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Chair: Mr. Ron McKinnon



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• (1555)

[English]

The Chair (Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.)): I call this meeting to order. Welcome, everyone.

Welcome to meeting 49 of the Standing Committee on Public Safety and National Security. We will start by acknowledging that we are meeting on the traditional unceded territory of the Algonquin people.

Today's meeting is taking place in a hybrid format pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely using the Zoom application.

Pursuant to the order of reference of Thursday, June 23, 2022, the committee resumes consideration of Bill C-21, an act to amend certain acts and to make certain consequential amendments (firearms). Today, the committee starts clause-by-clause consideration.

I'll now welcome the officials who are here with us this afternoon. They are available for questions regarding the bill but will not deliver any opening statements. We have, from the Department of Justice, Marianne Breese, counsel, Public Safety Canada legal services; Paula Clark, counsel, criminal law policy section; and Phaedra Glushek, counsel, criminal law policy section. From the Department of Public Safety and Emergency Preparedness, we have Rachel Mainville-Dale, acting director general, firearms policy.

I thank you for joining us today.

I will now provide some guidance on the clause-by-clause consideration process for Bill C-21. Actually, I believe the clerk has distributed a document to everyone that gives the outline of how to proceed. We will start with clause 0.1, and we will go forward, but not backwards, typically, right?

Does anybody have any questions regarding the clause-by-clause consideration of this bill?

I'll recognize Raquel in just a minute.

We also have our legislative clerks here to guide us along our way, as well as our regular clerk, who is keeping an eye on us.

Ms. Dancho, go ahead, please.

Ms. Raquel Dancho (Kildonan—St. Paul, CPC): Thank you, Mr. Chair.

I appreciated very much the one-pager you provided to us—I believe it was today—and I just wanted to confirm what a few things meant.

As you noted, a few of us are new to this process. This is, for example, the first time that I am doing clause-by-clause study for a bill, and I appreciated your mention that we will go through this process deliberately so that everyone understands what we're doing.

I did want to clarify a few things.

You mention in the second paragraph that “[t]he Chair may be called upon to rule amendments inadmissible if they go against the principle of the bill or beyond the scope of the bill”. You also go on to say “or if they offend the financial prerogative of the Crown”.

Can you provide a little more insight into what that might look like, particularly on “if they offend the financial prerogative of the Crown”? Is this saying that if there's any amendment or anything that brings in a financial component, it's out of order?

The Chair: Actually, on that one in particular, I believe it's BQ-25 that requests that the Crown institute a “repurchase” plan, and that requires a charge against the treasury and it requires a royal recommendation. We, as a committee, aren't empowered to do that.

In general, if a change is not within the spirit and scope of the bill, it would be out of order as well. That will be determined on an amendment-by-amendment basis.

Okay? Are there any further questions?

Okay. Let's get into it.

The chair calls new clause 0.1. The first amendment we have there is G-1.

• (1600)

Ms. Raquel Dancho: I'm sorry. I have one more question.

Now that you've clarified that for me, for one of the amendments—or two of them, actually—I'm a bit concerned about their scope. In particular, I want to say G-4 and G-46. We feel that they're quite significant changes, which they are. That's factual.

Since G-4 is up quite soon—I think it's the fifth or sixth amendment that we would be going through, so I'm assuming we'd be getting there quite quickly—we're wondering, given the substantial change they're proposing, if the government is able to provide more information.

If we could perhaps park those amendments into next week, then we can revisit them once the government has provided more information, in particular on G-4, which in essence proposes a ban on nearly all semi-automatic rifles and shotguns, Mr. Chair—

Ms. Pam Damoff (Oakville North—Burlington, Lib.): I have a point of order, Chair.

The Chair: Go ahead, Ms. Damoff.

Ms. Pam Damoff: G-4 hasn't even been moved yet. Should we not be going in order? Don't these have to be moved in order to be discussed?

The Chair: Yes, when we get to G-4, it has to be ruled as admissible or not.

We can defer dealing with a specific clause of Bill C-21—we can stand it and then come back to it—but we can't do that, as I understand it, with amendments. Amendments change things in the order—

Ms. Raquel Dancho: I have a follow-up question.

Ms. Pam Damoff: Sorry. I have a point of order, Chair.

The Chair: Hang on.

Ms. Raquel Dancho: I have a follow-up question. Thank you.

What I'm asking, though, is that if it's moved, we can't park it until later. That's why I'm bringing this up now, before it is moved.

Again, that amendment would ban almost all semi-automatic shotguns and rifles—

Ms. Pam Damoff: I have a point of order again, Chair.

Ms. Raquel Dancho: —so we're asking if the government can provide a little more information so that we can better understand the impact of it before it is moved, and then we can talk about it in more detail.

The Chair: It will be when that time comes.

Go ahead on your point of order.

Ms. Pam Damoff: Chair, my understanding is that amendments are confidential until moved. We shouldn't even be having this conversation until they're moved. Each amendment is confidential. This is not a conversation we have before any amendment is moved on the floor. Is that not correct?

The Chair: As to confidentiality, that's probably correct. However, I think we're kind in the throes of it anyway.

Go ahead, Ms. Dancho, and then Mr. Motz.

Ms. Raquel Dancho: There are a number of issues with a number of the clauses introduced. I believe I can speak about them if I'm not reading the entire amendment into the record right now. Can I not speak generally to what they're about before they're introduced?

The Chair: We will deal with the amendments in order.

Ms. Raquel Dancho: Okay. Well, what I am asking is that amendment G-4 is going to require significant discussion. Rather than hold up all of the amendments that come after it, what I am proposing, if the committee agrees, is that if I can ask for the information we would like before we consider G-4, we can park it until, say, Tuesday of next week, when the government has a chance to

give us all of the semi-automatic rifles and shotguns that would be banned by that amendment.

If they can provide that so that we can consider that more fully, so that we're not holding up all of the other amendments, because, again, it's a very substantial change—

The Chair: I understand—

Ms. Raquel Dancho: Again, we can get into that today and hold up all the other ones or we can get more information and have a more fully informed discussion.

The Chair: I'll ask the legislative clerk to speak to that.

We can't defer an amendment like that, can we? Could you give me guidance on that?

Mr. Philippe Méla (Legislative Clerk): Thank you, Mr. Chair.

When debate has started on an amendment, you can certainly stand it and study it later, but you cannot stand just one amendment. You would have to stand the whole clause and all the amendments linked to that clause as well.

In your example, it would be the whole of clause 1 that would be studied at the end or whenever you felt you had the answers you needed.

• (1605)

The Chair: Okay.

I'll go to Mr. Motz first. Go ahead.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): Thank you, Chair.

In line with Ms. Dancho's comments, your statement in the document you've given on consideration for clause-by-clause study says the following:

In addition to having to be properly drafted in a legal sense, amendments must also be procedurally admissible. The Chair may be called upon to rule amendments inadmissible if they go against the principle of the bill or beyond the scope of the bill—both of which were adopted by the House when it agreed to the bill at second reading—or if they offend the financial prerogative of the Crown.

I would submit, Chair, that under the second reading of this particular bill, nothing in G-4 or the other one that was mentioned—it slips my mind at the moment—were ever talked about as being part of Bill C-21. As a result of that—

The Chair: I'm going to—

Mr. Glen Motz: Let me finish. As a result of that, Chair, I would suggest that we need to then maybe hold up all of clause 1, if that's part of it, until we get a proper ruling on whether that's admissible moving forward and whether this is a different scope from what the bill actually laid out in Bill C-21 when it was presented to the House in the first place.

The Chair: Right. We're not going to deal with G-4 until we get to G-4. We're going to take these amendments in order.

Mr. Glen Motz: But based on what the clerk just said, sir, we can't take G-4 out of clause 1 unless we hold and suspend all of clause 1.

Did I understand you correctly, sir?

The Chair: We can stand the clause whether or not we deal with amendments in partiality.

Mr. MacGregor, you have a point of order.

Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP): We're not at clause 1 yet. We're still dealing with a new clause 0.1, so that's not yet—

An hon member: Yes, that's what I wanted to clarify. Let's let that go through.

The Chair: Thank you.

As to process, then, it will be up to the chair to decide whether it's admissible or not. Of course, if the chair decides it's admissible and you disagree, you're able to challenge the chair, and then it goes to the committee for a vote.

Ms. Raquel Dancho: I have one last question, just so I'm clear.

To your point, if we were to go into clause 1 and we don't vote on the final clause, and then we move on to clauses 2 and 3, can we not come back to clause 1? Can we not talk about clause 1 at all until we're ready to talk about all of the amendments—just so I'm clear?

The Chair: Go ahead, Mr. Méla

Mr. Philippe Méla: Thank you, Mr. Chair.

Once the clause is adopted—all of the amendments have been dealt with and the clause is adopted, amended or not—the committee can always come back to that clause, but you would need unanimous consent to do that.

Now, if you want to stand a clause, which is to put the clause to a later time, you can also do that by unanimous consent or by moving a motion for that purpose.

Ms. Raquel Dancho: Okay. Just to be clear, if we have any issue with any amendment of any clause that we don't want to deal with right now and are proposing that we deal with it later, we'd have to deal with the whole clause and all of its amendments later.

I understand. Thank you.

The Chair: Okay, shall we carry on?

We are at proposed new clause 0.1.

Under this clause, we have amendment G-1, which is in the name of Mr. Chiang.

Mr. Paul Chiang (Markham—Unionville, Lib.): Thank you, Mr. Chair. I would like to move amendment G-1.

This amendment shows our intention on this committee to further amend the Criminal Code. It will simply include the text "Amendments to the Act", which was not included in the original text of the bill.

The Chair: Thank you.

Is there any discussion on this amendment?

Ms. Raquel Dancho: I'm not clear what this does. It seems fine, but is it a sort of semantics issue that it addresses?

The Chair: Yes, I think it is just adds a heading to the bill.

Is there any further discussion?

(Amendment agreed to on division)

The Chair: We will go to amendment G-2.

This, I believe, is Mr. Noormohamed.

Mr. Taleeb Noormohamed (Vancouver Granville, Lib.): Thank you, Mr. Chair.

This is a new coordinating clause to be added before line 4, page 1. The amendment creates the proposed clause 0.1.

The amendment updates section 2.1 of the Criminal Code to amend the further definitions of a firearm to include a "firearm part". These are coordinating amendments that are needed based on the new definition of "firearm part" that we are adding to subsection 84(1) of the code in amendment G-4.

• (1610)

The Chair: Thank you.

Go ahead, Ms. Dancho.

Ms. Raquel Dancho: I have a couple of concerns.

I guess I am asking for clarification first. The only thing differently....

The text is all underlined, so I'm assuming that the only new thing is "firearm part". Is that the new singular part?

Mr. Taleeb Noormohamed: That's correct.

Ms. Raquel Dancho: There are a number of amendments that have been provided that add that singular thing. For some reason, everything has been underlined in most of those amendments.

Mr. Taleeb Noormohamed: I think it's that they're taking one section and putting the entire thing in, but—

Ms. Raquel Dancho: But "firearm part" is the only new part. Thank you for the clarification.

My question is this. I recognize that there's an amendment that defines what that means, but it has not been passed yet.

Mr. Taleeb Noormohamed: That's correct.

Ms. Raquel Dancho: I'm not necessarily opposed to adding this, but I don't feel that we have done substantial study on it. There's no definition as of right now, although it is proposed. Later it may be adopted. As of right now, there is no definition, and I don't know whether the definition that has yet to be adopted but is proposed in your amendments would be an accurate one. I'm not enough of a firearms expert to rule on that.

I'm not clear what the impact of this amendment will be, in particular if any incoming definition of "firearm part" is not fulsome or is too extensive. Is there a possibility that we may be criminalizing firearms owners who have gun holsters or gun cleaning tools or the like?

I'm not a firearms expert, but I am concerned about the broader implications of this and that we did not have extensive testimony at committee to make the case that this is needed or to help us define the best definition for "firearm part".

The Chair: Go ahead, Mr. Noormohamed.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

With reference to Ms. Dancho's comment, this really speaks to the testimony that we had, from a variety of different policing forces, related to ghost guns. This speaks to the elements that were discussed, including trigger assemblies, slides and barrels. This is not meant to deal with cleaning supplies and other such items.

I believe that clarification is there, but this speaks specifically to those elements that could be used to create a gun at home.

Ms. Raquel Dancho: Yes, I suspected that, so I appreciate that this is the rationale behind it. I think we're all concerned about ghost guns. At least I've made it clear that I would like to move forward with efforts to deal with that growing problem.

Again, I'm not sure. The definition hasn't been adopted. We can't exactly talk about it, because it's forthcoming, as has been mentioned. There is no definition right now. There's no guarantee that your definition is going to be adopted. My concern there, then, is that we may be putting something in that could be interpreted....

Perhaps the law clerks can answer. If we pass this and a definition is not adopted through this process, how would that be defined? Would that have to be defined in the courts? Would that be defined in regulations if the government's amendment includes the definition of "firearm part"?

I'll turn it over to you.

Ms. Phaedra Glushek (Counsel, Criminal Law Policy Section, Department of Justice): This is a consequential amendment to other motions that will be before it. Proposed section 2.1 sets out words and expressions that when used for the purposes of the Criminal Code will have the same meaning as the definition in section 84. If the definition in section 84 is struck down, this would have no corresponding definition. It would be in this section without a corresponding definition.

Mr. Glen Motz: Well, isn't that a little vague? Every other mention of a device here—ammunition, handgun, imitation firearm, import—has a definition around it in the definitions section. If we're going to say "a firearm part", that could be anything that has no consequence to the use of a firearm, no ability to put public safety at risk, so don't you think we need something that shows what a "firearm part" really means?

Ms. Phaedra Glushek: Yes, there is a definition, in section 2, of "firearm part". There is a definition that correlates to the current offences and provisions dealing with firearms.

The Chair: Mr. Noormohamed, go ahead.

Mr. Taleeb Noormohamed: For further clarification on the point of concern, of course, the definition that Mr. Motz may be looking for is in amendment G-4, proposed subclause 1(1.3). It talks about what a firearm part specifically means. It means:

"firearm part" means a barrel for a firearm, a slide for a handgun and any other prescribed part, but does not include...a barrel for a firearm or a slide for a hand-

gun if that barrel or slide is designed exclusively for use on a firearm that is deemed under subsection 84(3) not to be a firearm;

It's a very specific definition. It's there for folks to look at.

• (1615)

Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC): I have a point of order. I'm new to this too, so could you just slow down, Mr. Noormohamed? If you're going to give references, could you just take a second and tell us the number you're on? You just need to go a little slower and tell us where you're referencing it from. Thank you.

I barely got to the page in time.

Mr. Glen Motz: Well, I still have the floor.

The Chair: We're all a little bit new to this. Some of us who have been around for a few years haven't done clause-by-clause consideration for several years now. We'll hopefully muddle through.

Ms. Dancho, go ahead, please.

Ms. Raquel Dancho: Just so I'm clear, your amendment G-2 mentions "firearm part", which you're defining, as you've just read, in your amendment G-4, which is a forthcoming amendment, which I assume you will be moving. You've read the part on "firearm part", which I'll conclude for you:

"firearm part" means a barrel for a firearm, a slide for a handgun and any other prescribed part, but does not include, unless otherwise prescribed, a barrel for a firearm or a slide for a handgun if that barrel or slide is designed exclusively for use on a firearm that is deemed under subsection 84(3) not to be a firearm;

Okay. That's understood, but what is subsection 84(3)? Can we be a bit more specific? It's saying it's for some guns but I think not for other guns. Can we just be a bit more clear?

The Chair: Subsection 84(3) is a reference to the Criminal Code. I don't have that text in front of me.

Mr. Glen Motz: I have it right in front of me.

(3) For the purposes of sections 91 to 95, 99 to 101, 103 to 107 and 117.03 of this Act and the provisions of the Firearms Act, the following weapons are deemed not to be firearms:

- a) any antique firearm;
- b) any device that is
 - (i) designed exclusively for signalling, for notifying of distress, for firing blank cartridges or for firing stud cartridges, explosive-driven rivets or other industrial projectiles, and
 - (ii) intended by the person in possession of it to be used exclusively for the purpose for which it is designed;
- c) any shooting device that is
 - (i) designed exclusively for the slaughtering of domestic animals, the tranquilizing of animals or the discharging of projectiles with lines attached to them, and
 - (ii) intended by the person in possession of it to be used exclusively for the purpose for which it is designed; and
- d) any other barrelled weapon, where it is proved that the weapon is not designed or adapted to discharge
 - (i) a shot, bullet or other projectile at a muzzle velocity exceeding 152.4 m per second or at a muzzle energy exceeding 5.7 Joules, or
 - (ii) a shot, bullet or other projectile that is designed or adapted to attain a velocity exceeding 152.4 m per second or an energy exceeding 5.7 Joules.

The Chair: Thank you.

Does that help, Ms. Dancho?

Ms. Raquel Dancho: Yes, I believe so. I appreciate that the definition later on in G-4 has been read into the record.

Just to be clear, are we voting on now adding this? Again, it's mentioned in, I think, 30 different amendments—or is it 20?

Perhaps our folks here can explain the impact. Let's say that someone right now doesn't have a PAL but has a slide for a handgun. Right now, you don't need a PAL to have one, but with this amendment, you will. Is that correct?

That's a no. Okay. Could you please elaborate?

Ms. Paula Clarke (Counsel, Criminal Law Policy Section, Department of Justice): The proposed amendment would add a requirement that for a firearm part—which would be a barrel, a slide for a handgun, or any other prescribed part—to be transferred to another person, that other person must possess a firearms licence. It would not be an offence to possess the firearm part. It simply applies to the transfer.

Ms. Raquel Dancho: Is that for this amendment specifically, or are you talking about all of them that they've brought forward? They're inserting “firearm part” into several areas of the Criminal Code, so does what you shared with us just now apply to all of them or just this one?

I'm asking—

The Chair: I think we can really only speak to the amendment before us right now.

Ms. Raquel Dancho: Just so I'm clear, if this passes and if I have a slide for a handgun and I provide it to Mr. Lloyd, but he does not have a PAL, he and I would be violating the Criminal Code.

Ms. Paula Clarke: The transferor would be violating this requirement because they are not confirming that the other person has a firearms licence.

• (1620)

Ms. Raquel Dancho: Okay. Would he be in violation because he received it?

Ms. Paula Clarke: He could be in possession of property obtained by crime, technically.

Ms. Raquel Dancho: Okay, I understand. Thank you.

The Chair: Mr. Motz is next.

Mr. Glen Motz: Thank you, Mr. Chair.

I just want to confirm the actual numbers, because there is no section 2.1 of the Criminal Code right now. There's a section 2, but there isn't a section 2.1 in the most recent Criminal Code. I'm wondering if the wording is wrong.

Ms. Phaedra Glushek: There is an existing section 2.1 in the Criminal Code. It comes right after the main definitions that apply throughout the Criminal Code. It's a very short definition that indicates that the terms used in the code are also for the purposes of part 3 of the Criminal Code.

Mr. Glen Motz: My 2023 version does not have it in it. You'll have to show me, because it does not have that in it. That's why I'm saying it makes no sense.

Ms. Paula Clarke: Do you have the *Martin's* 2023? It should be on page 25.

Mr. Glen Motz: Oh, you're going way back there.

Ms. Paula Clarke: Yes.

Mr. Glen Motz: I was in section 84.

Ms. Paula Clarke: No, it's on page 25—section 2.1 of the Criminal Code.

Ms. Phaedra Glushek: It's in the very beginning of the code, section 2.

Ms. Raquel Dancho: Mr. Chair, if I could just read this in sum, because I think....

Here's my concern with this. I think we're elevating “firearm part”, which I think begets a bigger discussion. Again, as I said, I think we're all interested in addressing the issues of ghost guns, but it does put it in right alongside “'ammunition', 'antique firearm', 'automatic firearm', 'cartridge magazine', 'crossbow',” then “firearm part” now, “handgun', 'imitation firearm', 'prohibited ammunition', 'prohibited device', 'prohibited firearm', 'prohibited weapon', 'replica firearm', 'restricted firearm' and 'restricted weapon', as well as 'authorization'....”

I'm just concerned that we're elevating a slide for a handgun up to something that is a prohibited weapon. We're now classifying those the same in this regard.

Ms. Phaedra Glushek: It's not about the classification of a word, or a part or a barrel. It's a definition of a term that would apply both in section 2 across the Criminal Code and in part III. It's a consequential amendment just to add it to the list of defined terms that are found in section 84.

Ms. Raquel Dancho: Right, so this is probably my last comment, but what I'm saying is that if Mr. Lloyd didn't have a PAL and I provided him with a restricted handgun—let's say I provided him with any prohibited firearm—and now, because of this, if I also provide him with a slide for a handgun, they're equivalent in this regard now.

Ms. Phaedra Glushek: What I understand this amendment to be doing is adding “firearm part” to proposed section 2.1 of the Criminal Code. That just adds it to the list of already defined terms in section 84. This doesn't have a substantive change in terms of the firearm part; it's adding it as a consequential amendment to the motion, to section 84.

The Chair: Is there further discussion? Okay. Let us have a vote on G-2.

(Amendment agreed to [*See Minutes of Proceedings*])

The Chair: That brings us to G-3, which also, I believe, is in Mr. Noormohamed's name.

Mr. Taleeb Noormohamed: Yes. Thank you, Mr. Chair.

This amendment continues the creation of a new clause 0.1. It deals with terrorism amendments.

It will add the term “firearm part” to the Criminal Code. One thing the judge shall consider of recognizance is whether it is desirable or in the interest of public safety to prohibit a person from possessing firearms. It's a new coordinating clause added before line 4 on page 1.

The only change we're making to the code is adding the term “firearm part”. The according amendment is needed based on the new definition of “firearm part”, which we are adding too, as we just discussed.

The Chair: Go ahead, Mr. Motz.

Mr. Glen Motz: I'm just curious. Can you go back and say what we've added again? With everything covered off and all underlined, it doesn't show us exactly. I'm trying to find what we actually added.

Mr. Taleeb Noormohamed: It adds the term “firearm part”.

Mr. Glen Motz: That's it?

Mr. Taleeb Noormohamed: Yes.

Mr. Glen Motz: Then for our witnesses, what we're really saying here is that a judge, when he's making an issue under recognizance, can give a recognizance with a condition that a person cannot own or have possession of a firearm part—

Ms. Paula Clarke: Yes.

Mr. Glen Motz: —even if it's a nothing part. Based on this definition, it has to be a barrel of a firearm, which by itself is nothing.

• (1625)

Ms. Paula Clarke: It's a barrel or a slide for a handgun, correct, but it's the same as other items that are listed in other prohibition orders, which is a fairly thorough description of things that cannot be possessed by a person who's entering a terrorist peace bond.

Mr. Glen Motz: I appreciate the fact that we're trying to deal with ghost guns and that we can make a firearm with a 3D printer, other than the barrel, right? We want to prevent the barrel from being used as a ghost gun, but we're going to criminalize administratively people who have no 3D printer and no intention of building a firearm from a 3D printer.

I'm concerned that if an individual has a barrel of a firearm, that's going to now become a condition for a judge to consider. I just find that to be seriously problematic, unless we expand that definition and what the intent is really all about. I just don't understand why.... If we're saying that a barrel is used for a ghost gun, then that might give people some satisfaction, but I doubt it.

The Chair: Thank you.

We'll go to Mr. MacGregor now.

Mr. Alistair MacGregor: Hopefully, this is helpful: Basically, most of Mr. Noormohamed's amendments are adding the phrase “firearm part”. They go on through, and I've highlighted them all.

There is an amendment coming up that specifies exceptions, so that if you are the owner of a barrel or a slide for a legitimate purpose, you're not going to be covered by this. Exceptions are coming up and we just have to get there and go through the Criminal Code in order.

The Chair: Are there further comments?

All in favour of amendment G-3?

(Amendment agreed to on division [*See Minutes of Proceedings*])

(On clause 1)

The Chair: We go now to BQ-1, which to my understanding is going to be withdrawn.

Go ahead, Mr. Lloyd, on a point of order.

Mr. Dane Lloyd (Sturgeon River—Parkland, CPC): On a point of order, Chair, now that we've amended clause 0.1—that's what we just did—do we now need to have a vote on all of clause 0.1 before we move on to clause 1?

The Chair: That's a very good point.

Mr. Méla, go ahead, please.

Mr. Philippe Méla: Thank you, Mr. Chair.

Those were new amendments that created a new clause, new clause 0.1. When those amendments were adopted, they themselves created the new clause. There's no need to adopt the whole thing at once. It will be incorporated into the act all together at once, afterwards.

For another clause, let's say clause 1, when there are amendments, at the end you would have to ask the question, “Shall clause 1 carry as amended?”

Mr. Dane Lloyd: I understand.

The Chair: All right.

Go ahead, Ms. Dancho.

Ms. Raquel Dancho: Thank you again.

I'll go back to what I was asking about at the beginning. If we begin clause 1 now, and if any amendment causes a lot of issues that may delay the progress of the rest of the amendments and the rest of the bill....

What we are asking for is more information on G-4. We cannot have a proper debate without fully understanding the impacts. Mr. Noormohamed did provide for us a G-4 definition of “firearm part”, which I appreciate. It was helpful. However, G-4—I don't know how else to talk about this without saying it—in essence bans most semi-automatic rifles and shotguns. That is incredibly significant. It will impact hundreds of thousands of hunters.

We need to be clear on what that is. We would like to ask for a complete list of the firearms, notably semi-automatic rifles and shotguns, that would be impacted by G-4 in order for us to make a substantive decision on the impact of this amendment.

Right now, this has been introduced—

• (1630)

Ms. Pam Damoff: On a point of order, Chair, it has not been moved.

The Chair: That's a good point.

Ms. Raquel Dancho: My point is, though, that maybe the committee might want to consider waiting on clause 1 until, say, Tuesday, when we can get a little bit more information.

If I could say, without being interrupted, what that information is, perhaps the government could provide it and then we can have a proper debate on Tuesday about clause 1. It sounds like we can't open clause 1 unless we're going to talk about all the amendments. What we're saying is that G-4 is going to hold up a lot of progress on this bill. We are asking for a complete list of the firearms impacted by G-4.

I could go on with some more information that we would like, but that in particular I think would be very beneficial in order for us to fully understand the impacts of G-4 on the hunting community in particular. Well over a million Canadians likely possess various models of semi-automatic rifles and shotguns.

If there's agreement with the committee, I say we park clause 1 until Tuesday or it will be a bit challenging, I think, to proceed.

The Chair: I will turn to the legislative clerk on this issue.

If we wish to stand clause 1, would we do that now by a motion, or would we deal with the amendments and then stand it at the end?

Mr. Philippe Méla: It's better to do it all at once, because all the amendments come together—

The Chair: Then we would stand clause 1 now. I believe the motion before us is to stand clause 1. Is that correct?

Go ahead, Mr. Lloyd, and then Ms. Damoff.

Mr. Dane Lloyd: Maybe I'll let Ms. Damoff go first.

Ms. Pam Damoff: Is there a motion on the floor, Chair, to stand clause 1? I didn't hear one.

The Chair: Mr. Lloyd, you have a point of order.

Mr. Dane Lloyd: Yes. On a point of order, if we were to move this motion, I think we would want to know if the government would actually provide the information we're requesting. There's no point in our standing it and then bringing it back up at Thursday's meeting or next Tuesday's meeting without the information we're looking for. Do you know what I mean?

The Chair: I'm trying not to get involved in the debate, but I do believe there's a comprehensive list in the proposed schedule that was brought in.

Ms. Damoff, go ahead.

Ms. Pam Damoff: I just want to say that for any of these amendments that we're going to deal with, we have officials here in the room. If there are any questions to be asked on any amendment that's been put forward, just as we have already done on the two we've had, we have the experts in the room who can answer the questions. If there are any questions on G-4 or G-5 or whatever amendment it might be, they are here to answer questions today.

We can move forward, Chair. We're not even at G-4. If the Conservatives don't want to bring a motion forward on delaying clause 1, then we should deal with BQ-1, which is the one that's in front of us right now.

The Chair: Your point is taken.

Is there a motion to stand clause 1?

Ms. Raquel Dancho: I have one follow-up question.

To Ms. Damoff's point, do the experts have the list I asked for of all the firearm models that would be prohibited under G-4? Have you brought that today?

Ms. Paula Clarke: I'm just finding the motion number.

The Chair: We really need to stick to the amendments in order. If we go all over the map, we'll never get anywhere.

Mr. Glen Motz: Move G-4, and then we can deal with the amendments.

The Chair: Well, the amendment now before us is BQ-1.

Monsieur Fortin, is it your wish to withdraw BQ-1?

[*Translation*]

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): Thank you, Mr. Chair.

No, my intention is not to withdraw this amendment. If you rule it out of order, we will accept your ruling, otherwise I will move it.

[*English*]

The Chair: You certainly may present it.

I merely asked you that because I had information that Ms. Michaud was going to withdraw it, but if you wish to move it, you're representing her at this time, so please do so.

[*Translation*]

Mr. Rhéal Fortin: Thank you, Mr. Chair.

I have received no such instructions from Ms. Michaud. I shall therefore discharge my mandate by moving the amendment.

This amendment proposes to add to the definition of "prohibited firearm" in subsection 84(1) of the Criminal Code a new paragraph (c.1) referring to military-style assault weapons designated as such by regulation.

We believe it is important to have such a definition. This would prevent manufacturers from circumventing the assault weapons regulations by using new models.

This proposal is in response to the testimony you have heard at this committee, including that of PolySeSouvient.

● (1635)

[*English*]

The Chair: Okay.

Go ahead, Mr. Lloyd, please.

Mr. Dane Lloyd: Thank you, Monsieur Fortin.

I wonder whether we're adding a definition of "prescribed military-style assault weapon" under this amendment. Is there somewhere, in this giant package of amendments, a definition of what a military-style assault weapon is? Are we introducing this term but not prescribing what it actually means?

[Translation]

Mr. Rhéal Fortin: I could not answer my colleague's question specifically, but I do not believe there is a definition of what constitutes a military-style assault weapon, other than the reference we make to it which provides for its designation by regulation.

The government would have the option of passing a regulation defining what a military-style assault weapon is. This is the usual way of proceeding with this kind of provision. To my knowledge, there is no amendment that proposes such a regulation.

[English]

The Chair: Thank you, Mr. Fortin.

It's over to Mr. Motz. I'm sorry, Mr. Motz. I should have recognized you earlier.

Mr. Glen Motz: That's okay. Thank you very much.

Mr. Fortin, I have to agree. I've been waiting for a government definition of "military-style assault weapon" for many years, ever since they did this order in council. There is no such firearm in Canada—none.

What they're trying to say, I believe, is that it's an automatic firearm, a fully automatic firearm that has a large-capacity magazine. All of those were already banned. They were already prohibited in 1977. If we're going to have firearms with full auto-capacity, they're prohibited. If we're going to have firearms with a large-capacity magazine, they're already prohibited. That would be the only thing I could see that would be "military-style assault". If they're talking about a firearm that looks scary, firearms should never be classified by how they look; they should be classified by what they do.

With all due respect, I can't support this. There is no such definition of this type of firearm existing anywhere in Canada; hence the great concern Canadians had when the government came out with this term without a definition.

The Chair: Thank you, Mr. Motz.

We go to Ms. Damoff now.

Ms. Pam Damoff: Thank you, Mr. Chair.

I thank Monsieur Fortin for sitting in on this committee today.

We can't support this amendment, because we are coming forward with a more comprehensive amendment that would better define what a military-style assault weapon is. While we are supportive of the concept, I think our amendment—which we will get to, at some point—is more comprehensive and would provide a better definition than this.

I appreciate the spirit of where this is coming from and the work the Bloc is doing on this issue, but we won't be able to support this particular amendment. I also think it would mean that our amendment, which is coming up later, would not be able to be moved.

The Chair: Thank you.

Is there any further discussion on this amendment?

(Amendment negated)

The Chair: This brings us to CPC-1.

Go ahead, Madam Dancho.

Ms. Raquel Dancho: Mr. Chair, should I read it first and then talk about it? Is that how it works?

The Chair: You can. However, you don't need to read it, because we all have a copy of it. It's in these—

Ms. Raquel Dancho: Okay. It's short, and even if it wasn't, it is:

That Bill C-21, in Clause 1, be amended by replacing line 15 on page 1 with the following:

"cision, an antique firearm, or any such device that is brightly coloured on 25% or more of its surface; (*réplique*)"

With this amendment we were trying to find a solution for the airsoft community to keep going and be given a chance to survive, given that this bill, should it pass in its current form, will likely mean the end of airsoft, if not today, then eventually. We were looking for some sort of common ground or a midway compromise, perhaps acknowledging that police have challenges with airsoft because they look like real firearms. Therefore, when people who are breaking the law have airsoft in their possession, police have to treat them like real guns. They may end the life of someone doing a criminal activity, or shoot them, when the person had, in essence, a toy gun.

I recognize the concern for police. I am a very strong supporter of our police services and want to support them. We are trying to figure out a way that we can keep airsoft alive while respecting the needs of police. We propose that we put in legislation that they have to brightly colour at least 25% of it, so that it's more easily identifiable.

It's not a perfect solution, Mr. Chair, but it is something. We're trying to find a midway solution here. That is the purpose of this amendment. It's an effort to support our airsoft community and our police at the same time.

• (1640)

The Chair: Thank you, Ms. Dancho.

Go ahead, Ms. Damoff.

Ms. Pam Damoff: Thanks, Chair.

For clarity, proposed subsection 1(1) in the bill is not the one that prohibits airsoft. It provides a definition of "replica".

We won't be able to support it, because the 25% of colour was not something that was supported by the police who testified, nor was it supported, quite frankly, by the airsoft community. We won't be supporting this one.

The Chair: Go ahead, Mr. MacGregor.

Mr. Alistair MacGregor: It's well-intentioned. I think we've all struggled with how to fix airsoft in this bill. While I won't support this, I think there are plans afoot to fix airsoft later on in clause 1.

The Chair: Go ahead, Ms. Dancho.

Ms. Raquel Dancho: To follow up on Ms. Damoff's comments, this was made in an effort to support the airsoft community. This bill is very much against the airsoft community. To be very clear, this Liberal government bill has been brought forward as an attack on the airsoft community. We were trying to bring forward an amendment to support the airsoft community.

If it doesn't pass, it is what it is, but we are trying to do what we can to support the airsoft community in Canada and to keep it alive and thriving.

Thank you, Mr. Chair.

The Chair: Is there any further discussion?

(Amendment negated)

The Chair: That brings us now to G-4, which we've heard so much about.

There has been a question raised about whether it is in the scope of the bill.

The amendments put forward here add additional definitions to section 84 of the code and deem certain firearms as prohibited devices. These amendments, in my view, are in the scope, because they fulfill the broader spirit and the principle of the bill. G-4 makes further amendments to a section of the act that we're already amending.

The decision of the chair is that this amendment is admissible.

Go ahead, Ms. Dancho.

Ms. Raquel Dancho: Thank you, Mr. Chair.

I think it's important to read it out, given the considerable impact it will have on hundreds of thousands of Canadians, to be clear on what we're talking about today.

It is:

That Bill C-21, in Clause 1, be amended by adding after line 15 on page 1 the following—

Ms. Pam Damoff: Chair, on a point of order, this amendment has not been moved yet, so we can't read it into the record.

Ms. Raquel Dancho: Well, if we can get to it, then we can debate it.

The Chair: I'm hoping that we can avoid actually reading it into the record.

Ms. Raquel Dancho: We will not be able to avoid that, Mr. Chair.

The Chair: It is part of the record as it stands.

Anyway, it is under Mr. Chiang. Mr. Chiang, go ahead.

Mr. Paul Chiang: Thank you, Mr. Chair.

I would now like to move the amendment G-4.

This amendment proposes a number of additional definitions to subsection 84(1) of the Criminal Code, including definitions for "prohibition order", "firearm part", "semi-automatic" and "bore diameter".

This amendment will also add subsections to the definition of a prohibited firearm to ensure that moving forward, all new makes and models of firearms that meet this definition are prohibited for sale in Canada.

From my personal experience serving as a police officer for many years, I witnessed first-hand the harms that assault rifles can do to our communities.

The Chair: Mr. Chiang, Mr. Lloyd has a point of order.

Please go ahead.

● (1645)

Mr. Dane Lloyd: Chair, you have ruled that it is in scope, but now that it's being moved and in process....

The reason I'm interrupting is that once he's done moving it, are we not allowed to debate the scope question at that point? If he has completed moving it, is the scope question out? I am asking because I did want to bring up a novel point. It's a novel point that you possibly didn't consider when ruling that it is in scope.

The Chair: The decision of the chair to rule it in or out of scope is not debatable. If you wish to challenge the ruling, you may do so. That is also not debatable.

Mr. Dane Lloyd: Must I do it now, before he's finished moving it?

The Chair: Well, I think you probably should do it now.

Mr. Dane Lloyd: Okay, and it's not debatable.

The Chair: It's not debatable.

Mr. Dane Lloyd: I just want to bring something to your attention, Mr. Chair. It's maybe not a debate, but you did say that it would affect the financial prerogative of the Crown.

The Chair: No, I didn't say that.

Mr. Dane Lloyd: Well, in your email document that you sent to us earlier, you said that you would rule any amendments out of scope if they offended the financial prerogative of the Crown. That was in the document you sent.

The Chair: That is one reason for not having something admissible, but I don't see that in this bill.

Mr. Dane Lloyd: On that basis, Mr. Chair, I would submit that G-4, in adding a great number of firearms to the list of government-prohibited firearms, would affect the financial impact on the Crown, because the cost to buy back these millions of new firearms would be a massive cost to taxpayers.

I would argue that it's out of the scope of the committee because it does offend the financial prerogative and would require a royal recommendation. It is out of scope because it would have a massive impact on the financial cost to the Crown.

The Chair: Are you challenging the decision of the chair?

Mr. Dane Lloyd: Yes, I am.

The Chair: Very well.

The question is, shall the decision of the chair be sustained?

If you vote yes, you support the chair. If you vote no, you disagree with the decision of the chair.

I'll call that vote now. All who support sustaining the decision of the chair—

Ms. Raquel Dancho: On a point of order, Mr. Chair, before we take the vote, we were not really provided an opportunity to debate this at all. You ruled on something and barely made the case for why this is in scope.

Mr. Lloyd made a good point. You're not providing us with ample opportunity to say at all.... There are a number of other things to consider that suggest this is out of scope, so how can committee members vote if they have not been fully informed of the possible implications of this? I'm not clear on why we weren't provided more time for—

The Chair: Well, the decision of the chair is not debatable. The decision of whether to override the decision of the chair is also not debatable.

Mr. Lloyd moved to challenge the decision of the chair, so it's before the committee now as to whether or not that decision will be upheld.

Mr. Dane Lloyd: On a point of clarification, Mr. Chair, nobody challenged whether this was out of order. You proactively suggested that this could be out of order. You made a decision when there was no basis for making that decision because nobody had challenged whether it was in order or not. How could you proactively rule that something was in order if nobody challenged whether it was in order or not at the time?

The Chair: Well, it's the chair's prerogative to rule each and every amendment as admissible or not.

Ms. Raquel Dancho: On a point of order, we have not been able to say our piece on whether we feel it's in order or not.

Are you going to go through every single one without our even getting the opportunity, as Conservatives, NDP and Bloc, to say why we may feel this is out of order and out of the scope?

Are you just going to cut off that debate, Mr. Chair? Is that what we're understanding?

The Chair: It's not a debatable question.

Ms. Raquel Dancho: As Mr. Lloyd said, you decided this was in order before we were even provided with an opportunity to say why we believe it isn't. You're now setting the standard that no one at this committee can argue for any of the amendments we believe are not in order.

Is that what I'm understanding is happening here? We can't say our piece on why we think this is out of order because you jumped the gun, in essence, and said, "This is in order and I say so." I'm just being clear on what your position is on this. There are this many amendments.

The Chair: Let's back up here.

Mr. Chiang was moving it, which implicitly means that I considered it to be in order. Mr. Lloyd expressed a problem with that. I know you mentioned earlier that you had concerns about whether or not this amendment was admissible; therefore, I explicitly made a ruling—which is the chair's prerogative—that it is, in fact, in order, in my opinion. That's my prerogative.

I understand your perspective. The decision has been challenged by Mr. Lloyd. We have a motion before us on whether or not to sustain the decision of the chair.

Mr. MacGregor is next, I believe.

We seem to be entering into debate. We'll have a very brief...

We're not going to debate this. The chair has ruled.

• (1650)

Mr. Glen Motz: You have to hear interventions before you can rule. You're like the Speaker of the House here. You have to hear interventions on any matter before the committee. That's what your requirement is. You can't pre-rule on something you believe to be in order. You can't. You have to hear why we think it isn't and why the government position thinks it is, and then you rule. That's how it works.

Ms. Pam Damoff: I have a point of order, Mr. Chair.

A challenge to the chair is not debatable, but we're entering into debate on this. We need to vote on whether or not your decision is sustained; then we can get back to the business of the committee. This challenge is not debatable, and we need to vote on it.

Mr. Glen Motz: The issue is that you made a ruling that wasn't even able to be made.

The Chair: There is no issue. The chair has the prerogative to make this ruling. The chair has made his ruling.

The motion is before the committee on whether or not to sustain the decision of the chair, so—

Ms. Raquel Dancho: I have a point of order, Mr. Chair. I apologize for interrupting you,

Just to be clear, you did not hear arguments from us on why this is not admissible to this bill. You did not allow us that opportunity.

You made a ruling. You said it is your opinion that it is not, but you have not heard any perspectives on it, save for one. I want to make it very clear to committee members that you did not allow us the opportunity to make our case for why we believe G-4, which will impact hundreds of thousands of people, is not admissible to Bill C-21.

To be clear, your opinion is formed on a lack of evidence on what we would like to have brought forward, should you have given us that opportunity. However, you did not. That's just to be clear.

The Chair: Thank you for your intervention.

We will proceed with the vote. Shall the decision of the chair be sustained? I think we should do a roll call vote on this.

(Ruling of the chair sustained: yeas 7; nays 4)

The Chair: The decision of the chair is sustained, so the amendment is in order.

Mr. Chiang was in the process of moving the amendment.

Please start again.

Mr. Paul Chiang: Thank you, Mr. Chair.

From my personal experience serving as a police officer for many years, I have witnessed first-hand the harms that assault weapons can do to our communities. The government has taken bold action to get these dangerous weapons off the streets. However, we have heard that new makes and models of firearms are continuously created to circumvent the current definition of a prohibited firearm.

During the witness testimony, this committee heard from a number of witnesses about the importance of this amendment, including the Canadian Doctors for Protection from Guns, the Coalition for Gun Control and PolySeSouvint.

Dr. Najma Ahmed, from the Canadian Doctors for Protection from Guns, discussed the ongoing use of an assault weapon in violent crime, saying that we must take a more comprehensive approach. She was quoted as saying:

A similar type of gun, the SKS rifle, which is not currently covered by the order in council, was used recently to kill two police officers in Ontario. A clear line must be drawn to ban all semi-automatic rifles as part of this legislation.

Furthermore, Ms. Wendy Cukier, from the Coalition for Gun Control, stated:

The second area in which we think the legislation could be strengthened is with respect to the ban on semi-automatic military-style weapons. We think that a definition should be included to make very clear the evergreen requirements for this legislation. We know from the 1995 orders in council that gun manufacturers will circumvent any lists that are provided, so it's important to have a clear definition, perhaps like those in the California laws, in the legislation along with the OIC.

This testimony also supports our efforts to ensure that the definition of prohibited firearms is comprehensive and properly addresses the public safety of all Canadians. Given the demonstrated need for these amendments and the related testimony we have heard while questioning witnesses, I hope everyone will support these amendments to create a more comprehensive definition of a prohibited firearm and to improve the public safety of all Canadians.

Thank you, Mr. Chair.

• (1655)

The Chair: Thank you.

We have Ms. Dancho, please, followed Mr. Motz, who will be followed by Mr. Lloyd.

Ms. Raquel Dancho: Thank you, Mr. Chair.

Again, I'm going to read it just so that we're very clear about what it is we're talking about. This is the Liberal government's amendment to Bill C-21 that amends clause 1 by adding the following:

(1.1) The definition "prohibition order" in subsection 84(1) of the Act is replaced by the following:

"prohibition order" means an order made under this Act or any other Act of Parliament prohibiting a person from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, firearm part, ammunition, prohibited ammunition or explosive substance, or all such things;

(1.2) The definition "prohibited firearm" in subsection 84(1) of the Act is amended by striking out "or" at the end of paragraph (c) and by adding the following after paragraph (d):

(e) a firearm that is capable of discharging a projectile with a muzzle energy exceeding 10 000 Joules, other than a firearm designed exclusively for neutralizing explosive devices,

(f) a firearm with a bore diameter of 20 mm or greater, other than a firearm designed exclusively for neutralizing explosive devices,

In particular, Mr. Chair, I would like to follow up my reading of this with some comments about (g), which reads as follows:

(g) a firearm that is a rifle or shotgun, that is capable of discharging centre-fire ammunition in a semi-automatic manner and that is designed to accept a detachable cartridge magazine with a capacity greater than five cartridges of the type for which the firearm was originally designed,

(h) any unlawfully manufactured firearm regardless of the means or method of manufacture, or

(i) a firearm listed in the schedule to this Part;

(1.3) Subsection 84(1) of the Act is amended by adding the following in alphabetical order:

"firearm part" means a barrel for a firearm, a slide for a handgun and any other prescribed part, but does not include, unless otherwise prescribed, a barrel for a firearm or a slide for a handgun if that barrel or slide is designed exclusively for use on a firearm that is deemed under subsection 84(3) not to be a firearm;

(1.4) Subsection 84(1) of the Act is amended by adding the following in alphabetical order:

"semi-automatic", in respect of a firearm, means a firearm that is equipped with a mechanism that, following the discharge of a cartridge, automatically operates to complete any part of the reloading cycle necessary to prepare for the discharge of the next cartridge;

(1.5) Section 84 of the Act is amended by adding the following after subsection (2):

(2.1) For the purposes of paragraph (f) of the definition prohibited firearm in subsection (1), bore diameter is

(a) in the case of a smoothbore firearm, the interior diameter of the firearm barrel, measured at its narrowest point, forward of the chamber and forcing cone and before the choke and any muzzle attachment; and

(b) in the case of a rifled firearm, the interior diameter of the firearm barrel, measured at its narrowest point, forward of the chamber, throat and freebore and before the crown and any muzzle attachment.

Mr. Chair, I find it important that we are being fully transparent on what this bill does. Just to be very clear, new proposed paragraph 84(1)(g) in essence bans nearly all semi-automatic rifles and shotguns. When I conclude my remarks, I would like the experts we have here to provide the extensive list that I would assume they have, or would hope they have, of all firearms in Canada that would fall under this definition in proposed paragraph 1(1.2)(g).

Again, just to be clear, any centrefire or semi-automatic long gun that has a detachable magazine would be capable of receiving a magazine with the capacity of five or more cartridges. The way it's worded, it seems to be that it's only if it fits a magazine that has more than five cartridges, but the fact is that if you have a magazine that could fit four, it could also fit six, seven or eight. It's the slot for the magazine.

There may be some semi-automatic rifles and shotguns that are not included in this, but just to be very, very clear, the Liberal government, with this amendment, is moving to ban almost all semi-automatic shotguns and rifles. We're talking bird hunters. Bird hunters use semi-automatic shotguns.

The Liberal government for seven years has been saying, "No, we respect hunters; we would never come after their firearms; it's not about that, but about the safety of our communities", but with this amendment, there will be well over a million, and likely more, semi-automatic, perfectly reasonable, standard hunting guns that are banned. That is what we're debating today.

My colleague Mr. Lloyd mentioned the massive financial impact for this. I assume that the Liberal government, if this passes, will be providing some dignity to hunters—in rural Quebec, in the Maritimes, in rural Manitoba, in our urban cities, in northern B.C., etc.—and paying them for them.

• (1700)

We know that this also impacts the OIC. This has financial implications in that regard, but you've ruled that it's fine, even though there will likely be massive financial implications, possibly in the billions of dollars, because of proposed paragraph 1(1.2)(g) and the rest of this amendment.

I am quite shocked, and I am shocked that it is in the scope of Bill C-21, even without the financial implications. Bill C-21 was sold to the public as a long-term, slow-burn ban. It's handgun-free, so to speak. It also talked about red flags and airsoft. It said nothing about an all-out war on hunters in Canada, which is what this is, Mr. Chair.

If you get a group of 10 hunters together, it's likely that 40% or half of the firearms they use are semi-automatic shotguns or files. Those are very standard hunting tools.

It's the same for farmers as well, particularly farmers who have issues with wild boars in their communities. We're seeing this increasingly in southern Saskatchewan and Alberta. They're coming in from the United States. They're extremely dangerous to livestock, to human beings and to dogs. If you are a farmer with this invasive species on your land—wild boars coming in from the United States—you're going to hope that you have a semi-automat-

ic rifle or a shotgun as a tool to protect yourself, your livestock and the other animals you have on your farm.

There was no testimony about this whatsoever. It will impact hundreds of thousands of hunters, Mr. Chair, and farmers who use these as completely legitimate tools. It was not discussed or debated at all. Nothing in here is about an attack on hunters, and yet here we are, in proposed paragraph 1(1.2)(g). Every promise that has ever been made by the Liberal government that it is not going after hunters has been completely and utterly thrown out of the window. There was not a single witness who we were able to provide who was asked about the impact of this, whether it's on safety or whether it's on the impact of our firearms hunting community.

This is no longer about sport shooters and their handguns. This is about hunters and farmers who use semi-automatic shotguns to go goose hunting.

I was quite shocked, and we had to do a considerable amount of research in the last few days to understand if we were really seeing this correctly. I wanted to believe the Liberal government when it said that it wasn't going to attack hunters and farmers and the tools they use, to say nothing of indigenous communities, who often use semi-automatic rifles to hunt. They're very popular, in fact, in the indigenous community. We had them here. We were not able to consult them on this.

I have a lot to say on this. I wanted to introduce this off the bat. It's just to say, Mr. Chair, I was quite shocked that the Liberal government is looking to attack our hunting community in Canada.

I find it very insulting, personally. It's a personal attack on the people I grew up with, who are law-abiding citizens who use these as perfectly legitimate tools. They passed them down for generations. Now, if this passes, those will be illegal, and we didn't even have the chance to invite witnesses to debate this properly.

It has nothing to do with handguns. It has nothing to do with the handgun freeze. This is an attack on hunters, Mr. Chair, and I'm deeply concerned about it.

Thank you.

• (1705)

The Chair: Thank you.

Go ahead, Mr. Motz.

Mr. Glen Motz: Thank you, Chair.

I certainly echo the comments of my colleague Ms. Dancho. The whole idea behind the premise of Bill C-21, the Liberals told the public, was public safety: It was all about public safety.

When the bill was debated on second reading to first come to this committee, nowhere did the government have this in any of their conversations. They've tried to assure Canadians now for a number of years that their attack on firearms and firearm owners in this country is legitimate and is only for public safety, when we've all seen—and clearly see—it has nothing to do with public safety.

To go back to the point I made earlier, this particular bill, when debated in the House, included none of this.

It included none of this. This is brought in at the 11th hour because the Liberals knew that if this were to be debated in the Canadian public, which this impacts, it would be shot down. Witnesses would come by the dozens and would speak against it.

Now I will challenge Ms. Dancho's comment. This doesn't affect hundreds of thousands: This affects millions of Canadians and millions of firearms. There are millions of Canadians who hunt and sport shoot. What I would like to do for some time is to go to our legislators here in the room and ask some questions.

Can you tell me the intent behind this? I'll start with item (g) here, proposed paragraph 1(1.2)(g):

a firearm that is a rifle or shotgun, that is capable of discharging centre-fire ammunition in a semi-automatic manner and that is designed to accept a detachable cartridge magazine with a capacity greater than five cartridges of the type for which the firearm was originally designed.

Okay. As I read that, having grown up with firearms, I'd say that many firearms that are semi-automatic can't accept magazines that are different from the five-round mags; we know that anything above in this category is a prohibited device. You can't have a magazine in this category that you're talking about with a magazine greater than five rounds, but for firearms, by their simple design, can a magazine be available that has more than five? Sure. Does it fit that firearm? Sure it does, and that's already a prohibited device, as listed in the code already.

Why this is there shows me only one thing: Any firearm that is capable of receiving a magazine greater than five rounds is now going to be a prohibited device. Please tell me that isn't so. If the language that you've written here is wrong, then let's change it.

Go ahead, Ms. Clarke.

Ms. Paula Clarke: You are correct in how you have interpreted the wording of the description that would be added to the definition of firearm—

Mr. Glen Motz: In essence, then, the Liberal government has tried to back-door this. This is not a reflection on you; they asked you to do something. However, they back-doored something they've said all along: "We are never going to go after industry or the hunters and farmers who have these types of firearms." What you have done, in essence, is create a whole class of potential criminals, because they have a firearm that has the capability of receiving a magazine that can hold more than five cartridges. That's what you're saying.

With proposed paragraph 1(1.2)(g), we have now created an administrative offence for a gun that's been in existence for decades and decades, and that has no history of public safety issues. We've now made millions of Canadians criminals, because they have a firearm. In reality, as Ms. Dancho indicated, if there are 500,000 of

just one type of firearm in existence worth \$600, then, by a conservative estimate—we're talking small "c" conservative—it's billions of dollars for that alone.

First of all, I don't understand your ruling, Mr. Chair, on how this fits with anything. It's like you have some direction, and you have to try to push this through, no matter what. I tell you, this is absolutely wrong.

This only affects the firearms that exist now or any variance that might come out in the future, as with the order in council of May 2020. We had a few firearms on that list. Then, as the days, weeks and months went by, the firearms centre added more and more firearms. Now, in this bill, we see again hundreds and hundreds of firearms added that make absolutely no sense.

We have to keep going back to remind ourselves that this is about public safety. That's what the Liberals tell us Bill C-21 is supposed to be all about. Please tell me. Show me the evidence. Mr. Chiang brought this motion forward, and I respect his service. I have 35 years in policing as well. I don't see how anything in proposed paragraph 1(1.2)(g) is going to have any substantive impact on public safety, period.

If we don't impact public safety, what are we wasting our time for? Seriously, what are we doing here? It is absolutely ludicrous that we have this broad-brush—

• (1710)

The Chair: Mr. Motz, I would encourage you to ask some questions they can answer.

Mr. Glen Motz: I can add commentary before I get to my question.

—this broad-brush approach to confuse those in Canada who think the Liberals are actually doing something for public safety. If they were doing something for public safety, with all the money they've poured into this over the last number of years, since they came to power—seven years—we wouldn't have had 174 additional violent homicide offences in the last year over the year before. We have a problem in this country, and it isn't the lawful gun owners. This bill does nothing but target law-abiding Canadians—nothing.

Where in proposed paragraph 1(1.2)(g) do we talk about ensuring that criminals are the focus of this? Are you going to make all these changes to definitions in subsection 84(1), trying to add parts to firearms prohibition orders or update the definition of a prohibited firearm by taking out "or"? We're talking about including prohibitive firearms that have a muzzle energy exceeding 1,000 joules, which is like big-game hunting in Africa. All the stuff we're talking about...a bore diameter greater than 20 millimetres.

Where is the evidence that says these firearms...? What's happening, right here, in this list of firearms... Does everything about this in proposed paragraph 1(1.2)(g) actually improve public safety?

You've been asked to make this legislation, and it's obviously based on something—some evidence, somewhere, that says we have a problem in this country and we have to identify these firearms because they are a danger to the public. Can you tell us what evidence there is to support this legislation, please?

Ms. Paula Clarke: The definition was based on a policy decision that was made at the political level.

Mr. Glen Motz: Right, so it's a Liberal policy that says, "We want to get rid of firearms. We want to attack legal firearm owners, so this is what we're going to do arbitrarily."

I feel sorry for you guys. I really do. You've been put in this tough spot. Seriously, you've been put in a very difficult spot to do the will of the masters, who suggest that we're doing all this fancy stuff for public safety, and they've done diddly-squat for public safety, diddly-squat. I'm embarrassed for them, embarrassed, and they themselves should be embarrassed.

Mr. Chiang, I have all due respect for you. This is not an amendment that's going to do anything for public safety—nothing, nothing whatsoever.

All the firearms listed here, as Ms. Dancho asked.... I would really like to know, as she asked.... I would ask that you guys do that. Are you able to provide this committee with a list of the firearms listed in the schedule that fit the definition under proposed paragraph 1(1.2), which says that it's a semi-automatic rifle or a shotgun, because it applies to either one, and has the capacity or the ability to accept a magazine that has greater than five rounds in it, five cartridges. That would include many of them.

The fact is that we already know that, for most of this, if you have a magazine that exceeds the legal capacity, it's already a prohibited device in this country as it is, yet we're going to make something more illegal, because the criminals are going to be very concerned about making sure that they don't have a firearm capable of having a magazine that can take more than five. No.

Do you have a list? How many of those on this list...? Give me a number. We'll want the whole volume, the models and makes of all of them that fit proposed paragraph 1(1.2)(g). Can you provide those for us?

• (1715)

Ms. Phaedra Glushek: To answer the committee member's question, we do not have a list of firearms with us.

What I can speak to is what this motion before you does. What this motion before you does is amend the definition of "prohibited firearm" to add what is currently in the classification regulations and bring them in.

It's a definition. The definition includes proposed paragraph 1(1.2)(g), which is a definition of.... It's an evergreen definition.

I do not have the list. We do not have the list with us. I understand that there are other motions that might be brought before the committee, but we don't have that with us.

Mr. Glen Motz: With the chair's indulgence, I would certainly ask that if you have that list and you can prepare it and provide it to the committee at your earliest convenience, that would be awesome.

I appreciate the fact that proposed paragraph 1(1.2)(g) in all of these makes adjustments to section 84(1) of the Criminal Code. I get it, but then they become a prohibited weapon. That becomes a prohibited weapon. Is that right?

In proposed paragraph 1(1.2)(g), you're defining what (g) stands for under a prohibited firearm, and proposed paragraphs 1(1.2)(e), (f), (g) and (h) are all going to be amended. Is that right?

Ms. Phaedra Glushek: That is correct.

Mr. Glen Motz: With that amendment you've just made, what I've talked about for the last three, five or 10 minutes or whatever is prohibited firearms. They're prohibited weapons now.

I hate to use "weapon", because they're not a weapon; they're a firearm. They're not just a definition.

The impact of what you're doing is significant right across the whole firearm industry, across the entire Canadian landscape that people use for hunting, for protection of livestock and things like that on farms and ranches across this country. It does absolutely nothing for public safety, as I said, but it prohibits thousands upon tens of thousands of different models of firearms in this country owned by millions of Canadians.

At this point in time, I would really like to see that particular list of what it is we're talking about.

I see here that we're changing the bore diameter. In proposed subclause 2(2.1), in the definition of a prohibited firearm bore diameter, you're describing what it is, but you're saying that making the bore diameter of a firearm 20 millimetres or greater would now make it a prohibited firearm. Is that what you're proposing?

Ms. Paula Clarke: Those firearms are currently already prohibited—

Mr. Glen Motz: Yes.

Ms. Paula Clarke: —pursuant to the classification regulations. This provision adds a definition of what's meant by bore diameter. That's to add clarity, because that issue did arise after the May 1, 2020, OIC.

Mr. Glen Motz: I was just going to say that they became prohibited again in the order in council of May 2020.

Ms. Paula Clarke: That's right.

Mr. Glen Motz: Right. That was asinine to begin with.

Again, I feel sorry for what you guys had to be put through to do this. I really do.

I'm going to cede some of my time to Mr. Lloyd.

The Chair: The chair, in fact, will recognize Mr. Lloyd, and then Ms. Dancho after.

Mr. Dane Lloyd: Thank you, Mr. Chair, for recognizing me.

I have some questions for our officials here.

Was it you guys who drafted this amendment? Is that correct?

• (1720)

Ms. Phaedra Glushek: The legislative drafters with the Department of Justice draft the legislation. We and our Public Safety and RCMP colleagues assist in giving direction with respect to the drafting.

Mr. Dane Lloyd: Okay. Then you could say with confidence that you think this is formatted correctly and it's correct in what it's talking about.

Ms. Phaedra Glushek: The legislative drafters review the legislation for form and legality. It's underneath their responsibilities in order to do that, but we do assist in providing instructions to legislative counsel.

Mr. Dane Lloyd: Were the political staff or the MPs providing the specific information about the 20-millimetre or the semi-automatic aspects, or were they just giving general instructions about general things, and then it was the department or the RCMP that provided the specifics on how that could be accomplished?

Ms. Phaedra Glushek: The Department of Justice and Public Safety colleagues and RCMP assisted in the development of the policy decision, which is a decision by ministers.

Mr. Dane Lloyd: Thank you. I just wanted to confirm that it was political but that it was also the department kind of weighing in on that.

Did the department consult, or was there any consultation, on specifically the provisions regarding semi-automatic with detachable magazines, semi-automatic shotguns or semi-automatic rifles? Were there any consultations done on that?

Ms. Phaedra Glushek: My colleagues could jump in here, but consultations were undertaken by the Minister of Public Safety—in, I believe, 2019—generally on firearms, handguns, etc.

With respect to the bill, we do not consult on the contents of a bill because of cabinet confidence and privilege.

Mr. Dane Lloyd: The consultation that led to these policies being drafted took place in 2019. Is that what you're saying?

Ms. Phaedra Glushek: The large consultation that took place with the Minister of Public Safety engaging with stakeholders, etc., took place in 2019. I understand that a report was prepared. It was a very lengthy and comprehensive consultation in advance of the original Bill C-21.

Mr. Dane Lloyd: Now, given that the original Bill C-21 that came to this committee didn't make any mention about banning semi-automatic shotguns and rifles, was that talked about in the consultation, as far as you know? Is that document publicly available for us to review?

Ms. Phaedra Glushek: I can't recall specifically if anything was relating to any kind of prohibition on firearms, but I can say that I believe the report is public.

Perhaps my colleagues can confirm whether or not that report from the Minister of Public Safety's consultation is public.

Ms. Rachel Mainville-Dale (Acting Director General, Firearms Policy, Department of Public Safety and Emergency Preparedness): Yes. That report is available online.

Mr. Dane Lloyd: Thank you.

I know you said that you didn't know the specifics, Ms. Glushek, but as far as any of the witnesses are aware, was there anything in that consultation document that talked about semi-automatic rifles and shotguns?

Ms. Phaedra Glushek: I would have to defer to my colleagues or the report itself, because I am unaware.

Ms. Rachel Mainville-Dale: Thank you for the question.

I think I would have to defer to the report. I do not have a copy of it in front of me.

Mr. Dane Lloyd: I guess I could summarize it that you don't know if there was consultation specifically on this measure about semi-automatic rifles and shotguns. You can't provide evidence today. There might be evidence and you might provide it later, but as far as you know, there was no consultation directly on semi-automatic rifles and shotguns taking place in 2019. Okay. That's interesting.

We know that there was a charter analysis for the original Bill C-21. Has there been any charter analysis updated to reflect these amendments?

Ms. Phaedra Glushek: Yes, the charter statement was tabled on June 21, 2022. As with any legislation or drafting of legislation, the Minister of Justice has a duty to ensure that amendments to the bill are compliant with the charter as well.

As with any other bill, amendment or motion, officials do an analysis as to whether it engages the charter, and we provide that advice to the Minister of Justice.

Mr. Dane Lloyd: Has there been any updated charter analysis, or are you continuing to use the same charter analysis from June 21, which did not take into account these new amendments that we're dealing with today?

Ms. Phaedra Glushek: The charter statement is tabled at the beginning when the bill is tabled. Currently, that is the only statement, I believe, that's tabled at the beginning of the bill.

• (1725)

Mr. Dane Lloyd: Therefore, there has been no updated charter statement related to these new amendments, so we don't know what their impact is on the charter.

Ms. Phaedra Glushek: If you have a motion in mind that you want to bring forward in terms of impact, what I can say is that some of the motions that have been put forward today could engage some charter provisions—for example, open court principle in terms of the red flag regime.

Mr. Dane Lloyd: We heard during committee study from a number of indigenous witnesses who indicated that there had been no consultation with indigenous communities on the original Bill C-21. I would guess that if there has been no consultation on the original Bill C-21, there probably hasn't been consultation on these amendments.

Can you confirm whether or not this consultation has taken place on these amendments?

Ms. Paula Clarke: The department has not engaged in any consultations on these amendments.

Mr. Dane Lloyd: Is there any concern that, based upon the settled law in Canada—which is the United Nations Declaration on the Rights of Indigenous Peoples that was passed in, I believe, the 42nd Parliament—first nations peoples have not provided their free, prior and informed consent to this legislation being passed?

Ms. Phaedra Glushek: In terms of the UN Declaration on the Rights of Indigenous Peoples, every initiative that the government brings forward, including to cabinet, has to consider the declaration and any intersection with the legislation. That is done similar to a gender-based analysis that would happen when we bring forward....

Mr. Dane Lloyd: You have decided for first nations that they have been consulted without actually consulting them. Your gender-based analysis, your first nations consultation.... The department has said and the government has said that basically you have abided by UNDRIP because you have decided without even asking first nations whether they gave their free, prior and informed consent for this legislation.

Ms. Phaedra Glushek: Again, what I can say is that when we are developing policy initiatives and they are protected by cabinet confidence or privilege—

Mr. Dane Lloyd: Of course.

Ms. Phaedra Glushek: —we cannot consult, but we do ensure that we take all the different factors into consideration, such as charter or UN declaration impacts, impacts on indigenous populations, LGBTQ, gender-based analysis. We do various impact analyses on the government initiatives.

Mr. Dane Lloyd: Thank you.

I just think it will come as a big surprise to first nations and indigenous peoples in this country that the government thinks it can pass legislation and pass amendments to legislation in committee, and that the government will unilaterally say that it has abided by UNDRIP without even having any formal process to engage with first nations in any way.

I don't think that's what people meant by reconciliation in this country. I think what they wanted to see and what the witnesses were talking about was the grassroots. They said it wasn't even good enough if the government just talked to the national chief. One of the committee members said that we talked to the national chief, but indigenous witnesses.... My experience with indigenous peoples in my community is that you don't just go to the chief; you have to go to the elders. You have to bring it to the nation and the community.

It doesn't appear like the government took any steps to even engage with the chiefs, with the elders or with any members of the community to deal with this. I would argue that this is violating not only the spirit but also the letter of the law in terms of UNDRIP and free, prior and informed consent, also potentially touching on the section 35 rights of aboriginal peoples, which are ingrained in the charter.

When we're talking about semi-automatic rifles and shotguns, what assurances can you give that the section 35 rights of indigenous peoples will not be impacted by these amendments that relate to semi-automatic rifles and shotguns?

Ms. Phaedra Glushek: A section 35 analysis is usually undertaken by a court based on the totality of the circumstances, anyone who is claiming the right, the court that is determining the right, etc. It's not the department that would determine that. What I can say, for example, on the red flag regime and the limitation on access and the emergency weapons order prohibitions is that there are provisions that allow for indigenous sustenance hunting and anyone exercising a treaty right currently in the Criminal Code under section 113. If there are any prohibitions, they can be lifted for such purposes. Those are some of the provisions we have considered in that vein.

Do you have anything to add, Paula?

• (1730)

Mr. Dane Lloyd: Is it the position of the government that in the drafting—because this all speaks to prior and informed consent. You know, consent can't be given after the fact. The word “prior” means beforehand. Is it the position of the government or the department that it's not the responsibility of the government to seek out that free, prior and informed consent, and that it's the job of the courts to sort it out after the fact?

The Chair: I'm not sure if the officials are able to weigh in on the position of the government on something like this.

Mr. Dane Lloyd: Well, I don't necessarily mean the government, as in the partisan government, but I certainly think the department could. They just stated that it's the job of the courts to decide a section 35.

The Chair: I certainly think the officials know their boundaries. If they wish to answer within those boundaries, that's great.

Ms. Paula Clarke: We have no comment.

Mr. Dane Lloyd: I'm going to keep going here.

Have the Justice Department, the RCMP and Public Safety, in drafting these amendments, considering....

When I first saw this list of firearms from, I believe Mr. Chiang's or Mr. Noormohamed's amendment, it was about 310 pages. The first thing that struck me was that this was the May 2020 order in council list of firearms, and they just copied and pasted them over, but then, on closer inspection, I discovered that a significant number of potential new firearms had been added.

Has there been a financial analysis done by the department on the potential cost to the government of buying back these potentially newly prohibited firearms?

The Chair: Pardon me, Mr. Lloyd. I don't think that's in the scope of this amendment. The actual buyback provisions aren't dealt with here. It's just a matter of definition. I'm hoping we can bring things back a little bit more to this.

Mr. Dane Lloyd: I'll try, Mr. Chair, respectfully. I will try.

I just think it's interesting. You're correct, I guess, that the buyback is different from this. The consequence of this amendment will be an increased financial.... Well, I guess I can ask this.

If this amendment passes and these newly prohibited firearms are added to the list, would these firearms be included in the government buyback?

The Chair: I suspect that's speculative. It's a hypothetical.

Ms. Phaedra Glushek: I agree that it is speculative.

The Chair: We have to bear in mind that our officials are here to serve us all in a non-partisan way.

Mr. Dane Lloyd: That's just a straight-up fact-based question.

Would they be included or would they not be included?

The Chair: It's also kind of not in scope of what we're dealing with in amendment G-4.

Mr. Glen Motz: There are about 150 pages of now-prohibited firearms on here. That's not in scope? Are you kidding me?

The Chair: That's a whole other amendment.

Ms. Raquel Dancho: On a point of order, Mr. Chair, I just want to confirm that you're saying that it is not in order if he asks whether these weapons that will now become prohibited—hundreds of thousands of weapons owned by regular people—will be included in the confiscation regime or the so-called buyback. We can't know before we vote on this whether people are going to be financially compensated. I'm just clarifying that's what you're saying.

The Chair: I'm just saying that this is about the definition of prohibited weapons.

Ms. Raquel Dancho: But once they become prohibited, people aren't allowed to own them. There are likely millions of these firearms.

The Chair: The whole matter of the buyback and how that is managed is a whole different subject. I'm just trying to keep us focused on this particular amendment.

Ms. Raquel Dancho: No, no, no. Mr. Chair, I'm sorry, but, on a point of order, this is being brought in by your government. Paragraphs 84(1.2)(e) and 84(1.2)(f) directly relate to the buyback or the OIC, in essence. They take the OIC and put it in legislation, or part of it anyway. We are not the ones who brought the OIC conversation into this. It's what's in this amendment. It stands to reason, Mr. Chair, on my point of order, that we should be within our rights to ask and to know if the semi-automatic hunting rifles and shotguns are going to be banned, in the hundreds of thousands if not millions, and people are going to be compensated. I think that's a legitimate question.

If they cannot answer it, then Liberal members on this committee should have that information. This is impacting hundreds of thousands of people with very expensive tools that they use on a day-to-day basis.

Respectfully, I disagree with you.

The Chair: I'm just saying that the compensation regime, however that unrolls, is not the subject of this particular—

● (1735)

Mr. Taleeb Noormohamed: I have a point of order, Mr. Chair.

Given that there is nowhere—to Ms. Dancho's point, I think—in this document that speaks to a buyback of any kind, I would agree with you that it seems that it would be out of order, but just for clarification, if Ms. Dancho wanted to propose a buyback, I'm sure she could propose such an amendment. Am I correct?

The Chair: That would be a charge on the treasury. Anyway, thank you for your points of order.

Mr. Lloyd, you can carry on, please.

Mr. Dane Lloyd: Thank you.

I would argue that under proposed paragraph 1(1.2)(i), a firearm listed in the schedule to this part—and the schedules that were included are that massive list of firearms—is in the scope of this amendment because it's referring to a schedule that is referenced.

An interesting thing about me is that I used to do historical re-enacting and I know we have had—I know; I'm a bit of a history nerd—a number of witnesses from that community who have expressed a deep concern that their.... Can you tell us what the definition of an antique firearm is?

Ms. Paula Clarke: I can answer that for you.

The definition of an antique firearm is set out in subsection 84(1). An antique firearm is any firearm manufactured before 1898 that was not designed to discharge rim-fire or centre-fire ammunition and that has not been redesigned to discharge such ammunition or any firearm that is prescribed to be an antique firearm.

Mr. Dane Lloyd: Thank you.

I just wanted some clarification on that. Does that mean that the firearm had to have been created before 1898, or could a re-creation of that...? We know a firearm before 1898 probably would have fallen apart from misuse. If somebody were to re-create a firearm that had been designed before 1898 with no modifications, would that be considered an antique firearm or not?

Ms. Paula Clarke: The definition says “manufactured before”, and so—

Mr. Dane Lloyd: Then presumably if somebody made a musket, a pistol or a cannon that was from a design from the 17th century, that would be considered a firearm even though it functionally is the exact same as a firearm constructed before 1898.

Ms. Paula Clarke: Yes. There's a legal distinction between a firearm that is designed to be a certain thing or one that is manufactured. We would just take the plain meaning of “manufactured”, which is that it was made before 1898.

Mr. Dane Lloyd: You've clarified for me that a pistol or a musket that was manufactured after 1898 is considered a firearm.

We're learning so much today.

Ms. Paula Clarke: My colleague just pointed out to me that there is one exception, which could be if the remanufactured antique firearm doesn't meet the threshold for a firearm, meaning that it can't cause serious bodily injury or death. Then that would be a legal item. It would not be regulated and it wouldn't fall within the definition of an antique firearm if it's not itself a firearm, and the definition of firearm is set out in section 2.

Mr. Dane Lloyd: A musket ball with black powder definitely could kill people. It killed people for hundreds of years, so that would be considered.... That concerns me as somebody who has historically re-enacted. With these firearms, functionally, you could put black powder in them.

At these historical re-enactments, nobody's allowed to bring any musket balls or anything like that. They would never put that in there, but if somebody were to put a musket ball in there, it actually could kill somebody. Under this legislation, those would now become prohibited. Were they already prohibited, or would they have become prohibited under this legislation?

Ms. Paula Clarke: There's nothing in the definition in section 84 that would change the current law around antique firearms.

Mr. Dane Lloyd: Okay.

Why was the 10,000 joules threshold set? What is the purpose of 10,000 joules?

Ms. Paula Clarke: That was to address what we'd colloquially call sniper rifles.

Mr. Dane Lloyd: Oh, I see. Yes.

Ms. Paula Clarke: That was from the May 1, 2020, OIC. They're listed also by make and model and by description.

• (1740)

Mr. Dane Lloyd: Okay.

What about cannons, for example?

Ms. Paula Clarke: That's the 20-millimetre bore diameter descriptor.

Mr. Dane Lloyd: Cannons obviously would have a much greater bore diameter than 20 millimetres.

Ms. Paula Clarke: Yes. There would also be—

Mr. Dane Lloyd: You know, we have some artillery groups and artillery enthusiasts who do great work at commemorative events in this country. They're concerned that under this legislation, their World War I, World War II, or even earlier artillery pieces that are used for re-enactments or celebrations would be covered under this legislation.

Ms. Paula Clarke: [Technical difficulty—Editor] 20 millimetres, yes. It's as stated. I can't speak to a specific firearm or a specific cannon, but the law does say that anything with a bore diameter of 20 millimetres or greater would be prohibited.

Mr. Dane Lloyd: I just don't think it was the intention of the government. I don't think real gangsters are roaming the streets

with World War II cannons. I think we could all agree on that. It probably wasn't the intention of the government to include these historical pieces under legislation. It seems like that's an unintended consequence.

Based on what you've said, that is a consequence of this.

Ms. Paula Clarke: Yes.

Mr. Dane Lloyd: Okay. That's very concerning for historical re-enactors.

There's another concern that I have. Can you tell us how many of these newly prohibited firearms—that would be the firearms that were not included in the May 2020 OIC but the new firearms that have been added in this amendment—are currently classified as unrestricted firearms?

Ms. Paula Clarke: We don't have that data, because in 2012 the Ending the Long-gun Registry Act—

Mr. Dane Lloyd: Oh, I'm not asking about how many are in circulation. I'm asking how many classes of those firearms are classified such that you would be able to reference the firearms table and look at, for example, the SKS, which I think is a non-restricted rifle in this country.

I was just wondering if you could tell us how many of the types of firearms that have been listed in this amendment are unrestricted and restricted.

Ms. Paula Clarke: I don't have that information with me. We can undertake to provide the clerk with that information.

Mr. Dane Lloyd: I do have a bit of concern—

Ms. Paula Clarke: I'm sorry. I actually do have that information.

Mr. Dane Lloyd: Wonderful.

Ms. Paula Clarke: About 40% are non-restricted.

Mr. Dane Lloyd: I was trying to do the math on this, but I was very busy reading all this. Not counting the May 2020 OIC firearms and the newly added firearms on top of that from this amendment, how many firearms are we talking about, approximately, that have been added through this amendment?

Ms. Paula Clarke: In terms of those that have been added, I think it's approximately between 360 and 400 additional makes and models.

Mr. Dane Lloyd: It's 360 to 400. Then by your 40% amount, you're talking about between 144 and 200 or so unrestricted firearms.

Ms. Paula Clarke: I'm just going to turn to my colleagues to confirm....

Our colleagues at the Canadian firearms program have undertaken to get back to you with more precise information.

Mr. Dane Lloyd: Thank you.

I wrote all these questions for you, and I'm drawing a bit of a blank on the next line of questioning I had.

I might pass it on to one of my colleagues now, but I do have some additional questions that I'll have at a later time.

The Chair: Thank you, Mr. Lloyd. I'm sure you'll be able to come up with something.

Voices: Oh, oh!

Mr. Dane Lloyd: I had it in my mind....

The Chair: Go ahead, Ms. Dancho.

Ms. Raquel Dancho: Thank you, Mr. Chair.

I have a couple of things I wanted to clarify.

You mentioned, ma'am, that, as you estimated, 40% of unrestricted firearms would be considered under this new proposed paragraph 84(1)(g) definition. Is that what you were saying, that it's 40% of unrestricted? That's with proposed paragraph 1(1.2)(g) being the semi-automatic shotguns and rifles as defined here.

• (1745)

Ms. Paula Clarke: The 40% number applies to the new firearms that are listed in the schedule.

In terms of what firearms would be captured by proposed paragraph 1(1.2)(g), we don't have that information available at the moment. That is a longer process. This provision would not be brought into force immediately on royal assent. It would be brought into force by an order in council.

Ms. Raquel Dancho: If this amendment makes it into Bill C-21 and it passes with this in there, you're saying that even with royal assent, this doesn't come into force?

Ms. Paula Clarke: This would come into force by an order in council at a later date. It does not come into force on royal assent.

Ms. Raquel Dancho: Do you mean this specific part, or this whole amendment?

Ms. Paula Clarke: Proposed paragraph 1(1.2)(h) comes in within 30 days of royal assent. It would be "any unlawfully manufactured firearm", so that is specifically ghost guns.

Ms. Raquel Dancho: Okay, so you're saying proposed paragraph 1(1.2)(h), "unlawfully manufactured firearms regardless of the means or method of manufacture", is being done through order in council?

Ms. Paula Clarke: No. That part would be done 30 days after royal assent.

Ms. Raquel Dancho: But.... I'm sorry. I'm not following what you're saying.

Ms. Phaedra Glushek: Only proposed paragraph 1(1.2)(h) of the definition comes into force 30 days following royal assent. It's the ghost gun provision. The rest come in by order in council.

Ms. Raquel Dancho: All right. Then the bulk of this amendment and the bulk of what we've been talking about for the last hour, even when this passes, is not coming into force by OIC.

Do you know why it's not being done by OIC, and does it need to be put in this bill at all? If the government can just do it by OIC, I'm not understanding what the process is.

Ms. Phaedra Glushek: Sorry. I did make an error.

Some of the provisions would come into force on royal assent because those are already prohibited. It's the codification of the existing list, so those would be by royal assent.

I apologize to members. I did make an error.

The proposed paragraph 1(1.2)(h) definition for the unlawful manufacturing will come into force 30 days following royal assent. For flexibility, the remaining parts of the definition will come into force by OIC, and it allows for flexibility as to when the definition would come into force.

Ms. Raquel Dancho: Can they not do that now by OIC? I don't understand why it's needed now, then.

Ms. Phaedra Glushek: The government has choices. It can be on royal assent. It can be 30 days, 60 days, six months or on OIC, which means at a time to be determined by the Governor in Council.

Ms. Raquel Dancho: Okay.

Then on this amendment, aside from the parts you're saying will come into force after 30 days, parts of it won't come into force until the OIC says so.

Could the bulk of this amendment that we're talking about not be done by OIC exclusively, then? Does it need to be in this bill and then OIC, or could it just be OIC without this bill?

Ms. Phaedra Glushek: That's a decision to be made by, obviously, ministers in terms of—

Ms. Raquel Dancho: But is it possible?

Ms. Phaedra Glushek: Is it possible to bring different parts in by different means? Yes, it's possible.

Ms. Raquel Dancho: It's possible to expand. The government could ban all semi-automatic weapons just through an OIC, not through this bill. Is that within the powers that they have?

Ms. Paula Clarke: The government has the ability to prohibit firearms through two means. One is by prescription, through the existing regulations. The second way is what's being done here today, which is through legislation amending the Criminal Code.

Ms. Raquel Dancho: Okay.

This isn't, I suppose, to you, but if this amendment does not pass, the government could still pass it through OIC. That's a correct statement. I know it's a political one, but it's factually correct, right?

Ms. Paula Clarke: Yes.

Ms. Raquel Dancho: If we make this go away, they can still do this. This is what I am asking.

Understood. Thank you for that.

Just to be clear about another thing my colleague asked you, is it the case that you don't have a list of all the models of firearms that are currently legal in Canada that would now be prohibited under proposed paragraph 1(1.2)(g), the semi-auto ban? You don't have that list, but are you working on it?

Ms. Paula Clarke: I think....

Ms. Phaedra Glushek: We understand that there are other motions that might be introduced and—

Ms. Raquel Dancho: Mr. Chair, do we have to move a motion to compel them to bring a list of all the firearms that will be banned?

The Chair: No I believe they're referring to the fact that on our list of things to do, there are other amendments coming forward.

Ms. Raquel Dancho: I am just confirming that you will be providing that list to the committee.

• (1750)

Ms. Phaedra Glushek: We do not have a list. I believe the committee might be providing motions, perhaps, with a list.

Ms. Raquel Dancho: What I am asking for.... As this is going to ban, I would say, probably thousands of models, at least hundreds of models, of perfectly legitimate hunting tools, we would need a list so that people can understand if their firearms are now going to be prohibited.

What I am asking is this: Are you capable of providing us with an extensive list?

Ms. Phaedra Glushek: We cannot provide you with a list, as justice officials here at the table.

What we can do is speak to the definition in front of us and the amendments that the government is putting forward in the revised definition of prohibited firearms. In that definition, there is the ability for a list to be added to a schedule in part III.

Ms. Paula Clarke: Mr. Chair, could we take two or three minutes just to have a huddle?

The Chair: Absolutely.

Ms. Raquel Dancho: May I pick up afterward, then? I have more questions.

The Chair: Yes.

We'll suspend for a couple of minutes, but before we do, I just want to note to the committee and everyone that we have a hard stop today at a quarter after six.

I would also like to take the opportunity to welcome Ms. May to our august body and congratulate her on her leadership win.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you, Mr. Chair.

I'm not here on my own volition. I'm here because of the motion this committee passed that requires me to be here and that also reduces my rights to present amendments at report stage. It's a small point—it's large to me—but perhaps the committee is unaware that I'm here because of a motion you passed.

Thanks for the welcome.

The Chair: I kind of understand that. We've been here before.

Thank you all. We will suspend for a few minutes at the call of the chair.

• (1750)

(Pause)

• (1755)

The Chair: Our meeting has resumed.

Ms. Dancho, go ahead.

• (1800)

Ms. Raquel Dancho: Thank you.

Perhaps the public safety folks could let us know what they've discovered with their chats. I have several follow-up questions. I'll pass it over to you.

Ms. Rachel Mainville-Dale: Thank you.

The government is proposing to codify, as well as create, an evergreen definition for "prohibited firearms". The amendment that's proposed in proposed paragraph 1(1.2)(1)(i) includes a schedule that would capture the list of firearms that meet that definition as we or as the government knows it today. There is a always a possibility that as the firearms reference table is continually updated, there may be ones that have not been identified but will be caught up in that definition.

What you see in proposed paragraph 1(1.2)(g) is that evergreen definition, which is to prevent new entrants to the market of firearms that would meet that definition.

Ms. Raquel Dancho: Can you repeat that last part?

Ms. Rachel Mainville-Dale: Yes, proposed paragraph 1(1.2)(g) is intended as an evergreen definition that would prevent new entrants that have those characteristics from entering the market.

Ms. Raquel Dancho: Would it also include existing ones that are in the market right now, in gun shops and in our homes?

Ms. Rachel Mainville-Dale: As far as we know—as far as the government has done the work—it has identified those in proposed paragraph 1(1.2)(i) in the schedule that would be presented as a motion and as an amendment.

Ms. Raquel Dancho: Okay, thank you very much.

A schedule is provided in another government amendment for this bill that I'm sure we will discuss when it is moved by them. My understanding is that this list would be most of the OIC confiscation regime—the buyback of guns—that was already made public and added to, but it was two and a half years ago now.

This proposed paragraph 1(1.2)(g) goes far beyond what was on that list provided by the OIC two and half years ago. Is that not correct?

Ms. Rachel Mainville-Dale: If we look at what is in proposed paragraph 1(1.2)(i), there are a few different portions.

There's the codification of firearms that were prohibited starting in the late 1970s, I believe, all the way up to the 1990s. There were the firearms that were included as part of the May 2020 OIC, as well as others that meet this evergreen definition that are known today.

Ms. Raquel Dancho: That's understood. I suppose what you're saying is that we have not seen the schedule.

Mr. Chair, I don't know if you can answer that. This schedule, which will include every firearm that is captured in the definition provided in proposed paragraph 1(1.2)(g), exists. Is that correct? Does this schedule exist somewhere?

The Chair: I would suggest members look at the package of amendments.

Ms. Raquel Dancho: Mr. Chair, my understanding is that the package of amendments is lengthy, with hundreds of different firearm models, but those are the ones that were banned through the OIC. That is not an exhaustive list of everything that would be included because of proposed paragraph 1(1.2)(g).

Are you saying that the schedule will be exhaustive?

Ms. Rachel Mainville-Dale: It captures the three buckets.

The first bucket would be those that were prohibited starting from the late 1970s to the early 1990s.

The May 2020 OIC—

Ms. Pam Damoff: I have a point of order, Chair.

I'm sorry to interrupt.

The Chair: Ms. Damoff, go ahead on a point of order.

Ms. Pam Damoff: Just going back to the point of order I made before, we're jumping ahead on amendments. We shouldn't be discussing amendments that we haven't actually moved yet.

I recognize that it can be challenging here, but I don't think we should be asking officials to comment on amendments that may or may not be coming in the future, Chair.

Mr. Dane Lloyd: I have a point of order.

Sorry, am I interrupting you? I thought you were done.

Ms. Pam Damoff: No, I'm done now.

The Chair: Mr. Lloyd, go ahead on a point of order.

Mr. Dane Lloyd: Mr. Chair, I would submit that under "(i), a firearm listed in the schedule to this part", G-46 is the schedule that is referenced in G-4. I would argue that it is part of G-4 and therefore it would be within scope to discuss that.

Ms. Pam Damoff: Is that the case?

The Chair: I think there's a fine line. The reference to it is certainly here, but the amendment itself is not moved, and it's privileged until it's moved, right?

Ms. Raquel Dancho: Okay. If I might continue...?

The Chair: I understand the importance of it to you. You can certainly refer to it in your package of possible amendments.

I'll ask our law clerk—

In general, we know it's there, but we can't speak to it very specifically. Are you done with your point of order?

Oh, was that a point of order, Mr. Motz?

• (1805)

Mr. Glen Motz: Yes, please.

The Chair: Is it the same point of order?

Mr. Glen Motz: It's a similar point of order, yes.

The Chair: Not similar, because Ms. Dancho wants to carry on.

Mr. Glen Motz: Well, it's about.... I'm not going to interrupt her questions, because she'll have them and she'll continue on, I know, but it's about G-46.

The officials who are here make reference to it. Proposed paragraph 1(1.2)(i) makes reference to it, as Mr. Lloyd has indicated. I have to submit that it's completely inappropriate that here we're talking hypotheticals right now because we can't mention G-46. It has a significant list of many hundreds of firearms, and we simply want to know some answers to some questions. I think it's most appropriate that the section be brought forward and we can identify some of those firearms.

The Chair: The problem here, Mr. Motz, is that it's privileged until it's moved, so we can't talk about it in public, because it hasn't been moved yet, right? We know ourselves whatever might be in there and we can speak about it in the most general terms, but we really can't delve into it, because it is privileged at this point.

Ms. Dancho, go ahead.

Ms. Raquel Dancho: Mr. Chair, we've spent—what?—half an hour trying to ask if we can get a list of all the things that are included so we can make a fully informed decision and so my colleagues in the Bloc and the NDP can make a fully informed decision.

Perhaps the law clerks can answer this for me.

Could the government have provided that schedule as part of this amendment, or did they have to provide them as two separate amendments? Could they have provided them together?

The Chair: The schedule has to be done at the end of the bill. That's why it's presented at the end of the package, right?

Ms. Raquel Dancho: I understand. Okay.

The Chair: That's just the way this stuff works.

Ms. Raquel Dancho: Okay. That's really unfortunate. It's difficult to make a fully informed decision and have a debate if we can't understand the full impact, but it's fairly obvious. For anyone who has almost any semi-automatic shotgun or rifle, that will now be added to the prohibited list.

I think that sometimes folks forget, but there are three different classifications. Perhaps the folks here can correct me if I'm wrong. There are unrestricted firearms, for which you need a possession and acquisition licence, a PAL. If you want to own restricted firearms, you need an RPAL. Then there are prohibited ones, and nobody can own them legally in any circumstances. People do own them, of course, and we know that criminal elements in this country use them all the time, but you're not legally allowed to own prohibited firearms.

Basically, you can own restricted firearms if you have a restricted PAL and you can own unrestricted firearms if you have a basic PAL. Is that correct?

Ms. Paula Clarke: Yes. There are three categories. A lot of people say “unrestricted”. It’s actually “non-restricted”—

Ms. Raquel Dancho: Pardon me. Thank you very much.

Ms. Paula Clarke: That’s okay. That’s fine.

A non-restricted firearm is a firearm that is neither restricted nor prohibited. Restricted firearms do require an RPAL, which has additional course requirements and enhanced storage requirements. Then, for prohibited firearms, there are exception under section 12 of the Firearms Act. I don’t want to get out of my lane, but there are people who do possess some prohibited firearms. In general, individuals are not permitted to possess a prohibited firearm.

Ms. Raquel Dancho: Thank you very much.

For unrestricted, you get your PAL. With more licensing, as you said, you have to get your RPAL and I believe more background checks, and also, the police are aware of all the legally owned restricted weapons. Is that correct?

Ms. Paula Clarke: That’s right.

Ms. Raquel Dancho: Right. For any restricted weapon that’s owned legally, police have the information of who owns them.

Ms. Paula Clarke: Restricted firearms are registered with the Canadian firearms program.

Ms. Raquel Dancho: Right, and that’s whether unrestricted or not.

Ms. Paula Clarke: They’re non-restricted.

Ms. Raquel Dancho: They’re non-restricted; pardon me.

Ms. Paula Clarke: They’re not registered.

Ms. Raquel Dancho: I understand.

Then we have prohibited weapons. Except for a few circumstances, as you mentioned, people are not allowed to own them.

Right now, though, it’s correct to say that there are many, many semi-automatic shotguns and rifles that are non-restricted. They’re the lowest category of restriction. They’re non-restricted, and then we have restricted and prohibited.

Proposed paragraph 1(1.2)(g) takes non-restricted firearms, a huge group of them, and jumps them, not into “restricted”, which has more oversight by police—the police are supposed to know where all the legally owned ones are—but into the “prohibited” category. Am I understanding that correctly?

With this definition of semi-automatic rifles and shotguns, many firearms that are non-restricted will move to prohibited, correct?

• (1810)

Ms. Paula Clarke: Yes. It will also move some rifles and shotguns that are restricted to the prohibited category—but yes.

Ms. Raquel Dancho: It’s correct to say that it’s jumping from non-restricted all the way to prohibited.

Ms. Paula Clarke: That’s correct.

Ms. Raquel Dancho: Okay.

Let’s say that I own one of these and it’s a non-restricted model of a semi-automatic shotgun for bird hunting. This amendment passes, and now it is prohibited.

My understanding, though, is that with the OIC and the confiscation regime that ensued, or the buyback, the government told the public that if you own these, you’re going to be compensated for them. It took them a couple of years to come up with the list, but they said, “We’re going to pay you. We’re going to buy them from you.”

If I have a semi-automatic rifle or shotgun.... Again, we can’t talk about what’s in the schedule, but if it’s not on that schedule, I’m not going to get paid for it. It’s illegal. Is that correct? I’m not allowed to own it anymore and I’m not going to get any compensation for it.

Ms. Paula Clarke: I can’t speak to any government decision with respect to compensation.

Ms. Raquel Dancho: You can’t speak to it, but we’re not aware of any other amendment that would bring in a buyback. My colleague from the Liberals asked us whether we would move that motion. We can’t, because it’s financial.

What I’m asking is that this amendment, as we see it, logistically does not provide compensation if that firearm is not included in the schedule. Is that correct?

Ms. Paula Clarke: As I mentioned before, we have no information that we can share with respect to compensation. That’s outside of what is before us.

Ms. Raquel Dancho: Mr. Chair, I suppose from what I am seeing, there is no....

It was mentioned, I think in good faith from a Liberal member, that if we want to institute a so-called buyback or confiscation regime whereby the Liberal government would provide money to me if I had a semi-automatic shotgun that fell under this definition—which is most, nearly all—there is nothing in here to say that. What I’m seeing is that it’s just going to be prohibited.

That is unlike the OIC, which was tough enough for people, because there were 1,500 models. Several hundred thousand, if not millions, of these 1,500 models were owned in this country lawfully and legally, but at least he government said, "We're going to pay you for them. We're going to take them from you—there's nothing you can do about it—but we're going to pay you for them." What I'm seeing here is that there is no guarantee of that.

Again, firearms are very expensive. They are thousands of dollars. It's maybe \$600 for an entry-level one. I'm not seeing and I'm not hearing of any communication from Liberal members about hunters who own semi-automatic shotguns for bird hunting. They're just going to be illegal, and there's nothing they can do about it. They're not going to get an ounce of compensation.

I welcome any intervention from Liberal members to contradict this. However, what I'm understanding is that there are hundreds of thousands of hunters who are going to have very expensive tools that they use, with not even a modicum of dignity that the Liberal government is going to provide them through financial compensation. That's unlike what they did with the OIC's so-called buyback. There at least they were saying, "Don't worry; we're going to pay you. It will maybe not be what they're worth, but we'll pay you something."

I'm not seeing that at all here. Some of these are antiques. They are heirlooms. Again, I mentioned this in the House, but people pass these down for generations. They're graduation gifts. They are

huge sources of pride for many in the rural community, in the hunting community.

I'll just wrap up, because I know we're out of time.

I'm deeply concerned, and perhaps Liberal members could bring back some information to the next meeting. Maybe I'm wrong; maybe there is going to be compensation for the millions of firearms that are going to be prohibited now for those people. I think they at least deserve that.

They don't deserve any of this, frankly. However, I'm not clear on whether hundreds of thousands of hunters are going to be compensated for things they've used for years that will now, all of a sudden, be completely illegal.

Mr. Chair, I'd like an answer on that when we come back. I will be following up. Thank you.

The Chair: Thank you.

Thank you to the committee. We have a hard stop at this point.

I would like to thank the interpreters, of course, who put up with all our efforts, and the officials, legislative clerks and analysts for being here every day.

We will start again on Thursday morning at 11 o'clock.

We are adjourned.

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