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## **Standing Committee on Veterans Affairs**

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**EVIDENCE**

**Tuesday, October 19, 2010**

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**Chair**

**Mr. Gary Schellenberger**



## Standing Committee on Veterans Affairs

Tuesday, October 19, 2010

• (1530)

[English]

**The Chair (Mr. Gary Schellenberger (Perth—Wellington, CPC)):** Welcome to meeting number 23 of the Standing Committee on Veterans Affairs. Pursuant to the order of reference of Thursday, April 15, 2010, we are examining Bill C-473, an act to protect insignia of military orders, decorations, and medals of cultural significance for future generations.

Today the witnesses are from the Royal Canadian Legion: Pierre Allard, service bureau director, Dominion Command; and Brad White, dominion secretary, Dominion Command. Welcome, gentlemen.

At this particular time, because this bill happens to have been presented by me, I am going to recuse myself from the chair and ask the Honourable Judy Sgro, if she would, to please take the chair for me.

Thank you, Judy.

**The Vice-Chair (Hon. Judy Sgro (York West, Lib.)):** Thank you very much.

Good afternoon, everyone.

Mr. Allard and Mr. White have already been introduced, so I will turn the floor over to whoever wants to go first to give your presentation, and then we will do our rounds of questions.

Mr. White.

**Mr. Brad White (Dominion Secretary, Dominion Command, Royal Canadian Legion):** Thank you, Madam Chair and members of the committee.

It's a great pleasure to appear in front of the committee once again. On behalf of the dominion president of the Royal Canadian Legion, Comrade Patricia Varga, we offer our support to your continuing advocacy on behalf of all the veterans of all ages and their families.

[Translation]

You have a copy of our presentation in French and English. We will answer your questions in either language.

[English]

At this point in time the Legion is not in a position to support Bill C-473, or Bill C-208 for that matter. However, the Legion does recognize and support the need and particularly the desire to retain historically and culturally significant military orders, decorations,

and medals within Canada. This is a noble but perhaps unachievable objective.

The two main reasons for not supporting the bill are as follows. First, it will not be effective. In order for legislation such as this to work, the barn door has to be fully closed. There are too many loopholes that can be opened up and too many medals can slip out. How do you account for them all? This bill leaves it partially open, so significant orders, decorations, and medals will be able to leave Canada. If enacted, Bill C-473 would likely drive the sale of significant medals underground and all visibility of transactions would be lost. These medals are bought and sold every day in large quantities and in international markets. All you have to do to really verify it is check on eBay, where basically the run-of-the mill medals, and not the high-end items, can be found at any point in time.

Enacting Bill C-473 would infringe on the rights of Canadians to own and dispose of their own private property as they see fit. This is a right that should not be trampled upon lightly. This right is already restricted to a degree by the Cultural Property Export and Import Act. If it is not sufficient to retain historically and culturally significant medals within Canada, then that specific act needs to be amended. We do not feel that additional overlapping legislation such as this is required.

There are a number of other problems with Bill C-473 that have been identified previously but have somehow not been addressed in the present version of this private member's bill. Some of these, in no particular order of importance, are as follows.

One is terminology. In common parlance, only orders have insignia. Decorations such as the Victoria Cross and medals are simply referred to as medals. We should be discussing orders, decorations, and medals, ODM.

Another problem is responsiveness to the feedback. In December 2009 we received confirmation that amendments would be made to the bill in response to the comments that we in the Legion made and forwarded. This included the definition of "near relatives", the transfer of medals outside of Canada, the expansion of the list of museums and organizations that these medals could be offered to, and the addition of a maximum amount of any penalty imposed. It does not appear that any of these recommendations have been followed up on in the present bill.

We're also concerned about acceptable museums. Only the Canadian War Museum, the Canadian Museum of Civilization, and the Department of Canadian Heritage are deemed acceptable recipients for these types of medals. This overlooks a large number of provincial, regional, and local museums, as well as military museums and commands and branches of the Royal Canadian Legion. Other museums or veterans organizations that might have museums, such as ANAVETS, might be interested in acquiring these types of medals, by purchase or otherwise.

Funding is another issue. Most, if not all, museums have very limited acquisition budgets. To be effective, this bill would need to ensure that there is a well-funded national acquisition budget policy. Otherwise, these medals offered for sale might well leave Canada because there are no funds to purchase them.

And then there's the obligation to acquire. Most, if not all, museums have limited storage and display space. Just because an offered medal may be historically or culturally significant, a museum should not be obligated to purchase it if it does not fit into its collection mandate.

Finally, there's the market for the current orders, decorations, and medals. There is a perception that modern medals do not have much value and therefore perhaps would not be affected by legislation such as this. This is incorrect. Should they come onto the open market, modern medal groups, especially those with gallantry awards from Afghanistan, would command high prices.

● (1535)

Examples of the new British Conspicuous Gallantry Cross, which was introduced in 1993, have been sold at auction with a suggested value of £6,000 to £8,000, or \$9,500 or \$12,700 Canadian funds. Similar Canadian medal groups containing new gallantry awards could be expected to command very similar prices. Modern groups should be included in any legislation.

There was an observation in the ACVA minutes of June 17 that the Cultural Property Export and Import Act only applied to items that were over 50 years old, and therefore would not be included in this legislation. If this is correct, then the act should be amended to include them as well.

In summary, at this juncture, unless the above issues can be resolved, the Royal Canadian Legion cannot support or offer its support to Bill C-473. We recommend instead that the Cultural Property Export and Import Act be amended to achieve these objectives in the proposed legislation in a less confusing and restrictive manner.

For your information as well, we have gone out to other veterans organizations. I would offer that the views expressed above by the Royal Canadian Legion are also shared by the Army, Navy and Air Force Veterans in Canada Association; the Canadian Naval Air Group; the Royal Canadian Naval Association; the Naval Officers' Association of Canada; the Hong Kong Veterans Commemorative Association; the Royal Canadian Mounted Police Veterans' Association; the National Aboriginal Veterans Association; the Canadian Association of Veterans in United Nations Peacekeeping; and finally, the Gulf War Veterans Association.

That concludes our presentation today. We would be more than glad to accept your questions.

**The Vice-Chair (Hon. Judy Sgro):** A brief question, Mr. White. You referred to some recommendations that you had submitted. Did you submit those to the committee?

**Mr. Brad White:** Not to the committee, no. They were submitted directly to Mr. Schellenberger's office when the bill was introduced and was in first draft.

**The Vice-Chair (Hon. Judy Sgro):** Since you referred to them, might I suggest that you give them to the clerk so they can be circulated?

**Mr. Brad White:** We will confirm whether we've already sent them to the clerk as well.

**The Vice-Chair (Hon. Judy Sgro):** Thank you.

Ms. Duncan will be the first to go, for seven minutes.

**Ms. Kirsty Duncan (Etobicoke North, Lib.):** Thank you, Madam Chair, and thank you to the witnesses.

First of all I'd like to acknowledge Mr. Schellenberger's desire to retain historical and culturally significant decorations and medals.

I guess I am concerned when I hear that the Legion, representing almost 360,000 people, and other organizations have issues. I'd like to begin by asking both of you, do you think that the bill can be amended to address each of the concerns, or should we be going through another mechanism?

● (1540)

**Mr. Brad White:** I really believe there are probably two possibilities. First, consider the proposed amendments to the bill to tighten it up a little better, to really be definitive on the orders, medals, and decorations that you're discussing here. Put those recommendations forward to address some of the issues, as well as open it up to not only the Canadian War Museum, the Canadian Museum of Civilization, or Canadian Heritage, but to other museums that are also in the business of collecting these types of things.

If you cannot consider the amendments to the bill, then we would consider, as stated in the presentation, that maybe the export and import excise act needs to be toughened up a little bit to improve the control of medals of a significant nature that may or may not leave Canada. That's really what the crux of the issue is: significant medals leaving Canada.

**Ms. Kirsty Duncan:** Thank you.

**Mr. Pierre Allard (Service Bureau Director, Dominion Command, Royal Canadian Legion):** I'd like to add something to that.

If you look at the bill as it stands, basically at paragraph 5(a) it reads that the Governor in Council may make regulations "identifying insignia of cultural significance and the criteria to be applied". In other words, you're approving a bill but you haven't quite defined what you mean by "culturally significant" or what the criteria would be.

We think that's open-ended, especially in the context of looking at the number of orders, decorations, and medals that are out there in the world. You may not be aware, but there are 325,000 defence medals going back to World War II, 650,000 Canadian volunteer service medals, and 700,000 more medals that were issued. Most of those medals were issued without a name on the circumference of the medal, and they're only significant if they're linked to the documentation that accompanied those medals.

This is what you're dealing with in the context of this legislation, so we're suggesting it's unenforceable.

**Ms. Kirsty Duncan:** Thank you. I appreciate that.

If I can take you through each of your concerns—and I won't be able to get through many—to see if there is a response to them or if they can be addressed at all, I think one of the first concerns is that it imposes on the rights of individuals to determine what they do with their private property. In your opinion, can this be addressed?

**Mr. Brad White:** Frankly, I would say no. I have a set of medals. It is my right to decide where my medals go. I have my grandfather's medals from World War II. I have my father's medals from his service in the Canadian Forces. I now have those two sets of medals because they have been given to me for my keeping and presentation.

I will determine where my medals go—to my sons—the same as their great-grandfathers and their grandfathers. Those are our rights.

**Ms. Kirsty Duncan:** Thank you.

Mr. Allard?

**Mr. Pierre Allard:** No, I think that's good.

**Ms. Kirsty Duncan:** Okay, so both of you say no.

You mentioned the fact that the significance of orders, decorations, and medals is not specified. Do you think that can be addressed?

**Mr. Pierre Allard:** I think that would be very difficult, as I had pointed out, because of the number of medals. I just talked about the World War II medals and gave you some statistics. We also have some statistics for recent medals that were awarded for what we would possibly call a “modern veteran”.

As of June 2009, there were 19,795 general campaign stars and 3,479 general service medals that have been issued. There are no numbers provided for the various NATO medals that have been awarded for service in Yugoslavia and the Balkans, or special service medals, UN medals, and the Canadian Forces Decoration.

Given these large numbers, again I would just ask, how do you think you can enforce this bill?

**Ms. Kirsty Duncan:** Thank you, I appreciate that.

Mr. White, do you have anything additional to say?

**Mr. Brad White:** I think it's very difficult. As we said initially, this bill has to be very specific about which medals you are trying to protect within Canada. It's not. It's open-ended. To be open-ended like that leaves too much room for interpretation.

If you want to have a bill that actually protects medals, then have a bill that says which medals you want to protect. Have them defined

very clearly. I think in the scope of the realm, we're talking about Victoria Crosses. We're talking about medals for gallantry, medals for bravery. We're maybe even talking in the future of a Canadian Victoria Cross awarded. Those are the types of medals that we really need to protect.

• (1545)

**Ms. Kirsty Duncan:** Thank you.

You've mentioned there is concern about the restriction on the museums. Is there a way to address that concern? You suggested broadening it out.

**Mr. Pierre Allard:** Well, I think one of the biggest challenges for the museums is that they are going to require some funding to carry out this role you are bestowing on them. This bill doesn't come with any funding, so you're asking these museums to basically do something without providing them the means to do so.

**Ms. Kirsty Duncan:** Okay.

The Canadian War Museum brought up, I believe, the need to safeguard its independence of action, and you've also mentioned in this regard the issue of the obligation to acquire. Do you think this issue can be addressed?

**Mr. Brad White:** Again, I think it falls down to a funding issue in which you designate significant medals. The purchase and acquisition of the Shankland set of medals is a prime example. The museum eventually did not obtain the medals.

When you start to do this type of thing, you start into a bidding process and a bidding war. Once you do that, you are going to raise the price of medals exponentially. And as Mr. Allard has mentioned, if there is no funding line to do this, how do you expect these organizations to go out and actually compete in that market? Because competitors will drive those prices up.

**Ms. Kirsty Duncan:** Thank you.

**The Vice-Chair (Hon. Judy Sgro):** Mr. André.

[*Translation*]

**Mr. Guy André (Berthier—Maskinongé, BQ):** Good afternoon, Mr. Allard.

Good afternoon, Mr. White. Do you understand French?

**Mr. Brad White:** A little.

**Mr. Guy André:** You do represent a number of legions. Is the position you're presenting here today unanimously accepted among all the legions you represent? Have you held consultations with all the legions to agree on the position you're presenting to us? What democratic process was used to arrive at this kind of position?

**Mr. Brad White:** I will answer in English so I can express myself better, if that's okay with you.

[English]

The process that we have to determine positions such as this is a national one, our convention every two years. Obviously, it's at that convention where we create and discuss policy for the Royal Canadian Legion. The Legion, as a bottom-up organization, listens to what is being said at its branches and discusses those issues on the floor of the convention, and that basically sets our policy and positioning for the next term or cycle, as we call it, for two years.

Issues such as this, when they're out of that cycle and not a normal part of the cycle, are discussed through our dominion executive council, which is our governing body outside of the convention. So we will take issues like this to our dominion executive council, and we have taken this particular position to our council and they have debated it. They are representatives from all of our provincial commands across Canada. So we have the ten provincial presidents who are there, we have our senior elected officers of the Royal Canadian Legion who are there, and they discuss these issues and the presentations that we make. And it is that body that gives us those directions in-between conventions.

That is basically our policy process for discussing issues such as this.

• (1550)

[Translation]

**Mr. Pierre Allard:** I would like to add something. In this case, we held consultations not only internally, but also with outside organizations. This position is shared by our colleagues from other veterans' organizations.

The opinions expressed today are shared by the Army, Navy and Air Force Veterans in Canada (ANAVETS), the Canadian Naval Air Group, the Royal Canadian Naval Association, the Naval Officers Association of Canada, the Hong Kong Veterans Commemorative Association, the RCMP Veterans Association, the National Aboriginal Veterans Association, the Canadian Peacekeeping Veterans Association, and the Gulf War Veterans Association of Canada.

So we're not only talking about the opinion of the legion, but also of all these other veterans' organizations.

**Mr. Guy André:** Do all the groups you just listed endorse your position unanimously?

**Mr. Pierre Allard:** Yes.

[English]

**Mr. Brad White:** We normally will take a position when we're asked to appear, and we've said this to the other veterans organizations. We will take a position such as this, we will distribute it to all of those organizations and ask for their input. If they agree with that position, then we're more than happy to present their names along with our presentation. We in no way limit their ability to speak on their own behalf, to come forward to the sessions or any of the committees, such as this, to speak on their own behalf. If they agree with our position, we'll mention it.

[Translation]

**Mr. Guy André:** I would like to ask a question about the bill that is currently being debated. As you already mentioned, museums that cannot afford to buy medals are a serious problem. This has already

been discussed by us and by others. Looking past this key issue, do you believe that, following your consultations, certain amendments could be made to the bill to make it more sustainable and acceptable for the many stakeholders you have mentioned?

**Mr. Pierre Allard:** I would suggest that—

**Mr. Guy André:** Or is this a bill that we should simply—

**Mr. Pierre Allard:** We at the Royal Canadian Legion and other organizations feel that this bill, and I quote from our brief, “would infringe on the rights of Canadians to own and dispose of their private property as they see fit. This is a right that should not be trampled on lightly.”

It simply goes against the bill's objective.

**Mr. Guy André:** It's somewhat similar to Canada's Cultural Property Export and Import Act. Have you looked into this?

**Mr. Pierre Allard:** We have looked into it and we suggest that you simply amend that act, since this bill contains criteria that are not very well defined; for instance, when it comes to determining what is culturally important.

**Mr. Guy André:** Thank you.

[English]

**The Vice-Chair (Hon. Judy Sgro):** Thank you very much.

We'll have Mr. Stoffer for five minutes.

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

Gentlemen, thank you very much for coming, and please give our best to Pat Varga and to Vice-Admiral Larry Murray as well. I think he is a great replacement for Charlie Belzile as honorary president. I thought that was a fine choice you all made.

On the bill itself, my support began for it when I spoke to the member proposing the bill. What he's attempting is to respect the significance of certain medals and so on and stop them from leaving the country. There's one thing I slightly disagree with, and I know that I've had this discussion with the Royal Canadian Legion before. When medals are presented to members of our armed forces or policing services for the various acts they've done—their CDs, combat medals, Victoria Cross, whatever... I got this from Smokey Smith before he passed away. He was proud of his Victoria Cross, but he was just as proud of all the other medals he received. Yet it would be the Victoria Cross, if it came up for auction, that everyone focused on. Yet he himself appreciated all the medals he received.

One thing I've said repeatedly, literally forever, is that this is not currency the government gives you. It's not hundred-dollar bills hanging from your chest. These medals are significant for the fact of service, honour, valour, duty, and everything else. Most importantly, a lot of you wear them because 118,000 men and women never got a chance to wear theirs, because they passed on, many in the act of service.

My own Bill C-208, which I think is easier to understand, basically would restrict these medals from ever being sold or turned into currency. It's very similar to what the Government of Canada has with the Order of Canada. You talk about the property rights aspect of it. But if you receive the Order of Canada, when you die, by law, that Order of Canada has to go back to the Governor General or back to the government. You cannot sell it. Now, many of them don't go back. They're hidden, and kids keep them, and nobody really goes and looks for them.

If the Order of Canada can be restricted, then why can't certain other medals or decorations be restricted?

I sympathize with the private property aspect of it, but if you're currently serving and you receive medals, you cannot sell them while you're currently serving. You can only do with them what you want once you leave the service. If you're serving right now, and you have six or seven medals, you cannot sell them. You cannot do with them whatever you want. You have to be out of the service before you can do that. As you said, you choose to do what you like with your medals.

My belief, and I'm not sure if the author of the bill supports it 100%, and I'd like your clarification on this, is that I have a problem with medals given to our heroes in our country eventually turning into cash. To me, that demeans the medal. It demeans the act of what that person has done.

I'll give you an example in closing. There was a recent gentleman in Quebec, one of Quebec's most decorated soldiers, and he died. His son Charles received the medals, and he was going to sell them. He was asked what he was going to do with the money, and he said, "Maybe buy a car". His family was opposed to his selling these medals, but he had the right to do with them what he wanted. So this man's valour, everything he did for his country, his province, and his people, is now worth a car. I was just so shocked by that. Really, in the end, if you sell these medals, that money can do whatever.

I'd just like your comments on that.

If you could, have you made recommendations regarding the Cultural Property Export and Import Act in regard to helping the honourable member and the rest of us achieve some of the things he would like to achieve and I'd like to achieve, and at the end, getting the Legion's support on that?

Thank you.

• (1555)

**Mr. Brad White:** My understanding of the act is simplistic, but I understand that the act basically restricts the export of a medal for 90 days to ensure that those organizations that may want to obtain it or retain it have that ability.

I don't think the act says specifically what is a medal of significance. I think that's the question that you have to ask here. What is a medal of significance? I think we go back to that as well.

To answer your first question, on whose right it is, medals are awarded to individuals for recognition of acts of service. I know, because I come from a third-generation military family. We have that sort of ethos within my family that tells us how we handle ourselves with our medals and what we do with our medals. I understand fully

that there are people out there who don't have that same sort of background or historical significance, impact, or understanding of what it means to be awarded a medal, such as a medal of bravery or a medal of honour.

So how do you educate people is really the question. How do you educate people to understand what the significance of a medal is? Do you educate people by legislating it to them? Or do you do it some other way? I think in our day and age when people talk about government interference in our lives we have too many people who say it's the government's issue. Well, now you're making it a government issue. Everybody complains that every time something goes wrong the government has to sort it out and they are not taking responsibility for their own actions. So do we have to legislate everything? This is my question back to you.

People need to understand, they need to be educated, and they need to be responsible, and they can only be responsible if they've been educated. That would be my response.

• (1600)

**Mr. Pierre Allard:** I might want to add a couple of things to that.

I think part of the challenge with Bill C-208 was that the last clause basically said:

Every person who contravenes subsection (1) is guilty of an offence punishable on summary conviction.

So here we are. We have private rights and we have the burden of potentially suffering an offence punishable on summary conviction. I think that's a bit of the challenge.

I think the solution resides in what my colleague was saying. We have to not pass legislation. We have to encourage veterans, their heirs and successors to understand that orders, decorations, and medals are valuable items of their family history. I think we have to encourage the donation of ODMs to museums or other institutions, and we even have to encourage a partnership with collectors in order to help preserve the memories of veterans through their ODM.

I think the Legion is ready to do its part in that education process, but we urge you not to pass this legislation.

I talked about the potential cost to the museums. When we addressed the sale of the Shankland's Victoria Cross group that was purchased by the Canadian War Museum, the purchase cost was approximately \$244,000. Actually, that equated to \$288,000 because there was a buyer's premium factored in. This was within the pre-auction estimate of \$220,000 to \$330,000 Canadian.

These medals will indeed remain in Canada; however, this particular issue has identified what the potential cost of passing such a bill would be to even museums that have strong financial backing.

**The Vice-Chair (Hon. Judy Sgro):** Thank you very much.

Mr. Kerr.

**Mr. Greg Kerr (West Nova, CPC):** Thank you.

Thank you, gentlemen, for joining us today. We appreciate your being here.

There are a couple of things I'd like to raise, because there is a conflict in your presentation between having the rights and being concerned about whether the bill goes far enough. I want to clear that up, because that's an issue of principle that I think is worth discussing.

There is one thing that concerns us. I don't think everybody has the values you have, as both service and Legion people, in terms of recognizing the importance of keeping these medals within the Canadian context. Obviously, many people do that in a private collection and do that within family circumstances, but many don't. We don't think simply letting it go, which has gone on for some years, is a resolution. I'm glad to hear you're prepared to cooperate with us, and I know you are in the education. I think education is a good second step, after this legislation, but I do want to follow that further. Gary brings forward, I think, the intent, and we all talked about it and all agreed in principle. It's a very positive thing for somebody to step up as a private member and raise this and say, "Listen, there's a problem out there. There's a difficulty. It ain't perfect, but here's a suggested course of action."

I'm far more comfortable, obviously, than you are in supporting the intent of the bill. I don't see it as a big negative out there. When we're Victoria Crosses and that, those are covered. Those aren't going anywhere, and we know that. But as a general principle, you're not going to have a law that's going to protect every single medal. You're always going to have some underground economy. I think the intent of those medals from the past is covered, unless you're saying the culture and import act is totally wrong and should be done away with as well, which is a whole different discussion.

I don't think this is trying to fill in all the gaps so much as it is taking a step forward with the public, with Canadians, to say, "Listen, there is a gap in what happens in the Canadian culture today". Part of it is education, and I understand and appreciate that, and I agree totally—but what I'd ask first, then, is whether the principle of ownership and private protection and non-interference is the larger concern here.

**Mr. Brad White:** I would say yes, very much so.

**Mr. Greg Kerr:** Okay.

Can you just elaborate a little bit on that? Any legislation of any type is going to run into a conflict in that regard.

**Mr. Brad White:** I believe that I fall under the Charter of Rights, as a Canadian citizen. These are medals that have been awarded to me. They're mine.

**Mr. Greg Kerr:** And that's understandable. But what happens, though, when they fall into the category that was raised by many members, that they kind of collect dust for a few years and nobody seems to care about them? What happens in that context?

**Mr. Brad White:** Well, in actual fact, a lot of these medals end up with collectors. I know Mr. Stoffer sometimes is not too happy with collectors, but collectors actually take care of medals. They take care of collections.

• (1605)

**Mr. Greg Kerr:** No, no, back off.

**Mr. Brad White:** I'm sorry I raised that, but it is a factor.

**Mr. Greg Kerr:** He's very touchy.

**Mr. Peter Stoffer:** It's part of who I am.

**Mr. Brad White:** I know he's very touchy, but it is a fact that they actually do a lot to preserve the medals. A lot of these collectors—probably the majority of them—are actually former military people who take a really keen interest.

I'll give you a good example of what happens with medals, decorations, and orders. We received at our national headquarters a collection of World War I and World War II hat badges. It was probably the most complete hat badge collection we've ever seen. It was squirrelled away in the downstairs of a Legion branch that went out of business and asked Dominion Command to take over the hat badge collection.

It's such a significant collection that we've actually given it to the War Museum because they had never seen that many hat badges of that era. So we are in the process of cleaning it all up, and then we're going to go through the process of displaying it properly. It actually sat in an old back shed somewhere. For years and years nobody could see it. That's where these collections are.

The same thing is going to happen with a lot of these medals. A lot of these medals are going to end up squirrelled away in drawers somewhere, whether in a family drawer, in a collector's drawer, or, through mass of numbers, in a slide-out drawer at a museum because they just don't have room to display all of these.

So, yes, it's a huge problem. And I think even just discussing this bill brings the education aspect forward. It helps to educate Canadians on the magnitude of the issue. Do we need legislation? Does my right to be able to determine where my medals go need to be legislated? I would prefer that it not be.

**Mr. Greg Kerr:** Okay, but let me pursue that, because everybody around here would agree with everything you're saying. Those who are responsible Canadians aren't going to let happen what we watch happen every day—that is, medals disappearing somewhere into the market.

I don't think anything that Gary's brought forward, as we've discussed at committee, suggests we'd ever want to interfere with what is legitimately done by the organizations and groups who are trying to preserve the heritage and importance of those medals and orders. But there a number of people who don't share your ethics, who would just as easily look at those medals as currency. And I hate to see Peter and I agreeing on this, but we have a problem with that, which goes beyond your right to do what you want with your medals or somebody who wants to make....

I guess what I'm asking then is what do you think about those who are outside the very groups and organizations that want to preserve and honour these things? How do you deal with them? They may not even want to be educated.

**Mr. Brad White:** I think we'll go back to what Mr. Stoffer said at the beginning. There are people who have the Order of Canada, and by mandate your family is supposed to return the Order of Canada on your death. Is that happening?

**Mr. Peter Stoffer:** Probably not.



**Mr. Brad White:** Probably not. So why would you have legislation that can't be enacted? You already have it there with a particular medal, the Order of Canada.

What I'm saying is that if you want to have something that you—

**Mr. Greg Kerr:** I've never heard of anybody selling an Order of Canada.

**Mr. Brad White:** It hasn't come up yet, has it?

**Mr. Greg Kerr:** No, but I'm talking about the currency side. Someone is breaking the law very clearly if they do that, and I think we can't lose the concept of what we're talking about, which is that we don't want these things in some people's hands to be considered as currency.

On that point, I'm sure we must be agreeing.

**Mr. Pierre Allard:** I'm having some fundamental problems. If you pass a law that's not enforceable, the law doesn't mean very much. Yet within this proposed law, you're saying here in clause 4 that every person who contravenes this law is “liable to a fine in an amount that does not exceed five times the fair market value of the insignia”.

So if Mr. Shankland were still alive and had determined, as was his right, that he wanted to sell his medals, he could have been fined \$1.5 million? I have a problem with that.

• (1610)

**The Vice-Chair (Hon. Judy Sgro):** Okay, thank you very much.

Ms. Zarac, for five minutes.

[Translation]

**Mrs. Lise Zarac (LaSalle—Émard, Lib.):** Good afternoon, gentlemen. Thank you for joining us.

Mr. White, it's very touching to hear you talk about the respect you have for your medals. That's an important distinction. It's an honour the country has bestowed upon you for your service.

You talked about education. I would like to go a little off topic. We just talked about Canadians who are considered irresponsible for selling their medals. Would you not agree that not all veterans come back healthy and that, for some of them, selling a medal could be a somewhat attractive prospect? We can try to educate people, but education only goes so far.

Mr. Stoffer was saying that future generations will perhaps not have the same respect for those medals. So, don't you think that education has its limits?

[English]

**Mr. Brad White:** There are limits. Even through legislation, there are limits to what can be achieved. So where do you go from there?

If an individual determines that it might be in his best interest to sell his medals off to a collector, so he may have a more comfortable lifestyle, is that his choice? Maybe it is his choice. Maybe it's the way he sees that he can better his lifestyle or make himself comfortable for a little while longer. It's still his choice. So there are limits.

[Translation]

**Mr. Pierre Allard:** There are certainly limits, but you haven't even determined any in this bill. You state the following:

The Governor in Council may make regulations

(a) identifying insignia of cultural significance [...]

You did not define the notion of “cultural significance.”

**Mrs. Lise Zarac:** I would like to point out that I was not the one who failed to define the limits.

**Mr. Pierre Allard:** The bill failed to do so.

**Mrs. Lise Zarac:** The bill did not define the limits.

Bill C-473 was tabled in November 2009, during the previous parliamentary session. You say you made recommendations in December 2009. Could you tell us approximately how many recommendations there were? It just seems that they were never brought to our attention. And if those recommendations were all feasible and were applied, would you adopt the bill?

**Mr. Brad White:** Most of the recommendations made in 2009 are the same as the ones on page 2

[English]

regarding terminology, responsiveness to feedback, acceptable museums, funding, and the obligation to acquire. And of course we do have the one overriding obligation regarding who has rights over the medal, the individual's right to determine his property rights.

[Translation]

**Mrs. Lise Zarac:** So, what you're saying is that we cannot,

[English]

it's not enforceable, and not only is it not enforceable, it goes against your rights.

**Mr. Brad White:** Yes, my rights.

[Translation]

**Mr. Pierre Allard:** I even think that we sent a copy of our comments to the clerk—perhaps not this clerk, but the last one.

**Mrs. Lise Zarac:** I was under the impression that there were more recommendations than what's in the document.

I would like to get back to the Cultural Property Export and Import Act. You are saying that we should abandon this bill and amend the act instead.

[English]

**Mr. Brad White:** From speaking with Mr. Schellenberger before we started our proceedings today, I understand where he is coming from, the heritage committee, where I understand he attempted to protect the medals as well. Now at this committee, he's doing the same thing.

I think there needs to be a joint effort.

**Mr. Gary Schellenberger:** That's not quite right.

**Mr. Brad White:** No? That's not quite right?

When members are talking about items of significant heritage to Canada, particularly when they're talking about veterans issues, if they want to determine a way forward, I don't think it's a matter for one committee or the other. I think that both probably have to be involved to determine exactly what to do.

If you want to proceed with this legislation, then I think you need to discuss what are medals of significance and how you're going to overcome the issue of individual rights. If you feel there might be a better way, through consultation, to amend the Cultural Property Export and Import Act, then that might be the way to go as well.

• (1615)

**Mrs. Lise Zarac:** My last question—

**The Vice-Chair (Hon. Judy Sgro):** I'm sorry, Madame Zarac, your time is up.

Monsieur Vincent.

[Translation]

**Mr. Robert Vincent (Shefford, BQ):** Thank you, Madam Chair.

Good afternoon, Messrs. Allard and White. I have been listening carefully to your points of view. I also understand Mr. Schellenberger's take on things.

First, here's an off-the-cuff idea for you. If the government really wants to hold on to certain medals, isn't there some way to index them and identify which medals the government would like to keep in Canada? Second, would the government be prepared to pay the market price if someone wanted to sell one of their medals that was listed as important?

In addition, let's assume we were to remove one of the bill's clauses under which people would be prosecuted for selling their medals, and by doing so we were to allow people to do what they like with the less important medals that are not indexed. Would that be closer to what you are asking for? We have to see what we can do.

I will give you an example. A museum could very well not be interested in buying your medal, Mr. Allard, if it already has one like it. In that case, you would be stuck with yours. You could not sell it, and even your children or your grandchildren, wanting to part with the medal, could not sell it to the museum, which already has one.

The government should settle on a price for important medals, determine the market value of each type of medal—because the government's price shouldn't deviate from the market one. The government should specify that it is prepared to pay that amount to people who wish to part with their medals. As for the other medals, the government should allow people to dispose of them as they see fit, to sell them as they wish.

What do you think about this idea?

[English]

**Mr. Brad White:** I'll start with the first, if I may.

I'll go back to the example of the Order of Canada. We already have a medal that is supposed to be returned to the government after the individual has passed away. That's already part of the medal. Maybe when the government considers medals, orders, and

decorations in the future, it might want to consider that as part of the order or decoration or medal, and put that in there.

Will it mean that the order, decoration, or medal will come back to the government? Probably not.

[Translation]

**Mr. Robert Vincent:** The medals don't necessarily have to be automatically reclaimed by the government, but the government should at least be able to buy them at the market price. You mentioned the Order of Canada. If people do not give back their medals and those medals end up elsewhere, we have to live with that. However, we could say to those who own certain types of medals and to those who may receive them in the future that, if they want to sell them, the government is prepared to pay the market price.

**Mr. Pierre Allard:** It is my understanding that the Cultural Property Export and Import Act contains regulations under which cultural property must be 50 years old or over, and that there is a sort of a 90-day waiting period during which an attempt is made to find people who would be prepared to buy the significant cultural property in question.

I also think that the \$3,000 maximum is unrealistic. The 90-day period might be logical, but I think that amending the requirement that the property be at least 50 years old would perhaps be the best way to achieve what you're trying to accomplish through Bill C-473.

**Mr. Robert Vincent:** Your comments are very clear. I also see that all the other participants wish to maintain the status quo on this issue.

**Mr. Pierre Allard:** I think the solution would be to amend the Cultural Property Export and Import Act.

• (1620)

**Mr. Robert Vincent:** Very well.

[English]

**The Vice-Chair (Hon. Judy Sgro):** Thank you very much.

Mr. McColeman.

**Mr. Phil McColeman (Brant, CPC):** Thank you, Chair.

I just want to totally understand the question, because I share a lot of Mr. Stoffer's views.

I'll explain it this way. I go to county fairs in my community, and often they'll have vendors with medals for sale. Every time I look at them I get this emotional feeling that somebody's life is being sold. Maybe I've just got to get over that, or that isn't the thing, but through the views you're expressing, are the people you represent okay with it being currency?

**Mr. Pierre Allard:** I'm not necessarily convinced that collectors think this is currency. I think collectors also recognize the historical significance of awards. I think it's wrong to attribute to them that they see this solely as currency. I also see that they do something significant, in that, for all the medals I've identified—I've quoted numbers about how many medals are in circulation—they at least keep the medal linked to the recognition that provided that medal, or else it doesn't have any currency, which is something nobody else will do.

So I think it's not a question of whether this is currency, or whether we're just preserving something. And whoever does it, whether it's a museum or a collector, the result is the same. Does a museum see this as currency?

**Mr. Phil McColeman:** I don't know. Are the groups you represent okay with them being sold as...? I'll give you another example.

**Mr. Pierre Allard:** I can't answer that question. It's not answerable. Are museums happy with the context under which they operate?

**Mr. Phil McColeman:** I don't know. I don't run the museums, nor do I have the answer to that.

I'll give you another example. In my community there's a guy named—maybe you know him—Dave Thomson, who repatriates medals to their original families when he finds and bids for them on eBay. In fact, he solicits money from individuals around the community. Many of us have participated in supplying him the money he needs to get a medal that's being bid on eBay. He has literally repatriated hundreds of medals off eBay to their original families, usually the descendants of the veteran who owned the medals. He does the historical research to find out who they belonged to. When he cannot find out who they are attributable to, he will donate them to a military museum—

**A voice:** Or a legion.

**Mr. Phil McColeman:** —so they are preserved without getting back into the open market of buy and sell, as they are when he finds them.

I guess, in a sense, that one of the reasons why many of us have given him money to do that and have encouraged him, and when it gets down to the final strokes to give him more money so he can acquire these things, is the fact that we know they are not going to be sold again. They are not going to be out there as an item for trade on the open market.

I suppose my question was more driving at the fact that as these are bought and sold in that environment... I understand collectors and I understand they have great motive and they want to make sure they preserve these to their original... I suppose all the attributes that Mr. Stoffer articulated that medals are really all about is the reason why. But in the other situation I'm familiar with, where they are trying to be repatriated and not be bought and sold, do you think this is something we should be dealing with here, or should we let it happen as it is today?

**Mr. Brad White:** I'll go back on the issue that it's kind of difficult to know something is lost if you never knew it existed in the first place. What the individual is doing is a very noble cause, repatriating medals, but there is never any guarantee that they will never go back on the market again.

**Mr. Phil McColeman:** You're right.

**Mr. Brad White:** As the family takes it back again and it goes through the process, maybe one or two generations, the significance of that medal will be gone again and it might end up back on the market. So there's never any guarantee, if that medal goes back into a family setting, how that medal will be treated.

There is possibly a guarantee that if a medal goes into a museum setting, it will end up in a pull-out drawer somewhere and may be pulled out once every ten years.

• (1625)

**The Vice-Chair (Hon. Judy Sgro):** Mr. McColeman, I'm sorry, your time is up.

Mr. Storseth.

**Mr. Brian Storseth (Westlock—St. Paul, CPC):** Thank you, Madam Chair.

I want to thank the Legion for coming forward today. I have to confess that originally my position on this legislation wasn't arrived at, and I have found this a very interesting conversation today.

To begin with, I think we need to clarify a few things. Mr. Schellenberger was the chair of the culture and heritage committee, but this has been his bill that's been coming through this process the entire time. I think it is incumbent upon all of us to thank Mr. Schellenberger for the passion and commitment he's had for educating Canadians on this. I know for myself I've learned quite a bit when it comes to medals and insignias.

I guess my comment to Mr. White is that I'm a little confused with your presentation today. Are you against this bill because it is your right as a veteran and veterans have the right to do as they want with their medals? Is the Legion against this bill because of that, or does the Legion recommend a whole bunch of changes that should be made to this bill?

**Mr. Brad White:** Primarily the Legion is against this bill because it infringes on the rights of a veteran to determine how his medals will go forward.

**Mr. Brian Storseth:** So that's the Legion's position.

**Mr. Brad White:** That is the basic Legion position.

**Mr. Brian Storseth:** It's not that you would be interested in a whole bunch of changes.

**Mr. Brad White:** Correct.

**Mr. Brian Storseth:** This bill, though, does allow veterans to do what they want with their medals as long as they are not going to a non-resident, is that correct?

**Mr. Brad White:** Suppose I have a medal of significance. I can give it to my son, and if he moves out of the country he can do whatever he wants with that medal outside the country.

**Mr. Brian Storseth:** Yes, but that wasn't my question. My question was that this bill allows you to do whatever you want with your medals, and it allows my grandfather to do whatever he wants with his medals, as long as it's to a resident, as long as it's not to a non-resident. Correct?

I have it right here. It says, "No person shall transfer an insignia of cultural significance to a non-resident unless..." And then it gives you a whole process. It's basically saying that Canadians should have first right of refusal on any medals that are sold to a non-resident. Is that...? That's correct.

**Mr. Brad White:** There are all sorts of implications there. What happens if I'm married to a foreigner and say I will my medals to her family? They live outside of the country. Maybe they're British and they have as much affinity and knowledge of heritage of what this is—

**Mr. Brian Storseth:** And I'm not disagreeing with that. But my point is simply that the bill doesn't prohibit you from doing that.

**Mr. Brad White:** But it doesn't enable me to do it either.

**Mr. Brian Storseth:** It allows you to continue to do it as long as you give Canadians first right of refusal to any...if you decide to give it to a non-resident.

**Mr. Brad White:** What happens if my wife's family are non-residents of Canada and they are the only people I could will the medals to?

**Mr. Brian Storseth:** That's a legitimate concern, sir, but that is a concern that can be addressed through amendments. It's not a reason to be against the bill outright. Correct?

**Mr. Brad White:** It still infringes on my right to determine where my medals go. Correct.

**Mr. Brian Storseth:** To a nonresident.

**Mr. Brad White:** That's right.

**Mr. Brian Storseth:** So then I can.... I don't want to put words in your mouth, but I can legitimately summarize that the Legion's position is that Canadians, as in the Canadian populace, shouldn't have first right of refusal on Canadian medals.

**Mr. Brad White:** The Legion's position is that Canadian veterans should have their own right to determine how their medals are moved forward. That's the Legion's position.

**Mr. Brian Storseth:** No ifs, ands, or buts about it.

**Mr. Brad White:** Correct.

**Mr. Pierre Allard:** And also, you should be fair in continuing to read clause 3. It says the option that can be exercised is that you have to make an offer to the Canadian War Museum, the Canadian Museum of Civilization, or the Department of Canadian Heritage. These are the only three organizations you can offer to transfer your medals to, other than to, as you pointed out, a non-resident.

**Mr. Brian Storseth:** What it says is that you have to make an offer to them. If they don't respond within 120 days, you can do whatever you want with the medal.

**Mr. Pierre Allard:** You can do whatever you want. That's correct.

**Mr. Brian Storseth:** That's what the bill actually says.

**Mr. Pierre Allard:** That's what the bill says.

**Mr. Brad White:** Again I lose my right.

**Mr. Brian Storseth:** I'm not saying it.... It imposes restrictions, or potential restrictions on your right. I agree. And that's something I think could be dealt with through amendments, could it not?

• (1630)

**Mr. Brad White:** I mean, it is my right. It's under my charter rights to determine my property, the disposition of my personal property.

**Mr. Brian Storseth:** Listen, I'm a Conservative. I'm big on property rights.

**The Vice-Chair (Hon. Judy Sgro):** And the rest of us aren't?

**Mr. Brian Storseth:** But my question isn't on property rights; my question is on.... I'm getting heckled by the chair.

**Mr. Brad White:** I can see that.

**Mr. Brian Storseth:** My question is, quite simply, though.... If your position is that you're against it, if the Legion is against it because it infringes on veterans' property rights, then there's an amendment to get around that so the Legion could be outside of it.

It sounds to me as though the Legion's position is non-negotiable, it's against it, because there's a potential infringement, and you're not willing to look at amendments for that.

**Mr. Brad White:** That is primarily our main concern, as well as all the other concerns we've presented here for you today.

**Mr. Pierre Allard:** But we are suggesting that you can amend the Cultural Property Export and Import Act and achieve the same objective.

**Mr. Brian Storseth:** Would that not start infringing on your personal property rights, though?

**The Vice-Chair (Hon. Judy Sgro):** Your time is up, sir. I've allowed you to go over. Your time is up.

Mr. Lobb.

**Mr. Ben Lobb (Huron—Bruce, CPC):** Thanks very much.

I don't want to belabour the point, but to build on what Mr. Storseth said, in certain provinces there are foreign ownership restrictions on agricultural land. In a way, that's to protect some foreign ownership of agricultural land. And I can understand or assume your position on that one.

But the point is that even in a real estate transaction, there are so many days to close the deal, and it could be for a number of reasons. Is it that unreasonable to the family of a veteran or to the veteran himself that he or she allows a Canadian 120 days to match an offer? Is it that unreasonable to a veteran, if he has had the medals in his family for 25 years, that they wait another 120 days?

I understand the idea that they are your rights, they are your medals, whoever's medals they were, but is it that unreasonable, from the Legion's position, that it is just so unsavoury that there are 120 days to at least make an opportunity? To me, when you're looking at all sorts of things about rights and freedoms or whatever, it doesn't seem that big of an onerous task.

**Mr. Brad White:** I will go back to my answer. I did serve. I earned a medal. The government awarded it to me. It's my medal. I should have the right to determine where that medal is going to go. Why do I have to have somebody else have the option to bid on my medal if I've determined that it should go to somebody else? I did the service.

**Mr. Ben Lobb:** Okay, well then let's put it in another context, then. If you were going to sell your medal overseas, you would want to have that money in your bank account before you shipped the medal, correct? That would require, from the day you say "sold" until the day the money is in your bank account to the day that medal is couriered to some foreign country—it's not immediate—maybe 90 days. It could be 60 days. So in a way, what's the imposition there, because it could almost end up being even?

**Mr. Brad White:** It could be an e-mail transfer in 30 minutes.

**Mr. Ben Lobb:** It could be. It could not be, always.

**Mr. Pierre Allard:** The bill doesn't say "no person shall sell an insignia". The bill says "no person shall transfer an insignia". What if I decide I want to transfer my medals to the U.K. Imperial War Museum? I don't want to sell them; I just want to transfer them. Why is it that I have to offer them for sale, then, to the Canadian War Museum? I want to transfer my medals.

**Mr. Ben Lobb:** Well, that's what the bill says. That was my question to you fellows, and if you want to ask me questions, that's fine. But that was my question to you.

I'm a lot better at asking than answering, so we'll leave it at that.

**The Vice-Chair (Hon. Judy Sgro):** Thank you very much, Mr. Lobb.

Mr. Stoffer has asked to speak.

**Mr. Peter Stoffer:** Just a quick point of order.

Mr. White brought up the collector thing and how I'm not a fan of that. What was on the Internet was simply incorrect. What I've said is that I don't have a problem with people who collect medals. If you want to give your medals to a collector, that's great. If you sell the medals to a collector, there I have a problem. And if the collector then turns around and sells them, there I have a problem.

On Mr. McColeman's comment regarding estate sales, in many cases people are selling medals that have no connection whatsoever. They bought them at an estate sale. They're on flea market tables and at garage sales. Give me twenty bucks, and off they go. He's right.

I don't have a problem with people who collect medals. I have a problem with trade in cash transactions for medals. That's my problem.

Thank you. I just thought I'd let you know that.

Thank you very much, Madam Chair.

•(1635)

**The Vice-Chair (Hon. Judy Sgro):** I have expired all of the speakers at the moment.

Is everyone okay on all sides? All right.

Mr. White and Mr. Allard, thank you very much.

Please go ahead, Mr. André.

[Translation]

**Mr. Guy André:** I have just one short comment to make, before we wrap up. Basically, it seems to me that we have an ethical dilemma on our hands, a conflict of values, if you will. I would like to hear what you think about that.

We have a government that awards medals to soldiers who participated in missions and performed exceptionally well. Therefore, worthy soldiers are rewarded with medals.

On the one hand, you're saying that the medal belongs to you and that you can dispose of it as you see fit, since you took part in a military mission and risked your life. To reward you for your efforts, the government awarded you a medal. On the other hand, the government is saying that the medal awarded to you is heritage property. It's memorabilia. It's cultural property that's part of history.

I have only one question. You have received several medals. When you received them, did you feel that they were awarded to you without any restrictions whatsoever, or rather that the medals given to you were a symbol of the country and, in a way, belonged to it? How do soldiers feel when they receive a medal? Do you understand what I mean? That is the dilemma we are facing.

Let's forget about the medals for a moment. If I'm given something, that something belongs to me. It's mine. The argument here seems to be that, when it comes to medals, things are different, since they are part of history and heritage. You're saying that things are not necessarily different, since the medals belong to you.

So, I would like to know how you felt when you received those medals.

**Mr. Pierre Allard:** I felt that I wasn't just getting a gift from Canada. The country was recognizing my military service and was expressing its gratitude to me for participating in certain combat missions, certain engagements to preserve the freedom of Canadians.

I respect my medals so much that I do not wear them regularly. I wear them only during the Remembrance Day ceremony or during special ceremonies that require we display our medals. I think that the solution to this problem is to educate people, and not just pass legislation that could possibly require things like—

**Mr. Guy André:** According to you, we're talking about individual property and not collective property or something that is part of our heritage.

**Mr. Pierre Allard:** Yes, basically. The medals were given to me without any restrictions.

**Mr. Guy André:** Without any restrictions.

[English]

**Mr. Brad White:** It recognizes my service to the country. And I agree with Pierre. I only wear my medals on those occasions when I am actually celebrating something like Remembrance Day, or another very ceremonial event. You will not see me wearing my medals to an event like this. Many people do, but my medals are only brought out on special occasions.

[Translation]

**Mr. Guy André:** Thank you.

[English]

**The Vice-Chair (Hon. Judy Sgro):** Thank you very much.

I believe Ms. Duncan has one further comment.

•(1640)

**Ms. Kirsty Duncan:** Thank you, Madam Chair.

In listening to you, the last bit of discussion seemed to focus on one area, and I think it's important to remember that you brought forth a number of concerns.

With medals, I understand the struggle. It's about protecting history, cultural heritage, memory of a life of service. But it's also about recognizing our veterans, respecting them, and giving them choice.

Medals are deeply personal, they're personal to families, and they're awarded in good faith. I think that's the word—awarded. They are given to you, and they are your property.

I will make one other comment about cultural significance.

As Mr. Allard pointed out, context is everything. It's who and what the medal was for. It's like context in archeology. Without that context, I believe those medals will be lost to a museum drawer.

**The Vice-Chair (Hon. Judy Sgro):** I think everybody got their points across.

Thank you very much.

We will continue with this on Thursday.

The meeting is adjourned.

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