

*Government Orders*

disability pension without the veteran losing any of the rights the veteran currently possesses. That is a very laudable objective. However, we have identified a serious deficiency in the bill.

The disagreement centres on whether the bureau of pension advocates should remain an independent body at the disposal of veterans at the first level or whether it should be made part of the department reserved for appeal level only. If 30 per cent of the applicants get their pension and on appeal 80 per cent win, why are we not making the gates a little wider at the beginning?

A number of arguments were made in the Standing Committee on National Defence and Veterans Affairs and in the House in this regard and they have been reviewed extensively. After consideration I have concluded that the bureau of pension advocates should remain an independent body at the exclusive disposal of the veterans. Why? I fail to see how removing the bureau from the first level will save any time in the current system. The only way to speed up the system is to ensure that more applications are accepted at the first level.

If 80 per cent of the appeals are granted, why not grant more of them at the first level? These applications must be well prepared in the future because the department currently rejects 70 per cent but goes on to accept 80 per cent on appeal. The typical time it takes for a lawyer to prepare an application is two to three months, a modest period of time to prepare a case when the veteran is forced to battle the department to receive a disability pension. The remaining delays at the first level, which can take up to a year and a half, are the responsibility of the department.

The problem is not with the veteran or with the lawyer who prepares the application, the problem is with the department. Much of that was identified earlier by my colleague who went through a step by step process of showing how the application goes from Ottawa, gets copied and then ends up in Prince Edward Island because the former government decided to put the bureau in Prince Edward Island.

Ironically, the government feels that removing the bureau from the first level will speed up the system because it will focus on appeals only. Under the legislation the government intends to have departmental clerks assist the veteran in filling out the first level application. That is a potential problem which the Royal Canadian Legion identified because it is the skill and the proficiency with which the first application is completed that will determine its acceptance.

The first level decision would then be adjudicated within the department. It could be true that the first level decision would be faster, but would the acceptance rate be higher than the existing norm of 30 per cent? Given the department's past record of rejecting 70 per cent of first level applications, I doubt it. If the

veteran then has to appeal the case he has to go to a bureau lawyer who would work directly for the department.

The current system is that an outside, independent lawyer who is acting on behalf of the veteran, makes the application and then follows through with the appeal. Under the new system a departmental clerk will complete the application and only if the application is refused would the lawyer go to work to prepare an appeal for the applicant, which would take a further two to three months. The veterans say that streamlining of the whole process is in large measure due to how well the first application is put together.

If the government intends to focus all of the bureau's resources at the appeal level, then it is obvious that the first level acceptance rate will not increase. The majority of veterans will still have to wait years to get their disability pensions, and we must remember that their average age is 74 years.

If the process is to be speeded up the first level acceptance rate must be increased so that there will be fewer appeals. The way to accomplish this is twofold. First, have the first level application expertly completed by a bureau lawyer so that the veteran's case is solid. Second, the department should consider the success rate for past appeals, which is 80 per cent, and use the benefit of the doubt provision more liberally to increase first level acceptance. This two-track approach would substantially speed up the system and serve best the interests of the veterans. I know that it is serving the interests of the veterans that all members of this House and indeed all Canadians are firmly committed to achieving.

● (1545)

While the intent in this bill is certainly a step in the right direction, as with much legislation that comes before this House there are certain aspects of it that could be substantially improved. I draw again on the suggestions made by the Royal Canadian Legion that the four paramount underpinnings of the foundation of the veterans' appeal must be to preserve and protect the benefits and services provided to the veterans of Canada; to protect the benefit of the doubt provision; to ensure an independent advocate; and to achieve the necessary speed and generosity to ensure that our veterans, whose average age is 74 years, are honestly and fairly dealt with.

**Mr. Elwin Hermanson (Kindersley—Lloydminster, Ref.):** Mr. Speaker, it is indeed a privilege to address the House with regard to Bill C-67 on third reading of the Veterans Appeal and Review Board Act.

In the last few days our attention has been focused on the men and women who served our country so valiantly 50 years ago, men and women who left family and friends to fight for freedom, democracy, and peace. As I and thousands and perhaps millions of other Canadians witnessed the V-E Day celebrations here in Ottawa and on television from Europe last week, it evoked emotions of pride for this country and respect for all