



## Debates of the Senate

2nd SESSION. 41st PARLIAMENT.  
VOLUME 149, NUMBER 157

OFFICIAL REPORT  
(HANSARD)

Monday, June 22, 2015

### Strengthening Canadians' Security and Promoting Hunting and Recreational Shooting Bill

**Hon. Céline Hervieux-Payette** -

Honourable senators, I would like to begin by putting this bill in context. It is not a response to the recently passed Bill C-42. I have been working on this for years. The research and consultations with experts that I have been carrying out with the help of my staff since last September resulted in my introducing this bill.

So far, the only thing in social media has been a single press release outlining the bill. I have received negative reactions and even some more or less threatening insults. However, never in my entire political career have I received so many compliments,

including an outpouring of 3,250 "likes" in response to my article on the introduction of my bill. Never in my life have I been so liked.

That is why I want to remind you about the purpose of this bill and why it is called the Strengthening Canadians' Security and Promoting Hunting and Recreational Shooting Act. Its purpose is threefold: first, to ensure security; second, to ensure that people who love hunting and recreational shooting have the opportunity to engage in those activities safely; third, to prohibit any firearm not used for security or for the activities I just mentioned.

Obviously, my bill is more nuanced than the summary that I just gave you. It upholds the four reasons for possessing and acquiring a firearms licence that are already set out in the legislation, namely, employment, self-defence, sport and collecting.

For example, firearm collectors will still be able to indulge their passion and keep the weapons that belonged to their grandfather or great-grandfather because, under this bill, those weapons will be rendered inoperative and people will therefore be able to display them in their dwelling-houses.

This bill provides for another exception, and that is that anyone who needs to protect himself or herself will still be able to apply for an exemption to keep a firearm at their home, as is the case in the existing legislation. In other words, and given the reactions that gun lobbyists have expressed on the Internet, I am telling you unequivocally that I am not against firearms. I want to say it a few times to make sure that everyone understands me. I am not against firearms.

The difference between my position, as reflected in my bill, and that of some lobby groups is where to draw the line between authorized firearms and those that should be prohibited or whose use should be limited to certain locations only, such as shooting clubs. That's it for my introduction.

I will defend the philosophy underlying my bill and provide more details about it later, but one thing is certain: I am not trying to make light of or put a spin on such a sensitive topic. Not everyone can say the same, especially not some of the lobby groups, which have formed impressions and made inferences from my press release that are not at all consistent with my bill.

Before getting to the heart of the matter, I would be pleased to share some of my fondest family memories with you. As most of you probably know, I am originally from a small town called l'Assomption, north of Montreal, in Quebec, in the Lanaudière region. Its proximity to the St. Lawrence River makes l'Assomption a great place for hunters to live because you can hunt for duck there, roam through all the various forests, and even make maple syrup.

My father was one of those people who would hunt for small and big game in the underbrush or along the river banks. When I say big game, I mean deer and moose. When it comes to hunting wildlife for its meat, such as venison, I know everything about storing, keeping, hanging, and even cooking it. If you're interested I would be glad to help you cook any rabbit, partridge, or duck you might hunt. Those are things my father said I was better at than my mother. That's not entirely true, but that is what he told me.

In the 1950s and 1960s, my father would hunt big game with a 303 Lee-

Enfield rifle, a reliable weapon that came with a scope. We also had a 22, for small game, as well as the infamous 12 gauge shotgun where you really had to aim for the partridge's head or you wouldn't be eating any partridge because you would be left with a pile of pellets and feathers.

My father used these guns for sport, but also for putting excellent food on the table. Today, things are different. The animals my father brought home from the hunt were our food of choice. I don't think we could eat like that today, but I grew up eating wild game for more than half the year. I would add that fish would grace our table as a result of these adventures in the great outdoors as well. Over the decades, life became more urbanized and the utilitarian nature of firearms faded over time.

I am not denying the fact that some Aboriginal peoples have retained a way of life based on hunting and fishing, but overall, we are no longer living in pioneer days or even my father's time. My colleague Senator Watt has shared some caribou meat with me, and I have to say that it's delicious.

I also realize that hunting and fishing are part of Canadian culture and that outfitters, for one, help people participate in that culture. In Quebec, we have some very comfortable and pleasant ones. In fact, I would suggest that my colleagues go spend some time at one, maybe take a little vacation there in the fall during a week when we don't have to be here in the Senate.

I would like to go over some of the details of Bill S-231. I have identified six key points that will help me explain the measures in this bill, which is rational, sensible and in line with the values of most Canadians.

First of all, Bill S-231 overhauls the current firearms program by prohibiting all firearms in Canada except hunting firearms, firearms used at shooting clubs, and collectors' firearms, which receive special treatment.

Second, it redefines two of the three existing classes of firearms by making only hunting firearms legal and localizing the prohibition of restricted firearms.

Third, Bill S-231 limits the transport of circumscribed firearms to transporters — which have no interest other than providing secure transportation — thus controlling the movement of firearms in Canada.

Fourth, Bill S-231 replaces the registration certificate with an inscription certificate. You can appreciate that the terms "registration" and "registered" have been used so often that we simply thought that using the term "inscription" would eliminate some anxiety. I think that using the term inscription does not evoke feelings of fear.

Fifth, Bill S-231 strengthens the role of the RCMP with a statutory provision.

Sixth, Bill S-231 undoes all the provisions of Bill C-42, except for the prohibition on obtaining a licence to possess and acquire firearms following a domestic violence conviction.

Finally, I will explain how Bill S-231 will support hunting and sport shooting while helping maintain overall security.

First of all, we must change the current system in order to restrict the circulation of dangerous firearms in Canada. I am one of those people who believe that people don't kill people, guns do. Granted, that is the antithesis

of the gun lobby's motto. However, unlike the gun lobby, I am not promoting an industry, or developing a market; I only want to ensure Canadians' safety. Therefore, I rely on the statistics.

Here they are. There are negative comments on social media, and some Canadians have said that gun control is pointless because very few deaths are caused by firearms in Canada. In other words, these people are using the statistics obtained as a result of previous Liberal gun control policies — and we are still feeling their positive effects — that basically were in place until 2012. You must admit, it takes some nerve to pervert the truth.

A simple comparison with our neighbours to the south brings home the stark reality. The firearm death rate in the United States, a country with very weak gun control laws, was 10.3 per 100,000 population in 2011. That amounts to 32,163 deaths in one year, according to the *National Vital Statistic Reports* from the U.S. Department of Health and Human Services. That would be the number of deaths if 20 towers, like those of the World Trade Center, were to collapse every year in the United States. There were 2,977 victims on September 11, 2001.

In Canada, firearm deaths for the same year, 2011, totalled 679, or 1.9 per 100,000 population; that's 1.9 in Canada and 10.3 in the U.S., and that was under a system that the Liberals developed.

Accordingly, to say that since we have a very low firearm death rate we can do without strict gun control would be ignorant at best, and perhaps even be misleading. In any case, this puts the lives of Canadians at risk, as demonstrated by the American example,

where, in 2011, nearly four people were shot dead every hour of the day and night.

Unfortunately, honourable senators, last week, there was another massacre, this time in a church in Charleston, South Carolina. Six women and three men were killed. In other words, the easier it is for people to access firearms, the more people will die. In light of that fact, which is not an ideological position, but rather a fact of life in the United States, I thought it was important to follow through on this point.

To ensure the safety of Canadians, I developed Bill S-231 around the idea that all firearms should be prohibited except those used in sport shooting, in a controlled environment such as shooting clubs, as well as hunting firearms and those that are collectors' items. I therefore replaced the restricted firearms class with a circumscribed firearms class, and the arms in this class will be usable only in certain locations, specifically at or in shooting clubs. They must be stored at those clubs and transported by experts or specialized companies. Lastly, as I said at the beginning of my speech, I took the current reality into account in establishing some exceptions.

In other words, pursuant to the definition in the Criminal Code, all firearms are legal, except those classified as restricted or prohibited.

These types of legal definitions pose a risk to public safety in Canada, since they are catch-alls that make it possible for some very dangerous firearms to be classified in the category of unrestricted firearms. As you know, there are currently almost no conditions on unrestricted firearms.

Bill S-231 rectifies this problem by providing that all firearms are prohibited, with the exception of hunting firearms or firearms used exclusively at a shooting club. Think about it. Why would anyone have a firearm at home if not for hunting or collecting? In the case of a firearm that is part of a collection, Bill S-231 still requires the individual to make the firearm inoperative.

Based on what I hear from some opponents of Bill S-231, I can get a sense of their objectives. A number of them tell me about their so-called right to defend themselves against all kinds of attackers, ranging from a simple thief to a terrorist. The big American lobby spoke out after the massacre in Charleston and said that the gun did not kill those people; the person shooting it did.

On June 15, an online petition called on Minister Blaney to allow Canadians with appropriate firearms training to obtain an authorization to carry permit for the purposes of self-defence. The petition concludes with "Canada will be a safer place." That is pretty delusional. Since when is the United States, which has 32,000 gun deaths every year, safer than Canada? Canadian law does not give people the right to defend themselves with a firearm, and that is a good thing. No one should be taking justice into their own hands. As far as I know, Canada did not have a civil war, and our American neighbours still do not seem to understand that theirs ended more than a century ago.

Other gun lobbyists are simply asserting their right to own a firearm. However, in 2005, the Supreme Court of Canada clearly ruled that no one has the right to own a firearm in Canada and that the possession of a firearm is a privilege granted by the government.

I would therefore like to come back to my question, which is: Why would anyone have a firearm in their home if it is not for self-defence, if it is not suitable for hunting but for sport shooting, and if it is not part of a collection?

The answer is that the reason is not clear, it does not seem consistent with our laws and it is based on a myth about safety that is not borne out by reality.

This overhaul of the firearms regime brings me to the second key point of Bill S-231: the new definitions of the three categories of firearms.

Under Bill S-231, it is no longer a matter of non-restricted, restricted and prohibited firearms. Instead, firearms would be classified as hunting firearms, circumscribed firearms and prohibited firearms.

This major change to these definitions promotes a better dichotomy between firearms that can reasonably be used for hunting and thus kept at a dwelling-house in accordance with the regulations that apply to them and firearms that sport shooters use at shooting clubs and that must be stored at those clubs.

What 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. Semi-automatic weapons are not included in the definition of hunting firearm, with the exception of 22 calibre rim-fire semi-automatic rifles.

The restrictive definition of hunting firearms that I included in my bill is based on information from hunters and

a Canadian Firearms Safety Course instructor. In fact, one of my employees who has a law degree took this course as he was examining the bill. Hunters and instructors alike strongly advised and even warned students not to use semi-automatic weapons for hunting because of the many accidents that have occurred.

Bill S-231 repeals the privilege of those with a possession and acquisition licence to keep at their dwelling-house any centre-fire calibre semiautomatic rifles. However, Bill S-231 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 are stored and where courses are generally taught.

Again, why would anyone have firearms in their home, since they are not suitable for hunting and using firearms in self-defence is not advisable except in rare circumstances under the law?

As an aside, I can see where the firearms lobby wants to take us with this: toward a U.S.-style system with easy access to firearms where it is legal to use them to protect personal property. However, no one is fooled by this. This does not serve the interests of Canadians or keep them safe. This serves only the interests of the firearms lobby for selling more firearms. What is more, they must not be selling very many because gun maker Colt filed for bankruptcy last week.

I understand that the statement Prime Minister Harper made on March 17, at the Saskatchewan Association of Rural Municipalities annual convention is yet another nod to the firearms lobby during this pre-election period.

The Prime Minister said the following:

"My wife's from a rural area and obviously gun ownership wasn't just for the farm, but was for a certain level of security when you're a ways away from immediate police assistance."

The Prime Minister's statement in favour of armed self-defence drew a reaction from the Canadian Bar Association, which expressed grave concern about the message being sent to people. The Quebec provincial police association described the statement as "inappropriate."

Writing in *L'Actualité* on March 18, 2015, Manon Cornéliier analyzed the message this way:

"Only licensed peace and security officers can have a firearm for security reasons, in which case it would be loaded. Anyone else in possession of a firearm must store it securely and unloaded, with ammunition stored separately and also securely.

"Such conditions make it impossible for one to defend oneself against a surprise attacker. When the Prime Minister talks about security, he is indirectly encouraging armed self-defence whether he means to or not.

"The fact that the Conservative Party used that statement the very next day to raise funds suggests that it was not unplanned."

It is no longer a secret that the Conservative Party of Canada is in favour of firearms and provides regular guarantees to the firearms industry. What's new is that, for ideological and probably electoral reasons, it now wants to lead Canada down the slippery slope of armed self-defence, a principle in place among our neighbours to the

south — perhaps not the best models with their 88 gun-related deaths per day in 2011.

I felt that my bill should protect us from that kind of problem. That's why, under Bill S-231, no firearms other than those defined as hunting firearms can be kept within a dwelling-house.

That is all I have to say about self-defence. I will be clear, honourable senators. Bill S-231 does not seek to prohibit the use of centre-fire semi-automatic rifles, but to ensure that they are only used and stored at shooting clubs.

Therefore, I am not against firearms, but I support their use in a safe manner and definitely not as weapons of self-defence.

Thus, with Bill S-231, any holder of a possession and acquisition licence will be able to acquire and own a centre-fire semi-automatic 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 vital aspect of Bill S-231.

The United Kingdom made that distinction after the terrible events in Hungerford. In 1987, a crazed gunman named Michael Ryan killed 16 people, including his own mother. Carrying a handgun and two semi-automatic rifles — a Type 56 assault rifle, which is a Chinese version of an AK-47, and an M1 Carbine — Ryan also injured 14 other people before taking his own life. According to the authorities, there was no motive for Ryan's murder spree.

Another important fact is that Ryan had legal possession of all his firearms in accordance with the British laws at that time.

The following year, Prime Minister Margaret Thatcher — a woman not known for her liberalism and with whom some of you, I am sure, share a Conservative ideology — took drastic action in response to this horrible tragedy.

The Iron Lady's Conservative government completely banned all centre-fire semi-automatic firearms from the United Kingdom and restricted the use of hunting rifles to those with a maximum capacity of three shells. The only firearms that remain legal in the U.K. are semi-automatic 22 calibre rim-fire rifles.

Britain's commitment to strict firearms policies did not stop in 1988, however, because in 1996, some nine years after the Hungerford tragedy, Great Britain went through the shock of another shooting rampage.

A man named Thomas Hamilton walked into an elementary 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.

In response to the massacre, the government called on Lord William Douglas Cullen to chair a royal commission to investigate the circumstances that could have caused Hamilton to commit such an act, and, more importantly, to make recommendations to prevent such a crime 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 (Amendments) 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. It has been proven that guns, not people, kill people, unlike what the gun lobby claims.

Bill S-231 is based on a proven model. I hear all of the criticisms of my bill. However, those that attack a proven model in favour of the American proven model, which is clearly a security failure, make no sense. All they do is serve the interests of an industry.

Bill S-231 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 in

such a category of firearm will only be able to use and store these weapons at a shooting club. 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 thousands of 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 dangerous and are not useful for hunting. They therefore do not belong in a dwelling-house. I spoke with David Lutz, Justin Bourque's lawyer, and he said much the same thing. Just a few minutes after his client was sentenced, Mr. Lutz made an impassioned plea against firearms at the entrance of the Moncton courthouse on October 31, 2014. He told the CBC that:

"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."

Third, Bill S-231 increases control over the movement of these dangerous semi-automatic weapons. Owners of such firearms who need to move them, for example to store them at a different shooting club where they want to use them, will have to use an outside service or specialized carrier to transport them.

My office consulted a number of experts, including a former police officer. They all told us that centre-fire semi-automatic rifles are very dangerous. 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-231 seeks to strengthen Canadians' security.

My fourth point has to do with replacing the registration certificate with an inscription certificate. To me, words have meaning. This is therefore a change in the spirit of the law. Bill S-231 acknowledges the disappearance of the Canadian firearms registry. I will not get into that. I am not happy about the disappearance of this registry — another Conservative measure to satisfy the firearms lobby — but I decided that my bill would not be about that measure so as not to sidetrack the debate on my bill. The key question is the one I asked at the beginning of my speech, namely what is the point of having a firearm at home that is not strictly meant for hunting. Consequently, I would like it if we stopped talking about registration certificates, as that evokes the idea of a registry. "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 firearms, whether we are talking about hunting or being a member of a shooting club.

My fifth point is that Bill S-231 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.

Under Bill S-231, 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. That is an important addition to the existing law because, and I repeat, our laws are not explicitly clear about the role of these individuals in the classification of firearms.

Furthermore, Bill S-231, again unlike Bill C-42, does not enable the government to unilaterally decide to declassify a firearm or to overrule the RCMP, as Minister Blaney did in the committee where I worked on the Swiss Arms matter. The Conservative government once again yielded to the firearms lobby. This lobby has been fighting for years to get a number of firearms that have been deemed as dangerous by many experts and authorities onto the Canadian market.

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. The RCMP therefore once again classified circumscribed firearms and Swiss Arms firearms. A number of gun lobbies were furious and pressured the Conservative government to overrule the RCMP's decision. Since the existing law does 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 enacted through Bill C-10 in 2012, which seems absurd. The same minister who enacted that legislation went back on his own bill. Minister Blaney even 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.”

The bureaucrats at whom he turned up his nose are the RCMP experts whose job it is to protect Canadians' safety by means of the Canadian Firearms Program. The minister concluded with this statement:

“I will also be taking steps to make sure this never happens again.”

In other words, the minister does not like it when the people responsible for Canadians' safety take measures that conflict with the interests of the gun lobby. The minister therefore proposed measures in Bill C-42 to give cabinet the discretionary power to "declassify" firearms, even if that goes against the RCMP's recommendations.

The sixth point I would like to make about my bill is that I did not allow myself to be influenced by dogma or ideology when drafting it. I used facts, figures, and documented results of Canadian, American and British policies. Australia's policies are similar to England's. Where I agreed with a provision of Bill C-42, I included it in my bill. That is why Bill S-231 states that a person convicted of domestic violence can never receive a licence to possess or acquire a firearm. That same provision is in Bill C-42, and it makes perfect sense.

What I find shocking is that instead of showing real leadership to ensure public safety and tightening our gun controls in the wake of the tragic events at Dawson College in 2006 and Moncton in 2014, the Stephen Harper government went in the opposite direction and, unlike our British colleagues, passed less

restrictive measures to govern the privilege of firearms possession.

Honourable senators, I would like to remind you that, after these terrible tragedies, the Harper government introduced Bills C-19 and C-42, the first to end the long-gun registry and the second to make it easier to obtain guns. These two pieces of legislation are contrary not only to Canadians' safety, but also to Prime Minister Margaret Thatcher's legislative intervention in 1988.

In contrast, following the 1989 Polytechnique massacre, a Liberal government tightened firearms possession and acquisition with Bill C-68. That is why we can boast that we have a lower firearms death rate. This is even an argument used today by the gun lobby. Thanks to the gun control policies of a former Liberal government, we can say that our odds of being killed by a gun are the same as the odds of being killed by lightning.

My bill is also inspired by the leadership of the Quebec government, which, after the Dawson College tragedy, introduced Bill 9, known as Anastasia's law in memory of one of Kimveer Gill's victims. This bill took effect on September 1, 2008, and banned the circulation of all restricted and prohibited firearms on the grounds of designated institutions, such as schools, as well as on means of public or school transportation.

What did Stephen Harper do following those tragedies? He gave in to the gun lobby and made Canada one of the few countries in the world to loosen gun control measures.

I will conclude my explanation of the text of my bill by repeating its title: the 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-231 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.

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, which should please the owners of all outfitting companies in Canada.

As for shooting clubs, the new classification used 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 to shooting clubs and requiring them to be stored at the club will automatically increase activity at those clubs, which, with some planning, could even become gun shops or could partner with them.

In closing, I would to thank the team of Senate lawyers, legal experts, law clerks and drafters who worked so hard to make this bill a reality. They worked with my own staff to quickly rewrite a complex piece of our legislation to make it progressive, innovative and bold. This

bill respects fans of hunting and sport shooting while having a real, positive impact on Canadians' safety.

I introduced this bill because I believe that a progressive vision of Canada is not only desirable but possible. This bill can be used a starting point for any government or non-governmental organization that, tomorrow, may want to stop the Conservative government from blindly forging ahead and electioneering by constantly passing legislation to please the firearms industry.

The Conservatives are not going to make Canadians safer by relaxing controls, as they did with Bill C-19, or by making firearms more accessible, as they did with Bill C-42. Safety has only one number, and that number is S-231.

Thank you.