marinacci went on for a long time; I want to make sure I get to James Cruikshank.

Ms. Verna Bruce: I'll take this one, because BPA does not deal with appeals on health-related products and services; BPA's role deals only with pensions. In the case you're talking about—we can chat afterwards—there's a different process. It comes back in through the department.

Mr. Rob Anders: Okay.

My second question is with regard to another fellow in the riding, James Cruikshank. He wonders why Veterans Affairs is no longer paying for funeral expenses for the veterans.

Ms. Verna Bruce: Again, that would be one that comes back to the department rather than to BPA. We are still providing funeral and burial services through the benefits of the Last Post Fund, and the criteria around that have not changed. Again, if there is a particular case, I'd be happy to chat with you off-line, and we can follow it up.

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): I'd like that information shared with the committee.

Ms. Verna Bruce: Sure.

The Chair: Because it's a question that comes up quite often, would it be possible to just take a few seconds? I'll stop the clock and we won't take it from Mr. Anders' time, if you don't mind answering that question for all of us. Then I'll start it up again. This way we can take the notes right now, and if there are any questions, we can just jump on it as one topic. Then Mr. Anders can continue with his questioning.

How does that sound—fair with everyone?

Ms. Verna Bruce: With funerals and burials, we have an arrangement with the Last Post Fund to provide funeral and burial

payments for two groups of people. One is for a veteran who dies of a pensioned condition—you have to be able to relate the death back to the pensioned condition. An example could be if somebody were very severely injured and died as a result of those injuries he would be eligible for support for funeral and burial expenses. However, if you have a veteran who is pensioned for hearing loss who dies of a heart attack, the heart attack is not related to his pension condition of hearing loss, so we can't assist. It's the way the legislation is written.

The second group of veterans we can provide funeral and burial assistance for are people who are income-qualified. We have income cut-offs we use, for which we can provide you with the details—I don't have them today—of exactly how the income levels work. If you're above that income level, unfortunately, we can't assist, and if you're below that income level, then we can provide some assistance.

We will make a commitment that we will provide to the clerk the information on how the Last Post Fund operates so that it's available to everybody.

The Chair: Very good. Thank you, Ms. Bruce.

We'll carry on then. You have just under four minutes.

Mr. Rick Casson (Lethbridge, CPC): Thank you very much. It's good to see you again.

•(1610)

Ms. Verna Bruce: It's good to see you.

Mr. Rick Casson: The sheer volume here is astounding. As veterans age...and you've defined different classes of veterans. We get more and more of the recent veterans who are currently coming out of the service and bringing a whole different set of problems. I think you've talked about this before as to what needs to be done there.

Maybe you could just comment on how that's affecting the workload here.

You handled 11,000-and-some-odd cases out of a total of 30,000. I think there was a figure mentioned. Are the other people coming in themselves? Are they bringing lawyers? How are they being dealt with?

Ms. Verna Bruce: The other people would be relatively happy with their first decision.

Mr. Rick Casson: So they're not appealing.

Ms. Verna Bruce: They're not appearing.

Mr. Rick Casson: I also noticed your documentation—what you should know about appeal hearings and what you should know about review hearings. In appeal hearings, expenses are paid. In review hearings, they're not. And the review hearings are in Charlottetown.

What's the rationale for one and not the other?

Mr. Eric Marinacci: At review level the person will come and testify on his or her behalf, whereas at the appeal level the client does not testify—again, akin to the Supreme Court of Canada.

Ms. Verna Bruce: The review is the first level of the process. Veterans are encouraged, in fact, to come to reviews, because quite often if they can tell their story it may have an impact on VRAB. But if that is not successful and a client wants to go to appeal, there's absolutely no possibility for the client to appear at the appeal. The BPA lawyers or the legion lawyers will be there to represent the client. The client can decide they want to come and sit outside the room if they want to, but we can't pay for that because it's not something that is required, nor is it permissible for them in terms of attending.

Mr. Rick Casson: On the issue of the changing parameters of the veteran and some of the cases you're dealing with, the more modern problems than in the past, you commented the last time you were at the committee a few years ago—maybe not the last time, but at one time—that you were looking at revamping the system to deal with some of this, that there is a change there.

How is that affecting this portion of the department?

Ms. Verna Bruce: Back in April or May of last year our previous minister announced plans to take a look at rethinking how we provide services to Canadian Forces veterans. That's something we've been working very hard on over the last little while, and we're certainly hoping we'll be able to demonstrate some progress in that area.

It will be a different system.

The Chair: We'll move on to the next one.

[Translation]

Mr. Perron, it is your turn.

Mr. Gilles-A. Perron: I would like to begin by mentioning the fact that on the list of district offices of the Bureau of Pensions Advocates, one reads in the little box for the Montreal district office, the words "Portail Sue-Ouest", whereas it should read "Portail Sud-Ouest".

Madam Bruce, you have proudly stated, and I am very happy for you, that the government offers legal aid services to veterans free of charge. Then Mr. Marinacci said that if a client decides to consult a private lawyer, these services will not be paid. Did I understand you correctly?

Mr. Eric Marinacci: Yes.

Mr. Gilles-A. Perron: These services are not free. Why should I be forced to use a lawyer that you have chosen to defend me? Why could I not choose my own lawyer, since I have a good relationship with him, and be reimbursed by you?

[English]

Ms. Verna Bruce: Our view is that we have a wonderful opportunity here to provide a very focused, experienced service to veterans. It's really important to underline again that the service provided by BPA is 100% there for the client. They're not there to work for the department. The work they do on behalf of clients—

Mr. Gilles-A. Perron: That has yet to be proved.

[Translation]

Mr. Eric Marinacci: I am a member of the Quebec Bar Association. If a client believed that I had an interest other than his or hers, I would be disbarred. It is the same thing for all of my colleagues. This goes to show what our mandate is exactly. If a client states that he believes I am working for the Crown and not for him, I can be disbarred.

Mr. Gilles-A. Perron: How were you chosen to become a member of this commission?

Mr. Eric Marinacci: I am not part of the commission. I am an employee of the Bureau of Pensions Advocates. I applied and I was hired following a competition.

Mr. Gilles-A. Perron: And what about those who sit on the Board?

Mr. Eric Marinacci: That is something completely different.

• (1615)

[English]

Ms. Verna Bruce: I guess to get to your question of whether it would make more sense to hire a lawyer privately and have us pay, our view is no. This is an area that requires a lot of expertise. We have 34 lawyers who spend all of their time working on these files. They're very knowledgeable. For the lawyers and the service bureau people with the legion, it's the same thing. Our view is this is a service we're prepared to provide for veteran clients at the taxpayers' expense.

If you want to go outside this service and use your own lawyer, you can, but then it is a requirement that you pay for that yourself.

[Translation]

Mr. Gilles-A. Perron: You have not answered my question,

How are these lawyers chosen? Are these political appointments?

[English]

Ms. Verna Bruce: Oh, no. The lawyers are public servants. They're chosen very carefully through a very rigorous selection process. We find that some of the lawyers are coming in from private practice. We haven't done a lot of hiring in the last little while, though. We have a very stable group of lawyers who work with us, but they come in through normal public service competitions. There is absolutely no opportunity for any kind of influence in the appointment or the selection of the lawyers who work at BPA. They're public servants, non-partisan public servants.

I can assure you of that.

[Translation]

Mr. Gilles-A. Perron: I am not obliged to believe everything.

Madam, you said that there are 14 district offices. On what criteria do you base your choice to set up in this or that city?

Mr. Eric Marinacci: It depends on the demand. I will give you an example. There is an office in Montreal and in all of the large metropolitan areas of the country. We set up an office where there is a clientele. For example, there used to be an office in Saskatchewan. We closed it two or three years ago and moved it to Edmonton, where the demand was greater. It all depends on customer demand.

Mr. Gilles-A. Perron: Is that a good thing? Is it a bad thing?

Your answer leads me to another problem. Your clientele is changing dramatically. We can virtually count on our fingers those who served in the Second World War or in the First World War.

Mr. Eric Marinacci: You will not need all of your fingers to count those who served in the First World War.

Mr. Gilles-A. Perron: You have new clients, those who served in the army for 25 years and whose careers are over. These people do not live in Montreal, but in Saint-Jérôme or in Mont-Laurier. They are not retired and live in resort areas.

When the characteristics of your clientele change, do your criteria as to the location of your offices change as well?

Mr. Eric Marinacci: Yes, we have made changes and we continue to do so.

[English]

Ms. Verna Bruce: And we have done that. We don't do it on a day-by-day basis, but as trends show that there is a requirement for services to be provided in different areas, we do. One of the things we do from time to time too is send staff in for perhaps a day a week. We do have people now in the department who are spending time on the bases. If we found that we had a huge number of still-serving people in a particular community who needed a service, we would take a look at sending somebody up there for a day.

Mr. Gilles-A. Perron: I hope you're going to turn the clock off, because I have a question that's going to be good for everybody.

Some hon. members: Oh, oh!

Mr. Gilles-A. Perron: I have one more thing.

[Translation]

Our conversations have been lengthy. Indeed, we have already had two or three meetings in the West Block. It is not my fault that the others did not come, but Peter and myself were there. We have learned nothing today.

I was bitterly disappointed by your presentation. I was very disappointed because you never—or only ever so quickly—mentioned our young veterans. I am talking about our young soldiers aged 32, 35 or 38 years old who suffer from post-traumatic stress problems. What are you doing with them?

[English]

Ms. Verna Bruce: In the department we obviously have a very high priority for that—I'll put on the department service hat—because the services we provide for PTSD fall into the health domain, which again is not something that BPA would be involved in. But we have a mental health strategy. We have about five or six different components to our mental health strategy. We're working very closely with other countries, with experts in the United States Department of Veterans Affairs on things like diagnostics, things like training people to identify, training people to provide services, and making sure we have in-hospital programs, day programs, and that we have residential programs. It's a huge area, absolutely huge, and we'd be happy to come back to talk to that.

When the minister was in England just a couple of weeks ago, she spoke at length about our mental health strategy, and I know she would be prepared to do that with the committee as well.

• (1620)

[Translation]

The Chair: Thank you, Mr. Perron. That is all. You will get five minutes a little later.

[English]

Now we'll go on with Mr. Stoffer.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Thank you very much, Mr. Chair, and thank you, folks, for coming. I apologize for being late.

My first question is on the appeal hearings. At the third bullet from the bottom it says that if you choose to travel to Charlottetown, you have to do this at your own expense. Of course, the thinking would be you would have someone else represent your interests at the appeal hearing.

Has there been consideration at all of allowing the person, through a conference call, say, if they're in Sointula, B.C., or Whitehorse, Yukon...? Because most people, if they're elderly or they have a parent or a child representing them.... I would be very nervous if I had someone go to Charlottetown or be at Charlottetown and I'm somewhere across the country and I'm awaiting the decision down the road. I always feel better if I can hear what is being said and what is going on.

Is there any chance of them being allowed a conference call to listen in on that discussion?

Ms. Verna Bruce: That would be a question you would have to ask the VRAB, because the Veterans Review and Appeal Board determines how the hearings are held. It's their legislation that talks about the appeal process and the fact that at the appeal level clients are not physically present. Our job is to make sure, through the bureau, that clients' interests are represented at the appeal process by qualified lawyers within BPA who represent the views of the clients, in consultation with the clients as well, so the client knows the approach that's being taken by the lawyers on their behalf.

Mr. Peter Stoffer: Oh, it's in here under "What You Should Know About Appeal Hearings", the third paragraph from the bottom.

Mr. Eric Marinacci: Perhaps I can take you to the fifth last bullet, where it says the advocate may make a written submission to the board on your behalf. But there is a written submission and you can usually expect to receive a copy of this here. So we will prepare a written brief and we will send it to the client, and not only have we spoken to the client, but the client also acknowledges what the arguments will be. So the client has a pretty darned good idea of what's happening.

Mr. Peter Stoffer: Okay.

On the three-panel board that makes a decision, does each one have to be unanimous in its decision, or can it be split two to one?

Mr. Eric Marinacci: It can be split.

Mr. Peter Stoffer: Is that known to the client that it was split?

Mr. Eric Marinacci: Absolutely, and the review panel, by the way, is a two-member panel. If one member elects to grant, it will be granted.

Mr. Peter Stoffer: Okay.

Is there the concern for aboriginal representation? What is in Charlottetown specifically for aboriginal representation, besides the legion and the lawyers and so on?

Ms. Verna Bruce: Aboriginal representation would occur at the first review process through the district office. Again, if there are special circumstances or special cases, probably the majority of those are coming from western Canada. Some can come from eastern Canada. People would make sure they have the required services and support.

Mr. Peter Stoffer: Including language as well?

Ms. Verna Bruce: If that was an issue. It's never, to my knowledge, been raised in terms of having interpretation. But if it was raised, certainly from the bureau's perspective, we would make sure that it was available.

Mr. Peter Stoffer: All right.

You talk about the medical concern and the fact that people can't get a regular doctor. As my colleague from the Bloc indicates about PTSD, there's a greater shortage of trained psychiatrists and psychologists to even identify PTSD. Say, for example, some people on the *Chicoutimi* have a grave concern over what they've experienced and they're seeking a pension. If we don't have enough trained people to assess their situation in order to present a valid argument to the board, what do we do in that case?

Ms. Verna Bruce: That's an area where we're spending a lot of time now. We're trying to look at how we can help a whole variety of health professionals identify PTSD. There are some wonderful assessment tools that are being used in the United States Department of Veterans Affairs, which we are adapting for use in the Canadian environment. And again, it would be a matter of trying to make sure that the professionals who do have contact with those people on the *Chicoutimi* know enough to be able to identify when it needs to be referred to a specialist, and then a specialist would kick in.

•(1625)

Mr. Peter Stoffer: Okay.

We have heard, at a press conference here a while ago, which I'm sure you're aware of, and we've had representation from the Royal Canadian Legion, different views of the need for an ombudsman for veterans. I'm just wondering what your assumption would be of that. We have one for the defence department, but we don't necessarily have one for veterans. I'd just like to know what your view is. Would you be in favour of one of that nature? Would it be helpful? Or do you believe there's enough representation or assistance out there for veterans in order to address their issues?

Ms. Verna Bruce: Our past history would be that the legion has done a really good job in terms of advocating on behalf of clients. We have legions across the country. We also have a contract now with legions to provide surveillance and survey support to veterans who are in long-term care and community care facilities.

So the view the department would have at this stage of the game is that there are major advocacy roles being provided by veterans' organizations, and particularly the legion.

Mr. Peter Stoffer: Here are the last two things.

My colleague, Mr. Anders, talked about that gentleman with the shoes. There was never a problem; all of a sudden it's Blue Cross and he has a problem. No offence to the department, but that's simply unacceptable.

You just can't do that to a guy—saying, well, we've changed; we've privatized the system to a private organization and now you have to go through this appeal process. To me it's just simply unacceptable to treat a person in the last years of life in that regard, when for years they've had this, and now all of a sudden they have to appeal. There has to be a way the department would say if past precedent has been set, we'll continue it, instead of going to Blue Cross and finding they don't cover it. What else will they not cover, down the road?

So I have a concern about the decision to go to Blue Cross.

And my last question—is that a Boston or a New Jersey accent?

Mr. Eric Marinacci: Do you really want to know? Saguenay—Lac-Saint-Jean.

Yes, but there's a story. I come from a small place called Arvida, Quebec, and Alcan was over there. There was a very small anglophone segment of that very francophone area, as many of these towns have. What happened was they couldn't get teachers to come up there, so the Sisters of Charity from Boston would come and do—

Mr. Peter Stoffer: There it is; I knew it. I knew it. It's got that Kennedy drawl.

So why Blue Cross?

And for Mr. Anders' constituent, what can be done so that person doesn't have to go through that rigmarole of appeals and everything else? Surely we could just pick up the phone and say, "Here are your shoes."

Ms. Verna Bruce: Why we went to Blue Cross was a reflection of our increased caseload. In 1995 we were seeing about 8,000 requests a year for first pensions; this year we're over 30,000. One of the things we've done is put some of the processing work off to private contractors, who can do that, so our staff can spend more time providing the one-on-one service to our clients that other people can't. It was a very deliberate decision to try to make sure our staff could spend as much time as possible with clients, rather than processing paper.

In the instance of clients who are experiencing a change as a result of the move to Blue Cross, there are options for people to contact the department to get a clarification. In some instances, we may have changed limits; in some instances, we may just need to have a special level of authorization. Again, I'd be interested in hearing about any specific client cases you have.

The Chair: I'll cut you off, Peter, if it's okay, and we'll go on to Mr. Bagnell, and then we'll come back later.

Hon. Larry Bagnell: Thank you.

Just in regard to Peter's first question, if the veteran does travel to Charlottetown, although they're not allowed to say anything, can they sit in on an appeal?

Mr. Eric Marinacci: Absolutely. It's a public hearing.

Hon. Larry Bagnell: I just want to make sure I got some of the facts right that came out near the beginning.

In one of the years you mentioned, there were close to 12,000 claims, and there were roughly about 37 lawyers in the shop.

• (1630)

Ms. Verna Bruce: There were 34 practising.

Hon. Larry Bagnell: Okay, it was 34.

And 50% of claims varied. "Varied" means changed from the original?

Mr. Eric Marinacci: Absolutely.

Hon. Larry Bagnell: So these 34 lawyers are helping these people get their claims varied?

Mr. Eric Marinacci: Let me perhaps... There is just one small nuance. I think there are about 6 who are dedicated to appeals, and the rest of the 34 do review across Canada. So the review—that's across Canada; the appeal unit is in Charlottetown.

Hon. Larry Bagnell: Okay. It's just that the numbers are mind-boggling to me. I don't think most programs the federal government runs would have a staff of lawyers and 12,000 claims. This is 12,000 times a year, on 56% of which we did something wrong, or we goofed. That's almost the motivation for everyone to put in a claim—because there's a good chance there was something wrong and they would get more.

Ms. Verna Bruce: I wouldn't say it's a matter that people have goofed; I would say it's a matter of turnaround times within the department. If you have an 83-year-old or 84-year-old veteran and you know it's going to take him a year to get a specialist report, do you actually want to hold up a decision on his pension for a year, or do you want to make the decision with the best information you have, so at least you can, in most cases, get him something? He may not be getting as much as he wanted, but you're getting him something, and then he does have the right to go back through the process.

I think your point as well about this being a unique service goes to show the high esteem in which all Canadians hold veterans and that there does need to be another opportunity for them.

Mr. Eric Marinacci: If I can ever so briefly add to that, with regard to the high turnaround rate, some of these cases appear before the board because it is a matter of the individual having the opportunity to give sworn testimony under oath, which doesn't happen at the first level. That's a huge reality.

Hon. Larry Bagnell: Do they give sworn testimony the second time?

Mr. Eric Marinacci: They don't testify at the appeal. There's no personal appearance at the appeal level. But they do at the review level. The client puts his hand on the Bible and says, "I swear to tell the truth and nothing but the truth so help me God", and then testimony is adduced.

Hon. Larry Bagnell: You mentioned that there were 12,000 cases. Were the clients 80 years old?

Ms. Verna Bruce: The 12,000 would represent all clients. It would be the younger members of the Canadian Forces, the RCMP, the merchant navy, and some dependants as well, as shown on the chart on page 5.

Mr. Eric Marinacci: If you look at the chart on page 6, you'll see that some of these cases were completed and some of them were counselled out. In the latter case we would say, "You've made a pension application suggesting that A was caused by B. Unfortunately, your doctor won't sustain it." Then we'd counsel that case out, so it would not proceed before a hearing.

Hon. Larry Bagnell: I'm not worried that the veterans aren't getting good service. It sounds like they're getting great service. This is almost a model of public governance and how it might take place. What I'm worried about is everyone else in all our other programs, the people who don't have access to 34 lawyers when we make mistakes and where things could be fixed up a bit better. We may have to look at the way we do governance if these are the types of stats we're finding where things aren't done properly and appropriately.

Ms. Verna Bruce: I'm not sure what the question was in there.

Hon. Larry Bagnell: I find the numbers mind-boggling, actually.

Ms. Verna Bruce: It's a very complex environment.

Hon. Larry Bagnell: I'm just wondering whether it's so complex that we got it wrong the first time or there are just so many clients that this is a small number.

Ms. Verna Bruce: Or it could be new information coming in after a decision has been taken, such as the example Eric used about running into one of your buddies who actually saw you get hurt and who can now come to testify for you, or it could be that you finally got to a different type of specialist who can provide different information. It's not always that we got it wrong at the front end. In fact, the goal is to get the right decision the first time. But the fact that the door is never closed to them does provide an opportunity for veterans if new information becomes available.

Hon. Larry Bagnell: I'll leave it there.

The Chair: Before we go to round two, I have a few questions to ask. You mentioned that the service standard is 120 days. How much of a variation is there?

Mr. Eric Marinacci: At review we are meeting it. At appeal, currently we may not be meeting it as much as we would like. Again, it's because dealing with medical reports is taking longer than we would like. So we have recently augmented our legal staff at head office to address that.

The Chair: What percentage would go over 120?

• (1635)

Mr. Eric Marinacci: At review the average turnaround time is 122 days. At appeal it's roughly 134. But again, bear in mind that we've hired additional legal capacity since then.

The Chair: Let's say I have a bell curve in front of me. The bulk would be 122. Where would be the far end of that bell curve? What would be an extreme case?

Mr. Eric Marinacci: It's difficult to say. If I look at a case I'm presenting, I think it would be about 120 days from start to finish. Let me add a caveat. I write to your doctor and say I'm trying to ascertain something. The doctor says, "Look, Eric, I'm a pretty busy guy. I'm going to get to you, but I can't get to you for three, four, or five months." I will then stop the clock on myself. I can't be held accountable for your doctor. As soon as I get the report, we'll be back on track, but from here to there we're sidelined, and I will advise you of that.

The Chair: Okay. Very good.

I'd just like to have clarification on an aggravation award, if you could just redefine that for me. I'm not 100% clear on that.

Mr. Eric Marinacci: Let me give you an example. You're a pilot of a CF-18 and you drive that thing here at 1,000 miles an hour, and you end up with a neck condition; you end up with a well-documented neck condition, the basis of which is G-force exposure. It makes a whole lot of medical sense, and you'd probably be granted a pension.

However, when the department goes through your records, they'll also see that when you were 32 years old you had a car accident and whiplash, where you complained of your neck. So the decision will say, "We agree with you that your duties as a CF-18 pilot caused part of your neck condition, but we must also be mindful of the fact that your old car accident also contributed to it". So it would be what we would call an aggravation award.

In this case, I would probably have ascribed three-fifths to your duties as a pilot and two-fifths to the car accident. So assuming that your condition were to be assessed at 25%, which is the assessment portion or quantum, they'd say, "Three-fifths to 25%, and we'll pay you at 15% now".

The Chair: Okay. Very good. That was very clear.

I have one last, quick question. You mentioned higher expectations coming from some of the veterans. I'm just wondering where those higher expectations are coming from. Is it time or is it results? Is it money? What exactly are they expecting?

Mr. Eric Marinacci: It's time, results, and money.

I'll give you an example. Some chap who has a bad knee condition is medically released from the armed forces, and he says, "I would have thought or had expectations that my pension would have compensated me for my loss of employment. I am no longer fit to work for the Canadian Forces, yet the pension I'm getting from Veterans Affairs is"—shall we say—" \$400 a month, tax free. It doesn't come close to my salary. I had higher expectations."

The fact of the matter is, though, that if he can get a job anywhere else, he will keep his \$400 and earn a salary. So that would have to be factored in.

The Chair: Okay.

That doesn't get clawed back, by chance? He does receive it?

Mr. Eric Marinacci: No, absolutely not.

The Chair: So it's a base, regardless of what happens. Okay. Very good.

Now we'll continue with the second round and with Mr. Anders. In the second round it's five minutes on one side, then the government side gets five minutes, and back and forth. So we'll go through that routine.

Mr. Anders.

Mr. Rob Anders: Thank you.

Following up on Mr. Cruikshank and my question about the funeral expenses, you told us about the Last Post Fund, which the chair very kindly allowed us to take up during the committee's time. You described the two scenarios: a veteran who dies of a veteran condition and also income-qualified...which I appreciated. Does that information make its way out to people like Mr. Cruikshank? One of his complaints was that he did not receive any information or confirmation. I understood that he had approached Veterans Affairs and had not received confirmation with regard to exactly how a veteran's funeral expenses would be dealt with. Is that information in the Last Post Fund in the criteria sent out to the veterans, and how does that process work?

Ms. Verna Bruce: Any time we get a request for information, it should be going out very quickly. In his case, it could be that the request was given to the Last Post Fund to provide the information.

But I would also say that information like that is on our website. So if there were a problem in responding to him, I would be interested in knowing that as well.

Mr. Rob Anders: My guess is that these fellows are of the age and whatnot that websites don't mean very much to them. I think they're printed-word type of people—that's my guess. There's the odd one in my riding who's very adept with a computer, but when they're 80-plus, I don't think there are too many of them who are savvy on the net.

• (1640)

Mr. Peter Stoffer: I don't even use a computer now.

Some hon. members: Oh, oh!

Mr. Rob Anders: There you go. Mr. Stoffer shares their concerns.

Referring to my first case, that of Mr. Paddock, the fellow who was in the air accident here on Canadian soil in 1943, can you give me a sense of that appeal process and how all of that works? Blue Cross tells him they're not going to cover it; he has to go through an appeal. Can you give me a sense or walk me through what that process looks like?

Ms. Verna Bruce: I can walk you through it generally, but I will get back to you, because I don't want to mislead you. I must say that with some of our processes, it's hard to keep track of which one gets used for which situation.

My understanding is that he would go to the treatment authorization centre—not the BPA—and he would be told where that was, to provide information and find out whether or not he could....

Mr. Rob Anders: The only one I have information on here is your Edmonton district office, but that's with the Bureau of Pensions Advocates. I take it this is not that one.

Ms. Verna Bruce: That's right, it's not. And again, it's because BPA can only deal with pensions, while this is a health care issue.

I can give you this information again. He would go to the treatment authorization centre. If he's not happy with the outcome there, then he could get the contact number of a person in our Charlottetown head office who looks after special authorizations for health care services. We would then take another look at it at that level.

Mr. Rob Anders: You referred to this treatment authorization centre. Based on what I see here for your pensions, it seems as though you have one pretty much in every province with the pensions. What about for the authorization centres?

Ms. Verna Bruce: There are several treatment authorization centres across the country, but they aren't based on a regional level. Treatment authorization centres are organized more around the kind of service provided. We would have a treatment authorization centre that would look after treatments for drugs and things like that.

Mr. Rob Anders: Are you aware of which one it would be for somebody like him, someone who has a dysfunctional leg as a result of an injury during the Second World War?

Ms. Verna Bruce: I'm not, but I will find out and get back to you.

Mr. Rob Anders: All right.

So, first off, he goes to this centre. I take it there is paperwork that he then fills out.

Ms. Verna Bruce: There would be.

Mr. Rob Anders: Are there multiple types of forms?

Ms. Verna Bruce: I hope not.

Mr. Rob Anders: The reason I ask these things is that he doesn't know either. I'm just trying to help the guy out with this. He's 80-some years old, and he can't walk around if he doesn't have proper shoes. Otherwise, his back goes out, which is not a pleasant experience.

Ms. Verna Bruce: I appreciate that.

Rather than mislead you, what I will do is find out exactly what the right avenues are for him, and I'll make sure we get that to you. I'll chat with you after the meeting in order to get your coordinates.

Mr. Rob Anders: I'll leave it at that.

The Chair: Very good.

We'll move on to Mrs. Ur.

Mrs. Rose-Marie Ur: Thank you for making your presentations here today. I have a lot of questions, so I won't have a lot of warm and fuzzy preamble.

On this shoe case with this veteran, surely to God those of us at this committee can put forward or make some kind of amendments or changes to the legislation. He has been receiving these shoes since 1943. Trust me, I was a nurse in my previous life, so I know things do not improve such that he can throw the shoes away. He hasn't thrown them away in the last few years. Surely to God there should be some kind of legislation there that makes it automatic after a certain timeframe. He shouldn't have to come back in front of someone and plead for these shoes. That is very frustrating at age 80. It's frustrating at my old age, but it's that much more frustrating with

a few more years added on. At this time in their lives, they don't need this aggravation.

Whatever you think we can do to try to make those changes, I'm all for it. I'm speaking for myself, but I'm sure the committee would appreciate that as well.

An hon. member: We sure would.

Mrs. Rose-Marie Ur: Also, how many people on the board have medical degrees?

Ms. Verna Bruce: That would be a question to ask the Veterans Review and Appeal Board. They are a completely different organization.

Mrs. Rose-Marie Ur: Mr. Marinacci, when you make your determinations on pensions and that, when you seek information that's outside your purview, outside your agency, are there medical people whom you consult?

Mr. Eric Marinacci: We consider ourselves medico-legal experts. If I were to say what my main specialty is as a lawyer, it's that of medico-legal expert, but we don't have legal expertise with any organization. Since we don't have medical expertise, what we'll do is write to doctors outside the organizations to seek supporting medical evidence.

• (1645)

Mrs. Rose-Marie Ur: Would it not be better to have someone within your agency to expedite the process, instead of going outside?

Ms. Verna Bruce: It would be difficult from the point of view that there are so many different specialists. It would be hard to know which one you'd pick in terms of having somebody on staff to provide that kind of expertise.

Mrs. Rose-Marie Ur: Yes, but even a GP seems to know a fair amount.

You have 40 hearing locations and 14 district offices. Could you provide a list of those to the committee as well?

Mr. Eric Marinacci: Absolutely.

Mrs. Rose-Marie Ur: You also indicated that there's a determination of merit in terms of how to move a case forward. What criterion is that based on? What criteria do you use?

Mr. Eric Marinacci: I would look at the facts of the case in relation to the law. If a person says, for instance, that he was on vacation with his kids out in eastern Canada and was in a car accident, but he believed he was covered 24/7 from the moment he joined the Canadian military to the moment he was released from the Canadian military, I would certainly advise this individual that based on the requirements of the law, there would be no possibility of obtaining pension entitlement, given that scenario.

Mrs. Rose-Marie Ur: You indicated in your deck that your numbers are increasing for your services. Is this causing a negative impact for clients because your numbers are increasing? Are you rushing through cases? Are they getting the same quality of hearing as they did previously when your numbers were lower?

Mr. Eric Marinacci: I would venture to say that we are continuing to add. I think it's just adding pressure on lawyers in essence, and as a manager I'm getting.... People are saying it's more taxed than it was. I can assure you clients are getting.... If we're not doing a good job, individual law societies will get complaints. We don't want that, and there have never been any complaints.

Mrs. Rose-Marie Ur: Okay. When clients have their appeals heard in P.E.I., do they receive a transcript of that hearing?

Mr. Eric Marinacci: There is no transcript. There is no recording of the hearing.

Mrs. Rose-Marie Ur: Why wouldn't there be?

BPA, who are you accountable to?

Mr. Eric Marinacci: Mrs. Bruce was saying that we functionally report to her, in essence. In a reporting line, the chief pensions advocate will report to the associate chief pensions advocate.

Ms. Verna Bruce: But they are accountable to their clients.

Mr. Eric Marinacci: Yes, they are accountable to our clients. Absolutely.

Mrs. Rose-Marie Ur: That's all well and good, but is there a government body or Auditor General-type of review? Is there a transparency to your agency, to your board?

Ms. Verna Bruce: Absolutely. They are subject to the same routine audits and evaluations as any other part of the department. But what we don't audit is the advice between the client and the lawyer because that's protected.

Mrs. Rose-Marie Ur: Many of my constituents who call me about situations such as we're discussing here today.... They seem to get form letters, with very few details in their letters, and they find that very frustrating when they've been given a decision. The decision is rather bland. There's no description or further discussion as to why that decision was reached. I've had that complaint. So that is just an FYI.

Do I have any time left?

The Chair: You have 30 seconds left.

Mrs. Rose-Marie Ur: Regarding your toll-free number, have you been able to rate the success rate for that?

Mr. Eric Marinacci: In terms of people contacting us?

Mrs. Rose-Marie Ur: Yes.

Mr. Eric Marinacci: We have had fabulous success because it's one number and it's always the same number, so no matter where you go you always dial the same number and it bounces to the right place.

Mrs. Rose-Marie Ur: But does a body answer? The 1-800 numbers are wonderful so long as they're answered.

Mr. Eric Marinacci: There is a body there, yes, absolutely.

Mrs. Rose-Marie Ur: But it's not busy forever from 7:30 in the morning until 10 at night?

Mr. Eric Marinacci: No, it's not.

The Chair: Monsieur Perron.

[Translation]

Mr. Gilles-A. Perron: I would like to put three or four questions to you, and I would ask that you respond once I am finished.

Firstly, the people in the RCMP are not very pleased and they are saying that they are not getting very good service. Are you changing these bad habits? Have you met with people in the RCMP's upper management in an attempt to establish this link?

I come back again to my "all mixed up" young people, as I like to call them, because they really have problems between their two ears; it is pathetic, because these are young people who are my son's age. They are left to themselves. How are they to know that they can seek help from you or the Canadian Legion, as I was mentioning to Pierre, the last time he appeared before us?

Finally, what has become of my friend Raymond Fournier, former political attaché of ex-MP Mark Assad, who was appointed to Prince Edward Island by Mr. Chrétien?

• (1650)

[English]

Ms. Verna Bruce: I'll go through them one at a time. With respect to the RCMP, we are doing regular work with the RCMP, meeting with them at numerous levels. They've been doing a needs analysis of what it is their members require in terms of services from Veterans Affairs. So we've been working very closely with them to take a look at what it is they require.

I also understand that there are a number of RCMP clients who go through BPA if they're not happy with their pensions, and they would be having, probably, success rates similar to other clients. So we are doing that one aggressively.

In terms of those young people who feel alone, we really are trying to focus on this, and if there are people that you're aware of who are having these kinds of struggles, I'd really encourage you to let us know so that we can do the appropriate referrals, either back to our district offices for support.... We have operational stress injury support clinics within many of our offices where people who've come through the military are volunteering their time to work with folks who are going through difficulties.

We're very concerned if there are clients out there who are feeling alone, because our job is to assist them.

[Translation]

Mr. Gilles-A. Perron: I would have one final comment to make. When a member leaves the Forces, be it the army, the air force or the navy, after six months or 30 years' service, would there not be some way, through the Defence Department—we are going to pressure the Department for this—, to give the young person some kind of a kit telling him or her to go to the Royal Canadian Legion's office if he or she encounters a problem? The kit could say that the Royal Canadian Legion's office in such and such a region can be reached at such and such a telephone number. There are perhaps 50,000 such young people in Canada. If nothing changes, how am I going to reach these people?

[English]

Ms. Verna Bruce: We have an outreach program that we've been very aggressively pursuing for the last three years. We have Veterans Affairs staff on bases across the country. On many bases we now have two or three staff there full time. We're involved in all kinds of seminars for employees at the base. We're trying to be very encouraging, very aware, very present on the bases doing the seminars there that Eric talked about. We're trying to make sure all Canadian Forces members understand that if something does happen to them, Veterans Affairs will be there.

[Translation]

Mr. Gilles-A. Perron: You should get in touch with Ms. Richard in Ottawa, who led a desperate fight for years and years. For how long has she been receiving help from the Royal Canadian Legion? Two or three years? For how long did Ms. Richard walk around without a hair on her head as she was dying of cancer before you came to her aid?

Madam, we cannot wait six months or six years. It is urgent. These young people need help immediately and we must find a solution. How do we reach them tomorrow morning? That is our problem. How do we help the Royal Canadian Legion reach them? That is where the problem lies. There is a lack of communication. These young people who leave the army and who have problems...

The Chair: Mr. Perron, do you have a question?

Mr. Gilles-A. Perron: No, it is a comment.

The Chair: That is what I thought. You may continue.

Mr. Gilles-A. Perron: No, I have finished.

The Chair: Thank you. If I had known, I would have asked earlier.

Mr. Gilles-A. Perron: I believe I got the message across.

Mr. Eric Marinacci: In answer to your third question, Mr. Fournier is a member of the Veterans Review and Appeal Board.

Mr. Gilles-A. Perron: Is he a lawyer?

Mr. Eric Marinacci: I do not know. He is a member of the Veterans Review and Appeal Board.

The Chair: Thank you.

Mr. Bagnell.

[English]

Hon. Larry Bagnell: As I said before, I think the veterans are getting great treatment, but I just want to go back to this failure rate. If we had a 56% failure rate in space shuttle launches or in surgery, I think we'd want to try to correct the situation.

Is there any analysis of where we've gone wrong, or a branch that does analysis of why we've made so many mistakes the first time, so we can then take the analysis of these 12,000 cases—or of the ones that were successful—and say, this is what's happening? Then we can train the people who made the original decision, so they don't keep making the same mistake.

Is there any type of process like that to cut down on the mistakes we're making by learning from what happens in the appeal process?

• (1655)

Mr. Eric Marinacci: Let me perhaps just go back to that ever so briefly. I think there's an important nuance to bring forward.

When decisions were rendered under the old system, a letter was provided—sent out to applicants—that told them they would be called in by Veterans Affairs Canada to be assessed to determine the amount of the pension. That was seen as a very long process. What the department is doing now—using the medical reports, which are submitted at first instance—is trying, in the vast majority of the cases, when the decision is to award entitlements, to also make a determination with regard to the assessments.

Some of the decisions that are overturned, if we can say that, have it right, but they granted entitlements and assessments. Go back to that combat arms soldier who was told that, yes, his knees were totalled as a result of military service, and we assessed each knee at, let's say 10%, based on the information we have—and some doctors are more articulate with facts than others are, but based on the facts, we say we will grant 10%. Then the individual says his doctor really didn't describe his knees to the great extent that he should have and says he's not happy with regard to the assessment portion and wishes to appeal it. This falls within that 58%, but as far as the outcome with regard to the decision about the knees themselves, an award was granted.

Hon. Larry Bagnell: Then could you answer my question?

Ms. Verna Bruce: I guess what we would say is that it's not necessarily a case of having made the wrong decision.

Your question was, do we take a look at the data on the successful cases at VRAB and see whether or not there's something else we can be doing at the department level. We have done so from time to time. I can't tell you how actively we're doing it right now, but I know we have in the past made clarification of our policies. If we find there are a lot of cases of a particular type getting through, then we take a look at our policy—maybe it isn't clear or straightforward—and make adjustments to it.

Hon. Larry Bagnell: Has it ever happened that in a lot of these cases, more cases than others would come from a particular analyst?

Ms. Verna Bruce: We do quality control, but that wouldn't be... and if that ever got to be an issue, then we would deal with it right away. There's lots of quality control built into the system, so if you have different people dealing with different files, obviously, we'd do everything we can to try to make sure the decisions are consistently of high quality.

Hon. Larry Bagnell: When the decisions are made the first time, you were saying there's some quality control, so it's not only one person that's involved in the entire process of a person on their first decision?

Ms. Verna Bruce: Right.

Hon. Larry Bagnell: So there's more than one person.

Ms. Verna Bruce: There could be more than one person, absolutely. In some very simple cases, it could be one person. In a complex case, there are built-in mechanisms where if a staffer has a very complex case, then they'll take it to supervisors, to functional experts, to try to get some more advice in terms of how to proceed.

If you're ever in Charlottetown, I encourage you to come and walk through the pension process. We have on a regular basis taken people through it. It's a fascinating look at how we actually do process clients' files.

Hon. Larry Bagnell: It just seems if there's this much possibility for change, if at least two people are looking at it they might catch it the first time, instead of you having to go through it later on, that's all.

Thank you.

The Chair: Very good. Thank you.

Mr. Stoffer, thank you for your patience.

Mr. Peter Stoffer: Well, we feel like that kid in school, the second captain, last—

• (1700)

The Chair: You're using up time, you realize that.

Mr. Peter Stoffer: I think we should go to Charlottetown. We've been invited to Charlottetown; let's go.

The Chair: I think that's something we should discuss right after this.

Mr. Peter Stoffer: What I get are some veterans and other folks who are very proud. Their pride gets in the way of asking this, so I'll ask for them. When they get information from any government department, they can hardly read it, so they would like it in larger print, like what you have here. I ask every department this, but if it is possible to send them out something in a little larger print, because they're never going to ask because their pride gets in the way, that would be helpful.

I notice Mr. Bryson and Mr. Alcock talking about redistribution or realignment of the public service. Are there any indications of how that's going to affect Charlottetown or your department at all?

Ms. Verna Bruce: The whole concept of Service Canada is one of one-stop shopping, and obviously Veterans Affairs is working with that. We see that initially our involvement may be in terms of making sure the offices have information, have brochures, if they have a veteran coming in, that they know who to refer the veteran to. At this stage of the game, it's difficult to say what kind of impact it would have.

Mr. Peter Stoffer: I always get nervous when I hear something being transferred over to something like Blue Cross. I don't like the idea of privatization of these types of services. The veterans didn't fight for a private company. They fought for their country, and it should be the public service that looks after their concerns.

On that, you said there wasn't much business or action out of Saskatchewan, yet we deal with RCMP files. That's where the training station is for them. I'm just wondering why, at the depot, there wouldn't be an office set up, not only for veterans but also for RCMP. It almost seems like a natural. You have one in Penticton, of all places. Now, Penticton's a great place—May 24, in any year, is a fabulous time. But I don't see why there wouldn't be a small one in Saskatchewan.

Ms. Verna Bruce: As we're working with the RCMP, if they identify a need to have something more in Regina, then we would be happy to do that. What we're finding with the RCMP, though, like

the Canadian Forces, is most of them don't retire in the city where they were trained. They may not even retire in the last city they served in. After they retire, they may go back home; they may go where their children are. So you really have to look at where people end up, rather than where they're trained.

Mr. Peter Stoffer: I'm just thinking in terms of training purposes at the depot, if they knew—by the way, your pension concerns are with Veterans Affairs—then that could be part of the process.

I want to thank our researcher for this following question. I'm not that quick to be able to develop this type of a question. In some circumstances, veterans can refer their claims for pension benefits to the Federal Court of Canada, after going through all the review and appeal stages. Does the Bureau of Pensions Advocates play a role in advising veterans whether or not to choose this course of action?

Mr. Eric Marinacci: Again, in all letters that we send out with regard to that, we advise the client that they have that option—that they have to exercise that option within a prescribed period of time after the decision, which is typically 30 days. So we leave it to the client to say, "If the outcome should be negative, you should be aware of that option".

Mr. Peter Stoffer: Is there any financial or personnel assistance in there?

Mr. Eric Marinacci: We do not represent individual cases at Federal Court. That's not within our mandate.

Mr. Peter Stoffer: I have many more questions, Mr. Chair, but I'll allow my last 30 seconds to go for you.

The Chair: You have a minute and 30 seconds.

Mr. Peter Stoffer: I have a minute and 30 seconds. That is unbelievable.

The Chair: You can go for it. How's that for a selfless chair?

Mr. Peter Stoffer: Thank you.

I go back to Mr. Anders and Madam Ur again. I want to re-emphasize the situation—and you know this. You folks are, as Larry said, absolutely wonderful with the compassionate concerns for veterans and their needs, although some of them would question that if they didn't get the right amount of their appeal, but again, I can't stress enough that I don't think we should have to wait for legislative changes. It should be fairly slam dunk. If a guy has his shoes or glasses, or whatever it is, since 1943, because the government made the change to Blue Cross, that shouldn't have to affect that individual. It should almost be a seamless process that this person has been grandfathered for these issues and will continue on until his or her death. There must be some way.

With the legislative process it is going to take us a long time. There could be an election. It will get buried and won't happen, but there must be a way that you can advise the department to grandfather these long-term concerns in that regard, so that they don't have to be upset over an appeal process. As you know, when you get older your nerves aren't as...as we say, "Me nerves are rubbed raw". The stress of that is just something they shouldn't have to deal with because they have other concerns to deal with.

If there is any way, on behalf of this committee, it could be persuaded upon the department to make it streamlined, the individuals grandfathered, without any kind of hiccup, so it's not a case of now you have to do something else—they don't want to hear that—it would be most helpful.

• (1705)

Ms. Verna Bruce: The changes you're talking about don't require legislative changes. Some of them may not even require policy changes. It may be a matter of being aware of a situation of a particular client.

The department does make decisions around what is covered and what isn't in terms of benefits. It's a matter then for clients to make sure the benefits they are getting are—

Mr. Peter Stoffer: But then how can Blue Cross just say to a client, we no longer cover this?

Ms. Verna Bruce: They would say that if we've made a policy change within the department to say we are no longer covering it. From time to time there will be things that we decide not to cover because the practice is outdated or whatever. This wouldn't be one of the situations, obviously, but we are happy to take a look at situations like this, because if there is a need for that service and he's been getting it for a long period of time, then it is more than likely that there should not be a problem, unless there is some other information we're not aware of.

The Chair: Thank you.

There are two more questions left. We'll go to the government side and then over to the opposition side.

Before we go, I'll take the prerogative of the chair and grab a couple of questions, if it's okay.

Mr. Gilles-A. Perron: I'm going to be losing a question.

The Chair: Because I have this gavel I can do that.

Blue Cross is something that concerns me. What happens often is we complain about government paperwork and the bureaucracy that goes on there. Insurance companies are better at it than government, I would think.

As far as filling out the forms, there is a whole new set of forms and a whole new set of rules. Do we have someone who helps the veteran fill out the forms? Do we have anyone who walks them through that?

Ms. Verna Bruce: Our client service agents and our area counsellors are there to help veterans do exactly that. In some instances, they probably do the paperwork for them, depending on what the particular request is.

The Chair: They actually fill them out with the veterans and take the time.

What I find with insurance companies is you put an application in and you sometimes get stonewalled, or you get something where they'll ask for more information. In my case, I am terrible for it. I'll put it aside until I get around to it, and it just never gets done. Is there anything set up so they can go to someone physical and say, this is what is going on, please help me out with it? Can they get the forms filled out?

Ms. Verna Bruce: Part of why we've given Blue Cross all the routine processing is so that our staff can be available to help clients do that. We do have a new model that we're using in terms of client service teams. Client service teams do have people on them who are client service agents and they would be assisting veterans on a regular basis to do things like this.

The Chair: This is over the phone, not in person.

Ms. Verna Bruce: We have area counsellors who visit veterans as well. We do very proactive screening. If we have a veteran whom we haven't heard from in a while, we actually do make phone calls. During events like the ice storm and Hurricane Juan, we actually did proactive phone calls from our office to our veterans to make sure they were okay. We do have a very strong client focus.

The Chair: Thank you.

We'll go on to Mrs. Ur.

Mrs. Rose-Marie Ur: In your presentation you indicated there was difficulty obtaining medical records as additional evidence. I can see that for our World War I or World War II veterans the data would probably be harder to secure, but in this day and age, with our other veterans, I think that would probably be less of an obstacle. For doctors to say they're far too busy...doctors aren't the ones who prepare it, anyway; it's the staff who work with them. I think it's a rather lame excuse to say they're far too busy, because it's staff who do it: been there, done that, and I have the hat to explain that.

I don't know if there is any venue where you can put a little more pressure on the medical field. As we've indicated around here, many of the individuals who are more up in age don't have 120 days to wait for us to dither as to what we're doing. It's imperative that we not be held back because of a doctor who's far too busy. These individuals need a little more respect than they get from someone telling them the doctor is far too busy.

Mr. Eric Marinacci: I agree with you.

Mrs. Rose-Marie Ur: Is there any direction that can be given?

Ms. Verna Bruce: There are a couple of things. One, when we do require this type of assessment, obviously we do pay the physicians for it, so there's a financial incentive there for the physician. I know we've given a lot of time and attention to doing anything we could to make it easier for the physician in terms of forms. If you have any suggestions, certainly we'd be—

Mrs. Rose-Marie Ur: Is it a one-pager or is it more than that?

• (1710)

Mr. Eric Marinacci: It depends on the condition.

Mrs. Rose-Marie Ur: Maybe that's something you can work on in your own area. Like with anything, give me one page and I have a palette to work with; give me three or four pages and I'll do it at the end of the day. It might be easier to get the information if it is a one-pager.

Mr. Eric Marinacci: It's very condition-driven, by the way.

Mrs. Rose-Marie Ur: Thank you.

The Chair: We'll go over to Mr. Anders.

Mr. Rob Anders: Mr. Chair, I will continue to ask questions about Howard Paddock and James Cruikshank and the process these men will have to undergo to get satisfaction in their situations. I sense I have the undertaking of Mrs. Bruce to deal with those outside of committee, so fair enough.

I'll make a quick comment and I'll pass it on to the rest of my colleagues.

I've been reading up a good bit about the Roman Empire and whatnot for some of the marriage debates that will be coming up soon. What's interesting is that two men who were credited with reviving the Roman Empire in its decadence and fall, Augustus and Diocletian, actually paid money out of their own pockets for the veterans of the Roman wars. When the state would not provide, they themselves undertook to do it.

It's interesting. In this committee we don't ask for the Prime Minister's salary, and we don't even ask for those individuals who are representative and working in those departments...but just to make sure these men are looked after, our veterans.

The Chair: I think there's a little bit of time left over, so I'll just take it myself, if that's okay.

Mr. Peter Stoffer: I have a point of order, Mr. Chairman. I do apologize to our researcher; I've been calling him Mike and it's actually Michel. Sorry about that.

The Chair: Thank you.

This is on the appeal that happens. Does the client have a right—I think Rose-Marie Ur touched on this one earlier, but I just want a bit of further clarification—to view the appeal before it goes in? Do they have the right to comment and say if there should be any modifications? It's a collaboration between the client and the lawyer, basically.

Mr. Eric Marinacci: Absolutely.

The Chair: So there's no saying this is what we're throwing in and this is what you have. Before that goes in, what is the average? Do they usually say they're happy with it and it goes in, or is there any input? Is there any average case in that situation?

Mr. Eric Marinacci: Let me give you the process rapidly. The case will be heard at review, and I'm assuming that in the example you've given it was denied in whole or in part. It goes to appeal. The process is that the advocate assumes the case and it's transferred to him. The client calls me and says "Eric, I want to appeal". I send it to head office. The lawyer in head office then picks up the phone, speaks with the individual, and reviews the decision with him. They agree upon what's required to pursue the matter, be it medical or something else. Once that's agreed upon, a letter is written to the client saying we spoke, this is what we said, and here's the game plan. Once whatever is needed in order to pursue it is decided, a factum is put together. This is really an oral argument that basically reflects the game plan that was agreed upon; it is sent to the board and the client.

[*Translation*]

Mr. Gilles-A. Perron: Let us talk about the appeal process. When he asks for a lawyer, is he assured of having the same lawyer throughout the entire appeal? Does one lawyer begin to study the file and then hand it over to another lawyer three weeks or a month later?

Is there some certainty that the lawyer will be there for the entire process?

Mr. Eric Marinacci: There is no guarantee, but there will be a lawyer for the review. Let us suppose that I am the lawyer in charge of the file. I will remain so until the decision comes down. However, it would be very rare that I be involved in the appeal. The appeal will be defended by a lawyer from head office. There will be a change in lawyers.

• (1715)

Mr. Gilles-A. Perron: Why such a change? You know the file inside out.

Mr. Eric Marinacci: I believe that
[*English*]

a second set of eyes will do it
[*Translation*]

and a transition is made on that basis.

Mr. Gilles-A. Perron: I do not know if I agree. The trust of a client in his or her lawyer is very important. I would like you to congratulate Paul Dionne, in Montreal, who did superb work with the legal service. I would like to see you have several Paul Dionnes.

The Chair: Thank you, Mr. Perron. I now give the floor to Mr. Peter Stoffer.

[*English*]

You have 45 seconds for a very short question.

Mr. Peter Stoffer: I know that in the public service, like in any other sector, people are aging and are moving on and retiring. I'm just concerned about the future of Veterans Affairs. Will they have advocates and people within the department who not only have, for example, military experience or RCMP experience but fully understand the situation when a veteran appears before them? That is, they don't just come out of university and say, well, here are the facts and figures and we're going to approach it this way, but they have enough sensitivity around the issues to understand what a fighter pilot goes through or what a veteran went through in the wars, with PTSD or whatever. Will people of that nature be recruited, people who can fully understand not just the medical and legal aspects of it but the occupational aspects of what veterans have gone through?

Ms. Verna Bruce: When we do our recruiting, as far as I know, we look first of all for people who have the professional qualifications and who are in good standing in the bar; that's the number one criterion. If we get somebody who wins a competition who doesn't have that kind of background and experience, then we make sure there's an orientation program for them to help them understand what it is like to be a client.

The Chair: Very good.

I want to thank Mr. Marinacci, Mrs. Bruce, and Mr. Saez for coming out today. That was very informative.

We're going to take a four- or five-minute break. If you don't mind, we'll let you go, and then we're going to have a short in camera meeting for new business.

[Proceedings continue in camera]

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