

numerous institutions across the country. In 2003 these contracts numbered 171 and represented an important and continuing source of federal assistance to provincial and private institutions. Negotiating and monitoring agreements, rather than running institutions, became the new health-care agenda of the Department of Veterans Affairs.

K. The Woods Committee

In September 1965 another process of reform was launched when the government announced the appointment of a three-person committee to survey the organization and work of the Canadian Pension Commission. It was to report to the Minister of Veterans Affairs but not be connected with either the Department of Veterans Affairs or the Canadian Pension Commission. The committee, "though not limited in the scope of its report," was instructed "to study the organization, methods and procedures used in the adjudication of disability and other pensions paid under... the provisions of the *Pension Act*."⁷⁰ Justice Mervyn Woods of the Saskatchewan Court of Appeal, a veteran of the Second World War, was chosen to chair the committee.⁷¹ He had served in the Royal Canadian Navy, had retired with the rank of Lieutenant Commander, and was dominion president of the Royal Canadian Legion from 1960 to 1962. The other committee members were Walter J. Lindal, a retired judge of the County Court of Manitoba and a veteran of the First World War, and Brigadier Jean-Pierre Giroux, who soon resigned to accept an appointment to the Quebec Civil Service Commission. Giroux's successor was Colonel Gerard A.M. Nantel, a Second World War veteran and a member of the Quebec bar. He was still in uniform and was serving in the office of the Judge Advocate General. The secretary of the committee was H. Clifford (Cliff) Chadderton, executive secretary of the War Amputations of Canada and one of the country's best-known Second World War veterans. H.A. Davis served as assistant secretary.

The committee was supposed to report in three months, but Woods and his colleagues laboured for a much longer period. When notices inviting submissions were placed in newspapers and veterans' publications, the "response exceeded all expectations."⁷² To deal with the volume of interest expressed the committee held forty-one hearings in Toronto, Ottawa, and Quebec City between 18 January and 20 June 1966. The committee heard from thirteen Members of Parliament, one private individual, and representatives of fourteen veterans' and dependants' organizations, as well as the Canadian Pension Commission, the Veterans' Bureau, and the Canadian Forces. In addition, it received more than three hundred letters containing questions, recommendations, suggestions, and complaints, as well as briefs from organizations not represented at the hearings.⁷³

To inform themselves better, the committee members also attended various appeal and "leave to re-open" hearings in Montreal, Winnipeg, Regina, and Ottawa; they inspected the quarters of the Canadian Pension Commission, met with officials of the organization, and informally visited Veterans' Bureau offices in Ottawa and Toronto.⁷⁴ Nowhere did they find a complete, organized collection of material that would enable them to conduct a thorough study of the commission. However, thanks to the "capable and untiring efforts" of Cliff Chadderton, the committee members had ready access to

“co-ordinated information bearing on many of the problems raised for consideration.”⁷⁵ Since many of these had originated in the *Pension Act* or “had been developing for some 40 years,” the committee quickly concluded that “examination, thorough research, and possible analysis of various approaches” was called for and that this could not be done hastily.⁷⁶

The committee spent its first six months on research, familiarization, and hearings.⁷⁷ It then evaluated the evidence before it and in 1967 produced a comprehensive and lengthy *Report of the Committee to Survey the Organization and Work of the Canadian Pension Commission*, which Minister of Veterans Affairs Roger Tellet tabled in the House of Commons on 26 March 1968.⁷⁸ In the report the committee concluded that its review had been “long overdue.” There had been “an understandable tendency” in the Canadian Pension Commission “to let sleeping dogs lie.”⁷⁹ Woods found that the Pension Commission had “a propensity to be satisfied with all that is not criticized” and “a tendency ... to be content with an answer to criticism that satisfies the one giving it.”⁸⁰ The committee found that the most serious flaw in administering the *Pension Act* was the commission’s tendency “to view its operation as one which can best be carried out on the basis of providing only limited public information in regard to its policies and interpretations.”⁸¹ Echoing remarks from the Ralston Commission forty years earlier, Woods found that the administration of the Act, on which so many Canadians depended, had about it an “air of secrecy” that “should disappear.”⁸²

Based on this analysis and taking care not to deal with financial aspects of pensions, the committee tabled 148 recommendations. These were designed to improve matters without interfering with the day-to-day work of the commission. The Pension Commission, the report pronounced, “has over the years since its inception developed its own way of doing things. In so far as we have been able to determine, it is on the whole operating satisfactorily, and generally speaking, has the confidence and respect of those it serves. While we are making a number of recommendations that would require some revision of its activities, we have tried to set these out in a way that will cause minimal disruption. We have tried to fit the recommendations to this pattern. This we trust will lead to minimal interference with established principles and procedures consistent with necessary or desirable change.”⁸³

On one key issue – how appeals should proceed under the *Pension Act* – the committee was divided. Under the existing system, an appeal was heard by a three-member appeal board drawn from the members of the commission itself, and it could include members who had already been involved in turning down the applicant. Not surprisingly, this system led to claims that the commissioners banded together to uphold their decisions. The majority recommendation of the committee, by Justice Woods and Colonel Nantel, was that a pension appeal board should be established.⁸⁴ This board would be independent but would report to Parliament through the Minister of Veterans Affairs. It would have the final say on both pension appeals and the interpretation of pension legislation. The minority recommendation (not acted upon) put forward by Judge Lindal, was that an ombudsman be appointed.⁸⁵ Lindal also suggested that the official should report through the Minister of Veterans Affairs and, in effect, should attempt to resolve pension issues by mediation.

The Woods Committee also called for the amendment of section 70 of the *Pension Act*, known as the “benefit of the doubt” section.⁸⁶ Under this provision, pension applicants did not have to prove their cases beyond a shadow of doubt. By the same token, the commission, when in doubt, was required to weigh evidence in favour of an applicant. The intention here was straightforward, but the administration of the section was controversial. Accordingly, the committee called for a revised section 70 that would be clear and unequivocal. In the same spirit of fairness and equity, the committee recommended that those taken prisoner at Hong Kong in 1941, who had endured a long captivity of privation, should be given special consideration in the payment of pensions.⁸⁷

The Woods Report, the work of three veterans of the world wars (one of them still serving), was well received by Canada’s veterans’ organizations. In 1969 ten of them issued a joint statement, which was distributed to all Members of Parliament, urging immediate action on the recommendations.⁸⁸ The organizations involved in this initiative, the first of its kind for some thirty-five years, were the Army, Navy & Air Force Veterans of Canada, L’Association du 22ième incorporatée, the Canadian Corps Association, Inc., the Canadian Paraplegic Association, the Hong Kong Veterans Association, the National Council of Veteran Associations in Canada, the Air Force Association of Canada, the Royal Canadian Legion, the Sir Arthur Pearson Association of War Blind, the War Amputations of Canada, and the War Pensioners of Canada, Inc. These were the main veterans’ organizations operating in the country at the time, and they now spoke with one powerful national voice. The need to improve Canada’s system of veterans benefits, they argued, had been “clearly established” by Woods and his colleagues.

L. A Clear and Considered Plan of Action

Having benefited from the advice of an interdepartmental committee, in August 1969 the government responded to the Woods Report with a *White Paper on Veterans Pensions*, issued under the authority of Minister of Veterans Affairs Jean-Eudes Dubé. This sixteen-page document described the *Pension Act* as “the keystone of Canadian veterans legislation since 1919.”⁸⁹ In terms of the purpose and scope of the Act, the White Paper offered this summary of current thinking and practice:

For the past 50 years, Canada has recognized and freely accepted her obligation to pay compensation for disability and death arising out of military service, in so far as it is reasonable and practicable to equate monetary values with human suffering and bereavement. This is done through the *Pension Act*... [which] provides for the payment of pensions to the disabled veteran, his widow and his orphan; and to his dependent parents, sisters and brothers. In addition, an award of pension also makes the recipient or his family eligible for other benefits. The veteran himself becomes eligible for medical treatment for his pensioned