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• (1535)

[English]

The Chair (Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.)): Good afternoon, everyone.

I call this meeting to order. Welcome to meeting number 52 of the House of Commons 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). The committee resumes clause-by-clause consideration, and we'll get to the speaking list shortly, which carries on from yesterday.

Before we resume debate, I will welcome the officials who are once again with us today. From the Department of Justice, we have Paula Clarke, 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; and from the Royal Canadian Mounted Police, we have Rob Daly, director, strategic policy, Canadian firearms program; and Murray Smith, technical specialist, Canadian firearms program.

Welcome back, everyone. Thanks for joining us once again.

With that, on the speaking list for carrying on the debate on G-4 we have Madame Michaud, Mr. Noormohamed, Ms. Dancho, Pam Damoff and Mr. Motz, and it carries on with some more. We'll go down the list further as we go.

I think this will take us to the end of the day, but feel free to put your hand up if you want to be on the list.

With that, I turn the floor over to Madame Michaud.

[Translation]

Ms. Michaud, you have the floor.

Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ): Thank you very much, Mr. Chair.

Good afternoon, dear colleagues. I am very pleased to see you again.

Before I begin, I would like to take a moment to mark the date today: December 6, 2022. Thirty-three years ago, a tragic shooting occurred at the École Polytechnique. On behalf of my political party, I want to again send my condolences to the victims' loved ones and families and to the victims injured on that day.

The weapon used that day was a Ruger Mini-14, a semi-automatic rifle, as my colleagues know very well. The killer had a magazine with 30 rounds, allowing him to kill 14 women and injure 13 others in a short amount of time. Until 2020, this weapon was still legal in Canada because it was classified as a hunting firearm, which according to some researchers was absurd.

I want to mention this and to encourage my colleagues to be respectful when speaking today, because it is a day of remembrance. There are people who have been fighting for 33 years to get the federal government to do more to ban assault weapons. In fact, that is the objective of amendment G-4, which we are looking at today, and I encourage my colleagues to be respectful.

I also want to take the time to denounce the intimidation that has been happening over the past few days, of the officials who are here to help us and answer our questions. It is not any easier for them than it is for us. We get many questions from members of the public who are sometimes angry, because there is a large amount of misinformation going around. It may also be because the government did not properly explain the amendment it tabled.

I once again encourage my colleagues to be respectful towards the people who are here today to help us and to answer our questions. This also goes for those listening to our proceedings who may feel compelled to write to the officials. I encourage them to be careful in their comments.

Finally, before I begin, I also want to take the time to denounce the fact that the promotional code “poly” was used and promoted by the Canadian Coalition for Firearm Rights to get people to buy merchandise on its website. Marketing like that on the backs of victims is simply disgusting. I encourage my colleagues to denounce this and to distance themselves from this association.

Getting back to amendment G-4, I think the government is trying to do something that has merit. What is deplorable is that it is working backwards. It did not explain what it was trying to do, as I said. At the outset, Bill C-21 was mainly about handguns, airsoft guns, and “yellow flag”, “red flag”-type measures.

When it tabled the bill, the government promised it would amend it, which means it must already have thought that the initial version was not perfect. We understand that the government, in exchange for support from some groups that support gun control, promised it would amend Bill C-21 to also ban military-style assault weapons. Because Bill C-21 was mainly about handguns, there was a risk that such an amendment would be ruled out of order since, as you know very well, Mr. Chair, it may have fallen outside the scope of the bill.

From what I understood, the government has been secretly working on this amendment since May 2022, without consulting stakeholder groups. That is what these groups have been telling us for the past few weeks, that they were not consulted. The same goes for the airsoft industry which, unfortunately, does not appear to have been consulted by the government. We will come back to that later during consideration of the bill.

The government let the bill go through the process. It listened to members in the House debate handguns, airsoft guns and “yellow flag”, “red flag”-type measures, among other things. It let committee members invite experts to appear and hear what they had to say about the possible impacts of the bill, particularly on the elements I just mentioned.

We have to remember that, during the 2015 election campaign, the Liberals committed to ridding the streets of handguns and assault rifles, as they said in their election platform at the time.

On May 1, 2020, the government issued an order in council banning 1,500 assault rifles, with immediate effect. It immediately banned nine types of firearms and their variants, including M16, AR-10 and AR-15 rifles, the M4 carbine and Ruger Mini-14 rifle. The order in council also banned firearms with the following two characteristics: capable of discharging a projectile with a muzzle energy greater than 10,000 joules; and a bore of 20 millimetres or greater. Those are the two criteria in items (e) and (f) of amendment G-4.

• (1540)

We can therefore understand that these two elements in the amendment are nothing new, since the firearms meeting these criteria are already prohibited. I would ask the experts to confirm whether this is indeed what we should understand from items (e) and (f) in amendment G-4.

Ms. Rachel Mainville-Dale (Acting Director General, Firearms Policy, Department of Public Safety and Emergency Preparedness): That’s right, yes.

Ms. Kristina Michaud: Thank you very much.

That answer alone clarifies a lot of things. We see people up in arms against certain points in amendment G-4, but that is because the government never took the time to present its amendment properly, and to explain and clarify what it was doing.

That is the Bloc Québécois’s chief criticism at this point: that the government did everything backwards and made things confusing for everybody. It is very difficult to make sense of a binder like this and to explain what it means to the public. I am grateful the experts are here to answer our questions, as the Liberal Party is clearly un-

able to explain its own approach. We have so many questions that we don’t know where to start.

Going back to amendment G-4 to Bill C-21, we understand that it fulfills the Liberal Party’s promise. I understand that the government wants to ban assault weapons, and we at the Bloc Québécois agree. I even promised witnesses during hearings on Bill C-21 that the Bloc Québécois would table an amendment to ban assault weapons if the government did not keep its promise to do so.

That is exactly what we did with amendment BQ-1, which was defeated in a heartbeat when all parties voted against it. We were proposing that the definition of a prohibited firearm in the Criminal Code be amended to “a prescribed military-style assault weapon.”

What we were proposing was quite simple: allow experts to define what an assault weapon is, and in particular to differentiate an assault weapon from a weapon reasonably used for hunting. We never wanted to go after hunters or prevent them from hunting. That was never our intent. I want that to be quite clear.

I think providing a definition rather than a list would have been much clearer for everybody, unlike what item (i) in amendment G-4 does, which is propose that all firearms listed “in the schedule” be prohibited. This schedule is something else that is not clear in the government’s approach. The Liberals have never taken the time to explain what it would contain.

It is therefore difficult to look at amendment G-4 without talking about the schedule. I would in particular like to know what criteria were used in creating this schedule. Since things become clearer as we ask questions, I will now take this opportunity to ask two questions of the experts who are with us.

I understand that the first portion of the schedule refers to models of firearms that are already prohibited. Is this correct?

Ms. Rachel Mainville-Dale: Yes. Paragraphs 1 to 86, I believe, list the firearms that were prohibited by regulation in the 1990s.

Ms. Kristina Michaud: Thank you.

Other than the part dealing with firearms prohibited since the 1990s, there is a section dealing with weapons prohibited under the 2020 order in council. Is this correct?

Ms. Rachel Mainville-Dale: Yes. I believe they are paragraphs 87 to 96.

Ms. Kristina Michaud: Thank you.

The schedule would then list the newly prohibited firearms if Bill C-21 were passed, as well as firearms that would be exempted from the prohibition. Do I understand correctly?

• (1545)

Ms. Rachel Mainville-Dale: The paragraphs following paragraph 96, in schedule 2, include models that were added after the May 2020 prohibition. This was done using the same criteria, but removing the question of pre-World War II design and presence on the Canadian market. There is no list of exempted models following paragraph 96.

Ms. Kristina Michaud: So there is not necessarily a list of exemptions. On the other hand, if we rely on the text introducing certain categories of firearms, we can read that a given firearm is prohibited, with the exception of certain models that meet certain criteria. Is this what we are to understand?

Ms. Rachel Mainville-Dale: Yes, I understand your question better.

The text introducing certain categories of firearms, as in paragraphs 95 or 96, should be read in conjunction with the list that follows it. For example, if a model of a certain firearm is capable of discharging a projectile with a muzzle energy greater than 10,000 joules, it is included in the list of prohibited firearms. Therefore, not all models of that firearm will be prohibited, but only those that meet the criteria set out in the text introducing the category and that are in the list.

Ms. Kristina Michaud: As I understand it, items (e) and (f) and the government's proposed definition in item (g) would be used for the classification of models that are going to be created in the future, but the firearms listed in the schedule do not necessarily fall under that definition.

Did I understand correctly?

Ms. Rachel Mainville-Dale: Items (e) and (f) set out the same criteria as those mentioned in paragraphs 95 and 96 of the schedule. So there is some overlap.

Ms. Kristina Michaud: This confirms that certain models are on the list, but variants of those models that are capable of discharging a projectile with a muzzle energy greater than 10,000 joules are prohibited. If a person has a rifle that is on the list, but the variant they are using requires a muzzle energy of less than 4,000 joules, that weapon will not be prohibited.

Is this correct?

Ms. Rachel Mainville-Dale: Yes.

Ms. Kristina Michaud: Much of hunters' concern stems from this confusion, which could have been avoided if this amendment had been incorporated into the original version of the bill, if press releases and fact sheets had been made available, and if consultations and the like had been held.

As my colleagues would say, having the legislative summary and fact sheet of a bill goes a long way toward helping us put the right questions to the experts who appear before the committee. In this case, we don't have a fact sheet or a summary of the process related to amendment G-4. This makes it a little difficult to ask our questions. Plus, it makes it more complicated to explain all of this to the general public, the average person.

I think it's a bit of a shame that the government is relying on us to resolve the current impasse on amendment G-4. Until the parlia-

mentarians on the committee have the tools to clearly explain, in less than 15 seconds, what this amendment is doing, I don't think we will ever agree.

To add to all of this, the Minister of Public Safety and the Prime Minister have hinted in the last few days that some firearms reasonably used for hunting are on this list. Whether there is one or a thousand, how do we find it or list it? We are obviously not experts on this subject, although we are learning more and more about it. How is the public supposed to identify them?

In my opinion, the solution is to establish a clear definition of the assault weapons that are going to be prohibited. Instead of proceeding by list, we could say that, if such a weapon meets the criteria provided or the definition, it is prohibited. If necessary, a list of exceptions could be included. I understand that there are currently hundreds, if not thousands, of models of firearms and it is difficult to navigate.

But it is equally difficult to navigate when lists are used. Through the answers provided by the officials, I am gaining a better understanding of the reason for choosing to do it this way. However, in my opinion, it may not have been the best way to proceed.

If amendment G-4 is adopted in its current form, including the reference to the schedule contained in item (i), are we to understand that the Criminal Code is going to have to be amended every time a new model of gun comes on the market? How will this work going forward?

• (1550)

[English]

Ms. Paula Clarke (Counsel, Criminal Law Policy Section, Department of Justice): In the schedule, where it uses the term "variant", that would be a new firearm that is a variant of any of the firearms that are listed in the schedule. It would be captured and would be prohibited.

There's also the definition in paragraph (g), which may capture future firearms that are not listed in the schedule but that meet the definition with the characteristics that are set out in (g).

[Translation]

Ms. Kristina Michaud: If the manufacturer creates a new model and offers it for sale, how will this work? Will the Royal Canadian Mounted Police have to call the manufacturer and tell them that their firearm is illegal? How will it work when these new models are put on the market? I am sure that—

[English]

The Chair: Madame Michaud, we're not getting translation for a moment, so....

[Translation]

Ms. Kristina Michaud: Okay.

I am being told that the problem is solved, so I will resume my question, for the benefit of the committee.

If a manufacturer decided to create a new kind of firearm to get around the regulations, but it was actually a variant of a prohibited model, and therefore an illegal firearm, what would happen? Would the Royal Canadian Mounted Police be informed? Could the manufacturer circumvent the law by saying they didn't know it was a variant?

[English]

Mr. Murray Smith (Technical Specialist, Canadian Firearms Program, Royal Canadian Mounted Police): The determination of the classification of a firearm can, in principle, be done by anybody. Nobody owns that. Any person can look up the criteria that are in the Criminal Code and compare the characteristics of the firearm to those terms that are in the Criminal Code and arrive at a conclusion as to whether the firearm is non-restricted, restricted or prohibited.

However, for greater clarity and for the purposes of uniformity across the country, the RCMP keeps a database—the firearms reference table—which catalogues firearms and determines their classification according to the matrix in the Criminal Code. That is available to police, to officials and to the general public for their reference.

To answer the other part of your question, the actual assessment is made depending on exactly what the criteria are. If you are looking at one of the items—clauses 1 to 94, for example, or clauses 97 and onwards in the proposed schedule—those are based on the principal model of the firearm being named, and then any variant or modified version of it is also included. The exercise in classification would be based on whether or not the firearm in question was related to the original firearm in a way that would include it within the bounds of a variant or modified version.

In the case of 95 and 96, there are explicit physical criteria, and the question would be to accurately determine the diameter of the bore or the energy of the projectile, as the case may be. The firearm is then classified depending on whether it's over the thresholds or not.

[Translation]

Ms. Kristina Michaud: Thank you.

Do you have anything to add, Mr. Daly?

[English]

Mr. Rob Daly (Director, Strategic Policy, Canadian Firearms Program, Royal Canadian Mounted Police): Yes. For greater clarity, there is no variant in the evergreen definition. Every new firearm entering the country would be matched against the criteria in definition (g). Where a variant applies is as it relates to the schedules you alluded to earlier, so we would be looking at both of those.

If a firearm is coming in and it is a variant of one of the listed firearms, it would be put in the schedule accordingly. However, going forward, most of it would be up against (g) and looking at each one of those criteria individually, so not as a variant.

• (1555)

Ms. Phaedra Glushek (Counsel, Criminal Law Policy Section, Department of Justice): I'd like to add to my colleague's

comments that “variant” is a well-known term that has been in the classification regulations since 1995. It's been judicially considered. It's a very well-known term used by experts.

[Translation]

Ms. Kristina Michaud: Thank you very much.

This leads me to raise another issue. I don't know if I mentioned this last time, but the French version of the definition found in item (g) proposed by the amendment refers to *fusils de chasse*—hunting rifles—whereas the English version does not mention terms like “hunting”.

I understand that the text of the amendment was written in both English and French, so the French is not a translation, which may explain this. However, I was told that this was the expression commonly used in French to refer to this type of weapon. On the other hand, it is difficult to explain to people that no hunting rifles will be prohibited when it is written in black and white in the bill that we are talking about semi-automatic hunting rifles.

How could that be interpreted in French?

[English]

Ms. Phaedra Glushek: It's a very good question.

“*Fusil de chasse*” is used in this part of the bill. It is a term that is used in other federal statutes and regulations, but also in the Criminal Code regulations that are part of the 1995 regulations. That is a term that is used both in federal regulations and in acts, including in the Criminal Code definition.

It's a term that's already been previously used and is well known, which we have incorporated into the G-4 motion.

[Translation]

Ms. Kristina Michaud: So it is understandable that, despite the use of this expression, it does not necessarily include weapons reasonably used for hunting.

Ms. Rachel Mainville-Dale: Yes, that term was chosen by the legislative drafters, highly specialized people. I'm not a drafter, but I understand that, if you make a change to the bill, you have to think about the impact it may have on all the other regulations that are related to it.

[English]

Ms. Phaedra Glushek: Can I add a couple of things?

They also use not just other federal acts.... When the drafters look at terms, both in English and French, it should be the equivalent. They look at TERMIUM Plus, which is a database of terms in English and in French. They look at the French in Larousse and the different dictionaries in French, and then they also look at the other acts and regulations.

That's how they came up with this term in the legislation.

[Translation]

Ms. Kristina Michaud: I understand that if an amendment was made to item (g), it could significantly change the spirit of the definition that was intended to be put in place. However, to your knowledge, if we were to add, “à l’exception des armes raisonnablement utilisées pour la chasse”—with the exception of firearms reasonably used for hunting—would that change the spirit of the definition?

[English]

Ms. Phaedra Glushek: If I understand the question, you’re asking whether or not we could capture that it is or is not a hunting rifle, or a shotgun—

A voice: That it is not.

Ms. Phaedra Glushek: That it is not. That is an exercise we could look at, but, for example, in the French,

[Translation]

an “*arme à feu à âme lisse*”

[English]

is a smooth-barrelled firearm, and that could encompass some rifles as well. It depends on what the term is and how we could define it.

I could turn to my colleagues in Public Safety to see if there are any other considerations they’d like to add.

[Translation]

Ms. Rachel Mainville-Dale: There are always repercussions. In this case, it would be a drafting exercise, and it’s hard to say off the top of my head whether it’s possible to change the text. It might be possible to do so, but it would be difficult for me to give you a definitive answer. This is your debate and our role is to help you.

Ms. Kristina Michaud: Okay. Thank you very much.

I’m very much questioning the way the government decided to proceed and this famous list. I wonder if it would have been easier for everyone to proceed differently.

In 1994, the United States adopted a fairly clear definition of what constitutes a prohibited firearm. It’s both a good and a bad example, because that definition has been watered down a bit by a fairly long list of exclusions.

Was this approach one of the options the government considered, rather than listing the models in a schedule and expanding the Firearms Act by hundreds of pages?

• (1600)

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

There are limits to what I can say here, and I can’t really discuss the options that the government considered when it drafted its amendments.

Ms. Kristina Michaud: Mr. Chair, may I ask the mover of the amendment why she decided to proceed in this manner?

[English]

The Chair: The mover of the amendment isn’t a witness here. He’s free to step up in any of the debate if he wishes, but it’s odd to be questioning the—

[Translation]

Ms. Kristina Michaud: If the situation was reversed and I were the one moving an amendment, my colleagues would certainly ask me where I got it and why I am proposing it this way rather than another way.

In this case, then, I think it is absolutely legitimate to put that question to the person who proposed the amendment.

[English]

The Chair: Mr. Chiang, if you want to respond, please do.

Mr. Paul Chiang (Markham—Unionville, Lib.): Thank you, Mr. Chair.

The amendment was moved on the advice of the officials. If you have questions, you could direct them to the officials who are present here today to answer your questions.

The Chair: Thank you, Mr. Chiang.

We’ll carry on with Ms. Michaud.

[Translation]

Ms. Kristina Michaud: That is what I am trying to do. Thank you.

I understand that there are limits and that you can’t discuss everything before the committee. The problem is that politics are getting in the way. If politics could stay out of this, it would be much easier for everyone.

Earlier, we talked about the structure of the schedule. Some models of weapons are already prohibited and some will be prohibited later. I think it is legitimate to know when those models will be prohibited. My understanding is that it will not necessarily be done when the bill is passed, but later, by order in council.

Is that correct?

[English]

Ms. Phaedra Glushek: Both schedule 1 and schedule 2 on the list would come into force by order in council, so it would be a decision to be taken. There’s flexibility for the government in terms of when it would want to bring into force the schedules, as well as most of the definition. There is one part that would come in 30 days after royal assent, with respect to the firearm part.

[Translation]

Ms. Kristina Michaud: So we can speculate that this delay before the coming into force would allow owners of now-prohibited weapons to adjust.

Do you have any comments on this matter?

[English]

Ms. Phaedra Glushek: Yes. As with the May 1, 2020 amendment, there was an amnesty at that time. The government decided to have an amnesty that coincided, in order to give owners time to comply with the law.

In this case, the motions have been put forward and no decision has been made, at this time, in terms of an amnesty. There is no amnesty or compensation being put forward at this time. By the time this comes into force by OIC, owners will have to become compliant with the law.

[Translation]

Ms. Kristina Michaud: When you talk about amnesty, am I to understand that you are referring to a grandfathering clause that would allow them to continue to own the firearm until a certain time?

[English]

Ms. Paula Clarke: I can make a point of clarification.

When the schedule or the definition in paragraph (g) comes into force by order in council, at that point.... When the May 1, 2020 OIC came into effect, there was an amnesty order. The delayed coming into force of paragraph (g) and the schedule in paragraph (i) would give the government an opportunity to decide how to proceed with these firearms.

• (1605)

[Translation]

Ms. Kristina Michaud: I guess that would give the government time, for example, to come up with a buyback program or that something like that. We're still waiting for the buyback program for the firearms that were prohibited in 2020. So I don't know where that would go, but it was a comment more than a question.

This would provide reassurance to owners or potential owners of scheduled weapons or models who would know what to do with their weapons when these provisions come into force. We don't really have an answer to that, and I understand that you can't really give us an answer today.

[English]

Ms. Phaedra Glushek: That's right. We can't speculate about decisions that will be made in the future.

Again, I forgot to mention that the list in schedule 1 is already prohibited, so there would be no change in the classification of those firearms between 1 and 96. That is a decision to be made in the future, though. We can't speak to that.

[Translation]

Ms. Kristina Michaud: We are trying to understand the process related to the list.

Gentlemen, can you explain to us, in general terms, how the Royal Canadian Mounted Police firearm classification process normally works?

[English]

Mr. Murray Smith: The classification of the firearm itself, as I indicated earlier, is based on an assessment of the characteristics of

the firearm and how they compare with the parameters in part III of the Criminal Code, which affect classification. Everything pertinent about the firearm is determined and evaluated against those criteria. A decision is then made as to what classification it falls into.

In terms of the administrative procedure, the goal of the organization that produces the firearms reference table is to determine the classifications of firearms as early as possible, in order to populate the FRT with a description of the firearm and its classification long before any arrive in Canada, so that when the firearm does arrive, it is dealt with by customs and other authorities in the appropriate manner.

[Translation]

Ms. Kristina Michaud: You mentioned criteria. Are the criteria you use to classify weapons public?

[English]

Mr. Murray Smith: Yes. The criteria are in section 84 of the Criminal Code. There are a variety of criteria that affect the classification of firearms in several different ways.

Each portion of section 84 deals with firearms for certain purposes in its own way. There's no standard way of dealing with this. In some cases a firearm could be prohibited because the barrel, for example, is cut down. In other cases the firearm could be prohibited because it fires in a fully automatic manner.

In the case of the schedule we're speaking about today, a firearm could become prohibited because it is a varied or modified version of a firearm that's named in the regulations. A firearm could also become prohibited if it's chambered for a calibre that produces an energy over 10,000 joules of muzzle energy. A firearm could become prohibited if it has a bore diameter of over 20 millimetres, and so on. There are many different criteria that apply in different ways.

The process would be to look at the characteristics of the firearm and determine whether or not they interact with any of these criteria that are sprinkled through the Criminal Code and the associated regulations.

[Translation]

Ms. Kristina Michaud: Is the reasonable use of a weapon for hunting, for example, one of these considerations?

[English]

Mr. Murray Smith: For the purposes of producing the firearms reference table, no. The classification is based entirely on the criteria that are published in the Criminal Code and the regulations.

[Translation]

Ms. Kristina Michaud: Thank you, Mr. Smith.

[English]

Ms. Paula Clarke: Could I interject one more clarification?

As Mr. Smith has indicated, the firearms reference table is a law enforcement tool, and the classification determinations made by the Canadian firearms program are not legal determinations. They are simply tools that are available to law enforcement to help law enforcement determine whether or not a specific firearm is restricted, non-restricted or prohibited.

The final determination of the classification of a firearm is made by the courts. At any point, the classification determination made by the CFP can be challenged in court or by the CITT, the Canadian International Trade Tribunal.

• (1610)

[Translation]

Ms. Kristina Michaud: Thank you, Ms. Clarke.

It has been brought to our attention that some of the firearms that have been added to the schedule are firearms reasonably used for hunting, even though these models were originally intended for military use. I will not name the hundreds of models, but I am thinking in particular of the Benelli M1 Super 90, semi-automatic. The latter has so-called tactical variants with a pistol grip that would now be illegal. Other variants with a more classic shape would be fully legal.

Is this what we're supposed to understand?

[English]

Mr. Murray Smith: I'm not completely sure which firearm you're referring to.

[Translation]

Ms. Kristina Michaud: I am talking about the Benelli M1 Super 90.

[English]

Mr. Murray Smith: Okay. The Benelli M1 and M3 shotguns are listed in clause 7 of the proposed schedule. Some of the Benelli shotguns are listed as prohibited variants by the way they're listed in the schedule. Others are listed as exempted shotguns, so the regulation has no effect on them.

The Chair: Excuse me, sir. Could you speak a little closer to the mike?

Mr. Murray Smith: I'm sorry. I'll repeat that.

The Benelli M1 and M3 shotguns, which are found in clause 7 of the proposed schedule to part III of the code, and which are in the existing regulations and have been there since the 1990s, are divided into two groups.

There are those Benelli M1 and M3 shotguns that are prohibited, and all known variants are listed in that clause, clause 7, as prohibited variants. However, there are some models that are listed in the schedule as being exempted from the effect of the schedule, likewise in the regulations that are currently in force. Those models would remain either non-restricted or restricted, depending upon their characteristics.

[Translation]

Ms. Kristina Michaud: Are we to understand that among the characteristics that make one model prohibited but not another is

the shape of the handle? Is it based on visual characteristics? In the case of two firearms of exactly the same power but different appearance, could one be prohibited but not the other?

Is this correct, or am I completely wrong?

[English]

Mr. Murray Smith: I can't speak directly to what was in the mind of the policy-maker who made the decision to create this list as it was. However, by analyzing clause 7, it's plain to see that models of the Benelli M1 and M3 shotguns that are in a hunting configuration are exempted as non-restricted firearms, and those that are in a tactical configuration are prohibited.

[Translation]

Ms. Kristina Michaud: If I understand correctly, then it's the appearance of the firearm that is taken into account. The fact that a firearm looks like a military firearm or a hunting shotgun distinguishes prohibited models from non-prohibited models. Is this correct?

[English]

Mr. Murray Smith: It's the totality of the characteristics. The M1 and M3 shotguns started out as military shotguns that were later modified to make them acceptable for hunting purposes, so there would be a combination of accessories, which you could describe as appearance, but it has more to do with ergonomics for the shotgun. It's a combination of physical characteristics like the configuration of the stock and the configuration for the sights. Also, the tactical versions generally have a shorter barrel than the hunting shotguns, and they may have a larger magazine as well, so there are some mechanical differences between them.

[Translation]

Ms. Kristina Michaud: So it is not just about the mechanical configuration of the firearm. For example, whether a firearm has a pistol grip is not the only criterion for determining whether it is a military firearm or a hunting shotgun; there is also the magazine capacity and barrel characteristics.

• (1615)

[English]

Mr. Murray Smith: Yes, I would agree with that, but I would emphasize that it's based on the functional characteristics of the firearm. It's not just a question of appearance. It's the fact that certain things, like shorter barrels, have more utility in a tactical application, as opposed to a longer barrel, which would be used for hunting, for instance.

[Translation]

Ms. Kristina Michaud: To your knowledge, these firearms...

[English]

The Chair: Can I interrupt just for a minute? The sound in the room is as high as it can go without causing feedback. For members who can't hear, I would recommend you use your earpiece.

A voice: It's not helping a lot.

The Chair: It's not helping a lot? Okay. I'm sorry.

[Translation]

Ms. Michaud, you may continue.

Ms. Kristina Michaud: Thank you, Mr. Chair.

Mr. Smith, in your experience, are firearms that have a tactical configuration commonly used for hunting?

[English]

Mr. Murray Smith: The versions of the M1 and M3 shotguns that are made with conventional sporting accessories are the ones that are commonly used for hunting. There is nothing that physically prevents any version of an M3 or M1 shotgun from being used for hunting, but if you were to look at, say, the marketing material for these firearms as they're sold in Canada, it is the sporting configuration of the shotgun that is generally advertised for use for hunting.

[Translation]

Ms. Kristina Michaud: Does the fact that, for example, some guns have a 14-inch barrel rather than a 19-inch barrel cause them to be considered prohibited firearms?

[English]

Mr. Murray Smith: Barrel length is a factor that is considered for whether a firearm is prohibited or not, in conjunction with other characteristics. In the case of a shotgun like a Benelli M1 or M3, if the barrel gets too short, the firearm could wind up being restricted, and if it gets shorter still, it could become prohibited. It depends on exactly how the barrel becomes shorter and exactly what the length is. It varies depending upon the exact circumstances, but essentially, the shotgun barrel length is considered in conjunction with other factors to arrive at a determination of classification.

[Translation]

Ms. Kristina Michaud: To your knowledge, at this time, what is the allowed barrel length for shotguns?

[English]

Mr. Murray Smith: That varies according to the type of hunting. There's no single answer for that.

[Translation]

Ms. Kristina Michaud: Do you think that many firearms used for hunting are found in the annex mentioned in paragraph (i)?

[English]

Mr. Murray Smith: Generally speaking, the schedule is made up of military and paramilitary-style firearms, so in those schedules there are relatively few hunting firearms that were explicitly designed for the purposes of hunting. There are bound to be some exceptions, though. Those are found in clause 7 of the proposed schedule, which we've just been discussing, and elsewhere, like clause 64, for example.

Some firearms are named in the schedule as exemptions and are used for hunting, but the majority of the firearms in the schedule are firearms that are either military originally or tactical in nature.

[Translation]

Ms. Kristina Michaud: I'll take the liberty of repeating in French the gist of what you said: the majority of the firearms that

are in the schedule are firearms that are not reasonably used for hunting. The annex includes some of the latter, but there are few.

• (1620)

[English]

Mr. Murray Smith: Just to clarify, I'm not aware of any firearms designed for hunting that appear in the schedule. That said, there are firearms that can be or have been used for hunting. It depends on how you define "reasonable". It will depend on who you ask. I mean, "reasonable" is a subjective characteristic. What I can say is that the majority of these firearms, if not all of them, are there because they are military firearms or tactical firearms or derivatives of those firearms.

[Translation]

Ms. Kristina Michaud: I'll come back to a question I touched on briefly earlier. In your opinion, is there a way to completely take the responsibility for the lists that may exist out of the hands of politicians?

By listing the criteria mentioned in the G-4 amendment, which sounds like a definition, is that enough for the Royal Canadian Mounted Police to classify firearms, because I guess it is your job to do that? Is the use of a definition sufficient or does a list allow you to do your job better? Could a definition without a list do the same thing?

[English]

Mr. Murray Smith: That's really not our choice. The choice as to how firearms would be regulated lies with the government and with the Governor in Council and with Parliament. The RCMP applies the laws that they create. Using a schedule or using the regulations is one way of identifying firearms that should not be in circulation. That system has the advantage of being able to name specific makes and models, and limiting the effect of the change in law to only those kinds of firearms.

As an alternative, a more general approach can be taken, as in amendment G-4, with a definition that applies automatically to all firearms that fit the criteria. The kinds of firearms and the numbers of firearms that will be captured by the definition will depend on the exact wording of those provisions. That is within the control of the Governor in Council and Parliament.

[Translation]

Ms. Kristina Michaud: The words "designed to accept a detachable cartridge magazine with a capacity greater than five cartridges", found in paragraph (g) of amendment G-4, seem to be problematic for several hunters' associations, because they are concerned that it is too vague.

Can you confirm that the definition of prohibited semi-automatic weapons does not affect current models and only future models?

[English]

Mr. Murray Smith: That definition, I believe, was designed to affect firearms in the future. It's the forward-looking element in the proposed amendments.

The criteria in that definition are all concrete criteria, so it can be very readily determined whether a firearm is a rifle or a shotgun. It can be easily determined whether it has semi-automatic action or not. It can be easily determined whether it has a detachable magazine or not, and it can be easily determined what the capacity of that magazine is, whether it's five cartridges, four, three, two or whatever.

All the criteria in that provision are relatively easy to establish. Whether they prohibit the correct firearms is dependent on the goal of either Parliament or the Governor in Council, as the case may be. They are the ones that decide what should be prohibited or what should not be prohibited, and the terms of the definitions are determined accordingly. Officials can provide advice, but ultimately it's the government's decision as to what will be prohibited.

[*Translation*]

Ms. Kristina Michaud: I understand more and more that this was chosen to ensure that as many models as possible were enshrined in law.

I have a very hypothetical question: could a future government add a variant of the AR-15, for example, to the exceptions in the schedule? Which takes precedence, the list of prohibited weapons or the list of exceptions? Would it be possible for any government to add a variant to the list of exceptions?

• (1625)

Ms. Rachel Mainville-Dale: Currently, the exceptions are for firearms that were banned in the 1990s. For firearms that were banned or prohibited by executive order in May 2020, no exceptions have been listed.

Would it be possible for a future government to write exceptions into the law? Yes, it is always possible.

Ms. Kristina Michaud: Thank you.

I have another hypothetical question. If amendment G-4 were to pass, would a sport shooter be able to rent a prohibited firearm listed in the schedule, such as a semi-automatic weapon or pistol, for use exclusively at a shooting range, without owning it and without the ability to take it home?

Does the way this amendment is written in no way allow a citizen to own such a firearm?

Ms. Rachel Mainville-Dale: Are you looking to see if a prohibited or banned firearm could be borrowed or rented by someone?

Ms. Kristina Michaud: Yes, that's right. You're not allowed to have one in your home or own one in your name, but would the way the G-4 amendment is written allow people to rent one at a gun club to go practise their sport, for example, or not at all?

Ms. Rachel Mainville-Dale: I don't think it's possible to rent prohibited firearms. Having said that, I'll pass the floor to my colleague.

[*English*]

Ms. Phaedra Glushek: Maybe I can clarify that. The definition applies to rifles or shotguns. It doesn't apply to handguns. It deals only with rifles or shotguns, to make that clear. The handgun would

be separate and something that, under the existing provisions in the Firearms Act, would be regulated.

[*Translation*]

Ms. Rachel Mainville-Dale: There is no proposal to change the classification of handguns, which remain mostly restricted firearms. You cannot rent a prohibited firearm, such as an automatic weapon, and take it home.

Ms. Kristina Michaud: All right.

Some of the firearms that are in the appendix are hyper-expensive collectible firearms that are put on a shelf. There are people who collect firearms and some of these firearms are worth a fortune.

If there were an openness to a buy-back program for these firearms, would the G-4 amendment involve significant costs and logistical challenges? Is this being addressed, or was the G-4 amendment written without thinking about this possibility?

[*English*]

Ms. Phaedra Glushek: Maybe my colleague can jump in. Paragraph (g) is forward-looking. It's meant to look forward. However, there are mechanisms to come into compliance with the law right now if a firearm is not included in the buyback program. Those firearms are in the schedule of May 1, sections 87 to 96, I believe. They are the ones that are included in the buyback. There is deactivation, as well, that's available to individuals to come into compliance with the law. Again, we can't speculate as to any kind of buyback or amnesty, but one way to come into compliance would be to have a firearm deactivated in order to be able to keep that piece in one's house.

Paula, did you want to add anything to that?

Ms. Paula Clarke: No, that's good.

[*Translation*]

Ms. Kristina Michaud: So the owner could not, for example, sell his now prohibited firearm abroad. That would not be possible either.

[*English*]

Ms. Phaedra Glushek: Once any firearm is prohibited, you cannot sell, transfer, import or export. You would have to come into compliance by either surrendering it or deactivating it. If there were an amnesty that allowed for other means of disposal, or a government buyback program, those would be options open to the owner.

[*Translation*]

Ms. Kristina Michaud: All right. Thank you.

I'd like to go back to the hunters' associations that contacted us. These people have confirmed that they have not been consulted by the government about the amendment or its wording. They are expressing what can only be described as legitimate concerns.

The Weatherby MARK V firearm, which is designed for one cartridge and is generally used here for hunting, is permitted. It would not be prohibited under paragraph (i) of amendment G-4, which refers to the proposed appendix to amendment G-46. In contrast, the 460 Weatherby Magnum, which has variants and is designed to hunt elephants in particular, would be prohibited.

Is that what we need to understand?

• (1630)

[*English*]

Mr. Murray Smith: The Weatherby Mark V rifle appears in clause 96 of the proposed schedule, I believe, which deals with high-energy firearms. It's only those Weatherby Mark V rifles that would be prohibited. They are chambered for a calibre that produces energies in excess of 10,000 joules. If the rifle were chambered in a different calibre that did not exceed 10,000 joules, then it would retain its existing classification, which is, for the most part, non-restricted.

[*Translation*]

Ms. Kristina Michaud: I thank you very much for your answers as well as your patience. This answers some questions, for now, but, the further we go, the more questions seem to emerge. So it's becoming difficult to get your head around it.

Mr. Chair, I'm sure my colleagues have many, many more questions to ask. So I would like to make a proposal that I hope would satisfy everyone at this point.

I would like to invite independent experts from the government to explain to us the effects of this amendment on their industry or on their lives in general. It would be a bit like what we do in the normal parliamentary process, when we invite people to come and give evidence at the beginning of a bill. People have not had a chance to speak publicly on this massive amendment put forward by the government, and I think it would be quite legitimate to allow them to do so here, before the committee.

I therefore request that additional meetings be held to hear witnesses who have not yet been heard by the committee. I am aware that this request requires the unanimous consent of my colleagues on the committee. I therefore propose to them at this stage that the committee's Subcommittee on Agenda and Procedure meet to discuss the number of meetings that could be held and the experts that the committee would like to receive. If the committee were to get answers to its questions and the witnesses it wants to hear could be heard publicly, specifically on amendment G-4, that could help move the process forward, in my view. This amendment is quite substantial, I think you will agree.

I therefore invite my colleagues to vote in favour of my proposal, which requires unanimous consent. That is what I am proposing today so that we can move forward on amendment G-4.

[*English*]

The Chair: Thank you.

That presents somewhat of a dilemma for me. We are in the throes of... There is an amendment on the floor that we're now debating. We can't bring forward another amendment. To interrupt this process and go to more meetings is problematic.

I'll suspend for a few minutes and have a chat with the clerks.

• (1630)

(Pause)

• (1655)

The Chair: The meeting is resumed.

Thank you, all. We've had a number of discussions. I'm not sure that we have any kind of resolution, but I will ask Madame Michaud to put forth her unanimous consent motion. It's the only kind of motion we can deal with at this time.

My understanding is that the unanimous consent motion is to seek unanimous consent that we convene a subcommittee meeting to discuss having additional witnesses and additional witness meetings on Bill C-21. Is that correct?

[*Translation*]

Ms. Kristina Michaud: That's exactly right, Mr. Chair.

I ask for unanimous consent of my colleagues that the Subcommittee on Agenda and Procedure of the Standing Committee on Public Safety and National Security meet to determine the number of meetings to be held and the number of witnesses to be received at the committee to allow people who have not had an opportunity to speak to the bill and amendment G-4 to be able to do so.

It's pretty obvious that there is frustration across all parties that not everyone has had the opportunity to be heard. Once the witnesses have been heard, that might allow us to move forward on the G-4 amendment. That is what I am proposing.

I know that if I were to suggest a number of meetings at this stage, I might not have the unanimity of my colleagues. Therefore, I propose to leave decisions on the details of these meetings to the subcommittee.

I therefore seek the consent of my colleagues to resolve this impasse and move forward with this bill.

The Chair: Thank you, Ms. Michaud.

[*English*]

Since it's a unanimous consent motion, I don't believe it's debatable. I'm going to ask the members if there is unanimous consent.

Some hon. members: No.

The Chair: There is not unanimous consent. However, I certainly encourage all the members, all the parties at the table here, to continue to talk among yourselves to find a way forward on this.

Madame Michaud, have you finished?

[*Translation*]

Ms. Kristina Michaud: I find this distressing. I think it would have allowed us to move forward, but I understand the different considerations of members.

My questions end here for today. I will put my name on the list of speakers a little later.

Thank you, Mr. Chair.

The Chair: Thank you, Ms. Michaud.

[*English*]

We go now to Mr. Noormohamed.

Mr. Noormohamed, you have the floor.

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

As we continue clause-by-clause consideration of Bill C-21, I just want to take a moment to pause. We've had some good, healthy debate today, but I just want to pause and bring us back to the why of what we are doing here. As Madame Michaud noted, today is the National Day of Remembrance and Action on Violence Against Women. It commemorates the senseless murder of 14 women at École Polytechnique 33 years ago.

[*Translation*]

We need to make sure we never forget their names. We must also make sure that they did not die in vain. We are talking about Geneviève Bergeron, Maryse Laganière, Hélène Colgan, Maryse Leclair, Nathalie Croteau, Anne-Marie Lemay, Barbara Daigneault, Sonia Pelletier, Anne-Marie Edward, Michèle Richard, Maud Haviernick, Annie St-Arneault, Barbara Klucznik-Widajewicz and Annie Turcotte.

These 14 women were killed simply because they were women.

[*English*]

We read these names to remember them. I think it's important that we pledge and recommit our pledge to keep working to end gender-based violence, which is, as we all know, a lived reality for far too many women across Canada. We have a shared responsibility at this table, as we have healthy debates and discussions, to make sure we commit to ending gender-based violence once and for all, together.

We're all here because we want to keep our communities safe, protect our neighbours and friends, and keep guns off our streets.

I want to take a moment to acknowledge the exceptional work of PolySeSouvient and the other advocates who have been working hard to ensure that we have stricter gun control. This is not a partisan statement. It's one that recognizes the efforts of those who seek to keep our streets safer, without taking away the rights and privileges of Canadians who hunt and who farm, and of indigenous communities.

We all have to accept that access to guns is a primary risk factor for armed violent behaviour. The simple fact that a firearm is present in a home increases the risk of violence and intimidation for women and children who live in those homes. We know that inti-

mate partner violence, or IPV—which is a subset of domestic violence—that involves a firearm is 12 times more likely to result in death than similar incidents that don't involve a firearm. We know that access to guns in the home triples the likelihood of homicides and multiplies the risk of suicide by five.

We've seen data in Canada. Public reports show that between 37% and 42% of the women and girls killed in 2019 and 2020 were killed with a firearm. Data on murders committed by licensed firearm owners using a registered firearm or with firearms that were previously seized are not collected or available. As a result, it is not possible to estimate the effect of gun registration policy on femicide. The presence of a firearm in a home increases the lethality of IPV fivefold.

Asking about the presence of firearms at home can help physicians in Canada develop a safety plan for those in at-risk situations. Bill C-21 will go a long way in addressing gender-based violence in every community across Canada. I know that every one of us at this table, from all sides, is committed to this.

I believe we have an obligation and an opportunity here to be smart about how we write good legislation in respect of firearms. I've asked my Conservative colleagues and others to tell us how to improve this bill and how to look at this list, and to provide feedback. I must admit I have not received that feedback from my colleagues—I don't know if others have—other than hearing that it's all bad.

"It's all bad" is not a good enough answer for victims' families. It's also not good enough for the farmers, hunters and indigenous communities who believe that we need stricter gun control. It may be good enough for the CCFR, but that's not who we are here to serve.

I believe that every single law we write can be made better. We've done that at this committee, and we do it in other committees. Nobody has a monopoly on good ideas. I want to say this personally, as I have said to my colleagues: I am committed to doing whatever I can, and I know my colleagues are, to improve this legislation. That doesn't mean erasing it from the books. It does mean improving it and working together to do that. I think we have an obligation to ourselves and to this country to do that work.

I will say this before I get to some questions for officials. I find it incredibly problematic that there are organizations that are fundraising off tragedy. I found it appalling and I would like my Conservative friends to condemn what the CCFR did in seeking to provide a discount on products for sale on their website with the discount code "POLY". It is unacceptable. It is disgusting. We all—every single one of us—need to speak out against this type of absolutely reprehensible behaviour.

Whether Conservative, Liberal, New Democrat, Bloc or Green, we should not be acting in that way. Canadians deserve better. All of our constituents deserve better. I know there are firearms owners who are absolutely appalled by that kind of disgusting behaviour.

I want to make sure that when we leave this room there is not a single person out there who feels that anyone in this room is acting in a manner that enhances, promotes or amplifies these types of abhorrent views. I hope my colleagues will join me in that.

Let's now get to the crux of some of the things that I know we want to discuss.

If I could turn to our guests, perhaps Ms. Clarke could explain to us in layman's terms what the definition intends to do.

For people out there who are watching this—and in recognizing that everything gets clipped—tell us in layman's terms, please, what the definition intends to do.

• (1705)

Ms. Paula Clarke: I think perhaps the best way to go about explaining G-4 is to step back a little and perhaps discuss how firearms are prohibited through the Criminal Code.

Section 84 of the Criminal Code sets out a definition of a prohibited firearm and lists some physical characteristics. It also has an ability to prescribe firearms as being prohibited. Some of the physical characteristics are short-barrelled handguns, fully automatic firearms and sawed-off shotguns.

The regulations have been in existence since the early 1990s. From 1990 to 2000, there were approximately 13 families of firearms that were prohibited in the regulations. On May 1, 2020, an OIC prohibited an additional 1,500 makes and models of firearms. There are 109 families. It also prohibited two categories of firearms based on physical characteristics. Those are the firearms that are 10,000 joules and over, and firearms with bore diameters of 20 millimetres or greater.

When Bill C-21 was introduced, the government also undertook to fully ban assault-style firearms. The policy direction taken by the government had several steps. One was to amend the definition of prohibited firearms to codify the firearms that are currently prohibited in the regulations. The next step was to add additional assault-style firearms that were not included in the May 1 OIC. The third step was to add the evergreen definition.

If you walk through amendment G-4 and you start with proposed paragraph (e), you'll see it includes language that it's

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,

Those are bomb diffusers. Proposed paragraph (e) is on firearms that are already prohibited in the regulations. They're being imported from the regulations to the definition of prohibited firearm.

Proposed paragraph (f) was also already included in the regulations. These are firearms that are currently prohibited. What paragraph (f) is proposing to do is to take them from the regulations and put them into the definition of prohibited firearm, thus codifying the ban on those firearms.

Paragraph (g) would be the evergreen definition. Proposed paragraph (h) is for a motion that hasn't been moved yet.

Paragraph (i) is the schedule. The schedule has three buckets. The first bucket is the firearms that were prohibited initially in the nineties, plus the firearms included in the May 1, 2020 OIC. It also adds additional variants that have come to the attention of the CFP since the regulations were made on May 1 2020. It looks like additional firearms are added, but those firearms were already prohibited.

That's what's in schedule 1. All the firearms in schedule 1 are already prohibited; it's simply moving them from the regulations to a schedule in the Criminal Code and codifying them.

The second part is everything following clause 97 in the proposed schedule. Those firearms are not currently prohibited. However, they are included in the schedule because they have the same capabilities as the firearms that were initially included in the May 1 OIC. They are capable of sustained rapid fire, meaning that they are a military tactical design and capable of receiving a large cartridge magazine.

That's what the schedule would do. Everything is listed by make and model. It adds new variants and it proposes to codify this schedule. Everything would be listed by make and model. The reason for that is for transparency and clarity, and so that the Canadian public can search the schedule to see if the firearm is listed.

• (1710)

Proposed paragraph 84(1)(g) is forward-looking. It proposes to amend the definition of "prohibited firearm" to add characteristics that would capture other firearms that would fall within the parameters of what is considered to be an assault-style firearm. However, it's more restrictive than the characteristics that were used for the May 1 OIC in that it is limited to centre-fire ammunition and limited to shotguns and rifles.

I don't know if you have any other questions.

Mr. Taleeb Noormohamed: I have a few.

Can you clarify why we reference both shotguns and rifles?

Ms. Paula Clarke: If you didn't list it as a shotgun and rifle, it's going to apply to all firearms, which would include handguns.

I believe Mr. Smith probably has something else to add.

Mr. Murray Smith: That's essentially the reason. The effect of the evergreening definition is limited to rifles and shotguns.

Mr. Taleeb Noormohamed: It's also listed in the Criminal Code, if I'm correct, in those terms...or it's in the Firearms Act. Is it not also the language that's used in the Criminal Code?

Mr. Murray Smith: It's used in some places in the Criminal Code, but not universally. Some provisions apply to all firearms, whereas other provisions apply to just handguns. Yet more provisions apply to just rifles and shotguns. It depends on what part of the classification matrix you are looking at.

Mr. Taleeb Noormohamed: Thank you.

The list in amendment G-46 has been the source of tremendous consternation, as you have come to see. Could you provide a simplified list of G-46, broken down by when these things were banned, so that people could look at this and understand whether this is something that's been on the banned list since the 1990s, 2000s, 2010s or whatever?

The last thing we want.... I think we are all in this maelstrom with our constituents of everyone assuming that everything on this list is new, and you have clearly said it's not. If we had that, I think we would be able to focus our conversations in a much more meaningful way.

Is that something you can provide for us?

Ms. Phaedra Glushek: Yes, that's something we could provide to the committee. Would you like it orally now, or would you like it—

Mr. Taleeb Noormohamed: No, I don't think we need it orally now. I don't think we want to sit through those 400 hundred pages, and I don't want to do that to you.

Ms. Rachel Mainville-Dale: We can provide that, yes. However, as a guide, clauses 1 through to 86 in that list are firearms that were prohibited in the 1990s. Clauses 87 through to 96 are those that were from the May 2020 OIC. After that are proposed additions to complete the May 2020 OIC. Those are not currently prohibited.

Mr. Taleeb Noormohamed: To make sure, that's 96 through to....

Ms. Rachel Mainville-Dale: I'm sorry. It's 97 through to 232.

Mr. Taleeb Noormohamed: Okay.

In that list, that's certainly where a lot of the conversation has been.

If I could, then, turn to you, Mr. Smith, I want us to take the time to check the record on things. The schedule we have includes all of the firearms that are prohibited now in Canada.

Is that correct?

Mr. Murray Smith: The short answer is no. There are a variety of places within section 81 of the Criminal Code where firearms can be defined to be prohibited. Schedule 1, which consists of, essentially, repeating from the regulations that the firearms that were prohibited in the 1990s and in 2020 are prohibited right now, because of the regulations, and in the future, if this passes by the schedule.

There are other means by which firearms become prohibited, such as being fully automatic or such as having a sawed-off barrel and so on. Those criteria are found elsewhere in the Criminal Code classification matrix.

Mr. Taleeb Noormohamed: Thank you.

I'd like to talk about some specifics. Like many—I think all of us—I have received correspondence from constituents and from others from across the country who are concerned. I want to make sure we do all we can to clarify what needs to be clarified.

I'd like to ask you about a series of weapons that I and others have received correspondence about. The first is the Ruger No. 1. It's a single-shot hunting rifle. It's found on the list.

Does this mean, from your perspective, that the government is proposing to ban all Ruger No. 1s, or is this list targeting only the Ruger No. 1s capable of firing certain calibres?

• (1715)

Mr. Murray Smith: It's the latter that's correct. The Ruger No. 1 rifles, which are prohibited now because they fall within paragraph 95 of the existing regulations, are prohibited if, and only if, they are chambered for a calibre that produces muzzle energies in excess of 10,000 joules. Other Ruger No. 1 rifles, which are chambered for different calibres that do not produce that level of energy, will remain in the existing category, which, broadly speaking, is non-restricted.

Mr. Taleeb Noormohamed: Just for clarity, this is in clause 95, so this predated....

Mr. Murray Smith: Yes. Clause 95 is part of the regulations that came into effect in May 2020 and that are repeated with exactly the same number in the proposed schedule.

Mr. Taleeb Noormohamed: So this is not something new.

Mr. Murray Smith: The effect of the law is not new. The only part that is new is that the firearm now appears in print in the schedule, whereas it didn't appear in print in the former regulation, but the effect of the law is the same. In both cases, the firearm is prohibited if it's chambered for a calibre that exceeds 10,000 joules.

Mr. Taleeb Noormohamed: Right. You're saying that hunters are still unable to use their Ruger No. 1s, subject to the caveat you've just articulated.

Mr. Murray Smith: Yes, that's correct. Any Ruger No. 1 that is chambered for a calibre that produces less energy than 10,000 joules is not going to be prohibited either by the current regulations or by the proposed schedule.

As I've said before, there are other reasons that a firearm can become prohibited. If someone had a Ruger No. 1 with a sawed-off barrel, it could be prohibited for that reason. Generally speaking, Ruger No. 1 rifles that are not chambered in high-energy calibres will be non-restricted.

Mr. Taleeb Noormohamed: For further clarity, for the last two and a half years, no one has been able to use that version that can fire in excess of 10,000 joules. Is that correct?

Mr. Murray Smith: That's correct. Firearms chambered for the high-energy calibres have been prohibited since May 2020.

Mr. Taleeb Noormohamed: Again, just to clarify, hunters have still been able to use the single-shot hunting rifle that fires smaller-calibre rounds that don't exceed 10,000 joules.

Mr. Murray Smith: Well, the amnesty that's in effect right now for those firearms does provide for some use of the firearms. It's theoretically possible that someone would qualify, but the general answer is no.

Mr. Taleeb Noormohamed: Let's talk about the Weatherby Mark V. I've had a few people write about the Weatherby Mark V. Can you tell us whether this is a ban on all Weatherby Mark Vs or only the version of the Mark V that's capable of firing certain calibre cartridges?

Mr. Murray Smith: It's the latter. It essentially follows the same pattern as for the Ruger No. 1. Only the rifles that are chambered for a calibre that produces 10,000 joules of energy or more would be prohibited, either by section 95 in the existing regulations or clause 96 in the proposed schedule.

Mr. Taleeb Noormohamed: Again, just as with the Ruger, hunters are still able to use their Weatherby Mark V. They just have to use it with cartridges that were designed for hunting.

Mr. Murray Smith: Well, the firearm has to be chambered for a cartridge that produces energy less than 10,000 joules.

Mr. Taleeb Noormohamed: How common is the use of the Weatherby Mark V without the 10,000 joule capability?

Mr. Murray Smith: Since the majority of Weatherby Mark V rifles are non-restricted, we really don't have any data on how many are in Canada or what they're used for.

Mr. Taleeb Noormohamed: This would not affect all of those folks who are using that gun to hunt at present.

Mr. Murray Smith: The existing regulations and the proposed schedule 1, clause 96 in particular, would not apply to the Weatherby Mark V if it's chambered for a calibre that produces energy of less than 10,000 joules. These are ordinary, common calibres used by hunters in Canada. There are lots of calibres available and lots of calibres in common use that are nowhere near as energetic as 10,000 joules.

• (1720)

Mr. Taleeb Noormohamed: We hear from folks that we don't know what hunters use. When you say it's commonly used by hunters, how do you inform that statement?

Mr. Murray Smith: That's just from general familiarity with the market. It's based on, as I said, a general knowledge of the firearms industry, what firearms are available, what they're advertised for and what kind of ammunition is advertised. It's just general information.

Mr. Taleeb Noormohamed: In sum, there is a data collection and analysis process that takes place before such declarations are made. Is that correct?

Mr. Murray Smith: Well, there's no data process that could produce hard numbers on the use of non-restricted firearms. The data is simply not collected by the Canadian firearms program. There may be other agencies that collect that kind of information, but we don't.

Mr. Taleeb Noormohamed: Just to clarify, you said they are generally used and you explained how that determination is made. Are you satisfied that...? "Satisfied" is the word. I mean, you've used a term, and I think it's an important term for us to use. The challenge with such terms is that they are open to interpretation. Someone may say, "Well, I ordinarily use 10,000 joules to hunt for X, Y or Z." On the notion of "ordinarily used", would you suggest that reflects the vast majority of folks who are hunting? I think it's

important to quantify this. I think it's important for us not to leave things in the ether.

Recognizing that you don't have specific data that speaks to the entirety of the universe of such guns, when we use the term "generally used", I think it's important for us to give as much context as possible to people as to how you come up with that so people can be satisfied that their ordinarily used weapons and ordinarily used cartridges are not impacted here.

Mr. Murray Smith: I can only repeat what I said earlier, and that's based on just watching the market and reading reports produced by various other agencies that collect information of this nature for various other purposes. Just observing what the firearms business is in Canada, the market in terms of firearms and ammunition, would lead me to believe that the use of calibres that exceed 10,000 joules has very limited application and very little uptake in Canada. It's relatively uncommon.

Mr. Taleeb Noormohamed: Thank you.

Your last statement I think is really important. The fact that it's relatively uncommon and not commonly used is important for all of us to take away from this.

With that in mind, would the same rationale apply to the Mossberg 702 Plinkster Tactical?

Mr. Murray Smith: No. That's an entirely different kind of firearm.

Mr. Taleeb Noormohamed: Okay. Let's talk about that.

Mr. Murray Smith: The Mossberg 715T is a variant of an AR pattern firearm: AR-15, M4, M16 or AR-10. That firearm is prohibited because of clause 87, which names the AR family of firearms as being prohibited "and any variants or modified versions of them", and the Mossberg 715T is one such variant.

Mr. Taleeb Noormohamed: Okay. How long has it been prohibited?

Mr. Murray Smith: We formed the opinion in 2020 that it was a prohibited firearm as a result of the change in the law, so "since May 2020" would be the definitive answer for you.

Mr. Taleeb Noormohamed: Are other versions of the Mossberg 702 Plinkster Tactical available for hunters?

Mr. Murray Smith: Yes. The Mossberg model 702 is a different firearm. It's a different model produced by Mossberg. It is a non-restricted firearm.

Mr. Taleeb Noormohamed: Okay.

Somebody wrote to me about the Westley Richards Model 1897. Why was this model added to the list?

Mr. Murray Smith: That particular firearm, again, is listed in the section that deals with high-energy firearms, because that firearm is available in large African hunting calibres, some of which exceed 10,000 joules of energy, but again, it's only those firearms that are actually chambered for a high-energy cartridge that are prohibited.

Mr. Taleeb Noormohamed: Okay.

What about the Parker Brothers shotguns? There's a lot of discussion about this one.

• (1725)

Mr. Murray Smith: Parker Brothers made shotguns in a variety of models. Parker Brothers is a manufacturer. It's not a specific kind of shotgun. If a Parker shotgun were prohibited by the action of the proposed schedule or by the existing regulations, it would be because it had a bore diameter that exceeded 20 millimetres.

The Parker shotgun is a relatively old design of shotgun and dates back certainly 100 years or longer. There were gauges of shotgun ammunition used, such as eight gauge, which were larger than 20 millimetres. If such a shotgun were present today in Canada, it would be prohibited because the calibre exceeds 20 millimetres.

Mr. Taleeb Noormohamed: Thank you.

Mr. Murray Smith: I have one last point: Again, it only applies to the Parker shotguns that are actually chambered for a large-bore calibre that exceeds 20 millimetres.

Mr. Taleeb Noormohamed: Okay.

Where would Parker Brothers shotguns sit in the universe of all the shotguns?

Mr. Murray Smith: Large gauges for shotguns are relatively uncommon.

Mr. Taleeb Noormohamed: So, this would not affect most people.

Mr. Murray Smith: That's a subjective question, so I'm not sure I can answer that directly.

What I can say is that there would be a relatively small population—although we can't put a number to it—of shotguns that have a bore diameter bigger than 10 gauge and, therefore, would interact with the 20 millimetre criterion.

Mr. Taleeb Noormohamed: Now I'd like to turn to the Benelli M3, which has been the subject of a lot of discussion. I mentioned it in our last meeting, or a couple of meetings ago, as one that one of my Conservative colleagues mentioned as being an example of a firearm that sees the government overreaching into hunting rifles.

I think it would be important for us to just get clarity on this. When was the Benelli M3 tactical shotgun prohibited in Canada?

Mr. Murray Smith: It was prohibited in the original series of OICs, in the existing format, in 1992.

Mr. Taleeb Noormohamed: So, it has not been available in Canada since 1992.

Was it ever available in Canada? I suppose that is the better question.

Mr. Murray Smith: Well, the Benelli series of shotguns dates back to the 1980s. It's possible that some shotguns came to Canada. However, the Benelli M1 and M3 prohibition, now seen in clause 7 in proposed schedule 1, took effect in 1992.

Mr. Taleeb Noormohamed: Who uses the Benelli M3 tactical shotgun? Who would use the Benelli M3?

Mr. Murray Smith: Well, in Canada, the average person could not own it because it's prohibited. If it were present in Canada, it would be used by exempt agencies, such as police, military and so on.

Mr. Taleeb Noormohamed: Just to clarify, there has been no attempt by any government, Liberal or Conservative, to unban that gun. Is that correct?

Mr. Murray Smith: I can't speak about the history of parliamentary initiatives. I don't know whether there's been any attempt or not.

Mr. Taleeb Noormohamed: However—to confirm for me—it's been sitting on the list since the 1990s. There have been changes in government, and it still remains. Is that correct?

Mr. Murray Smith: Yes, the Benelli M1 and M3 order, seen in clause 7 of proposed schedule 1, has been in effect continuously since 1992 and remains in effect today.

Mr. Taleeb Noormohamed: For further clarity, there continue to be a number of Benelli weapons on this list, but they are specifically exempted from the prohibition. Is that correct?

Mr. Murray Smith: That's correct.

Mr. Taleeb Noormohamed: Can you tell us why?

Mr. Murray Smith: That's a choice made by the Governor in Council in the case of regulations, and it's a choice made by the framers of proposed schedule 1 in the matter that's currently before this committee. That's a government decision as to how to proceed on what firearms should be restricted, prohibited or non-restricted.

Mr. Taleeb Noormohamed: Thank you.

Mr. Chair, I still have a number of questions I'd like to go through, but I'm cognizant of time. How would you like to proceed?

The Chair: We have reached the end of our allotted period. I propose that we adjourn this matter until our next meeting, when we will continue where we left off.

We are adjourned.

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