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Chair: Mr. Ron McKinnon



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• (1615)

[English]

The Chair (Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.)): I call the meeting to order.

Welcome to meeting number 65 of the House of Commons Standing Committee on Public Safety and National Security.

We will start by acknowledging that we are meeting on the traditional unceded territory of the Algonquin people.

Today's meeting is taking place in a hybrid format, pursuant to the House order of June 23, 2022. Therefore, members are attending in person in the room and remotely using the Zoom application. With regard to a speaking list, the committee clerk and I will do the best we can to maintain a consolidated order of speaking for all members whether they are participating virtually or in person.

Pursuant to the order of reference of Thursday, June 23, 2022, the committee resumes consideration of Bill C-21, an act to amend certain acts and to make certain consequential amendments regarding firearms.

I will now welcome the officials who are with us once again.

Welcome. It's always good to see you.

From the Department of Justice, we have Sandro Giammaria, counsel; and Phaedra Glushek, counsel, criminal law policy section. From the Department of Public Safety and Emergency Preparedness, we have Rachel Mainville-Dale, acting director general, firearms policy. From the Royal Canadian Mounted Police, we have Rob Daly, director, strategic policy, Canadian firearms program; and Kellie Paquette, director general, Canadian firearms program.

Thank you for joining us once again today. Your participation is, of course, crucial to our deliberations.

I will now invite Mr. Julian to take the floor, please.

Mr. Peter Julian (New Westminster—Burnaby, NDP): Thank you, Mr. Chair.

I don't intend to speak for a long time. I know that Bill C-21, particularly the issue around ghost guns, is something that law enforcement wants to take immediate action on. We need to move forward in a forthright manner.

I have a motion that was circulated to committee for the purposes of today's meeting. I move:

That the committee extend its meeting of May 9, 2023, until midnight for clause-by-clause consideration of Bill C-21.

Mr. Chair, I heard yesterday in the House something that I felt was profound disinformation. It was said by the Conservative public safety critic that almost half of the amendments had been considered at committee, and that's simply false. As you know, Mr. Chair, since we started again, we've considered 12 amendments out of 151. You can do the math, as I have, Mr. Chair. I note that, at this rate, we simply would not have this bill back to the House for months.

Why is it urgent? We know, because of the delays.... These delays were caused by what I felt were the Liberals' misplaced amendments, which were done without consultation. Now we have the Conservatives filibustering, so they're also causing a delay. During that time, Mr. Chair, we've seen an exponential increase in the use of illegal, untraceable ghost guns across this country.

The House is seized by an expansion of scope, which will be important, but we need to provide law enforcement with the tools. We need to be targeting criminals. The withdrawal of the amendments means that those who would be targeted by this Bill C-21 are criminals, not law-abiding gun owners. It's important that we move in a forthright way.

I've been raising this issue, as you know, Mr. Chair, for a couple of weeks now, to vastly expand the number of hours. The committee has the ability to do that. I'm proposing that we do just that for the purposes of today's meeting—to meet until midnight.

I hope we can come to a consensus rapidly on this. I don't intend to draw it out if there are members who are opposed, but I do believe that it's an important step that we need to take for public safety. We need to move this bill forward, and we can't do that if it continues to be stuck in the committee.

[Translation]

Since it's taken so long to consider the initial amendments, it's important that we allow more time today for clause-by-clause consideration of this bill. That's what I'm proposing. I hope we have a consensus around this table about the importance of studying Bill C-21 and passing it to combat the threat of ghost guns. The study has dragged on long enough. Now we need to move forward. That's why I'm introducing this motion.

[English]

The Chair: Thank you, Mr. Julian.

[*Translation*]

Ms. Michaud, you have the floor.

Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ): Thank you, Mr. Chair.

I just want to say that although the motion contains a single sentence, the French version contains errors. For example, it includes an English word, and certain words are needlessly repeated. I know that Mr. Julian's French is very good, so he could have taken the time to write his motion properly in French. Unfortunately, he did not.

Before we debate the motion, I'd like to make sure that we have the necessary resources from the House. Personally, I don't mind if the committee sits until midnight. However, I'm thinking of the officials who are with us, as well as the interpreters and technicians.

Do we have the resources needed from the House to act on the motion, should we pass it? Perhaps the clerk could let us know.

• (1620)

[*English*]

The Chair: Perhaps if we do the motion orally, it would be adequate, because that is generally acceptable for motions, particularly shorter motions. Then you will get the interpretation. However, I will ask the clerk if it is possible to also send the complete motion in French.

We'll go to Mr. Noormohamed, followed by—

[*Translation*]

Ms. Kristina Michaud: I have a point of order, Mr. Chair.

I made a comment first, but then I asked a question. Do we have the resources from the House to sit until midnight? I don't know if the clerk can tell us if we do or not. As I said, I don't mind being here until midnight, and I'm sure my colleagues are willing to do it as well. However, we mustn't forget that we also have officials, interpreters and technicians with us.

Are we able to act on the motion?

[*English*]

The Chair: I'm sorry. I misunderstood your question earlier.

We have made the request for resources, and at this time, it is denied. However, if we pass this motion, we will send it back to the administration and they will get with the whips to decide whether or not they want to cancel other sufficient resources for us to proceed.

We can pass this if it is the will of the committee to do so. It doesn't mean that we will be able to sit until midnight. We will rely on the House whips to decide this. Is that fair enough?

Did you still need the motion that was moved orally?

[*Translation*]

Ms. Kristina Michaud: No.

The Chair: In that case, Mr. Paul-Hus, the floor is yours.

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Thank you, Mr. Chair.

Good afternoon, everyone.

My colleague from the Bloc Québécois has a very good point: the motion is only one sentence and it couldn't even be written properly.

Could my colleague from the NDP read the correct version and French, out of respect for the official languages?

[*English*]

The Chair: I will ask Mr. Julian to do so. We're a little bit out of sequence, so after Mr. Julian we will go back to Mr. Noormohamed, Mr. Shipley and then Mr. Motz, I believe.

[*Translation*]

Mr. Peter Julian: Thank you very much, Mr. Chair.

Ms. Michaud and Mr. Paul-Hus are right, an English word was left in the French version inadvertently.

I want to say that I'm proud to speak French and that, in the past, I have pointed out French errors in texts submitted by the Conservative Party and even the Bloc Québécois. I feel a little awkward having introduced an NDP motion with errors in it.

If we also remove the words that are repeated, the French version of the motion reads as follows:

Que le Comité prolonge sa réunion du 9 mai 2023 jusqu'à minuit pour faire l'étude article par article du projet de loi C-21.

[*English*]

The Chair: The clerk has advised me that the error happened in the Clerk's office—not his office necessarily but the Clerk's office.

We go now to Mr. Noormohamed, please.

Mr. Taleeb Noormohamed (Vancouver Granville, Lib.): Never mind.

The Chair: You're good...? Okay.

Mr. Shipley.

Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC): Just quickly, I have to make a comment here. Thank you, Chair.

I'm just a little bit confused, which is easily done. We seem to be putting the proverbial cart before the horse again. We're going to sit here right now—and I'm all good to sit here until midnight. I have nowhere to go. I'll stay all night you want. I'm looking forward to it.

An hon. member: [*Inaudible—Editor*]

Mr. Doug Shipley: No, tomorrow night is the Leafs game.

Some hon. members: Oh, oh!

Mr. Doug Shipley: We have all kinds of time tonight. I love spending time with my colleagues well into the evening. There's no issue, but we're sitting here now and we're talking about trying to get through Bill C-21. Right now, we're talking about a motion that you just said we don't have resources for. Why are we doing things backwards again? Why don't we jump into Bill C-21 and get through this?

What is the point of debating a motion that we don't have the resources for? Maybe the chair can illuminate me on that.

• (1625)

The Chair: At this moment we don't have resources for it, but if we pass the motion, it could be that we will. However, that will be up to the whips.

Mr. Doug Shipley: I understand that.

Again, parliamentary procedure is not always my strongest point. We have people who can do that type of thing.

This is how we got here in the first place, by dropping amendments at the last minute that weren't reviewed properly. This has happened a couple of times now, as far as the Conservatives are concerned, and it's happened a couple of times with major amendments.

Today we're getting a motion that might happen, it might not, but we're sitting here wasting time when we could be on Bill C-21 talking about whether we're going to go again.... I'm getting tired of putting the cart before the horse. I'm here to do work. I'm here to do what people elected us to do, and that is to pass good legislation.

Mr. Chair, once again I'm a little frustrated and I wanted to voice that concern.

The Chair: Thank you for your introduction.

This motion was, of course, properly notified to the committee and so forth.

I have Mr. Motz next.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): Thank you very much, Chair.

I find it interesting as well. As my colleague Mr. Shipley indicated, the resources tonight are difficult. We are sitting in the House until midnight and there are other committees that are sitting late as well. Again, I find it astounding that we would consider a motion for which we don't even know whether it's going to be possible to sit past our 6:30 time slot.

In any event, why is it necessary to be in the spot that we're in? Why did Mr. Julian feel it was necessary to put a motion forward?

I want to reiterate and correct his assertion that we're not halfway through. If you look at the amendments before us, there are 25 of them that add the words "firearm part" in the clauses coming forward. I don't see that taking 20 meetings.

Let's actually talk about the meetings. On January 31, there was no meeting and no good reason was given for why we didn't have a meeting. February 3 was the meeting where the amendments were

withdrawn, so we know why we didn't have a meeting on January 31. On February 7, we did the Russia study, not Bill C-21—

Mr. Peter Julian: On a point of order, Mr. Chair, since the Conservatives are obviously filibustering this motion, as I signalled earlier, I intend to withdraw it.

If the Conservatives are going to be blocking this again, as they have over the last two weeks, it doesn't make sense to encourage another filibuster on top of the filibuster they've already been engaged in.

Mr. Glen Motz: I think it's incredible that the member would talk about our filibustering. If you look at the time taken by members opposite and Mr. Julian, you'll see they have taken the majority of time to filibuster themselves. I find that rather rich.

Anyway, I will continue, unless Mr. Julian wishes to actually withdraw his motion.

The Chair: I believe that is the intent, although he can't actually make a motion to do so because we're engaged in this motion.

I think we require unanimous consent to withdraw the motion. If there is no objection, we can consider the matter withdrawn.

Is there any objection to Mr. Julian withdrawing his motion?

(Motion withdrawn)

The Chair: The motion is withdrawn. We will therefore carry on with clause-by-clause on Bill C-21.

We left off at the last meeting at the end of clause 2, and we're starting clause 3.

(On clause 3)

The Chair: First up is Mr. Noormohamed, with G-11.

Please go ahead, sir.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

There's not much to say on this other than to note a couple of things.

First, G-11, of course, will now look specifically at the matters related to how we address the problem of ghost guns, which I know every single member of this committee is concerned about.

We've heard from police forces across the country. In my own community of Vancouver, the VPD have been very keen that we act and act decisively. The reason we need to get moving on this entire piece of legislation, as my friend opposite noted, is so that police services have the resources they need to get these types of guns off the streets to keep our communities safer.

I hope that all members will support this amendment and others that are related specifically to it.

Thank you, Mr. Chair.

• (1630)

The Chair: Thank you, Mr. Noormohamed.

Is there any discussion? Seeing none, all in favour—

I'm sorry. I have Mr. Motz, followed by Madam Michaud.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): You called the vote, Mr. Chair.

The Chair: I'm sorry. Perhaps I'm confused.

Was there any discussion on this amendment?

Mr. Glen Motz: Yes. I had my hand up for that.

The Chair: Go ahead, Mr. Motz.

Mr. Glen Motz: Taleeb, I'm just trying to find it here. We are replacing what in the act...? All of the underlined in G-11 is replacing paragraph 109(1)(b)...? I didn't bring my Criminal Code, so I don't have the....

Ms. Phaedra Glushek (Counsel, Criminal Law Policy Section, Department of Justice): Mr. Chair, I can answer that for the committee.

Thank you.

Mr. Glen Motz: Thank you.

Do you have a Criminal Code that I can borrow, by the way?

Ms. Phaedra Glushek: I do, and it's for 2023. It's not for 2021, as opposed to the last ones I brought.

Mr. Glen Motz: That's perfect.

Ms. Phaedra Glushek: This amendment would add the two new computer data offences to section 109 of the Criminal Code, which is the mandatory prohibition order. It just adds it to the list of offences in paragraph (b) for which a mandatory order must be made following conviction of one of these offences. The order can be made between 10 years to life, depending on whether it's a first offence or a second.

The Chair: Do you have any further interventions, or do you wish to have a minute to look at that?

Mr. Glen Motz: I just want to confirm something here, Chair, if I may, please.

They've added it in paragraph (b).

Ms. Phaedra Glushek: It's adding proposed subsections 102.1(1) and 102.1(2). Those are the new computer data offences that have already been moved and carried.

Mr. Glen Motz: Right. Okay, so now does this change impact...? This is just the manufacture of ghost guns, obviously, but does this actually include the parts required?

Ms. Phaedra Glushek: That is a related motion. I think we can speak to that. That's coming.

Mr. Glen Motz: That's coming. All right. Thank you.

The Chair: Thank you, Mr. Motz.

[*Translation*]

Mr. Paul-Hus, you have the floor.

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

I'd simply like a clarification on the amended paragraph 109(1)(b) in clause 3, which refers to subsection 85(2) of the Criminal Code.

The intent is understandable with respect to ghost firearms, as they are manufactured weapons that can be fired. However, when we talk about an "imitation firearm", is that a toy? "Imitation" means that it can't be fired, right? I just want that to be clear.

[*English*]

Ms. Phaedra Glushek: Yes, we're not talking in this case about imitation firearms. We're talking about bullet-firing firearms. The computer data offences involve only firearms that can cause serious bodily injury or death, under section 2 of the Criminal Code. What this amendment would do is bring the two new computer data offences, which are possessing computer data for the purpose of making a firearm and, second, proposed subsection 102.1(2), which is distributing 3D printers, and add it into section 109.

Mr. Glen Motz: Can I ask another question?

The Chair: Yes.

Mr. Glen Motz: Can the officials tell me, then, on having possession of computer data for the purpose of making a firearm, if there is any possibility or any provision for the allowance of that? Is it just that the simple possession now becomes an offence, period. Is that what you're saying?

Ms. Phaedra Glushek: No, that's not what I'm saying. What I'm saying is that the two new offences that were added to the Criminal Code and carried at the last meeting through an amendment... I don't have the number in front of me. Those two new offences are possession for the purpose of manufacturing and distributing knowing that it will be trafficked, and those two offences are being added here. Those two offences were already carried. They are being added to the mandatory prohibition order provisions, which are mandatory upon conviction of these offences.

• (1635)

Mr. Taleeb Noormohamed: It was in amendment G-8, the one right before.

Mr. Glen Motz: Okay. I wasn't at the last meeting.

Thank you.

The Chair: Is there any further discussion?

(Amendment agreed to on division [*See Minutes of Proceedings*])

(Clause 3 as amended agreed to on division)

The Chair: This brings us to new clause 3.1 and amendment G-12, which I believe stands in the name of Mr. Noormohamed.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

This amendment deals specifically with the issue of firearm parts, which is underlined there. Again, it's in the same spirit regarding the manufacture of those guns at home.

The Chair: Is there any discussion?

(Amendment agreed to [See Minutes of Proceedings])

The Chair: This brings us to amendment G-13, also in the name of Mr. Noormohamed.

Please go ahead.

Mr. Taleeb Noormohamed: Thank you.

Thank you, Mr. Chair. This again specifically deals with discretionary prohibition orders and adds the words “firearm parts” again.

The Chair: Is there any discussion?

(Amendment agreed to [See Minutes of Proceedings])

The Chair: There are bells. We require unanimous consent to carry on. Do we have consent to sit for a few more minutes, or do we just suspend until after the vote?

We will suspend.

• (1635)

(Pause)

• (1730)

The Chair: This meeting has now resumed.

We are just about to start clause 4. We have amendment G-14 in the name of Mr. Noormohamed.

Before we get started on clause 4, our legislative clerk has pointed out that there are discrepancies in the documentation. The word “thirtieth” is written as “30th”, in a mixture of numbers and letters. He would like us to be able to change that so that everywhere “30th” occurs in the text, it's fully written out as “thirtieth”.

Do we have the agreement of the committee to do that?

Some hon. members: Agreed.

The Chair: Good.

[Translation]

Ms. Michaud, the floor is yours.

Ms. Kristina Michaud: Thank you, Mr. Chair.

Just before the committee moves on to introduce amendments to clause 4, can I have confirmation that clauses 4, 6, 7, 8, 9, 10 and 11 deal with the “red flag” regime?”

I don't know which of the legislative clerks or officials can answer this question.

[English]

The Chair: I'll let the officials respond.

Ms. Phaedra Glushek: That's correct. It's clauses 4 to 10. Clause 10 is the emergency weapon limitation order. Clause 4 is the red flag emergency weapon prohibition order, up to clause 9, and then clause 10 is the emergency limitation on access order.

[Translation]

Ms. Kristina Michaud: If I understand correctly, clause 5 also deals with the “red flag” regime, but clause 11 does not. So we're talking about clauses 4 to 10, right?

[English]

Ms. Phaedra Glushek: That's correct. They are consequential—clauses 5, 6 and 7—to existing provisions, but as a result of the red flag regime.

[Translation]

The Chair: Is there any discussion?

[English]

Okay.

(On clause 4)

The Chair: Mr. Noormohamed, go ahead on G-14, if you please.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

Again, this deals with firearm parts. Specifically, it ensures that firearm parts are included in the prohibition order. Again, it's tied to the previous two. Hopefully, we can see support on this and keep moving.

The Chair: Is there any discussion on G-14?

(Amendment agreed to [See Minutes of Proceedings])

The Chair: We go now to CPC-3, standing in the name of Ms. Dancho.

Mr. Motz, go ahead, if you please.

• (1735)

Mr. Glen Motz: Thank you, Chair.

I will introduce this on behalf of Ms. Dancho. She is currently in the House.

This amendment would replace lines 31 to 36 on page 2 with the following:

110.1(1) A member of the immediate family of a person or a person who resides with that person, or an organization authorized to submit an application on their behalf, a peace officer or a medical professional may make an *ex parte* application to a provincial court judge for an order prohibiting the person against whom the order is sought from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or all such things, if they believe on

What this amendment does is make immediate family members or cohabitating persons eligible to file an *ex parte* on the request, and it lowers the chance of malicious false claims. We're trying to soften the current language that exists.

There are a couple of things that I want to remind the committee of from what we heard. Almost unanimously from stakeholders, we have heard that Bill C-21's proposed red flag measures are costly, ineffective and redundant. I want to get into some of the information that we actually heard during the study. The National Association of Women and the Law indicated, "Citizens or other organizations, much less potential victims, should not be expected to put themselves at risk by going to court to request action that should be immediate and within the direct responsibility of police." They went on to say, "Shifting the onus of enforcement to women and third parties, as Bill C-21's 'Red Flag' [laws] attempt to do, is a guaranteed route to increased fatality."

Actually, Ms. Rathjen from PolySeSouvient said not one woman's group asked for this measure. She went on to say that "it's not relevant in the Canadian context, because...victims of abuse can call the police. It's up to the police to...investigate, and they have all the legislative tools necessary to remove the weapons."

She went on to say that the measure is dangerous and that it could allow police officers to "offload" responsibility onto victims, and that "the existence of such measures will undermine reforms that need to take place [when] police don't take complaints seriously".

The current system is the best system.

Another lady by the name of Louise Riendeau from Regroupement des maisons pour femmes victimes de violence conjugale said that not only do they find this measure "unnecessary" but that it "may even be counterproductive for victims." They recommended that clauses 4, 6, 7, 8, 9, 10, 11 and 12, which introduce the red flag measures, be removed from the bill, and said that victims have neither the energy nor the moral strength to go to court to have weapons withdrawn in addition to taking all the steps to protect themselves or flee domestic violence.

Wendy Cukier from the Coalition for Gun Control said, "I would argue that it's the police responsibility to keep guns away.... It's not private citizens' responsibility. In my view, private citizens should be able to notify the police someone is at risk and expect the police to take action."

Angela MacDougall from Battered Women's Support Services indicated:

Though the intention of the red flag is good, it creates potential conditions that put an unreasonable burden on a victim or survivor to address their safety. We've discussed this a bit so far. When that happens and we create that kind of opening, where the survivor is somehow responsible for their safety, the system orients itself in that way and begins to question whether the victim has done everything she should have done, based on the interpretation.

There's a lot of work to be done already, just in terms of the amount of victim blaming that exists. The red flag, although I think the intentions are solid, creates another potential loophole and a chasm in which survivors can find themselves without an advocate and without understanding how to navigate the system. They are then blamed if they are not following through in the ways in which the system thinks they should with respect to this measure....

We heard from police agencies who deal with this. Chief McFee from the Edmonton Police Service said:

The "red flag" law is well-intended. However, many of the proposed powers already exist under section 117 of the Criminal Code. As it stands, a law would pose a significant draw on police resources should numerous applications be

granted at a time when many Canadian police services are stretched thin. This could further increase service demands.

Brian Sauvé from the National Police Federation indicated:

We are seeing in a number of provinces that there are not enough Crown prosecutors, there are not enough judges and there's not enough trial space. Even if we end up in a court proceeding for a red flag or yellow flag, however that might look, is it going to be addressed in a timely manner? If it's not addressed in a timely manner, is that person continually put at risk? The downstream impacts of this are something we need to consider.

● (1740)

André Gélinas from the police in Montreal said:

...when a person is in danger, the first people to call are always the police. It would take an inordinate amount of time to go before the courts to try and get a firearm licence suspended, as is proposed in these amendments, and the courts are already overwhelmed.

The problem...is that people can go before the courts to explain their point of view in good faith, but the judge won't get the police officers' perspective. Police officers have information that the judge cannot access at that time. For example, the judge does not have access to data banks or to police expertise. He or she will simply have to base their decision on the person before them who has expressed their concerns.

I was really intrigued with some of the comments from our indigenous groups throughout the committee. Terry Teegee from the British Columbia Assembly of First Nations said:

...we are very concerned about the lack of clarity with respect to red [and] yellow flag laws that are applicable to first nations people specifically on reserve and in first nations communities.

Handguns and assault-style weapons are not used for hunting. However, the provisions of Bill C-21 will establish red [and] yellow flag laws and provide no guidelines for how those new laws would apply to first nations.

This is significant, as it may [impact] the possession of firearms such as long guns or rifles, which are commonly and responsibly used by first nations...for hunting purposes.

Chief Heather Bear from the Federation of Sovereign Indigenous Nations indicated that—

Ms. Pam Damoff: On a point of order, Chair, the member seems to be arguing for one of his future amendments about section 35 rights, which is CPC-5. I wondered if we could just keep it to CPC-3. So far, all I've heard is why we should delete the clause and not why it should only be limited to a member of the immediate family.

Mr. Glen Motz: Hear me out.

The Canadian Bar Association said, "The provisions [of red flags] do not consider the hunting rights of indigenous individuals". As well, "The court is not required to balance these factors—

Mr. Peter Julian: I have a point of order, Chair.

I know the Conservatives are doing their best to filibuster. I know Mr. Motz is a very experienced parliamentarian. He knows that you don't speak to another amendment that is completely different from the amendment that is before us. This is a filibuster. It is designed to block passage of the bill. Tragically, Mr. Chair, as you know, law enforcement is looking for us to put forward these measures on ghost guns that are increasing exponentially across the country.

I would ask, through you, for the Conservatives simply to stop filibustering, to stop speaking to another amendment than what is the amendment before us and to stop asking questions that they rhetorically already know the answer to.

We've all done our homework. We're all ready to vote. I just find it very disquieting, this Conservative filibuster to block this legislation that is so badly needed by law enforcement.

• (1745)

The Chair: Thank you for your intervention.

I would urge Mr. Motz to adhere closely to the amendment.

Go ahead.

[*Translation*]

Ms. Kristina Michaud: I have a point of order, Mr. Chair.

Mr. Motz is using the time allotted for debate on amendment CPC-3 to talk more broadly about clause 4. I'd also like to make general comments about clause 4. I'm wondering when the best time to do that would be. Could I do it while we're discussing this amendment, for example? Should we instead ask questions about clause 4 right before it goes to a vote, after we've voted on all amendments to the clause?

What is the usual procedure? I'd like some clarifications.

[*English*]

The Chair: We would normally speak on clause 3 when we're talking about clause 3, and on clause 4 when we get to clause 4.

This is CPC-3. I should note that, if CPC-3 passes, then CPC-4 cannot be moved due to a line conflict.

Anyway, we are engaged in a debate on matters relating to clause 4 of the bill. I would certainly urge all members to stick to clause 4 as much as possible. Thank you.

Mr. Motz.

Mr. Glen Motz: Thank you, Chair.

I certainly take exception to Mr. Julian's assertion that this is a filibuster.

We have heard—and you weren't here when this occurred—individual witness after witness try to urge the government to stay away from the red flag laws. Leave them the way they are. This bill makes a mockery of them, and it actually puts victims at risk. That's exactly why—

Ms. Pam Damoff: On a point of order, Chair, the amendment we're talking about is still looking at having "A member of the immediate family of a person or a person who resides with that per-

son" being able to go to court. The Conservatives are not talking about deleting the clause. They're talking about limiting who can, and what they're doing is ensuring that an ex-partner of someone who abuses them or stalks them is not able to take advantage of red flag.

I think Mr. Motz needs to make up his mind. Either he wants to delete it or he's going to talk about CPC-3, which is still allowing a member of the immediate family to go to court to get the red flag, so it is actually keeping red flag, in spite of what he's saying.

I know that he says he's not filibustering, but he's talking about two different things. If he wants to keep to CPC-3 and make it relevant to what we're actually debating, that would be really helpful.

The Chair: I have Mr. Julian on the same point of order.

Mr. Peter Julian: Yes. Thank you, Mr. Chair.

The Conservatives may be confused—they haven't done their homework on this bill—but they shouldn't be holding up the committee having not done their homework.

The Chair: Thank you for your interventions.

I certainly would encourage all members to stick very closely to the clause we're dealing with.

I'm assuming that Mr. Motz will come back to that in quick order, I hope.

Mr. Motz, go ahead.

Mr. Glen Motz: Thank you. I appreciate the enlightened interventions.

One of the things I want to make very clear is that I will acquiesce in the conversation about red flag laws, but I do not support them. I have never supported them. I will tell you why I don't support them. I don't support them because they will cause more significant harm to those who are seeking to be saved, those who are looking for intervention.

The current legislation, as it is written, is pretty adamant about what needs to be done. If the red flag laws remain in this bill.... I hope that the witnesses, whom all of you have heard, will make you realize that they actually put people at risk, as opposed to helping what you're trying to do, but if that portion of the bill passes, this amendment, CPC-3, is meant to soften that impact, to soften the requirements for that.

Again, like I said, I personally cannot support this. I'll get into that at a further intervention with regard to my experience in dealing with this exact issue.

That's all I have to say about CPC-3.

• (1750)

The Chair: Thank you, Mr. Motz.

We go now to Ms. Damoff, who will be followed by Mr. Shipley.

Go ahead.

Ms. Pam Damoff: Thanks, Mr. Chair. I'll comment on a couple of the things Mr. Motz spoke about.

His amendment is limiting it to "A member of the immediate family of a person or a person who resides with that person", so it's severely limiting who can go to court. While we did hear from women's organizations about red flags, I would point out that doctors came and were very supportive of it.

Halton Women's Place in my riding has women come to the shelter who are the spouses of police officers, so the option for them to go to the police is not an option. While I recognize that the police should be doing their job, these women are not comfortable calling the police, so we're leaving them without any tools to get that firearm taken out of the home. I recognize that other parties are not supportive of red flags, but I would point out that there are women who are in relationships and who can't rely on the police.

Mr. Motz, indigenous women are also subject to the section 7 right to life. I'll have more to say on that when we get to that particular amendment.

Thank you, Chair.

The Chair: Thank you, Ms. Damoff.

We go now to Mr. Shipley, who will be followed by Mr. Julian.

Mr. Doug Shipley: Thank you, Mr. Chair.

I'll bring this up now because the member opposite just mentioned how medical professionals are in favour of that. I'd like to read a few quotes to differentiate the opinion on that, if I may.

I will note that the Canadian Association of Emergency Physicians were initially supportive of Bill C-21's red flag laws, but as of October 21 have reversed their position completely. They do not support the current provisions and prefer a reporting mechanism for physicians.

Mr. Alan Drummond of the CAEP tweeted, "the problem, as I see it, with Canada's proposed Red Flag Law is that it is heavy on the judiciary and court process and equally burdensome on the vulnerable for whom the process may seem intimidating and an exercise in futility."

He also went on to say, "The government cannot expect the victims of Intimate Partner Violence, in a climate of fear, to initiate the onerous task of court proceedings and places yet another and unwelcome barrier to those seeking safety for themselves and their families" and "We are supportive of the concept of Red Flag Laws but not THIS Red Flag law."

Dr. Atul Kapur of the CAEP stated:

...we have concerns that, in its present form, the language in the bill will have very limited effectiveness.

...We continue to maintain that this is far from the timely responsiveness that is required. We, as emergency physicians, must be able to report the incident or a patient at higher risk to the police directly in order to protect the individual and their friends and families. When minutes and hours count, taking days or weeks to act is indefensible.

This applies to patients who are at a high risk of suicidality, but do not reach the level of needing to be admitted to hospital. It also applies to patients with a history of dementia and impulsive behaviour, and particularly to patients whom we identify to be at risk of domestic or interpersonal violence.

Dr. Atul Kapur also stated:

Placing the onus on victims of interpersonal violence or on a family member of a depressed person or demented parent is largely unworkable and an unwelcome hindrance to getting the guns temporarily out of the homes of those in crisis.

Also, the Canadian Bar Association stated:

Some have argued that the proposed provisions are a useful suicide prevention tool. We find that the deployment of tactical teams and subjecting mentally ill people to high stress situations with possible criminal consequences is not a suitable means of handling this issue. In fact, it poses the very real risk that mentally ill individuals will not seek help and instead conceal issues fearing that their doctor, psychiatrist, or any other person might seek these heavy sanctions against them.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Shipley.

We go now to Mr. Julian, followed by Monsieur Paul-Hus.

Mr. Julian, please go ahead.

Mr. Peter Julian: Briefly, Mr. Chair, we have Conservatives speaking to the wrong amendment. I think we're at the point where the House will have to direct this committee. It has been weeks now. We've been unable to get additional committee hours. We are seeing, as well, the fact that Conservatives aren't speaking to the amendment. They're speaking to a different amendment. This kind of filibuster, given the importance of getting the bill through, and given the importance law enforcement has attached to the ghost gun provisions coming through....

I think it's time the House....

I know you're doing the best job you can, Mr. Chair, but the Conservatives just want to stop up this bill. They're not wanting to bring it through. I think that's clear to everybody who's been watching the deliberations of this committee for the last couple of weeks.

• (1755)

The Chair: Thank you, Mr. Julian.

[*Translation*]

Mr. Paul-Hus, you have the floor.

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

I believe the Conservative Party does some quite meaningful work. We put forward amendments that are designed to make things better. I am not a permanent member of the committee, and what I find most fascinating is that we seem to forget the victims' groups themselves have made it clear that there are issues with the "red flag" regime. So I don't see why the government won't budge and is fighting what we're proposing. I should point out that Ms. Rathjen, the spokesperson for PolyRemembers, has clearly stated that the regime doesn't work. Louise Riendeau of the Regroupement des maisons pour femmes victimes de violence conjugale said the same thing, and others have too.

We're trying to see if we can make some changes. The amendments seek to change things that even the victims say don't work. The Conservatives are there to defend the victims. So it's strange that we have to fight the Liberal government. It's often portrayed like it's the other way around. Anyway, we're proposing amendments based on what we heard from victims' groups. I am sponsoring Bill C-325 and I'm currently meeting with some of those groups. Their representatives constantly tell me that the burden is always on the victims, and that's what we're trying to avoid. That's why we want to remove the "red flag" measure, because it doesn't work.

To answer my colleague from the NDP, I'd say that we're not wasting our time here. This is fundamental. Victims are the primary people affected by this bill, but what they've told us is being dismissed. So we're working on proposing amendments to improve things, but we don't seem to be getting much receptivity here.

[English]

The Chair: Next will be Mr. Shipley, followed by Ms. Damoff, followed by Mr. Motz.

Mr. Shipley, go ahead.

Mr. Doug Shipley: Chair, I have to make an interjection to what Mr. Julian suggested after my speaking.

To my honourable colleague, the member across from me, Ms. Damoff, brought up that doctors were supportive of it and you didn't say a word—not a word.

I have some information in front of me. You mentioned that we haven't done our research, but I obviously beg to differ. I mentioned four or five paragraphs that proved that doctors were against it. You took great offence to what I said.

Sir, I will look you in the eyes and tell you I'm not filibustering. I'm trying to do my job.

The Chair: Please speak through the chair.

Mr. Doug Shipley: Mr. Chair, that was through you.

I am not filibustering. We have a job to do. We've been elected to do this. I could sit here and talk about this all day, but I'm not going to.

I'm just sick and tired that every time we say something, Mr. Julian defends the Liberals on their side. They were saying the exact... It was not exact. It was actually the opposite. We're debating. That's what we're here to do.

It was fine when Ms. Damoff brought up the medical doctors. There was no issue there. Our side is trying to counter that and it's a big problem.

I take offence, Chair, to what was said last time after I finished. I just wanted to get that off my chest. We can carry on, but I am not filibustering. I'm trying to prove some points and do my job.

The Chair: Thank you, Mr. Shipley.

I think we have Ms. Damoff and then Mr. Motz.

Ms. Pam Damoff: I'll go back to the fact that the Conservatives have still not talked about CPC-3, which is the amendment in front of us. Perhaps they should have moved to delete the whole clause, because that's what they seem to be debating.

CPC-3 says that only an immediate family member or someone who resides with a person is able to get a court order. I wonder if the Conservatives could explain to the committee, in CPC-3, why they feel that only immediate family members should be eligible and not, for example, a woman whose ex-partner is stalking and threatening her. This is the amendment that we have before us.

The Conservatives haven't put forward an amendment to delete clause 4. That's all they've talked about.

The amendment says that it's only an immediate family member. Could they perhaps speak to their amendment and explain to the committee why someone who is no longer living with an individual who continues to harass and stalk and threaten them should not be part of the bill?

The Chair: Mr. Motz, you're up next, if you wish.

Mr. Glen Motz: Thank you, Chair.

I will take the first part of this intervention to address Mr. Julian.

This committee waited for six and a half weeks. Your assertion that we are filibustering is actually rather offensive. As Mr. Shipley said, we have a job to do.

Your party, your rural members, probably won't be here the next time around if this is voted through as it is right now. That's the reality. That's what we're hearing from NDP rural ridings across this country. If that's the route you want to take and want to act as the Liberal House leader, then you go ahead and do that. It will be at your own demise.

● (1800)

The Chair: Speak through the Chair, if you will, please.

Mr. Glen Motz: However, six and a half weeks, nine meetings, were missed on this committee.

If the Liberals are saying or the NDP is suggesting that it's the Conservatives who've held this up, you weren't here. You didn't see what didn't happen and how we waited and waited and waited for this to happen.

The Chair: Speak through the chair, please.

Mr. Glen Motz: Getting back to CPC-3, I think it would be important to recognize that all this amendment is trying to do is this: If the red flag laws are accepted—and, as I said before, I hope they are not—it will soften the approach to allow for immediate family members and cohabiting persons to apply for an *ex parte* request for...

Really what it does is that it lowers the chance for malicious claims. That's the whole idea.

An hon. member: Oh, oh!

Mr. Glen Motz: You haven't been out there, Pam, obviously.

The Chair: Again, please direct your comments through the chair. It's best to avoid speaking directly to each other—on both sides.

Is your intervention done?

Mr. Glen Motz: Yes.

The Chair: Mr. Julian, you're up.

Mr. Peter Julian: Thank you, Mr. Chair.

It's very clear that when you speak to a clause that's different from the clause before the committee, it's a filibuster. When you're asking questions that you've already had the answer to, it's a filibuster. When you're asking questions that are repetitive in nature, it's a filibuster.

Yes, the Conservatives have been filibustering this for a number of weeks. I have continually raised the possibility that we extend hours to get through this. Conservatives have refused each time.

Yes, it is absolutely a filibuster. You may not like the fact that I'm calling the Conservatives out on it. They may not like that, but it is true that they've been filibustering. They're filibustering legislation that is important, not just on ghost guns but things that need to be moved forward. Law enforcement has said that it is vital that we take action.

I would agree with Mr. Motz on the issue of the Liberals making a huge error back at the end of the year that delayed the committee for a number of months, but the Conservatives' actions now bring to mind the old adage “two wrongs don't make a right”. That's what we're seeing. The Conservatives are compounding the error that the Liberals made. I just find it inappropriate.

We are on CPC-3. Conservatives have not spoken to it at all. They seem to be speaking about everything but CPC-3.

I would say, through you, Mr. Chair, that there's an issue of relevance to add to the filibuster. We need to move forward. The House can make a decision to direct this committee, and I certainly hope it does.

[*Translation*]

Yes, the House of Commons is responsible for overseeing a committee that no longer functions. Constant filibustering by the Conservatives has made it impossible to move forward with our study of Bill C-21—

Ms. Kristina Michaud: On a point of order, Mr. Chair.

The Chair: Ms. Michaud, the floor is yours.

Ms. Kristina Michaud: I don't know if Mr. Julian realizes that each time he takes the floor to say that the Conservatives are trying to slow things down, he himself is slowing things down.

Can we get back to debating amendment CPC-3, Mr. Chair?

The Chair: Thank you, Ms. Michaud.

Mr. Julian, you have the floor.

Mr. Peter Julian: There are certain permissions granted with respect to amendment CPC-3. As I mentioned, I will be voting against this one. I hope that the Bloc Québécois will join the other parties to ask that the committee's work be directed in the next few days so as not to slow down the study of Bill C-21.

Thank you.

[*English*]

The Chair: Thank you, Mr. Julian.

I certainly take Madam Michaud's point that the more we talk about whether we're in a filibuster, the more we're in a filibuster.

Mr. Motz, it's over to you, please.

Mr. Glen Motz: Thank you, Chair.

Can we call a recorded vote, please?

The Chair: Are there any further interventions? Seeing none, we will call the vote.

(Amendment negatived: nays 7; yeas 4)

The Chair: Thank you, all. That was an interesting debate.

We carry on to CPC-4.

• (1805)

Mr. Glen Motz: We're withdrawing CPC-4, and you said that CPC-5 is redundant based on what happens in CPC-3...?

The Chair: CPC-4 could not be moved if CPC-3 had passed. CPC-3 did not pass, but you're withdrawing CPC-4. Is that correct?

Mr. Glen Motz: Yes.

The Chair: That brings us to CPC-5.

Mr. Glen Motz: I withdraw it.

The Chair: CPC-5 is withdrawn. That brings us to CPC-6.

CPC-6 is also in the name of Ms. Dancho.

Mr. Motz, did you wish to...?

Mr. Glen Motz: Yes, on what this does, really, we're asking that, after line 8 on page 3 of Bill C-21, the following be inserted:

(2.1) If the provincial court judge determines that the hearing of an application shall be held in private in accordance with subsection (2), the judge shall consider any background information submitted by a peace officer following any investigation relating to the person against whom the order is sought before deciding if an order should be made.

The idea here is that we want to ensure that a judge has all the relevant information, as much relevant information as possible, to support the claim of an *ex parte*.... Of course, as we know, law enforcement has more investigative ability and access to resources than the courts do. That's the reasoning behind this particular amendment.

The Chair: Is there discussion on CPC-6? I see none.

(Amendment negatived)

The Chair: That takes us to CPC-7, also in the name of Madam Dancho.

Mr. Motz, if you will...?

Mr. Glen Motz: This particular amendment deals with deleting line 37 on page 3 to line 5 on page 4, deleting lines 15 to 17 on page 5, and replacing lines 34 to 37 on page 5 with the following:

110.1(3) or the warrant issued under subsection 110.1(5) shall—subject to any terms and

The whole idea of CPC-7 is to require a warrant to search and seize for *ex parte* hearings. It lowers the chance of malicious false claims.

The whole idea behind this is going back to the fact that the whole of the red flag laws should be done away with. This is exactly the issue that many people who spoke at this committee and who were against red flag laws were suggesting would happen if we don't put some measures in there to require some due diligence on behalf of those applying *ex parte*.

• (1810)

The Chair: Thank you.

Is there any further discussion?

[*Translation*]

Ms. Damoff, would you like to speak?

[*English*]

Ms. Pam Damoff: Yes.

Mr. Motz has mentioned a few times “malicious false claims”. I really do think it's unfortunate that women who complain about abuse are being tarred with “malicious false claims” and the presumption that women are coming forward with all of these false claims.

We're not supporting this amendment, but I do find it quite offensive that he keeps referring to that.

The Chair: I have Mr. Motz.

Mr. Glen Motz: What I find offensive, Mr. Chair, is the assertion that this is what I'm actually saying. Obviously, somebody's

not paying attention or has a preconceived bias as to what it is that we're trying to do. If this bill actually tries to make women safer—make people who are facing domestic violence safer—then let's do that. Let's not just pay lip service to it. Let's not just do a little dance and try to make somebody happy.

Let's actually try to do it. The real world is that there are individuals—male and female, neighbours, whoever—who actually make false claims, with no evidence. What we're saying is that we need evidence to act.

We need to be responsible and judicious with our comments.

The Chair: Thank you, Mr. Motz.

Are there any further interventions? I see none.

(Amendment negatived)

The Chair: That brings us to CPC-8, also in the name of Ms. Dancho.

Mr. Motz, do you wish to go ahead with this?

Mr. Glen Motz: In this one we're talking about clause 4 again. The amendment would replace lines 7 to 18 on page 4 with the following wording:

subsection (5) shall immediately make a return to the provincial court judge who issued the warrant showing the things or documents, if any, seized and the date of execution of the warrant.

It would also replace line 20 on page 4 with the following:

from a person against whom an order has been

That's against whom it's been “made”, obviously.

The idea here is that we know that law enforcement can already apply to conduct searches and seizure without a warrant if there are reasonable grounds to believe that such a thing is necessary. There's no need for anonymous individuals to have this ability pre-emptively. That's the issue.

Again, this requires a bit of a softening from the current position so that both sides of this conversation have some assurances that the process is done fairly.

The Chair: Thank you, Mr. Motz.

Are there any further interventions? I am seeing none.

(Amendment negatived)

The Chair: I believe, Madam Michaud, you wished to speak to clause 4 in general.

[*Translation*]

Ms. Kristina Michaud: Absolutely. Thank you, Mr. Chair.

This committee has talked a great deal about the “red flag” measure. We've had experts come and tell us more about the issue, particularly the impact the measure could have on people's lives. I must say that at first glance, it looked like a promising measure that would protect women. So I was very surprised when I heard women tell the committee that it wouldn't help them any more, and even that it could be harmful to them.

I want to read an excerpt from a letter the National Association of Women and the Law sent to the Minister of Public Safety on May 16, 2022, specifically addressing the “red flag” measure:

There is no support for downloading or eroding the responsibility of law enforcement and other government officials to implement gun laws. They are, and must remain, responsible and accountable for ensuring that firearms licenses are denied and revoked when there are potential risks to women. Citizens or other organizations, much less potential victims, should not be expected to put themselves at risk by going to court to request action that should be immediate and within the direct responsibility of police. It is widely recognized that women are in greatest danger during and after separation. Shifting the onus of enforcement to women and third parties, as Bill C-21's “Red Flag” provisions attempt to do, is a guaranteed route to increased fatality.

We do support efforts to use all mechanisms currently available in the system, coupled with additional powers and community education, to identify risks and to expeditiously remove firearms from individuals who pose a threat to themselves or any other person.

What this association is trying to say is that we currently have tools available to women and they do not need this additional tool, this “red flag” type of measure proposed in Bill C-21.

They provide the following examples:

In the cases of the Portapique massacre, the Desmond family shooting and many other cases...people were aware of patterns of threats and violence against women. In some cases, police were in fact notified, but no action was taken. If women's safety is of genuine concern to your government, the following specific measures and interventions are required...

Most of the measures outlined by the National Association of Women and the Law are already in place. I'm going to save you the trouble of reading all of this, but I would encourage my colleagues, particularly those in the Liberal Party, to read the concerns that the association voices and the recommendations it makes.

This letter was written on behalf of several other organizations, which I want to take the time to mention. These are recognized organizations from all over Quebec and Canada. These individuals work directly with women who may be affected. They are on the ground and know the situation well, so I feel these are the individuals we need to listen to. They are YWCA Toronto, the Canadian Women's Foundation, Luke's Place Support and Resource Centre for Women and Children, Women's Shelter Canada, Calgary Legal Guidance, the Women's Legal Education and Action Fund, the Canadian Feminist Alliance for International Action and the Canadian Research Institute for the Advancement of Women. The letter was endorsed by many other organizations, such as the National Council of Women of Canada.

In addition, PolyRemembers made it clear to us how harmful this measure might be to women.

I want to clearly state that this is why the Bloc Québécois will be voting against all clauses of this bill that deal with the “red flag” measure. Since clause 4 is the first that deals with it, I wanted to say it now.

• (1815)

[English]

The Chair: Thank you.

Next is Mr. Motz, followed by Mr. Paul-Hus and Ms. Damoff.

Mr. Glen Motz: Thank you very much, Chair.

Since we're talking about clause 4, with Mr. Julian's indulgence, I will continue to talk about why red flag laws are a problem, based on the testimony we heard at committee.

The Canadian Bar Association said this:

Some have argued that the proposed provisions are a useful suicide prevention tool. We find that the deployment of tactical teams and subjecting mentally ill people to high stress situations with possible criminal consequences is not a suitable means of handling this issue. In fact, it poses the very real risk that mentally ill individuals will not seek help and instead conceal issues fearing that their doctor, psychiatrist, or any other person might seek these heavy sanctions against them.

The defence lawyer Mr. Friedman said the following:

The concern is that the courts will be flooded with people with complaints that have been investigated by the police and found to be meritless.

We don't need more backlog in our courts when the police are already taking extensive enforcement action on firearms public safety concerns.

He went on to suggest this:

Access to justice is an enormous problem right now... We are waiting 12 to 18 months for a trial in those courts....

...by cutting out that screening mechanism of police investigation, we're essentially inviting people to flood the courts. They're almost all going to be self-represented individuals, which poses all sorts of other challenges.... They should be going to the police.

He went on to say the following:

[We're] basically creating a funnel such that the only people who are going to access that resource are people who have been denied by the police. They've been denied by the police because the police take their jobs very seriously.

...In almost 15 years of practice, I've never seen that. I've seen...far more overzealous police enforcement than absolutely non-reactive.

The Canadian Bar Association also added another couple of quotes:

Section 110.2(1) is particularly worrisome because of criminal charges that arise from s.110.1 weapons prohibition order. It's unclear how a s.110.2(1) order denying access to information would apply with the Crown's disclosure obligations under R. v. Stinchcombe, if criminal charges are laid against the subject of a s.110.1 weapons prohibition. Section 110.2(1) as written will make it ripe for Charter litigation surrounding an accused's right to a fair trial and full answer and defence.

They also say this:

Police officers themselves are vulnerable to false complaints under these provisions. An aggrieved individual, who was arrested, can present a one-sided account of the interaction in court. There is no cross-examination or any ability to check records. Their identity can be sealed, preventing a further investigation. Under the current law, the initial seizure result is the revocation of licenses, which allows police or the military to continue to perform duties until they respond to the allegations. The new provisions would result in a firearm prohibition that removes the officer from active duty.

That was from the Canadian Bar Association.

There are two last ones.

The firearms expert Tony Bernardo from the Canadian Shooting Sports Association said the following:

...we've been living with red flag laws for 25 years now. This is not new. This is an enhancement of existing laws. For 25 years now, if someone were to make a complaint that they were being threatened with a firearm, the police would have the ability to come right that minute and remove the firearm. That's in Bill C-68, in the Firearms Act. That's been around for a long time.

A. J. Somerset, the author of *Arms: The Culture and Credo of the Gun*, put it this way:

If this is viewed as being a way of protecting people who are at risk, women in abusive relationships, for example, I think it's asking a lot of those people to figure out...how to go to...[court], how to make this application, how to make sure that application gets heard quickly.

Mr. Chair, it is abundantly obvious to me that these red flag provisions create more harm than they do good for those whom we are trying to protect who are vulnerable and who face domestic violence situations.

I will tell you, from first-hand experience from actually doing these investigations for many years, when police receive a complaint that there is a domestic violence situation, that situation—especially over the last 15 years plus—has been taken extremely seriously.

- (1820)

There is an immediate response. There is a fulsome investigation. There is authority to seize firearms immediately, to hold those firearms, to take statements from witnesses and to put the accused in custody, if there is evidence, and to have them before the courts on a bail hearing. Those provisions don't exist in these red flag laws. They actually create an opportunity for the abuser to continue to abuse and confusion for the victim. I'm astounded by what I see here. It's really a failed attempt to actually make a difference.

If a neighbour calls the police, currently we respond to domestic assaults. If a spouse or anybody else calls and believes that a person is in imminent danger, for example, we determine whether there are firearms in the residence. We determine the safety risk. We involve our victim services unit. We involve whatever resource we need to ensure the safety of this victim and then the proper dealing with the accused. The ability to report a spouse or a public safety concern with a firearm has existed since the Firearms Act was passed into law in 1995.

With the current legislation—outside of what is trying to be done here with this new Bill C-21—there are currently four escalating options that exist in law.

First, under the Firearms Act, the chief firearms officer can give notice to revoke a licence. The person may continue to keep firearms while disputing the revocation in court. This is a revocation of a licence, not a prohibition order.

Second, a police officer or a CFO can apply to a provincial court for a prohibition order if he or she believes on reasonable grounds that it is not in the best interests of safety. Notice is given and the

firearm owner can provide evidence and contest the order at a hearing.

Third, a police officer may seek a warrant for search and seizure. It can be done without notice, but it also cancels the firearms licence, and there is no prohibition until after a full hearing.

Fourth, in pressing circumstances, as I said previously, police have the authority to go straight to seizing a firearm if they deem it is in the best interests of public safety to do so, like ongoing domestic assault, a suicide attempt, etc. There is no firearms prohibition until the court hearing. If the police do this properly, they must go back through the warrant process.

What we heard at committee from witnesses was that this provision gives ordinary citizens in this country extraordinary powers to cause search and seizure of a legal owner's property with an “act first, ask questions later”. As we heard at committee, this is rife with opportunities for abuse.

As I said, police have authority to confiscate firearms on public safety grounds and can do so efficiently through existing legislation. We know that the courts are currently extremely backlogged, and the prohibition order that removes firearms without notice or dispute may potentially have grave impacts on military or police if it's not followed according to the existing law.

As I've said, the goal of any legislation, specifically around Bill C-21, should be the protection of Canadians—public safety. If we have a provision that is absolutely contrary to what the bill's supposed attention is, then why are we continuing to push it? I would suggest that the government should consider absolutely removing this clause. I can't support it—I won't support it—but the government should be looking at removing clauses with anything to do with red flag laws completely from this bill.

- (1825)

We have heard from countless witnesses, and I've only mentioned a few and read their testimony at this committee, who say, “Please stop. You're putting the people we work with, people in our communities, at risk by continuing to pursue red flag laws in this legislation. Stop it.”

With that, I would say that we need to do just that. We need to listen to the experts we had here in committee and actually defeat this clause in the bill.

Thank you.

Mr. Peter Julian: I have a point of order, Mr. Chair.

There's only one minute left in this committee meeting. A little bit like Charlie Brown with the football, I'm going to try one more time and ask for unanimous consent that we extend the committee meeting until midnight tonight.

The Chair: Do we have unanimous consent for this proposal?

Some hon. members: No.

The Chair: We do not. I should point out—I should have done so earlier—that we can go until seven o'clock. We have a hard stop at seven o'clock. Is it the will of the committee to do so?

We don't require unanimous consent to do so. Certainly, in light of the fact that we've had delays due to votes and so forth and a delay starting, it is the inclination of the chair to carry on until a hard stop at seven o'clock.

If there's no strong objection to that, we'll go now to Mr. Paul-Hus on this clause.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

The debate over Bill C-21 is very political. We've had a lot of misinformation and accusations on both sides of the floor. However, when it comes to the “red flag” measure, one thing is certain: we're talking about facts.

First of all, I like to say that I agree with my colleague Ms. Michaud of the Bloc Québécois. We Conservatives came to the same conclusion. At first, we looked favourably on introducing the “red flag” measure, but we must admit that, according to the victims' groups themselves, the measure doesn't work at all.

I know I'm kind of repeating what my colleague said, but I want to say it in French, especially since I didn't understand everything he said.

I'm talking about organizations like the National Association of Women and the Law, for example. The committee heard from Heidi Rathjen, for example, of PolyRemembers, a prominent group in this debate, as we know. These individuals made it clear to the Liberal government that they shouldn't pass the red flag legislation because it's not good for women, for victims. Louise Riendeau of the Regroupement des maisons pour femmes victimes de violence conjugale said the same thing. If anyone knows what they're talking about here, it's the individuals who work with victims, with women who live in fear on a daily basis. It's important to consider what these individuals have told the committee.

On that note, I want to tell my colleague from the NDP that we're not filibustering, we're establishing key facts. Bill C-21 goes beyond firearms. We're talking about regulations that directly affect victims. The Liberal government is pushing these regulations forward when we don't understand why. The Bloc Québécois and the Conservative Party agree that this doesn't work, as the victims' groups have made clear.

The same thing goes for the police, who are responsible for enforcing the law. Police officers deal with women who call them because they are in trouble and afraid. They, too, say the proposed measure doesn't work.

With respect to Indigenous groups, it seems to me that we usually hear from them. I remember when I was a member of this committee and we were studying Bill C-71, the Liberals didn't want to hear from Indigenous people about the transfer of firearms. It's strange, but I called one Indigenous person to appear and they explained to us that they did not feel the measure worked.

Committees have a duty to hear from everyone, especially when it comes to critical bills affecting public safety.

My colleague Ms. Damoff said earlier that physicians agreed. It's funny, they agreed at first, but after studying the issue, analyzing it and checking things out, they completely changed their minds. On October 21, the association stated that it could not support the measure, which did not work, and it gave its reasons.

I'd like to understand why the Liberals are maintaining a pro-“red flag” position. Let's remember that we're not talking about weapons here. I know the Liberals like to do some marketing and speak specifically of the tool the firearm is. This is really about protecting victims in their relationships with spouses. Everyone is saying that we shouldn't do this because it's dangerous for victims. Why won't the Liberals budge?

As I said, this measure was introduced because at first we thought, myself included, that the idea made sense, but in the end we realize that it doesn't work. Why not just remove it?

That's why, as my colleague Mr. Motz said, we will vote against this clause.

• (1830)

The Chair: Thank you, Mr. Paul-Hus.

[*English*]

We'll go now to Ms. Damoff.

Please, go ahead.

Ms. Pam Damoff: Thanks, Mr. Chair.

Just before I start, I wonder if officials could tell us what sections we're losing if we delete the red flag provisions.

Ms. Phaedra Glushek: I would like to clarify with respect to my earlier testimony—and I apologize to the committee—that it's clauses 4 to 11, which would include both the emergency weapon prohibition order and the emergency limitation on access order. It would be clauses 4 to 11.

Ms. Pam Damoff: Thank you.

I recognize that the other parties are not supporting this provision in the bill. I actually hope the Conservatives will listen to all of the same groups that they quoted here today, like PolySeSouvient, Coalition for Gun Control and Dr. Alan Drummond, as we're dealing with other parts of the bill, because they've selectively pulled quotes from them. Halton Women's Place sent a letter to this committee in support of red flag provisions. The Doctors for Protection from Guns also sent information and appeared at committee in support of it. There is a difference of opinion on it.

I remain of the belief that this would be one more tool in the tool box that would be available to doctors and also to women who are unable to go to the police. The Doctors for Protection from Guns said:

We support the proposed "red flag" law. Family members, physicians and concerned individuals must have access to an efficient process to quickly have firearms removed from someone who may be at risk to themselves or others.

In Canada, suicide accounts for about 75% of gun deaths. A gun in the home increases adolescent suicide rates by threefold to fourfold. Evidence from other jurisdictions shows that "red flag" laws are effective in reducing firearm suicides.

Most people who survive a suicide attempt do not go on to die by suicide. This is why restricting access to lethal means saves lives. Suicide attempts with a gun are almost uniformly fatal.

That was from Dr. Najma Ahmed.

I am disappointed and I appreciate the comments that were made about women's groups. I've met with them multiple times on this provision, and we've agreed to disagree, but we are taking a tool away from women like those who go to Halton Women's Place, who are living with police officers who are using their firearms to threaten them.

Anyway, Chair, I will leave it at that. Thanks.

• (1835)

The Chair: Thank you, Ms. Damoff.

I will go now to Mr. Shipley.

Mr. Doug Shipley: Thank you to the member opposite for your passionate words. I hear what you're saying, Ms. Damoff. We've sat here through I don't know how many meetings and hours. There have been a lot. You mentioned a couple of groups, Ms. Damoff, who were supportive, but we have pages and pages and have heard testimony from stakeholders who almost unanimously feel as though the red flag measures are going to be costly, ineffective and redundant.

I do have to rely on my good colleague Mr. Motz, who has been in policing for 35 years, and I'm sure Mr. Chiang has a lot more information and expertise on this than I do, as, quite frankly, maybe a lot of people around this table do. I can't speak for everybody, but we have to rely on them and we have to make our best decisions on the information that we've been given. If we don't listen to the witnesses who came in to speak to us, then what really are we doing and why are we bothering bringing them in?

Under section 117 of the Criminal Code, police services have the authority to act immediately with or without a warrant when there's a genuine concern for public safety. The police currently have the power to seek a warrant to seize firearms in several circumstances. These powers are currently sufficient and preferable.

Red flag measures lead to secret hearings and complaints, in which the complainant is prevented from mounting a defence and afterwards is barred from seeking access to information related to a prohibition order. Canada's court system is already significantly under-resourced and backlogged. This measure is ineffective in an emergency because the process of going before a judge to get a prohibition order as proposed to that in Bill C-21 will take at least a day if not a lot longer in some areas. Red flag measures are likely

to lead to significant charter litigation surrounding the accused's rights to a fair trial and a full answer in defence.

All we can do, Chair, is make our best decisions, and I won't be supporting this today. I do feel this is going to hinder going forward. I think what's on the books currently is a better option. That's just from what I have heard from all of the witnesses and, as I said, from some of the experts who I am here with. I can't support this today and I'll leave it to the rest of my colleagues to listen to what their words are.

Thank you.

The Chair: Thank you, Mr. Shipley.

Are there any more interventions?

Seeing none, I'll ask for a recorded vote.

(Clause 4 as amended agreed to: yeas 6; nays 5)

The Chair: Thank you, all.

I should have mentioned that the question was "Shall clause 4 carry as amended?" Anyway, I believe it has carried.

• (1840)

Ms. Pam Damoff: How was it amended, Mr. Chair?

The Chair: It was amended by all those other amendments that we did. Amendment G-14, for example, was an amendment to clause 4.

Ms. Pam Damoff: I am so sorry. You are right.

(On clause 5)

The Chair: Maybe we can get through clause 5, so let us go to amendment G-15, which arrives next. That is in the name of Mr. Noormohamed.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

As I have said before, we have a series of amendments here that deal with ghost guns. This is another amendment that deals with firearm parts, and this, as we all know at this committee, is an important element in making sure that we get ghost guns off the streets to make it harder and harder for folks to manufacture these guns that are being used in crimes.

I know that we have widespread support for this. Again, this amendment deals with that, so I'm hopeful that we will have unanimous support to move forward.

Thank you.

The Chair: Thank you.

Are there any further interventions on amendment G-15?

Mr. Motz, go ahead.

Mr. Glen Motz: Thank you, Mr. Chair.

I just want to understand this amendment clearly. We are adding “firearm part” in amendment G-15 specifically here. That's the only thing we are adding under section 111 of the act.

I mentioned before—and I've been asked about this and I don't know the will of the committee to consider it—that if we're prohibiting... We agree that ghost guns, obviously, are an issue that has to be addressed appropriately, but we're just talking about firearm parts here. I'm wondering whether, if it's illegal to have a firearm part, we should be adding something in there about “unless you have a PAL or and RPAL”.

There should always be that provision available there because someone who has a PAL or an RPAL is allowed to have those firearm parts in the right circumstance for the right firearm, unless I'm mistaken. I don't think I am on this issue.

Mr. Sandro Giammaria (Counsel, Department of Justice): Maybe I can try to answer that.

Normally that's the case, because possession absent a licence would otherwise be an offence in the case of, let's say, a firearm. If you look at the motions package or in the bill—and this is why this is an important question—nothing would make possession of a part without a licence an offence. That criminalization or, rather, the prohibition created in the code and then the permission that's granted in the Firearms Act via a licence that applies to firearms.... That system won't apply to parts, so what I think you'll see in some of the other motions is that the only requirement with respect to a licence for a firearm part is that the person who wishes to buy one be the holder of a valid licence. However, possession of the part itself is not touched by either this or anything else that is proposed.

Mr. Glen Motz: Thank you.

The Chair: Are there any further interventions?

[*Translation*]

Mr. Paul-Hus, the floor is yours.

Mr. Pierre Paul-Hus: My question is for the officials.

Does the amendment to remove the definition of “provincial court judge”? We had a question about that.

If so, why? What does that accomplish?

[*English*]

Ms. Phaedra Glushek: I can't answer the question whether it's this clause or....

Mr. Pierre Paul-Hus: It's the next one. I'm sorry.

Ms. Phaedra Glushek: The definition of provincial court judge is being repealed from, I believe, section 112, but it's being integrated into the clauses for the red flag regime. It just moves the definition through the clauses. It's not being removed completely; it's being repealed and re-enacted in clauses 4 and 10.

The Chair: Are there any further interventions?

That being the case, all in favour of amendment G-15...?

(Amendment agreed to on division [*See Minutes of Proceedings*])

(Clause 5 as amended agreed to on division)

The Chair: Clause 6 is a whole bunch of stuff. I'm inclined to call it a night. It's a good place to stop.

Go ahead, Mr. Julian.

● (1845)

Mr. Peter Julian: I'm just going to try one more time, Mr. Chair. We've done five clauses out of 73. I think it's fair to say that we're not making progress in the way that Canadians expect of us, so I would move for unanimous consent to extend this meeting until midnight.

The Chair: Thank you, Mr. Julian. I admire your persistence.

Do we have unanimous consent to extend this meeting until midnight? It requires a majority of consent to adjourn. Mr. Julian has asked for unanimous consent to carry on until midnight. Do we have unanimous consent?

Some hon. members: No.

The Chair: We don't. I think a motion to adjourn has been de facto made by the chair. I guess we'll have a vote on that to see if the will of the committee is to carry on for 10 more minutes.

Go ahead, Mr. Shipley.

Mr. Doug Shipley: I'm just curious. The member down the way keeps repeating himself. Is he filibustering this meeting? I'm just trying to figure out what's going on. He keeps challenging you. You've said many times that we have a hard stop at 7 p.m. Many times he keeps asking to extend that. I just want to know if he's filibustering this meeting.

The Chair: I'll consider that a rhetorical question.

Go ahead, Mr. Noormohamed.

Mr. Taleeb Noormohamed: Mr. Chair, in the spirit of the fact that we are sort of getting some things done, we have 14 minutes left, and we have the resources until 7 p.m. Is there a will in the room to work until at least 7 p.m. and be able to put some more miles on this and just try to do the best we can?

The Chair: I think we'll have to have a vote. We need a majority.

A motion to adjourn is always in order, and we've fallen into that. All in favour of adjourning at this time, please raise your hands.

(Motion negated)

The Chair: There you go. We shall continue until 7 p.m.

Thank you for helping me get through all that.

(On clause 6)

The Chair: That being the case, we shall start on clause 6. We shall start with CPC-9, which, again, is in the name of Ms. Dancho.

Mr. Motz, do you wish to move this, or is there someone else?

Mr. Glen Motz: This has to do with the question the officials were asked about the removal of.... “A provincial court judge shall, on application” is the addition here to clause 6, and we're changing it from, “may” to “shall”. The idea here is that it requires a justice, a judge, to return firearms seized if the conditions that caused them to be seized in the first place are no longer applicable.

That's the wording change there. It puts more definitive language around the requirement of the justice.

The Chair: Thank you.

Is there any discussion?

Go ahead, Ms. Damoff.

Ms. Pam Damoff: Thank you, Mr. Chair.

We won't be supporting it. We should be giving judges discretion.

I'm just going to leave it at that. We're not going to support it.

The Chair: Thank you.

Is there any further discussion? Seeing none, I will call the vote.

(Amendment negated [*See Minutes of Proceedings*])

The Chair: We now go to CPC-10, which is again in the name of Ms. Dancho.

Go ahead, Mr. Motz, if you please.

Mr. Glen Motz: CPC-10 replaces line 26. Basically it is requiring judges to return firearms if the claims made in the application are unfounded. It's reasonable. In the due process of law, this is exactly what needs to happen.

The Chair: Thank you.

Is there any further discussion?

• (1850)

Mr. Glen Motz: I'll add one more thing.

I am sitting here and I see Ms. Damoff shaking her head at the common sense of that. There are two sides to the justice system. If a complaint is found to be unfounded, there is no evidence to support an allegation. The firearms that were seized, lawfully to begin with, are to be returned to that individual who is no longer the accused, because there is no crime since nothing happened.

I think that needs to be very clear.

The Chair: Thank you, Mr. Motz.

Is there any further discussion?

Go ahead, Mr. Noormohamed.

Mr. Taleeb Noormohamed: On this point, perhaps the officials can enlighten us.

On the point Mr. Motz makes, if there is no offence or if the claim is deemed to be unfounded, would the issue he raised be one of valid concern, or is the matter, then, deemed to be resolved?

Ms. Phaedra Glushek: I think the issue of unfounded complaints is absolutely valid, as we've seen through the testimony from victims' groups, etc.

My understanding of the intent of this amendment is to include the “unfounded” language within the revocation provision, which is far past the time a judge would look at an application, as well as the reliability of the evidence and the applicant, and deem that to be vexatious or unfounded at that time. This is past the initial order that is or is not made. A decision has been made. If an order is made, this allows a judge to revoke it if those circumstances no longer exist.

It's a step later in the process, after the application and after a judge has already made an order.

The Chair: Are there any further interventions?

Seeing none, I suggest we go to a vote on this.

(Amendment negated [*See Minutes of Proceedings*])

(Clause 6 agreed to on division)

(Clauses 7 to 9 inclusive agreed to on division)

The Chair: That brings us, with seven minutes to go, to new clause 9.1. We have G-16 in the name of Mr. Noormohamed.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

Again, here we're updating the section of the code with the words “a firearm part” to ensure consistency and align with the other amendments that have been passed by this committee. Hopefully, we'll be able to move through it quickly.

Thank you.

The Chair: Is there any discussion?

(Amendment agreed to [*See Minutes of Proceedings*])

(On clause 10)

The Chair: Starting clause 10, we have G-17.

Go ahead, Mr. Noormohamed, if you please.

Mr. Taleeb Noormohamed: If we look at clause 10, again, it's really a coordinating amendment to add the words “firearm part” based on past amendments. It's to provide consistency.

The Chair: Is there any further discussion on G-17?

(Amendment agreed to [*See Minutes of Proceedings*])

The Chair: Next, we have CPC-11.

• (1855)

Mr. Glen Motz: It has been withdrawn, Chair.

The Chair: Next, we have CPC-12.

An hon. member: We'll withdraw that, as well, Chair.

The Chair: CPC-13 is also withdrawn.

Next, we have CPC-14. Do you wish to move CPC-14?

Mr. Motz.

Mr. Glen Motz: Chair, this is a lengthy one, and I certainly won't go through it. The intent here by replacing some of these lines and asking to make a return to a judge who has issued the warrant, the whole idea here is to ensure that it's removing the search and seizure without a warrant on one of these, on an *ex parte*, and the consequential changes. It lowers the chance again of those who might, for nefarious reasons, make a claim that is false.

The Chair: Thank you.

Is there any further discussion on CPC-14?

(Amendment negated [*See Minutes of Proceedings*])

(Clause 10 as amended agreed to: yeas 6; nays 5)

The Chair: Mr. Julian, you have a point of order.

Mr. Peter Julian: Thank you, Mr. Chair.

It's two minutes before seven, and we've completed, after a week and a half of study, 10 clauses out of 73. Canadians can do the math. There are still 63 clauses to go. We've had the Conservatives filibustering throughout this period.

I would ask, with unanimous consent, that we extend this meeting until midnight. It seems to me that Canadians want us to do this work. The ghost gun provisions are needed immediately. I hope my Conservative colleagues will finally understand the importance of doing this work. Otherwise, the House of Commons will have to instruct this committee.

I move, by unanimous consent, that we continue to midnight.

The Chair: Thank you, Mr. Julian.

We have a request, by unanimous consent, that we extend until midnight.

Does anybody oppose this?

An hon. member: Yes.

The Chair: Thank you, Mr. Julian, for your persistence and your optimism.

It being seven o'clock, I'd like to thank our interpreters and all of our committee members and all of the committee staff for sticking with us all this time.

Thank you, all.

We are now adjourned.

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