

LAW AMENDMENTS COMMITTEE

Red Chamber, Province House

Monday, September 24, 2018



Bill #32 - Body Armour Control Act

3:00 p.m.

1. Superintendent Brenda Young
Nova Scotia Chiefs of Police
2. Richard Doyle
Five Star Bailiff & Civil Enforcement Services

Bill #38 - Residential Tenancies Act (amended)

3:00 p.m.

3. Kevin Russell
IPOANS

Bill #39 - Cemetery and Funeral Services Act (amended) and Embalmers and Funeral Directors Act (amended)

3:30 p.m.

4. Gary Bennett

Bill #27 - Animal Protection Act (amended)

Deferred from previous meeting

Bill #29 - Labour Standards Code (amended)

Deferred from previous meeting

Bill #42 - Vital Statistics Act (amended)

No representation

Bill #44 - Change of Name Act (amended)

No representation

Bill #45 - Senior Citizens' Property Tax Rebate Act

No representation

Bill #48 - An Act to Amend Various Statutes Administered by Service Nova Scotia

No representation

From: William Rosbotham <[REDACTED]>
Sent: September 24, 2018 2:59 PM
To: Office of the Legislative Counsel
Subject: Bill 32 (correction of previous statement)

To Whom it my concern,

I would like to thank you for taking the time to read and consider my email. I recently learned that there has been movement to enforce Bill No. 32, Body Armour Control Act. While I appreciate and support the concern for police safety, this piece of legislation seems very close-minded in scope and appears to create law based on some preconceived notions of use and effectiveness of body armour.

To begin, I would like to address the very definition of what is declared body armour within this bill:

(a) "body armour" means

(i) a garment or item designed, intended or adapted for the purpose of protecting the human body from projectiles discharged from a firearm, as defined in the Criminal Code (Canada),

(ii) a garment or item designed, intended or adapted for the purpose of protecting the human body from an item or object used to, or adapted to, stab, pierce, puncture or otherwise wound the body, or

(iii) a prescribed garment or item;

With a definition as broad as (ii), this might be anything from sports equipment, leather riding equipment, fencing equipment, archery greaves, gloves for hawk or dog training, or even the costumes worn by historical re-enactors or role-players. When definitions are this broad, they only draw the long arm of the law onto unsuspecting citizens and create expensive and embarrassing court battles for everyone involved. If nothing else, this bill must be made more clear as to its intent.

Additionally the list of those authorized to possess body armour within this legislation should also be addressed:

(a) police officer;

(b) a conservation officer;

(c) a special constable or by-law enforcement officer appointed under the Police Act;

(d) a sheriff or deputy sheriff;

(e) a correctional services employee;

(f) a security agent;

(g) a security agency;

(h) the holder of a valid body armour seller's permit; or

(i) a prescribed person or a member of a prescribed class of persons.

It is extremely clear that this bill seeks to claim that only those directly serving the province should be entitled to possess body armour; however, this does not address the much larger list of who should be afforded the protection of this safety equipment. Mechanics and HVAC personnel may use Kevlar coverings and protective clothing when working with high-pressure lines. Those taking part in shooting sports on a range may use body armour as a part of their personal protective equipment in order to protect them from any ricochets or spalding from metal targets. Even the modern hunter may wear a plate or Kevlar underneath their bright orange vest, because accidents can happen. These people are not second-rate citizens on account of them not directly serving the province, nor are they criminals seeking to subvert our lawful society. They are everyday citizens looking to conduct their lives in the safest way possible. Should they be forced to turn in safety equipment that they paid money, and sales taxes, to possess? This bill treads very close to the charter rights of which politicians seem so proud of but continue to ignore or do their best to loophole. Bills like these make a mockery of our so called "rights". The utter madness of banning passive protective equipment that is designed to save lives just seems crazy to me.

Finally the effective enforcement of this bill seems to be almost impossible without some form of overly aggressive police tactics. This is the most naive and ill informed part of the bill. Who hands in their body armour? Why the mechanics, hunters, sport shooters, re-enactors, animal trainers, archers, and fencers that we have seen above, compensation free, while criminal elements remains a criminal element. They can freely obtain body armour from other provinces or nations, as it is generally seen as protective equipment in other jurisdictions, and the spirit of this bill is subverted. The only for certain fate that this bill strikes into motion is that everyday citizens will not have access to safety equipment and that they will have to turn in any armour that they possess for no compensation.

I hope that you reconsider the effectiveness, nature, and spirit of this bill. Otherwise all my hopes in common sense legislation and politics will be lost.

Regards,

William Rosbotham

From: William Rosbotham <[REDACTED]>
Sent: September 23, 2018 12:58 PM
To: Office of the Legislative Counsel
Subject: Bill 35

To Whom it my concern,

I would like to thank you for taking the time to read and consider my email. I recently learned that there has been movement to enforce Bill No. 35, Body Armour Control Act. While I appreciate and support the concern for police safety, this piece of legislation seems very close-minded in scope and appears to create law based on some preconceived notions of use and effectiveness of body armour.

To begin, I would like to address the very definition of what is declared body armour within this bill:

(a) "body armour" means

- (i) a garment or item designed, intended or adapted for the purpose of protecting the human body from projectiles discharged from a firearm, as defined in the Criminal Code (Canada),
- (ii) a garment or item designed, intended or adapted for the purpose of protecting the human body from an item or object used to, or adapted to, stab, pierce, puncture or otherwise wound the body, or
- (iii) a prescribed garment or item;

With a definition as broad as (ii), this might be anything from sports equipment, leather riding equipment, fencing equipment, archery greaves, gloves for hawk or dog training, or even the costumes worn by historical re-enactors or role-players. When definitions are this broad, they only draw the long arm of the law onto unsuspecting citizens and create expensive and embarrassing court battles for everyone involved. If nothing else, this bill must be made more clear as to its intent.

Additionally the list of those authorized to possess body armour within this legislation should also be addressed:

- (a) police officer;
- (b) a conservation officer;
- (c) a special constable or by-law enforcement officer appointed under the Police Act;
- (d) a sheriff or deputy sheriff;
- (e) a correctional services employee;
- (f) a security agent;

- (g) a security agency;
- (h) the holder of a valid body armour seller's permit; or
- (i) a prescribed person or a member of a prescribed class of persons.

It is extremely clear that this bill seeks to claim that only those directly serving the province should be entitled to possess body armour; however, this does not address the much larger list of who should be afforded the protection of this safety equipment. Mechanics and HVAC personnel may use Kevlar coverings and protective clothing when working with high-pressure lines. Those taking part in shooting sports on a range may use body armour as a part of their personal protective equipment in order to protect them from any ricochets or spalding from metal targets. Even the modern hunter may wear a plate or Kevlar underneath their bright orange vest, because accidents can happen. These people are not second-rate citizens on account of them not directly serving the province, nor are they criminals seeking to subvert our lawful society. They are everyday citizens looking to conduct their lives in the safest way possible. Should they be forced to turn in safety equipment that they paid money, and sales taxes, to possess? This bill treads very close to the charter rights of which politicians seem so proud of but continue to ignore or do their best to loophole. Bills like these make a mockery of our so called "rights". The utter madness of banning passive protective equipment that is designed to save lives just seems crazy to me.

Finally the effective enforcement of this bill seems to be almost impossible without some form of overly aggressive police tactics. This is the most naive and ill informed part of the bill. Who hands in their body armour? Why the mechanics, hunters, sport shooters, re-enactors, animal trainers, archers, and fencers that we have seen above, compensation free, while criminal elements remains a criminal element. They can freely obtain body armour from other provinces or nations, as it is generally seen as protective equipment in other jurisdictions, and the spirit of this bill is subverted. The only for certain fate that this bill strikes into motion is that everyday citizens will not have access to safety equipment and that they will have to turn in any armour that they possess for no compensation.

I hope that you reconsider the effectiveness, nature, and spirit of this bill. Otherwise all my hopes in common sense legislation and politics will be lost.

Regards,

William Rosbotham

From: [REDACTED]
Sent: September 23, 2018 8:18 PM
To: Office of the Legislative Counsel
Subject: Submission regarding Bill 32 The body Armour control act

To whom it may concern:

My name is Doug Stallard from Stewiacke NS

I wish to submit if I might my concerns regarding the Bill 32, The Body Armor act.

Firstly The definition regarding stopping piercing is problematic .Re 3a ii in that firstly most modern motorcycle jackets for example are Ballistic material to stop a piercing object and a vague definition may give an issue as jacket materials evolve as fast as they did thus far.

Not being required by any act or law or regulation, these commonly acquired jackets could incorrectly be classed as Armour. My jacket as an example <https://www.klim.com/Badlands-Pro-Jacket-4052-002?quantity=1> Note the word armour mentioned and these type jackets are designed to stop piercings. and have plating everywhere in them now a days and most jackets are made out on Ballistic nylon or kevlar. you can even buy jeans with kevlar in them I understand. and like a home user of chain saw Kevlar pants, we arent mentioned in the act.

Additionally input from personal experience and some postings I saw on the subject by a well versed firearms lawyer in Alberta on this act. ian@ianrunkle.com, 780-710-2584 who could expound on the issue also.

Secondly People who wear heavy gear such as football equipment could theoretically be criminalized or paintball players or goalies and on and on whom use armor of some types, none are per any OSH reg but surely are worn out of pure safety, yet the act fails to mention them for courts to have clarity. Even commercial and at home craftsmen use armor facemasks or aprons to protect them selves. I can tell you also as a someone who works in aviation, Helicopter pilots use them as a protective seat cushion at times. there was one vest we used (average employees arent mentioned in the act on a casual need basis is it?) that pilots had under the seat during hunting or spraying season etc as hunters being observed overhead might take a shot at the pilots. these folks arent covered.(literally and figuratively)just the conservation officer.and you can bet they have sat on one as well as wearing one up there during hunting season .

I can tell you also, that mechanics and racers have used outdated and surplus (yes they are time lifed) vests to lay over operating engines transmissions or hydraulic components when operating them. Racers used to lay them on the floor in case a transmission under their feet blew up, Fishermen even tossed them over and under a transmission just because someday it might help if a transmission blew up.They called it cheap insurance, yet this law fails to carve out some allowance for people trying to be simply safe out there.

Indeed, taxi drivers who have been attacked would be criminals if they tried to own one for safety. yet someone carrying a bag of money, well wear two if you like, Your covered here , The average Joe or Jane, not a chance. just Bonne Chance as it were.

People setting up fireworks displays as well, have used body armor trying to be safe, now they will be criminals.and with little clarity again, judges and the Crown will have issues as only those covered under an act are allowed. The common folk we are on our own. Would even a Sears catalog put under your sweater when playing nets in street hockey be considered a criminal even, thats what we had as kids, as a catalog would surely stop a small bullet or a knife wouldnt it as I'm sure if someone wanted to make a case.

The narrow definitions laid out here fail to capture just these few thing one quickly thinks of, and the list could be endless. Even community support workers who might want one are not permitted as of now they dont have the ability under this act to make a personal safety choice. Section S7 of the Charter guarantees the security of the person, so one might submit that a Charter case would be made for the constitutionality of an act that criminalizes one for just trying to do just that. there is no pressing case I know of regarding public safety that I'm aware of in the province and I'm sure a defense lawyer would be pointing just that out as well.

Target shooters as well, buy and wear new and outdated (cheaper but still good) armour so they can practice and participate at military type shoots here and across the country and internationally (are not covered under this act), or just to be bystanders or umpires at shoots arent exempt .

Once again one is now a criminal just trying to be safe. I hear that even used and surplus kevlar backpacks are popular among high school students. Kevlar being a material designed to stop piercings of any type are not exempt under this Bill, So are about to be banned. What about body braces? they have steel plating and are prescribed not by an this act, but by a Doctor. yet the courts will need to struggle on the act as they are not mind readers. Someone just owning one for when they run a power saw at home as they are cheap at the surplus store are now about to be criminals.

Respectfully submitted

Doug Stallard

[REDACTED]

W St Andrews

Stewiacke NS

[REDACTED]

[REDACTED]