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Chair: Mr. Ron McKinnon



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• (1555)

[English]

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

Welcome to meeting number 66 of the House of Commons Standing Committee on Public Safety and National Security.

We will start by acknowledging 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. Therefore, members are attending in person in the room and remotely using the Zoom application.

Pursuant to the House order of Tuesday, May 9, 2023, the committee is resuming its consideration of Bill C-21, an act to amend certain acts and to make certain consequential amendments (firearms).

I would like to remind all members of some specific sections of the motion adopted yesterday that have an impact on clause-by-clause consideration:

(ii) amendments filed by independent members shall be deemed to have been proposed during the clause-by-clause consideration of the bill,

(iii) not more than 20 minutes be allotted for debate on any clause or any amendment moved, to be divided to a maximum of five minutes per party, unless unanimous consent is granted to extend debate on a specific amendment, and at the expiry of the time provided for debate on an amendment, the Chair shall put every question to dispose of the amendment, forthwith and successively without further debate....

The motion continues:

(v) if the committee has not completed the clause-by-clause consideration of the bill by 11:59 p.m. on the second day, all remaining amendments submitted to the committee shall be deemed moved, the Chair shall put the question, forthwith and successively without further debate on all remaining clauses and amendments submitted to the committee as well as each and every question necessary to dispose of the clause-by-clause consideration of the bill, and the committee shall not adjourn the meeting until it has disposed of the bill....

Before we proceed, I will welcome once again the officials who are with us today. From the Department of Justice, we have Sandro Giammaria, counsel, 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 Rob Daly, director, strategic policy, Canadian firearms program; Kellie Paquette, director general, Canadian firearms program; and Rob MacKinnon, director, Canadian firearms program.

Thank you all for joining us today. Your participation is very important for the committee.

Finally, with regard to the speaking list, the committee clerk and I will do the best we can to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person. The clerk also has timers for each party, and we will rack up the times that each party has spoken.

Go ahead, Ms. Dancho.

Ms. Raquel Dancho (Kildonan—St. Paul, CPC): Thank you, Mr. Chair.

You sort of answered my question. My understanding is, as you said, that it's 20 minutes in total for each amendment. Is that correct, and is it five minutes maximum per party?

Am I understanding correctly that someone is going to be timing each intervention of each member and then adding it up as we go to see how much each party member has spoken?

The Chair: If you speak on behalf of your party for three minutes and Mr. Ruff speaks for a minute, it will accrue as four minutes for your party.

Ms. Raquel Dancho: If we go to Ms. Damoff and back to me, someone is going to be checking every second.

The Chair: We'll have a speaking list. People will raise their hand if they want to speak. There's no requirement to speak, but if you do speak, you and your party are limited to five minutes per amendment.

Ms. Raquel Dancho: Okay.

The Chair: Go ahead, Mr. Julian.

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

I'm glad we're finally getting down to work here, because this is really important.

I would suggest, as we normally do in the committee rotation, that we start with the official opposition, we go to the government, we go to the Bloc Québécois and then we go to the NDP in those five-minute periods. We can choose not to use them. I've certainly done my homework, so I won't be using my five minutes very often. In that way, we have a rhythm that is easier. For the five minutes the Conservatives have, they can decide to manage them as they wish. Then we'd go to the other parties, and after that, we would pass to the vote.

• (1600)

The Chair: Mr. Julian, I have no problem with that, although it is debate and not questioning, so there may be a need for people to respond to one another, but we can try. Let's figure out what works. Let's start with the regular order of speaking and if people want to put their hands up otherwise, we can do that, provided we have time left.

Ms. Dancho, you were wondering about this, I believe. If everybody doesn't speak, the time for the amendment will be less. No party gets more than five minutes.

Ms. Raquel Dancho: Mr. Chair, I don't know how many times I'll say this today, but I agree in part with Mr. Julian that it may provide a bit of flow. That being said, one person may say something that we want to respond to or a response may be needed to clarify. Then it gets a bit complicated if we've already used our five minutes, to your point. However, you sort of said that already.

The Chair: We can do otherwise by unanimous consent. If there's a need to extend the debate and the will to do so—it has to be unanimous—we can do so. I would suggest leaving a minute in the bank if you want to be able to respond to somebody. That's a way.

Mr. Ruff, did you have a...?

Mr. Alex Ruff (Bruce—Grey—Owen Sound, CPC): You covered it there, Chair.

A lot of these amendments are going to require minimal debate, but there are some where I think all parties are going to have some specific questions for the officials to get clarity. I'm hoping we can all work together. There are some amendments that obviously will require potentially more than the 20 minutes. I'm hoping we'll work collegially towards getting a resolution on those more substantive amendments.

I fully acknowledge that there are shorter ones, but if one party has used its five minutes, let's....

The Chair: We'll do our best. I'll do my best. I know the clerk will, absolutely.

We are bringing food in from outside. It should arrive by 6:30. The snacks are from the agriculture committee, which we have displaced for this time. I guess it goes on our budget eventually anyway.

Also, I don't propose that we sit in one solid block until midnight. We should take a break probably every hour and a half to two hours. If anyone needs a break more often, let me know and we'll do our best to accommodate that.

An hon. member: We'll do short breaks.

The Chair: Yes, we only do short breaks.

Are any further interventions required? I think we're good.

We left off yesterday at new clause 10.1. For this, we have amendment G-18 in the name of Mr. Noormohamed.

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

As we left off yesterday, this is another coordinating amendment that addresses the issue related to firearms parts in respect of our conversations regarding ghost guns. This is being proposed to make sure there is consistency and to make sure that those who are subjected to a prohibition order will not be able to possess the parts they'd be able to use to build those guns.

Hopefully we will be able to get unanimous support for this and keep moving.

The Chair: Thank you.

Go ahead, Ms. Dancho.

Ms. Raquel Dancho: Thank you, Mr. Chair.

I'm just going to start our time. This is a new day and I want to make sure we have much participation from our side in this regard.

For the officials, can you explain what we mean by a firearm part, please?

Mr. Sandro Giammaria (Counsel, Department of Justice): Sure. Thanks for the question.

In a previous motion, which I believe was carried, that term is defined expressly. If Bill C-21 becomes law, it will come to mean a barrel for any firearm or a slide for a handgun.

There is also an opportunity for the government to prescribe parts to add to that list. Let's say, for example, a part is identified as specifically amenable to the creation of a ghost gun. That part can be particularly isolated by regulation.

Ms. Raquel Dancho: I just have a few follow-up questions.

Can you give me an example of a new part that the government may add to that?

Mr. Sandro Giammaria: I can't speculate on what a government might do in the future. The idea behind it is that if, for example, police identify a trend whereby a particular part is used in the creation of ghost guns, but it is not a barrel or not a slide, and limiting access to that part would help reduce the frequency of the creation of ghost guns, the government would have the ability to do that by regulation.

• (1605)

Ms. Raquel Dancho: All right. Thank you very much.

I know we've had some of this discussion, but just to be clear, if the government is able to add any part to that, it could.... If I think of any firearm, you could add a pistol grip to it. I'm just wondering about that because there are people who may have some of these components.

I guess I'm just concerned that some aspects of this may be arbitrarily added and won't have anything to do with the issue at hand, which is to combat ghost guns. If somebody happens to have a pistol grip of a firearm but doesn't have a PAL and doesn't have any intention of having one.... I just don't want us to be targeting the wrong people.

Do you have any concerns in regard to how to regulate this to ensure that we're not targeting the wrong people?

Ms. Phaedra Glushek (Counsel, Criminal Law Policy Section, Department of Justice): Just to clarify, we're speaking to the section on firearm parts, which has already been passed through earlier motions, and this is a consequential amendment to the motion before us. We can't speculate on any kind of future regulations with respect to what the government may or may not prohibit in terms of firearm parts. What we can say is that these two parts are the most common parts in the illicit manufacturing of firearms. They are the most common and the most difficult to manufacture, in our understanding.

Ms. Raquel Dancho: That's understood. I think we all supported that and appreciate the severity of this and the need for it, certainly. This committee has been talking about ghost guns for the past year and a half that I've been on it.

Again, my concern is that additional parts may be added that folks are not aware of. The message I am taking away is that the main parts are being added—barrel and slide. That's important, but the government could add any other component of a firearm, and people should be aware that they will not be able to.... They should be very careful when possessing parts without a PAL after Bill C-21 passes. Is that an accurate thing about which to warn the public?

Mr. Sandro Giammaria: Thank you for the question. It is an important one for clarifying, as I did yesterday, that a PAL won't be required to possess parts. As I explained, a PAL relieves someone of what would otherwise be a criminal act—possessing, for example, a firearm. A PAL allows you to do that, but that's because it would otherwise be an offence to possess a firearm in the absence of a PAL.

Nothing in the bill nor in the motions before the committee makes it an offence to possess a part without a PAL, so you don't need a PAL to possess a part.

[Translation]

Mr. Pierre Paul-Hus (Charlebourg—Haute-Saint-Charles, CPC): Mr. Chair, I would like to clarify one point.

[English]

The Chair: I believe you still have time.

Ms. Raquel Dancho: We have a minute left.

[Translation]

Mr. Pierre Paul-Hus: I'm trying to understand why there's a discrepancy between the English and French versions of amendment G-18. Indeed, the amendment is not applied in exactly the same place. In English it refers to section 117.011(1)(a), and in French it refers to section 117.011(1).

Why is there a difference? Normally, the amendment should be applied the same way in French and English, in this case, in the same subsection.

[English]

Ms. Phaedra Glushek: In the process of drafting provisions in the Criminal Code—and this is an existing provision, so it's been here for several years—the difference between the French and En-

glish drafting in the revision is that sometimes there's paragraphing in the French that's not in the English. The context of the French and the English are the same. It's just not paragraphed, from my understanding of the drafting of the provision.

The Chair: Thank you.

Are there any further interventions?

Go ahead, Mr. Julian.

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

I'll be supporting this amendment. I did want to flag that, in previous sessions of this committee around Bill C-21, we had similar questions to those the Conservatives just asked. I wanted to flag that, and I will be flagging it.

In the case where there is new information, I am certainly inclined—as are, I believe, the rest of my colleagues—to allow for an extension of the 20 minutes. In the case where the Conservatives are asking questions to which they have already received answers, it is pretty clear that the intent is more to draw things out than to elicit new information.

• (1610)

The Chair: Thank you, Mr. Julian.

I will generally not cut witnesses off if they are giving a response, but I will try to cut members off well before their five minutes, so there should be time for witnesses to answer.

Are there any further interventions?

Seeing none, are all in favour of the amendment?

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

(On clause 11)

The Chair: That brings us to clause 11 and amendment CPC-15, standing in the name of Ms. Dancho.

Ms. Raquel Dancho: We have an amendment to propose in this regard.

Mr. Chair, it's the first amendment that I'm moving, so I'm not sure if I'll get the procedure right, but I will read it, and please correct me if I'm wrong.

I move that Bill C-21, in clause 11, be amended by replacing line 18 on page 15 with the following:

117.012 A provincial court judge shall, on application by

In essence, it changes “may” to “shall”.

The Chair: Thank you.

Ms. Raquel Dancho: Pardon me. This is concerning yellow flag laws.

The Chair: Right. Okay.

(Amendment negated)

The Chair: That brings us to CPC-16, also in the name of Ms. Dancho.

Ms. Raquel Dancho: Thank you very much, Mr. Chair.

I move that Bill C-21, in clause 11, be amended by replacing line 22 on page 15 with the following:

ceased to exist or were unfounded.

Again, these concern yellow flag laws, and I know that there was...although I was in the House dealing with the time allocation motion that was forced on us by the Liberals and NDP to limit our discussion today, and likely tomorrow.

In the few minutes that I have to discuss this, now that I am here, I'll note that of course there were a number of concerns we heard from witnesses about red flag and yellow flag laws, and I found that very concerning.

You'll remember, Mr. Chair, that when this bill was first brought forward by the Liberals, or the second iteration of it was first brought forward about a year ago, I moved a motion in the House to split out the red flag and yellow flag provisions. I did that so we could take the politics out of it and quickly usher this part along, because of course I would support, particularly as a woman, provisions to ensure, in cases of domestic violence or threats, that women in vulnerable positions, particularly indigenous women and others, are protected and better protected from those who wish to do them harm.

That was shouted down by the minister when I tried to take the politics out of this. However, interestingly, when we brought it to committee, I was very surprised to learn that those with far more expertise in this regard did not fully support these provisions, or support them at all.

Groups like PolySeSouvient, one of the most notable anti-gun groups in the country, did not support this at all—quite assertively. In fact, I was interested to learn that on Twitter they gave us a shout-out yesterday in support of our position on red flag laws. I never thought I'd see the day, but I did appreciate the honest support from them in this regard and that we do, in fact, align on certain things. That was a good moment to see.

We also heard from a number of indigenous leaders, notably women and women chiefs who came to committee to speak to this and Bill C-21 in general. Of course, they did not support Bill C-21 in any form, but in particular, they had concerns about the red flag and yellow flag laws.

To summarize what they said, the indigenous communities who came to committee—certainly some of them whom I heard—felt that because of issues of racism and other things, folks who are malevolent toward a given indigenous person or indigenous community could use the provisions in this bill against them to take away their firearms arbitrarily, without real reason. That is the sentiment I heard, and Conservatives and others heard, while at this committee.

We have a number of quotes supporting that from the people whom this was supposed to support in the first place, so I find it difficult for us as a committee to bring forward something that was supposed to support these groups when they're saying they don't want it at all.

There were a number of other reasons given. This is just my summary of the sentiments that I felt from them.

I know the quotes were read yesterday, but it's certainly surprising that the Liberal government and the NDP... The former person from the NDP who was dealing with this certainly signalled to me that they would not be supporting these measures because of what we heard. With the NDP in particular, that seems to have changed, and it's not clear why. I don't believe a clear case was made for why the NDP is no longer listening to the stakeholders we heard when they came to committee.

Furthermore, we heard from Women and the Law, which I believe was a Liberal witness. I could be corrected. They are law experts, from a woman's perspective in particular. They were brought to committee, not by our party, and did not support these measures either.

There was also a French group from Quebec that stands up against violence against women. They did not support these measures.

We heard from a number of women's groups who did not support these measures, saying they put way too much onus on a woman, the very people, I believe the intention was, that these measures were going to support.

I don't understand how in good conscience we could support this as a committee when the very people these measures were designed to support do not want them. They didn't want them quite strongly—not just subtly, but out there publicly at committee and on social media.

I'm not convinced the committee is doing the work to protect the most vulnerable when these measures were meant to do that. As I said, I was originally supporting them until I heard from the people that they were meant to support. We cannot support them without the support of the vulnerable, whom they were supposed to help, so we will be voting against them again today.

• (1615)

The Chair: Thank you.

Ms. Raquel Dancho: That's said in favour of my amendment, of course.

The Chair: Are there any further interventions?

Go ahead, Ms. Damoff.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Just quickly, Mr. Chair, the amendment itself calls for the words “or were unfounded” to be added to the clause. Ms. Dancho spoke a lot about women, so I'll just say it's for women who already have a court order. It's implying that women are going to court and lying, so we will not be supporting the amendment, which is specifically to add “unfounded” to the clause.

The Chair: The clerk says we have 45 seconds left.

Ms. Raquel Dancho: Okay.

The consultations we did—and again I am not a legal expert—provided some clarity on the issue. It was an effort to address some of the concerns we had. What the member is implying is certainly not my intention and not correct from my perspective and from the consultations we did with legal counsel on this.

The effort was to fix the mess created by this bill. The Liberals are not listening to the women this is supposed to help. I had a clear record of supporting this before I heard that the very people this is supposed to be helping don't support it.

The legal counsel we received was that this would at least address it a bit, so that's why we are bringing it forward.

The Chair: Thank you.

Are there any further interventions?

Mr. Julian, go ahead.

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

If Ms. Dancho is inferring that there is support for this amendment, I think that is inaccurate. I'll be voting against this amendment. I've read it through and done my homework in coming to committee.

I am disturbed by some misinformation. Yesterday in the House it was implied by the Conservatives that the Liberal amendments the NDP forced them to withdraw were still active in some way. I found it unfortunate that the Conservatives would provide disinformation.

In this case, as well, I disagree with much of what she asserts. I am going to be voting against this amendment.

The Chair: Thank you.

Are there any further interventions?

An hon. member: Yes.

The Chair: You have no more time.

That being the case, we'll have the vote on CPC-16.

(Amendment negated)

(Clause 11 agreed to)

The Chair: This brings us to new clause 11.1. We will start with amendment G-19, standing in the name of Mr. Noormohamed.

• (1620)

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

Again, we are dealing with issues related to firearm parts. This addition is going to allow an officer to execute a search of an individual's person, vehicle or premises when they believe they might have a firearm part that was unlawfully obtained and where they have the requisite conditions for a warrant but, by reason of exigent circumstances, it would not be practicable to obtain a warrant.

This is a continuation of the issues related to firearm parts. We hope we will have the ongoing support of all here to keep moving forward on these issues related to ghost guns, issues that are so important in our cities.

The Chair: Thank you, Mr. Noormohamed.

Is there any discussion on this amendment?

Mr. Melillo, did you want to comment on this amendment?

Mr. Eric Melillo (Kenora, CPC): Yes.

The Chair: Go ahead, Mr. Melillo.

Mr. Eric Melillo: Thank you, Mr. Chair.

I just want to pick up on some of the sentiment that Ms. Dancho was speaking to regarding the last amendment, but also, of course, in the context of this new one by my friend from the Liberals. I think it's important, when we're talking about the concerns that have been raised regarding the red flag laws and how they may impact the firearms used by many indigenous peoples for hunting, that we really don't overlook the magnitude of that.

I represent 42 first nations. I've been speaking with many residents and many community leaders and chiefs who have a number of concerns with this bill and who are urging us not to move forward. Some are certainly not—in fact, many are not, I'd say—Conservative partisans by any means. I recently had a very important conversation with Chief Rudy Turtle of Grassy Narrows in my riding. He ran against me in 2019 for the New Democratic Party. He took a lot of time to share his concerns about this legislation and urged me to continue the fight.

Just building off the sentiment that my colleague Ms. Dancho shared regarding the last amendment, I really wanted to bring that to the table and urge all my colleagues from all parties not to ignore the voices of indigenous hunters who are asking us to really take a second look at this and reconsider it entirely.

I'll leave it there, Mr. Chair. I'm sure some of my colleagues would like some time as well. I just really implore members of this committee to reconsider this course of action.

The Chair: Are there any further interventions?

Mr. Pierre Paul-Hus: Yes, Mr. Chair.

The Chair: Go ahead, Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: I would like clarification on the definition of “imitation firearm”. Does the proposed definition exclude ghost guns or not? Does it include weapons that can be made out of plastic?

What is the definition of “imitation firearm”?

[*English*]

Ms. Phaedra Glushek: The definition of “weapon” is set out in section 2 of the Criminal Code. It includes a firearm or anything that can cause bodily injury, I believe. My colleague might have something to add to that.

This is an existing provision in the Criminal Code, and we are adding.... I keep saying “we”. The government is adding a consequential amendment to the motion that had passed earlier defining “firearm part”. That's the only thing that's being added into this existing provision, just for clarity.

My colleague Sandro Giammaria might add something with regard to “weapon”.

Mr. Sandro Giammaria: As to the definition of “weapon”, it includes things that are simply used as a weapon. It need not be originally a weapon but simply used as a weapon.

If I understand the question correctly, it focuses on—I’ll just use the English term, if you don’t mind—an “imitation firearm”. If that’s the question, I can also add that “imitation firearm” is defined in section 84 of the Criminal Code. It’s quite a simplistic definition. It’s just anything that imitates a firearm.

The Chair: Are there any further questions?

Ms. Dancho, you have one minute.

Ms. Raquel Dancho: Thank you.

I’m sorry, Mr. Giammaria, but I don’t know how to pronounce your last name properly.

Mr. Sandro Giammaria: Oh, thank you for asking. It’s Giammaria—like Tia Maria but with a “G”.

Ms. Raquel Dancho: My name is mispronounced every day of my life, so I always appreciate when people ask.

I just want to make sure, because I suppose I’m still not clear.... I wasn’t here yesterday, and I know it was discussed. You mentioned regarding firearm parts that it’s not the case that you would need a PAL to own a barrel or a slide after this comes into force. Is that correct?

• (1625)

Mr. Sandro Giammaria: Yes, that’s right.

Ms. Raquel Dancho: Then the legal consequence of it is....

Mr. Sandro Giammaria: I believe it’s contained in a motion that has yet to be moved. Having reviewed the entire package, I think eventually we’ll see that it’s the acquisition of a firearm part that is subject to a licence requirement.

Ms. Raquel Dancho: All right. We will perhaps get to that when we can fully discuss this at greater length.

The Chair: That’s it. Thank you.

Are all in favour of G-19?

Ms. Raquel Dancho: Mr. Chair, can we get a recorded vote?

The Chair: Absolutely.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: That brings us to G-20, which is in the name of Mr. Noormohamed.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

As with the previous amendment, this amendment is going to add the words “firearm parts” to these sections of the code, which ensures that an officer can apply for a warrant to search and seize unlawfully held firearms parts.

Hopefully, we’ll all be able to agree on this and keep moving forward.

The Chair: Thank you, Mr. Noormohamed.

Is there any discussion?

Go ahead, Mr. Julian.

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

I’ve already mentioned the importance of combatting ghost guns and the importance of doing it promptly. We need to work through this. I’ll be voting for the amendment.

I also wanted to respond quickly to Mr. Melillo and his reference to indigenous peoples. He’s a bit ahead of himself, but there is an amendment that specifically relates to that:

The provisions enacted by this Act are to be construed as upholding the rights of Indigenous peoples recognized and affirmed by section 35 of the Constitution Act, 1982, and not as abrogating or derogating from them.

That of course will be up later on—

Ms. Raquel Dancho: I have a point of order.

The Chair: Ms. Dancho, go ahead.

Ms. Raquel Dancho: I believe we went through this before. This might have been in November. We had quite a big kerfuffle at committee about reading amendments before they were moved.

Has that changed? Are we allowed to do that? I have a question on the firearm parts issues, so if we’re allowed to—

The Chair: For these particular amendments, the confidentiality has been waived.

Ms. Raquel Dancho: Okay. That’s my mistake.

The Chair: In general, the amendments that people submit are confidential until that’s waived or until they move them.

Ms. Raquel Dancho: Thank you.

The Chair: For all of the new amendments we’ve added in the last whatever...the confidentiality has been waived.

[*Translation*]

Ms. Michaud, you have the floor.

Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ): I was wondering if the removal of confidentiality only applied to new government amendments or to all new amendments.

You are confirming that it only applies to government amendments.

Very well, thank you.

[*English*]

The Chair: Go ahead, Mr. Melillo.

Mr. Eric Melillo: Thank you, Chair.

I want to quickly respond to my friend from the NDP.

I think there’s a lack of clarity throughout this bill in terms of how it will impact indigenous peoples and indigenous hunting rights, as I’ve mentioned. I’m not asking him to take my word for it. I’m telling him that this is what I’ve been hearing from first nation leaders and chiefs from across the 42 first nations I represent. I’m going to continue to listen to them instead of listening to Mr. Julian.

The Chair: Thank you.

Are there any further interventions?

Ms. Raquel Dancho: Mr. Chair, we'd like a recorded vote, please.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: That brings us to G-21, which is in the name of Mr. Noormohamed.

• (1630)

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

Carrying on the important work of getting ghost guns off our streets, we are amending this provision of the code to add the words “firearm parts”. It's going to ensure there's consistency and that those who are thought to be in possession of unauthorized parts will forfeit those parts if a judge finds it so desirable.

We're hoping that everyone will move forward to pass this quickly and unanimously because it's an important tool in the arsenal of law enforcement.

The Chair: Thank you.

Is there any discussion?

Go ahead, Ms. Dancho.

Ms. Raquel Dancho: Thank you.

Mr. Giammaria, you mentioned there was another amendment coming for this provision. Now that I understand we can talk about all government amendments, can you specify which one that is?

Mr. Sandro Giammaria: Pardon me, Chair. If I could have a moment's indulgence, please....

Ms. Rachel Mainville-Dale (Acting Director General, Firearms Policy, Department of Public Safety and Emergency Preparedness): It is G-42.

Ms. Raquel Dancho: I'm sorry. What did you say?

Ms. Rachel Mainville-Dale: It's G-42.

Ms. Raquel Dancho: G-42 is in reference to every other amendment concerning firearm parts.

Ms. Rachel Mainville-Dale: There are several amendments throughout the package that refer to firearm parts. Some are consequential in the Criminal Code and others are with regard to requiring a licence to acquire and import a firearm part. The one on licensing is G-42.

Ms. Raquel Dancho: Okay. Is G-20 one of the ones that are in reference to G-42?

Ms. Rachel Mainville-Dale: No. G-20 is for the Criminal Code and it would allow a judge to issue an order, when there are reasonable grounds to believe there's a public safety risk, to forfeit the firearm part, and to issue a weapons prohibition order against the person from whom it was being seized for up to five years.

The Chair: As a point of order, we've done G-20. We're on G-21.

Ms. Raquel Dancho: Pardon me. It's G-21, which I believe is also on firearm parts. The same question applies. Is G-21 relevant to G-42? No, it is not.

Can you explain how it's different from G-20? Is it relative to a judge's authority?

Ms. Rachel Mainville-Dale: I'll let my colleagues from Justice talk with regard to the Criminal Code.

There are several packages of measures with regard to ghost guns. With regard to licensing and requiring a licence to acquire or import, that's in the Firearms Act. There are others for defining illegally manufactured firearms as prohibited firearms. That's in the Criminal Code. There are other consequential amendments with regard to firearm parts.

Ms. Phaedra Glushek: That's correct. In the Criminal Code, we, the government, defined “firearm part” and have added it to several offences—for example, trafficking in firearm parts or smuggling in firearm parts—and in some of the procedural parts of the Criminal Code as well.

Sections 117.02, 117.04 and 117.05 are existing search and seizure provisions in the Criminal Code, so it's adding “firearm part” to those provisions to allow for the search and seizure of these parts. For example, if someone has committed a crime, they can use, I believe, this section to search for and seize firearm parts. It's adding to the existing provisions that already allow for warrant and warrantless searches, but it's just adding “firearm part”.

• (1635)

The Chair: Mr. Paul-Hus, you have two minutes, please.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you, Chair.

I have one more technical question. In the English version of amendment G-21, in proposed item (b), the wording begins with “if the justice”. In the French version, at the same place, it begins “where the justice”.

I'd like to know which wording is correct: “if the justice” or “where the justice”? The beginning is not the same. This could be important.

Ms. Rachel Mainville-Dale: The same Criminal Code wording is retained, as currently written, to which we simply add “firearm parts”.

Mr. Pierre Paul-Hus: In paragraph 117.05(4)(b) of the Criminal Code, does it say “if the justice” or “where the justice”? The amendment seeks to replace the language with something else, but the language is not the same in the English and French versions of the amendment. My English-speaking colleagues may note that the words “if the justice is satisfied” and “where the justice is satisfied” do not have the same meaning.

Ms. Rachel Mainville-Dale: You're correct. It's an error. The translation is missing.

Mr. Pierre Paul-Hus: We should fix this problem before going any further, Mr. Chair. It's important.

[*English*]

The Chair: Do the officials have any comments on this?

[Translation]

Ms. Rachel Mainville-Dale: It's a drafting issue. We would only change the English version, not the French version in this case.

You're making me work hard today. As far as the passage you're talking about, it's a matter of writing style, which is a little different in the English and French versions. The phrase "firearm parts" is in the wording of subsection (4) itself. In French, since the phrase "de tels objets" is defined in subsection (4), there is no change to paragraph 117.05(4)(b) of the Criminal Code, which still reads:

where the justice is satisfied that the circumstances warrant such an action, order that the possession by that person of any weapon, prohibited device, ammunition, prohibited ammunition and explosive substance, or of any such thing, be prohibited during any period, not exceeding five years, that is specified in the order, beginning on the making of the order.

Mr. Pierre Paul-Hus: Is that in the amendment we have before us?

[English]

The Chair: I think we have to draw the line there.

[Translation]

Mr. Pierre Paul-Hus: [Inaudible]

[English]

The Chair: Are there any further interventions? Seeing none—

[Translation]

Mr. Pierre Paul-Hus: Point of order, Mister Chair.

[English]

The Chair: Go ahead, Mr. Paul-Hus.

[Translation]

Mr. Pierre Paul-Hus: I don't think I'm just stalling to waste time. In my opinion, this is an important point of law, unless it's confirmed for me that everything is fine. The fact remains that in amendment G-21 before us, there are two different paragraphs in English, one that begins with "if", and the other that begins with "where".

I just wanted to know which one was the correct one. Which one should be included in the Bill? The one that starts with "if" or the one that starts with "where"?

That's the nuance I am trying to clarify.

[English]

Ms. Phaedra Glushek: "[W]here the justice is satisfied" is in the law now. I think the English version on the left side of the page, "if the justice", is an updated drafting convention. Currently, we have "where the justice". I think "if the justice" is the current drafting language.

I think we'd need to replace proposed paragraph 117.05(4)(b) in the French.

[Translation]

In the French version of the amendment, the same paragraph (b) should be inserted as in English. The reference to "firearm parts" is in subsection (4).

Mr. Pierre Paul-Hus: All right.

• (1640)

[English]

The Chair: Thank you.

I believe that is a grammatical matter that will be sorted out as a matter of course, as I understand it.

Anyway, we are obliged to carry on.

Are all in favour of G-21?

Ms. Raquel Dancho: Mr. Chair, I'd like a recorded vote, please.

(Amendment agreed to: yeas 11; nays 0 [See Minutes of Proceedings])

The Chair: Thank you all. That wraps up new clause 11.1.

(On clause 12)

The Chair: Now we have G-22, which is in the name of Mr. Noormohamed.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

This, again, addresses the issue of firearm parts, and in particular it exempts.... Public officers will continue to be exempted persons to allow them to do the normal functioning of their employment.

I would hope we have the unanimous support of everyone here, and if indeed we do, hopefully we can do without the performative theatre of a record vote.

The Chair: Thank you, Mr. Noormohamed.

Is there any discussion on this?

Go ahead, Mr. Ruff.

Mr. Alex Ruff: Thanks, Chair.

I just want to make sure this has zero impact. My concern is about "public officers". I'm assuming that all law enforcement falls under "public officer".

A voice: Yes.

Mr. Alex Ruff: Yes, I thought so. We have our Canadian Armed Forces. We have our museum folks. The cadets are in there, and then the CFOs themselves.

Does that include conservation officers as well, who are under provincial mandate?

Ms. Phaedra Glushek: That's a good question.

I'm not sure about provincial employees and if they have peace officer status, but this is for public officers. These are exemptions for federal entities in the scope of their employment or duties. It's for federal employees.

The sections that are in the code right now, 117.07 to 117.08, are for visiting forces, Department of National Defence officials, police officers, academies, etc., who are able to be exempted from the Firearms Act regime, the licensing requirements and the Criminal Code offences that attach if they.... It allows them to carry and possess prohibited firearms, for example, to protect assets.

Mr. Alex Ruff: Obviously these provincial folks are authorized—your conservation folks, etc.—but they're not captured under this. What aspect exempts them?

If Mr. Calkins were here, I know he'd know this right off the top of his head, but we don't have him today.

Ms. Kellie Paquette (Director General, Canadian Firearms Program, Royal Canadian Mounted Police): They are public agents.

Mr. Alex Ruff: They're public agents. Is that a different aspect of the Criminal Code?

We don't have that code number offhand. I can try to search it here online.

Ms. Phaedra Glushek: We can get that for you.

Mr. Alex Ruff: Yes, if you can find it. Thank you.

Thanks, Chair. Hopefully we can shortly get some clarity here on this. That was important to flag to make sure that all of our legitimate public enforcement officers, for lack of a better word, have the appropriate coverage too. I want to make sure they're not missed out.

The Chair: Thank you.

Are there any further interventions?

Go ahead, Mr. Dreeshen.

Mr. Earl Dreeshen (Red Deer—Mountain View, CPC): Regarding a public safety officer versus a police officer, there are distinctions between the two, and this simply says “public officer”. Are they dealing with the same definition?

Mr. Sandro Giammaria: I think it's helpful to clarify that by referencing the code itself. Subsection 117.07(2) provides the list of the defined classes of persons who constitute a public officer for the purpose of the immunities in that section.

• (1645)

Mr. Earl Dreeshen: Is that (g)?

Mr. Sandro Giammaria: Yes. You'll see the list there, and I think, to Mr. Ruff's question, paragraph 117.07(2)(g) includes a member of “the government of a province or municipality who is prescribed to be a public officer”. I think the missing piece will be whether the people he's concerned about are so prescribed.

The larger point is that nothing in G-22 changes the list of public officers who enjoy these immunities. All this does is give them immunity for certain activities with respect to firearm parts.

The Chair: Thank you, Mr. Dreeshen.

Are there any further interventions?

Go ahead, Mr. Paul-Hus.

[*Translation*]

Mr. Pierre Paul-Hus: I have another question along the same lines about the French and English versions.

[*English*]

The English says, “in the course of the public officer's duties or employment”.

[*Translation*]

This passage is not in the French version. Why is that? Is it because those words are at the beginning of the paragraph and we can't see them?

You're nodding yes. All right, thank you.

[*English*]

The Chair: Thank you.

Are there any further interventions?

Seeing none, shall we conduct the vote?

Ms. Raquel Dancho: Yes, please, a recorded vote.

The Chair: Okay.

Mr. Peter Julian: I have a point of order, Mr. Chair.

The Chair: We'll go to you after the vote.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: Mr. Julian, go ahead on a point of order.

Mr. Peter Julian: Normally we have a recorded vote when there is a difference around the committee table. To call for a committee vote each time when we are all in agreement basically detracts from time that the Conservatives have said they want to take for the study. It's another technique for filibustering, and I find it really unfortunate.

The Chair: Thank you, Mr. Julian.

It is a member's right to request a recorded division, and I won't opine on motives.

That wraps up clause 12.

Shall clause 12 as amended carry?

Ms. Raquel Dancho: I have a question.

The Chair: Let's have the vote first.

Ms. Raquel Dancho: I'm sorry. It's a quick point of order on the clarification of process.

Are we not allowed five minutes per clause as well, or is that just for the amendments?

The Chair: It says amendments and clauses.

Ms. Raquel Dancho: Okay, so we have five minutes right now if we want to.

The Chair: Well, we started the vote. Did you want to speak to this clause? Is that what you're saying?

Ms. Raquel Dancho: Yes. That is what I'm saying.

Mr. Taleeb Noormohamed: I don't believe that's correct, Mr. Chair.

The Chair: What is not correct?

Mr. Taleeb Noormohamed: I don't believe there is further time.

Ms. Raquel Dancho: Can't you speak to clauses? That's not right.

The Chair: Well, the motion says for each clause and for each amendment.

I'm going to allow you to speak to it, because I think the more we can get together on this somehow, the better we'll move ahead.

Go ahead.

Ms. Raquel Dancho: Thank you, Mr. Chair.

Could the officials just explain what this clause achieves in its entirety, in its amended form?

Ms. Phaedra Glushek: Clause 12 will add persons employed by the Bank of Canada or the Royal Canadian Mint responsible for the security of its facilities to the “public officers” provisions in the Criminal Code. It will allow them to be exempt from the requirements of the Firearms Act and the related offences, as with other federal bodies in the Criminal Code underneath the federal umbrella. It will also allow prescription power to do that in the future for other federal entities. Proposed paragraph 117.07(1)(b) gives the government flexibility to add others in the future.

• (1650)

Ms. Raquel Dancho: I just want to confirm that that's all the clause achieves.

Ms. Phaedra Glushek: Yes, that's all this clause achieves. The amendments are related to other sections in the Criminal Code. The “firearm part” being added is in different sections of the code, but this clause just adds the bank and the mint to the “public officers” provision of the code and allows for a prescription power.

Ms. Raquel Dancho: What is the purpose of adding them?

Ms. Phaedra Glushek: It's to provide them an exemption so they can protect their assets and can have possession of and carry prohibited—

Ms. Raquel Dancho: Just so I'm clear, someone employed by the government can carry a side arm because of clause 12.

Ms. Phaedra Glushek: That's correct—a side arm, or a prohibited or restricted firearm. Because they're not governed by the Firearms Act, they don't need a licence or a registration certificate for those firearms. That allows them to carry and use those in the protection of their assets.

Ms. Raquel Dancho: Okay. Just so I'm clear, you said “restricted” and “prohibited”. They are the ones that no one is legally allowed to own, regardless of what licence they have. That's what “prohibited” is. Is that correct? That's for civilians. That's what I'm saying.

Ms. Phaedra Glushek: That's correct. It's for the security only.

Ms. Raquel Dancho: Can you give me an example of what a prohibited firearm in this context would be?

Ms. Phaedra Glushek: I could. I just worry about giving information related to the bank and the mint in testimony, so I would say—

Ms. Raquel Dancho: Is there an equivalent one used currently by an office-holder that we can look up somewhere else and that you can give as an example?

Ms. Phaedra Glushek: Yes. It's a C8, I believe—a carbine. They use those in the protection of their assets. It's a carbine. Previously, I believe...military C8.

Ms. Raquel Dancho: They are carbines, which are prohibited. I could not get a licence for one of these.

Ms. Phaedra Glushek: That's right.

Ms. Raquel Dancho: I know police have them.

Ms. Phaedra Glushek: That's correct.

Ms. Raquel Dancho: Police tours have shown me that. I would assume the military has carbines as well.

To be clear, the objective is to ensure that the banks and the mint—actually, one of the mints in Canada is in Winnipeg, of all places, where I'm from—are allowed to carry carbines to protect their financial assets, in essence.

Ms. Rachel Mainville-Dale: Just for clarification, it's not all banks. It's the Bank of Canada.

Ms. Raquel Dancho: Oh, pardon me. It's not all banks. Is it just that one in particular?

Ms. Phaedra Glushek: It's just the Bank of Canada as a federal entity. It's not all banks. It's just that one.

Ms. Raquel Dancho: That is not currently the case. Right now the Bank of Canada does not employ anyone who can carry carbines, but they will after this.

Ms. Phaedra Glushek: They are carrying them now. They are covered under the current amnesty order under one of the paragraphs that allow them to continue to use them to protect assets. They have been continually able to use them under the amnesty order now to help protect assets.

Ms. Raquel Dancho: Does the mint as well?

Ms. Phaedra Glushek: Yes, I believe so.

Ms. Raquel Dancho: It's just sort of solidifying what exists already.

Ms. Phaedra Glushek: Yes.

Ms. Raquel Dancho: Okay. Thank you.

I think that's all my time.

The Chair: Thank you, Ms. Dancho.

We're kind of learning the ropes here on how we're going to conduct this. Going forward, once we start the vote, we're going to finish the vote and carry on, but you're entitled to speak for any clause or any amendment.

Ms. Raquel Dancho: I have a point of order, quickly. Are we not doing G-23, G-24 or G-25, then?

The Chair: Let's finish this one. Then I'll answer your question as best I can.

We will now go to the vote. Shall clause 12 as amended carry?

Ms. Raquel Dancho: I'd like a recorded vote, please.

The Chair: We'll have a recorded vote.

(Clause 12 as amended agreed to: yeas 7; nays 4)

The Chair: This brings us to new clause 12.1 and G-23, which is in the name, I expect, of Mr. Noormohamed.

• (1655)

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

This is dealing with parts that are used for the construction of ghost guns. It deals with the issue of pre-clearance officers. It's simply a provision that ensures they are not guilty of an offence if the only reason they're transporting, transferring or importing a firearm is that it's part of their employment or duties.

We're amending this to include "firearm part". Surely this should not be contentious. Surely this should not require a whole bunch of debate. Surely the will of the House to move quickly on this will be made whole.

The Chair: Is there any discussion on G-23?

Yes, Ms. Dancho.

Ms. Raquel Dancho: Thank you.

Can the officials just confirm who this impacts? Can you add a little more meat to the bone of what Mr. Noormohamed explained?

Mr. Sandro Giammaria: It's very similar to the immunities we just discussed. These immunities are for a particular class of enforcement. It's for pre-clearance officers, as I think Mr. Noormohamed mentioned. I can't say too much about them, but they're a class of peace officers who have duties specific to ports of entry.

As I understand it, there's a pre-clearance process, of which they are a part. They do have limited and geographically specific peace officer authority. If ever they're called upon to deal with, let's say, the context of smuggling or the like, they would be immune from dealing with firearm parts, as a police officer would, let's say, in more domestic circumstances away from a port of entry.

Ms. Raquel Dancho: Thank you.

Are pre-clearance officers the CBSA officers we see when we come into the airport from the U.S.?

Ms. Rachel Mainville-Dale: It would be, for example, when you go to the Ottawa airport and Americans are here on Canadian soil pre-clearing you to enter into the United States. That's a pre-clearance officer.

Ms. Raquel Dancho: Right now they're allowed to carry firearms. Is that correct?

Ms. Rachel Mainville-Dale: It depends on whether they meet all the conditions under the Preclearance Act.

Ms. Raquel Dancho: This just means that the ones approved to carry a firearm can now also have a firearm part. Isn't it implied when you have a firearm that you can also carry a firearm part?

Mr. Sandro Giammaria: No. It's a bit of a tricky question. If the part forms part of a completed firearm, of course, in that sense you're in possession of the part, but this targets when the part is

apart from the firearm, by itself. That's the sense in which immunity is required when it stands alone.

As a point of clarification, there is the Preclearance Act, and pre-clearance officer is defined in section 5 of that act. The section in the Criminal Code that this motion amends expressly refers to that section of that act, so the definition of pre-clearance officer is important.

Ms. Raquel Dancho: Okay, thank you.

The Preclearance Act, section 5, describes what a pre-clearance officer is. That's already determined. This is, then, really doing a lot of, I suppose, due diligence, but I can't imagine a scenario in which a pre-clearance officer would have only a slide or a barrel.

Ms. Phaedra Glushek: It also covers the importation of ammunition. Sometimes they'll purchase it or bring it across, and in those cases, we want to make sure they can purchase and import or export these items. It provides protection for them from those offences.

Ms. Raquel Dancho: Oh, I see. If the pre-clearance officer needs to get a part for their firearm, they will be authorized to—

Ms. Phaedra Glushek: That's right. They can bring it in.

Ms. Raquel Dancho: —ship it in, carry it and have it in a box. Okay. Otherwise, without this, they are currently not able to do that.

Ms. Phaedra Glushek: Well, they could, but now, because the government has defined it, it has been added to all of the exclusion provisions to guarantee that they're not going to face any kind of criminal offence, and they don't need a licence. There will be a requirement for a licence for a firearm part, so they will not need to get a licence for that.

Ms. Raquel Dancho: I see. This ensures that these individuals will be exempt from the part coming up that makes you have to have a PAL, for example, to own a firearm part or to purchase one, sell one or have possession of one. If this did not pass today as part of the bill, they would be in trouble, so to speak.

Ms. Phaedra Glushek: They could be, yes.

Ms. Raquel Dancho: Okay.

As an aside, with my remaining few seconds here, I understand that the officials here today are not the ones driving this bus. You are doing the job, but you are not the government, and in that sense I appreciate what you mentioned. We understand this is not coming from you. You're doing your job—very well, by the way.

• (1700)

The Chair: Thank you.

Are there any further interventions?

Seeing none, we can conduct the recorded vote.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: I would like to point out to all members that the more efficient we are with our time, the less far into the wee hours of Friday morning we will have proceeded.

Let us carry on with G-4, standing again in the name of Mr. Noormohamed.

A voice: It's G-24.

The Chair: I'm sorry. It's amendment G-24. Thank you.

Ms. Raquel Dancho: We have PTSD from G-4, Mr. Chair.

Voices: Oh, oh!

The Chair: Guilty....

Mr. Noormohamed, go ahead.

Ms. Pam Damoff: I'm going to move this one, Chair.

To clarify, this, like so many other amendments, is adding two words, "firearm part". In this particular section, again, nothing else is changing, but because we've added "firearm part" to the Criminal Code, we require in this particular case that certain persons be exempted from facing charges. This flows from the ghost gun provisions we all agreed to, and it's adding two words to existing sections. Nothing else is changing.

The Chair: Are there any interventions?

Ms. Dancho, go ahead.

Ms. Raquel Dancho: I don't believe that G-23 had anything to do with ghost guns. We were just talking about the pre-clearance officers. I don't believe that impacts ghost guns in particular. It's just a measure to ensure that pre-clearance officers aren't.... Certainly, it impacts the ghost gun issue, but G-23 is not about ghost guns in particular. It's about ensuring pre-clearance officers can have a slide and a barrel and order them to fix their firearms.

I want to note two things that I may have to repeat a number of times. On G-23, I wasn't aware of the context, and the officials did an excellent job of explaining the context. Those are reasonable things to ask when we're changing the law to ensure we fully understand the impact of this. I was not familiar with the Preclearance Act or section 5. Also, I was not familiar with the impact that this would really have in practice on pre-clearance officers.

I'm not quite understanding the criticism when I'm asking legitimate questions for clarity. If I wanted to do a good old-fashioned filibuster, I'd start reading, I don't know, Bill C-71, the Firearms Act in general or the daily headlines, but I'm asking legitimate questions.

If other parties aren't interested in actually understanding the full context.... Or perhaps they know more about this than I do, and that's fine, but I will continue to ask questions so that I fully understand what we are voting on when we vote yes or no—

Mr. Iqwinder Gaheer (Mississauga—Malton, Lib.): I have a point of order, Chair.

The Chair: Go ahead, Mr. Gaheer.

Mr. Iqwinder Gaheer: I think talking about a filibuster is a filibuster.

The Chair: Thank you, Mr. Gaheer.

Ms. Dancho, you still have the floor.

Ms. Raquel Dancho: Thank you.

I appreciate the intervention. We don't often hear from that member on this committee. I encourage him to speak up more, because we welcome his voice.

Can the officials explain to us how G-24 differs? Does this also impact pre-clearance officers?

Ms. Phaedra Glushek: No. This provision is specific to the Canadian Forces or a visiting force of a federal or provincial department—

• (1705)

Ms. Raquel Dancho: I'm sorry. What did you say?

Ms. Phaedra Glushek: I'm sorry. It's for individuals acting under the authority of the Canadian Forces or visiting forces. It is not for pre-clearance. There are specific provisions for specific classes of individuals, as my colleague has said. These are with respect to individuals acting on behalf of police forces, the Canadian Forces and visiting forces.

It's the same rationale as the last motion. It would exempt them from importing, exporting and possessing all of the items in the Criminal Code now, but the government is adding firearm parts to that to allow them to import, export and transfer firearm parts in the course of their duties only.

Ms. Raquel Dancho: Thank you for that clarification. You said those acting under the Canadian Armed Forces or police forces. Is that for a municipal police force and the RCMP?

Ms. Phaedra Glushek: It's limited to federal and provincial.

Ms. Raquel Dancho: Okay, it's not municipal. It's OPP and the RCMP, and I believe Quebec has a provincial police force as well.

Ms. Phaedra Glushek: Yes.

Ms. Raquel Dancho: Okay, but it's not municipal ones. Is there a reason not to do that? I guess we don't have jurisdiction.

Ms. Phaedra Glushek: That's correct.

Ms. Raquel Dancho: Have there been consultations with municipalities on this? Are we at risk? If the Winnipeg police were to order a barrel or a slide, which of course they do to upgrade their firearms, and they don't have a PAL, will they be violating the law once this passes?

Ms. Phaedra Glushek: Do you mean for municipalities?

Ms. Raquel Dancho: Yes. You mentioned that this doesn't cover municipal police. Those acting under municipal police forces would not be covered by this. Is that correct?

Ms. Phaedra Glushek: Correct. I believe there was another provision, though, for police forces—the public officers. They are covered under a different provision in the Criminal Code. It's 117.07, I believe. There is another provision that covers other individuals acting for a police force or an academy, and they are covered under a different exemption.

Ms. Raquel Dancho: Thank you for that clarification.

When you say “acting under”, do you mean those who are employed by the CAF or employed by the RCMP or the OPP as subcontractors?

Ms. Phaedra Glushek: It's “under the authority”, so it may not be an employee specifically. It could be a contractor.

Ms. Raquel Dancho: It also includes those in the CAF, not just those subcontractors.

Ms. Phaedra Glushek: I believe so. It's those who are “under the authority” of the Canadian Forces, which is the broad umbrella, in a sense.

Ms. Raquel Dancho: Okay.

I may have to ask about this on the next opportunity, but I'll leave it for now and pick it up the next time.

Thank you.

The Chair: Ms. Dancho, I'm not sure if you took my earlier remark as criticism. It was not meant as such. It was merely an observation that the time we spend here today and tomorrow is going to be burned the following morning. The more efficient we can be with our time.... If we can avoid dwelling on things we've already voted on and avoid dwelling on things we have yet to come to, it will help us get to bed before one on Friday morning.

I believe Mr. Noormohamed had his hand up.

Mr. Taleeb Noormohamed: I'm good. Thank you.

The Chair: Are there any further interventions?

Mr. Pierre Paul-Hus: Recorded vote.

The Chair: We're voting on G-24. Are all in favour?

Ms. Raquel Dancho: He said “recorded vote”.

The Chair: I didn't hear that.

[*Translation*]

Mr. Pierre Paul-Hus: Can we have a recorded vote, please?

[*English*]

The Chair: Okay, a recorded vote is requested. That's fair game.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: That now takes us to G-25, which is also in the name of Mr. Noormohamed.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

As in previous amendments, this one deals with firearm parts, particularly as they relate to exempted persons. Basically, the provision in the code says that a carrier is not guilty of an offence if the only reason they possess a firearm is for employment duties. What

we are doing now is very simple. We are simply adding the words “firearm part”.

Again, I hope we will be able to move through this quickly, pass it unanimously and do it in a way that demonstrates we are capable of not wasting time at this committee in getting this law passed.

• (1710)

The Chair: Mr. Ruff, go ahead.

Mr. Alex Ruff: Thanks, Mr. Chair.

To the officials here, I have the Criminal Code here in front of me, and I understand, from a carrier perspective, the intent. My concern here is with the firearms industry in particular, because we've now exempted industry and the businesses that are licensed. I'm trying to understand this. Unfortunately, I don't sit on this committee full time, so I didn't hear all the testimony. I think this is more for the firearms program, from an awareness perspective. It's not really a legal question, but are there parts of the industry out there specifically geared around the purchasing, carrying or transferring of these slides and barrels that aren't captured by your traditional means?

My concern here is that we've taken a segment...by bringing this in. I want to make sure, from the carrier perspective—“transfer” is the wrong word, but I think you know what I mean—that we do that. From your background and the information, is there any part of the industry that could get left out here, so they get tied up and they're not covered?

Ms. Kellie Paquette: There's nothing we can think of.

Mr. Alex Ruff: I was just seeking that clarity, Mr. Chair. I think I'm good on my questions.

The Chair: I have Mr. Dreeschen, followed by Ms. Dancho.

Mr. Dreeschen, you have three minutes.

Mr. Earl Dreeschen: Thank you, Mr. Chair.

I'm curious. When you lump a crossbow into this and speak of parts, what are you looking at? What components of the crossbow would be considered?

Mr. Sandro Giammaria: Again, “firearm part” is a term now defined to mean a barrel for a firearm or a slide for a handgun. Nothing in that definition implicates or expressly mentions crossbows. At least, as it's currently defined, it won't include parts for crossbows.

Mr. Earl Dreeschen: Is it just redundancy? Is that the way you look at it?

Mr. Sandro Giammaria: The language you see there is existing language in the code. You see that batch of devices, which includes crossbows, repeated severally. All this does is add “firearm part” to the batch that repeats severally.

Ms. Phaedra Glushek: The language around crossbows is a left-over from an old Criminal Code provision that was repealed, I believe, through the Statutes Repeal Act. It had a specific offence for crossbows as a result of an event that occurred about 15 or 20 years ago, when someone used a crossbow to.... I think they murdered a counsel. That was specifically added into the Criminal Code.

Crossbow references were left in the Criminal Code after that offence was repealed. They are left over from that offence. I think it was subsection 97(1), which was repealed.

Mr. Earl Dreeshen: My question was, as we're speaking about slides and parts of a gun...it is still there. I'm curious about how the two mesh.

Ms. Phaedra Glushek: They're unrelated. It would be a weapon, but it wouldn't be a firearm part. It's not related.

Mr. Earl Dreeshen: Yes. It's a tool, I guess.

The Chair: Thank you.

Ms. Dancho, you have one minute and 15 seconds.

Ms. Raquel Dancho: This is subsection 117.09(3). Is that correct?

A voice: Yes.

Ms. Raquel Dancho: When amendments are moved, I understand we don't have to read the whole amendment, but do we not have to specify when we move an amendment what other act it impacts?

It's just that it hasn't been done in the last couple of amendments that were moved by the Liberals, and I'm just wondering—for folks who are trying to follow this—should we not do that?

The Chair: The amendment as written changes certain lines of the act before us.

Ms. Raquel Dancho: It's not a requirement when you're moving it.

The Chair: Sometimes I will have a note that it affects something or other, but it's not—

Ms. Raquel Dancho: We're not breaking any procedures. That is my question.

The Chair: No, not as far as I know, but if we are, I know we have excellent people who—

Ms. Raquel Dancho: So you don't have to. You can just talk about it abstractly. Okay. That's good to know.

I think we're out of time. Thanks.

The Chair: All right.

Are there any further interventions?

Ms. Raquel Dancho: I'd like a recorded vote, please.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: That finishes new clause 12.1.

(On clause 13)

The Chair: That brings us to G-26, in the name of Mr. Noormohamed.

• (1715)

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

In clause 13, we're updating the offences for which law enforcement is able to obtain a wiretap. In the bill, originally we were

proposing to add the offence of “altering a cartridge magazine” as established in Bill C-21, “possession of firearm knowing its possession is unauthorized” and “possession of prohibited or restricted firearm with ammunition”. The amendment we are proposing here is to add the newly created offence of “possession of computer data” to the list of offences that law enforcement would be able to seek a wiretap for.

This, again, refers specifically to the ability of criminals to print 3-D versions of ghost guns. Hopefully, given that there is widespread support for this on this committee and certainly among law enforcement, we will be able to dispense with all manner of shenanigans and get this thing passed quickly.

The Chair: Thank you, Mr. Noormohamed.

Ms. Dancho, please go ahead.

Ms. Raquel Dancho: Thank you, Mr. Chair.

Can the officials inform the committee of what is meant by “computer data”? I don't understand the wide-reaching impact of this. Can you give me an example of what “possession of computer data” would be?

Mr. Sandro Giammaria: Pardon me. I'm just trying to identify the particular motion. There was a previous motion that enacted these offences.

The use of the term “computer data” plays a part in those offences. Firstly, it's already defined in the code.

In the context of the offences to which this motion refers, it refers to what I think we're commonly calling “digital blueprints”, that is to say, computer data capable of driving something like a 3-D printer from which a firearm could be derived. It's the digital file, if you like, that drives a 3-D printer and gives it the instructions to then print, let's say, the receiver for a handgun, for example.

Ms. Raquel Dancho: Thank you.

I'm sorry. Mr. Noormohamed made it seem like we've gone through this before.

Did we talk about computer blueprints previously in the bill? We did. What clause was that?

Mr. Sandro Giammaria: That was amendment G-8, as I recall.

Ms. Raquel Dancho: That was G-8. Okay. I was not present at the time, so I am asking some clarifying questions in that regard.

So that I am clear on it, anyone who possesses the computer program for a 3-D printed gun would be impacted by this, or is it just those who you can prove are going to use it for bad behaviour, we'll say?

Ms. Phaedra Glushek: Right. You added on the mental element at the end. Yes, they have to have a mental element for the purpose of trafficking.

If the person has this data and it is for the purpose of illegal manufacturing, then the person would be captured under that for the first offence. The second offence is the distribution offence, and the person would have to know that the data is going to be used to manufacture an illegal firearm. There is a *mens rea* element to both of those offences that must be met before someone is captured by these new offences.

Ms. Raquel Dancho: Okay, so this an offence completely on its own and not an aggravating offence. Again, I'm not a lawyer, so I may not understand the full difference there, but it's an offence on its own, not just an aggravating factor.

Ms. Phaedra Glushek: Yes, that's correct.

They are new offences, computer data offences. There are two: Proposed subsection 102.1(1) is for possession for the purpose of trafficking, and proposed subsection 102.1(2) is for distribution—knowing that those are going to be used in illegal manufacturing.

Ms. Raquel Dancho: It's an offence that you can be charged with all on its own.

Ms. Phaedra Glushek: That's correct.

Ms. Raquel Dancho: It's very serious in that regard.

I think Mr. Dreeshen has some comments.

● (1720)

The Chair: Mr. Dreeshen, you have one minute and 42 seconds.

Mr. Earl Dreeshen: Thank you. I shouldn't take long.

When you talk about computer data, that is specific to the production of a gun through a 3-D printer. It's not information on how you might do it or something that you would get from Wikipedia or some sort of instruction. It is specific to the fact that you can use that data in order to generate something on a 3-D printer. Is that correct?

Mr. Sandro Giammaria: In essence, yes. I would just refer you to the text of G-8. It somewhat contextualizes the data that's referred to there: “computer data that pertain to a firearm”—and then there's an exclusion—“or a prohibited device”. It's computer data that pertains to either a firearm or a prohibited device that is “capable of being used with a 3D printer, metal milling machine”. Then you'll see a kind of residual clause—“or similar computer system”, so technologies that are similar.

Mr. Earl Dreeshen: This is the computer data, then, coming from G-8 that they are referencing in G-26.

Mr. Sandro Giammaria: Yes.

I'll just make a point of clarification there. What you see in parentheses is the title of the offence, and it refers to the whole section. However, there are actually two offences in that section, and they don't have separate titles. The title doesn't explain the *mens rea* component and so on, so it's a bit of shorthand just to refer to the title of the section. Again, all this motion does is include it within the meaning of “offence” for the purposes of section 183 of the Criminal Code.

Mr. Earl Dreeshen: Thank you.

The Chair: Are there any further interventions?

Very well, we'll go to a recorded vote.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: Shall clause 13 as amended carry?

Ms. Raquel Dancho: Mr. Chair, I have a question of clarification.

Do we not have to go through the rest of it, like G-27 and the other things under clause 13?

The Chair: Those are under new clause 13.1.

Ms. Raquel Dancho: Oh, I see. Pardon me. That was my mistake.

I would like to ask some questions about clause 13 overall.

The Chair: Go ahead.

Ms. Raquel Dancho: Thank you very much.

Can the officials just outline, then, what clause 13 achieves, please?

Ms. Phaedra Glushek: I'll start, and my colleague might weigh in.

Clause 13 adds two serious firearms offences, section 92 and section 95, to section 183 of the Criminal Code, which underlies the basis for which a wiretap can be sought for those offences. That's what this does.

The motion would add the computer data offences to section 183 as well, so a wiretap could be sought for serious offences that are sometimes linked with organized crime. It doesn't change anything in the existing section with respect to authorizations. It just adds these to the definition of “offence” in section 183.

Ms. Raquel Dancho: Thank you very much. I appreciate that very clear explanation.

Mr. Chair, were we explained that in some other context? I know there would have been a technical briefing on the original Bill C-21, but this wasn't included in that. Arguably, if it was included in the original bill, perhaps I could have had enough forethought to ask about this, but it was not. Was there an opportunity to have heard what we just heard from the official at some other time that I just don't recall?

The Chair: I believe so, and I would urge you to ask the officials that question.

Ms. Raquel Dancho: We keep getting told that our questions are redundant, yet that is the first time I've clearly heard what clause 13 tries to achieve. I don't quite understand why the questions we're asking are irrelevant. That has not been explained to me, as the lead on this, at any time. It's not been in any briefing document. It was not explained by the member who moved it. I don't feel that asking those questions is redundant at all. In fact, I feel they ensure that the public is fully informed of what we're voting on and, beyond that, that we are fully informed of what we are voting on.

Mr. Chair, I'm not sure if there was a briefing we were offered that I wasn't aware of. My point is that I think this is the first opportunity we have had to fully understand—or understand even a bit—what the full implication of that is. I greatly appreciate the expertise and the very clear explanation, certainly.

I know I have about two and a half minutes left.

This saga has been going on since those infamous amendments were brought forward in November. We were asking a number of questions of the officials at that time, but I'll remind Mr. Noormohamed that he filibustered for two meetings, during which he broke down exactly what a firearm is. At no time did I laugh at him or make fun of him for being redundant. I can't speak for others, but that was not something I did.

I'll give him this: He was impressively speaking for two full meetings on his own. That's longer than I spoke in the House. I spoke for 90 minutes. He would have spoken for four hours of committee time.

• (1725)

The Chair: Ms. Dancho....

Ms. Raquel Dancho: I have two minutes left, I believe.

The Chair: I want you to focus on the clause.

Ms. Raquel Dancho: He did bring it up, so I feel I have the right to respond to his criticism of my questions thus far. He's welcome to think I'm idiot; my questions aren't very good, but I have learned—

Mr. Taleeb Noormohamed: I have a point of order, Mr. Chair.

The Chair: Go ahead, Mr. Noormohamed.

Ms. Raquel Dancho: I'm going to pause my time.

Mr. Taleeb Noormohamed: This is the second time Ms. Dancho has misrepresented what I have said. That's well within her prerogative. She can tweet about it. She can use whatever clip she wants.

Ms. Raquel Dancho: I haven't tweeted about it.

Mr. Taleeb Noormohamed: I have at no point insulted Ms. Dancho. I think that's very important, and I want that on the record.

It is the prerogative of any member to ask questions at this committee, but it's also the responsibility of people to show up to committee having, at the very least, read the material.

The Chair: Thank you, Mr. Noormohamed.

I think we're getting way off into debate.

Ms. Raquel Dancho: Thank you, Mr. Chair.

Perhaps Mr. Noormohamed can explain where we would have read that definition from the official.

The Chair: This is not anywhere near proper debate on this clause.

Ms. Raquel Dancho: Mr. Chair, to be fair, the Liberal member took his time to make that criticism of Conservative questions. I am responding to it. If I'm not allowed to respond, he shouldn't be allowed to say it, which I don't agree with. He should be allowed to say it. He's very welcome to criticize me at length. That's fine, but again, he did speak for two full committee meetings, dragging this

out further. There's this big urgency. He's responsible for delaying this by an entire week. I'd just like to point that out.

The Chair: I would like to bring the attention of members to—

Ms. Raquel Dancho: Are you going to stop my time?

The Chair:—Standing Order 18, which suggests we not reflect on past votes of the House. That applies to committees as well. I think it relates to trying to keep the focus of the committee and the proceedings we undertake here forward-looking.

Let's move forward and see if we can get this done.

Ms. Dancho, you have two minutes left.

Ms. Raquel Dancho: I only have one, but thank you very much.

Just to make it clear, I agree with you, Mr. Chair. I would like to keep my comments to my questions, regardless of how mundane others may feel they are. I've been learning a lot, and the officials are excellent in their knowledge, but if there are further criticisms made that have nothing to do with the bill and that are, rather, criticisms of the way we're asking questions, I will take every opportunity to respond to them. Of course, that delays what we're doing here.

I would like my questions to be technical ones, Mr. Chair, and I believe that's all the time I have.

The Chair: Thank you, Ms. Dancho.

Ms. Damoff, go ahead.

Ms. Pam Damoff: I just want to clarify something so there's no misunderstanding.

Amendment G-13 is not a new clause. It was in the original bill. There have been technical briefings, and we've all had the bill for many months. Amendment G-13 is an original clause in the bill, and the only thing that has changed is adding the new offence of possession of computer data, which is something I believe was unanimously passed. It's not that this is brand new, as was implied. This clause has been amended to deal with the issue of ghost guns.

The Chair: Mr. Julian, please go ahead.

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

I want to deal with a bit of misinformation.

The officials have been incredibly generous with their time, and not only at committee. In my case and in the NDP's case, they have been available to answer any questions about any of the bill's provisions or any of the amendments. A lot of work goes into preparing for committee clause-by-clause analysis.

I wanted to thank the officials for being available, basically night and day, to answer our questions. It's not true that the only chance we get to ask questions about legislation is at the committee table. A lot of time and a lot of availability have been provided by the officials, and they answered my questions, which meant I could come to this meeting prepared.

Thanks, Mr. Chair.

• (1730)

The Chair: Thank you, Mr. Julian.

Are there any further interventions?

Seeing none, we'll conduct a recorded vote.

(Clause 13 as amended agreed to: yeas 11; nays 0)

The Chair: This brings us to new clause 13.1 and G-27, which is in the name of Mr. Noormohamed.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

This is a simple amendment, and it should hopefully pass unani-
mously and without the need for a whole bunch of debate, but we
shall see.

We are amending this section of the code to add the words “a
firearm part” to ensure that any person who has committed a
firearms-related offence related to firearm parts will need to forfeit
these parts to the Crown for disposal.

The Chair: Is there any discussion?

Go ahead, Ms. Dancho.

Ms. Raquel Dancho: Thank you, Mr. Chair.

I just have a question for clarification, and I believe my col-
league has some questions.

Are the officials available outside of committee to answer ques-
tions? That is the first I'm hearing of it. I was just not aware. Can
you confirm that they are available for our questions? Mr. Julian
implied that he was able to ask questions outside of committee, and
I wasn't aware that was an option. Is that an option?

The Chair: I pick up the phone and talk to people I need to talk
to. I expect Mr. Julian does as well.

Ms. Raquel Dancho: Do you have their phone number?

The Chair: No, not for these guys, but I'm sure I could get it if I
wanted it.

Ms. Raquel Dancho: Okay. It's just so that I'm aware moving
forward. This is quite important, actually.

In this context, for any bill moving forward that you may be in-
volved in, are you able to offer us your phone number, and would
we be able to call you about questions we have?

Ms. Rachel Mainville-Dale: Any requests for assistance or to
explain or provide technical briefings are funnelled through the
minister's office. Then we will of course answer and provide any
briefings.

Ms. Raquel Dancho: Okay.

Mr. Chair, this is a bit of an issue. Last week or two weeks ago
now—I'm losing track—when the minister first announced this, I
asked for an additional technical briefing. That was not provided.

Is Mr. Julian being provided—

An hon. member: [*Inaudible—Editor*]

Ms. Raquel Dancho: No, it was not provided. I asked very insis-
tently at committee multiple times, and I was not provided an addi-
tional technical briefing. Now I'm hearing that Mr. Julian was. Is
that the case?

The Chair: I believe what you're talking about is outside the
purview of the committee. I would urge you to bring that up with
the department.

Ms. Raquel Dancho: Mr. Julian brought it up, so I'm responding
to something he brought up, Mr. Chair. This is news to me. I did
ask for an additional technical briefing on the minister's latest an-
nouncement, which impacts this bill.

The Chair: I expect Mr. Julian is very persistent, as we've seen.

Ms. Raquel Dancho: So am I, Mr. Chair, but I have not gotten
the same results as him. Perhaps he can share with me, offside,
what his secret is, because I was denied the additional technical
briefing I asked for on the record. I believe the officials were here. I
believe it was last week because I was virtual.

I also asked you, Mr. Chair. My memory is coming back. I will
put on the record again that I would appreciate an additional techni-
cal briefing on this, please. For the second time, I'm asking for an
additional technical briefing.

The Chair: Once again, this is not within the purview of the
committee. It's not up to the chair of the committee to grant you ad-
ditional briefings. However, you are well within your scope of au-
thority, certainly as vice-chair and as critic, to ask the department
for additional information.

Ms. Raquel Dancho: Thank you.

It was implied that I wasn't doing my homework, but others had
received technical briefings that we, the Conservatives, did not
have access to despite asking for them.

The Chair: I would urge us all to focus on what we're doing
here.

Mr. Julian, if you would—

Ms. Raquel Dancho: I'm not quite done my intervention, sir.

The Chair: I'm sorry. You're not finished. Okay.

Ms. Raquel Dancho: To be clear, going back to the bill, this is a
new clause. Is that correct?

A voice: Yes.

Ms. Raquel Dancho: I guess we will vote on the clause after-
wards, so I won't ask my question about the clauses that I have so
far.

I will go to my colleague here.

• (1735)

[*Translation*]

Mr. Pierre Paul-Hus: Thank you.

Mr. Chair, I would like to inform my colleague Mr. Noormohamed, whom I don't really know, that it is my parliamentary privilege to ask questions. A motion was voted on, and there were five minutes per party. So we can take the time we need to do our job. There is a kind of bullying every time he says he expects something. That's just what it is. I'm not easily intimidated, but that's still what he is doing.

I have one more question about the English and French versions. My colleagues are anglophone, and even my colleague next to me asked me why it wasn't the same. There are fundamental differences. Why is it different in French and in English? The amendment in English is quite different from the amendment in French.

Can you explain why it is so different?

[English]

Ms. Phaedra Glushek: As I explained in a previous motion, this is amending an existing provision. The English and French drafting is sometimes different, depending on what is included in the provisions. Proposed subsection 491(1) is a full paragraph in the French version, but in the English it is broken down by paragraph.

The content is the same. It's broken down differently for drafting purposes. Sometimes it is done with the same paragraphs, and other times it's broken down. Just because of the way French grammar works in the drafting, it is all in one paragraph.

[Translation]

Mr. Pierre Paul-Hus: Knowing your answer, I will still ask the question because it can make a major difference. The meaning is always entirely maintained, but the fact remains that for the members of the Committee, it's different. For my part, I read the amendment in French and my colleagues read it in English. Our teams review the amendments, but the fact remains that such questions arise.

Thank you.

Ms. Phaedra Glushek: I agree that this is very important. The French version is now the same as the one used in the Criminal Code. We just added the phrase "pièces d'arme à feu."

[English]

The Chair: Thank you.

Mr. Julian, go ahead.

Mr. Peter Julian: I will be supporting the amendment, although I did want to respond to Ms. Dancho.

I have always found throughout my years in this place—and I had a lot of difficulties with the Harper regime and Ms. Dancho is aware of that—that public servants, regardless of whether we're talking about the former government or the current government, have been available.

Sometimes you have to be persistent to get answers for the questions you ask. That includes going back to the softwood lumber sellout, which I opposed. Many hundreds of pages of information were distributed, not with a lot of notice, but the public servants were always available to answer questions.

You have to be persistent; that is true. I find our public servants in Ottawa, in all ministries, are available, and they are able to answer questions. That would be my reply to her questions.

The Chair: Thank you, Mr. Julian.

Are there any further interventions?

Ms. Damoff, go ahead.

Ms. Pam Damoff: I would point out that officials were here for days and days, and these questions weren't asked of them and could have been. The minister was in the House yesterday taking questions. These questions weren't asked.

There have been ample opportunities to get answers to questions on a bill and on amendments that we have had for quite some time.

The Chair: Are there any further interventions?

Seeing none, we shall conduct a recorded vote.

(Amendment agreed to: yeas 11; nays 0 [See Minutes of Proceedings])

The Chair: Next we have G-28, again in the name of Mr. Noormohamed.

Mr. Noormohamed, please go ahead.

Mr. Taleeb Noormohamed: Mr. Chair, very simply, this relates to a series of matters that we previously discussed. It simply addresses the notion of firearm parts. It includes the applicability of the existing laws to include firearm parts.

Again, my earnest hope and request is that this committee move quickly on things that are going to help our law enforcement, which is looking for this to happen. I hope that we do not unnecessarily delay its passage.

• (1740)

The Chair: Thank you, Mr. Noormohamed.

Is there any discussion?

Ms. Dancho.

Ms. Raquel Dancho: Thank you very much.

This is a new clause, so perhaps the legislative clerk could make sure that I am correct in saying that we don't vote on new clauses. Is that correct?

The Chair: We don't vote on the clause as a whole. Because 13.1 is a new clause, we won't get to a point where we carry the clause or not.

Ms. Raquel Dancho: Understood.

Can the officials describe, in sum, what new clause 13.1 seeks to achieve?

Mr. Sandro Giammaria: As I read it, it amends paragraph 501(3)(h) of the Criminal Code to add the words "firearm part".

For a bit of context, that section provides a police officer who has arrested somebody with the ability to release that person on what's called an undertaking. As set out in that section of the Criminal Code, an undertaking can include a number of conditions, one of which is to not possess a firearm. This would add "firearm part" to that condition, so a person arrested with a relevant offence could be released on an undertaking provided they agree to the condition not to possess firearm parts.

Ms. Raquel Dancho: You mentioned that it amends the Criminal Code, just to be clear. Okay.

Thank you very much. That is, overall, what new clause 13.1 achieves.

Thank you, Mr. Barrett, for joining us today with your lovely children.

Just to be clear, G-28, which is within new clause 13.1, amends paragraph 501(3)(h). Is that correct?

Ms. Rachel Mainville-Dale: That's correct.

Ms. Raquel Dancho: Overall, that section of the Criminal Code—I believe you mentioned it, but just to reiterate—focuses on what?

Ms. Rachel Mainville-Dale: When police have arrested an individual and they may release that person, as my colleague Mr. Giannaria said, on an undertaking and there are conditions they are being released on, one of the conditions currently says that they are not allowed to have a firearm. This would add firearm part to that undertaking.

Ms. Raquel Dancho: Thank you very much.

In which way is that different from G-27? It's a different part of the Criminal Code.

Ms. Rachel Mainville-Dale: This is a new clause to add.... This was not something that was originally foreseen in Bill C-21. However, when the decision was made to make amendments for ghost guns, including firearm parts, it's adding all of those consequential amendments to various parts of the Criminal Code.

Ms. Raquel Dancho: On that point, just to confirm, the original format of Bill C-21 that we had before these amendments were introduced did not include provisions on ghost guns. Is that correct?

Ms. Rachel Mainville-Dale: That's correct.

Ms. Raquel Dancho: It was not a priority of Bill C-21 to do anything concerning ghost guns. Is that correct?

Ms. Rachel Mainville-Dale: I cannot speak to questions on the government's priorities.

Ms. Raquel Dancho: The priority of ghost guns was not reflected in Bill C-21 in any way prior to these amendments being introduced.

The Chair: Again, the witnesses can't speak to that matter.

Ms. Raquel Dancho: I'll just try again.

It's just so I'm aware and so people are aware, because ghost guns have been brought up as the primary reason why we need to have this time allocation and why we can only ask five minutes of questions per party, per amendment and per clause.

Ghost guns, ghost guns, ghost guns: We must have heard that a hundred times in the last number of meetings, yet it was not in the primary bill. Is that correct?

Ms. Rachel Mainville-Dale: The measures with regard to ghost guns were not part of the original bill.

Ms. Raquel Dancho: Okay.

Thank you very much, Mr. Chair. Those are all of my questions for this amendment.

The Chair: Thank you.

Mr. Noormohamed.

Mr. Taleeb Noormohamed: I have one brief comment, Mr. Chair.

I think it's important for it to be on the record that part of the process of amendments is to improve legislation. Part of the time that was taken was to ensure the legislation was improved.

The fact that those guns are being added to this legislation at the request, the direction and the behest of law enforcement is something that should not be taken lightly. We should all be embracing that.

• (1745)

The Chair: Thank you, Mr. Noormohamed.

Are there any further interventions?

Mr. Barrett, please.

Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): Thanks, Chair.

I would say there's a difference between taking something lightly with respect to ghost guns.... If this has been adopted as a priority of the government and then it time allocates the issue of addressing it, that doesn't suggest that [*Inaudible—Editor*] approach.

The Chair: I'm going to interrupt here, again.

I draw all of you to Standing Order 18. In addition to not disrespecting other members and so on and the royal family and all that stuff, it's to not reflect on the decisions of the House.

The House has passed this to us in this form at this time. It did so for whatever reasons were argued and voted on in the House. It does us no good to reflect upon that here today, now.

Mr. Michael Barrett: Am I not allowed to speak about what happens in the House?

The Chair: Standing Order 18 says we're not supposed to reflect on votes in the House.

The point is that we need to look forward. We need to not question how we got here at this time. Do that wherever you want, but not here. We've voting on this bill—

Ms. Pam Damoff: On a point of order, Chair, is this counting towards their five minutes?

The Chair: Well, as I'm talking, it's not.

Mr. Barrett, go ahead on a point of order.

Mr. Michael Barrett: With respect to your intervention on my remarks, I've watched many hours of this committee and I've been watching today. I've heard reference to other decisions that have been made in the House, not specific to this particular decision.

That standing order does not expressly prohibit discussion of only this motion that was adopted by the House. If it is the practice of this committee, of which I'm not a regular member, that we can't discuss any decision of the House, then I think that will shape future discussions at this committee quite considerably, including Mr. Julian reflecting before on things that happened eight years ago in the House during his comments to Ms. Dancho.

I just need some clarity on what we're not allowed to say at this committee. I'm not a regular member here, so I didn't appreciate that at SECU you're not allowed to talk about what happens in the House of Commons.

The Chair: My comments were not about SECU. They were about the Standing Orders of the House of Commons, to which we are bound.

We have done all kinds of things in all committees that I've been on that have kind of pushed the boundaries sometimes. I'm just trying to get everybody to focus on what we're doing here today. We're trying to get through Bill C-21.

I'm a night guy, so I'm okay. I can go until four in the morning on Friday; that's fine. If we can be efficient with our time, we can get through this and get it done.

Mr. Michael Barrett: Mr. Chair, on that point of order, could you share with me what the standing order says precisely or perhaps have the clerk read it?

I have been a parliamentarian for five years and this is the first time I've encountered this kind of resistance to what was frankly not a combative remark, but just a simple reply in debate.

The Chair: I didn't mean it as a combative response either. I'm trying to focus the committee on the work that we're doing here today. Let's not reflect on what happened in the House and so on. Let's just buckle down and get this done.

Mr. Michael Barrett: Could you share that standing order?

The Chair: The standing order is published. It's available on the website. It's Standing Order 18. I would urge you to look it up.

We're going to carry on—

Mr. Michael Barrett: You're ruling my comments out of order, so I would like to hear what the standing order says.

The Chair: I am not ruling your comments out of order. I urged you to focus on what we're doing.

We're going to carry on with this vote now.

Mr. Michael Barrett: Sir, am I allowed to make the remarks I made or not?

The Chair: You made the remarks you made, but there's one second left in your time, so we're done.

Mr. Michael Barrett: You deduct from my time if I'm interrupted by the chair—

• (1750)

The Chair: We stop your time when the chair intervenes.

You were at 0.1 seconds when I intervened, so we're going to carry on. The orders of the House are that each party gets five minutes on a debate. You have four minutes and 59 seconds done, so unless you can wrap it all up in one second, I think we'll call it a day.

Is there any further intervention from any other party?

Seeing none, let us conduct the vote.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

Ms. Raquel Dancho: I have a point of order, Mr. Chair.

The Chair: On a point of order, I see Ms. Dancho.

Ms. Raquel Dancho: Thank you.

It's in general and not related to Bill C-21.

How are the breaks working? We're here for nine hours. When do we have bathroom breaks and when are we having eating breaks?

The Chair: As I mentioned, I figured we'd wait a couple of hours.

We are expecting food to arrive in half an hour, at 6:30. I was thinking for this first break to wait until the food arrives and then take a short break.

Is that acceptable?

Okay.

Let us carry on with G-29, which is, oddly enough, in the name of Mr. Noormohamed.

Mr. Taleeb Noormohamed: Mr. Chair, it's very simple.

This amendment proposes to update subparagraph 515(6)(a)(viii) to include the words "a firearm part". It ensures consistency with other coordinating amendments. It should be relatively simple and straightforward.

With the goodwill of all here and the fact that these have passed unanimously, it would be wonderful if we could continue to pass them unanimously and not further delay the important work of this committee.

The Chair: Thank you, Mr. Noormohamed.

Are there any questions on this amendment?

Mr. Paul-Hus, go ahead.

[*Translation*]

You have the floor.

Mr. Pierre Paul-Hus: I will gladly vote on the amendment when we are ready to vote. To the extent that we have relevant questions to ask, we think it's important to raise them. Perhaps we don't have the same level of intelligence as others, but we...

Ms. Phaedra Glushek: Those are not my words, Mr. Paul-Hus.

Mr. Pierre Paul-Hus: You never ask yourself questions. Don't you have any?

Ms. Phaedra Glushek: I agree with everything.

Mr. Pierre Paul-Hus: Very well.

My question, about the English and French versions, was forwarded to me by the research teams. I think this question is fundamental.

How can one explain such a discrepancy between the wording of the two versions? You can't have a short amendment in one language and a long amendment in the other, when the English and French versions of the Criminal Code were similar before.

As I was saying, perhaps we don't have the same level of intelligence, but we don't understand what accounts for this major discrepancy, in this particular case.

Ms. Phaedra Glushek: It's the same explanation I gave you ten minutes ago.

Mr. Pierre Paul-Hus: An amendment to change the Criminal Code is being proposed. Why is there such a big difference in the wording? What is changed is similar in French and English.

Ms. Phaedra Glushek: In the French and English versions, we simply added the words "firearm parts" in English, and "*pièces d'arme à feu*" in French. That's the only change that was made.

Mr. Pierre Paul-Hus: Why isn't the wording the same in the amendment?

Ms. Phaedra Glushek: The layout of the text in both languages may vary in the Criminal Code. There may be one paragraph in French and five or six in English. That's how the drafters compose the text.

Mr. Pierre Paul-Hus: As far as the content goes, there is no change, aside from the "firearms parts" wording.

Is that correct?

Ms. Phaedra Glushek: That's right, the content is exactly the same, except that the words "firearms parts" were added in English, and the words "*pièces d'armes à feu*" were added in French. That's the only change.

Mr. Pierre Paul-Hus: All right, thank you.

• (1755)

[English]

The Chair: Thank you.

Are there any further interventions?

Mr. Ellis, go ahead, please.

Mr. Stephen Ellis (Cumberland—Colchester, CPC): Thank you very much, Mr. Chair. It's a pleasure to be here for this important legislation. I apologize for not having been here before.

We're talking about firearm parts. How are we identifying these? Do they all have a serial number on them?

What's the actual process? If we identify one—say it has serial number 12—do we know whether it's different from another part that has a different serial number? Are they all numbered or are they individual pieces? How do we know they're not the exact same thing that's been seen before?

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

As defined in an earlier amendment—and my colleagues will help me with the exact number—a firearm part was defined as a barrel in a handgun slide, non-serialized.

Mr. Stephen Ellis: Mr. Chair, if they're non-serialized, the question then becomes, how are we ever going to know if these parts show up again and again? Are they going to be destroyed after they're identified? Do you know the process for how we're going to get rid of them, in order to make sure they don't show up on the streets over and over?

Mr. Sandro Giammaria: It would somewhat depend on the circumstances.

Let's say, for example, the police come into possession of that part. If it forms the subject matter of a criminal case and is seized as evidence, there are existing provisions in the code that deal with the disposal of those things that serve as evidence in a file. Forfeiture and disposal are, I think, what you're alluding to.

Again, unless you have a particular set of circumstances in mind.... I could try to answer, but, as an example, that's how things seized for an evidentiary purpose are eventually disposed of.

Mr. Stephen Ellis: Thank you very much for that.

Again, I apologize. It's not my area of expertise, but, through you, Mr. Chair, you asked for a specific circumstance.

Let's say someone was shot with a weapon of some sort and that comes into evidence. I believe your colleague said they were non-serialized. These are parts with no number on them whatsoever, no identification.

Are weapons used in homicides always destroyed or not?

Mr. Sandro Giammaria: Again, it would depend on the circumstances.

The regime I'm speaking to is in sections 490 and following of the code. That regime is a complicated one. It provides for people to apply to get property back if it's seized. Things like murder weapons.... That's a bit of an extreme example, so it's very unlikely to be returned, I suppose.

For those things that cannot be returned, yes, they are disposed of and usually by destruction.

The Chair: Thank you, Mr. Ellis.

Is there any further intervention?

We will therefore call a recorded vote.

(Amendment agreed to: yeas 11; nays 0 [See *Minutes of Proceedings*])

The Chair: We'll go to G-30, also standing in the name of Mr. Noormohamed.

Mr. Noormohamed, go ahead, please.

[*Translation*]

Mr. Taleeb Noormohamed: Thank you, Chair.

It's quite simple. The purpose of this amendment is to add the words "firearm parts" to the list of weapons that an individual may be prohibited from possessing by a judge.

[*English*]

Again, it's very simple and goes along with everything we've been working on with firearm parts. Hopefully, we'll be able to move quickly through this and proceed with the further work of the committee.

Thank you, Mr. Chair.

The Chair: Is there any discussion?

Ms. Dancho, go ahead, please.

Ms. Raquel Dancho: Pardon my brief absence.

This is G-31. Is that correct?

The Chair: This is G-30.

Ms. Raquel Dancho: Pardon me. That's my mistake.

Can the officials add a little more meat to the bone regarding what Mr. Noormohamed introduced? What impact will this have and why is it needed?

Ms. Phaedra Glushek: I can highlight the next two or three clauses adding "firearm part" to the peace bond. They are generally called peace bond provisions in the Criminal Code. They are preventative orders. In those orders, if issued by a judge, there can be conditions to abstain from various things. One of them is possessing firearms, weapons, etc. What the amendments would do is add "firearm part" to allow a judge to order one of these peace bonds to say that a person cannot possess a firearm part.

There are three or four different types. My colleague, Sandro, can speak to the different types, I believe, if you need more information on the different bonds.

• (1800)

Ms. Raquel Dancho: Yes, please.

Thank you very much.

Mr. Sandro Giammaria: They're somewhat set out in different motions. The code contains a few different peace bond provisions that apply to different circumstances.

Again, I think it's easiest to have reference to the code itself. Sections 810 and following are the peace bond regime, otherwise called a recognizance. This one amends subsection 810(3.1).

Ms. Raquel Dancho: That's the "Sureties to Keep the Peace" section in the Criminal Code.

Mr. Sandro Giammaria: That's the general title for the section. Peace bonds in particular, as Michael mentioned, are a preventative order, which usually are entered into voluntarily by parties who

seek to, let's say, quell a disagreement between them before it becomes something more than it should be.

I'm looking at the particular amendment. The first of these is the general peace bond. Subsection 810(3.1) is the section dealing with firearms. It allows for a condition whereby a person entering into a peace bond doesn't possess firearms.

Again, G-30 adds "firearm part". That particular defined term can form part of an order made under that section.

Ms. Raquel Dancho: I understand.

If this amendment were not to occur and the bill passed, what would the impact be legally on someone...or not be, I suppose would be the better way to put it.

Mr. Sandro Giammaria: It's more that a court would be incapable of issuing a peace bond that specifically dealt with firearm parts.

Ms. Raquel Dancho: More to the point which has been made, to be fair, it gives another tool, in this case to judges, concerning ghost guns. Is that accurate?

Mr. Sandro Giammaria: Yes. The government's policy, at least as far as the term "firearm part" is concerned, seems centred around the ghost guns. If this would serve to keep firearm parts out of certain people's hands, for whatever reason, the policy seems to be that this will diminish the frequency of ghost guns.

Ms. Raquel Dancho: Thank you very much.

That's all the questions I have.

We have about a minute remaining, Mr. Chair. Is that correct?

The Chair: That's correct.

We'll go to Mr. Ellis for 55 seconds.

Mr. Stephen Ellis: Thanks, Chair.

Going back to the original point, these are non-serialized. Once again, I feel that I'm maybe hung up on this, and my apologies if you discussed it previously. However, if these are non-serialized, then how are we going to know that if they're returned to the owner, these are not going to end up back on the street again?

I guess that's my hang-up on all of this. If we're not destroying them and we really want these dangerous things to be off the street, then how are we going to know that it's not the same barrel of a gun, stock of a gun or firing mechanism that shows up over and over again? How are we going to ensure that? Is there a way to do that?

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

The regime that's being proposed here is with regard to acquisition and import of firearm parts. Mere possession of a firearm part, i.e., a barrel or a handgun slide, is not going to be criminalized.

What this set of amendments would do is that when there are particular offences, and in this case a peace bond, it says that somebody may not in that case possess a firearm part, in amongst all of the other firearms or other items that they will not be allowed to possess.

The Chair: Thank you, Mr. Ellis.

Are there any other interventions on this amendment?

Seeing none, we will conduct a recorded vote.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: We will carry on with G-31 in the name of Mr. Noormohamed.

• (1805)

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

This amendment updates subsection 810.01(5) of the Criminal Code.

This section of the act deals with sureties to keep the peace if there are reasonable grounds to fear the individual may commit another offence. If the provincial court judge is satisfied that there are reasonable grounds to fear that an individual might commit another offence, the judge can impose upon the individual a condition of recognizance, prohibiting them from possessing a firearm, etc.

With this amendment, we are simply intending to add the words “firearm part” to the list of weapons a judge can prohibit an individual from possessing.

Again, given that this is a very simple amendment, I am certain we will pass this unanimously, and I hope that we can do it quickly.

The Chair: Thank you, Mr. Noormohamed.

We have Mr. Julian, followed by Mr. Barrett.

Mr. Peter Julian: Thanks very much, Mr. Chair.

I want to ask my colleague a question.

We seem to have a pattern. It is a two-word amendment which, because of what we can only refer to as a filibuster, we have taken over two hours on. In each of these cases, the amendments are exactly the same. Is that not true? You're adding the same two words to update the provisions of the bill.

Mr. Taleeb Noormohamed: If I may respond to my colleague, that is correct certainly for G-32, G-33, G-34, G-35, G-37, G-38, G-39, G-41, G-42, G-43, G-44, etc. The intention is simply, for avoidance of doubt, to add the words “firearm part” to what already exists. It's something that, as we have seen, is supported widely.

I thank Mr. Julian for that question so that we can certainly clarify exactly what the heck is going on here.

The Chair: Thank you for your intervention.

Mr. Julian, are you finished?

Mr. Peter Julian: I'm more than satisfied, Mr. Chair. I asked the questions and got the information before I came tonight. I came prepared. I think most members of the committee did.

The Chair: Thank you, Mr. Julian.

Mr. Barrett.

Mr. Pierre Paul-Hus: [*Inaudible—Editor*]

Ms. Raquel Dancho: That was not provided to the rest of us.

The Chair: Mr. Paul-Hus, please address your remarks to the chair.

Mr. Barrett.

Mr. Michael Barrett: Yes, it's unfortunate that the same opportunity to get information wasn't afforded to members of the official opposition. We're very excited for Mr. Julian that he has those connections.

Mr. Peter Julian: I have a point of order, Mr. Chair.

This was open to all members of the committee. That was open—

Ms. Raquel Dancho: I have a point of order, Mr. Chair.

The Chair: Hold on here.

Thank you, Mr. Julian, for your point of order. I guess it's a point of information, if anything.

Ms. Dancho has a point of order.

Ms. Raquel Dancho: That is not true, as we've established, Mr. Chair. I was not provided an additional briefing, despite asking for one.

The Chair: I don't think we have established that, but never mind. Let us carry on with the bill.

Ms. Raquel Dancho: No, Mr. Chair. I have a point of order.

When I asked the officials—

A voice: [*Inaudible—Editor*] point of order.

Ms. Raquel Dancho: Well, then I will challenge the chair on this.

The Chair: It's not a point of order. It is debate.

Let's carry on.

Mr. Michael Barrett: I have a point of order, Mr. Chair.

The Chair: Mr. Barrett on the same point of order.

Mr. Michael Barrett: Yes. Could you advise me to which standing order Mr. Julian was referring in his intervention that was offered uninterrupted, and which Ms. Dancho was speaking to but was interrupted, being told it was not a point of order, as the hackles rose from the government side?

The Chair: I think all members have raised points of order that are not really points of order. The chair grants a certain latitude. However, if they get lengthy, I do try to step in and bring them to an end.

Let's go back to the bill if we could.

Are you finished your point of order?

Mr. Michael Barrett: I am.

The Chair: Okay. You have the floor for questions. Do you wish to carry on?

• (1810)

Mr. Michael Barrett: I'll cede the floor to Ms. Dancho.

Ms. Raquel Dancho: Ms. Dancho, go ahead.

Mr. Michael Barrett: I have 20 seconds on the clock.

Ms. Raquel Dancho: Thank you very much, Mr. Barrett and Mr. Chair.

This is for the officials, again, to confirm. Earlier, when I asked if I could email or call you, you mentioned that I would have to go through the minister's office. Was that correct?

Ms. Phaedra Glushek: For the Department of Justice, yes, we normally go through our cabinet and parliamentary affairs unit, which is attached to our deputy minister's office, and our minister's office as well.

Ms. Rachel Mainville-Dale: We have the same procedure. You can reach out to parliamentary affairs at Public Safety Canada, and we would be absolutely willing to make ourselves available.

Ms. Raquel Dancho: Thank you very much.

If I reach out to you with technical questions, would it have to be approved by the minister's office for you to respond to me? Is that correct?

Ms. Rachel Mainville-Dale: Again, I'll point questions of procedure back to the department and—

Ms. Raquel Dancho: It's just a bit confusing, because I have asked for additional briefings and have not been granted them.

Mr. Chair, I don't quite understand—

[*Translation*]

Ms. Kristina Michaud: Point of order, Mr. Chair.

The Chair: You have the floor, Ms. Michaud.

Ms. Kristina Michaud: We've discussed this issue at length. If my colleagues in the Conservative Party wanted an additional briefing from officials, all they had to do was ask the Minister's office for one. That's what I did, and my questions were answered.

I think we can move on from this now.

[*English*]

Ms. Raquel Dancho: Can I respond to that same point of order?

[*Translation*]

The Chair: Thank you, Ms. Michaud.

[*English*]

Who has—

Ms. Raquel Dancho: On the point of order, as mentioned on the record, I asked for an additional briefing and was not granted one, Mr. Chair.

The Chair: Again, it's not a matter for this committee; it's not the purview of this committee to do technical briefings. If this committee had wished at some point to pass a motion to request such a thing, we could have done so. We did not do so, but as a committee, we have no say in whether the department gives technical briefings or to whom they might give them.

It is well within the power, the capability, the authority, of every member of Parliament to reach out to the departments, and, in my experience, the departmental officials are always eager and willing to do what they can to help us all out.

Ms. Raquel Dancho: Mr. Chair, just to clarify, then, when I asked the parliamentary secretary if I could have an additional briefing, she did not respond. Does that not count as reaching out to the department?

The Chair: Again, that has nothing to do with the committee. The parliamentary secretary has certain—

Ms. Raquel Dancho: It has to be the minister, then.

The Chair: It's not up to me to decide. Reach out to the department, to the officials, and you have—

Ms. Raquel Dancho: They said they have to get it up the chain, Mr. Chair.

The Chair: You have liaison personnel to communicate with the minister, I expect.

Are you able to clarify?

Ms. Pam Damoff: I just want to clarify something. A technical briefing is different from asking officials questions. A technical briefing is available. It's set up and was set up for the new amendments for all parties. The officials are made available at a specific time for all parties to attend, and the Conservatives were invited.

Ms. Dancho asked for an additional technical briefing, which would have required all parties to be available. The things that Mr. Julian and Ms. Michaud are talking about are reaching out with specific questions on the bill.

Also, as I pointed out, these officials have been here. I have lost track of the number of hours they've been before us and available for questions on this bill. It's not like there have not been ample opportunities to ask questions of these officials, and I thank them for the work that they do. There have been many opportunities offered to everyone to ask them questions and to reach out with questions.

Technical briefings are different. Ms. Dancho, for whatever reason, was not able to attend. I don't know if she was at the previous briefing that was held on the amendments, but it's different to imply that the Bloc and the NDP are getting special privilege. It's just not true.

The Chair: Thank you for the clarification.

Do you have further comments on your point of order?

Ms. Raquel Dancho: Yes, then I just want to point out that, for the technical briefing hosted just the other week, we had an hour's notice, and that hour was also the minister's press conference, which, of course, we needed to watch. We had an hour's notice minus 30 minutes, of course, of the minister speaking and answering media questions. It was not an opportunity for me to ask questions; it was the media, so I had half an hour of time upon being alerted to this, and we were in the middle of other things.

I don't believe it's a fair assessment to say that we were given ample opportunity to fully understand the impact of those specific amendments a few weeks ago, and then ask robust questions minutes later at a technical briefing.

• (1815)

The Chair: We have—

An hon. member: I have a point of order, Mr. Chair.

The Chair: I'm going to end this point of order right here. We've had enough discussion on this matter, which is not a point of order. It is debate. It is not a matter for this committee to determine or decide. It is well beyond the purview of this committee, so hopefully we can get past this.

I urge the members to take their concerns to the department.

Ms. Dancho, I would invite you to carry on with your questions on this amendment, if you have any.

Ms. Raquel Dancho: Yes, just to confirm, if we're taking the point of order out of there, I believe we're a minute and 14 seconds into our five minutes. Is that correct?

The Chair: You have three minutes and 36 seconds left.

Ms. Raquel Dancho: I will pass it over to Mr. Barrett.

Mr. Michael Barrett: Thanks, Chair.

Could the officials explain the practical application of this amendment by a provincial court judge, please?

Mr. Sandro Giammaria: Like the previous motion, it amends a section within the peace bond regime, in particular section 810.01 and of that, subsection (5). An 810.01 peace bond is for organized crime offences, the intimidation of justice system participants or journalists. In other words, it's a particular peace bond directed at a particular kind of offence, but that section is similar to some of the surrounding sections in that it has all of the same ingredients.

Subsection 810.01(5) is the provision that deals with “shall not possess a firearm”, etc. This motion would add “firearm part” to that list of things a person, under this kind of peace bond, could be prohibited from possessing.

Mr. Michael Barrett: Thanks for that.

Has there been any research completed on the opportunities that Crown attorneys would have previously endeavoured to apply a provision like this, or have been unable to effect a prosecution? Would they have had greater success with their prosecutions had this tool been available to them?

Ms. Phaedra Glushek: That question, if I understand it, is around using this particular provision in each court. We would not have that information, because it would vary between the courts from province to province. We would not have that information, unless my colleague can correct me.

Mr. Sandro Giammaria: I don't disagree with that at all. Some jurisdictions are different in Canada, although it's usually the police who determine what charges get laid. If you are speaking about Crowns and how they use some of these tools and so on, it may be that other actors determine which course a matter takes, whether a charge gets laid or whether a peace bond is available.

I'm not trying to be vague, but it would depend very much on the circumstances.

Mr. Michael Barrett: What are the sentencing guidelines for someone who breaches a recognizance of this nature, or would breach a recognizance with respect to a firearm part if this amendment were passed and the legislation were to be passed?

Mr. Sandro Giammaria: Speaking generally, breaching a peace bond is an offence under section 811 of the Criminal Code, but depending on the circumstances or the facts that make out that breach, other offences might apply. If you're asking in particular about the offence applicable to a peace bond breach, it's section 811. I don't have the other offences from memory. I apologize. I'll just have to look those up.

The Chair: I'm going to have to start being a little more brutal on time. Your time is up.

Mr. Sandro Giammaria: I can respond quickly.

The Chair: Very quickly, if you could.

Mr. Sandro Giammaria: As an indictable matter, the maximum sentence is four years. As a summary matter, it falls by way of summary conviction or summary punishment.

The Chair: Thank you very much.

Are there any further interventions?

Seeing none, let us conduct the vote.

Mr. Pierre Paul-Hus: I request a recorded division.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: We will now proceed to G-32 in the name of Mr. Noormohamed.

• (1820)

Mr. Taleeb Noormohamed: Mr. Chair, I want to be clear. On the continuation of the previous clause 13.1, it updates subsection (7) by adding the words “firearm parts” to the list of weapons a judge can prohibit an individual from possessing.

Surely to goodness all the questions about this have been answered. I imagine not, however, but in the eternal optimistic hope that I provide for this group, I am sure we'll be able to move through this quickly.

The Chair: Thank you, Mr. Noormohamed.

Are there any questions?

We will go to Mr. Ellis, followed by Mr. Julian.

Mr. Stephen Ellis: Thank you very much, Chair.

Through you, I will continue along the same vein as before. There are a few things that the experts giving testimony have said that are somewhat confusing to me.

Originally, we were talking about non-serialized parts and ghost guns. I'm still not clear. I guess my question has two parts. One is about non-serialized, but we do know those parts could end up back in a criminal's hands and be reused to commit another offence. Am I correct in that?

Mr. Sandro Giammaria: Again, I beg your indulgence, because I'm really not trying to be vague, but it would really depend on the circumstances.

If a firearm part is seized by police, and that forms the subject matter of a criminal matter that then goes to court and proceeds to trial, etc., at the termination of that trial, the Crown has the opportunity to make an application to the court that all those things seized by police, which would remain in police custody throughout the duration of that matter, are then forfeited to the Crown. When they are forfeited, they become subject to a disposal regime.

In the circumstances that I'm now describing, that part has no opportunity to go back into circulation.

Again, I can't account for all possible circumstances, but there are regimes in the code that deal with the problem that I think you're raising.

Mr. Stephen Ellis: Through you, Chair, if I may, the obvious problem this is creating is there are parts of a firearm that have no serial number on them, which is what we're trying to address, which then means that in some circumstances—you've described the converse—in the obverse where that firearm part is not destroyed and it ends up back in the hands of the person who committed the offence.

As I think you mentioned previously, they could petition the court to receive their possessions back.

Am I correct in that particular part—not the firearm part—of the conversation?

Mr. Sandro Giammaria: As a general proposition, it is possible for a person from whom things were seized, who may or may not be the accused person, or for the true owner of the thing seized, who may or may not be the accused person, to make an application to the court to have things returned. There is a test they have to meet to do that. I would venture to say, if a person is freshly convicted of a criminal matter where the thing they are applying to have returned to them is the subject matter of that offence, it's very unlikely they would get it back.

Also, with things obtained by the commission of an offence—if they stole the part, for example—they were never the rightful owner of that, so they would have no opportunity to get it back. If they came to possess it through other criminal means, or if it's used in the commission of an offence.... Again, I'm doing my best to be of assistance, but it would very much depend on the circumstances.

Mr. Stephen Ellis: Through you, Chair, I'm understanding what you're getting at. I understand that you're not intentionally trying to be obtuse. I do understand that part of what you're saying. That being said, my concern is if there is a chance that these firearm parts are going to end up back on the street, perhaps in the hands of the rightful owner, but they're non-serialized, then, in your opinion, does it not make sense to say all of these should be destroyed? There's no way to identify them.

• (1825)

The Chair: I'll note that the witnesses can't really give their opinion on these things.

Mr. Stephen Ellis: Chair, with due respect, I would like to hear what their answer is. They've given lots of opinions. That's part of what they're doing throughout the whole thing.

The Chair: They give their interpretations, but they can't reflect on opinions and advice and so forth.

Mr. Stephen Ellis: I will ask them for their interpretation of that then. Does that make sense in your interpretation? We're going to, by virtue of this, with ghost parts.... They're still going to remain a significant difficulty here because of the nature of what they are. They're parts that don't have a serial number on them. I think your colleague used that terminology, "non-serialized".

If they are non-serialized, how are we going to be able to track them if they end up in hands that can be used to potentially commit a crime again?

Mr. Sandro Giammaria: With respect, what you're calling an interpretation is still a request for my or our opinion about the validity of that. We're not here to answer for that.

I can talk about what this motion does and I can talk about what the inclusion of the words "firearm part" will do in section 810.011(7) of the Criminal Code. However, I don't think I can offer an opinion, or the kind of opinion, that you're asking for.

Mr. Stephen Ellis: I think that's what I'm trying to understand through you, Mr. Chair: exactly what it doesn't do. I think all of us should be concerned about that.

If we're concerned about ghost guns and what they're able to do and what they're not able to do, and what this legislation is able to do and not able to do, then I think we really should be concerned about that. If we're all sitting here and have a concern about ghost parts, then I think this is something that we need to address and to say that this is very important, that there are parts like that—

The Chair: Mr. Ellis, we have to end there.

Mr. Stephen Ellis: I'm sorry?

The Chair: We have to end there.

Are there any further interventions on this matter?

Go ahead, Mr. Julian.

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

I reread this section and reread the amendment. The hypothetical questions that are coming really are beyond the scope of the amendment.

I wanted to ask my colleague yet again how many of these identical amendments exist with the identical two-word change—“firearm parts”—added to the existing legislation. I think it's important for folks to know that the Conservatives are asking all of these hypothetical and often repetitive questions around a series of amendments that have the same two-word change and the same two words. Is that not true?

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

I thank my friend for the question.

Indeed, over 40 of the amendments, in fact, the vast majority of them, which we've already passed and, indeed, the ones that are forthcoming, all are exactly that: They're adding the words “firearm parts”, *point final*.

The Chair: Thank you, Mr. Julian.

We will carry on to the vote.

Ms. Raquel Dancho: I would like a recorded vote, please.

The Chair: We'll have a recorded vote, please, Mr. Clerk.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: We now go to G-33 in the name of Mr. Noormohamed.

Please go ahead, sir.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

I just want to be clear—

An hon. member: [*Inaudible—Editor*]

Mr. Taleeb Noormohamed: I have the floor.

The Chair: The food has not yet arrived and will momentarily. I propose that we carry on until then. We don't want to waste time.

An hon. member: Let's keep going.

The Chair: Mr. Noormohamed, go ahead.

Mr. Taleeb Noormohamed: Before I begin, I want to clarify an answer I gave to Mr. Julian. There are actually 39 amendments that contain the same language, just for specificity. I want to be very clear so that my words are not misconstrued or taken out of context.

Again, in this amendment, we update subsection 810.02(7) of the Criminal Code. With this amendment we are simply intending to add the words “firearm part” to the list of weapons that a judge can prohibit.

It's really important, I think, that we continue to pass these things unanimously. The questions have been answered repeatedly by officials. I am hopeful that in the spirit of the work this committee has historically done—that is to say, by being co-operative and produc-

tive—we can pass quickly the amendments that we all agree to, and then we can move on to things where there are areas of contention.

Thank you, Mr. Chair.

The Chair: Is there any discussion?

Ms. Dancho, go ahead.

• (1830)

Ms. Raquel Dancho: Thank you.

In the context of G-33, but in response to what I think was a good-faith hand being extended by Mr. Noormohamed, we have worked very well as a committee, but I do feel that came to an end when time allocation was called, Mr. Chair. Just to be clear, that goodwill is now gone.

For the officials, this mentions the Criminal Code subsection 810.02(7). Can you explain what area of the Criminal Code that is again, please, and the impacts that this will have on it?

Ms. Phaedra Glushek: I can start. Then my colleague can get into any of the details.

This again is another peace bond provision. There are different ones for different situations. This is dealing specifically with peace bonds relating to forced and underage marriage. If a judge is satisfied that the applicant has reasonable grounds to fear that a person will commit this offence, a judge can order a peace bond or order the person to enter into a recognizance.

In subsection 810.02(7) is a list of items that the judge can include that the person could not have or should abstain from, including firearms, etc., and this adds “firearm part” to this subsection. It allows a judge to also order that the person abstain from possessing firearm parts.

Ms. Raquel Dancho: Thank you.

This is a different section, obviously, of the Criminal Code from the previous amendments.

All 39 of the amendments that have the same words “firearm part” are impacting different areas of the Criminal Code. Is that correct? It's not just the Criminal Code, pardon me.

Ms. Phaedra Glushek: For the Criminal Code it's impacting various parts. Some are adding to offences. Others are adding to procedural elements in the code, and preventative orders, so offences, some procedures and some preventative orders.

Ms. Raquel Dancho: You said procedural orders on the last one? Changing and adding “firearm part” to the offence would have a different impact from a procedural order. Is that correct?

Ms. Phaedra Glushek: They are all consequential amendments to the original motion so they are all technical and coordinating amendments to those provisions.

Ms. Raquel Dancho: Right, but you mentioned that a procedural order and an offence are two different things. Is that correct?

Ms. Phaedra Glushek: Correct.

Ms. Raquel Dancho: Okay.

The significance of adding “firearm part” to one may not be the same as the other. Is that correct?

Ms. Phaedra Glushek: Correct. It's a different scope. One is some offences and others are preventative orders. Others are procedural elements to bail, etc., so they are different, but they are all consequential to the original motion.

Ms. Raquel Dancho: Right.

These 39 changes, while granted they have the same verbiage in each one, don't have the same impact. Is that what I'm hearing? They have the same impact in the context of each amendment that it's impacting, but it doesn't necessarily mean that one amendment is the same as the other. It impacts different areas of the Criminal Code.

Ms. Phaedra Glushek: It impacts different provisions of the Criminal Code, yes. Those provisions, again, are varied, but they are all consequential.

Ms. Raquel Dancho: Thank you.

That's all for me, but I believe my colleague has more questions.

The Chair: Mr. Ellis, you have one minute and 18 seconds.

Mr. Stephen Ellis: Thank you, Chair.

To continue on that vein, certainly, if you're not a lawyer, I think it's important that we understand the ramifications of what we're being asked to do here.

Maybe the folks on that side understand the Criminal Code. I don't know. If they do great, but on this side of the House I will put it forward that I don't understand the Criminal Code. I think asking for some explanation with respect to that is not an unreasonable thing to do.

When we're passing legislation, I think it behooves all of us in this place to understand the legislation as best we possibly can, especially when some people are more laypersons at it than others.

I think to say that these 39 or 59 or 209, it doesn't matter—

[*Translation*]

Ms. Kristina Michaud: Point of order, Mr. Chair.

The Chair: Ms. Michaud, you have the floor.

Ms. Kristina Michaud: I'd like you to ask people who are not at the table to lower their voices a bit. That would help us better understand our colleagues' questions and the officials' responses.

Thank you.

[*English*]

The Chair: Thank you.

Would the colleagues in the back keep it down, please.

Thank you.

Mr. Ellis, carry on.

• (1835)

Mr. Stephen Ellis: Thank you very much, Chair.

As I was saying, I think it's very important to understand the ramifications as best we can with respect to these things. Perhaps, as I was saying, my colleagues across the aisle are familiar with the Criminal Code. I am not. I don't apologize for that, but I think—

The Chair: I'm going to have to cut you off here. Your time is up.

Let us carry on with a recorded vote.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: We're now on G-34.

Let's see if we can get through G-34. I think the food will be here very soon.

Mr. Noormohamed, go ahead, please.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

In a surprise to no one, this amendment would update the section of the Criminal Code particularly related to individuals who may commit a sexual offence.

With this amendment, we are intending to add the words “firearm part” to the list of weapons a judge can prohibit an individual from possessing.

Again, I will note that this is a very simple, basic change that I am certain and hopeful everyone at this committee will support, and that we will do it without further delay.

The Chair: Thank you, Mr. Noormohamed.

Ms. Pam Damoff: Mr. Chair, it's not a point of order. There's just so much noise at the back that I'm not sure the officials can actually hear what we're saying at the committee table.

The Chair: That's fair enough.

Would you guys at the back keep it down or take it outside.

Ms. Dancho, did you have...?

No.

Okay, we have Mr. Barrett. Go ahead.

Mr. Michael Barrett: Thanks very much, Chair.

On the subject of firearm parts and specifically with respect to ghost guns, which, to pick up on a point that Dr. Ellis raised—the absence of serialization and the return of seized parts as part of an order—what is the effect on...?

I probably know in equal parts the same amount about the Criminal Code as the learned doctor beside me, but I'm going to take a leap that it is illegal to manufacture firearms in one's home. What then happens to the surrendered or seized manufactured part, a ghost gun? What happens to that non-serialized item, as affected by this provision in the Criminal Code?

Ms. Phaedra Glushek: I think that's an unrelated question. With respect to this amendment, you had...

The Chair: Go ahead.

Mr. Sandro Giammaria: I appreciate the question, because it can be difficult.

As a point of clarification, these are preventative orders. That means they're based on a reasonable probability of something happening in the future, and these orders are offered or imposed by the court to prevent that from happening.

It's not similar to the circumstances I described earlier where in the course of a police investigation an item is seized and so on. It might be that a person who enters into one of these orders has to get rid of something they have, but that's a different set of circumstances.

I just wanted to clarify that point. These are preventative orders.

Mr. Michael Barrett: Through you, Chair, I appreciate that. Thank you.

One of these orders is issued, and a report is then made to the court via law enforcement that there's a reasonable belief the individual, against whom this order has been issued, is in possession of one of these parts.

What's the effect, then? Is the expectation that it would be voluntary surrender, or would that...? I imagine that a warrant would be issued, a search conducted and the parts would then be seized. Then once these conditions are lifted, though preventative in its initial stage, that non-serialized, home-manufactured or 3-D printed part does not get returned.

That's my question.

• (1840)

Mr. Sandro Giammaria: In the circumstances you've just described, you've described what is, effectively, a section 810 offence, so possession of something contrary to an order telling you that you're not to do that. There is a similar part III offence covering more or less the same subject matter, but....

I don't want to mislead the committee in saying that the investigative process that you described occurs in every case. That may not be the case. Investigative steps are at the discretion of the investigating agency, but it would be dealt with as a criminal matter.

In the way that I described earlier, if it formed the subject matter of a charge, at the end of a trial there's an opportunity to see those things forfeited. Usually that's what happens. They're similarly granted as a matter of course, in my experience. Once they're forfeited, again, they become subject to a disposal regime.

Mr. Michael Barrett: If I understand correctly, it's a separate offence for them to have manufactured this firearm part, and in all likelihood another charge would be laid. As part of that charge, the court process would be seen through and then destruction would follow.

Mr. Sandro Giammaria: That's more or less correct.

Mr. Michael Barrett: Thanks.

The Chair: Are there any further interventions?

Seeing none, let us have our required division on G-34.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

• (1845)

[*Translation*]

The Chair: You have the floor, Mr. Julian.

Mr. Peter Julian: Thank you.

I would also like to thank our clerk. There are changes taking place and it's a bit like following a hockey game. It's nice that he's been able to identify everyone around the table.

[*English*]

The Chair: Mr. Barrett.

Mr. Michael Barrett: Mr. Chair, I appreciated the committee's indulgence earlier. There was a little interruption from my phone. I had sent happy meals to my children, because it's McHappy Day, and that was a thank you message that wasn't supposed to play out loud. That's what that eruption from my phone was earlier. It was very happy kids supporting McHappy Day. I just wanted to apologize.

The Chair: One of the rules of this committee is that happy meals go to everybody.

Mr. Michael Barrett: I'll keep that in mind for later.

The Chair: Next, we have G-35 in the name of Mr. Noormohamed.

Ms. Pam Damoff: I'll move it.

I feel like I could push a button and repeat the same thing that has been repeated over 30 times so far. Earlier in this bill, we passed amendments to add firearm parts to the Criminal Code in order to respond to law enforcement and police services across the country who have indicated ghost guns are an issue.

All of these current amendments, including this one, are called coordinating amendments which add those parts to make sure that our Criminal Code is reflective of our earlier amendments to deal with ghost guns. This just adds two words.

The Chair: Is there any discussion on this amendment?

Mr. Motz has the floor.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): Mr. Julian was first, wasn't he?

Mr. Peter Julian: I was saying, "question". In other words, let's go to a vote.

Mr. Glen Motz: If you're saying "question", I will have one.

I just wanted to check in the code. If I could ask the officials, please, Chair, I know we are just adding "firearm part" in subsection 810(3.02), but is there any issue with this particular...?

I'm trying to have a read of what it is in the code. Would 810(3.02) have a substantive change to its purpose with this added?

Ms. Phaedra Glushek: No, there is no substantive change. It just adds "firearm part" to the list of items that a judge....

When a judge issues one of these recognizances, the person must abstain from possessing it. Similar to the last two or three amendments, it would just add it to the list of items they can't possess.

Mr. Glen Motz: Thank you.

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

Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC): I apologize for this being a little repetitive, but we weren't here earlier.

What would be the outcome of adding that?

Ms. Phaedra Glushek: It's an additional tool for a judge to be able to add firearm parts to the list of items a person cannot possess for a certain period of time if they are subject to one of these orders.

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

Mr. Philip Lawrence (Northumberland—Peterborough South, CPC): If you have numbers or statistics on this, it would be great. Otherwise, I'll just take your anecdotal evidence.

What would be the impact on public safety? How many people would be caught by this provision?

Ms. Phaedra Glushek: I'm unsure how many people are caught by these recognizances, and I think it depends on the jurisdiction where they are issued. We don't collect data across Canada, because they are issued in various courts across Canada, so the Department of Justice wouldn't have that information. I can look to my colleagues to the left and to Sandro.

No. As far as I understand, there is no collated data on those across the country.

Mr. Philip Lawrence: Is there no one else, Mr. Chair?

The Chair: You have two minutes and 54 seconds, if you wish to carry on.

Mr. Philip Lawrence: I'm new to this committee. Normally I sit on the finance committee and we talk about dollars and cents.

Before I vote on this, I want to understand it. No data is collected on this because it is across different provinces.

Do you have any data from any particular province, even anecdotally, to tell me the impact of recognizances? Is that what you call them?

• (1850)

Ms. Phaedra Glushek: It is recognizances, but they're colloquially called peace bonds. There are different types of peace bonds in the Criminal Code. This one targets serious personal injury offences, or SPIOs as we used to call them.

My understanding is that they are not ordered fairly often in the criminal justice system, but I don't have that data. I can undertake to look for that data and see if we have that in our possession and provide it to the committee, but I don't have before me how often it is used in various courts.

We may have some data, but we don't have data from every courthouse across Canada.

Mr. Philip Lawrence: For my purposes, I would probably get the information too late, but I think it would be valuable information for the committee to have, as I know it will continue to study these and other issues. If it wouldn't be too much work, I would greatly appreciate it if you would undertake to provide those numbers to the committee.

Ms. Phaedra Glushek: Absolutely. I will undertake to do that.

Mr. Philip Lawrence: Thank you.

The Chair: Mr. Motz, you have a minute and 16 seconds.

Mr. Glen Motz: I wanted to respond to my colleague, Mr. Lawrence, and to the officials.

I will confirm that it's a rarity this sort of peace bond or recognizance would be in effect, because if we're dealing with a serious threat of personal injury, there would be other issues that you'd be dealing with. We'd probably, especially in domestic situations, be seeking to have that individual remanded in custody.

That was before we had Bill C-75 and Bill C-5. Now we can't keep anybody in custody.

The Chair: Thank you.

Mr. Housefather, welcome to the committee.

Mr. Anthony Housefather (Mount Royal, Lib.): Thank you, Mr. Chair.

I have a brief question.

Given the adoption of the policy and given that these are all coordinating amendments, wouldn't it create incredible confusion within the Criminal Code at this point if this committee stopped voting in favour of adding the new term to the rest of the amendments?

Mr. Sandro Giammaria: Thank you for the question.

As I mentioned earlier, the batch of items to which the words "firearm parts" are being added is a thread woven throughout the code. It's not only in part III but also, as we've seen, in the bill provisions, peace bond provisions and so on and so forth.

Yes, it would introduce an inconsistency if this term stopped appearing as that thread weaves itself through the code.

Mr. Anthony Housefather: Thank you.

The Chair: Thank you.

Mr. Peter Julian: That was a very good question from Mr. Housefather.

Essentially, we have 39 amendments that are identical and that all need to be adopted. I have a suggestion, through you, Mr. Chair, to all members. I appreciate the members of all parties who are here. A number of my friends from the Conservative Party have come to join us. In the past, when we've been official opposition, we briefed the new members coming in when we had evening sessions. We made sure the new members coming in were aware of the information the members who were leaving had already managed to get through and their questions. That would end the repetitive nature of some of the questions and move us along.

If we stop now on these 39 amendments, which are absolutely identical with the same two words, we are creating a problem in the bill. It's best to get through these 39 amendments and move on to other issues where there might be more discussion.

The Chair: Thank you, Mr. Julian.

Mr. Lawrence, you have 30 seconds left.

Mr. Philip Lawrence: Thank you, Mr. Chair.

While I have great respect for my colleague, I was elected by the people of Northumberland—Peterborough South to not take briefings as they are provided but to ask questions. It's my job, especially when there are significant changes and attacks on hunters and sport shooters. They want me to ask questions, so I'm going to do that.

The Chair: Thank you.

Let's get to a recorded vote on this.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: Thank you.

We next come to T-36, which is moot because it relates to the schedule we have removed. That is withdrawn.

• (1855)

Next will be G-37, but the food has arrived.

I suggest we take a break and suspend for 15 minutes.

• (1855)

(Pause)

• (1910)

The Chair: I call this meeting back to order.

We were about to deal with G-37. It's in the name of Mr. Noor-mohamed.

Ms. Damoff, did you want to move it?

Ms. Pam Damoff: Yes, I'll move it, Mr. Chair.

It's a coordinating amendment adding the words "firearm part". It's similar to the previous 30 or so that we've had.

The Chair: Is there any discussion?

Mr. Shipley, go ahead.

• (1915)

Mr. Doug Shipley: Thank you.

As I said earlier when I asked a quick question, I wasn't here earlier.

Correct me if I'm wrong, but I think someone mentioned that we're adding "firearm part" 50 or how many times?

A voice: It's 39.

Mr. Doug Shipley: Pardon me. It's 39 times.

Why are we adding something 39 times to this bill? Could the officials tell me why this is being added so many times? It seems a little repetitive to me. What's the purpose?

Ms. Phaedra Glushek: It's similar to other provisions listing firearms parts, crossbows, restricted weapons and prohibited devices. It's for consistency across the Criminal Code in terms of preventative orders, bail orders and conditional orders, when a judge can make an order prohibiting the possession of these items. It's for consistency. They're all consequential to the original definition of firearm part.

Mr. Doug Shipley: Let's say someone is watching at home and has just tuned in. Can you explain to them why this wouldn't have been in the original bill and why it's getting added now? Could you explain that to someone who is just tuning in right now?

Ms. Phaedra Glushek: We can't explain why something was or was not included in the original bill, which was in 2020. Officials can't speak to why or why not something was included. Those decisions are made when we are looking at policy issues and providing options to ministers. We cannot speculate as to why something was or was not done at a certain time.

Mr. Doug Shipley: Thank you for that.

I probably worded that improperly. I'm sorry. I didn't mean to ask you that way. I didn't mean it that way. What I meant was that for someone who's new and is sitting at home watching this, they might wonder about the bill that's been made and that has gone through several readings and several discussions.

Maybe we can say this: How does this get added? Who has added this? Perhaps you can answer that.

Ms. Phaedra Glushek: Are you speaking to all the amendments or just the 39 times?

Mr. Doug Shipley: Just this one, where we said it 39 times.

I'm sorry. I'm going to write that down so that I don't have to ask you again. I do apologize.

The Chair: This is a Liberal amendment. We're adding it as an amendment to the bill.

That's where they're all coming from, right?

Mr. Doug Shipley: All 39 of these amendments.

Okay.

The Chair: It's just for consistency. These things are interspersed throughout the Criminal Code. You can't change it in just one place. You have to find them all, track them down and slay them.

Mr. Doug Shipley: All 39 were added by the Liberals.

Would you say there was a—I hate to use this word, but I can't think of another one—"mistake" in the original bill that these now have to be added?

The Chair: I think that asks the witnesses to draw some conclusions that they're not able to do. We always get bills, and various parties make amendments. We make changes and we make improvements. It's not about making mistakes or not.

If the officials wish to respond, they may do so.

Ms. Phaedra Glushek: I think I would just agree with the chair. We can't really comment on whether it was a mistake or not. What we can say is that it was introduced as part of this package before us.

That's all we can say as officials.

The Chair: Thank you.

You can carry on, but you have one minute left, followed by Mr. Motz and Mr. Lawrence, if there's time.

Mr. Glen Motz: Thank you very much, Chair.

I'm wondering whether the officials can explain to me what "Paragraph 5(i) of Form 10 of Part XXVIII of the Act" is without me having to scramble through it. Do you know what that refers to specifically and what act we're actually changing to add this to?

Mr. Sandro Giammaria: Thanks for the question.

It actually bears relation to amendment G-8, which was previously carried. When asked, I explained that section 501 allows for the release of an arrestee on what's called an undertaking. As that pertains to G-37, form 10 is the undertaking. It's a set form.

You'll see that the paragraph that's amended is actually included in its entirety. This reads on the release document that people sign. You'll see that G-37 just adds the words "firearm part" to provide documentation for the substantive change made in G-28.

• (1920)

Mr. Glen Motz: Thank you very much.

The Chair: Unfortunately, you guys are done.

We go now to Mr. Housefather.

Mr. Anthony Housefather: Thanks, Mr. Chair.

I've been here for only an hour, but my understanding is that the committee made a decision in principle on the substance of the parts of the bill. The firearm parts have been added to the bill.

Since the committee made that decision, all of these amendments are consequential to that original decision. You can't have a clause in the Criminal Code that talks about firearm parts in principle and then have the document the person needs to sign and fill out when issuing a release order not be consistent with the provision in the Criminal Code that talks about firearm parts. All of these votes are

essentially just making those consequential amendments based on that original....

Now, the original decision could have been debated and we could have been for or against it. It was this committee that unanimously made that decision. All of the following things would be completely confusing and contrary to the Criminal Code if you didn't follow along and adopt all of the other amendments.

If that clarifies things, maybe we could then move on and adopt these amendments as my friend Mr. Julian has suggested.

The Chair: I thank you, Mr. Housefather.

I acknowledge that I served with Mr. Housefather on the justice committee for four years, when Mr. Housefather was chair of that committee. We've gone through this kind of stuff many times.

Mr. Glen Motz: That's a great explanation for those who don't know it.

The Chair: Exactly.

An hon. member: Good job, Anthony.

The Chair: He's a lawyer, too.

Anyway, are there any further interventions?

Seeing none, I'll ask the clerk to call the vote. I assume we want a recorded division.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: We can proceed now to amendment G-38. It's a very similar amendment. It's in the name of Mr. Noormohamed.

Ms. Pam Damoff: I'm happy to speak to it, Chair.

It's similar to the other amendments we had.

Colleagues will remember that Michael Rowe from the Vancouver Police Department appeared on our study of Bill C-21. He spoke about the need to take action on ghost guns and he provided us with recommendations. Those are the recommendations that we've added as amendments. Two of them were adopted unanimously. One was on printing and one was to add the two words "firearm parts".

Once again, these are coordinating amendments that are adding "firearm parts" to ensure that the Criminal Code reflects those original amendments that are taking action on ghost guns.

The Chair: Thank you, Ms. Damoff.

Mr. Motz, go ahead.

Ms. Pam Damoff: I'm not Mr. Motz.

The Chair: It's Ms. Damoff. I think I said that correctly. I think I said that, but I'm getting confused.

Ms. Pam Damoff: It's okay.

The Chair: I get better later at night. I start to wake up. I'm a night person. I'm looking forward to later on tonight.

Mr. Motz, go ahead, please.

Mr. Glen Motz: Thank you very much, Chair.

Again, to the officials, I take it that form 11 would be the same thing as a recog or an undertaking, as you explained before, in relation to proposed new clause 13.1 of the bill. What does that refer to specifically?

Is proposed new clause 13.1 the clause that refers to how they are to be dealt with, as a recog or an undertaking?

It's on a form 11. I take it that form 11 means a recog.

Ms. Phaedra Glushek: It's a release order. The forms in Bill C-75 were modernized and streamlined. This one is with respect to—

Mr. Glen Motz: Is that the new word—modernized and streamlined?

Ms. Phaedra Glushek: That was the intent of the bill. It was to modernize and streamline the bail provisions.

That bill modernized and streamlined all of the forms. This is a release order. It's used at bail, such that a court can make an order prohibiting a person from possessing various items, including a firearm part now, with this included. It sets out the conditions the accused must abide by while released as well as the consequence for non-compliance, among other things. There are paragraphs in form 11.

• (1925)

Mr. Glen Motz: Then, as was explained previously, form 11 will now contain the exact language of adding “firearm part”, which wasn't there before.

Ms. Phaedra Glushek: That's correct. Exactly.

The Chair: Thank you.

Mr. Lawrence, go ahead.

Mr. Philip Lawrence: Thank you very much.

I have quite a few firearms owners in my riding, but I do not have a firearm nor have I been licensed. I suspect there are many people in my riding as well, who are interested in the subject but are not experts on it.

I was just wondering if you could give us a context on ghost gun.

Ms. Phaedra Glushek: I'm sorry, but I don't understand the question.

Mr. Philip Lawrence: What is a ghost gun?

Ms. Phaedra Glushek: What is a ghost gun? That's a colloquial term. There is no definition of ghost gun, but it mainly refers to firearms that are untraceable.

Mr. Philip Lawrence: The amendment put in here is that the firearms parts, because they're assembled, would become a ghost gun. Have I got that incorrectly?

Ms. Phaedra Glushek: Firearm part, in one of the earlier amendments, is defined as barrels for firearms and “a slide for a handgun”. I got that wrong before. Those would be the parts that a person would need a licence to purchase. The intent behind the leg-

islation is that these two parts are the most common to create a 3-D or illegally manufactured firearm and the hardest to make.

Mr. Philip Lawrence: Individuals would be buying these two particular parts that you mentioned and manufacturing the rest of the gun and then it's untraceable. Is that the idea?

Ms. Phaedra Glushek: That's correct.

Mr. Philip Lawrence: Thank you.

Those are my questions. I appreciate it.

The Chair: Are there any further interventions?

Seeing none, I suggest we conduct a recorded vote.

(Amendment agreed to: yeas 11 ; nays 0) [*See Minutes of Proceedings*]

The Chair: At breakneck speed, let us carry on with G-39. It's again in the name of Mr. Noormohamed

Ms. Damoff, please go ahead.

Ms. Pam Damoff: Once again, and we're almost to the end of these coordinating amendments, it's adding two words, “firearm part”, to the Criminal Code.

The Chair: Thank you, Ms. Damoff.

Mr. Motz, I believe you wish to speak.

Mr. Glen Motz: Can the officials tell me the difference from this particular amendment and what it pertains to specifically on a form 32, in new subclause 13.1(1), paragraph (c), and then the paragraph (c) below, where it talks about “sections 83.3, 810, 810.01”, all the 810s? How does this particular amendment affect that?

I take it that's a condition. I think form 32 lists out, when you release somebody, all the conditions they're under. Am I correct?

Mr. Sandro Giammaria: It's not with respect to release, but with respect to recognizance, right? Form 32s are the template document for a variety of recogos that can be issued. They're listed in the code.

I should add that all of these forms are included in the Criminal Code. They're used across the board in every jurisdiction.

Mr. Glen Motz: It's been a long time since I've actually had to complete one.

Mr. Sandro Giammaria: I won't read them out unless asked, but there's sort of a laundry list of all of the sections for which form 32 applies. This amendment would add “firearm part” to recogos that are issued under those sections.

Mr. Glen Motz: Thank you very much.

The Chair: Mr. Martel, please go ahead.

[*Translation*]

Mr. Richard Martel (Chicoutimi—Le Fjord, CPC): Thank you.

I would just like to verify something. In your opinion, does the translation “*s’abstenir de posséder une arme à feu*” accurately reflect this amendment?

• (1930)

[*English*]

The Chair: Again, I would caution that the officials aren't here to give opinions but to advise on the technical aspects of the bill.

[*Translation*]

Ms. Phaedra Glushek: As I mentioned previously, the wording in this paragraph is the same as the one found in the current Criminal Code. We simply added, “*pièces d’armes à feu*” to the seventh line. That’s the only change brought to the French version. We also added, “firearm part” to the English version.

[*English*]

The Chair: Mr. Lawrence.

Mr. Philip Lawrence: Mr. Chair, once again, thank you for having me as a guest to this committee.

I think I'm following, but please correct me if I'm missing something. The section that is being amended in proposed clause 13.1 is paragraph (c) of form 32, which would be the list of conditions attached to a requisition or order. We're updating this to include part of a firearm based on a recommendation that we heard from the committee. Do I have that correct?

Mr. Sandro Giammaria: Yes.

Mr. Philip Lawrence: What would be the impact if this amendment didn't pass?

Ms. Phaedra Glushek: Similarly to an answer to an earlier question, there would be an inconsistency in the Criminal Code with respect to the forms and other provisions.

Five or six provisions in the Criminal Code would say “firearm part”, and this would not.

It's a flag to people using the form or individuals using the form to use this as a model, and it would be an inconsistency between the provision and the form itself. This amends a form, not the actual provision in the Criminal Code, so it's reflective of that section in the code.

Mr. Philip Lawrence: Thank you very much for your patience here. I apologize.

Could you also tell me the substance of the provisions in the Criminal Code to which this form is attached?

Ms. Phaedra Glushek: Sure, there are about 10 of them. Do you want all of the provisions?

The Chair: It's whatever you can do in 30 seconds.

Ms. Phaedra Glushek: It's section 2, section 462.34, section 490.9, section 550, section 683, sections 706 and 707, section 779; and the peace bond sections, section 810, 810.01, 810.1, 810.2, 817 and 832. It's those sections.

The Chair: Thank you, Mr. Lawrence.

Mr. Philip Lawrence: Thank you.

The Chair: Are there any further interventions?

Seeing none, I'll ask the clerk to conduct a recorded vote.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: That finishes clause 14.

Shall clause 14 as amended carry?

Some hon. members: Agreed.

(Clause 14 as amended agreed to)

Mr. Philip Lawrence: I want a recorded division.

The Chair: I think we've had the vote now. It is obviously carried. Let's carry on with that.

We'll go now to new clause 14.1, and we have amendment G-40.

• (1935)

Mr. Paul Chiang (Markham—Unionville, Lib.): Mr. Chair, I would like to withdraw amendment G-40.

The Chair: We go to amendment G-40.1 in the name of Ms. Damoff.

Ms. Damoff, please go ahead.

Ms. Pam Damoff: Thanks, Chair.

I just want to point out that it has taken us over three and a half hours to have 26 votes on these amendments. Every single one of them was a coordinating amendment on ghost guns and firearm parts.

These were non-controversial amendments. There will be other ones coming forward where I'm sure we'll want to have some discussion and dialogue. It's disappointing it's taken us three and a half hours on ones we all agreed on unanimously.

The amendment before us is G-40.1. It deals with prohibited firearms. It was the definition we passed earlier in G-3.1. It's the definition of a ghost gun. This amendment will provide guidance on how that updated definition should be used in criminal proceedings which have already commenced and are before the courts before the new definition comes into force.

I'll put that before you, Chair.

The Chair: Thank you, Ms. Damoff.

Mr. Motz, go ahead.

Mr. Glen Motz: First of all, I'll respond to the comments made by Ms. Damoff on the time it's taking us. We were moving through this bill rather well until the Liberals decided it wasn't going fast enough for them. For whatever reason, we had to rush this through, an ideological and undemocratic process that will not have an impact on public safety to the degree that we all hoped. The fact we're being diligent and trying to understand the bill so that Canadians can understand the impact it will have them is important, contrary to the belief of my colleague across the way.

I would like to ask the officials a question, Mr. Chair.

It's called a transitional provision. I get that. We are adding a definition which was talked about in subsection 84(1). There was a new definition of a prohibited firearm. That new definition includes ghost guns, but not specifically, right?

Ms. Phaedra Glushek: Amendment G-40.1 includes an amendment, paragraph (e), which is what it's referring to in this transitional amendment. That adds unlawfully manufactured firearms to the definition of prohibited firearm. That's what is being referred to in the transitional amendment.

Transitional provisions are there to help guide criminal justice system actors to understand what laws govern the facts which form the basis of proceedings. This transitional provision will assist criminal justice actors, when the bill comes into force, or if these provisions come into force. It would be with respect to ongoing proceedings as a result of that paragraph, those newly prohibited firearms.

Mr. Glen Motz: In layman's terms, if there is a matter before the courts, it wouldn't necessarily be before the courts, because once it's before the courts, it would be too late. If an offence has been committed, the police may charge somebody and they go to court, but if they are not yet in court, this provision can be applied to that process. If they are already in court, or had an appearance already in court for trial, this provision could not be put forward. Is that what I'm hearing you say?

Ms. Phaedra Glushek: The provision relates to proceedings under the Criminal Code. When the proceedings commence, that would be a proceeding under the Criminal Code.

Sandro, did you want to add something?

Mr. Sandro Giammaria: A substantive criminal matter commences when an information is laid before the court. That's the formal instance under section 504 of the Criminal Code, when a proceeding begins. That's your test for whether or not the transitional is triggered. If an information has already been laid before the court in order to commence proceedings, it wouldn't apply. If that has yet to happen, it would.

• (1940)

Mr. Glen Motz: It's a nuanced line which says an offence may have been committed already, but no charges have yet been laid. The police can still go back and lay that charge. That process can then go through the courts. If, however, an information has been laid prior to this coming into effect, the individuals, even though they may have been responsible for manufacturing a firearm, would not be charged with that manufacturing a firearm offence based on this new definition.

Mr. Sandro Giammaria: Yes, that's right.

Mr. Glen Motz: Thank you very much for that clarification.

The Chair: Are there any further interventions?

Mr. Lawrence, you have one minute.

Mr. Philip Lawrence: Just for clarity, once again, for the viewers watching at home, this would seek to capture what we talked about earlier, what a ghost gun is. Those folks who put those two parts we talked about.... I cannot remember which ones they were, but I'm sure you guys know. That's what this is meant to capture, those ghost guns we talked about earlier.

Is that correct?

Ms. Phaedra Glushek: It's not the parts, necessarily. What this amendment does is provide a transitional provision for illegally manufactured firearms.

If someone, for example, manufactured an illegal firearm prior to the coming into force of this provision, it could be non-restricted, restricted or prohibited. Following the coming into force of this bill, if passed, the firearm would be a prohibited firearm. In any proceedings after the coming into force, that firearm would be prohibited and therefore subject to higher penalties.

The Chair: Thank you.

Are there any further interventions?

Mr. Philip Lawrence: Am I out of time?

The Chair: Yes, you are.

That being the case, let us carry on with the vote. I am going to assume we want a recorded division.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: I'd like to comment that Mr. Lawrence's optimism about anybody out there still watching is very admirable.

We'll carry on to G-40.2, in the name of Ms. Damoff.

Ms. Pam Damoff: Thank you, Chair.

This amendment provides that the new technical definition we passed as a committee with G-3.2 be reviewed five years after the day the definition is enacted. It would be commenced by a committee of the House of Commons that may be designated or established by the House, so it could be referred here. The House could determine to send it to another committee.

In essence, it establishes a five-year statutory review of the technical definition we passed.

The Chair: Mr. Motz, go ahead, please.

Mr. Glen Motz: Just for clarity, we're talking about proposed paragraph (e). That refers to manufactured guns.

Ms. Phaedra Glushek: There are two amendments, G-3.1 and G-3.2. Both of them, because of some drafting complications, are paragraphed with (e). "Unlawfully manufactured firearm" in the "prohibited" definition in G-3.1 is proposed paragraph (e), but the new technical definition is also proposed paragraph (e) in G-3.2. Maybe I have those backwards.

This amendment relates to the technical definition.

Mr. Glen Motz: The officials may be able to answer this question for me. Why was five years determined? Is there some reason specifically as to why five years was chosen as opposed to...? We're talking about ghost guns. They change. There'll be something else. Is five years an appropriate review period? Should it be sooner than that? Should it be later than that?

What's your assessment?

• (1945)

Ms. Phaedra Glushek: I think there are various options. In drafting, the government looked at various options and timelines, but I think it's open to Parliament to choose a time more or less than five years. I understand that five years is common.

Ms. Rachel Mainville-Dale: This was a decision the government put forward in terms of the proposal and amendment. I would also note that the definition just talks about illegally manufactured firearms and not manufactured by a specific method, which is quite agnostic and therefore will keep up with the times.

Mr. Glen Motz: It wasn't something that the officials recommended. It was government that came up with the recommendation, which is the same thing.

The Chair: I don't think the source of the recommendations is something they can comment on. I think that would be privileged.

Mr. Glen Motz: If that's the case, Mr. Chair, then I ask members of the government as to why they chose five years.

The Chair: Committee members are not here to answer questions.

Suffice it to say that somebody decided this would be a good number, and we went ahead with that.

Mr. Glen Motz: Well, that's clear.

Ms. Phaedra Glushek: Can I just add that it would give sufficient time for the new technical definition to be in place.

Did I speak out of order? I'm sorry.

The Chair: No.

Ms. Phaedra Glushek: It would also give sufficient time for the government to see the impacts of the technical definition as well, so within a year of a new definition applying, prospectively. Five years would give more opportunity and more flexibility for the government to examine the impacts of that definition.

Mr. Glen Motz: You bring something interesting forward.

If a new type of firearm showed up on the market that really didn't qualify or, as was mentioned by your colleague.... Does this capture the new stuff? Does the five-year window start when the new one appears on the market, or is it every five years once this is passed?

Ms. Phaedra Glushek: It's one review five years after the day on which the paragraph comes into force.

Mr. Glen Motz: Thank you.

The Chair: Mr. Shipley, you have a minute and a half.

Mr. Doug Shipley: Thank you, Mr. Chair.

When we're hearing about reviews, some people may think that in five years they're going to be reviewing a firearm or a handgun or something. This is a review of the paragraph. That's correct.

Could you explain which paragraph and what the review would perhaps look at as far as different parameters on that paragraph are concerned?

Ms. Phaedra Glushek: The amendment relates to paragraph (e) of the definition of "prohibited firearm". As I said, there are two

paragraph (e)s. One is the unlawful manufacturing of firearms and the other is the technical definition.

It would be a review of that definition. How the House of Commons conducts that review we can't speculate, so I wouldn't be able to answer how that would be undertaken or completed.

Mr. Doug Shipley: Do I still have some time?

The Chair: You have 30 seconds.

Mr. Doug Shipley: You mentioned unlawful manufacture. Does that only relate to ghost guns, or is that any unlawful manufacture of a firearm?

Ms. Rachel Mainville-Dale: It's any unlawful manufacture of a firearm.

Mr. Doug Shipley: Am I still good?

The Chair: We're counting down quickly.

Mr. Doug Shipley: Other than ghost guns, can you tell me what other types of illegal, unlawful...or unlawful manufacturing there are?

Ms. Rachel Mainville-Dale: If you've unlawfully manufactured a firearm, it's essentially a ghost gun. It's one that's untraceable, unmarked, unserialized.

The Chair: Thank you, Mr. Shipley.

Are there any further interventions?

We shall have a recorded division.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: Thank you.

(On clause 15)

The Chair: As a change of pace, we go now to an NDP amendment.

NDP-1 is next on my list. It's under the name of Mr. MacGregor, or Mr. Julian, if you will.

• (1950)

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

I won't take too much time on this, because members of the committee have had this amendment in their hands for over six months. It was tabled on November 8, 2022, and I'm assuming all members of the committee have done their homework, since they have had six months to look at this amendment and ask questions about it. It comes following the briefing from the National Association of Women and the Law regarding the issue of protection orders.

You will recall, Mr. Chair—although I wasn't a member of the committee at the time; Mr. MacGregor was—that the National Association of Women and the Law said that protection orders can be given different names and take different forms. Because of that, they wanted to make sure there was a common definition. They recommended the following definition for protection orders, and you'll see listed there that a protection order means:

a probation order, an interim order, an order to enter into a recognizance to keep the peace, an injunction, or any other order made by any court in the interests of the safety and security of a person. It includes an order prohibiting a person from

Then there are six subclauses basically dealing with stalking, harassment and violence:

- a) being in physical proximity to an identified person or following an identified person from place to place;
- b) communicating with an identified person, either directly or indirectly;
- c) being at a specified place or within a specified distance of that place;
- (d) engaging in harassing or threatening conduct directed at an identified person;
- (e) occupying a family home or a residence; or
- (f) engaging in family violence.

I think their brief was clear. Their recommendations were clear.

Members of the committee have had it in their hands for six months, and so I move that amendment.

The Chair: Thank you, Mr. Julian.

We'll go to Ms. Damoff and then Madam Michaud.

Ms. Pam Damoff: Chair, I would like to move a subamendment to NDP-1.

I completely agree with the content of the amendment. The problem is that for things like probation orders, interim orders, protection orders, all of these definitions are not defined in federal law. They're provincial. The reason the original bill didn't include a prescribed definition was that there still needs to be consultation with provinces, territories and indigenous stakeholders. The subamendment that I'm going to propose—and I'll read it to you in just one second—still contains the list of items (a) through (f), which are very important and would set a minimum standard that we're looking for.

If colleagues can look at the amendment before them, it would delete, after the word “means”, so “protection order means”, until the end, and would be replaced by “protection order means any order made by a Court in the interest of the safety and security of a person; this includes, but is not limited to”, and then it's the list.

I think it contains the intent of what Mr. Julian has put forward for us, which is a very important amendment to this bill to improve the safety of mostly women but also anyone who requires a protection order. It just gives flexibility to consult with provinces, territories, indigenous stakeholders, but, importantly, what his amendment is doing is setting that minimum standard that we can't go below.

The Chair: Thank you, Ms. Damoff. Do you have that in writing?

Ms. Pam Damoff: In writing, no. Do you need it in writing?

The Chair: Yes.

Let's suspend for a couple of minutes and we'll sort that out. Our legislative clerk needs to see that in writing.

Ms. Pam Damoff: I don't have to put it—

The Chair: No.

● (1950)

(Pause)

● (2000)

The Chair: We're going to bring this chaos back to order. We're going to try.

Ms. Damoff is going to read the subamendment slowly. She has sent the information to the clerk and to the translators. We can't distribute it on paper unless it's been translated, but she can read it orally and the translators will translate. Hopefully, someone can transcribe that for our French-speaking colleagues.

Ms. Damoff, I would invite you to read it once again.

Ms. Pam Damoff: Sure, thanks.

It starts with “protection order means”. The remainder of that paragraph will be deleted, to be replaced with “any order made by a Court in the interest of the safety and security of a person; this includes, but is not limited to:”.

That's the end of the amendment. Then the remainder is the same from (a) on.

The Chair: You're done with your intervention.

[*Translation*]

Ms. Michaud, do you have something to add?

Ms. Kristina Michaud: Honestly, it's not just one word being added or changed. It's nice to have it in writing, and in both official languages. Let me put it another way. If I presented an amendment in French of only a few lines, my colleagues, most of whom are English-speaking, would ask me to provide it in writing in English as well.

I don't know if it's possible to get it in writing on short notice. I'm in favour of the subamendment, but I just want to make sure we have the right words and have them in writing in front of us.

[*English*]

The Chair: Thank you.

I understand. Strictly speaking, a motion that is moved orally does not have to be translated in advance. It's always better if we do.

Hopefully, as this was read by Ms. Damoff, the translators were able to translate it. Somebody, I believe, was going to write it down in French. I'm hoping that happened. We'll check before we carry on.

Mr. Julian, go ahead, if you wish.

[*Translation*]

Mr. Peter Julian: Mr. Chair, I support the subamendment.

Ms. Michaud's concerns are legitimate. The way I see it is that this summarizes the first paragraph by keeping only the basic elements, which is an “order [...] made by any court for the safety of any person [...]”, and that it is not limited to the elements made by an order.

I understand the meaning, and I agree that it narrows the scope of the first paragraph. Ideally, we will have the precise wording in both official languages.

• (2005)

[*English*]

The Chair: Thank you.

[*Translation*]

Mr. Richard Martel: Mr. Chair, may I say something?

The Chair: Just a moment, please.

[*English*]

My understanding was that somebody was going to write this down in French as it was given.

We don't know if it was?

Mr. Glen Motz: Mr. Chair, I suggest we set this aside until it is and we can keep going on something else. Or, are we going to wait for two minutes—

The Chair: We can only go back by unanimous consent. We can't actually carry on unless we do this now.

I wonder if we could get the clerks—

[*Translation*]

Mr. Richard Martel: Mr. Chair...

[*English*]

The Chair: If we read it one more time, perhaps you guys could transcribe it or you could do the translation. Is that possible?

Mr. Richard Martel: Mr. Chair.

The Chair: Go ahead, Mr. Martel.

[*Translation*]

Mr. Richard Martel: Mr. Chair, I suggest we suspend the meeting until we receive the motion in French. I think it would be easier and clearer for us. That's what we requested.

[*English*]

The Chair: I understand. This presents me with a bit of a dilemma, because strictly speaking, amendments do not have to be moved orally in both languages. They may be made orally and translated.

It would obviously be easier for everyone if we did have the translation, but we don't have access to translation services at this time.

Mr. Martel.

[*Translation*]

Mr. Richard Martel: I don't know how things work here, but in other committees I've served on, when we asked for a French version, we waited and then it was provided. Perhaps things are done differently here.

[*English*]

The Chair: Mr. Motz, do you have a point of order here?

Mr. Glen Motz: Yes, thank you.

I want to go back to the little quip that Mr. Julian made trying to point at the Conservatives that this amendment was.... He set up as his preamble that, if everybody had done their homework six months—

The Chair: Let's not go back to that quip.

Mr. Glen Motz: Hold on.

The point is that, if the Liberals had a subamendment to this particular clause, then it could have been done in French. It's the same. If he wants to play that game, then everybody else can play the same game.

The Chair: The rules of how committees are conducted do not require motions moved in one language to be available in both.

Ms. Damoff, go ahead on this point of order.

Ms. Pam Damoff: I would just suggest—and I am being mindful and respectful of my colleague, who would like to have it in French—that I think we can stand this clause until we get translation for the words we have. Stand clause 15 and then come back to it.

I want to make sure that this clause doesn't get lost in the bill, but could we stand that and come back to it once we have translation?

The Chair: I think that is possible, and we could stand this clause.

Mr. Glen Motz: Does it impact any others moving forward?

• (2010)

The Chair: We will come back to it, which is the point.

What do we need to do to stand a clause? Do we have to have unanimous consent?

Mr. Philippe Méla (Legislative Clerk): [*Inaudible—Editor*]

The Chair: Do we have unanimous consent to stand this clause? We'll come back to it when the translation is available.

Mr. Philip Lawrence: Can I just make a quick point?

The Chair: Yes.

Mr. Philip Lawrence: Thank you very much.

We don't want to hold this up. I do believe it is a serious issue to have this in the translation. To show that we are serious about that, the Conservatives would support unanimous consent in order to move forward to make sure we have the French, especially on a day when we're discussing Bill C-13 in the House. The Conservatives believe deeply that we are a bilingual country, and we must respect that.

The Chair: Go ahead, Mr. Julian.

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

I agree with Mr. Motz. I wasn't targeting anybody individually. I think he is absolutely right to point out that, since the amendment has been out for six months, a subamendment should have been translated.

[*Translation*]

I would like to raise another point.

It is not up to any particular member around this table to ask that a document be provided to us in French. The right to bilingualism belongs to everyone. No one can say that this member is demanding a document in French. It is a requirement that arises from the fact that we are in a bilingual country.

I would just like to make it clear that the issue of the amendment being given to us in both official languages affects us all. It's not any one member that is causing us to be slowed down by this. It is everyone's responsibility to present the material in both official languages.

[English]

The Chair: Mr. Julian, you're quite correct about documents; however, motions moved orally do not have to be, but I think the problem is solved this time around. Our clerk has advised that he has a translation from the department, and we will suspend until that can be distributed to the committee.

Thank you, all.

• (2010) _____ (Pause) _____

• (2030)

The Chair: I call this meeting back to order.

It is my understanding that the subamendment has been shared with all the members in both languages.

That being the case, Madam Michaud, you would like to speak to this subamendment.

[Translation]

Ms. Kristina Michaud: Thank you, Chair.

First, I'd like to thank the entire technical team, including the clerks and the people who helped translate this subamendment. I am grateful to them.

I wanted to thank the entire team that is supporting us tonight. I wanted to do it at the beginning of the meeting, but unfortunately I haven't spoken much since the beginning. We've already had the staff, interpreters, analysts, legislative clerks, and technicians with us for a little over four hours, and they'll be here for nearly another four hours. As I said yesterday, it's a pleasure for members to be here, but there's a whole team behind this, so I want to take this opportunity to thank them.

I am pleased to see that the subamendment has been translated and distributed in both official languages. I also welcome Ms. Damoff's subamendment. It's important to respect Quebec and the provinces' jurisdiction, and to respect their right to consult. That's what this subamendment adds to the very reasonable amendment proposed by the NDP, which is to add a definition of the term "protection order" in Bill C-21. The Bloc Québécois will therefore vote in favour of this subamendment.

Thank you.

• (2035)

The Chair: Thank you, Ms. Michaud.

[English]

Mr. Motz, we are debating the subamendment.

Mr. Glen Motz: For clarity on that, Mr. Chair, do the rules of the programming motion mean now the subamendment has a new "five and 20" per party, or does it form part of the original amendment that the five minutes become part of?

The Chair: It's what you just said. It's the last part.

Mr. Glen Motz: Subamendments don't matter. We can have 10 of them and it's five minutes, no matter what.

The Chair: I inquired about this very question with our—I don't what to call you "guys"; table officers, I guess—and that was their interpretation, which I agree with as well.

Mr. Glen Motz: All right. Let me get into some of the questions I have with respect to this.

About the subamendment, Mr. Julian has accepted it as a friendly amendment. Is that correct?

The Chair: It has been moved as a subamendment. There is no friendly amendment.

Mr. Glen Motz: Okay.

My question is twofold for our guests who are here.

Moving on to the subamendment, a "protection order" is an "order made by a Court", first of all, "in the interest of the safety and security of a person". I'll get into the conditions of release on that.

Why is this limited to just a court, which is actually in the protection order in the original motion? It says "made by any court". There are provisions in some circumstances with domestic violence that an officer in charge can also release under these circumstances. We're limiting these sorts of conditions to only a court.

I'm curious to know why that is, or if I've missed something with this particular protection order, and what it means in this clause.

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

The intent of the clause as it was originally prepared was to define this in regulations. The first amendment proposed to define "protection order" through the bill, rather than in regulations, and was proposing the court. The subamendment then proposes to not limit it to a specific list, but again, yes, to the court.

Maybe I'll turn it to my colleague, Mr. Giammaria.

Mr. Sandro Giammaria: I can't speak to why the amendment reads as it does. I can say there are decision-making bodies empowered to issue orders that are not courts. The code will reflect this in certain instances.

There was an allusion to provincial legislation. There are various pieces of provincial legislation that will provide for some of the orders that would fit the description as in these enumerated paragraphs. I note that at the end of proposed paragraph (e), it says "or", meaning that an order that does any one of these things would fall within the meaning of this definition.

Again, I can't say why, but I can say the effect of the word "court" would be to exclude those issuing bodies that are not courts.

Mr. Glen Motz: Yes, my point being that if we're actually trying to provide additional supports and codify something that apparently.... I find the comments from Ms. Damoff interesting, because there is the ability federally, not just provincially, to do these exact same things that have existed for significant periods of time.

I'm very concerned that we are limiting this to just a court. Mr. Julian needs to determine whether he accepts this subamendment or not, but my concern is that it limits the ability of a victim, where an accused could fall into this sort of a situation where a court does not release him.... If what I heard the officials say before, you're trying to put this into the act itself that allows for these types of conditions to be used. These conditions are not new. These conditions have been used for decades on protection of people. All of them have—

● (2040)

The Chair: Mr. Motz, I'm going to have to cut you off there.

Mr. Julian, go ahead.

Mr. Peter Julian: I would like to move that we renew for up to another 20 minutes, which would give another five minutes to Mr. Motz.

The Chair: Add another five minutes for everybody?

Mr. Peter Julian: Yes. I'm not going to take mine, of course.

The Chair: You could.

Do we have unanimous consent to do this?

Some hon. members: Agreed.

The Chair: Very well, I see no one who is opposed.

We will carry on for another 20 minutes.

That means you have another five minutes.

Mr. Glen Motz: Thank you, Chair.

The reason I'm bringing this up is that this is a critical component to the safety of those who are experiencing domestic violence specifically. I think that's the intent behind this. If that's the case, we should not limit the legislation to say only a court can impose this, right? The government has made this as a subamendment. They may want to consider making some changes to it.

Now, I've said my piece about that. What I want to go on to is, can the officials explain to me again why this is in the act when the forms that these people have been released on for many other things in the Criminal Code list a number of conditions you can place on an accused, including these.

I think somebody did explain previously, but I didn't get all of it. Why is this again being put into the act, as opposed to having the Criminal Code deal with the release conditions?

Ms. Rachel Mainville-Dale: This definition relates to other parts of amendments to the Firearms Act that are in Bill C-21 and that would expand licence revocation for certain situations. Where somebody becomes subject to a protection order, it would automati-

cally revoke the licence rather than making it a condition of, for example, when you were talking about release and peace bonds and whatnot.

Mr. Glen Motz: I'm sorry. I don't know if that answered my question. Why is this protection order definition in this act when you already can get protection orders in the code? Just help me understand that.

Ms. Rachel Mainville-Dale: It has to do with the automatic revocation of licences. The original proposal as it was in Bill C-21 was to define which protection orders, because not all of them.... Some of these, as my colleague was speaking of, are outside the Criminal Code and in provincial courts. It was to look at what protection orders were the ones that were related to domestic violence, intimate partner violence and gender-based violence in which an automatic revocation of a firearms licence would apply. That's therefore why it's necessary in the Firearms Act: to go along with the revocation provisions that are in the bill.

Mr. Glen Motz: If that's the case, then I'm still confused. You mentioned the revocation of a possession licence or acquisition licence. I'm curious to know why we would still need this in the act. I don't get it.

● (2045)

Ms. Rachel Mainville-Dale: In terms of licence revocations, there are also other provisions in terms of licence revocations and refusals to grant a licence. There are numerous provisions in the bill having to do with licences in cases of protection orders. That's why it was necessary to define it in the Firearms Act, in order to give effect and limit, and to give context as to which protection orders would affect those licence provisions in the Firearms Act.

Mr. Glen Motz: Could that not have been accomplished by adding a paragraph (g), for example, that, as one of the conditions, the licence is revoked until the matter is disposed of in court? Could that not apply the same way?

There are any conditions that you could have. I know from my experience that you can take a firearm licence away from an individual—suspend it, if you will—with the CFO from a province, but the police can do that immediately on a file. You wouldn't need to do this.

I'm really failing to see the need to codify this in the act when the Criminal Code already allows you to—

The Chair: You have 15 seconds.

Mr. Glen Motz: Okay.

Again, maybe I'm not catching you. Maybe it's the time of night. Maybe it's because the Leafs are winning.

Voices: Oh, oh!

Mr. Glen Motz: It could be one of those. I don't know.

I apologize. I just don't completely get it.

The Chair: The Leafs are winning. That's interesting.

Voices: Oh, oh!

Mr. Doug Shipley: I don't know why Pam was so surprised by that.

A voice: Us neither.

The Chair: Ms. Damoff, go ahead.

Ms. Pam Damoff: I have a question for the officials.

The original clause in the bill says, “protection order has the meaning assigned by the regulations”. Would we allow more flexibility while still including the list that the NDP have put forward if it said “protection order has the meaning assigned by the regulations, but”—I'm doing this on the fly a little bit here, I'm sorry—“includes and is not limited to”, and then this list.

Would that allow you the flexibility you need, to do it in regulations while setting this minimum standard that we're hoping to get without prescribing that it's just the courts?

Ms. Rachel Mainville-Dale: Again, I think that's up to yourselves here to share your intent and for Parliament to share its intent.

The intent of doing it through regulations is to do consultations, to do engagement and follow the normal regulatory process where the government would publish in Canada Gazette, part I. In fact, in the Firearms Act, regulations are tabled in Parliament and they are referred to committee. The committee at that time would have regard for whatever definition of protection order would be proposed and be able to provide comments to the government.

Ms. Pam Damoff: Are protection orders issued other than by the court? So we're limiting it to only court-ordered protection orders—

Mr. Glen Motz: That's exactly [*Inaudible—Editor*]—

Ms. Pam Damoff: I don't need commentary, Glen.

If we were to say, then, to be defined by the regulations but to include but not be limited, and include that list, we'd be saying that we want that list included, but you can expand on it by regulation.

Does that make sense?

Ms. Rachel Mainville-Dale: It could definitely be something that could be considered.

Ms. Pam Damoff: Okay.

The Chair: Are there any further interventions?

Let's call a vote on the subamendment.

(Subamendment agreed to on division [*See Minutes of Proceedings*])

The Chair: We will now go back to NDP-1 as amended by Ms. Damoff.

Is there any further discussion on this? Some of the parties still have time left, if they wish to speak to this.

• (2050)

Mr. Philip Lawrence: Do the Conservatives have any time left on this?

The Chair: No. Mr. Motz did a great job.

Mr. Philip Lawrence: He did. I'd like to comment on that, and I appreciate that, Mr. Julian, you're a good man.

The Chair: Let us conduct the vote on NDP-1 as amended by Ms. Damoff. I expect we're going to have a recorded division.

(Amendment as amended agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: Thank you.

Shall Clause 15 as amended carry?

Mr. Philip Lawrence: On division, Mr. Chair.

The Chair: That would be acceptable.

(Clause 15 as amended agreed to on division)

The Chair: This brings us to new clause 15.1.

We have BQ-3, I believe.

[*Translation*]

Ms. Michaud, you have the floor.

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

I'm very pleased to present a first amendment tonight. It's a relatively important amendment, the first of six, so there will be consequential amendments to go with it.

The goal of the amendment is to require a license to acquire and possess a magazine, like that required for munitions. The reason is simple. Many groups reached out to us on the issue. I sadly remind you of the Danforth shooting. The shooter stole a firearm and went to buy a magazine completely legally. That's what let him kill so many people.

The amendment is relatively simple. We want a license requirement to buy a magazine. Mr. Ken Price requested it when he testified before the committee in October of last year, as did representatives of PolyRemembers. I won't repeat what they said, but they basically told that story. I think it makes sense to ask for a magazine acquisition license.

As I was saying, this is the first amendment in a series of six. Consequential amendments will follow. They fill a gap and prevent people from acquiring a magazine completely legally and using it with a stolen firearm, for example.

I hope my colleagues understand the importance of this amendment and the following ones, and that they will be able to vote in favour of them.

Thank you.

The Chair: Thank you, Ms. Michaud.

[English]

We will now go to Ms. Damoff.

Ms. Pam Damoff: Thank you to my colleague for bringing this amendment forward, because it is a very important amendment.

Who knows whether the Danforth shooter would have been able to carry out what he did if he had required a licence to buy the magazine. It is something that the Danforth families, represented by Ken Price, have asked for. Quite frankly, I'm surprised you didn't need a licence before to purchase a magazine.

This is something that's really important. I just heard Noor speak about Reese Fallon, who was her best friend. Reese Fallon was killed on the Danforth. Noor talked about the difference that we can make, and how people might say they were in the wrong place at the wrong time, but the fact is we as legislators can actually make a difference. We can actually save lives.

I want to thank you for bringing this forward. It's very important, and we will absolutely be supporting it.

• (2055)

The Chair: Thank you, Ms. Damoff.

We go to Mr. Shipley and then Mr. Blois.

Mr. Shipley, go ahead, please.

Mr. Doug Shipley: Thank you, Chair.

This seems like a pretty good amendment. Conceptually, we'll be supporting it. I just have a couple questions for the officials.

I don't think I have to say this again, but I'm definitely, on our side, not the firearms expert. Concerning the terminology "cartridge magazine", can I get a full-fledged definition of exactly what that means?

Ms. Rachel Mainville-Dale: A cartridge magazine is defined in the Criminal Code. It means "a device or container from which ammunition may be fed into the firing chamber of a firearm".

Mr. Doug Shipley: I'm sorry; I couldn't hear the very end of that. Do you mind repeating it?

Ms. Rachel Mainville-Dale: "Cartridge magazine" means "a device or container from which ammunition may be fed into the firing chamber of a firearm". That's in the Criminal Code.

Mr. Doug Shipley: Thank you.

The Chair: I have Mr. Blois followed by Mr. Lawrence.

Mr. Kody Blois (Kings—Hants, Lib.): My first question would be for the officials.

I agree conceptually that this has merit. Would the idea that the licence to buy a magazine or cartridge would be associated with a gun licence in the country, or are they two separate licences?

To me, it looks like there could be two ways to go about this. You could either require gun shops that are seeking to sell ammunition or cartridges to require a proof of licence, a registered gun licence, or you could simply attach a licence to purchase ammunition as a part of the condition of a registered licence.

Can the officials explain how this would play out on the ground?

Ms. Rachel Mainville-Dale: If the requirement were to go through, it would work somewhat like buying ammunition. You'd go to your store, you would present your PAL, you'd say you're licensed and the clerk or the store would validate it. You would be able to walk out with your cartridge magazine—after paying for it, of course.

Mr. Kody Blois: Would there be situations in which someone may have a registered gun licence but not have access to the ammunition licence or the cartridge licence that's being proposed by Ms. Michaud, or would it just be the idea that those two things are integrated, such that, as was explained by Ms. Damoff, in relation to someone being able to buy a cartridge, they would have to demonstrate that they are a valid and registered licence-holder in the country?

Ms. Rachel Mainville-Dale: Thank you. I think I understand now the sense of your question.

A possession acquisition licence allows you to buy non-restricted firearms, unless you have special conditions that allow you to have restricted ones. After that, it doesn't specify that you need another, special condition on your licence to be able to buy ammunition. If cartridge magazines were to be added, you wouldn't need another special condition on your licence.

The Chair: Thank you, Mr. Blois.

We go to Mr. Lawrence and then Mr. Julian.

Mr. Lawrence, go ahead.

Mr. Philip Lawrence: I'm candidly not sure whether we have the right officials here, but I'll throw this out on the record.

I think this is an excellent amendment. It seems to be one that makes sense. It also appears that, if this becomes law, just like guns and ammunition currently flow across our border freely, magazines will soon follow. I would hope that the CBSA would be advised of that and be looking out for not just bullets and guns but also magazines.

If the officials have a comment, that's great; otherwise, I'll just leave my comment on the record.

Ms. Rachel Mainville-Dale: I will add a comment.

There are some cartridge magazines that are prohibited devices already. Those that are overcapacity, centre-fire or cartridges with a capacity of more than five are already prohibited devices, and the CBSA does what it does best and attempts to stop those from coming across the border.

Thanks.

• (2100)

The Chair: Thank you.

We'll go to Mr. Julian.

Mr. Peter Julian: Thanks, Mr. Chair.

I support the amendment. My questions have already been asked and answered by the officials and other members of the committee.

The Chair: Thank you, Mr. Julian.

Mr. Motz assures me that he can ask a question and get a response in 10 seconds.

You have 10 seconds.

Mr. Glen Motz: I didn't mean for a response. I could ask the question.

This is a PAL, not necessarily an RPAL, and it relates to everything listed here. You need a PAL for everything listed here in this new amendment.

The Chair: Actually, I stand corrected. You have two minutes and a half.

Mr. Glen Motz: That's what I thought. I'll slow down and ask it differently.

If I read this correctly, is it saying that based on this act, everything listed here, the prohibited firearms, restricted prohibited devices, ammunition, prohibited ammunition and magazines all require a PAL. Is that what you're saying?

Ms. Rachel Mainville-Dale: Section 4 of the Firearms Act is a purpose provision of the Firearms Act, which sets out the parameters of what the Firearms Act does. If this is an amendment to add cartridge magazines to the list of things where, under the Firearms Act, you would authorize, for example—notably by sections 21 to 34 and 54 to 73—the transfer or offer to transfer...and then it has the list, then, lower down in the Firearms Act, you would say what the requirement is in terms of how to transfer. It could be a licence, so it's not the same ones. This is just a purpose clause.

Mr. Glen Motz: That's fair enough. Is it just “magazines” that we're adding, or is it all of the other ones that were on there?

Ms. Rachel Mainville-Dale: Right now it says, “firearms, prohibited weapons, restricted weapons, prohibited devices, ammunition and prohibited ammunition”. Then you would be adding magazines.

Mr. Glen Motz: Okay, thank you.

That's what I thought. Thank you very much.

The Chair: Are there any further interventions?

Seeing none, let us have the vote.

Mr. Philip Lawrence: On division, Mr. Chair.

The Chair: On division.

Ms. Pam Damoff: Can we get a recorded vote on this one, please?

The Chair: Please carry on with the vote.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: Thank you. I would say that passed. BQ-3 carries.

We'll go now to BQ-4.

[*Translation*]

Ms. Michaud, you have the floor.

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

First of all, I thank my colleagues for voting in favour of amendment BQ-3. I'm very happy to see that my colleagues understand the full importance of this change. I think the Danforth Families for Safe Communities group will be fully satisfied.

As I was saying, amendment BQ-4 is a consequential amendment to the previous one. Everyone should therefore be in favour, without any issues. Incidentally, I want to thank members of the committee for the constructive discussion we just had. All parties asked very interesting questions about the previous amendment.

The amendment relates somewhat to the issue of magazines. I'll seize the opportunity to remind everyone that it wasn't possible to prohibit large-capacity magazines in this bill, but the Minister of Public Safety committed to doing so. I expect that promise to be kept, to actually prohibit large-capacity magazines altered so they cannot hold more than the number of cartridges allowed by law.

Thank you.

• (2105)

The Chair: Thank you, Ms. Michaud.

[*English*]

Mr. Motz, go ahead, please.

Mr. Glen Motz: Thank you very much, Chair.

Officials, I have some questions. This is substantively different from the previous amendment, because it talks about...

Let me back up first. Is “cartridge magazines” the only addition to this one?

Ms. Rachel Mainville-Dale: Yes.

Mr. Glen Motz: Okay. This is in relation to automatic firearms, not semi-automatic ones, and automatic firearms are already prohibited in Canada.

Ms. Rachel Mainville-Dale: It's the addition of “cartridge magazines” to this purpose provision in terms of authorizing importation and exportation of all the devices—all of the things that are listed—in paragraph 4(c) of the Firearms Act. Cartridge magazines can be found in manual firearms as much as in semi-automatic firearms and as much as in automatic firearms.

Mr. Glen Motz: With “to authorize, notably by sections 35 to 73”, we're talking about the importation and export of cartridges. We're adding magazines to this.

What impact does that have on what we're trying to do on public safety? Help me understand this.

This act effectively, in layman's terms, will require magazines. It doesn't say large-capacity magazines, but it says, “magazines and components and parts designed exclusively for use in the manufacture of or assembly into automatic firearms”.

I'm a little concerned with the “automatic firearms” part. Automatic firearms are prohibited. They are a prohibited firearm already.

Ms. Rachel Mainville-Dale: There are some automatic firearms that are grandfathered, because they were prohibited, and the decisions from governments at that time were to grandfather them. Those people...I'm not sure how many of them are left. I don't have the numbers with me at this time, but in terms of regulating or controlling the import and export for those purposes....

Mr. Glen Motz: Can my friend from the RCMP firearms program confirm that what we're talking about here, automatic firearms, are prohibited in Canada already? Is that correct?

Mr. Rob Mackinnon (Director, Canadian Firearms Program, Royal Canadian Mounted Police): Yes, they are. They were prohibited in 1978, but as Rachel stated, anybody who was in possession of a prohibited fully-automatic firearm was able to keep it in their possession, and there is a restriction associated to the grandfathering provision.

Mr. Glen Motz: Is this a restriction to the grandfathering provision?

Ms. Rachel Mainville-Dale: I will add that in terms of “components and parts designed exclusively”, the automatic firearm goes towards that part of the sentence. The cartridge magazines import and export is not included as part of...because it's not a “components and parts designed exclusively for”. It's part of that list.

Mr. Glen Motz: It's on this list, but it doesn't apply. It reads into the same...the importation and exportation of all these things including a magazine “and components and parts designed exclusively”. It doesn't say “or”. It's all one sentence. You can't break it out.

Ms. Rachel Mainville-Dale: The use of the word “and” before that separates it from the list.

Mr. Glen Motz: But it's not before “magazines”.

Ms. Rachel Mainville-Dale: Pardon me.

Mr. Glen Motz: The “and” is not before “magazines”. The “and” is after.

Ms. Rachel Mainville-Dale: That's right—“and components and parts designed”. The “components and parts” are “designed exclusively for...the manufacture of or assembly into automatic....”

Mr. Glen Motz: I would disagree. I think some officials at your table might disagree, because when you read that, the “and” doesn't separate what was said above. It's an addition to what's said above. It's not a disconnect.

Trust me, I'm not an English grammar teacher, but I will tell you that the way that reads, it's an addition to what we said above, including magazines, for importation, for exportation and for exclusive use in the manufacture and assembly of automatic firearms—automatic, not semi-automatic—which are already prohibited in this country.

I'm trying to understand. This could have an impact for a lot of people, if we don't understand exactly what we're trying to do here. I'm trying to get clarity. This is a substantial difference. Will it actually have an impact on public safety? I don't know, because these things are already supposed to be....

We're talking about a large-capacity magazine. My friends from the RCMP will confirm that large-capacity magazines are already prohibited for a fully automatic firearm.

• (2110)

Ms. Rachel Mainville-Dale: This provision doesn't talk about large-capacity magazines. It talks about cartridge—

The Chair: I'm sorry, Mr. Motz. I fell asleep there. Your time is up.

Mr. Glen Motz: I thought you said you woke up as the night went on.

The Chair: We're not there yet.

Mr. Glen Motz: Oh, oh!

The Chair: Thank you.

Are there any further interventions on this matter?

Seeing none, I will call the vote on BQ-4.

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

The Chair: That takes us to BQ-5.

[*Translation*]

Ms. Michaud, you again have the floor.

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

Once again, I thank my colleagues for voting in favour of the previous amendment.

That amendment is also consequential with the previous ones. It's about requiring a valid license for acquiring magazines. If my colleagues have questions, I invite them to go ahead and ask. That said, I think everyone would normally be in favour of this amendment.

Thank you.

The Chair: Thank you.

[*English*]

Are there any interventions?

Mr. Lawrence, go ahead.

Mr. Philip Lawrence: Thank you.

This appears to me to be another excellent amendment.

Just for clarity, to make sure I understand it... The concurrence we're doing to make sure it's in alignment is that we're adding “or a cartridge magazine” to the restrictions for a person who is not eligible to hold a licence. Is that correct?

Ms. Rachel Mainville-Dale: That's correct.

Mr. Philip Lawrence: Okay. That's perfect.

We are just making sure that if you are ineligible to hold a licence to have a firearm, you also cannot buy a cartridge or a magazine, which seems to only make sense. I'm surprised that this hasn't been changed in the last 50 years, but....

The Chair: Are there any further interventions?

Mr. Shipley, go ahead.

Mr. Doug Shipley: Thank you, Mr. Chair.

I agree with what Mr. Lawrence just said.

Perhaps the officials could just clarify for me—and, I'm sure, as you mentioned earlier, a lot of people who are still watching—

Voices: Oh, oh!

Mr. Doug Shipley: There must be skinny stuff on TV tonight.

The Chair: You made your point: There's nobody watching.

Mr. Doug Shipley: Why would someone not be eligible to hold a licence? Maybe the officials could clarify that for me.

Mr. Rob Mackinnon: An individual can be ineligible, as determined by the chief firearms officer, for a variety of reasons. The chief firearms officer would have the authority to revoke that licence based on circumstance, whether that happens to be a firearms prohibition order or a criminal offence. That is why somebody would be ineligible to hold a licence.

Mr. Doug Shipley: Thank you.

The Chair: Mr. Lawrence.

Mr. Philip Lawrence: Just for the viewers who may be hanging on, just to be super clear, so that everyone is aware and so that those who own firearms are in no way nervous about that.... If you own a firearm legally, you have a PAL, and those are the people whose rights we Conservatives are interested in protecting. You will in no way be affected, because you'll just show your PAL, which you would have anyway, to get the magazine. Is that right? No one out there needs to be, in my estimation, concerned about this provision at all.

• (2115)

The Chair: It's good to hear.

Are there any further interventions?

Mr. Julian, go ahead.

Mr. Peter Julian: I completely agree with my friend, Mr. Lawrence.

I think the principle of Bill C-21, as we're developing it, is putting the focus on going after criminals, those who are using ghost guns and untraceable weapons, not legal gun owners who are showing respect for the law.

There is a surprising consensus, an almost Kumbaya moment developing around this table, which is a wonderful thing to see, Mr. Chair.

The Chair: It could be an alternate reality, too.

Voices: Oh, oh!

The Chair: Are there any further interventions?

Seeing none, let us have a vote.

Mr. Doug Shipley: I request a recorded division.

The Chair: We'll have a recorded division.

(Amendment agreed to: 11 yeas; 0 nays [See *Minutes of Proceedings*])

The Chair: This takes us to BQ-6.

[*Translation*]

Go ahead, Ms. Michaud.

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

BQ-6 deals with the same subject matter as NDP-2 and G-1. I imagine my NDP colleague will be in favour of this amendment, which strengthens the “yellow flag” system.

We were fortunate to have representatives from the National Association of Women and the Law. This association also sent a brief, where a very good point is raised. Here's an excerpt:

The modification to section 5(2)(d) of the Firearms Act is also recommended to insert a safety bias into the granting of licences. A person may not currently pose a threat to their ex-partner (for example, if they are travelling abroad), or it may not be certain whether a person still poses a risk; when in doubt, the Chief Firearms Officer or the judge should err on the side of caution.

That's sort of the spirit of my amendment. We have to make sure we err on the side of caution, rather than the side of judgment.

Therefore, I propose that Bill C-21 be amended by adding after line 19 on page 16 the following new clause:

15.1 Paragraph 5(2)(d) of the Act is replaced by the following:

(d) is or was previously prohibited by an order — made in the interests of the safety and security of any person — from communicating with an identified person or from being at a specified place or within a specified distance of that place, and poses or could pose a threat or risk to the safety and security of any person;

I invite my colleagues to vote in favour of this amendment, which strengthens the “yellow flag” system designed to protect women victims of violence.

Thank you.

[*English*]

The Chair: Ms. Damoff, please.

Ms. Pam Damoff: Thanks, Mr. Chair.

On this amendment, if I'm not mistaken, the biggest change to what's already in the act is adding “or could pose”, is that correct?

Ms. Rachel Mainville-Dale: Yes, that's exactly right.

• (2120)

Ms. Pam Damoff: One of the concerns that was expressed to me is that “could pose” is overly broad. How would the chief firearms officer determine what “could pose” versus what “poses”? In terms of how it's written in the bill, from a practical standpoint, how would “could pose” be interpreted?

Mr. Rob Mackinnon: The CFO would take into consideration all of the key elements in order to determine the eligibility of the individual to hold a firearms licence. This could pose a public safety risk if the CFO decided that this was a risk to the individual having a firearms licence.

Ms. Pam Damoff: Is that different from “poses a risk”? The firearms officer already has pretty broad judgment over that. I'm trying to see how this changes it. I want to make sure people are protected. Generally, we're talking about protecting women here.

I'm wondering how this change in practical terms actually makes a difference, or whether it does or not. From what I understand, the CFO already has broad discretion in determining this.

Is this actually going to make a difference in interpretation?

Ms. Kellie Paquette: My understanding of how it's written right now, without this amendment, is that it provides that flexibility to a CFO to review a licence, to put something under review, so I don't think that "could pose" changes anything.

Do you agree?

Mr. Rob Mackinnon: Yes, I do.

Under section 5 of the Firearms Act, they have the discretion to determine eligibility. Under the yellow flag situation, they're not revoking the licence; they're putting it under suspension because it "could pose" an issue for the individual to continue to hold a licence.

Ms. Pam Damoff: On this change from "poses" to "could pose", if we were to support it, it wouldn't really change how the CFO determined it. Is that right?

Mr. Rob Mackinnon: That would be my interpretation. As you've articulated, under section 5 the CFO has a pretty broad way of determining who would be eligible to hold a firearms licence.

Ms. Rachel Mainville-Dale: It just adds an element of the future. Today it's written in the Firearms Act in terms of "poses", and it's in the present, and then this question of the future—"could pose" a threat—adds a different test, a different element, for the evaluation by the chief firearms officer.

Ms. Pam Damoff: Okay.

The Chair: Thank you.

We'll go now to Mr. Lawrence, then Mr. Lloyd and then Mr. Blois.

Go ahead, please, Mr. Lawrence.

Mr. Philip Lawrence: Thank you very much.

I fully support the sentiment behind this. My problem is, with my legal training, I don't know if we've quite understood what the word "could" means.

I'll read from "britannica.com", as it were, a definition, "to say an action or event is possible". For example, there's a difference between "I have cancer" and "I could have cancer". It really means if it's at all possible. That's the difference. Is it possible for you to pose a threat? That's a very broad term. Is it possible that I could become prime minister? It's possible, but perhaps not likely.

So "possible" includes unlikely, as well as likely. "Poses" means I have it. It means I have cancer.

I'm a bit troubled that we don't have a basic understanding of the English language with the officials.

Do you not understand the difference between "could" and having something? It means "possible". Do you not understand that?

• (2125)

Mr. Rob Mackinnon: Maybe I can speak to that.

The CFO has the authority to revoke a licence as a final state. If the chief firearms officer obtains information such that they have to conduct an investigation to further their decision on determining if they are going to revoke a licence, the "could pose" part of it is that part of the investigation. Until they've completed the investigation and revoked the licence, they have just cause for possibly revoking the licence, but they're going to suspend the licence under the yellow flag situation before they make the final decision.

Mr. Philip Lawrence: Okay, so help me out with this.

I support the sentiment. We want to make sure we do not give PALs to people who do not warrant them. I want that clearly on the record.

Give me a situation between a person right now who wouldn't be caught, who's not in the "poses" category, but is in the "could pose" category? Give me an actual, real-life example.

Mr. Rob Mackinnon: A chief firearms officer gets advised that a situation has occurred with an individual who has had an event in association with section 5 but hasn't been formally charged. The CFO could be waiting for further information to revoke the licence. This circumstance would allow the CFO to legally suspend the licence until they get further information on the outcome of the investigation from the police.

Mr. Philip Lawrence: Okay, so we have an investigation ongoing, and we have a potential allegation out there for that individual. That could be the difference between the "could pose".... It's not as broad as perhaps I thought at first, which I'm very grateful for, because it's a broad category, "could pose", but it's with an ongoing investigation in which there are allegations that haven't been proven.

Am I narrowing this down now? Okay.

Mr. Rob Mackinnon: Yes. If you'd like to do a comparison, when a chief firearms officer receives a court order prohibition order, it's an automatic revocation. There is no "could pose" because the courts have decided that the individual cannot possess firearms. However, if a chief firearms officer gets information from law enforcement on an individual who happens to hold a licence, and the CFO, in that initial review of that information, determines that there is further work to be done, they could suspend the licence, legally, until they complete their investigation, which could result in either a reinstatement of the licence to valid or the revocation of the licence.

Mr. Philip Lawrence: I have one last question, and then I'll leave it open.

Is there any clearer way of drafting it that would specifically cite an ongoing investigation?

Like I said, I support the sentiment behind this, 110%. I'm just a little concerned it could be overly broad.

The Chair: I'm going to have to cut you off there. That actually calls for speculation about whether there might be a clearer way to do it.

You're out of time. I'm sorry.

Mr. Blois, you have 51 seconds.

Mr. Kody Blois: My quick question to the officials would be the following. If you said, “could reasonably”, I’m along the same lines as Mr. Lawrence, which is you’re telling me that—I think the explanation you gave was great—right now it’s on a balance of probabilities, and we’re trying to move it to the dynamic where if there’s any inference that there could be harm, then it’s almost a precautionary principle.

Is that correct?

Mr. Rob Mackinnon: Yes.

The Chair: Thank you, Mr. Blois.

Ms. Pam Damoff: Do I still have time?

The Chair: You have 15 seconds.

Ms. Pam Damoff: That’s okay then.

The Chair: Okay.

Before we go to the vote, I should advise that BQ-6, PV-1 and NDP-2 are essentially the same, so if we pass this, the others become moot.

I will call—

• (2130)

Mr. Dane Lloyd (Sturgeon River—Parkland, CPC): On a point of order, Mr. Chair, they are actually separate, because one of them says that they “presently pose a risk”, and the other one says that they “did pose a risk”, so they are actually distinct.

I believe they are distinct motions, but I would maybe defer to the legislative clerk.

The Chair: If we pass this one, we can’t pass those. It’s moot— isn’t that right?

Mr. Peter Julian: They’re moot because they’re so closely related.

The Chair: Okay. With all that being said, let us conduct a vote.

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

(On clause 16)

The Chair: Thank you, all.

We’ll skip PV-1 and NDP-2.

I’ve been advised there are some more refreshments in the back if we want to suspend, but I’m proposing that we go for another half-hour before we do that.

All right. We go now to CPC-17. That is in the name of Ms. Dancho.

Mr. Lloyd, do you wish to move it?

Mr. Dane Lloyd: I’ll move it.

Do I need to read it into the record, Mr. Chair?

The Chair: You just have to move it, if you wish. You don’t have to read it.

Mr. Dane Lloyd: I so move.

The Chair: Is there any discussion on this?

Mr. Lloyd, go ahead.

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

I was speaking to the National Association of Women and the Law and other groups earlier on when we were going through this bill, and concern was expressed because protection orders are usually decided by consent between both parties. There was concern that if we pass laws that are too heavy-handed, which say you must revoke a licence or you must do all these things if somebody has ever been subject to a protection order, it would actually result in more contested hearings over protection orders. Certainly we wouldn’t want to increase the contestation of these protection orders. I think having them mostly consensus-based is a positive thing.

Sometimes the situations are very fluid. I believe that we need to trust in the discretion of our chief firearms officers and the Canadian firearms program to determine whether somebody who has previously been subject to a protection order is truly a threat to public safety, so I think this has merit.

I want to talk to one of the witnesses who might know some things about this.

Generally, when somebody has been subject to a protection order, that comes up in the screening process. Is that not true? What process do you do?

I apologize if you’ve already explained this, but what’s your process? Is it a balance of probabilities? How do you determine whether or not that is a barrier to somebody getting a firearms licence?

Mr. Rob Mackinnon: You are correct. The chief firearms officer would be made aware of protection orders against an individual through the courts. The CFO, under section 5, would take that element and any other element that they would have had to investigate for the individual’s eligibility to hold a licence.

I can’t speak to the exact details of how the protection order would have made the CFO decide to take an action against somebody holding a licence, because the protection order information would vary.

Mr. Dane Lloyd: Just to clarify, I’m not talking about people who are presently subject to a protection order. This is talking about people who were previously subject to a protection order.

Is that information, that they were previously subject to a protection order, shared with the CFO when somebody’s applying for a licence or getting their licence renewed?

• (2135)

Mr. Rob Mackinnon: I don’t know, actually.

Mr. Dane Lloyd: I guess that’s something we generally have to disclose, if I can remember the form right.

Mr. Rob Mackinnon: You are correct, actually. I think there are personal history questions on the application that ask the individual if they have previously been subject to a protection or restraining order.

Mr. Dane Lloyd: Do the CFOs, as a general practice, grant these licences to people who have been subject to a protection order, or does it vary?

Mr. Rob Mackinnon: It would vary based on circumstance.

Mr. Dane Lloyd: In general, in practice, what's your experience?

Mr. Rob Mackinnon: I can't generalize on an answer to that.

Mr. Dane Lloyd: Thank you.

I just want to reiterate that it was raised to me by a number of advocacy groups that because protection orders are usually decided on a consent basis, introducing this could have a negative consequence in terms of making people fight these protection orders at court and making it a much more adversarial process than it needs to be.

Generally, I think we should trust the discretion of our chief firearms officers and our able civil servants, who obviously would have an interest in protecting the public and ensuring that people who are truly a danger to society don't have access to possession and acquisition licences. I think that this is a positive amendment that everyone can get behind.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Lloyd.

Ms. Damoff, go ahead, if you please.

Ms. Pam Damoff: Thanks, Chair.

We agree with the removal of “or were”, so that part isn't an issue.

We prefer the wording that the NDP and Bloc have put forward in the next amendments, so while we'll be voting against CPC-17 in favour of...I guess the NDP one will be the first that we get to, it's not because of the removal of the words “or were”. It's because we feel that the addition that is put into NDP-3 is important.

We'll vote against CPC-17 in favour of the next one.

The Chair: Mr. Julian.

Mr. Peter Julian: Thanks, Mr. Chair.

I agree with the sentiment that's expressed by CPC-17, but I think it's more specific if we add the additional elements that are in NDP-3. I also agree with the spirit of what CPC-17 represents, but I will be voting against so that we can get NDP-3. It does very similar things to CPC-17, but adds “convicted of an offence”.

The Chair: We will get to PV-2 first, but it's essentially the same situation.

[*Translation*]

Ms. Michaud, you have the floor.

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

My comments are similar to those of Ms. Damoff and Mr. Julian.

I have nothing against CPC-17, but I find that NDP-3 is more comprehensive. I prefer to drop CPC-17 and vote in favour of NDP-3.

Thank you.

[*English*]

The Chair: Okay, thank you.

If there aren't any further interventions, as noted, if this passes then PV-2 and NDP-3 cannot be moved.

A voice: It's also BQ-7.

The Chair: It's BQ-7 as well. In any case, there are consequences. Let's have the vote on CPC-17.

Mr. Philip Lawrence: I'd like a recorded division.

● (2140)

The Chair: We'll have a recorded vote, please.

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

The Chair: CPC-17 is defeated.

Mr. Julian.

Mr. Peter Julian: I received a text from Ms. May, who gave me the green light to move NDP-3, as she is not able to attend tonight.

The Chair: PV-2 is actually moved automatically by the House order.

However, if we defeat PV-2, we cannot then move NDP-3, because they are essentially identical. If we pass PV-2, we also can't pass NDP-3 because they are identical.

I suggest that if we want to get to NDP-3, we can remove PV-2 by unanimous consent.

Do we have unanimous consent to remove PV-2?

(Amendment withdrawn)

The Chair: All right. It is removed, with apologies to Ms. May.

That brings us to NDP-3, in the name of, in this case, Mr. Julian, apparently.

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

Ms. May sends her greetings. She hopes to be here at committee at some point. It probably won't be tonight, but she may be through tomorrow night.

NDP-3 is recommended by the National Association of Women and the Law and other organizations. It is perhaps similar to CPC-17, but would add an additional element, which is that an individual “is not eligible to hold a licence if they are subject to a protection order”—which is current—“or have been convicted of an offence in the commission of which violence was used, threatened or attempted against their intimate partner or any member of their family.”

It addresses some of the concerns of CPC-17, but also adds those “convicted of an offence in the commission of which violence was used”.

I move NDP-3.

The Chair: Thank you, Mr. Julian.

We go now to Mr. Lloyd.

Mr. Dane Lloyd: Thank you. This is something that's better, but I have some questions. You can agree with it, but I think it's always important to see how this is going to be implemented.

Maybe this is for the officials.

If someone goes to a protection hearing and they become subject to a protection order, what is the process by which a licence is revoked? Does the court communicate that to the Canadian firearms program? Does the spouse have to alert the Canadian firearms program that this order has been put in place?

How do you think that process would work?

Mr. Rob Mackinnon: The chief firearms officer would obviously have to be advised by the court of the protection order, potentially by a similar process to the one that exists when the courts issue a firearms prohibition order. They advise the chief firearms officer directly. That's how we would envision the process to be, potentially.

Mr. Dane Lloyd: There already is a process in the case of firearms prohibition orders whereby you are alerted, so this would be a fairly straightforward addition for the court to alert.

• (2145)

Mr. Rob Mackinnon: I believe section 89 of the Firearms Act tells the courts they have to advise the chief firearms officer directly of a firearms prohibition order.

Mr. Dane Lloyd: What would the process be?

Once the licence is removed, technically the person is in possession of firearms illegally. Is there a grace period while the police go in or while they have a chance to turn in their firearms to police?

Is there a potential that they could get charged for possession of these firearms between the time their licence has been revoked and the time the firearms are picked up by the police or by other means?

Mr. Rob Mackinnon: A revocation notice is issued by the chief firearms officer to the individual. It tells them that they have to dispose of their firearms in a certain way in a certain period of time.

Mr. Dane Lloyd: How long does that usually take?

Mr. Rob Mackinnon: It depends. In a lot of cases, the firearms have already been removed by law enforcement from the individual. It's usually as soon as possible, based on the circumstances.

Mr. Dane Lloyd: I'd just hate to see a situation where maybe there was a 24-hour or 48-hour period and then something drastic happened because the process failed to take it into account.

We write these things in laws; they sound good and everyone can agree with them, but then when they're put into practice, sometimes they can have fatal consequences. It doesn't mean we shouldn't move forward with these laws, but I think it means we need to...

Looking at this legislation.... I'm not sure if you've seen this amendment before. Are there processes so that you think you can

implement this in a safe way for the protection of all parties involved?

Mr. Rob Mackinnon: Yes, we believe we can.

Mr. Dane Lloyd: Okay. Thank you.

The Chair: Thank you, Mr. Lloyd.

We will go to Ms. Damoff.

Ms. Pam Damoff: I just want to say that this is an excellent amendment. It's one that's been well thought out. I believe it was a recommendation from the National Association of Women and the Law. We'll be happy to support it.

[*Translation*]

The Chair: Go ahead, Ms. Michaud.

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

The same is true for the Bloc Québécois. In fact, if we had been able to get there, we would have seen that BQ-7 proposes exactly the same thing as NDP-3. This is a request from the National Association of Women and the Law, so I will be supporting this amendment.

Thank you.

[*English*]

The Chair: Thank you.

Are there any further interventions?

Mr. Calkins, you have one minute and 39 seconds.

Mr. Blaine Calkins (Red Deer—Lacombe, CPC): Can the officials explain the difference between the test of a conviction versus the test of having a protection order issued?

Ms. Rachel Mainville-Dale: A conviction is recorded by the court.

I'll maybe lean on my colleagues from Justice to answer that in terms of.... The information is then entered, I believe, into CPIC.

I'll turn it over to my colleagues from Justice.

Mr. Sandro Giammaria: I would appreciate a bit of clarification of the question.

Mr. Blaine Calkins: The amendment actually has the same consequence, but I'm asking about the test to have a protection order granted versus the test that has to be met in a court of law to convict somebody. Those are different tests.

I'm wondering if you can just tell me—I sincerely don't know—what the test is that must be met in order for a court to issue a protection order versus a court to issue a guilty verdict, because those are completely different things for which the consequence is the same. I wonder if the consequence meets the tests appropriately.

Ms. Phaedra Glushek: I might start and then turn it over to my colleague.

There's no definition in the Criminal Code for a protection order. This would bring a new definition into the Firearms Act for specific purposes. There are varying orders in the Criminal Code. Some are precharge; some are post charge, and some are after conviction. There are myriad types of orders.

If we're speaking specifically about sentencing orders, maybe my colleague can weigh in on what that does.

The Chair: Mr. Calkins is actually out of time. If you could give a quick answer, that would be good.

Mr. Sandro Giammaria: I'll do my best to be quick.

If I understand the question correctly, a conviction can be made out.... The test, so to speak, would depend on the particular charge. The elements of that offence have to be proved, depending on what offence the person is charged with. If I understand you correctly, you're asking about the evidentiary standard that applies in a criminal trial, which is proof beyond a reasonable doubt.

Equally, for the provisions under which a protection order may be granted, there may be many of those. The test for that particular order could change, depending on what the requirements of that legislation or specific provision are. That would include the evidentiary standard that applies. The provision that makes the order available would also tend to indicate the level of evidence that's required to prove that.

I could say, at least, that of the protection orders that I'm aware of, that's generally either reasonable and probable grounds or a balance of probabilities, depending on what that particular legislation shows.

If I understand the question, criminal trials operate by the highest evidentiary standard known to criminal law, and protection orders operate by lower standards.

• (2150)

The Chair: We're going to have to call that an answer. Thank you.

Are there any further interventions?

I see none.

If NDP-3 passes, BQ-7 cannot be moved, because of a line conflict.

Let's have the vote. All in favour of NDP-3? All opposed?

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

Mr. Peter Julian: Mr. Chair, was that unanimous?

The Chair: There were no opposing votes that I saw.

Mr. Peter Julian: Okay. That's cool.

The Chair: BQ-7 cannot therefore be moved, because of a line conflict.

(Clause 16 as amended agreed to)

The Chair: That brings us to new clause 16.1. That's G-41, which is in the name of Mr. Noormohamed.

Ms. Damoff, please.

Ms. Pam Damoff: We'll withdraw that. It's no longer needed, Chair.

The Chair: Okay. That takes us to clause 17.

(Clause 17 agreed to)

(Clauses 18 to 21 inclusive agreed to on division)

The Chair: Now we go to new clause 21.1 and amendment BQ-8.

[*Translation*]

The floor is yours, Ms. Michaud.

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

For those who have just joined us, BQ-8 is an amendment that is consistent with BQ-3, which is intended to add the requirement to have a possession and acquisition licence to acquire a magazine in the same manner as ammunition. Three amendments have already been unanimously adopted by the committee. This amendment is really clear.

Therefore, I propose that Bill C-21 be amended by adding after line 9 on page 18 the following new clause:

21.1 Section 25 of the Act is renumbered as subsection 25(1) and is amended by adding the following:

(2) A person may transfer a cartridge magazine that is not prescribed to be a prohibited device only if the individual holds a licence authorizing him or her to possess firearms.

This amendment is in the same spirit as the previous amendments. Its purpose is to request that a valid licence be required for the acquisition of a magazine. I hope that my colleagues will be consistent with previous positions and will be able to vote in favour of this amendment.

Thank you.

• (2155)

[*English*]

The Chair: Is there any discussion on BQ-8?

Mr. Lloyd, go ahead.

Mr. Dane Lloyd: I'm somewhat concerned that this is adding a lot of duplication to the Criminal Code, because it seems to me that a person may transfer a cartridge magazine that is not prescribed to be a prohibited device—so a legal cartridge—only if the individual holds a licence authorizing him or her. I believe we've already passed an amendment that people are required to have a licence to purchase a magazine.

I'm wondering, and maybe the officials could answer here, if there is anything in this amendment that really does anything, considering that we've already passed legislation requiring people to have a licence to purchase these magazines, and presumably to have possession of the magazines as well. It would seem that this is a duplication in the law.

Ms. Rachel Mainville-Dale: The previous motions with regard to BQ-3 and BQ-4 were really adding to the purpose of the Firearms Act. It talks about the intent and what the objectives are of the scope of the Firearms Act. BQ-5 added it to a list of items that one cannot possess, and then BQ-8 is actually where it says that you need the licence in order to transfer or acquire a cartridge magazine. They had different purposes, and it's not the other ones that actually added a licence requirement. This is the one that would add the licence requirement.

Mr. Dane Lloyd: I will defer to my colleague, Mr. Calkins.

Mr. Blaine Calkins: Just to be clear, this is about adding magazines to the list of items that you need a licence in order to transfer. It's not a simple possession.

Can somebody clarify that this isn't something as innocuous as farmer Joe going out to the field, shooting gophers, leaving his magazine in the truck while he puts his firearm away in a locker, and then getting stuck in the field while his wife comes to get in the truck with a magazine in it? Is that a transfer? How does the law see that? For those who understand rural life, this is about as common as a cup of coffee in the morning.

Can I get some clarity on this?

Ms. Rachel Mainville-Dale: The word “transfer” is defined as to barter, sell or give. Leaving it in the car, truck or automobile is not a transfer. It's really more sales that we're talking about in terms of acquiring a magazine.

The Chair: Thank you.

Is there any further discussion? Seeing none, let us conduct a vote.

(Amendment agreed to on division)

The Chair: We go now to G-42, in the name of Mr. Noormohamed.

Ms. Damoff, would you like to move this one?

Ms. Pam Damoff: I would, Chair.

This is another one of those coordinating amendments on firearm parts, which we have dealt with quite extensively already tonight. We have three of them coming up in a row. Hopefully these ones will go a little bit quicker. It's just adding the words “firearm part” to reflect the amendments that we've all adopted unanimously previously.

• (2200)

The Chair: Thank you.

Is there any discussion?

Mr. Genuis.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Maybe this is a question for the government or the officials. I'm not sure. It's for whoever wants to take it up.

What is the effect as it relates to transferring a firearms part that, in and of itself, wouldn't pose a threat?

I can imagine a lot of things that would notionally constitute parts of firearms that, themselves, wouldn't pose any danger. How is that understood, and what's the importance of including that reference?

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

Earlier, there was a motion to define a firearm part as a barrel or handgun slide, parts that are difficult to make. People tend to acquire them in order to be able to assemble illegally made firearms or ghost guns. Requiring people to have a licence to acquire or import a barrel or handgun slide are measures that the government is proposing in order to address ghost guns.

You already need a licence in order to buy ammunition. It would be the same one that would be applying for these two kinds of parts, as well as for import.

Mr. Garnett Genuis: Thank you for that answer.

Realistically, can many of these parts be made with 3-D printers these days?

Ms. Rachel Mainville-Dale: These two parts are ones that are harder to make. People tend to go and acquire them, either buying them online or from stores or whatnot, whereas other parts are easier to fabricate using 3-D printers. These are ones that people will actually go out and buy, rather than trying to make. They're highly machined metal pieces that are not easy to make, necessarily, on a 3-D printer.

Mr. Garnett Genuis: The goal of this provision is to limit the transfer of the parts that are harder to make. It's narrowly defined to that. Whereas, the transfer of parts that are relatively easy to make is not covered by the definition. Is that right?

Ms. Rachel Mainville-Dale: Right, so those ones, for example, a spring could be.... There are many components in a firearm. It's not every single part of a firearm that is considered for this measure.

Mr. Garnett Genuis: Can I also just follow up on the transfer to a non-resident? Can that transfer happen inside of Canada to a non-resident? Are there geographical limitations on where that transfer happens?

I'm talking about proposed subsection (2), which says, “Subject to the regulations and despite subsection (1), a person may transfer a firearm part to a non-resident” provided certain conditions.

Ms. Rachel Mainville-Dale: We do have non-residents who come to Canada. I believe there was a question we had in the fall about people who bring firearms with them, for example, for recreational hunting. If they were to need a part while they were in Canada in order to be able to repair their firearm then we want them—again if they follow the appropriate process—just like people when they bring firearms to Canada, to be able to, for example, acquire ammunition or acquire the parts they need.

Mr. Garnett Genuis: A person can come to Canada who doesn't have a firearms licence and may make that acquisition? Doesn't that undermine...? I'm just trying to think how this works, but it seems unusual that there are certain privileges available to non-residents that aren't available to residents when it comes to acquiring these things.

Ms. Rachel Mainville-Dale: Non-residents when they come to Canada get essentially—and I don't know the exact term for it, I'll turn to my colleagues—something like a temporary firearms licence when they enter Canada with their firearm.

Mr. Rob Mackinnon: It's actually called a non-resident declaration, and it's valid for a 60-day period for the non-resident. That acts as a temporary licence while the individual has the firearm within Canada.

• (2205)

Mr. Garnett Genuis: Effectively they adhere to a different kind of licensing process, but they're still subject to a licensing process. The exception is more formal than substantive. Is that...?

The Chair: We're going to have to end it there.

If you can do a 15-second response, go ahead.

Ms. Rachel Mainville-Dale: Can you repeat again?

Mr. Garnett Genuis: Just to quickly clarify—

The Chair: I'm sorry. Your time is up. If the officials had enough time to answer the question we could have a quick answer, but we'll have to—

Mr. Garnett Genuis: They wanted me to clarify the question. I was just trying to clarify.

Effectively with this paragraph there's no substantive difference. Canadians have to get a licence; non-residents have to get a licence. It's just a different kind of licence. This is saying that if you don't have licence A but you do have licence B, the same thing applies. Is that correct?

Ms. Rachel Mainville-Dale: Essentially it's treating it exactly like ammunition today.

Mr. Garnett Genuis: All right.

Thank you.

The Chair: Thank you.

Are there any further interventions?

Let's have the vote.

Mr. Dane Lloyd: Could we have a recorded division?

(Amendment agreed to: yeas 10; nays 0 [*See Minutes of Proceedings*])

The Chair: That finishes new clause 21.1.

We can go ahead with clause 22, but since Madam Michaud had to step out, I think it's a good time for a break. We've had two hours since our last break.

The meeting will suspend for 10 minutes.

• (2207)

(Pause)

• (2230)

• (2230)

The Chair: I call the meeting back to order. The break is over.

(On clause 22)

The Chair: We are at clause 22 unamended.

Mr. Dane Lloyd: Mr. Chair, can I ask some questions on clause 22?

The Chair: Yes, Mr. Lloyd. Go ahead.

Mr. Dane Lloyd: Just for the officials here, with respect to all of these amendments we have been dealing with on this, we assume they are going to have a public safety impact, but what is the sort of evidence you have seen, as experts in your own fields? We already

have existing laws dealing with a lot of these things. How is passing this going to improve public safety?

Can you tell me what tangible impacts this will have?

The Chair: I think that is beyond the scope of what the witnesses can speak to.

Mr. Dane Lloyd: I see.

The Chair: Clause 22 has no amendments on it. We are on clause 22. You can continue if you wish.

Ms. Pam Damoff: Did amendments BQ-8 and G-42 not pass?

Oh, we are on the new one. I am sorry, Chair.

Mr. Dane Lloyd: Okay. Thank you.

The Chair: If officials wish to speak to any of this stuff, they are certainly welcome to do so, but I think we have to be aware of the limitations of what they can and can't speak to.

Shall clause 22 carry?

Mr. Dane Lloyd: Could we have a recorded vote?

Mr. Dane Lloyd: Yes.

(Clause 22 agreed to: yeas 7; nays 4)

[*Translation*]

Ms. Kristina Michaud: I'd like to raise a point of order, Mr. Chair.

The Chair: Go ahead, Ms. Michaud.

Ms. Kristina Michaud: I just have a question. I noticed that Ms. Block's camera was turned off when she voted. Is that acceptable under our rules for hybrid sessions in Parliament?

[*English*]

The Chair: In principle, you should have a camera on. However, we do have times when there are communications issues and so forth, and we have to have the thing off.

I certainly recognize Ms. Block's voice.

A voice: It's a deep fake.

The Chair: That's not this committee.

Mr. Garnett Genuis: Aren't we the public safety committee? Shouldn't we be sensitive to these sorts of things?

The Chair: Indeed. Do you wish to have Ms. Block vote again?

[*Translation*]

Ms. Kristina Michaud: She turned her camera on, so I can see that it is, indeed, her.

Thank you.

[*English*]

Mrs. Kelly Block (Carlton Trail—Eagle Creek, CPC): Do you want me to vote again?

The Chair: Sure, go ahead.

Mrs. Kelly Block: I do have unstable Internet, which is why my camera was off, but I voted no.

The Chair: We will certainly make allowances for communications issues.

(On clause 23)

The Chair: That brings us to clause 23. We have amendment CPC-18 in the name of Ms. Dancho.

I presume Mr. Lloyd will move that.

• (2235)

Mr. Dane Lloyd: I'll be withdrawing the amendment.

The Chair: That is withdrawn.

We move to amendment CPC-18.1 in the name of Mr. Ruff.

Mr. Ruff, do you wish to move this?

Mr. Alex Ruff: I do, Chair.

Look, everybody has the amendment in front of them. I've talked to pretty much everybody on the committee in person, although maybe not some of the subs. The bottom line is that the intention behind this motion is just to make Canada safer and to allow firearms owners to actually seek help.

The challenge we have is that, ever since the handgun freeze came into effect last October and now with this bill, should it pass, any handgun owner, in particular those who are veterans or maybe law enforcement officers, who is dealing with a mental health challenge or PTSD has no way to actually ask to transfer their firearm or ask somebody to temporarily put it in storage.

There have been discussions with the officials. I know the parliamentary secretary and I have chatted, and she seems to indicate there's some provision within the Firearms Act. However, the only act or piece of legislation I can find is section 135 of the Firearms Act, and it does not state this clearly at all. In fact, it refers to the former act. If the officials can clarify exactly what paragraph, I'd be open to discussion.

The bottom line is that, right now, handgun owners who are dealing with mental health challenges will not seek help because they're afraid they're going to lose their handguns, whereas if they report it to law enforcement or the CFO... I've talked to the CFO of Ontario, and they're not in the business of storing everybody's handguns in that position.

This is just a way to allow somebody dealing with a mental health challenge to actually get their firearms safely stored while they get treatment, and then there are ways through regulation that we can ensure that they're healthy again before they get them back. My point is that this is a way to add some clarity and add some re-assurance for members of the firearms community that, when they're dealing with mental health challenges, they can actually get the help they need and make Canada safer.

Thanks, Chair.

The Chair: Thank you, Mr. Ruff.

We have Ms. Damoff, followed by Mr. Lloyd.

Mr. Damoff, go ahead, please.

Ms. Pam Damoff: Thank you, Chair.

I do thank Mr. Ruff for bringing this forward, because I know his intentions are indeed admirable. He is trying to find a way to ensure that people who don't want to have their firearms when they're having a mental health crisis have the ability to store them somewhere else.

I wonder if officials could clarify. I understand that an individual can obtain an ATT for temporary storage. It would still apply after Bill C-21 comes into effect. That would include if they were going on a cruise or if they were having a crisis.

Could you perhaps explain what is in place, confirm that it will be in place after the bill comes into effect and explain what the process would be? Maybe you could refer to where Mr. Ruff could find this in the regulations, please.

The Chair: Thank you. Can you tell me what an ATT is?

Ms. Pam Damoff: It's an authorization to transport.

The Chair: Thank you.

Mr. Rob Mackinnon: I can speak to that.

The current authorization-to-transport application does have a list of purposes for transport, one of which is temporary storage with an individual or at a business location. The individual or business where it would be temporarily stored has to possess the privilege to possess that class of firearm.

Within the authorization-to-transport regulations, under, I believe, section 1.2, which is "manner of application", it states "being made in the prescribed form", and the prescribed form—being the application—is what indicates the temporary storage element. It's not clearly articulated in the regulations, but because it's the prescribed form and the ATT regulations refer to the prescribed form, that purpose of temporary storage is currently in the law.

• (2240)

Ms. Rachel Mainville-Dale: Perhaps I could add just a little comment. Transfer, with regard to the handgun freeze, again I'll go back to [*Technical difficulty—Editor*] which is barter, sell or give. Somebody who is temporarily storing it is not transferring the handgun. Therefore, there already is a mechanism, as my colleague from the CFP has outlined.

The Chair: Thank you.

We'll go to Mr. Lloyd, then Mr. Julian and then Mr. Ruff again.

Mr. Dane Lloyd: I'm somewhat concerned that the existing provisions on temporary storage aren't good enough in the case when somebody is having a temporary mental illness crisis. Yes, you can get an ATT to send it somewhere, but then the person temporarily possessing the firearm has no authority to continue holding that firearm if the person going through the mental health crisis goes to retrieve it.

Isn't that the case? They can't prevent them from accessing it if they're temporarily storing it. That's why I think a temporary transfer needs to happen, for the protection of the person. I think this is a positive amendment.

The Chair: Thank you.

We'll go to Mr. Julian.

Mr. Peter Julian: Thank you.

I want to understand, for the ATT and the prescribed form, does it include conditions around that transfer? Are there time limits that are set to it? What are the conditions that basically are the framework around the use of the form?

Mr. Rob Mackinnon: The prescribed form, which indicates the purpose of transport, has the dates and associated times when the firearm would be transported, whether it's for the purposes of temporary storage or movement to a public agent or taking it to a business for repair. It has those elements within the prescribed form.

Mr. Peter Julian: Would “the reasons for” include something similar to what Mr. Ruff has offered as an amendment?

Ms. Kellie Paquette: No, they do not have mental health as one of the selection criteria.

Mr. Peter Julian: Okay. What would be valid as part of the selection criteria?

Ms. Kellie Paquette: It's temporary storage, so leaving the country, taking—

Mr. Rob Mackinnon: It's taking it to a range for target practice, moving to a new residence—temporary storage—as was stated.

Mr. Peter Julian: That temporary storage would have a set time limit. What would happen if that time limit needed to be extended?

Mr. Rob Mackinnon: The individual would have to obtain another ATT, another authorization to transport, from the CFO. It also might be a one-way transport, meaning that the allowance would be to take it from that individual's residence to a business or another individual for temporary storage, or it could include the return trip, if it was known to the individual. If they were going out of the country for a week and they wanted somebody else to temporarily store their firearm, it would be from Monday to Friday and would indicate that on the form.

Mr. Peter Julian: Okay. You understand what we're trying to get at.

I have a lot of sympathy for Mr. Ruff's proposed amendment. In the case where there is, as is stated in the proposed amendment, a mental illness or a similar problem, in your judgment, do the ATT conditions provide enough allowance for that kind of situation where somebody, to protect themselves and their loved ones, is temporarily storing somewhere else?

Ms. Kellie Paquette: I think that the current provisions provide you a way of removing firearms from your house if you feel that you need time for your health. I think it provides you a way that you could lend these or transport these to a different location for a certain time period.

If you're asking the question of whether it allows you to track the mental illness of someone and whether the CFO gets involved to make sure the firearm should go back to that individual, I do not think the current provisions are written like that. However, it does allow you, as a firearms owner of handguns, with these regulations, to at least be able to temporarily store these somewhere else.

• (2245)

Mr. Peter Julian: Thank you.

The Chair: Thank you, Mr. Julian.

We'll go back to Mr. Ruff.

Mr. Alex Ruff: Thanks, Chair.

I think my point has been proven here, in that there isn't great clarity. It's not crystal clear. The challenge the firearms community has is that not every one of them is an expert on the whole Firearms Act.

Personally, I don't think there's any risk—I haven't heard anything from the officials—in adding this level of clarity to it, so that firearms owners know they have this option available to them, again, through regulation, if needed. I have complete confidence in the firearms program to put any necessary regulations in place to ensure there are safeguards. It's already in the act that, in order to transfer or even to get an ATT, I think, there's a level of competency and a recognition that you're giving it to somebody or, if it's theirs, returning it. The act has all those safeguards in place.

I think this is an important addition for clarity. Otherwise, I'm just telling you that these people, i.e., firearms owners, will not utilize this option because it's not even clear. As the officials state, there's nothing in the regulations that clearly prescribes this. Because every chief firearms officer in every province might interpret it slightly differently, if we signal this through legislation so that this is clear, that this is the intent behind it, and allow this avenue, I think it's just going to make Canada a safer place.

The Chair: Thank you, Mr. Ruff.

We have one minute and 18 seconds in the Conservatives' time slot, I'm wondering if there is unanimous consent to add another five minutes to the parties.

Is there unanimous consent?

Some hon. members: Agreed.

The Chair: I have Mr. Calkins and then Mr. Julian.

Mr. Blaine Calkins: Thank you, Chair.

I believe that Mr. Ruff just made eloquent comments that are going to be the premise for my question. My question for the officials is this: Even though the ability to have a one-way transfer with no prescribed date of return is available, there's no obligation on behalf of the chief firearms officer to grant the authorization to transport. Is that correct?

Mr. Rob Mackinnon: That would be correct. There's no obligation.

Mr. Blaine Calkins: If that's correct, then there would be a reason for somebody who is going through a mental health issue to doubt that the transfer will be approved, and that could potentially prevent them from attempting to do the transfer. Does that seem logical?

Ms. Rachel Mainville-Dale: I just want to ask the committee a clarifying question.

Are we talking about temporary storage or are we actually talking about a transfer, where somebody is giving the firearm? You may want to consider, because those two words, in terms of “temporarily store” and “transfer” are in conflict.

Mr. Blaine Calkins: I'm talking about a transferee and a transferor and a temporary storage. Let me be more clear, if I can.

My colleague Mr. Ruff articulated that this clause, if added into the legislation, would provide clarity and direction to a chief firearms officer, who is under no obligation, as Mr. Mackinnon has just said in answer to my previous question, to grant an ATT to temporarily store a firearm.

If we're trying to reassure the firearm-owning public that, if they want to temporarily store their firearms or their restricted firearms in order to deal with a personal issue, I guess my question would be this: Would the clause that's being discussed here by my colleague Mr. Ruff, that's being presented by Mr. Ruff, not provide more certainty and clarity to a chief firearms officer?

Ms. Rachel Mainville-Dale: Then in that case, if it's a question of temporary storage in which the clarity the committee wishes to provide is to the chief firearms officer, it may be better to not put it in the transfer provisions, if it's a temporary storage issue, and to look at it going into the authorization-to-transport provisions elsewhere in the Firearms Act.

Mr. Blaine Calkins: We've already heard from officials that there is no certainty and that a chief firearms officer has to grant an authorization to transport. If we leave that to the discretion of the chief firearms officer and we don't actually prescribe it in law, as is proposed by Mr. Ruff, then there is no guarantee, certainty or predictability for a restricted-firearms owner to get temporary storage. Am I missing something?

• (2250)

Ms. Rachel Mainville-Dale: Again, a transfer is a sort of permanent transaction. If your intent, or the intent of the amendment, is to go towards temporary storage, then I think at that point it's not a question of a transfer. It's not that permanent “from one party to another”.... It's a temporary hold. I'm just wondering if there might be—

Mr. Blaine Calkins: Nothing in the language in the amendment that I see says anything about a transfer. It says, “to temporarily store”. I think the language is clear in the proposed amendment because the words actually say, “temporarily store”.

I think the intent that my colleague Mr. Ruff has is to provide clarity and certainty, and to provide the chief firearms officer with direction that, when somebody has a mental health or personal issue for which they do not know the prescribed end date of what they're dealing with might be, they have the ability to approach the chief firearms officer with certainty of knowing they can temporarily store their restricted firearms somewhere while they deal with their personal issues.

What I'm hearing is that the current provisions in the “temporarily store” through the ATT are that there is no requirement for a chief firearms officer to consider mental health or any other personal issue, which Mr. Ruff has brought forward. It is thereby creating uncertainty and creating a risk to anybody who comes forward who

might want to deal with this issue. I actually commend Mr. Ruff for doing this.

I have brought this up in previous meetings dealing with firearms legislation. If we put barriers in place for people to be honest with the government, then they're not going to be honest with the government. I think this clause will provide that certainty and predictability to not only firearms owners but also to the chief firearms officer. It does not talk, in any way shape or form, about a permanent transfer. It talks about temporary storage.

I would urge my colleagues at the committee to adopt this. I think it's fair and reasonable. I think it's a way that we can treat those who are dealing with these issues, and potentially a large number of veterans, with the respect, dignity and trust they deserve. Thank you.

The Chair: We will go now to Mr. Julian.

Mr. Peter Julian: Thanks, Mr. Chair.

I have two questions.

First, given the amendment that you have before you, what are the potential unintended consequences of doing it this way?

Secondly, having sympathy for the approach that Mr. Ruff is suggesting, what are other ways that we would be able to tackle the same issue? I'm assuming that's regulatory, but it could be, as well, in later sections of the bill and the ATT.

Ms. Rachel Mainville-Dale: Thank you.

The motion proposes to amend clause 23 by adding to section 28 of the act. That whole provision deals with the approving of transfers, those permanent transfers of “sell, barter or give”. Then at that point, it might be better, if that is the intent, to maybe look at amendments to the “authorization to transport” sections in the act.

Mr. Peter Julian: Thank you.

It's the provisions.... It's something that we could come back to in terms of the authorization to transport and in terms of the regulatory framework.

Ms. Rachel Mainville-Dale: That's right.

Mr. Peter Julian: Okay.

Mr. Chair, I think this is something we will need to come back to tomorrow, perhaps in another section of the bill.

I have a lot of sympathy for Mr. Ruff's amendment. If we're voting on it tonight, I would vote against it tonight, but with the intention of seeing whether there's another way of doing this tomorrow.

• (2255)

The Chair: Thank you, Mr. Julian.

We go now to Ms. Damoff.

Ms. Pam Damoff: Thank you, Chair.

I looked at the Firearms Act, and I think this is what Mr. Julian is getting at. This is with regard to the section on transfers.

As officials have said, transfers are permanent. They're not temporary. While the amendment talks about temporary storage—it's in the section of the Firearms Act that deals with transfers—we can't support the amendment as it's written.

If Mr. Ruff wants to go back to the drawing board and go to section 28 of the Firearms Act that deals with authorizations to carry for transport and come up with something in that section, we would certainly be open to looking at it but not as it's written right now on a transfer.

The Chair: Thank you.

Mr. Lloyd, you have 11 seconds.

Mr. Dane Lloyd: Just to clarify on “permanent”, if I transfer something to somebody—and you said “give”—they can give that back to me, so it's not really permanent. Is that right? You say it's permanent, but it could be transferred back and forth.

Ms. Rachel Mainville-Dale: Because handguns are restricted firearms, you do have to register that transfer. Then, because of the regulations that were put in place and that came into force in October 2022, you would therefore not be able to transfer that back.

Mr. Dane Lloyd: Then it's not permanent. It's because of a law that it's been made permanent. Thank you.

Mr. Alex Ruff: I have a point of order, Mr. Chair.

The Chair: Who made the point of order?

Mr. Ruff, I apologize. That 11 seconds I just gave to Mr. Lloyd should have been yours, so I'll give you 20 seconds.

Mr. Alex Ruff: Thank you, Mr. Chair, for my 20 seconds.

Look, if we can bring this forward further down in the bill, I'm good with that. I would just ask the clerks to draft this solution to it. If it's in the wrong part of the bill, that's fine, but if we're already past that part of the bill, I'm in a bit of a pickle unless the committee agrees and we're going to get the support for it that we can change it.

If I understood the officials correctly, that's what they're saying. Where we're trying to slide the actual change into Bill C-21, it's in the wrong spot in the Firearms Act. I'm completely open to having it fall under the ATT portion if we can still move that as an amendment later on in the debate.

The Chair: Thank you, Mr. Ruff.

I'm going to go to Mr. Noormohamed shortly

With the amendment where it is now, if we wish to go back to this amendment, we would have to stand the clause. We would require unanimous consent to do that. However, it seems to be the wrong place for it. If there is a later place where this would fit, perhaps an amendment could be drafted for that purpose and be brought in at a later time.

Mr. Noormohamed, please go ahead.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair. I'll be very brief.

I just wanted to state on the record that, if Mr. Ruff were to find an alternative place for this, I think it would be certainly well considered. I really do appreciate his intention on this.

The Chair: Thank you.

Are there any further interventions?

Mr. Alex Ruff: Mr. Chair, I'm just looking for where it needs to go in the bill. Can the officials provide what clause we should be sliding this into in the amendments? I don't think there's anything other than the preamble or the first sentence that needs to change in the language. It just needs to say it under the right part of Bill C-21, so it slides into the act in the right spot. Is that correct?

I'm just looking for that clarity from the officials.

The Chair: I'm not sure if the officials can advise on this, but go ahead if you wish.

Then we're going to have to move to a vote.

Ms. Rachel Mainville-Dale: It would have to be a little bit earlier in the Firearms Act. Again, we would have to have a look at exactly where it would be, but it's a little bit earlier before section 28 of the Firearms Act.

The Chair: What we are constrained by is the order things happen in Bill C-21. If we vote past the point where it should go into Bill C-21, then we would require unanimous consent to go back. Anyway, I would advise you to talk to the clerks to see what can be done going forward.

Mr. Julian, you have some time.

• (2300)

Mr. Peter Julian: I think where there's an expression of interest for unanimous consent around the table, it's just a matter of seeing what we can do. We'll be coming back to this tomorrow. I think there's some goodwill on all sides here.

The Chair: I think there's goodwill, except that it's unresolved what we should do. It seems it's the wrong place in the bill for this. I think we should vote on this amendment as it stands, although it is up to the committee if they wish to stand the clause and to vote on this in this place at another time later on.

Mr. Garnett Genuis: Can I raise a point of order? My suggestion, just to be on the safe side, given the importance of this, would be to stand the amendment and the clause. That way everybody can feel comfortable if another place is found for it. At least then, when we come back to it, we know if we have found another place or not. Just procedurally, if there is goodwill, let's not have a vote on this until we know what the alternative is. Then people can weigh the alternative against the present amendment. If the goal is to proceed in a collaborative fashion to get to the result, I would suggest that course.

The Chair: Ms. Damoff, go ahead.

Ms. Pam Damoff: To clarify, though, Mr. Ruff is going to have to work with the legislative clerk, law clerk or whoever it is to come up with a new amendment for us. It's not up to us or these officials here to draft something, so he would have to work with them to determine where it would go and what it would say. You can't take this one because it still mentions transfer. We're talking only about storage for a mental illness, so if he wants to work with them and is able to get something, that's fine.

I want to be clear that it's not the officials or us drafting this or finding where to put it.

We have no problem with that.

The Chair: The decision we're faced with now is whether we send this amendment to be voted on later, which has been suggested.

Do we have unanimous consent to stand this amendment?

Ms. Pam Damoff: I'm sorry. I'm confused, though.

I thought officials said it wouldn't belong here. I'll tell you my concern. It's that we pass another clause later in the bill, two or three down, and that's actually where it belongs. I'm fine with doing that, but we may need to get unanimous consent tomorrow to go back to a clause if we've already dealt with the clause that deals with authorizations.

The Chair: If that is what you want to do....

If we stand this amendment, we will come back to it another time. If we vote on this and move on, that's a different story. If we vote on this and it is defeated, Mr. Ruff can still potentially find another place in the bill, later on, where it might fit better.

The question remains whether we want to stand this amendment. I don't see unanimous support for this.

We will—

Mr. Garnett Genuis: Mr. Chair, I have a point of order on that.

Normally, if you were going to stand an amendment, it would be by majority. If there's something in the House orders that prevents us from standing the amendment without UC, that's another thing. Normally, if you were going to table an amendment, that would happen based on the will of the committee. Maybe it's a motion to table the amendment, or something. I'll look to the clerk on that.

Is there something in the House orders that obviates the normal rules on that, or are we under the normal rules in that respect?

The Chair: It's not in the House orders but, as far as I'm informed, we require unanimous consent to stand an amendment.

Mr. Clerk, you can speak, if you wish.

Mr. Philippe Méla: Thank you, Mr. Chair.

Unanimous consent is required because you are already on the motion to amend. It's a motion, and you can't have two at the same time. To bypass that, unanimous consent is needed.

Mr. Garnett Genuis: I'm sorry, Mr. Chair. Respectfully, any time there's a motion before the committee, a member can move to adjourn that motion before the committee.

I would move to adjourn consideration on this amendment. That would be a dilatory motion and—

The Chair: That means we wouldn't be able to.... That basically kills the amendment.

Mr. Garnett Genuis: No, it doesn't. It means.... It would be the—

The Chair: We can't come back to the amendment without unanimous consent anyway. This is....

I'm sorry, but—

• (2305)

Mr. Garnett Genuis: No, because the amendment won't have been considered. In any other motion.... If we're debating a motion to do a study or something, I can move to adjourn consideration of that motion, which is a dilatory motion that goes straight to a vote. If members vote to adjourn it, then consideration has been adjourned on that matter. It could be brought back later, provided that something has happened in between.

If your understanding is that the consideration of an amendment is equivalent to the consideration of a motion, then it would be entirely consistent with the rules to be able to move to adjourn consideration of an amendment.

The Chair: At this point, I have a motion to amend that has been moved, which is not the same as an amendment. You can adjourn debate on this motion, then we will carry on to the amendment.

Ms. Pam Damoff: It's an amendment.

The Chair: CPC-18.1 is an amendment that affects.... As an amendment has been moved, you can adjourn debate on the amendment and we'll carry on to the next amendment.

Mr. Garnett Genuis: Yes, then I can subsequently move to adjourn debate on the amendment, at which point we will not have decided on the amendment and we can come back to it later.

The Chair: I don't believe we can adjourn debate on an amendment.

Mr. Garnett Genuis: Is it a motion or is it not?

The Chair: CPC-18.1 is a motion.

Mr. Garnett Genuis: If the question is, shall the clause carry...? I've less familiarity with clause-by-clause than I do with motions—

The Chair: We're not at that point yet. Right now, the motion, CPC-18.1, has been moved by Mr. Ruff. That motion seeks to amend clause 23. If we adjourn debate on the motion, then we've made no change to clause 23. We would carry on to the next motion. In this case, there are no more motions on clause 23. We would move to accept—

Mr. Taleeb Noormohamed: On a point of order, Mr. Chair, if there isn't unanimous consent to stand the clause, can we vote and move on?

Mr. Garnett Genuis: I don't think you would need unanimous consent to stand a clause, Chair.

The Chair: My advice from the clerk is that we need unanimous consent to do this, so we're going to go with that.

Mr. Garnett Genuis: Okay.

I'll challenge the chair on that, then, respectfully, and we can see where the committee stands.

The Chair: Absolutely: Shall the decision of the chair be upheld?

If you vote yes, you vote to sustain the chair's decision. If you vote no, you vote to overturn the chair's decision. A tie goes to sustain the decision of the chair.

Would the clerk please call the roll?

Mr. Blaine Calkins: Just one more time, Chair, can you clarify the question that is about to be put before the committee?

The Chair: The question is whether the decision of the chair shall be upheld, be sustained. If you vote yes—

Mr. Garnett Genuis: The decision of the chair in this case was that you need UC to stand a clause—

The Chair: That's correct.

Mr. Garnett Genuis: —and my view is that you can stand a clause by majority vote. He has ruled that it requires unanimous consent, so I've challenged that ruling.

The Chair: If you vote yes, you are supporting the decision of the chair. If you vote no, you're voting to overturn the decision of the chair. A tie goes to the chair.

Mr. Garnett Genuis: I'll challenge that deal.

Some hon. members: Oh, oh!

The Chair: It's a good deal.

Would the clerk poll the committee, please?

(Ruling of the chair sustained: yeas 7; nays 4)

• (2310)

The Chair: We'll go with your point of order, Mr. Julian.

Mr. Peter Julian: My point of order, which is more of a suggestion, Mr. Chair, is that we can move through this clause—I think we have all expressed a desire to keep working—and if Mr. Ruff can bring something back tomorrow, I think there is goodwill to look at potentially inserting that by UC. I don't think this closes the debate by any means. It bookmarks it as we move forward, but we can come back to it tomorrow night. I'm certainly interested in that.

The Chair: In my view, if we happen to defeat this motion, Mr. Ruff could bring back a similar motion that would apply to a different place in the bill at a later time.

Ms. Damoff.

Ms. Pam Damoff: I want to put on the record that we would support unanimous consent if we had to go back to look at a clause. I'm not saying for sure we would vote for it, because it would depend on how it would be worded. We can move on, and we would give unanimous consent to go back if we need to.

The Chair: Mr. Ruff, if this does not pass—and I think the writing's on the wall there—I urge you to find another place where it

might fit better, and then we can consider it at a later stage in this process.

Let us carry on with the vote on amendment CPC-18.1. We will have a recorded vote.

(Amendment negatived: nays 7; yeas 4)

The Chair: Thank you, Mr. Ruff. I urge you, of course, to pursue this further, but do it before midnight because, after midnight, we can't do any debates and stuff. I mean midnight tomorrow.

Mr. Garnett Genuis: Chair, on a point of order on that, I do think this underlines the immense challenge to the process, because every other time I have been part of clause-by-clause, if you run into a situation like this, you put it aside and you're able to take the time to go to the drafters and come back, but—

Mr. Taleeb Noormohamed: Mr. Chair, I'm sorry but this is not a point of order.

Mr. Garnett Genuis: —to tell Mr. Ruff there are some fixes we need and they have to be done in the next couple of hours, the next 24 hours, that's a crazy way to legislate. This has a profound impact on people's lives.

• (2315)

The Chair: To Mr. Noormohamed's point, it's really not a point of order.

Mr. Garnett Genuis: The House order really just undermines the need to get through this in a proper way.

The Chair: It's really not a point of order.

Mr. Garnett Genuis: I think this underlines the big problem we're facing. It's not a good way to do legislation.

The Chair: Be that as it may, we need to carry on.

Mr. Taleeb Noormohamed: On a point of order, Mr. Chair, we need to get clarification. On the vote we had Ms. Block and Mr. Ruff voted, but Mr. Genuis voted to challenge the Chair.

Who are the sitting members who are voting, and who is here in an observing capacity?

The Chair: That's a very good point. We're going to check.

To clarify your point—and it was an excellent point—Mr. Genuis basically gave up his vote to Mr. Ruff so Mr. Ruff could vote on his own amendment, but Mr. Genuis is officially a sub on this committee at this time. I was counting to make sure there were only four votes there.

Amendment CPC-18.1 was defeated. That takes us to clause 23 in broad.

A voice: Could we have a recorded vote?

(Clause 23 agreed to: yeas 7; nays 4)

(On clause 24)

The Chair: We go now to clause 24.

Mr. Garnett Genuis: Aren't we going to debate this?

The Chair: Mr. Lloyd requested a recorded division.

Can we conduct a vote on clause 24, please?

Mr. Garnett Genuis: Chair, I have some questions about this one.

The Chair: Okay.

Mr. Garnett Genuis: Could I just get some clarity from the officials in terms of firearm collection exemptions?

For people in my riding who are collectors, what are the specific implications of that exemption removal?

Ms. Rachel Mainville-Dale: The amendment proposes “other than handguns” in terms of criteria for the changes with regard to collection. It defines the criteria for an individual to be designated as a gun collector with respect to acquiring restricted or prohibited firearms and it just lists the criteria.

The purpose is consistent with the restrictions on acquiring handguns for collecting purposes introduced in amendments to section 28, which has already passed. Clause 24 amends section 30 to specify the exclusion of handguns from the designation criteria for gun collectors. Basically, it's exactly as is written now, except for saying there is now an exclusion for handguns.

Mr. Garnett Genuis: Is the concrete effect of that to say that an individual can no longer be a collector of handguns? Is that as broad as the exclusion is?

Ms. Rachel Mainville-Dale: That's correct.

Mr. Garnett Genuis: Okay, and there's no exemption to the exemption, I suppose. What happens to people who are current owners of very old specimens like that? Are they no longer able to possess them, ostensibly? What's the consequence...?

• (2320)

Ms. Rachel Mainville-Dale: Thanks for the question.

The national handgun freeze allows individuals who currently own handguns to continue to possess, to use, their handguns, but they will no longer be able to transfer them.

Mr. Garnett Genuis: People cannot transfer them for the purposes of collection.

Ms. Rachel Mainville-Dale: That's correct.

Mr. Garnett Genuis: Okay.

That's all for me. I don't know whether my colleagues have other questions.

Thank you.

The Chair: Are there any further interventions?

Seeing no further interventions, we'll have a recorded division on clause 24, please.

(Clause 24 agreed to: yeas 7; nays 4)

(On clause 25)

The Chair: Mr. Lloyd.

Mr. Dane Lloyd: Can the officials describe to me what the impact of clause 25 will be?

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

It would modify clause 32 of the act, which has to do with “Mail-order transfers of firearms”. These are mainly technical. It's sort of a redrafting to say essentially the same thing.

In French, we see some changes with regard to

[*Translation*]

the following passage, “sont effectuées préalablement dans un délai raisonnable”.

[*English*]

In other words, there are conditions to be complied with before the transfer is done by mail.

Mr. Dane Lloyd: What's the impact of that?

Ms. Rachel Mainville-Dale: These are mainly technical changes, and the conditions would be further described in regulations.

The technical impact of that is to ensure that transfers of firearms done by mail are done according to the requirements set out in the Firearms Act and the regulations in terms of ensuring that people are licensed. That's a requirement of the Firearms Act—that people are licensed before they acquire them.

Mr. Dane Lloyd: What does this mean to the average firearms owner? How is it going to change their life?

Ms. Rachel Mainville-Dale: If they have a licence, then it will not impact them.

The Chair: Thank you, Mr. Lloyd.

Are there any further interventions? I am seeing none.

(Clause 25 agreed to on division)

(On clause 26)

The Chair: We have Bloc amendment 8.1.

[*Translation*]

Go ahead, Ms. Michaud.

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

There were discussions behind the scenes with all the members of the other parties. As it stands now, my amendment doesn't necessarily reflect my original intent, and I'd like to consult further with officials and analysts to see how I could rework it.

When I was talking to the members of the parties, they seemed to be in favour of suspending consideration of clause 26 until tomorrow. If that's still the intention of my colleagues, I move that we suspend consideration of clause 26 and come back to this amendment and BQ-9 and G-43 later.

• (2325)

[*English*]

The Chair: There are a number of amendments related to clause 26. We can stand a clause. We can't stand individual amendments.

Do we have unanimous consent to stand clause 26?

(Clause 26 allowed to stand)

(On clause 27)

The Chair: Go ahead, Mr. Lloyd, on clause 27.

Mr. Dane Lloyd: Have we skipped ahead here?

A voice: We just stood clause 26.

Mr. Garnett Genuis: Can we just pause for a second? I didn't expect us to jump ahead.

Mr. Dane Lloyd: Yes, there is something that's very concerning. I'd like to speak on this one.

The Chair: Go ahead.

Mr. Dane Lloyd: One thing that was raised to me during our committee hearings on this was that the handgun freeze the government put in will really limit the ability of people in occupations that require carrying a handgun for security purposes, such as Brink's security drivers and apparently nuclear safety people, according to some of the amendments that the government's put forward.

Can the officials tell us what the impact of clause 27 will be regarding the authorization to carry prohibited firearms for a lawful profession or occupation?

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

Section 54 of the act contains the requirements for applications for firearms licences and registration certificates, as well as that for applying for authorizations to carry and authorizations to transport. Authorizations to carry can be made for reasons of either employment or protection of life. Most of the ATCs that are given in Canada are for reasons of employment—as you've noted, for security guards—or in terms of personal protection when they are employed.

Clause 27 amends paragraph 54(2)(a) to specify that applications for a licence or an ATC for lawful profession or occupation purposes must be made to a CFO, except in the cases under paragraph 20(a) in terms of protection of personal life. In those cases, it would be changed from the CFO to the commissioner of firearms.

Mr. Dane Lloyd: Yes. Actually, that was brought up by the CFO from Alberta when they came to committee, I believe, or maybe when I met with them. I think the number is confidential, but it literally is in the single digits, the number of people across the country who have authorization to carry for personal protection not because of a profession but because their lives are at risk. We're literally talking about a very small number of people who also have to prove that they're competent with the firearm. It's not just anyone who can get this thing. It has a very high bar.

Do you have any insight into why an amendment like this is necessary when the system is not broken? Is there any evidence that the system is broken and would require this change to come in?

Ms. Rachel Mainville-Dale: The intent of making this amendment is, again, to centralize with the commissioner that very small number of applications for authorizations to carry for personal protection.

Mr. Dane Lloyd: Centralization for centralization's sake.... Is there an actual problem with the current system under the CFOs, or is this just a power grab by Ottawa to tell the CFOs that they don't have the ability to do what they've been doing very competently for many years? I guess you can't answer about the power grab in Ottawa, but that's what it certainly looks like to me.

Ms. Rachel Mainville-Dale: I'll just repeat what I've already answered. The intent is to centralize it with the commissioner of firearms.

Mr. Dane Lloyd: It seems to me that the government's indicating that it doesn't really trust the provincial CFOs. I'm not trying to put words in your mouth. That's my opinion. We have a system that works, and this could potentially cause problems because we have numerous CFOs across the country dealing with small numbers of people. Now you're telling all these people that they have to go to one office with the government, a government that can't even get people's passports on time.

If people's lives are really at risk and they have to prove that they're in immediate danger, like imminent danger, in order to get these things, centralizing it in an Ottawa office, I think, is putting people's lives needlessly at risk. That's why I can't support this clause. The system is working. There has been no evidence that there has been abuse of the system, and unless that evidence comes forward, I just don't think there's any justification to change this.

Thank you.

• (2330)

The Chair: Mr. Genuis, you have 43 seconds.

Mr. Garnett Genuis: Mr. Lloyd has put the questions to the officials, who can rightly give us technical explanations. I'm wondering if, just briefly, the government members want to explain the rationale for.... Do they agree with Mr. Lloyd's assessment that this is just a power grab for Ottawa, or is there some other rationalizing explanation for why it, in their view, makes sense for this to be out of the hands of provincial CFOs?

The Chair: The members aren't here to answer questions. They may engage in debate if they wish.

Mr. Garnett Genuis: It doesn't have to be long, but it would be nice if maybe the government provided some explanation for why this is included this clause.

The Chair: I'm going to have to cut you off there.

Mr. Garnett Genuis: This is embarrassing then.

The Chair: Is there any further—

Mr. Garnett Genuis: It could be a 30-second explanation. Is Mr. Lloyd right or—

The Chair: Mr. Genuis, you're done.

Is there any further discussion on clause 27?

Mr. Blaine Calkins: I'd like a recorded vote.

(Clause 27 agreed to: yeas 7; nays 4)

(On clause 28)

The Chair: Is there any discussion on clause 28?

We have Mr. Lloyd, followed by Mr. Genuis.

Mr. Dane Lloyd: Blaine, you can go ahead. I give you permission.

The Chair: One of you may go ahead.

Mr. Blaine Calkins: Can the officials here talk about the changes...? This is for a lawful profession or occupation. Given the role that I have and the lifestyle that I lead, I'm immediately thinking of my friends who are trappers and others like that.

Could you describe what the potential impact and changes would be should this clause carry and become law?

Mr. Garnett Genuis: Can I make flippant jokes, or is that still out of bounds?

Ms. Rachel Mainville-Dale: I'm sorry. I'm just refreshing myself on some of the provisions here.

In terms of the difference proposed here, it defines the responsibilities of the CFO with respect to issuing an authorization to carry and transport a handgun only for the purposes and use in connection with his or her lawful profession or occupation.

For example, if you were speaking of a trapper, they often carry not just their rifle or shotgun but also sometimes a handgun for personal protection. In that case, it talks about the CFO being designated as being responsible for the issuance of ATCs and ATTs for those purposes. This provision is consistent with amendments to the application process for authorizations to carry in paragraph 54(2)(a) of the act.

• (2335)

Mr. Blaine Calkins: What is this changing that currently exists? These authorizations to carry already exist. What is the substantive change from the current procedure?

Ms. Rachel Mainville-Dale: It adds the references referred to in paragraph 20(b). It just provides clarity in terms of who is providing the authorization to carry. It's the CFO.

The Chair: Mr. Calkins, are you done?

Mr. Blaine Calkins: I am.

The Chair: Mr. Lloyd, go ahead, if you wish.

Mr. Dane Lloyd: I have a deep concern about the barriers we're putting up for people who need to carry for their jobs.

I'm thinking of a friend of mine who is a forester working in northern Alberta. Some of the helicopters that fly these people in are very small. You're not able to fit shotguns or long rifles in these helicopters with all of the other equipment they have. The inability to get authorization to carry a handgun has had deadly consequences. In the case of my friend, he was mauled by a bear and suffered traumatic brain injury from it. Clearly, putting up more barriers for people who need handguns for occupational safety is not something that's acceptable to me.

The Chair: Mr. Genuis, you have one minute and 44 seconds.

Mr. Garnett Genuis: Thank you, Mr. Chair.

I want to agree with what my colleague Mr. Lloyd said. I think this is an important point, and it underlines the urban-rural divide sometimes in the firearms debate.

Understandably, there are people in urban centres who are, of course, firearms owners and involved in sport shooting and things, but in rural areas, in parts of my riding, this is a matter of necessary tools. Telling people they cannot have the tools they need to do their jobs—to keep them safe in the context of their jobs—or making this a complex regulatory process for them doesn't make a lot of sense.

You have people from a different reality. They don't understand or connect with that rural reality. They say, "Well, our association with these tools is that they're used for one purpose", without understanding or being empathetic at all towards the experience of other people. I find that troubling. What we should be trying to do as legislators is bridge these divides and understand that an aspect of one person's experience might not be the same aspect of someone else's experience. They may have different immediate needs or uses for these kinds of products.

I think that was well explained, with particulars, by Mr. Lloyd.

When I was younger, I spent some time tree planting in areas that were.... I know that's hard for some of my colleagues to believe, but there was a time when I did physical labour and planted trees. It was a different—

The Chair: Thank you, Mr. Genuis.

Mr. Garnett Genuis: —reality from being in the city. I would hope members of the government and others would have some sympathy for the points Mr. Lloyd made and the need to use—

The Chair: Thank you, Mr. Genuis.

Mr. Garnett Genuis: —firearms as tools in certain situations.

I'll leave it there. Thanks.

The Chair: Is there any further discussion on this clause?

Seeing none, I shall ask the clerk to call a roll.

(Clause 28 agreed to: yeas 7; nays 4)

(On clause 29)

The Chair: We now come to clause 29. Go ahead, Mr. Lloyd.

Mr. Dane Lloyd: Can I ask the officials what the impact of this clause will be?

• (2340)

Ms. Rachel Mainville-Dale: In terms of the changes that happened in the previous clauses, the change is that the commissioner would be the one to issue authorizations to carry for reasons of personal protection. It's outlining that it's the commissioner who outlines any conditions that would go with that ATC.

Mr. Dane Lloyd: Can you give us some examples of conditions that have been used in the past by CFOs, presumably?

Ms. Rachel Mainville-Dale: I will turn to my colleague at the CFP.

Mr. Rob Mackinnon: An example would be when an individual is unable to be protected by the local law enforcement.

Mr. Dane Lloyd: How is that a condition, though? Presumably, when they're talking about a condition, this is a restriction on the ability of the person with the authorization to carry. Are you saying it's a condition of... Are there are circumstances in which they would need an authorization to carry?

Mr. Rob Mackinnon: The CFO would determine the use of the firearm to be carried based on locations, the geographical area the individual would be trapping or working in while in a wilderness area.

Mr. Dane Lloyd: Interestingly, a later clause talks about geographical restrictions. If this is centralized in the commissioner, does that mean that people will have the authority, for protection of life, to travel outside of their province of residence with their authorization? Is the reason for the centralization to allow people to be able to travel freely across the country and protect themselves, rather than to have this system with all the different CFOs that don't allow this?

Ms. Rachel Mainville-Dale: I think in that case, it would be very highly specific to the reasons that the individual would need to have an authorization to carry for protection of personal life. I think the conditions that would be attached to it would be tailored to the particular conditions that the individual needs.

Mr. Dane Lloyd: Potentially, this could allow somebody to travel across provincial borders, because the commissioner has authority over the whole country and not just individual provinces.

Ms. Rachel Mainville-Dale: I won't speculate when it comes to that. Thank you.

The Chair: Mr. Calkins, you have two minutes.

Mr. Blaine Calkins: Thank you, Chair.

Would the witnesses have any insight as to who could respond more quickly to an authorization to carry, given the proximity to the person making the request and given the fact that the purpose behind this would be for the safety of the individual receiving the authorization to carry?

It would seem to me that removing the decision-making one step further away from the province from which the person is making the inquiry and into the commissioner's office rather than the CFO's office would be adding a layer of bureaucracy or removing the process from where the decision is more likely to be understood by the decision-maker.

I can't help but think that a chief firearms officer in Alberta, British Columbia or anywhere else would be better suited to make a decision on who should be carrying a firearm in Alberta, rather than somebody who is situated elsewhere in the country.

If the individual's life is at risk and the application for the authorization to carry... Would this process, or this change in who's making the decision, potentially put that person at risk?

Ms. Rachel Mainville-Dale: The vast majority of authorizations to carry are for reasons of employment, and that's remaining with

CFOs. We've already noted that the number of authorizations to carry for personal protection are quite low. Obviously I can't really speak to timelines, but I believe that these are treated with all due haste. Whether they are treated provincially by CFOs or would be treated centrally by the commissioner, they would be treated with all due haste.

Mr. Blaine Calkins: If that's the case, moving it from the office of a chief firearms officer to the commissioner of firearms means there must be some problem.

• (2345)

The Chair: I'm sorry, Mr. Calkins. The time ends there.

Mr. Blaine Calkins: Can anybody here tell me what the problem is?

The Chair: I'm sorry Mr. Calkins, but I'm going to have to end it right there.

If you have a very quick response, go ahead.

Ms. Rachel Mainville-Dale: I believe we already answered that we can't speculate on the reasons.

The Chair: That's fair enough. Thank you.

You have no more time.

Mr. Garnett Genuis: I didn't say anything, though.

The Chair: Are there any further interventions? Seeing none—

Mr. Garnett Genuis: As an individual member of the committee, can I not ask a 10-second question?

The Chair: No. We have fairly strict marching orders from the House.

Seeing no further interventions that we can entertain—this is fairly extreme—we will conduct a vote. I'm going to assume we're going to a recorded division.

(Clause 29 agreed to: yeas 7; nays 4)

(On clause 30)

The Chair: Is there any discussion?

Mr. Lloyd, go ahead.

Mr. Dane Lloyd: I'm a bit confused about this one because, as I stated earlier, I believe the ability of the CFO to grant these authorizations to carry is already not valid outside of the province they're issued in.

Can the officials explain what the impact of this clause will be? Thank you.

Mr. Sandro Giammaria: I'll do my best to answer that.

I would direct the committee to clause 30, which proposes to amend subsection 63(3) of the act, which defines the geographic scope of an authorization to carry. Clause 30 proposes wording that would maintain the provincial limit on the scope of the ATC.

Mr. Dane Lloyd: This is a clause that basically affirms a practice that is currently in force.

Mr. Sandro Giammaria: It slightly rewords what exists in the act now, due to the division of responsibility between the commissioner and the CFO of jurisdiction, wherever that is. The language in the geographic scope section as it exists now wouldn't reflect ATCs issued by the commissioner. In order for this provision to catch both types of ATCs that can be issued, it's rewritten this way to maintain the same scope but ensure that it applies to ATCs under both paragraphs (a) and (b) of the act.

Mr. Dane Lloyd: That's a bit confusing. Can you maybe explain how this impacts someone who has one of the ATCs in question?

Mr. Sandro Giammaria: It changes nothing whatsoever.

Mr. Dane Lloyd: Then what's the purpose of this clause?

Mr. Sandro Giammaria: Again, it's consequential to the division of responsibility between the commissioner of firearms and the CFO of jurisdiction. The wording as it is now would not accommodate that division of responsibility. It's simply accommodating the motions carried by the committee that would divide that responsibility. Otherwise, the geographic provision wouldn't make the most sense, given how the committee has elected to redraft it. This would fix what would become a problem were this not done.

Again, I would refer you to the existing subsection 63(3) of the act, which, again, has wording that would not accommodate the division of responsibility between the commissioner and the CFO of jurisdiction. If you like, I can read it.

Mr. Dane Lloyd: Yes, please do. How does the wording not accommodate it?

Mr. Sandro Giammaria: Subsection 63(3) currently says that

Authorizations to carry are not valid outside the province in which they are issued.

When the commissioner of firearms is issuing an ATC, it's obviously not issued in a province, given that the commissioner is a federal entity. That language would tend to exclude ATCs issued under paragraph 20(a)—those by the commissioner—hence the rewording to accommodate both types of ATCs.

• (2350)

Mr. Dane Lloyd: I am satisfied with that response. Thank you.

The Chair: I have Mr. Julian next.

Mr. Peter Julian: Thanks, Mr. Chair.

The clause in question has 16 words. It says, "Authorizations to carry are not valid outside the province where the holder of the authorization resides." That is straightforward, simple language that all of us who did our homework before we came here tonight already understood.

I think we've worked through a whole range of important amendments today and we've had a consensus. To the credit of the Conservatives, they've voted with all of the other parties to improve the bill in a whole number of places. In fact, most of the votes we've had tonight have been unanimous, which is great, Mr. Chair.

However, they're going back into this mode of filibustering and asking questions when they already know the answer. Clause 30 with its 16 words is one example, and having votes that we normally do on division.

What is the consequence of that, Mr. Chair? It means that the important discussions—we've had a number of them tonight, and we want to be discussing Mr. Ruff's amendments tomorrow—get pushed aside, because the Conservatives are not using time wisely. Time is something about which Mrs. Theodoro, who was my English teacher back in high school, said, "You know, if you lose a minute, you can't get it back."

I regret.... We've had a number of periods tonight when the Conservatives worked constructively. We've really made progress. I think we've had consensus in a whole range of important areas. Now they're getting back into filibuster mode.

I believe, because of the provisions around ghost guns, that we absolutely need to move forward, so I'm going to offer another unanimous consent motion to extend the time. There's nothing in the order from the House that precludes us from meeting after midnight. If all parties are in agreement, I move that we extend to 2 a.m.

The Chair: I think it would depend on the availability of House resources and I think we need unanimous consent for this.

Mr. Peter Julian: We do.

The Chair: Is there unanimous consent to extend, as requested?

Mr. Garnett Genuis: Can we suspend to discuss the resource issue?

The Chair: No, we can't.

Mr. Dane Lloyd: We'll just wait until we get the resources.

The Chair: I believe there is no unanimous consent.

Mr. Dane Lloyd: No, we never said that. I want to know if there are resources.

The Chair: I don't believe there are resources, but I'll ask the clerk.

There's nothing firm after midnight. It's very doubtful that we could find resources.

The request was made. Do we have unanimous consent to carry on? That would depend on House resources in any event.

Is there unanimous consent?

Mr. Garnett Genuis: I'm sorry, Chair. I have a point of order.

You told the committee that there are not resources past midnight. I'm not willing to participate in a charade to justify the government's use of draconian time allocation by having us vote on a decision to extend in a context when we have just been told we can't extend. This is the most absurd, fictional situation ever.

Ms. Pam Damoff: I'm sorry. I have a point of order.

Is a UC motion debatable, Chair?

Mr. Peter Julian: No, it's not.

Ms. Pam Damoff: Should we not just be—

Mr. Garnett Genuis: It's a point of order.

The Chair: We're asking for unanimous consent to extend. If you don't like it, say no. If you say yes and we have unanimous consent, we can find out what resources we have.

Is it the will of the committee to extend past midnight? Does anybody wish to say yes or no?

Some hon. members: No

The Chair: That's a no. Okay, that's done.

Mr. Julian, you have two minutes and 38 seconds.

Mr. Peter Julian: No, that's fine. I've said my piece.

It is 16 words in one clause. It is very clear. I'm not sure why we're spending a lot of time on this clause when it is very clear what it indicates and what it says.

The Chair: Mr. Genuis, I believe you had your hand up. You have one minute and 35 seconds.

Mr. Garnett Genuis: Before I get to my time for questions, I have a point of order, which is that I don't think Mr. Julian's comment was actually about the clause. It was to reflect and cast aspersions on—

• (2355)

The Chair: You're not recognized on a point of order. This is your time. We don't have much time to spend.

Mr. Garnett Genuis: I have a point of order. Can I be recognized on a point of order?

The Chair: If it's a point of order, sure.

Mr. Garnett Genuis: Yes, it's a question of relevance.

We have very limited time. Mr. Julian was using his time to go off topic and cast aspersions on us. I would welcome the chance to respond to those.

The Chair: It's not a point of order.

Mr. Garnett Genuis: He was off topic.

The Chair: It's not a point of order. Your time is done—

Mr. Garnett Genuis: Topicality is a point of order, Chair.

In the time I have, my question is—

An hon. member: Your time is up.

Mr. Garnett Genuis: No, I didn't use my time. It was a point of order.

Briefly, for the officials, my question is this: What are the implications of this for people who live in a border area? If you are working near Lloydminster and you have an authorization under this section, and if the nature of your job is to work on both sides of a provincial border, what are the options for an individual, given this section?

Are there exceptions or are there other provisions that could apply in the case of someone working across a border area? It's relevant in my province and it might be relevant between Quebec and Ontario and in parts of the Maritimes, etc.

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

At this point, the way it is drafted, it would only allow an authorization to carry in the province where the holder of the authorization resides.

Mr. Garnett Genuis: You can't apply for an authorization? What if you exclusively work across a border? If I live in Lloydminster on the Alberta side and I work on the Saskatchewan side and my job requires me to use a firearm, what happens to me under those circumstances?

Ms. Rachel Mainville-Dale: I believe that in the way it is drafted, you would only be able to carry in the province in which you reside.

Mr. Garnett Genuis: That's obviously a problem for someone in that situation, right? There's no way that a person who is in that situation can apply in the province where they may substantially work and spend a lot of time in their lives if they happen to have a residence on the other side of the line.

Ms. Rachel Mainville-Dale: I would not disagree with that assessment.

The Chair: Mr. Genuis, thank you.

Mr. Garnett Genuis: Can I move an amendment? Amendments are separate—

The Chair: No. Your time is up.

Mr. Garnett Genuis: But there's a separate time structure for amendments—

The Chair: No, there's not.

Mr. Garnett Genuis: I thought you had five minutes per amendment and five minutes per—

The Chair: Okay. Hold on.

Mr. Garnett Genuis: You can table—

Ms. Pam Damoff: We already voted. You weren't here.

Mr. Garnett Genuis: I'm sorry, Chair; could you clarify?

My understanding of the House order is that you have five minutes per amendment and five minutes per clause. If a concern is identified before we have gone to a vote on the clause, we can move an amendment on the clause—

Mr. Taleeb Noormohamed: I have a point of order, Mr. Chair.

Mr. Garnett Genuis: —and we have five minutes to consider that amendment.

The Chair: I have Mr. Noormohamed on a point of order.

Mr. Taleeb Noormohamed: I believe that Mr. Genuis appears to be challenging the chair. If that's the case, can we have a vote? If not, can we move on?

Mr. Garnett Genuis: I'd just like clarification on the rule, based on the House order.

The Chair: I'm going to ask the legislative clerk to advise me on this.

Mr. Garnett Genuis: Thank you.

The Chair: Can we move an amendment at this time on clause 30?

The clerk advises that we would be able to move an amendment. However, the time allotted for our meeting is up as of one minute from now. We will take up this matter when we resume tomorrow.

Mr. Garnett Genuis: I'm sorry. I didn't quite hear. Are we able to move the amendment?

Okay. We are able to move the amendment and we'll take it up when we return.

I'm sorry. I just wanted to make sure. Thank you, Chair.

Mr. Peter Julian: Mr. Chair, the time has expired, right?

The Chair: Yes.

Mr. Peter Julian: Then we would now vote on the clause.

The Chair: Well, no, our time for the meeting has expired. We don't have to time to do that.

Mr. Peter Julian: We have two minutes.

The Chair: By my watch, it's 23:59.

Mr. Peter Julian: We have one minute. You could do it.

The Chair: Well, Mr. Genuis wants to move an amendment. I think that's—

Mr. Peter Julian: He just read the clause. He should have come prepared.

The Chair: We will adjourn at this time, because it is 11:59.

I'm sorry. Mr. Calkins...?

Mr. Blaine Calkins: It sounds like they're challenging the chair.

The Chair: Thanks, all of you. The meeting is adjourned.

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