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Chair

Mr. Daryl Kramp

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•(0845)

[English]

The Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)): Good morning, colleagues.

Welcome to meeting number 66 of the Standing Committee on Public Safety and National Security. Today we are continuing our study on Bill C-42, an act to amend the Firearms Act and the Criminal Code and to make a related amendment and a consequential amendment to other acts that would result from this.

With us here this morning we have two witnesses for our first hour. We have from the Ontario Federation of Anglers and Hunters, Mr. Greg Farrant, manager of government affairs and policy; and from the Canadian Shooting Sports Association, Mr. Tony Bernardo, executive director. Welcome to the committee, gentlemen.

As par for the course for the committee we will certainly allow opening statements of up to 10 minutes. If you are a little briefer of course it gives more opportunity for a bit of an ongoing dialogue. You have the luxury of setting the schedule on that, so we will go right off.

Mr. Farrant, if you have an opening statement, please carry on.

Mr. Greg Farrant (Manager, Government Affairs and Policy, Ontario Federation of Anglers and Hunters): Good morning. Thank you, Mr. Chair, members of the committee, and my fellow panellists.

On behalf of the Ontario Federation of Anglers and Hunters, the largest conservation-based organization in Ontario, our 100,000 members, supporters, and subscribers, and our 725 member clubs across the province, thank you for the courtesy of inviting me to appear before the committee to speak to Bill C-42, the common-sense firearms licensing act.

It has been clear from the rhetoric that has developed around this legislation and from many of the comments made during debate in the House, that there is either a troubling lack of understanding of what the legislation does or does not do, or a deliberate attempt to misrepresent what the government is seeking to do through the legislation by suggesting that it will open the floodgates to a proliferation of irresponsible behaviour on the part of legal, licensed, law-abiding firearms owners in this country.

In fact, some members of Parliament have gone so far as to suggest that once passed the bill will sanction behaviour reminiscent of the wild west, the same kind of dire predictions that characterize the response of anti-gun lobbyists. Many of the comments have been

remarkably similar to those we heard in 2011 and 2012 when debate focused on Bill C-391 and Bill C-19, the latter of which finally scrapped the long-gun registry.

Not only are many of the characterizations we heard in the House inaccurate, but quite frankly it's disappointing when in the interest of partisan politics some have suggested that the bill is either a bribe to one group in the firearms community, or payola, as one member of Parliament put it, to not testify against other government legislation; or a gift to the firearms community; or politically partisan legislation that will benefit only those who represent ridings where firearms ownership and use is the norm; or worse still, that it's the product of a "gun lobby" with a U.S.-influenced ideology, which frankly I find offensive.

During second reading debate on the bill, a number of members expressed the belief that the legislation will benefit those in rural and northern areas of the country. For members who ascribe to this theory, I would respectfully remind them that firearms owners from across Canada come from many places and many backgrounds.

In fact, if they think there is a rural-urban divide on long-gun ownership in particular, I suggest they think again. A quick survey of just our members in three urban centres, Windsor, London, and Ottawa, earlier this week showed that 4,500 of our members who own firearms live in those centres. When it comes to a large urban centre like Toronto, almost 290,000 non-restricted firearms are owned by residents of Canada's biggest city, and 85,000 are legally licensed to possess a firearm. Of those, roughly 32,000 are licensed to possess restricted or prohibited firearms, which in 2012 translated into 90,000 legally registered restricted and prohibited firearms in the GTA.

Firearms owners in Canada are judges, lawyers, farmers, electricians, mechanics, plumbers, accountants, even federal politicians, many of whom, like former interim Liberal and opposition leader Bill Graham, live in and represent urban ridings. They are not criminals. They are not gang members. Rather, they are lawful firearms owners who obey the law.

The changes proposed in Bill C-42 will make life easier for these people because there will be less needless paperwork. It will not, however, change the way that these responsible, law-abiding individuals safely use, store, and transport their firearms. Despite this we have had at least one member of Parliament who attempted to link the debate of Bill C-42 and the changes it will make with the behaviour of terrorists. Others have suggested that the changes like the application of an ATT to a licence will result in firearms owners running around mall parking lots with guns in their possession threatening the public safety.

This bill does some very simple things, some of which are specifically designed to greatly enhance the public safety. The rest are nothing more than common-sense proposals that pose no additional risk to the public despite all the hyperbole. I will not speak to all the changes proposed in the legislation but will focus instead on a few key aspects of the bill.

The grace period for licence renewal comes with an incentive to renew. It addresses an administrative error on the part of the licensee that immediately and unfairly places them in violation of the Criminal Code. It also comes with restrictions that ensure that until the error is corrected they cannot use their firearms or purchase ammunition for those firearms. The bill proposes to merge possession-only licences with possession and acquisition licences. Canadians who have a POL have owned and used firearms responsibly for decades. The very fact that their licence status will change is hardly a reason for them to suddenly and inexplicably become irresponsible.

Bill C-42 contains two very important changes that taken alone or together will help to enhance public safety, something that many parliamentarians and anti-gun groups have been arguing for for years.

The first, which I might point out has been a long-standing policy of my organization, is that all new or first-time firearms owners will no longer be able to simply challenge a test to get a licence, but will have to take the firearms safety course.

• (0850)

You would think that even a group like the Coalition for Gun Control would applaud this move, but instead of admitting that the provision enhances public safety, they choose instead to focus on what they believe are discrepancies on how the course is taught across the country instead of supporting the introduction of mandatory training.

The second relates to proposed changes that Bill C-42 would make to sections 109 and 110 of the Criminal Code that relate to mandatory and discretionary prohibition orders. Court orders prohibiting the possession of firearms and other articles including ammunition are mandatory when a person has been convicted or granted a discharge. Bill C-42 adds that a mandatory prohibition order would apply regardless of the possible sentence when violence was used, threatened, or attempted against the offender's current or former intimate partner, or the child or parent of the offender or the offender's current or former intimate partner.

With respect to discretionary prohibition orders, Bill C-42 provides that, in circumstances involving the use or threat of

violence, prohibition orders may be imposed for life or a shorter period as opposed to the current maximum of 10 years. Surely this is something that should be supported, but we've been disappointed with the reaction of anti-gun groups and others to what we believe is a sensible amendment that enhances public safety.

During debate in the House, several members of Parliament spoke of their concerns about illegal firearms coming into Canada and chastised the government for not doing anything to address the threat. In fact, this bill proposes to end the loophole that stops information sharing between law enforcement agencies, in this case, the RCMP and the CBSA when they are investigating the importation of illegal guns. The concern over the flow of illegal firearms into Canada is a serious one, and depending upon the jurisdiction, is responsible for the large majority of guns used in the commission of a crime. In my view, this amendment goes a long way to addressing this problem. Just anecdotally, former police chief Bill Blair, estimated that 55% of the guns used in crime in Toronto were smuggled in from the U.S., while in B.C. one police chief suggested it could be up to 90%.

Lastly I want to touch on the portion of the bill that amends section 19 of the Firearms Act pertaining to the circumstances under which authorization to transport restricted or prohibited firearms is granted. The bill provides for automatic authorizations upon licence renewal, not automatic licence renewal, as the coalition would have you believe. It simply removes the requirement to obtain paper authorizations every time you want to move a firearm. A person who holds the appropriate licence will be authorized to transport them for the five purposes spelled out in the legislation, not freely transported in cars at any time going anywhere within the province, as the coalition and others have suggested.

In closing, Mr. Chair and members of the panel, Bill C-42 proposes reasonable amendments to sections of the Criminal Code that make sense, that eliminate red tape, and introduce additional public safety measures. It does not make guns easier to get. It does not allow firearms owners to transport them at will wherever they want, and it does not put guns in the hands of the "wrong people".

I am pleased to see that the Liberal Party of Canada has chosen to support many of the aspects of the bill, and we appreciate and acknowledge that.

Thank you again, Mr. Chair and members of the committee, for affording me the courtesy of appearing here today.

• (0855)

The Chair: Thank you very much, Mr. Farrant.

We will now go to Mr. Bernardo. You have the floor, sir.

Mr. Tony Bernardo (Executive Director, Canadian Shooting Sports Association): Thank you, Mr. Chair, and good morning to all the members of the committee.

I beg your indulgence if I may because I think my presentation is about 30 seconds too long, but I'm dealing with the technical aspects of the bill and there are a lot of technicalities I'd like to cover, starting with the first item: the changes to the order in council powers regarding classifications.

It has been suggested to this committee that this provision creates sweeping new powers for the Minister of Public Safety and the governing council. This is not true. These powers were put in place with the inception of the Firearms Act created by the previous government. In that legislation, the minister was granted the ability through orders in council to put any firearm into the restricted or prohibited categories. The addition of the new provision contained in Bill C-42 now levels the playing field, allowing the minister to place firearms into the non-restricted category, as well as the restricted and prohibited.

As to the allegation that the provision moves authority away from the RCMP in regard to the classification of firearms, it must be pointed out to the committee that the RCMP never had that authority to begin with. This lack of clarity is a glaring omission in the Firearms Act, which provides for the classification of firearms, but does not state who has the authority to provide that classification. Clearly, with numerous classification errors over the last 20 years, it seems obvious the RCMP does not possess the knowledge or the technical expertise to unilaterally make these decisions with a guarantee of correctness to the citizens of the country. This provision is an important tool to apply uniformity to Canada's firearms laws. Previous rounds of legislation have incorrectly classified many firearms. Canadians, in order to comply with our laws, have the right to expect consistency within our statutes. This provision is admirable in its attempt to provide a mechanism to make that consistency.

The second item is the merging of POLs and PALs, and Mr. Farrant has already touched on a number of things here. In the discussion regarding this, it must be pointed out to the committee that the people who have possession-only licences have had them continuously since 1995. Since that time there has been no new issuances of these possession-only licences. Inquiries made to the RCMP illustrate identical safety records between the holders of POLs and PALs. Empirically the holders of POL licences have demonstrated that they've learned the lessons of the Canada firearms safety course. Of course, all new licence applicants must take the Canada firearms safety course and the exam. It stands to reason that all holders of firearms licences in Canada will now have demonstrated and been trained in the culture of safety our community is so famous for.

The committee must also be reminded that all people who hold a firearms licence in Canada are subject to the RCMP continuous eligibility program. This program, which has been in place for many years, actively cross-references every firearms owner in Canada to every computer the police have in real time. Any licensed firearms owner whose name is entered into a police computer automatically shows up in the continuous eligibility program for further oversight.

The third item is the oversight of subsection 58(1)'s CFO "God powers". Section 12 of Bill C-42 provides a potential limitation to the God powers currently enjoyed by chief firearms officers in Canada. Currently chief firearms officers may make any condition to any licence or authorization, if they deem it in the interest of public safety. However, there's no litmus test as to what public safety constitutes. As currently contained in the Firearms Act, a subsection 58(1) decision is about public safety merely because the CFO, an unelected bureaucrat, says it's about public safety. When a bad decision is made—and there have been lots—there is no appeal and there is no mechanism to override the decision. That these powers have been given to an unelected bureaucrat is purely bad governance. No public servant should ever wield this kind of power over law-abiding citizens without oversight.

Bill C-42 places the most moderate of oversights on the unbridled powers contained in subsection 58(1). It permits the government of the day to override a bad subsection 58(1) decision by means of passing regulation. While this is perhaps the most cumbersome way that this could be accomplished, it nonetheless provides some measure of scrutiny over the actions of a chief firearms officer.

Item number four is the six-month grace period upon licence expiration. Successive governments have expressed a desire not to expose honest firearms owners to criminal sanctions due to paperwork errors or omissions. For the mere failure to fill out a renewal form for a firearms licence, a person can be plunged into criminality without ever committing a real offence against society. By the standards expressed by all political parties in Canada this is simply wrong.

● (0900)

Bill C-42 will enact a six-month grace period upon expiration. While the acquisition and use privileges for firearms and ammunition will be suspended, this period will permit people to bring themselves into compliance with the law without facing criminal penalties. Furthermore, the six-month grace period will permit Canadians to retain valuable grandfathered private property without fear of confiscation. In addition the six-month grace period—and this is important—keeps Canadians who own firearms in the RCMP's continuous eligibility system. The previous system expelled the person from continuous eligibility when the individual's firearms licence expired, regardless of whether or not they still retained ownership of the firearms.

Number five is the changes to authorizations to transport. One of the more contentious portions of C-42 is the widely misunderstood changes to authorizations to transport. While ATTs are an obsolete, vestigial document that hails from the days before firearms licences, when an ATT is issued the information does not go into CPIC. The only person who knows an individual has an authorization to transport is the recipient and the person who issued it to him. A police officer cannot access ATT information on the police car computer, and approximately 300,000 of these documents are issued every year.

When an authorization to transport is issued, it may be issued for any term up to the duration of the individual's firearms licence term. It's very common in Canada for ATTs to be issued for a three- to five-year period, good 24-7, for transport to any section 29 range and any other location within your province of residence in some provinces. This would permit individuals to transport the restricted and prohibited 12(6) firearms to any range in the province at any time. This is how it's done now, and there are no problems with illegalities.

No firearm can be brought into the United States by a Canadian resident without completing a United States form 6NIA application. This document is valid for a period of one year. Currently the chief firearms office issues an ATT to all border crossings in your province of residence for the corresponding one year.

OPP Superintendent Chris Wyatt, the former chief firearms officer in Ontario, publicly stated that during his tenure as CFO he had never once revoked for cause an authorization to transport, and he could only recall one instance of ever refusing an ATT application. The individual refused subsequently challenged the refusal in court and won. The CFO was wrong.

The obvious question must be posed. If we have a permit that no one can apply for without the qualifications to receive it, and it's almost never refused or revoked, what good is it?

Despite the positive changes to the ATTs contained in the bill though, there are some problems here. For example, the bill does not permit the issuance of an automatic ATT for the purposes of instruction, yet Ontario and Quebec both require additional safety courses with live fire on shooting ranges. Instructors for these courses are routinely given authorizations to transport their firearms to various places for the purposes of instruction. Bill C-42 would provide for the issuance of the ATT to the very same ranges for the purposes of target shooting but not for the purposes of instruction. This seems counterproductive.

As well, the bill does not provide for the issuance of an ATT for the purposes of completing a transfer. By explanation here, it's necessary to understand that many transfers of restricted and prohibited firearms in Canada are shipped by mail. Aside from the obvious fact the persons working at Canada Post do not possess firearms licences or authorizations to transport, an individual must get an ATT to take the firearm securely packaged in accordance with the law to a Canada Post outlet, and of course, it follows that the person needs an ATT to bring it home from a Canada Post outlet.

Authorizations to transport specify the specific make, model, serial number, and registration certificate number of the firearm

being transported, but nowhere on the shipping box does it say what's contained inside the box, for obvious reasons.

• (0905)

It stands to reason that for the individual to successfully receive an authorization to transport the firearm home from a postal outlet, they would need to unbox the firearm in the postal outlet, examine the firearm at the post office, verify the serial number, the make, the model of the firearm, and the registration certificate number for the firearm, before being able to even correctly apply for an ATT to bring the firearm home, and of course, the post office would have to hang on to it for two or three weeks while the CFO issued that ATT.

Needless to say, this would cause tremendous disruptions at Canada Post outlets. Because of this, the chief firearms officers right across the country have traditionally turned a blind eye to the requirement to have an ATT to bring your firearm home from the post office. If the CFOs don't even want this and don't feel the necessity for it, it should be added to the list of prescribed ATT purposes in Bill C-42. It also stands to reason that it's no more dangerous to transport the firearm to Canada Post than it is to transport it home from Canada Post. If that's the case, authorizations to transport for the purposes of completing the transfer need to be included in Bill C-42.

Lastly is an authorization to transport for the purposes of changing residences. This is one of the conditions that an authorization is issued daily in Canada. It makes sense to add this common occurrence to the list of lawful purposes that are to be attached to a person's restricted firearms licence.

To recap, we believe that Bill C-42 should be amended to include an authorization to transport for the purposes of instruction, completion of a transfer, and changing residences. The Canadian Shooting Sports Association supports Bill C-42. Our members believe it's a positive step toward fairness for lawful firearms owners, and it has absolutely no negative impact on public safety.

Thank you.

The Chair: Thank you very much, Mr. Bernardo.

Colleagues, we will now go to our first round of questioning of seven minutes. We will start with Mr. Leef.

Mr. Ryan Leef (Yukon, CPC): Thank you, Mr. Chair, and thank you, Mr. Farrant and Mr. Bernardo, for your presentations today. I think they were both very clear and succinct and dealt with many of the things we've heard both in the House and on committee, and hopefully, have clarified some of the questions that the opposition members have obviously been struggling with during this debate.

I don't know if you have seen them, but I would bring your attention to some of the things that the Liberal Party has put out in the broader Canadian public around this particular bill. One of them, of course, is our fundraising effort that is suggesting that guns—they have some pictures of them, pistols and long arms—are going to be able to move in and out of a province anywhere people want, and they list places like shopping malls, grocery stores, and sports arenas, then they ask the question, “Is this really safe for our community?”

First I'll direct this to you, Mr. Bernardo. Have you seen these fundraising ads that the Liberal Party has put out, and would you agree that Bill C-42 in any way provides the opportunity, or anything that would be different from the current-day situation in respect of firearms movement in Canada?

Mr. Tony Bernardo: Yes, Mr. Leef, I've seen the advertisements and they are incorrect.

There are no changes to the purposes for which a firearm can be transferred. There are no changes at all. Right now my authorization to transport, my paper one issued by the Province of Ontario, is for three years. For three years, 24-7, I could take my firearm from Cornwall to Kenora. I could go to Kenora and stay in hotels. I could eat in restaurants. I could shoot a match in Kenora and drive back to Cornwall, staying in hotels all the way, and that is completely and perfectly legal right now. It's simply that I must have a separate piece of paper to do that, and I have to hang on to that separate piece of paper for three years.

Mr. Ryan Leef: Perfect, thank you.

They also have another ad out suggesting that the power to determine what is restricted, prohibited, or non-restricted, is being taken away from the police and being given to politicians. They're using this, again, to promote fear and misunderstanding in the broader public about the technical aspects of classification of firearms. What's your understanding of how Bill C-42 effects a change? You touched on it briefly that the RCMP doesn't have the technical ability to properly classify firearms. Is it your understanding that there will be a group of politicians, much like us, sitting around with firearms in front of us trying to determine which one should be classified, restricted, prohibited, or non-restricted?

How will that work under this new legislation?

● (0910)

Mr. Tony Bernardo: I certainly hope that isn't the case. That's how we got into this mess in the first place.

My understanding is that the minister is going to seek advice from people who actually have the technical expertise. There are those people in Canada. Many of them work for companies that manufacture and design these; they're engineers. I know the RCMP will obviously continue to be consulted on all of these things. I don't foresee any change there, but certainly politicians will not be sitting

around discussing whether or not a single-shot bolt action .22 is supposed to be restricted or not.

It's only very few firearms that come in where their classifications are not obvious, and if they're not obvious, then maybe we ought to refer them to experts who can understand the technicalities of them. The RCMP has a long and illustrious track record of making wrong classifications and then reversing them. We've seen just a few of them in the last couple of years, where firearms that were deemed to be non-restricted and then purchased by tens of thousands of people in Canada as non-restrictive firearms are now being called prohibited. Well, that's their mistake, not the person's mistake who bought it.

Mr. Ryan Leef: Fair enough. Thank you.

Mr. Farrant, you talked about some of the things that have been mentioned that are troubling for your conservation organization of a 100,000 members. We heard this week about this “gun lobby”, as though there's a negative connotation to being a firearms owner.

Can you describe who makes up your organization? Are there young people, women, men? If so, what's the general sense of your conservation organization in terms of this negative viewpoint that some witnesses and some members of Parliament have put toward being a gun owner in this country?

Mr. Greg Farrant: Thank you, Mr. Leef.

As I noted during my remarks, I think it's disrespectful when those types of terms are applied to legal, law-abiding firearms owners.

My organization has a large youth component. It has a lot of women members. It has a lot of family members. At least 22,000 of our members are classified as family members, where all members of the family are OFAH members. We are first and foremost a conservation organization, but we represent hunters, anglers, and recreational sport shooters. Of our 725 clubs, 52 clubs have shooting ranges and therefore they participate in recreational shooting.

The OFAH also conducts, on behalf of the Province of Ontario, all the hunter safety courses in Ontario. We put roughly 25,000 people a year through hunter safety courses, and the growing number of those are young people and women. Women make up the largest component of those who are taking their hunter safety course to hunt in Ontario.

As for comments about gun lobbies, just because we're all firearms owners does not make us a gun lobby. You're quite right, it's always said in the pejorative sense. These people are engaging in heritage activities. This country was founded on hunting, fishing, and trapping, to a large extent. Those particular segments contribute \$15.2 billion to the annual national economy. They're huge economic drivers. They involve millions of Canadians. In fact, one in five Canadians either hunts, fishes, or traps.

To put it in that context, it's very pejorative to a large segment of the population.

Mr. Ryan Leef: I appreciate that, thank you.

The Chair: Now, Mr. Garrison, sir.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Thank you very much, Mr. Chair.

Thank you to the witnesses for their appearance today.

I have to say I hope that both these witnesses have actually reviewed the debates in the House of Commons and are basing their comments on their personal review of that, and have not received summaries from someone else. Because there are quite a few inaccuracies in what they are saying took place in the debate, in particular, the allegation that someone alleged “payola” with regard to Bill C-51. There was no such allegation, and I'm the person you're referring to, and the word was never used.

If you reviewed the debates and you can find that in anything I said, then you can point it out to me but it was not there.

• (0915)

The Chair: There is a point of order.

Ms. Roxanne James (Scarborough Centre, CPC): I don't think the witness specifically mentioned any one individual in this committee.

Mr. Randall Garrison: That's not a point of order. That's a point of debate, and you'll get your turn.

The Chair: That is a point. You're correct there, but thank you very much, Ms. James.

I would certainly hope that if there is an issue that has to be discussed with regard to he said, she said, we can do that personally —

Mr. Randall Garrison: No, Mr. Chair, this is an important issue of public policy. An allegation was made about things that were supposedly said in the House of Commons.

The Chair: An allegation was not made about an individual.

Mr. Randall Garrison: With respect, sir—

The Chair: No. There was no mention of any name in the allegation. If you, as a member, believe that you were the recipient of that, or the intended target of that, then you can certainly respond as such.

Ms. Roxanne James: Mr. Chair, I have a point of order.

The Chair: I will finish this. There was no indication given to the chair or the committee that any person was named from the statement. You may certainly respond in any manner you feel according to that.

Yes, on a point of order.

Ms. Roxanne James: It was said, “this is payola to the gun lobby” and it was said by Jinny Sims. Again, the witness here did not specifically point to any member in this committee, but it was said in testimony. I have it right in front of me.

The Chair: Thank you very much. I appreciate that clarification as well.

I go back to my original point that there was no one named in this from the statement made by our witnesses here today. We can all respond accordingly or we can carry on wherever we wish to go. I just want to make sure that definition of a personal statement was not in there.

Certainly, sir, Mr. Garrison, you have every opportunity to respond accordingly if you do feel that it somehow was intended.

Mr. Randall Garrison: All I'm saying here is that I am trusting that the witnesses have done this based on their own research and not through material provided to them by another party.

I'm also very disappointed with the attack on the expertise of the RCMP, which we are continually getting from the government and from witnesses who appear here. There's a tendency to categorize legitimate differences of opinion as ignorance. I think that's quite regrettable when it comes to people who serve in the RCMP.

I want to ask a question of both witnesses. Do you yourself own a gun?

Mr. Greg Farrant: Yes, I own six firearms.

Mr. Randall Garrison: Six firearms...and the other witness?

Mr. Tony Bernardo: Yes, I do.

Mr. Randall Garrison: How often have you filled out paperwork in the last year with regard to the guns that you own?

Mr. Greg Farrant: Me, not at all, because all of mine are non-restricted. I own no restricted or prohibited firearms.

Mr. Randall Garrison: Mr. Bernardo.

Mr. Tony Bernardo: Yes, I've filled some out a number of times.

Mr. Randall Garrison: Would you estimate the number of times you had to fill out...?

Mr. Tony Bernardo: Probably a half dozen now this year.

Mr. Randall Garrison: Those were for the purposes of...

Mr. Tony Bernardo: There are multiple purposes. When a restricted or prohibited firearm is purchased or transferred in any way, there's a bunch of paperwork that has to be filled out with that. Then it goes through a number of government departments and then you have to get an authorization to transport, to move that from where you purchased it to back—

The Chair: On a point of order, Mr. Breitzkreuz.

Mr. Garry Breitzkreuz (Yorkton—Melville, CPC): On a point of order, Mr. Chair, these are personal questions and I do not see how they relate to the bill that we're studying, Bill C-42.

The Chair: We are dealing with firearms. Of course, the question is related to firearms. It is regrettable that it goes to a personal request. If Mr. Garrison could find a way to bring that around to the bill, with regard to the affiliation or association with firearms and the responsibility we have, the chair would be fine with that.

Mr. Randall Garrison: Thank you, Mr. Chair.

This intervention raises a point of order here on how many Conservatives we have participating today in the committee.

The Chair: I do believe we have the number that is allowed in the committee. There are others who are here, I do believe, as observers. I can certainly check with the clerk here.

For your information, Mr. Breitzkreuz is duly substituting for Ms. Ablonczy. Mr. Hayes is here and has no position, but is here as an observer at this point.

Mr. Randall Garrison: Thank you very much.

Back to my point, which is directly related to this bill. Mr. Bernardo, once you've received an authorization to transport have you had to do any paperwork since then on an authorization to transport?

Mr. Tony Bernardo: On the authorization specifically, no. Once you have it, you can bring the firearm back. Then there are other authorizations that have to be filled out by your gun club. Because of this, virtually every firearms club in the country has a club secretary who does nothing all year long but wheel through bales of paperwork, applying for authorizations to transport on behalf of the members of the club.

• (0920)

Mr. Randall Garrison: The reason I ask the question is that in discussions I've had with other gun owners, in terms of authorizations to transport and the reference to needless paperwork, there is in fact very little paperwork involved in that.

When people are transporting their weapons, they're required to have their authorization to transport with them.

Mr. Tony Bernardo: That's correct.

Mr. Randall Garrison: I guess I would see this in quite a different way from how you do. I do know quite a few gun owners. If you're transporting a weapon, and you have the authorization to transport, and you're stopped by the police for any reason, it prevents you from being hassled because you have the authorization to transport.

Mr. Tony Bernardo: First of all, under the act, the police are not empowered to ask for your authorization to transport. In fact, they don't even know you have it. In fact, they don't even have the power to ask you if you have firearms in the vehicle.

This question you're dealing with is very much rhetorical. The bottom line to this is that if you don't have the piece of paper, you are in violation of the terms and conditions of your authorization to transport. That is a mandatory minimum of three years in jail, a mandatory minimum for not having a piece of paper that you do own.

Mr. Randall Garrison: Well, of course, I don't support any of the mandatory minimums. That's something the other side likes.

I have to say the point remains that your authorization to transport is what prevents you from being subject to any of those enforcement activities and penalties.

Mr. Tony Bernardo: No. It creates more enforcement problems than it solves.

Mr. Randall Garrison: Okay.

I guess we'll go back, then, to the question of the classification of weapons. The way you've characterized it is I think clearly incorrect. What the bill says is that cabinet will make those decisions. There's nothing in there that requires cabinet to consult experts or anyone. It simply gives the power to cabinet to make exemptions to the existing law, not just to classify but to make exemptions—

Mr. Tony Bernardo: But they already have that power, sir.

Mr. Randall Garrison: No. With respect, they do not. The only power they have for exemptions to the existing law is for weapons that have a legitimate hunting or sport use. They do not have a general—

Mr. Tony Bernardo: Who decides if it has a legitimate hunting or sport use, sir? I'm talking about—

Mr. Randall Garrison: That is a power that is given to cabinet in the current law.

Mr. Tony Bernardo: If I may, sir, .32 calibre target pistols that are used in the Olympics are prohibited firearms in Canada. Every time a new high-tech .32 calibre pistol is needed for use by our Olympic team, they have to go through this huge gyration to have the firearm exempted. The exemption is done by order in council. How does this happen?

Mr. Randall Garrison: Well, because the law says that if there's a legitimate sporting use, cabinet is authorized to create an exemption.

Mr. Tony Bernardo: Not for non-restricted, it can only move between restricted and prohibited.

Mr. Randall Garrison: I believe you're incorrect, but—

Mr. Tony Bernardo: No, I'm not incorrect.

Voices: Oh, oh!

Mr. Tony Bernardo: I live this every day. I am not incorrect.

Mr. Randall Garrison: Well, I'm not sure there's any point in continuing to ask you any questions, then, if you're right on everything you've already said to us. We can leave that to greater legal experts.

In terms of the merger of licences, New Democrats, of course, originally suggested that it was a good idea. Our concern there has been very minor. I would like some acknowledgement of that since the implication was made that we didn't support anything in the bill.

The Chair: Briefly, please.

Mr. Randall Garrison: Okay, Mr. Chair. I probably don't have time to complete the question, so we'll let it go.

The Chair: Thank you very much.

We will now go to you, please, Mr. Breitzkreuz. You have the floor, sir.

Mr. Garry Breitzkreuz: Thank you very much, Mr. Chair.

Thank you, witnesses. You've given us a very comprehensive overview of your feelings about the bill. Both of you are obviously very knowledgeable. You can tell that by the opposition not being able to really find any issues to criticize in the bill. They're following their notes, of course, but they've obviously been pointed out as being not correct.

I will give you a chance to expand, explain, and maybe emphasize some of the things you've already mentioned. I often find it very difficult to sit quietly in the House of Commons and listen to the misrepresentations of the bill. Both of you have done a very good job of explaining what some of those misrepresentations are.

Mr. Farrant, maybe you could comment a little more on why you felt it was important that these common-sense changes be put forward. You've talked a bit about the benefits of firearms ownership and how families can use this as an activity to participate in together. Your organization has done a lot, of course, with the courses you offer, to make the use of firearms safe. Also, as yours is a conservation organization, probably firearms ownership contributes a lot to the incentive to make sure that we manage our natural resources in a proper way. If you wouldn't mind, could you expand a bit on some of those things?

• (0925)

Mr. Greg Farrant: Sure. Thank you very much, Mr. Breitkreuz.

Before I respond directly to your question, I want to thank Ms. James for the clarification of my comments. I can assure Mr. Garrison that I read every line of every debate in the House, and it comes from no one other than myself. I find that somewhat offensive that you would suggest that.

If you look at the policies of the Ministry of Natural Resources in Ontario, you will see there are policies enshrined in there that suggest that hunting is the most valuable wildlife management tool that it has to control wildlife populations in this country and in this province in particular. Without legal, law-abiding hunters and their firearms, and hunting seasons, which are all determined on the basis of science—they're not determined by ad hoc reasons, but they're based on science—wildlife populations would be out of control. When they get out of control, what results is culls. Culls are an acknowledgement of the failure of policy to properly manage wildlife.

In our federation, obviously, a large majority of our members use firearms and own firearms, and they do so responsibly. We meet on a regular basis, as does Mr. Bernardo, with Ontario's CFO to discuss a number of issues regarding firearms use in Ontario. I might also point out that the Ontario Federation of Anglers and Hunters currently, with the CFO and the Ontario Provincial Police, has a poster circulating throughout the province re-emphasizing the need for safe use, storage, and transportation of firearms.

We work very closely with those two organizations on an ongoing basis, and we spend an inordinate amount of time, through our magazine, our television show, our radio show, press releases, our annual reports, and other media, emphasizing the need for safe and responsible use of firearms at all times.

Mr. Garry Breitkreuz: Thank you very much. I'll come back to you with another question.

I want to ask Mr. Bernardo to maybe expand a little bit about the issue of the chief firearms officers, or CFOs, in the various provinces.

As a member of Parliament who has been working on this issue for quite some time, I get a lot of complaints from firearms owners about some of the seemingly arbitrary decisions that are made by

these CFOs. There seems to be quite a difference between provinces on some of the regulations that are imposed on firearms owners. Would you maybe explain to me some of the problems or some of the issues that exist with the chief firearms officers? Maybe you could also tell me whether all firearms owners receive a notice that their firearms licence is expiring.

Mr. Tony Bernardo: Thank you, Mr. Breitkreuz.

Despite the constitutional guarantees that Canadians have of equal application of the law in all provinces and territories, I can assure you that the chief firearms officers right across the country make it up as they go along.

We've had more issues with chief firearms officers making arbitrary decisions than you could ever imagine. I'll give a couple of very fast examples, if I may. The Ontario chief firearms officer said a few years ago, and this is a quote. Mr. Farrant was in the room when he said this. He said, "I woke up one morning and decided that people needed to have an invitation to go to a shooting club that wasn't their own", despite the fact that your federal permit says you can.

He said that he didn't care if it's written on the back of a cocktail napkin or if it's an email and he didn't even care if clubs put out blanket invitations, not having that invitation is a violation of the terms and conditions of your authorization to transport, with a mandatory minimum of three years in jail.

What bureaucrat in this country has the power to arbitrarily make up a rule that can put Canadians in jail for three years? This is insane.

The House of Commons repealed the gun show regulations back a couple of years ago, and that's good. They were never implemented because they were absolutely ridiculous.

The chief firearms officers of British Columbia and Alberta decided that they would implement the regulations anyway, regardless of what the House of Commons said. We had to actually appeal to the commissioner of the RCMP to step in and ask his employees to comply with the law, because they were arbitrarily applying these rules to gun shows within weeks after the House of Commons had repealed those same rules. That's the kind of thing we're facing all the time.

Every single province has its own rules as to how gun clubs and shooting ranges are run and how stores are inspected and approved. We actually had one case where a store had completely redone a wall, but in the original specification there had been a door there at one point in time, and the CFO was insisting that the door be alarmed, but it didn't exist anymore. He was actually threatening the business with pulling its business licence over that.

•(0930)

The Chair: We're past time now, Mr. Breitreuz—yes, already sir.

Now we will go to Mr. Easter.

You have the floor for seven minutes, please.

Hon. Wayne Easter (Malpeque, Lib.): Thank you, Mr. Chair.

I thank both witnesses for coming and for your presentations.

Mr. Chair, if we're going to get into advertising allegedly misrepresenting fact, as Mr. Leef alleged, I'd be here all day if I got into the government advertising on a number of subjects, so I guess we'll just leave that one alone.

The difficulty we're having on this bill, while we do support certain aspects of it, is that we are getting mixed reviews. I do appreciate your point of view. I may disagree with some things, or maybe it's a misunderstanding, but we're concerned both about the transportation aspects of the act—and Mr. Bernardo, you went some distance to answer that—and also the minister's authority to make the final decision. Whether he consults or doesn't consult will remain with the individual minister.

Mr. Chair, I understand that the RCMP, which has been involved in this area, has declined to come. Is that correct? We really need to hear from the RCMP, which has been involved in these matters, to get their point of view. I find it absolutely unacceptable that they're not coming before this committee.

The Chair: Mr. Easter, the witnesses who were asked to come here and declined have sent reasons and/or a written confirmation with regard to their non-appearance, and as such, the chair would be willing, at first convenience, to have the clerk distribute their response to the committee.

Hon. Wayne Easter: We need that because I really would like to hear the point of view on these two subjects from the people who are enforcing these areas.

Let me go then to the witnesses. On the PAL and the POL, we agree with the combining of those licences—but have the possession-only licence holders been screened for various domestic or criminal problems or whatever, or had the training? Is there any training out there? Am I right, or am I incorrect?

•(0935)

Mr. Tony Bernardo: You are incorrect, sir.

Hon. Wayne Easter: You're telling me that everyone who has a possession-only licence has at some point been screened and has had training.

Mr. Tony Bernardo: They are a part of continuous eligibility. RCMP continuous eligibility encompasses all firearms licences.

Hon. Wayne Easter: I still don't disagree with their being combined, but we are wondering and need to be assured whether there needs to be an amendment on the POL side that those who are grandfathered meet the original conditions of screening and training. You're claiming it's not necessary.

Mr. Tony Bernardo: No, the application renewal forms for the licences are exactly the same. You just check off a box.

Hon. Wayne Easter: Do you agree with that, Mr. Farrant?

Mr. Greg Farrant: Yes, I do in terms of the screening, sir.

Hon. Wayne Easter: And the training as well?

Mr. Greg Farrant: Many of the people who hold POLs in this country are—how can I phrase this—fairly elderly or moving in that direction.

A voice: Experienced.

Mr. Greg Farrant: They are experienced firearms owners, and unfortunately, I have to put myself in that group now too.

Hon. Wayne Easter: In fact, some of these guns, to be honest about it, are held with the POLs for sentimental reasons.

Mr. Greg Farrant: Yes, a lot of them are. I can't give you an accurate number, but I would hazard a guess that the vast number of people who hold POLs in this country have no interest in acquiring additional firearms at this time, and that's why they have POLs in the first place. Some of them will, which will be allowed when the licences are merged, but these are people who have held these licences for at least a couple of decades and have used these firearms responsibly throughout that time.

As Mr. Bernardo has indicated, they are subject to the same screening criteria as those who hold PALs, so there is safety, and the safe and responsible use of firearms I don't believe is in question.

Hon. Wayne Easter: Coming then to the minister, I guess I'd address the minister's ability to change the classification. I do believe the public would feel more confident if the decision is made by the RCMP or some such advisory committee. I think our experience on the Classic Green—whether a right or wrong decision was made at the end of the day, I'm still betwixt and between on that—shows that a minister is going to be under political pressure to change various classifications. I think that's a real problem. I think it far better to have an expert committee making that decision. There are always ways for the ministers to change it at the end of the day, as we've seen in the Classic Green. But why a minister would want that responsibility, I have no idea, so we differ strenuously on that particular point.

Mr. Bernardo, you suggested a number of amendments on transportation, especially postal shipping. Do you have a copy of those you can provide to committee, or maybe you have it in your own documentation?

Mr. Tony Bernardo: Yes, I do.

Hon. Wayne Easter: Especially around postal, even though I disagree with the transportation aspect of the bill, if we can still improve it, we're willing to do that and we may need amendments in that area.

The Chair: Thank you very much.

Now to the second round, which will be five minutes.

Madame Doré Lefebvre.

[*Translation*]

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Thank you very much, Mr. Chair.

I would like to thank Mr. Farrant and Mr. Bernardo for being here today. It is greatly appreciated.

I have a few questions. I would like to go back to the firearms licence authorization and the six-month grace period proposed by the bill.

Criminal charges can be laid the day after someone's firearms licence expires if it has not been renewed. That's a problem.

I tried to consult with various police forces and experts to find out what the best solution is. I still have a lot of questions about this possibility as presented in Bill C-42. You seem to have studied the bill but we have diverging opinions about the outcome.

Here is my first question.

You are representing the Ontario Federation of Anglers and Hunters and the Canadian Shooting Sports Association. I am not sure whether you know, but have several of your members been arrested in recent years because they did not renew their licences? Is that common?

• (0940)

[*English*]

Mr. Tony Bernardo: We've had a number of our members not necessarily arrested but visited by the police, saying, "Your licence is expired and we're here to take your firearms."

That is particularly worrisome when someone is a grandfathered owner. Remember, some of these firearms we're talking about as grandfathered firearms are worth tens of thousands of dollars. Perhaps somebody has made a mistake, they've been sick, they've been in the hospital. We've even had soldiers who were serving in Afghanistan who forgot to renew their licences before they left.

With respect to the firearms that are grandfathered and prohibited, the moment your licence expires your grandfathering is lost and you have to surrender the firearms for destruction. If everything is good, you can go to court and maybe you can get a judge to say you're allowed to sell them, but you're not allowed to keep them because you've lost your grandfathering.

[*Translation*]

Ms. Rosane Doré Lefebvre: So people actually have their weapons confiscated. Do police officers really leave with the weapons or do they give owners a certain time? You say that they visit the owners and tell them they need to leave with the weapons.

Do they really leave with the weapons?

[*English*]

Mr. Tony Bernardo: Generally yes, they take them out of the home at that point.

It varies widely, depending on where you are, the circumstances, but usually when they come to inform you that you've lost your grandfathering, they take them right then and there.

[*Translation*]

Ms. Rosane Doré Lefebvre: Mr. Farrant, do you have any comments?

[*English*]

Mr. Greg Farrant: Thank you.

We have members all the time who either receive a letter or a phone call from the police to say it has come to their attention that your licence is expired and you have x amount of time to either renew your licence or get rid of your firearms. They tell you that if you don't intend to renew your licence they will come and get your firearms right away.

A lot of these folks are older folks. I get panic calls a lot of the time from my members who are calling and saying, "I just noticed my licence is expired. I got no notice or anything. What do I do?"

I say, "Technically, you're a criminal right now. You must immediately take action to reapply for that licence. Keep a copy of your reapplication on file so you can demonstrate you are attempting to come back into compliance, in case the police do contact you." Yes, it happens very frequently.

[*Translation*]

Ms. Rosane Doré Lefebvre: Okay. Thank you very much.

I would also like to discuss with you the important question of the classification of firearms, although all the parties here have addressed it before.

Mr. Bernardo, you talked about it in your presentation. You actually mentioned the problems caused by the way things are working right now.

Based on what Bill C-42 is proposing, the classification will change, and things will really be left in the hands of cabinet. Mr. Leef also raised this point in a question he asked you. In your presentation, you said that this was cabinet's responsibility and that this situation would create continuity. I'm sorry, I'm not exactly using the words you used.

That being said, governments change. The Conservatives are in power now, but the Liberals might be in power next. I personally hope that it will be the New Democratic Party. We never know what can happen. Without making political jokes or anything like that, I honestly have trouble seeing this continuity. Each political entity has a very different position on the classification of firearms. It is a very sensitive debate.

Are you not afraid that the debate will be slightly politicized by this issue, given that governments change?

[English]

Mr. Tony Bernardo: Too late, it's already politicized. The minister, the cabinet, already has the authority to take away firearms. They already have that. They've had that since 1995. It hasn't changed. At the end of the day, the government, the cabinet, has that authority anyhow. What we are saying here is that it is a lopsided authority. They have the power to correct the mistake in one direction, but at the moment they don't have the power to correct it in the other direction.

In fairness, we have not seen government abuse of this power since 1995. All governments so far have been very measured in their responses. However, you have to be able to go both ways. Right now, the power swings only one way.

● (0945)

The Chair: Thank you very much. Our time has now expired in our first hour of deliberation today.

On behalf of the committee, the chair would extend gratitude to our witnesses for coming here and taking the time to provide us with their expertise and their experiences. Thank you.

We will suspend now for the second hour.

● (0945)

_____ (Pause) _____

● (0945)

The Chair: Okay, colleagues, we are back in session here for the second hour.

With us today, by video conference, on the left side of your screen, is Mr. Gary Mauser, professor emeritus, Institute for Canadian Urban Research Studies, Simon Fraser University. Also by video conference, from Saskatoon, Saskatchewan, we have Murray Grismer as an individual.

Welcome, gentlemen. I am just going to check. How is our hook-up today? Are we live and well?

● (0950)

Dr. Gary Mauser (Professor Emeritus, Institute for Canadian Urban Research Studies, Simon Fraser University, As an Individual): Good morning. This works fine for me.

The Chair: How about you, Mr. Grismer?

Mr. Murray Grismer (As an Individual): Good morning, sir. I can hear you fine. Thank you.

The Chair: Okay, good. We are all on board and ready to go, then.

The chair will advise that each witness will have up to 10 minutes to make an opening statement. Should it be possible, it would give us more time for discussion. After that, we will go through our rounds of questioning for the second hour.

Mr. Mauser, you have the floor for an opening statement, sir.

Dr. Gary Mauser: Thank you very much for inviting me here. It's a pleasure to present my views to the committee.

First of all, I would like to congratulate the government for honouring its promises to reduce red tape for law-abiding firearms owners.

I would like to make two points this morning.

First, excessive regulations do not increase public safety. As anyone who has a firearms licence knows, the present regulations are quite complex and arguably excessive.

My second point is that eliminating the opportunity to challenge the firearms safety exam in order to get a firearms licence eliminates many capable people who have alternative training from obtaining a firearms licence.

Taking my second point first, I would like to point out that in Bill C-42 the challenge portion is proposed to be eliminated, and in northern British Columbia many small towns do not have access to federal firearms safety training personnel. Part of the reason for this is that the BC CFO, the chief firearms officer, has arbitrarily reduced and restricted the number of instructors. In my written submission I'll include some paperwork to support this.

Without adequate instructors, it makes little or no sense to require federal training, when at the same time there are many provincial safety instructors who teach hunting safety. These students have adequate knowledge to be safe and should be qualified to take the test. Indeed, they have been passing the test at great rates. In some provinces, both Manitoba and Quebec, the provincial hunter safety course is certified as equal to the federal training. I would urge that this be the case in this instance.

As my first point, which I'll take up now, about excessive regulations not increasing public safety, I present three statistical arguments.

First of all, homicide rates fell much faster before the introduction of licensing and the long-gun registry than they have since. They dropped roughly 25% before and roughly 8% afterwards. Secondly, accidental deaths equally fell more before than after. They dropped 45% to 60% before the introduction of licensing and long-gun registration and only 20% after. My third point is that after the ending of the long-gun registry, firearm murders and the homicide rate overall have continued to drop, so obviously it was not a necessary regulation for public safety.

Those are my basic points. They all are consistent with the argument that the present regulations are excessive. The streamlining proposed in Bill C-42 will not endanger public safety, and I urge the government, finally, to continue the challenge possibility for the federal firearms safety course.

That's my submission. Thank you, sir.

The Chair: Thank you very much, Mr. Mauser.

We will now go to Mr. Grismer.

You have the floor, sir.

● (0955)

Mr. Murray Grismer: Thank you very much, Mr. Chairman.

Mr. Chairman, honourable members of the committee, and fellow witnesses, it's an honour and privilege for me to appear before you today to assist you in your deliberations of Bill C-42, the common-sense firearms licensing act.

I'm a retired sergeant of the Saskatoon Police Service with over 26 years of service protecting the citizens of Saskatoon and Saskatchewan. At the time of my retirement on April 30, 2013, I supervised a team of front-line men and women responsible for policing the second-largest geographic area in the city of Saskatoon.

The courts of Saskatchewan, both provincial and Queen's Bench, have qualified me as an expert witness, enabling me to give opinion evidence on firearms-related matters. In that capacity, I have provided assistance in over 50 cases, both federal and provincial prosecutions. I am also a master instructor for both Canadian firearms safety courses, and an approved verifier, certified by the registrar of the Canadian firearms registry.

Firearms owners across Canada share in the desire and belief of the need for common-sense change to the Firearms Act. Bill C-42 introduces common-sense amendments to the Firearms Act and Criminal Code.

First, these amendments will create a statutory category for non-restricted firearms. A non-restricted firearm, as defined in proposed subsection 84(1), is a firearm that is neither a prohibited firearm nor a restricted firearm, or it is a firearm that is prescribed to be non-restricted.

Second, they will streamline the licensing system by eliminating the possession-only licence, or POL, and converting all existing POLs to possession and acquisition licences, which are called PALs. At present holders of a valid POLs have, since the implementation of the Firearms Act, continued to demonstrate a history of safe and responsible firearms ownership. At the time of renewal, they undergo the same rigorous background checks as PAL holders and have all the privileges of a PAL holder, with the exception of purchasing another firearm, yet they can borrow or rent any number of non-restricted firearms.

Bill C-42 will create a six-month grace period at the end of a five-year licence period to stop people from becoming immediately criminalized for paperwork delays surrounding licence renewals. Canadians having not received a renewal, or who are out of the country for business, employment, vacation, or serving in our armed forces at the time of a licence expiry will find themselves in unlawful possession of their firearms and will be required to complete the Canadian firearms safety course to re-obtain a licence. Licences extended during this six-month grace period are subject to the following limitations: the holder cannot use the firearm or purchase ammunition, any authorizations to carry or transport are expired, and the availability of authorizations to carry and transport will be limited.

Amendments will also make classroom participation in firearm safety training mandatory for first-time licence applicants. First-time licence applicants will no longer be able to simply challenge the Canadian firearms safety course tests. They must now successfully participate in one or both of the Canadian firearms safety courses.

Bill C-42 will amend the Criminal Code to strengthen the provisions related to orders prohibiting the possession of firearms where a person is convicted of an offence involving domestic violence. A mandatory 10-year prohibition order would apply to a person convicted under section 109, regardless of the possible sentence or discharge, when violence is used, threatened, or attempted against the offender's current or former intimate partner, the child or parent of the offender or the current or former intimate partner, or any person who resides with such a person.

The maximum length of discretionary prohibition orders under section 110 are extended if, in the commission of the offence, violence is used, threatened, or attempted against the offender's current or former intimate partner, the child or parent of the offender or the current or former intimate partner, or any person who resides with such a person. In such circumstances, prohibition orders may be imposed for life, or for any shorter period as the court deems appropriate.

• (1000)

Amendments will end needless paperwork around authorizations to transport by making them a condition of a licence for certain routine and lawful activities. The authorization must take the form of an attachment to the licence. Upon licence renewal, the holder of the licence to possess restricted or prohibited firearms will automatically be authorized to transport them within the province of residence for the purposes of travel to and from all approved shooting clubs and ranges; to any place a peace officer, firearms officer, or chief firearms officer is located for the purposes of verification, registration, or disposal; to a business for the purpose of repair or appraisal; to a gun show; or a port of exit and from a port of entry.

Contrary to what you may have been told or led to believe, the proposed conditions listed above reflect conditions that are currently in place on authorizations to transport.

Amendments will authorize firearms import information sharing when restricted and prohibited firearms are brought into Canada by businesses. Those businesses seeking to import a restricted or prohibited firearm will be required to notify the registrar or Canada Customs, in the prescribed form, before or at the time of importation.

Bill C-42 will allow the government to have the final say on classification decisions, following the receipt of independent expert advice, by granting the Governor in Council the authority to override the firearms classification in section 84 by way of regulations carving out exemptions.

As a veteran police officer, master firearms instructor, and court-qualified expert, I am of the opinion changes to Bill C-42, the common-sense firearms licensing act, contrary to what others would have you believe, do not constitute a threat to public safety, nor do they inhibit a police officer from executing his or her duties. In fact, they enhance public safety and through the simplification of the licensing regime and ATTs greatly assist police officers in the execution of their duties, all done by the application of a little common sense.

Mr. Chair, honourable committee members, in conclusion, Bill C-42 is worthy of your consideration and support. It brings common-sense legislative changes to the Firearms Act and Criminal Code.

Thank you.

The Chair: Thank you very much, Mr. Grismer.

We will now go to our first round of questioning for seven minutes.

We will start off with Mr. Hayes, please.

Mr. Bryan Hayes (Sault Ste. Marie, CPC): Thank you, Mr. Chair.

Gentlemen, just for your information, I'm a stand-in on this committee. I was invited because I have a piece of legislation currently being studied on domestic violence prevention. I don't own a gun. I came into this committee with virtually zero knowledge of gun legislation. Having been on the committee now for several meetings and listening to several witnesses, I can say, unequivocally, that I do support the legislation that this government is bringing forward.

I want to focus my questions on safety, and specifically, on the safety of women and children. The committee has heard testimony that screening for a licence was less intensive under POL than under PAL and that somehow eliminating or combing the two will make screening less intensive.

Is there any truth to that comment? I'll ask Mr. Grismer first.

Mr. Murray Grismer: No, sir. The people who are supplying you that information are incorrect.

The screening that goes on for a person who has a POL is exactly that for a person who has a PAL. At the time of renewal, they go through the same rigorous background checks as a person with a PAL. They've been doing so since 2001, which was the final date that you could obtain a POL. For the last 14 years, people who hold POL licences have gone through the same background check as a person who has a PAL at the time of renewal. If those people who have been in lawful possession since that time don't pass the background check, which is the same as with the PAL, they wouldn't have a licence.

•(1005)

Mr. Bryan Hayes: Mr. Mauser, I assume you agree with that. If you do, just nod because I'll move on to the next question and I'll ask you the next question first if you don't mind, sir.

Is there anything in this bill, in your opinion, that jeopardizes the safety of Canadians in any way, and conversely, is there anything in this bill that will increase gun-related domestic violence? I'll ask you

first, Mr. Mauser and then, Mr. Grismer, I'll ask you to respond to that as well.

Dr. Gary Mauser: No, I do not think that any of the changes in Bill C-42 would increase the danger to women or children through guns. At the present time, only 2% of accused murderers have any kind of a firearms licence. That's a PAL, POL, or the old FAC. So this is very small group of people and nothing would change.

As Mr. Grismer has pointed out, gun ownership is subject to intense scrutiny to achieve a licence, and secondly, rightly to make sure that there are no restraining orders or any kind of offences committed overnight. Nothing in this bill would reduce that. In terms of merging POLs with PALs, they are already treated bureaucratically now as the same.

Mr. Bryan Hayes: Mr. Grismer, could you comment as well please?

Mr. Murray Grismer: I believe that there's nothing that's going to take and diminish the safety of Canadians whatsoever. In fact, I believe that the changes made to sections 109 and 110 of the Criminal Code in relation to domestic violence and redefining people in an intimate relationship will enhance the safety of the public by prohibiting persons who have been convicted of violence or threats of violence towards anyone within that clause....

Mr. Bryan Hayes: Okay.

Mr. Grismer, the Coalition for Gun Control website states that the bill proposes an automatic renewal. I guess they're referring to the amnesty period. Do you agree that, given the limitations within the six-month grace period, this constitutes an automatic licence renewal? Yes or no. Could you speak a little bit about that grace period and the importance of that grace period and what those limitations are?

Mr. Murray Grismer: I can. As I outlined in my opening remarks, it's not an automatic renewal. The licence is merely extended for a period of six months to allow the person who for reasons of either being away from Canada or for not having received their renewal notice, because many within Canada are certainly moving about because job markets are transient in nature.... If they haven't received their renewal or they haven't had the ability or opportunity to be able to renew their licence because of being out of Canada, they now have a six-month period of time whereby, hopefully, at the time they return to Canada they can come into compliance with the law.

The legislation, though, sets out specific things that they can't do. Once their licence has expired they can no longer go to a shooting range. They can no longer hunt with that. They can no longer use them in the public domain unless they were supervised by somebody who happens to be a holder of a valid PAL licence. What it does do then, or in addition, is it also takes away or cancels any authorizations to transport that they may have had for restricted firearms. Again, they can't be transporting those around. I just see this as being a common sense kind of thing to do.

The criticism of the existing legislation is that people are not necessarily getting the information they need. They're not getting their renewal notices. Again, there are a variety of reasons for not having done that. This seeks to allow people to come into compliance without having to go about taking the Canadian firearms safety course training and tests again. They've already had it when they obtained the PAL in the first instance. Really what's the purpose of it? I guess if once they've gone beyond the six-month period certainly then maybe there's a need for a refresher to remind them of their obligations.

• (1010)

Mr. Bryan Hayes: Thank you, Mr. Chair.

The Chair: Thank you very much.

Madame Doré Lefebvre, you have seven minutes.

[Translation]

Ms. Rosane Doré Lefebvre: Thank you very much, Mr. Chair.

I would also like to thank Mr. Mauser and Mr. Grismer for joining us by videoconference and for participating in this meeting of the Standing Senate Committee on Public Safety and National Security.

My first question is for Mr. Grismer.

In your presentation, you briefly mentioned—and that is why I want to go back to that—the courses for people who want to purchase firearms in the country. I find that interesting. I took those courses myself. I am a resident of Quebec and I took them in the Montreal area. We have two separate courses: the firearms safety course and the introduction to hunting course. Since I am in the greater Montreal area, it is easy for me. Many courses are available for those who want to obtain a hunting licence.

However, I know that it's more difficult to have access to those courses in other parts of the country, especially in rural or remote regions. Some First Nations communities are quite isolated. Could you tell me what your opinion is?

Measures, such as the Aboriginal Peoples of Canada Adaptation Regulations, have already been implemented for First Nations. I was wondering whether the proposed courses would go against the rights of First Nations and what the impact would be on rural and remote communities that don't have easy access.

[English]

Mr. Murray Grismer: I share your concern about the availability of courses, as does my colleague Mr. Mauser. Certainly it is of concern to me that access to Canadian firearms safety courses for people in remote areas is limited. People who live in northern Quebec are the same as people who live in northern Saskatchewan.

The challenge will be for the CFOs within the provinces to make it available to people in remote areas. Certain logistics will have to be worked out.

I share your concern that it will not be as universally available, or at least as readily available, to people in remote areas as it will be for you in Montreal.

[Translation]

Ms. Rosane Doré Lefebvre: Mr. Mauser, would you like to comment?

[English]

Dr. Gary Mauser: Thank you very much for your question.

I am exceedingly concerned about access to federal firearms safety courses, or firearms safety courses in general, in the rural parts of Canada, certainly for the native bands, the residents who live on small ranches and small farms, and the people who live in exceptionally small towns. Many of the chief provincial firearms officers around the country have arbitrarily restricted the number of firearms safety instructors, so it's even more difficult than it normally would be for such residents to have access to courses.

That is why in both Manitoba and Quebec the federal government has set it up so that hunter safety courses can be seen as equivalent to federal firearms safety instruction. I would urge that to be set up in British Columbia. We have many instructors who teach in both the federal course and the provincial course in British Columbia. These are high-quality hunter training courses in Quebec, in Manitoba, in British Columbia, in many provinces, and these should be encouraged. If you live in a small town or a small village and the only firearms instructor is hundreds of miles away, it means that you have to drive and stay the night to take a long course. This is an incredible imposition on people in small towns.

I would encourage the government to not dismiss the challenge option so that people can take training at better convenience. The test, of course, is the final arbiter of whether the person is safe or not. If he or she passes that test, then they are safe.

Thank you for your question. I hope that answers it.

• (1015)

[Translation]

Ms. Rosane Doré Lefebvre: That sheds a lot of light and I appreciate your answers to that question.

My next question is basically for all the witnesses before the committee. It has to do with the classification of firearms as proposed by Bill C-42. I am trying to clarify that part of the bill. My understanding is that it seemingly gives a lot of power to cabinet to decide on the classification of the various firearms. A number of witnesses have shared their views with us, and those views vary.

The bill places a lot of power in the hands of cabinet in terms of classification decisions. However, governments and parties in power change. I wonder if the consistency in the classification of firearms will not be compromised by the provisions in Bill C-42.

If possible, could you tell me what you think about that?

[English]

Dr. Gary Mauser: I would think right now that it is indeed necessary and proper for the minister and by implication cabinet to have final discretionary power over such decisions. They should of course be advised by a technical committee who knows the details, but it is in fact a decision that should not be left to unsupervised people such as the police or a technical expert. There needs to be an overview.

The Chair: Thank you very much, and the time's expired.

Now, Mr. Falk, you have seven minutes, please.

Mr. Ted Falk (Provencher, CPC): Thank you very much, Mr. Chair, for giving me the ability to talk with our witnesses here.

I want to thank you both, Mr. Mauser and Mr. Grismer, for participating in this very important study with us this morning by video conference.

There's been a lot of fearmongering by groups and individuals who don't believe that Canadians should have the right to own guns, even though they're law-abiding hunters and farmers and sport shooters. In fact, they have even made statements like the passage of this particular bill will just throw open the gates and allow people to carry guns to places where we wouldn't want guns, like shopping malls and sports arenas.

In fact, I don't see that as being the case at all. When I read the bill I see it as streamlining the paperwork and process. It also strengthens some of the safety aspects of our sport.

Mr. Mauser, you did mention the elimination of challenging the test as a concern, but I think your initial comments said it was perhaps a useful tool in strengthening public safety. I'd like you to comment a little more on that and whether you think requiring people to take the Canadian firearms safety course is a good idea.

Dr. Gary Mauser: Thank you for your question.

I think it is an excellent idea and it would encourage public safety to allow and encourage people to take these kinds of courses. That is not always possible in physical locations, particularly small towns. For example, in British Columbia we have hunter safety training that's available through the Internet, although the backbone of the Internet is often unobtainable in small towns. Many people can study through books, friends, and provincial instructors to get an alternative education.

I definitely think that courses are a good thing that would encourage public safety, and I definitely would encourage provincial chief firearms officers to increase, not decrease, the number of federal firearms safety instructors as well as make use of provincial hunter safety instructors. But definitely such instruction improves public safety.

• (1020)

Mr. Ted Falk: Good. Thank you very much.

I'll turning to Mr. Grismer. As a retired police officer, you made a comment in your opening remarks that the streamlining of the POL and the PAL, the possession-only licences and the possession and acquisition licences being combined, would better enable police and law enforcement officers to do their jobs.

Can you expand a little bit more on that?

Mr. Murray Grismer: I certainly can.

If the person is stopped and if you are checking them and if they have firearms with them, certainly the first thing a police officer's going to do is ask them for their licence. If they happen to have a restricted licence, you will notice that on the back. If the individual has his restricted firearms or prohibited firearms with him, the condition on the back of the licence will indicate automatically the terms under which he can transport those.

It's just a one-stop thing for them. They have the licence and it has the conditions under which they can move or transport the restricted and prohibited firearms, and also for what purposes, I might add.

For the police officer on the street, it makes it that much easier for them to do their job. They're not looking for a piece of paper. Oftentimes authorizations to transport are faxed to individuals. People don't go into the firearms office to get them; they're usually sent by fax. Depending on the nature of the fax machine, the faxed copy may not be that good.

Mr. Ted Falk: Thank you for that. I think that helps to clarify, at least in my mind, one of the reasons it's important to streamline these two licences.

Mr. Murray Grismer: If I may just make one more point here, sir, the person who's in possession of a restricted and prohibited firearm has been vetted by the CFO of every respective province, and they have been deemed worthy of having these firearms. A great number of conditions are put on people who have them, and as long as these people haven't come into non-compliance with the law, the chances of your ever seeing them or even knowing that they're transporting firearms is really limited because they take precautions of their own given the very nature of the firearms they have.

Individuals who are not going to transport them lawfully or legally, or who are going to be taking them into shopping malls or God knows where else, are people who shouldn't have firearms in the first instance. These are not lawful, legitimate firearms owners. If they are doing that, they are definitely people who shouldn't have firearms, so I don't see this as being a problem.

In my 26 years of policing, I never encountered a person who had a valid licence and was transporting restricted and prohibited firearms in non-compliance. If the person is, for lack of a better term, a gangbanger or a person who is doing things unlawfully, they'll go about doing whatever they want for whatever purpose they want at any time they want, and no piece of paper or licence is going to stop them from doing that.

Thank you, sir.

Mr. Ted Falk: Okay.

Thank you very much for that testimony.

Our government has been very purposefully reducing red tape for many different things, and part of this legislation is to reduce the red tape for law-abiding gun owners. But at the same time this legislation will also strengthen the public safety aspect by requiring people to take that Canadian firearms safety course and though the prohibitions it will have on people who have been convicted of domestic violence. At the same time it allows for a grace period without putting people offside to the point where police officers have to actually arrest people for owning firearms once their licence has expired.

Would you gentlemen agree that this is indeed a common-sense bill?

The Chair: Give a very quick response, please.

•(1025)

Dr. Gary Mauser: Speaking for myself, I definitely agree with you. I think this is a common-sense bill, and strengthening the restrictions on people who have been convicted of domestic abuse from owning or possessing firearms is an excellent idea.

Mr. Murray Grismer: I concur with my colleague. This is very common sense, and it enhances the safety and security of people in the public by seeing that people who have used firearms in a domestic violence situation are restrained from having access to them.

The Chair: Fine, thank you very much, and thank you, Mr. Falk.

Now, Mr. Easter.

Hon. Wayne Easter: Thank you, Mr. Chair, and thank you to the witnesses for appearing before the committee.

Mr. Grismer, in answer to the previous question you'd mentioned that in 26 years you'd never had a problem with anyone who holds a transport permit for prohibitive or restricted guns. During that time have you ever had any situation where during transport—not during storage—those prohibited or restricted guns were stolen or taken by somebody else who had criminal intent in mind?

Mr. Murray Grismer: I've never encountered that, sir, inasmuch as having taken a complaint from any individual having lost or had their firearms stolen because they were improperly stored in their vehicle.

I do know of instances where police officers in various cities have had their firearms stolen out of vehicles, not because they weren't properly stored but because the individual who broke into their vehicle was able to find them.

Hon. Wayne Easter: Yes, I'll come back to that in a minute.

In case I run out of time, taking the training is crucial and that's come up with a number of people, especially in northern, remote aboriginal communities. Is there anything we need to do in terms of this legislation to improve upon that?

The legislation...it's interesting because everybody seems to mention the chief firearms officers a lot within the provinces. The

legislation provides for a federal override, if I could put it that way, in some instances on what CFOs do. They also seem to be very crucial in terms of showing a willingness to provide other opportunities for the training aspect. Is there anything we need to do in that case to ensure the training is available, or is there anything that we even can do under federal legislation?

Either one of you, or both.

Mr. Murray Grismer: Mr. Easter, I think one of the things that's been left out of the discussion is the fact that when a person completes a Canadian firearm safety course there is a practical aspect to it. They have to demonstrate knowledge and ability in the handling of firearms to a degree. This doesn't involve shooting or firing the firearm, although it certainly could be expanded to that, but there is a component of demonstrating the knowledge to safely handle the firearm. That is not excluded from the basic challenges now.

I agree with my colleague, Mr. Mauser, that it is more desirable to have individuals receive the Canadian firearms safety courses, whether they're looking for just a basic one, or a basic one and a restricted one. Certainly, it makes the world far safer if they've received training, if they've then done the test and demonstrated their ability. I agree that it should be expanded more.

I share your concern, as I did with the committee member before, on the accessibility to it. The challenge will be for people who are administering the training and the courses, and the people who overview the training of the courses, which is the CFO of the provinces, to see that it's available and accessible in remote areas. That's a logistics thing that will have to be worked out.

Hon. Wayne Easter: Coming back to the transportation area, which we as a party do have some concerns about, part of it is that once you're not applying for transport each time—I understand the paperwork side there—as with anything else, once it becomes common practice that you don't have to apply there is a risk that you'll just stop in this store this time on the way home.

I think once a thing becomes common practice you're not as alert to what you shouldn't do. Having said that, do the police know when there's an authorization to transport a prohibited or restricted gun? Do you know? Are you informed, or is it just the chief firearms officer? Do you have the authorization to ask for a transportation authorization for the gun if no gun is visible in the vehicle?

•(1030)

Mr. Murray Grismer: First off, police in Canada are not notified when a person obtains an authorization to transport. In the provinces in Canada, people who are routinely going to shooting clubs and ranges receive an authorization to transport. I have some in front of me that I've had over the years, and one recently given to an individual I know. His authorization to transport has no expiry term, and it gives him the authority to do all the things listed in the proposed legislation. The only difference is that it's a piece of paper and not a condition sitting on the back of his firearms licence, which would make it that much more accessible.

Hon. Wayne Easter: Do you have any comments, Dr. Mauser?

Dr. Gary Mauser: The changes proposed in Bill C-42 in no way impact on public safety. They merely reduce the amount of red tape that a firearms owner who wishes to transport his firearm must undergo, and the amount of bureaucratic busyness that is imposed on the chief firearms officer. The police have the same information. The conditions remain the same, so there is no change as far as that is concerned. Perhaps the chief firearms officer can spend their time more wisely than shuffling paper that is 99% approved.

Hon. Wayne Easter: Thank you, gentlemen.

The Chair: Thank you very much, Mr. Easter.

Now Mr. Garrison, please, it's your turn for five minutes.

Mr. Randall Garrison: Thank you very much, Mr. Chair. Thank you to the witnesses for appearing today.

I'm going to go back to something we talked about that arose earlier in the committee today, and the comments that were made in the House—and taken quite out of context—by the member for Newton—North Delta about the timing of this debate. Since this issue has been raised, I think it's quite important for people to understand the context in which she was speaking.

We have a situation in Surrey where there have been 23 shootings over the past month, I believe. There's a very serious problem with gun violence in the community of Surrey. The member for Surrey North and the member for Newton—North Delta have been raising these questions in the House to ask that attention be given to their community and this very serious crisis. It's resulted in a number of very tragic deaths.

What she was referring to was how fast this legislation, which was introduced in October 2014, suddenly appeared back on the agenda. I think it's important to remember that here we are today, really just nine days after this was approved at second reading, and finishing our hearings in this committee. I think that's had an impact on our deliberations here. The very rushed nature combined with some administrative errors means that, for instance, the Liberal Party had no witnesses appearing before the committee, and the NDP only had two of its four witnesses. We've ended up with an unbalanced set of testimony here, with no criticism of those who appear.

The Chair: You have a point of order, Ms. James?

Mr. Randall Garrison: Ms. James, you use your time for whatever you like—

The Chair: Excuse me, Mr. Garrison. A point of order does not come off your time.

Mr. Randall Garrison: A point of order is a point of order, though.

The Chair: A point of order does not come off your time.

Yes, Ms. James.

Ms. Roxanne James: Thank you, Mr. Chair. I'm not understanding where this is going. We all had the same opportunity to bring witnesses forward. This bill was debated in the House. All parties were aware that it was coming to committee. We are the public safety and security committee. This is where this type of legislation comes. It's not our fault, on this side of the table, if the opposition parties were not prepared for this meeting.

•(1035)

The Chair: Thank you very much.

Mr. Garrison, you have the floor, sir.

Excuse me, is it a point of order, Mr. Easter?

Hon. Wayne Easter: Mr. Chair, I'd like to get in on that point of order, because I think it's wrong to accuse us of being unprepared. We put in seven or eight witnesses. Most of them were police departments and chief firearms officers because we wanted their experience. All have refused and I think that's a problem. I would like to know why they've refused. In any event, we had put witnesses forward, and Randall's right in terms of the rushed nature. We need to hear from both sides, and in all honesty we haven't.

The Chair: The chair has already responded earlier to that in that the response from the witnesses to the clerk will be distributed to the members, either verbally and/or in written form if we have it. Certainly the chair will communicate that to you.

Now back to you, Mr. Garrison.

Mr. Randall Garrison: Thank you, Mr. Chair. I'm just going to emphasize again that we've had the witnesses who have appeared representing the legitimate gun owners who—

The Chair: Mr. Garrison, we have bells, so I'll just give you one minute to finish here, and then we must go.

Mr. Randall Garrison: Thank you, Mr. Chair.

We've had the witnesses representing legitimate gun owners, and I have no problem with either the testimony they've presented or their points of view. They're quite legitimate. We have not heard from those in urban areas who have quite a serious problem with gun violence. For whatever reasons, we've had a schedule that was so quick, not because opposition members did not do their work nor invite witnesses, but because witnesses were not able to appear before this committee. We're going to be moving into clause-by-clause with a very unbalanced study of this bill.

The Chair: Thank you very much. We will be adjourning this meeting now.

I'll just say to our witnesses, thank you very kindly. We have a vote call in the House of Commons, which demands that we bring an immediate closing to the committee. On behalf of the entire committee, I would like to thank you, Mr. Mauser and Mr. Grismer,

for appearing today and contributing to the deliberations on Bill C-42.

We are now adjourned.

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