

HANSARD

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COMMITTEE

ON

VETERANS AFFAIRS

Thursday, June 10, 2010

Committee Room 1

Agent Orange Compensation

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VETERANS AFFAIRS COMMITTEE

Clarrie MacKinnon (Chair)
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Allan MacMaster

In Attendance:

Kim Langille
Legislative Committee Clerk

WITNESSES

Veterans Affairs Canada - Atlantic Region

Barry Gallant
Regional Director, Client Services

Lorraine Gailey,
Regional Director, Communications



House of Assembly
Nova Scotia

HALIFAX, THURSDAY, JUNE 10, 2010

STANDING COMMITTEE ON VETERANS AFFAIRS

9:00 A.M.

CHAIR
Clarrie MacKinnon

THE CHAIR: We apologize for the late start. Welcome. We'll begin with introductions.

[Committee members and witnesses introduced themselves.]

THE CHAIR: Thank you very much. It's great having you here this morning. We will begin with a presentation and we'll have lots of questions for you.

BARRY GALLANT: First of all our Regional Director General, Krista Locke, offers her regrets. She would have been here but unfortunately she's out of the province all this week. She asked us to do this presentation on her behalf. It's always a pleasure to be here in front of the committee, to share information, and to make sure we know your concerns around the topic we're discussing. Thanks for the invite.

Agent Orange has been a project for our department for a number of years now. It all started a while ago when concerns were raised - especially by members of the Forces and veterans - around the use of herbicides, particularly in the Gagetown area. The federal government made a commitment that they would address those concerns. The results were a program of research and a program of compensation to veterans and others.

The public concerns were two. One was around the use of regular herbicides at the base in Gagetown. Those were the herbicides that most of us have used at home in our gardens or farmers have used in their fields. They were registered herbicides, used mostly around the base to control the vegetation. The other herbicide that raised some real concerns was the use of what we call Agent Orange.

These were U.S. military herbicides and because they were U.S. military herbicides, they didn't have the same vetting that the regular herbicides registered here in Canada would have had. The amount of testing was very small; it was mainly done on three days in June 1966 and another four days in June 1967. That will become important as we go through the presentation; you'll see why those timelines are crucial to the program.

As I said a bit earlier, what the government decided to do was to respond in two ways. The first way was to do some research - they did research on those registered herbicides and they did testing at the base. They determined that the base was safe at the time the testing was done, and that there should not be long-term health effects from those herbicides to any great number of people.

At the same time, they decided that they would pay ex gratia payments on a compassionate basis, and they had to be related to the use of Agent Orange and military herbicides. So the ex gratia payment is a tax-free \$20,000 payment, and if a person gets a payment, that's what they get. There's no \$10,000 payment or \$5,000 payment or \$50,000 payment - it is one lump sum of \$20,000.

There were a number of conditions around the payment, and one of them was that the person had to be alive on February 6, 2006. That has raised some concerns, as you probably heard from some of your constituents. The second was that the application had to be made no later than April 1, 2009. I'll talk a little more about that in a later slide, because there are some exceptions.

The other eligibility criterion was that the person had to have a medical diagnosis. The medical diagnosis had to be related to a number of medical conditions that were determined by the Institute of Medicine in the U.S. That list is at the end of your slide deck and we can talk briefly about that at the end. However, I'm not a doctor and I can't really explain those conditions to you - I can just go over them with you.

The other eligibility criterion was around geographics. When we're looking at geographics, what we're talking about is that the person who is the applicant had to be in the Gagetown area between June and September, either in 1966 or 1967. This connects back to the dates of early June for three days in one year and three days the other year so rather than say the person had to be on the base for those three or four days, they have extended the period that they could be on the base between June and September of either 1966 or 1967. We didn't limit it to those three or four days because that was almost impossible for a lot of people - to say I was specifically there on June 4, 1966. So if they

were there between June and September of either of those years, they would have met the geographic rule.

[9:15 a.m.]

Some people received benefits because they have spina bifida. Obviously they were born during that time of 1966 or 1967, so for those people, their parents had to be on or near the base in 1966 and 1967 (Interruption) Within five kilometres, yes. They did go out within five kilometres because there were some - when we look at the stats a little later, you'll see where there are some civilians who received this award as well, and they had to be living within five kilometres or working on the base.

It is important to note, because you may have some constituents, that four military units were not eligible for this payment. If you have a constituent in your area who belonged to the British Forces, for example, who was on the base at that time, they wouldn't be eligible.

Unfortunately, there were some situations where the person who was ill as a result of the herbicides died either before the program came into effect or they died after they made the application. In those cases, the survivors - who we call the primary caregivers - could receive the award. They define what a primary caregiver is, and basically it is someone who was living with or looking after or who was dependent on the person - they would receive the award. So those were kind of the criteria.

A little summary about applications. As I said, the application deadline was April 1, 2009, but the minister does have the authority to accept late applications. We have accepted a number of applications and I'll show you the stats in a couple of minutes. All applications that were submitted, however, after April 1, 2009, have to have a reason why they were late. It can't be because they didn't feel like doing it until now - it has to be the person was too ill to do it, they were out of the country. There has to be some kind of reason why they didn't do it in the regular time frame.

The important note is that the minister's authority ends on October 1, 2010, so our minister will not have the authority to make any payments after that date. If someone doesn't have their application in before then - unless the government changes that rule - they won't be eligible.

A little bit of information about the ex gratia payments themselves. As I said, the amount is \$20,000. The federal government allotted \$96.5 million for the program and they estimated that there would be about 4,500 applicants across the country. As of May 21, 2010, we have processed almost 4,000 applications and of those, we have approved 2,800 and declined almost 1,200 for a percentage approval rate of 71 per cent. Those late applications I talked about on the last slide - we've received 181 and we still have 30 that we're working on out of that 181.

I know that you were particularly interested in Nova Scotia statistics, so maybe we'll turn to those now. There were 618 residents of Nova Scotia who applied for the program - we approved 396 of those and 220 were declined. Most of the cases that were declined did not meet the medical criteria, or the person had passed away prior to February 6, 2006. As you recall a couple of slides ago, the person had to be alive on February 6, 2006, in order to apply or to have their family apply.

We still have two applications from Nova Scotia in progress and the ones that we have approved have equated to \$7.9 million paid out in Nova Scotia. We've approved in Nova Scotia about 64 per cent of the applicants, which is a little less than the national average but fairly close - a 7 per cent difference.

If we look at the Nova Scotia applications, we can look at the reasons why they were declined. In this slide when you see medical date of death, it means that they didn't meet the medical criteria and the date of death; they died before that February date. So there are two or three reasons why they were declined. As we go down the slide you'll see only one item - like location, it means they were declined solely on location but they met all the other criteria. So as we said in an earlier slide, most people were declined because of medical reasons or because of the date of death.

There were also a number who didn't meet the location, who weren't on the base. Some of them might not have been able to prove they were on the base. We're not saying they weren't on the base, but they don't have the proof they were on the base. That's a bit of a contentious issue, obviously - if they know they were there but they can't prove it - and why the Canadian Government can't take their word for it, but there has to be evidence they were there.

As you go down, the numbers decrease. The one at the end, Primary Caregiver - 2, would be because they weren't actually primary caregivers; they didn't meet those definitions that I talked about a little earlier.

I know some of you will be interested in where the people who were declined or who were approved, were from. The best we can do is break them down by our two district offices. We have one in Sydney and one in Halifax, so we can break down the number of cases by site.

The Sydney district office would include Cape Breton and down as far as Antigonish - I believe it doesn't include the actual Town of Antigonish, but it is the surrounding area. For those who are responsible for the Cape Breton area, the Sydney office would do those applications. The Sydney military received 80 applications, so across the top you see Agent Orange Military, Agent Orange Civilian, Agent Orange Civilian on Base, or Not Identified. That relates back to the comment made earlier about some civilians who were eligible to apply even though they might not have worked on the base. Then we have a breakdown of civilians who actually worked on the base.

There are a few next steps. As I said earlier, the program really winds down October 1, 2010. We're still accepting those applications as long as they have a reason why they were late. We're saying that by September 17th, we really need all the information on the cases remaining to be adjudicated on. Any new cases really should be completed by September 17th - that gives time to make the decision and to process the cheque. It is the processing of the cheque that is the issue, because the minister doesn't have approval to sign a cheque after October 1st. If there are any constituents out there who you think would qualify or want to apply, then they should really get everything in by September 17th.

We talked briefly at the beginning about the IOM conditions, which are the Institute of Medicine conditions. This is an American definition of the cancers that are linked to Agent Orange use so if the person had one of these diagnoses, then that is how they would meet the criteria for medical. There are some of them I can't pronounce, so I won't explain to you what they are.

That is basically, in a nutshell, what we've done with the program - kind of a fast presentation. I'm more than happy to answer some questions or to offer clarification of any comments that I've made.

THE CHAIR: Thank you very much for a very good presentation with a lot of statistics there. Ms. Gailey, do you have anything to add at this time or go to the questions?

LORRAINE GAILEY: No, I'm happy to help with any questions.

THE CHAIR: Before going to general questions, I would like to make just one comment. We are dealing with 39 to 40 years, and some of those that may have been most exposed, and maybe their deaths might have been related to exposure, to some degree - partially related or maybe fully related. My concern, and I think it has been expressed many times, is in relation to the widows of those who were exposed and died before February 2006. A lot of people passed away, no doubt, in those 39 or 40 years. Do you have any comments on that? That is a real issue, I think.

BARRY GALLANT: It is an issue, and we've heard it very loud and clear. It was a decision by the Government of Canada to pick a date and to work from that date forward. I won't speak for the government, but I guess they had to pick a date, some date, and that date was the one that they relied on. We agree that there were probably issues with a lot of people before that date, but that's the one that we have to live with right now as bureaucrats.

THE CHAIR: I notice it wasn't part of the presentation - the widow situation - and it has been one that has been a real concern. I'm sure there will be other questions in relation to that and other matters. It's a very good presentation that you have put forward to us and we thank you for it.

We'll open it to general questions. Mr. MacMaster.

ALLAN MACMASTER: Thank you. How is the \$20,000 amount determined? Is there any background on that?

BARRY GALLANT: I don't have the answer to that, to be honest with you, but I can get it for you. I think it was based on other countries that have done similar - maybe Australia and the States itself.

LORRAINE GAILEY: There were also other precedents that our department has had for compassionate kinds of recognition. One was for the Merchant Navy veterans who didn't receive the same level of benefits post World War II. So we had an established precedent and we felt that would be in keeping with the notion of a compassionate payment.

ALLAN MACMASTER: Respecting the fact that you're not physicians, are you aware with any of the identified sickness or illnesses - has there been any evidence to show that Agent Orange has caused something to change in the genetic code which could be passed on to future generations of people who were exposed to it?

[9:30 a.m.]

BARRY GALLANT: The only comment I would have on that off the top is the spina bifida issue. Obviously that was passed on - it wasn't the person with the disease that was on the base, it was the parents. Obviously there's some connection on that one. Other than that, I have no evidence that there is.

ALLAN MACMASTER: Okay, thank you.

THE CHAIR: Mr. Gaudet.

HON. WAYNE GAUDET: Looking at your statistics for Nova Scotia, 618 residents. I guess the obvious question that comes to mind is, I know there are people not just in my community but across our province who can't read or - is it National Defence or Veterans Affairs that contacts these individuals for them to apply if they weren't in Gagetown at the time in order to qualify for the payment?

I'm just wondering who reaches out to let people know? Yes, there has been lots of coverage through the media, but I'm looking at individuals who are not watching the news or reading the paper or who can't. Is somebody out there doing follow-ups with people who were in Gagetown back in the 1960s?

LORRAINE GAILEY: I can speak to that to some degree on the basis of the communications outreach that we did at the time of the announcement which was back in

the Fall of 2007. We did have a national ad campaign in the major media across the country. Recognizing your point that not everybody might have the literacy levels or even be subscribed to the print media that we used, we did use other forms of notification as well.

We had a good series of articles in our own newsletter, out directly to our clients. Of course, all of our staff in everyone of our offices across the country - at the time we had 37 district offices - they were all very well briefed on the situation. We also worked with all the service officers in all of the legion branches and provided them with the information and the training as well, to try to get as many people as we could in within the deadline prescribed.

BARRY GALLANT: If I could just add to that, we do have counsellors out of our district offices on the road all the time. They do visit veterans in their homes and they do visit legion branches. Hopefully that worked as well, but I wouldn't guarantee that we got everybody.

WAYNE GAUDET: Okay, I guess that would be my next question. Did you feel there's anybody out there who's been left out, that hasn't been reached or contacted in some way or another?

LORRAINE GAILEY: We work with as many of the veterans' organizations as we can. We have client advisory councils for our offices as well. We're hopeful that we haven't missed people. We go to seniors' expos, every summer we're out there speaking with people. We've done our very best and I know that every member of Parliament was provided with a briefing package as well to go back home to their constituencies also.

WAYNE GAUDET: I guess my next question is, why was Gagetown selected in the first place? Why didn't we test these herbicides somewhere else where there were no people around? Why Gagetown - did somebody ever answer that question?

LORRAINE GAILEY: A lot of supposition - I think if we go back, as the Chair mentioned, it was 40 years ago. I remember some of the chemicals my dad was using in the backyard and I don't think we're even allowed to use that stuff today in HRM. The times were different. There had been some use of these chemicals earlier on and with the States, as we've seen, there was a history there. I probably imagine, but I can't really say for sure, that it just seemed to be an effective way of keeping the undergrowth down so that they could do their military exercises.

BARRY GALLANT: National Defence were our partners in this program, obviously, because it's their base and they might be better able to answer that question.

LORRAINE GAILEY: Absolutely, yes, it's just supposition on our part.

WAYNE GAUDET: I was just curious. Thank you.

THE CHAIR: Ms. Raymond.

MICHELE RAYMOND: Obviously it's hard to touch more than the tip of the iceberg with this. So I mean, I realize you're kind of at a disadvantage. I guess, like other people, I have real concerns given the time gap and so on. It looks like about 48 out of the 618 Nova Scotia applicants alone were denied - one part of the reason was, quite simply, that they had died before this all came about in the intervening 40 years. Do you have any sense or has anybody kept the statistics on how many people did die of possibly related conditions before 2006? Do we know anything about those numbers at all, even if they didn't apply?

BARRY GALLANT: I don't know where it would be possible to get those numbers.

MICHELE RAYMOND: The outreach just wasn't there and there was no attempt, okay. Another question, a little bit as Mr. Gaudet was asking - do we know if these agents were actually tested in the United States as well? They're referred to as testing - I mean, I know that they were being used as defoliants but they were being tested. Now, were they tested in the States as well, do we know, or was it some kind of a contract?

BARRY GALLANT: They were widely used by the Americans, I'm not sure if they were tested or not. I probably can find that out for you.

MICHELE RAYMOND: Yes, okay. I mean I realize this is 1966 and 1967 so they were, you know, obviously in combat use by that stage but whether or not - I mean it's referred to as testing so I'm curious. Another, well, two questions, if I may just quickly - any idea how many people were actually on the base and living within five kilometres of the base during the two summers in question?

BARRY GALLANT: I don't have that statistic with me but I can get it.

MICHELE RAYMOND: Is that something that DND would be aware of?

BARRY GALLANT: I would imagine National Defence would have the number on the base.

MICHELE RAYMOND: Yes, I would be interested to know. Has there been any work at all done to see whether there is any continuing cluster of illnesses which fit into the IOM categories in the local area?

BARRY GALLANT: Not by Veterans Affairs.

MICHELE RAYMOND: And there may or may not have been any epidemiological work done, we don't know, okay. Thank you.

THE CHAIR: Mr. Prest.

SIDNEY PREST: Was there any information given out on the amount of chemicals that were used on the base?

BARRY GALLANT: My understanding is that it wasn't a great deal. It was only those five days over two years, so it was pretty localized.

SIDNEY PREST: Is there any indication now - would there be any signs of any effects on that base from the spraying of Agent Orange today?

BARRY GALLANT: What we're saying, or what DND is saying, is that the base is safe.

SIDNEY PREST: So a clean bill of health?

BARRY GALLANT: Yes.

SIDNEY PREST: Now, you talk to some of the veterans and people who served on the base and they all say, look, I was there when so many barrels of chemicals were buried in this spot. Have all the allegations been investigated and proved to be false. Would you know anything?

BARRY GALLANT: No, I don't know that. That would be really a DND question.

LORRAINE GAILEY: That was part of the investigation that Dr. Furlong did when he was named to investigate the whole background and what we did know for sure. He worked very closely with National Defence on that. His findings are available, but I can't give you that answer today. I can get it for you.

SIDNEY PREST: The reason I ask these questions, my daughter is a range biologist at Camp Gagetown - all this is new to her. From the information that I gathered over the years, I've passed on to her so it's in the back of her mind all the time - any signs, whether in the wildlife or animals or whatever, that may be affected. Thank you.

THE CHAIR: Mr. Burrill.

GARY BURRILL: I don't hear, as a lawyer might hear, the words that seem to be important words here: on a compassionate basis. They sound like words that would have a specific legal meaning. Does that meaning have to do with the acceptance or non-acceptance of responsibility, liability?

LORRAINE GAILEY: That's exactly right. Because the substantiation is not

there in a scientific manner, we simply made the payment on a compassionate basis without a recognition of liability.

GARY BURRILL: It means the government accepts no compulsion to move in this direction, but does so anyway. What is the effect of that then? Must a person to receive an ex gratia payment on a compassionate basis, must they waive their future ability to act on liability?

LORRAINE GAILEY: That's a really good point. Yes, they are required to.

GARY BURRILL: Yes, yes, that's what it's about.

LORRAINE GAILEY: From our perspective, it's because there is inconclusive evidence, but we feel it's the right thing to do. Mr. Thompson, who was our minister at the time, is on the record as saying it's the right thing to do.

GARY BURRILL: Got it, thanks.

THE CHAIR: Other questions? If I may, in relation to living within five kilometres, you would think that it would be possible to determine everyone who was living within the five kilometres from voters' lists, from assessment rolls, from census information maybe. There has to be a way of doing that. You would think that the military would, in fact, have the records of everyone who was on the base and maybe even the days of leave and so on, that one might have had. I can see people being denied for not being there and there were probably claims from people who were not actually on the base during those spray times.

Was there a thorough investigation at the time on who was where? I suspect there was.

BARRY GALLANT: To address the base issue first of all, that's why we expanded the period and we didn't limit it to three or four days in June those two years. Yes, it caught a much bigger group of people who couldn't prove they were there for those three days but it's fairly easy to prove from the records you talk about that they were there over that summer at some point in time. That's the reasoning behind the extension of the time period.

Around data collecting of residents who lived in the area, I don't think the Government of Canada went to that. As Lorraine said, we advertised and we published the program as much as we could. The responsibility then rested with the residents to approach us.

LORRAINE GAILEY: The challenge is that you may determine that somebody was there at the time, but tracking them down afterwards is very complicated. That's why, as Barry said, the onus was on the individual to come forward and apply.

THE CHAIR: We certainly appreciate the information that you are giving us and you were not the architects of this program; you are the messengers here this morning. Although we may take exception to a couple of the aspects of the program itself, we appreciate your forthrightness with us in relation to all of the statistics that you have provided.

I know that 220 Nova Scotians were, in fact, denied who had claimed. I know some of them live in my constituency and I'm sure all of you around the table who are MLAs are aware of individuals who have been part of the 220. I'm sure we all have had - in that 40 year period from 1966 to 2006 - I'm sure there have been a number of Nova Scotians who passed away before that who had, in fact, served and I think that's part of the issue.

How active are the lobbyists in relation to the widow issue, because I know there are widows out there who have formed an association and at one time were very aggressively seeking some kind of compassionate approach to this. They are still active, are they not? I recently saw some of them on television who are still carrying the banner in relation to that.

[9:45 a.m.]

BARRY GALLANT: Especially in New Brunswick, there was quite an active group of people around the Gagetown area who were interested in this particular issue. We do have a number of widows in Nova Scotia as well who continue to advocate for the widows. I know that a number of them have met with senior federal politicians and have had discussions around their benefits. I haven't heard anything in the last three or four months but I'm sure they're still quite active.

THE CHAIR: And certainly from the date that we're looking at - 1966 through to today which is even a longer time period - we've lost, no doubt, quite a few widows as well. Are there more questions? Mr. MacMaster.

ALLAN MACMASTER: This relates to my earlier question about how the original amount was determined. Some of these people, if they were sick, may not have been able to work and there would be lost income. Was that part of the discussions when they were determining the amount or does it continue to be a point of contention for people who are making application for the \$20,000?

BARRY GALLANT: No, that wouldn't have been because it's a compassionate payment. It wouldn't have been part of the consideration.

ALLAN MACMASTER: Right.

LORRAINE GAILEY: As your colleague has mentioned, there's no

acknowledgment of the liability because there's no substantiation on a scientific basis, but it was felt to be the right thing to do and it was based on other payments that we've made in the past.

BARRY GALLANT: Mr. Chairman, if I could just add, the people who were denied also were given an appeal right and that appeal right had to be exercised within 60 days of receiving notification that they were denied. So if there are any constituents out there who might still be within that 60-day period - you know, if they feel they have a legitimate reason to push this further, then I would encourage them to do their appeal.

THE CHAIR: Have some of the denials - in fact some of them have been very recent, have they?

BARRY GALLANT: We're still making decisions. As we said, we had - it was 181 late applications, and we only have 30 left. So, yes, there would have been some since April for sure.

THE CHAIR: Other questions or comments from members? It's a very straightforward presentation that you have and usually we have a two hour meeting but we never try to extend the time frame.

If there are no further questions, we appreciate you coming here today and giving us so much good information. We realize that you are not the architects of the program and we certainly appreciate the compensation that has been paid to the people of Nova Scotia and throughout Canada, but I think there are still some concerns out there that we feel strongly about, some of us, and that's part of life. Thank you very much for coming in.

Any closing remarks from either one of you?

BARRY GALLANT: Well it's always a pleasure to come and meet with a group of people who are very interested in veterans' issues. We appreciate your input and your continued support of veterans and the military in general.

LORRAINE GAILEY: We thank you, again, for the chance to get the message out, even in this forum, for people to come in and apply before the deadline.

THE CHAIR: Thank you very much. We do have a little bit of committee business so we'll allow our guests to depart and we'll look after a couple of things that are outstanding. Thank you very much.

We passed out the letter from the Minister of Community Services and Mr. Burrill had raised the issue that we may not have been in receipt of what we were actually looking for. Do you have any comments on that? We were to look at the Hansard situation, which you had provided to us. Is there an appropriate spot in the Hansard

remarks that you have passed out to us, Kim?

KIM LANGILLE: The motion that was put forward by Mr. Scott is there, which is pretty much what is in the letter. That was the last page.

THE CHAIR: Okay, so the motion that he was making, that we again write the Minister of Community Services requesting that she look at this issue and the recommendation from the Legion Command ensuring that, with her response, she has the most updated information on the provinces that have exemptions and that we would support the exemption of these funds being calculated in their household income for purposes of social housing upgrade grants.

Then we have the minister's response. The response relates to ensuring that all its public housing tenants are treated in a manner that is fair, consistent and equitable. We weren't talking about public housing tenants, were we? We were talking about the grants that are available for housing upgrades. Is that, Mr. Burrill, the difference that you were talking about? It seems that the letter is not all that clear in response to what we were looking for. Ms. Raymond has a comment.

MICHELE RAYMOND: I'm just looking at the preceding correspondence and it is quite true that she has answered that only in reference to rental housing but certainly - the communication is from the Group of IX and the preceding ones, they get to the point where they are talking about social housing programs and not specifically rental - eligibility for social housing when applied for financially-assisted housing programs.

They are talking about something more general and whether or not she had this background material and assumed that our request was related to something more general, I don't know. Our request was specifically about housing, about rental. Well, I understand the response certainly.

THE CHAIR: Mr. MacMaster, you had a comment, did you?

ALLAN MACMASTER: Mr. Scott is no longer on the committee but I could certainly bring the response to him to see if he had any further comment and I could bring that back to the table here, if that might be of help.

I think in the letter, although it may not directly respond to the issue of social housing upgrade grants, there would be an element of - and I guess it would be up to the government to decide this, but if it wanted to favour veterans over other seniors in the province, that might be a little bit tricky.

I could bring this correspondence - I know Mr. Scott is no longer on the committee but if that would be helpful to this table, I'd be happy to do that.

THE CHAIR: We certainly appreciate your offer; maybe we'll have some more

discussion on the issue first.

We certainly appreciate your offer and we realize that a policy can't be changed overnight, regardless of our input so we'll respect the time factor and if you can bring that back to us in September at our next meeting, that would be great.

ALLAN MACMASTER: I shall.

THE CHAIR: Thank you. Mr. Burrill, any comments? Ok.

If I may, one of the concerns that I had in my constituency - and I think I put it on the record before as well, in relation to a housing grant, whereby Revenue Canada doesn't look at monies that a veteran receives for snow removal and lawn care and so on, that kind of upkeep in a house. It is not calculated as revenue from a taxation perspective but we have had a situation where a veteran has been just \$200 or \$300 over because the province does, in fact, look at that as part of monthly income.

Now it is a fixed amount that this veteran is receiving a month, whether he uses it for his snow removal or for his lawn care but that is what he is getting it for. When that is calculated over the 12-month period, it put him over the amount. I thought that one was particularly unfair and I did raise that but to no avail. That veteran still hasn't had his house looked after and he is an outstanding person in the community.

MICHELE RAYMOND: You'd need to really look at sort of the cross-subsidization or whether the province is, in fact, going to be doing veterans benefits in that sense. You can understand that the federal government is providing a federal benefit by excluding that income as well from federal tax.

THE CHAIR: That's right. We cannot change things in this committee, for sure, but we are at least on the record with our respective concerns.

Other matters - we have to look at agenda items for future meetings. We're also looking at a tour in September and someone wanted to go aboard the submarine. Is that our first tour? I think one longstanding member of this committee and many committees and a long-time member of the House put that forward, so I think we'd better respect our senior MLA on this committee. (Laughter)

GARY BURRILL: Can we go back to the question of disability pensions?

THE CHAIR: With the time we have left, we can go back to just about anything. (Laughter)

GARY BURRILL: While we were discussing this, I was unable to find a reference in Hansard to the peculiar character of the benefits that the Legion people were asking to have exempted. I was trying to think why it was that I had remembered that, but

I see now that it's in the old correspondence from the Legion to the Department of Community Services, which is included - The correspondence from May 2nd is included here. That was what was brought up in the discussion, which I think is not reflected in the minister's response.

The particular place is on the second page of that letter.

THE CHAIR: This is the 2009 letter?

GARY BURRILL: Yes, the May 2, 2009 letter. The Group of IX thing, in the second full paragraph. It explains that this is a particular type of pension which has been discontinued now. My memory of this was that when this was presented, it was presented with the thought that this was an extremely small number of people. It seemed to me that this part of the matter was not addressed in the minister's response, because the minister's response speaks about exempting disability pensions - those are the words used - from the definition of income.

[10:00 a.m.]

Well, a disability pension is, of course, a huge category of income. It would affect a large percentage of applicants if we exempted disability pensions. In fact, that's not what's being talked about. It is DVA payments for permanent disabilities acquired in the course of military service. That's a much, much smaller category. That's explained in that third paragraph of that page.

It seemed to me that there is a surface reasonability about saying we can't include disability payments which would not apply to the actual point that the legion people have made, which was this now-discontinued category: Permanent disability payments made for disabilities acquired in the course of active service.

I think that, if it should turn out that Mr. Scott's intention of moving it was along these lines, that's the problem. The precise request that had been put forward has not actually been put forward with that precision. Maybe we erred with having a motion at the time; in our conversation we understood as applying to what has just been spoken about, but which in fact is kind of general and would open the door to this misunderstanding in the minister's letter to the actual, precise point that the legion people were wanting to make.

Have I said that in a way that makes sense?

THE CHAIR: Yes. Very good. To follow along with that, we were concerned what other provinces were doing, and we have in that correspondence: Furthermore, the governments of British Columbia, Manitoba, and Newfoundland and Labrador, as verified by the Department of Seniors, already exempt this type of benefit when making similar assessments. Ontario also allows the municipalities some latitude in this regard.

We were wondering what was happening in other provinces, and it appears that may be part of the answer there. Ms. Raymond?

MICHELE RAYMOND: I'd just be interested to know when they began exempting this because if the benefit ceased in 2006 - I mean, how long was that overlap and why did the benefit cease? I'm wondering if the benefit ceased because it was being exempted because the province had taken over that financial burden.

THE CHAIR: Yes, Mr. Burrill.

GARY BURRILL: Well, just further to the same point, in the same paragraph - the more we speak about this, the more my memory is coming alive of the discussion. That same paragraph points out that the province's policy is inconsistent, in that prisoner of war pensions are exempted. So these are two types of very specific limited pensions made available to people to whom specific things have happened on active service, one of which we exempt and the other which we don't.

That's the precise point and the Legion people were bringing this matter back, I think, to us when we came in the Fall because they felt that the response they had received from the deputy minister did not, in fact, respond to the precise point that they wished to make. It seems like we're kind of in the same boat now. Thank you.

THE CHAIR: Mr. Prest.

SIDNEY PREST: Could we not ask the minister to take another look at this and reconsider what she's saying in her previous letter?

THE CHAIR: And using some of the information that we have just put forward that will be on the record in Hansard within the next day or so. Is there enough information there to compose a letter or do we need Mr. Scott's reasoning for bringing it forward? Mr. MacMaster.

ALLAN MACMASTER: Mr. Chairman, I think this discussion has helped to bring a little more certainty around the question that needs to be asked but if we want to bring even more, I could still go to Mr. Scott. I would leave it up to the majority vote on the matter but it might help clarify it further to get us the answer we're looking for, I offer that.

THE CHAIR: Mr. Gaudet.

WAYNE GAUDET: Mr. Chairman, you know, this is not something that has to be done tomorrow morning. Assuming that we'll meet again in September, depending on the information that our colleague is able to gather and provide the committee, then we can, if we decide to, pursue this matter with the Minister of Community Services with some

clarification provided by the honourable member for Cumberland South, so be it.

THE CHAIR: The only urgency I would see is in respect to the ages of many of our veterans. However, that having been said, I think we will leave it until September. Thank you, Mr. MacMaster, for your willingness to do that, and Mr. Burrill and others, for bringing more clarification to the issue.

Getting back to a tour in September, do we have the wherewithal to do something with the submarine?

KIM LANGILLE: Well, you can check it out, I guess.

THE CHAIR: We'll leave that to staff to check up and find out during the summer. Are there other suggestions as well? Certainly that would be an interesting start for sure and it was put forward. Mr. MacMaster.

ALLAN MACMASTER: I was just thinking, if it was possible, we could almost have a meeting while we're there with a group but then I thought that's not possible because we don't have the ability to record our discussions.

THE CHAIR: And with someone waiting to get in a submarine for 20 years or so, we should proceed. That would be an interesting first tour for sure and give us an understanding of that service. It is a little bit different and we don't want to just be people who are committee-room people only. I think we can get out and do some other things as well, maybe even between meetings as we proceed. This is the most active Veterans Affairs Committee that has existed in this province for, I would think, maybe decades, at least quite a number of years.

MICHELE RAYMOND: We're a hard act to follow, let me tell you.

THE CHAIR: We're certainly beating two meetings a year, as had existed in the past. We don't say that with any scorn on those who preceded us.

KIM LANGILLE: Are we looking at having this meeting, this tour, on our regular meeting date in September?

AN HON. MEMBER: Or thereabouts.

KIM LANGILLE: Or thereabouts, so whatever can be arranged. I expect, as with meetings, maybe not everyone will be able to attend, but we'll do our best to find a date that works for pretty much everybody.

THE CHAIR: And the Chairman will not get caught up in traffic, for sure. This is the first time I've ever been late, a little late, for a meeting that I chaired. I have been late for meetings of committees I served on, but we were a couple of minutes late starting,

maybe more than a couple this morning.

So we have September looked after, what about October, November?

KIM LANGILLE: As you can see from the schedule that's there, the other alternative for today's meeting was the Merchant Navy. I didn't know if you wanted to go with that for the October meeting and then also perhaps do an organizational meeting, have them come in for a portion of the meeting and then do our organizational, where all the caucuses bring forward their further ideas and then we can compile a list and then we'll forward from there, or if you just wanted to have an organizational in October, how you wanted to approach that.

THE CHAIR: Mr. Burrill.

GARY BURRILL: I'd be glad to give some priority to hearing about the Merchant Marine benefits program. It's been a huge policy turnaround and it has such a big effect.

THE CHAIR: Yes, Mr. Gaudet.

WAYNE GAUDET: Maybe, as we have been saying for the last little while, a tour for September. October, we invite the Merchant Navy and for the November meeting, we have an organization meeting and each caucus will bring a list so we can have some discussion in terms of trying to prioritize our suggestions.

KIM LANGILLE: You'll notice in November our regular meeting falls on November 11th - I'm assuming no one is going to be available for that date. Just so that you are aware, if you wanted to move it to the third Thursday, the Resources Committee meets that morning, so we could move it to the 4th, or the first Thursday.

WAYNE GAUDET: The 4th is fine.

KIM LANGILLE: The 4th of November, then?

THE CHAIR: Mr. Gaudet has suggested the fourth Thursday in November, is that agreeable?

KIM LANGILLE: The 4th of the month.

THE CHAIR: Oh, I'm sorry, you're saying the 4th as . . .

KIM LANGILLE: The first Thursday.

THE CHAIR: Okay, the first, thank you. So we're talking about the first Thursday, which, in fact, is the fourth. Okay, thank you, is that agreed? It is agreed.

The suggestion that we, in fact, have an organizational meeting in October, an organizational meeting, if I may comment on that, usually only takes a very short period of time. I think we could, in fact, have somebody in and have some time, as we've had this morning perhaps, if we only have one item on the agenda. Is that agreeable, rather than losing a witness? That's just my comment.

WAYNE GAUDET: Mr. Chairman, I think, maybe, in support of your suggestion, pending if there is time remaining in our October meeting, that we pursue the second agenda item for organization. If the two hours will be used at the October meeting for Merchant Navy, then we just delay our organization to the following month.

THE CHAIR: Is that agreed?

It is agreed.

I think that is our business of the day, and this is the earliest we've ever concluded. Thank you very much for your time and patience.

We stand adjourned.

[The committee adjourned at 10:12 a.m.]