

## **Observations to the eighth report of the Standing Senate Committee National Security, Defence and Veterans Affairs (Bill C-21)**

The Standing Senate Committee on National Security, Defence and Veterans Affairs (the committee) held nine meetings from 23 October 2023 to 22 November 2023, and heard from 66 witnesses on the subject matter of Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms). The witnesses included: the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs; federal officials from relevant departments and agencies; academics, researchers and individuals appearing on their own behalf; selected provincial Chief Firearms Officers; and representatives of advocacy groups, non-governmental organizations, Indigenous organizations and governments, and law enforcement agencies. The committee also received 34 briefs from organizations and individuals, some of whom did not appear as witnesses.

Bill C-21 would amend the *Criminal Code*, the *Firearms Act*, the *Nuclear Safety and Control Act* and the *Immigration and Refugee Protection Act*.

### **Observations supported by the Honourable Senators Boehm, Cardozo, Dagenais, Dasko, Deacon (Ontario), Dean, Harder, P.C., Kutcher and Yussuff:**

#### **Need for additional policy measures**

Witnesses emphasized that several potential harms associated with owning a firearm would not be fully addressed by Bill C-21, including harms such as domestic violence and suicide. Consequently, the committee recommends that the Government of Canada undertake careful analysis and consideration of these potential harms, and develop comprehensive, tailored and integrated policy measures to be implemented alongside Bill C-21.

#### **Suicide prevention in firearm safety training**

The committee recommends that the Government of Canada, in consultation with suicide prevention experts, consider whether information regarding mental health literacy, suicide and suicide prevention – including firearms-specific information – should be included in Canadian Firearms Safety Courses.

#### **Data collection**

The committee recommends that the Government of Canada immediately develop and implement a Canada-wide database and data collection process regarding all gun-related injuries and deaths. This database and data collection process should be developed in consultation with the medical community most experienced in treating gunshot injuries and recording firearms-related deaths.

## **Family heirloom handgun transfers**

The committee understands that Bill C-21 would create additional rules in relation to handguns. Specifically, with some exceptions, new registration certificates for handguns would not be issued and the transfer of handguns would be limited.

Witnesses made comments about the effects that Bill C-21 would have on the ability of handgun owners to bequeath collectible handguns that have sentimental value to immediate family members. For these owners, the results could include stress, anxiety and anger.

The committee encourages the Government of Canada to work with handgun owners to try to find solutions that could address this issue while both preserving public safety and maintaining the spirit of the legislation.

## **Sports shooting exception**

Witnesses expressed various views about the implementation of exceptions that would be granted to handgun shooting sports that are Olympic and Paralympic disciplines. There is concern that members of sport shooting organizations who fall outside of these defined terms will be unable to apply for an exception to compete in their sport. The committee encourages the Government of Canada to consult with all sports shooting stakeholders to ensure that regulations relating to Bill C-21 would guarantee the continuity of handgun shooting sports that are Olympic and Paralympic disciplines in Canada, and would ensure the existence of continued pathways for athletes of all skill levels to continue in these disciplines.

## **Consultation**

In speaking to the committee, Indigenous peoples and their representatives, as well as other groups representing hunters, farmers and sport shooters, expressed frustration with the lack of meaningful consultation when Bill C-21 was being developed.

Accordingly, the Government of Canada – in particular Public Safety Canada – needs to conduct in-depth consultations with all concerned and impacted Canadians, including Indigenous peoples, hunters, farmers, and sports shooters before finalizing the regulations pursuant to Bill C-21. These consultations must ensure engagement through the development, management and review of the regulations, and comments must be made available to the public upon request.

Indigenous peoples in Canada, particularly those living in northern, rural and remote communities, rely on certain types of firearms for sustenance hunting. The committee recognizes that the Crown has a legal duty to consult with Indigenous peoples when contemplating measures that may infringe upon their potential or established Aboriginal and treaty rights as protected by section 35 of the *Constitution Act, 1982*. The committee recognizes that Bill C-21 indicates that the bill's enactment would not abrogate or derogate from the rights of Indigenous peoples as affirmed in the *Constitution Act, 1982*.

The committee observes that the Government of Canada has prioritized its relationship with Indigenous peoples and has enacted legislation as a framework for reconciliation to uphold their unique rights. This is affirmed by Canada's commitments set out in the *United Nations Declaration on the Rights of Indigenous Peoples*, S.C. 2021, c. 14. A significant portion of the *United Nations Declaration on the Rights of Indigenous Peoples Act* relates to the principle of Free, Prior and Informed Consent that recognizes Indigenous peoples should participate in decision making that affects their rights.

The committee expects the Government of Canada to meet the requirements under section 35 of the *Constitution Act, 1982* and under the *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021, c. 14. To this end, the committee observes that Indigenous peoples should be meaningfully consulted on the implications and application of Bill C-21, as well as the development of any associated policies and regulations to understand how the law may affect the rights of Indigenous peoples to hunt for food, a culturally significant activity for those who live in rural and remote areas.

The committee also notes that Bill S-13, An Act to amend the Interpretation Act and to make related amendments to other Acts, currently before Parliament, proposes an amendment to the *Interpretation Act* that underscores the need to interpret laws and regulations in a manner that upholds the rights protected in section 35 of the *Constitution Act, 1982*. If passed, that amendment would also apply to future regulations in association with the *Firearms Act*.

**Observations supported by the Honourable Senators Boehm, Cardozo, Dasko, Deacon (Ontario), Dean, Harder, P.C., Kutcher and Yussuff:**

**Prohibited firearms**

The committee is aware that Bill C-21 would include a new definition for the term “prohibited firearm” in subsection 84(1) of the *Criminal Code*, with this proposed change designed to restrict certain new semi-automatic centre-fire firearms. There would be no impact on firearm models created before the proposed definition comes into force. Having heard Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs Dominic LeBlanc's comments about the re-establishment of the Canadian Firearms Advisory Committee, the committee wishes to express its support for a comprehensive ban on “assault-style firearms” that are not reasonable for use when hunting. From that perspective, the committee recommends that the Government of Canada expeditiously proceed, by order in council, to ban existing assault-style firearms.

**Observations supported by the Honourable Senators Cardozo, Dagenais, Dasko, Deacon (Ontario), Dean, Harder, P.C., Kutcher and Yussuff:**

**“Without undue delay”**

Bill C-21 is legislation that Canadians have been waiting for. The committee sees public opinion polls that show some 73% of Canadians want stronger gun control and here you see legislation that has high public support for what they believe will be a safer society. (A recent Nanos poll found 73 % of

Canadians support (59%) or somewhat support (14%) freezing the sale, purchase, transport and importation of handguns.) The lobby against any form of gun control is said to be formidable and well-financed, while Canadians for this bill, who represent the majority of Canadians, are largely volunteers who have worked on this issue for many painful decades. While some Canadians have concerns that are understandable, the over riding campaigns against this bill are well-organized and domineering.

That said, here are some key observations:

- Many witnesses and submissions told the committee that this legislation was badly needed to address the epidemic of domestic violence that ends in gun violence.
- The committee was often reminded that this bill responds to survivors and families of victims of mass casualties, such as the sad tragedies at Ecole Polytechnique, the Danforth, the Quebec City mosque and Mayerthorpe. As Canadians, it is essential that we hear them and respond to their pleas. We have an obligation to listen to the survivors and families of victims of crime.
- This bill responds extensively to the Report of the Commission the Mass Casualties in Nova Scotia. People often have little faith in commissions as their reports are deemed to “sit on a shelf, gathering dust.” This bill is a rarity as it is clearly taking action, and we owe it to the victims and the families of that terrible tragedy to get on with this, and not risk losing it through procedural delays in Parliament.
- The bill also addresses firearms smuggling and trafficking, increases maximum penalties for offences and expands licence revocation to help protect people in danger.
- The Government of Canada and Parliament have an urgent duty to pass and implement an effective law.

Here are just a few people the committee heard from, who wanted the committee to pass Bill C-21 as soon as possible:

- Emma Cunliffe, Former Director, Research and Policy, Mass Casualty Commission and Professor, Allard School of Law, University of British Columbia, as an individual: “Bill C-21 addresses many of the recommendations made by the commissioners.”
- Samantha Price, Survivor and Spokesperson, Danforth Families for Safe Communities: “As uncomfortable as this is to talk about, I am here for my community to remind the committee of the lethal nature of guns; to make the case for change. To those that have tried to minimize our grief or explain away the facts of our experience in order to defend their position, just know that gun violence is felt widely, deeply and profoundly and does not go away.”
- The Danforth Families for Safer Communities said in their brief: “Every level of government needs to be involved; however, our position is that Bill C-21 is a strong contribution by the Federal level of government, and it needs to be supported by the Senate without undue delay.”
- Heidi Rathjen of PolyRemembers said in her brief: “We support Bill C-21 because of some very strong measures to better protect victims of intimate violence as well as the public safety potential of prohibiting of the freeze on handgun purchases in addition to other measures. We recommend that the Senate pass the bill as is so that it can be implemented as quickly as possible.”

- Wendy Cukier, President and Professor, Toronto Metropolitan University, Coalition for Gun Control: “Finally, it’s worth noting ... that this is a gender issue. Women are far more likely to represent a higher percentage of victims than they do gun users. The attitudes of women are quite different.”
- Suzanne Zaccour, Director, Legal Affairs, National Association of Women and the Law: “I invite senators to see the hierarchy of importance and needs. Someone who needs a firearm to survive has a valuable and important need. Someone whose life is at stake due to domestic violence — that’s a legitimate interest and important need. However, someone who comes to the Senate and says, “I use firearms for recreation; it’s my hobby,” as some witnesses have referred to these specific populations, those are still interests but they are less important.”
- The National Association of Women and the Law said in their brief: “We support Bill C-21 and recommend its quick adoption. While weaker in its original form, the bill now contains stronger measures to protect women who are victims of family and intimate partner violence.”
- Fiona Wilson, Deputy Chief Constable, Vancouver Police Department: “Based on my experience, I believe that the amendments set out in Bill C-21 reflect the need for a national approach to reducing firearm-related violence and will give police valuable tools to address firearms crimes in Canada.”
- Dr. Pamela Palmater, Chair in Indigenous Governance, Toronto Metropolitan University: “I am also in favour of the confiscation of weapons, at least on an interim basis, when men are charged with violent crimes, including domestic abuse, for example, and I believe we could have avoided many of the casualties in Nova Scotia had that been the case.”
- The Yukon Status of Women Council said in their brief: “The gun lobby and opponents of gun control have tried to paint themselves as pro-Indigenous and to mobilize Indigenous communities against this bill, resorting to disinformation and feeding confusion about the bill. We feel compelled to share our expertise and experience to call on Senators not to let some people’s (predominantly men’s) interest in sport and desire for ‘firearms rights’ trump our women and our Indigenous women’s right to safety, protection, and a life free of violence.”
- Dr. Alan Drummond, Chair Emeritus, Public Affairs Committee, Canadian Association of Emergency Physicians: “We, in the emergency medicine community, are very strongly supportive of this bill, particularly with respect to the red flag law provision. We believe that that is an application of a public health and injury prevention measure, which has the potential promise of lives saved. Gun control is increasingly polarized in this country, but I think we can all agree that the prevention of death is clearly sufficient motivation across the ideological divide and in the best tradition of Canadian values.”

Should Bill C-21 be passed soon, the next step will need to engage in an active and in-depth consultation process that will guide the development of regulations pursuant to the bill.

There were critics of the bill, many of whom were focused more on the sport of target shooting, and the value of guns, especially those passed down through generations. This is quite understandable.

But the committee also heard from some whose criticisms of the bill were severe, some of whom seemed not to hear the messages of women’s groups and shelters. Here is one comment which was disappointing:

Christian Leuprecht, Professor, Department of Political Science and Economics, Royal Military College of Canada, said: “Intimate partner violence is a serious problem, but when it comes to firearms, as the previous panel already went through, the instruments at the disposal of law enforcement are already plentiful and seem to be working just fine.”

In closing, it is fair to conclude Bill C-21 is an important and much-needed law that needs to go back to the Senate Chamber for third reading on an urgent basis.

**Observation supported by the Honourable Senators Boisvenu, Carignan, P.C., Martin, Oh and Plett:**

Bill C-21 is a deeply flawed bill that will have no substantial impact on gun crime.

Dozens of witnesses appeared before the committee over a period of one month. Witnesses who appeared before our committee included:

- representatives from Indigenous communities and organizations;
- victims of crime;
- representatives from sports shooters and hunters;
- provincial chief firearms officers;
- law enforcement representatives;
- representatives from the union representing border services officers; and
- academic scholars.

A majority of these witnesses either opposed the bill or at least suggested that certain amendments be made to the bill in order to improve it. After a month of hearing from witnesses, all their proposals were rejected by the government majority and not a single amendment was approved.

Understandably, this is extremely disappointing for the many witnesses who appeared before our committee. The Conservative senators will continue to fight on behalf of all law-abiding firearm users.

**Consultations**

The poor formulation of the bill is grounded in the fact that the government did not consult with stakeholders prior to introducing the bill.

Nevertheless, on October 23 the minister came before our committee and claimed:

“We engaged with First Nations, Inuit and Métis organizations, rural and northern communities, victims’ groups, and with the firearms community and sportspersons and sports shooters across Canada to hear their perspectives and to ensure that we respect their traditions and way of life. These consultations have informed our path forward.”

This was a completely false statement.

While some witnesses indicate that they were able to speak to the minister's office or department at certain stages of the legislative process, particularly after amendments to the bill were tabled in the House of Commons last fall, no witness indicated that they thought that there was a serious consultation process in relation to this bill. The testimony from witnesses on this matter is clear:

The Chief Firearms Officers of Alberta and Saskatchewan said the following:

Ds. Terri Bryant: [There was] "No consultation whatsoever."

Mr. Robert Freberg: [Consultation] "was zero."

Assembly of First Nations: Terry Teegee, Regional Chief, British Columbia, said on November 6:

[Consultation was] "Minimal or none at best."

Mr. Will David, Director, Legal Affairs, Inuit Tapiriit Kanatami, told us:

"Put simply, there was none. The minister had reached out and offered, and we had reached out and requested, but that consultation never occurred. We're still waiting."

Paul Irngaut, Vice President, Nunavut Tunngavik Inc. told us:

"We understand that Inuit Tapiriit Kanatami, the national Inuit organization commonly known as ITK, had received a briefing of the most recent version of the bill shortly before it was tabled in May. However, neither ITK nor NTI has been fully consulted on the language and impacts of the bill."

Chief Jessica Lazare, Mohawk Council of Kahnawà:ke:

"We only had one meeting and that wasn't necessarily an adequate consultation, so I wouldn't consider it consultation whatsoever."

Sandra Honour, Chair of the Board, Shooting Federation of Canada:

"The Shooting Federation of Canada was not asked to participate in either the committee that discussed Bill C-21, nor did we have letters answered to us after we wrote to the minister several times to request."

Marcell Wilson, president of the one-by-one movement in Toronto when asked whether anyone in his community was consulted on the bill:

"I would have to say no, not one."

Gilbert White, Saskatchewan Wildlife Federation:

“The Saskatchewan Wildlife Federation was not consulted.”

Doug Chiasson, Executive Director Fur Institute of Canada, indicated that they were not consulted.

Edward Lennard Busch, Executive Director, First Nations Chiefs of Police Association:

“We had some conversation with the previous minister, Minister Mendicino, as well. I wouldn’t describe it as a deep consultation.”

Didier Deramond, Director General, Association des directeurs de police du Québec:

“we had a discussion with the minister’s office and the minister, but it was more of a presentation than a consultation.”

The absence of consultations with Indigenous organizations and communities is particularly outrageous given the government’s commitment under the *United Nations Declaration on the Rights of Indigenous Peoples* to fully consult with Indigenous peoples on any matter that affects them.

### **Effectiveness of the bill**

Given the total absence of meaningful consultations, the government drafted a bill which will have no meaningful impact on firearms crime in Canada.

Apart from certain measures, such as provisions related to ghost guns and the sharing of information that may facilitate 3D firearms printing, no components of Bill C-21 tackle the growing problem of gun crime in Canadian communities. Instead, the entire focus of the bill is on firearms owners who hold a restricted firearms licence and who are engaged in varied shooting sports or collecting.

The government claims that, by banning the sale and purchase of legal handguns, it will reduce the supply of such firearms in Canada and thereby reduce the possibility that these particular firearms could be misused or stolen.

There is no evidence to support this assertion. Witnesses who appeared before our committee repeatedly stated that nearly all handguns that are criminally used in Canada are smuggled firearms.

Mr. Noah Schwartz, who testified before the committee on October 25, noted that:

“In Montreal, 95% of handguns used were illegal, and 79% of traced handguns in Ontario were foreign-sourced, largely coming from the United States”.

This testimony was borne out by other witnesses including retired police officers Stéphane Wall and André Gélinas of the Montreal Police.

Edward Lennard Busch, Executive Director of the First Nations Chiefs of Police Association told the committee on November 20 that:

“It is essential to emphasize that restricting lawful gun ownership alone will not effectively address the core issue, which is the influx of illegal handguns from the United States.”

Professor Christian Leuprecht of the Royal Military College of Canada told our committee on October 25:

“The data is unequivocal: Well over 90% of firearms seized in the commission of a crime or that are possessed unlawfully in Canada have been smuggled by organized crime from the United States. That should come as no surprise since Canada adjoins the largest and most permissive gun market in the world. Almost anyone can acquire an array of handguns at a U.S. gun show. This Liberal government came to power claiming it would engage in evidence-based decision making. Instead, this bill amounts to decision-based evidence seeking. Show me the data that supports this bill. There is none.”

Mr. Marcell Wilson, who was formerly involved in criminal activity in the City of Toronto at a senior level, told our committee that gang members are only interested in illegal firearms that are untraceable and that the primary source for such firearms is the United States.

We are concerned that virtually no attention has been paid to this primary problem in Bill C-21. The committee further notes that, while the bill proposes to raise the maximum sentence for firearms trafficking from 10 to 14 years, very few – if any – convictions in Canada attract even the current maximum sentence from the courts.

In this respect, on October 23, Senator Yussuff asked officials from the Department of Justice what the average sentence was for firearms trafficking. Mr. Matthew Taylor, General Counsel and Director of the Criminal Law Policy Section of Justice Canada, responded by noting that:

“In 2019-20, there was one conviction resulting in imprisonment of more than two years. In 2018, sentencing was from as low as 3 to 6 months to more than two years. So the sentences are what they are.”

While the government claims that it is aiming to “eradicate gun violence” in Canada, under the provisions of Bill C-5, An Act to amend the Criminal Code and the Controlled Drugs and Substances Act, the government repealed a number of mandatory sentences for gun crime, including the following:

- Using a firearm or imitation firearm in commission of an offence;
- Possession of firearm or weapon knowing its possession is unauthorized;
- Possession of prohibited or restricted firearm with ammunition;
- Possession of weapon obtained by commission of offence;
- Discharging a firearm with intent;

- Robbery with a firearm; and
- Extortion with a firearm.

Several witnesses argued that the government’s approach to combating firearms crime in Bill C-21 is disproportionately focused on legal firearms owners and on the possible theft or other misuse of these legal firearms while ignoring the criminal use of firearms.

In this regard, Bill Fordy, Co-Chair, Special Purpose Committee on Firearms of the Canadian Association of Chiefs of Police, told the committee on November 20:

“Regarding the issue of smuggling and trafficking, the CACP continues to maintain that restricting lawful firearms ownership will not meaningfully address the issue of illegal firearms obtained from the United States. That is why we support all legislative amendments focused on addressing border integrity, smuggling and trafficking priorities.”

Similarly, Deputy Chief Fiona Wilson of the Vancouver Police Department told the committee that: “To date in Vancouver, we have had 22 shots-fired incidents in 2023 resulting in three homicides and 16 people wounded. Fifteen of the 21 incidents have confirmed or suspected links to gangs”.

She also said that:

“We’ll continue to target our efforts with respect to people who are not lawful gun owners. With the exception of domestic violence and police shootings, where police are the victims, we’re generally not seeing lawful gun owners who are responsible for the shootings that we’re seeing in the city of Vancouver. Without exceptions, those are firearms that are not lawfully possessed in the first instance.”

Instead of firmly addressing this problem, the bill focuses on legal sports shooters and collectors. We can be certain that this will have no impact on firearms crime in Canada for several reasons.

First, the measure to ban the sale and purchase of legal handguns will not reduce firearms in circulation because firearms will only be taken from the estates of such individuals (without any compensation) after their death. Furthermore, all of the holders of restricted firearms licences already hold non-restricted licences, and almost all of these individuals have long guns in their possession. There will therefore be no appreciable reduction in the numbers of legal firearms in circulation just because the law will now restrict what restricted licence holders can do with one narrow class of firearm that they happen to possess. This will certainly have no impact on suicides nor on the numbers of firearms that might be stolen from licence holders.

Similarly, the measure in the bill to expand the definition of a prohibited firearm will be particularly ineffective since it only prohibits certain semi-automatic firearms that the government has arbitrarily

preselected. All other semi-automatic firearms remain legal and non-restricted, many of which actually shoot the same ammunition as the firearms that have been arbitrarily prohibited.

Moreover, since the government will (rightly given the circumstances) pay compensation to those firearms owners whose firearms have been arbitrarily prohibited, nothing prevents these firearm owners from simply using that money to purchase another semi-automatic firearm that may shoot precisely the same ammunition as the firearm that has been prohibited. The Parliamentary Budget Officer has estimated that this compensation program will cost taxpayers at least \$750 million; \$750 million for a program that will not reduce the overall numbers of semi-automatic long guns in legal circulation.

Not only will these measures have no public safety benefits, they will penalize a large number of legal firearms owners merely to provide the appearance that the government is “doing something”.

The ineffectiveness of these divisive and useless measures is certain to increase cynicism among legal firearms owners.

We are very concerned that the majority of government-appointed senators remain willfully blind to these realities.

### **Regulatory process**

Many witnesses have expressed considerable concern about the regulatory process that will flow from this bill, given the government’s extremely poor track record on consultations up to now.

We have no confidence in any assurances that the government may make on consultations going forward. We proposed amendments to ensure that the government would fully consult with all individuals and organizations affected by such regulations. However, these amendments were rejected by the majority of government Senators, with only two government senators breaking ranks with their colleagues.

We are very concerned that the pattern of non-consultation will continue through the regulatory process and that the government will now attempt to do by stealth what it could not do through legislation.

### **Firearms trafficking and the criminal use of firearms**

The committee heard considerable evidence from witnesses noting concern that Bill C-21 does not address the problems of either firearms trafficking or the criminal use of firearms.

On October 23, Aaron McCrorie, Vice President, Intelligence and Enforcement Branch, Canada Border Services Agency, claimed that, in terms of stopping firearms smuggling:

“We can always do more, but we are making a difference ... Is there more to do? Absolutely, but the results we see to date are a great success and we’re very proud of it.”

However, on November 20, Mark Weber, National President, Customs and Immigration Union, told the committee the following:

“The agency’s ability to stem the flow of illegal firearms has not improved a bit [over the past two years]. ... The agency’s front-line personnel is still overworked with many facing exhaustion due to sustained understaffing. Border officers still lack the ability to act between ports of entry, making it harder to address problematic situations in a timely fashion. Tools such as mobile X-rays that could help in intercepting illegal contraband, including dangerous firearms, frequently break down. There is still an almost 0% chance that any illegal weapon entering the country through rail would ever be found.”

Mr. Weber stated that much of what was being done at the border was simply “security theatre.”

We are concerned that this means that the flow of illegal smuggled firearms into Canada will continue. Bill C-21 contains no measures to address this.

Nor does the bill contain any measures to address the growing problem of gun crime in Canadian communities. In Bill C-5, An Act to amend the Criminal Code and the Controlled Drugs and Substances Act, the Government repealed certain mandatory minimum penalties for firearms offences and Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts, it made it easier for repeat offenders to obtain bail.

In this regard, we note, for example, that the Toronto Police Service reports that, in the last two years, 17% of accused in Toronto charged with shooting-related homicides were already out on bail at the time of the alleged fatal shooting.

We proposed several amendments to correct this imbalance in the bill. All of these amendments were rejected by a majority of government-appointed senators.

### **Red flag law**

Significant concerns were raised by witnesses related to the so-called “Red Flag” provisions in Bill C-21.

These provisions in Bill C-21 will permit individual Canadians to file for an *ex parte* hearing before a court if they have concerns that an individual’s ownership of a legal firearm may pose a risk to themselves or to another member of the public. In such a circumstance, that court will have the authority to seize the individual’s firearms and suspend their licence..

Witnesses told the committee that this authority already exists under current Canadian law. Police already have the authority, pursuant to a complaint, to seize a firearm without a warrant if they believe that a public safety risk exists. The committee notes that witnesses also stated that any individual may also register a concern with the Chief Firearms Officer, who has similar authority.

A number of witnesses expressed their view that the proposed provisions were redundant. Other witnesses registered their concern about the prospect that these provisions may be misused.

Chief Jessica Lazare of the Kahnawà:ke Mohawks told the committee on November 8:

“In terms of red flag and yellow flag provisions, we do have concerns regarding the anonymous tip kind of approach, where this could be a potential for racial discrimination.”

Similar concerns were raised by Natan Obed, President of Inuit Tapiriit Kanatami, as well as by several other witnesses.

Ms. Suzanne Zaccour, Director of Legal Affairs for the National Association of Women and the Law told the committee on November 1:

“We believe that for most women, it will be much easier to get a protection order that will trigger loss of licence rather than going through the courts and through this red flag ex parte measure, which will be exceptional and hard to access.”

We are concerned that this provision may result in a further burden on our already-overworked courts.

We also note that several witnesses stated that the broad application of this provision may be found unconstitutional. While we proposed an amendment to narrow the scope of the provision, in order to respond to what witnesses told the committee, this amendment was rejected by the majority of government senators.

### **Impact of the bill on ordinary licenced firearms owners**

It is important to note the evidence that was provided to the committee about how tightly regulated handgun ownership is under current Canadian law. An individual must be either a licenced sport shooter or collector. In this regard, an individual must:

- possess a restricted firearms licence;
- pass the restricted firearms training course;
- go through, and remain subject to, continuous police background checks;
- only transport them to an approved shooting range or other location specifically approved by the Chief Firearms Officer;
- store and transport all restricted firearms double-locked;

- register all restricted firearms individually.

For sport shooters engaged in international competition, the requirements for travelling with firearms are considerable. Lynda Kiejko, Civil Engineer and Olympian, told the committee on November 6:

“Currently, I already have to bite my nails waiting to receive my export permits when I get named to a team with less than six weeks departure. I received my permit for the Pan American Games after I arrived at the airport to depart for the games. It has caused me excess stress leading up to the games. It did nothing to improve your safety ovetop of the existing regulations that are already in place. It only really impacted me and nobody else.”

Ms. Kiejko and many other witnesses noted that, with the ban proposed in Bill C-21 on the purchase and sale of firearms by shooters and collectors, it is possible that Canada will no longer be able to send athletes to compete at the Olympic level since involvement in the various shooting disciplines that feed into Olympic-level competition will dry up. She stated:

“By removing the ability to enter the sport, new shooters are struggling to acquire the equipment to participate. Bill C-21 is requiring athletes to prove they are training for the Olympics before they even start into the event. It makes no sense. Athletes rarely start off a new sport with the sole purpose of making the Olympics. Sport is intended to promote activity for life. Why are we putting such an additional pressure on the shooting sports only to produce Olympians? Participation in other shooting sports provides an avenue to enter into the International Shooting Sport Federation, the ISSF events. It covers a greater opportunity for competition than just Olympic events. There are more events within the ISSF World Championships that are contested at the world games. Bill C-21 removes the option to compete at an international competition just because the Olympic Games has now a limited subset of what the ISSF covers.”

Mr. Robert Freberg, the Chief Firearms Officer for Saskatchewan, told the committee:

“I was an Olympic target shooter but I didn’t start there. I started in another sport, shooting, and then I developed some skills, and they said, “Hey, you’ve got an ability to do this,” and I slowly started to move up into shooting in Olympic sports, and eventually — even though as I aged, my eyes went — I went off to shoot in other sports because I wasn’t able to compete in the Olympic realm anymore, but at least I had another place to go and enjoy my sport. That’s gone. There is no way to feed into the Olympic system.”

Mr. James Smith, President of the National Range Officers Institute, International Practical Shooting Confederation, who appeared before the committee, also appeared before the House of Commons committee last year and said:

“Even though Bill C-21 is not an outright handgun ban, it will result in a slow demise for our sport in Canada. Having no new athletes introduced to replace the existing competitors and being unable to replace equipment as it wears out will result in the end of our sport over time. It will also close the ranges for police officers and other agencies that use our ranges for training and result in no shooting for Olympics.”

In terms of the collectors of antique and other firearms, Tony Bernardo, Executive Director of the Canadian Shooting Sports Association, told the committee:

“There are a number of large collections. There are a number of small collections. Some of the collections might be only two or three handguns and those collections would be worth, for example, \$2,000 or \$3,000. But the larger collections, as Mr. McCullough said, could be worth well into the hundreds of thousands of dollars. The point is that it doesn’t matter if it’s \$1 or \$100,000. The federal government shouldn’t be taking money from Canadians through confiscation of their legally acquired property. There is no compensation scheme attached to this. I would guesstimate that the overall value of handguns would be into the hundreds of millions of dollars across the entire country.”

We acknowledge that some witnesses told the committee that the rights of Canadians to live in safety must trump the rights of sport shooters and collectors. We very much understand the sentiment that lies behind this assertion and we acknowledge the suffering that the victims of firearms-related crime have experienced.

However, based on broader witness testimony, we cannot substantiate the assertion that Bill C-21 will have the desired impact on reducing firearms-related crime that these witnesses are hoping for. The bill is certainly impacting several hundred thousand sport shooters and collectors, and it is affecting firearms they acquired in good faith and in full compliance with the law. But no evidence has been presented that this action will enhance public safety.

In our view, these legal restricted licence holders must be compensated for the impact that the bill is having on the value of the firearms they legally purchased and acquired in good faith. While the allocation of funding for this purpose is a poor use of scarce government resources (which would be much better spent supporting law enforcement in fighting violent crime), it is simply unjustified not to provide such compensation to law-abiding firearms owners given the circumstances. We proposed an amendment to compel the government to address this matter seriously. However, the amendment was rejected by the majority of government-appointed senators.

### **General assessment**

Bill C-21, which proposes significant changes in firearms legislation, is inadequate and potentially misdirected given the declaratory statements made by government ministers related to their declared objective to “eradicate gun violence.” Public security experts who testified before the committee

highlighted critical gaps in the current approach of the bill, emphasizing a lack of focus on the real sources of armed violence.

It is imperative to acknowledge that the legislation, as it is currently formulated, seems to overlook crucial aspects of the illegal firearms issue. By focusing mainly on legitimate gun owners, the bill risks diverting resources and attention from the real issues, namely the proliferation of illegal firearms and their use in criminal activities. This approach will not only be ineffective but also counterproductive, creating a false sense of security while leaving the underlying problems unresolved.

Witnesses clearly indicated that more robust measures are needed to combat the illegal importation of firearms and the resulting armed violence linked to organized crime. Recommendations were provided for better border surveillance, increased cooperation among law enforcement agencies, and the strengthening of laws specifically targeting illegal firearms. These aspects are completely ignored in the current bill. The elimination of mandatory minimum sentences for firearms-related crimes, as pointed out in some testimonies, could contribute to a sense of impunity among criminals, thereby exacerbating the problems of armed violence instead of mitigating them.

## **Conclusion**

Firearms legislation must be based on concrete evidence, and on a thorough understanding of the dynamics of firearms-related criminality.

Bill C-21 is an extremely divisive bill that will not enhance public safety. It attacks legal firearms owners, but will have no corresponding impact on firearms-related crime.

The Senate should have exercised “sober second thought” in the face of all the witness testimony that the committee heard.

However, not a single amendment suggested by witnesses was accepted by the government majority. In this regard, the committee has failed in its duty to Canadians. It will therefore be up to a future government to correct the serious errors that have been made.