

DEBATES OF THE SENATE (HANSARD)

1st Session, 42nd Parliament, Volume 150, Issue 28 Tuesday, April 19, 2016

The Honourable George J. Furey, Speaker

http://www.parl.gc.ca/Content/Sen/Chamber/421/Debates/028db_2016-04-19-e.htm?Language=E

Bill S-223 - Strengthening Canadians' Security and Promoting Hunting and Recreational Shooting Bill

Bill to Amend—Second Reading—Debate Adjourned

(1630) [*Translation*]

Hon. Céline Hervieux-Payette moved second reading of Bill S-223, An Act to amend the Firearms Act and the Criminal Code and to make consequential changes to other Acts.

She said: Honourable senators, as most of you probably know, I have always been independent and stood up for my ideas. As a Quebecer, I believe in gun control policies, but I also defend the sport of hunting. I used to go hunting with my father when I was younger. In that context, I am reintroducing my bill to strengthen Canadians' security and promote hunting and recreational shooting.

The recent events in the indigenous community of La Loche were certainly chilling. This was a disastrous tragedy for the victims' families, to whom I offer my deepest condolences. It is too late now to comment on the facts. We must allow the investigation to move forward, but we know some of the key factors that contributed to the situation.

Poverty, bullying, and lack of mental health resources are quite likely factors that led a 17-year-old boy to do something unthinkable and shoot innocent people at a school in the small Alberta community.

Furthermore, it seems that the problem of minors having access to guns is another important factor. I have been to Canada's North many times during my career, both as a member of the other place and as a senator, in order to advocate for the seal hunt. I can tell you that the vast majority of indigenous people use hunting rifles appropriately. I have come to conclusion that in the North, firearms are used as a tool for subsistence hunting, while in the South, people seem to be increasingly obsessed with firearms and less interested in using them for the pleasure of eating deer meat or other types of venison.

This came to me when I was asked by a journalist to comment on the dramatic increase in the popularity of restricted firearms, which are essentially firearms that are capable of discharging centre-fire ammunition in a semi-automatic manner and handguns.

Honourable colleagues, the numbers are astounding. In five years, the number of people with a possession and acquisition licence for restricted firearms has jumped by 75 per cent in Canada.

These weapons were designed strictly for military purposes. Although I understand that they can be used for recreational shooting, they are simply of no use for hunting.

I would like to emphasize that my bill does not go after honest citizens who obey the law. On the contrary, the main objective of this bill is to encourage hunting and recreational shooting in Canada while ensuring the Canadians' security. Its purpose is threefold: first, to ensure the security of all Canadians; second, to ensure that people who love hunting and recreational shooting have the

opportunity to engage in those activities safely; third, to remove from our homes any firearm not used for hunting.

Honourable senators, the former Conservative government completely transformed our firearms regime. When the Conservatives were in power, Canada was one of the few countries to loosen gun control measures. After the 2006 Dawson College shooting, where one young woman was killed and 19 others were injured by gunfire, and the 2014 Moncton shooting, where three RCMP officers were killed and two others were injured, the Harper government passed Bill C-19, which abolished the long gun registry, and Bill C-42, which its authors boasted was a common sense bill.

All of that is to say that a responsible government certainly would not have acted in this way. Remember the events at the École Polytechnique in 1989, motivated by Marc Lépine's misogyny. No one can forget the terrible evening of December 6, 1989, when 14 young women were murdered in cold blood, simply because they were women.

The Chrétien government took action and showed leadership when it passed Bill C-68 in 1995, which would become the Firearms Act. Thanks to that government, we boast a low firearm-related death rate, a fact that is now ironically used as an argument by the gun lobby. Our chance of being killed by a gun is the same as our chance of being killed by lightning, because of the gun control policies introduced by a previous Liberal government.

We cannot stick our heads in the sand about the near-daily events to the south of us, where our neighbours do not have a system to keep the public safe like the one we have in Canada. The statistics speak for themselves. More than 30,000 people were killed by guns in the United States in 2011, compared to 698 in Canada. During President Obama's two terms, there have been nine mass shootings that have led to the unnecessary death of 119 innocent victims who were simply in the wrong place at the wrong time.

When President Obama sounded the alarm in January, his words resonated here in Canada, and I saw this for myself on television. No one can remain unmoved by his impassioned plea to change the American public's view of firearms. Like Prime Minister Chrétien, President Obama took action. In spite of the limited legal framework of his office and the conservative majority in Congress, he managed to implement the Common Sense Gun Safety Reform.

Honourable senators, let me address the various shootings in the U.S. by explaining a fundamental difference between the firearms system in Canada and of the system in the U.S.: the right to own or bear a firearm in Canada is not enshrined in the Canadian Constitution.

Similarly, restaurants have to pay fees to various municipal and provincial agencies to be able to sell and serve alcoholic products to their customers because it is a privilege to sell alcoholic products in Canadian cities. Many other activities have to be regulated as well.

(1640)

Here are the seven bold and progressive measures that I want to implement with this legislation. I hope you will share my opinion.

First, the bill overhauls the current firearms program by prohibiting all firearms in Canada from being kept in dwelling- houses, except for hunting firearms and collectors' firearms, which receive special treatment.

Second, it redefines two of the three existing classes of firearms by creating the hunting firearm category and the circumscribed firearm category, which includes most of the firearms that were restricted under the previous program.

Third, it permits the possession of hunting firearms in dwelling- houses and restricts the use and storage of circumscribed firearms to shooting clubs.

Fourth, it limits the transport of circumscribed firearms to specialized transporters, similar to Brink's, which have no interest other than providing secure transportation, thus strengthening control over the movement of firearms.

Fifth, the bill replaces the term "registration certificate" with "inscription certificate." I want to emphasize that the bill does not reinstate the Canadian unrestricted firearms registry. That is why we wanted to replace the term "registration" with "inscription," which is more appropriate.

Sixth, the bill strengthens the role of the Royal Canadian Mounted Police and the Commissioner of Firearms with a statutory provision.

Seventh, the bill undoes all the provisions of Bill C-42, except for the prohibition on obtaining a possession and acquisition licence following a domestic violence conviction.

We will now review in detail these seven measures.

To begin with, I believe that we must reverse the current regime by only allowing hunting firearms to be kept within a dwelling.

It is not a big secret that the Canadian gun lobby became vastly more powerful during the Harper government's tenure.

Canada's National Firearm Association currently has more than 75,000 members. I have to point out that they send me emails every day. This group has been constantly lobbying the government for many years. Its message is simplistic. It maintains that guns don't kill people, people do.

I do not subscribe to this narrow view. People kill one another with firearms. I am certain that all honourable members of this chamber remember the horrible tragedy that took place on December 14, 2012, when Adam Lanza, a 20-year-old autistic man, committed an unimaginable act, opening fire in an elementary school with a semi-automatic assault rifle. Twenty children between the ages of six and seven and six staff members were murdered in a cowardly manner.

Although Adam Lanza's actions were unthinkable and incomprehensible, we cannot place all the blame on him. This young man suffered from mental illness and social disabilities. He should never have had access to this type of firearm. The blame should be placed on the gun lobby, which constantly promotes violence and the nonsense of arming civilians.

When these incidents occur, the focus is too often on the individual who committed the massacre and not on the part played by the gun lobby and its rhetoric. In a free and democratic society like ours, we cannot be satisfied with simply managing the symptoms; we also have to attack the root causes.

People here in Canada will recall the tragic events of 2014, when Justin Bourque went on a murderous rampage and opened fire on RCMP officers. Three police officers were killed and two others were seriously injured in the shooting. Much like Adam Lanza, Mr. Bourque was a real gun

fanatic. Unlike the vast majority of criminals who use firearms to commit crimes, Mr. Bourque had duly registered all of his weapons. He had all the necessary permits.

The proposed change to the current system, which would authorize only hunting weapons in dwellings, is a strong response to the false claims of the gun lobby. Unlike the gun lobby, I am not trying to sell weapons; I only want to protect the safety of Canadians.

The safety of our fellow citizens leads me to the second point of my bill: it redefines two of the three existing classes of firearms.

This major change to the definitions will translate into a clearer distinction between the firearms that could reasonably be used for hunting — and therefore can be kept in a dwelling in accordance with the appropriate regulations — and the firearms used by sport shooters in shooting clubs that must be stored at those clubs.

What, then, are those definitions?

A hunting firearm is defined as any firearm with a smoothbore or striated barrel that is more than 470 mm long, in other words a shotgun or rifle. Fear not, for I have not made any of this up. Semi-automatic weapons are not included in the definition of hunting firearm, with the exception of 22-calibre rimfire semi-automatic rifles.

Many people have asked me whether semi-automatic hunting rifles, which are more commonly known as shotguns, are included in the definitions of hunting firearms. The answer is yes.

This new definition of hunting firearm is based on information from hunters and a Canadian Firearms Safety Course instructor. In fact, when the bill was being examined, the instructors strongly advised against using semi-automatic weapons for hunting because of the many accidents that they cause.

Bill S-223 repeals the privilege of those with a possession and acquisition licence to keep at their dwelling-house any centre-fire semi-automatic rifles. However, Bill S-223 does not prohibit the right to use such rifles. Those who are passionate about handling these rifles and would like to continue pursuing their passion can do so at shooting ranges, where these rifles would be stored. I want my bill to make sport shooting and its related businesses safe.

Therefore, I am not against firearms, but I support their use in a safe manner.

Thus, with Bill S-223, any holder of a possession and acquisition licence will be able to acquire and own a centre-fire rifle and use it at a shooting club designated for that purpose. When the holder of the licence has finished his shooting practice, he will have to store his firearm at the shooting club.

The distinction between a 22-calibre rim-fire semi-automatic rifle and a centre-fire semi-automatic rifle is a key aspect of my bill.

The United Kingdom made that same distinction after the terrible events in Hungerford. In 1987, a crazed gunman named Michael Ryan murdered 16 people, including his own mother. Carrying a handgun and two semi-automatic rifles — a Type 56 assault rifle, which is a Chinese variant of the AK-47 assault rifle, and an M1 Carbine — Ryan also injured 14 other people before committing suicide. According to the authorities, there was no motive for Ryan's murder spree. Another important fact is that Ryan apparently had legal possession of all of his firearms in accordance with British laws at the time.

Prime Minister Margaret Thatcher promptly responded to this horrible tragedy the following year. The Iron Lady's Conservative government completely banned all semi-automatic centre-fire rifles in the United Kingdom and restricted the use of hunting rifles to those with a maximum capacity of three shells. The only firearms that have remained legal in the United Kingdom are 22- calibre semi-automatic rimfire rifles.

Britain's commitment to strict firearms policies did not stop in 1988, however, because in 1996, nine years after the Hungerford tragedy, Great Britain went through the shock of another shooting rampage. A man named Thomas Hamilton entered a primary school in Dunblane, Scotland, and killed 16 children aged four and five, as well as their physical education teacher, before killing himself. Hamilton legally owned two hunting rifles and a handgun. The handgun used in the massacre had been properly registered.

(1650)

In response to the massacre, the British government called on Lord William Douglas Cullen to chair a royal commission to investigate the circumstances that caused Hamilton to commit such an act and, more importantly, to make recommendations to prevent such a tragedy from ever happening again.

In his report, Lord Cullen recommended that the government introduce tighter controls on gun ownership. In response to the Cullen report, the British government passed the Firearms (Amendment) Act 1997. Thus, the law now prohibits all civilians from owning and storing most handguns in a private dwelling in Great Britain.

These gun control policies have had some impressive results. In 2011, there were just 38 gun deaths in Britain, while in the same year, Canada had 153 gun deaths, although its population less than half that of Britain. According to other 2011 data, the British homicide rate is apparently lower than Canada's, at 0.06 per 100,000 people, compared to 0.45 per 100,000 people in Canada. All of the measures taken by the United Kingdom in 1988 and 1997 prove once again that enforcing strict gun control and removing guns from homes helps lower the number of gun-related homicides.

Bill S-223 is based on a proven model. I don't mind hearing all of the criticisms of my bill and getting all those tweets. However, those that attack a proven model in favour of the American model, which is clearly a security failure, make no sense. All they do is serve the interests of an industry and certainly not the interests of the Americans.

Bill S-223 replaces the existing category of restricted firearms with the category of circumscribed firearms. A circumscribed firearm is any firearm, other than a prohibited firearm, that has a barrel equal to or less than 470 millimetres, such as handguns or firearms that are capable of discharging centre-fire ammunition in a semi-automatic manner.

As the term implies, those who hold a possession and acquisition licence for such a category of firearm will be able to use and store these weapons only at a shooting club. That is the third point in my bill. I made sure that the term "circumscribed firearms" includes the notion of location.

Honourable senators, there is a reason why my bill classifies these weapons as circumscribed firearms. They have been used to commit countless murders in Canada. I am thinking of Marc Lépine, Kimveer Gill and Justin Bourque. The weapons in their arsenals all had something in common. They all complied with the provisions of the Firearms Act regarding centre-fire semi-automatic rifles. These weapons are extremely dangerous and are not useful for hunting. They therefore do not belong in a dwelling-house.

Justin Bourque's lawyer, David Lutz, told me much the same thing. On October 31, 2014, just a few minutes after his client was sentenced, Mr. Lutz made an impassioned plea against firearms at the entrance to the Moncton courthouse. This is what he told the CBC:

Three police officers are dead in Moncton and another in Ottawa because the wrong people were in possession of firearms that should have been prohibited.

He went on to say, and I quote:

No hunter needs a firearm like the one Bourque used. None.

Fourth, Bill S-223 increases control over the movement of these semi-automatic weapons. Owners of such firearms who need to move them, for example to store them at a different shooting club or to participate in a competition, will have to use an outside service or specialized carrier to transport them.

After the previous bill was introduced, I received a number of complaints about the outrageous costs associated with storing circumscribed firearms. I tell them that it is not up to the legislator to adapt to shooting clubs and the gun lobby. It is up to businesses and lobby groups to adapt to our firearms measures, first, for the security of Canadians, and second, to promote the sport.

My staff and I consulted a number of experts, including former police officers. They all told us that centre-fire semi-automatic rifles are very dangerous compared to other weapons. They stressed that there is no need to keep such a firearm in a dwelling- house. The U.S. model proves that the more firearms are circulating in a country, the higher the homicide rate is. Bill S- 223 seeks to strengthen Canadians' security.

My fifth point has to do with replacing the registration certificate with an inscription certificate. To me, words have meaning. Bill S-223 acknowledges the disappearance of the Canadian firearms registry. I will not get into that. I am not happy about the disappearance of this registry, which was another Conservative measure to satisfy the firearms lobby — and I will note that Quebec is in the process of creating its own registry. However, I decided that my bill would not be about that measure so as not to sidetrack the debate on my bill.

The term "registration certificate" evokes the idea of a registry. The term "registration" evokes the notion of privilege. "Inscription certificate" is more neutral and doesn't have the same connotation as "registration certificate." I think the term "inscription certificate" is quite apt in the case of circumscribed firearms.

My sixth point is that Bill S-223 reinforces the role of the RCMP and the Commissioner of Firearms by setting out their responsibilities in the firearms classification process, which is not found in the existing legislation. To be more specific, under Bill S- 223, and unlike Bill C-42, in making regulations, the Governor-in- Council will have to consider the recommendations of the Commissioner of Firearms when he uses his discretionary power to designate a hunting firearm. Furthermore, the Governor-in-Council will not have the discretionary power to designate a firearm other than a hunting firearm, also unlike Bill C-42. That is an important addition to the existing law because our laws are not explicitly clear about the role of these individuals in the classification of firearms.

Furthermore, Bill S-223, again unlike Bill C-42, does not enable the government to unilaterally decide to declassify a firearm or to overrule the RCMP, that is, take away its authority to assess the level of

danger. The Swiss Arms matter handled by former public safety minister Steven Blaney is an excellent example.

In 2014, the Royal Canadian Mounted Police conducted an investigation after receiving complaints that these semi-automatic guns could be easily converted into automatic weapons. As a result of that investigation, the RCMP prohibited Swiss Arms firearms. A number of gun lobbyists were furious and pressured the Conservative government to overrule the RCMP's decision.

Since the law at the time did not allow for the declassification of a firearm, on March 13, 2014, Minister Blaney announced a two- year amnesty to protect owners of these firearms from the harsh penalties that his own government had enacted through Bill C-10 in 2012, which seemed absurd. The same minister who enacted that legislation went back on his own bill. Minister Blaney announced the following in a press release dated February 28, 2014, and I quote:

. . . I was troubled to learn of a decision made by unelected bureaucrats to prohibit a number of rifles imported from Switzerland.

He was talking about the RCMP. He went on to say that he would take steps to make sure that this never happened again.

In other words, the minister at the time did not like it when the people responsible for Canadians' safety took measures that conflicted with the interests of the gun lobby. He therefore proposed measures in Bill C-42 to give cabinet the discretionary power to "declassify" firearms, even if that went against the RCMP's recommendations.

My seventh and last point is that my bill repeals all of the amendments that Bill C-42 made to the Canadian Firearms Scheme, with the exception of the provision that states that a person convicted of domestic violence can never receive a licence to possess or acquire a firearm.

(1700)

I will conclude my explanation of the text of my bill — which, by the way, is quite lengthy — by repeating its title: Strengthening Canadians' Security and Promoting Hunting and Recreational Shooting Act. I will not address the issue of security any further. I have already sufficiently explained how this bill will really benefit Canadians in that regard. However, what about promoting hunting and recreational shooting?

Bill S-223 narrows the definition of hunting firearms and makes them the only firearms that can legally be in users' possession in Canada. It confirms the legitimacy of hunting, granting these firearms a privilege that no other firearms possess. It does not restore the gun registry. In other words, this bill supports hunting and hunters, and I am delighted about that. Furthermore, I am certain that if my father were still with us, he would be pleased with the bill.

The restrictive definition of hunting firearm that I used in my bill is based on guidance I had from hunters and an instructor with the Canadian Firearms Safety Course and on the British model. Under this bill, any firearms owned by hunters must really be prescribed for hunting. The image of hunters should therefore be enhanced in the eyes of the public.

As for shooting clubs, the new classification described in my bill, specifically the new category of circumscribed firearms, will make it possible to develop a market while ensuring safety. In fact, restricting the use of semi-automatic firearms other than 22- calibre firearms to shooting clubs and

requiring them to be stored at the club will automatically increase activity at those clubs, which, with some facilities planning, could even become gun shops or could partner with them.

In closing, I would like to thank the team of Senate lawyers, legal experts, law clerks, and drafters who worked so hard to make this bill a reality. I can assure you that this bill was not drafted in a matter of minutes. This bill respects fans of hunting and sport shooting while having a real, positive impact on Canadians' safety.

As I said at the beginning of my speech, I have always been an independent person. I have always defended my ideas and worked for Canadians. I come from a family of hunters who lived in a small town north of Montreal and always enjoyed eating game throughout the year, but I also believe in gun control.

This bill isn't dogmatic or ideological. In drafting it, I used facts, figures, and documented results of Canadian, American and British policies. I also established a starting point for any government or any non-government organization that wants to thumb its nose at the gun lobby, which is very active, but which, in my opinion, is not concerned with Canadians' safety.

(On motion of Senator Cools, debate adjourned.)

[*English*]