

A Newsletter about the Firearms Control Legislation



Vol. 1, No. 4 March 1994

Canadian Firearms Safety Course



In a Master Instructor training session in Iqaluit, students familiarize themselves with various firearms. At the beginning of each session, one area of the classroom is established as the direction for safe muzzle control and students must demonstrate safe muzzle direction during all exercises.

A new law requires successful completion of the approved firearms safety course or test before applying for a Firearms Acquisition Certificate.

This law came into effect on January 1, 1994, in British Columbia, Alberta, Ontario, Quebec, Prince Edward Island and the Yukon Territory. In Manitoba, New Brunswick, Nova Scotia, and Newfoundland, the law will come into effect on April 1, 1994. It will come into effect in Saskatchewan and the Northwest Territories on September 1, 1994.

The Canadian Firearms Safety Course was developed by the Department of Justice in partnership with the provinces and territories, and establishes national standards of firearms safety and competence. The Course covers the safe handling and use of firearms, and the laws relating to them. It

promotes safe practices and attitudes involving firearms, and increases awareness of the legal and social responsibilities of firearms owners and users.

The **Canadian Firearms Safety Course** provides instruction, demonstrations, video presentations and practical exercises on:

- the history of firearms,
- types of firearms and ammunition, and how they work,
- safe ways to pick up, handle and carry firearms,
- safe ways to unload, load and fire firearms,
- safe ways to store, display and transport firearms,
- safe firing positions, and field and range safety practices,
- firearms maintenance techniques,

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Eric Goodwin Chief Provincial Firearms Officer, Prince Edward Island



Eric Goodwin has been the Chief Provincial Firearms Officer (CPFO) for Prince Edward Island since August 1990. Although the province he represents is small, the challenges are great when it comes to communicating the legal requirements regarding firearms and promoting respect for the law.

"We've trained a lot of people who have important roles to play in communicating and enforcing the new regulations with regards to the possession and use of firearms," says Mr. Goodwin. "The key is to involve them effectively in spreading the message about firearms safety and in promoting compliance."

Ironically, even incidents where firearms are misused can sometimes foster public interest in safe practices involving firearms. Mr. Goodwin spoke of a near tragedy which raised questions in the community about firearms controls. "If a negative incident elicits the opportunity to communicate safer standards, it can be used to stimulate positive action," he believes.

"Everyone has a particular interest in knowing the law. Whether it's to hunt safely, to feel safer at home, or to enforce the law, all people can benefit from a level of knowledge that meets their specific needs."

Mr. Goodwin has spent a considerable percentage of his professional time over the past year communicating with Crown attorneys, the judiciary and court staff, and especially with police to help them adjust to the new firearms legislation. This included a meeting with PEI's Supreme Court judges focussing on mandatory and discretionary prohibition orders. Mr. Goodwin is seeking a similar opportunity to speak to the Provincial Court judges.

In the summer and fall of 1992, federal and municipal police were trained in the new Firearms Acquisition Certificate (FAC) process and the procedures for issuing prohibition orders.

"Training is an ongoing process," states Mr. Goodwin. "Perhaps the biggest challenge facing us now is the firearms safety training or test which is required to qualify for an FAC. People need to be made aware of this requirement."¹

Most of the conservation officers in the Fish and Wildlife Division of the provincial Department of Environmental Resources attended the three-day Master Trainer Program sponsored by the federal Department of Justice. The course gave them the information about firearms safety regulations in Canada that they need to convey to others, and the skill to impart that knowledge.

*what we are communicating
is more than information
about firearms regulations*

"If we can spark the interest of people in leadership positions, what we need to communicate will radiate out. And what we are communicating is more than information about firearms regulations. It's the incentive to respect those regulations so that

firearms are used safely. We all have a responsibility to see that this is done and to encourage others to do their part."

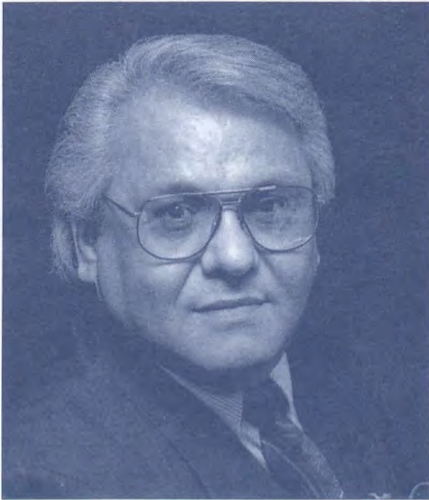
Although he sees a long road ahead in implementing all the dimensions of the law, Mr. Goodwin knows there are many allies all working together to communicate the rules regarding the safe use of firearms and, ultimately, to enhance the protection of Canadians.

¹ Requirement in effect as of January 1, 1994, in British Columbia, Alberta, Ontario, Quebec, Prince Edward Island, and the Yukon Territory; in effect as of April 1, 1994, in Manitoba, New Brunswick, Newfoundland, and Nova Scotia, and as of September 1, 1994, in Saskatchewan and the Northwest Territories.

Erratum

In the previous issue of *Aiming for Safety* (August 1993), the wording under **Permit to Convey** may have led some people to think that any local registrar of firearms can approve an application to register a restricted weapon. This is not so. Only the registrar in the area where the applicant resides may process the application. If a person has acquired a firearm while out of town, then the local registrar who issued the permit to convey will forward a copy of the application to the local registrar in the area where the person resides so that the application process can be completed there. We regret any confusion this earlier information may have caused.

Al Terry Chief Provincial Firearms Officer, Saskatchewan



Al Terry has been the Chief Provincial Firearms Officer (CPFO) in Saskatchewan since September 1987. During that time, he has worked in partnership with many people within the province and throughout Canada to ensure that rules regarding firearms are understood and respected.

the law has been passed, but we still have to educate the public

As he contemplates the challenges of the new firearms legislation, Mr. Terry sees a silver lining to the work it has entailed. He describes the implementation of the new law as being a catalyst for communications.

"The law has been passed, but we still have to educate the public. By taking a proactive approach to communicating the new legal requirements, we strengthen people's willingness to comply," he says.

During his six and a half years as Saskatchewan's CPFO, Mr. Terry has always worked in concert with colleagues from other provinces and territories, and with those at the federal level. Since Bill C-17 became law, the exchange of information has grown,

from the number of phone calls and letters, to meetings of committees and subcommittees.

Mr. Terry has visited most of the 116 RCMP detachments and 21 municipal police forces in Saskatchewan. He has also addressed a total of over 5000 people over the past year and a half, including hunters and gun collectors, the RCMP Academy and Saskatchewan Police College, band councils and business dealers. Mr. Terry uses the various videos available to explain the legislation, tailors his presentation to the particular interests of his audience, and addresses their concerns and answers questions. "I may drive as many as four hours to give a presentation, but I reach from 30 to 500 people. I convey more than the information about legal requirements. By going out and meeting people at their level, at a time and place convenient for them, I've shown them I respect their needs. In turn, I gain their cooperation and their respect for the law."

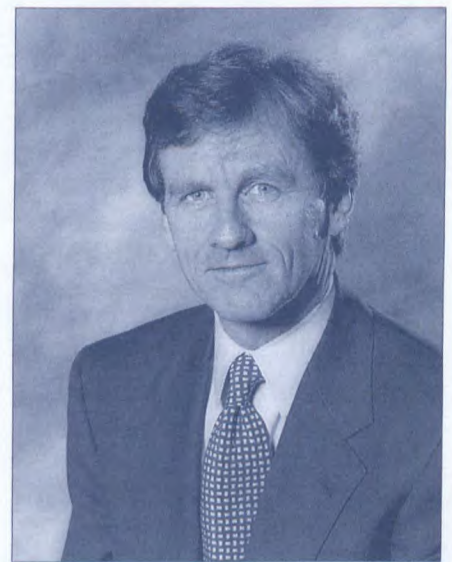
Making the office of the CPFO accessible also favours the uniform enforcement of the law. One of Mr. Terry's concerns is that there be uniformity across the country in interpreting and applying the part of the *Criminal Code* that concerns firearms, and as the CPFO, he is in a position to provide accurate information and to strive to gain consistency among the provinces and territories in implementing and enforcing firearms legislation.

When it comes to communicating legal requirements regarding firearms, even the new application process for Firearms Acquisition Certificates has educational benefits. The process calls for more work, but the applicants learn about firearms safety, and the authorities learn about the applicants

and the types of situations they are likely to be dealing with when certificates are granted.

Mr. Terry will continue going out to communicate what firearms regulations are about. He has seen that by doing so, he has encouraged people to consult him. By answering their questions, he is confident that people will come to understand their own and others' interests in respecting the law so that firearms are used responsibly and safely.

New Minister of Justice



On November 4, 1993, the Honourable Allan Rock, Member of Parliament for Etobicoke Centre, became the new Minister of Justice and Attorney General of Canada. Mr. Rock is well known in the legal community, notably from his work as Benchler and Treasurer of the Law Society of Upper Canada. He was also a senior partner in the Toronto firm Fasken Campbell Godfrey, where he specialized in civil litigation.

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- examples of firearms accidents and what you can do to prevent them, and
- the legal requirements and social responsibilities of firearms owners.

the two-part test covers safety practices and knowledge of the firearms law

The Canadian Firearms Safety Course takes approximately 12 hours and can be given in one or more sessions, depending on the group and location. People with a new FAC wishing to hunt, target-shoot, and so on, will likely require additional training in those skills.

The two-part test covers safety practices and knowledge of the firearms law, not shooting skills or detailed technical knowledge. The 20-minute practical test requires you to demonstrate safe handling, loading and unloading practices.

The 20-minute written test can be conducted orally, if necessary.

Approximately 600 Master Instructors for the Canadian Firearms Safety Course have been trained across Canada. Their formal certification as Master Instructors will come from the Chief Provincial/Territorial Firearms Officer (CP/TFO) in their respective province or territory.

The Master Instructors will continue to train other instructors to conduct the firearms safety course or test. These instructors will also be certified by their CP/TFO.

The Student Handbook reflects the comments and suggestions of individuals and groups who took the time to offer their advice on the content. The CP/TFOs are responsible for distributing the Student Handbook and all other training aids in their respective provinces and territories. They will also issue a



special form of recognition to those who have successfully completed the firearms safety course.

The provinces and territories are responsible for the delivery of the Firearms Safety Education Program. For more information on the Canadian

Firearms Safety Course, please contact your Chief Provincial/Territorial Firearms Officer or local firearms officer.

In the coming months, look for a special issue of *Aiming for Safety* devoted to the Firearms Safety Education Program.

Court decisions regarding firearms

In three decisions in September 1993 (*R. v. Finlay*, *R. v. Creighton*, and *R. v. Gosset*), the Supreme Court of Canada ruled that the offence of careless use, carriage, handling, shipping or storage of firearms or ammunition (*Criminal Code* subsection 86(2)) does not offend the *Charter of Rights*.

The Court observed that the risks and hazards associated with firearms were well-known and sufficiently serious to place those who have them under a strict and specific duty to take reasonable safety precautions.

One of the tests used to determine whether a firearm is a prohibited weapon under the *Criminal Code* is whether it is an automatic firearm. It may be prohibited if it is "capable of... firing projectiles in rapid succession during one pressure of the trigger." In *The Queen v. Bernard Hasselwander*, May 1993, the Supreme Court held that any firearm which is "capable of conversion to an automatic weapon in a relatively short period of time with

relative ease" must still be considered as a prohibited weapon "capable" of automatic fire.

This interpretation of "capable" will assist police agencies, forensic experts and the courts in identifying prohibited firearms.

In the October 1993 case of *R. v. Felawka*, the Supreme Court was faced with several issues dealing with the carrying of a concealed firearm (*Criminal Code* section 89). The Court held that a firearm must always be considered to be a "weapon" as defined in the *Criminal Code*. Even where the person has it for a legitimate reason, it must not be concealed, except where required by other laws, such as federal or provincial regulations that require guns to be transported in containers. The law prohibits the concealment of weapons for any reason; concealment is not permitted even if the person who has the weapon has no intention of using it for an improper purpose.

Applying for a Firearms Acquisition Certificate?

If you are applying for a Firearms Acquisition Certificate (FAC), keep in mind the following information:

- You must be at least 18 years of age. Individuals under 18 may apply for a Minors' Permit under special circumstances.
- The FAC application form is available from your local police service.
- Include the \$50 fee or \$25 renewal fee with your application. If you are renewing, you must do so before the expiry date of your current FAC. The fee is non-refundable. There is no charge for an FAC for sustenance purposes.
- Supply a clear, current photograph showing your head and shoulders. You may be required to appear personally before the firearms officer once in the process.
- Enclose a document showing proof that you have passed the approved firearms safety test. This law came into effect on January 1, 1994, in British Columbia, Alberta, Ontario, Quebec, Prince Edward Island and the Yukon Territory. In Manitoba, New Brunswick, Nova Scotia, and Newfoundland, the law will come into effect on April 1, 1994. It will come into effect on September 1, 1994, in Saskatchewan and the Northwest Territories. Alternatively, certification may be granted by your firearms officer, if you have owned a firearm since January 1, 1979, and meet the criteria of competence prescribed by regulation.
- Answer completely the questions on the application form.
- Supply the names of two people who have known you for at least three years, and who can verify the information on your application. Persons who may act as references are listed on the FAC application form. (Some provinces and territories may set additional requirements.)
- Submit the application to your local police service or firearms officer.

There is a 28-day waiting period once your application is received.

The questions on the application form were designed to screen out individuals who might misuse firearms. The firearms officer may ask for additional information while reviewing the application and deciding whether to issue an FAC, and the local police may conduct a community check to determine the degree of risk. The new FAC process was implemented to help ensure the safety of the applicant and of others.

Police Training

Current police practices do not make full use of the specific provisions in the *Criminal Code* which prohibit persons guilty of serious drug offences, as well as violent and stalking crimes, from obtaining or possessing firearms which they could use to intimidate their victims. A program is being developed to train police on how to use the law to prevent incidents such as homicides and suicides, as well as accidental deaths and injuries resulting from the misuse of firearms in violent situations.

The *Criminal Code* provisions in question are those relating to the refusal of a Firearms Acquisition Certificate, the revocation of permits, and the process of applying for a prohibition, as well as regulations that define safe storage provisions. The provisions are designed to allow police officers to respond to specific situations and also to act in a preventive sense based on concern for the safety of an individual. A person at risk to himself/herself or others can be prohibited from possessing firearms, ammunition and explosives.

A framework paper has been developed by a joint federal-provincial committee to show the link between the

Summary

Provide the following five items:

- a completed application form,
- the appropriate fee,
- a photograph,
- proof that you have passed the approved firearms safety test, and
- the signatures of two references.

Should you require further assistance, please check with your firearms officer, local registrar of firearms, or local police.

law and police powers to prevent possession and use of firearms in domestic and other violent situations. A training program, based on the framework paper, will provide strategies for police to combat many potentially violent situations. Training materials will include statistics on homicides, suicides and accidental deaths by firearms. The materials will also provide on-the-job reference aids such as pamphlets, charts and notebook inserts.

André Brosseau Retires

Inspector André Brosseau, Chief Provincial Firearms Officer for Quebec since 1986, retired in September 1993 after 16 years of service at the *Direction des permis et des activités générales* of the *Sûreté du Québec*. Inspector Brosseau's vast experience and leadership served him well during all his years with the Force. As the Quebec government's representative for the legislative and administrative measures related to firearms, his contribution has enhanced the safety of the Canadian public.

Captain Pierre Vincent replaced Inspector Brosseau. We will feature an interview with Mr. Vincent in an upcoming edition.

Safe Storage of Firearms – A success story

When a program works well, it is often copied. This story is about a group of people who took the initiative to make their community safer. They set up a program for the voluntary lock-up of firearms.

The program has been so successful that it has been emulated elsewhere. By including this article, we hope to further spread the idea and the benefits.

“Dodge City of the North” was once the epithet of Pukatawagan, but no more. This community of 1400 people in northwestern Manitoba once averaged four to seven murders a year, but since 1988, there has been only one murder.

What accounts for this dramatic reduction in offences involving firearms? In 1987, the people approached then Chief Pascall Bighetty and the Band Council about the high rate of violent deaths. The same year, the Chief and Council requested that all residents who own guns keep them locked up in a secure room in the Band Office.

The program has always been voluntary. Currently, there are approximately 300 firearms locked up at any given time — about 75 percent of all guns in Pukatawagan. The Band constables are responsible for the room's security. Following hunting seasons, the constables generally go door to door gathering firearms.

They hope that, with time, all members in the community who possess firearms will store them in the locked facility, away from their homes.

The experience of Pukatawagan was featured in May 1993 by CBC Almanac in Winnipeg, then by Saturday Report and prime time television. Since word has spread of its success, similar safety initiatives have been endorsed by other communities, including God's Lake Narrows First Nation Reserve and God's Lake Narrows Settlement.

The firearms lock up program has likely saved many lives in Pukatawagan, Manitoba. Chief Ralph Caribou and the people of Pukatawagan are proud of their progress, and they can also be commended for helping other

communities with similar initiatives. Their success in preventing needless deaths is cause for celebration.

Others wishing to establish a safe storage facility are encouraged to consult their local firearms officer or Chief Provincial/Territorial Firearms Officer. Recent amendments to the *Criminal Code* allow municipalities, band councils, non-profit organizations and businesses to apply for a licence to store firearms. These amendments were made to promote the safe storage of firearms.

Safe storage reminder

Everyone in Canada has a role to play in gun control. If you are the owner or user of a firearm, you know that complying with the law will help make this country a safer place. If you don't own a firearm, you may still depend on others' safe use and storage of firearms in your home or cottage, in transit, and so on. In any case, you can encourage neighbours, friends and relatives who own or use firearms to find out what the rules are and how they can comply.

The legal requirements regarding the safe storage of firearms are:

- All firearms must be stored unloaded.
- Firearms must be stored separate from ammunition except when they are stored in a locked vault or safe.
- Non-restricted firearms must be made inoperable by removing the bolt or bolt-carrier, locked by a gun lock, or kept in a locked case.
- Restricted weapons must be protected by a gun lock *and* kept in a locked container or room. No gun lock is required if the firearm is kept in a safe or vault, or in a room

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Annual Firearms Report

In May 1993, the Solicitor General of Canada tabled in Parliament the RCMP Commissioner's 1992 *Annual Firearms Report*.

The report indicates that 291,432 Firearms Acquisition Certificates were issued in 1992, an increase of 88,389 over 1991.

There were 4,483 business permits issued for the retail sale of firearms, slightly fewer than the 4,617 permits that had been issued in 1991. A further 3,639 permits were issued for the sale of ammunition only.

As of December 31, 1992, there were 1,054,625 restricted weapons registered in Canada. Compared to

the previous year, this represents an increase of 42,824, or approximately 4 percent.

Also contained in the report are statistics on lost and stolen firearms, and charges laid under certain offence provisions in the *Criminal Code* of Canada.

Copies of the Annual Report are available on request from the:
Solicitor General of Canada
Communications Group
340 Laurier Avenue West
Ottawa, Ontario K1A 0P8

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designed for the secure storage of restricted firearms.

In certain situations, it is best to store firearms away from the home. If any of the following situations apply to you, ensure your own and your family's safety and store your firearm away from your home. If you are aware of the risk of violence with firearms in another home, contribute to the safety of others by notifying police authorities.

Here are a few suggestions:

- **You are regularizing your storage arrangements.** If you need more time to set up your own safe storage according to the new rules listed above, contact your local police or firearms officer to have your firearms temporarily stored elsewhere.

- **You are going to be away from home.** You may wish to have your firearms stored in safe keeping away from your home during your absence. If you have restricted firearms, check with your local registrar of firearms regarding alternative secure storage arrangements and the permit required.
- **You are aware of a stressful situation in a home.** If there is an inherent danger or chance that a firearm could be accessed and misused, it is advisable to remove it from the home to prevent its being used by the wrong person or for the wrong purpose, either intentionally or accidentally.

Your compliance with these rules can reduce the number of deaths and injuries caused by firearms.

Solicitor General of Canada Launches National Survey on Weapons In Canadian Schools

On September 1, 1993, the Solicitor General of Canada initiated a national survey of police officers, customs officials, and educators to determine the number and use of weapons among school-aged children. The goal of the project is to use the findings to develop crime prevention and safety promotion policies and programs to address this aspect of youth violence in Canada.

For the most part, schools in Canada are seen as safe places for staff and students. However, there is a growing public perception and concern, bolstered by media reports and feedback from teachers and police services, that violence in schools is on the increase.

The study will examine regional data on weapons ownership and use in Canadian schools within the last

five years, including information on the type of weapons, the source of ownership, personal and demographic characteristics of offending youth, and the factors that influence weapon-based violence in schools. Importantly, this study will provide baseline data on the patterns and trends of weapons use to serve as a benchmark to compare future trends in weapons possession and use by youth.

The project is funded under the federal government's *Brighter Futures Initiative*. A final report will be submitted by May 1994.

For further information or input, please contact Joan Fisher, Solicitor General Canada, at (613) 990-2710 or Tony Dittenhoffer, Department of Justice Canada, at (613) 957-9603.

You were asking...

1. What is the fee for a Firearms Acquisition Certificate (FAC) if I had one in the past?

The fee to renew a current FAC is \$25, if you do so before your current one expires. Otherwise, the fee is \$50. The screening procedures are the same regardless of whether they are renewals or initial applications.

2. What is legally required when a firearm is inherited?

A person must have a current Firearms Acquisition Certificate in order to take possession of an inherited firearm. Other permits are required as well, if the firearm is a handgun or other type of restricted weapon. There are some temporary exemptions which allow an executor to temporarily possess a firearm for later transfer to an heir, once the heir has the necessary certificates and/or permits. Restricted weapons must be re-registered as soon as possible after the registered owner dies. Local and provincial or territorial firearms authorities can assist in identifying the rules which apply to particular firearms or situations.

If you intend to leave a firearm to someone in your will, make sure that your lawyer and executor know about the firearm, and that some transfers are prohibited by law. Your lawyer may want to refer to Part III of the *Criminal Code* or consult local firearms authorities when he or she drafts your will.

3. What are the requirements to transport my non-restricted firearm?

All types of firearms must always be transported unloaded. Non-restricted firearms such as hunting rifles or shotguns need not be locked as long as

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you are with the vehicle. If they are left in a vehicle unattended, they must be locked in the trunk or kept out of sight with the vehicle locked. If the vehicle cannot be locked, the firearm must be attended.

4. Can someone who does not possess a Firearms Acquisition Certificate borrow a firearm to go hunting?

Yes, on the condition that the person who borrows the firearm uses it under the immediate supervision of the legal owner.

5. Can a person store a firearm with a firm operating a firearms business (a retailer) when on vacation?

A person may store his or her firearm with a firearms retailer only if the retailer's permit includes the storage clause, and if the retailer has paid all of the specified fees. In the case of a restricted firearm, the owner must first obtain the necessary permit to transport the firearm to the place of business.

6. Can a person donate a firearm to a military museum or to another type of museum?

Yes. However, he or she must make sure that the military museum is authorized by the Chief of Defence Staff, or that the museum is approved by the Attorney General of the respective province/territory.

Need more information?

If you are unclear on any of the new firearms control laws, contact your Chief Provincial or Territorial Firearms Officer or your local police service or firearms officer. You may also write to the Firearms Control Task Group, Department of Justice, 222 Queen Street, Ottawa, Ontario, K1A 0H8. Facsimile: (613) 941-1991.

Brochures:

- Firearms Acquisition Certificates
- Safe Storage, Display, Handling and Transportation
- Barrel Length and Antique Firearms
- Genuine Gun Collectors and Converted Fully-Automatic Weapons
- Weapons Prohibited and Restricted by Order in Council
- Canadian Firearms Safety Course

Resource materials:

- Part III, Firearms and Offensive Weapons, *Criminal Code*
- RCMP Commissioner's Annual Firearms Report (1992)
- Weapons Prohibited or Restricted by Order in Council Reference Manual
- Consolidated Regulations Pertaining to Part III of the *Criminal Code*

Videos:

- Focus on the Firearms Legislation
- Storage, Display, Handling, and Transportation Regulations
- The Firearms Acquisition Certificate: Procedures
- Firearms Identification
- Firearms Business Permits
- Restricted Weapons
- Search, Seizure and Prohibition Orders
- Deactivation of Firearms
- Verification of Deactivation
- Genuine Gun Collectors

You may also request transcripts of these videos.

New Brochure

Revenue Canada (Customs, Excise and Taxation), with input from the Department of Justice Canada, produced a new brochure entitled *Importing a Firearm or Weapon into Canada*. The brochure provides Canadian residents and visitors to Canada with an outline of requirements regarding importing firearms and weapons into Canada. You may obtain one at any Customs office, or by writing to Customs Office, 2265 St. Laurent Boulevard, Ottawa, Ontario, K1G 4K3.

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