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Via Email

Our File Number: LEX-500020683

June 15, 2021

Federal Court
Thomas D'Arcy McGee Building
90 Sparks Street
Ottawa, ON K1A 0H9
CMT_Ottawa@cas-satj.gc.ca

Attention: Registry Officer

Dear Registrar:

Re: CCFR et al v AGC – Federal Court File No. T-577-20
Rule 317/318 Motion – Filing of s. 39 Canada Evidence Act certificate

Please deliver this letter to the attention of Associate Chief Justice Gagné concerning this proceeding.

Your Honour,

This letter is in reference to the Court's order of May 27, 2021 in the Rule 317/318 motion in which the Court ordered that:

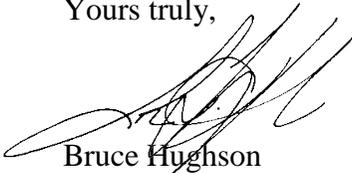
The Respondent will file under seal, within thirty days of these reasons, the documents described in the letter from the General Counsel, Office of the Counsel to the Clerk of the Privy Council of Canada, dated December 4, 2020;

In response to this Order, and consistent with the written representations made by the Attorney General of Canada, the Clerk of the Privy Council has now exercised her jurisdiction and invoked s. 39 of the *Canada Evidence Act* to certify the information that is subject to the Order as constituting a confidence of the Queen's Privy Council for Canada.¹ In doing so, the Clerk has exercised her statutory role to weigh the public interest in disclosure against the public interest in non-disclosure. A copy of the certificate is attached for filing with the Court.

¹ [Canada Evidence Act](#), RSC 1985, s. [39\(1\)](#).

As a result of the certification by the Clerk, pursuant to s. 39, “disclosure of the information shall be refused without examination or hearing of the information by the court”. Consequently, the attached s. 39 certificate is an absolute bar to filing with the Court under seal the information encompassed by the Order, i.e. the “documents described in the letter from the General Counsel, Office of the Counsel to the Clerk of the Privy Council of Canada, dated December 4, 2020”.²

Yours truly,



Bruce Hughson
Senior General Counsel
Department of Justice Canada
Prairie Region

cc: Laura Warner
Michael Loberg

² [Babcock v. Canada \(Attorney General\)](#), 2002 SCC 57, para 23.

FEDERAL COURT

BETWEEN:

**CANADIAN COALITION FOR FIREARM RIGHTS,
RODNEY GILTACA,
LAURENCE KNOWLES, RYAN STEACY,
MACCABEE DEFENSE INC., and
WOLVERINE SUPPLIES LTD.**

Applicants

And

ATTORNEY GENERAL OF CANADA

Respondent

AFFIDAVIT

I, Claudie Perreault, residing in the City of Gatineau, in the Province of Quebec, declare and say as follows:

1. ^{*interim CP*} I am the Chief of Staff in the office of the Clerk of the Privy Council and Secretary to the Cabinet.

2. I know Janice Charette to be the Interim Clerk of the Privy Council and Secretary to the Cabinet.

3. On the 14 day of June 2021, I witnessed Janice Charette sign the certificate attached hereto as Exhibit "A" dated the 14 day of June 2021, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE ME at the)
City of Ottawa in the)
Province of Ontario this)
14 day of June 2021)


A Commissioner, etc.


Claudie Perreault

Chelsea Jean Catherine Caldwell
Lawyer - Notary Public
Commissioner for Taking Affidavits
Province of Ontario
Law Society of Ontario #702028

FEDERAL COURT

BETWEEN:

CANADIAN COALITION FOR FIREARM RIGHTS,
RODNEY GILTACA,
LAURENCE KNOWLES, RYAN STEACY,
MACCABEE DEFENSE INC., and
WOLVERINE SUPPLIES LTD.

Applicants

And

ATTORNEY GENERAL OF CANADA

Respondent

This is Exhibit " A " referred
to in the declaration of

Claudie Perreault
Declared before me this 14th
day of June A.D. 20 21

Cherise
A Commissioner, etc.

Ceci est la pièce _____ à

La déclaration solennelle de

déclarée devant moi ce _____

jour de _____ 20 _____

Commissaire, etc.

Cherise Jean Catherine Caldwell
Lawyer - Notary Public
Commissioner for Taking Affidavits
Province of Ontario
Law Society of Ontario #702028

CERTIFICATE

I, the undersigned, Janice Charette, residing in the City of Ottawa, in the
Province of Ontario, do certify and say:

1. I am the Interim Clerk of the Privy Council and Secretary to the Cabinet.

2. I have examined the information described in the Schedule attached hereto for the purpose of determining whether it constitutes a confidence of the Queen's Privy Council for Canada and whether it should be protected from disclosure under section 39 of the *Canada Evidence Act*, R.S.C. 1985, C-5.

3. I certify that under subsections 39(1) and (2) of the *Canada Evidence Act*, the information referred to in the said Schedule is a confidence of the Queen's Privy Council for Canada for the reasons set out in the Schedule attached hereto, and I object to the disclosure of the information.

4. I further certify that paragraph 39(4)(a) of the *Canada Evidence Act* does not apply in respect of the information as it has not been in existence for more than twenty years and that paragraph 39(4)(b) of the said Act does not apply in respect of the information in question.

5. If oral evidence were sought to be given on the content of the information the disclosure of which I have in this certificate objected to, I would object to such evidence on the same grounds as described above in relation to the information in question.

DATED AT OTTAWA, in the Province of Ontario, this 14 day of June 2021.



Janice Charette
Interim Clerk of the Privy Council
and Secretary to the Cabinet

SCHEDULE TO THE CERTIFICATE OF JANICE CHARETTE
dated *June 14*, 2021 in the matter of
***Canadian Coalition for Firearm Rights, Rodney Giltaca,
Laurence Knowles, Ryan Steacy, MacCabee Defense Inc., and
Wolverine Supplies Ltd. v Attorney General of Canada***
Court File No.: T-577-20

1. Submission to the Governor in Council, April 2020, in English and in French, from the Honourable David Lametti, Minister of Justice, regarding the proposed *Regulations Amending the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted* and the proposed *Order Declaring an Amnesty Period (2020)*, including a letter of March 2020 from the Minister of Justice to the Honourable Jean-Yves Duclos, President of the Treasury Board, the signed Ministerial recommendation, draft regulations and accompanying materials of March and April 2020.

This information, including all its attachments in their entirety, which are integral parts of the document, constitutes a memorandum the purpose of which is to present proposals or recommendations to Council; a record used for or reflecting communications or discussions between ministers of the Crown on matters relating to the making of government decisions or the formulation of government policy; and draft legislation. Therefore, the information is within paragraphs 39(2)(a), 39(2)(d), and 39(2)(f) of the *Canada Evidence Act*.

2. Signed and approved Order in Council of May 2020, concerning *Regulations Amending the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted*.

This information is a record recording the deliberations or decisions of Council. The information is within paragraph 39(2)(c) of the *Canada Evidence Act*.

3. Signed and approved Order in Council of May 2020, concerning *Order Declaring an Amnesty Period (2020)*.

This information is a record recording the deliberations or decisions of Council. The information is within paragraph 39(2)(c) of the *Canada Evidence Act*.