

**THE STANDING SENATE COMMITTEE ON NATIONAL SECURITY AND DEFENCE  
EVIDENCE**

OTTAWA, Monday, March 18, 2019

The Standing Senate Committee on National Security and Defence, to which was referred Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms, met this day at 11 a.m. to give consideration to the bill.

**Senator Gwen Boniface** (*Chair*) in the chair.

**The Chair:** Welcome to the Standing Senate Committee on National Security and Defence.

Colleagues, as you know, it has been a very difficult weekend in New Zealand. On behalf of all committee members, Senator Jaffer is going to make a statement.

**Senator Jaffer:** Thank you, chair.

Today, I want to speak to all Muslim brothers and sisters in Canada and around the world. We may be crippled and crushed by the latest incident in New Zealand. We may feel defeated or weak. I say to all that we will not hide in fear. We will not be destroyed. I kindly ask all Canadians to work with us to fight xenophobia and Islamophobia that so easily takes hold, and to send a message that all Canadians are equal.

I can tell all my Muslim brothers and sisters that, as the first Muslim senator, I certainly have been treated very equally by all my colleagues here, and I want you to know that Canadians truly believe we are equal.

The question I am asking is: How can we reconcile our position with the terrible carnage we witnessed from the New Zealand mosque attacks? Honourable senators, allow me to share a quote from Dr. Najma Ahmed of Canadian Doctors for Protection from Guns:

Guns are the vector in this preventable public health crisis. They are the key exposure in this epidemic. Physicians are witnesses to the human toll that guns take on our patients, their families and our communities.

Canadians, when we come together, we are invincible. Let us work together to deal with all sorts of hatred, because we are better than that. We are bigger than that.

Chair, thank you for giving me this opportunity.

**The Chair:** Thank you.

Before I begin our hearings today, I would ask my colleagues to introduce themselves.

(French follows — Sen. Dagenais: Jean-Guy Dagenais. . .)

(après anglais — The Chair: ... to introduce themselves.)

**Le sénateur Dagenais:** Jean-Guy Dagenais, du Québec.

**Le sénateur Boisvenu:** Pierre-Hugues Boisvenu, du Québec.

(anglais suit — Sen. Richards: David Richards...)

(following French — Sen. Boisvenu — . . . du Québec.)

**Senator Richards:** David Richards, New Brunswick.

**Senator McIntyre:** Paul McIntyre, New Brunswick.

**Senator Wells:** David Wells, Newfoundland and Labrador.

**Senator Oh:** Victor Oh, Ontario.

**Senator McPhedran:** Marilou McPhedran, independent senator from Manitoba.

**Senator Gold:** Marc Gold, Quebec.

(French follows — Sen. Pratte: André Pratte . . .)

(après anglais — Sen. Gold: ... Marc Gold, Quebec.)

**Le sénateur Pratte:** André Pratte, du Québec.

(anglais suit — Sen. Griffin: Diane Griffin...)

(following French — Sen. Pratte — . . . du Québec.)

**Senator Griffin:** Diane Griffin, Prince Edward Island.

**Senator Jaffer:** Mobina Jaffer from British Columbia.

**The Chair:** I'm Gwen Boniface, your chair.

This morning, we continue our study of Bill C-71, an Act to amend certain Acts and Regulations in relations to firearms. Before I move to witnesses, I would like to remind all senators that if they are intending on proposing amendments at clause by clause that is currently planned for April 8, it is recommended you consult with the Law Clerk's Office and to notify the clerk so he can be ready on that day.

For our first panel, we have the Marc Renaud, President of the Fédération québécoise des chasseurs et pêcheurs, who is joining us by video conference; Gerald Ingeveld, Director of the Alberta Provincial Rural Crime Watch Association — welcome; and Ray Orb, President of the Saskatchewan Association of Rural Municipalities, who is also joining us by video conference. Welcome to you all.

Mr. Renaud, would you like to begin?

(French follows — Mr. Renaud: Madame la présidente . . .)

(après anglais — The Chair: ... Mr. Renaud, would you like to begin?)

**Marc Renaud, président, Fédération québécoise des chasseurs et pêcheurs:** Madame la présidente, mesdames et messieurs les sénateurs et sénatrices membres du comité, merci de nous donné l'occasion de nous exprimer sur le projet de loi C-71. Je m'appelle Marc Renaud. Je suis président de la Fédération québécoise des chasseurs et pêcheurs que je nommerai FédéCP.

D'entrée de jeu, rappelons que notre organisme contribue activement depuis plus de 45 ans à la réduction significative de la mortalité et des blessures par arme à feu. Nous avons ainsi fait la preuve de l'efficacité de la formation et de la prévention dans le cadre des activités de chasse. La FédéCP est un OSBL qui représente les chasseurs et les pêcheurs du Québec depuis 73 ans. Elle compte aujourd'hui 270 associations et organismes répartis dans toutes les régions du Québec.

La FédéCP est devenue mandataire du gouvernement en 1972 à la suite d'une demande novatrice de notre part pour dispenser obligatoirement les cours à toute personne désirant chasser. Depuis 1994, nous sommes mandatés par le ministère de la Sécurité publique du Québec pour dispenser des cours canadiens de sécurité dans le maniement des armes à feu. Au cours des cinq dernières années, notre filiale éducative Sécurité et nature a assuré la formation de plus d'un quart d'un million de participants, dont près de 100 000 personnes pour le cours d'initiation à la chasse avec arme à feu. La position que nous avons adoptée en ce qui a trait au projet de loi C-71 est celle issue du mémoire de l'Ontario Federation of Anglers and Hunters (OFAH), qui est partagée par 10 autres fédérations canadiennes de chasseurs et pêcheurs mentionnées dans le document de l'OFA, qui se trouve en annexe.

Aujourd'hui, c'est en sa qualité de représentants des chasseurs et pêcheurs et d'experts en formation sur la sécurité des armes à feu que la FédéCP se présente devant cette commission. Tout d'abord, bien que la FédéCP soit en accord avec de meilleures stratégies d'encadrement des armes à feu afin d'assurer une sécurité publique, nous sommes en désaccord avec le projet de loi C-71 qui représente une autre série de mesures qui affecteront les propriétaires déjà en règle.

Ayant l'expérience de première main d'un registre fédéral et d'un système d'immatriculation provincial, nous sommes à l'affût des difficultés techniques qui peuvent survenir dans l'application des lois dont l'objectif est énorme et qui ajoute des fardeaux administratifs à l'État et à d'honnêtes citoyens sans atteindre l'objectif prévu. Si le but est réellement d'accroître la sécurité des Canadiens et Canadiennes, le projet de loi C-71 devra subir d'importantes

modifications afin de cibler les vrais responsables de la violence par les armes à feu. Si on considère maintenant chaque élément du projet de loi, nous dénotons que de nombreux éclaircissements sont nécessaires. La vérification des antécédents lors de la demande du permis de possession et d'acquisition qui n'est plus limitée à une période de cinq ans devrait être définie. De plus, est-ce qu'une personne qui a commis une infraction peut prendre des moyens pour se réhabiliter et obtenir son permis? En ce qui concerne la vérification du permis de l'acquérant lors de la vente d'une arme à feu, il incombe encore fois aux propriétaires d'être consciencieux qui se donneront la peine de faire la vérification en fournissant un seul outil pour valider le permis de l'acheteur, on protège le vendeur, mais nous devons être certain que le processus sera simple, très efficace et accessible en tout temps.

La conservation des l'historique des transactions par les détaillants commerciaux pendant 20 ans devrait être mieux encadrée. Les acheteurs devront être assurés que leurs données personnelles sont conservées de façon sécuritaire et accessibles uniquement dans le cadre d'enquêtes criminelles et sous autorisation judiciaire. Du côté de la classification des armes à feu, il nous apparaît beaucoup plus important de savoir comment les armes sont classifiées plutôt que qui les classifie. Nous sommes d'avis que le processus de classification devrait être standardisé et que les utilisateurs d'armes devraient pouvoir se prononcer en plus d'avoir accès à un système d'appel. Par ailleurs, la loi grand-père prévaut que les détenteurs actuels d'armes qui se retrouveront prohibées est très importante pour nos membres qui possèdent des armes de chasse qui pourraient se trouver dans cette catégorie prochainement.

La FédéCP représente des propriétaires d'armes à feu qui sont formés pour manipuler et entreposer leurs armes de façon sécuritaire. Nous sommes les premiers à promouvoir la sécurité du public par l'entremise de campagnes de sensibilisation et de formation. Nous sommes toutefois déçus de ce projet de loi qui, encore une fois, vient ajouter des contraintes aux honnêtes citoyens sans tenir compte de la réalité des propriétaires d'armes et surtout sans atteindre l'objectif principal qui nous concerne tous, la sécurité publique.

Nous souhaitons que ce projet de loi soit amendé et qu'il soit complété par de véritables mesures pour cibler les groupes criminalisés et la violence par arme à feu qui en découle. Nous vous remercions de votre attention. Nous vous invitons à consulter le mémoire de l'OFAH disponible sur leur site web pour connaître les justifications détaillées à nos demandes de modification. Merci.

**La présidente:** Merci.

(anglais suit — 1110 — Mr Ingeveld: Thank you. Good morning ... )

(following French in 1100 -- The Chair -- Merci.).

**Gerald Ingeveld, Director, Alberta Provincial Rural Crime Watch Association:** Thank you. Good morning committee members. It is, indeed, an honour to be in Ottawa addressing you in this place. I am here today representing the board of the Alberta Provincial Rural Crime Watch Association. Our association is made up of approximately 17,000 individuals within 53 member groups province-wide. Our focus, in cooperation with the Royal Canadian Mounted Police, is to promote crime prevention through awareness, education and encouraging the reporting of suspicious activity when observed.

The Rural Crime Watch program was designed to reduce the incidence of crime in all rural areas and to create a more thorough understanding and awareness of the laws. It is completely voluntary, involving rural residents working in cooperation with their local RCMP detachments.

Rural crime has been on the rise in Alberta over the past decade, and our work has become more intense, introducing rural residents to ways and means of crime-proofing their residences

and vehicles as much as possible. Still it seems, at times, a losing battle. It is hard to express the feeling of violation when your home and property has been entered and robbed.

Bill C-71 has been captioned as a crime-fighting strategy. As much as we can agree that no single strategy, but a series of strategies, needs to be employed to the problem of rural crime, I question the value of this one. From what I see, there are three goals here: to change the status of some weapons from unrestricted to restricted; to add regulations to the movement of registered handguns; and to add a registrar who will verify if the ownership of an unrestricted weapon can be transferred from one person to another.

Most rural crime is property crime, and some of the perpetrators are armed. These weapons are seldom purchased through any legitimate transactions, but are usually stolen. How the weapon should have been registered, how it was transported and whether a registrar is patiently waiting in an office for a request to transfer a firearm is of little interest to these people.

I would invite our legislators to calculate the dollar cost of the initiatives of Bill C-71 and then consider this: Midway through 2018, K Division fully implemented what had previously been a pilot program, called the RCMP Crime Reduction Strategy. For an estimated additional annual cost of \$10 million, they created special crime reduction units throughout the province to reduce crime through crime prevention, targeting habitual and prolific offenders, identifying crime hot spots through locally informed, intelligence-led policing and by identifying the root causes of crime and offering alternate life choices.

In the first six months of this program, rural crime has been reduced in all categories by roughly 10 per cent.

To me, this approach to a problem best exemplifies how the people, like my father and grandfather, approached problems and how I believe Canadians used to approach problems.

As I mentioned when I began, it is an honour to be here in Ottawa. To me, this is capital city represents over 150 years of freedom and opportunity. My grandfather came to Canada in 1905 seeking that freedom and opportunity, then he returned to Europe to serve in the First World War. My father also served in Europe from 1939 to 1945.

Why did these men, who were safe here in Canada, risk it all to go to Europe and fight a war that left them alive, but broken? It was because they believed that safety does not trump freedom, that when there is a problem, you don't sit back and create another rule or regulation; you roll up your sleeves, and you go in and you fix the problem.

This is how I was raised. Rural crime isn't someone else's problem, and someone else probably isn't going to fix it for me, and certainly not with more regulations. That is why I support Rural Crime Watch and the work of the RCMP. If there is money available to create more positions to regulate firearms, please, instead, provide the RCMP and Rural Crime Watch organizations with additional on-the-ground resources to deal with the crime, for we are beginning to see results.

Thank you for hearing me today.

**Ray Orb, President, Saskatchewan Association of Rural Municipalities:** I would like to thank the Standing Senate Committee on National Security and Defence for the opportunity to speak this morning. My name is Ray Orb and I am President of the Saskatchewan Association of Rural Municipalities, known as SARM. It was incorporated in 1905 and has been the voice of rural Saskatchewan for over 100 years. We represent all 296 rural municipalities that make up our province. We cover 53 per cent of the province's total land mass and our rural municipalities encase virtually all of the agricultural land. Our most populated rural municipality serves just

over 8,000 rural residents while our smallest serves 76. We are vast and we are diverse and our role is to serve our members and champion the value of rural Saskatchewan.

Naturally, we appreciate this opportunity to speak to the firearms issue. Bill C-71 will impact farmers and ranchers, and we are concerned that the bill does not reflect the needs of rural residents.

Saskatchewan was ignored in the drafting of this legislation, and we were not heard during Minister Blair's national consultations on tackling gun crime.

Because Saskatchewan is a rural province, there are legitimate concerns related to gun ownership and rural crime that need to be reflected in any new government legislation or policy. We believe that this legislation is directed towards urban centres like Toronto and Vancouver, where issues with gun crime have captured the national attention.

Unfortunately, there are unintended impacts on rural areas.

We understand that the City of Toronto has been a major proponent of banning hand guns. However, the president of the Toronto Police Association recently stated that a handgun ban would have no impact on the people who intend to use a gun to shoot someone.

We agree with that. Prohibiting firearms will only impact law-abiding and responsible gun owners, many of whom have responsibly owned firearms for decades.

Rural municipalities in Saskatchewan have long voiced the need for the federal government to get tougher on crime but we do not believe the proposal to ban handguns is the way to do this. Rural land owners need firearms to protect their farms and their livestock, which is their livelihood, from predators and pests. We believe that farmers and rural residents need to be asked directly about the necessity of firearms in rural areas.

Unfortunately, round tables were only held in Vancouver, Toronto, Montreal and Moncton. There were no round tables scheduled in Saskatchewan, and so we believe more need to be held so that Canadians across the country have an opportunity to share their perspective.

Over the last several years, SARM members have not raised any concerns with the existing legislation regarding firearms. However, rural residents are concerned about firearm bans or confiscation of private property.

We also oppose the return of a long-gun registry in any form. For instance, the use of reference numbers for transactions creates a form of gun registry as one would be able to look up the information on a firearm vis-à-vis the reference number.

The timeliness to issue permits and authorizations for transporting firearms is also a concern. It is important that the Government of Canada ensures that federal staff have the capacity to handle all incoming phone calls and inquiries in an expeditious manner with a high level of service.

SARM opposes a handgun ban as it would not be effective in preventing crime, but would significantly impact responsible, law-abiding gun owners.

SARM has made tremendous strides in working with the RCMP on crime prevention. As part of the recommendation that came from the Saskatchewan Caucus Committee on Crime, the province created a Protection and Response Team known as the PRT. The PRT expands on the success of blending policing models to improve emergency response services, increase uniform visibility and enhance safety on Saskatchewan roads.

SARM is also a supporter of Crime Stoppers and we participate on the Saskatchewan Crime Stoppers board of directors. We've also worked hard to reinvigorate the Rural Crime Watch program and have seen tremendous uptake in this program.

We have also recently headed up a provincial crime watch association to serve as an umbrella association to provide support to local groups. Just last week, we made an announcement of the new Saskatchewan Crime Watch Advisory Network. The new advisory is a mass notification system that will allow rural residents to sign up for notifications of criminal activity occurring in their area so they can keep watch and report back on suspicious activity. We are hopeful that all these things I've mentioned will add to the basket of tools and peace of mind for our rural residents.

As you can tell, rural crime prevention is a key concern for SARM, and we are working diligently in this area. We do not believe that banning handguns will be an effective measure in reducing crime. We believe our voice should be heard and request that a round table be held on the Prairies so that the concerns of farmers can be heard first-hand.

On behalf of the Saskatchewan Association of Rural Municipalities, we thank the Standing Senate Committee on National Security and Defence for the opportunity to lend our voice to this important conversation. Thank you.

**The Chair:** Thank you very much. We have a number of people on the list.

(French follows - Senator Dagenais - Ma première question s'adresse à M. Renaud ....)

(après anglais — La présidente : ... of people on the list)

**Le sénateur Dagenais:** Ma première question s'adresse à M. Renaud. Lors de votre présentation, vous avez exprimé le souhait que des amendements soient apportés au projet de loi C-71. Pourriez-vous nous donner quelques exemples d'amendements que vous aimeriez voir paraître dans le projet de loi?

Nous rencontrons le ministre de la Sécurité publique, M. Ralph Goodale, aujourd'hui, et il voudra sûrement connaître la teneur de ces amendements.

**M. Renaud:** La conservation de l'historique des transactions et la vérification d'antécédents incombent encore aux honnêtes citoyens, comme je l'ai déjà dit. Je proposerais donc d'inclure dans le projet de loi des moyens plus clairs, mieux définis et plus précis pour aller de l'avant à cet effet.

Ce qui nous inquiète également, c'est le retour d'un registre des armes à feu. Nous connaissons déjà les résultats d'une telle démarche.

En résumé, les amendements devraient mieux cibler le milieu criminalisé. Pour le moment, la balle est dans le camp de la bureaucratie, rien ne se fait sur le terrain pour diminuer la criminalité, parce que les criminels n'ont pas besoin d'armes contrôlées.

**Le sénateur Dagenais:** Ma deuxième question s'adresse à M. Ingeveld. M. Renaud vient de le mentionner, il y a une différence entre les milieux urbains et ruraux concernant le projet de loi. Ainsi, dans les milieux urbains, on retrouve les gangs de rue qui utilisent des armes à feu non enregistrées, souvent achetées sur le marché noir. Force est de constater que, majoritairement, ce sont les gens vivant en milieu urbain qui prônent un registre des armes à feu, alors qu'ils ne comprennent pas la réalité du milieu rural. Croyez-vous que le projet de loi devrait tenir compte de la disparité entre les milieux urbains et les milieux ruraux?

(anglais suit — M. Ingeveld : Thank you for the question...)

(following French - Senator Dagenais - ... les milieux urbains et les milieux ruraux?)

**Mr. Ingeveld:** Thank you for the question.

It's very difficult for me to caption the difference between rural and urban, if you have never lived rural, like lived, and made your living there, to understand what the differences are. So just for myself, I raise cattle, and there are times when an animal is in distress and needs to be

euthanized, and euthanized immediately, not waiting two or three hours for a veterinarian to come out and inject them with chemicals. They have to be taken care of right away.

I'm also within a half mile of a corridor where wildlife travel. I have bears and wolves and cougars and all those wonderful things, so there is the idea protection.

The biggest piece of protection, perhaps, are those who are actually coming from urban areas to rob the rural areas. That's where most of the perpetrators are coming from. They are coming out from the city, in a stolen vehicle, in order to rob from rural residents.

The difference in crime is these are not people that are in a group and looking for someone to steal from. These are people that are doing surveillance on your property. They are watching you coming and going, and then they are moving in. They are often moving in to steal with a shopping list. So it's organized. Through devices, they are finding out: We need car tires; we need electric drills; and we need televisions. And they will go in and steal those specific things.

It is very different from the rural to urban. Possibly the biggest difference is that I'm only 11 kilometres from the local RCMP detachment, but it takes over 20 minutes for an RCMP to respond — if he happens to be in the office and not 50 or 60 kilometres away from my residence — because our detachment area is huge. It's about 150 kilometres across. So when I see something wrong in my community, my RCMP is wonderful for investigating, for trying to recover property, but to respond to what could be a frightening situation, it's rather slow.

**Senator Jaffer:** I'll start with you, Mr. Ingeveld.

I understand that you work closely with the RCMP. The Canadian Association of Chiefs of Police are supporting this bill, and they say it will help with their investigative work. Superintendent Gordon Sneddon said, and I quote:

It's really important from a policing and investigative perspective to be able to trace that firearm. I can't stress that enough.

Do you agree with that statement?

**Mr. Ingeveld:** I don't agree with the statement. This is more anecdotal and what I know from the area I work in, where I'm a director in a particular area. The firearms that are confiscated typically from an arrest where property is recovered, those firearms have been stolen, obviously. The first thing a person does when they steal a firearm is they take a grinder to the serial number, and they completely remove it. In most cases, that's the only way to track a firearm. I own a firearm that belonged to my grandfather. It was built in 1921 and has a pretty weird little serial number on it. It's barely there just from storing it.

So the serial numbers are removed, and then they are altered. The barrels and stocks are cut off so they can easily conceal them. They are immediately illegal as soon as you adjust them like that.

Second, I really don't understand how the RCMP can say they can trace firearms better when immediately the serial numbers are removed. But again I'm not a policeman.

**Senator Jaffer:** Thank you for your answer.

Mr. Orb, some witnesses that have appeared before us have said the recent increase in gun homicides is due to organized crime and gangs alone. These homicides involve handguns, which are already prohibited, not long guns; therefore, they feel Bill C-71 is attacking law-abiding Canadians.

Statistics Canada data shows that non-gang-related murders still account for about half of all firearm homicides in Canada's rural areas.

I have had a number of women from the rural areas saying they need protection, especially around domestic violence. Have you seen links between gun violence and domestic violence in rural Saskatchewan?

**Mr. Orb:** Thank you for the question.

Unfortunately, I don't have the statistics to back up any answer that I make. I understand there could be a link. However, I think the idea of farmers and ranchers in rural areas — and you have to understand how many of these areas are remote. There aren't many people living around them. People feel threatened often for the protection of their livestock. They need to have firearms, whether it be handguns or a long gun rifle to protect their farm with. So we are fortunate that we have the RCMP, and I mentioned that we have increased the amount of crime watch there is in the area.

We know there are gangs in the area around the entire province of Saskatchewan. The gangs in the rural area, my sense is they are not as prevalent out on the farms, but the crime that is related to gangs in the area is a real issue.

**Senator Jaffer:** Do you have statistics from another place?

**Mr. Orb:** I don't have the statistics to support Saskatchewan.

**Senator Jaffer:** Thank you.

**Senator Gold:** Good day and thank you for being here to all of our guests.

(French follows - Senator Gold cont'g - Je commence avec une question pour M. Renaud ... )  
(après anglais — Sén. Gold cont. : ... to all of our guests.)

Je commence avec une question pour M. Renaud. La Fédération québécoise des chasseurs et pêcheurs est reconnue pour ses efforts en ce qui a trait à l'éducation et à la sécurité. Chapeau à vous et à vos membres pour cela. Je n'ai pas les mots exacts, mais vous avez parlé du fardeau administratif ou de la bureaucratie qui, selon vous, fait partie du projet de loi C-71. Pouvez-vous préciser les inconvénients et le fardeau administratif que subiront les chasseurs au Québec si le projet de loi est adopté? Par exemple, les vérifications d'antécédents ne changeront rien pour la vaste majorité d'entre eux qui n'ont rien à se reprocher. Les changements d'autorisation de transport ne toucheront pas vos membres. La vérification de permis dont vous avez parlé et la tenue de dossiers par les vendeurs ne changeront rien pour les chasseurs. J'ai de la difficulté à comprendre votre point de vue. Peut-être que vous pouvez nous éclairer sur ces inconvénients.

**M. Renaud:** Merci de nous considérer comme une fédération qui fait très bien son travail d'éducation et de sensibilisation.

Ce sont des contraintes bureaucratiques auxquelles les chasseurs eux-mêmes devront faire face. Si l'on parle de la vente d'armes à feu, en ce qui a trait à la vérification, il n'y a pas de moyen clair pour les aider dans ce processus quand ils vont effectuer une transaction les soirs ou les fins de semaine. Si l'on parle de transport, effectivement, c'est minime pour les armes à feu à autorisation restreinte, mais en quoi cela va améliorer la sécurité publique?

Selon notre expérience avec le Registre canadien des armes à feu au fédéral et au provincial, à chaque fois que s'ajoutent des mesures, c'est aussi de la bureaucratie supplémentaire pour la machine gouvernementale. Ce sont des sommes d'argent supplémentaire qui ne sont pas mises à la bonne place. Les chasseurs font déjà tout ce qu'il faut. Ils ont tous les moyens et obligations nécessaires. On leur ajoute un fardeau supplémentaire pour, entre autres, la vérification des antécédents dont vous avez parlé.

Le projet de loi C-71 doit avoir une cure de modification pour s'assurer qu'on touche vraiment les bons objectifs, que tout ce qui est bureaucratie ne soit pas à l'encontre des chasseurs et que cet argent soit bien utilisé pour régler le côté criminalisé.

**Le sénateur Gold:** Merci.

(anglais suit — Sen. Gold cont: Perhaps I could ask a second question...)

(Following French - Senator Gold - Merci.)

**Senator Gold:** Perhaps I could ask a second question to both of our guests today. Both of you spoke about the problem of crime in rural areas and distinguished it from problems in urban areas, but the bill attacks not only issues of crime but also the damage, homicides and injuries caused by firearms more generally. In that regard, according to Statistics Canada, non-gang related murders still account for about half of firearm homicides in Canada's rural areas. In rural areas, non-gang related homicides account for about 80 per cent of homicides by firearm, very often with long guns.

In Saskatchewan, sir, as you know, the rate is much higher than the national average. So whether it's domestic violence or the like, can you comment about why you think Bill C-71 doesn't attack a real problem, admittedly not the street gang problem in downtown Toronto, but a problem that's costing lives and damaging lives on a regular and growing basis?

**Mr. Ingeveld:** I think for myself, when we talk about gun crime, because I've been raised with firearms, it's something that my family has always had to have. We're third generation ranchers and we're in a rural community. As I mentioned, both my father and grandfather were servicemen.

We were trained on the safe handling of firearms. We also know that if we decided that we wanted to do someone harm, we can do so in many ways. We've heard cases of people driving their vehicles onto sidewalks and harming people. I've studied martial arts. I can harm people with my hands. Fertilizer and diesel fuel will make a pretty significant bomb.

We see firearms, those of us in rural communities who make our living this way, as a tool. Many tools can be used for violent and despicable acts. Vehicles are licensed very carefully yet many people die because of people who use vehicles recklessly.

We believe that stronger registration activities for firearms will not make people less violent. We need to find out why these people are violent; is it drugs or desperation? What is causing them to do this and see if we can find a way to redirect their lives so that they would use less violent acts to carry out the things we need.

Even a gun registration is not a terrible thing. It won't cause me to be terribly upset. It's just another inconvenience that we feel isn't going to help the root cause of the situation. And that's why we would rather see resources put towards discovering and dealing with those root causes rather than bringing in another regulation.

**The Chair:** Mr. Orb, do you have anything to add?

**Mr. Orb:** Yes, I would say that according to the RCMP in our province, who do most of the investigations and look after the rural crime issues, a lot of the issues are because there are criminals out there who need money, whether it be for drugs or whether they just need money to use for their own families. The jobless rates in our province have gone up, particularly as a result of the drop in the economy in the oil sector. So we know that there are many people out there who are trying to confiscate property by stealing. They know that if they break into a house that there are firearms there. The firearms are registered, but these are criminals. If they take the firearms, of course the RCMP try to apprehend them and in many cases they do.

We think that because these farmers and ranchers already have their guns registered, we don't know why we have to go further. We think there are laws in place already. We don't hear of our rural members saying they need tighter gun control. We need better education. There needs to be education on the safe storage of firearms so that people with registered firearms

know how they can keep them and store them. Education is an important thing when you have people out there trying to break into homes and ranch property.

We think that more and stringent regulation is not going to help. In some cases it might actually make it worse for legal gun owners.

**Senator McPhedran:** I want to begin by acknowledging and thanking Senator Jaffer for reminding us of the severity of the use of guns and to point out that the guns as we know for the massacre that took place most recently in New Zealand are available and can be modified in Canada.

I have a question to all three panellists, and it is this: Do you own cars, and did you purchase those cars yourselves?

**Mr. Ingeveld:** Yes.

**Senator McPhedran:** Mr. Orb?

**Mr. Orb:** Yes.

**Senator McPhedran:** Mr. Renaud?

(French follows - Mr. Renaud: Oui).

(après anglais — Senator McPhedran: Mr. Renaud?)

**M. Renaud:** Oui.

(anglais suit — take 1140 - Sen. McPhedran: Okay. The second part...)

(Following French in 1130 — Mr. Renaud — Oui.)

**Senator McPhedran:** Okay.

The second part of my question is the following: Are all three of you aware, since you are the purchasers for the registration process for the cars in your respective provinces, the keeping of records of those who sell the cars and when if you transfer ownership also, have you ever objected to that registration process that sellers and buyers of cars must comply with?

**Mr. Ingeveld:** No, I have not.

**Mr. Orb:** No, not recently I haven't.

**Senator McPhedran:** But you have at some point?

**Mr. Orb:** I have in the fact that, because I live out in the rural areas, sometimes we don't have good access to high-speed Internet. Therefore, filling out forms or downloading forms sometimes takes a long time.

(French follows — Mr. Renaud: Je n'ai expérimenté aucun . . .)

(après anglais — Mr. Orb cont' : ...sometimes takes a long time.)

**M. Renaud:** Je n'ai expérimenté aucun problème, mais ce n'est pas le même comportement et ce n'est pas pour les mêmes intérêts non plus.

(anglais suit — Sen. McPhedran: Thank you. Also now next question again...)

(Following French — Mr. Renaud — . . . les mêmes intérêts non plus.)

**Senator McPhedran:** Thank you.

My next question, again, to all three of you gentlemen: How many women members do you have in your respective organizations?

**Mr. Ingeveld:** We have just about exactly 50 per cent. For our organization, for the most part, we register our members as family units.

**Mr. Orb:** Among our rural councillors and —, they are all elected officials. About 20 per cent of them are women. However, on our board of directors, we have almost gender equity; we have almost half.

(French follows — Mr. Renaud: Je ne pourrais pas . . .)

(après anglais — Mr. Orb cont' : ...we have almost half.)

**M. Renaud:** Je ne pourrais pas vous préciser le pourcentage de femmes parmi nos membres, mais cela doit tourner autour de 30 à 40 p. 100. De plus en plus de femmes suivent des cours de maniement des armes à feu et sont adeptes de chasse ou de tir. Notre conseil d'administration provincial compte deux femmes sur 14 membres. Toutefois, la plupart de nos employés sont des femmes; seulement 3 sont des hommes parmi 16 employés.

(anglais suit — Sen. McPhedran: My last quick question...)

(Following French — Mr. Renaud — . . . parmi 16 employés.)

**Senator McPhedran:** My last question is for you, Mr. Ingeveld, because you made reference to the RCMP. Do you have any concerns about the level of expertise that the RCMP have demonstrated in your dealings with them in terms of understanding and dealing with firearms?

**Mr. Ingeveld:** There are a lot of people in the RCMP. Thank you for the question. We do have members who are transferred around to areas. That means that, sometimes, we do have someone who is urban-raised who comes out to a rural area, and there is a little bit of getting used to what “rural” means. For the most part, those who deal with our association in my area, we find them to be very well versed in the handling of firearms. However, I believe they are trained with the particular firearms they get to, use. So their expertise would be more in what they've been trained with rather than for maybe some different, unique models of firearms. But for the most part, I'm well pleased.

**Senator McPhedran:** Thank you.

**Senator Pratte:** I have one question for all three of our witnesses.

(French follows — Sen. Pratte cont'g: D'abord, monsieur Renaud, j'aimerais . . .)

(après anglais — Sen. Pratte cont'.: ...all three of our witnesses.)

D'abord, monsieur Renaud, j'aimerais exprimer mes félicitations quant au travail de prévention et d'éducation qu'effectue la fédération. Ayant moi-même suivi un de ces cours, je peux témoigner que c'est très bien fait et très bien organisé.

(anglais suit — Sen. Pratte cont'.: To all three of you ...)

(Following French — Sen. Pratte cont'g — . . . que c'est très bien organisé.)

To all three of you, you have all mentioned that you're concerned that the bill is introducing some form of new long-gun registry — a back-door or indirect registry. I would like to know where, exactly, you get that idea from. It's clear in the bill — first of all, it's stated in the bill that:

. . . nothing in this Act shall be construed so as to permit or require the registration of non-restricted firearms.

It's in the bill. That was an amendment brought forward in committee in the House of Commons and adopted unanimously.

Second, the system to verify the validity of the PAL, the reference number, is not linked to any description of the firearm. That's the way the bill is — so there is no way you can link both.

If there is no registration, and the owners don't have to carry a registration form or whatever, where does the idea come from that this is somehow a registry?

**Mr. Ingeveld:** I did read in the bill that there would be an office of a registrar, and I have no idea what you would use a registrar for if you have no registry.

**Senator Pratte:** With respect, sir, the position of registrar already exists; it's there already, and it's the Chief Firearms Officer.

**Mr. Orb:** I would say there is a suspicion among our members that we're looking at another form of long-gun registry. We know there some vendors already tracking and already doing that,

and we're not in favour of that. We don't think we should have to do another gun registry when the government, not many years ago, got rid of that.

We think that whenever the government has access to information, that information will be kept and it could be used. That's our suspicion. If you're saying the bill does guarantee that won't happen, we will hold the government to that. We want to make sure that doesn't happen.

(French follows — Mr. Renaud: Ce qui nous inquiète c'est présent . . .)

(après anglais — Mr. Orb cont'.: ...that doesn't happen.)

**M. Renaud:** Ce qui nous inquiète est la chose suivante. Comme vous le savez, présentement au Québec, nous avons hérité d'un registre des armes à feu. Après qu'ait été investi beaucoup d'argent à l'échelle fédérale et que le projet ait été aboli, ce qui nous inquiète c'est que beaucoup d'argent sera de nouveau investi au détriment de la population et sur le dos des chasseurs en raison de certains contrôles ou certaines modifications. Nous sommes d'avis que cet argent, plutôt que d'alourdir la bureaucratie relative à nos façons de faire, devrait viser l'atteinte de l'objectif désiré avec l'adoption du projet de loi, soit la sécurité. Cela concerne donc le milieu criminalisé et, présentement, on ne voit pas cela nulle part.

Aussi, comme les deux autres témoins l'ont dit, notre crainte est de voir réapparaître un registre qui a coûté des sommes d'argent faramineuses et qui n'a pas lieu d'être. Encore là, le registre est-il vraiment supprimé des données? Parce qu'au Québec, les données circulent. Pour les autres provinces, cela a-t-il vraiment été supprimé? Nous avons un doute à ce sujet.

**Le sénateur Pratte:** Je comprends que vous ayez des craintes, mais selon moi le projet de loi est très clair; si ces craintes sont légitimes, elles ne sont pas justifiées par le texte du projet de loi.

(anglais suit — Chair: As a reminder to senators...)

(following French — Sen. Pratte — . . . justifiées par le texte du projet de loi.)

**The Chair:** As a reminder to senators, we have about 12 minutes left and five senators looking to ask questions.

(French follows — Sen. McIntyre: Ma question s'adresse à monsieur Renaud.)

(après anglais — Chair: ...senators looking to ask questions.)

**Le sénateur McIntyre:** Ma question s'adresse à M. Renaud. Notre étude porte aujourd'hui sur le resserrement des armes à feu à autorisation restreinte et prohibée. J'aimerais vous entendre au sujet du redressement de cette catégorie d'armes à feu. À votre connaissance, le resserrement en ce qui a trait à la qualification du transport et de l'utilisation de cette catégorie d'armes est-il assez sévère et strict? Et si oui, pourquoi?

**M. Renaud:** Premièrement, nous prétendons que oui, il est assez strict. Peu d'utilisateurs, selon le projet de loi, vont dans différents endroits; si vous consultez le document de l'OFAH qui a bien élaboré sur ce sujet, vous serez en mesure de bien comprendre la question.

(anglais suit — Sen. McIntyre: My question is for all three ...)

(Following French — Mr. Renaud — . . . de bien comprendre la question.)

**Senator McIntyre:** My next question is for all three. As you know, sections 34 and 35 of the Criminal Code of Canada govern defence of person and defence of property, respectively. In determining whether the act committed is reasonable in the circumstances, the court must consider the relevant circumstances of the person; the other parties; and the act, including but not limited, to several factors.

Ultimately, my understanding is that most cases come down to reasonableness and proportionality. To some extent, one is permitted to stand his ground, but it depends, once again, on the question of reasonableness and proportionate.

Are you satisfied with the wording of the provisions, or should the provisions be strengthened in order to avoid any confusion?

**Mr. Ingeveld:** Thank you.

We've had two cases in Alberta in the last 12 months where people armed with illegal, modified firearms arrived on a property. In those two cases, the owners of the properties believed that their lives were threatened, and they fired their weapon and injured those two people.

The issue you raised regarding reasonable force was tried. In the first case, it was believed that it was not reasonable force because the assailant had not fired. I'm not a lawyer, so how I'm saying it might sound silly. Because the person defending himself had the opportunity to run away and not stand his ground, then that's what he should have done. In the second case, it was felt that he did not intend to actually shoot the person, that a warning shot had ricocheted. But in both cases, there was, I believe, little opportunity to stand your ground. So that sort of interpretation doesn't seem to be in favour of the property owner.

**Senator McIntyre:** Would anyone else care to comment?

**Mr. Orb:** Thank you very much.

As part of the Criminal Code, we're somewhat familiar with the inference to self-defence, and we know that part of that refers to what is reasonable. We've had several cases in Saskatchewan where the assailants were actually armed and ready to use their firearms, and in some cases they did use their firearms. I know of a few cases where the landowner retaliated and fired back to try to protect their family.

This would have been done in a home. It wouldn't have been done outside of a home. When you talk about "stand your ground," the implication for me is that you have nowhere to go if you're a homeowner. You're trying to protect your family.

Using a firearm would be a last resort. It would be only if someone was fearful for their own life or for the lives of their family members. I know our members have asked us to look at this part of the Criminal Code to see if it could be changed, but there is no appetite from the federal government and no appetite from our provincial Minister of Justice either. I believe it's very important for people to understand that, and we've tried to educate our members on that.

**Senator Griffin:** I had two questions, but Senator Dagenais has already taken one of them. My second question is to the first witness, Mr. Renaud.

You referenced the national gun registry, and your fear that it could come back again. When the former national gun registry was in place, did it have any impact on the statistics related to crimes that are committed? Did it have any impact on the crime level?

(French follows -- M. Renaud: Malheureusement, je n'ai pas ces.)

(après anglais — Sen. Griffin: ... any impact on the crime level?)

**M. Renaud:** Malheureusement, je n'ai pas ces données. Par contre, selon nous, le registre n'a pas contribué à faire diminuer le taux de criminalité.

Au fil des années, on constate que la sensibilisation au port des armes à feu contribue tranquillement, même sans registre fédéral des armes à feu, à faire diminuer le taux de criminalité.

(anglais suit — Sen. Griffin: That answers my question ...)

(Following French - ... le taux de criminalité.)

**Senator Griffin:** That answers my question. The obvious difference was negligible compared with other resources such as education, which is the same as our witness from Alberta is saying in that resources for education of firearms owners or prospective firearms owners seems to be exceedingly important. Thank you.

(French follows - Senator Boisvenu: Merci beaucoup à nos invités. )

(après anglais — Sen. Griffin: ... seems to be exceedingly important. Thank you.)

**Le sénateur Boisvenu:** Merci beaucoup à nos invités. Tout d'abord, monsieur Renaud, merci de votre témoignage. Je vous félicite pour le travail de sensibilisation que vous faites auprès des chasseurs, des pêcheurs et des trappeurs du Québec, entre autres.

Avez-vous été consulté par le ministère en ce qui concerne ce projet de loi?

**M. Renaud:** Pas en tant que tel, mais la Fédération de l'Ontario, qui est le porte-étendard des autres fédérations, a été consultée directement et on a appuyé sa démarche.

**Le sénateur Boisvenu:** Avez-vous manifesté votre opposition au projet de loi, soit en partie ou en totalité?

**M. Renaud:** Comme je vous l'ai dit, d'entrée de jeu, on est contre le projet de loi C-71. Si ce projet de loi voit le jour, on recommande que certaines modifications soient apportées pour assurer, sans qu'il fasse l'objet d'un allègement, une meilleure compréhension et une meilleure accessibilité.

**Le sénateur Boisvenu:** Les modifications recommandées ont-elles été transmises au ministère lors de la consultation?

**M. Renaud:** Je ne pourrais pas vous répondre.

**Le sénateur Boisvenu:** En ce qui concerne les antécédents des chasseurs, vous parlez sans doute des antécédents en matière de santé mentale ou de violence conjugale?

**M. Renaud:** Dans le cadre du projet de loi, il faudra que le vendeur ou l'acquéreur s'assure de la vérification des antécédents. On dit par quels moyens il pourra assurer la vérification de la carte de permis de possession. C'est simple, mais il faut aller plus loin. Il incombe au vendeur d'assumer cette responsabilité.

**Le sénateur Boisvenu:** Vous dites qu'il faudrait préciser ces vérifications. Pouvez-vous expliquer quel genre de précisions devraient être apportées dans le projet de loi?

**M. Renaud:** C'est à vous de nous le dire. Il n'y a rien de défini et on veut savoir comment faire. À ce moment-là, on pourra participer, au besoin, à des consultations pour établir ensemble un processus. On ne connaît pas le processus. Il n'est pas défini. On demande qu'il soit clair avant l'adoption du projet de loi, pour éviter que ce soit n'importe quoi.

**Le sénateur Boisvenu:** Merci beaucoup.

(anglais suit — Sen. Oh: Most of my questions have been answered...)

(Following French -- Senator Boisvenu: Merci beaucoup.)

**Senator Oh:** Most of my questions have been answered. I just see Bill C-71 as focusing too much on legal gun owners, hunters and people with proper licences.

I think Bill C-71 should be focused more on the person behind the gun. A gun doesn't go around shooting at anyone. When I saw the clips on the weekend, the cartridges were reloaded three or four times.

I think this bill should be focusing more on tougher punishment for the person behind the gun. Can you comment on that, please?

**Mr. Ingeveld:** I don't really have an opinion on the word "punishment." I do have an opinion on finding the root cause and eliminating it. We know a lot of it has to do with drugs and the need for cash for that. I suppose some has to do with our economy not doing so well, but for most of the people who are picked up and have been committing these crimes in rural areas, a lot of it is drug and lifestyle related. We could go after the root causes of those and catch them early.

Again, why is it that the people who are being picked up are often committing their third, fourth, fifth, fifteenth offences? Somewhere along the line between, let's say, the twelfth and

fourteenth offence, maybe something can intercede in that lifestyle earlier. Rather than stronger punishment, let's try to divert those energies into something that can prevent. Prevention is worth a lot more than attempting a cure.

**The Chair:** Mr. Renaud or Mr. Orb, do you have anything to add?

**Mr. Renaud:** No.

**Mr. Orb:** I would like to thank the senator for the question.

We believe there should be more of a deterrent. The gentleman from Alberta is right in that many of these perpetrators have long criminal records and they are not being punished enough. However we are taking the other approach. We are trying to do better surveillance on ranches and farms, trying to be able to follow and share information with the RCMP to deter criminals and also to prevent crime in a lot of cases. We think that funding from the federal government to the provinces will do more to deter crime than anything else.

**Senator Richards:** Thank you for being here today. I am a rural Canadian. I own guns. I have a 1913 .22 rifle. I have hunted since I was 14; I took that children's course when I was a kid. Four months ago, when a guy who was strung out on meth broke into my house, the last thing I thought of was guns. I grabbed a hold of him and put him out of my house. I never did think of getting a gun to use. I am not saying others wouldn't, but I never did.

My difficulty with this bill is that I think it's a subtle, bureaucratic way of profiling rural Canadians. That's how I feel about it. Nothing that has been said has convinced me otherwise. Can any of you comment on that just briefly?

**Mr. Ingeveld:** Sure, I'll dive in there. I am extremely, extremely proud to be a rural Canadian. I'm very proud of my background. My grandfather came here with the intention of being a rural Canadian. That's all I've ever been. If someone wants to profile me as being a certain way, bring it on. I'm very comfortable in who we are. If someone wants to say that women in rural areas are somehow afraid, I would like you to meet my wife and some of the women who live in our rural areas. They are salt-of-the-earth people; they are solid people. They typically don't have a lot of use for bureaucracy. They are much more for "get down and get at it." My wife was born in Saskatchewan, so that probably has a lot to do with that as well.

I don't think anyone is intentionally trying to put us down. We may feel that way, but rural Canadians are very proud of being rural Canadians.

**Senator Richards:** That is what I am saying, actually; I am proud to be a rural Canadian as well, but sometimes I think the bureaucracy oversteps its bound in that regard. That's what I'm trying to say. Thank you.

**The Chair:** We will take this opportunity to thank our witnesses for being here. We really appreciate your time and your contribution to this committee's work.

For our second panel, we welcome Lise Martin, Executive Director, Women's Shelters Canada; and, as an individual, Brian Mishara, Professor, Department of Psychology, Université du Québec in Montréal; and Dr. Amanda Dale, Executive Director of the Barbra Schlifer Commemorative Clinic. Who would like to begin?

**Dr. Amanda Dale, Executive Director, Barbra Schlifer Commemorative Clinic:** I am the Executive Director of the Barbra Schlifer clinic in Toronto. It's Canada's only gender-based violence clinic that does legal, counselling and language-interpretation support for victims of gender-based violence.

Last year, we served about 9,000 women. I hear from the previous speakers that there is some currency in having rural roots. I want the committee to know that my father had a farm and he was accustomed to shooting groundhogs from the front door. I am aware of the use of guns in

rural settings. I am here to urge you to adopt the modest efforts to restore a balance in the approach to tools that have no other purpose but to kill — that is guns — and the right to privacy.

I would like to remind the committee that the legislation under discussion begins with a chapeau clause permitting anything in the act to permit or require a registry. The legislation spends two short, if crucial, sections on extending the criteria for licensing, while three pages are fully devoted to grandfathering in existing gun-owners and spelling out their entitlements based on possession, not licensing.

In the course of reading this legislation, we see the removal of the five-year period applying to the eligibility for holding a license. We see that any form of violence against any person is a prohibition and a criteria to be considered for exclusion of licensing. We can see that the transfer of a non-restricted firearm will have the license of the transferee verified by the registrar of firearms.

Overall, the legislation is clearly shaped by a narrative of gun rights over that of human rights or a feminist perspective, for instance, but it is an important step in restoring some basic controls to ensure that those who suffer most from the guns that are licensed — that being women and those with mental health issues — have some means to protect themselves.

I will leave some time for the committee to ask questions and to probe deeper and leave my opening statement at that.

**Lise Martin, Executive Director, Women's Shelters Canada:** I'm from Women's Shelters Canada. We are a national, non-profit network representing violence against women shelters and transition houses.

According to the most recent report of the Canadian Femicide Observatory, 148 women were killed in Canada in 2018. The most common method used when a woman or girl was killed was shooting. We know that most of the women killed with guns in Canada were killed with legally owned rifles and shotguns.

The most recent 2017 Statistics Canada homicide report found that the national increase in homicides committed with a firearm was evident in rural areas. This increase is largely attributable to gun violence in the rural areas of the Prairie provinces. Intimate partner violence rates among the provinces were highest in Saskatchewan and Manitoba.

As a national network, part of our work includes understanding the unique regional contexts where VAW shelters are located, including rural, remote and northern areas. In our conversations with rural VAW shelters, we have heard that rural women are fearful for their lives and their safety in their homes where firearms are present, that firearms are often not safely stored or locked away and that they impact women's ability to seek help and supports to flee domestic violence.

The realities were documented in a study conducted by the University of New Brunswick's Department of Sociology. The study revealed that 25 per cent of women surveyed lived in a household with firearms, 72 per cent of which were long guns. Two thirds of the women with firearms in their homes said knowing firearms were present made them more fearful for their safety and well-being, and 70 per cent said it affected their decisions whether to tell others or seek help for the abuse they received.

Firearms cause harm to Canadian women in ways other than by death and injury. Alberta shelters remember far too well a tragic incident whereby a little boy was sobbing, "Daddy is going to kill me," clutching the door jamb of the women's shelter crying that he didn't want to go with the dad on a court-ordered visit. The father loaded the gun in front of him, took him back

to his mother at the end of the visit and shot little Alex, then his mother and then himself. The police had received numerous complaints from the family that the father had guns but nothing was done. Despite the fact that this case occurred some time ago, the shelter workers remain haunted by it. How many times must this play out across the country? Hundreds of innocent women and children murdered.

Our Alberta member, the Alberta Council for Women's Shelters, has been tracking the percentage of women facing severe or extreme levels of danger according to their danger assessment. The danger assessment measures the risk of a woman being murdered by her intimate partner. This percentage has been steadily increasing over the past seven years from 54 per cent in 2011-12 to 64.8 per cent in 2017-18. Today, almost two thirds of the women in Alberta who complete the danger assessment are in this category. Among other factors, this means increased numbers of women are being threatened with a gun or subjected to strangulation.

In Women's Shelters Canada's annual survey, we ask shelters to report data on a specific 24-hour period. One of the questions is: To your knowledge, how many women currently residing at the shelter have been threatened by a gun? Since the survey began five years ago, the average number of shelters that have responded is 230, and the average number of women staying at the shelter on that particular day that had been threatened by a gun is 100. The link between guns and violence against women is clear, as is the link between guns and the instance of lethality for victims of domestic violence.

It is for these reasons that we strongly believe that Bill C-71 is an important first step forward in reducing violence against women and children who are victims of femicide in Canada. Strong licensing provisions are critical to reducing violence against women. Although some may believe that enhanced background checks will not improve public safety, this is not the experience of shelters across the country, and there is significant evidence to contradict this position. Prior violence and crime is a strong predictor of future violence, and enhancing the background checks involved in obtaining a licence is a well-accepted method of reducing gun crime.

The issue of violence against women is complex, as are the mechanisms and tools to reduce it and eventually bring it to an end. The adoption of Bill C-71, however, is an important step. Preventing and reducing the rates of violence against women will only happen through incremental change, and the adoption of Bill C-71 is one piece of this incremental change.

Finally, we support the Coalition for Gun Control's recommendations to this committee that call for the restoration of strict authorizations to transport, and that the clause that extends the authorization to transport through the province in which the owner resides be strengthened.

Thank you.

**Brian Mishara, Professor, Department of Psychology, Université du Québec à**

**Montréal:** I'm a psychology professor, researcher and director of the Centre for Research and Intervention on Suicide, Ethical Issues and End-of-Life Practices and a past president of the Canadian Association for Suicide Prevention and the International Association for Suicide Prevention.

I currently work with the World Health Organization in the development of recommendations for evidence-based practices in suicide prevention.

Seventy-seven per cent of firearms deaths are suicides. Firearms are used in 16 per cent of suicide deaths in Canada. In the area of suicide prevention, there are many controversial issues, but one which is not controversial, so much so that one of the World Health Organization's primary recommendations in 2014 to countries around the world is that restricting, delaying or

making it more difficult to access means for suicide, even for short periods of time, effectively prevent deaths by suicide.

There is a lot of research on this. Different means include putting up fences or barriers on bridges or so-called hot spots, controlling the quantity of things like Tylenol available in a package on sale and putting gates up in subways.

It is true that some people, when they do not have immediate access to a means, will use another means, but at least 28 per cent of people who, in a suicidal crisis, do not have immediate access or access within a certain period of time to a means that they prefer do not use another method of suicide.

Why is this? This is because suicides occur in a crisis situation. The idea to kill one's self often occurs within minutes or hours and, 50 per cent of the time, within 10 minutes between the first thought and the action, so if you have a lethal method available, it's more likely that someone will die.

Also, if there is substitution, a firearm is a very lethal method. Eighty-three per cent of people who use firearms die as compared to 61 per cent of people who use hanging and only 28 per cent or less of people who use self-poisoning.

One of the characteristics of suicide is ambivalence. Deciding to kill one's self is not a yes or no. There is always quite a bit of ambivalence. There are between 25 and 100 suicide attempts for each death by suicide. The reason there were so many attempts for each death is that the vast majority of suicidal people change their minds after they initiate an attempt.

Obviously, if your method is shooting yourself, the chances of your changing your mind and getting medical help are much less than if you take some pills or cut yourself.

There is quite a lot of research. Basically, if you compare in the United States, the U.S. States with more restrictive laws have fewer suicides, and fewer suicides by firearms. When legislation to restrict access in the U.K. was adopted, there were fewer suicides by guns, and the overall suicide rate went down proportionally. There is similar research from New Zealand, Norway, Switzerland and Austria.

Processes like having a waiting period, universal background checks, gun locks, open-carry regulations, each one has contributed to fewer suicides. There were a substantial number of studies reviewed by Anestis in 2017, showing that there were no indications of an increase in other methods of suicide.

If a gun is present in a home, it is at least six times more likely that someone will die in that home by suicide. This is not because people with guns have more psychiatric disorders such as depression or substance abuse. In the U.S., some states made more restrictive legislation; other states have changed their legislation and made it less restrictive. For example, Connecticut made more restrictive legislation and had a 15.4 per cent decrease in suicides overall and in firearms suicides. Missouri repealed their gun legislation, and immediately after the suicide rate went up by 16.1 per cent.

So anything you can do to restrict, delay or make it more difficult for people who are vulnerable and suicidal to have access to guns will certainly save lives.

**The Chair:** Thank you very much. We do have the minister at 1.

(French follows - Senator Dagenais - Ma première question s'adresse à Mme Martin. Madame Martin ...)

(après anglais — La présidente : ... have the minister at 1.)

**Le sénateur Dagenais:** Ma première question s'adresse à Mme Martin. À l'heure actuelle, un propriétaire d'arme à feu détenteur d'un permis peut transporter son arme à autorisation

restreinte vers des activités énoncées clairement dans la loi. Par exemple, il peut l'amener sur un champ de tir, chez un armurier ou dans une exposition d'arme à feu; il doit également s'assurer que l'arme à feu n'est pas chargée et qu'elle est scellée à double clé. Pouvez-vous nous dire ce que le fait de restreindre les déplacements va changer en ce qui a trait à la sécurité que le projet de loi C-71 veut rehausser dans le but de diminuer les crimes violents dont sont victimes les femmes?

**Mme Martin:** Comme vous dites, c'est une question de restriction. Lorsqu'on peut déplacer une arme à feu plus facilement, les risques qu'elle se retrouve entre de mauvaises mains sont plus élevés. Également, le déplacement des armes à feu d'une province à l'autre entre en ligne de compte.

**Le sénateur Dagenais:** D'accord. Ma seconde question s'adresse à M. Mishara. Selon vos connaissances, dans quelle mesure le fait d'étirer au-delà de cinq ans la vérification des antécédents de demandeurs de permis aura-t-il une incidence sur le nombre de suicides? Également, le gouvernement actuel veut limiter l'accès aux armes à feu alors qu'il vient de permettre le commerce de la marijuana; pouvez-vous nous dire dans quelle mesure la drogue joue un rôle chez ceux qui vont utiliser les armes enregistrées pour commettre un suicide?

**M. Mishara:** J'assume que quand on parle de violence contre n'importe quelle personne dans le projet de loi, on inclut soi-même. La meilleure manière de prédire une tentative de suicide est une tentative antérieure, donc s'il y a une vérification de tentative de suicide antérieure dans le cadre de l'évaluation du dossier de la personne, je crois qu'on peut prévenir le risque de décès par suicide.

En ce qui a trait à la drogue, je dirais que c'est plus souvent l'alcool qui est présent au moment d'une tentative de suicide. Dans 50 p. 100 des cas de décès par suicide au Canada, on retrouve de l'alcool dans le sang de la personne. La restriction de l'accès aux moyens est efficace et est très souvent liée au fait que la tentative de suicide a lieu dans une situation de crise où tout récemment quelque chose d'épouvantable est arrivé à une personne qui était déjà à risque.

On ne prend pas de bonnes décisions sous l'effet de l'alcool. À cet égard, si l'accès à une arme à feu est facilité, la probabilité qu'une personne meure augmente. Lorsque les effets de l'alcool s'estompent, le recul face à l'élément déclencheur se fait plus aisément et le risque de passer à l'acte diminue.

La marijuana n'est pas directement associée aux risques suicidaires, même si certaines personnes rapportent des histoires et des cas.

**Le sénateur Dagenais:** Merci.

(anglais suit — Sén. Jaffer : Thank you for your presentation today...)

(following French - Senator Dagenais - Merci.)

**Senator Jaffer:** Thank you for your presentation today.

The latest Statistics Canada data show that the total number of female victims who reported a firearm-related intimate-partner-violent incident to the police has increased steadily from 2009 to 2017, and the rate of domestic homicide is eight times higher for Indigenous women. Nearly one in five domestic homicide victims died as a result of a shooting. It is around 24 per cent.

Can you explain how the initiative in this bill will address issues of domestic violence? Is gun control really a gender issue?

**Ms. Dale:** Yes, gun control is a gender issue, particularly because it is, as my colleague said, mostly licensed firearms that are used when guns are used to murder women. The numbers are going up. Access to firearms has been less restricted since the repeal of the gun registry.

This bill will assist in two ways. One, it will increase the background check period, so that we don't have incidents of domestic violence that are undetected because there has been a lull or because a partner may have left. We know that after leaving a partner, all of the data that we get from the domestic homicide review committees in the provinces that have them show that it's the period subsequent to leaving that is actually the most deadly for women. Extending this period is actually crucial in understanding the gender difference in the use of firearms.

The other way it will assist is by allowing for some record of the purchase of a firearm, although this data is protected unless and until there is a criminal investigation and a warrant is sought by the police. It is at least some tool for the police to be able to trace a firearm.

At the moment, we have lower standards for guns than we do for cars, in terms of being able to trace where a car might be after a vehicular homicide, for instance. Everybody who has a car licence also has to have it registered so that you can find the person who drove that car. We don't have any connection between a gun owner and the actual gun at this point in our history. Our standards right now are lower than the U.S.

This actually crawls a little bit closer to a standard that is still below the United States. Most states will have police able to subpoena those documents once they begin an investigation. They don't have to go through a warrant process before a judge to find out where the gun was bought. In Canada, with this legislation, the police will at least be able to seek a warrant to find out where a gun was bought.

**Senator Jaffer:** Since there are so many other people who want to ask questions, I won't ask the others.

**Senator McPhedran:** Thank you to all of the witnesses. I want to correct the record, if indeed that is the case. We have on the record from a previous witness a statement about the constitutional challenge brought by the Barbra Schliker Commemorative Clinic. Indeed, Dr. Dale, if I recall correctly, you are the named person in that case.

On the record, what we have now, about the case being dismissed, is that:

The reason it was dismissed was that the trial judge found conclusively that there was no link between the long-gun registry, the particular piece of legislation that was repealed, and the rights of individuals as we heard under section 7 of the Charter not to have their rights to life or liberty taken away from them. . . . courts have actually ruled on the issue that there is no such demonstrable link.

I wonder if you might wish to comment on that previous witness's statement to us.

**Ms. Dale:** It's a mischaracterization of the conclusion of the judge. The judge's conclusion, although not in our favour, was that it was really a very narrow point of law that was being decided on, namely, which branch of government is able to instruct what kind of legislation and public policy should be in place.

In other words, the judge ruled in our case that because what we were seeking in our pleadings was a restoration of the gun registry, that Parliament was within its right to determine what legislation would be in place, that it couldn't be a particular form of legislation, and that this is a known constitutional issue. We knew it was a challenging case to bring forward. It's because the repeal act was specific to a piece of legislation, it was hard not to advocate for further protections without referring to the specific protections that had been in place. The judge found that we overstepped our ability to instruct Parliament as to what it should be doing through the courts. He wasn't willing to take that position.

In his very long judgment, which I have read extremely closely, he did make the connection between the gun registry and a series of protections for women who experience domestic

violence. Like my colleague said from Women's Shelters Canada, the protections we need in place to ensure that women live lives free from violence are complex and interwoven. There is no one thing we can do that is — pardon the pun — the magic bullet that will ensure women live lives free from violence. But it is one of many things that was in place and was put in place precisely to protect women from the guns that most often kill them.

**Senator Gold:** Welcome to the three of you. I have a question for all three of you. We heard from the previous panel, and indeed before, that there is not only a difference between the urban and rural experience, but in some sense critics of this bill have suggested that it's focused on the wrong problem and that we should be focusing more on urban criminals who come to the country, and so on and so forth.

Professor Mishara and others, based on research and experience, can you comment on this ostensible dichotomy between urban and rural experience and, more generally, what is your take on the problem of gun violence in both rural and urban Canada?

**Mr. Mishara:** I'm quite familiar with the situation in Quebec and a little less so for the rest of Canada. In Quebec, the rural areas have much higher suicide rates, with the city of Montreal and other cities having the lowest suicide rates. So people in rural areas are a particularly vulnerable population.

There's recent research on farmers being a particularly high-risk group, where suicide rates are increasing, while they're decreasing within a number of other groups. I would think that anything we can do to ensure that people who are vulnerable, people who have mental health problems, who have previously been suicidal, will have less access or more checks on their access or just even the perception that it's more difficult. There's research on what's called cognitive access, that is, the idea that maybe it's going to be difficult, as having a positive effect in preventing suicides.

I think that when you're considering suicide, it's even more important to consider measures such as restricting access to firearms in rural Canada, because this is a group particularly at high risk, and increasingly we are very concerned about the situation of farmers in Canada.

**Senator Gold:** Thank you.

**Ms. Dale:** My response to your question is that I'm often faced with this assumption that guns are only in the hands of criminals and only used for nefarious means in the hands of criminals. That may be the case for the forms of guns and the forms of violence that threaten men. So men would die more often from guns that are currently restricted. The restrictions that were lifted on the guns that mostly kill women evidence a different pattern. It's a gender difference in how guns are used in the murder of women.

It's similar to suicide. The problem is the presence of a gun in an escalating domestic violence situation. So it's not that people who own hunting rifles are in and of themselves bad people. It is the case that those guns are used more often in domestic violence in rural situations, and the rates of violence are higher in rural areas, and that's in part because a gun is available during an escalating domestic violence situation. It is a deadly tool. It kills you quickly. If you have it ready to hand when a situation is escalating, it's more likely to result in homicide, just as my colleague has spoken about in the case of suicide.

Again, there is an element of a cycle of violence, which we can see increasing over time, and the escalation of that violence when it's in the presence of a gun is therefore deadly. People are not criminals until the moment they shoot that gun; and when they shoot that gun to murder someone, that's when they become a criminal. So it's not that we're looking for patterns of

criminality in the case of violence against women. We're looking for patterns of domestic violence.

**Senator Richards:** Thank you for coming today and for your talk. I wish it were true that this would stop femicide, but I just don't know if it will. I mentioned this before and I will mention it again. I know eight women who were murdered. Not one of them was murdered with a gun.

There is a seven-times higher rate of murder among Indigenous women, but constitutionally the First Nations have hunting rights, and it supersedes this gun law.

I'm wondering how this will work on a broad scale. I wish it would work. You mentioned that when a person shoots a gun, he becomes a criminal. When a person threatens anyone with a gun, he or she becomes a criminal. That's where I think the difference is.

I just want someone to comment on that idea that a woman would not die if there were no gun present. I wish that were true; I just don't see that as true.

**Ms. Dale:** Women die faster and the rates are going up when guns are used. We like to say that there may be the presence of another weapon in the household, but in our service we screen 9,000 women a year. Our primary screening is for the presence or absence of a licensed firearm. After that, we look for other weapons that may be present in the home. Every home has a knife. Knives can cut bread; they can be used for many things. The gun only has one purpose: that is to kill.

We look for the presence of a gun in our first line of screening when a woman comes to us. We look for that because, if we can keep her alive one more day, we can help her make a safety plan so that the other weapons can't be used.

**Senator Richards:** Thank you very much. Did you want to comment, Ms. Martin?

**Ms. Martin:** It is interesting to bring up individual stories, but this is not an individual issue. You say you know of eight women, regrettably, who have been murdered without a gun. We're talking about systems here. We all know many women have been killed without a gun but we're talking about incremental change. We have to begin somewhere. If we are just speaking of one life, that's already too many.

**Senator Richards:** I know and I don't mean to argue. I know 11 women who also hunt and they have guns in their houses. I've hunted birds and deer with them. They're not at all frightened of guns. We can continually bring up of these kind of criteria.

Like I say, those eight women did die by other means; that's all I was trying to say.

(French follows - Sen. Pratte: Professeur Mishara, vous avez parlé des certaines études...)

(après anglais — Sen. Richards cont'.: ...I was trying to say.)

**Le sénateur Pratte:** Professeur Mishara, vous avez parlé de certaines études en ce qui a trait au lien entre le suicide et la possession d'armes à feu dans un domicile, par exemple. Un précédent témoin, Dr Langmann, a étudié le lien entre les lois sur le contrôle des armes et les suicides au Canada.

Je vous cite ce qu'il nous a dit :

(anglais suit — Sen. Pratte cont'.: — Suicide by firearms in Canada...)

(Following French - Sen. Pratte cont'g: ... Je vous cite ce qu'il nous a dit:)

Suicide by firearms in Canada has been on a steady decline since the 1980s. Suicide by other methods have been on a slow, steady increase. Recent analysis performed by myself on this data demonstrates no significant change in the decline post-legislation in the 1990s.

So Dr. Langman appears to be saying there is no efficacy of gun control legislation on firearm suicides. Is that your view of the research on that topic?

**Mr. Mishara:** There are other published articles. For example, the Kirmayer study in 2007 showed a very significant decrease in firearms deaths in Canada and a proportional decrease in overall suicide deaths following the introduction of Bill C-51. His conclusion then was it wasn't all age groups, but there were significant reductions in several age groups.

One of the problems in conducting research on suicide is that access to firearms is just one of many factors influencing suicide rates. Since 1999 in Quebec, the suicide rate for all age groups went down every single year. In 10 years it was half the rate among youths. That's the same with all methods. In 1999, Quebec established a suicide prevention strategy is most likely to be the causal factor in all this.

We're going through a period in Canada where, in general, suicides have been declining. They may decline in one method; if they don't decline in the other proportionally, it appears the other method is going up even though the actual number of deaths may be the same.

You have to look at a lot of different factors involved, but it's just so clear that there is an impact in every single place where there has been some control. There are a few exceptions. In Austria, when they had severe gun control legislation, they saw no immediate impact on suicide rates. However, during that same period, they were undergoing a phenomenal economic recession. As soon as the recession ended, the impact on gun deaths went down again. Their interpretation was that it was compensated by other factors.

I think there's enough evidence that restricting access to any means works. In England and in all of Europe now, they restrict the number of Tylenol capsules available in a home. If you get a blister pack of 12, instead of 150 from Costco, that saves lives because when people in a crisis go to take something, they find less lethal medication is at hand. I mention this because Tylenol is the number-one cause of poisoning deaths. It can be something as simple as that.

**Senator Pratte:** Thank you. Dr. Dale, you wrote an op-ed in the *Toronto Star* last year stating that the issue has been framed for far too long as one of gangs and guns, pitting urban elites against law-abiding, rural gun-owners. You advocate a paradigm shift. Would you care to elaborate?

**Ms. Dale:** The discussion at this committee demonstrates that most Canadians are somehow connected to the rural area. Our degrees of separation are not so big. I, myself, straddle those two worlds; I grew up in both those two worlds.

Evidence is our best friend when we're trying to make public policy. Rhetorical polarization does not help us make sound decisions. I look at the data and it shows me that the rates of crime and violence against women in particular are higher outside the urban areas. My own clinic, because of the density of Toronto, is seeing numbers like 9,000 women, which is, by the way, a 100-per-cent increase over the last three years.

The rates of violence against women do not spell a picture of gangs and guns. Women do lose the men in their lives to gangs and guns; that's a form of violence that affects women very deeply in urban areas. The guns used to murder women are not the same guns used to murder men. We have not quite caught up to that gender difference, just as we haven't caught up to gender differences in medicine. I fear that when we talk about the experience of the women with whom we work, we get lost in other people's agendas, agendas which transcend this issue and which are trying to argue a different point. The point is very simple and very evidence-based and we need public policy that recognizes it.

**Senator Pratte:** Thank you.

**Senator Griffin:** My brilliant question was already asked by Senator Jaffer, but I'd like to follow up on it. I had been going to ask about specifics. You mentioned the specifics in the bill that might make a difference in dealing with domestic violence or violence against women in general. You said this bill is still only crawling closer to protection for women.

I don't know if you've ever applied for a possession licence for a firearm, but one section must be signed off by the applicant's spouse. For instance, when I applied for mine, my husband had to sign off on it. I guess what you may be hinting is that has had little or no effect.

**Ms. Dale:** It's a necessary step for sure. I think my concern was more that the traceability of the firearm is still very weak and requires judicial oversight. I think the background check is not infallible, but it's necessary.

If signing off on the background check is not verified by a firearms officer, it could be coerced. In a situation where there was ongoing domestic violence, it could be coerced. But if there is no verification by local police, who might know if they've been called to that household for domestic violence, then you're correct: It's not infallible and could be subject to coercion.

**Senator Griffin:** I think it's safe to say that what we're dealing with here is a multifaceted problem. To use your point or someone's point, there is no magic bullet in dealing with this. I think it's a matter of incremental steps.

I think very good points were made by the previous panel, and you may have heard them. The indication was that there need to be other resources to deal with these social issues. The unfortunate point that has been made is that this bill has very little impact on it. I think when the bill was introduced, it was advertised as delivering more than it will be able to deliver.

**Ms. Dale:** I would like to respond. I have a doctorate in law. I would say that my studies in law have taught me one thing, which is that the law is only the outer limit of what is socially acceptable. Everything else is up to the rest of us. It's up to policy and public funding so that we can actually make those laws real, but without the laws, we have nothing.

Right now we have nothing. We have a lower standard than the United States when it comes to gun control in Canada. This is a shocking truth that is not a rhetorical flourish. It is absolutely factual. I think Canadians would be shocked to know that.

This brings to us a minimum standard that puts us in the same ballpark as some of the more advanced Western nations but still below most of them. In the international context, there are more controls in all of Europe than we have in Canada. So the rhetoric that we are somehow grabbing a whole bunch of power around this is just not the case. We have very low standards, and this starts to inch toward a minimum standard that puts us in the same club as Western industrialized nations.

**Senator Griffin:** Right now we don't have nothing; we do have something. The question is, what is the standard?

**Senator Wells:** Thank you, panel, for coming. I appreciate the work you've done in your respective fields.

I want to talk to you about the proposal in the bill to enhance background checks to cover an individual's life history. I think we all know that early life is not always an indicator of later life.

Aside from the regular background checks that are a normal part of the process, do you see any holes in this particular part of the bill? If so, how do we fill those holes to make it fair for those who are applying for guns?

**Mr. Mishara:** Could I just comment about the idea of a previous suicide attempt and if that was something that came up in a background check?

Basically, people who attempt suicide once, even earlier in life, are the highest-risk group in Canada to attempt suicide again. The chances are higher because not everyone is capable of initiating an act to kill themselves. Some people may feel desperate, but killing yourself is not easy to do. But if someone has tried it once, that's an indication that they are part of the subgroup of people who are capable of doing this.

For me, that would certainly be a red flag about possessing a means to kill oneself in the future. The fact that it's earlier in life, it's still statistically an important risk factor, as are severe mental health problems involving violence. Those sorts of things earlier in life are still an indication that there is a greater risk of violence later in life when they're associated with a diagnosed treatment for a mental health problem.

I'm confident, as much as one can be in scientific evidence, that lives will be saved if some of those people do not have access to weapons, to guns, as a result of this legislation.

**Senator Wells:** Given that, and I don't know a lot about suicide, but there is no central registry of attempted suicides. So how could that be captured in any kind of background check let alone an entire life history background check?

**Mr. Mishara:** I don't know about the practicalities.

It's interesting that when people in Europe apply for a gun permit, one of the questions in several countries is: Have you previously attempted suicide? It is astonishing the number of people who tick "Yes."

I know that if someone is trying to hide something from their past, they can certainly not be honest in these sorts of things. I would hope that's one of the antecedents covered by the phrase "violence . . . against any person," because I consider a suicide attempt violence against oneself. If you do sign a document, and you're supposed to be completely honest in order to get your gun permit or registration, there's a tendency for a certain number of people to be honest about it.

This is not going to solve the suicide problem in Canada, but based upon experiences elsewhere, lives will be saved. When that life is your son, daughter, husband or wife, you would do anything to have that person continue to be alive.

**Ms. Martin:** I think the same applies in terms of violence against women. I think the data shows that a perpetrator will often be violent toward several partners over time and that the five years is too limiting. As I say, saving one life is just as important as saving hundreds of lives.

**Senator Wells:** You mentioned earlier, Ms. Martin, that we're dealing with a system, and you're correct. One of the concerns that I have is that there is a cog in a bureaucratic system checking a box that says nothing has shown up in our background checks. That could happen within the five-year mark or something previous that would not be known. It's those kinds of gaps that we would hope to fill if we're going to use this provision in the bill.

My concern is that that gap may not be filled but just may be a box ticked. That's a concern because it doesn't address what that aspect is trying to address.

**Ms. Dale:** With all legislation and all regulation, it's important to properly equip those who are fulfilling the legislation to do it.

I think the police would tell you that they need the means to be able to do those background checks properly. And CPIC will pick up any medical emergency that involves a suicide, and it should pick up any known-to-police report of domestic violence. If the police are able to do those background checks as they are supposed to, then it should catch all of these kinds of past incidents.

(French follows - Senator Boisvenu: Personnellement, si on veut réduire ...).

(après anglais — Ms. Dale - . . . kinds of past incidents.)

**Le sénateur Boisvenu:** Personnellement, si on veut réduire le taux de suicide, il faudrait éliminer complètement les armes à domicile et je crois que c'est tout à fait irréaliste.

Monsieur Mishara, avez-vous pris connaissance de l'étude du Harvard Journal of Law and Public Policy qui remonte à 2007 ? Cette étude compare les taux de suicide en Europe. Par exemple, la Grèce a trois fois plus d'armes que sa voisine, la République tchèque. Pourtant, la République tchèque a un taux de suicide de 175 p. 100 plus élevé que la Grèce. La Suède, qui a deux fois plus d'armes à feu que sa voisine allemande, a un taux de suicide trois fois moins élevé. L'Espagne a 12 fois plus d'armes et elle a un taux de suicide deux fois inférieur. Comparativement à l'Espagne, la Pologne a un taux de suicide deux fois supérieur. Cette étude révèle que les facteurs socio-économiques sont beaucoup plus importants que la présence d'une arme à feu. Avez-vous pris connaissance de cette étude?

**M. Mishara:** Je suis au courant des différentes études qui ont évalué divers facteurs liés aux risques suicidaires. Il est curieux que vous ayez mentionné la Grèce parce que ce pays avait historiquement un faible taux de suicide. Toutefois, il y a une augmentation incroyable de suicides en Grèce à la suite des problèmes économiques, plus particulièrement en ce qui concerne le suicide par arme à feu.

Je ne dis pas que limiter l'accès aux armes à feu préviendra tous les cas de suicide, mais les recherches sont très claires.

**Le sénateur Boisvenu:** Nous sommes d'accord pour dire que le facteur prépondérant qui amène une personne à se suicider n'est pas la présence d'une arme à feu. Elle peut être un facteur. On peut se servir d'une arme à feu, mais les facteurs prépondérants sont beaucoup plus d'ordre sociologique que la présence d'armes.

**M. Mishara:** Il y a toutes sortes de facteurs liés aux risques de suicide. Cependant, on ne peut pas se tuer si on n'a pas accès à un moyen. Comme je l'ai déjà mentionné, plus que la moitié des suicides ont lieu dans une situation de crise. Une personne est déjà à risque à cause de facteurs sociologiques et psychologiques, et de sa santé mentale. La grande majorité des personnes qui ont des problèmes financiers ou de santé mentale ne vont jamais se suicider, mais cela augmente le risque. Il faut un accès aux moyens. Par exemple, j'apprends que ma blonde m'a quitté pour quelqu'un d'autre. Je commence à boire et s'il y a une arme présente, j'ai nettement plus de risques de me suicider.

**Le sénateur Boisvenu:** Êtes-vous d'accord avec le principe que s'il n'y a pas de présence d'armes à feu et qu'il y a des facteurs très aggravants sur le plan sociologique et économique, une personne utilisera un autre moyen qu'une arme à feu pour se suicider?

**M. Mishara:** Les autres moyens ne sont pas aussi mortels. La plupart des personnes qui avalent des pilules changeront d'avis et composeront le 911, et leur vie sera sauvée. Elles ne vont pas mourir. Cependant, si elles se tirent avec une arme, elles n'ont pas l'occasion de changer d'avis. Si on utilise d'autres moyens qui sont loin mortels, il y a moins de risques de mourir.

Deuxièmement, en situation de crise, si on dispose d'un moyen à la maison qui nous convient, si on a une arme à feu, toutes les recherches montrent que les risques de suicide sont plus élevés. Si une personne a besoin —

(anglais suit — The Chair: If I can intervene please...)

(Following French - Mr. Mishara - Si une personne a besoin —)

**The Chair:** If I can intervene, we are way over our time. I appreciate that you are trying to answer the question. I want to take this opportunity to thank all panellists very much for a very informative hour and I appreciate you making the trip to help our learning on this bill. Thank you very much.

Honourable senators, we are pleased now to welcome the Honourable Minister Ralph Goodale to speak with us today. He is accompanied by Randall Koops, Director General, Policing Policy, Public Safety Canada; Kellie Paquette, Director General, Canadian Firearms Program, Royal Canadian Mounted Police; and Robert Mackinnon, Director, Firearms Business Improvement Directorate, Royal Canadian Mounted Police. Along with Alexandra Budgell, Team Leader and Senior Counsel, Department of Justice Canada. Welcome, minister.

**Hon. Ralph Goodale, P.C., M.P., Minister of Public Safety and Emergency**

**Preparedness:** Thank you, Madam Chair, and good afternoon senators.

If you would allow me just a moment or two off the top, Madam Chair, I have a word or two I would like to say with respect to the situation that occurred last week in New Zealand.

Decent people around the world continue to grieve today in the wake of last Friday's vicious terror attack on innocent worshippers at prayer in two mosques in New Zealand. The anguish is especially acute in Muslim communities, but we all share the pain. Fifty lives were lost, many more were seriously wounded and we stand in solidarity with our New Zealand allies and with Muslim communities there, here in Canada and worldwide.

This appalling tragedy brings back awful echoes of Sainte-Foy just over two years ago, where six innocent Canadian citizens were killed while at prayer in a mosque. Hatred, Islamophobia and right-wing extremist violence have no place in our society. Everyone should be able to practise their religion peacefully, safely and without fear.

New Zealand is one of Canada's partners in the Five Eyes security and intelligence alliance, along with Australia, the United Kingdom and the United States. I have spoken with my New Zealand counterpart, Justice Minister Andrew Little, to offer Canada's condolences, our solidarity and support. We will, of course, assist New Zealand in any way in which we are requested.

I will meet Minister Little at a full gathering of Five Eyes ministers this summer in Manchester. He and I both agree that we need strong discussions about all sources of risks and threats to our decent, civilized way of life, including from white supremacists, neo-Nazis and perpetrators of right-wing extremist violence, and their access to social media platforms to spread their hate and mayhem.

All Canadian police, security and intelligence agencies have been working assiduously, as they always do, to keep Canadians safe. I should note that there are no factors known to our officials which would prompt any change in Canada's current threat level at this time. That level is set at medium. It has remained stable at that level since October of 2014.

Of course, the status quo is always under review. If any change is necessary, it will be made.

Like many parliamentarians, I spent time this past weekend with Muslim leaders and members of the community in mosques and other places in my home constituency in Regina. At this time, it is vital for all of us to stand shoulder-to-shoulder together, and we are.

I also note that another terror-related situation seems to be unfolding today in the Netherlands, and we are following that with great care and attention too. It is still very early in that investigation, but we are watching it with a great deal of concern.

Madam Chair, thank you for inviting me to appear today with respect to Bill C-71, and thank you for introducing the officials that I have with me from Public Safety Canada, the RCMP and the Department of Justice.

Let me begin with this: While crime rates generally have been steadily falling in Canada for decades, we have seen a sharp increase in the number of criminal incidents involving firearms. From 2013 to 2017, which is the last year in which we have a full set of statistics, those incidents

have grown by 44 per cent. This includes a roughly 30 per cent increase in incidents of intimate partner violence where a firearm was present, a 45 per cent increase in break and enters for the purpose of stealing a firearm and a 99 per cent increase in homicides involving firearms.

In addition to this trend, there is great variation in the types of firearms being used for criminal activity across the country. While much of the violence in Toronto involves handguns, on the Prairies, it is more typically long guns. Three out of 10 violent gun-related crimes happen outside of major urban centres.

That brings me to the purpose of this testimony today. Part 1 of Bill C-71, is derived entirely from the explicit election commitments that we made to Canadians, which included a comprehensive package of firearms initiatives, each designed to enhance public safety.

There were some provinces, such as our guns and gangs initiative, which do not actually require legislation and we are honouring those promises through policy and budgetary decisions. The budget money is starting to flow to the provinces and through them to municipal and local police forces. We are also investing some \$50 million at the border over the next five years to help CBSA stem the illicit flow of guns from the United States, and there is an allocation of about \$35 million to the RCMP for their domestic activity.

Reversing the recent trend in firearm crime requires a comprehensive approach, and we are taking action on many fronts. Bill C-71 contains elements that require legislative change.

First and foremost, we promise to require enhanced background checks for firearms license applicants. This was largely based on former Conservative MP James Moore's private member's bill, back in the 37th Parliament. It was then called Bill C-442. The current Firearms Act says that a Chief Firearms Officer must have regard to a licensed applicant's past five years of behaviour.

Bill C-442 and now Bill C-71 would require CFOs to have a closer look at an applicant's life history, not just the last five years.

Upon introduction of his bill, Mr. Moore had this to say:

My private member's bill does not say after five years: it says if a person has ever committed a violent crime in their life never does that person get to own a gun. If a person has ever beat his wife or ever committed rape or ever committed murder and is released from jail, never in his life does that person get to own a gun in Canada.

It was a good point back in 2004 when he first introduced the idea, and it remains a good point today.

MPs in the House of Commons committee, when they were dealing with Bill C-71, paid particular attention to issues around the background checks, and in fact, in many ways they strengthened the provisions of the legislation to ensure that those background checks would be effective.

Second, we promised to require the purchasers of non-restricted firearms to show a firearms license and require the seller to confirm that that licence was valid before a transaction between them could be completed. This will involve a quick call to the firearms program phone number to confirm the validity of the licence, and that is the purpose of the call: to verify that a transaction between these two people is legal and authorized because the proper licences are in place and are valid at the time the transaction takes place. That is the only purpose for that phone call to be made to the firearms program.

Many people have told me that requiring someone to show a valid licence to purchase a long gun is just common sense. Others have told me this is already required by the law. The truth is

that it was a requirement until 2012 for all long guns. It is still a requirement for restricted and prohibited weapons and we are now reinstating it for all firearms, including long guns.

As an example of why this is important, consider this hypothetical example: A customer who is a regular at a local firearms store has recently run into some difficulty in his life and has had his licence revoked by the Chief Firearms Officer and his firearms confiscated by law enforcement. The store owner may or may not know that. If the store owner is used to doing business with that particular person on a regular basis, he might have no reason to believe that the customer didn't have a valid licence because he always had one. And the store owner just might, in absolute good faith, sell him a new firearm even though the licence was no longer valid or in place. If you don't check, you won't know for sure, and we are correcting that deficiency.

During the election, we also promised two other important and related things: number one, that we would not bring back the long-gun registry; and number two, that we would require firearms vendors to keep records of sales to assist police to track weapons found at the scene of a crime.

On the first point, I was very pleased to see the members of the House of Commons committee add an amendment in the bill for greater certainty when they considered Bill C-71 that ensures nobody can confuse this bill with a new long-gun registry. Specifically, the amendment, put forward by Mr. Pierre Paul-Hus in the House of Commons committee, said this:

For greater certainty, nothing in this Act shall be construed so as to permit or require the registration of non-restricted firearms.

The committee agreed, and that is now part of Bill C-71.

In regard to recordkeeping, this was a requirement in stores, commercial vendors, from the mid-1970s up until the creation of the previous long-gun registry. Once the registry was created and all long guns were registered directly to an owner, there was obviously no need for recordkeeping by vendors and this requirement was done away with.

In the absence now of a long-gun registry, it makes sense to restore this important element of commercial bookkeeping to help police track down owners of firearms found at a crime scene. I note that the Canadian Association of Chiefs of Police has been very strong in their support on this key measure.

To those who say this is too onerous, I would point out that reputable vendors such as Canadian Tire and Cabela's already keep track of their firearm sales. When you purchase a firearm or ammunition at Cabela's, you will see there your PAL number right on the receipt and recorded in the system.

I would also point out that similar vendor recordkeeping requirements have been in place in the United States since the 1950s. Indeed, the National Rifle Association even sells recordkeeping books to store owners to help them meet their recordkeeping requirements.

Our platform also promised to put decision making about weapon classifications back into the hands of RCMP technical experts instead of at the cabinet table.

In 2015, the Firearms Act was amended to allow the Governor-in-Council to downgrade the actual classification of a firearm. The previous government did so for two weapons, that is, the CZ858 and the Swiss Arms weapon, making them non-restricted. Bill C-71 proposes to do away with that order-in-council power in the hands of the Governor-in-Council, the effect of which is that both of these now downrated firearms would now automatically revert, once C-71 is passed, to their actual higher classification status.

For those who purchased one of those weapons in good faith as a non-restricted weapon, we are allowing a grandfathering regime if they possessed one before June 30, 2018. In order to be

eligible for the grandfathering, an owner would have to qualify for the appropriate licence. That will take a little bit of time. In order to allow time for them to do so in an orderly manner, the government intends to publish an amnesty period for those two types of firearms once Bill C-71 receives Royal Assent.

This brings me to our promise on the transportation of restricted and prohibited weapons. Again, let me underscore that these transportation issues relate to restricted and prohibited weapons, not non-restricted weapons.

Until 2015, an owner of a restricted or prohibited firearm was required to apply for and receive an authorization to transport — that is, an ATT — every time they wanted to take their firearm anywhere. Since 2015, owners have had an automatic ATT attached to their licence that allows them to take the firearm to a shooting range, a gun show, a firearms business or a port of entry.

There are currently about 4,500 firearms businesses across the country. That volume makes it incredibly difficult for police officers to provide a challenge function if they come across someone who they suspect is transporting a restricted firearm illegally. Essentially, the strict transportation rules for restricted firearms have been rendered pretty useless, as the rules have become almost impossible to enforce from a law enforcement perspective. The police do, however, tend to know where all the local firing ranges are, and they can make a determination if a person is transporting a restricted firearm, if that person is likely headed to a range or back home from a range.

To ensure that the limits on transporting restricted weapons meaningfully add to public safety, Bill C-71 proposes to end the automatic ATTs for all purposes except transport to and from a licensed firing range. Prior to 2015, travel to ranges accounted for the vast majority of all ATT applications, probably about 95 per cent. The result of the change we're proposing would therefore help police officers ensure that restricted weapons are not being transported illegally, while at the same time creating minimal inconvenience to law-abiding firearms owners.

Finally, Madam Chair, I would like to address some of the concerns I have heard raised as I've watched the debate about Bill C-71 as it makes its way through Parliament, and two points in particular.

First is the effect of the new ATT requirements on hunting. While currently no Chief Firearms Officer will issue an authorization to transport for a restricted or prohibited weapon in order to hunt, that's because, for many decades, the only firearms that people have been allowed to hunt with are non-restricted long guns. So Bill C-71 changes nothing in relation to hunting and hunting traditions.

I have also heard the concern that requiring CFOs to consider a firearms licence applicant's entire life history may prevent Indigenous hunters from receiving a licence. In such circumstances, an Indigenous applicant can make use of the Aboriginal Peoples of Canada Adaptations Regulations. These regulations allow an applicant to include a letter from an elder attesting to the fact that a firearm is needed for the traditional practice of hunting. It is a system that has worked reasonably well for some 20 years, and it will continue to be in place under Bill C-71.

I am also aware, Madam Chair, that there is some interest among senators in updating the non-derogation of Indigenous and treaty rights clause that is found in the interpretation section not of Bill C-71 but of the parent legislation, the Firearms Act. While amending sections of the parent act of Bill C-71 would be out of scope and out of order in the House of Commons, the rules in the Senate are different. I would be very interested to see what type of update senators

might have in mind, what the language might look at, and how Indigenous people would respond to any proposed improvements in the wording of non-derogation clauses.

Madam Chair, you have been very patient. Thank you. I appreciate the opportunity to appear today. I know my time was due to expire right at 2 o'clock in order to allow me to get to Question Period in the House of Commons, but I believe we can let the clock run for a few minutes past 2 o'clock, and I will try to spend as much time as I can. I thank you for the opportunity to be here.

**The Chair:** Thank you, minister. We appreciate that.

**Senator Jaffer:** I want first of all thank you, minister, for your statement on New Zealand, and also to convey to the Prime Minister how much Muslim Canadians have appreciated your and the Prime Minister's work on this issue. I can tell you, your words have given us all great solace. This is a hard time for all of us.

Minister, the time is limited, so my question is going to be very tight. I have received, as have all my colleagues, many letters to the effect that you are taking away rights of gun owners; you are punishing lawful citizens for the acts of criminals and gangs. Every day, we get letters. What do you say to that?

**Mr. Goodale:** Thank you for your remarks, Senator Jaffer.

We worked hard in putting Bill C-71 together to avoid any unreasonable, unfair burden on law abiding gun owners. The vast majority of people who make use of firearms in Canada do so legally and properly within the law. They comply with all of the rules and procedures, and they do so now in a respectful and responsible manner.

In putting together the provisions of the legislation, we have tried not to encroach upon their rights or practices in any way that is unfair or unreasonable. There is obviously a public safety issue that needs to be addressed. You can see that in the statistics that I referred to at the outset. Incidentally, if senators would like further elaboration on the statistics, we would be happy to provide them. The numbers come directly from Statistics Canada, and we would be happy to indicate how this trend has developed over the period since 2013.

I refer again to the changes that we're proposing to make with respect to the transportation authorizations. For example, we have tried to focus on the problem to assist law enforcement but in such a way that would leave about 95 per cent of those who would be transporting these particular types of firearms entirely unaffected. I could go through all of the provisions of the bill to show where those kinds of considerations have applied, but we have a public safety issue that needs to be addressed. We're trying to do that in a respectful and responsible way, and we're doing it, we believe, without imposing any unreasonable or unrealistic burden.

(French follows - Senator Dagenais: Merci, monsieur le ministre, pour votre ... ).

(après anglais — Mr. Goodale cont'.: ...unreasonable or unrealistic burden.)

**Le sénateur Dagenais:** Merci, monsieur le ministre, pour votre présentation.

L'adoption du projet de loi C-71 ferait en sorte que soient limitées les possibilités de déplacement des honnêtes propriétaires qui possèdent des armes à feu aux fins d'activités sportives. Entre autres, ceux qui participent à des compétitions olympiques dénoncent cette situation, car il ne leur sera pas évident d'obtenir rapidement un tel permis pour transporter une arme à feu. Par exemple, si un vendredi soir vous allez chez l'armurier pour une compétition qui aura lieu le lendemain matin, qui va assurer que la police pourra rapidement délivrer un permis de transport? Quelles sont les mesures que vous allez prendre pour ne pas pénaliser ces personnes?

En région éloignée, il n'y a pas beaucoup de policiers par kilomètre carré, parce qu'il n'y a souvent qu'un véhicule de police et qu'il peut être occupé par un autre appel. Cela fait en sorte qu'il sera difficile pour les gens d'obtenir ce permis de transport. Seriez-vous ouvert à l'adoption de certains amendements afin de remédier à cette situation?

(anglais suit — Mr. Goodale: Senator Dagenais, I'm always open to consider...)

(Following French - Senator Dagenais — ...remédier à cette situation?)

**Mr. Goodale:** Senator Dagenais, I'm always open to consider constructive amendments at any time. I note when the House of Commons considered this legislation, amendments were received from all three political parties as the bill made its way through the standing committee. If there are ways that you believe this process can be improved, we're certainly prepared to consider all good ideas.

I would note on your point specifically about transportation authorizations that, first, this applies only in the case of restricted and prohibitive weapons. Second, about 95 per cent of the likely trips where a weapon of this nature would be transported will be exempt from the requirement, because if they're going to a recognized shooting range, then that's exempt from the requirement of getting a specific ATT.

Third, we are working with the Canadian Firearms Program to make sure that the service standards provided by the program are conducive to treating the public in a proper and responsive way. If somebody is phoning in to get their licence verification number, they should be able to do that promptly and properly, with proper service and not be lost in the limbo land on hold for hours on end. We're working to improve those service standards and to make the service available online so that you can do it with a mobile application of the technology.

With those upgrades, we're hoping to ensure that no one is put to any unreasonable inconvenience.

(French follows - Senator Dagenais: Nous savons que les milieux autochtones ...).

(après anglais — Mr. Goodale cont'.: ...to any unreasonable inconvenience.)

**Le sénateur Dagenais:** Nous savons que les milieux autochtones ne sont pas exempts de crimes violents; comment répondez-vous aux groupes qui voudraient que les restrictions s'appliquent généralement aussi aux communautés autochtones afin de diminuer le nombre d'armes à feu qui s'y trouvent?

(anglais suit — Mr. Goodale: The laws, of course, are...)

(Following French - Senator Dagenais — d'armes à feu qui s'y trouvent?)

**Mr. Goodale:** The laws, of course, are of universal application when it comes to public safety, the Criminal Code, the firearms legislation, and so on. Through the application of non-derogation clauses in our laws, as you know, there is protection for Indigenous rights and principles that apply to Indigenous people.

I referred to one of them in my remarks. If an Indigenous person is applying for a licence or a transportation authorization and the Chief Firearms Officer has reservations, it's possible for the Indigenous person to have the attestation of an elder. That's provided for under the terms of the Indigenous or the Aboriginal Peoples regulations that apply under this legislation.

The whole objective here is to make our law effective and to do so in a way that is culturally respectful. Those provisions have been in place for the better part of 20 years, and they seem to have functioned pretty successfully under the law over the last two decades.

**Senator Griffin:** I'm thinking about retail operators; that is, people who sell the firearms. By the way, it was a great idea and move to take the decision away from the executive council and put it into the hands of the experts, who are in the RCMP, in terms of whether weapons

classification changed to prohibited. I think that's a good move. No matter who is making the decision however, at the end of the day, shop owners have stock that may now be prohibited.

Do you have an idea to grandfather or mitigate the impact on these legitimate businesses because of a change in classification of the stock that they are selling?

**Mr. Goodale:** On the issue of classification, I appreciate your endorsement there.

By removing that previous power to reclassify downward by means of an order-in-council, we recognized that we would be affecting an existing inventory retroactively. That is why we provided a grandfathering regime within the legislation. Appropriate arrangements could be made if people had acquired one of these firearms in good faith, under a regime that was completely legal, and then the law changed and put them offside. That's not their fault. We have tried to recognize that regime by putting the grandfathering provisions in the law.

We selected a date, which was June 30, 2018, to give people ample notice that the rules were going to change and that they should make the appropriate arrangements.

Unfortunately, when you're changing things that have a retroactive consequence, it's not entirely possible to blanket the situation absolutely and avoid every anomaly, but we tried to do that by giving people a lot of advance notice so that they could make arrangements to protect themselves.

**Senator Griffin:** In terms of shop owners who might have a large inventory, how would that work? I see how it works for the individual.

**Mr. Goodale:** Shop owners would have that same notice. They would know that their market is going to change after a certain date. So they, too, would have had that sufficient time to prepare for what would ultimately be the change in the law.

Of course, we were trying also to be very careful not to presume what the outcome of Parliament's decision might ultimately be. There have been difficulties with that in the past.

We've tried to take into account the parliamentary procedural issues, but at the same time by inserting that to give both buyers and sellers advance notice that there was likely to be a change in future and they might take the appropriate steps to safeguard their commercial position.

**Senator Griffin:** I don't understand why an ATT is required to take a restricted firearm to a gunsmith. I can see how it might be required in other cases, but if you are allowing people to take it to and from the range and the home, why can they not take it to a gunsmith without an ATT? It would seem to be a good thing to actually have the firearm in good working order.

**Mr. Goodale:** Your latter point is well taken. No one wants defective firearms in use. The challenge for law enforcement is that where they are very aware of where firing ranges are and where sporting competitions are taking place and so forth, there are 4,500 commercial locations, gun shops and gunsmiths, across the country where an owner may be taking a firearm. It would be very difficult for the police to anticipate all of those locations. That's what they have indicated to us because the gun could be going in so many different directions. Without having a sort of interactive colour-coded map, it would be very difficult for the police to perform a challenge function, to say the gun shop is over there. Why are you going over there?

They know the ranges, but it's difficult to accumulate the database on the other side. I note that this would affect something less than 5 per cent of the transportation movements, at least on a historical basis. So that doesn't seem to be a large imposition on the needs of firearms owners.

**Senator McIntyre:** Thank you, minister, for being here today to answer our questions.

Minister, when your officials provided a pre-briefing on Bill C-71, they noted that resources have not yet been allocated for life screening. Have you estimated how much life screening will cost? And when will those resources be known?

**Mr. Goodale:** Just let me consult on that.

Senator, the work to quantify that is ongoing. You make the point, though, if the screening needs to be done -- and under Bill C-71 it will need to be done -- the firearms program will need to have the appropriate resources to do the job that the law is asking them to do and the government will make the funding available through the normal appropriations for the RCMP.

**Senator McIntyre:** Can you assure us that the cost of lifetime screening will not take resources away from other public safety activities carried out by chief firearms officers?

**Mr. Goodale:** No, the objective here is not internal reallocation, where a new responsibility is being created. Then there would need to be new resources to pay for it.

**Senator McIntyre:** Under the proposed measures in Bill C-71, conditions will now be attached to business licences requiring them to record and keep information for a minimum period of 20 years or longer as prescribed by regulation. How was this retention period of 20 years decided and what was the basis for that decision?

**Mr. Goodale:** As I indicated in my remarks, senator, these rules used to be in place before there was a long-gun registry. When the long-gun registry came into effect, it made the previous record-keeping regime redundant. Now the long-gun registry has been abolished. It would seem appropriate to re-establish those record-keeping rules that previously exists.

I'm advised by my officials that the 20-year standard is what is commonly adhered to in the United States, and it is the international standard for record-keeping of this kind.

**Senator McIntyre:** My final question has to do with the Canadian Firearms Advisory Committee. My understanding, minister, is that an Indigenous person was originally included in the membership of that committee. As I understand, the member has since withdrawn. Have you completed the membership for that committee?

**Mr. Goodale:** Yes, we have. The committee is now at full complement. There has been a change in the chair, and there's been the addition of an Indigenous person to fill out that position.

You're right. When we made the original selection, an Indigenous person was included in the first roster. Unfortunately, that person was not able to continue, and we had to fill the vacancy. The vacancy has been filled. The last name is Creyke. I will provide you with a full list of the membership of that committee, including a biography on all of the members, both the ones that continue and the new ones that have been added.

**Senator McIntyre:** Thank you, minister.

**Senator McPhedran:** Thank you, Minister Goodale and your officials, for your attention to public safety and, in particular, the impact of guns on women and children in Canada caught in domestic violence.

Some opponents of this bill say that it harasses law-abiding gun owners while doing nothing to fight guns using illegal handguns. That gun owners with legal guns are not responsible for the alarming increase in gun crime that you cited so clearly here today, that the increase in crime is due to handguns.

As important as this bill is for public and personal safety in Canada, minister, there is not much in here to deal with handguns. Yet, clause 16 in this bill does propose to amend subsection 84(1) of the Criminal Code which is exactly the subsection that could be amended to add handguns to the prohibited firearm list in the code.

Minister, as you well know, the federal election date is rapidly approaching, limiting our time as lawmakers this year. Would you consider taking action against the proliferation of handguns by amending this bill to define handguns as prohibited firearms in subsection 84(1) of the code?

**Mr. Goodale:** Senator, thank you for the question. My response is really twofold. One, that specific question and several others have been referred by the Prime Minister to Minister Bill Blair to consult about, and his work has been ongoing for the last number of months. I expect that he will have something important to say about his consultation in the period immediately ahead. He has been hard at work on this, and he has heard from hundreds if not thousands of Canadians. A decision by the government on that matter would need to await his recommendation, but they will be forthcoming very shortly.

The other technical point, and I would defer to others on this who are parliamentary experts, but I'm told that type of amendment would actually be potentially outside the scope of the legislation. I know you might make an argument on the other side, and I could hear the beginnings of that argument starting. Fair enough. From a technical point of view, I think it would be out of scope. The more practical answer is that Minister Bill Blair has been hard at work on this, listening to Canadians for a considerable period of time. He has timed his work in order to be able to report more fulsomely in the spring.

I think he will be here in the next week that Parliament sits. He might be able to offer an update at that time, but we await his recommendations.

**Senator Pratte:** Minister, thank you for being here. I have two questions regarding ATTs and the implementation of the changes that are brought forward by the bill.

This may appear like getting into the details of the implementation, but it's important because there is a lot of concern in the firearms community about how this will be implemented.

One thing that I've heard time and again is that the gun owners don't want to go back to the paper ATTs where the ATTs had to be mailed out, which obviously took some time. Do I understand from what you said earlier that there could be some kind of electronic process where ATTs would not be mailed, so that it would not go back to paper ATTs?

**Mr. Goodale:** Certainly, Senator Pratte. This activity is a form of government service to the public. Parliament will be deciding to establish a new law and a regulatory regime that goes along with it. That requires the public to do certain things, and the Government of Canada needs to ensure that, to the maximum extent possible, we provide electronic and digital services to the consuming public.

In fact, you may have noticed in today's appointment of a new president of the Treasury Board that part of her title is the Minister Responsible for Digital Government. That is a signal that the Government of Canada is trying very hard to make its services more readily available in electronic forms.

Will it all happen instantaneously? Obviously there is a transition we need to work through, but our goal is to provide the public in this field and every other with services that are expeditious, convenient and respond to their normal day-to-day needs using technology to the maximum extent possible. Our goal is to get there, indeed.

**Senator Pratte:** What has often been a concern expressed with the new licence verification system is whether this will be available during evenings when people often shop, Thursday and Friday evenings, and on weekends when gun shows happen, or will people have to wait until eight o'clock on Monday to call the service in question?

**Mr. Goodale:** The functioning hours of the call centre are intended to be staggered appropriately across the country so that they meet the normal working hours, whether that's in Atlantic Canada or in the Pacific region.

For many of the gun shows, what I'm advised is that if they're anticipating a flow of business at a gun show on a particular weekend, that if the organizers of the show advise the firearms

program in advance — and most of the big ones most automatically do that because it's part of how they function successfully — then the call centre will be able to arrange their functioning to be available to service customers.

Service standards, whether it's in this field, CRA, OAS or whatever, for delivering to the Canadian public are a critical dimension of government performance, and we need to improve the level by which we try to meet the public's expectations. Whether it's acquiring a licence, verifying a licence, getting an ATT in this particular field, getting your answer on a tax problem with CRA, getting the appropriate response from a social services agency or whatever, service standards need to be a constant preoccupation for government departments.

**Senator Wells:** Thank you, Minister Goodale and all the witnesses, for appearing. Mr. Goodale, between 2014 and 2017, 66 per cent of all homicides by firearms were committed by people with criminal records, which would indicate that two thirds of homicides were the consequence of a failure to enforce the current laws and regulations because it's already illegal for someone with a criminal record to have a firearm. Second, between those same dates, 60 per cent of all homicides by firearms were committed with a restricted or prohibited weapon. This would indicate a near failure, or perhaps a complete failure, of our gun control system because restricted and prohibited weapons are registered and tightly controlled.

In light of this, is the government suggesting that creating more laws and regulations will improve safety when the evidence suggests that would be false and that this law actually appears to target law-abiding Canadians?

**Mr. Goodale:** With respect, senator, you're misinterpreting our intent. By the provisions that improve and strengthen the system of background checks, we're trying to ensure to the maximum extent possible that those people who should not have a weapon for the reasons you mention, or other reasons that the CFO may come across, that the screening system is as good as it can possibly be by improving the way in which licences are verified. Again, we're trying to make sure that when a transaction is going on between a buyer and seller that they are authorized to conduct that transaction. I gave a hypothetical example in my remarks about how something might fall between the stools.

When we're establishing a record-keeping system for commercial businesses, that is directly intended to help the police in tracking crime guns and the Canadian Association of Chiefs of Police have been very strong in advocating that regime be put in place, just as they are supportive of the new rules we have proposed around ATTs.

The purpose here is to have a safety regime that has the practical consequences of helping to keep Canadians safer, while at the same time not imposing an unreasonable burden on law-abiding gun owners, who are the vast majority of gun owners in this country. We believe that in Bill C-71 that we have struck an appropriate balance.

**Senator Wells:** Just one more brief question. It's a Saskatchewan question so it should be easy for you.

According to StatsCan, between 2014 and 2017, Saskatchewan had 42 homicides that were firearm related. There majority of these were rural, 52 per cent. Alarmingly, 77 per cent of persons accused of firearm-related homicides during that period in Saskatchewan were classified by Statistics Canada as Aboriginal. You mentioned earlier the Aboriginal peoples adaptation regulation. What will the provisions of this bill do to address the issue that I just mentioned, or is this a clear danger in an identifying group, or are these communities simply set aside with respect to Bill C-71?

**Mr. Goodale:** Senator, the law is applicable to everyone. There are specific provisions under regulations that are made in respect of Indigenous people.

In analyzing the effectiveness of those regulations, I have not been made aware of any specific deviation from the rules that you could attribute to ethnicity or cultural background. I think to make the assertion that you are making, we would need a lot more careful statistical analysis to be able to verify the point that you are arguing.

**Senator Wells:** I just wanted to make clear that the stats I referenced were from Stats Canada. Thank you, chair.

(French follows — Senator Boisvenu: Bienvenue, monsieur ministre...)

(après anglais — Sen Wells : ... were from Stats Canada. Thank you chair.)

**Le sénateur Boisvenu:** Bienvenue, monsieur le ministre. Bienvenue également à vos collaborateurs. Monsieur le ministre, une étude interne à la GRC affirmait dernièrement que la révocation des armes à feu en raison de violence conjugale ou maladie mentale a connu des retards très importants.

Ces retards mettent en péril la sécurité publique, comme le dit le rapport. Deux causes sont énoncées dans le rapport : d'abord, le manque d'accès en temps voulu aux informations médicales qui est la cause principale de retrait du permis ou de l'arme ainsi que les demandes d'informations confidentielles par un tiers, qui sont les policiers, causent de longs retards.

On sait que l'information médicale est très confidentielle et lorsque c'est un tiers qui le demande, c'est très long. On observe au Yukon et en Colombie-Britannique près de 3000 dossiers qui ne sont pas encore traités par la GRC. Pour ce qui est de l'ensemble du Canada, quel est l'état des retards pour des demandes d'information de cette nature?

(anglais suit — Mr Goodale : Let me ask Mr. Mackinnon...)

(Following French — Senator Boisvenu — de cette nature?)

**Mr. Goodale:** Let me ask Mr. Mackinnon from the RCMP to respond to that.

**Robert Mackinnon, Director, Firearms Business Improvement Directorate, Royal Canadian Mounted Police:** Thank you, sir. The RCMP did do an audit of their continuous eligibility framework, and there were action items as a result that did focus on, as you spoke, the mental health regime and dealing with our clients who are affected by mental illness in getting certification from their physicians.

In addition to some of our work flow issues, and we have taken —

(French follows — Senator Boisvenu: Ce n'est pas ma...)

(après anglais — Mr Mackinnon : ... and we have taken —)

**Le sénateur Boisvenu:** Ce n'est pas ma question. Elle est à l'effet qu'au Yukon, en 2017, il y avait tout près de 3 000 dossiers en retard. Ma question est la suivante : Combien de dossiers non traités par la GRC sont en retard au Canada pour le retrait d'armes à feu? Pour le faire, il nous faut un rapport de médecin qui fera un diagnostic sur le plan de la santé mentale. Cela met la sécurité de la population en danger. Combien y aurait-il de retard de cette nature pour l'ensemble du Canada?

(anglais suit — M. Goodale : Senator, we don't have...)

(Following French — Senator Boisvenu — l'ensemble du Canada?)

**Mr. Goodale:** Senator, we don't have those statistics at the table right now, but we will get them for you, and provide you with the information.

(French follows — Senator Boisvenu: La GRC doit...)

(après anglais — M. Goodale : ... provide you with the information.)

**Le sénateur Boisvenu:** La GRC doit obtenir de l'information des corps médicaux. Un témoin médecin qui a comparu il y a deux semaines nous a dit que les délais peuvent être très longs — jusqu'à 5 ans — avant qu'il y ait une décision pour une personne qui a des problèmes de santé mentale.

En quoi ce projet de loi va venir faciliter les communications entre les corps médicaux et les corps policiers pour le retrait d'armes à feu aux mains de gens qui ont des problèmes de santé mentale?

(anglais suit — Mr Goodale : The legislation itself simply expand the...)

(Following French — Senator Boisvenu — de santé mentale.)

**Mr. Goodale:** The legislation itself simply expands the scope of background checks.

The challenge that you're raising, Senator Boisvenu, is the administration of the new rules, which will obviously get to that issue we were discussing earlier about service standards and the resourcing of the program to make sure that there are people in place with the right expertise, and there are systems in place —

(French follows — Senator Boisvenu: En 2019, il ...)

(après anglais — Mr Goodale : ... systems in place.)

**Le sénateur Boisvenu:** En 2019, il n'y a aucune ressource additionnelle prévue au budget de votre ministère afin de répondre à ces demandes de retard?

(anglais suit — Mr Goodale : As I indicated in response...)

(following French — Senator Boisvenu — demandes de retard?)

**Mr. Goodale:** As I indicated in response to the earlier question, that issue in relation to the resourcing of this particular program is one that will be dealt with through the estimates process, providing funding to the RCMP to make sure that they have the funds necessary to do the job that they are being asked to do, and we have the normal estimates process by which to provide that extra money.

**The Chair:** Final question, minister.

**Senator Gold:** Thank you, but my questions have been asked and your answers provided. So mindful of your time, perhaps I would ask for the indulgence of chair to be able to ask a question of the staff after the minister departs for Question Period.

**The Chair:** Minister, we want to express our thanks on behalf of the committee for your appearance here today. I know staff will remain for the next hour, and I'm sure senators will have a series of questions for them, but thank you very much.

**Mr. Goodale:** Thank you, Madam Chair. I wish the committee well in its deliberation on the legislation. You have a heavy agenda.

**The Chair:** Senators, questions please.

**Senator Jaffer:** My question is to do with Aboriginal rights. We all know that for Aboriginal people hunting and fishing is very important.

On February 18, Ghislain Picard, Chief of the Assembly of First Nations of Quebec and Labrador appeared as a witness in front of the committee. He said:

Obviously we need to keep firearms out of the hands of dangerous criminals and people with serious mental illnesses, but why punish a person who made a mistake decades ago?

Today I heard that there is a way for Aboriginal people to get a licence. Why does the chief have these concerns? Maybe he is not aware. Can you elaborate on that?

**Randall Koops, Director General, Policing Policy, Public Safety Canada:** We always listen carefully to Chief Picard. He speaks thoughtfully on these issues.

What the minister was referring to is a means in the Aboriginal Peoples of Canada Adaptation Regulations that allows community members to verify that a person is, in fact, fit to own a firearm. Section 5 of the Firearms Act requires now that the chief firearms officers take five years of a person's life history into account in assessing the factors enumerated in the act for their eligibility to hold a firearm licence. Bill C-71 proposes that be changed to life. There is nothing specific there that would differentiate the treatment of Indigenous persons from those of any other communities. So the discretion remains with the chief firearms officer to consider the circumstances under which an incident happened in someone's life, the severity of these circumstances, the time that has elapsed and, on balance, whether, given those considerations, the person represents a threat to public safety if they were to own a firearm licence.

**Senator Jaffer:** Is this for everybody?

**Mr. Koops:** It's for everybody, yes.

**Senator Jaffer:** It's not a ban for life? Circumstances are considered?

**Mr. Koops:** Correct.

**Senator Jaffer:** Circumstances are considered for everybody. If it was a long time ago, when you were a young person, and you are now 70 or 60, it doesn't matter. Those things will be considered. Am I correct in saying that?

**Mr. Koops:** Correct. The act doesn't say that those things, with certain exceptions, related to certain types of criminal offences, but generally those factors are things that must be taken into account. They are not presented as things that, by their presence, would prevent you forever from having a firearm licence.

**Senator Jaffer:** The act doesn't say that. That's why there is this big concern. Besides the chief, we have heard from others: Why punish somebody who has made a mistake when they were very young? Will this be in the regulations?

**Mr. Koops:** That would not be included in the regulations, since it already exists within section 5 of the Firearms Act itself.

**Senator Jaffer:** That's useful.

My other question is what I asked the minister about. I have received so many letters — as have all my colleagues — that you are punishing law-abiding citizens. Why are you not going after the gangs or the criminals? Would I be correct in saying that the gangs and criminals are being addressed in the Criminal Code, and that's why this is not about that? To me, there are six administrative things you are doing. This is not about going after law-abiding citizens; this is about clarifying and doing administrative things. Can you clarify that for me, please?

**Mr. Koops:** Sure. It might be helpful to point out to the committee that Budget 2018 announced a \$327 million program over five years directed at fighting guns and gangs. One of the streams in that program is directed at interdicting the criminal use of firearms. Obviously, for criminals who choose to trade in black market firearms or to smuggle firearms, the measures in Bill C-71 are not directed at them per se, but the government is taking other measures, including funding to the RCMP, to the CBSA and to all the provinces and territories that they can use within their jurisdictions as they see fit, to combat the growing criminal use of firearms in their jurisdictions.

**Senator Jaffer:** I'm sure that is a public document, but would you be able to provide that information to the clerk, please?

**Mr. Koops:** Sure.

**Senator Jaffer:** Thank you so much.

**Senator Gold:** Thank you for staying.

I have a two-part question for Ms. Paquette and Mr. Mackinnon. With regard to the classification of firearms, can you talk about the training and background of the RCMP personnel who were charged with the task of classifying firearms and what credentials they have? Witnesses have never impugned their competence and credibility, nonetheless, critics of the bill have argued that the current situation where the cabinet could have a final say should be maintained.

The other question is why is there no appeal process from the RCMP classification decisions? Perhaps you could comment on both aspects of that, please.

**Mr. Mackinnon:** Thank you for your question. The RCMP Canadian Firearms Program utilizes the expertise in alignment with the definitions of the Criminal Code to classify a firearm, whether it be non-restricted, restricted or prohibited. They have extensive training and background in the field of applying this, and most of them have been doing it for many years. So they are considered experts in the field of executing the Criminal Code to determine the classification of firearms.

**Senator Gold:** One of the witnesses argued or complained that weapons that are otherwise indistinguishable functionally are classified one way or the other because of the way they happened to look, and mentioned as well that the decisions are made just by individual, so there would obviously be, perhaps, a difference of opinion as between individual RCMP experts.

Is it true that just the look of a firearm could make the difference as to whether or not it's prohibited, restricted or otherwise?

**Mr. Mackinnon:** I am not a technical expert in the classification of firearms, certainly, but we do not base it on the look of the firearm. It's the physical characteristics of the firearm that determine the classification. So whether it be a short-barrelled weapon or whether it have a barrel length less than or greater than 470 millimetres or whether the firearm can be converted from a fully automatic to a semiautomatic, those are all elements that the experts utilize to determine the classification of the firearm.

**Senator Gold:** On the issue of the lack of an appeal from a classification decision?

**Mr. Mackinnon:** If the firearm is subject to registration and the classification of the firearm does change, the individual has the right, through the Registrar of Firearms, to appeal the decision, I believe. From a legal perspective?

**Alexandra Budgell, Team Leader and Senior Counsel, Department of Justice Canada:** Yes. Through the reference hearing process that is established in the Firearms Act, they have access to a provincial court judge on a reference hearing. Alternatively, if it's a question of trade, then it could be at the Canadian International Trade Tribunal. So if it's something at the border in terms of a classification, or obviously if the person is facing a criminal charge through the criminal court process, the judge ultimately will determine the classification in accordance with the criteria set out in the Criminal Code. So there are a number of different avenues by which somebody who is affected by classification can challenge that decision.

**Senator Gold:** Thank you very much.

(French follows -- Senator Dagenais: Monsieur Mackinnon, comment allez-vous faire pour assurer...)

(après anglais — Sen. Gold: ... Thank you very much.)

**Le sénateur Dagenais:** Monsieur Mackinnon, comment allez-vous faire pour assurer le contrôle des armes à feu dans les réserves autochtones? On sait que c'est difficile parfois pour la GRC d'enquêter sur les territoires des réserves autochtones et que parfois certaines armes à feu transitent par certaines réserves.

(anglais suit — Mr. Mackinnon: Thank you for your question. The chief firearms officers...)  
(following French -- Senator Dagenais -- ... transitent par certaines réserves.

**Mr. Mackinnon:** Thank you for your question. The chief firearms officers that have a focus with Indigenous clients do proactive outreach to ensure that Indigenous communities are aware of their roles and responsibilities in the care of firearms. The CFO of Manitoba has just completed an initiative whereby they have trained 88 instructors in Nunavut to deliver the safety training course to ensure that clients are aware of the safe handling and transportation and use of firearms. So that is a proactive measure that the CFOs are executing.

(French follows -- Senator Dagenais: Je ne voulais pas parler du Nunavut...)

(après anglais — Mr. Mackinnon: ... measures that the CFO's are executing.)

**Le sénateur Dagenais:** Je ne voulais pas parler du Nunavut, mais bien de certaines réserves qui se retrouvent parfois sur le territoire de l'Ontario. Cela dit, j'aimerais revenir sur l'accès aux permis de transport sur Internet. Compte tenu du succès douteux d'implantation de systèmes et des services informatiques du gouvernement — je ne vous parlerai pas de Phénix quand même — pouvez-vous nous dire depuis quand ce projet de loi est dans l'air et où en est rendu ce projet de loi pour les services par Internet et dans combien de temps croyez-vous que ce service sera disponible?

(anglais suit — Mr. Mackinnon: There is an implementation plan associated...)

(following French -- Senator Dagenais -- ... croyez-vous que ce service sera disponible?)

**Mr. Mackinnon:** There is an implementation plan associated with Bill C-71 that will be solidified once the bill receives Royal Assent. Part of that is through online services for the authorizations to transport and, as Minister Goodale stated, resources to support the contact centre if you don't have online access. We are in discussions with Public Safety Canada on an implementation plan to bring forth the service when that element comes into force, so it will be operational online when the ATT changes are law.

(French follows -- Senator Dagenais: Je ne veux pas mettre en doute...)

(après anglais — Mr. Mackinnon: ... changes are law.)

**Le sénateur Dagenais:** Je ne veux pas mettre en doute votre témoignage, mais dresser un plan de mise en œuvre et assurer son efficacité, ce sont deux choses. On le constate dans d'autres situations. Il y a beaucoup de plans de mise en œuvre, mais ils ne fonctionnent pas toujours comme on le souhaiterait. Je comprends que vous faites confiance aux services informatiques, même si parfois cela peut paraître un peu douteux. Je vous remercie beaucoup, monsieur.

(anglais suit — Sen Pratte: Regarding the new ATT regime...)

(following French -- Senator Dagenais -- ... remercie beaucoup, monsieur.)

**Senator Pratte:** Regarding the new ATT regime, we have had witnesses appear before us who mentioned that because they are shooting in competition, they would need to go to the gunsmith regularly, or someone else would be a collector and they would go to all gun shows in their areas. In cases such as these, my understanding is that the Chief Firearms Officer often issues an ATT for a period of time. For a professional shooter, for instance, instead of having to issue a specific, single-use ATT each time the shooter goes to the gunsmith, they would issue a one-year or five-year during the PAL period for this person to go to the gunsmith because they go often. Am I correct in assuming this? Is this the case?

**Mr. Mackinnon:** Yes, it is. Prior to the changes in 2015 where the transportation provisions became a condition of the licence, the chief firearms officers would issue mostly for target practice. However, there were exceptions to the rule, especially if they knew the individual was a frequent participant at a repair business repair or gunsmith. There would be options for the CFOs

to do that in the future. The change is just removing it as a condition of the licence, which is currently what it is.

**Senator Pratte:** For a competitive shooter, each time they wanted to go to a gunsmith, they would not apply each time. At least, it's an option that the CFO has.

**Mr. Mackinnon:** It is discretionary upon each CFO to issue that.

**Senator Pratte:** I know the minister has answered regarding the estimation of resources that will be needed for the RCMP and the CFOs to implement the bill. This is an ongoing process. The impression of some is that with the issuance of reference numbers, the lifetime background checks and the relatively new requirements regarding an ATT, obviously there will be delays and it will cost \$2 billion like the former long gun registry. Without giving us a number of the amount that will be necessary, can you give us an impression of how much of a burden these new requirements will be for the firearms program and chief firearms officers?

**Mr. Mackinnon:** As Minister Goodale pointed out, the authorizations to transport that will continue to be a condition of a licence represent 96.5 per cent of authorizations to transport that were issued historically. So we're dealing with 3.5 per cent for the additional movement of firearms, whether you're changing residents or whether you are going to a gun show.

Also, as Minister Goodale pointed out, the government is continually looking at ways to improve services to Canadians, so we will introduce an online portal to apply for those. So the burden on the RCMP's Canadian Firearms Program should be minimal with respect to the authorizations to transport.

With respect to licence verification, online portals will allow businesses and individuals to do the verification of the transferee of a firearm. It is actually currently up and running for businesses as part of section 23 of the Firearms Act, which is optional. We don't issue reference numbers as a result, so that will be a change. But a great number of our transactions pre-2012, when there was a registration requirement for non-restricted firearms, were online. Something like 65 per cent of the stuff we were doing between businesses and individuals was actually online as opposed to a call centre transaction or a paper process. We have identified resources to support licence verification and authorization to transport, and we're doing everything we can to mitigate the additional resources that would be required by looking at the processes and how we service Canadians.

**Senator Pratte:** How about the background checks?

**Mr. Mackinnon:** It is the same kind of concept as Minister Goodale pointed out. We are currently assessing the impact of a lifetime review on certain elements with respect to our client base. We will come up with a figure of resources that will be over and above what the current chief firearms officers do from an eligibility perspective, because we don't want to deter from what they are currently doing from a public safety perspective.

We are also taking into account changes to our process model that make it more efficient for us to handle these files, which may augment the amount of resources we need without minimizing what we're doing with respect to public safety.

**Senator Pratte:** Thank you.

(French follows -- Senator Boisvenu: Merci beaucoup de vos...)

(après anglais — Sen. Pratte: ... Thank you.)

**Le sénateur Boisvenu:** Merci beaucoup de vos réponses. J'ai deux questions, une qui s'adresse à M. Mackinnon et l'autre à M. Koops.

Monsieur Mackinnon, vous avez parlé tantôt des retards en ce qui concerne les demandes d'information de la GRC, entre autres, en Colombie-Britannique en raison d'un règlement où les

victimes reculent cinq ans en arrière. Désormais, ils reculeront à vie. Donc, on peut prétendre que les retards vont s'accroître, parce que les recherches médicales seront beaucoup plus longues, d'autant plus que les gens déménagent, changent de médecin ou de psychiatre. Les consultations devront donc être effectuées auprès de plusieurs médecins à la fois. Avez-vous des données, par province, en ce qui a trait aux retards à ce jour? Ensuite, avez-vous une idée de l'impact concernant les demandes d'information si on passe d'une période d'évaluation de cinq ans à une période à vie? Avez-vous calculé l'impact que cela aura en ce qui a trait aux recherches?

(anglais suit — M. Mackinnon : Thank you for your question...)

(Following French - Senator Boisvenu — en ce qui a trait aux recherches?)

**Mr. Mackinnon:** Thank you for your question. As I said earlier, I do not have a breakdown by province where a CFO is looking for information from a mental health perspective to assist in their investigation. As we take away an action item from the previous request, we'll look into that.

We are reliant, obviously, on the medical community in certain cases where we learn of a medical illness with respect to a client. We are constantly looking at the processes and how we can better that and expedite the information back to the CFO about the client so the CFO can determine the eligibility.

(French follows - Senator Boisvenu: Je comprends bien, mais ...).

(après anglais — M. Mackinnon : ... can determine the eligibility.)

**Le sénateur Boisvenu:** Je comprends bien, mais là n'est pas ma question. Je vais la reprendre. À l'heure actuelle, alors que la période de référence est de cinq ans, les chances sont qu'une personne est soignée ou traitée par un seul médecin et que la période de violence conjugale est relativement facile à repérer dans le système judiciaire. Maintenant que le citoyen sera évalué sur sa vie durant, probablement qu'il aura été traité par plusieurs médecins et que les périodes de violence conjugale s'étaleront sur 30 ou 40 ans. Avez-vous évalué l'impact des délais par rapport à ces recherches?

(anglais suit — Mme Paquette : It will be based on the information that is available....)

(Following French — Senator Boisvenu — rapport à ces recherches?)

**Kellie Paquette, Director General, Canadian Firearms Program, Royal Canadian Mounted Police:** It will be based on the information that is available to us. Regarding your question around an individual could have five different doctors throughout their life history, these questions are asked about their medical history. Currently, it says within the last five years. If this bill were to go through, then it would include the life history. So it would be upon the individual to identify that.

In addition to this, we have access to information that does go beyond the five years that now can be taken into consideration when eligibility is in question.

(French follows - Senator Boisvenu: On peut considérer ...).

(après anglais — Mme Paquette : ... when eligibility is in question.)

**Le sénateur Boisvenu:** On peut considérer que les risques d'erreurs ou d'informations erronées seront beaucoup plus importants sachant que le citoyen devra livrer l'information sur sa vie durant. Le taux d'erreur sera plus important en termes de fiabilité de l'information.

Monsieur Koops, le rapport du Bureau du vérificateur général de l'automne dernier nous a appris une donnée inquiétante : le fait que le calcul de la récidive au Canada livré par Statistique Canada, via Juristat, ne prend pas en considération les gens qui sont condamnés à des peines de moins de deux ans. Avez-vous des données sur la récidive ou la réincarcération de gens qui ont

été condamnés à des peines de moins de deux ans et qui ont commis un crime avec une arme à feu?

**M. Koops:** Malheureusement, je ne suis pas familier avec le rapport. On pourra vérifier auprès du ministère pour savoir si nous avons ces données.

**Le sénateur Boisvenu:** Il serait intéressant d'avoir des données qui incluraient les gens qui ont une sentence de moins de deux ans et qui ne sont pas inscrits au registre des statistiques sur la criminalité. Il serait intéressant d'avoir un rapport sur le taux de récidive qui inclurait les personnes qui ont été condamnées à des peines de moins de deux ans et de plus de deux ans. Le portrait que nous avons à l'heure actuelle sur la récidive des criminels qui ont commis un acte à l'aide d'une arme à feu est tout à fait partiel.

**M. Koops:** Nous ferons un suivi.

(anglais suit — Sén. McIntyre : Under the proposed measures in Bill C-71...)

(Following French - Mr. Koops — nous ferons un suivi.)

**Senator McIntyre:** Under the proposed measures in Bill C-71, conditions will now be attached to business licenses requiring businesses to transmit recorded information to a prescribed official if they cease to operate. The idea is to avoid any potential privacy breaches.

Are privacy safeguards and accountability measures provided in the bill?

**Mr. Koops:** They're not provided in Bill C-71 because they are already part and parcel of the Privacy Act protections associated with personal information that is collected in the administration of a government program. In the case where records are under the control of businesses, in certain circumstances they may be subject to their own provincial legislation governing the use and collection of personal information by businesses within the province.

**Senator McIntyre:** As I read this, businesses may be required to purchase new software in order to meet the new diligence record-keeping requirements imposed by Bill C-71. There is that possibility.

**Mr. Koops:** The bill as presented to you, senator, doesn't specify the form or manner in which businesses would be required to keep those records. They could perhaps be kept by a business that chose to do so in the form of a paper ledger, which was the form in use for many years prior to the current regime. Some larger retailers might choose to do that as part of their client management software that they associate with the files of their customers, but the bill itself does not specify how that information would have to be stored.

**Senator McIntyre:** My next question is to Justice. Ms. Budgell, this is a question on the issue of firearms businesses, business records and the involvement of either the CFO or the courts surrounding warrants.

As I understand it, there is a distinction between the regulatory power of the CFO to enter a business, to investigate and to ensure that records are being kept properly. If kept, no problem; that's the end of the matter. If they are not kept, either the business or the person could be subject to prosecution under section 101 of the Firearms Act. That said, if, in the course of reviewing those records, the CFO comes across evidence or suspected evidence, the Crown and the police could seek judicial authorization to seize the business records — that is, obtain a warrant. Am I correct in my assessment?

**Ms. Budgell:** Yes, in the sense that there are two different frameworks. The inspection powers that are included in the Firearms Act —

**Senator McIntyre:** The powers of the CFO and the courts.

**Ms. Budgell:** — for firearms officers to inspect business records. That is for regulatory compliance to ensure that the businesses are meeting the conditions of their licence and that they

are in regulatory compliance. The moment that it becomes a law enforcement investigation, a criminal investigation, then criminal rules apply. Those usually include more stringent standards which can include judicial authorization and production orders, as appropriate.

**Senator McIntyre:** So Bill C-71 doesn't provide any additional investigative powers to law enforcement officials.

**Ms. Budgell:** Correct. There are no special powers in Bill C-71 for law enforcement.

**Senator McIntyre:** Thank you.

**Senator Griffin:** I'm going back to the authority to transport. The minister mentioned there were 4,500 gunsmiths in Canada. He didn't reference how many gun ranges, but he said the gun ranges were much easier for the RCMP to keep track of. Knowing that, what is your estimate of the number of gun ranges in Canada?

**Mr. Mackinnon:** I don't have the number in front of me, but I believe it's between 1,200 and 1,300 across Canada.

**Senator Griffin:** The other thing about ATTs is that I suppose it could be a lot like when I go to get my winter tires changed in the spring. I make an appointment with the local dealer. So I think it should be relatively easy to put in a requirement. It doesn't have to be in the legislation, of course, but in the regulations, if someone is taking their firearm to the gunsmith and has a confirmed appointment, they've got documentation. I think it's probably a lot easier to keep track of that than it is whether or not they're coming from a range.

That is just a small item. It is not to die on, but just of convenience. The other thing for me is that when I asked about mitigation of losses for retail operators, basically the answer the minister gave me applied to the two types of firearms that the cabinet had permitted previously and now are not going to be permitted, and that there was a grandfathering period. So I understand that.

What I want to know is looking ahead, if your agency, the RCMP, deems a formerly restricted weapon to now be prohibited, has there been any discussion as to what mitigation there will be for firearms retail operators who may have stock in their stores? They could have quite a lot of money tied up.

**Mr. Mackinnon:** Yes. Taking approach to the classification or the change of classification of a firearm, the RCMP fully understands how it could impact a commercial entity and information is provided on how they could deal with that if they were not allowed to keep the firearms as a result of the classification. I think each situation is taken on a case by basis. In the case of the two firearms that are listed in Bill C-71, the CZ-858 and the Swiss Arms, there were proactive measures, as Mr. Goodale said, of advising the business community that there was a possession date of June 30, 2018, which was a requirement. There are — I don't want to say advanced warnings — measures taken to advise the business community, in addition to the individual community, about proposed legislation that is on the books to bring into force.

**Senator Griffin:** Okay. So we will wait and see how it pans out in the long run, because potentially there could be a lot of money tied up, and these are private retailers who have bought firearms in good faith. It may be a case that they have a very large commitment. So I really think that when changes are made, there has to be a very able effort at mitigating their losses. They're legitimate business owners.

**Senator McPhedran:** Thank you to all the officials that are here with us today.

I seem to be developing today a bit of a theme around scope. So I'd like to, for this initial question, address the Criminal Code and to pick up on your explanation, Ms. Budgell.

Right now we have a situation where, as I read the bill, it's not possible for an officer to conduct a search for documents related to the ownership of a firearm that is being used — I'm

picking up on the word of the Criminal Code — being both current present tense and past tense in 117.02. So my concern comes partly out of the fact that I also have rural roots.

I have had situations in my personal experience of domestic violence in a rural setting. The way in which I read this current bill for being able to access a warrant that becomes necessary, if there is an imminent crime or imminent domestic violence or in process, is that particularly in rural areas, the obtaining of a warrant in order to act quickly seems to be almost impossible under the way the combination of the bill and the code. I hope I'm wrong. And if I'm correct, then I go to my question about a possible amendment.

**Ms. Budgell:** I want to make sure I understand your question. The bill does not address search and seizure powers for police. So that's in the Criminal Code right now. There are a number of search and seizure provisions under 117 or thereabouts that do address when law enforcement can, say, go into a home or a place and seize firearms. There are some where a warrant is required in advance. There are those where a warrant is not required exception in exceptional circumstances. So those provisions are fairly comprehensive in terms of police ability, where there is either an offence or where there is a concern on public safety grounds, to seize a firearm.

**Senator McPhedran:** In terms of where there is a firearms offence in process or reason to believe it has occurred, what I'm partly concerned about is the reference also to telewarrants and trying to understand, as one hypothetical, in a rural or isolated setting where proximity by police to get to the site is affected. Was there attention paid to a scenario like this and the relative difficulty of obtaining a warrant? If you could explain whether, in a situation like this, a telewarrant becomes more readily accessible? What exists now that addresses these situations in domestic violence where rapid response and presence is absolutely essential?

**Ms. Budgell:** Could I take a minute? I'd just like to have a look at the provision.

**Senator McPhedran:** Please.

**Ms. Budgell:** I am going to get my colleague, who is our Criminal Code expert, to provide assistance as well.

We need to differentiate between situations where there is a warrant and perhaps circumstances where a warrant is not required because of exigent circumstances.

**Phaedra Glushek, LL.B. Director and General Counsel, Cabinet and Legislative Agenda, Criminal Law Policy Section, Department of Justice Canada:** I'm here for the department of laws in terms of criminal law. I could give a very brief summary of some warrant powers in the Criminal Code that are applicable. There are several provisions, and I'm going to go from memory here because I don't have my code, but 487.11 is an existing warrant power and that allows for warrant searches and it also includes for telewarrants, so rapid responses for when a warrant can be sought and can be issued. So there is that section.

But there is also a particular section in the firearms regime, in Part III of the Criminal Code, and it is 117.02, which you referred to. And that is for both warrant searches and warrant list searches and certain circumstances. It's a lower standard in that section and subsection. So it allows for warrantless searches in very limited circumstances where there is an offence occurring or has just occurred. So it is a very tight regime around Firearms Act.

There is this other one. It's a common law, which means courts — I'm sure the Senate committee is familiar with that — where there are common law abilities to have warrantless searches in exigent or urgent circumstances. If there is an urgent circumstance, and in this case it would be for a business, for example, I'm not going to impute any bad faith on any businesses,

but going to destroy records, for example. That would allow someone to pick up the phone or go into the business without a warrant, and that is a common law power that the police have.

So there are three. It's a scaling of different times of warrants. In a nutshell, those are the types of warrants that can be applied. There are some instances where it is urgent and you can get one by telewarrant, where it is urgent and you can use the common law power, but there are very narrow circumstances where it is very urgent to be able to go into the business without a warrant.

**Senator McPhedran:** If I may just clarify my question on this. Would it be reasonable to conclude from this information that a situation of domestic violence being imminent and/or in process would qualify as coming within those exigent circumstances?

**Ms. Glushek:** I guess every case would have to be looked at on its own on a case-by-case basis. This definitely could be a situation where the person is known to the police or they know that there's a firearm in the property and they could use an exigent circumstance to enter the home or dwelling.

**Senator McPhedran:** I don't know whether the director general or the director of the RCMP might have anything to add from practical experience in the field, for example.

**Mr. Mackinnon:** No, nothing to add that you've already and provided by legal. Thank you.

**Senator McPhedran:** Thank you. Then my question becomes, specific to this bill, whether there is in fact a need for at least a clarifying amendment in relation to the capacity where there's an imminent risk of loss or destruction of evidence or concern for the safety of individuals and/or police to have in this bill with reference to firearms anything that is more specific.

**Ms. Glushek:** With respect to this bill, I guess I would say that there is a current regime that allows for most circumstances, whether it's with or without a warrant, or in common law cases that covers a gamut. I can't speak about the policy of the act or whether or not it should be amended, but I can say that there is a comprehensive regime in terms of warrants and telewarrants to be able to cover situations such as domestic violence.

**Senator McIntyre:** Current section 23.1 of the Firearms Act states that a transferor is authorized to transfer non-restricted firearms if he or she has no reason to believe that the transferee is not authorized to acquire and possess a non-restricted firearm. Now, Bill C-71 would repeal current section 23.1 of the Firearms Act in its entirety, including subsection 23.1 subsection (2), which states that neither the registrar nor his or her delegate nor any designated person shall retain any record of a request made under subsection (1).

My question is this: Who is designated as the registrar of firearms and under what authority is this designation made?

**Mr. Mackinnon:** The registrar of firearms, and I'm looking for support here, is appointed either through the commissioner of firearms or the Minister of Public Safety. I don't know the legal vehicle. But the registrar of firearms would be responsible for collecting the information associated with the licence verification of the transferee as with respect to the elements listed in Bill C-71. The registrar of firearms is currently an RCMP employee and reports to the director general as well as the commissioner of firearms who happens to be the commissioner of the RCMP.

**Senator McIntyre:** A final issue on that question, Mr. Mackinnon, if I may. Will the registrar be allowed to retain a record of a request for a transfer of a non-restricted firearm between individuals?

**Mr. Mackinnon:** Yes, as per Bill C-71, the registrar will collect the licence number of the transfer or the licence number of the transferee, the date, as well as the reference number that has

been issued. There will be no details of the firearm involved collected with respect to the actual transaction.

**Senator Pratte:** Some concern has been expressed on the possible link between the records that the government will keep of reference numbers associated with PALs and other possible sources of information that would permit linkage of information as far as reference numbers are concerned and the firearms. Is such linkage possible, or will this database be independent from other databases and isolated?

**Mr. Mackinnon:** Senator, as I said, there will be no information collected on any firearm with respect to the transaction. The four data elements that are listed within Bill C-71 will be isolated and that's what will be collected by the registrar of firearms. There will be an interface with the licences database to confirm the validity of the person buying the firearm because that is the intent of the bill, but the information will be in isolation.

**Senator Pratte:** Thank you.

**The Chair:** Thank you very much. On behalf of all senators on the committee, I want to express our thanks to you for your input in helping us clarify a very technical bill.

Senators, for our final panel today, we welcome from *Calibre*, Canada's Firearms Magazine, Daniel Fritter; and by video conference, Mr. Edward Burlew, Barrister and Solicitor; and from The Sporting Clubs of Niagara, Gerry Gamble, President. We welcome you all.

Mr. Fritter, would you like to go first with an opening statement.

**Daniel Fritter, Publisher, Calibre - Canada's Firearms Magazine:** Hello, my name is Daniel Fritter. I'm the owner and publisher of *Calibre* magazine, Canada's most widely read firearms publication with roughly one million readers annually. I started *Calibre* seven years ago and have been reporting on the gun debate in Canada ever since. I'm honoured to be able to speak here in front of you today.

I will be blunt. Bill C-71 will not accomplish its stated goals of increasing public safety, and I do not support any component of this bill. However, it is my understanding this government did arrive in office with a mandate to roll back Bill C-42 and this is what Bill C-71 was created to do. Just as Bill C-42 did not represent a significant threat to Canadian safety, neither does Bill C-71 represent a significant step towards a safer Canada. On the contrary, it is my opinion that the components of this bill, as they are written, represent a significant risk to public safety due to both the cost of implementing the bill and the complete lack of limitations placed on government and RCMP with regard to fulfilling the bill's legal requirements.

First and foremost, I asked the committee to consider reconsidering the as-yet unlimited requirement that retailers retain records of firearms purchases —

**The Chair:** Mr. Fritter, can I ask you to slow down for the purpose of translation?

**Mr. Fritter:** As it is written, the law requires that retailers record the details of the firearms purchased as well as the purchaser's licence number and keeps said records for 20 years. As Mr. Caruana typified in the previous sitting, this essentially creates a decentralized gun registry, one that is all but useless to law enforcement due to the lack of centralized access to the data as well as the protections placed on the data by Bill C-71 itself, all while burdening retailers with the cost of maintaining and securing this registry.

I'm not a retailer, and I won't waste the committee's time by saying what the retailers' issues could be. However, I am a gun owner and when my information is being recorded by private industry, at the government's behest, especially regarding the purchase and possession of things as appealing to the criminal element as firearms, it is my opinion that the government has a

responsibility to all Canadians to ensure that private enterprises' ability to collect data is both limited in scope, and that the data is protected by law.

Bill C-71 provides no such legal limitations nor protections on this data. As such, it is all but guaranteed that some firearms retailers will collect more data than Bill C-71 requires, such as names and addresses for any number of reasons. The creation of such a database represents a significant security risk. If such a list were obtained by a criminal element, it would provide them with a veritable shopping list of firearms and the addresses they could be found at. Short of stationing a police officer outside every gun owner's door, there is literally nothing the police could do to secure the firearms in question and ensure the safety of the owners that possessed them.

In today's modern world, where criminal gangs have greater access to hackers and data miners than many local gun shops have to secure data storage, the government must limit the potential risk to gun owners and the public at large by amending the section of Bill C-71 to prohibit the collection of additional personal information pursuant to the sale of a firearm and provide legal guidelines for the security of said data.

Likewise, my second issue with Bill C-71 also relates to the collection of data, specifically that around the sale of non-restricted firearms and the new verification system Bill C-71 looks to implement.

I have three issues. First of all, it is largely unenforceable for private sales. If someone sells an unrestricted firearm to another private individual, short of a sting operation, they generally cannot get a conviction.

Second, like my previous issue regarding retailer registries, this amounts to a massive data collection campaign on the part of the government without limitation. The bill outlines the process that individuals must follow but does not provide the government with any limitation on the data that must be provided in order for a gun owner to require the reference number issued by the firearms centre. As we recently learned, this data could very well be used for purposes beyond the scope of Bill C-71.

As a new member of the Canadian Firearms Advisory Committee has already said, the committee's first meeting was spent discussing the potential changes to firearms storage regulations that may come as a result of Bill C-71. Obviously, since Bill C-71 does not include any references to the storage of firearms, we can only surmise that any storage changes that may come as a result of Bill C-71, as the committee members stated, will lean upon C-71's data collection components.

My largest issue with this specific section is the cost. As of 2012, the last year for which we have long-gun data in Canada, there were approximately 7 million non-restricted guns registered in Canada and roughly 500,000 restricted guns. Now there is a million restricted firearms in Canada. If the ownership trend seen in 2011-12 continues, it is reasonable to assume there is somewhere north of 14 million non-restricted firearms in Canada — especially since the 7 million originally registered only amounted to roughly half those imported during the long-gun registry period. Thus, the requirement that non-restricted firearms transfers now be approved through the firearms centre conservatively represents a fourteenfold increase in the workload for the Firearms Centre. Add to that the additional requirements that owners obtain authorization to the transport that they previously did not require and it is feasible to say the firearms centre's budget will have to be increased by at least 15 times in order to maintain a service standard that anecdotally perpetually seems to involve higher than expected call volumes and anywhere from 10 to 30 minutes on hold. To put all this into perspective, the firearms program's 2016-17 budget

earmarked just under \$12 million for the central processing site which I expect to see increased to \$180 million annually to satisfy the workload that C-71 will place on the firearms program. That is a conservative estimate.

Given the firearms program recently announced they literally cannot afford to test firearms unless they were actually used and fired in the commission of a crime, to pass a law that would require the government to allocate such vast resources to a call centre with a clientele limited to those of us that go through a daily background check seems ill advised. Hence, it is my opinion that this section of Bill C-71 be significantly amended to impose limits on the data collection by the government, as well as to reduce the fiscal strain the bill poses as it is worded.

Finally, I would ask the committee re-evaluate the imposition of unlimited background checks for any new PAL applications for similar reasons to those outlined previously. This section, perhaps more than any other, represents a significant departure from Canadian values and ideals. Although I am not a lawyer, and cannot speak specifically to the legality of such matters, it is my understanding that Canadian are protected from unreasonable searches by the Charter of Rights and Freedoms. Applying for a firearms license should not be grounds for our national police service to have carte blanche to peer into Canadian lives both on and off line.

To put this in perspective, criminal search warrants often have greater limitations on them than the PAL applications will be subjected to under Bill C-71. Beyond the matter of privacy and security, as with all the other points I've raised, there is the matter of the cost of conducting limitless background checks. Add this cost to that of maintaining service standards for the new non-restricted transfer verification process and the equally new requirement for gun owners to apply for more ATTs, and we may see Canada's firearms program budget go from roughly \$54 million to over \$250 million annually. That is a large line item on a law enforcement budget for a service whose clientele is limited to 2 million Canadians who have already proven themselves non-violent, law-abiding Canadians, and to go through daily record checks. As a result, I ask the Senate consider amending bill C-71 to remove this component.

These comments are not by any stretch an exhaustive list of issues that I have with this bill. Given enough time, I have no doubt I could bore everyone in this room to tears with my opinion on the government's abdication of their responsibility for the removal of all oversight over the RCMP's classification system, the creation of new prohibited classes of firearms and just about every other component of this bill. However, in my opinion, Bill C-71 was a hurriedly drafted piece of legislation aimed at following through on the government's promise to rescind Bill C-42. I strongly urge this committee to evaluate this bill not as the government has marketed it, as a buttress against attacks like those we saw in New Zealand last week, but, rather, at face value.

Thank you for your time. I hope I can answer any questions you might to your satisfaction.

**Edward Burlew, Barrister and Solicitor, as an individual:** Thank you very much for allowing me some opportunity here. I'm looking at the time so I don't go over.

So that committee members may be aware, I have been practising law for 40 years. I'm a graduate of Osgoode Hall Law School. For the last 21 years, I have specialized in firearms law and in representing licensed owners of firearms — no gang members. That's gone. I don't do them. I have appeared in over 700 cases in that time period. I have had great success with that. Within those 700 cases, I have done many appeals on firearms license references and prohibition applications, both attendant to sentencing and on their own, under the provisions of section 117 of the Criminal Code.

That brings me to the point that I'm addressing, which is the removal of the five-year limitation set out in section 5(2) of the Firearms Act.

The Firearms Act as it presently stands uses the following words in section 5(1) about eligibility to hold license:

... if it is desirable, in the interests of the safety of that or any other person, that the person not possess a firearm, a cross-bow, a prohibited weapon, a restricted weapon, a prohibited device, ammunition ...

That is the same wording we find in the Criminal Code where there is a discretionary prohibition order requested or to be reviewed upon a finding of guilt. Section 110(1) says that the court must “consider whether it is desirable, in the interests of the safety of the person or of any other person, to make an order prohibiting the person from possessing any firearm, cross-bow, prohibited weapon,” et cetera. It’s the same wording.

As well, section 111 of the Criminal Code is a preventative prohibition order which says that a peace officer, firearms officer or chief firearms officer may apply to a provincial court to prohibit a person from even touching the following items: firearms, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance such as gun powder, where it is not desirable, in the interests of the safety of the person against whom the order is sought or any other person.”

The same applies where a person has their firearms seized. That’s found in section 117.04 of the Criminal Code. It says the same thing and uses the words “not desirable in the interests of the safety of the person or any other person for the person to possess weapon, firearms,” et cetera.

Why is this significant? The court — and this includes the courts of appeal, all the provinces and territories — has brought into precedent the principal that the standard to be applied for a prohibition order is the present state of the respondent to the application or the person found guilty. The court will look at their present state. That is what is most important. In doing these matters, I have had people who have had problems. That’s how the prohibition order started. That’s how the assault charge started. With respect to that, the court, at that time of the sentencing or at that time of the hearing for a prohibition, looks at them at that date. We often go through quite a process, as defence counsel, in rehabilitating that person. The judges, the Crown attorneys and police double check what we have done and they double check the person. If they are satisfied that they have been rehabilitated at the time of the hearing, then no prohibition is imposed.

However, section 5(2), with the removal of the words “within the previous five years”, goes against that legal precedent. It says that the chief firearms office, which means that it’s delegated down to an area firearms officer, will be mandated to go back. It says: “Shall have regard.” That’s a mandate. right to the beginning. What does that mean? Someone who is now 50 years old renewed their licence four times since 1998 and has had that firearms license 20 years. But when they were 18, they got into a fight and were sentenced. Maybe they got a fine. Maybe they pled guilty. Maybe they did a day in jail. That now becomes relevant.

With no guidance given to the CFO or the AFO with respect to rehabilitation, nothing is given to them. Rehabilitation is very important, and it is totally ignored by the removal of the five-year wording. In fact, under the immigration law, there is a 28-page guidance as to how a person, who may have had a criminal record, can be rehabilitated to be able to apply to become a landed immigrant.

The same thing applies in sentencing, and it is called a risk assessment, but that is not referenced anywhere in the Firearms Act. So the area firearms office is totally at sea without any guidance.

I am presently finding this out because the police, for the most part — and I talk about Ontario and other Western provinces where I practise law — are looking beyond the five years right now. They are assessing this and trying to figure it out. In fact, where a person may have been checked out by a court, a Crown attorney or a prior area firearms officer and approved for a licence, they are now getting re-reviewed with no thought of how their rehabilitation has been. Clearly, a person who has had their firearms for at least five years, and in some instances many years more than that, with renewals, has proven their rehabilitative state. Why must police go back and get records that are decades old, not be able to find the witnesses, not be able to get the true facts? In one case -- and I'm not just being anecdotal, because this goes on -- a person who is actually a barrister was reported to have an issue in high school. The police investigated and said, "Well, it's not really an issue," yet that is now being concentrated on by an area firearms officer. That is more than 15 years old.

Now, this needs to be revisited. At first blush, it sounds like a great idea, but in practice, it will not work because there is no guidance given to the area firearms officers. There is no way that they are told that they have to follow precedent of the prohibition.

I have outlined in a paper I have given to the committee, which is to be distributed, how the prohibition order is far more reaching in prevention than just being denied a firearms licence. So, that all has to be looked at.

This is a serious issue because we are then wasting police resources. We are revisiting things that have already been decided. We don't have the guidance to do this. I can see the thoughtfulness of wanting to do this, but I'm talking about the practicality. I'm talking about the court precedent using the same words, and if that has to be done by taking multiple cases to the court when a person is rejected for the firearms licence, that may be the cause, which is not needed.

**The Chair:** I wonder if you might wrap up.

**Mr. Burlew:** I was just wrapping up.

I would like this to be reconsidered. I think that "within five years" should remain because the practicality of it is there.

I thank you for your time and await any questions.

**The Chair:** Thank you.

**Gerry Gamble, President, The Sporting Clubs of Niagara:** Good afternoon, honourable senators. My name is Gerry Gamble. I'm currently President of the Sporting Clubs of Niagara, a grassroots, pro-firearm political action organization representing approximately 7,000 households in the Niagara Peninsula. I am also on the executive of two Niagara-area gun clubs and a vice-president of the Canadian Shooting Sports Association. For seven years, from 2006 to 2013, I served as a member of the federal government's Canadian Firearms Advisory Committee.

I appear today to speak specifically about the effects of Bill C-71 on legal firearm users and from the perspective of shooting ranges and clubs.

Prior to the 2015 election, Prime Minister Trudeau stated, "We'll make policy based on facts, not facts based on policy." This bill fails to meet that standard. It is legislation based not on facts but on unsubstantiated assumptions, semi-informed anecdotal observations and hypotheticals which can only lead to it failing to achieve its stated goal, which is to institute "common-sense measures that will crack down on illegal handguns and assault weapons, creating safer communities."

The following are items which negatively affect gun clubs and their members while at the same time failing to meet the above-stated premise of the bill. One: the removal of authorizations to transport, or ATTs, that are presently attached to the holder's possession and acquisition licence. Currently, the following conditions for restricted and prohibited firearms are attached to a PAL: to approved shooting ranges; to a peace officer, et cetera, for verification, registration or disposal; to a licensed repair business; to a gun show; to a port of exit or entry; and from the place of acquisition to the licence holder's dwelling. Bill C-71 removes from the PAL the transport conditions for all except numbers one through six, and requires the owner to apply for specific ATTs for numbers two through five.

Little evidence exists that the current ATT system is being abused or that there are no controls on the transport of these firearms. Firearm owners must still meet the transport conditions stipulated in the Firearms Act. They are not holding up the corner store on the way to the gunsmith or robbing a bank en route to a gun show, and any assertions to that effect are at best misleading and at worst patently false.

An access-to-information request by Mr. Dennis Young, who previously appeared before this committee, found that from 2008 to 2017, nearly 1 million ATTs were issued. Only 471, which is 0.047 per cent, were revoked, and most of those were because the possessor no longer belonged to a gun club, thus negating the need for an ATT.

Does the RCMP think there is an abuse of ATTs? Mr. Young's ATI indicates that the Canadian Firearms Program has no record of arrests or charges for the number of persons charged with a criminal offence while failing to have a valid authorization to transport firearms, and no record of the total number of licensed firearm owners that were charged with a criminal offence while failing to have a valid authorization to transport. This is not surprising. Licensed firearm owners are not transporting their guns for the purpose of committing crimes, and criminals never bother to get ATTs.

The requirement mandated in C-71 to obtain individual ATTs for reasons two through five is simply a money-wasting, time-wasting exercise that does nothing to mitigate the criminal use of firearms while diverting scarce law enforcement resources from real crime prevention.

Number two: prohibition of CZ858 and Swiss Arms rifles. This bill immediately reclassifies an estimated 10,000 to 15,000 legally purchased and owned non-restricted and restricted rifles as prohibited, and gives the RCMP greater leeway to reclassify and prohibit any firearm with no substantial oversight as to the veracity of their reclassification.

These are not common crime guns. They are expensive rifles -- \$1,500 to \$4,000 each -- widely used for both target shooting and hunting, and are no more unique or dangerous than the thousands of other non-restricted firearms that exist in Canada. The RCMP has produced no evidence to the contrary. If they present a danger to public safety, one must question why the RCMP initially saw fit to classify both of them as non-restricted, the most innocuous of the three Canadian classes of firearms. Has the application of Canadian law sunk to such a depth that honest, lawful Canadians can have their property confiscated without even the courtesy of a valid reason?

This confiscation without compensation is what one would expect to take place in North Korea or Cuba, not Canada. And despite the government's rhetoric, it is confiscation, as these firearms will be seized without compensation upon the death of the owner.

Number three: licence verification for transfers. Bill C-71 requires that all non-restricted firearm transfers will require a reference number before the transfer can occur. As with the revised ATTs, this seems to be the answer to a question no one asked. Statistically, the firearms

of choice for criminals are handguns, despite the fact that their legal transfer in Canada has been tightly regulated since 1934.

Let's be clear. It is rare when a licensed firearm owner provides a firearm to someone who shouldn't have it, and if they do, legislation is in place to lay appropriate charges.

The best information I have is that there have only been a total of 24 prosecutions, not convictions, for straw purchases, which are licensed individuals purchasing firearms for non-licensed individuals. This is in the history of Canada.

Surely the government doesn't really believe that another data system to optimistically prevent one or two illegal transactions per year is getting the best value for dollar in terms of crime prevention?

In August 2018, CBC News contacted the Canadian Firearms Program regarding domestically sourced firearms used in crimes. The response from the RCMP was:

Currently, there is no national repository for this type of information in Canada. The Canadian Firearms Program does not collect or track national statistics with regard to the origin of crime guns . . . [and] no such data exists.

Lynn Barr-Telford, the director general in charge of justice surveys at Statistics Canada, stated:

We don't know the origin of firearms involved in gun crime in Canada.

If domestically sourced firearms are the problem as the government claims, why does the RCMP not keep statistics on such occurrences? The answer seems obvious. It is so rare that it is not a problem.

Conclusion: Since the vast majority of this bill only affects licensed firearm owners and legal firearms, it is fallacy to accept that it can, as written in any meaningful way alleviate the criminal misuse of firearms.

In a March 2018 press release, Public Safety Minister, Minister Goodale, stated that Bill C-71 would be “. . . reasonable and respectful toward law-abiding firearms owners . . .”

In light of that statement, I pose to you the following questions: Is it reasonable and respectful to confiscate legally owned property without compensation? Is it reasonable and respectful to mandate additional paperwork, which evidence shows has no effect on the criminal use of firearms? I submit to you that the answer to all these questions is an unqualified “no.”

If the solution to preventing the criminal use of firearms was to focus on legal gun owners, then the problem should have been solved in 1977 under Bill C-51, and in 1991 under Bill C-17, and in 1995 under Bill C-68. Yet 42 years later, we are trying to solve the same problems using the same failed logic. If this bill passes in its current form, I assure you that in a very few years we will be back here again still vainly searching for answers as to why gun crime is not declining.

I ask you to take the opportunity to reject this legislation in its present form and avoid the mistake of once again focusing on law abiding, licence-holding Canadians in an ill-directed effort to solve the problem of the criminal misuse of firearms.

I thank you for your time and consideration. I will be pleased to answer any questions that you may have.

**The Chair:** Thank you very much. We'll move to questions.

(French follows — Senator Dagenais: Merci à nos invités...)

(après anglais — Chair: ... Thank you very much. We'll move to questions.)

**Le sénateur Dagenais:** Merci à nos invités. Ma première question s'adresse à M. Fritter.

Monsieur Fritter, les défenseurs du projet de loi nient catégoriquement que le projet de loi C-71 crée un nouveau registre des armes à feu. D'ailleurs, ils nous citent l'introduction du projet de loi pour justifier cet argument. Vous avez dit, d'entrée de jeu, que c'est un registre déguisé. Pouvez-vous justifier cette affirmation?

(anglais suit — Mr. Fritter: There are a few components...)

(Following French — Senator Dagenais — cette affirmation?)

**Mr. Fritter:** There are a few components here. There is obviously the verification process of long guns, through the sale of those, that they will have to transfer that in the similar manner as transferring restricted. I don't think that constitutes a long-gun registry of any sort. However it does provide a registry of the number of guns I own, for example, if I buy five and sell three. Therefore government has some record of the fact that I have whatever is left because I forgot what my two numbers were because I'm nervous about this. And the second component being the retailer component, which is not a long-gun registry again, but could be one if the bill isn't amended to limit the information that can be entered in those purchases.

If a store wants to take someone's name and address for customer management and whatnot that's fine, but specifically with regard to the sale of firearms, I think it has to be amended to say that they can only collect the PAL number and the type of firearm because that information will provide no value. And I think it's also crucial to point out, which I did mention in my speech, that there is no component within Bill C-71 or the existing Firearms Act that prevents a retailer from distributing this list. So if a disgruntled employee takes 10 years of firearms sales records and sells them to a gangbanger for a large sum of money, that's not legal and that's a huge security risk. As one who owns guns legitimately, once that genie leaves the bottle, if my local gun store's list it sold, that's it; it never comes back. I have to move. That's the only conclusion I can think of, otherwise I'm living in a house that has a list floating around that says this guy has guns, and that's a very uncomfortable situation to be in.

(French follows — Senator Dagenais: Ma prochaine question ...)

(après anglais — Mr. Fritter cont'.: ...situation to be in.)

**Le sénateur Dagenais:** Ma prochaine question s'adresse à M. Burlew.

Monsieur Fritter a parlé de la lourde charge que représente le projet de loi C-71. Il y aura des certificats d'enregistrement; on parle de vérifications d'antécédents, de suivis des données par les vendeurs. Cependant, tout devient un peu flou quand on veut savoir ce qui va se passer sur les territoires autochtones où il y a pourtant bien des armes à feu et bien des armes illégales.

Croyez-vous, à titre d'avocat, que ce projet de loi crée chez ceux qui le réclamaient un sentiment de sécurité qui ne sera rien d'autre qu'un écran de fumée, tout en imputant bon nombre de responsabilités aux policiers, aux commerçants, aux chasseurs et aux agriculteurs? En peu de mots, pensez-vous que c'est applicable de façon équitable sur tout le territoire canadien?

(anglais suit — Mr. Burlew: In response to the situation...)

(Following French — Senator Dagenais — sur tout le territoire canadien.)

**Mr. Burlew:** In response to the situation of Indigenous owners of firearms, I think we have to reflect on the fact that the police, in the past, are alleged to have acted unfairly with respect to the Indigenous people, that Indigenous people have an unexplained or unfair high number of police incidents.

I think that will be a big problem if we go back more than five years. We'll see that many Indigenous hunters, because they have to have a licence to do their subsistence hunting, to enjoy their lifestyle and their rights and their culture. I can only see that by going back more than five years, they're going to be reinvestigated, burdened with matters that they have overcome,

whether it's drugs, violence, depression, something of that nature. And they will find that their lives now many decades later are revisited with these problems that they and their communities have worked so hard to eliminate.

I think that this may actually lead to Bill C-71 being called the Indigenous peoples disarmament act, and I don't use that word lightly.

(French follows — Senator Dagenais: Ma dernière question...)

(après anglais — Mr. Burlew cont' : ...and I don't use that word lightly.)

**Le sénateur Dagenais:** Ma dernière question s'adresse à M. Gamble. Vous avez sûrement entendu, plus tôt aujourd'hui, le ministre de la Sécurité publique, M. Goodale. Que pensez-vous des explications qu'il donne pour rassurer les propriétaires qui auront à transporter leurs armes comme il dit qu'ils le faisaient auparavant? Que pensez-vous de l'idée que ces permis puissent être obtenus par le biais d'Internet?

(anglais suit — Mr. Gamble: I'm sorry, I didn't hear the minister...)

(Following French — Senator Dagenais — par le biais d'Internet?)

**Mr. Gamble:** I'm sorry, I didn't hear the minister speak today, but I will tell you just to relate my experience in trying to transfer firearms now. If I try to transfer a restricted firearm now, it is quite common for me to wait, in Ontario, four to six weeks for a transfer to go through.

We all know how well promises work regarding data systems. I think the Phoenix pay system is a pretty good example of how well data systems work.

To give you an idea, the Sporting Clubs of Niagara run four gun shows a year. At our gun shows, people buy and sell guns, but the gun shows are Friday night. Therefore, when the firearms registry was in place and it closed on five o'clock on Friday and did not open again until Monday morning, no transfers could be done at the gun show. People would drive 50 to 60 miles to get to a gun show and the vendor would have to say, "You will have to come back Monday to get it because I can't phone in the transfer." I'm sorry; I have very little faith in any kind of automated system because what will happen is a fellow will say, "I'd like to buy that firearm," and he's going on it on the phone for 45 minutes. He won't be able to get through because he will get "we're experiencing an unusually high volume of calls," and the buyer will eventually just walk away.

Again, senator, as I've tried to point out here, this is not a problem. The transfer of firearms is not a problem. This goes back to the FAC system brought in in 1977. I have to confess I was on the firearm committee when this bill was written — sorry, just prior to the last Bill C-42 coming out — and we even had some problem with the fact that it kind of said the seller has to have no reason to believe that the person can't acquire the firearm. I don't know why it didn't just say they must produce a valid Possession and Acquisition Licence. I think, if that had happened, it would have worked as well as the FAC system worked from 1977 up to 1995. No vendor is going to sell to a person they suspect is going to illegally purchase a firearm. They would always insist on seeing that piece of valid ID. I have no confidence in any kind of automated system that it will work expeditiously or economically. The long-gun registry is a perfect example. You know, the registry that was going to cost \$2 million and ended up costing \$1 billion. That's the experience. I've been a gun owner and I've seen all these bills go through and all the promises that were made. Most did not come to fruition.

(French follows - Senator Dagenais - A titre d'information ...)

(après anglais -- Mr. Gamble: ... most of them did not come to fruition.)

**Le sénateur Dagenais:** À titre d'information, le registre a coûté 2,5 milliards de dollars. Il s'est avéré très coûteux, inefficace et a instauré un faux sentiment de sécurité chez les policiers.

(anglais suit — Mr. Gamble: I was being optimistic at 1 billion...)  
(Following French - Senator Dagenais cont'g - ...chez les policiers.)

**Mr. Gamble:** I was being optimistic at \$1 billion.

**Senator Gold:** Thank you, witnesses, for sharing your perspective. I'm trying to get a handle on your views a bit more broadly. Two questions, the first for you Mr. Fritter.

A couple of years ago, you wrote that the whole gun control program in Canada had virtually no impact on gun violence. We've heard evidence, though, over the number of hearings that, in fact, there is evidence that links both access to guns to incidents of gun violence, especially in rural areas and with regard to long guns. Leaving that aside, when you say the whole gun control program has had no impact, what would you recommend? Would you do away entirely with gun control altogether in Canada? What parts would you keep?

**Mr. Fritter:** No, ironically perhaps the phrase I would fall back on was one uttered by Wendy Cukier a few weeks ago when she said we want effective gun control. It's not more or less, it's making sure that violent offenders can't go into a gun shop and purchase any gun they want. That is effective gun control. What I would like to see is a contextualized debate around gun control with regard to costs, because if Bill C-71 goes through and ends up increasing the workload so dramatically we're looking at a \$250 million per year expenditure, I believe that money could be spent — and again leaning on a surprising sort of person, the doctors that say it's got to be viewed from a public health context. It does, but we also need to throw the money in there to give it a proper thing.

Out in B.C. we reopened the Riverview mental hospital, partially, for \$100 million. The closure of that hospital is directly correlated with a massive rise in opioid epidemics in Vancouver. I question whether the money is best spent doing automated ATT systems or reopening mental health hospitals.

**Senator Gold:** Thank you for that Mr. Fritter, but we had evidence from the minister, officials and from others that in fact, resources are going to be applied in various aspects to make sure that the system can be properly administered, and from some of the witnesses and others that you quoted that in fact, the steps in Bill C-71, although many of them would like the bill to go further, would actually have the effect of saving lives and saving the harm that can be caused by the impulsive use of firearms by otherwise law-abiding citizens who in moments of crisis, whether in a domestic violence situation are seized with personal problems for which they see no way out, turn to firearms. The package of proposals in Bill C-71, including background checks that can focus on whether there has been attempts to harm oneself or others, would be a step towards reducing the harm caused by guns. What is your comment on the evidence we heard?

**Mr. Fritter:** Similar to what Mr. Burlew said is that rehabilitation is a key component in the Canadian justice system. If someone has committed a crime we don't hold it against them for the rest of their lives we offer pardons, et cetera, based on the crime, our sentencing takes into account rehabilitation processes. It seems quite strange to me as a gun owner that the application for a gun licence is one thing you can do that means that you're never forgiven for anything you did. That everything will be dredged up and you will have to answer for things you did 15, 20 or 30 years ago.

**Senator Gold:** Are you not aware that in the actual process the Chief Firearms Officer is going to be looking not at not some foolish incident in high school 40 years ago, but the behaviour that is threatening, or incidents of violence or threatened violence against one's intimate partner? It's not an automatic ban because you did something foolish 30 years ago.

**Mr. Fritter:** My issue is that there are no restrictions on it. When you say they won't focus on something that was done 14 years ago, we see abuses of systems like this quite frequently by officials that do dig unnecessarily deeply. I question whether we should be limiting that kind of stuff. Ed is probably a person that can speak about that more.

**Senator Gold:** I had other questions, but I think I've taken enough time. I'll let others go.

**Senator McPhedran:** This is a question to Mr. Fritter, Mr. Burlew and Mr. Gamble. To each of you, are you owners of cars?

**Mr. Fritter:** Yes.

**The Chair:** Yes, Mr. Burlew?

**Mr. Burlew:** I have four cars.

**Senator McPhedran:** Were you involved in the purchase of the cars that you own including the registration of those cars?

**Mr. Fritter:** Yes.

**Mr. Gamble:** Yes.

**Mr. Burlew:** Yes. But I'll point out a difference in —

**Senator McPhedran:** No, just the question. And the registration that's related to the ownership of those cars? Yes or no.

**Mr. Gamble:** Yes.

**Mr. Fritter:** Yes.

**Mr. Burlew:** Yes. I am fine with all those laws —

**Senator McPhedran:** Okay. Thank you. One question to all three of you, please. That is, do any of you have any affiliation with the National Rifle Association in the United States and my question includes support of any kind, including financial or otherwise, from either the NRA as an association or individuals known to be associated with the NRA?

**Mr. Fritter:** No.

**Mr. Gamble:** Yes, I belong to the NRA. I joined it because for \$25 a year I get their magazine which is an excellent publication.

**Senator McPhedran:** Does your organization have an affiliation with the NRA? Do you receive any kind of support to either your publication or your organization Mr. Gamble?

**Mr. Gamble:** I believe it's in the National Rifle Association constitution that they cannot provide any financial resources or support to any organization outside of the United States. That's in their constitution.

**Senator McPhedran:** Financial, I believe. Any other kinds of support?

**Mr. Gamble:** Any official affiliation. I mean, I've met the past president of the National Rifle Association, Sandra Froman who was the president a few years back. But in terms of official affiliation, it is in the NRA constitution that everything that they do officially must be inside the United States.

**Senator McPhedran:** Mr. Burlew, did you want to answer the question?

**Mr. Burlew:** Sure I do. I am a member of the NRA. My father was a member of the NRA. I am the only lawyer in Canada to whom the NRA refers its members when they have a transgression of the firearms laws in Canada. I will also confirm that the NRA may not make any payments that are beyond the borders of the United States. I also know many members of the NRA.

**Senator McPhedran:** That would include any payments for any legal defence that you might provide?

**Mr. Burlew:** They don't pay for that. That is paid for by the person who is accused. Usually it is a person who has come across the border and forgotten to declare all their guns. They thought it wasn't too important, but boy, is it important in Canada. You're going to do time in jail for that.

**Senator McPhedran:** Thank you. Question for you Mr. Fritter as the publisher and frequent author in the *Calibre* magazine. In an article written by you, you said: "We do not have a gun crime problem in Canada." You cited Statistics Canada that 3 per cent of violent crimes reported by police are also reported to have been committed with guns. You indicated that statistic was sufficiently small and that we do not have a gun crime problem in Canada. But that statistic of 3 per cent represents over 7,000 human beings. Can you please help me understand how you reach the conclusion that we do not have a gun crime problem in Canada?

**Mr. Fritter:** The 97 per cent that aren't affiliated with guns also involves human beings.

**Senator McPhedran:** So those 7,000 human beings that have been affected don't count in your estimation?

**Mr. Fritter:** No, they do count. They absolutely do. But as Mr. Gamble pointed out, 9,000 people have died of an opioid epidemic. I view every life as something sacred to be preserved. If someone dies with a needle in their arm, I don't view it any different from someone being shot. Neither of them wants to die.

**Senator McPhedran:** But your conclusion from the statistics is that Canada does not have a gun crime problem?

**Mr. Fritter:** Perhaps I misspoke and should have said it is not a priority issue. Obviously, that is a personal opinion and everyone can interpret their own.

**Senator McPhedran:** Mr. Gamble, in relation to the website of The Sporting Clubs of Niagara, and I think you're the author of this, but please correct me if I misunderstood the way it's listed on the website, and the grammar is yours, not mine. Quote:

There is 75,000 signatures against Bill C-71. We also have a muslim mosque that collected just 75 signatures to ban assault weapons (aka civilian carbines) and this muslim petition of just 75 signatures is what the government is noticing; yet, our tax paying citizens' petition of 75,000 signatures against Bill C-71 gets ignored as if it never existed.

Mr. Gamble, one of the things we try to do here is review proposed laws and make our decisions based on evidence. Could you please help us understand the evidence on which you rely in making this statement that I have just quoted?

**Mr. Gamble:** That's not my statement. We have a fellow who runs our website. That was something he posted.

**Senator McPhedran:** Did you see it before it was posted?

**Mr. Gamble:** Actually, I don't go to the website that often.

**Senator McPhedran:** So you're representing The Sporting Clubs of Niagara, but you have no control or oversight of your website?

**Mr. Gamble:** Our organization is an all-volunteer organization, so everything that occurs there does not have to be run through me.

**Senator McPhedran:** Just to clarify, there is another posting on your website that is titled "Handgun ban proposal abnormal." Did you have anything to do with that statement? Do you know who was the author of that statement?

**Mr. Gamble:** Do you have the text of that?

**Senator McPhedran:** Yes. The quote is quite long, so I'll try to shorten it.

All these acts were justified cause the abnormal people that are up in arms to ban guns don't own a gun but all the other objects used prior are familiar to them . . .

This is in reference to the van that was used to murder people in Toronto.

. . . so they get busy scratching their chins and think of a mental disorder to justify those wrong acts by the abnormal people cause a gun was not used, woot woot, so they can get the abnormal people back into society to live another day.

Hey, after all, its not their fault. Neither its the Van's fault, knife's fault, snow plows fault and all the other objects ever used to harm people. But as soon as a gun is used, holy shit, lets ban that gun. For all you younge peple out there, regardless of what you are taught, this abnormal proposal is as good as someone telling you that you cannot own a cell phone cause someone used one in an IED attack and killed innocent people.

Were you involved with this?

**Mr. Gamble:** I'm sorry, no, I was not.

**Senator McPhedran:** How does this publication relate to the official position that you hold for the Niagara gun club in relation to the website that is for that same organization?

**Mr. Gamble:** Actually, up until the demise of the long-gun registry, we regularly published newsletters, ran gun shows, et cetera. Once the long-gun registry was done away with, we scaled our activities back. We produced no newsletters. We still are involved in presentations to interested groups and that sort of thing. In fact, I'm not computer literate enough to run a website. We have a young fellow who puts the information on the website. Some of the stuff he runs by me; some of it he does not.

**Senator McPhedran:** Did he run by you either or these?

**Mr. Gamble:** Neither one. No.

**Senator McPhedran:** Do you agree with the position expressed in these two quotes?

**Mr. Gamble:** No, I don't. Like I say, it's a volunteer organization. People volunteer their time, and even though I am the president, it's not that everything has to be approved by me before it's done.

**Senator McPhedran:** But we will take this as a statement of The Sporting Clubs of Niagara because it's on your website.

**Mr. Gamble:** If I'm the president, I guess I have to own up to it. But those are not my statements.

**Senator Pratte:** I have a couple of questions. Mr. Gamble, you mentioned in your presentation that the grandfathering of firearms, which you call "confiscation," is something more akin to countries like North Korea.

My understanding, and correct me if I'm wrong, was that grandfathering had been used in 1977 or 1978 when fully automatic firearms were prohibited, and then again when a majority of handguns and converted fully automatic guns were prohibited. So at least in these three instances — maybe more that I'm not aware of — governments of all political stripes did use grandfathering as the way of dealing with a situation where suddenly a number of guns are prohibited. Am I correct?

**Mr. Gamble:** Yes, sir, that is correct.

**Senator Pratte:** I don't know if it's like North Korea, but if it is, we have been like North Korea for quite awhile.

**Mr. Gamble:** I don't think that's a good thing. I should also point out, sir, fully automatic firearms were prohibited and grandfathered in 1978. To my knowledge, there has not been one documented homicide committed in Canada with a registered full automatic firearm by the

registered owner ever. So these firearms were all prohibited. They will all be confiscated from the owners, all of whom now, because this was done in 1978, are probably well into their 60s, 70s and 80s. These firearms will all be confiscated when these people die. As I said, to my knowledge, and I have researched this a little bit, there has never been one single homicide committed with that class of firearm by the registered owner.

**Senator Pratte:** In your view, if you had your way, fully automatic firearms would not be prohibited in Canada?

**Mr. Gamble:** I'm not saying that. I'm just saying I think it proves the illogical reasoning of prohibiting a certain class of firearms. Because it is not the firearm that causes the problem; it is the owner of the firearm. And law-abiding, licence-holding firearm owners very seldom commit these crimes.

**Senator Pratte:** Thank you, sir.

Mr. Burlew, I need a clarification from you as the expert or certainly one of the experts in firearms law in Canada. My understanding is that Canadian courts have had to adjudicate on this five-year issue or more, and in the cases where the courts did decide, and I have a quote here from the B.C. Court of Appeal:

Anything about the background or conduct of the applicant or licence holder that is relevant to public safety can be considered, including whether it's for a longer period than five years.

That was confirmed by other courts. That's the information that I have, but I may be mistaken. Will you correct me if I am mistaken?

**Mr. Burlew:** I'm not aware of the one in the B.C. Court of Appeal. I will admit to that. But I do know that Judge Durno in the Superior Court in Brampton said that he was not in agreement with the five years. However, I will say that the importance of what I'm trying to put to the committee is that it is the point of rehabilitation.

As well, if we're going back more than five years, and we're doing it in the context of a court, then the court is aware of rehabilitation, and they have the guidance and the knowledge to do that. Even when they are looking back, and even in the decision of Judge Durno, which had to do with licensing, and I believe it was 10 years ago, that case was focused on the present state of the person who was the applicant for the licence. A context was provided, but it was the present state which was overriding to the court in their decision.

**Senator Pratte:** Am I correct that if there is an unreasonable decision taken following the amendments from Bill C-71, there is an appeal process, which you're very familiar with, to a provincial court judge; and, therefore, if ever a firearms officer rejected an application for the wrong reasons, there is an appeal process?

**Mr. Burlew:** Oh, there is. It's under section 74 of the Firearms Act, and it can go up to the Superior Court after that, and, with leave, to the Court of Appeal of the province, where it stops.

**Senator Pratte:** Doesn't that protect people from unreasonable decisions?

**Mr. Burlew:** I don't think it does because there is the practicality of paying for counsel to represent you and the process itself. Going to court is an onerous process, and when you're starting out from a negative standpoint, it is very difficult.

It is also made very difficult when we have licensing in the same court as criminal matters, and the judges are not always familiar with showing the same level of proof. Because, in licensing, it's the civil level of proof whereas the criminal court is beyond a reasonable doubt. I have had many issues with that over the many cases I have done.

**Senator Pratte:** Thank you, sir.

(French follows - Sen. Boisvenu - Bienvenue à nos témoins . . .)

(après anglais — Sen. Pratte: ... Thank you, sir.)

**Le sénateur Boisvenu:** Bienvenue à nos témoins. Je tiens à m'excuser de mon retard. Maître Burlew, le projet de loi fera en sorte que la responsabilité en matière de classification des armes à feu relèvera de la GRC. Selon vous, la GRC a-t-elle toutes les compétences pour assumer ce rôle?

(anglais suit — Mr. Burlew: In a word? No. Let me explain very briefly...)

(Following French - Sen. Boisvenu - . . . assumer ce rôle?)

**Mr. Burlew:** In a word? No. Let me explain briefly. The RCMP forensic division will look at a gun or a weapon, and they look at it on a tabletop. That's the only place they have; they have a tabletop. Their mandate is to look at the gun on the tabletop and determine whether it is an antique, under 500 feet per second, but in which case no licence is needed, or restricted, non-restricted or prohibited.

However, there is more that flows from each of those decisions than is within the mandate or ability of the RCMP. In other words, what does it mean to have this gun approved for Canadian civilian use? We see that a great deal was caused in terms of problems with respect to the Ruger 10/22 modified firearm called a charger pistol.

In 2006 that was allowed into the country; about 300 were brought in. I don't think there were many more than that. I would have to look it up. But because of that, it was a restricted pistol only able to hold 10 rounds; however, the Ruger 10/22 rifle, being a .22 Rimfire could have a 30- or 50-round magazine. Over a million of those came in. They continued to come into the country, even after the year 2006. It took the RCMP until 2015 to figure out they had made a mistake in 2006 and to cut off the importation of those higher-capacity magazines.

In the meantime, all of these had flooded into Canada, with criminality attaching to each one of them. That had not been determined, nor was it within the mandate of the RCMP. That's why more is needed than just the RCMP forensic looking at the tabletop. I'm not saying to eliminate that, but I'm saying that that must be augmented. It must be augmented not just by Parliament but also by industry because industry wants to be successful. They want people to enjoy their hobby of hunting and target shooting and collecting guns. They don't want to have failures. We're all in a positive mood. We all want to stop gun violence. We all want to have things enjoyable. We have to work together and build a system that recognizes the needs of industry, Parliament, society and the police.

(French follows - Sen. Boisvenu - Monsieur Fritter, vous avez parlé . . .)

(après anglais — Mr. Burlew: ... Parliament, society and the police.)

**Le sénateur Boisvenu:** Monsieur Fritter, vous avez parlé plus tôt de la possibilité que des renseignements personnels soient volés ou vendus. Récemment, au Québec, il y a eu des boutiques ont été dévalisées, notamment au Lac-Saint-Jean ou à Chicoutimi. Selon vous, ces informations qui seront confinées chez le commerçant pourraient être volées? Qui peut utiliser ces informations et à quelles fins?

(anglais suit — Mr. Fritter: The obvious answer is ...)

(following French - Sen. Boisvenu - . . . à quelles fins?)

**Mr. Fritter:** The obvious answer is any criminal element looking to obtain firearms in an easier manner than smashing into a gun store. In recent years we have seen gun stores get targeted more frequently. They have responded with bars on the windows, bollards in front to prevent vehicles from breaking in, and monitored alarms, prioritized response from police. That's obviously not feasible for 2.2 million gun owners to live behind bars and bollards at their house. It wouldn't take long before an enterprising gang unit of some sort would figure out that

instead of breaking into gun shops, all they have to do is break into their computer system or, conversely, bribe an employee to get the information.

We are talking about this now, but this will be law potentially in 10 or 20 years, at which point we won't be working with a paper ledger that someone can lift from a store. We will be dealing an electronic database that will be maintained by a local store owner who probably has bigger concerns than, "Is my database secure enough?" They are worried about making their GST remittance, their profit-and-loss statements, employee salaries. It will not be the priority it absolutely needs to be and legally should be. Like I said, there is no way to put that genie back in the bottle. You saw Adam in here from FOC, that store does huge business. Every day they sell a ton of guns. If that ledger goes missing in ten years, there will be literally tens of thousands of addresses that will never go back in the bottle. People will know there are guns there. The problem we have now will be dramatically bigger.

**Senator Pratte:** You mentioned that the future ledgers that retailers will put the information in is the beginning of a registry or a backdoor registry. You know this much better than I do, but my understanding is from 1977 to 1995, when the long-gun registry was implemented, each retailer had to keep a complete record of its sales. Was that the beginning of a gun registry? If not, what is the difference between now and then?

**Mr. Fritter:** I don't think I called this a registry because I think the registry term distracts from the discussion of what it actually is a collection of data. We have to evaluate whether or not this data is something we want to have available. It's not a question of whether or not the data should be recorded; the question is that the law does not protect the data. As far as I'm concerned, that's my data — my name and address — that goes in a book. It's fine that the law says we want to know who is buying guns so that if police need to launch an investigation, they can have access. That's one thing. It's another thing to tell me, "Okay, we're going to collect this information, but we are not going to put any kind of legal ramifications in there for someone that misuses it."

**Senator Pratte:** If I may, the bill does not require that the name and the address of the buyer be recorded. That's not in the bill. The bill requires the PAL number but not the name and the address.

If there is personal information in the retailers' records, that's protected by the Privacy Act.

**Mr. Fritter:** Yes. The bill requires that they list PAL and firearm details; it doesn't limit it to that. My concern, as we already see, some of the big box retailers already take down names and addresses for various purchases because their legal department is worried.

**Senator Pratte:** So it's the case now.

**Mr. Fritter:** What do you mean?

**Senator Pratte:** It is the case now that major retailers record this information and they keep it — names and addresses —

**Mr. Fritter:** My issue is that right now, most gun owners don't stop at those stores specifically to prevent their name from being recorded in that type of book. If this law passes, we'll have that tenfold. Retailers will look at it and say, "If I am supposed to record the PAL, maybe I should record more just in case."

**Senator Pratte:** Thank you.

**The Chair:** Mr. Gamble, Mr. Fritter and Mr. Burlew, thank you so much for joining us today. We appreciate you making the effort to be here. Particularly Mr. Fritter since this was your second attempt, and we're grateful for the contribution you have made.

Senators, we'll move in camera.

(The committee continued in camera.)