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Chair

The Honourable Larry Bagnell

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• (1125)

[English]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): Good morning.

Welcome to the 129th meeting of the Standing Committee on Procedure and House Affairs as we continue to study 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 the Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness. He is accompanied by officials from the Royal Canadian Mounted Police, namely, Jennifer Strachan, Deputy Commissioner, Specialized Policing Services; and Rob O'Reilly, Director, Firearms Regulatory Services, Canadian Firearms Program.

Thank you all for coming today.

Just before we start, we have some short committee business from Mr. Christopherson.

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

I had an opportunity to talk to colleagues in both other caucuses and the government members. Mr. Bittle in particular was good enough to take the message the last time about asking the minister to come to talk about the new debate commission. My understanding is that Mr. Bittle has been successful in getting a message to the minister, and now back to us, that she is willing to meet with us at her earliest possibility.

Maybe, Chair, you could assume that there's unanimous support for us to organize that, and the clerk can work with the minister's office to arrange that at the earliest possible time. I thank both Mr. Nater and Mr. Bittle for letting us get past the issue of whether the minister should come or not—it's a side issue—and now we can focus on the substantive matters at hand. I thank Mr. Bittle for his efforts on his behalf.

Thank you, Chair.

The Chair: Thank you.

It's time for your opening statement, Mr. Goodale.

Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness): Thank you, Mr. Chair and members of the committee. Thank you for the opportunity to appear on this subject matter today, the question of privilege raised by Mr. Motz.

As you pointed out, Mr. Chair, I'm accompanied by Deputy Commissioner Strachan and Mr. Rob O'Reilly, Director of Firearms Regulatory Services within the Canadian Firearms Program.

I'm sorry our time is a bit constrained this morning because of the vote in the House, but the House is the House.

For me as Minister of Public Safety and Emergency Preparedness, my key priority is ensuring the safety of all Canadians, and their confidence in the integrity of the government agencies that fall under my authority as minister. This includes the accurate use of departmental platforms to communicate information about all legislation, but in particular for the purposes of today, about Bill C-71. The subject matter is something that's important to me, Mr. Chair, because, as you will recall, in my previous roles, I have been a House leader in both the opposition and the government side, so procedure matters.

As outlined in the document entitled “Values and Ethics Code for the Public Sector”, government agencies have a fundamental role in serving Canadians, their communities and the public interest under the direction of the elected government and in accordance with the law.

Government agencies are to operate with the knowledge that legislation comes from Parliament and no other authority in Canada. That being the case, it is essential that these organizations continue to accede to the legislative process. All government agencies, including the Canadian firearms program and the RCMP, are expected to demonstrate respect for Parliament's privileges and to act with integrity. Integrity alongside transparency and accountability are the cornerstones of good governance and democracy.

I would like to take this opportunity to reaffirm categorically that the Canadian firearms program and the RCMP fully respect the authority of Parliament and the legislative process.

The mission of the Canadian firearms program is to enhance public safety by reducing the risk of harm from the misuse of firearms. To support these objectives, the Canadian firearms program uses online bulletins and website updates to communicate any changes in requirements to stakeholders as well as the general public.

Web updates are posted to inform about topics such as changes to the firearms licensing regime, modifications to the transfer process, revisions to classifications, changes to requirements for business and much more. These online updates are important to increase awareness among legal firearms owners and to increase compliance with the Firearms Act and the associated regulations.

On May 8, 2018, updates were made to the CFP website to inform individual owners and businesses in possession of certain Swiss arms or Česká Zbrojovka model 858 firearms that classification changes had been proposed under Bill C-71.

As only certain Swiss arms and CZ858 firearms would be impacted by the proposed classification changes, the Canadian firearms program included information on the website to assist clients in determining whether their firearm would be impacted by the bill as introduced in the House, presuming that the legislation was finally enacted by Parliament.

The focus of the information was to provide an explanation of actions that would need to be taken by individuals by June 30, 2018, in order to be eligible for the proposed grandfathering provisions that were outlined in the draft bill. Information was also posted for Canadian businesses, as the regime proposed by Bill C-71 would have an impact on businesses that had firearms in their business inventory after June 30, 2018.

The objective was to allow these individuals and these businesses to be prepared and to avoid anyone inadvertently finding themselves in contravention of the law once it was passed. The updates related to Bill C-71 were done in good faith, and they were intended to encourage awareness and to educate stakeholders.

Following the publication of the information, concerns were flagged to the Canadian firearms program by the media and by other concerned citizens pertaining to the language that had been used in the web content to describe the status of Bill C-71. To immediately address those concerns, the Canadian firearms program consulted with relevant stakeholders and made revisions to the web content on May 30, 2018.

Following the question that was raised by the member for Medicine Hat—Cardston—Warner in the House, a further review of the website was undertaken and a complete set of edits was posted on July 3, 2018.

The language of the initial web content on Bill C-71 was not intended to assume the passage of the legislation, contravene the legislative process, or undermine the authorities of Parliament. The revised web content removed potentially misleading language and clarified the status of Bill C-71.

Mr. Chair, I believe the RCMP made good faith efforts to inform Canadians about the impacts of the legislation should Parliament pass it in its current form. Those impacts needed to be outlined for Canadians before the legislation was actually passed, as decisions would have to be made by those Canadians before the bill received royal assent. However, the website's original postings did not sufficiently convey the fact that Parliament was still considering Bill C-71 and that changes could be made to it.

We can see from the first update that the answers to the Q & A were changed to reflect what would happen if Bill C-71 were to be passed in its current form. In the second update, you can see that the questions in the Q & A were also revised and corrected.

Just as an example of this, Mr. Chair, in the original posting, the website asks how Bill C-71 affected individuals, and it answered that Bill C-71 would affect your CZ model 858 firearms in one of three

ways. The second iteration of that same point contained a question from an individual trying to determine if his Swiss Arms or CZ model 858 would be affected by Bill C-71. In answer, the website stated that the information there was intended to provide guidance to firearms owners should Bill C-71 become law.

The final version, Mr. Chair, read as follows:

How would Bill C-71 affect individual owners of Česká Zbrojovka (CZ) and Swiss Arms (SA) firearms?

Bill C-71 proposes changes that would impact some firearm owners in Canada. The information outlined below is intended to provide guidance to CZ/SA firearm owners should Bill C-71, as introduced in the House of Commons on March 20, 2018, become law.

You can see through those quotations the evolution of the language.

In endeavouring to keep Canadians as up to date as possible about the implications of legislation before Parliament, the RCMP did not sufficiently advise them that Parliament had yet to pass those changes. I believe, Mr. Chair, that it was an honest error and one that the RCMP corrected through the two updates to the site that I have referenced.

We apologize for the mistake and for any misunderstanding that resulted. We continue to be committed to providing Canadians with important information related to the requirements for firearms ownership in Canada. We commit to ensuring that this information will use clear language and accurately reflect the legislative process.

• (1130)

Finally, I would like to acknowledge the members present here today who brought this issue to the attention of the House and who spoke to the issue as parliamentarians. You have defended the legislative process and emphasized the continuing importance of transparency and accountability in government agencies. I thank you very much for that.

• (1135)

The Chair: Thank you, Mr. Minister.

We'll go on to the first round with Mr. Simms.

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

Thank you, Minister and your officials, for coming.

The other day when we had Mr. Motz here for his testimony—it's his motion as you know—I started my line of questioning by offering an opinion. Shocking, I know.

My opinion was essentially about the fact that I'm very interested in measuring one's intent as opposed to one's actions. I'll preface that by saying that we deal a lot with Elections Canada here. If Elections Canada did not go through the motions of what was pending, then we would be in quite a bind if, preceding that election, working our way up to it.... There's a lot of groundwork to be done.

This particular situation is not divorced from that. I have a lot of gun owners in my riding, and the laws change. They go from registry to no registry, amnesty to no amnesty, and so on. Sometimes it's hard to keep up.

I appreciate the fact that you exercised due diligence to get this information out as quickly as possible so that people will be ready for it. I agree with you that the language used was insinuating something that did not exist. That's why I'm trying to think about the intent of this.

Mr. O'Reilly, could you talk about my comments? Was there an intention to do this? When was it brought to your attention that there is a method by which we pass legislation in this country and therefore we should defer to that when we're communicating what we do?

At the same time, I want you talk about the work you've done before Bill C-71 to get to that point.

Mr. Rob O'Reilly (Director, Firearms Regulatory Services, Canadian Firearms Program, Royal Canadian Mounted Police): As you can appreciate, there are many facets to Bill C-71. It is not the program's normal practice to speak to legislation that is before the House or the Senate. One element of Bill C-71 had the potential to impact firearms owners because of the date of June 30 that was written into the legislation.

Almost immediately after the minister rose in the House on March 20 and spoke to Bill C-71, the program started to receive telephone calls from firearms owners and individuals who were interested—if I can use that word—in these two particular firearms, the Swiss Arms and the Česká Zbrojovka, as my Polish colleagues tell me it is pronounced—and that is the last time I'll use that—the CZ.

We almost immediately started to receive calls after the March 20 date, and felt at that point that it was important to start providing some information to Canadian owners.

We started working on a—

Mr. Scott Simms: And you were cognizant of the coming into force part of the bill as well?

Mr. Rob O'Reilly: I was, yes, absolutely.

The program had been fairly involved with Public Safety in some of the early drafting of this legislation. I had appeared before parliamentarians with the minister on the night the bill was introduced. I was preparing for my appearance before SECU on this.

I was intimately aware of the evolutionary nature of the legislation, but we were faced with a growing need to provide some information that was increasingly starting to come into the program.

Mr. Scott Simms: Ms. Strachan, do you care to comment?

Deputy Commissioner Jennifer Strachan (Deputy Commissioner, Specialized Policing Services, Royal Canadian Mounted Police): I'll preface this by saying that I've been working with the program since September. A lot of dedicated colleagues there strive to provide 24-7 information for Canadians. Not everybody can call. Their goodwill and honest intent are to provide information, and to do so under maybe a bit of a time crunch, recognizing in their haste to get the message out, that perhaps the language wasn't as tight as it needed to be.

I think we're very regretful. The irony of that is that the whole intent of the efforts by the staff was to assist Canadians, not cause any confusion.

● (1140)

Hon. Ralph Goodale: Mr. Simms, I just ask to make a point. This is not the first time that a government has stumbled over the issue we're discussing today, and this applies to governments of all political stripes.

Maybe it would be useful if this committee could offer some technical guidance as to how public servants, when they're preparing public information that could anticipate legislation that has not received final approval by the House of Commons, should phrase themselves to make sure they are in fact being absolutely, precisely accurate.

Is there a form of wording that the committee would recommend for providing information in advance that public servants should use, to make it abundantly clear to Canadians that this is what would happen if the pending legislation were adopted? Maybe even through the use of technology there's some sort of coding that appears on a website that says something like "This information pertains to legislation that has not yet been enacted by the Parliament of Canada."

It's not just with this issue, but with many issues that have stretched back many years through several parliaments and several governments. Is there a way you would recommend that public servants should all be guided by the same sorts of principles, to make sure the public is accurately informed?

Mr. Scott Simms: Speaking of which, I'd love to, but apparently I'm out of time.

The Chair: Thank you.

Now we'll go on to Ms. Kusie.

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

Thank you very much, Minister, for being here today.

Minister, you elaborated quite significantly in regard to the "what", and I feel as a committee we have been very well briefed on what happened. I think the reason we're here today is to get to the "how" and "why" this happened. You indicated in your summary that you believe this was an honest error, and I would say—and I think my colleagues would agree—that when an error occurs, certainly we all feel sorry about things, but I think it's more important that we learn why, and most important that we ensure that these things never happen again.

I've certainly heard you say this, but can you confirm, please? Are you personally concerned with what has happened here?

Hon. Ralph Goodale: I want Canadians to be accurately informed about everything the government does, and I am indeed concerned when there has been confusion. Yes.

Mrs. Stephanie Kusie: I appreciate that. Thank you.

With that concern, would you say that you agree and that you support our getting to the bottom of this issue and, in doing so, putting forward advice to prevent this from ever happening again?

Hon. Ralph Goodale: I would certainly welcome that advice, as I just indicated to Mr. Simms.

Mrs. Stephanie Kusie: Excellent. What personal actions did you take, Minister, after the question of privilege was first raised in the House?

Hon. Ralph Goodale: Obviously, I recognized, once Mr. Motz had raised his point, that there would be a parliamentary procedure that would follow. This is part of that parliamentary procedure, and I am very anxious, through that process, to devise ways in which this kind of problem, which has affected many governments over many years, can be avoided in the future.

Mrs. Stephanie Kusie: Now, after the Speaker's finding of the prima facie contempt, the Government House leader's parliamentary secretary, Monsieur Lamoureux, told the House, "the government regrets that the situation took place and has taken steps to rectify it."

Can you elaborate in terms of the steps that were taken?

Hon. Ralph Goodale: I believe Mr. Lamoureux was referring to the revisions on the website that took place between the beginning of May and the first part of July, I believe it was, which I referred to in my remarks.

Mrs. Stephanie Kusie: You did. Thank you.

Were steps taken by any other department or central agency as a part of the effort to rectify the situation?

Hon. Ralph Goodale: I think what departments and agencies would be waiting for, in fact, would be the deliberations of this committee and any recommendations that you would make of a broad governmental nature, so that circumstances like this can be avoided in the future.

• (1145)

Mrs. Stephanie Kusie: What role do you personally play, Minister, in government publications with regard to legislative proposals you are sponsoring?

Hon. Ralph Goodale: The minister's office is obviously responsible for what the minister says and does. There's a very ample number of checks and rechecks in the system to ensure that when a news release is prepared, a speech is given or an answer is offered in the House of Commons, the minister is accurately reflecting the facts and accurately reflecting the position of the government.

In terms of the agencies within my portfolio, there is a huge volume of communication that those agencies do on their own responsibility and their own initiative. It's not possible for the minister to edit or control the content or the volume of that material; it is simply too voluminous. But it is important—and this is really, I think, the subject of the conversation today—not only for the minister to be sensitive to legislative proprieties but for all of the agencies to understand those proprieties as well and to govern themselves accordingly.

Mrs. Stephanie Kusie: Did you or your personal staff play any role in this government publication specifically, in addition to other bills before Parliament? Maybe you could comment on government publications in general and the role that you and your personal staff play on bills before Parliament, but also on this specific information that was improperly published.

Hon. Ralph Goodale: I know of no role that my staff or my office played in relation to this particular publication.

If you just understand the volume here, I think that in terms of the websites, for example, for the RCMP in conveying public information about a whole variety of things, there would be at any given moment in time 100,000 pages of material. It would not be physically possible, nor would it be appropriate, for a minister of the Crown to presume to edit the communications of the RCMP.

The RCMP is a very special agency that needs to have that degree of independence and the ability to communicate with Canadians directly without going through the filter of the minister.

Mrs. Stephanie Kusie: Okay. Then you deny absolutely that you or your staff had any role in reviewing or approving the RCMP documents that have brought us here today.

Hon. Ralph Goodale: I know of no such role—none.

Mrs. Stephanie Kusie: Do your public safety department officials play any role in reviewing portfolio agencies' publications about your legislative initiatives, Minister?

Hon. Ralph Goodale: When a communication is expressed in the name of the government or the ministry, then the minister has a very important role to play, but when the RCMP is speaking for the RCMP, that is their function, and the government doesn't presume to muzzle them or edit them or control their communications.

Mrs. Stephanie Kusie: Thank you, Minister.

The Chair: Thank you.

We'll go on to Mr. Christopherson.

Mr. David Christopherson: Thank you, Chair.

Thank you, Minister, Commissioner and Mr. O'Reilly, for being here.

If you'll indulge me, Chair, being in my last year—

Hon. Ralph Goodale: I have for years, Mr. Christopherson.

Voices: Oh, oh!

Mr. David Christopherson: After 35 years in public life, I'm now into my last year. A lot of things that I'm doing now are for the last time ever, and I'm grabbing those moments so that I don't let them go by. I want to take a moment and compliment Mr. Goodale on his role in politics.

You are a highly regarded, well-respected parliamentarian here and provincially. I've served provincially too. Aside from the role you're in today, you really are one of those who make Canada look good. I have a great deal of respect. You've been around a long time. I know what it's like to try to keep your head above water, the ethical lines to constantly, day after day.... You've done an excellent job in that regard. I admire your career. I respect you, sir, and I thank you for your service.

Now, having said that—

Voices: Oh, oh!

Mr. David Christopherson:—this is usually my favourite part, where I get to pivot and start firing.

• (1150)

Hon. Ralph Goodale: Yes: Apart from that, Mrs. Lincoln....

Voices: Oh, oh!

Mr. David Christopherson: I have to tell you it's your lucky day. You should buy a lottery ticket today, Ralph, because I've sat exactly where you have, but provincially, at Queen's Park. In the day, you were titled the Solicitor General of Canada. As the Solicitor General of Ontario, I sat exactly there. I had exactly the same relationship with the OPP as you have with the RCMP. I was listening intently to see if there was anything that just didn't wash in terms of my own experience, having walked down that road.

I have to tell you, colleagues, I'm open to it. I'm wide open to seeing whether there's something wrong—like, really wrong—but beyond the mistake, as it looks like it was.... I'll end where the minister ended—that is, where we go forward. I don't see anything showing that anybody was trying to do anything other than their job. If there's anything different from anyone, I want to hear it. I'm more than willing to pull that thread, because this is important. I have to say, though, that having now gone through this for the second go-round, I'm not seeing anything that would have us go any further.

Minister, again, I think at the last meeting I said we needed to see the appropriate bowing and scraping and hear that it won't happen again. You've done that, and that's appropriate. It's most appropriate that the executive recognize that Parliament is paramount. When the executive has violated the rights of Parliament, it's Parliament that has to hold the executive to account. In a proper democracy, that executive recognizes that they've been slapped on the wrist, by Parliament, and promise not to do it again. That's what happened, so as far as I'm concerned, I'm seeing a conclusion coming to this. If somebody can find areas where we should go on, though, I'm open.

I am interested in pursuing this idea. I was thinking about it, Minister, as you were going through this.

And, Commissioner, I was thinking about your role in all of this. There is that business of where the government sets out what they're going to do. The government then has a right to give an argument about what they're doing. Then there's the politics of things, where you're spinning things and there's all the stuff we do as politicians. It's perfectly legit. That's part of the process. But they're very distinct, and in this case those lines have crossed over.

So how do we do that? We've been here before. I've been here with this federally, as some of our colleagues have. I've been through this provincially. We've run into the same sort of thing, and the Speaker has come down, but I've never heard anybody offer a fix. Maybe we should take the minister's idea and at some point see if we can help suss it out: How does a government do that? How do they do those three things? There's the government that says what they're going to do; there's the bureaucracy that explains things and tells people; and then there's the politics of things.

If I had any concerns, it was with this idea or assumption that the legislation would go through unamended. That's not necessarily the case. That's getting a little risky. That's why the idea of how much spinning and explanation, and where that happens, is really

important, because it's only the beginning of the process. It's not the law just because the Prime Minister and minister say so. It has to go through, and it may not be the same thing at the end of the day. Given that Parliament is a free entity, it may not carry. You never know, even though there's full expectation there.

On that business of going forward, if you're explaining, how do you acknowledge—I'm now going down the sort of rabbit hole that you suggested we jump into, Minister—or how do you then start advocating for something as a bureaucracy when it could still be amended, which could take it into a whole other discussion? I think there's merit in pursuing this a little further, even if we just provide some dialogue, some language, or anything at all to further the ability to keep these things separate.

I don't have even one good table-pounding point to make, Chair, because the minister covered it all.

Having said all of that, I'm listening to colleagues, but I for one think we've come to the end of the road on this one. Other than following up on the suggestion of the minister, is there anything we can do to help Parliament and government prevent this from happening again?

Thank you, sir.

• (1155)

The Chair: Thank you.

Minister, do you have any response?

Hon. Ralph Goodale: First, Mr. Christopherson, thank you for your generous comments. I would return the compliment with respect to your career as you serve out the final months of your term in this Parliament.

I would just pursue the last point you were making. One suggestion would be to take advantage of technology. We're talking here about something that appeared on a website. Is there a way in which the website itself could signal, to anybody reading that particular page, that this has to do with pending legislation that has not been passed by Parliament? Maybe you include, on that website, an automatic invitation: "If you have comments to make, make them. Here's how you submit your views to Parliament. This is still an open matter. The law has not yet been passed. The rules have not yet been changed."

There may be something in a technological way. Maybe it's a different-coloured page that says you're dealing with legislation that has not yet been enacted.

The Chair: Thank you, Minister.

Now we'll go on to Mr. Bittle.

Mr. Chris Bittle (St. Catharines, Lib.): Thank you very much.

I'm going to keep my eye on the time, and I know Minister Goodale has to leave soon. I'd like to ask a couple of questions and then move on to the opposition so that they get more time, given the votes that have happened.

You mention the RCMP as a special agency. Is that with respect to its independence, between your office and the RCMP, and if so, could you touch on that a bit, please?

Hon. Ralph Goodale: Well, you can, I'm sure, make an argument about the specialness of almost every department and agency of the Government of Canada.

But certainly when you're talking about the national police force, a police force that is national, federal, international, provincial, municipal and indigenous, you're talking about one of the most complicated organizations in the whole apparatus of the Government of Canada.

Clearly, the independence of the police is an exceedingly important principle that has served our democracy very well. Ministers do not tell the police how to do their business. They do it, and they are accountable for how they do it. If the government, if the people, are not satisfied with the result, then you deal with the leadership of the force in terms of changing the commissioner at the top.

But that's the important principle about the RCMP. They are a police force. Canadians need to know that they function independently and that they enjoy the public's complete and absolute trust.

Mr. Chris Bittle: This will likely be my final question.

At the last meeting we heard from Mr. Motz, and I was a bit troubled, and I questioned him a great deal on it. There was the possibility that this was an honest mistake. Then Mr. Motz talked about the suspicion out there that something nefarious had happened.

I can only take from this that there could be two options in what the Conservatives believe happened: this was an honest mistake by the RCMP; or there was a vast conspiracy involving your office, top-down, directing the RCMP to change the website. It would involve, I imagine, dozens of individuals to make this couple of changes to the website.

Ironically enough, parliamentary privilege was used to make these allegations in a protected manner, while arguing a case of parliamentary privilege.

Would you like to comment on those allegations at all?

Hon. Ralph Goodale: It's just completely not true. I know of nothing in these facts that indicates anything other than a sincere desire on the part of the RCMP and the firearms program to communicate important information to Canadians to make sure they were informed of certain consequences.

It is an error, an honest mistake, to not say that this is all contingent upon the legislation actually being adopted, and that until the legislation is adopted, this is a proposal, not a change in the law.

Mr. Chris Bittle: Thank you, Mr. Chair.

• (1200)

The Chair: Mr. Motz.

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

Thank you, Minister and officials, for being here today.

Just so you are aware, Mr. Minister, the comments of Mr. Bittle don't reflect my testimony on Tuesday. I did not suggest for a moment that there was any nefarious plan, or a wilful intent, or a

“conspiracy”, as the word has been used by Mr. Bittle. Those are his words. Those words did not emanate from me.

The concern that was raised to me by the public was about the confusion it caused. It was confusing. There was legislation proposed to government, which was being studied—at that time at the committee level—and then an agency you are responsible for, the RCMP, put out proactive communication, which is appropriate. However, it's that no one from your department would have any sort of mechanism whereby direction would be given to the RCMP to ensure that the language was appropriate. That's the concern.

You answered definitively that no one from your office that you're aware of—from Public Safety—provided any direction to the RCMP to proceed this way or on what language to use. That was your testimony, and I believe, to the best of your knowledge, that's not what happened.

With the bills that come through your department, is there a mechanism now that has cautions in place, that has the opportunity... so that the role of Parliament isn't presumed in proposed legislation? Because that's exactly what happened here. As acknowledged, there were individuals who were under the belief that now this was the law. That was because of the language that was being used.

I am curious. This committee is charged with the responsibility to ensure—as you've requested of them—that this doesn't happen again, and to provide a mechanism whereby that doesn't happen again.

Do you employ anything in your department to ensure that the public servants within your service understand the role of Parliament and that of the departments that answer to you?

Hon. Ralph Goodale: Mr. Motz, I'm seized of that very issue right now and thinking my way through it.

There probably does need to be standing advice—and this committee may offer some input into that—that goes from the minister to all agencies under their jurisdiction, which reminds their communications sections in particular that when they are communicating to the public with respect to legislation that is in process but not yet done, they need to make that point abundantly clear. There may even be a suggestion of a form of words that they need to use in every case to make that clear to the public.

We'll probably have to renew that advisory every now and then to make sure that it's current.

Mr. Glen Motz: Fair enough.

You indicated in your opening remarks, sir, that this was not the first time that something like this has happened, regardless of political persuasion. All parties have been responsible for it.

In those circumstances, is it possible that public servants—especially in cases of majorities—are completely unaware in some circumstances of the role of Parliament? The presumption from public servants could be that the legislation that's proposed could be as is, without amendment, long before it becomes law.

Is there an educational component that needs to occur here rather than just guidance?

Hon. Ralph Goodale: I think it would be useful for the communication sections of ministers' offices, but also for departments and agencies, to be reminded of the legislative prerogatives of Parliament, and that a law isn't a law until royal assent happens. And that follows all of the House of Commons and the Senate having their say and making the determination.

There are in our process, as you know, some examples where it works the other way around. On a ways and means motion, for example, once the Minister of Finance stands in the House and tables a ways and means motion, even before the legislation is introduced and ultimately passed, the convention under our system is that the Department of Finance functions on the basis of the ways and means motion having been accepted.

• (1205)

Mr. Glen Motz: I'll have to take your word for it, because I'm certainly no—

Mr. David Christopherson: Is that the case even in a minority?

Hon. Ralph Goodale: Yes, it is the case even in a minority.

Mr. Glen Motz: I'm not an expert on procedure.

Hon. Ralph Goodale: There are examples where it goes both ways, but clarity is a very good thing. We should try to get it.

The Chair: We're out of time. Do you have one short question?

Mr. Glen Motz: From the very beginning, the issue for me was never about the legislation itself, but about the breach of the process. The whole intent behind this is to ensure that—and there could be a multitude of other ones that have happened—there is no presumption. The committee is charged with doing that.

This is the bill that it happened on. The hope is that it doesn't happen again.

Hon. Ralph Goodale: My hope is exactly the same, Mr. Motz. I hope that we can develop the kind of safeguard mechanisms in the communications process to make sure that the legislative prerogatives of the Parliament of Canada are always known, understood and respected.

The Chair: Thank you, everyone, for a very positive and constructive first hour.

We'll suspend for a couple of minutes and then come back.

• (1205)

(Pause)

• (1215)

The Chair: Good afternoon. Welcome back to the 129th meeting of the Standing Committee on Procedure and House Affairs.

This meeting is being held in public. It's great to have Deputy Commissioner Strachan back with Mr. O'Reilly.

I understand that you didn't have any opening comments. Do you have any more comments?

D/Commr Jennifer Strachan: No, I'm ready to go.

Whatever you have to ask, hopefully we can give you the answers you're looking for.

The Chair: Okay, great.

We'll go to Mr. Graham.

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): Thank you.

The RCMP's website has—I checked online—about a 100,000 pages. Is that right? What's the process for maintaining and editing those pages? How much oversight is there...how independent are the communications teams? Can you make sense of that?

D/Commr Jennifer Strachan: My previous experience has been that they try to keep it updated. I would suggest to you that even coming into this program, it was one of the first things I did. I'm recognizing that some of the material on the various programs that I work for and with is not up to date. There is a continuous evolution to try to stay on top of changing material.

We have a national communications program that takes care of the strategic side. Then the individual programs have their own sort of tactical communications employees.

Yes, there is a ton of web content. I would suggest to you that we need to be a little bit more forward-leaning—I'm speaking on behalf of another area of my organization—in bringing some of that content down.

You're right. There is a lot of content there.

• (1220)

Mr. David de Burgh Graham: On an average page being edited, how high up in management actually approves the final content, as opposed to the intent?

D/Commr Jennifer Strachan: I can't speak for other programs.

In some of my past experience, depending on what the content was, there would be various levels of oversight. In this case, it rested with the firearms program at that time.

Mr. David de Burgh Graham: Would that go all the way up to asking the deputy commissioner to approve this wording?

D/Commr Jennifer Strachan: In this case, it did not.

Mr. David de Burgh Graham: Does it happen often?

D/Commr Jennifer Strachan: I'm a brand new deputy commissioner. I was a commanding officer before.

Mr. David de Burgh Graham: As a commanding officer, did you have people regularly come up to you saying, "Hey CO, I need to change a comment," and asking for permission?

D/Commr Jennifer Strachan: There's usually a conversation around the spirit of changing communication. Then it's left to the communications folks, who have that expertise, to develop that material. It wouldn't have been something I might have reviewed in the last instance.

I would understand the spirit of why they were changing that communication, for sure.

Mr. David de Burgh Graham: What you do is pass the intent down and ask them to deal with it.

D/Commr Jennifer Strachan: At a certain level,...and in this case it was—I'll speak to this situation that I'm here before you to discuss today—at the firearms program level.

Mr. David de Burgh Graham: Have you ever personally edited a web page on the RCMP site?

D/Commr Jennifer Strachan: I have not, no.

Mr. David de Burgh Graham: Thank you, Ms. Strachan.

I'll pass it on to Mr. Simms to continue.

Mr. Scott Simms: Thank you.

Mr. O'Reilly, I want to pick up where we left off earlier.

The issue I want to explore is preparatory work for pending legislation. The situation we have now and the honest mistake that was made put you in a situation where it could be an all-for-naught kind of scenario.

Granted, in the case of majority governments, they usually get it in the end. Nevertheless, you do have to do that preparatory work.

Over the years now, with changes to firearms policy, registries, no registries, amnesties and so on...when you communicate with people, is that the prime importance of why you really have to do a lot of this work, because you do get these calls asking, "What happened here?" All of a sudden what they're carrying now is far more restricted than it used to be, or it is not, or their licensing is different.

I'm just trying to understand how you handle tabled legislation that comes out affecting regulations.

Mr. Rob O'Reilly: Okay.

Thank you very much for the question.

As you can appreciate, there have been three firearms bills since 2012, Bill C-19, Bill C-42 and Bill C-71. The program has been and remains intimately involved in the preparation of some cases and in early consultation on those bills. We are very aware of and attempt to respect the parliamentary process. Many of the documents we are asked to review and provide input on are subject to cabinet confidence. We are very versed in the handling of those documents, and the breadth of consultations we can or cannot have as a consequence of that particular privilege.

When it comes to legislation like this, we also are in a position of anticipating what are going to be areas of inquiry. As I mentioned in my first statement, we are not in the habit of speaking on pending legislation. There are many elements to Bill C-71. In this case, it would probably have been our preference to not provide any commentary at all.

Unfortunately, and we've seen this historically, the minute new legislation is proposed or even being talked about in the media or the public context, we immediately get calls.

We don't have the luxury of saying we're not going to prepare Q and As for a particular issue, because the fact of the matter is we have hundreds of employees who have to answer those phones. If we don't have answers prepared to be able to inform those Canadians, they can rightly be more confused or more upset.

Mr. Scott Simms: Okay. That's interesting. You're saying that the reason you feel it's incumbent upon you to put information out, regarding legislation that hasn't been passed, is primarily for a communications exercise with the public, so that they are well informed. It's not so much about how your employees would administer these regulations; it's more about the communications, so the people are aware before it comes into force.

• (1225)

Mr. Rob O'Reilly: I believe so. Within the Canadian firearms program, I don't think anyone is under any belief that this particular legislation was, or is, law. As I said, we've been working with the machinations of Bill C-71 now, for let's say, almost two years. We're very alive to that, but our first concern, apart from public safety, is providing accurate, timely and clear information to our client base, who are the Canadian firearms owners right now.

Mr. Scott Simms: There's a certain amount of confidentiality. I understand that too, but for the front-line people, who pick up the phone with the average gun owner and have to answer those questions, how far down the chain do you go? Is it down to the employees, given the fact that this legislation hasn't passed yet?

Mr. Rob O'Reilly: Information that is subject to cabinet confidence doesn't go beyond the management team and those who have the appropriate security clearances to look at that information. It is at that level that the strategic communications messaging is crafted, in terms of, to paraphrase the deputy, the high-level messages. However, we then engage our communications staff to say that we want to communicate on this issue, for example, the CZ and Swiss Arms, what we are hearing from our client groups, in terms of the communications, so please go ahead and prepare some packages for us for ultimate review. They're not given the specifics; they're just given the direction, in terms of what to create.

Mr. Scott Simms: Thank you.

The Chair: Thank you very much.

Now, we'll go on to Ms. Kusie.

Mrs. Stephanie Kusie: Thank you very much again, Deputy Commissioner and Director, for being here today.

Who drafted the publications that have brought us here today?

Mr. Rob O'Reilly: Unfortunately, I am not able to answer that question specifically. I can tell you that the communications product itself really has two parts. One part is the information package that we prepared for individuals to self-identify whether or not the firearm they own might be affected. Our firearms technicians, the real experts on firearms identification and classification, prepared that document.

Ultimately, the messaging that appeared on our website was written by internal communications staff, at the direction of the management team.

Mrs. Stephanie Kusie: Okay. Who approves the text of those publications?

Mr. Rob O'Reilly: In this case, the text would have been preliminarily approved by me, as one of the directors, and then ultimately, by the director general of the Canadian firearms program.

Mrs. Stephanie Kusie: Okay, Director, who was the most senior official director to approve the publications?

Mr. Rob O'Reilly: It would be the director general of the Canadian firearms program, in this particular instance. As the deputy mentioned earlier, there may be times when we are communicating something that is at a much more strategic level or for which we might be aligned with other departments. Let's say that it's missing children or firearms thefts, which may be related to organized crime and so on, in which case, those messages are strategic and they would go up to the deputy's level for consultation and ultimately for approval.

Mrs. Stephanie Kusie: Okay. Is this always the most senior level at which special business bulletins are signed off?

Mr. Rob O'Reilly: Special business bulletins, in reference to the Canadian firearms program, would be approved at the director general level, but depending on the nature of those bulletins, for example, if we anticipated a reaction and if we were saying something that we would acknowledge might not be particularly positively received by the entire firearms community, we would certainly provide awareness up through the chain of command to make sure that nobody was being blindsided by something that might appear on the news the next day.

Mrs. Stephanie Kusie: Is this the usual approval process for publications about pending legislation and if not, what would the usual approval process for publications about pending legislation be?

Mr. Rob O'Reilly: I don't think we have an approval process for pending legislation, because, as far as I am aware, this is the first time we've actually commented on aspects of pending legislation. Once a bill has become law, we will often speak to the differences between what royal assent may mean and what coming into force may mean. In the case of Bill C-71, there are certain elements that may come into force upon royal assent and some that may come into force at a later date. At that point, we may communicate on those aspects to provide clarity, but it is not our practice to communicate on legislation that is currently before the House.

• (1230)

Mrs. Stephanie Kusie: Thank you.

Do you need to consult your minister's office before issuing publications about pending legislation that the minister responsible for your organization is sponsoring?

D/Commr Jennifer Strachan: Again, the spirit of why this communication was being drafted to support Canadian firearms owners was discussed with staff at the minister's office, but I would suggest to you that I was able to look back and find that the actual lines that went up were not run by the staff at the minister's office.

In the spirit of why we sought to do that, there was consultation with staff at the ministry, and they understood that it was in order to better educate Canadians due to the tight timelines that were upcoming in relation to the date of implementation, which would have been the end of June.

Mrs. Stephanie Kusie: So there was some consultation with the ministerial staff, you would say, with regard to the information that was published.

D/Commr Jennifer Strachan: Yes, in relation to what it was that the firearms program wanted to do to better support Canadians and why we were seeking to do that, but the actual lines in the media that were put on the website never went over to the minister's office.

Mrs. Stephanie Kusie: Okay, thank you.

Do you need to consult the Privy Council Office before issuing publications about pending legislation?

D/Commr Jennifer Strachan: I would suggest that, much as Rob mentioned, it's not common practice to be commenting about pending legislation, and this was an extremely unique case. I will be honest with you. I would want to ensure that there was conversation with the minister's office and then seek their advice in relation to the way forward, but, as has already been pointed out, this is a very rare situation for us.

Mrs. Stephanie Kusie: Would you agree to provide the committee with all drafts of the expunged publications, the incorrect publications?

D/Commr Jennifer Strachan: Absolutely.

Mrs. Stephanie Kusie: Thank you.

Would you agree to provide the committee with all emails and memos in an unredacted state concerning the approvals of those drafts?

D/Commr Jennifer Strachan: Absolutely.

Mrs. Stephanie Kusie: Thank you.

Respecting the changes to the publications on May 30 after Mr. Motz's May 29 question of privilege, can you walk us through, please, what prompted the changes?

D/Commr Jennifer Strachan: I am going to allow my colleague Rob to do that. My apologies.

Mrs. Stephanie Kusie: Thank you, Deputy Commissioner.

Mr. Rob O'Reilly: As I mentioned earlier, when the bill was first tabled on March 20, we began to receive inquiries and realized that there was a need to provide some information. Therefore, discussions started fairly early in late March around the need to provide communications. We reached out to our internal national communications groups at that point, alerting them to the fact that we would, in the future, need to be able to provide some new content online.

In early April we consulted with our colleagues at Public Safety on the policy side there, too, to alert them to the fact that we were starting to receive inquiries about this one element of Bill C-71. We also were conscious of the fact that the SECU committee dates were coming forward, and there might rightly be questions as to what we were doing to communicate about this singular issue regarding Bill C-71.

On May 8 we published the first version of the web content that spoke to what we believed was important information to convey around the significance of the June 30 date. I'm happy to elaborate on that if the committee so desires.

Shortly after May 8, we received—I believe it was actually on May 10—an inquiry from a journalist asking to better understand the rationale for instructing people to comply with the June 30 date. It became evident, upon review of the website, that there could be some confusion caused by the content that we had provided.

At that point, we immediately began to work on another version of the website that would do two things: first, provide the necessary clarity around this being pending legislation, and, second, better structure the web content. You will notice that whereas the first version was kind of a long narrative, the second version attempted to very quickly say that if are you an individual, here is where you go to find the information for an individual. It also determined whether you were a business, because that was the other thing we became conscious of, that there were different individuals potentially impacted by that. The approval of that content, I believe, ultimately occurred on May 25. Our content was finalized, if you want to call it that, on May 25 and ultimately published on May 30.

The July 3 content that was published was principally necessary because everything we had posted prior to that spoke about an impending date of June 30 and things you needed to be aware of should you wish to continue to own this particular firearm. The fact that June 30 had passed necessitated our changing the content to basically reflect the fact that we were past June 30 and therefore, here were the new realities that you might need to be aware of going forward.

• (1235)

Mrs. Stephanie Kusie: Thank you, Director, and thank you, Deputy Commissioner.

The Chair: Thank you, Ms. Kusie.

Mr. Christopherson.

Mr. David Christopherson: Thank you, Chair.

First, I want to thank you for your fulsome answers, especially the RCMP. They're critically important.

I very much appreciated hearing the minister emphasize that again, with some experience in this area, an understanding of how the police can easily find themselves on the wrong side of the perspective of the community, and that means we've failed totally.

It all comes from accountability and transparency as the keys, and you've been providing both. I've been very impressed. There's been no dodging, nothing, no sense that you're doing anything other than being here, and completely forthright, honest, and concise. That's what we expect, and that's what Canadians expect, so thank you for that.

Building on the comments that the minister made, what are your thoughts about how we, Parliament, might go forward to avoid this? What sorts of things could we do to equip you, so we can all avoid this?

D/Commr Jennifer Strachan: I'll comment on that, because Mr. Motz had some really good ideas in relation to that. I'm the new kid on the block if you want to call it that, so this is an extremely beneficial learning opportunity for me, and the value that this committee has in protecting Parliament is not lost on me.

This is obviously a table of very experienced parliamentarians. I do believe that when I look at the colleagues I work with at the firearms program, they are really passionate about the clients they serve across Canada, and any kinds of caveats. I come from the operational world, and we call them caveats. When you're talking about intelligence, we call them third party disclaimers, and they're

on every piece of operational intelligence that we provide on the national security side and the organized crime side.

Therefore, for me, being new in the position, I thought that conversation was brilliant. Again, putting forward information on a bill that hasn't gone through Parliament is very rare, but to be honest, having some sort of a process or guidance that would come to us to ensure that we stay in our lane and are respectful of Parliament would be very welcome.

I'm saying it like a third party caveat, and that's what we do on the operational side, to be careful about how we use evidence and intelligence. That's my responsibility now coming in to work with this program, to allow my public service colleagues to really keep serving Canadians. It's my responsibility to keep them safe in what they do, and to keep you as parliamentarians confident that we take that very seriously. I would be very open to some guidance on that, which would come from this committee.

Mr. David Christopherson: Mr. O'Reilly.

Mr. Rob O'Reilly: I would echo what the deputy commissioner said. I can tell you from a program perspective.... First, on behalf of the program, I want to apologize to the House and to Canadians who may have been confused by the information that we put online. It certainly was not our intent. The deputy is correct that most people who work on the program are, in fact, very passionate about what we do, and believe very strongly in serving Canadians and the firearms community.

When this occurred, it did give us pause. It made us reflect a little bit more carefully on what we do. Sometimes it's very easy, in our haste to provide information, to not fully reflect on all aspects of what we are trying to say. I can give you every assurance that my colleagues and I will double-check everything that we do going forward, and ensure that from a program perspective, we are fully compliant and do things better.

Mr. David Christopherson: I'm satisfied and have concluded my questions. Thank you, Chair.

[*Translation*]

The Chair: Thank you.

It's now Ms. Lapointe's turn.

Ms. Linda Lapointe (Rivière-des-Mille-Îles, Lib.): Thank you very much, Mr. Chair.

Thank you to the witnesses for being with us today. This is very interesting.

Mr. O'Reilly, you said earlier that this was the third time since 2012 that there has been a bill to amend the Firearms Act. Have you been in your position this whole time?

Mr. Rob O'Reilly: Yes. I started working for the predecessor of the current Assistant Commissioner, Ms. Strachan. So I took part in the consultations on Bill C-19. I forget at this very moment what year I started the Canadian firearms program, but I was part of the team when Bill C-42 and Bill C-71 were drafted.

• (1240)

Ms. Linda Lapointe: Has being in office when Bill C-19 and Bill C-42 were passed allowed you to see opportunities to change information for Canadians?

Mr. Rob O'Reilly: Yes, certainly.

As already mentioned, during the consultation period on a bill, a lot can change. That's what we saw during consultations held by the Standing Committee on Public Safety and National Security on this bill: amendments were suggested.

At the Canadian firearms program, we are used to seeing changes along the way. That is part of the reason why we don't like to share information about a bill that is evolving during the process.

Ms. Linda Lapointe: However, the information that has been provided was meant to alert Canadians that there would be changes. Is that what you wanted to do?

I'm talking about Bill C-71.

Mr. Rob O'Reilly: Yes. In this case, Bill C-71 had consequences, and Canadians had to be informed of the June 30 date. Our only intention was to inform them so that they could make good decisions about the firearms affected by this bill.

Ms. Linda Lapointe: The minister said earlier, and you mentioned it too, that suggestions were made on how to use what happened in June and May 2017 to do better next time. You're talking about consultations.

What would you suggest about the information on the website? I know you have to check the accuracy of a terrible amount of information. However, what could be done next time to make it better?

Mr. Rob O'Reilly: On our side, in the program, I would say that the more people who review a document, the better. We try to work closely with the people at the Department of Public Safety, our lawyers and our various communication teams. This would be our practice from now on.

Ms. Linda Lapointe: The minister mentioned earlier that, if necessary, the potential impact of a bill should be explained, but always by specifying that nothing is certain, since the bill still has to go through all stages: amendments can be made, Parliament must pass it, and then it must obtain royal assent.

Do you want people to submit their suggestions to you?

Mr. Rob O'Reilly: Absolutely. We invite people to submit their suggestions. There is an email address on our website that Canadians can use to write to us directly.

Ms. Linda Lapointe: How would you track these emails? They should be sent to parliamentarians.

Mr. Rob O'Reilly: We can find a way to make sure these suggestions are sent to your committee.

Currently, we have people who check this email inbox every day and who handle requests and concerns from people on a daily basis.

We're open to hearing any suggestions you may have about how to forward them to you.

Ms. Linda Lapointe: Okay. Thank you.

Ms. Strachan, thank you for being here.

Earlier, you mentioned the intention of the communication. Why do you want to change that?

You also said that the case we are currently handling is unique. I would like to hear your comments on that. You said that consultation would be needed to better educate Canadians. At least, I think that was your objective.

D/Commr Jennifer Strachan: I think this was a conversation between the Canadian firearms program team and the Department of Public Safety team. I don't know if a document was submitted at that time. The reason the team wanted to add comments to the communication was related to the calls and questions that Canadian firearms program people had received so far.

Ms. Linda Lapointe: Instead, questions and answers should have been prepared. You should try to anticipate the problems that may arise, rather than reacting a little late.

• (1245)

Mr. Rob O'Reilly: I can answer that question.

We had some internal discussions. The first choice was to say nothing and just let the bill move forward. If the bill were to pass, we would have waited until the provisions came into force to receive calls from Canadians wishing to register their firearms. In this case, the people who would not have been informed of certain aspects of the bill, such as the June 30 date, would most likely not have qualified and would not have been able to register their firearms.

In short, we had two choices: say nothing, wait two years and then tell people that it was too bad for them, or communicate the information in advance. We wanted to give them this information so they could make good choices.

Ms. Linda Lapointe: Thank you very much.

The Chair: Mr. Nater, you have the floor.

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

[English]

I will speak in English.

Ms. Linda Lapointe: But you were with me on the official languages.

Mr. John Nater: I know and I wish I was still back there. I need that immersion again. I need that daily interaction.

[Translation]

Ms. Linda Lapointe: That's good.

[English]

Mr. John Nater: Maybe next week I'll use French.

Again, thank you, Deputy Commissioner and Director, for joining us today.

I want to follow up very briefly.

I believe it was you, Deputy Commissioner, who mentioned the national communications program. Is there a policy that goes with that to determine how that type of communication is exercised and how it's put out? Is there a policy that governs that?

D/Commr Jennifer Strachan: I don't think I can answer that, but maybe he can.

Mr. Rob O'Reilly: No, no. It's just that my mike went off.

D/Commr Jennifer Strachan: Pardon me.

There is a policy that national communications have, but I can't say it's definitive with regard to how we post information on the web. I can find that out for you. Certainly, I can provide that.

Mr. John Nater: Sure. If it would be possible to share the policy...

D/Commr Jennifer Strachan: Absolutely.

Mr. John Nater: Thank you.

Mr. O'Reilly, you mentioned that this type of communication was out of the norm in terms of providing information before the parliamentary process comes into place. You mentioned a little bit about the approval process going up to the director general level. I find it interesting that along this process no one flagged the initial communications document regarding the fact that the bill was still before Parliament. Is there a concern within the firearms program or within the RCMP that there is not enough knowledge or not enough awareness of the parliamentary process, that there are not sufficient people in that process who are aware that Parliament has to do its job and that the appropriate stages of the legislation are adhered to?

Is there a concern that the department doesn't have that internal knowledge when it comes to this type of communication?

Mr. Rob O'Reilly: I would say no. As was probably evidenced in the first version of the website dated May 8, there was very much an intention to speak about the future state of the legislation. There are many parts of that document in which the future state of the legislation is spoken to. There was certainly an inconsistency, and I suspect we probably fell back on focusing too much on the technicality of the content rather than, necessarily, on the verb tenses, in some cases, speaking about the legislation in the future tense. I can assure you that everyone who works in the Canadian firearms program and who had a hand in working on this piece of communication and all communications related to this bill is very firmly aware of the parliamentary process and the privilege that comes with that.

Mr. John Nater: Immediately after the point of privilege was found to be a prima facie point of privilege in the House of Commons, the RCMP had some holding lines that were delivered to the media that the force was assessing the ruling. Was there a formal assessment of the prima facie ruling and, if that was so, what information could be provided to this committee if there was a formal document, a formal review.

D/Commr Jennifer Strachan: Can you repeat the question?

Mr. John Nater: Sure. There were documents released by the PCO through the Access to Information Act. About 90 minutes after the Speaker's ruling, the RCMP had holding lines for the media that said the force was assessing the ruling. I was just curious as to what

that assessment was and whether there was a formal document that came out of that assessment.

D/Commr Jennifer Strachan: I know that on May 9 Public Safety did ask for media lines in relation to what was going on the web. I can't speak to what you're asking, but I would certainly indulge you to come back with that information, if that's okay.

• (1250)

Mr. John Nater: I would appreciate that. If that information could be sent to the clerk, that would be appreciated.

Thank you, Mr. Chair.

The Chair: Thank you.

Ms. Sahota.

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

We've been through this quite thoroughly at this point, I think, but, Deputy Commissioner, at the beginning you indicated that what you would generally talk about would be the spirit of the legislation or of whatever action you wanted to convey or message you wanted to convey on the website.

In your conversations with the ministry and in your conversations internally, can you describe a little bit about what the spirit was at that point? You said this happens in very rare circumstances, when you're actually communicating stuff about legislation. Why, in this case, did you feel the need to communicate and what were those internal conversations about the spirit?

D/Commr Jennifer Strachan: I would ask my colleague, because, as I mentioned, I just started in the job on September 7, so it's third party in this context. I wasn't necessarily in those conversations.

Were you, Rob?

Mr. Rob O'Reilly: I was not at the level that you have suggested. As I said earlier, we were feeling the need to respond to some of the inquiries we were starting to receive via our website and we wanted to provide accurate and, hopefully, clear information on what we knew to be a particularly complex issue. The intent and the spirit of that were to inform our client base in what has always been a non-partisan fashion.

Ms. Ruby Sahota: What risk do you face in not doing so? What were the particular inquiries—some examples—that you were getting? What did you fear would happen had you not provided information to them?

Mr. Rob O'Reilly: As I probably mangled in French a little earlier, the concern in not communicating on this particular issue is that some individuals may have inadvertently acquired these firearms after the June 30 date, and should the legislation pass as written, those individuals would be ineligible to register those firearms. They would have potentially bought them in good faith on July 1 of this year. Assuming the bill passes as it is currently written, fast-forward two years from now when they would go to register this firearm and in doing so would acknowledge that they had acquired it past the June 30 date, and then in fact would be ineligible for registration. We knew that was certainly the potential.

Also, because the legislation does not grandfather businesses, there was a need to communicate to businesses that firearms that were in their inventory past the June 30 date, if they remained in their inventory, could also be adversely affected if the legislation passed as it is currently written. We do not know the exact numbers of the firearms, but there has been speculation that they could be in the tens of thousands, so we felt it very important to inform individuals at the earliest opportunity about the decisions that we felt they should be aware of and that they would need to make going forward.

June 30 has come and gone and nothing has changed, but individuals who are going to decide to register these firearms in the future, if the bill is passed as it is written, need to upgrade their licence. They will also need to take the appropriate level of safety training. Some individuals may choose not to do that, so we felt it important to communicate the significance of the June 30 date in the pending legislation.

Ms. Ruby Sahota: In our previous meeting, there were comments made and questions asked to the effect that this information on the website created fear in people, the fear of becoming a criminal overnight, or that it was done with the intent to confuse them about legislation that might not in fact pass. How would you reply to that?

Mr. Rob O'Reilly: I would reply that it goes completely contrary to what the Canadian firearms program attempts to do. We serve our client base of 2.1 million firearms licence-holders, and confusing them is absolutely the last thing we want to do. These things tend to have a ripple effect, and misinformation at the outset can tend to escalate going down the chain.

No, our intention was to inform Canadian firearms owners.

• (1255)

Ms. Ruby Sahota: Thank you.

The Chair: Thank you very much.

Now we'll go on to Mr. Motz.

Mr. Glen Motz: Thank you, Commissioner and Mr. O'Reilly, for being here.

Is there a mechanism—you briefly described it previously—within your departments regarding how you actually communicate these? You explained it briefly, and I wouldn't mind your explaining again how, when you're doing this sort of publication or ministerial or government legislation like this, you follow a process. You meet with officials from the department. You have a leadership team that reviews them. You may have someone who actually writes the content, and it's approved. Can you explain how you did that previously and if you've made any internal changes to that moving forward?

D/Commr Jennifer Strachan: I did some research coming into this committee, mindful that I wasn't in the seat at the time and wanting to learn and support my colleagues in a better way forward, potentially, so that all of us don't end up here again.

I think in this case, as was mentioned by Rob, due to the haste because of the date, we were talking with Public Safety about why we were seeking to create web content. In our colleagues' haste to try to get it out well before that June 30 date, since it was a month and a half away—I believe it was April 8—the oversight wasn't applied

above and beyond the firearms program. As mentioned, there's not a process per se, because this is such a rarity in relation to our wanting to comment on any bill that's before Parliament.

But I would suggest to you, sir, that going forward, as long as I'm in.... And I have a lot of unique programs—DNA, criminal records, some really critical programs for Canadians—which do often involve bills that are forthcoming, so I can learn a lot from this. That process, going forward, I would suggest to you, will come to my chair, at the very least.

I think you make a really good point that there's still the value of consultation. I can say in this case—I don't think it's been mentioned yet—that we did consult with our Department of Justice colleagues as well, just in relation to the appropriateness of our putting messaging out to better support Canadians, mindful that the bill was still moving through the process.

Your points about having a better system regarding who has had the opportunity to review the material and who's been part of the conversations are well taken. Again, not being in the chair, I'm not sure exactly with whom at Public Safety the conversation was had, but I do not believe the lines, as they were going forward on May 9, were reviewed distinctly by them. It was strictly within the firearms program.

Mr. Glen Motz: I think earlier, Mr. O'Reilly, you briefly explained the process for how you have deal with publications. Can you just remind me of that briefly again and then say specifically in this case how it may have happened?

Mr. Rob O'Reilly: As I mentioned, sometimes what the program is posting on its website may cause a reaction, a negative reaction. If we're posting a bulletin on a determination of classification around something, not only are we internally dialoguing around the clarity of the messaging and ensuring that what we are saying is factually correct, but if there is some sensitivity around what we are saying, we often do communicate that for awareness simply so that the deputy commissioner—or even the commissioner, for that matter— isn't seeing something for the very first time reading the morning news clippings.

Mr. Glen Motz: That being said, though, in this circumstance, you don't want to be in a position where you're commenting or putting information out while a bill is still being discussed, and I understand that. Here, again, because of the sensitivity of the timing and the impacts of a date that was set in legislation—which we tried to amend, by the way to avoid this exact issue, right? We said this is exactly what would happen, folks, and we advised people not to get stuck on this date. Would you have Public Safety communication specialists, or somebody, who you would go back and forth with on something like this?

•(1300)

Mr. Rob O'Reilly: In this particular instance, no. Our dialogue with Public Safety at the outset, which occurred from late March through April, was simply on our intentions, rather than saying nothing, to post something online and strategically provide a self-identification guide, let's call it, rather than having individuals contacting me saying, "I have my CZ in front of me. Is my CZ impacted?" We communicated early on our intentions to put such a publication online and to outline the process of identification and the

potential impacts, but at no point did we ever speak to the language around the impending or the tenuous nature of the legislation itself.

The Chair: Thank you, Mr. Motz.

Thank you both for coming, and thank you for your forthright answers.

I think it has been a very informative session for all of us.

The meeting is adjourned.

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