

Issue Update

Bill C-21 Firearms Legislation

History

Bill C-21 will introduce a “freeze” on the sale, purchase, or transfer of handguns in Canada but does not completely ban their use. Specific individuals and businesses are exempted under the proposed Act. The federal government has stated that Bill C-21 is part of a comprehensive strategy to address gun violence and strengthen gun control. Notably, however, Bill C-21 does not address the illegal sale of handguns but instead attempts to further restrict the legal sale and ownership of handguns.

On November 24, 2022, the House of Commons Standing Committee on Public Safety and National Security met to complete a “clause by clause” reading of Bill C-21. Liberal MP Paul Chiang made a proposed amendment to Bill C-21 after the Bill passed the second reading. The amendment added long guns (rifles) to the banned list. The proposed clause would effectively ban any rifle or shotgun that could potentially accept a magazine with more than five rounds, whether or not it has such a magazine. The amendment also prohibited, by name, a large number of semi-automatic firearms that do not have detachable magazines and do not meet the definition of an “assault-style firearm.” These include several long guns used mainly by hunters.

AFN’s recent advocacy

On November 3, 2022, Regional Chief Teegee appeared before the House of Commons Standing Committee on Public Safety and National Security on behalf of the Assembly of First Nations (AFN) while Bill C-21 was in second reading. Regional Chief Teegee raised concerns with respect to Bill C-21’s implications for First Nations Inherent, constitutional, and Treaty rights to hunt and harvest. Regional Chief Teegee also raised concerns with respect to the application of “red flag” and “yellow flag” provisions for First Nations. None of the amendments proposed by the AFN were incorporated in the subsequent amendment of Bill C-21 on November 24, 2022.

At the December 2022 Special Chiefs Assembly, First Nations-in-Assembly passed Resolution 39/2022, *Opposition to Bill C-21 Federal Gun Control Legislation*. This emergency resolution publicly opposes Bill C-21, calls upon the federal government to conduct proper and adequate consultation with First Nations, and directs the AFN to advocate for amendments to Bill C-21. This opposition and criticism from other stakeholders pressured the federal government to withdraw the November 24, 2022, amendment to Bill C-21.

On May 12, 2023, Public Safety introduced revised amendments to Bill C-21, which removed the previous list of prohibited weapons, including long guns (rifles), and delegates the classification of prohibited weapons to a regulation under the *Firearms Act*. The amendments essentially “grandfather” hunting rifle models prohibited in the previous version of Bill C-21. However, any new similar types of hunting rifles will be prohibited. The amendments also include a non-derogation clause referencing section 35 of the *Constitution Act*.

Next Steps

The AFN continues to monitor the progress of Bill C-21 and believes it is of the utmost importance to raise awareness with respect to Bill C-21's implications for First Nations Inherent, constitutional, and Treaty rights to sustenance hunting and harvesting. The AFN also calls upon the Government of Canada to conduct proper and adequate consultation with First Nations as required under the *United Nations Declaration on the Rights of Indigenous Peoples Act*, before enacting laws that impact First Nations rights to sustenance hunting and harvesting.