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# **Standing Committee on Procedure and House Affairs**

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**Chair**

**The Honourable Larry Bagnell**



## Standing Committee on Procedure and House Affairs

Tuesday, October 30, 2018

• (1200)

[English]

**The Chair (Hon. Larry Bagnell (Yukon, Lib.)):** Welcome to the 128th meeting of the Standing Committee on Procedure and House Affairs.

This meeting is being televised as we begin our study of the question of privilege related to the matter of the Royal Canadian Mounted Police publications respecting Bill C-71, an act to amend certain acts and regulations in relation to firearms.

We are pleased to be joined by Glen Motz, member of Parliament for Medicine Hat—Cardston—Warner. Members will recall that Mr. Motz raised the question of privilege.

Mr. Motz, thank you for making yourself available today. You may now proceed with your opening statement.

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

I appreciate the opportunity to speak with you today about the conduct of the Liberal government and the RCMP, and their activities around the implementation of Bill C-71.

While I will attempt to present my remarks in a dispassionate way, it is challenging not to be angered at the arrogance shown by the Liberals in their presentation of this bill, and the systematic way the government ministers and MPs have tried to mislead Canadians. This is a contributing factor to the question of privilege I raised earlier this spring.

Here's the central issue: The RCMP began implementing a proposed law, Bill C-71, before Parliament had deliberated, debated and voted on the bill. The RCMP had posted on their website special bulletin number 93, a notice implementing portions of Bill C-71. At the time, the bill was before committee and under intense scrutiny. The bulletin made use of definitive language, giving Canadians the distinct impression that this bill was current law in Canada.

On May 29, I raised the issue that the RCMP was assuming Parliament would approve the bill, despite the significant reservations of millions of Canadians and many in Parliament. Within 24 hours of that question of privilege being raised, the RCMP modified their special bulletin number 93 to remove a presumption of Parliament's final decision. On that same day, May 30, I rose again to let the Speaker know of the recent change.

On June 19, the Speaker noted he was troubled by the careless manner in which the RCMP chose to ignore the fact that the bill was still before Parliament and not a law. This may seem like a technical issue, but this technical issue supports our very system of a parliamentary democracy. Prime ministers, ministers, departments and agencies are all subject to Parliament. Of all departments and agencies, a federal law enforcement one should not be so careless with Parliament and implementing laws.

Parliament is the voice for all Canadians, and it is beholden on us to scrutinize those laws, rules and regulations for Canadians. The message being sent to Parliament by the minister and by the RCMP is that they can act without Parliament. That contravenes the purpose of this House and those of you sitting around these tables today. It suggests that ministers and senior government officials are ultimately in full control, rather than the elected officials. As Speaker Regan said, "The work of members as legislators is fundamental and any hint or suggestion of this parliamentary role and authority being bypassed or usurped is not acceptable."

Today, the members of this committee will have the first opportunity in Canada to set the standard for departments and agencies that assume the will of Parliament. We cannot allow the precedent to be and have a muted response.

A decision was made to implement legislation, despite the highly contentious nature of the bill and the serious and valid reservations from thousands of Canadians and parliamentarians. It falls on you, as this committee, to determine who made the decisions, who is responsible, and how we deter this from occurring again. The questions before you, as I see them, are many, but they could include this one: Did the RCMP set rules ahead of parliamentary decision independently, as opposed to being instructed to do so? There are only two potential answers: yes or no. If the answer is yes, then the RCMP made a decision to prioritize their objectives ahead of the voice of our elected representatives. The police in this country do not create the rules and the law; they enforce them. This is a fundamental function of the separation of powers in a democracy.

If the answer is no, then who directed the RCMP to proceed, and, conspicuous by his absence, where has the Minister of Public Safety been on this issue? The RCMP reports to Parliament through the minister, and the minister is responsible for its actions. I contend that if the minister did not actively instruct the RCMP, then he is guilty of failing to do his job of overseeing the RCMP. He has made no comments or statements to address the issue, other than through his parliamentary secretary, the member from Ajax, now the Liberal whip, and that member sought to have the issue dismissed.

● (1205)

I know the investigation the committee is now charged to undertake is not about this one instance. It is about the broader principle of ensuring that the House can hold prime ministers, ministers, departments, crown corporations and agencies to account for taking action that conflicts with, undermines or otherwise ignores directions and deliberations of Parliament.

Public servants should always be mindful of the House and our democracy. As parliamentarians, we can disagree, but the function of this House is dependent on the House reviewing and approving the actions of government. Members of Parliament are not here to serve the will of the prime minister and cabinet. We are here to serve our constituents. Ministers and prime ministers are subject to the direction and will of Parliament, not the other way around.

I urge all to look at the facts of the case and see the overall picture. It's hard to argue that the minister has approached this particular legislation with full integrity and transparency. When there is a systematic and consistent attempt to deceive, it becomes harder and harder to believe the individual in question.

So far, the government leadership has made factually inaccurate statements. It could be suggested that they were made to mislead the public on the true nature of this legislation. For example, the Prime Minister suggested that currently no one needs to prove that they have a firearms licence to purchase a firearm. The truth is that selling or buying a firearm in this country without a proper licence is a criminal offence and carries a maximum penalty of five years in jail.

The minister appeared before committee and used several misleading statements as well. He indicated that, based on Toronto Police Service stats, half of crime guns were from domestic sources. Even after those numbers were proven to be completely false, the minister continued to use them. He indicated that there was a sudden spike in violent gun crime, when in fact violent gun crime and homicide by firearm are not at record levels. He used selective dates and stats to create the appearance of a crisis where none existed. Finally, he reported a massive increase in break and enter to steal a firearm, when in fact this charge was first introduced in 2008 and the sudden increase was primarily the result of the application of a new Criminal Code charge where none existed previously.

I could go on with many more examples, but I believe the point has been made. The testimony of the minister and of this government to date has been flawed and misleading. The added fact that the RCMP, upon the issue being raised in the House, immediately revised their bulletin is nothing short of an admission of guilt.

The Minister of Public Safety replied to a letter from me and my colleague from Charlesbourg—Haute-Saint-Charles on an issue

within the bill. In his reply, dated October 15 of this year, he acknowledged that there was a flaw in the legislation and he would grant the three-year amnesty, no doubt in part because of the overreach of the RCMP. However, there was no indication or responsibility of whether the bulletin from the RCMP was posted through ignorance or intent.

This falls to the investigation and the determination of this committee. It is therefore critical that a decisive and clear report show the prejudgment of Parliament to be a serious issue. This committee is responsible for upholding a key part of our Parliament and democracy, where ministers and agencies of the government must respect and abide by the House.

In closing, I would ask each of you to review the ruling of the Speaker. Putting aside political allegiances and party standing, Speaker Regan put the will of Canadians and their elected representatives ahead of the defence of party brands. He spoke truth to power and called on you to ensure that this Parliament and each one after it are empowered by the Canadians who voted for them, rather than obligated to follow a party hierarchy.

When ministers and parties use misinformation and positions of authority to obstruct the House in its duties, we put our democracy in jeopardy. Look beyond our disagreements and towards the values that bring Canadians together. These values must be reflected and upheld in our Parliament and in the ability of members of Parliament to hold each other and the government to the will of the people.

Thank you, Mr. Chair, for the opportunity to speak today.

● (1210)

**The Chair:** Thank you, Mr. Motz.

Now we'll go to seven-minute rounds of questioning. We'll start with Mr. Simms.

**Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.):** Thank you, Chair.

Thank you, Mr. Motz. I think you might be on the right path here. Misleading members of the House is contemptuous indeed. I don't disagree with that. I looked at the website. It certainly did use language that gave the sense that this was either happening or going to happen and people should be prepared.

The only place where we diverge, I think, is on intent. I won't write this off as an innocent mistake, but I don't want to describe or characterize it as being particularly malicious, either. I've seen this before. I can give you a couple of examples where this has happened. For example, you can say that there are many bureaucrats, many people in agencies, people who work for the government—in essence, they work for the people of this country—who prepare themselves for what is around the corner. To me, there's a lot of due diligence there. For example, we just went through a lot of work on the Canada Elections Act. If the people of Elections Canada had not prepared themselves for what might be coming, then the situation would be exacerbated even further—more difficulties way down the line. For them, I think it's an issue of due diligence.

Now, did the police, in this case, do due diligence? To a certain degree I think they did. They wanted to let the public know what is changing and whatnot. Do you think they should have said—using that language—“This is what's going to happen. This is the new rule. This is how you have to register yourself if you have a firearm”, and then at the end added, “pending parliamentary approval”? Would that have sufficed?

**Mr. Glen Motz:** I think it's fair to say that your assessment of trying to get ahead of the ball, if you will, or get ahead of the curve on being proactive, is probably an accurate depiction of what they were trying to do. However, I would suggest that rather than leaving language like that to the back end, you do it at the front end. You say, “This is the proposed legislation that is before Parliament. It is being discussed in the House. It's being debated at committee.”

● (1215)

**Mr. Scott Simms:** I don't mean to cut you off. I totally agree with you, because I was particularly appalled a few years ago, in 2014, when the headline was “Harper gov't spending funds on ads for measures still 'subject to parliamentary approval'”. Their ads were basically saying that these tax breaks were coming, but right at the bottom they said, “subject to parliamentary approval”. I didn't like that, and I'm sure you didn't either, when it was happening.

In this particular case, when the police made the correction, I guess you'd call it an admission of guilt, that they did something wrong. We're going to have the minister here to get his explanation behind it, but to a great extent, yes, I do agree with you. Not to get into the weeds about the issue, but I think in this particular case.... I don't want to discourage people who work in the public service from practising due diligence and being prepared. As I was angry with Stephen Harper for the ads that he did, because they were misleading, in this case it is misleading too.

But again, it's the intent that bothers me. If the intention, as it was in 2014, was to say, “This is going to happen. We have the majority, so what are you worried about?”, then that's not right. But if this is due diligence that the public service is doing, then good on them. Just don't pretend, as in this case, that it's going to happen.

We'll ask the minister when he gets here.

**Mr. Glen Motz:** That's fair enough. I think the minister has a lot to answer for with respect to this. It's important to recognize as well that when you are making a statement or putting out a publication that impacts thousands of Canadians and that can make them believe that they could become criminals overnight—their understanding

was that if they didn't comply, they would be criminalized—then it's important that there be some understanding at the front end of that.

**Mr. Scott Simms:** Sorry, this is a sincere question. Is that the language they used?

**Mr. Glen Motz:** No, but there were repercussions from what they were suggesting, that this will be in effect and it will have this impact—and it was still being debated in committee.

**Mr. Scott Simms:** Did they suggest something, or did they say, “These are the rules that will be in place”? There are no ramifications to it—or there will be, of course, but they didn't allude to the fact that people will be punished. Is that right?

**Mr. Glen Motz:** No, but every.... The Canadian firearm-owning community is the most responsible of the Canadian public. They know, and they're the ones with all the rules.

**Mr. Scott Simms:** Was that mentioned on the website?

**Mr. Glen Motz:** Pardon me?

**Mr. Scott Simms:** Was that mentioned on the website?

**Mr. Glen Motz:** Was what mentioned?

**Mr. Scott Simms:** That they are the most responsible.... Listen, I'm a gun owner myself. I consider myself to be quite responsible, as most of them are, no doubt about it.

I'm trying to nail down the intent of this. I don't think they were out there to deliberately mislead people. Do you really think the Mounties did that?

**Mr. Glen Motz:** I have some suspicions, but I really think that it's the responsibility of this committee to find out by asking and seeking evidence.

Who authorized it? What was the intent behind it? Whom you call as witnesses could be critical, sir, to the finding of the fact and whatever conclusions you want to draw. I think the most important thing is to make sure it doesn't happen again, regardless of whether it was an honest mistake and there was no intent to mislead, as your contention was, or whatever words you chose to use.

**Mr. Scott Simms:** I totally agree.

**Mr. Glen Motz:** That's the responsibility, I think, of this committee. I'm not here to presume the will of the committee.

**Mr. Scott Simms:** But you're making a presumption on intention. I got the feeling that you were making the presumption that the intention was bad. In the first sentence, the word “arrogance” was used. I'm not sure if arrogance was really the right word. At this point, the minister hasn't even been in yet. Don't you think that's rather presumptive?

**Mr. Glen Motz:** No, I don't at all, actually. I think it's completely evidenced by the—

**Mr. Scott Simms:** Do you mean that the arrogance is evident?

**Mr. Glen Motz:** I was being very polite. The responses that I'm getting from constituents, from Canadians, on Bill C-71 are not as politically correct as that.

**Mr. Scott Simms:** Would you be offended if I said that your opinion was arrogant?

**Mr. Glen Motz:** Not at all.

**The Chair:** Mr. Simms, your time is up.

We'll go on to Mrs. Kusie.

**Mrs. Stephanie Kusie (Calgary Midnapore, CPC):** Thank you very much, Mr. Chair.

Glen, thank you so much for being here today and presenting this case to the House, but also for your bravery in being here, especially as a former law official. It must be very hard for you to stomach that people who come from the same profession of which you were a proud part for so long were part of making such a grave error.

I'm interested whether you could give me an idea of how many stakeholders contacted you regarding this slip of information that occurred on the website.

• (1220)

**Mr. Glen Motz:** I have no idea how many I personally received at the office. I haven't tracked them.

**Mrs. Stephanie Kusie:** But they contacted you.

**Mr. Glen Motz:** Yes.

**Mrs. Stephanie Kusie:** What would you say were their concerns when they contacted you? What types of things did you hear on the phone and in emails when you received these communications about this misinformation on the website?

**Mr. Glen Motz:** From a lot of fronts, it was quite clear that they were confused. The overarching conversation was, "I thought this was still being debated. I didn't realize that it had been passed. What's happened?" There was confusion. There was angst in the firearm community, especially those who were going to be impacted by what the bulletin had suggested.

I think it is most unfortunate that whoever it was and however the decision was made to post this information with the definitive language that was used, it created an opportunity again for Canadians to discredit the national law enforcement agency.

**Mrs. Stephanie Kusie:** Absolutely. I couldn't agree with you more.

How would you describe the emotions of the people when they contacted you? My goodness, under this misinformation, this penalty potentially carries the punishment of five years in prison. I can't imagine waking up one morning and reading some information that overnight potentially subjects me to five years in prison. What were their emotions when they were contacting you? You mentioned some confusion. Was there some fear as well?

**Mr. Glen Motz:** Yes. First of all, many Canadians, including the law-abiding gun-owning community, are quite concerned about the ramifications of Bill C-71 and what it doesn't do for what we're trying to tackle, which is a gang and gun issue in this country, gun

violence and gang violence. They're already concerned about the misguided approach that the government is taking with that.

Add on top of that the confusion that suggests we are now.... They didn't understand the process that they've circumvented Parliament. They were saying, "I thought you guys were still talking about this. Now I'm in a panic. Am I going to be a criminal overnight?"

**Mrs. Stephanie Kusie:** It's a good word.

**Mr. Glen Motz:** So there was concern. There was confusion and concern in the firearms community.

**Mrs. Stephanie Kusie:** I really thank my colleague, the honourable member for Coast of Bays—Central—Notre Dame, for bringing up the advertising case. I would say there are some major discrepancies, though, between that and this. I mean, the RCMP is just law enforcement. They can't presume the law. But I also think it's very important to point out that that case, in its ruling, wasn't determined to be *prima facie*, and that this one in fact was. That is a major differentiation between the two.

Mr. Motz, I would also like to point to the historic ruling of Speaker Fraser, which was 30 years ago now, as follows:

This is a case which, in my opinion, should never recur. I expect the Department of Finance and other departments to study this ruling carefully and remind everyone within the Public Service that we are a parliamentary democracy, not a so-called executive democracy

—you made reference to this potentially being an executive decision—

nor a so-called administrative democracy.

In your opinion, do you think something like this should ever happen again?

**Mr. Glen Motz:** Well, I think it's quite honestly the responsibility of this committee to find out why it happened, how it happened, and how to ensure that it doesn't happen again, because it does, in my opinion, rattle Canadians' confidence in Parliament and their ability to trust government. Again, I think it's a huge affront to democracy. Regardless of the intent behind it, it's something that this committee is now charged with trying to find a cause for, and then ensuring that steps are taken to ensure that this current government and any future government, and all future ministries and departments moving forward, have a very clear direction and understanding and guidance on how to ensure that it doesn't happen in the future.

• (1225)

**Mrs. Stephanie Kusie:** Thank you.

I will add that Speaker Fraser, and this was not in a *prima facie* case, went on in his ruling to state this:

I want the House to understand very clearly that if your speaker ever has to consider a situation like this again, the Chair [may] not be as generous.

Would you say, Mr. Motz, that the committee should in fact go to any length and take as long as is necessary to determine how and why this happened? Do you feel we have an obligation to the Canadian public to do that?

**Mr. Glen Motz:** Again, I don't want to presume the will of the committee, but I think it's critical that this committee recognize the importance of the study that's before it and recognize that, as I said, it isn't about this incident. It's clearly not about just this incident. It's about a broader issue, a larger thing that other speakers have had to contend with and that we know causes confusion to the public and undermines the authority of Parliament and elected officials. It's really through Parliament, as we all know and we all understand here, that we are the voice of Canadians when we're here. When anybody—bureaucratic officials or departments or ministers—circumvents that process, then really the voice of Canadians is no longer heard.

So yes, I think it's incumbent upon your committee to ask as many questions as you need to ask and find out from as many witnesses as you can about this situation—how to prevent it from happening and what to do about this current one as well.

**Mrs. Stephanie Kusie:** Thank you, Mr. Motz.

**The Chair:** Thank you very much, Stephanie.

Mr. Christopherson, go ahead.

**Mr. David Christopherson (Hamilton Centre, NDP):** Thank you, Chair.

Thanks very much, Glen. I appreciate your coming in.

I have to say that, like a few people here, I've been around the bush on this one, both here and also in a previous life at Queen's Park. We had a very similar thing. Scotty, you and I have been down the road on this a few times. I very much liken this kind of issue to the MPs' access to the House. The principle is a really big deal.

That's why whenever there is a prima facie case that members may have been held up in accessing the House, usually with the buses—that's the usual place where we have a problem—then we get into the details of it and find out just how much skulduggery is behind the incident that happened. I see this very similarly. The principle is a really big deal.

No government or entity or agency of government has the right to purport to the Canadian people that something is the law if Parliament hasn't passed it. I don't care how big your majority is; only Parliament can pass laws. Since it's not automatic—not everybody is a robot, and people can vote the way they want in the moment—it's not the law until it's the law.

I see this the same way. I have a real concern. With my background as a former Ontario solicitor general, the involvement of the police and their role in society and government, that interface, is an area that I have some interest and experience in, so I understand the severity of why you brought this forward.

I'm very much with Mr. Simms, Chair, in that a lot of this is going to turn on intent. It did happen, so the government has to take the hit for the fact that it happened. We want to hear some appropriate bowing and scraping about how it's not going to happen again.

But whether the government conspired with the RCMP to deliberately mislead the Canadian public or whether it was a comedy of errors remains to be seen. I think we're in the right place. I

think that it was appropriate that this matter be sent here. It is a big deal. We need to treat it as a big deal.

I'm very much looking forward to our second meeting, where we will have the other side, if you will—there are always two sides—to get a sense of how close we are to conspiratorial action versus a bunch of clowns. To me, that will be the determination of how much time and how much effort we should spend going forward.

I don't really have any questions for you, Glen. I thought you made your case very clearly, very articulately. You backed it up. I have no questions for you, but I would afford you, if you wish, an opportunity to take the floor and clarify any other points you wish.

• (1230)

**Mr. Glen Motz:** Thank you, Mr. Christopherson. I appreciate your comments, and I would agree with them. I think it's fair to suggest that this committee, as has been suggested, needs to look at this in totality. It is similar to other cases in which contempt of Parliament has been upheld. I think this doesn't impact just me as an MP. This impacts the Canadian public in a way that's a little different, in that there were actions that could have been taken.

Regarding the intent behind this, whether it is, as you put it, a comedy of errors or some willful suggestion, I must make it very clear. I have many current and former members of the RCMP who are great friends and great police officers. I don't believe for a moment that behind all of this.... This is not in any way designed to malign the RCMP. There's nothing that could be further from the truth; that is not my intent.

But I think it's important to recognize that Bill C-71 gives the RCMP some reclassification authorities that they never had previous to Bill C-71. The Canadian public is suspect of that. When they see that an institution of the Canadian government—which is law enforcement, the RCMP—is even presumptuous in its language or believing that this is going to happen, it brings that organization into disrepute even more and discredits it. That's unfortunate.

We're here to ensure that the public institutions we hold true in this land have the confidence of our constituents. However this happened, which I'm confident this committee will certainly find out, it's important that there be mechanisms, checks and balances, that are placed there to ensure that those confidences can be maintained, that there are boundaries that bureaucrats and the agencies they answer to can follow, and that they clearly understand what those might be.

**Mr. David Christopherson:** Very good. Thank you, Mr. Motz.

Thank you, Chair.

**The Chair:** Thank you, Mr. Christopherson.

Now we'll go on to Mr. Bittle.

**Mr. Chris Bittle (St. Catharines, Lib.):** Thank you so much, Mr. Chair.

I'd like to thank Mr. Motz for bringing this to the committee's attention.

I agree with Mr. Simms—and I'll carry on for him—that this is a particularly troubling issue, and something that the committee should be looking into. Mr. Motz, Mr. Christopherson, and everyone who has spoken here are correct: Parliamentary privilege is important and needs to be maintained, and if there is a breach of that, that's something to be discussed.

Like Mr. Simms, though, I will be focusing more on the issue of intention. I'll start with a simple question. Would you agree with me that the RCMP is an independent agency that the minister does not govern the day-to-day affairs of?

**Mr. Glen Motz:** Yes, the RCMP is an independent agency that answers directly to the Minister of Public Safety.

**Mr. Chris Bittle:** Okay. We're on the same page.

I was looking through your Wikipedia page when you got here. The interesting thing about this workplace is that we all have Wikipedia pages about us.

I'm very much impressed by your background and your years of service with the Medicine Hat police force, your Order of Merit, and that you retired as an inspector in the department.

Having been a lawyer in my time, I've represented a police service and I've also represented a police association, two different ones. Mistakes happen in those agencies.

I'm sure mistakes happened during your 35 years in the police department—not necessarily your responsibility. In those 35 years, how many times did you blame the mayor's office or the police service board for a day-to-day mistake that happened in the Medicine Hat police department?

•(1235)

**Mr. Glen Motz:** Well, the mayor's office and the police board are not responsible for the operations of the police service.

**Mr. Chris Bittle:** But it reports back. The police department is answerable to the mayor's office and the police service board, similar to what we just described with the RCMP.

**Mr. Glen Motz:** Yes, I think that if there was any blame, from an administrative perspective, we certainly looked to government to blame many times, and I was on that side of the fence for issues on legislation, but I see where you're going with this.

It's fair to suggest that if the mayor's office or the police commission—in our province, it was police commissions—wanted our police service to respond to something specific in our community, then we took the direction from that police commission.

**Mr. Chris Bittle:** Okay, but that wasn't on day-to-day issues, and they didn't tell you what to report.... They told you what they wanted to see in terms of reporting back, but not in terms of day-to-day issues.

I guess what I'm getting at.... There's a valid question here to be discussed, but I'm concerned that this is an opportunity to take a swing at the minister and to question his integrity without evidence—ironically enough, using parliamentary privilege, because you're saying it in the committee and not out in the hallways.

It would seem to me that this alternative.... On the one hand, you said that it seems like a technical issue, and maybe it is a technical

issue, but on the other hand, potentially there is a broad conspiracy where the Minister of Public Safety presumably notified the acting commissioner of the RCMP, who notified someone else, who notified someone else, who notified someone else, who notified the person in charge of the website. I'm guessing that person is pretty low in the hierarchy of the RCMP. I doubt the commissioner of the RCMP changes the website.

So you potentially have 10, 20, 100 people involved in this conspiracy, and in Ottawa, as would be the case in Washington or any other capital, those things don't stay secret. Are those the two options, that it was a technical breach or that there is a vast conspiracy between the Royal Canadian Mounted Police and the minister's office on this particular issue? I don't see any other option. It's either one or the other. Do you honestly believe that there's a conspiracy?

**Mr. Glen Motz:** What I believe doesn't matter to this committee.

**Mr. Chris Bittle:** I'm sorry?

**Mr. Glen Motz:** What I believe actually happened shouldn't matter to this committee. The facts you uncover should matter to this committee. The evidence you uncover as to exactly how this was allowed to happen is what's important. Do I have suspicions? Yes.

**Mr. Chris Bittle:** You have suspicions of a conspiracy.

**Mr. Glen Motz:** No, I didn't say that. You said that.

**Mr. Chris Bittle:** Then what's the suspicion?

You questioned the integrity of the minister. You have these suspicions without any evidence. You now say that your opinion doesn't matter, which it should because you're the one bringing this case forward and you're the one questioning the minister's integrity without any basis.

Clearly there's an issue on privilege, and we all agree. But where is this coming from? What's involved here at the end of the day?

We're here. We want to hear what you think. The Speaker agreed that there is an issue based on your report, based on your concerns to the Speaker. But is it a technical breach, or is it a vast conspiracy? It's probably a technical issue. If you say you have suspicions, what are your suspicions?

**Mr. Glen Motz:** The committee's responsibility is to find out if the RCMP, the Canadian firearms program people, is responsible—

**Mr. Chris Bittle:** Yes, I understand the committee's responsibility. I'm a member of the committee.

**Mr. Glen Motz:** Let me finish, and I could answer your question.

**Mr. Chris Bittle:** No, no. Mr. Motz, I have only seven minutes, and I'm running out of time. I'll ask it straight out. What is your suspicion?

I know what my role is. We have to find the facts.

What is your suspicion that we should be going to find the facts about? Should I be asking questions about a vast conspiracy involving hundreds of people to change a line on a website, probably contrary to law?

**Mr. Glen Motz:** It is fair to suggest that the people in the Canadian firearms program are not going to presume anything unless they're directed to do so.

**Mr. Chris Bittle:** For the record, then, you believe there's a conspiracy—

• (1240)

**Mr. Glen Motz:** No, that's not—

**Mr. Chris Bittle:** —handed down from the minister straight to the RCMP commissioner's office.

**Mr. Glen Motz:** No, no, stop. That's not at all what I said.

**Mr. Chris Bittle:** It's one or the other, Mr. Motz.

**Mr. Glen Motz:** That's not at all what I said.

**Mr. Chris Bittle:** You make these suggestions—

**Mr. Glen Motz:** Don't put words in my mouth, Mr. Bittle.

**Mr. Chris Bittle:** Mr. Motz, I have the floor.

You make these assumptions. You cast these aspersions. You have no evidence. And at the end of the day, you're still suggesting that maybe there's a conspiracy.

I see I'm running out of time.

**The Chair:** You're out of time.

**Mr. Chris Bittle:** Maybe you should go into the hallway and suggest that the minister is involved in these things.

**The Chair:** That's your time, Mr. Bittle.

**Mr. Glen Motz:** You can ask him here.

**The Chair:** We will now go to Mr. Nater for five minutes.

**Mr. John Nater (Perth—Wellington, CPC):** Thank you, Mr. Chair.

Thank you, Mr. Motz, for joining us.

I might follow up a little on what Mr. Bittle was going on. Do you think there's a process in place within a government department for approval of notices and information that go out to the public? Do you assume there's a process that ought to be followed, and could there perhaps have been a breakdown in this process?

**Mr. Glen Motz:** Absolutely. Let's look at this.

This is the bill of the Minister of Public Safety. Bill C-71 was his. It's his push to get it through, with time allocation in the House and a rush to get it through committee. Again, the committee did not allow for any amendments of any substance that were going to change the consequence of the bill.

It's fair to suggest that there was.... They're not going to be blind to the way government and the departments work. The people who put the information on the website got their direction to do it from somebody. The choice of language was not.... Was it an oversight? These are pretty bright people who clearly understand the implications.

I think they were under the impression that it was going to happen, either that or they were wilfully blind to the fact that it was still before Parliament, still before committee. It hadn't even gone to third reading, and hadn't been to the Senate.

People can suggest what they want to suggest, but the minister and his department are responsible for the communication on this bill and how it's acted out by an agency responsible to enforce it, which is the RCMP.

**Mr. John Nater:** It would be worthwhile for us to look at that approval process, look at how communiqués or bulletins are approved, and find out where in that process there was a breakdown in communication.

**Mr. Glen Motz:** I think that would be more than fair, Mr. Nater.

**Mr. John Nater:** I appreciate that.

I want to follow up. It's been mentioned that you have an extensive background in policing, as an inspector. From your police background, when information like this is circulated, which at the very least causes confusion, what kind of effect does it have on a policing community, on a law enforcement community, and on those who are going to be interacting with the law enforcement community?

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

**Mr. John Nater:** Now, certainly when the Speaker made the prima facie ruling, he noted that this was a slight against the authority and dignity of the House of Commons.

Certainly it falls to us to find out exactly what happened, why it happened, where the failure happened. But I'm curious as well whether we should be looking at hearing from certain witnesses who may have been affected by this or may have potentially been impacted, as the target of these bulletins, by the information coming out. Do you think there should be some efforts to reach out to certain groups or organizations that could have potentially been impacted by this?

**Mr. Glen Motz:** I think that's more than fair. I think it's essential to call people who are impacted or were impacted to speak to that, and the confusion that was created by this mistake and what the consequences were.

The Canadian Coalition for Firearm Rights, the Canadian Shooting Sports Association and the Canadian Sporting Arms and Ammunition Association are groups that represent a large portion of the Canadian shooting public, the firearms-owning public, through their memberships. I think they can clearly speak to it.

Wolverine Supplies is a distributor of firearms in this country who could speak to the impact that this misinformation could have on that business directly, and then on the retailers down the line. It had the potential to impact not only Canadian gun owners, but also the businesses that make their business off that industry.

• (1245)

**Mr. John Nater:** Thank you, Chair.

**The Chair:** Thank you, Mr. Nater.

Now we'll go on to Ms. Sahota for five minutes.

**Ms. Ruby Sahota (Brampton North, Lib.):** Thank you, Mr. Motz.

In your previous testimony here today, during your interaction with Mrs. Kusie, there was some discussion of the impact that this posting on the website had on people in your community, people waking up the next day thinking that they were going to have to face repercussions.

Can you explain that to me a little more, what people in your community felt?

**Mr. Glen Motz:** This wasn't just my community. As you know, I had been involved in the discussions on Bill C-71, on social media as well as hosting and being involved in town halls and round tables for discussions on Bill C-71 with the Canadian public. As a result of those activities, there were many people following some of our social media feeds.

We received feedback from them, and other offices were also receiving information. I guess it would be fair to suggest that there was confusion. They were hearing that we were still debating this issue, and yet the RCMP was saying that it's going to happen: "It's happening now. You will have to do this. You will be doing this", specifically about aspects of Bill C-71. So, yes, there was confusion and there was alarm. It's something that obviously we want to try to prevent.

**Ms. Ruby Sahota:** Absolutely. I can see the changes that have been made to the site since the time that you brought up this matter. But even in the original text, although it didn't state "proposed legislation" every step of the way—I guess those are the amendments that they made—in the general information section it did still list it as proposed legislation. It also indicated that the order would "provide protection from criminal prosecution for possession of these firearms until February 28, 2021", which is many years out, while the government implements measures to address continued possession and use.

There was an amnesty within that, and it would be a long time before any kinds of criminal prosecutions would take effect. That was listed right at the outset of what was online.

The reason I'm bringing this up is that it's going back to the issue of intent. What was the intent, and was it malicious? Was this done in order to scare people? Was this done from above to below, or was it an error that was made down below and then corrected?

What is your feeling on that? They included that right in the general information section. I think they could have done a little better, but do you think, as my colleague suggested, that their intent was some kind of conspiracy from above? Do you think their intent

was to make people feel that they were going to be prosecuted under a law that hadn't been enacted at that point?

**Mr. Glen Motz:** Absolutely not. I want to make it very clear, again, that I don't believe there's any malicious intent on anyone's part. Mr. Simms took an exception to my choice of words, the word "arrogance".

If the Canadian public had any comment back to me, it was the apparent arrogance of believing that because of a majority this is going to happen anyway, no matter what happens. No one's going to stop what we want to do. It's going to happen, so let's just tell the public it's going to happen. That's the anger the Canadian public is up in arms about. They're saying that that's not democracy at all.

**Ms. Ruby Sahota:** Is it possible to have that type of thinking within the department and within the RCMP? Is it possible that the RCMP, as my colleague suggested, was trying to prepare for a possible outcome, and therefore alerted the public to things that may be coming? Is that possible at all?

• (1250)

**Mr. Glen Motz:** Absolutely. I applaud them for being proactive in their approach and the language they use.

To use your statement just from a minute ago, Madam, I think it's fair to say that maybe even in departments there is the presumption that it's going to happen anyway, so they can just go ahead and start doing it even before it's passed. The role of this committee is to try to say, "Hold on a second. You can say, 'If this is passed, these are some of the things...'" With some of the laws we're working on, it will take time for people to make adjustments. Being proactive in that... No one's faulting the RCMP for being proactive.

The issue here is the presumption that it's been passed in Parliament when it has not, and the confusion it caused. Where did that come from? Where does that mentality come from? Does it come from an attitude? Does it come from a systemic issue? I don't know. That's one of the things that we have to try to prevent from happening.

I don't suggest for a moment that there was any malicious intent or a conspiracy, as Mr. Bittle suggested, or that somebody was saying this. I just think there is potentially a systemic challenge that governments, departments and public servants can have that clouds the reality of the role of Parliament. We need to be mindful of that.

**The Chair:** Thank you, Ms. Sahota.

We'll now go on to Monsieur Paul-Hus.

[Translation]

**Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC):** Thank you, Mr. Chair, for allowing me to participate in the committee.

I'd like to start by setting some things straight. This is the Standing Committee on Procedure and House Affairs. What is happening right now is an inquisition of sorts to determine whether our colleague, a parliamentarian like each of us, raised a point that merits this committee's consideration. My colleague never attacked the minister. We aren't here to attack anyone or play politics. Rather, we are here to determine whether there was an error in procedure and whether this incident led to consequences. This incident could have involved a different issue, but as I understand it, this is the first time that something like this has happened and that the Standing Committee on Procedure and House Affairs is looking into it. It is clear to me that impugning Mr. Motz's motives is misguided on your part. If that's not what's happening, here, the fact remains that you've all asked questions to that effect.

As vice-chair of the Standing Committee on Public Safety and National Security, I worked on Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms. We proposed 46 amendments to the bill, to address such issues as the June 30 cut-off, which is in question here. In light of the trouble gun owners had in terms of their understanding, we proposed a change.

We aren't talking about lobster traps, here. We are talking about gun owners whose firearms are going to be classified as prohibited. June 30 is an important date. The RCMP posted, on its website, information for the public indicating that June 30, 2018 was the cut-off date. The legislation has not even been approved by Parliament. Privilege is therefore at issue. Privilege affects not just members who belong to the Conservative Party or the NDP. Privilege also affects Liberal members, who are parliamentarians and have a duty to consider the fact that a problem has occurred in this case. In other words, no matter which side of the table members are on, it is incumbent upon them to examine this problem. Right now, you could all care less about what I'm saying as you look down at your iPhones, but the fact remains that this is a problem, one that won't be solved by impugning Mr. Motz's motives.

First, the committee has to figure out where the directive came from, if there was indeed a directive. Did it come from the minister's office, yes or no? It's a simple question.

Next, the committee has to determine whether the RCMP has a practice of posting information before it even becomes law. If the RCMP is following a procedure that isn't appropriate, the force must be asked to change it, simply put. The only goal is to fix a problem that has been identified. The idea isn't to put anyone on trial. If the problem ends up being political, the responsibility will fall on the minister. If not, all the better.

That means the committee has to speak with the RCMP. The RCMP commissioner's mandate letter, which was presented by the minister, is clear. The minister asked the RCMP commissioner to change the force's practices in a number of areas. This may be one of the issues that the commissioner will have to address.

The big problem is that, for the first time, the committee has to deal with a case like this, one involving firearms. As I said, we aren't talking about lobster traps or fishing on the high seas. We are talking about firearms. Canadians could have been impacted. Indeed, some people worry that, because of the information the RCMP posted,

they won't be able to retain their firearms under the grandfather clause. This could have caused people problems.

I think my colleague made an important point. This is our privilege as parliamentarians. If we don't think a breach of privilege has occurred, we can call it a day and let the public servants carry on. If we aren't able to get to the bottom of the matter, what purpose do we serve? Absolutely none.

Do I still have time, Mr. Chair?

• (1255)

**The Chair:** You have two minutes left.

**Mr. Pierre Paul-Hus:** I'm not a regular member of the committee, and I think I'd have problems if I were. When all is said and done, an important public safety issue was identified. We are talking about the management of firearms.

Mr. Motz, is the goal to put the minister on trial, or is it actually to get a clear answer as to why this happened?

[English]

**Mr. Glen Motz:** Thank you for your comments and your question.

Not only do parliamentarians need clarity around what happened and an understanding of the steps that were taken or not taken for this to occur, but I think Canadians deserve this. This institution is our democracy in this country, and it's a model for the world. We need to take that seriously, and I know this committee will. In the moments that are left, it's important that beyond any apology that seems to be able to satisfy inquiry on these things, should that be the will of the committee, I think we need to look at how to prevent this from happening again.

In this circumstance, it affected the firearms community. In the next circumstance with a publication from government, it could be anything we can imagine that this Parliament deals with. As parliamentarians, we need to be concerned that the role of what we do here as legislators is not undermined or usurped.

**The Chair:** Thank you very much.

The Liberals have ceded their next spot to Mr. Christopherson.

**Mr. David Christopherson:** Oh, how kind. That gives me an opportunity to raise the issue I raised with you earlier, Chair, if I may.

**The Chair:** We have to finish this debate first.

**Mr. David Christopherson:** Can I hold my five minutes until then?

**The Chair:** We will bring that up at the end, but we will be leaving at 1 o'clock exactly.

Does anyone else want to go on with questions for this witness?

Thank you very much for coming, Mr. Motz. We appreciate it, and we will be continuing our study. It's great to have you here today bringing up this important subject.

**Mr. Glen Motz:** Thank you, sir.

**The Chair:** Mr. Christopherson just asked if we could go back to committee business for a couple of minutes, if it's okay with members of the committee.

**Mr. David Christopherson:** Thank you, Chair.

**The Chair:** We will be leaving at 1 o'clock, though, because another committee is coming in.

**Mr. David de Burgh Graham (Laurentides—Labelle, Lib.):** Are we going back in camera, or are we staying public?

**The Chair:** I guess we should....

**Mr. David Christopherson:** Well, it has to do with the public meeting. I'm in your hands. It's no big secret. I'm good in public. I'm more worried about the time than anything else.

**The Chair:** Okay.

**Mr. David Christopherson:** Here's the thing, if I can jump right in, Chair. I do apologize for not being here right at the top to deal with this.

We're bringing in Mr. Johnston as a result of the announcement today by the government. That's a good thing. But I have to tell you, Chair, we need the minister here. If this were legislation—which it's not because the government ran out of time—we would have the minister here to introduce the legislation, and then we would go from there.

This way, we're putting the cart in front of the horse, in that we're not dealing with the fundamental announcement that leads to why that person has a new appointment.

Could I ask the committee, without increasing time or anything, to agree that the minister should be here with Mr. Johnston to explain the commission, and then logic would have it that we could talk about the person who's actually being appointed the commissioner?

Could we do that, colleagues?

**Mrs. Stephanie Kusie:** We would be agreeable.

**Mr. Chris Bittle:** We can ask. Mr. Christopherson did come over beforehand and did ask. I said I would bring that matter forward. I don't have the minister's calendar, and the parliamentary secretary—

**Mr. David Christopherson:** Could we get the government members to agree, in principle, that the minister should be here, as if this were legislation, because it's brand new?

**Mr. Chris Bittle:** It's brand new, and I take your point, but on issues of appointments we haven't brought in the minister before. It's not something we've done in the past.

**Mr. David Christopherson:** It's a brand new entity. It's brand new.

If this were legislation, the minister would be here as a matter of course, but you guys so mismanaged your file on democratic reform that you ran out of time and now you have to do it by edict. At the very least, the committee should have an opportunity to talk about it, given how much time we spent on our report, the very report the minister seems to have conveniently ignored and run roughshod over.

We are ticked about this, and we at least need an opportunity to talk about the structure that's being brought in unilaterally. The only way we can do that is to respectfully ask the minister to please come, along with her appointee.

• (1300)

**The Chair:** Thanks, David.

I'm sorry. We have to go. There is a very important group coming in here. We'll have to continue this discussion.

**Mr. David Christopherson:** This isn't going away, just to let you know.

**The Chair:** Okay.

The meeting is adjourned.







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