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Montreal, February 9, 2023

Ron McKinnon

Chair

Standing Committee on Public Safety and National Security

House of Commons

Sixth Floor, 131 Queen Street

House of Commons

Ottawa ON K1A 0A6

SECU@parl.gc.ca

Re: New amendments aimed at banning assault weapons

Chair McKinnon,

It is with profound dismay that we learnt of the unanimous vote to withdrawal amendments G-4 and G-46 by the Standing Committee on Public Safety (SECU). While we agree with critics that say the process surrounding their introduction was problematic, we believe that in substance they were generally solid and would not have prohibited most if not all the hunting models showcased by opponents of stronger gun control.

As SECU moves forward with its consultations on amendments G-4 and G-46 along with the government who intends to “(get) to work with our parliamentary colleagues to craft a clear solution that will keep assault-style weapons off our streets,” we ask the Committee first and foremost recognize and seek to correct much of the disinformation that has permeated the debate regarding G-4 and G-46. To that end, we strongly recommend that the upcoming special consultations prioritize expert witnesses that can set the correct straight about the true impacts of the amendments - before moving onto witnesses whose fears may be unfounded. We feel this would be the optimal course of action in order to lay a solid foundation to commence the critical work of drafting new proposals, work that could then address real and legitimate concerns.

Indeed, while SECU members have heard government experts testify on numerous occasions that hunting calibre versions of models put forward by the gun lobby and some MPs would in fact not be prohibited, their testimony clearly wasn't sufficient to counter such claims in the public's mind.

In this respect, we invite you to reviewing our detailed analysis of the Canadian Coalition for Firearms Rights' many claims featured in their campaign against C-21 which they say “bans hunting firearms” (based on amendment G-46). This analysis, which has been validated by the RCMP, shows that ALL their claims are false or misleading, as the classification of all the legitimate hunting models they showcased in

their various memes, tweets and videos would not change under Bill C-21 as amended (see [Appendix A](#) and [Appendix B](#)).

What opponents (and subsequent commentators) generally failed to recognize is that only versions with a 20 mm bore or greater (akin to a grenade launcher) or with a muzzle energy of 10,000 joules (which [can pierce](#) military equipment & structures) would be prohibited. [These weapons are primarily designed to produce mass human casualties or cause significant property damage at long ranges, and the potential power of these weapons exceeds safe or legitimate civilian use.](#) For comparison's sake, an **AK-47** produced [less than 2,000 joules](#) of muzzle energy.

Opponents also misrepresented the evergreen definition in G-4 by omitting a critical detail, namely that G-4 proposed to ban only models that were [initially designed with a magazine of six rounds or more](#). Such misrepresentation continues to appear in media reports, including [this latest article](#) which ironically announced the amendments' withdrawal: *"The government is scrapping clauses that effectively would have banned any rifle or shotgun that could accept a magazine with more than five rounds"*. This is patently false.

The echoing of gun lobby claims has contributed to widespread disinformation and unfounded fear among hunters who have no doubt inundated members of parliament – including SECU members – with emails, calls and letters, even though their firearms would very likely not have been prohibited by the proposed measures.

In addition, [as SECU proceeds to consult with experts and affected groups and craft a new proposal to ban assault weapons](#), we ask members to consider the following points:

Inevitable inconsistencies

- 1) As is the case for all jurisdictions that ban assault weapons, there will always be classifications that will be contested. This is because it is virtually impossible to draw a clear line between firearms used for hunting and assault-style weapons, as some assault-style models are used for hunting and some hunting firearms exceed safe civilian use (ex: designed to kill elephants). This should be expected, and, in some cases, secondary solutions should be considered.

What is a hunting firearm?

- 2) The intent of the G-4 amendment was not to prohibit firearms reasonably used in hunting. We have publicly supported the idea of exempting specific models that are reasonably used for hunting (although we have yet to be presented with specific models). We understand that there are approximately a hundred currently unrestricted models that would be affected by the evergreen definition amendment in G-4. These merit special attention. However, it should be noted that just because a gun is used by some for hunting, that does not make it a hunting firearm. Case in point: the gun lobby [considers the AR-15](#) and even [handguns](#) firearms fit for hunting. As well, up until now, some military weapons have been allowed for hunting, and because they are used for hunting they are not prohibited. It's a vicious circle. That is why the expression "reasonably used" is key and why it also exists in the [Criminal Code](#).

Simplified language

- 3) We recognize that a key challenge is the lack of clarity surrounding these amendments. The legislative proposals were particularly difficult to understand as gun classification is in and of itself a complex

subject. This has allowed a lot of disinformation to flourish. For example, many believe that the fact that a model is listed in G-46 means that all versions would be prohibited. However, most if not all the models named by those opposing the amendment are not actually affected by the amendment. We fully support reviewing the language of the original proposals to make it simpler and less confusing.

Exemptions for Indigenous hunters

- 4) We recognize that specific issues related to Indigenous people's hunting rights must be addressed. At the same time, it should be noted that there is a distinction between the right to hunt and the right to hunt with an assault weapon. In that spirit, we agree that specific exemptions could apply to Indigenous subsistence hunters. We were not opposed the exemption for Indigenous subsistence hunters that is part of the May 2020 Orders in Council, which allows them to continue to use newly prohibited models during the amnesty as opposed to all other owners. We would accept similar exemptions in the case of a comprehensive and permanent ban on assault weapons.

Improving the evergreen definition:

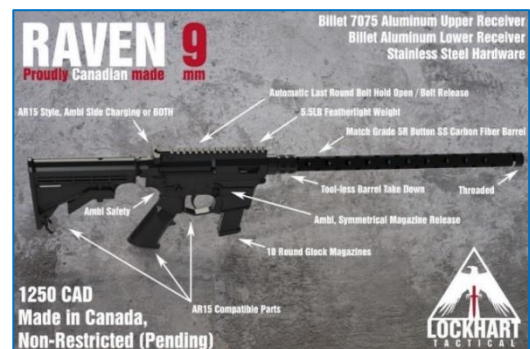
- 5) The proposed “evergreen” definition put forward by amendment G-4 provides comprehensive technical criteria which captures semi-automatic centerfire weapons that have been “designed” to accept a magazine of six or more rounds. While we had initially recommended the [New Zealand model](#), we also support the definition proposed by G-4 since it would have captured most if not all existing assault-style weapons and most future ones. Indeed, by focussing on the type of magazines that were part of the initial design – i.e., six rounds or more, the definition effectively captures guns that were not designed for hunting in Canada.

However, because of the importance of ensuring manufacturers do not circumvent the intent of the ban on military style semi-automatic weapons – for example by manipulating the sequence of the roll-out of a new model (see [Appendix C](#)), or by changing small features or rebranding – we respectfully request that the committee find ways to adjust the evergreen definition in G-4 in order to minimize such potential circumventions.

Banning large-capacity magazines

- 6) Some will argue that the potential circumvention of the G-4 evergreen definition is not an issue since magazines for long guns are capped at five in Canada. However, this is not quite true, as the rules include [numerous exemptions and loopholes](#). For example, magazines designed for 20, 30 or 50 rounds that contain a rivet to block the number at five remain legal (the rivet can easily be removed – [as have done](#) various mass shooters). There are no limits for magazines designed for rimfire ammunition. And large-capacity magazines that fit into guns for which they are not specifically designed are exempt.

For example, the “[Lockhart Tactical Raven 9 semi-automatic carbine](#)” is a recently introduced firearm that is [manufactured](#) in Canada and is one of many assault-style models that remain legal and non-restricted (it would have been banned under G-46). It is promoted with a 10-round Glock magazine. If the [Raven 9](#) can be promoted with 10-round Glock magazines despite the general rule limiting the number of rounds to five for



long guns, it is because of the nonsensical loophole that [says](#) magazines (ex: Glock) that are not specifically designed for the guns in which they fit (ex: Raven 9) are exempted from the 5-round limit.

An actual ban on high-capacity magazines would partially mitigate the potential circumvention of a new evergreen definition that is similar to the one proposed by G-4. But whether or not the evergreen definition in G-4 is reintroduced, the government should eliminate all exemptions and loopholes that allow large-capacity magazines to remain accessible - directly or indirectly - as a ban on the key accessory for rapid fire should be part of any comprehensive ban on assault-style weapons. Changes should not be limited to [solely banning modifiable magazines](#) as the government has committed to do. Our hope is that the Committee will urge the minister to proceed rapidly with the drafting of regulations prescribing accessories as prohibited and recommend that the changes ensure a comprehensive ban on high-capacity magazines.

Discarding legislated schedules (G-46)

- 7) The idea of eliminating regulated or legislated schedules (G-46) and relying entirely on an evergreen definition is ill-advised. It is extremely difficult to capture all assault-style weapons through fixed criteria. Indeed, many weapons have been deemed to be assault weapons under the broader description in the 2020 OICs, which targets “assault-style firearms” that “have semi-automatic action with sustained rapid-fire capability (tactical/military design with large magazine capacity).” In other words, not all 1,900 models covered by the 2020 OICs would have been captured by the evergreen definition in G-4, for example assault shotguns with fixed tubular magazines (ex: the **SPAS shotgun** listed in paragraph 3 in G-46) ~~which is presently non-restricted~~ (Corr. 2023-02-15). In addition, pistol variants (ex: the **Rock River Arms LAR-15 Pistol**, paragraph 87-z.698) and manual action variants (ex: the **DPMS A-15 Panther Pump Rifle**, paragraph 87-z.328) would also not have been prohibited otherwise, including as a variant of the (prohibited) **AR-15**, according to public safety officials.



Exempting rimfire rifles (22. Caliber)

- 8) We would not support exempting .22 calibre firearms from an assault weapon ban. Indeed, the [RCMP has warned](#) that, though less powerful than other types of ammunition, .22 cartridges are lethal and particularly dangerous when combined with a large-capacity magazine. Unlike most rimfire rifles that are hunting guns and that can't use more than five rounds anyways, military-style models (which include various military characteristics) can accept 110-round drums - which no self-respecting hunter would use. Until large-capacity magazines are banned for rimfire firearms, military-style rimfires like the [GSG-16](#) will remain a threat to public safety.



Exempting historical firearms (collectibles)

- 9) The option of rendering prohibited firearms permanently inoperable [is part of the government's intended buyback program](#). This, of course, is our preference in cases where owners wish to keep their firearms with historical value. However, some will argue that this could substantially reduce their value. The idea of exempting firearms with historical value (collectibles) could be a reasonable proposal but, as always, the devil is in the details. In order to minimize the risk to public safety, exempted models would need to be of specific and demonstrable historical value, present in very small numbers in Canada, not compatible with modern military accessories, and not among the most lethal. They should be registered, kept at home and grandfathered.

We thank you for considering these points and recommendations and look forward to continuing to work with SECU and the government in finding solutions to ban, once and for all, military-style weapons not reasonably used for hunting.

Sincerely,

[Signatures removed for publication]

Nathalie Provost
Survivor, graduate of Polytechnique
Spokesperson for PolySeSouvient

Heidi Rathjen
Graduate of Polytechnique
Coordinator of PolySeSouvient

Appendix A (Summary findings)

Appendix B (Detailed analysis)

Appendix C (How manufacturers can circumvent)

Appendix A

Summary findings re CCFR claims re (former) amendment G-46



- 1) One model (**Phillippe Grifnée Holland & Holland**) is not listed in **G-46**.
- 2) All but one of the 16 remaining models are currently prohibited (only the military-grade ones). **Bill C-21** (as amended by **G-46**) would not change their classification.
- 3) The only model that would be newly prohibited by an (amended) Bill C-21 is the **SKS**, a weapon designed for the military of the Soviet Union.
- 4) All but one of the **15 remaining models** that are already prohibited were banned in 2020. The **Benelli M1 Super 90 Shotgun** was banned in the 1990s.
- 5) Of the **14 models** banned in 2020, hunting calibre versions are not prohibited now and would not be prohibited under C-21. ONLY versions whose muzzle energy surpasses 10 000 joules (**10 models**) or whose bore diameter surpasses 20 mm (**2 models**) are currently prohibited. These firearms "exceed safe civilian use."
- 6) Of the **2 remaining models** banned in 2020, one is the **Ruger Mini-14**, which was used to kill 14 women in the 1989 **École Polytechnique** massacre. It was also used to kill 69 people (mostly youth) in the 2011 **Norway** summer camp massacre and was among the guns in the possession of the 2020 **Nova Scotia** gunman. Gun experts call it "the poor man's assault weapon."
- 7) The second of **2 remaining models** banned in 2020 is the **Springfield Armory M1A Rifle**. It is prohibited because it is a variant or modified model of the **US Rifle M14**. The **M14** was the standard-issue rifle for the U.S. military.

Appendix B

DETAILED ANALYSIS

February 2023 - validated

CCFR's claim that **17 hunting firearms** would be prohibited by Bill C-21 as amended by **G-46** as well as potentially any bolt-action or single shot rifle

1- EXPLANATION of **Amendment G-46**:

From **expert testimony** and conversations with Public Safety officials, we understand the following:

Schedule I lists all guns that are already prohibited:

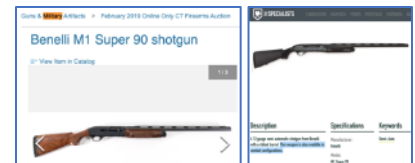
- **Paragraphs 1 to 86** list about 800 models prohibited in the 1990s
- **Paragraphs 87 to 96** list about 1900 models that were prohibited on May 1, 2020 (about 400 variants were added to the initial 1500). These are included for greater clarity.
- Of those, **Paragraphs 95 and 96** lists models prohibited under the 2020 technical criteria (bore diameter of 20 mm or more, and muzzle energy of 10,000 joules or more), which affects **ONLY** the models that surpass these criteria.
- For all of these models, there is no change to their classification.

In Schedule II (as of page 307) lists all the guns that are already prohibited as well as the new ones:

- Repeats all the items listed in **Schedule I (Paragraphs 1 to 96)**. This gives the government the necessary leeway in case it chooses to bring into force (in law as opposed to now only via regulations) Schedule I (models currently prohibited) before Schedule II (currently prohibited AND newly prohibited).
- Schedule II includes all the models that would be newly prohibited by G-46. The new models are found in **Paragraphs 97 to 232**, which list about 480 models, mainly those that escaped the 2020 criteria via two exemptions (i.e.: not "of modern design" and not "in large volumes" on the Canadian market). These exemptions would be eliminated by both amendments G-4 and G-46.

2- DETAILED ANALYSIS OF EACH CLAIM (MODELS)

- 1) **1908 Brazilian Mauser**: Banned in paragraph 96 on page 301. Prohibited since 2020, though ONLY models with muzzle energy that surpasses 10 000 joules.
- 2) **Benelli M1 Super 90 Shotgun**: Banned in paragraph 7 on page 172. This gun has been prohibited since the 1990s. Advertisements refer to its availability in "combat configurations".
- 3) **CZ550 Safari Classic Rifle**: Banned under paragraph 96 on page 297. Prohibited since 2020, though ONLY models with muzzle energy that surpasses 10 000 joules.
- 4) **FAMARS Africa Express Rifle**: Banned under paragraph 96 on page 299. Prohibited since 2020, though ONLY models with muzzle energy that surpasses 10 000 joules.



- 5) **Heym Express Rifle:** Banned under paragraph 96 on page 300. Prohibited since 2020, though ONLY models with muzzle energy that surpasses 10 000 joules.
- 6) **Kimber 89 African Rifle:** Banned under paragraph 96 on page 300. Prohibited since 2020, though ONLY models with muzzle energy that surpasses 10 000 joules.
- 7) **Montana Rifle Model 1999:** Banned under paragraph 96 on page 302. Prohibited since 2020, though ONLY models with muzzle energy that surpasses 10 000 joules.
- 8) **Parker Brothers DH Shotgun:** Banned under paragraph 95 on page 288. Prohibited since 2020, though ONLY models with a bore diameter of more than 20 mm.

Mr. Murray Smith:

Parker Brothers made shotguns in a variety of models. Parker Brothers is a manufacturer. It's not a specific kind of shotgun. If a Parker shotgun were prohibited by the action of the proposed schedule or by the existing regulations, it would be because it had a bore diameter that exceeded 20 millimetres.

The Parker shotgun is a relatively old design of shotgun and dates back certainly 100 years or longer. There were gauges of shotgun ammunition used, such as eight gauge, which were larger than 20 millimetres. If such a shotgun were present today in Canada, it would be prohibited because the calibre exceeds 20 millimetres.

- 9) **Phillippe Grifnée Holland & Holland:** Not listed in G-46.
- 10) **RPA Quadlock Single-shot Rifle:** Banned under paragraph 96 on page 303. Prohibited since 2020, though ONLY models with muzzle energy that surpasses 10 000 joules.
- 11) **Ruger Mini-14 Ranch Rifle:** Banned under paragraph 88 on page 274. Prohibited since the 2020.
- 12) **Ruger no 1:** Banned under paragraph 96 on page 303. Prohibited since the 2020, though ONLY models with muzzle energy that surpasses 10 000 joules.

Mr. Murray Smith:

It's the latter that's correct. The Ruger No. 1 rifles, which are prohibited now because they fall within paragraph 95 of the existing regulations, are prohibited if, and only if, they are chambered for a calibre that produces muzzle energies in excess of 10,000 joules. Other Ruger No. 1 rifles, which are chambered for different calibres that do not produce that level of energy, will remain in the existing category, which, broadly speaking, is non-restricted.

- 13) **Simonov SKS 1945 Rifle:** Banned under paragraph 208 on page 471. Would be prohibited under an amended Bill C-21. Russian military weapon.
- 14) **Springfield Armory M1A Rifle:** Banned under paragraph 89 on page 277. Prohibited since 2020. Paragraph 89 bans "firearm of the design commonly known as the US Rifle M14, and any variant or modified version of it". The M14 was the standard-issue rifle for the U.S. military.
- 15) **Weatherby Mark V:** Banned under paragraph 96 on page 306. Prohibited since 2020, though ONLY models with muzzle energy that surpasses 10 000 joules.

Mr. Murray Smith:

The Weatherby Mark V rifle appears in clause 96 of the proposed schedule, I believe, which deals with high-energy firearms. It's only those Weatherby Mark V rifles that would be prohibited. They are chambered for a calibre that produces energies in excess of 10,000 joules. If the rifle were chambered in a different calibre that did not exceed 10,000 joules, then it would retain its existing classification, which is, for the most part, non-restricted.

- 16) **Webley & Scott Wild Fowl Shotgun:** Banned under paragraph 95 on page 294. Prohibited since 2020, though ONLY models with a bore diameter of more than 20 mm.
- 17) **Westley Richards Rifle:** The only "Westley" model listed in G-46 is the "Westley Richards Single Under-Lever Rifle". This model is banned under paragraph 96 on page 306. Prohibited since 2020, though ONLY models with muzzle energy that surpasses 10 000 joules.

Mr. Taleeb Noormohamed:

Okay.

Somebody wrote to me about the Westley Richards Model 1897. Why was this model added to the list?

[Expand]

Mr. Murray Smith:

That particular firearm, again, is listed in the section that deals with high-energy firearms, because that firearm is available in large African hunting calibres, some of which exceed 10,000 joules of energy, but again, **it's only those firearms that are actually chambered for a high-energy cartridge that are prohibited.**

- 18) CCFR also claims (in [this poster](#) as well as [this video](#)) that “Any bolt-action or single shot rifle could be banned by C-21 if declared a variant”. This is false. Government experts have testified that while the prohibition on variants apply in paragraphs that include the expression “and any variant or modified version of it”, this is not the case for paragraphs 95 and 96 which state: “Any firearm with a bore diameter of 20 mm” and “Any firearm capable of discharging a projectile with a muzzle energy greater than 10 000 joules”. Whether or not it’s a variant is not relevant.



Mr. Murray Smith (Technical Specialist, Canadian Firearms Program, Royal Canadian Mounted Police):

The determination of the classification of a firearm can, in principle, be done by anybody. Nobody owns that. Any person can look up the criteria that are in the Criminal Code and compare the characteristics of the firearm to those terms that are in the Criminal Code and arrive at a conclusion as to whether the firearm is non-restricted, restricted or prohibited.

However, for greater clarity and for the purposes of uniformity across the country, the RCMP keeps a database—the firearms reference table—which catalogues firearms and determines their classification according to the matrix in the Criminal Code. That is available to police, to officials and to the general public for their reference.

To answer the other part of your question, the actual assessment is made depending on exactly what the criteria are. If you are looking at one of the items—clauses 1 to 94, for example, or clauses 97 and onwards in the proposed schedule—those are based on the principal model of the firearm being named, and then any variant or modified version of it is also included. The exercise in classification would be based on whether or not the firearm in question was related to the original firearm in a way that would include it within the bounds of a variant or modified version.

In the case of 95 and 96, there are explicit physical criteria, and the question would be to accurately determine the diameter of the bore or the energy of the projectile, as the case may be. The firearm is then classified depending on whether it's over the thresholds or not.

Appendix C

How manufacturers could potentially circumvent the G-4 evergreen definition

The evergreen definition to ban assault weapons proposed by G-4 is a different approach than [New Zealand's](#) ban which rests on a gun's "capability" (ex: semi-automatic firearms are banned unless they are incapable of holding more than 10 cartridges), as well as [California's](#) ban which is based both on a gun's "capability" (ex: "semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds") as well as specific "military characteristics" like folding or telescoping stocks, grenade launchers, flare launchers, flash suppressors, etc.

Unlike other jurisdictions, the [evergreen definition](#) proposed by G-4 does not take into account the array of military characteristics that are typically present in assault-style weapons. The only "rigid" criteria resulting from the adoption of G-4 would have been:

- ➔ those in the Criminal Code (barrel length),
- ➔ those in the evergreen definition (initial design with a large-capacity magazine in mind),
- ➔ and the criteria introduced via the [2020 OICs](#) (maximum muzzle energy and bore diameter) but without the arbitrary exemptions (not of "modern design" and not "present in large volumes") that would have been eliminated by G-4.

However, because the definition relies on the original design of the firearm (i.e., the "intent" of the manufacturer), and since "subsequent" production of magazines with 6 or more rounds doesn't render a model prohibited, it is not unreasonable to fear that Canadian and American manufacturers could try to circumvent the definition in the future. This could be done, for example, by sequencing the design and market entry in a way that ensures an initial roll-out with 5-round magazines, which could be later followed by the sale of magazines of higher capacity.

It is well known that both Canadian and American manufacturers have tinkered with their designs in a way that circumvents Canadian restrictions. For example, Canadian manufacturer Northeastern Arms [sought to develop a non-restricted AR-10](#), and achieved this with its non-restricted **BC102** model. Around 2013, American-based manufacturer **Berretta** slightly lengthened the barrel of its restricted **CX4 Storm** model (used in the Dawson College school shooting) [rendering it non-restricted](#) at the time (it was banned in 2020).

To better illustrate our concern, we suggest you take for examples two Canadian models of assault-style weapons that were introduced after the May 2020 OICs and remain legal and unrestricted to this day: The **RS-Q2 Osprey** and the **Sterling Arms R 18 Mk.2**. These models are not listed in G-46, presumably due to the absence of a Firearms Reference Table record entry. However, they would have been captured by the evergreen definition in G-4 as they are "designed to accept a detachable cartridge magazine with a capacity greater than five cartridges of the type for which the firearm was originally designed" according to Public Safety officials. Had they been initially rolled out with five-round magazines - followed by the same higher capacity magazines that they can accept - they would not have been prohibited and, this, despite their many military characteristics.

RS-Q2 Osprey (2021) – currently non-restricted:



Sterling Arms R 18 Mk.2 (2022) – currently non-restricted:



This is a concern that should be addressed, as any “evergreen” definition should strive to prevent manufacturers from thwarting the legislator’s intent and introducing new assault-style weapons.