



## MINUTES OF PROCEEDINGS

OTTAWA, Wednesday, November 29, 2023

(46)

[English]

The Standing Senate Committee on National Security, Defence and Veterans Affairs met this day at 11:31 a.m., in room B45, Senate of Canada Building, the chair, the Honourable Tony Dean, presiding.

*Members of the committee present:* The Honourable Senators Boehm, Boisvenu, Cardozo, Carignan, P.C., Dagenais, Dasko, Deacon (*Ontario*), Dean, Gold, P.C., Harder, P.C., Kutcher, Martin, Plett, Richards and Yussuff (15).

*Other senators present:* The Honourable Senator Oh (1).

*Participating in the meeting:* Andrea Mugny and Sara Gajic, procedural clerks, Maya Zeinali, Legislative Clerks, and Sofiya Saphea, Administrative Assistant, Committees Directorate; Ariel Shapiro and Anne-Marie Therrien-Tremblay, analysts, Library of Parliament.

Pursuant to the order of reference adopted by the Senate on Wednesday, June 21, 2023, the committee continued its consideration of Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms).

The committee resumed clause-by-clause consideration of Bill C-21.

The Honourable Senator Plett moved that Bill C-21 be amended on page 51 by adding the following after line 28:

### **45.1 The Act is amended by adding the following after section 118:**

**118.1 (1)** If a proposed regulation may affect one or more Indigenous groups', communities' or peoples' rights recognized and affirmed by section 35 of the *Constitution Act, 1982*, the federal Minister must, before the proposed regulation is laid before each House of Parliament under subsection 118(1), consult with a variety of Indigenous governing bodies and a variety of Indigenous organizations in order to take into account the unique circumstances and needs of those Indigenous groups, communities and peoples.

**(2)** If subsection (1) applies, the federal Minister must include with the proposed regulation laid before each House of Parliament pursuant to subsection 118(1) a report describing the consultations undertaken.

(3) The following definitions apply in this section.

**Indigenous governing body** means a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the *Constitution Act, 1982*. (*corps dirigeant autochtone*)

**Indigenous organization** means an Indigenous entity that represents the interests of an Indigenous group and its members. (*organisme autochtone*)”.

The question being put on the motion in amendment, it was negated on the following vote:

YEAS

The Honourable Senators

Boisvenu, Carignan, Plett, Richards — [4]

NAYS

The Honourable Senators

Boehm, Cardozo, Dagenais, Dasko, Deacon (*Ontario*), Dean, Gold, Harder, Kutcher, Yussuff — [10]

ABSTENTIONS

NIL

It was agreed that clause 46 carry, on division.

It was agreed that clause 47 carry, on division.

It was agreed that clause 48 carry, on division.

It was agreed that clause 49 carry, on division.

It was agreed that clause 50 carry, on division.

It was agreed that clause 51 carry, on division.

It was agreed that clause 52 carry, on division.

It was agreed that clause 53 carry, on division.

It was agreed that clause 54 carry, on division.

It was agreed that clause 55 carry, on division.

It was agreed that clause 56 carry, on division.

It was agreed that clause 57 carry, on division.

It was agreed that clause 58 carry, on division.

It was agreed that clause 59 carry, on division.

It was agreed that clause 60 carry, on division.

It was agreed that clause 61 carry, on division.

It was agreed that clause 62 carry, on division.

It was agreed that clause 63 carry, on division.

It was agreed that clause 64 carry, on division.

It was agreed that clause 65 carry, on division.

It was agreed that clause 66 carry, on division.

It was agreed that clause 67 carry, on division.

It was agreed that clause 68 carry, on division.

It was agreed that clause 69 carry, on division.

It was agreed that clause 70 carry, on division.

It was agreed that clause 71 carry, on division.

It was agreed that clause 72 carry, on division.

It was agreed that clause 72.1 carry, on division.

The chair asked whether clause 73 shall carry.

The Honourable Senator Carginan moved that Bill C-21 be amended in clause 73, on page 67,

(a) by replacing lines 5 and 6 with the following:

**“73 (1) All provisions of this Act for which no other provision is made respecting their coming into force, other than sections 14.1, 14.2, 46 to 48 and 70 to 73, “;**

(b) by deleting lines 9 to 11;

(c) by adding the following after line 13:

**“(3) Subject to subsections (4) and (5), before an order may be made declaring any provision of this Act to be in force, the Minister of Public Safety and Emergency Preparedness must**

**(a) consult with**

**(i) a variety of Indigenous governing bodies and a variety of Indigenous organizations to determine the effect that the coming into force of the Act will have on the rights of Indigenous groups, communities or peoples recognized and affirmed by section 35 of the *Constitution Act, 1982*, and**

**(ii) all affected stakeholders to determine the effect that the coming into force of the Act will have on the fair market value of firearms acquired by persons legally and in good faith; and**

**(b) cause to be tabled in both Houses of Parliament a report describing the consultations undertaken, the submissions received during the consultations and the measures taken to address concerns raised by stakeholders in their submissions.**

**(4) A report tabled in a House of Parliament under paragraph (3)(b) must, on that day or, if a House is not then sitting, on the next day on which that House is sitting, be referred by that House to an appropriate committee of that House, as determined by the rules of that House, and the committee may consider the report, conduct inquiries or public hearings and report its findings to that House.**

**(5) An order may not be made declaring a section or subsection of this Act to be in force before the earliest of**

**(a) 30 sitting days after the report referred to in paragraph (3)(b) is tabled in both Houses of Parliament;**

**(b) 90 calendar days after the report referred to in paragraph (3)(b) is tabled in both Houses of Parliament; and**

**(c) the day after the day on which each appropriate committee has reported its findings with respect to the report.**

**(6) The following definitions apply in this section.**

***Indigenous governing body* means a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the *Constitution Act, 1982*. (*corps dirigeant autochtone*)**

***Indigenous organization* means an Indigenous entity that represents the interests of an Indigenous group and its members. (*organisme autochtone*)**

***sitting day* means a day on which either House of Parliament sits. (*jour de séance*)”.**

After debate, the question being put on the motion in amendment, it was negatived on the following vote:

YEAS

The Honourable Senators

Boisvenu, Carignan, Deacon (*Ontario*), Martin, Richards — [5]

NAYS

The Honourable Senators

Boehm, Cardozo, Dagenais, Dasko, Dean, Gold, Harder, Kutcher, Yussuff — [9]

ABSTENTIONS

NIL

It was agreed that clause 73 carry, on division.

It was agreed that the title carry, on division.

It was agreed that observations be appended to the committee's report.

At 11:58 a.m., the committee suspended.

At 11:59 a.m., pursuant to rule 12-16(1)(d), the committee resumed in camera to discuss a draft report.

It was agreed that the committee allow the transcription of the in camera portion of today's meeting, that one copy be kept with the clerk of the committee for consultation by committee members and/or staff, and that the transcript be destroyed by the clerk when authorized to do so by the Subcommittee on Agenda and Procedure, but no later than at the end of this parliamentary session.

At 1:03 p.m., the committee adjourned to the call of the chair.

*ATTEST:*

Ericka Dupont

*Clerk of the Committee*