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Shaughnessy Cohen, M.P.

April 18, 1997

Chair

Standing Committee on Justice

and Legal Affairs

**Government Response to the Eighth Report for the
House of Commons Standing Committee on Justice
and Legal Affairs - Pursuant to Standing Order 109
of the House of Commons**

Pursuant to Standing Order 109, I am pleased to
present the Government's response to the eighth report
for the House of Commons Standing Committee on Justice
and Legal Affairs. The response concerns the draft
regulations on firearms.

On November 27, 1996, the Government
accepted almost all of your recommendations.

You will be pleased to know that the Government
has accepted almost all of your recommendations.

**Consideration of the Draft Regulations on Firearms Tabled in the
House by the Minister of Justice**

November 27, 1996

I wish to express my appreciation to the members of the
Standing Committee on Justice and Legal Affairs for their
dedication and hard work.

Yours very truly,



Allan Rock

Canada

Office of the Minister of Justice
and Attorney General of Canada



Cabinet du ministre de la Justice
et Procureur général du Canada

Ottawa, Canada K1A 0H8

Shaughnessy Cohen, M.P.
Chair
Standing Committee on Justice
and Legal Affairs
House of Commons
Ottawa, Ontario
K1A 0A6

April 18, 1997

Dear Ms. Cohen:

Pursuant to Standing Order 109, I am pleased to present the Government Response to the Eighth Report for the House of Commons Standing Committee on Justice and Legal Affairs. The response concerns the draft regulations on firearms tabled in the House on November 27, 1996.

You will be pleased to know that the Government has accepted almost all of your recommendations.

The recommendations will help us ensure that the firearms legislation is effective and responds to the concerns of Canadians.

I wish to express my appreciation in particular to the members of the Subcommittee and to its chair, Russell MacLellan, for their dedication.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Allan Rock".

Allan Rock

**Government Response to the Eighth Report for the House of Commons Standing Committee
on Justice and Legal Affairs - Pursuant to Standing Order 109 of the House of Commons**

**Consideration of the Draft Regulations on Firearms Tabled in the House by the Minister of
Justice on Wednesday, November 27, 1996**

Recommendation	Response
General Recommendations - (Chapter 2)	
<p>Recommendation 1</p> <p>The Subcommittee recommends that communication programs be established setting out the requirements of the legislation. These programs should be directed to the general public and should involve a variety of effective communications methods.</p>	<p>The Government accepts this recommendation. The programs recommended are now up and running.</p> <p>Communications methods include a 1-800 public inquiries line, directed mailings, public exhibits and presentations program, and a World Wide Web site. A variety of printed information on the <i>Firearms Act</i> is also being made available through these means. Advertising campaigns are planned to take place prior to the implementation of the legislation.</p>
<p>Recommendation 2</p> <p>The Subcommittee recommends that communication programs be directed at specific groups within the Canadian firearms community, as well as non-residents. These programs should set out the requirements that are specific to each particular group, so as to ensure a better understanding of their obligations.</p>	<p>The Government accepts this recommendation. Specific information campaigns are planned for Aboriginal and northern communities, for non-residents importing firearms into Canada, and for specialized groups such as historical re-enactors.</p> <p>The Communications Section of the Canadian Firearms Centre (CFC) is able to target mailings to specific groups within the Canadian firearms community through a broad-based automated mailing application.</p> <p>CFC Communications is creating target-audience-specific documents which are distributed through various channels, including the 1-800 service and the Internet.</p>
<p>Recommendation 3</p> <p>The Subcommittee recommends that extensive advertising be conducted in order to advise firearms owners of the implementation date of the new regulatory regime and on where they can obtain additional information regarding this regime.</p>	<p>The Government accepts this recommendation. The advertising agency of record for the Department of Justice is developing an extensive advertising campaign to be put in place in the months prior to the implementation of the legislation. The implementation date is also a focus of the CFC's general communications efforts.</p>

<p>Recommendation 4</p> <p>The Subcommittee recommends that the Department of Justice prepare training materials for those who will be responsible for the administration of the legislation, with some emphasis on the issue of spousal abuse.</p>	<p>The Government accepts this recommendation. The CFC Training Section has translated the entire <i>Firearms Act</i> into a user-friendly English text. This includes a section-by-section description of the law now and of the law as it will be in the future. It will focus on elements that persons responsible for the administration of the legislation will need to know.</p> <p>The core curriculum document will be given to each of 75,000 persons to be trained. The training communities include Firearms Officers, Patrol Police, federal and provincial law enforcement officers, customs officers, prosecutors and others in the judicial system, and firearms dealers.</p> <p>A program was started in mid-1996 to emphasize links between firearms and spousal abuse in domestic situations. This was done with all known police departments in Canada.</p>
<p>Recommendation 5</p> <p>The Subcommittee recommends that the Department of Justice prepare interpretation guides and similar materials that set out in plain language the requirements of the legislation and that these guides be made available as part of the communication programs.</p>	<p>The Government accepts this recommendation. An interpretation guide was produced for these proposed regulations.</p> <p>Interpretation guides, written in plain language, are and will continue to be the norm.</p> <p>The guides are available through the 1-800 number and at CFC exhibits, among other venues.</p>
<p>Recommendation 6</p> <p>The Subcommittee recommends that the Department of Justice prepare an office consolidation of the regulations which would contain a table of contents and an index for ease of use.</p>	<p>The Government accepts this recommendation. The Department of Justice will prepare office consolidations of the legislation.</p> <p>The CFC Training Section is developing a document that tables and indexes both the statutes and the regulations. This is in response to a request from the judiciary (the Chief Judges) that there be such a document.</p> <p>A non-indexed office consolidation of the regulations was produced after Bill C-17.</p>

Firearms Licences Regulations - (Chapter 3)

<p>Recommendation 7</p> <p>The Subcommittee recommends that Clause 10 of the regulations be amended to add two new purposes for which a non-resident would be eligible to hold a non-resident sixty-day possession licence to borrow non-restricted firearms. The first would allow use while participating in a parade, pageant or other similar events, and the second would allow the use of firearms for movie, television, video or theatrical productions or publishing activities.</p>	<p>The Government accepts this recommendation as set out in the Standing Committee's Report, and will make the appropriate changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>.</p>
<p>Recommendation 8</p> <p>The Subcommittee recommends that the requirement for spousal notification be expanded to cover an application for an acquisition licence for cross-bows.</p>	<p>The Government accepts this recommendation as set out in the Standing Committee's Report, and will make the appropriate changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>.</p>
<p>Recommendation 9</p> <p>The Subcommittee recommends that the prescribed purposes be reviewed by the Department of Justice to ensure that all business activities for which a business legitimately needs to be in possession of a prohibited item are covered by the prescribed purposes in the regulations.</p>	<p>The Government accepts this recommendation as set out in the Standing Committee's Report, and will make the appropriate changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>.</p>
<p>Recommendation 10</p> <p>The Subcommittee recommends that paragraph 23(1)(a), which provides that a business is not to depict or promote violence in an advertisement of a firearm or other weapon, be clarified to make clear that it is not directed at advertisements such as those for movies or other forms of entertainment in which firearms are only indirectly involved.</p>	<p>The Government accepts this recommendation as set out in the Standing Committee's Report, and will make the appropriate changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>.</p>
<p>Recommendation 11</p> <p>The Subcommittee recommends that paragraphs 23(1)(c) and (d), requiring businesses to keep records of transactions entered into, in relation to firearms, and requiring them to keep an inventory of specified items which are present at the location of the business, be amended to exclude carriers.</p>	<p>The Government accepts this recommendation as set out in the Standing Committee's Report, and will make the appropriate changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>.</p>

<p>Recommendation 12</p> <p>The Subcommittee recommends that paragraph 23(1)(d) be clarified to indicate that an inventory must be conducted, and the information remitted to the chief firearms officer, only once a year pursuant to this paragraph.</p>	<p>The Government accepts this recommendation as set out in the Standing Committee's Report, and will make the appropriate changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>.</p>
<p>Storage, Display, Transportation and Handling of Firearms by Individuals Regulations - (Chapter 5)</p>	
<p>Recommendation 13</p> <p>The Subcommittee recommends that "parades and pageants" be exempted from the application of specified clauses of the regulations pursuant to subclass 2(3).</p>	<p>The Government accepts this recommendation as set out in the Standing Committee's Report, and will make the appropriate changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>.</p>
<p>Recommendation 14</p> <p>The Subcommittee recommends that Clauses 3, 4 and 5 be amended to make it clear that ammunition must either be kept apart from a firearm or locked up, but that it need not be in a separate locked container or receptacle or a separate vault, safe or room.</p>	<p>The Government accepts this recommendation as set out in the Standing Committee's Report, and will make the appropriate changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>.</p>
<p>Recommendation 15</p> <p>The Subcommittee recommends that the requirement to remove the bolt or bolt-carrier of a prohibited automatic firearm for the purposes of storage, display and transportation apply only if the piece is removable "with reasonable facility."</p>	<p>The Government accepts this recommendation in regard to the <i>transportation</i> of prohibited automatic firearms, and will make the appropriate changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>. The Government believes that the requirement as originally proposed is reasonable and appropriate in regard to the storage and display of automatic firearms, and does not propose to make the recommended change in regard to those activities. Because automatic firearms may be stored or on display for long periods of time, removal of the bolt or bolt-carrier when possible, rather than only when it is possible "with reasonable facility," will provide better protection for public safety.</p>

<p>Recommendation 16</p> <p>The Subcommittee recommends that the regulations be amended to allow firearms to be left unattended, in a vehicle that is not lockable, but only in remote wilderness areas.</p>	<p>The Government accepts this recommendation in regard to the transportation of <i>non-restricted</i> firearms, and will make the following changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>.</p> <p>Changes will be made that would allow individuals to leave non-restricted firearms unattended in non-lockable vehicles in remote wilderness areas if they are not visible and rendered inoperable by a secure locking device. A locking device would not be required if the firearm was needed for predator control.</p> <p>As the Committee's Report refers only to circumstances involving the use of firearms for "hunting," which may only be carried out with non-restricted firearms, the Government believes that the proposed change is fully responsive to the Committee's recommendation. In any case, the Government believes that it would not be compatible with public safety to leave restricted and prohibited firearms unattended in non-lockable vehicles.</p>
<p>Recommendation 17</p> <p>The Subcommittee recommends that there be adequate flexibility in the administration of the alternative standard for museums in relation to the display of firearms.</p>	<p>The Government accepts this recommendation. Officials of the Department of Justice have discussed this issue with the chief firearms officers who will be administering these provisions, and they agree that they should be applied in an appropriately flexible manner.</p>
<p>Storage, Display and Transportation of Firearms and other Weapons by Businesses Regulations - (Chapter 6)</p>	
<p>Recommendation 18</p> <p>The Subcommittee recommends that the regulations be amended to make clear that containers can have markings, despite the prohibition on markings that indicate that a firearm or other weapon is inside, so long as they are in accordance with the <i>Authorization to Export or Import Firearms Regulations (Businesses)</i>.</p>	<p>The Government accepts this recommendation. Changes will be made to make it clear that the prohibition on markings does not apply if the goods are being either imported or exported.</p>
<p>Recommendation 19</p> <p>The Subcommittee recommends that the reporting requirements for businesses involved in motion pictures, videos, television or theatrical productions be amended to apply only when specified items are moved to another municipality.</p>	<p>The Government accepts this recommendation. Changes will be made to limit the reporting requirements noted to occasions when movement is from one <i>locality</i> to another.</p>

<p>Recommendation 20</p> <p>The Subcommittee recommends that the requirements at paragraphs 12(1)(c) and (d) of these regulations respecting transportation of specified prohibited items apply only to carriers.</p>	<p>The Government accepts this recommendation as set out in the Standing Committee's Report, and will make the appropriate changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>.</p>
<p>Authorizations to Transport Restricted and Prohibited Firearms Regulations - (Chapter 7)</p>	
<p>Recommendation 21</p> <p>The Subcommittee recommends that subclause 3(2) of the regulations be deleted.</p>	<p>The Government accepts this recommendation as set out in the Standing Committee's Report, and will delete the proposed subsection when the regulations are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>.</p>
<p>Recommendation 22</p> <p>The Subcommittee recommends that the direct route requirement in relation to authorizations to transport be amended to make clear that the transport need only be by a route that "in all of the circumstances, was <u>reasonably direct</u>".</p>	<p>The Government accepts this recommendation as set out in the Standing Committee's Report, and will make the appropriate changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>.</p>
<p>Authorization to Export or Import Firearms Regulations (Businesses) - (Chapter 8)</p>	
<p>Recommendation 23</p> <p>The Subcommittee recommends that businesses be permitted to supply the name of the carrier at a later time before the crossing of the border, if this information is not known at the time the application is made.</p>	<p>The Government accepts this recommendation as set out in the Standing Committee's Report, and will make the appropriate changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>.</p>
<p>Recommendation 24</p> <p>The Subcommittee recommends amendments to specify that any requirement to advise the Registrar whether exported goods are to be re-imported at a later date applies only if this is known or planned at the time the application is made.</p>	<p>The Government accepts this recommendation as set out in the Standing Committee's Report, and will make the appropriate changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>.</p>

<p>Recommendation 25</p> <p>The Subcommittee recommends that the regulations specify that any requirement to advise the Registrar of the name and address of any place in Canada in which the goods stopover applies only if this is known or planned at the time the application is made.</p>	<p>The Government accepts this recommendation as set out in the Standing Committee's Report, and will make the appropriate changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>.</p>
<p>Firearms Records Regulations - (Chapter 9)</p>	
<p>Recommendation 26</p> <p>The Subcommittee recommends that Memoranda of Understanding be negotiated with each province and territory outlining that the Firearms Act is a federal statute, and as such, is subject to the federal Privacy Act in cases where no provincial law exists, and that in those cases where provincial privacy legislation exists that the federal application of the Privacy Act will apply based on the rules of application to be negotiated with those provinces and territories, to ensure complete and adequate privacy protection.</p>	<p>The Government accepts this recommendation. The Department of Justice will undertake discussions with the federal partners and the chief firearms officers involved in the administration of the <i>Firearms Act</i> with a view to concluding Memoranda of Understanding. These Memoranda would provide for rules of application in regard to federal and provincial privacy law.</p>
<p>Recommendation 27</p> <p>The Subcommittee recommends that mediation mechanisms be established, on an administrative basis, to allow applicants the opportunity to challenge allegedly false or inaccurate information without resort to court action.</p>	<p>The Government does not accept this recommendation. While the Government appreciates the concerns expressed by the Committee's Report, it does not accept the proposed solution. Investigative techniques already exist to ensure that decisions are not based on false or inaccurate information. The investigation of applications will normally involve an opportunity for the applicant to be heard and to challenge information which might lead to a refusal. In some cases, as is recognized in subsection 72(3) of the <i>Firearms Act</i>, the disclosure of certain information might endanger the safety of other persons. The Department of Justice, in consultation with the federal and provincial partners, will examine the investigative process to see if improvements should be made, with a particular focus on addressing privacy concerns. However, because the decisions in issue involve matters of public safety, the Government believes that mediation after the fact would not be appropriate and could be incompatible with the overriding safety objectives of the legislation.</p>

Aboriginal Peoples of Canada Adaptations Regulations (Firearms) - (Chapter 10)

Recommendation 28

The Subcommittee recommends that further discussions be held with aboriginal groups in order to explore potential solutions to their concerns.

The Government accepts this recommendation. Discussions and negotiations with Aboriginal communities are being undertaken respecting the implementation of the legislation. These discussions are focused in particular on community administration. The Government is committed to ensuring that the application of the legislation respects Aboriginal and treaty rights and the lifestyle of Aboriginal people.

Recommendation 29

The Subcommittee recommends that the implementation of the legislation in aboriginal communities involve community administration.

The Government accepts this recommendation. Negotiations are currently under way regarding methods and arrangements to involve Aboriginal communities in the administration of the *Firearms Act*. The appointment of firearms officers in as many of these communities as is possible and appropriate will be addressed in these negotiations. The Government will also be looking at program assistance approaches to the implementation of the legislation in Aboriginal communities.

Firearms Fees Regulations - (Chapter 11)

Recommendation 30

The Subcommittee strongly urges that the fee to be paid for a confirmation made under subsection 35(1) of the *Firearms Act* be payable only once every calendar year.

The Government accepts this recommendation as set out in the Standing Committee's Report, and will make the appropriate changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the *Firearms Act*.

Recommendation 31

The Subcommittee recommends that future regulations dealing with importation by individuals clarify that the declaration pursuant to subsection 35(1) of the *Firearms Act* will cover more than one firearm.

The Government accepts this recommendation. The issue will be addressed either in the proposed regulations to be tabled in the fall of 1997 dealing with the import and export of firearms by individuals or in the relevant form prescribed by the Minister pursuant to the *Firearms Act*.

Recommendation 32

The Subcommittee recommends that the business licence fee set out at Business Activity 6(b) in Schedule II be substantially reduced.

The Government accepts this recommendation. When the proposed regulations are submitted for making by the Governor in Council the fee for this item will be reduced from \$400 in 1998 and \$500 thereafter to \$100 in 1998 and \$125 thereafter.

<p>Recommendation 33</p> <p>The Subcommittee recommends that different classes of fees be added to cover businesses in the motion picture industry that limit their activities to only some classes of prohibited items.</p>	<p>The Government accepts this recommendation. Changes will be made that will establish separate fee categories for: 1) those businesses involved in motion picture, video or television productions who supply or use prohibited firearms other than prohibited handguns; and 2) those who supply or use only non-restricted and restricted firearms, prohibited handguns, prohibited devices, including replicas, and prohibited weapons. Those in the first category would pay the fee originally proposed of \$1,000 in 1998 and \$1,250 thereafter. The fee for the new second category would be \$400 in 1998 and \$500 thereafter.</p>
<p>Recommendation 34</p> <p>The Subcommittee recommends that Clause 15 be amended so that the replacement fee would be the lesser of the applicable fee for this document, at the time the replacement document is requested, or \$25.</p>	<p>The Government accepts this recommendation as set out in the Standing Committee's Report, and will make the appropriate changes to the proposed regulations when they are submitted to the Governor in Council for making pursuant to section 117 of the <i>Firearms Act</i>.</p>
<p>Recommendation 35</p> <p>The Subcommittee recommends that a bulk rate or a yearly maximum be set for authorizations to export and import.</p>	<p>The Government accepts this recommendation. The fee payable for these authorizations will be waived after the applicant has paid for 250 in a calendar year, which will mean that businesses will pay a maximum of \$5,000 for these authorizations in any year.</p>
<p>Additional Recommendations - (Chapter 12)</p>	
<p>Recommendation 36</p> <p>The Subcommittee recommends that reproductions of antiques, such as flintlocks, matchlocks and wheel-locks, be presented to be antique firearms, by prescribing such firearms as antiques under paragraph 84(1)(b) of the <i>Criminal Code</i>.</p>	<p>The Government accepts this recommendation. Reproductions of flintlocks, matchlocks and wheel-locks will be prescribed to be antique firearms under paragraph (b) of the definition of "antique firearm" in subsection 84(1) of the <i>Criminal Code</i> as amended.</p>
<p>Recommendation 37</p> <p>The Subcommittee recommends that greater accommodation be made for the use of replicas in the motion picture industry in future regulations.</p>	<p>The Government accepts this recommendation. The Department of Justice will examine the possible use of other enabling powers in section 117 of the <i>Firearms Act</i> to determine what accommodations may be possible. If accommodations are possible, proposed regulations will be developed as part of the package to be tabled in the fall of 1997.</p>

<p>Recommendation 38</p> <p>The Subcommittee recommends that the border process to be implemented by this legislation be developed to ensure that it is as efficient as possible.</p>	<p>The Government accepts this recommendation. The Department of Justice and the federal partners are developing border processes in consultation with the provincial partners. These processes will be as streamlined, simple and user friendly as is possible in view of the requirements of the Act and the proposed regulations.</p>
<p>Recommendation 39</p> <p>The Subcommittee recommends that discussions be held with provincial ministers and industry representatives to establish guidelines for exemptions for employees under section 97 of the <i>Firearms Act</i>.</p>	<p>The Government accepts this recommendation. The Department of Justice will hold discussions with the provincial chief firearms officers on the matter of guidelines for the application of the exemption powers given to provincial ministers by section 97 of the <i>Firearms Act</i>. The Department will work with the federal and provincial partners in regard to consultations with industry representatives on this issue.</p>

Notes