



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

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# Standing Committee on Public Safety and National Security

EVIDENCE

**NUMBER 064**

Thursday, May 4, 2023

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Chair: Mr. Ron McKinnon





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• (1540)

[*English*]

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

Welcome to meeting number 64 of the House of Commons Standing Committee on Public Safety and National Security.

We will start by acknowledging that we are meeting on the traditional unceded territory of the Algonquin people.

Today's meeting is taking place in a hybrid format pursuant to the House order of June 23, 2022. Members are attending in person in the room and remotely using the Zoom application.

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

The committee resumes the debate on amendment G-3.2. I will now welcome the officials who are with us today, once again.

From the Department of Justice, we have Marianne Breese, counsel, criminal law policy section; Paula Clarke, counsel, criminal law policy section; and Phaedra Glushek, counsel, criminal law policy section.

From the Department of Public Safety and Emergency Preparedness, we have Rachel Mainville-Dale, acting director, general firearms policy.

From the Royal Canadian Mounted Police, we have Mr. Rob Daly, director, strategic policy, Canadian firearms program; and Ms. Kellie Paquette, director general, Canadian firearms program.

Thank you for joining us again. We look forward to your valuable contributions as we proceed.

We will continue the speaking list from our last meeting. Mr. Motz had the floor. However, he is not present, so we will continue with Ms. Damoff, followed by Madame Michaud and then Mr. Julian.

Ms. Damoff, please go ahead, if you will.

**Ms. Pam Damoff (Oakville North—Burlington, Lib.):** Thank you, Chair.

We had an extremely frustrating meeting last meeting, in that we were two and a half hours discussing the amendment that I put forward and numerous other things that are not even part of this bill. I

am hopeful that today we'll be able to move a little more efficiently. There are really important things in this bill beyond the amendment—colleagues know that—when it comes to police services, access to ghost guns, instances of gender-based violence, prohibition orders and also increasing the sentences for firearms offences that are listed to organized crime.

We have 146 to 150 amendments in front of us here today. I hope that for a number of them, we can go through them fairly quickly. I'm hoping we can be efficient and get through this at a relatively quick pace.

I will leave it there right now, Chair, until we hear from some of our colleagues and see how the meeting's going to go today.

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

We go now to Madame Michaud.

[*Translation*]

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

I would like to thank the public servants for so readily making themselves available. Over the past few days and weeks, we have had many conversations that have led us to understand that no one definition will cover all possible scenarios. The Bloc Québécois understands how difficult it is to come up with a definition that meets everyone's criteria. If we were to speak to five different stakeholders, each one would give us a different interpretation or definition specific to their viewpoint; if we were to speak to one hundred stakeholders, we would get one hundred different definitions.

So that is where we are at currently. I did say it at our last meeting, but I would like to commend the government on having the courage to withdraw the last version of the amendment and undertake consultations with various groups. I think that is what should have been done from the get-go.

Our party has also held consultations and, as I have just explained, it would be fair to say that each person that we consulted gave us a different definition. We understand that it is no easy task, but I do think that we could still try and improve the definition.

I would also like to highlight the withdrawal of the term “fusil de chasse” in the French definition, because even if it seems to be a minor detail, it will reassure many hunters who have better things to do in their lives than to follow the work of our committee. Simplifying the definition will also make communicating with the public easier.

I believe that this definition is acceptable, but as I said earlier, I think we can improve it. I would like the committee to look at possibly improving the definition, based on comments from civil society as well as the public servants who are here today, since the new definition was released last Tuesday.

The victims of the many massacres that have taking place in Canada are following our deliberations, as are as hunters, indigenous peoples and members of civil society; all of them deserve the best definition possible to protect the public and allow hunters to follow their passion unencumbered.

At our last meeting, Mr. Motz asked some good questions on the consequences of the wording used at proposed subparagraph 84(1.1)(e)(ii), which talks about a firearm “originally designed with a detachable cartridge magazine with a capacity of six cartridges or more”.

First of all, the firearm is designed before it is put on the market. This means that “originally” is implicit. I'm not sure that you could suddenly say that a firearm becomes illegal if someone somewhere in Canada decided to sell a magazine with a larger capacity for it.

The way I interpret it, the current wording is about the intent of the manufacturer, which is pretty near impossible to determine. This means that we will consider the firearm as it was originally manufactured, i.e., the magazine that comes with the firearm. In other words, as I said during our last meeting, a manufacturer could sell a firearm with a magazine that takes five cartridges here in Canada and a few days or weeks later, sell a version of this firearm with a 30-cartridge magazine in the United States.

I have a few questions for the representatives from the RCMP.

How can we determine if the intent of the manufacturer wasn't always to sell a firearm with a 30-cartridge magazine? Do you have access to the documents the engineers used when they designed a firearm, for example, or, given on the definition currently on the table, would you rather base your analysis of the firearm in its current state?

I don't know if my question was clear. Perhaps it would be better answered by Ms. Paquette.

• (1545)

[English]

**Ms. Kellie Paquette (Director General, Canadian Firearms Program, Royal Canadian Mounted Police):** Every firearm, in its specification design, will identify what cartridge magazine is intended for that firearm. They're all over the map. Some of them can come out with two, four, 10 and 20. Others are originally designed for just two and four.

It really depends on the manufacturer or the designer of a firearm, and the firearm itself, what type of cartridge magazine it will be designed for.

[Translation]

**Ms. Kristina Michaud:** In the absence of regulatory or legislative amendments, what factors would make you review the classification of a firearm post-analysis, for example a firearm that had already been classified as non-restricted?

[English]

**Ms. Kellie Paquette:** This definition would be prospective, so it would be for the future. The classifications today do not take a cartridge magazine into consideration for classifying a firearm as non-restricted, restricted or prohibited.

[Translation]

**Ms. Kristina Michaud:** Let's use as an example a four cartridge firearm that would first be sold in Canada, then later marketed in the United States, but with a 20-cartridge magazine. Is there currently some sort of mechanism in place that would allow us to go back and look at the classification for that firearm without any legislative or regulatory changes?

[English]

**Ms. Kellie Paquette:** If I understand the question correctly, you're asking if there is a mechanism...and I guess this would be outside of a design. A firearm is designed for four, but then later on a new cartridge is developed that fits 20 and also fits that firearm, and that could be used in the United States. Is there a mechanism for us to regulate that? I think that is what I am hearing.

• (1550)

[Translation]

**Ms. Kristina Michaud:** I would like to know if there is a mechanism that would allow you to review the classification given to a certain firearm when it can be used with another type of magazine.

[English]

**Ms. Kellie Paquette:** Because it's not in the original design, right now, given the way that it's written, it wouldn't be considered.

[Translation]

**Ms. Kristina Michaud:** The second thing that I'd like to talk about is the possibility that a firearm may be used with a magazine able to hold six cartridges or more, keeping in mind the original magazine design and therefore the manufacturer's intent before the firearm was launched on the market.

Here is the recommendation from the Mass Casualty Commission that reviewed the events in Nova Scotia.

[English]

The federal government should amend the Criminal Code to prohibit all semi-automatic handguns and all semi-automatic rifles and shotguns that discharge centrefire ammunition and are designed to accept detachable magazines with capacities of more than five rounds.

[Translation]

The definition suggested by the government is similar, but there's still a sizeable difference: it does not at all mention the possibility of a firearm being used with a magazine of six cartridges or more, but rather stresses the original design. As I stated earlier, and as Mr. Motz also indicated, at the end of the day, a semi-automatic firearm's magazine capacity when the firearm is launched onto the market in Canada could become the deciding factor as to its legality or not, rather than the actual magazines that can be used with it.

A firearm originally sold with a 10-cartridge magazine in the United States would be illegal in Canada, even if the magazine only held five cartridges. If the situation were reversed, however, that firearm would be legal in Canada. Even if the firearm was originally sold in the United States with a five cartridge magazine, and then a few weeks later the manufacturer put out a 30-cartridge magazine, and that firearm was then sold in Canada with a five cartridge magazine, the original design would indicate that it was a magazine holding five cartridges, regardless if lots of 30-cartridge magazines were being sold south of the border.

Obviously, we have to keep in mind that the government's proposed definition does not apply to firearms currently being sold, but rather to future models, as Ms. Paquette has said. There would be absolutely no impact on existing firearms, whatever definition we choose. I don't know if our Conservative colleagues will pursue the same line of questioning, but Ms. Dancho did ask such a question at our previous meeting. The way I understand the definition is that the Lee-Enfield rifle would not be included, because it currently exists and the definition will only apply to future models.

The argument that we have heard not to justify using the definition proposed by the Mass Casualty Commission is that if a magazine with a higher capacity were to be sold by a third party, i.e., someone other than the original manufacturer, it could be prohibited retroactively. But it's not true. From what we understand, the RCMP does not review the classification of a firearm unless there are legislative or regulatory changes. So that argument does not hold water.

Let's go back to the definition proposed by the commission, which seeks to prohibit firearms based on the possibility that they can be used with a large-capacity magazine, rather than the initial capacity intended by the manufacturer when the firearm is introduced to the market. Would such a definition really halt the flow of semi-automatic firearms into Canada? We don't think so, because many semi-automatic centre-fire guns with detachable magazines have already been designed so as not to be used with large-capacity magazines.

Let me give you a concrete example. I will try to describe the firearm. I do have an image before me, but I am unfortunately not able to use a visual aid. It is the Browning BAR Mark III rifle, a firearm that is legal in Canada right now. Obviously, the definition proposed by the government would not apply to this firearm, because the definition will be used going forward, but I am giving it as an example were there to be a similar model in the future. This semi-automatic hunting rifle has a detachable magazine that can contain three or four cartridges, depending on the calibre used, either a .300 Winchester Magnum or a .308 Winchester, but it has not been designed to be used with a large-capacity magazine. The magazine housing is closed by a lip that keeps the magazine in place and there is no extrusion in the lip that would allow a large-capacity magazine to be used. In other terms, it would be physically impossible to use a large-capacity magazine without altering the firearm.

In this case, it is completely unreasonable to think that the manufacturer would sell larger capacity magazines for this model. If the manufacturer wanted to sell a larger capacity model in another country, it would design another model with specifications that would be slightly different for the magazine housing. That is pre-

cisely what Browning did in the United States by introducing a detachable magazine for the same firearm so that it could be used with a 10-cartridge magazine.

In other words, according to the definition proposed by the Mass Casualty Commission, if the firearm was first marketed in Canada with a five-cartridge magazine, the American version would be reviewed separately by the RCMP and would have its own number, because it wouldn't be the same model. In the case of the definition proposed by the government, the firearm would be allowed if and only if the original magazine did not take more than five cartridges. However, with the definition that I am referring to, the definition proposed by the commission, the firearm could not be sold in Canada because there would be no design constraints to prevent the use of a larger capacity magazine. I think that this is an important distinction because we are still talking about future models.

Now let's forget the American model and go back to the model which is sold in Canada, the BAR Mark III rifle with a three or four cartridge detachable magazine.

- (1555)

Only third-party businesses could possibly manufacture alternative larger capacity magazines. There again, the firearm would have to be altered in order to be used with such magazines. There is therefore a far lower risk that such large-capacity magazines would be manufactured south of the border for this type of firearm. In other words, by replacing the expression "was originally designed" by "is designed to accept", this firearm would be legal and it would be very unlikely that such large-capacity magazines would be manufactured south of the border.

The government argues that if such a larger capacity magazine was to appear on the market, it will retroactively prohibit this type of firearm. My response is that the RCMP will not review a firearm unless changes are made to legislation. I don't think you can argue that we have to consider possible negative impacts not foreseen by users or manufacturers, because that is simply not the way the classification system works.

I therefore come back to the recommendation made by the Mass Casualty Commission, which is to prohibit the possibility that a firearm can be used with a large-capacity magazine. This is contrary to what the government is proposing, i.e., concentrating on the original intent of the manufacturer. In other words, we are talking about a physical limitation baked into the firearm, as opposed to an intent, which can only be proved if you look at the chronological order in which magazines for that firearm are sold on various markets.

Let's put pressure on the manufacturers so that they obey the law, rather than open the door to potential loopholes.

That is why I am going to submit a subamendment to the government's G-3.2 amendment. The clerk already has copies of the subamendment to distribute to all my colleagues. I hope that my colleagues will support it. I think that it will improve the bill and it will assuage the concerns expressed to us by the survivors of the far too many massacres that have taken place in Canada.

I can read out the subamendment or wait until everyone has a copy.

[*English*]

**The Chair:** I have a copy, but perhaps you could just read it out.

**Mr. Blaine Calkins (Red Deer—Lacombe, CPC):** We're just waiting for a copy to follow along.

Thank you, Chair.

**The Chair:** I think this would be an amendment to the motion that's before us, not a subamendment.

[*Translation*]

**Ms. Kristina Michaud:** Amendment G-3.2 seeks to amend clause 1 of bill C-21 by adding, after line 15 on page 1, sections 1(1.1) and 1(1.2). It also seeks to add a paragraph (e) at the definition of a “prohibited firearm” at subsection 84(1) of the Criminal Code. I am suggesting that we replace “was originally designed with” by “is designed to accept” at subparagraph (e)(ii).

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

[*English*]

We are now on the subamendment.

The debate shall continue on the motion as amended by Madame Michaud.

Next on my speaking list is Mr. Julian.

**Ms. Pam Damoff:** I was just going to ask if we could suspend for five minutes to review the subamendment, Chair.

**The Chair:** Is it okay?

**Some hon. members:** Agreed.

**The Chair:** We will suspend for five minutes.

• (1555) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1605)

**The Chair:** Thank you, all. The meeting is resumed.

We'll go now to Mr. Julian.

Mr. Julian, please go ahead.

[*Translation*]

**Mr. Peter Julian (New Westminster—Burnaby, NDP):** Thank you very much, Mr. Chair.

I would like to thank you for giving us a few minutes to look at the subamendment. Given that this is more or less what was proposed in November, I cannot support it. There were many parts of the amendment submitted in November that were not easy to understand. I know that the department has done a good job with its consultations. But even if I know that the subamendment is being tabled with the best of intentions, I don't think it meets the objective of providing the clarity that we need in this clause.

I will therefore vote against the subamendment.

• (1610)

[*English*]

I want to address as well the issue of time within this committee. We accomplished one amendment in two and a half hours on Tuesday.

You know as well as I do, in terms of the math, that 145 amendments at two and a half hours each is 390 hours. I've suggested before that we need more hours per week to really engage in this issue, particularly in light of the urgency around ghost guns and the fact that law enforcement is looking for these measures.

It seems to me, if you talk about that number of hours, 390, and only four hours a week, we're talking about 90 sitting weeks. As I suggested on Tuesday, at the pace we were going we wouldn't have completed clause-by-clause until October 2024.

Given that we didn't complete that amendment at the end of the day on Tuesday, we're actually talking—surprisingly, Mr. Chair—about October 2026. It would take about three and a half years at our current pace to go through clause-by-clause on this bill. Given the importance of protecting victims of domestic abuse, ensuring that ghost guns are tackled at a time when we're seeing an exponential rise in the number of ghost guns, anecdotally, across the country... Certainly in the United States, where they compile those statistics, we're seeing a marked increase in the number of ghost guns, which is why the Biden administration has cracked down and over 20,000 ghost guns have been seized in the past year.

This is an emergency. I agree that the government made a mistake in tabling amendments back in the fall that were not clear and have led to this delay.

I think two wrongs don't make a right. We really need to proceed with this study and get the clause-by-clause completed so that law enforcement has the tools it needs to combat criminals who are using ghost guns and untraceable weapons.

I'm hoping I get unanimous consent on this, Mr. Chair.

I would like to propose, by unanimous consent, because that's the only way it can happen, that we request an additional 20 hours of hearings next week. That would mean 24 hours of committee hearings next week to go through clause-by-clause. I don't believe we can wait years before this bill is finally adopted. We need to move forward.

I hope we will get unanimous consent in order to do that, to request an additional 20 hours of committee time next week to add to the four hours that are already scheduled.

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

A unanimous consent request of that kind is not debatable, so we will go straight to a vote.

**An hon. member:** Nay.

**The Chair:** We do not have unanimous consent.

Thank you, Mr. Julian.

We'll carry on now with our list. We go to Mr. Calkins.

I'm sorry, Mr. Julian, were you not finished?

**Mr. Peter Julian:** I'm just putting myself back on the list.

**The Chair:** Okay, you bet.

**Mr. Blaine Calkins:** I was on the list to speak to the main amendment, not the subamendment. I'll ask to be put back on the main amendment speaking list for now.

**The Chair:** Mr. Lloyd.

**Mr. Dane Lloyd (Sturgeon River—Parkland, CPC):** Thank you, Mr. Chair.

The problem I have with Mr. Julian's unanimous consent motion is that—

**Ms. Pam Damoff:** On a point of order, was that not decided? We've moved on now.

**The Chair:** Yes, Mr. Julian's motion was defeated. It was not strictly a motion; it was a unanimous consent request.

• (1615)

**Ms. Pam Damoff:** We're on the subamendment from Ms. Michaud, right?

**The Chair:** That's correct; we're debating the subamendment.

**Mr. Dane Lloyd:** Thank you. I'm sure the Chair will give me a bit of latitude.

We can't judge past performances and say that they're going to be the future. The assertion that we're going to be here until October 2025 is ludicrous. It's not going to happen.

We'll continue on. Conservatives will not be in support of the subamendment as moved by Ms. Michaud.

Thank you, Mr. Chair.

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

Ms. Damoff, please go ahead.

**Ms. Pam Damoff:** Thanks, Chair.

The member who moved this is someone for whom I have the utmost respect. I know she does a lot of work, and I know she knows her subject well. It pains me to say that we can't support her amendment; however, there was a lot of work done to come up with the wording that we have before us. I have had the unfortunate position of amending on the fly at committee on previous bills, and it can have unintended consequences.

I think, given the amount of work that went in and the consultation from the minister and his team to come up with wording that could be supportive, that not everyone is going to agree with it. That's fine, but unfortunately we're not able to support the subamendment.

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

[*Translation*]

Ms. Michaud, you have to floor.

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

I would like to thank my colleagues for their comments.

If I may reply to Mr. Julian, who said that my subamendment brings us back to the definition that was suggested in November. That is partly but not entirely true. The definition that was submitted in November talked about a “a firearm that is a rifle or shotgun”. That part has been withdrawn. So it is not the same thing. That definition also spoke of a firearm “that is capable of discharging centre-fire ammunition in a semi-automatic manner and that is designed to accept a detachable cartridge magazine with a capacity greater than five cartridges of the type for which the firearm was originally designed”. The new definition and the old definition are similar, however.

I would remind my colleague that what I am proposing today is the work of the Nova Scotia Mass Casualty Commission. I would also remind him that the minister did say he was open to applying the recommendations of the Mass Casualty Commission.

That is all I have to say, Mr. Chair.

Thank you.

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

[*English*]

We'll go now to Mr. Julian again.

**Mr. Peter Julian:** Thank you very much, Mr. Chair.

I'm disappointed by Conservatives not allowing for the additional committee hearings that are needed around this, given how slow... They have said that they are not engaged in a filibuster. They are honourable members. I know each of them, and I know that they may not perceive that they're doing a filibuster, but I think others would see it differently.

Certainly, looking now at coming up to three and half or four hours with just one amendment adopted, we can do the math with 145 amendments, and it's exponential. The other element that's exponential, of course, is the plague—the epidemic—of ghost guns on the—

[*Translation*]

**Ms. Kristina Michaud:** On a point of order, Mr. Chair.

[*English*]

**The Chair:** Madame Michaud, go ahead on a point of order.

[*Translation*]

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

The debate is supposed to be about my subamendment, and not the request on which we already voted and about which Mr. Lloyd couldn't talk anymore. I don't think that Mr. Julian can say anything else on the issue either.

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

[*English*]

I would suggest that Mr. Julian take that into account, please.

[Translation]

**Mr. Peter Julian:** Mr. Chair, Mr. Michaud is absolutely right on that point, but it is vital to point out that the process is not working right now. I just wanted to say that.

As for the subamendment, I have already said what I wanted it to say. I can go back to the amendment once we have settled the issue of the subamendment.

• (1620)

[English]

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

Mr. Lloyd, you're up next on my list.

**Mr. Dane Lloyd:** I guess my question is for Ms. Michaud.

A firearm is not designed to accept a specific magazine of a specific size. Magazines come in all ranges and sizes. It's not the function of a firearm to determine the size of a magazine. It's the function of a magazine to determine the size of a magazine.

I'm very concerned that this wording, in an open-ended way, could lead to the banning of a large number of semi-automatic hunting rifles and shotguns. I'm wondering whether Ms. Michaud has considered that this would potentially lead to the banning of a large number of hunting rifles and shotguns, and what her thoughts are on that.

Thank you.

**The Chair:** Mr. Lloyd is at the end of the list. Does anyone wish to speak again?

Go ahead, Madame Michaud.

[Translation]

**Ms. Kristina Michaud:** I would like to thank Mr. Lloyd for his question.

I would just remind him that the definition is prospective. It is therefore false to say that it will lead to the prohibition of hunting rifles, because it will apply to firearms that don't yet exist.

I would also remind him that this is the definition proposed by the Nova Scotia Mass Casualty Commission. This commission has done tremendous work and we have every reason to believe that its proposals are sound.

[English]

**The Chair:** Thank you, all.

There being no further speakers, we'll vote on the subamendment.

(Subamendment negatived [See Minutes of Proceedings])

**The Chair:** We will carry on with the debate on the main amendment.

I think Mr. Calkins is on that list—I'm trying to maintain a bit of.... Then we have Mr. Julian.

**Mr. Blaine Calkins:** Thank you, Mr. Chair.

Now that we have the subamendment question resolved, I still have some questions. I'm hoping the committee and witnesses will grant me some latitude, because I wasn't here for the previous discussion on this amendment. From what I see here, I have some questions. I am a gun owner. I have trust issues, as a gun owner, frankly, with a process that provides a definition yet still provides another way to circumvent the definition.

If I read this amendment correctly in the context of the current law, it simply adds the paragraph, after paragraph (d) in the Criminal Code, in the definition of a "prohibited firearm" and the one paragraph that would be before it. Paragraph (d) says, "any firearm that is prescribed to be a prohibited firearm". That's the other process.

Notwithstanding all the discussion we're having about paragraph (e) being added to the "prohibited firearm" definition in the Criminal Code under subsection 84(1), there is still an ad hoc way to declare a firearm, whether it meets or doesn't meet the definition we're debating today, as a prohibited firearm, as has always been the case. I think that's what genuinely frustrates law-abiding firearm owners. It's a "stroke of a pen" method somebody somewhere can use arbitrarily...that other process.

I'm putting on the record, as a gun owner, that I am genuinely frustrated that we're spending so much time discussing a definition for which there is a process to completely circumvent the definition. That's why I don't have any trust. Even if we come to a general consensus on this definition, this isn't the only way in which I can, as a purchaser, an owner, anybody who is a business owner or manufacturer.... There is no way of knowing, by reading the law—if this amendment is passed into it—whether or not a long gun will still be prohibited, restricted or otherwise.... It is frustrating to me.

I have some questions, because it deals with Remington firearms. I'll just use them as an example. Remington is getting back into business. They've made the 742, the 7400 and the 750. For the people here today as witnesses, you know which firearm I'm referring to, don't you? It's generally known as the Remington semi-automatic hunting line among their rifles. We all agree on that. Am I correct? Do you guys know which gun I'm talking about?

Ms. Paquette, do you understand that? Okay.

That gun has obviously been designed. It's been in use for decades. Would we generally agree with that sentiment? The 742 was replaced in production by the 7400, which was then replaced by the 750.

Generally speaking, would you agree with what I'm saying?

• (1625)

**Ms. Kellie Paquette:** I believe that's accurate, yes.

**Mr. Blaine Calkins:** You would also agree that Remington designed, generally speaking, for all of those models, a four-round magazine, a 10-round magazine and a 20-round magazine. Now, only the four-round magazine is lawful in Canada, according to our laws.

Am I correct in how I'm interpreting that?



**Ms. Kellie Paquette:** Yes, but I think the definition is just one element. When they talk about the magazine capacity, it's one element to determine—

**Mr. Blaine Calkins:** Don't.... I don't think I'm going to go where you think I'm going to go.

**Ms. Kellie Paquette:** Okay. I'm sorry.

**Mr. Blaine Calkins:** The magazine issue is a completely separate issue, in my opinion. Unfortunately, we don't actually have clarity, and the first thing we should be getting clarity on before we discuss any of these legislative changes is the one that actually deals with magazines. All we have right now is what we currently have in regulation, plus what the minister has said they're going to do. This means that I'm now guessing, as a parliamentarian, what that magazine legislative change or regulatory change might look like.

Remington are now getting back into the business. They've made announcements saying that they're going to create a new line of firearms. Hypothetically speaking, I'm assuming they're not going to reinvent the wheel. Let's say they create a model 800, with small design changes. It's not the 742, it's not the 7400 and it's not the 750. Let's just give it a number; let's say it's the 800, a semi-automatic rifle. They're going to manufacture a four-round magazine, a 10-round magazine and a 20-round magazine and introduce it to the marketplace.

I'd like your interpretation of this piece of legislation, if it came to pass into law, for a Remington 800, if that's what they decide to call it, designed and manufactured after this becomes law, if they come to the marketplace with that and they get the patent after this becomes law. That Remington 800 now comes with a four-shot magazine, a 10-shot magazine and a 20-shot magazine, because it will probably be interoperable on the platforms, as almost the whole 700 platform is. What would be your interpretation? Would it be your advice and recommendation, to either an order in council or whatever the process may be, that this firearm, the Remington 800, be prohibited?

**The Chair:** I don't think the witnesses can speak to their advice, but they can give you answers to your questions about their interpretation.

**Ms. Kellie Paquette:** That depends on the modifications of the design. That's number one; we would have to evaluate what kind of design changes are made. If it's a new model, it will be applied against the definition. However, it depends on what modifications are made to the firearm, so I really can't answer that until we know what changes are made.

**Mr. Blaine Calkins:** Now it's not about the firearm; it's about the firearm model. Do I understand your answer correctly?

**Ms. Kellie Paquette:** I should have said “design”. That was my mistake.

**Mr. Blaine Calkins:** This is important for firearms owners to know. These are the questions and concerns that I have. If it were the case, in theory, that a Remington 800 semi-automatic 30-06, because of an interpretation of this clause and an interpretation of the designs.... Even though it's interoperable now, its magazines and everything are interoperable with a Remington 750, a Remington 7400 and a Remington 742. Would that put in jeopardy the firearms

that are currently owned legally and would hopefully still be legal in this country? Would it put those models in jeopardy?

I have had numerous Chevy pickup trucks. They're all 2500s and they're all Duramaxes, and they're all different over time. This is just a different form of the same thing; this is what I'm trying to get at. If the new form of the same thing is prohibited, then I can reasonably presume that the old form of the same thing will be prohibited. Am I wrong?

• (1630)

**Ms. Paula Clarke (Counsel, Criminal Law Policy Section, Department of Justice):** Hi. I just want to recap to make sure we're on the same page.

Your example is a new firearm that is designed in the future and produced in the future, which is capable of—

**Mr. Blaine Calkins:** It might be. It might be the exact same firearm, just marketed differently with a different model number. It might be the exact same thing as the last one that came out.

**Ms. Paula Clarke:** Okay. I can speak to the law, and maybe Ms. Paquette can jump in if I'm making a mistake.

The way the definition is drafted is that it's meant to capture any firearm that is capable of receiving a magazine that can hold more than the legal limit, so in this case it would be six or more. That would include a firearm that can accept a magazine that has two, four, 10 or 20. Therefore, that would be captured, according to (ii).

The third part of the definition is that all of this has to happen in the future, so it would be a new design, and then manufactured in the future.

**Mr. Blaine Calkins:** In your interpretation, would the Kel-Tec Sub-2000 Gen 2 be different from the Kel-Tec Sub-2000 Gen 1?

**Ms. Paula Clarke:** I don't have the technical expertise to answer that question. I would defer to the CFP for that.

**Mr. Blaine Calkins:** Is there anybody here who is qualified to answer that question?

**Mr. Rob Daly (Director, Strategic Policy, Canadian Firearms Program, Royal Canadian Mounted Police):** Maybe I'll take a shot. Can I just step back to the question?

Existing makes and models, your 700s, are not affected by this definition. They are currently in the market. They were previously designed. They were previously manufactured. They will continue to exist and not be touched by that definition. We're good on that front, are we?

**Mr. Blaine Calkins:** I believe that's the intent, sir, yes.

**Mr. Rob Daly:** Now we move to the 800 model, and you mentioned that it's built on the same—

**Mr. Blaine Calkins:** It's the same function.

**Mr. Rob Daly:** If there's not a material change in the design.... Again, I'm going to be hypothetical here, but let's predicate it on the fact that it's based on how the manufacturer comes out and markets that new model. Is it defining it in any different way? Are there improvements being made? Is it really just something that is substantive or not substantive?

I'm going to give examples. The mechanical operation is changed or is not changed, or we move from a gas operated to a recoil system. There has to be some material change. This isn't impacted by a colour. Your Duramax Dodge truck that went from red to green to yellow isn't necessarily....

I'm just interpreting this as you're asking us to.

**Mr. Blaine Calkins:** That wasn't my point.

**Mr. Rob Daly:** I know, but the reality—

**Mr. Blaine Calkins:** It's a little more substantive than that.

**Mr. Rob Daly:** It has to be a material change—

• (1635)

**Mr. Blaine Calkins:** Okay, just so I'm clear, if the Remington 800 that is currently being thought up, drafted and designed gets its patent and comes to the market two years after this becomes law, accepts a Remington 750 magazine or any magazine that worked in a Remington 750 and any magazine that worked in a Remington 7400 or any magazine that worked in a Remington 742, it would meet the test in subparagraph (ii). Would you agree?

**Mr. Rob Daly:** Sorry, could you repeat that? It would meet the test of...?

**Mr. Blaine Calkins:** Remington manufactures a four-shot, a 10-shot and a 20-shot magazine, even though the four-shot magazine is the only one legal in Canada. If Remington produces a model 800 semi-automatic that accepts all magazines from the 750, 7400 and 742 platforms that Remington has made—the four-, 10- and 20-shot magazines—would test number (ii) be met? The Remington 800 is, however minor the modifications might be, a new model of the Remington semi-automatic platform, and I know you're saying that it has to be a substantive enough change, but that's a subjective decision that is made by somebody, and we don't necessarily know who those folks are.

In theory, I'm reading (ii) as meaning that a Remington 800 semi-automatic 30-06, for example, which could accept a 10-shot 30-06 magazine even though it's not legal in Canada, for the purpose of the law, meets the test.

**Ms. Pam Damoff:** I have a point of order, Mr. Chair. It's unfair to ask officials to make a future determination on a firearm. The officials have answered as best they can, and now they're being asked to determine the eligibility of something that is complete speculation. It's putting them in a very difficult position to be able to say one way or the other when there's nothing in front of them. They've been clear about that.

**The Chair:** Thank you for the intervention. I think Mr. Calkins is trying to delve into the particulars of the definition, and I recognize that it's very difficult.

I think we have a couple of different questions, if I may incorporate them into your questions. There's the consequence of a derivative design. Second, if that derivative design is capable of accepting multiple cartridges, what is the circumstance? Would that be a fair summary?

**Mr. Blaine Calkins:** Yes. Thank you, Chair. Your language is very articulate.

I just want to be clear that I'm not trying to put anybody here in an unfair.... I'm not being hostile in any way, shape or form. I'm trying to take comfort in the fact that if the derivative of, say, the 800...because we have history with that particular firearms manufacturer. We have the 742 and the changes to the 7400. We have the changes from the 7400 to the 750. Remington has not reinvented the wheel; let's be honest.

That's why I pursued that line of questioning as our hypothetical example. I understand, but I have to predict what this law is going to do in the future. It's my job as a parliamentarian to know how changing the law affects the future, so I have to ask hypothetical questions. I think I'm being as fair and reasonable as possible.

I actually believe that if Remington came out with an 800 model that had as minor changes to it as the 750 did compared with the 7400, because Remington originally designed cartridge magazines with 10 and 20 rounds in it, test (ii) would be met. However, it has to meet all three, right? We already know that it meets test (i), because it “discharges centre-fire ammunition in a semi-automatic manner”.

We all agree that it meets test (i), and I think it meets test (ii), so the only hope for Remington, then, to get the Remington 800 on the marketplace in Canada would be that it doesn't meet test (iii). If it's designed and manufactured, that model.... I think we have had this discussion about the model. If that model “is designed and manufactured on or after the day on which [the] paragraph comes into force”, and the example I gave you was that this model is designed and comes onto the marketplace after this comes into force, in my opinion you're going to have a hunting rifle that is now prohibited in Canada.

Am I missing something, or is there, Mr. Daly, some way...? It would be nonsensical to have a Remington 800 be labelled prohibited and a model 750, which is virtually identical, be legal in Canada. Are we going to have that scenario, potentially? How would the law be interpreted so that something that seemingly asinine wouldn't happen?

• (1640)

**Mr. Rob Daly:** I think hanging on your words of “virtually identical” is a bit of a challenge, because then I would say, if I take that at face value, that there's not a new design here, so it doesn't meet test (iii).

I think that's the best I can do in a hypothetical situation. Again, it comes back to the determination of whether or not this is actually a new design post this coming into force.

**Mr. Blaine Calkins:** I don't see the word “new” anywhere in the amendment in regard to a design. Am I missing something?

**Mr. Rob Daly:** The issue in test (iii) is “originally designed”, right? I'm referring, then, to the opposite of that.

**Mr. Blaine Calkins:** That's what I need to know. I need to know how the interpretation and the implementation of the interpretation will work.

**Mr. Rob Daly:** Right. If this model that you're speaking of, the 800, is virtually identical, then we would be using the original design specs—the original.

**Mr. Blaine Calkins:** Okay.

Based on your experience and knowledge of how the program has been administered over the years, how significantly would the design have to change in order to be considered, then, a new design? Are there some examples? I brought up the Kel-Tec Gen 1 and the Kel-Tec Gen 2. They're virtually the same firearm. I think the way the stock works is all that really changed.

Can you give me an example? Would it have to be going from a gas-operated to a...? I don't see that as being a significant change, but maybe you do; I don't know.

**Mr. Rob Daly:** It could be that. I mean, it would have to take in a number of different criteria. I gave some examples of the mechanical operation. It could be other things. It could be the size of the change in the frame size as well, the receiver frame size. That could have an impact as well that would precipitate potentially looking at it as a new design.

It's difficult to run hypotheticals through at this level, but again, I think we've given some examples of what would precipitate our looking at this as a new design. It would also be how the manufacturers are pushing out the material in their literature and how they are describing this firearm.

I think a combination of several features and factors will go into making that determination. I can't give you just one specific feature and say that as long as they meet that, then they're in or they're out.

**Mr. Blaine Calkins:** Would it normally be either the manufacturer or the importer that would send you a firearms reference table or apply for a firearms reference table ruling on the classification? Is that how that works?

**Mr. Rob Daly:** Or a design, yes...we would follow up.

**Mr. Blaine Calkins:** Thank you, Mr. Chair.

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

We go now to Mr. Julian.

Go ahead, please.

**Mr. Peter Julian:** Thanks, Mr. Chair.

We're now coming up to four hours on this amendment.

I'll flag two things.

I've already mentioned the incredible length of time it will take to get through clause-by-clause on this schedule. I note that I proposed a pathway the Conservatives have rejected, which was to request additional committee time next week—

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

**Mr. Dane Lloyd:** It isn't on the subject of the amendments. This is on the subject of his unanimous consent motion.

I think he should get back to the topic at hand.

Thank you.

**The Chair:** Thank you for your intervention.

I think it's certainly pertinent to committee business. I think he's moving along into the amendment itself.

**Mr. Peter Julian:** It is absolutely appropriate, Mr. Chair, to speak of the time that has been spent on this amendment, as the member knows.

The amendment itself is seven sentences. It was received days ago. I recall getting a 500-page omnibus legislation during the Harper government years, which we were debating 24 hours later. Now we're days later and a seven-sentence amendment is not being moved through at a time when we have 145 other amendments waiting after that. It is pretty clear to me that what we're experiencing is a full-on filibuster. Given the size and scope of the important issue around ghost guns and what law enforcement is calling for, I think it's a real problem. We'll have to find other solutions to this filibuster.

On the amendment itself, I thank the officials. They've been very clear in terms of answering the questions. To my mind, in some cases, we're talking about questions that have been repeated, or they're rhetorical. Hypothetically, when we know we have legislation and regulations follow, things are implemented. To get to the point where we're asking questions that are more proper for the latter stages, after the passing of legislation... I don't feel that is the right way to go.

I flag the incredible amount of time it has taken this week, at a time when the committee should be moving forward. If the Conservatives are not willing to schedule additional committee meetings, I think we have to find other solutions to this.

I'll be voting in favour of this amendment.

● (1645)

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

[*Translation*]

I will now go over to Ms. Michaud.

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

I'm obviously disappointed that my subamendment was not carried. I would nonetheless like to say that the definition that we have before us is acceptable, and for that reason I will vote in favour of the amendment tabled by the government.

I hope that my colleagues have received answers to their questions and that they will be ready to vote soon on the amendment. I would reiterate, as Mr. Julian has just done, that quite a few people have been waiting for these amendments for a long time. It would be wonderful if our study of the bill could progress quickly.

[English]

**The Chair:** Thank you.

We'll go to Mr. Lloyd, followed by Ms. Damoff.

Go ahead, Mr. Lloyd.

**Mr. Dane Lloyd:** Thank you, Mr. Chair.

Perhaps Ms. Damoff's intervention might not be necessary, but we'll see.

The Conservative position is that this definition remains flawed for many reasons, including the reasons eloquently brought up by my colleague Mr. Calkins. There is some uncertainty in this definition. The definition also leaves it open that hunting rifles and shotguns will be banned on a go-forward basis.

Also, this government has seemingly left the door open through a proposed advisory council and a mandated parliamentary review on a definition. We don't know what those will recommend, but it's certainly leaving the door open for a future revised definition that would go forward and ban hunting rifles and shotguns. We should remember what the Prime Minister said not too long ago, which was, "[T]here are some guns...that we're going to have to take away" that are used for hunting purposes.

Conservatives will continue to hold this Liberal government to account. We will continue to stand up for law-abiding hunters and sport shooters so that their hunting rifles and shotguns will not be taken away.

In order to assuage the concerns Mr. Julian has brought up on numerous occasions, I will say that Conservatives are ready to vote on this matter.

Thank you.

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

Ms. Damoff.

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

I just want to get on the record and clarify that this amendment in front of us will not ban hunting rifles. To speculate on future firearms that may or may not be banned and give the impression that we're trying to ban hunting rifles, ban.... These are firearms that don't exist.

There tend to be clips that get out there, often including me, that then give the impression that we're doing something we're not. We are not banning hunting rifles. I want to be very clear on that.

I want to thank colleagues for the work they've put in to this. I'm pleased to hear that we're going to get to a vote, so I will end it there.

I would like a recorded vote, though, Chair.

**The Chair:** Mr. Clerk, would you carry out the vote, please?

(Amendment agreed to: yeas 7; nays 4 [See *Minutes of Proceedings*])

**The Chair:** Thank you, all. The motion carries. I know we all have the bruises. Thank you all for getting us there.

• (1650)

**Mr. Dane Lloyd:** Good. Can we go home?

**The Chair:** Wouldn't that be nice?

Okay. In that vein, we have until six, but I think if we go to 5:45 p.m., it will be the full two hours that we were allocated.

Is that okay with everyone?

**Some hon. members:** Agreed.

**The Chair:** Okay.

Carrying on, next on our list is NDP-0.1. I will note that if this motion is adopted, BQ-2 and CPC-2 cannot be moved, because they affect the same line.

We have Mr. Julian, please.

**Mr. Peter Julian:** Thank you very much, Mr. Chair. I'll be brief.

I will flag that the original NDP member of this committee, Alistair MacGregor, proposed this amendment, and it is his birthday today. I hope that is additional incentive for members of the committee. I'm sure he would be pleased, as would the airsoft community.

We're talking about very serious issues here. We have the framework, in terms of this bill. I've mentioned previously the issues around airsoft, the issues around the manufacturers' loopholes, which would be tightened up with the amendment that we just adopted. These are important and serious issues.

What has been flagged by the airsoft community—and these are folks who enjoy airsoft in a recreational way—is the concerns around the bill's treating them in what is really not an appropriate way.

The intent of the amendment would be to take clause 1 out, and basically that still allows the government to look at a possible regulatory approach. We understand that the government has the ability to set regulations. Members of the airsoft community have been very open, as you know, Mr. Chair, in coming before this committee, and in talking with members of this committee to say they're open to regulations around airsoft, but the reality is that the current clause 1 would have a serious impact on airsoft practitioners, as well as a number of businesses across the country.

On behalf of Alistair MacGregor, who has been a strong champion of those who are airsoft practitioners, I'd like to move the amendment. Hopefully it will receive support from all members of this committee.

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

Is there any discussion on this amendment?

Ms. Damoff, go ahead.

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

I want to thank Mr. Julian on behalf of Mr. MacGregor. I know he did a lot of work on this.

I would like to give a shout-out to the airsoft industry, which was incredibly willing to work with us to regulate the industry.

I have concerns about gas-powered airsoft rifles. It was something we saw at the gun vault. I have concerns about their ability to be converted.

While we won't be able to support the amendment, we won't stand in your way.

My understanding is that the government can provide regulations on the issues that you mentioned, Mr. Julian. The industry came here and told us that they're fine if we look at regulating age, transportation and storage. They don't want these airsoft to get into the hands of kids, be taken to a school and used to kill a child because they're carrying their parent's airsoft rifle.

I want to thank the industry sincerely, because they were incredibly good to work with. They were very concise and came with solutions.

Thank you for bringing this forward, Mr. Julian.

[*Translation*]

**The Chair:** Ms. Michaud, over to you.

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

I would like to thank Mr. Julian for tabling this amendment, as well as Mr. MacGregor, with whom the committee had worked previously on this important issue.

As Ms. Damoff stated, when we visited the RCMP's vault, we were able to see how easy it is to convert an airgun into a real firearm, because the components of a firearm fit easily into the housings of an air gun. However, as my colleagues have mentioned, I think it would be a step too far to prohibit air guns in bill C-21.

Moreover, when industry representatives came to testify before the committee, they were very conciliatory and said they were open to the idea that the industry be regulated. I will quote part of the opening statement given by Mr. Brian McIlmoyle, the director of ASIC, the Airsoft in Canada association, when he testified before the committee:

We believe the best means to mitigate these risks is an 18-plus restriction on the purchase of airsoft, which would prevent children from buying airsoft without parental knowledge. In addition, a legal acknowledgment of risk or waiver, when signed and combined with some clear educational material, will impress upon parents and young adults the importance and very mortal responsibility of owning airsoft gear.

He also stated that he was willing to go further and made the following proposal:

[...], ASIC has studied a self-regulatory system similar to the United Kingdom's Airsoft Retailers Association and the UK's Violent Crime Reduction Act, which stipulates membership in an airsoft association in order to possess airsoft. This kind of measure would require a higher administrative overhead, but there is a feasible appetite for it within our community.

To which he added:

These measures benefit from joint positions with the FSAQ, or Fédération Sportive d'Airsoft du Québec; the AABC, Airsoft Association of British Columbia; and the CSAAA, the Canadian Sporting Arms and Ammunition Association.

By the way, I would just like to thank the FSAQ, which helped us in our work.

Mr. McIlmoyle ended his presentation with this:

We suggest that this committee empower the Governor in Council to work with consulted bodies such as ASIC to more comprehensively and exhaustively defined "replica firearm" and/or "airsoft" through regulation. We hope today that the committee can work with our community to develop a solution.

I now have a question for the public servants.

Are you able to confirm that the government is currently able to regulate airsoft guns without these guns being expressly mentioned in bill C-21? Is there something in the bill right now that would allow the government to regulate airsoft guns?

• (1655)

**Ms. Rachel Mainville-Dale (Acting Director General, Firearms Policy, Department of Public Safety and Emergency Preparedness):** Thank you for the question.

We would have to undertake an in-depth analysis to determine what the framework is, what political will exists and what activities should be regulated.

**Ms. Kristina Michaud:** Is it doable?

**Ms. Rachel Mainville-Dale:** Everything is doable when the political will is there.

**Ms. Kristina Michaud:** Thank you.

I was thinking about tabling a subamendment to allow the government to regulate airsoft guns, but I have just been told that this is already possible. I will therefore vote in favour of Mr. Julian's amendment.

That said, I want to say quite clearly to the airsoft community that I was going to table precisely the same amendment in order to withdraw any reference to airsoft in bill C-21.

Thank you.

[*English*]

**The Chair:** I'm sorry, were you moving an amendment?

[*Translation*]

**Ms. Kristina Michaud:** No, Mr. Chair.

[*English*]

**The Chair:** No. Okay. I apologize.

Go ahead, Mr. Lloyd, if you please.

**Mr. Dane Lloyd:** Thank you. This is going to be a question for officials.

I note that the legislation that it is seeking to amend draws the distinction between “replica” firearms and “antique” firearms, so it does not apply to antique firearms, as far as I understand it. The definition of an antique firearm is a firearm that was produced before 1898. That seems to be the date.

We received witness testimony, a brief, from the Toronto Artillery Foundation. It operates a number of old, World War II era, post-1898, 25-pounder cannons that are used for public ceremonial purposes. I think these have tremendous value for ceremonies. We have the 21-gun salute here on Parliament Hill as a tourist attraction.

I just want to get some explanation from the witnesses here. Does this impact those 25-pounder...would they be classified as firearms? They wouldn't be given an exemption under “antique”. What is the state of those cannons in this amendment?

• (1700)

**Ms. Paula Clarke:** There's nothing in the amendment that changes the current law around antique firearms.

**Mr. Dane Lloyd:** It's not an antique firearm.

**Ms. Paula Clarke:** I'm sorry. Your question is....

**Mr. Dane Lloyd:** It's World War II era. That's 1939 to 1945, so it's not covered under “antique firearm”. It's not technically... Maybe it's a replica firearm, but these are real cannons, I believe. With the joules and bore diameter, could these firearms be banned under an amendment like this?

**Ms. Paula Clarke:** In the proposed amendment, if these were actually regulated firearms.... If they had a velocity over 152.4 metres per second and a muzzle velocity in excess of 5.7, then they would be regulated firearms.

If you had a replica of a regulated firearm, then it would be prohibited.

The example that you gave would have to exactly resemble a regulated firearm.

**Mr. Dane Lloyd:** That's in order to be exempt....

**Ms. Paula Clarke:** That's in order to be captured. If your example does not meet the definition of a regulated firearm, then it would not be a replica.

**Mr. Dane Lloyd:** I understand. Thank you.

**Ms. Paula Clarke:** That would be the threshold.

**The Chair:** Seeing no more speakers, shall we vote on this amendment?

(Amendment agreed to)

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

That being the case—

**Mr. Peter Julian:** On a point of order, Mr. Chair, I will be wishing Mr. MacGregor a happy birthday on behalf of this committee.

**The Chair:** I actually meant to say that before I got carried away with saying, “The motion is carried.” I'm so excited with all the motions we've been passing in the last few minutes.

I want to also join with you in wishing Mr. MacGregor a happy birthday. I expect the whole committee would like to wish Mr. MacGregor a happy birthday. One more successful trip around the sun is always good news. Thank you, all.

BQ-2 cannot be moved because it affects the same lines.

CPC-2 cannot be moved.

That brings us to G-5.

Oh, yes, there's a very important part that I missed.

Shall clause 1 carry?

(Clause 1 as amended agreed to [*See Minutes of Proceedings*])

**The Chair:** Now we will go to G-5, which is standing in the name of Mr. Noormohamed.

Ms. Damoff.

**Ms. Pam Damoff:** Thanks.

Because my colleague Mr. Noormohamed is not here right now, I'm going to do what Mr. Julian just did and move it on his behalf. I know it's an issue that both he and Mr. Schiefke care a great deal about.

We've already passed one amendment to do with ghost guns, 3-D printed firearms, or, as I think the police call them, privately manufactured firearms. We have a whole bunch of these.

So that you know, Chair, I'll move them in Mr. Noormohamed's absence, unless Mr. Schiefke wants to move one.

This is incredibly important for law enforcement. I hope everyone can agree. What these amendments do is add the words “firearm part” to different sections of legislation to ensure that these privately manufactured 3-D printed guns are not able to be used in the commission of crime.

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

Does anyone wish to speak to this amendment?

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

**The Chair:** We'll go on to G-6, also standing in the name of Mr. Noormohamed.

• (1705)

**Ms. Pam Damoff:** I was wondering if my colleague Mr. Schiefke wanted to move this one.

**Mr. Peter Schiefke (Vaudreuil—Soulanges, Lib.):** It's okay, Ms. Damoff. You can move it.

**Ms. Pam Damoff:** Similar to G-5, this is another addition of the words “firearm part”, so I won't talk about it a lot. I just did.

I hope we can all vote in favour of this one.

**The Chair:** Mr. Lloyd, go ahead.

**Mr. Dane Lloyd:** While Conservatives support expanding the maximum sentence for those who commit crimes in relation to the trafficking of weapons and firearms, we are deeply concerned about the watering down of some mandatory minimums, and we note that nobody has ever actually received a maximum sentence. It is our hope that we see stronger penalties for those who commit these acts that are causing violence in our communities, which are unacceptable.

Thank you.

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

Are there any other speakers?

Ms. Damoff, go ahead, please.

**Ms. Pam Damoff:** To quickly comment on that, legislation doesn't.... Judges make the determination of the sentence, not elected officials.

I was incorrect about the...this increases the sentence to 14 years from 10 years, as it is currently associated with weapons trafficking. My own personal cheat sheet was wrong in what I had written about it being ghost guns. This increases the penalty to 14 years from 10 years.

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

Is there any further discussion?

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

**The Chair:** We'll move on to G-7, which is also in the name of Mr. Noormohamed.

It's Ms. Damoff, I believe. Go ahead.

**Ms. Pam Damoff:** I'm sorry. Chair, we just did G-6, didn't we? Okay.

G-7, similar to the previous amendment, amends the Criminal Code offence of transfer without authority to include the transferring of a firearm part, which is all tied to ghost guns.

**The Chair:** Is there any discussion?

Mr. Ruff, please, go ahead

**Mr. Alex Ruff (Bruce—Grey—Owen Sound, CPC):** For the officials, so that it's clear.... We discussed this briefly on Tuesday, and I know they're future amendments, but as long as you have.... This isn't going to require you to have an ATT to move the part. As long as you have your PAL or RPAL, you're good to go.

Is that correct?

**Ms. Paula Clarke:** That's correct.

**Mr. Alex Ruff:** Thank you.

**The Chair:** Is there any further discussion?

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

**The Chair:** That brings us to G-8, which also stands in the name of Mr. Noormohamed.

Ms. Damoff, please, go ahead.

**Ms. Pam Damoff:** Thanks, Chair.

I think all of us who visited the RCMP gun vault were shocked at how fast and easy it is to 3-D print the receiver, and also how readily available it is.

This clause sets about dealing with computer data and the computer system used in new offences. This is new. It is extremely important for addressing the rise in ghost guns. Back in the day, you needed a gunsmith to be able to create these receivers. It was literally within moments, minutes, while we were standing in the room, that the 3-D printing was able to happen.

Maybe colleagues have questions for officials to clarify this. These amendments will deal with adding offences to deal with 3-D printing. It will also make Canada a leader in the world when it comes to addressing ghost guns.

I mentioned this at our last meeting. When I met with Inspector Michael Rowe in Vancouver, he said that these weapons are the preferred weapon for hit men. They are becoming the preferred weapon of gangs. It gives us an opportunity as legislators to get ahead of organized crime instead of playing catch-up. It gives police the tools they need to be able to prosecute those who are manufacturing these firearms, sometimes in a home or a residential neighbourhood.

I'm hoping that colleagues will support this amendment.

● (1710)

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

Mr. Lloyd, please go ahead.

**Mr. Dane Lloyd:** I have some reservations and questions about this. I'll ask officials.

In a court of law, if you were in possession of something.... Just being in possession of schematics for the construction of a ghost gun, there's nothing criminal about that, so the government has to prove that the possession of these schematics is for the purpose of weapons trafficking.

Is that correct?

**Ms. Phaedra Glushek (Counsel, Criminal Law Policy Section, Department of Justice):** That's absolutely correct, yes.

**Mr. Dane Lloyd:** I've had a number of civil liberties people and lawyers come to me and say that they are very concerned. For example, if somebody had a manual for how to construct a regular, conventional firearm that was a legal firearm, a legal design in Canada, that's not what's being dealt with here. You would have to prove that they were planning to distribute that schematic for the purpose of committing a crime.

**Ms. Phaedra Glushek:** That's correct. There are two elements to any criminal offence, the *mens rea* and the *actus reus*. The *mens rea* in this case would be the purpose of manufacturing. Just having simple possession of a schematic, a drawing, etc. on your computer.... The intent is not to capture that by this offence. You would have to have that additional *mens rea* or the intent for the purpose of trafficking for the first offence.

As for the second offence, which would be the distribution of blueprints, you would have to have a *mens rea* of knowing that the blueprint, design or schematic would be used for the purpose of firearms trafficking, and it would have to be a firearm derived from the data.

**Mr. Dane Lloyd:** Is there any precedence in our law for something like this, that the possession of a design for something, even if it is proven that it's for a criminal purpose, is a crime?

**Ms. Phaedra Glushek:** In my review, and I recall looking, the closest offence that we came up with was the possession of child pornography. Accidentally accessing it, accidentally looking at it or viewing it.... You would need the requisite *mens rea*. Possession is defined in the Criminal Code in section 4. It really lays out what possession would be in those cases. The courts, of course, would have....

**Mr. Dane Lloyd:** Thank you for that clarification.

**The Chair:** Thank you.

We go now to Mr. Julian, followed by Mr. Ruff.

Mr. Julian, please go ahead.

**Mr. Peter Julian:** Thank you, Mr. Chair.

I'll be supporting this amendment. Having had the opportunity to meet with the RCMP in Surrey, British Columbia, it was an eye-opener to see the extent to which a 3-D printer with the possibility of certain software plus legally-obtained firearms components, obtained without a PAL, and the possession of ammunition, all of these things added together.... Law enforcement officials indicated how difficult it was currently, with the current law, to do the appropriate follow-up.

As I've mentioned many times, and I know law enforcement has mentioned this as well, in the streets across this country, in certain regions like mine, ghost guns have increased exponentially over the course of the last year or two. This isn't an issue that is slowly developing, this is an issue that is exploding. There were 20,000 seized ghost guns in the United States, and the Biden administration is taking action. Canada needs to take similar action and equip law enforcement with the ability to crack down on criminals.

Essentially, Bill C-21 is becoming more of a bill that is cracking down on criminal behaviour. These ghost gun provisions are vitally important to that. We have to crack down on criminals, cut off their

source, and make sure they do not have untraceable firearms. That's a danger to the public; there is no doubt. It's a danger to all of us, so I'll be supporting this amendment.

• (1715)

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

I'll go to Mr. Calkins, please.

**Mr. Blaine Calkins:** I thought it was Mr. Ruff.

**The Chair:** I lost track. It's Mr. Ruff, followed by Mr. Calkins.

**Mr. Alex Ruff:** Thanks, Chair. My question is very similar. I have no issues with the intent behind this amendment at all, and I appreciate the clarification from the officials to Mr. Lloyd's questions around the intent and everything.

Has there been a charter statement done specific to this amendment? It obviously gets into some very vague, grey areas with all this lawyer stuff, which I don't profess to be an expert on.

**Ms. Phaedra Glushek:** No charter statement was done specifically on this offence. The charter statement was tabled back in June 2021, but we do an analysis of all the government motions, again taking into consideration the charter and charter impacts such as on free speech in terms of distribution of these types of blueprints.

Any charter analysis that would have been done has solicitor-client privilege, but we can say it wouldn't criminalize merely distributing or publishing, and it would not have an impact on free speech, because the person has to have possession with an intent.

**Mr. Alex Ruff:** You are clarifying that a charter statement was done on the original bill. On this new amendment it wasn't, but there was analysis done. I fully acknowledge that you can't share it, but a charter analysis was done on this amendment.

**Ms. Phaedra Glushek:** Among other analyses that we do on motions—as I mentioned yesterday, gender-based analysis, etc.—yes, we do charter analysis on these provisions, on every initiative during our policy development.

**Mr. Alex Ruff:** Thank you.

**The Chair:** We have Mr. Calkins followed by Mr. Shields.

**Mr. Blaine Calkins:** Thank you, Chair.

Like my colleague, Mr. Ruff, I actually think this is the kind of stuff that we should be focusing on, rather than going after law-abiding firearms owners, but that's just me.

I have a couple of questions about this amendment. In my last job before I came here, I was a tenured faculty member, teaching computer systems technology at a local college. IT is something where I've forgotten more than I probably ever should have known in the first place. That was 17 years ago, and the technology has changed immensely.



I don't see the word "knowingly" in proposed section 102.1(1) or "with intent" in subsection (2). I'm a former computer programmer, a systems analyst, a database administrator. I don't know every file that is on my computer. I suggest that you who are sitting here as witnesses don't know every file that's on your computers.

Shouldn't we have some kind of language that says you must "knowingly" have this on your...? It would be very easy for anybody with any technical skill whatsoever—and that's not me anymore—to push a file to a computer, push a bot, push anything like that onto a device, and then all of a sudden you're circulating information, or your machine is circulating information, that you have no idea you're circulating. It happens when it comes to pornography, so it can happen when it comes to technical plans for firearms.

I just didn't see the language, so can somebody reassure me that "knowingly" and "with intent" are part of this amendment?

**Ms. Phaedra Glushek:** I can absolutely appreciate that type of concern around accessing these types of schematics.

For the proposed subsection 102.1(1) offence, which is the possession offence, where the person did it "for the purpose of manufacturing", that is a well-known standard.

Proposed subsection 102.1(2), which is the distribution offence, has language in it that says, "knowing that the computer data are intended to be used for the purpose of". The *mens rea* element is set out in that proposed subsection. It is on the eighth line.

• (1720)

**Mr. Blaine Calkins:** Okay, so *mens rea* is there [*Inaudible—Editor*] the *actus reus*.

**Ms. Phaedra Glushek:** The *actus reus* is actually doing that activity, yes. A prosecutor would definitely have to prove that someone did the sharing, making available or distributing of the schematic for the purpose of...

Those two elements would have to be proven. I understand the concerns.

**Mr. Blaine Calkins:** Okay, thank you.

**The Chair:** Mr. Shields, please.

**Mr. Martin Shields (Bow River, CPC):** Thank you, Mr. Chair.

It's probably along a similar... I think it's very important, as we're moving this...that we're actually behind, not ahead. I saw high school kids making these things 20 years ago. What they could do with 3-D printers was incredible then. I think we're behind.

I think this is going to get challenged in court. I don't think it's tight. I think it's an attempt, but I think we'll lose. The bar is so high that I think you will get out of this one.

It's an attempt, and I agree with the attempt, but I think the charter rights lawyers.... It probably will have to be dealt with again. The bar is too high, and I don't think it will work.

Thanks.

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

Mr. Julian.

**Mr. Peter Julian:** I'd like to ask the officials this, then.

The department does vetting, including under possible judicial challenges. Does this hold up?

**Ms. Paula Clarke:** Obviously, the advice we give to our ministers is protected by solicitor-client privilege.

As my colleague has indicated, we do a robust charter analysis of all draft legislation, including motions. I can't give you an answer to that without violating solicitor-client privilege.

**Mr. Peter Julian:** Is it fair to say it has been fully vetted?

**Ms. Paula Clarke:** Do you mean that it's gone through the approval process?

**Mr. Peter Julian:** Yes. Does that include having an analysis of what the impacts would be on the charter?

**Ms. Paula Clarke:** Whenever we draft legislation, we provide our ministers and decision-makers with a full suite of analyses, from a policy perspective and all relevant legal aspects.

**Mr. Peter Julian:** That's important for the committee to know.

Thank you very much.

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

Seeing no more speakers, let us carry out the vote.

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

**The Chair:** This brings us to G-9, which also stands in the name of Mr. Noormohamed.

Ms. Damoff will stand in for him.

**Ms. Pam Damoff:** I know he's going to be very disappointed he didn't get to move this.

As colleagues will see, I did my own little cheat sheet on how many were ghost gun amendments.

All these amendments are adding the word "firearm part". Amendment G-9 is the same. I already said what I needed to say. There are multiple of these, so hopefully we can go through them fairly quickly.

This one is adding "firearm part" to importing and exporting. This is all existing legislation. It just adds "firearm part" to it.

I'll leave it there.

**The Chair:** Mr. Lloyd, go ahead.

**Mr. Dane Lloyd:** I did read some of the transcript of the last meeting.

"Part" means an essential part. Is that correct?

If somebody was talking about wood stock on its own, does that count as a firearm part?

**Ms. Rachel Mainville-Dale:** I believe a motion on Tuesday was for all barrels and handgun slides, as well as prescribed parts, so it is limited to those pieces.

**Mr. Dane Lloyd:** It's essential components.

Thank you.

**Ms. Phaedra Glushek:** May I add to my colleague's answer?

**The Chair:** Go ahead.

**Ms. Phaedra Glushek:** “Receiver” and “barrel” are already defined as firearms in section 2 of the Criminal Code. The definition of “firearm part” in G-3.1 adds these two additional parts—barrels and slides.

Those four parts would be prohibited...sorry, not prohibited. I apologize to the committee. They would be firearm parts if this passes today .

**Mr. Alex Ruff:** Can you just repeat those quickly?

• (1725)

**Ms. Phaedra Glushek:** A frame and a receiver in section 2 is considered a firearm—those two parts. Yes...“frame or receiver”.

**Mr. Alex Ruff:** Not a barrel?

**Ms. Phaedra Glushek:** Not a barrel.... A barrel and handgun slide would be defined as firearm parts.

**The Chair:** Are we good? We're good.

Seeing no more speakers, let us, at breakneck speed, have another vote.

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

**The Chair:** This brings us to G-10, also in the name of Mr. Noormohamed, so please go ahead.

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

It's a similar amendment, adding the words “firearm part”, to give our police services and law enforcement the tools they need to combat ghost guns.

**The Chair:** Is there any discussion?

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

(Clause 2 as amended agreed to [*See Minutes of Proceedings*])

(On clause 3)

**The Chair:** That brings us to clause 3. I'm thinking that we have this excellent momentum. It might be a good place to stop, to carry the enthusiasm into the next meeting, which will be Tuesday.

Is that to everyone's liking, that we draw a line here?

Mr. Julian, please go ahead.

**Mr. Peter Julian:** I would like to propose a final time, for unanimous consent, a request for an additional 20 hours next week for this committee, given how slow our progress has been.

I'll propose that again. It has to be adopted by unanimous consent.

**The Chair:** Do we have unanimous consent?

**An hon. member:** No.

**The Chair:** No, we don't. I'm sorry.

We have made enormous progress today, and I thank you all. I thank the officials, as always, for giving us such excellent advice.

With that, we are adjourned.







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