



42nd Parliament, 1st Session

REPORT OF THE COMMITTEE

The Standing Committee on Procedure and House Affairs

has the honour to present its

EIGHTY-EIGHTH REPORT

Question of Privilege Related to the Matter of the Royal Canadian Mounted Police Publications Respecting Bill C-71, An Act to Amend Certain Acts and Regulations in Relation to Firearms

INTRODUCTION

On 19 June 2018, the Speaker of the House of Commons concluded that the allegations raised by Mr. Glen Motz, member for Medicine Hat–Cardston–Warner, constituted a prima facie matter of contempt of the House of Commons. Upon the invitation of the Speaker, Mr. Motz moved the following motion to refer the matter to the Standing Committee on Procedure and House Affairs for further study:

That the matter of the Royal Canadian Mounted Police publications respecting Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms, be referred to the Standing Committee on Procedure and House Affairs.¹

During its study, the Committee heard from the following witnesses: the Hon. Ralph Goodale, P.C., M.P., Minister of Public Safety and Emergency Preparedness; Mr. Motz; Mr. Charles Robert, Clerk of the House of Commons; on behalf of the Royal Mounted Canadian Police (RCMP), Deputy Commissioner Jennifer Strachan, Specialized Policing Services and Mr. Rob O'Reilly, Director, Firearms Regulatory Services, Canadian Firearms Program; and on behalf of the Treasury Board Secretariat, Ms. Louise Baird, Assistant Secretary, Strategic Communications and Ministerial Affairs and Ms. Tracey Headley, Director, Communications and Federal Identity Policy Centre.

The Committee thanks these witnesses for their participation and valuable testimony.

1 House of Commons, *Debates*, 1st Session, 42nd Parliament, 19 June 2018, p. 21320.

BACKGROUND

A. Summary of the House of Commons Speaker's ruling of 19 June 2018 and related events

On 29 May 2018, Mr. Motz rose in the House of Commons on a question of privilege concerning information he found on the RCMP website that he alleged led the public to believe that Bill C-71 had already been enacted by Parliament, even though the bill was still before Parliament and subject to its approval. The original versions of the documents which led to the question of privilege are attached as an annex to this report.

In his intervention, Mr. Motz provided members with numerous examples found on the RCMP website of presumptuous language used to describe the impact of Bill C-71 on the current legal framework that, in his view, demonstrated contempt for Parliament's role as a legislative and deliberative institution. Examples of presumptuous language included: "will be impacted," "will become prohibited," and "is affected."²

He also noted, among other things, that the text found on the RCMP website contained no acknowledgement that the bill remained subject to parliamentary approval, nor was there any information posted about the parliamentary process. Further, Mr. Motz advised the House on 30 May 2018 that the text about the effect of Bill C-71 had been updated to include a disclaimer about Bill C-71 being a proposed law, which he viewed as evidence of an admission of fault on the part of the RCMP.

On 19 June 2018, the Speaker ruled that the allegations made by Mr. Motz constituted a prima facie matter of contempt of the House of Commons. The Speaker stated that he had reviewed the information posted on the RCMP website, prior to the addition of the disclaimer, and found that the vast majority of the information was presented as though the provisions of Bill C-71 would definitely be coming into effect or were already enacted as law. At the same time, he found no indication on the website that the bill was still before a parliamentary committee and was not yet enacted law.

In his ruling, the Speaker noted that Parliament's "authority in scrutinizing and adopting legislative proposals remains unquestionable and should not be taken for granted."³ He was troubled by the careless manner in which the RCMP allowed citizens and retailers to draw improper conclusions about their legal obligations for more than three weeks. He

2 House of Commons, *Debates*, 1st Session, 42nd Parliament, 29 May 2018, p. 19845.

3 House of Commons, *Debates*, 1st Session, 42nd Parliament, 19 June 2018, p. 21320.

stated that parliamentarians and citizens ought to be able to trust that governmental officials responsible for informing the public about legislation were providing clear and accurate depictions of the status and content of bills. Part of the responsibility of the public service was in fact to clarify that legislation comes from Parliament and no other source.

In making his ruling, the Speaker indicated that he shared Mr. Motz's concern that the information found on the RCMP's website anticipated a decision of Parliament and offended the authority of the House.

B. Similar past rulings made by the Speaker of the House of Commons⁴

On multiple occasions in the past, members have risen on questions of privilege in the House of Commons after having found information issued by a federal department that, in their view, allegedly gave the impression that certain bills that were still before Parliament would be passed or had become law. It is worth noting that the Speaker's ruling on 19 June 2018 was the only ruling that could be found, for this type of allegation, in which the Speaker of the House found a prima facie case of privilege and/or contempt existed.

Past incidents and rulings include:

- **29 May 2017:** On 10 May 2017, Mr. Murray Rankin, member for Victoria, rose in the House of Commons on a question of privilege. He told the Speaker the "government's appointment website"⁵ had launched the selection process for positions in a new infrastructure bank proposed in a bill that was still before the House. Mr. Rankin stated that recruiting for these positions, before the bill was disposed of by Parliament and the necessary funds appropriated, amounted to a contempt of the House and an affront to the authority of Parliament.

4 Please note that the Speakers' rulings found in this report are not intended to be a comprehensive compilation of all rulings on matters similar to the one raised by Mr. Motz. The Clerk of the House of Commons provided a document to the Committee that notes that additional House of Commons Speaker's rulings occurred on 17 October 1980 (*Debates*, pp. 3780–3781); 18 December 1989 (*Debates*, pp. 7058–7059); 17 May 1990 (*Debates*, pp. 11559–11560); 13 March 1997 (*Debates*, pp. 8987–8988); 9 February 1998 (*Debates*, pp. 3525–3526); 23 April 1998 (*Debates*, pp. 6035–6036); 25 November 2002 (*Debates*, pp. 1822–1823); and 29 May 2008 (*Debates*, pp. 6276–6278).

5 House of Commons, *Debates*, 1st Session, 42nd Parliament, 10 May 2017, p. 11033.

In response, the parliamentary secretary to the Leader of the Government in the House of Commons, Mr. Kevin Lamoureux, contended that the government was simply proceeding with planning for the potential establishment of the proposed bank and that the news release found on Infrastructure Canada's website stated that the selection process for the positions was subject to parliamentary approval.

On 29 May 2017, the Speaker ruled that the question raised did not constitute a prima facie contempt of the House and that the House was not obstructed in its legislative authority, nor its members obstructed from carrying out their parliamentary duties. He stated that in reviewing the government's website, the words "subject to parliamentary approval" were clearly apparent and that there was no indication that any position at the proposed bank would be filled prior to the enactment of the enabling legislation.⁶

- **28 September 2011:** On 19 September 2011, the Hon. Wayne Easter, P.C., member for Malpeque, rose in the House on a question of privilege about a contract posted on a Public Works and Government Services Canada website. The contract dealt with assessing the financial impact of the repeal of the *Canadian Wheat Board Act*. Mr. Easter alleged that posting this notice constituted a contempt of Parliament, as no legislation had been tabled to wind up the Canadian Wheat Board (CWB).

In response, the parliamentary secretary to the Leader of the Government in the House of Commons, Mr. Tom Lukiwski, stated that the government was not presuming that Parliament would take a particular decision about the future of the CWB and the proof was that no legislation had been introduced and no public advertising existed about the introduction or passage of any such bill. Rather, the purpose of the contract was to gain information about the impact of the repeal of the CWB, if that were to occur.

On 28 September 2011, Speaker Andrew Scheer, P.C., ruled that he had examined the wording of the procurement notice closely and found that it presented a hypothetical case and sought information on the impact of

6 House of Commons, *Debates*, 1st Session, 42nd Parliament, 29 May 2017, p. 11559.

such a scenario. As such, he could not find a challenge to the authority or dignity of the House or its members, or the primacy of Parliament.⁷

- **6 November 1997:** On 29 October 1997, the Hon. Chuck Strahl, P.C., member for Fraser Valley, rose on a question of privilege in the House concerning a news release made public by the Department of Finance on 23 October 1997. The news release announced that a nominating committee would be formed to select the membership of a new investment board proposed in a bill that was still before the House. He argued that allowing the government to proceed as if a bill had been passed by the House, when it had not, would set a dangerous precedent, undercut the authority of Parliament and derogate the rights and privileges of members.⁸

The Leader of the Government in the House of Commons, the Hon. Don Boudria, P.C., responded by stating the government's action was merely a prudent step that did not seek to influence the House in its decision to adopt or reject the bill.

On 6 November 1997, Speaker Gilbert Parent, P.C., ruled that no breach of privilege had occurred, nor had the press release prejudiced debate. However, he acknowledged that the role of members should not be trivialized. To that end, the Speaker noted that references in the press release to the legislative process were scant and that "[t]his dismissive view of the legislative process, repeated often enough, makes a mockery of our parliamentary conventions and practices."⁹

- **10 October 1989:** On 25 September 1989, the Leader of the Official Opposition, the Rt. Hon. John Turner, P.C., rose in the House on a question of privilege to argue that the Department of Finance had begun advertising the changes that the Goods and Services Tax bill would have on Canada's federal tax system prior to the bill having been passed by the House.

Mr. Turner argued that the advertisement was misleading, as it gave the public the impression that the tax system change had already happened

7 House of Commons, *Debates*, 1st Session, 41st Parliament, 28 September 2011, p. 1577.

8 House of Commons, *Debates*, 1st Session, 36th Parliament, 29 October 1997, p. 1288.

9 House of Commons, *Debates*, 1st Session, 36th Parliament, 6 November 1997, p. 1618.

and that this diminished the authority of the House in the eyes of the public when it came to examining and approving such changes.

In response to the arguments raised, the Minister of Justice, the Hon. Doug Lewis, P.C., stated that the advertisements were for informational purposes and were not meant to mislead the public into thinking the bill would not be submitted to Parliament for debate.

On 10 October 1989, Speaker John Fraser, P.C., ruled that the advertisements did not amount to a contempt of Parliament because the departmental information alluded to “proposals,” thus it recognized that the legislation had not yet been adopted.

He nonetheless stated that the ads were objectionable and did a great disservice to the traditions of the House. He indicated that should such a situation recur, his findings would not be “as generous.”¹⁰ He also reminded the House that Canada is a parliamentary democracy, not “a so-called executive democracy nor a so-called administrative democracy.”¹¹

- **29 October 1980:** On 17 October 1980, the Leader of the Official Opposition, the Rt. Hon. Joe Clark, P.C., rose in the House of Commons on a question of privilege. He provided two extracts from a government publication entitled *The Canadian Constitution 1980*, stated that the two extracts were “false,” and argued that they constituted a contempt of Parliament.

On 29 October 1980, Speaker Jeanne Sauvé, P.C., ruled that the extracts did not amount to a contempt of Parliament. The Speaker stated that in the context of contempt,

... representations or statements about our proceedings or of the participation of members should not only be erroneous or incorrect, but, rather, should be purposely untrue and improper and import a ring of deceit.¹²

10 House of Commons, *Debates*, 10 October 1989, p. 4461.

11 Ibid.

12 House of Commons, *Debates*, 1st Session, 32nd Parliament, 29 October 1980, p. 4213.

The Speaker added that:

To be false in the context of contempt, an interpretation of our proceedings must be an obviously, purposely distorted one.¹³

The Speaker stated that her role was to examine the document not in terms of its substance, but whether the document represented such a distorted interpretation of parliamentary proceedings that it was prima facie “false.” She found that it did not.

C. Contempt of Parliament

Contempt of Parliament is an offence against the authority or dignity of the House of Commons.¹⁴ The House possesses the right to punish as contempt any action that it considers has tended to obstruct or impede the House in the performance of its functions, obstructs or impedes any member or officer of the House in carrying out his or her duties, or is an offence against the authority or dignity of the House.¹⁵ Actions may be deemed a contempt of Parliament without breaching any of the specific rights or immunities that collectively constitute parliamentary privilege.

Although certain standards exist against which contempt of Parliament can be gauged, it is for the House itself to determine whether contempt has occurred. The House enjoys broad discretion in maintaining its authority and dignity through the exercise of its power to investigate and discipline.

There is no closed list of offences punishable as contempt of Parliament.¹⁶ Contempt of Parliament may include such offences as slanderous statements, refusing to answer questions put by committees, refusing to be sworn in, inappropriate behaviour, giving false or misleading evidence, or statements or conduct which may bring the Senate or House into disrepute. The offence of contempt may be applied to acts committed by parliamentarians or by other individuals or groups.

13 Ibid.

14 Joseph Maingot, *Parliamentary Privilege in Canada*, 2nd ed., 1997, p. 225.

15 Ibid., p. 83.

16 For a more detailed description of contempt, and the distinction between contempt and privilege, please see “[Privilege Versus Contempt](#),” in Bosc and Gagnon’s, *House of Commons Procedure and Practice*, Third Edition, 2017.

EVIDENCE

The Committee heard from Mr. Motz on 30 October 2018, at which time he elaborated on the matters that caused him to raise his question of privilege.

Mr. Motz stated that, in his view, special bulletin number 93, found on the RCMP's website under the Canadian Firearms Program, gave notice that the RCMP had begun implementing portions of Bill C-71 before the bill had been adopted by Parliament. At that time, Bill C-71 was still being studied by the House of Commons Standing Committee on Public Safety and National Security. Further, the bulletin used definitive language, which he said gave "Canadians the distinct impression that this bill was current law in Canada."¹⁷

As a result of this special bulletin, Mr. Motz stated that he heard from constituents who expressed confusion and concern about the bulletin's impact on them. In his view, the lack of accurate information that was provided by the RCMP about Bill C-71 rattled Canadians' confidence in Parliament, adversely affected their ability to trust government, and amounted to an affront to democracy.¹⁸

In his testimony, Mr. Motz also voiced his concerns whether the presumptive language used in the bulletin was employed in error or, instead, results from a casual or cultural or systemic disregard for Parliament within the public service.¹⁹

Mr. Motz noted that despite appearing to be a technical issue, the matter being studied by the Committee was related to the principle that in legislative matters, the executive and the federal bureaucracy were subject to decisions made by Parliament. He told the Committee that his desired outcome for this study was for the Committee to "find out why it happened, how it happened, and how to ensure that it doesn't happen again."²⁰

The Committee heard from Mr. Goodale on 1 November 2018. In his testimony, the Minister explained that the Canadian Firearms Program (CFP) posts web content online to:

... inform about topics such as changes to the firearms licensing regime, modifications to the transfer process, revisions to classifications, changes to requirements for business

17 House of Commons, Standing Committee on Procedure and House Affairs (PROC), *Evidence*, 1st Session, 42nd Parliament, Meeting 128, 30 October 2018, 1200 (Mr. Glen Motz, member for Medicine Hat—Cardston—Warner).

18 *Ibid.*, 1220.

19 *Ibid.*, 1205 and 1215.

20 *Ibid.*, 1220.

and much more. These online updates are important to increase awareness among legal firearms owners and to increase compliance with the *Firearms Act* and the associated regulations.²¹

The Minister stated that on 8 May 2018, updates were made to the CFP website to inform individual owners and businesses in possession of certain firearms that changes to the classification of firearms had been proposed under Bill C-71. He added that these updates included information to assist firearm owners in determining whether their firearm would be impacted by the bill if the legislation were to be passed. The updates also explained the steps that individuals and businesses would need to take by 30 June 2018 in order to be eligible for the proposed grandfathering provisions that were outlined in the draft bill.²²

The Minister stated that the objective of the communication was to help individuals and businesses avoid inadvertently contravening the law once it was passed. He stated that the communications related to Bill C-71 were done in good faith and were intended to encourage awareness and to educate stakeholders. He stated that soon after stakeholders expressed some confusion, the CFP revised the web content to clarify that the legislation was still pending. The Minister stated that the language used was an honest error, and he apologized for the mistake and any resulting misunderstanding.²³

The Minister invited the Committee to offer some guidance for public servants as to the appropriate language when informing the public about pending legislation and he acknowledged the usefulness of reminders from ministers' staff and public servants about the legislative prerogatives of Parliament.²⁴ He also stated that it would be physically impossible and inappropriate for the Minister's office to edit the communications of the RCMP. As the RCMP is a non-partisan, independent agency, he said communications should not be filtered through the Minister's office.²⁵

On 1 November 2018, the Committee also heard from RCMP Deputy Commissioner Jennifer Strachan, and Rob O'Reilly, Director of the Firearms Regulatory Services of the Canadian Firearms Program. Mr. O'Reilly stated that the CFP does not typically comment on pending legislation. However, Canadian firearm owners frequently contact the CFP with questions when legislation related to firearms is proposed or is being discussed in

21 PROC, *Evidence*, 1st Session, 42nd Parliament, Meeting 129, 1 November 2018, 1125 (The Hon. Ralph Goodale, Minister of Public Safety and Emergency Preparedness).

22 Ibid.

23 Ibid.

24 Ibid., 1200.

25 Ibid., 1140.

the media. He said the CFP published information related to C-71 to address these questions in a timely manner, as the proposed legislation included time-sensitive consequences for firearm owners.²⁶

The messaging on the CFP website was drafted by internal communications staff, at the direction of the management team. The text was approved by a director, as well as the director general of the CFP. There is no specific approval process for communications dealing with pending legislation.²⁷

The information was first published online on 8 May 2018. On 30 May 2018, the information was updated to clarify that the legislation was still pending.²⁸

Mr. O'Reilly apologized on behalf of the CFP to the House and to individuals who were confused by the information posted online. He said the intent of the CFP was to inform, not to confuse.²⁹

Deputy Commissioner Strachan stated that there was some consultation with the Minister's office regarding the nature and intent of the communication, but not the specific wording that was posted online.³⁰

The Committee heard from Mr. Charles Robert, Clerk of the House of Commons, on 20 November 2018.

The Clerk stated that the current task before the Committee is to determine whether this case amounted to contempt.³¹

The Clerk suggested that it may be helpful for future communications dealing with pending legislation to include the status of the relevant bill.³²

On 20 November, the Committee also heard from Louise Baird, Assistant Secretary of Strategic Communications and Ministerial Affairs at the Treasury Board Secretariat (TBS).

26 PROC, [Evidence](#), 1st Session, 42nd Parliament, Meeting 129, 1 November 2018, 1225 (Mr. Rob O'Reilly).

27 Ibid.

28 Ibid.

29 Ibid.

30 PROC, [Evidence](#), 1st Session, 42nd Parliament, Meeting 129, 1 November 2018, 1230 (D/Comm. Jennifer Strachan).

31 PROC, [Evidence](#), 1st Session, 42nd Parliament, Meeting 132, 20 November 2018, 1250 (Mr. Charles Robert).

32 Ibid., 1255.

Ms. Baird stated that one of the key requirements of the government's Policy on Communications and Federal Identity is that communications to the public must be "timely, clear, objective, factual and non-partisan."³³ This policy does not prescribe departmental approval processes for communication content. Instead, it allows departments to determine the best way to manage their communications given their specific operational requirements.³⁴

Ms. Baird stated that TBS regularly provides advice to government departments through the Communications and Federal Identity Policy Centre. She added that, when appropriate, there should be communication to the public around the tabling of a bill. However, it must be worded in such a way as to acknowledge the bill's status. Ms. Baird said that, in general, monitoring shows that government communicators use conditional phrasing when providing information on pending legislation.³⁵

Ms. Baird stated that the Policy on Communications and Federal Identity and the Directive on the Management of Communications apply to RCMP communications. These policies do not include specific guidance on communications dealing with parliamentary business.³⁶

Ms. Baird suggested that as the RCMP online content led to confusion from the public, it was lacking clarity or was not factual.³⁷

DISCUSSION

In his ruling of 19 June 2018, the Speaker of the House of Commons stated that the matter raised by Mr. Motz against the RCMP was one of contempt of Parliament. The Chair specified that he was asked to determine if the information posted on the RCMP website anticipated a decision of Parliament and, in doing so, offended the authority of the House.³⁸

In broad terms, "contempt is whatever a House finds as contempt."³⁹ The Committee notes that matters of contempt differ from breaches of parliamentary privilege, in that

33 PROC, *Evidence*, 1st Session, 42nd Parliament, Meeting 132, 20 November 2018, 1220 (Ms. Louise Baird).

34 Ibid.

35 Ibid.

36 Ibid., 1235.

37 Ibid.

38 House of Commons, *Debates*, 1st Session, 42nd Parliament, 19 June 2018, p. 21320.

39 Maingot, p. 229.

the latter require that an offence breach the known and enumerated rights and immunities possessed individually by members and collectively by House.⁴⁰

Joseph Maingot in *Parliamentary Privilege in Canada*, in describing actions that may constitute constructive contempt, states:

There are actions which, while not directly obstructing the House of Commons or the member, nevertheless obstruct the House in the performance of its functions by diminishing the respect due it.⁴¹

In the present case, the Committee fully agrees with both Mr. Motz and the Speaker that the language used in reference to Bill C-71 by the RCMP on its website could have led a reasonable person to believe that the bill would definitely come into effect or was already the law. To compound this error, the website text provided no acknowledgement of the legislative process and all but ignored Parliament's unquestioned authority in scrutinizing and adopting bills.

The occurrence and gravity of this error was not disputed by Minister Goodale or the RCMP.

During his appearance before the Committee, Minister Goodale acknowledged that the RCMP had committed an error and unreservedly apologized. He stated that the communications related to Bill C-71 by the RCMP were prepared in good faith and that the mistake was an honest one; similarly, Mr. O'Reilly apologized on behalf of the CFP. to the Committee, the House and to members of the public who found the information posted online by the RCMP to be confusing. He stated the intent of the CFP was to inform, not to confuse.

The Committee is aware that its study represents the first occasion a House committee has examined an incident in which a governmental body was alleged to have improperly announced information that anticipated decisions to be made by Parliament. As such, a reasonable likelihood exists that the findings contained in this report might serve as a precedent to inform the deliberations and considerations of future incarnations of the Committee.

The issue before the Committee is that an act and omission has been committed by the RCMP that has, in the Committee's view, the tendency to diminish Parliament's authority. However, both the Minister of Public Security and Emergency Preparedness and the RCMP have apologized unreservedly to Parliament and the public, and the

40 Maingot, p. 224.

41 Maingot, p. 250.

RCMP has stated that there was no malice intended in its communication about Bill C-71 with the public.

Speakers of the House of Commons have, on multiple occasions, ruled on matters similar in nature to the one raised by Mr. Motz. In their rulings, Speakers have frequently enunciated certain key principles that they considered to be persuasive, if not decisive, in their decision-making.

In a ruling made on 17 October 1980, Speaker Sauvé stated that a contempt of the House must demonstrate

... some evidence that they represent a publication of false, perverted, partial or injurious reports of the proceedings of the House of Commons or misrepresentations of members.⁴²

On 29 October 1980, Speaker Sauvé ruled on another incident of a similar nature, stating that, in the context of contempt,

... representations or statements about our proceedings or of the participation of members should not only be erroneous or incorrect, but, rather, should be purposely untrue and improper and import a ring of deceit.⁴³

In a ruling made in the other place on 31 March 2009, the Speaker of the Senate referred to Speaker Sauvé's 29 October 1980 ruling in stating that "[a] contempt can, thus, involve either an act or an omission, but an element of purpose, of deliberate intent, should also normally be present."⁴⁴

In his ruling of 10 October 1989, Speaker Fraser arguably provided the most detailed reasoning on a matter similar to that raised by Mr. Motz. Speaker Fraser stated that he had heard the Leader of the Opposition argue that certain advertisements made by the government were a contempt of Parliament, as they left

... readers to infer that the House has no role in the passage of the tax [the then-proposed Goods and Services Tax], thus misleading the Canadian public concerning the procedures employed by Parliament in adopting such legislation.⁴⁵

42 House of Commons, *Debates*, 1st Session, 32nd Parliament, 17 October 1980, p. 3781.

43 House of Commons, *Debates*, 1st Session, 32nd Parliament, 29 October 1980, p. 4213.

44 Senate, *Journals*, 31 March 31 2009, p. 416-419.

45 House of Commons, *Debates*, 2nd Session, 34th Parliament, 10 October 1989, p. 4458.

In response, the Minister of Justice had argued that “the purpose of the ad was to inform” and that “it was never the government’s intention to suggest that legislation would not be submitted to Parliament for debate.”⁴⁶

After reviewing the evidence, Speaker Fraser stated that “[t]he Chair is in a quandry” because “[t]he arguments on both sides are very strong.”⁴⁷ He continued:

In order to clarify thoughts and dispel doubts, the Chair pondered the intent of the offending advertisement as compared to its contents.⁴⁸

Speaker Fraser concluded:

The Ministers of Justice and of Finance have said to the House that the intent of the ad was to inform Canadians. Members are well aware of our practice of accepting the word of an hon. Member of the House. In accepting the ministers’ explanations, the question of intent is answered and accordingly some of the Chair’s doubts are also dispelled. The intent of the ad was not to diminish the dignity of the House.⁴⁹

In the present case, while the Committee finds that these actions and omissions by the RCMP overlooked, and thereby diminished, Parliament’s role, the Committee accepts the apologies of Minister Goodale and the RCMP. The Committee has found no evidence of malice or ill-intent on the part of the Minister or the RCMP and accepts that the error was committed in good faith.

Despite finding no evidence that a contempt was intended towards the House of Commons, the Committee finds that the RCMP’s communications about Bill C-71 demonstrated carelessness and a regrettable disregard for both the government-wide Treasury Board communications policies and the long-held rights of Parliament. The result of the RCMP’s communications on Bill C-71 has been to damage public trust in the RCMP and lower the esteem in which the public holds both the RCMP and Parliament. Further, the Committee is concerned that in taking too charitable an approach to such cases, the door will open to more egregious breaches of the essential rights and immunities held by Parliament.

However, the Committee notes that the nature of the publications was exceptional for the RCMP, that the RCMP lacked an intention of committing a contempt, that the RCMP and its minister repeatedly apologized for the incident, and that the Speaker’s prima

46 Ibid., p. 4460.

47 Ibid.

48 Ibid., p. 4461.

49 Ibid.

facie finding of contempt and the subsequent committee investigation can prove to be significantly embarrassing.

On balance, the Committee does not find that a contempt has taken place, nor does it believe that a punishment should be recommended to the House. The Committee further notes that this approach is consistent with the traditions of the House.

Nonetheless, should the Committee be confronted with a similar case in the future, its response will not be as charitable. The Committee wishes to make clear to the RCMP and all governmental departments and agencies that, similar to Speaker Fraser's admonishment to the government in his October 1989 ruling, "[t]his is a case which, in my opinion, should never recur."⁵⁰

Turning now to preventing similar incidents from occurring in the future, the Committee considers this incident to be an opportunity to raise awareness among departments and agencies of their obligations under long-established, government-wide standards.

The public relies on the public service to provide it with clear, timely and accurate information. As part of their mandate, government departments and agencies have a duty to keep citizens informed about changes to the law. A fundamental component to such communications is the respect for and the acknowledgement of the pre-eminent constitutional responsibilities of Parliament.

The Committee therefore recommends:

That federal government departments and agencies consider indicating the status of the legislation (i.e. the legislative stage of the bill at the time the communications product is made public) for communications products dealing with legislation before Parliament.

50 *Ibid.*

How does Bill C-71 affect individuals?

Bill C-71 will affect your Česká Zbrojovka (CZ) model 858 firearms in one of three ways:

- they may become prohibited,
- they may become restricted, or
- the classification may stay the same.

Because not all CZ firearms will be impacted by changes in their classification you will need to determine if the firearm you own will be affected by these changes.

Bill C-71 also lists a number of [specific Swiss Arms \(SA\) firearms](#) that will also become prohibited.

If you own a CZ/SA firearm, the steps below can help you identify how Bill C-71 affects you. They explain the grandfathering requirements and how to avoid being in illegal possession of a firearm.

Step 1: Determine the classification of my firearm

Refer to the [self-assessment guide](#) to determine if Bill C-71 affects your CZ firearm.

If your SA firearm was listed in Bill C-71, it will be classified as a prohibited firearm. Please proceed to [Step 2](#).

Step 2: Do I want to apply to have my prohibited CZ or SA firearm grandfathered?

If, due to Bill C-71, your CZ/SA firearm is expected to be classified as prohibited, you need to decide (**by June 30, 2018**) if you want to have it [grandfathered](#).

If you **do** wish to grandfather your prohibited CZ/SA firearm proceed to [Step 3](#) to determine whether you are eligible, and [Step 4](#) to identify the steps that need to be taken.

If you do **not** wish to grandfather your prohibited CZ/SA firearm, you may:

- transfer (i.e., sell, trade, give) your CZ/SA firearm to an individual or business (including museum) with the appropriate licence privileges,
- export the firearm to another country (in accordance with legal requirements), or
- have the firearm turned in for disposal (i.e., destruction).

Step 3: How do I qualify for grandfathering?

Currently Restricted CZ/SA firearms

If your CZ/SA firearm is currently classified as restricted, it must be registered with the [Registrar of Firearms](#) (as required by existing legislation). If you have not done so, the registration must be completed by **June 30, 2018** in order for your firearm to be eligible for grandfathering. You must have a PAL with restricted privileges in order to register a restricted firearm.

Provided that your currently restricted CZ/SA firearm is properly registered, please see additional criteria below which must be met for you to qualify for grandfathering.

Currently non-restricted CZ/SA firearms

For CZ/SA firearm that are currently non-restricted, but are anticipated to become prohibited due to Bill C-71, you will be required to take the Canadian Restricted Firearms Safety Course (if not already taken) and have your licence appropriately upgraded.

The Registrar of Firearms will assess your licence situation when you submit your registration application (upon coming into force) and advise you accordingly.

Please see additional criteria below which must be met for you to qualify for grandfathering.

Criteria for all CZ/SA firearms

To qualify for grandfathering of your currently non-restricted or restricted CZ/SA firearm*, the following criteria must be met:

- you must possess one or more such firearms on June 30, 2018, **and**
- you must hold a valid registration certificate on June 30, 2018 (for firearms previously classified as restricted), or apply for a registration certificate (in cases where the firearm was not previously classified as restricted) for your firearm within one year of the grandfathering provisions coming into force, **and**
- you must continuously be the holder of a registration certificate for one or more such firearms beginning on June 30, 2018 (for firearms previously classified as restricted) or beginning on the date a registration certificate is issued (in cases where the firearm was not previously classified as restricted).

* **PLEASE NOTE:** For grandfathering purposes, listed CZ firearms are treated as a different class from listed SA firearms. In other words, possession of a listed CZ firearm on June 30,

2018 does not allow an individual to be considered for grandfathering privileges for a listed SA firearm, and vice-versa.

***ADDITIONAL NOTE:** Non-restricted and restricted CZ firearms which do not meet the Criminal Code definition of a prohibited firearm at the time the provisions come into force cannot be used as the basis for obtaining grandfathering privileges.

If you do not want to keep a non-restricted or restricted firearm that will become prohibited, properly transfer or dispose of your firearm in one of the approved methods noted in [Step 2](#).

Step 4: How do I apply for grandfathering?

To have your CZ/SA firearm considered for grandfathering, you must submit an application to the Registrar of Firearms. Your application must be submitted to the Registrar **within one year** of the grandfathering provision of Bill C-71 coming into force.

You can apply for grandfathering even if you have not yet obtained the required restricted privileges on your PAL, but you will need to complete the Canadian Restricted Firearms Safety Course and upgrade your licence privilege. **PLEASE NOTE:** Your application to have your firearm grandfathered will not be processed until you have completed the Canadian Restricted Firearms Safety Course and upgraded your licence. It is advisable to take these steps as soon as possible.

Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms – Upcoming Changes

Special Business Bulletin No. 93

Bill C-71 will affect the Česká Zbrojovka (CZ) firearms in your inventory in one of three ways:

- they may become prohibited,
- they may become restricted, or
- the classification may stay the same.

Because not all CZ firearms will be impacted by changes in their classification, businesses will need to determine if their firearm(s) will be affected by these changes.

Bill C-71 also lists a number of specific Swiss Arms (SA) firearm that will also become prohibited.

If you own CZ/SA firearms, the steps below can help you identify whether your inventory of firearms is affected by Bill C-71. They explain the grandfathering requirements and how to avoid being in illegal possession of a firearm.

Step 1: Determine the classification of my business's firearms

Refer to the self-assessment guide to determine if Bill C-71 affects your CZ firearm.

If your SA firearm was listed in Bill C-71, it will be classified as a prohibited firearm. Please proceed to [**Step 2**](#).

Step 2: Transfer, disposal or destruction of your CZ/SA firearm

If, due to Bill C-71, your CZ/SA firearm is expected to be classified as prohibited, you should consider, by **June 30, 2018**, whether you wish to transfer, dispose of or destroy the

firearms in your inventory. Once the firearms become prohibited, only businesses with prohibited licence privileges would be able to keep them, and only for a prescribed purpose.

If you choose to transfer your CZ/SA firearm:

- Business owners will continue to be authorized to transfer any and all impacted CZ or SA firearms in their inventory to properly licenced individuals, until the relevant provisions of Bill C-71 come into force. For an individual owner to be eligible for grandfathering certain requirements must be met by **June 30, 2018**.

If an individual does not wish to grandfather their CZ/SA firearm, they may:

- transfer (i.e., sell, trade, give) their CZ/SA firearm to an individual or business (including museum) with the appropriate licence privileges,
- export the firearm to another country (in accordance with legal requirements), or
- have the firearm turned in for disposal (i.e., destruction).

*Please note that only individuals, **not businesses**, are eligible for grandfathering.

The proposed changes to classification status for CZ/SA firearms listed in Bill C-71 will come into force on a date to be determined by Governor in Council. This date is yet to be determined. As such, businesses will be permitted to continue to sell any and all CZ/SA firearms in their inventory up until these provisions are brought into force. Prior to the provisions being brought into force, all CZ/SA firearms continue to be classified as they currently are. An individual who purchases an affected CZ/SA firearm after June 30, 2018 will not qualify for grandfathering privileges (unless they possessed the same class of firearm on June 30, 2018) and will have to legally dispose of the firearm after Bill C-71 provisions come into force.

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this report.

A copy of the relevant *Minutes of Proceedings* (Meetings Nos. 128, 129, 132, 134, 136, 137, 139, 140, 141 and 143) is tabled.

Respectfully submitted,

Hon. Larry Bagnell, P.C., M.P.
Chair

DISSENTING OPINIONS OF THE OFFICIAL OPPOSITION

The Official Opposition disagrees with the majority's conclusion—that no contempt occurred—and, therefore, dissents from the report. Our reasons for reaching the opposite conclusion about the Royal Canadian Mounted Police (RCMP) publications are explained below. The precedent the Liberal majority could be setting for future government communications about parliamentary business is of grave concern to Conservatives.

Additionally, Conservatives are concerned that the Committee ended its study too soon and, otherwise, had limited its scope of inquiry too narrowly. Key issues, which should have been considered, were thereby overlooked by the Liberal majority. Our views are articulated below.

The RCMP publications are a contempt of Parliament

The first prima facie ruling was a precedent, not an error

The Liberal majority says that it was “worth noting” that the Speaker's ruling which led to this study stood alone, among previous complaints, in finding a *prima facie* case of privilege and/or contempt. While accurate, the lack of explanation offered invites the reader to infer that the Speaker may have been in error.

It is important for the record to reflect that the facts of the present case were distinguishable from those in the previous privilege rulings referenced in the report. The Member for Medicine Hat—Cardston—Warner, Mr. Glen Motz, explained the distinctions between the previous situations and the present one in his submissions on the question of privilege which led to this study,¹ and these went unchallenged.

Open disrespect of the House's authority is a contempt

The Speaker, in his ruling on this matter, remarked concisely:

I cannot turn a blind eye to an approach by a government agency that overlooks the role of Parliament. To do otherwise would make us compliant in denigrating the authority and dignity of Parliament.²

The House's leading procedural treatise puts these words into an established context:

the House also claims the right to punish, as a contempt, any action which, though not a breach of a specific privilege ... is an offence against the authority or dignity of the House...³

¹ House of Commons, *Debates*, May 29, 2018, p. 19846.

² House of Commons, *Debates*, June 19, 2018, p. 21318.

³ Marc Bosc and André Gagnon, *House of Commons Procedure and Practice*, third ed. (2017), p. 81.

This concept is echoed in several other leading procedural authorities.⁴

During his appearance, the Clerk of the House of Commons, Mr. Charles Robert, reviewed the Speaker's ruling, observing that the Speaker reminded Members that Parliament's authority in scrutinizing and adopting legislation remains unquestioned and must not be taken for granted. He added that parliamentary authority to pass bills should not be usurped. The Clerk reminded the Committee that

Respecting the dignity and authority is a fundamental right which the House takes very seriously. The mission of the Speaker as a servant of the House is to ensure the protection of the rights and privileges, not only of every member, but also those of the House as a whole. In that sense, any affront to the authority of the House may constitute contempt of Parliament.⁵

The majority's report is correct in saying that there is no closed list of offences punishable as contempt of Parliament. What's more is that the severity of conduct which can come under the heading of contempt is equally unlimited, potentially ranging from minor breaches of decorum to attacks against the institution itself.⁶

Motivations or intentions are not among the "elements of the offence"

The authorities do not say that intentions or motivations must be established to find a contempt. Indeed, the Committee's United Kingdom counterpart has affirmed the exact opposite premise: "A contempt may arise even when the person who commits it has no intention of offending."⁷ These considerations, however, are relevant when considering remedies and punishments, addressed later.

The Liberal majority quotes Mr. Speaker Fraser's October 1989 ruling, in respect of the government lacking an intent to diminish the House's dignity leading to his not finding a *prima facie* contempt, and presents those words as a conclusion. The Chair's immediately following words, which are not quoted by the majority, expressly limited this to a one-time consideration rather than a "defence" which could be invoked in the future:

However, I want the House to understand very clearly that if your Speaker ever has to consider a situation like this again, the Chair will not be as generous. This is a case which, in my opinion, should never recur. I expect the Department of Finance and other

⁴ Joseph Maingot, *Parliamentary Privilege in Canada*, second ed. (1997), pp. 14-15, 193, 250; Charles Robert, *Senate Procedure in Practice* (2015), pp. 230, 249; Sir Malcolm Jack, *Erskine May Parliamentary Practice*, 24th ed. (2011), p. 203; Michel Bonsaint, Gillian Baird and Suzanne Langevin, *Parliamentary Procedure in Québec*, third ed. (2012), pp. 97-98.

⁵ House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, November 20, 2018, p. 9 (Mr. Charles Robert).

⁶ Bosc and Gagnon, p. 83.

⁷ United Kingdom House of Commons, Committee of Privileges, Report of Session 1988-89 ("Alleged Misconduct Affecting a Parliamentary Agent") (HC 502), para. 3. See also United Kingdom House of Commons, Committee on Standards and Privileges, Fifth Report of Session 2003-04 ("Privilege: Protection of a Witness") (HC 447), p. 16.

departments to study this ruling carefully and remind everyone within the Public Service that we are a parliamentary democracy, not a so-called executive democracy, nor a so-called administrative democracy....⁸

This balancing act concerning advertising motivations has been commented upon more recently by the current Speaker of the Legislative Assembly of Alberta in a ruling where he, nonetheless, found a *prima facie* contempt despite stating that he had “no doubt that the Government had good intentions” in advertising.⁹

Reliance on an overturned Senate ruling is flawed

In a similar vein, the Liberal majority, in its analysis, refers to a 2009 case in the Senate where Mr. Speaker Kinsella referred to the need to establish a “deliberate intent” in respect of a contempt.

Left unstated is that that ruling was, following an appeal by the then-Liberal Senate leader, overturned by a majority of senators.¹⁰ Like relying upon a lower court decision as a precedent despite an opposite ruling on appeal, it is simply bad law and should not be considered.

Provincial legislatures’ precedents were overlooked

If the Liberal majority was, indeed, interested in exploring the treatment of this issue in other jurisdictions, it should have given consideration to cases from provincial legislatures.

For starters, Quebec is a rich source of “jurisprudence” on complaints respecting government publications. The National Assembly’s leading procedural text dedicates an entire section to cases of “Invoking Unadopted Legislative Provisions” and offers the following conclusion:

In short, parliamentary jurisprudence shows that providing information on measures to be tabled in the House does not, at first glance, constitute contempt of Parliament unless the information suggests that the measures have immediate force of law. However, the role of the National Assembly and of its Members must be mentioned in such cases. As a general rule, government departments and bodies must be careful when issuing press releases about matters that may be brought before the House.¹¹

The National Assembly’s leading case, from 1992, saw President Saintonge find a *prima facie* contempt when the Régie de l’assurance-maladie du Québec issued a press release addressed to dentists and dental surgeons informing them of immediate

⁸ House of Commons, *Debates*, October 10, 1989, p. 4461.

⁹ Legislative Assembly of Alberta, *Journals*, November 1, 2016, pp. 252-253.

¹⁰ Senate, *Journals*, March 31, 2009, pp. 418-419.

¹¹ *Parliamentary Procedure in Québec*, third ed. (2012), p. 113 (emphasis added).

changes to the province's health insurance plan.¹² In response, the Régie tendered an apology and the National Assembly debated (but withdrew without voting on) the following resolution:

That this Assembly state that the Régie de l'assurance-maladie du Québec and their managers violated its rights and privileges and its members' by exhibiting contempt for Parliament by releasing a press release at the end of the afternoon on Thursday, May 14, 1992, announcing immediate changes to the Health Insurance Plan, taking for granted the passing of Bill 9, An Act amending the Health Insurance Act, and not mentioning reference to the essential and central role of Parliament and its members in the adoption of these measures.¹³

In 1997, government publications about pending municipal reforms were found to be a *prima facie* contempt of the Legislative Assembly of Ontario. In his ruling, Mr. Speaker Stockwell observed that

they convey the impression that the passage of the requisite legislation was not necessary or was a foregone conclusion, or that the assembly and the Legislature had a *pro forma*, tangential, even inferior role in the legislative and lawmaking process, and in doing so, they appear to diminish the respect that is due to this House. I would not have come to this view had these claims or proposals – and that is all they are – been qualified by a statement that they would only become law if and when the Legislature gave its stamp of approval to them....

It is not enough for yet another Speaker to issue yet another warning or caution in circumstances where the wording and circulation of the pamphlet appear on their face to cross the line. I say in all candour that a reader of that document could be left with an incorrect impression about how parliamentary democracy works in Ontario, an impression that undermines respect for our parliamentary institutions.¹⁴

More recently, in 2013, Mr. Speaker Zwozdesky found a *prima facie* contempt of the Legislative Assembly of Alberta in connection with a government brochure which presumed both the passage of legislation and legislative committee decisions, despite a warning about such conduct in a recently-delivered ruling.¹⁵

A further *prima facie* contempt of Alberta's Legislative Assembly, this time related to radio and online advertising, was found by Mr. Speaker Wanner in 2016.¹⁶

Agreement on the consequences, but not on how to reach that view

The limits imposed on the length of dissenting opinions prevent a more thorough canvassing of provincial and territorial precedents, but it can be said that, like the

¹² *Ibid*, p. 109.

¹³ National Assembly of Quebec, *Journal des débats*, May 26, 1992, pp. 1277, 1283 (translation); *Votes and Proceedings*, May 26, 1992, p. 200.

¹⁴ Legislative Assembly of Ontario, *Journals*, January 22, 1997, pp. 455-458.

¹⁵ Legislative Assembly of Alberta, *Journals*, December 2, 2013, pp. 292-299.

¹⁶ Legislative Assembly of Alberta, *Journals*, November 1, 2016, pp. 250-253.

assorted precedents in our House, these together form a body of jurisprudence, or a road map, for understanding how to interpret acceptable government advertising and those which constitute an affront to the dignity and authority of the House.

These decisions build the arguments, or defences, which a government can present for why an advertisement does not constitute such an affront. Chief among these is the simple acknowledgement that the measures referenced in the advertisement or publication are subject to parliamentary approval.

Yet, that most simple of acknowledgements was missing from the RCMP publications about Bill C-71. Had it been present, it is possible that there may have been no question of privilege; most likely, there would have been no *prima facie* contempt found by the Speaker and no subsequent committee study.

Though we have no quarrel with the majority's recommendation about better communicating that a given matter is before Parliament (and, in fact, we would also suggest specifically adding this guidance to the *Canada.ca Content Style Guide* so that it will be prominently available to federal government web content writers), the recommendation is, in reality, redundant.

Put simply, this "wheel" has already been invented. If the RCMP had stayed within the four corners of the growing body of Speakers' rulings—and acknowledged, for example, that the provisions of Bill C-71 were subject to parliamentary approval—the Force would have been in the clear. Since the RCMP did not, it rather finds itself in the present situation—one which the Official Opposition is firmly of the opinion constitutes a contempt of Parliament.

That said, we are of the view that it is at this stage of the analysis when the motivations and intentions of the RCMP become relevant considerations. Based on the evidence heard by the Committee, we would share the sentiments in the majority's report that, owing to the circumstances of the publications, the attention and embarrassment which attends an adverse Speaker's ruling and the repeated apologies tendered, the Official Opposition is of the opinion that no further sanction should be recommended, as would be consistent with the traditions of the House.¹⁷

Ultimately, we have reached the same view on consequences as the Liberal majority—but we got there by a different route. Our different conclusion about whether the RCMP publications constitute a contempt was a fundamental disagreement requiring Conservatives to file these dissenting opinions, lest future readers might infer that the Committee's report represents a unanimous decision.

We did not have a chance to "get to the bottom" of the problem

Conservatives were keen to explore and understand what led to the RCMP's impugned

¹⁷ Bosc and Gagnon, p. 86.

publications. Indeed, we were urged to do so by Mr. Motz;¹⁸ this sentiment was also shared by the Minister of Public Safety and Emergency Preparedness, the Honourable Ralph Goodale, P.C., M.P.¹⁹

Though the evidence the Committee heard suggests that the publications were not the product of any ill intentions directed at Parliament, there were several loose ends left exposed which Conservatives believe should have been addressed.

Despite a Liberal minister voicing support for a thorough study, such that the situation could be prevented from happening again, the Committee's limited study speaks to the Liberal majority's actions. As the proverb goes, actions speak louder than words.

Discrepancies and gaps in the evidence were not sorted out

During his appearance, Mr. Goodale told the Committee, "I know of no role that my staff or my office played in relation to this particular publication."²⁰

On the role played by his departmental officials, Mr. Goodale told the Committee, "when the RCMP is speaking for the RCMP, that is their function, and the government doesn't presume to muzzle them or edit them or control their communications."²¹

What the Committee subsequently heard regrettably casts a shadow of some doubt on the Minister's comments. The actual role of the Department of Public Safety and Emergency Preparedness, and its Minister's office, may not be as categorical as portrayed by Mr. Goodale.

Following Mr. Goodale's appearance, the Committee heard from RCMP Deputy Commissioner Jennifer Strachan that "the spirit of why this communication was being drafted to support Canadian firearms owners was discussed with staff at the minister's office". She explained that the actual text was not shared, but rather "why we were seeking to do that".²²

In a June 27, 2018, briefing note prepared for the RCMP Commissioner (and shared with the Committee after it finished hearing from witnesses), it was recorded that "The web content was developed in consultation with RCMP legal and consistent with a pro-

¹⁸ House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, October 30, 2018, pp. 1-3 (Mr. Glen Motz).

¹⁹ House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, November 1, 2018, pp. 3-4 (Hon. Ralph Goodale).

²⁰ Goodale, p. 4.

²¹ *Ibid.*

²² House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, November 1, 2018, p. 9 (D/Commr. Jennifer Strachan).

active communications approach discussed with Public Safety.”²³

Meanwhile, in RCMP records subsequently shared with the Committee, we learnt that officials had some conversations in mid-April about preparing these materials. Christina Syme, a senior advisor at Public Safety Canada, told her RCMP colleagues “Yes, we would want to be part of that discussion.”²⁴

This e-mail “conversation” was then referred to Renée Gobeil, a director at Public Safety (and a Bill C-71 committee witness). Ms. Gobeil was asked by an RCMP acting senior policy analyst “if you could indicate what level of approvals you expect are needed at PS”.²⁵ The Committee has no record of Ms. Gobeil’s response to the RCMP on that particular query.

In fact, the documentary trail essentially goes cold until 3:55 p.m. on May 4—a Friday afternoon—that web publications needed to be “posted Monday, before Tuesday morning”.²⁶ Another e-mail, the following Monday morning, explains the oddly redundant statement of the sudden deadline: “It needs to be live before the Parliamentary committee appearance tomorrow morning.”²⁷

Appearing at the Standing Committee on Public Safety and National Security that next morning, on Tuesday, May 8, was none other than Mr. Goodale, along with his departmental and RCMP officials.²⁸

The deadline of getting ahead of the Minister’s committee appearance was, indeed, met with the final approval for the publications coming at 11:27 p.m. the night before.²⁹

Deputy Commissioner Strachan chalked the wording of the RCMP’s publications, in part, up to hurriedness, telling the Committee that RCMP officials were “under maybe a bit of a time crunch, recognizing [the] haste to get the message out”.³⁰ The record shows, though, that work on drafts began about four weeks before publication—the haste appears to be tied to Mr. Goodale’s committee appearance being scheduled.

²³ Royal Canadian Mounted Police, Briefing Note to the Commissioner, “Prima Facie Matter of Contempt of Parliament Regarding Information Posted on the CFP Website” (File No. CCM18-002717), June 27, 2018, p. 2.

²⁴ E-mail from Christina Syme to Matthew Barthe and Renée Gobeil, April 12, 2018, at pp. 4 and 19 of Appendix 6 of RCMP response provided to the Committee on February 12, 2019.

²⁵ E-mail from Matthew Barthe to Renée Gobeil, April 12, 2018, at pp. 1 and 16 of Appendix 6 of RCMP response provided to the Committee on February 12, 2019.

²⁶ E-mail from Alyson Robillard to Melanie Roush, May 4, 2018, at pp. 5 and 21 of Appendix 6 of RCMP response provided to the Committee on February 12, 2019.

²⁷ E-mail from Christine Lamadeleine to Santino Urbisci, May 7, 2018, at pp. 10 and 26 of Appendix 6 of RCMP response provided to the Committee on February 12, 2019.

²⁸ House of Commons, Standing Committee on Public Safety and National Security, *Minutes of Proceedings*, May 8, 2018.

²⁹ E-mail from Suzanne Easton to Alyson Robillard, May 7, 2018, at pp. 8 and 24 of Appendix 6 of RCMP response provided to the Committee on February 12, 2019.

³⁰ Strachan, p. 3.

The day following the publication, Public Safety Canada officials contacted the RCMP about the web content and “requested media lines for the Minister’s Office”.³¹

Work to revise the publications began, but there was a sensitivity about appearing to concede the original versions were problematic. One RCMP official wrote, “I understand there is some concern with changing the text too much, because we don’t want to draw more attention to ourselves ... [but] it shouldn’t be too newsworthy”. A reply noted, “Our [Director General] asked us to get a written “ok” from Public Safety”.³²

The briefing note prepared for the RCMP Commissioner confirmed that “On May 25, 2018, in response to the [Canadian Firearms Program]’s consultation, the Department of Public Safety provided additional suggested revisions to the web content.”³³

It behooved the Committee to fill in the missing gaps, sort out the inconsistencies, and clear up any confusion or misunderstanding.

Ending the study and finalizing the report were hasty decisions

The Official Opposition is of the opinion that the Committee should have heard from departmental officials from Public Safety Canada—and, if necessary, have return appearances by Mr. Goodale and the RCMP witnesses—to clear up the inconsistencies and gaps in the evidence now before the Committee.

Regrettably, the Committee did not hear from these witnesses before finalizing a report. (Ironically, though, the Committee heard its last witnesses on November 20, 2018, but only completed its report over three months later. This time could have easily been used to find an extra hour or two for witness testimony.)

Conservatives can only speculate why the Liberal majority would proceed in this manner.

Evidence about existing government policies and resources went unheard

A central theme during the Committee’s meetings was to find means to prevent this issue from recurring. Nonetheless, the Committee barely scratched the surface of the existing policies and resources now in place, which should have been considered before launching forth on a recommendation concerning communications activities.

Treasury Board Secretariat officials with responsibility for government communications policies appeared before the Committee, but they were placed on a panel with the Clerk

³¹ RCMP Commissioner Briefing Note, p. 2.

³² E-mails between Melanie Roush and Zrinka Loucks, May 18, 2018, at pp. 12 and 29 of Appendix 6 of RCMP response provided to the Committee on February 12, 2019.

³³ RCMP Commissioner Briefing Note, p. 2.

of the House of Commons and, between all of them, had 43 minutes to make their presentations and take questions from the Committee's ten members.³⁴

Meanwhile, the Committee did not have the benefit of hearing from officials from the Privy Council Office. As a central agency, it also has responsibilities in this field which were described to Committee as being "the functional head for communications" for the federal government.³⁵ Beyond that, the Privy Council Office also possesses corporate knowledge and expertise on parliamentary issues, a role acknowledged by their colleagues at the Treasury Board Secretariat.³⁶

The Official Opposition is of the opinion that the Committee would have benefitted from hearing the perspectives of the Privy Council Office and gaining a better sense of the relevant mechanics involved, to determine whether this issue before the Committee was truly a one-off error or represented a potential systemic flaw which warrants attention and merits substantial recommendations.

We did not get a chance to consider the public-facing consequences of the RCMP publications

Finally, the Committee's study was oriented around whether the RCMP publications were a contempt of Parliament. Though understandable because this was the procedural grounds on which the Committee was referred this matter for study, there was, however, an equally troubling angle left unaddressed once the Committee got down to business.

On their face, the RCMP publications were not about picking a fight between the legislative and executive branches of government. Instead, the documents were meant to be guidance for certain law-abiding firearms owners about how to comply with Bill C-71's provisions which would otherwise place them in violation of the criminal offence of unauthorized possession of a firearm, an offence punishable by up to five years' imprisonment.³⁷

This concern was noted by Mr. Motz in raising his question of privilege,³⁸ and which he elaborated upon for the Committee:

It's important to recognize as well that when you are making a statement or putting out a publication that impacts thousands of Canadians and that can make them believe that they could become criminals overnight—their understanding was that if they didn't comply, they

³⁴ House of Commons, Standing Committee on Procedure and House Affairs, *Minutes of Proceedings*, November 20, 2018.

³⁵ House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, November 20, 2018, p. 11 (Ms. Louise Baird, Assistant Secretary for Strategic Communications and Ministerial Affairs, Treasury Board Secretariat).

³⁶ Baird, p. 12.

³⁷ *Criminal Code*, R.S.C. 1985, c. C-46, s. 91, as amended.

³⁸ House of Commons, *Debates*, May 29, 2018, p. 19846.

would be criminalized—then it's important that there be some understanding at the front end of that.³⁹

Mr. Motz spoke about receiving a lot of communication from constituents and stakeholders about this issue, expressing confusion, angst and concern about whether they had been instantly transformed into criminals.⁴⁰

A former senior police officer, Mr. Motz explained to the Committee the potential risks and effects of erroneous information circulated by a law-enforcement agency:

First of all, it creates confusion for the gun-owning Canadian public. Many of the municipal agencies, provincial agencies and law enforcement agencies in this country receive action bulletins and law bulletins from the RCMP, who have been involved with or play these things out and are responsible for programs, such as the Canadian Firearms Program. It's possible that it could cause confusion for them. Without checking, someone could believe that this is already enacted and make an error in that regard. Thankfully, I'm not aware of anything like that happening. It was changed. But it's possible.⁴¹

To that end, Mr. Motz urged the Committee to hear from various groups within the firearms community who could speak, first-hand, to the confusion created and the consequences which followed; he helpfully offered several suggestions of potential witnesses, too.⁴²

Conservatives wholeheartedly share that concern and agreed with Mr. Motz's suggestion to understand more fully the public-facing consequences of the RCMP's publications. Regrettably, though, the Committee did not hear from these witnesses before concluding its study and drafting its report.

The Official Opposition is of the opinion that these witnesses should have been heard, allowing the Committee to consider and address the problem of the RCMP publications more comprehensively—beyond the very important but limited matter of contempt—in a way which would have greater significance and consequence for Canadians, and especially those implicated in the RCMP's advice.

³⁹ Motz, p. 3.

⁴⁰ Motz, p. 4.

⁴¹ Motz, p. 7.

⁴² Motz, pp. 7-8.