



# DEBATES OF THE SENATE

---

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 289

---

## **BILL TO AMEND CERTAIN ACTS AND REGULATIONS IN RELATION TO FIREARMS**

THIRD READING—DEBATE CONTINUED

Speech by:

The Honourable Bev Busson

Wednesday, May 15, 2019

## THE SENATE

Wednesday, May 15, 2019

### BILL TO AMEND CERTAIN ACTS AND REGULATIONS IN RELATION TO FIREARMS

#### THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Pratte, seconded by the Honourable Senator Wetston, for the third reading of Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms.

**Hon. Bev Busson:** Honourable senators, it's a privilege for me to stand before you today in favour of Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms. I believe it is a very important and timely bill, in a world where safety and security are so precious and, in many places, so precarious.

This bill is not, pardon the pun, the magic bullet against gun violence or organized crime, or even the proliferation of gang guns, but in my humble opinion, it is a definite step in the right direction in the quest for a respectful and commonsense balance between the requests and requirements of legal gun owners and the need to regulate gun ownership with minimally intrusive measures.

In many ways, Canadian culture is irrevocably entwined with that of our neighbours to the south, from the movies we watch to the music we listen to. However, one of the glaring differences is our attitude toward gun ownership, derived from our unique, historical and constitutional underpinnings. The Supreme Court of Canada has ruled that gun ownership is a privilege and not a right, and that the United States Constitution's second amendment, or the "right to bear arms," does not have a place in our Canadian constitutional landscape.

With this, I'm hopeful that we, as Canadians, can forge a better legacy for future generations, especially when it comes to the unintended consequences of a permissive gun culture.

I grew up around guns, and both of my parents hunted together, although it was always a bone of contention as to who was the better shot. I also enjoy target shooting and the thrill of a perfect score — okay, maybe one time — and I respect the people who enjoy that activity.

From this ex-peace officer's perspective, as the mother of a police officer, as a grandmother and as a concerned citizen, I support this bill because I believe it makes sense. Any legislation that has the effect of increasing the efficiency of police officers and, by association, the safety of the citizens of this country, deserves consideration. This bill does that. It more strictly regulates the transport of restricted weapons from one place to another and adds a level of accountability to those who possess guns, and to do so with a measure of care and responsibility. Of course, when it comes to the vast majority of legal gun owners, this is already the case.

All licences, including driver's licences, come with regulations and responsibilities.

Let's add a bit of context. Prior to 2015, you were required to have an authorization to transport in order to move your firearm to any place other than a gun range. It was not automatic. Firearms must be treated with care and respect, and those who possess them must be accountable for their use, transport and safe storage.

Among other issues, more permissive transport legislation would further enable straw purchasers — people with a legal possession and acquisition licence — to purchase a firearm, transport it and then sell it legally to someone who would use it for a nefarious purpose. In one case cited in British Columbia, a single trafficker was estimated to have made approximately \$100,000 using his legal PAL to purchase guns and then sell them to gang members. These were trigger-locked, not loaded and were even boxed for delivery, as required by law, but nonetheless they were dangerous to the public.

Make no mistake. The bill is not targeting bona fide gun owners. It probably comes as no surprise to you that many checks made by the police are neither random nor accidental. They are directed by evidence and intelligence gathered through serious crime investigations and informants and other sources. The police need legislated tools to seize weapons found during these investigations.

At a committee hearing, the Canadian Association of Chiefs of Police further stated that the current law is open to grey areas where people can lawfully transport a restricted or prohibited weapon in their vehicle for long periods of time. Personally and professionally, I find this unacceptable.

Another topic that was addressed by various witnesses from very different perspectives was clauses 16 and 18 in the bill that reinstate the responsibility to classify or reclassify firearms from restricted to prohibited in the hands of experts in the RCMP. With its mandate to keep Canadians safe, the force is collectively charged with safeguarding the security of Canadians, and I rightly believe that they are the best adjudicator to maintain this responsibility under Bill C-71. To retain this reclassification function in the hands of the Governor-in-Council would place the decision, I believe, in the hands of political reach rather than with professionally trained experts.

I stated my opinion from a policing point of view, but my perspective does not end there. I have grave concerns about the physical and psychological effects of gun violence on both the victims and the first responders and caregivers who attend to the aftermath. More extensive background checks would assist in the prevention of many tragedies. I'll not shock you with some of the horrendous homicide and suicide scenes I have attended in my career where firearms were used, as I trust you can imagine the carnage yourselves.

Mental illness has become a growing issue in this country, and statistics show that access to firearms for someone who is struggling with mental illness increases the possibility of their use in a violent event that could not just harm the individual but those around them.

Critics say that a firearm is just a chosen weapon, and that a knife, a bat or some other object would be the weapon of choice if guns were not available. That may be so, but one of the witnesses who spoke during the Senate committee hearings for this bill explained that when faced with that scenario, no child was ever killed from across a schoolyard with a bat or knife. It's the simple fact that guns by their mere power and reach are far more formidable and lethal than any other weapon readily available.

Another section designed to increase our safety is the extension of background checks from the present five-year barrier to the ability to refer to a longer period. The world has changed. What more staggering evidence do we need than to be told there is an "active shooter action and escape plan" program for most schools in Canada? The mere thought of this possible terror is simply unspeakable. It dictates that we need to reboot our thinking when it comes to firearms legislation.

More extensive background checks would provide an extra level of inquiry and thus further the opportunity to intervene, and, in doing so, reduce the active shooter tragedies and the terrible spectrum of suicide and domestic violence where guns are involved.

According to Statistics Canada, suicide was the ninth leading cause of death in Canada in 2016, with a total of 3,978 suicides that year.

There were 723 deaths in Canada from firearms injuries in 2016. Among these, 75 per cent were suicides, 19 per cent were homicides and 2 per cent were classified as accidental.

According to one source, the presence of a firearm in a home increases the suicide risk by a factor of five and increases the risk of domestic homicide and accidents. In addition, that brief mentions that a large share of firearm suicides are committed with a firearm that does not belong to the victim. Firearm access control measures, therefore, protect not only the firearm owners but also the people around them.

Pertaining to domestic violence, a joint letter to the House of Commons Standing Committee on Public Safety and National Security stated:

In determining risk for domestic violence in the home, guns remain the single most determinant factor for lethality.

The threat environment continues to evolve, especially with the number of mass shootings that have occurred around the world. Like the recent tragedy in New Zealand, we used to think our Canadian culture made us immune from these events. Unfortunately, École Polytechnique, Mayerthorpe, Moncton and the Danforth, to mention a few of the catastrophes we

have experienced, remind us that we must strengthen our resolve to avoid further tragedies and provide the earliest identification of any emerging or imminent threat of violence involving firearms.

The bill also addresses the requirement of a vendor to record the name and address of anyone purchasing a weapon. Most retailers already do this. I would remind you that the police would need a warrant to obtain this information for an investigation. I give my name, address and a great deal more information when I purchase a car or even a refrigerator, so I feel it's not overly intrusive to have this part in the bill.

Clause 7 mandates the collection and retention of certain personal information which would enable police, with the aid of a judicial authorization, to trace firearms involved in crimes. Before the House of Commons Standing Committee on Public Safety and National Security, a representative from the Canadian Association of Chiefs of Police stated:

Regarding record-keeping by vendors, I would say that most reputable businesses are already doing this for their own purposes. Since the long gun registry was abolished, the police have been effectively blind to the number of transactions by any licenced individual relating to non-restricted firearms. The absence of such records effectively stymies the ability to trace a non-restricted firearm that has been used in crime.

This is not a gun registry but a normal business practice only accessible to police with judicially authorized search warrants, like any other business records kept by professionals.

In closing, the Supreme Court of Canada has confirmed that the possession and use of firearms does not constitute a right or guarantee under the Canadian Charter of Rights and Freedoms but is a privilege.

Honourable senators, I urge you to support this bill and hope that you will consider my comments and those of my colleagues who have spoken before me in favour of Bill C-71. This bill will ensure that we are responding to the concerns felt across Canada and that we do not follow a different, more permissive path — a path that is fraught with tragic complications and I believe is not supportive of the public interest.

We must strive to find a balance between our indisputable right to security of the person and the privilege of gun ownership. I humbly submit that Bill C-71 moves toward that balance. Therefore, honourable colleagues, with reflection on both my police background and my concern for future generations, I urge you to support Bill C-71.

---