



Public Safety    Sécurité publique  
Canada            Canada

Deputy Minister    Sous-ministre

Ottawa, Canada  
K1A 0P8

For your meeting with:  
The Canadian Firearms Advisory  
Committee (CFAC) on  
April 25, 2013

DATE: **APR 23 2013**

**SECRET**

File No.: 394684  
RDIMS No.: SEC6627

**MEMORANDUM FOR THE MINISTER**

**MEETING WITH THE CANADIAN FIREARMS ADVISORY COMMITTEE,  
APRIL 25, 2013**

(Information Only)

**ISSUE**

You and Parliamentary Secretary Bergen are scheduled to meet with the Canadian Firearms Advisory Committee (CFAC), in Ottawa on April 25, 2013. Briefing materials for the meeting are attached.

**BACKGROUND**

The Canadian Firearms Advisory Committee was established in July 2006, under the authority of the *Department of Public Safety and Emergency Preparedness Act*, to provide advice to the Minister of Public Safety on the reform of Canada's firearms laws and regulations. The Committee's Terms of Reference are attached (**TAB A**).

The Committee is currently composed of 12 members. Biographies are attached (**TAB B**). It is comprised of individuals who are civilian firearm users, those with law enforcement experience and others with a background in public policy issues. Members serve for a two-year term with current tenures expiring in July 2013.

Since its creation, the Committee has met on ten occasions, six of which have been in-person with the Minister, with the remaining four held by teleconference. You have met with this Committee on three occasions: June 16, 2010 by teleconference and November 30/December 1, 2010 and March 26-27, 2012 in-person.

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CFAC recommendations and the Departmental Record of Discussions from your last meeting of March 2012 are included (TAB C) and (TAB D).

**CURRENT STATUS**

The meeting of the CFAC will be held in the 19<sup>th</sup> floor executive boardroom at 269 Laurier Avenue West, commencing at 8:30 a.m. The meeting agenda and event scenario are enclosed (TAB E) and (TAB F).

Opening and closing remarks have been prepared for your use (TAB G) and (TAB H) and for the Parliamentary Secretary (TAB I) and (TAB J).

[REDACTED]  
*Firearms Marking Regulations*. Deck presentations and background briefs on the specific issues to be discussed are attached (TAB K).

**CONSIDERATIONS**

[REDACTED]

In October 2012, the government tabled proposed amendments to the *Firearms Marking Regulations*. Shortly thereafter, in November 2012, the government deferred the coming into force of the existing regulations in order to consult broadly on the proposed amendments and what changes, if any, are needed to the *Firearms Marking Regulations*. [REDACTED] the marking regulations.

On December 6, 2012, Prime Minister Stephen Harper stated in Parliament that the Committee's recommendations, stemming from the March 2012 meeting, did not reflect government policy and that the Committee would need some re-examination in light of some of the recommendations made.

In February 2013, tenures for three members were terminated (Ms. Linda Baggaley, Mr. Kerry Higgins and Mr. Gerry Gamble), while three new members (Chief Rick Hanson, Mr. Mike Sutherland and Chief Constable Rob Rich) were appointed. This is the first meeting of the Committee since these changes were made.

- s.21(1)(a)
- s.21(1)(b)
- s.69(1)(g) re (a)

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Similarly to previous CFAC meetings, in addition to yourself and the Parliamentary Secretary, departmental and RCMP officials will also be attending to engage in substantive discussions with Committee members on possible firearms reforms.

**NEXT STEPS**

A briefing in preparation for your participation at the upcoming CFAC meeting has been scheduled for April 24, 2013.

Should you require additional information, please do not hesitate to contact me or Mr. Mark Potter, Acting Assistant Deputy Minister, Law Enforcement and Policing Branch, at 613-991-1632.

  
François Guimont

Enclosures: (11)

Prepared by: Vesna Knezevic



## **Canadian Firearms Advisory Committee Terms of Reference**

### **PURPOSE**

Within the context of current government policy, to provide advice to the Minister of Public Safety on the reform of Canada's firearms laws and regulations in keeping within the commitment of the Government to replace Bill C-68.

In the public consultation process, particular emphasis will be placed by the Committee on providing advice related to:

- improving the efficiency and effectiveness of gun control laws and regulations in combating weapons crime, including strict monitoring of high risk individuals prohibited from owning firearms and tighter restrictions on bail or parole for firearms offences;
- eliminating waste in the current system in order to be able to reinvest more resources into frontline policing and supporting victims of crime; and
- eliminating rules and regulations that fail to enhance public safety while maintaining:
  - safe storage laws;
  - firearms safety training; and
  - a certification system requiring background checks.

### **COMPOSITION**

The Committee will consist of up to 15 members. It will include individuals who are civilian firearms users, those with extensive law enforcement experience and others with a background in public policy issues.

Members serve in their own right and not as representatives or delegates of their host organization. Consequently, substitutes will not be accepted.

The Committee appointed spokespeople (2) will chair the Committee.

### **TERMS OF APPOINTMENT**

Members will serve on the Committee for two years. In order to enhance the effectiveness of their work, they will undergo background checks for the purpose of receiving a security clearance.

### **LOCATION AND FREQUENCY OF MEETINGS**

Meetings will be held in Ottawa or as decided by the Chair. The Committee will meet as necessary in order to provide advice to the minister related to the drafting of reform legislation and regulations and thereafter up to four times per year to monitor the implementation process.

Subcommittees or working groups may be formed as necessary. The input of Committee members may be sought between meetings as circumstances dictate.

### **AGENDAS AND MATERIALS**

Members' input will be sought for agendas. Every effort will be made to finalize agendas in advance of meetings to facilitate preparation and distribution of necessary materials.

Between meetings, members will receive timely updates on consultative activities and any relevant releases.

All documentation will be available in both official languages and all members are invited to use the official language of their choice.

Records of meetings will be maintained as Records of Discussion.

### **COMMUNICATIONS**

All public communications regarding the deliberations for the Committee will come from Public Safety Canada. From time to time, the Minister or the Deputy Minister may seek the involvement of individual members in public communication activities.

### **REIMBURSEMENT**

Committee members are entitled to reimbursement for reasonable travel expenses in accordance with Treasury Board policy.

# BIOGRAPHY

**TONY BERNARDO**  
**EXECUTIVE DIRECTOR**  
**CANADIAN INSTITUTE FOR LEGISLATIVE ACTION**  
**CANADIAN SHOOTING SPORTS ASSOCIATION**

*Picture (if available)*

## **BIOGRAPHY**

Mr. Bernardo is the Executive Director of the Canadian Institute for Legislative Action. He is also Executive Director of the Canadian Shooting Sports Association.

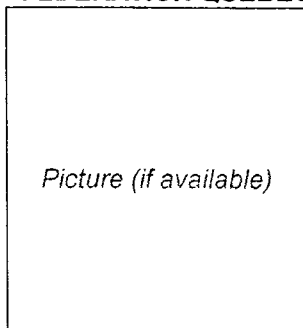
and is active with the World Forum on the Future of Sport Shooting Activities.

**s.19(1)**

**SOURCE: Biography used previously by the Department, validated by Mr. Bernardo in 2012.**

# BIOGRAPHY

**ALAIN COSSETTE**  
**DIRECTOR GENERAL**  
**FÉDÉRATION QUÉBÉCOISE DE LA FAUNE**



## **BIOGRAPHY**

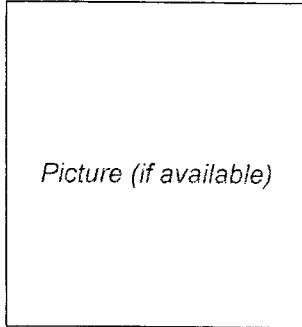
Mr. Cossette has been the Director General of the Fédération québécoise de la faune (Quebec Wildlife Federation) since 1997.

**SOURCE:** Biography used previously by the Department, validated by Mr. Cossette in 2012.



# BIOGRAPHY

**LOUIS D'AMOUR**



## BIOGRAPHY



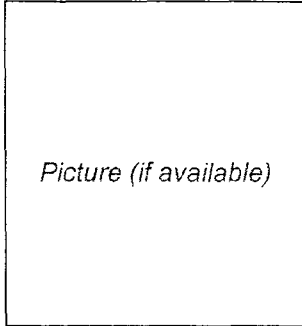
He is currently a public servant in the employ of the RCMP, working at the Central Processing Site (CPS) in Miramichi.

**s.19(1)**

**SOURCE:** Biography used previously by the Department, validated by Mr. D'Amour in 2012.

# BIOGRAPHY

**GREG FARRANT**  
**MANAGER, GOVERNMENT AFFAIRS & POLICY**  
**ONTARIO FEDERATION OF ANGLERS AND HUNTERS**



## BIOGRAPHY

[REDACTED]

He is currently the  
Manager of Government Affairs & Policy for the Ontario Federation of Anglers and  
Hunters, [REDACTED]

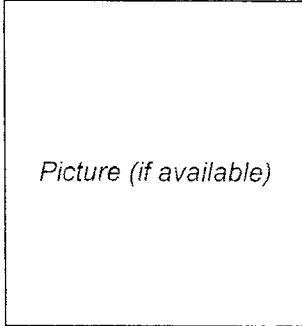
[REDACTED]

s.19(1)

**SOURCE: Biography used previously by the Department, validated by Mr. Farrant in 2012.**

# BIOGRAPHY

**JOHN GAYDER  
CONSTABLE  
NIAGARA PARKS POLICE**



## **BIOGRAPHY**

Mr. Gayder is a Constable with the Niagara Parks Police in Ontario. He has been a front-line police officer since 1989. From 1983 to 1990 he was a member of the Canadian Armed Forces Reserve. [REDACTED]

**s.19(1)**

**SOURCE: Biography used previously by the Department, validated by Mr. Gayder in 2012.**

# BIOGRAPHY

**MURRAY GRISMER  
PATROL SERGEANT  
SASKATOON CITY POLICE**

*Picture (if available)*

## **BIOGRAPHY**

Mr. Grismer is Patrol Sergeant with the Saskatoon City Police with over 25 years of service. At present, he supervises a team of ten constables; frontline men and women responsible for policing the second-largest geographic area in the city of Saskatoon. He is also a spokesman on firearms issues for the Saskatoon City Police Association and a former spokesperson for the Saskatchewan Federation of Police Officers.

Mr. Grismer is a Master Instructor for both Canadian Firearms Safety Courses and an approved Verifier; he has also been qualified by the Courts of Saskatchewan as an Expert Witness on firearms.

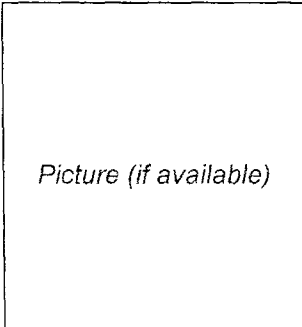
**s.19(1)**

**SOURCE: Biography used previously by the Department, validated by Mr. Grismer in 2012.**

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# BIOGRAPHY

**RICK HANSON**  
**CHIEF**  
**CALGARY POLICE FORCE**



## BIOGRAPHY

Chief Rick Hanson is a Calgary native who joined the Calgary Police Service in February 1975 and was appointed Chief of Police for the Calgary Police Service in 2007. During his 34 years of service, Chief Hanson worked in a number of different areas in policing. [REDACTED]

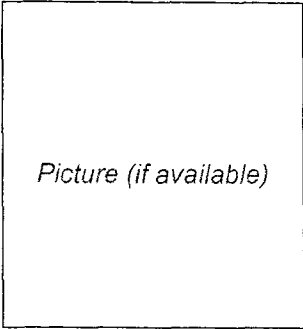
[REDACTED] Over the last 15 years, he has been in senior management roles both within the RCMP and the Calgary Police Service.

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**SOURCE:** Information taken from open source requires validation by Chief Hanson.

# BIOGRAPHY

**GARY MAUSER  
PROFESSOR EMERITUS  
SIMON FRASER UNIVERSITY**



*Picture (if available)*

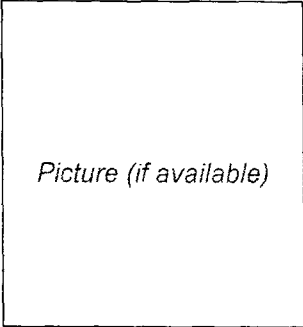
## **BIOGRAPHY**

Dr. Mauser is a criminologist who has published numerous studies in peer-reviewed academic journals. He is a Professor Emeritus in the Institute for Urban Canadian Research Studies and the Faculty of Business Administration at Simon Fraser University. His most relevant publications include, "*Would Banning Firearms Reduce Murder and Suicide? A Review of International Evidence*," Harvard Journal of Law and Public Policy. (With Don B. Kates). Many of his publications are available on the Social Science Research Network (SSRN).

**SOURCE: Biography used previously by the Department, validated by Mr. Grismer in 2012.**

# BIOGRAPHY

**BOB RICH**  
**CHIEF CONSTABLE**  
**ABBOTSFORD POLICE DEPARTMENT**



*Picture (if available)*

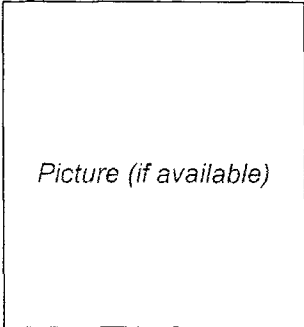
## **BIOGRAPHY**

Prior to being appointed as Chief Constable of the Abbotsford Police Department in 2008, Bob Rich held the rank of Deputy Chief Constable with 28 years of service with the Vancouver Police Department (VPD). Chief Constable Rich has a law degree from the University of British Columbia and was called to the bar in B.C. in 1980. He was a founding member of the Board of the Greater Vancouver Transportation Authority Police Service which was started in 2004 to police the Skytrain system in the lower mainland. He is also a Board member with Covenant House which provides emergency shelter, counselling and long-term housing for homeless youth in Vancouver. In 2007 he became the President of the BC Association of Municipal Chiefs of Police. In May 2012, Chief Constable Rich was vested as a Member of the Order of Merit for Police Forces in Canada by the Governor General for his contributions to policing in B.C.

**SOURCE:** Information taken from open source requires validation by Chief Constable Rich.

# BIOGRAPHY

**MIKE SUTHERLAND**  
**PRESIDENT**  
**WINNIPEG POLICE ASSOCIATION**



*Picture (if available)*

## **BIOGRAPHY**

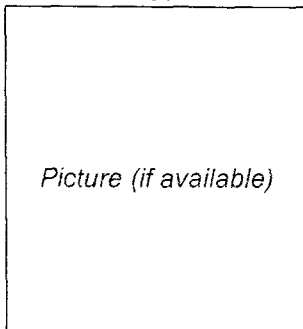
Mr. Sutherland is the president of the Winnipeg Police Association, representing nearly 1,800 members from the Winnipeg Police Service's police and civilian sectors. Mr. Sutherland began his career as a police officer in 1987 and spent time in uniform patrol and detective divisions before being promoted to Detective Sergeant. His formal involvement with association affairs dates back to 1997. He was assigned to the homicide unit before being elected as the full-time president of the Winnipeg Police Association in April 2008.

**SOURCE: Information taken from open source requires validation by Mr. Sutherland.**



# BIOGRAPHY

**LINDA THOM**



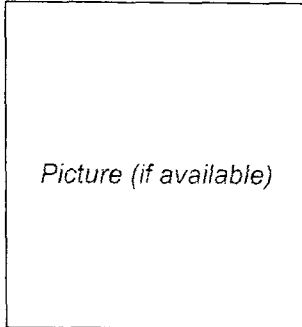
## **BIOGRAPHY**

Ms. Thom took the Gold Medal in the Sport Pistol event at the 1984 Los Angeles Olympic Games. Hers was the first individual gold medal for Canada since 1956 and the first gold for a Canadian woman since the 1928 summer games. In 1985, Ms. Thom was made a Member of the Order of Canada.

**SOURCE: Biography used previously by the Department, validated by Ms. Thom in 2012.**

# BIOGRAPHY

**STEVE TORINO**



## BIOGRAPHY

[REDACTED]

He was the Co-Chair, for seven years, of the Minister's User Group on Firearms that was established in 1995 (the Committee disbanded in 2003), and was a member of the Commissioner of Firearms Program Advisory Committee from 2003 to 2006. He is currently the Co-Chair of the Minister's Canadian Firearms Advisory Committee. [REDACTED] Committee, [REDACTED]

[REDACTED] Mr. Torino is currently President of the Canada Shooting Sports Association.

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**SOURCE:** Biography used previously by the Department, validated by Mr. Torino in 2012.

## Canadian Firearms Advisory Committee

Honorable Vic Toews, P.C., M.P.  
Minister of Public Safety and National Security  
269 Laurier Avenue West  
Ottawa, Ontario, K1A 0P8

April 19th 2012

Dear Minister Toews:

Enclosed please find the summary recommendations from our deliberations of March 25th through the 27th 2012. Your presence, insight and contributions to the points raised were extremely helpful to the Committee members in this regard and were greatly appreciated by all.

The presence of your parliamentary secretary, Candice Hoepfner M.P., through the entire process was also a great aid to the members in arriving at the recommendations as presented verbally at this meeting.

Also, being able to speak with Ministry officials and receive their viewpoints helped the members examine the issues from all points of view.

We would like to thank you for this opportunity to contribute to the improvement of the present system in a way that addresses current issues and brings a more effective and personal approach to the firearms program.

Again, on behalf of the members of your Advisory Committee, our thanks for all your efforts regarding the firearms file, for your continued support of this issue and for all considerations extended to the Committee members.

We greatly appreciate the Harper government's support for the firearms community, and we continue to support the initiatives you and this government have undertaken to correct previous blunders, as you move forward on this program. We look forward to continuing to work with you and your Ministry, and to speaking with you again at your convenience.

Yours sincerely,

Steve Torino  
Co-Chair

Linda Baggaley  
Co-Chair

cc: Candice Hoepfner, M.P., Parliamentary Assistant to the Minister  
cc: Garry Breitkreuz, M.P.,

	Linda Baggaley	Steve Torino	
Tony Bernardo	Alain Cossette	Louis D'Amour	Greg Farrant
Gerry Gamble	John Gayder	Murray Grismer	Kerry Higgins
	Gary Mauser, PhD	Linda Thom	

# Canadian Firearms Advisory Committee

## Recommendations for Minister Vic Toews Meeting of March 26-27 2012

- **Licensing Reform.**
- **Merging of Current Licenses**
  - Both POL and PAL licenses should be merged into one. This will produce a great cost saving for both the government and firearm owners .
  - With the proclamation of C-19, the purpose of the POL ceases to exist. The merging of the POL to PAL brings licensing in line with the spirit, intent and reality of the changes implemented in C-19.
  - Grandfather all expired licenses instead of issuing revocation notices. Therefore there will be no paperwork criminals in the system.
  - There is no public safety concern as there is no demonstrable difference in the safety record of POL versus PAL holders.
  - The implementation of this merger will solve numerous issues as discussed, including addressing some 338,000 lapsed and/or non-renewed licenses.
  - A communications Plan is needed at this point to inform Canadians about the reality of licenses and the effects of the licensing reform.
- **Term of License**
- **Longer duration, or continuous eligibility Licenses**
  - It is recommended that all licenses be of a term of not less than ten (10) years (or longer), with specific data updates to be determined.
  - If the license expires, it should go into suspension until renewed, removing the criminalization of the firearm possessor. This ensures that firearms owners do not leave the system and are subject to continuous eligibility.
  - Continuous eligibility verification is working well and will serve as a control tool.
- **ATT inclusion required**

There is no need for specific Authorizations to Transport for activities already prescribed in the Firearms Act. As already provided for in the legislation, these should be a condition of a license without changing the current legislation.

This will reduce the paperwork drain on resources for both the government and firearms owners.
- **Technical Advisory Committee.**
  - A committee made up of recognized firearm experts from industry and government appointed experts is recommended to have input into the current classification/reclassification process, which is a source of irritation.
  - This committee should be composed of six members, four from industry and two from government sources.
  - This committee is recommended for classification/reclassification considerations of all firearms, including new imports and revisions of present firearms in order to ensure uniform classification standards.
- **Public Agents.**

**Sale/Trade-in of seized firearms and public agency firearms:**

Such firearms are prevented by the current regulations from being traded in or legally sold. Current legislation requires their destruction as the only disposal option.

These regulations should be amended to allow the public agency to sell or otherwise legally dispose of these firearms for needed financial resources to the agency or donation to non-governmental charitable organizations.

- **UN Firearm Marking regulations.**

The requirement for adding "CA 12" or similar marking to a newly imported firearm has proven unworkable.

The serial number of newly manufactured firearms contains information capable of identifying the production date, serial number and product code, and forms a unique identifier. Canadian importers have agreed that all newly manufactured firearms will have such a serial number from the manufacturer and have agreed that any specialty imports without such a number will have an RCMP FIN sticker, as is currently in use, installed thereon before final sale to the end user.

- **Gun Show regulations.**

These regulations should not be implemented. They serve no demonstrable purpose not served by the present system. The Storage, Transportation and Display regulations presently in force have worked well and continue to do so.

- **Unregistered prohibited firearms.**

There are a significant number of unregistered prohibited firearms. Their existence has been pointed out to government officials by this committee and prior advisory committees. These should be allowed to be registered by amending current legislation. This is an issue that needs addressing since legalizing them is a public safety issue.

- **Prohibited Persons Registry.**

Tightening the tracking and management of prohibited persons through the establishment of a Prohibited Persons Registry is recommended. This has been a prior proposal of this committee to track those not in the system.

- **Removal of F.A. section 12.**

- Serious consideration must be given to removing the repressive and costly classification of "prohibited" from the firearms listed in this section of the Firearms Act.
- Allow registration of all such firearms not presently registered but in circulation
- Such an anti-crime move is good Public Safety Policy, good political POLICY
- Restricted class has the same safety and security qualifications and requirements as the Prohibited class without the attendant seizure eventuality.
- They are all costly, and, in many cases, are historical firearms, representing some technological or other innovative approach to twentieth century technology, and are owned by collectors and target shooters.
- There is no public safety risk to reclassifying them as restricted This would make good public policy/safety sense.

- **RWRS system firearms.**

- There are still some 395,000 restricted and prohibited firearms that have not been transferred to the current system.
- This is an issue that requires the necessary human resources to input into the current system.
- A series of amnesties is needed to bring these firearms and their owners into the current program.

- **Committee Mandate.**

- To continue its role of looking for pitfalls and improvements in the current legislative setup.
- The members represent the credibility of the firearms community to the Government, as well as the credibility of the Government to the firearms community
- The members use their personal credibility built up over the years, which is on the line each day on both sides of this issue, and are pleased to carry on this role for the government and the firearms community.
- The members request the Minister's opinion on the mandate and role as the Minister's advisory committee. Direction from the Minister is requested on any specific issues to be engaged at this time and in the near future.
- Presently this committee has one empty position, there are applicants who could fill this gap. Can this matter be addressed by the Minister .

**Canadian Firearms Advisory Committee  
Lord Elgin Hotel, Ottawa  
March 26 - 27, 2012**

**Record of Discussion**

Committee Members in Attendance:

Ms. Linda Baggaley, Co-Chair	Mr. Gerry Gamble	Prof. Gary Mauser
Mr. Tony Bernardo	Mr. John Gayder	Ms. Linda Thom
Mr. Louis D'Amour	Mr. Murray Grismer	Mr. Steve Torino, Co-Chair
Mr. Greg Farrant	Mr. Kerry Higgins	

Members Unavailable: Mr. Alain Cossette

Minister and Minister's Office:

The Hon. Vic Toews Minister	Ms. Jessica Oliver Director of Policy	Mr. Tom Jarmyn Counsellor to the Minister
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Parliamentary Secretary and Parliamentary Secretary's Office:

Parliamentary Secretary Ms. Candice Hoepfner	Ms. Victoria McLaren Assistant to Parliamentary Secretary
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Public Safety Canada Officials:

Mr. Mark Potter Director General Policing Policy	Mr. Lyndon Murdock Director Firearms and Operational Policing Policy	Ms. Vesna Knezevic Manager Firearms and Operational Policing Policy
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Secretariat Function:

Ms. Sandra Maurice  
Policy Analyst  
Firearms and Operational  
Policing Policy

Presenters/Guests:

Assistant Commissioner Pierre Perron, Director  
General, Canadian Firearms Program, RCMP

Mr. Hwan Lee  
Acting Executive Assistant,  
Canadian Firearms Program

**Overview:**

The last meeting of the Minister's Canadian Firearms Advisory Committee was held in December 2010. This was the first meeting since Committee memberships were renewed in 2011, and since the introduction and passing at third reading in the House of Commons, of *Bill C-19, Ending the Long-gun Registry Act*. This also marked the first Committee meeting attended by the Parliamentary Secretary.

The following issues were identified for discussion:

1. Licencing Reform
  - a. Merger of the Possession Only Licence (POL) and the Possession and Acquisition Licence (PAL)
  - b. Duration of Licence Term
  - c. Authorizations to Transport (ATT)
2. Firearms Classification
  - a. Establishment of a Technical Advisory Committee
3. *Firearms Marking Regulations*
  - a. Serial Number
4. *Gun Shows Regulations*
  - a. Display and Transportation
5. *Public Agents Firearms Regulations*
  - a. Sale of Public Agency Firearms, including protected firearms
6. Public Outreach and Communications
  - a. Implications of *Bill C-19*

Mr. Steve Torino, Committee Co-chair, opened the meeting by welcoming the Parliamentary Secretary and Departmental Officials. This was followed by roundtable introductions by all participants.

Parliamentary Secretary, Candice Hoepfner, welcomed the Committee and thanked members for their support and contributions to the safety and security of Canadians. Ms. Hoepfner provided a brief summary of Bill C-391, an *Act to amend the Criminal Code and the Firearms Act (repeal of long-gun registry)* which she introduced in the House of Commons in 2009, then highlighted work on Bill C-19, *Ending the Long-gun Registry Act* which passed third reading in the House of Commons on February 15, 2012.

Ms. Hoepfner stated that the Government strongly supports firearms licencing and the continued registration of prohibited and restricted firearms.

s.21(1)(b)

[REDACTED]

Ms. Hoepfner concluded her remarks by highlighting recent Government initiatives to combat criminal activities.

Mr. Torino spoke to the role of the Committee, emphasizing that the members bring expertise, credibility, and a voice to the concerns of the firearms community. As such the

Committee is well positioned and available to provide advice to the Minister with respect to the reform of the firearms legislative and regulatory framework.

Mr. Torino recommended amendments to the formal meeting agenda by reordering items for discussion, starting with a focus on licencing reform and adding *Public Agents Firearms Regulations* as an additional item.

**Presentation from Assistant Commissioner, Pierre Perron, Director General, Canadian Firearms Program, Royal Canadian Mounted Police (RCMP).**

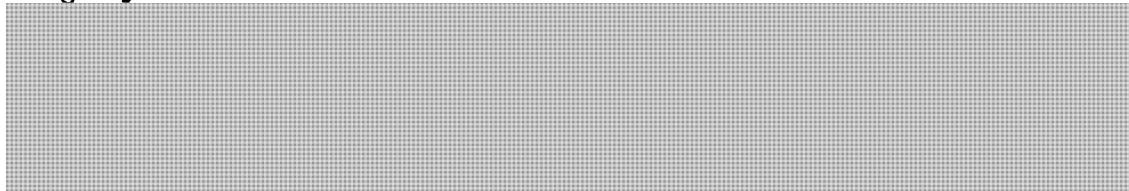
Assistant Commissioner Perron provided an overview of the mandate of the Canadian Firearms Program (CFP) including a synopsis of the roles and responsibilities of the organization and described the process for classifying a firearm based on the current legal framework, including the requirements established by the *Criminal Code* and its Regulations, as well as the role of Justice Canada and the court system.

**Discussions between the Committee and Officials**

- **Licencing Reform**

The discussion on licencing covered three topics: the merging of the Possession Only Licence (POL) and the Possession and Acquisition Licence (PAL), extending the term of firearms licences, and including the Authorization to Transport (ATT) as a condition of a licence.

***Merger of the POL and PAL***



s.21(1)(b)

**Recommendation:**



***Licence Duration***

Members expressed interest in extending the duration of firearms licences with general agreement that this should not be extended beyond a ten-year term. It was recommended that currently expired licencees be grandfathered allowing owners to keep firearms in their possession without a criminal charge or penalty. Expired licences would result in suspended privileges whereby individuals would not be permitted to purchase firearms, ammunition or to use their firearm until steps were taken to comply with licencing requirements.

The RCMP expressed concern that extending the duration of licences would limit their ability to monitor, on a timely basis, any changes to an individual's mental health status



s.21(1)(b)

(i.e., reduces the opportunities to identify any changes to an individual's personal circumstances).

Committee Recommendation: The Committee recommended extending the term of the licence to 10 years and suspending expired licences until steps were taken to come back into compliance.

***Authorizations to Transport (ATT)***

ATTs are currently issued by Chief Firearms Officers (CFO's). Members proposed that ATTs should be included as part of a licence and not treated as separate or additional requirements. It was highlighted that the *Firearms Act* does allow for ATT's to be issued Canada-wide.

Committee Recommendation: Authorizations to Transport (ATT) should be Canada-wide and included as a condition of a licence.

- **Firearms Classification**

***Establishment of a Technical Advisory Committee to review instances requiring changes to classification.***

There was a discussion of the process used by the RCMP to determine the classification of a firearm by utilizing the current legal framework consisting of the *Criminal Code* and associated regulations. There have been instances in the past where the initial classification needed to be corrected based on updated information provided by the manufacturer and/or subsequent physical inspection of the firearm.

Committee Recommendation: A Technical Advisory Committee should be established with representation from industry, the Committee's membership, and other experts to provide analysis in those cases where the classification of firearms needs to be reviewed/corrected. This would ensure that the expertise and views of owners and industry are taken into consideration in decision-making.

- **Firearms Marking Regulations**

The *Firearms Marking Regulations* are scheduled to come into force in the fall of 2012.

As part of the current regulations, there is a requirement for markings to be made on the frame or receiver of all firearms, imported into or manufactured in Canada. For manufactured firearms, they must bear the name of the manufacturer, serial number and

s.21(1)(b)

"Canada" or "CA". In the case of imported firearms, Canada or CA and the last two digits of the year of import are to be shown.

[REDACTED]

Members were under the impression that all new firearms being imported into Canada already included a serial number permanently affixed on the frame or receiver. Members stated that the serial number is a meaningful identifier. For example, a serial number is composed of a product code, date of manufacture and serial number.

[REDACTED]

Recommendation:

[REDACTED]

- *Gun Shows Regulations*

The *Gun Shows Regulations* are scheduled to come into force in the fall of 2012.

[REDACTED]

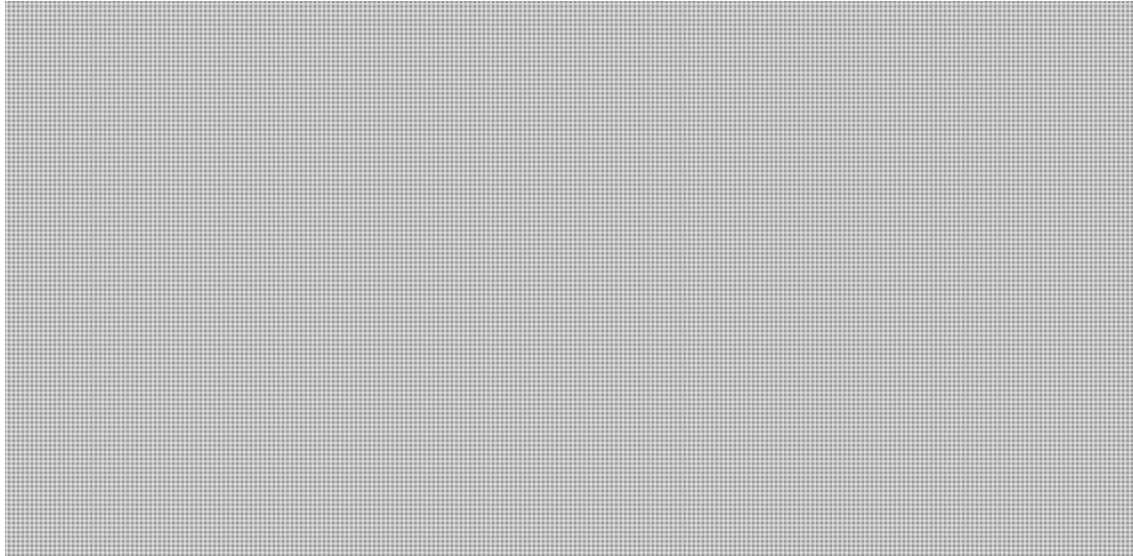
[REDACTED] The Committee committed to carefully reviewing the *Storage, Display, and Transportation of Firearms and Other Weapons by Businesses Regulations* against the proposed *Gun Shows Regulations* with a view to examining the display provisions [REDACTED]

[REDACTED]

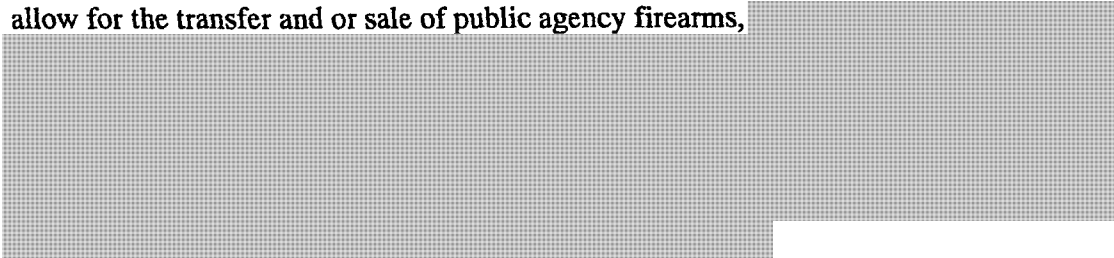
s.21(1)(b)

**Committee Recommendations:** Recommendations to be submitted to the Minister's Office and Departmental Officials for consideration by the week of April 2, 2012.

- **Public Agents Firearms Regulations**



**Committee Recommendation:** The *Public Agents Firearms Regulations* be amended to allow for the transfer and or sale of public agency firearms,



**Address by the Minister**

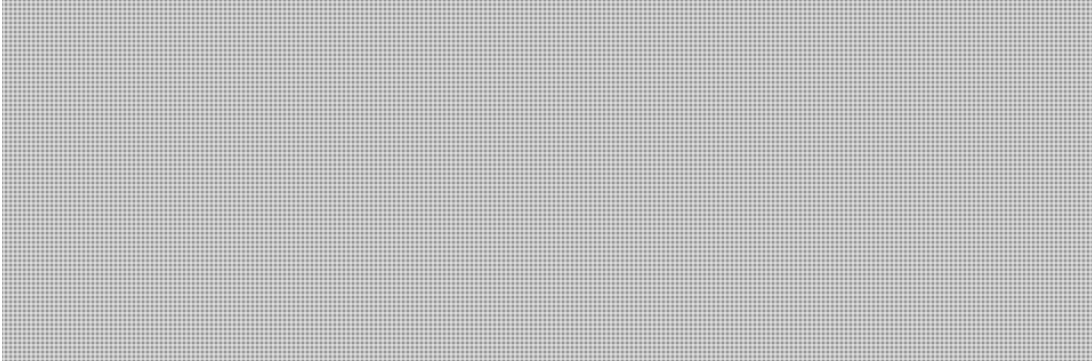
Minister Toews joined the meeting at 3:30 p.m. and took the opportunity to welcome returning Committee members as well as Mr. Higgins, as the newest member. The Minister noted that this was the first meeting since the Committee memberships were renewed and highlighted that much work had been accomplished since the last in-person meeting in December 2010 for which a general update was provided. The Minister thanked the Committee for their dedicated work and for their appearance as witnesses before the House of Commons committee in support of previous and current legislation.

The Minister thanked the Parliamentary Secretary for welcoming the Committee earlier in the day and for all of her efforts in advancing legislation to repeal the requirement to register long-guns.



s.21(1)(b)

The Minister was provided with an overview of the Committee's earlier discussions with Officials. It was highlighted that with respect to licencing, there was general agreement on the merging of the POL and PAL as there were limited safety risks associated with granting POL holders with acquisition privileges. Evidence suggests that POL holders do not have additional safety incidents related to their use of firearms. In relation to the issue of extending the duration of licences, the Committee had recommended that licences should be longer than 5 years, preferably 10 years to lifetime.



• **Public Outreach and Communications on the impact of Bill C-19**

Members recommended that a communications outreach program be developed to support the implementation of Bill C-19 as many constituents did not differentiate between registration and licences and needed to be provided with clarification on this, as well as the broader impact of Bill C-19.

**Recommendation:**



Additional issues raised by the Committee related to:

- The frequency of meetings, and a recommendation that there be more regular interaction between Committee Members and Departmental Officials,
  - The elimination of Section 12 provisions of the *Firearms Act*;
  - Examining best practices and experiences in other jurisdictions in relation to a Prohibited Persons Registry or Violent Offenders Registry;
  - Filling the vacancy on the Firearms Advisory Committee
- [Redacted]
- Establishing a system to help dealers and individuals confirm the validity of licences.

**Meeting of the Canadian Firearms Advisory Committee (CFAC)  
April 25, 2013**

**19<sup>th</sup> Floor Executive Boardroom  
Public Safety Canada  
269 Laurier Avenue West  
Ottawa, Ontario**

**s.21(1)(a)**

**AGENDA**

**Morning Session**

**8:30 - 10:30** CFAC Members only

***Arrival of the Parliamentary Secretary and Government Officials***

**10:30 - 10:35** Opening Remarks, Candice Bergen, Parliamentary Secretary to the Minister of Public Safety (5 minutes)

**10:35 - 10:40** Opening Remarks, CFAC Co-Chair, Steve Torino (5 minutes)  
o Acceptance of Agenda

**10:40 - 10:50** Introductions (CFAC Members / Officials / Guests) (10 minutes)

**10:50 - 11:00** Health Break (Light refreshments) (10 minutes)

**11:00 - 11:45** Discussion with The Honourable Vic Toews, Minister of Public Safety (45 minutes)

**Afternoon Session    *Working Lunch to be provided***

**12:00 - 2:30** Licencing Reform (2.5 hours)  
o Conversion of the POL to the PAL  
o Licence Duration



**2:30 - 2:45** Health Break (Light refreshments) (15 minutes)

**2:45 - 3:45** *Firearms Marking Regulations* (1 hour)

**3:45 - 4:15** **Other Issue** (30 minutes)



**4:15 - 4:45** Wrap Up of Issues / Next Steps (30 minutes)

**4:45 - 5:00** Closing Remarks by Candice Bergen, Parliamentary Secretary (15 minutes)

**5:00 p.m.** Conclusion

s.21(1)(a)

**EVENT SCENARIO NOTE**

**Minister's Meeting with the Canadian Firearms Advisory Committee (CFAC)**

Wednesday April 24, 2013

During the evening, the Canadian Firearms Advisory Committee (CFAC) will meet in caucus to prepare for the next day's deliberations. A boardroom has been reserved at the Lord Elgin Hotel for the Committee's use.

Thursday April 25, 2013

Location: 19<sup>th</sup> Floor Executive Boardroom, Public Safety Canada, 269 Laurier Avenue West.

CFAC members will continue to meet in caucus for two hours (8:30 – 10:30) on the morning of April 25th.

**Parliamentary Secretary Bergen**, departmental and RCMP officials will join the Committee at **10:30am** for the remainder of day. The Parliamentary Secretary will welcome the Committee and deliver opening remarks setting out the objectives for the day's discussions, which are focused on licencing reform and firearms markings. This will be followed by opening remarks from the Committee Co-Chair, Mr. Steve Torino, and a review of the agenda.

**You are scheduled to arrive at 11:00 am** and to remain for 45 minutes. You will deliver brief opening remarks setting out your expectations for the meeting. The remaining time will be an opportunity for you to hear from Committee members on issues they may wish to raise directly. [A more detailed discussion of substantive issues will take place in the afternoon with the Parliamentary Secretary and departmental officials.] You are scheduled to **depart at 11:45am**.

From **12:00 – 2:30 pm** there will be a working lunch with Public Safety officials. Discussions will focus on **licencing reform**. Mark Potter, Director General, Policing Policy, will deliver a presentation laying out options and possible proposals. The objective will be to seek CFAC input on the proposals and the advantages and disadvantages associated with each.

A 15 minute health break is scheduled for 2:30 pm. This will be followed with a discussion from **2:45 to 3:45 pm** on **Firearms Marking Regulations**. Lyndon Murdock, Director, Firearms and Operational Policing Policy, will deliver a presentation outlining existing Canadian, U.S., and recent proposed amendments to the *Firearms Marking Regulations*. The objective will be to seek the views of the Committee

At 3:45 pm there will be 30 minute discussion, led by Mark Potter, on the proposal to develop of

This session is intended to solicit the views of the Committee.


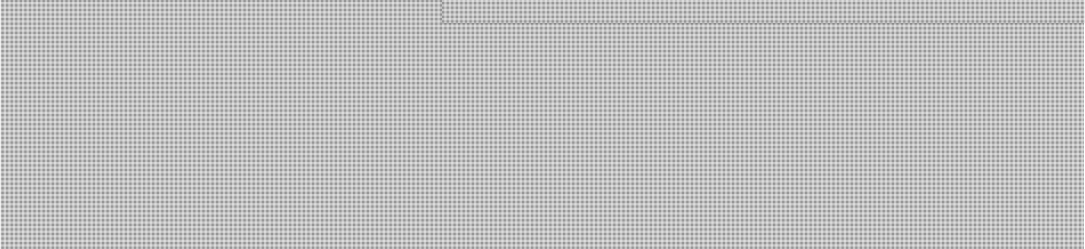

At **4:15 pm** there will be a **wrap up** of issues by the CFAC Co-Chair. At **4:45 closing remarks** will be made by the Parliamentary Secretary. The meeting will **conclude at 5:00 pm**.

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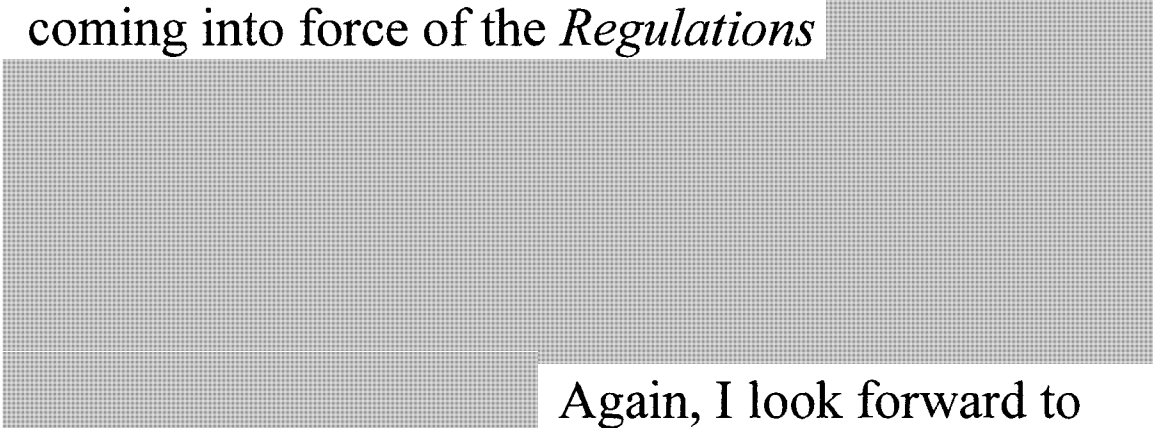
## OPENING REMARKS - CFAC MEETING MINISTER TOEWS

- Good morning, I would like to take this opportunity to welcome all of you to Ottawa. I am pleased that Parliamentary Secretary Bergen was able to welcome you and that she, along with officials, will be joining you for the day's deliberations.
- As in the past, I am looking forward to hearing your views, and benefiting from your broad knowledge and experience on firearms matters.
- I would like to take this opportunity to thank all returning members for your continuing participation, and to welcome Mr. Mike Sutherland, a new member to the Committee, who is joining us for the first time today.
- As you know, we have made some significant progress on the firearms file, especially ending the long-gun registry, which has been a priority for our Government. This important achievement helps us fulfill the promise we have repeatedly made to Canadians.

- I would like to express my gratitude once again to this Committee for your dedicated work and support concerning Bill C-19.
  
- As you know, the Government strongly supports firearms licencing.   

  
- A number of recommendations for licence reform have been advanced by the Firearms Advisory Committee in the past, for example:
  - the conversion of the Possession Only Licence (POL) to the Possession and Acquisition Licence (PAL);
  - extending licence duration, and
  - the inclusion of an Authorization to Transport (ATT) as a condition of a licence.
  
- I am interested in your views on these and other matters as I consider possible options to  I would ask that you focus discussions on licencing and the pros and cons of various options.



- I understand that a substantial part of the agenda has been dedicated to this issue to allow for a meaningful exchange and I will look forward to the Committee's views.
- Further, in relation to the marking of firearms, as you know the *Firearms Marking Regulations* were introduced by a previous Government in response to international treaties.
- We have deferred until December 1, 2013, the coming into force of the *Regulations*



Again, I look forward to hearing your views on this issue.

- Unfortunately, my schedule will not allow me to join you for the afternoon session, so I would now like to open up the discussion to hear your views, and to make the best use of our limited time together.
- Subsequently, I know that you will have the opportunity to discuss these issues further with

- 4 -

the Parliamentary Secretary, departmental and  
RCMP officials this afternoon and I look forward  
to hearing the results of those discussions.

- Thank you.



## **CLOSING REMARKS - CFAC MEETING** **MINISTER TOEWS**

- Thank you very much for your attendance today.
- I appreciate the opportunity to meet with you to hear your views with respect to possible firearms reforms.
- I regret that I cannot join you for the remainder of the discussions this afternoon.
- I will look forward to receiving the Committee's views, especially as they relate to possible reforms of the firearms licencing program and to marking regulations so that proposals may be considered that will minimize the administrative burden on law abiding citizens while ensuring public safety.
- I trust that you will have productive discussions this afternoon, with the Parliamentary Secretary and officials, and I look forward to being briefed on the outcomes.
- Thank you.



## **OPENING REMARKS – CFAC MEETING** **PARLIAMENTARY SECRETARY**

- Good morning, I would like to take this opportunity to welcome all of you to Ottawa. It was just a little over a year ago that we last met. Since then, much has been achieved.
- The Government delivered on our promise to abolish the long-gun registry. On April 5, 2012, Bill C-19, *Ending the Long-gun Registry Act*, received Royal Assent and came into force, thereby removing the requirement for individuals and businesses to register non-restricted firearms.
- Registry records have now been destroyed everywhere, except Quebec.
- On June 29, 2012, we announced the coming into force of the *Firearms Information Regulations (Non-restricted Firearms)*, to ensure that a federal long-gun registry cannot be re-established through the back door.
- And on November 30, 2012, the Government repealed the *Gun Shows Regulations* given the low risk posed by gun shows and the existence of other regulations, currently in force, which sufficiently govern the storage and display of firearms at gun shows.
- In October 2012, the Government proposed amendments to the *Firearms Marking Regulations* in the *Canada Gazette*. The following month we deferred the existing Regulations until December 1, 2013, to allow time for fulsome consultations on amending the Regulations.

- 2 -

- I would like to express my gratitude to all of the members of this Committee for your advice and engagement on all of these issues over the last six years.
- I would also like to take this opportunity to extend a warm welcome to our new member, Mr. Mike Sutherland, who is joining us for the first time today. Unfortunately, Chief Constable Bob Rich and Chief Rick Hanson, were unable to be here today. Mr. Sutherland, I know we will benefit from your broad knowledge of firearms issues and law enforcement experience.
- In moving forward, our government strongly supports firearms licencing and the continued registration of prohibited and restricted firearms.
- The Minister and I are looking forward to focusing this meeting on possible options for common sense changes to the firearms licencing program designed to reduce the administrative burden on law abiding citizens, while ensuring public safety.
- A number of recommendations have already been proposed by this Committee at previous meetings. We look forward to exploring these in greater detail today.
- We are also looking to have further discussion regarding specific firearms marking requirements that would achieve public safety objectives while minimizing the administrative burden on firearms owners and businesses.

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- I am pleased to join you for the remainder of the day and look forward to fruitful deliberations and practical recommendations for the Government's consideration on the two issues mentioned.
- Now, I am pleased to turn the floor over to you.



## **CLOSING REMARKS - CFAC MEETING** **PARLIAMENTARY SECRETARY**

- Thank you very much for a very interesting and productive day.
- I believe we have benefited tremendously from these in-depth discussions, both with respect to your views on possible proposals for licencing reform, and to help inform the way forward on markings.
- Your knowledgeable feedback has been very helpful and will serve us well in considering reforms to improve Canada's firearms control regime.
- I know that it has been a long day and that some of you may be travelling home tonight.
- I would like to thank you again for your valuable advice. I wish you a safe journey home and at this time would like to formally bring this meeting to an end. Thank you.



Public Safety  
Canada

Sécurité publique  
Canada



# Firearms Licencing

Presentation by Public Safety Canada to the  
Canadian Firearms Advisory Committee

April 25, 2013

Canada



# Purpose



SAFETY RESILIENT CANADA

- To outline possible proposals to streamline:
  - firearms licencing regime; and,
  - an element of the *Firearms Act*.

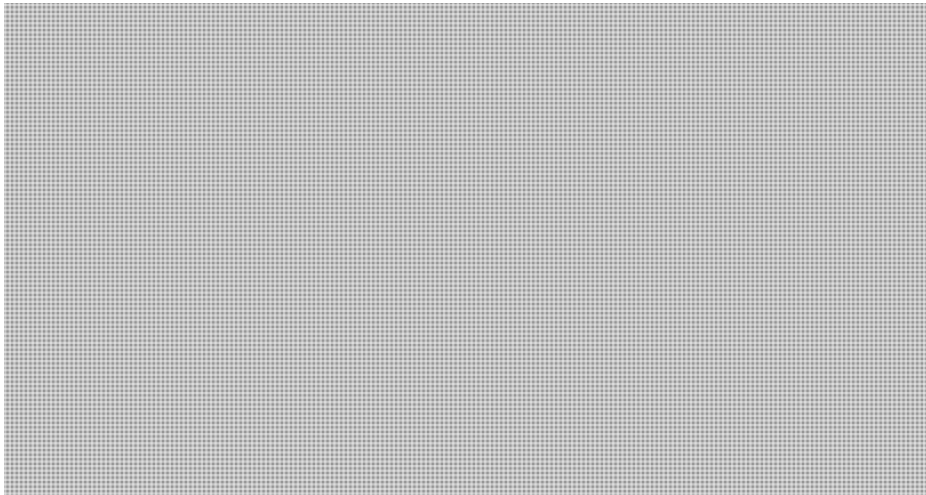


## Possible Proposals Include:



SAFE RESILIENT CANADA

- Firearms licencing:
  - POL Conversion
  - Licence Duration



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# Licensing Reform - Background



SAFE AND RESILIENT CANADA

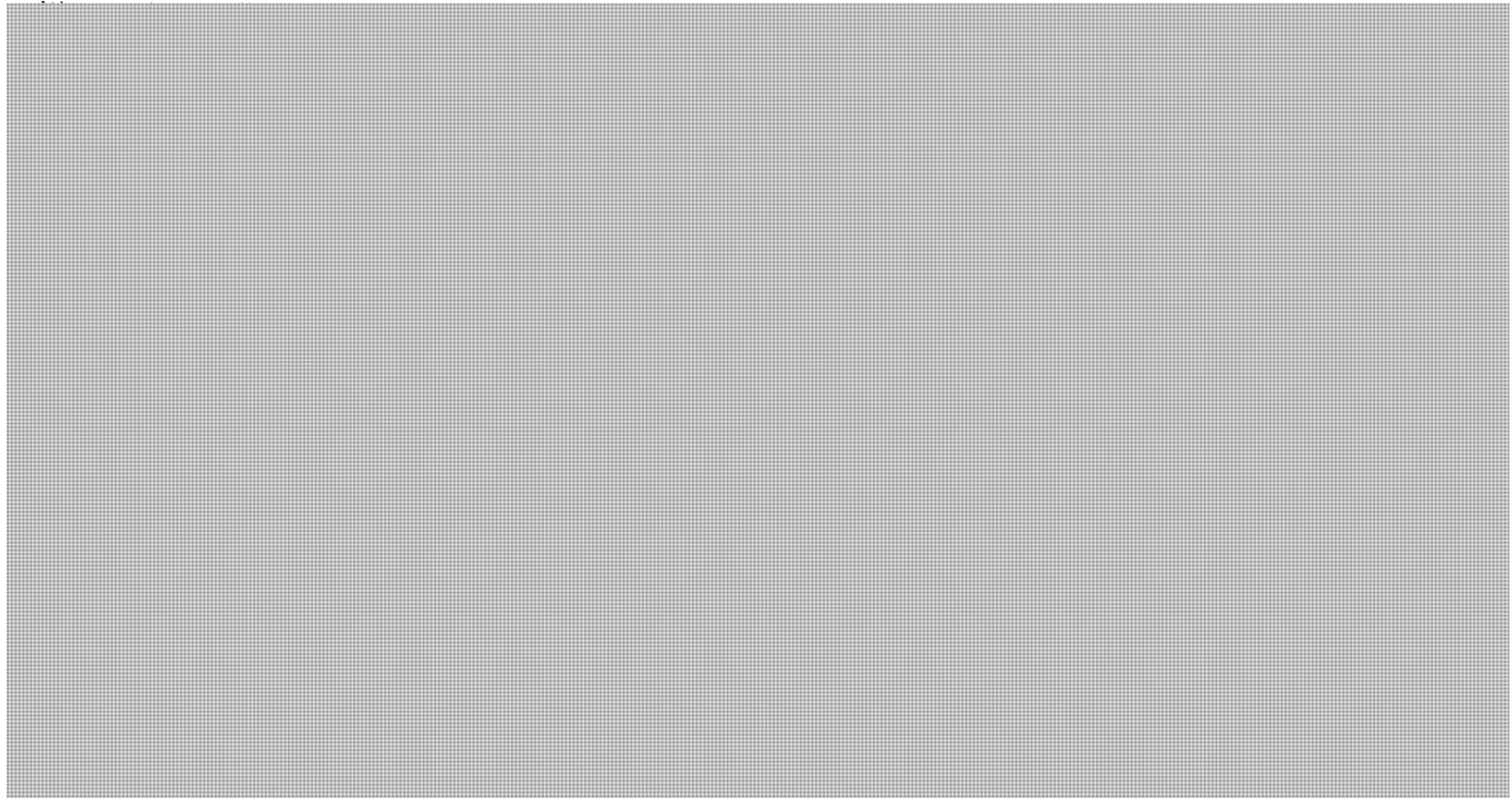
- Two main types of licences for five-year terms:
  1. **Possession Only Licence (POL)** (approximately 650,000)
    - Allows possession of existing firearms, no acquisition privileges.
    - Licence no longer available (but for renewals).
  2. **Possession and Acquisition Licence (PAL)** (approximately 1.3 million)
    - Allows for possession and acquisition privileges.
    - Only licence available to new applicants.
- Three categories of firearms:
  1. **Non-restricted** (ordinary hunting rifles and shot guns - "long guns")
  2. **Restricted** (handguns and semi-automatics)
  3. **Prohibited** (prescribed handguns and fully-automatics).
- To obtain a PAL, an applicant must successfully complete requisite training and RCMP screening.
- Chief Firearms Officers (CFOs) are responsible for issuing, refusing or revoking firearms licences.
- All licenced individuals subject to Continuous Eligibility Screening (CES):
  - Police-reported, high risk behaviour of a violent nature is brought to the attention of CFOs.



# POL Conversion



Convert all existing POLs (approximately 635,000) into PALs. Provides acquisition privileges

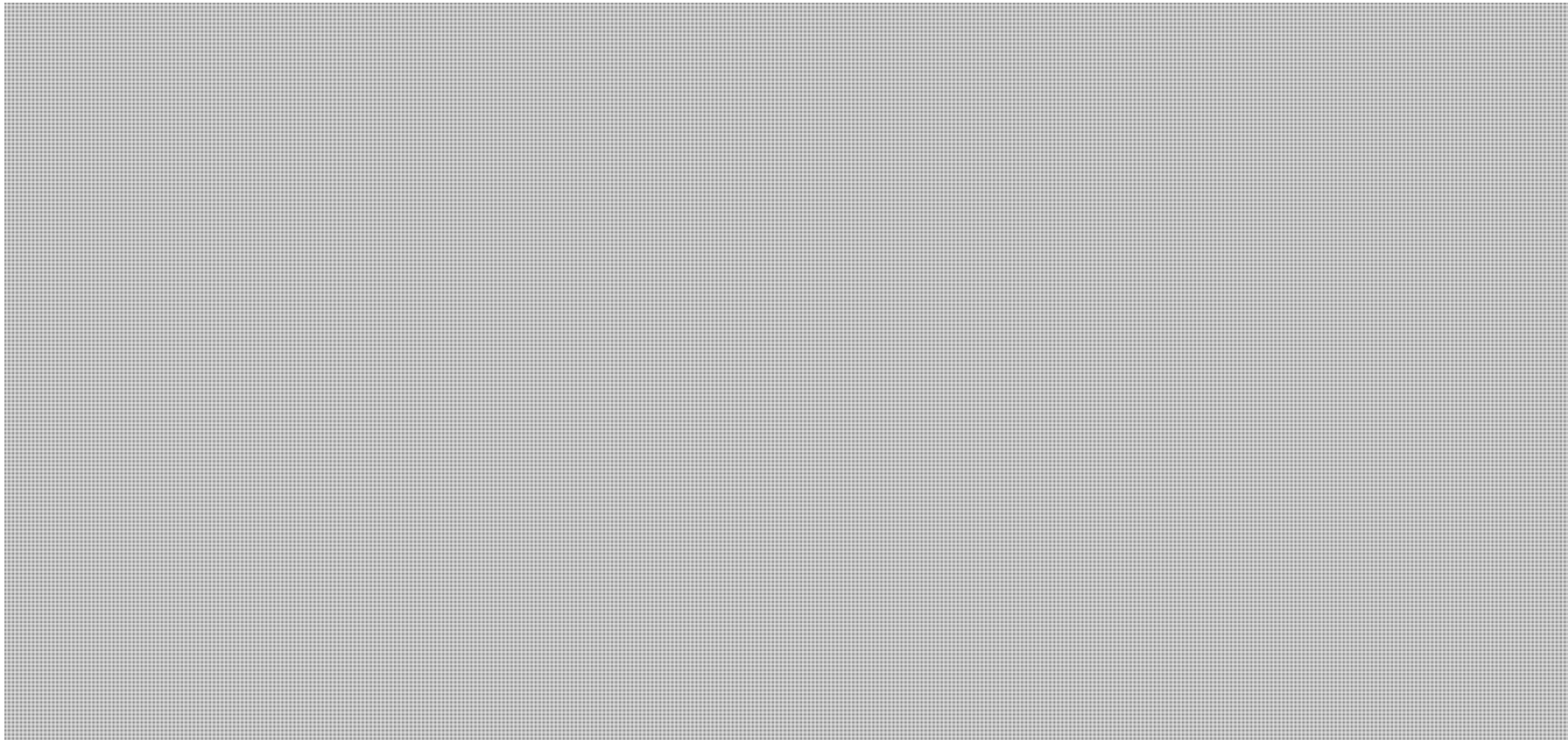


# Licence Duration



PROTECTING SAFETY - RESILIENT CANADA

Extend licence period from five to ten years.



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Canada

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**CONVERSION OF POLs TO PALs**

**s.21(1)(a)**

**ISSUE**

Amend *Firearms Act* to convert all existing Possession Only Licences (POLs) into Possession and Acquisition Licences (PALs), [REDACTED]

**BACKGROUND**

To lawfully possess firearms in Canada, the *Firearms Act*, which came into force in 1998, requires all owners to hold a valid firearms licence. Currently, for adults, there are two types of licences: PALs and POLs.

*Possession and Acquisition Licence*

The PAL allows for the possession and acquisition of non-restricted and restricted firearms (individuals are not generally permitted to acquire prohibited firearms) and ammunition to individuals over 18 years of age who have successfully completed the requisite safety training course(s) for non-restricted or restricted firearms. The courses take one to two days and range in cost from \$100 to \$300. The cost to obtain or renew a non-restricted PAL is \$60; \$80 for a restricted and/or prohibited PAL.

*Possession Only Licence*

The POL does not allow for the acquisition of firearms. It was created as a grandfathering mechanism to provide those who lawfully possessed a firearm prior to 1998, and who were not interested in acquiring additional firearms, an opportunity to obtain a licence without having to pay for and successfully complete the requisite safety course(s). The POL, which has not been available to new applicants for more than ten years, also allows for the borrowing of any number of firearms within the class the licence allows (i.e., non-restricted, restricted, prohibited), and to purchase ammunition. To renew, the cost is \$60 regardless of class. Pursuant to the Act, grandfathering privileges are lost when the POL expires.

Chief Firearms Officers (CFOs), who are federally or provincially appointed in each of the provinces/territories, are responsible for administering the firearms licencing regime. To ensure there are no reasons, in the interest of public safety, that an individual should not hold a licence authorizing the possession of a firearm, CFOs must ensure that all prospective licencees are appropriately screened (screening is conducted centrally by the RCMP). This includes a criminal background check and may also involve internet (social networking) searches, an interview with the applicant, their conjugal partners and/or the two references named in the firearms licence application. CFOs may also ask consent from the applicant to allow their medical practitioner to disclose any relevant mental health information. (This consent form does not allow the CFO to contact the medical professional for a follow up interview.)

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A CFO may refuse a firearms licence if the applicant:

- is subject to a firearms prohibition order, peace bond or protection order;
- has, in the previous five years:
  - been convicted or discharged of a criminal offence or any crimes involving violence, drugs, harassment, firearms or weapons;
  - been treated for mental health issues or have attempted to commit suicide or displayed other self-harm behaviour;
  - has a history of violent behaviour;
  - has been involved in substance abuse; or,
- is believed to have engaged in activities or behaviour that suggests there may be a public safety concern in permitting the applicant to possess a firearm.

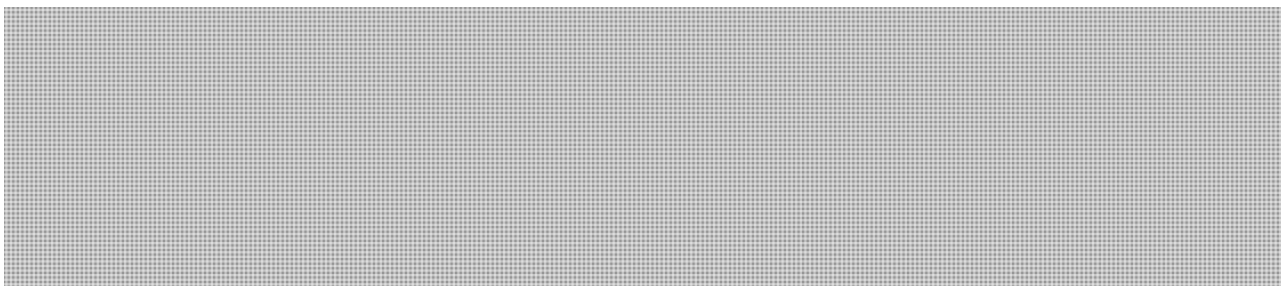
### **CONSIDERATIONS**

Consistent with the policy intent for creating this one-time grandfathering mechanism, due to aging, the number of individuals with POLs has been rapidly decreasing. In 2005, for example, there were approximately 1.2 million POL holders and 755,000 PAL holders. As of January 2013, the number of valid POL holders had decreased to 633,544, while the number of PAL holders increased to approximately 1.3 million.

As of January 2013, there were approximately 395,000 individuals holding expired POLs. To encourage individuals to return to compliance, a licence renewal initiative has been in effect since 2008. This initiative provides that firearm owners whose POL expired on or after January 1, 2004, may be eligible to apply for a new POL, if the individual meets the following criteria:

- previously held a POL which expired naturally (i.e., was not revoked or refused);
- is in continuous possession of at least one firearm they have lawfully owned since the Act came into force; and,
- meet public safety criteria to possess firearms (explained above).

The Government has recently signaled its intention to extend the POL renewal measure until May 2014.



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## **LICENCE DURATION**

### **ISSUE**

Amend the *Firearms Act* to extend the validity period of a firearms licence from five to ten years.

### **BACKGROUND**

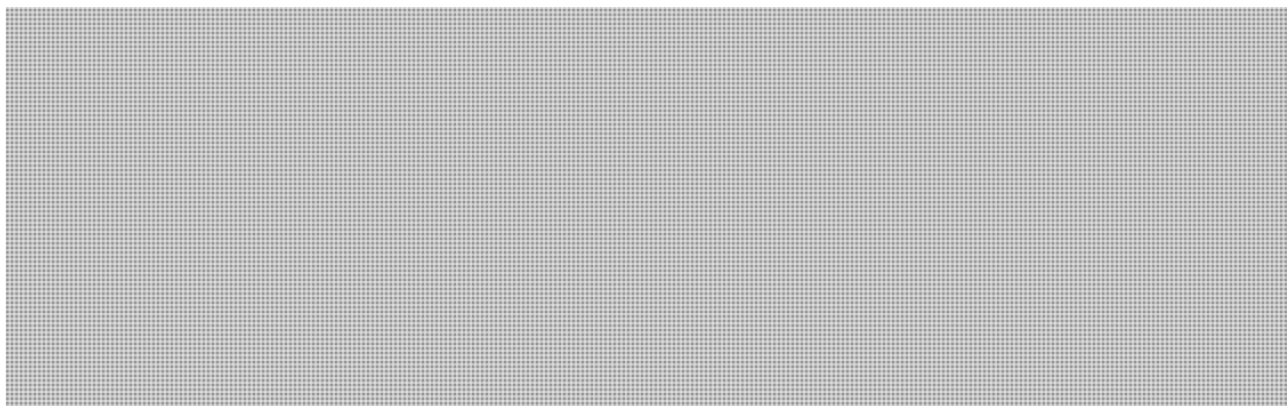
To lawfully possess firearms in Canada, the *Firearms Act* requires all owners to hold a valid firearms licence. The validity period of a licence is five years; firearms owners must apply to renew their licence prior to expiry.

During initial application, to reduce the possibility that individuals who pose a public safety risk legally acquire or have access to firearms, CFOs conduct criminal background checks and may conduct internet searches (i.e. on social networks), interview the applicant, their conjugal partners or references. CFOs may also ask consent from the applicant to allow their medical practitioner to disclose any relevant mental health information.

CFOs may refuse a firearms licence if the applicant:

- is subject to a firearms prohibition order, peace bond or protection order;
- has, in the previous five years:
  - been convicted or discharged of a criminal offence or any crimes involving violence, drugs, harassment, firearms or weapons;
  - been treated for mental health issues or have attempted to commit suicide or displayed other self-harm behaviour;
  - has a history of violent behaviour;
  - has been involved in substance abuse; or,
- is believed to have engaged in activities or behaviour that suggests there may be a public safety concern in permitting the applicant to possess a firearm.

This same information is available and may be considered by CFOs to ensure that individuals applying to renew their licence continue to be, in the interest of public safety, eligible to hold a firearms licence.



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**ISSUE**



**BACKGROUND**

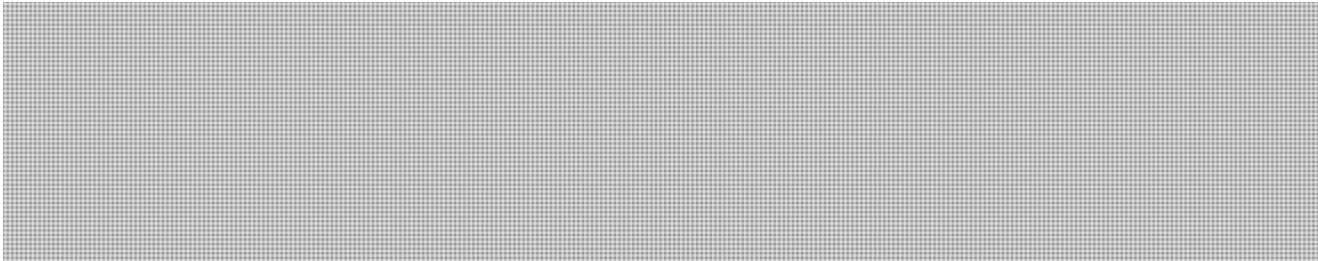
To lawfully possess firearms in Canada, the *Firearms Act* requires all owners to hold a valid firearms licence. Individuals must apply to renew their licence prior to expiry. Failure to renew the licence while still in possession of firearms can result in sanctions under the *Criminal Code* (i.e., liable to imprisonment for a term not exceeding five years, or punishable on summary conviction).

In addition, certain privileges provided for under the Act (e.g., grandfathered privilege to possess prohibited firearms) would also be lost when a licence expires and cannot be renewed.

**CONSIDERATIONS**

To help facilitate licence renewal, 90 days prior to the expiry of a licence, the RCMP Canadian Firearms Program (CFP) provides pre-populated forms to all licencees. In cases where restricted/prohibited licencees fail to renew their licence (i.e., known to have firearms still in their possession, based on whether the individual has firearm(s) registered in their name), the CFP, 30 days after the licence has expired, mails a notice informing the individual that the firearms registration certificate(s) is being revoked. The notice advises the individual that they must renew their licence or surrender their firearms to police. After another 15 days, if no response is received, local law enforcement is advised that an individual is in possession of a restricted or prohibited firearm without a valid registration certificate. Prior to seizing any firearms, however, police are asked to verify, with the CFP, the status of the individual's licence or registration renewal status (as the renewal application may be in process).

With the repeal of the requirement to register non-restricted firearms in April 2012, the CFP no longer has the ability to determine whether individuals still possess such firearms. As a result, these individuals do not receive notices following the expiry of their licence.



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**ISSUE**



**BACKGROUND**

Pursuant to the *Firearms Act*, individuals who wish to acquire restricted and/or prohibited firearms must demonstrate to a Chief Firearms Officer (CFO) that the acquisition of the firearm is for one of the following purposes: protection of life; for use in connection with a lawful profession or occupation; for use in target practice or a target shooting competition; or, to form part of a gun collection.

Restricted and prohibited firearms may only be possessed by the licenced individual either at their residence (as recorded in the Canadian Firearms Information System (CFIS)) or at a place authorized by a CFO (e.g., shooting range/club). To transport these types of firearms between approved locations, an authorization to transport (ATT) document, issued by a CFO, is required. Pursuant to paragraph 93(1)(b) of the *Criminal Code*, it is an offence to possess such firearms at a place other than that which is indicated on the authorization (an indictable offence and liable to imprisonment for a term not exceeding five years; or punishable on summary conviction). ATTs are not required for non-restricted firearms.

There are two types of ATTs: short-term and long-term. A short-term ATT is valid for a single trip (e.g., to a repair shop). Long-term ATTs are valid for a period of up to five years (e.g., regular weekly attendance on a prescribed day and time at a target shooting club at which the licensee is a member).

ATTs are not issued for each firearm. Rather, an ATT can authorize the transport of any number of firearms so long as it is for one legitimate purpose (e.g., change of residence, shooting competition, gun show, repair). Firearms being transported for more than one purpose require separate authorizations. There is no cost to obtain an ATT.

Currently, to obtain an ATT, an individual must submit the following information either by telephone or via a prescribed form to the CFO of their province or territory:

- name, address and firearms licence number;
- reason for which the firearm is being transported (e.g., if for the purposes of target practice, the name of the shooting club and confirmation of membership must be provided);
- the dates and times and frequency of transport (one-time request; daily, weekly, monthly); and,
- the addresses to and from which the firearm will be transported (i.e, place of departure to destination).

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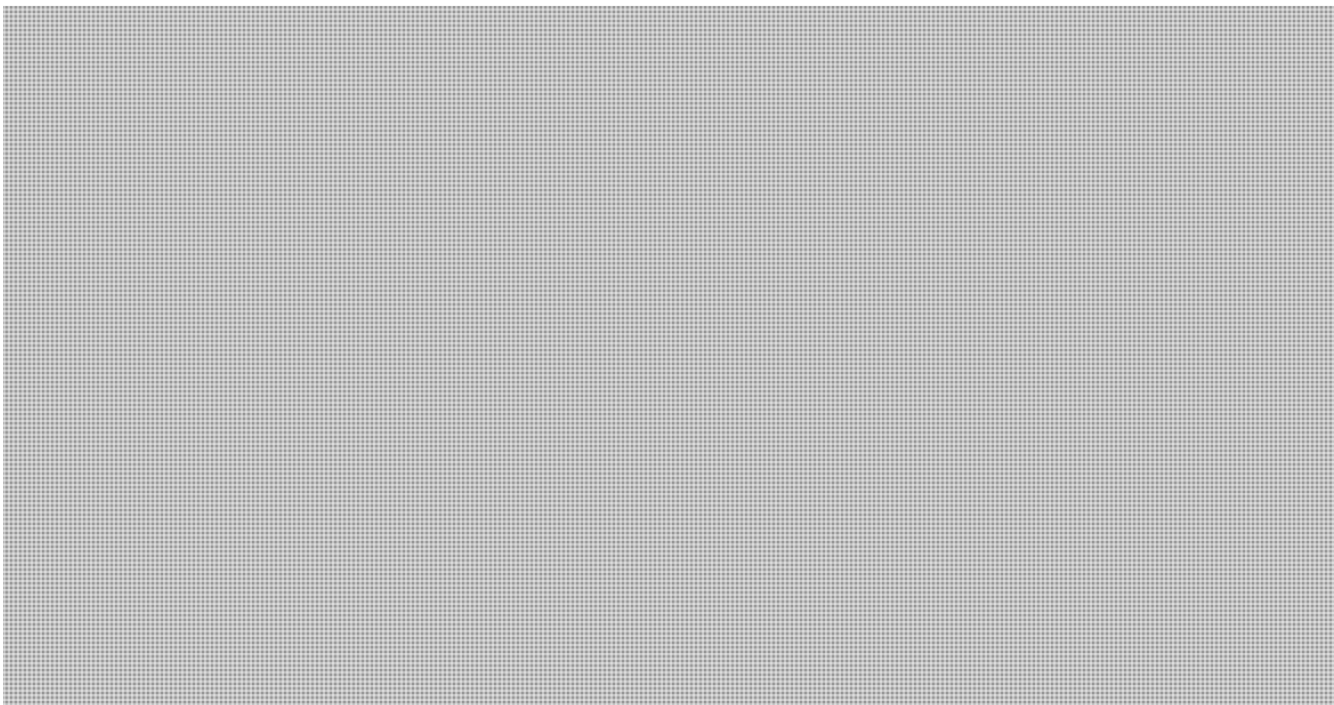
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CFOs may issue an ATT if, in their opinion, doing so will not pose a threat to public safety. The process and length of time for an ATT to be processed may vary depending on the scrutiny applied by the CFOs. CFOs may also refuse to issue and/or revoke an ATT 'for any good and sufficient reason', including where the individual has breached a condition of the authorization. ATTs that are issued/refused/revoked are entered into CFIS. Nationally, over the past two years, approximately 244,000 applications for ATTs were processed; 10 were refused; 27 revoked (for reasons including unsafe firearms use).

Once issued, an individual must meet the transportation requirements under the Act (i.e., that the firearm be unloaded; locked in a container; and, if left in an unattended vehicle, that the container not be visible from outside the vehicle (e.g., locked in the trunk)). It is an offence under section 86(2) of the *Criminal Code* to contravene these transportation regulations (imprisonment for a term not exceeding two years (first offence) or five years (subsequent offence) or punishable on summary conviction).

### **CONSIDERATIONS**

The *Firearms Act* provides that an ATT may be issued as a licence condition (s. 61(3)) and that an ATT is valid throughout Canada (s. 63(1)). In practice, however, the ATT is issued as a separate document which individuals must carry in addition to their licence and registration certificate(s). Further, the ATT is not generally valid outside of a province. For example, when individuals travel across jurisdictions (e.g., to change residences, to participate in a shooting competition, gun show, etc.), concurrence is required from the CFOs of the provinces through and to which the firearm(s) will be travelling, in order for an ATT to be issued that is valid in all jurisdictions. (Individuals are not required to apply for an ATT from each jurisdiction; this is coordinated by the CFO of the province in which the applicant resides.)





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**SECRET**



**ISSUE**



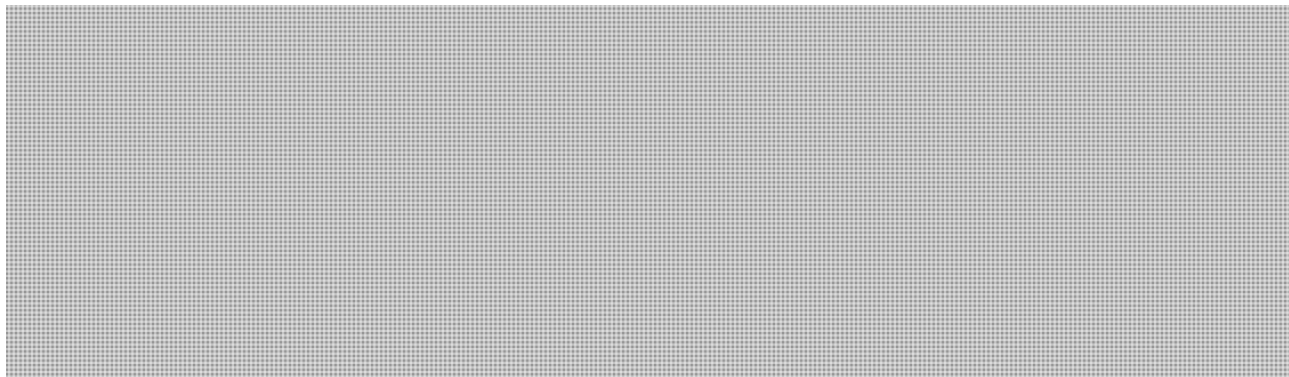
**BACKGROUND**

Bill C-19, *Ending the Long-gun Registry Act*, which came into force on April 5, 2012, repealed the requirement to register non-restricted firearms. The Act also requires the Commissioner of Firearms and the CFO for each province and territory to ensure the destruction of all existing long-gun registration records and copies of those records under their control.

Notwithstanding the intent of Parliament to eliminate the federal long-gun registry and related records, some CFOs, exercising their authority under section 58 of the *Firearms Act*, continued to require businesses, as a condition of licence, to collect and keep point-of-sale data related to the transfer of non-restricted firearms. Specifically, some businesses were required to retain information on the name of the purchaser, the individual's firearms licence and the characteristics of the firearm (e.g., serial number, make model, type, action, gauge and caliber). Such CFO-mandated information was considered by firearms advocates as a possible means to facilitate the future re-creation of a long-gun registry.

To address the issue, on June 29, 2012, the Government brought into force the *Firearms Information Regulations (Non-restricted Firearms)*. These regulations ensure that businesses may continue to maintain records in any manner they choose (i.e., for warranty or inventory purposes), but cannot be required by CFOs, as a condition of licence, to keep information in a form which links the identity of the purchaser with information about the specific non-restricted firearm being purchased.

**CONSIDERATIONS**



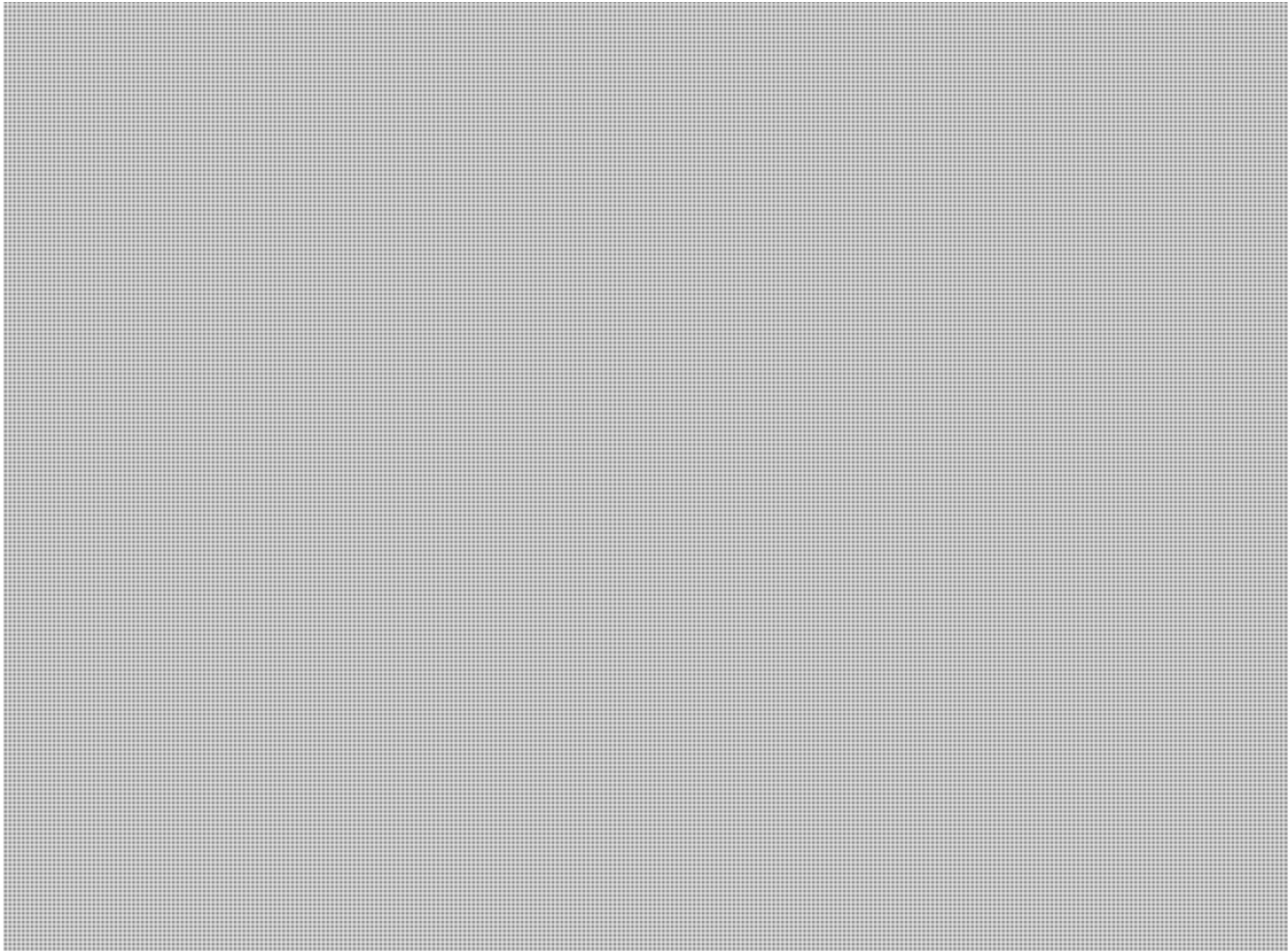
.../2

s.21(1)(a)  
s.21(1)(c)

s.23

Since the coming into force of the Regulations, the General Counsel for the Standing Joint Committee for the Scrutiny of Regulations, in correspondence written to the Deputy Minister, noted that there is a strong argument to be made that the regulations are *ultra vires*. The General Counsel recommended amending the *Firearms Act* to permit the making of regulations expressly prohibiting the issuing of a licence containing certain conditions.

CFOs, pursuant to section 58 of the Act, are provided with broad discretionary authority when administering the requirements of the Act. Specifically, CFOs may attach any reasonable condition to a licence or an authorization to carry or transport that the CFO considers desirable in the particular circumstances and in the interests of the safety of the holder or any other person. Examples of areas of discretion include: revoking a licence or refusing to issue an authorization to carry for any good and sufficient reason; requiring CFO approval to deactivate a firearm, etc. Firearms stakeholders have often expressed criticism regarding the inconsistent application of discretion among the various jurisdictions and the administrative burden associated with varying practices (e.g., as it pertains to authorizations to transport).



s.21(1)(a)

**SECRET**



**ISSUE**



**BACKGROUND**

Pursuant to the *Firearms Act*, a person is not eligible to hold a firearms licence if holding that licence would compromise public safety. In determining if such a risk to public safety exists, a CFO shall determine if a firearms licence applicant has been treated for a mental illness that was associated with violence or the threat of violence against any person in the previous five years.


When applying for or renewing a firearms licence, applicants must provide the CFO with details, as necessary, as to whether they have suffered from, been diagnosed or treated by a medical professional for: depression; alcohol, drug or substance abuse; behavioural or emotional problems within the past five years. In determining whether an individual is eligible, in the interest of public safety, to have access to firearms, CFOs may ask the applicant to sign a consent form allowing their medical professional to disclose information about the applicant's mental state to the CFO on a one-time basis. This consent form does not allow the CFO to contact the medical professional again for a follow up interview.

**CONSIDERATIONS**

During the interim time period between applications to renew a licence, CFOs have limited means by which to ensure that an individual's mental health does not compromise public safety.

Continuous Eligibility Screening (CES) allows for a notification to be sent to the CFO when a firearm licensee comes into contact with police due to violence or threats of violence. However, CES does not capture information about a licensee's changing mental state that is in the hands of the medical community unless it is captured as an aspect of their interaction with police.

In all provinces, most notably Quebec (Anastasia's Law), there exists provincial legislation that allows for the disclosure of an individual's health information by a medical professional if the professional has reasonable grounds to believe that the disclosure of the information will prevent or minimize harm to the individual or any other person. (Similar legislation does not appear to exist in any of the three Territories.)



**Page 85**

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est retenue en vertu de l'article**

**21(1)(a)**

**of the Access to Information  
de la Loi sur l'accès à l'information**



Public Safety  
Canada

Sécurité publique  
Canada

BUILDING A **SAFE AND RESILIENT CANADA**



# *Firearms Marking Regulations*

**Presentation by Public Safety Canada to the  
Canadian Firearms Advisory Committee**

April 25, 2013

Canada

000086

# Purpose



BUILDING A **SAFE** AND **RESILIENT CANADA**

- To discuss with the CFAC the Canadian and U.S. approach to firearms marking.



# Current *Firearm Markings Regulations*



BUILDING A **SAFE AND RESILIENT CANADA**

- The *Firearms Marking Regulations*, drafted to respond to two international treaties (UN Firearms Protocol and OAS-CIFTA), were approved by the Governor in Council in 2004 but not brought into force.
- These Regulations require the permanent stamping or engraving on the frame or receiver of “Canada” or “CA”, and:
  - For domestically manufactured firearms, the name of the manufacturer and serial number; and,
  - For imported firearms, the last two digits of the year of import, e.g., “13” for 2013.
- The implementation of the Regulations has been deferred on five occasions:
  - Most recently until December 1, 2013 to provide sufficient time for fulsome consultations regarding amendments to the Regulations.





# ***Firearms Marking Regulations – Proposed Amendments***



BUILDING A **SAFE AND RESILIENT CANADA**

- In October 2012, the Government published proposed amendments to the Regulations in the *Canada Gazette*.
- The proposal sought to ensure that firearms are permanently marked to distinguish them from other firearms, so as to facilitate the identification of firearms and contribute to public safety, while minimizing cost and administrative burdens on legitimate firearms businesses and owners.
- If passed, the amended regulations would require all firearms (manufactured in, or imported to, Canada) to be stamped/engraved (on frame/receiver) with serial number, name of manufacturer and any other markings required to distinguish them from other firearms. Also:
  - Markings are to be visible without disassembly using tools or implements;
  - Rare firearms or firearms that are of a value that is unusually high for that type of firearm are exempt;
  - “Canada” or “CA” and year of import would no longer be required.



# Considerations



BUILDING A **SAFE AND RESILIENT CANADA**

- Purpose of markings - to assist police to trace crime guns when markings can be linked to records of the last legal owner of the firearm.
  
- *Restricted and Prohibited Firearms* –
  - Currently, all restricted and prohibited firearms must be registered with the Canadian Firearms Program. To do so, the firearm must have:
    - a serial number or be described in a prescribed manner (i.e., with make, class, type, action, calibre/gauge).
  - The registration information identifies the last legal owner of the firearm.
  
- *Non-restricted Firearms* –
  - Since April 2012, in the absence of the requirement to register non-restricted firearms, there are no domestic marking requirements for this class of firearm.



## Considerations (continued)



BUILDING A SAFE AND RESILIENT CANADA

### ***U.S. Marking Requirements***

- Approximately 70% of non-restricted firearms in Canada are imported from U.S., which has comprehensive marking requirements.
- Markings on imported and manufactured firearms must always be:
  - engraved/stamped/cast of specific dimensions;
  - in plain view;
  - in Roman letters with at least one numeral.
- Manufactured firearms are to be marked with:
  - serial number, model, calibre/gauge, manufacturer's name and location.
- Imported firearms are to be marked within 15 days with:
  - serial number, model, calibre/gauge, manufacturer's name and location, and importer's name, city and state.
- Placement of markings: serial number on frame/receiver, with other marks on frame/receiver, or barrel



**Page 92**

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est retenue en vertu de l'article**

**21(1)(a)**

**of the Access to Information  
de la Loi sur l'accès à l'information**

**SECRET**

## **FIREARMS MARKING REGULATIONS**

### **ISSUE**

To review and discuss with the Canadian Firearms Advisory Committee the *Firearms Marking Regulations* and possible options.

### **BACKGROUND**

Canada has signed, but not ratified, the *United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition* (UN Firearms Protocol) (2002) and the *Organization of American States (OAS) Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials* (CIFTA) (1997). The marking of firearms is one of several requirements of these international treaties. In order to comply with these agreements, Canada requires regulations for the marking of firearms. In addition to the treaty imperatives, firearms markings have value for domestic and international law enforcement as they, when coupled with records, can be used to trace crime guns.

The *Firearms Marking Regulations*, drafted to respond to the international treaties, were approved by the Governor in Council in 2004 but not implemented. The Regulations stipulate the markings that need to be permanently stamped or engraved on the frame or receiver of all firearms imported into, or manufactured in, Canada. Domestically manufactured firearms must bear the name of the manufacturer, serial number and "Canada" or "CA"; imported firearms must be marked with "Canada" or "CA" and the last two digits of the year of import (e.g., "13" for 2013). (Copy of Regulations is attached.)

In response to requests by businesses for additional preparatory time, the coming into force of the Regulations was amended on April 1, 2006, deferred to December 1, 2007, and deferred again to December 1, 2009. During the 2009 deferral period, an independent study found that markings help to expedite law enforcement tracing efforts by focusing investigations. The study further determined that the cost to stamp or engrave markings would be low for Canadian manufacturers and large importers, although it was not possible to determine the financial impact on individuals and small importers.

The Regulations were deferred until December 1, 2010, and again to December 1, 2012, to consider a proposal from the firearms industry to place the information required by international treaties on adhesive metallic strips. Consequently, in 2011, the Royal Canadian Mounted Police (RCMP) tested the industry proposal, concluding that the marking of firearms with adhesive metallic strips is not practically viable given the challenges in ensuring adequate adhesion under a range of conditions.

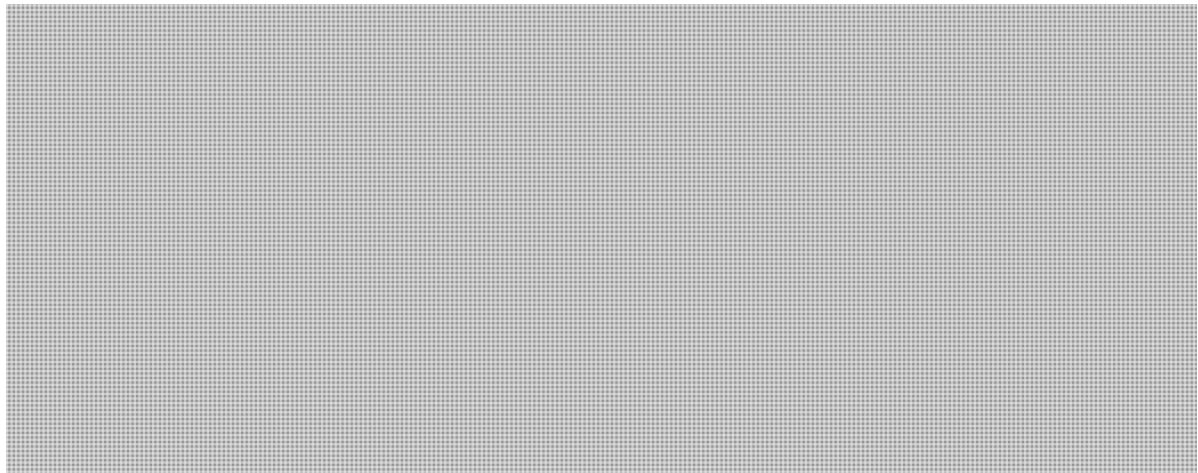
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## **CURRENT STATUS**

On October 13, 2012, the Government published proposed amendments to the existing Regulations in the *Canada Gazette*. The objective of the amendments is to ensure that firearms are permanently marked to distinguish them from other firearms, so as to facilitate the identification of firearms and contribute to public safety while minimizing cost and administrative burdens on legitimate firearms businesses and owners.

The existing Regulations would be changed such that firearms manufactured in, or imported to, Canada would be permanently stamped or engraved, on the frame or receiver with a serial number, name of manufacturer and any other markings as required to distinguish them from other firearms. There would be no requirement to mark "Canada" (or "CA") and, in the case of imported firearms, the year of import. Exempted from the proposed marking requirements would be rare or unusually high value firearms. With certain exceptions for imported firearms, such as firearms imported for use in a video production, markings would be visible without disassembly using tools or implements. The proposed amendments remain to be tabled. (Copy of proposed amendments is attached.)



In November 2012, to avoid the coming into force of the existing Regulations in order to provide sufficient time for fulsome consultations regarding amendments to the *Firearms Marking Regulations*, the Regulations were deferred to December 1, 2013.

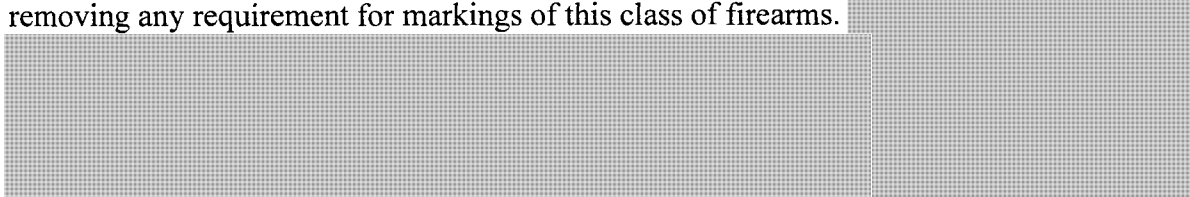
## **CONSIDERATIONS**

A fundamental purpose of markings is to assist police to trace crime guns when markings can be linked to records of the last legal owner of the firearm.

Currently, all restricted or prohibited firearms must be registered with the Canadian Firearms Program of the RCMP. In order to do so, the firearm must bear a serial number or can be described in a prescribed manner (i.e., with make, class, type, action and calibre

or gauge). The registration information identifies the last legal owner of the firearms. This information could be adequate for law enforcement to conduct a trace, since the marks appearing on the firearm could be linked to the registration record of ownership.

Since April 2012, non-restricted firearms are no longer required to be registered, thus removing any requirement for markings of this class of firearms.



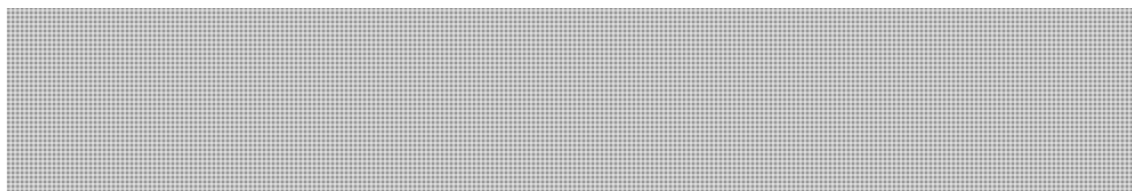
The U.S. marking requirements for imported and domestically manufactured firearms has existed since 1968. All markings must be:

- legible, (i.e. using Roman letters only);
- conspicuous, (i.e. wholly unobstructed from plain view); and,
- engraved, stamped or cast to a specific depth and size.

U.S. manufactured and imported firearms need to have the serial number, model, calibre/gauge, and manufacturer's name and location. In addition, imported firearms must have the importer's name, city and state and be marked with all the requirements within 15 days. Individuals are not permitted to import, such that marking does not become an issue for individuals.

Furthermore, on the placement of the markings, the U.S. distinguishes between components and firearms. Consequently, frames and receivers shipped separately require that the manufacturer or importer must mark all frames and receivers prior to shipment with all the required information (*i.e.*, serial number, model, caliber/gauge, manufacturer's name, and place of origin). This will ensure that the frames and receivers can be traced by Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in the event they are lost or stolen during the manufacturing process. Modularization has become a common firearms manufacturing practice, such that manufacturers produce specific parts of the firearm rather than the entire firearm. For a complete firearm, the serial number must be on the frame/receiver, with other marks on the frame/receiver or barrel.

To allow the ATF to trace the ownership of firearms using the markings on the firearm, the U.S. has instituted record keeping requirements on manufacturers, importers and retailers, including duration for the retention records, 24-hour response to ATF tracing requests, and offences and penalties.



**NEXT STEPS**

Discussion of the *Firearms Marking Regulations* with CFAC at the upcoming April 2013 meeting will provide the opportunity to hear the members' views [REDACTED]

[REDACTED]

**s.21(1)(a)**





CANADA

CONSOLIDATION

CODIFICATION

## Firearms Marking Regulations

## Règlement sur le marquage des armes à feu

SOR/2004-275

DORS/2004-275

Current to April 10, 2013

À jour au 10 avril 2013

Last amended on November 30, 2012

Dernière modification le 30 novembre 2012

Published by the Minister of Justice at the following address:  
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Publié par le ministre de la Justice à l'adresse suivante :  
<http://lois-laws.justice.gc.ca>

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OFFICIAL STATUS  
OF CONSOLIDATIONS

CARACTÈRE OFFICIEL  
DES CODIFICATIONS

Subsections 31(1) and (3) of the *Legislation Revision and Consolidation Act*, in force on June 1, 2009, provide as follows:

Les paragraphes 31(1) et (3) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1<sup>er</sup> juin 2009, prévoient ce qui suit :

Published consolidation is evidence

31. (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

31. (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

Codifications  
comme élément  
de preuve

...

[...]

Inconsistencies in regulations

(3) In the event of an inconsistency between a consolidated regulation published by the Minister under this Act and the original regulation or a subsequent amendment as registered by the Clerk of the Privy Council under the *Statutory Instruments Act*, the original regulation or amendment prevails to the extent of the inconsistency.

(3) Les dispositions du règlement d'origine avec ses modifications subséquentes enregistrées par le greffier du Conseil privé en vertu de la *Loi sur les textes réglementaires* l'emportent sur les dispositions incompatibles du règlement codifié publié par le ministre en vertu de la présente loi.

Incompatibilité  
--- règlements

NOTE

NOTE

This consolidation is current to April 10, 2013. The last amendments came into force on November 30, 2012. Any amendments that were not in force as of April 10, 2013 are set out at the end of this document under the heading "Amendments Not in Force".

Cette codification est à jour au 10 avril 2013. Les dernières modifications sont entrées en vigueur le 30 novembre 2012. Toutes modifications qui n'étaient pas en vigueur au 10 avril 2013 sont énoncées à la fin de ce document sous le titre « Modifications non en vigueur ».

Shaded provisions in this document are not in force.

Les dispositions ombrées dans ce document ne sont pas en vigueur.

TABLE OF PROVISIONS

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Registration  
SOR/2004-275 November 29, 2004

FIREARMS ACT

**Firearms Marking Regulations**

P.C. 2004-1435 November 29, 2004

Whereas, pursuant to section 118 of the *Firearms Act*, the Solicitor General of Canada had the proposed *Firearms Marking Regulations* laid before each House of Parliament on June 13, 2003, which date is at least 30 sitting days before the date of this Order;

And whereas subsection 119(1) of the *Firearms Act* provides that no proposed regulation that has been laid pursuant to section 118 of that Act need again be laid, whether or not it has been altered;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Solicitor General of Canada, pursuant to section 117<sup>b</sup> of the *Firearms Act*, hereby makes the annexed *Firearms Marking Regulations*.

Enregistrement  
DORS/2004-275 Le 29 novembre 2004

LOI SUR LES ARMES À FEU

**Règlement sur le marquage des armes à feu**

C.P. 2004-1435 Le 29 novembre 2004

Attendu que, conformément à l'article 118 de la *Loi sur les armes à feu*, le solliciteur général du Canada a fait déposer le projet de règlement intitulé *Règlement sur le marquage des armes à feu* devant chaque chambre du Parlement le 13 juin 2003, laquelle date est antérieure d'au moins trente jours de séance à la date du présent décret;

Attendu que le paragraphe 119(1) de cette loi prévoit qu'il n'est pas nécessaire de déposer de nouveau le projet de règlement devant le Parlement même s'il a subi des modifications,

À ces causes, sur recommandation de la solliciteuse générale du Canada et en vertu de l'article 117<sup>b</sup> de la *Loi sur les armes à feu*, Son Excellence la Gouverneure générale en conseil prend le *Règlement sur le marquage des armes à feu*, ci-après.

<sup>a</sup> S.C. 1995, c. 39

<sup>b</sup> S.C. 2003, c. 8, s. 54

<sup>a</sup> L.C. 1995, ch. 39

<sup>b</sup> L.C. 2003, ch. 8, art. 54

## FIREARMS MARKING REGULATIONS

### INTERPRETATION

1. (1) The following definitions apply in these Regulations.

“Act” means the *Firearms Act*. (*Loi*)

“specially imported firearm” means a firearm imported on a temporary basis by a business that holds a firearms licence, as a good under tariff item No. 9993.00.00 of the List of Tariff Provisions set out in the schedule to the *Customs Tariff*. (*arme à feu d'importation spéciale*)

(2) In these Regulations, “agency firearm”, “protected firearm”, “public agent” and “public service agency” have the same meaning as in section 1 of the *Public Agents Firearms Regulations*.

(3) For greater certainty, in these Regulations, “transfer” means transfer as defined in subsection 84(1) of the *Criminal Code*.

### MARKING OF MANUFACTURED FIREARMS

2. Every individual or business that manufactures a firearm shall ensure that the firearm is marked, at the time of manufacture, in accordance with section 4.

### MARKING OF IMPORTED FIREARMS

3. (1) Every individual, business or public service agency that imports a firearm shall ensure that the firearm is marked in accordance with section 4 before the 60th day after its release as defined in subsection 2(1) of the *Customs Act* or before transferring the firearm, whichever occurs first.

(2) Subsection (1) does not apply to

- (a) a firearm imported by an individual under section 35 or 35.1 of the Act;
- (b) a specially imported firearm;
- (c) a protected firearm;
- (d) a firearm that was initially exported from Canada by an individual or business if the individual or busi-

## RÈGLEMENT SUR LE MARQUAGE DES ARMES À FEU

### DÉFINITIONS

1. (1) Les définitions qui suivent s'appliquent au présent règlement.

« arme à feu d'importation spéciale » Arme à feu qui est importée pour une période temporaire par une entreprise titulaire d'un permis d'armes à feu, à titre de marchandise du n° tarifaire 9993.00.00 de la liste des dispositions tarifaires de l'annexe du *Tarif des douanes*. (*specially imported firearm*)

« Loi » La *Loi sur les armes à feu*. (*Act*)

(2) Dans le présent règlement, « agence de services publics », « agent public », « arme à feu d'agence » et « arme à feu protégée » s'entendent au sens de l'article 1 du *Règlement sur les armes à feu des agents publics*.

(3) Il est entendu que, dans le présent règlement, « cession » s'entend au sens du paragraphe 84(1) du *Code criminel*.

### MARQUAGE D'ARMES À FEU FABRIQUÉES

2. Le particulier ou l'entreprise qui fabrique une arme à feu veille à ce qu'en soit effectué le marquage au moment de sa fabrication, conformément à l'article 4.

### MARQUAGE D'ARMES À FEU IMPORTÉES

3. (1) Le particulier, l'entreprise ou l'agence de services publics qui importe une arme à feu veille à ce qu'en soit effectué le marquage conformément à l'article 4, soit avant le soixantième jour suivant son dédouanement au sens du paragraphe 2(1) de la *Loi sur les douanes*, soit avant sa cession, si celle-ci est antérieure.

(2) Le paragraphe (1) ne s'applique pas à l'arme à feu qui, selon le cas :

- a) est importée par un particulier aux termes des articles 35 ou 35.1 de la Loi;
- b) est une arme à feu d'importation spéciale;
- c) est une arme à feu protégée;
- d) a été initialement exportée du Canada par le particulier ou l'entreprise, selon le cas, qui en a conservé la

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ness retained ownership of the firearm while the firearm was outside Canada; or

(e) a firearm that was initially exported from Canada by a public service agency and that was retained by that agency as an agency firearm while the firearm was outside Canada.

#### MANNER OF MARKING

4. (1) The firearm shall be marked by permanently stamping or engraving on the firearms's frame or receiver the word "Canada" or the letters "CA" and

- (a) in the case of a manufactured firearm, the name of the manufacturer and the firearm's serial number; and
- (b) in the case of an imported firearm, the last two digits of the year of the importation.

(2) The markings shall

- (a) be legible;
- (b) have a depth of at least 0.076 mm and a height of at least 1.58 mm; and
- (c) subject to subsection (3), be visible without the need to disassemble the firearm.

(3) In the case of an imported firearm, the Registrar, on application by the individual, business or public service agency that is importing it, shall grant the applicant an exemption from the requirement set out in paragraph (2)(c) if

- (a) marking the firearm in a place that is visible only by disassembling the firearm is consistent with the current practices of the manufacturer of that model of firearm;
- (b) the firearm does not provide a visible space suitable to stamp or engrave the markings;
- (c) the firearm is rare;
- (d) the firearm is of a value that is unusually high for that type of firearm and that value would be significantly reduced if the markings were visible without disassembly; or

propriété pendant qu'elle se trouvait à l'extérieur du Canada;

e) a été initialement exportée du Canada par l'agence de services publics, si cette dernière l'a conservée en tant qu'arme à feu d'agence pendant qu'elle se trouvait à l'extérieur du Canada.

#### MÉTHODE DE MARQUAGE

4. (1) Le marquage s'effectue par l'estampage ou la gravure de façon indélébile, sur la carcasse ou la boîte de culasse de l'arme à feu, du mot « Canada » ou des lettres « CA » ainsi que des renseignements suivants :

- a) s'agissant d'une arme à feu fabriquée, le nom de son fabricant et son numéro de série;
- b) s'agissant d'une arme à feu importée, les deux derniers chiffres de l'année de son importation.

(2) Les marques doivent :

- a) être lisibles;
- b) avoir une profondeur d'au moins 0,076 mm et une hauteur d'au moins 1,58 mm;
- c) sous réserve du paragraphe (3), être visibles sans qu'il soit nécessaire de démonter l'arme à feu.

(3) S'il s'agit d'une arme à feu importée, le directeur dispense sur demande le particulier, l'entreprise ou l'agence de services publics qui l'importe de l'exigence prévue à l'alinéa (2)c), dans l'un ou l'autre des cas suivants :

- a) le marquage de l'arme à feu à un endroit qui n'est visible qu'au démontage est conforme aux pratiques établies du fabricant de ce modèle d'arme à feu;
- b) il n'y a pas sur l'arme à feu d'endroit visible qui convienne;
- c) l'arme à feu est rare;
- d) elle a une valeur exceptionnellement élevée pour ce type d'arme à feu, laquelle valeur serait sérieusement réduite si les marques étaient visibles sans démontage;

*DORS/2004-275 — 10 avril 2013*

(e) the firearm is imported by a business that holds a licence for the purpose of using the firearm in respect of motion picture, television, video or theatrical productions or in publishing activities.

e) elle est importée par une entreprise titulaire d'un permis délivré à des fins d'usage dans le cadre de productions cinématographiques, télévisuelles, vidéo ou théâtrales ou d'activités d'édition.

TAMPERING WITH MARKINGS

ALTÉRATION DES MARQUES

5. (1) No person shall knowingly remove, alter, obliterate or deface a marking on a firearm.

5. (1) Il est interdit de sciemment enlever, modifier, oblitérer ou maquiller toute marque d'une arme à feu.

(2) Subsection (1) does not apply to a public agent acting in the course of their duties or for the purposes of their employment.

(2) Le paragraphe (1) ne s'applique pas à l'agent public agissant dans le cadre de ses fonctions.

COMING INTO FORCE

ENTRÉE EN VIGUEUR

6. These Regulations come into force on December 1, 2013.

6. Le présent règlement entre en vigueur le 1<sup>er</sup> décembre 2013.

SOR/2005-242, s. 1; SOR/2007-266, s. 1; SOR/2009-313, s. 1; SOR/2010-276, s. 1; SOR/2012-251, s. 1.

DORS/2005-242, art. 1; DORS/2007-266, art. 1; DORS/2009-313, art. 1; DORS/2010-276, art. 1; DORS/2012-251, art. 1.

**Regulations Amending the Firearms Marking Regulations**

Statutory authority

*Firearms Act*

Sponsoring department

Department of Public Safety and Emergency Preparedness

**Règlement modifiant le Règlement sur le marquage des armes à feu**

Fondement législatif

*Loi sur les armes à feu*

Ministère responsable

Ministère de la Sécurité publique et de la Protection civile

**REGULATORY IMPACT ANALYSIS STATEMENT**

*(This statement is not part of the Regulations.)*

**Executive summary**

**Issues:** This proposal to amend the *Firearms Marking Regulations* (Regulations) is required to ensure that firearms are permanently marked to distinguish them from other firearms, independent of any other conditions, without imposing an unnecessary burden on firearms businesses and owners.

Currently, prohibited and restricted firearms must be registered. In order to be registered, they must bear identifying information such as a serial number. Since April 2012, non-restricted firearms or long guns (which account for about 90% of all firearms in Canada) are no longer required to be registered, thus removing any requirement for markings. This proposal addresses the gap which has emerged with the abolition of the long-gun registry. The proposal would ensure that all firearms continue to be marked to facilitate firearms identification, including crime gun tracing by law enforcement.

**Description:** The proposed amendment to the Regulations would require that firearms manufactured in, or imported to, Canada be permanently stamped or engraved, on the frame or receiver, with a serial number, name of manufacturer and any other markings as required to distinguish them from other firearms, with certain exceptions.

**Cost-benefit statement:** The proposed Regulations are not expected to have cost implications since reputable firearms manufacturers, both in Canada and in most other countries, currently mark firearms in the proposed manner. The proposed markings would benefit public safety by facilitating law enforcement investigations when the markings can be linked to the last legal owner of the firearm.

Further, the proposal removes the requirement for imported firearms to bear "Canada" (or "CA") and a mark indicating the year of import. Such an import mark, in the absence of centrally recorded information for non-restricted firearms, provides limited assistance to tracing and could expose importers and firearms purchasers to additional costs to mark.

**RÉSUMÉ DE L'ÉTUDE D'IMPACT DE LA RÉGLEMENTATION**

*(Ce résumé ne fait pas partie du Règlement.)*

**Résumé**

**Enjeux :** Cette proposition visant à modifier le *Règlement sur le marquage des armes à feu* (le Règlement) est nécessaire en vue de garantir le marquage permanent des armes à feu de manière à pouvoir les distinguer les unes des autres, indépendamment de toutes autres conditions, sans toutefois imposer un fardeau inutile aux entreprises et aux propriétaires d'armes à feu.

À l'heure actuelle, les armes à feu prohibées et à utilisation restreinte doivent être enregistrées. Pour ce faire, elles doivent porter des renseignements signalétiques comme un numéro de série. Depuis avril 2012, l'enregistrement des armes à feu qui ne sont visées par aucune restriction ainsi que des armes d'épaule (soit environ 90 % des armes à feu au Canada) n'est plus requis, ce qui élimine toute exigence liée au marquage des armes. La présente proposition vise ainsi à combler la lacune créée par l'abolition du registre des armes d'épaule. Elle ferait en sorte que toutes les armes à feu seraient marquées de manière à en faciliter l'identification, notamment quand les forces de l'ordre tentent de repérer des armes utilisées à des fins criminelles.

**Description :** Les modifications proposées au Règlement exigeraient l'estampage ou la gravure de façon indélébile, sur la carcasse ou la culasse, d'un numéro de série, du nom du fabricant et de tout autre renseignement permettant de distinguer une arme à feu de toute autre arme fabriquée ou importée au Canada, avec quelques exceptions.

**Énoncé des coûts et avantages :** Le règlement proposé ne devrait pas avoir de répercussions financières puisque les fabricants d'armes reconnus, qu'ils soient canadiens ou étrangers, marquent déjà leurs produits de la façon prévue. L'inscription des renseignements signalétiques sur les armes à feu faciliterait le processus d'enquête des forces de l'ordre dans la mesure où ceux-ci permettent l'identification du dernier propriétaire légitime.

En outre, les modifications proposées éliminent l'exigence selon laquelle les armes importées doivent porter la mention « Canada » ou les lettres « CA », ainsi que l'année d'importation. En l'absence d'un répertoire central contenant les renseignements sur les armes à feu sans restrictions, de telles mentions n'aident que très peu au repérage des armes et



**“One-for-One” Rule and small business lens:** The proposed Regulations will not result in any administrative or financial demands on those affected, as reputable firearms manufacturers currently mark in the proposed manner. Furthermore, the requirements do not place an administrative burden on businesses and individuals since there is no requirement under the proposed Regulations to submit reports showing compliance with having marked the firearm.

**Domestic and international coordination and cooperation:** Canada has signed, but not ratified, the *United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition* (UN Firearms Protocol) [2002] and the Organization of American States (OAS) *Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials* (CIFTA) [1997]. The proposed amendments to the existing Regulations meet some of the specifications of these two treaties. The proposed requirements are not expected to have trade implications, since most firearms producers mark with the requisite information.

pourraient entraîner des coûts de marquage supplémentaires pour les importateurs et les acheteurs.

**Règle du « un pour un » et lentille des petites entreprises :** Les modifications au Règlement ne devraient pas avoir de répercussions administratives ou financières, car les fabricants d'armes à feu de bonne réputation procèdent déjà au marquage des armes de la manière prévue. De plus, les nouvelles exigences n'entraîneraient pas de charge administrative pour les entreprises et les personnes puisque le Règlement n'exige pas la présentation d'un rapport montrant que l'arme à feu a bel et bien été marquée.

**Coordination et coopération à l'échelle nationale et internationale :** Le Canada a signé, sans toutefois les ratifier, le *Protocole contre la fabrication et le trafic illicites d'armes à feu, de leurs pièces, éléments et munitions* de l'Organisation des Nations Unies (protocole de l'ONU sur les armes à feu) de 2002 et la *Convention interaméricaine contre la fabrication et le trafic illicites d'armes à feu, de munitions, d'explosifs et d'autres matériels connexes* (CIFTA) de l'Organisation des États américains (OEA) de 1997. Les modifications proposées au règlement actuel répondent à certaines exigences de ces deux traités. Ces modifications ne devraient pas avoir d'incidences commerciales puisque la plupart des fabricants d'armes à feu inscrivent déjà sur leurs produits les renseignements requis.

## Background

Canada has signed, but not ratified, the *United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition* (UN Firearms Protocol) [2002] and the Organization of American States (OAS) *Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials* (CIFTA) [1997]. The marking of firearms is one of several requirements of these international treaties. In order to comply with these agreements, Canada requires regulations for the marking of firearms. In addition to the treaty imperatives, firearms markings have value for domestic and international law enforcement as they, when coupled with records, can be used to trace crime guns.

The *Firearms Marking Regulations*, drafted to respond to the international treaties, were approved by the Governor in Council in 2004 but not implemented. The Regulations stipulate the markings that need to be permanently stamped or engraved on the frame or receiver of all firearms imported into, or manufactured in, Canada. Domestically manufactured firearms must bear the name of the manufacturer, serial number and “Canada” or “CA”; imported firearms must be marked with “Canada” or “CA” and the last two digits of the year of import, e.g. “12” for 2012.

In response to requests by businesses for additional preparatory time, the coming into force of the Regulations was amended to April 1, 2006, deferred to December 1, 2007, and deferred again to December 1, 2009. During the 2009 deferral period, an independent study was undertaken to examine the usefulness of markings from a law enforcement perspective, the various marking technologies available, and the implications for the Canadian firearms industry and users. The study found that markings help to expedite law enforcement tracing efforts by focusing investigations. The study further determined that the cost to stamp or engrave markings would be low for Canadian manufacturers and

## Contexte

Le Canada a signé, sans toutefois les ratifier, le *Protocole contre la fabrication et le trafic illicites d'armes à feu, de leurs pièces, éléments et munitions* de l'Organisation des Nations Unies (protocole de l'ONU sur les armes à feu) de 2002 et la *Convention interaméricaine contre la fabrication et le trafic illicites d'armes à feu, de munitions, d'explosifs et d'autres matériels connexes* (CIFTA) de l'Organisation des États américains (OEA) de 1997. Le marquage des armes à feu est l'une des exigences de ces traités internationaux. Afin de s'y conformer, le Canada doit se doter d'un règlement sur le marquage. En plus de répondre aux obligations des traités, le marquage des armes à feu est utile pour les forces de l'ordre nationales et internationales, car, combiné à une base de données, il peut faciliter le dépistage des armes utilisées à des fins criminelles.

Le *Règlement sur le marquage des armes à feu* a été rédigé pour répondre aux exigences précises des traités internationaux, et il a été approuvé par le gouverneur en conseil en 2004. Il n'a toutefois jamais été mis en œuvre. Le Règlement stipule que le marquage doit s'effectuer par estampage ou gravure indélébiles sur la carcasse ou la culasse de toutes les armes à feu fabriquées ou importées au Canada. Toute arme à feu fabriquée au pays doit porter le nom de son fabricant, son numéro de série et le mot « Canada » ou les lettres « CA », tandis que les armes à feu importées doivent porter le mot « Canada » ou les lettres « CA » et les deux derniers chiffres de l'année d'importation (par exemple « 12 » pour 2012).

Comme certaines entreprises ont demandé davantage de temps de préparation, l'entrée en vigueur du Règlement a été reportée au 1<sup>er</sup> avril 2006, puis au 1<sup>er</sup> décembre 2007, et encore une fois au 1<sup>er</sup> décembre 2009. Au cours de ce dernier report, une étude indépendante a été entreprise en vue d'évaluer l'utilité du marquage du point de vue des forces de l'ordre, les diverses technologies de marquage et les répercussions pour l'industrie des armes à feu et les utilisateurs au Canada. L'étude a permis d'établir que le marquage accélère les efforts de dépistage des forces de l'ordre orientant mieux les enquêtes. L'étude a également permis de déterminer que le coût du marquage serait faible pour les fabricants

large importers, although it was not possible to determine the financial impact on individuals and small importers.

The Regulations were deferred until December 1, 2010, to allow consideration of a proposal from the firearms industry to place the information required by international treaties on adhesive metallic strips. The Regulations were subsequently deferred to December 1, 2012, to permit examination of program design and implementation issues associated with the current (e.g. permanent stamping or engraving) and alternative (e.g. adhesive metallic strip) marking options in order to determine a marking scheme that would contribute to public safety, meet international obligations, minimize costs to the Canadian firearms industry and firearms owners, and facilitate law enforcement tracing efforts.

Consequently, in 2011, the Royal Canadian Mounted Police (RCMP) conducted a study examining the industry proposal to mark firearms with adhesive metallic strips. Working with industry, the RCMP identified adhesive technologies known to use among the strongest binding agents available for testing. The RCMP subjected these adhesives to conditions (e.g. extreme temperature variations) and elements (e.g. cleaning solvents) to which firearms are commonly exposed. It was concluded that the marking of firearms with adhesive metallic strips is not practically viable given the challenges in ensuring adequate adhesion under a range of conditions.

In Canada, the *Criminal Code* and its associated regulations establish the legal framework governing the classification of firearms. There are three classes of firearms: (1) restricted (e.g. some handguns); (2) prohibited (e.g. automatic firearms); and (3) firearms that are neither a prohibited firearm nor a restricted firearm, generally referred to as non-restricted or long guns (e.g. ordinary rifles and shotguns).

Currently, all restricted or prohibited firearms must be registered with the Canadian Firearms Program of the RCMP. In order to be so, the firearm must bear a serial number or alternate (e.g. be described in a prescribed manner with make, class, type, action and calibre or gauge). Since April 2012, non-restricted firearms are no longer required to be registered, thus removing any requirement for markings on this class of firearms.

Consequently, the proposed regulatory amendment would address the gap created and require that every firearm manufactured in or imported into Canada after the coming into force of these Regulations be marked, with the exception of rare firearms or firearms that are of a value that is unusually high for that type of firearm.

#### Issue

The proposal to amend the *Firearms Marking Regulations* (Regulations) would require firearms to be permanently marked to distinguish them from other firearms.

Currently, prohibited and restricted firearms must be registered. In order to be registered, they must bear identifying information such as a serial number. Since April 2012, non-restricted firearms or long guns (which account for about 90% of all firearms in Canada) are no longer required to be registered, thus removing any requirement for markings. This proposal addresses the gap that has emerged with the abolition of the long-gun registry and

et les grands importateurs canadiens, mais il s'est révélé impossible d'établir les répercussions financières pour les particuliers et les petits importateurs.

L'entrée en vigueur du Règlement a été remise au 1<sup>er</sup> décembre 2010 afin de permettre l'étude d'une proposition formulée par l'industrie, qui souhaitait plutôt consigner les renseignements requis par les traités internationaux sur des bandes adhésives métalliques. L'entrée en vigueur a donc été remise au 1<sup>er</sup> décembre 2012 afin de permettre l'examen des problèmes de conception et de mise en œuvre associés aux options de marquage actuelles (estampage ou gravure de façon indélébile) et proposées (bandes adhésives métalliques) de manière à déterminer la meilleure façon de contribuer à la sécurité publique, de respecter les obligations internationales, de minimiser les coûts pour l'industrie et les propriétaires d'armes à feu au Canada, et de faciliter les efforts de dépistage des organismes d'application de la loi.

Par conséquent, la Gendarmerie royale du Canada (GRC) s'est penchée en 2011 sur la proposition visant à marquer les armes à feu avec des bandes adhésives métalliques. En coopération avec l'industrie, elle a relevé les technologies utilisant des adhésifs parmi les plus puissants connus. Ces adhésifs ont été soumis à des conditions (par exemple variations de température extrêmes) et à des éléments (par exemple solvants de dégraissage) auxquels les armes à feu sont fréquemment exposées. Cet examen a permis de conclure que le marquage avec des bandes adhésives métalliques n'était pas viable, car il est difficile de garantir l'adhésion dans toutes les conditions.

Au Canada, le *Code criminel* et la réglementation connexe établissent le cadre juridique entourant la classification des armes à feu. Il existe trois catégories d'armes à feu : (1) les armes à feu à autorisation restreinte (par exemple certaines armes de poing); (2) les armes à feu prohibées (par exemple les armes automatiques); et (3) les armes à feu qui ne sont pas prohibées et qui ne sont visées par aucune restriction, mieux connues comme les armes à feu sans restrictions ou les armes d'épaule (par exemple les carabines et les fusils de chasse ordinaires).

À l'heure actuelle, les armes à feu prohibées et à utilisation restreinte doivent être enregistrées auprès du Programme canadien des armes à feu de la GRC. Pour ce faire, l'arme doit porter un numéro de série ou d'autres renseignements (par exemple, une description, selon des critères établis, de sa marque, de sa classe, de son type, de son mécanisme et de son calibre ou sa jauge). Comme les armes à feu sans restrictions n'ont plus à être enregistrées depuis avril 2012, il n'est plus nécessaire de marquer cette classe d'armes.

Par conséquent, les modifications proposées permettraient de combler la lacune et exigeraient que toutes les armes à feu fabriquées ou importées au Canada après l'entrée en vigueur du Règlement soient marquées, à l'exception de quelques armes à feu rares ou d'une valeur exceptionnelle.

#### Enjeux

La proposition de modifier le *Règlement sur le marquage des armes à feu* (le Règlement) exigerait le marquage permanent de ces armes afin qu'il soit possible de les distinguer les unes des autres.

Actuellement, toutes les armes à feu prohibées ou à autorisation restreinte doivent être enregistrées. Aux fins d'enregistrement, elles doivent porter des renseignements qui les identifient, tel un numéro de série. Comme les armes à feu sans restrictions ou les armes d'épaule (environ 90 % de toutes les armes à feu au Canada) n'ont plus à être enregistrées depuis avril 2012, le marquage n'est plus nécessaire. Cette proposition corrige la lacune

ensures that all firearms continue to be uniquely marked to facilitate firearms identification, including crime gun tracing by law enforcement, when the markings on the firearm can be linked to records of ownership.

### Objectives

The objective is to require firearms to be permanently marked to distinguish them from other firearms so as to facilitate the identification of firearms and contribute to public safety while minimizing cost and administrative burdens on legitimate firearms businesses and owners.

### Description

The proposed Regulations would require that firearms manufactured in, or imported to, Canada be permanently stamped or engraved, on the frame or receiver, with a serial number, name of manufacturer and any other markings as required to distinguish them from other firearms, with the exception of rare firearms or firearms that are of a value that is unusually high for that type of firearm. The markings are to be visible without disassembly using tools or implements, legible and of a specific depth and height. The proposal also removes the requirement for firearms to be marked with "Canada" (or "CA") and, in the case of imported firearms, the year of import.

### Regulatory and non-regulatory options considered

The *Firearms Marking Regulations* were approved by the Governor in Council in 2004. Section 118 of the *Firearms Act* requires the Minister of Public Safety to lay proposed regulatory amendments before each House of Parliament for consideration. The existing Regulations were not considered to be an option since the requirement for an import mark, in the absence of recorded registration information for the majority of firearms in Canada, would provide limited assistance to tracing and entail a cost to those importing firearms requiring marking after manufacture.

### Benefits and costs

The regulatory amendment is not expected to result in any administrative or financial impacts on those affected, as reputable firearms manufacturers currently apply such markings. Furthermore, the requirements would not place a cost or administrative burden on businesses and individuals, since there is no requirement under the proposed Regulations that exceeds standard business practices or calls for the submission of reports showing compliance with having marked the firearm.

When a serial number and other markings can be matched to registration information, law enforcement has the capability to employ firearms tracing to bring resource and time efficiencies to investigations. With registration no longer required for non-restricted firearms, opportunities for the conclusion of a successful trace for this category of firearm are limited, since the markings on a firearm could not be linked to registration records. Further, while the proposal would fill a gap in Canadian law, there is no requirement or means of determining if non-restricted firearms have been marked in accordance with the proposed Regulations, since they are no longer subject to registration and no offence and penalties are being imposed for not doing so (however, there are *Criminal Code* penalties for tampering with a serial number).

causée par l'abolition du registre des armes d'épaule et fait en sorte que toutes les armes à feu continuent de porter une marque unique afin de faciliter leur identification, notamment quand les forces de l'ordre tentent de repérer des armes à feu utilisées à des fins criminelles et que ces marques peuvent être reliées aux dossiers de propriété.

### Objectifs

L'objectif est d'exiger que les armes à feu soient marquées de façon permanente pour les distinguer d'autres armes à feu afin de faciliter leur identification et de favoriser la sécurité publique tout en atténuant les fardeaux administratif et financier des entreprises et des propriétaires d'armes légitimes.

### Description

Le règlement proposé exigerait que la carcasse ou la culasse de toutes les armes à feu fabriquées ou importées au Canada portent une gravure ou une estampe indélébiles indiquant un numéro de série, le nom du fabricant et, s'il y a lieu, toute autre marque qui les différencie des autres armes à feu, à l'exception des armes rares ou de celles dont la valeur est exceptionnellement élevée compte tenu de leur type. Les marques devraient être visibles sans qu'on ait à désassembler l'arme à l'aide d'outils ou d'instruments, lisibles, et d'une profondeur et d'une hauteur précises. La proposition élimine également l'exigence de la marque « Canada » (ou « CA ») sur les armes à feu et, dans le cas d'armes importées, de l'inscription de l'année d'importation.

### Options réglementaires et non réglementaires considérées

Le *Règlement sur le marquage des armes à feu* a été approuvé par le gouverneur en conseil en 2004. L'article 118 de la *Loi sur les armes à feu* exige que le ministre de la Sécurité publique dépose les modifications proposées devant les deux chambres du Parlement à des fins d'examen. Le règlement actuel n'a pas été considéré comme une possibilité puisque l'exigence relative à une marque d'importation, en l'absence de renseignements d'enregistrement consignés pour la majorité des armes au Canada, constituerait une aide limitée pour le dépistage des armes importées et entraînerait des coûts pour les importateurs, qui devraient les marquer après leur fabrication.

### Avantages et coûts

Les modifications au Règlement ne devraient pas avoir de répercussions administratives ou financières chez les personnes concernées, car les fabricants d'armes à feu de bonne réputation utilisent déjà de telles marques. De plus, les exigences n'imposeraient pas de fardeau financier ou administratif aux commerces ni aux personnes, car aucune des dispositions du règlement proposé n'excède les pratiques commerciales normales ni ne réclame la production de rapports attestant la conformité au marquage d'une arme à feu.

Lorsqu'il est possible de relier un numéro de série ou d'autres éléments de marquage aux renseignements d'enregistrement, les forces de l'ordre sont en mesure d'avoir recours au dépistage des armes à feu et ainsi, d'utiliser efficacement les ressources et le temps dans le cadre des enquêtes. Comme l'enregistrement n'est plus nécessaire pour les armes sans restrictions, les possibilités de dépister les armes de cette catégorie sont limitées, car les marques qu'elles portent ne peuvent pas être reliées à un registre. En outre, bien que la proposition comble une lacune dans la loi canadienne, elle ne permet en aucune façon de déterminer si les armes sans restrictions ont été marquées conformément au règlement proposé, car elles ne sont plus sujettes à l'enregistrement et aucune infraction ou peine n'est appliquée en cas de non-enregistrement (cependant, le *Code criminel* prévoit des peines à l'égard de la falsification d'un numéro de série).

### **“One-for-One” Rule**

The “One-for-One” Rule does not apply to this proposal, as there is no change in administrative costs to business.

### **Small business lens**

The small business lens does not apply to this proposal, as there are no costs to small business.

### **Consultation**

Several meetings were held with the Minister of Public Safety's Canadian Firearms Advisory Committee (CFAC) to consider various issues, including the need for essential identifying information to describe firearms, which would not be costly to businesses or gun purchasers. Following the discussions, CFAC confirmed that the firearms community would be supportive of the requirement for serial numbers to be marked on all firearms, with the exception of rare firearms or firearms that are of a value that is unusually high for that type of firearm. They also are of the view that all other marking requirements should be removed, including the requirement to mark Canada and the year of import, as in the absence of records, such markings provide limited assistance for tracing, while adding a cost to importers.

Law enforcement representatives have expressed support for the existing *Firearms Marking Regulations*, from the perspective of public safety and national security. They are of the view that the markings, in conjunction with the availability of records identifying the last legal transaction relating to the firearm, could expedite investigations through firearms tracing to assist in solving a specific gun crime or to detect firearms trafficking, smuggling and stockpiling. However, with the repeal of the registration of non-restricted firearms and the loss of the ability to link markings with public ownership records (i.e. registry data) and the absence of business record-keeping requirements, the markings are only of limited use in the tracing of non-restricted firearms used in crimes.

### **Regulatory cooperation**

The multilateral agreements to which Canada is a signatory, namely the *United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition* (UN Firearms Protocol) and the Organization of American States *Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials* (CIFTA) require, among other things, member states to adopt specific firearms markings, record retention and sharing systems to facilitate police crime gun investigations. Canada has not ratified these treaties.

The Government is of the view that the proposed amendment to the existing Regulations, similar to its decision to repeal the long-gun registry, will not impede Canada should it decide to take steps to ratify these agreements.

### **Rationale**

The proposal would establish basic marking requirements to facilitate the identification of firearms and to contribute to public safety, by facilitating law enforcement investigations when the markings can be linked to information on the last legal owner of the firearm. The proposal also meets the concerns of firearms businesses and owners through an approach to markings that is consistent with standard business practices and minimizes administrative and cost burdens.

### **Règle du « un pour un »**

La règle du « un pour un » ne s'applique pas à cette proposition, car il n'y a pas de changements de coûts administratifs pour l'entreprise.

### **Lentille des petites entreprises**

La lentille des petites entreprises ne s'applique pas dans cette proposition, car elle n'entraîne aucun coût pour les petites entreprises.

### **Consultation**

Plusieurs réunions ont eu lieu avec le Comité consultatif canadien sur les armes à feu (CCCAF), présidé par le ministre de la Sécurité publique, afin d'examiner diverses questions, dont la nécessité d'avoir de l'information de base décrivant les armes à feu, qui ne serait pas coûteuse pour les entreprises et les acheteurs. À la suite de ces discussions, le CCCAF a confirmé que le milieu des armes à feu appuierait l'obligation d'inscrire un numéro de série sur toutes les armes à feu, à l'exception des armes rares ou de celles qui ont une valeur exceptionnelle. Les intervenants sont également d'avis que toutes les autres exigences relatives au marquage devraient être éliminées, dont celle d'inscrire le mot « Canada » et l'année d'importation, car, en l'absence de registre, ces inscriptions sont peu utiles au dépistage et entraînent des coûts pour les importateurs.

Des représentants des organismes d'application de la loi ont exprimé leur appui au règlement existant, du point de vue de la sécurité publique et nationale. Selon eux, le marquage, conjointement à un registre des dernières transactions légales associées à une arme, pourrait accélérer les enquêtes en permettant de dépister les armes et de les lier à un crime précis, ou encore de détecter le trafic, la contrebande et le stockage d'armes à feu. Cependant, compte tenu de l'élimination de l'obligation d'enregistrer les armes à feu sans restrictions et de la perte de la capacité de lier le marquage aux dossiers de propriété publics (c'est-à-dire les données du registre) ainsi que de l'absence d'exigences de tenue de registres, l'utilité du marquage se trouve limitée lorsque vient le temps de dépister les armes à feu sans restrictions utilisées à des fins criminelles.

### **Coopération en matière de réglementation**

Les ententes multilatérales dont le Canada est signataire, notamment, le *Protocole contre la fabrication et le trafic illicites d'armes à feu, de leurs pièces, éléments et munitions de l'Organisation des Nations Unies* (protocole de l'ONU sur les armes à feu) et la *Convention interaméricaine contre la fabrication et le trafic illicites d'armes à feu, de munitions, d'explosifs et d'autres matériels connexes* (CIFTA), exigent, entre autres, que les États membres adoptent des marquages particuliers des armes à feu, tiennent des registres et fassent part de leurs systèmes pour faciliter les enquêtes sur l'utilisation des armes à des fins criminelles. Le Canada n'a pas ratifié ces traités.

Le gouvernement estime que les modifications proposées au règlement existant, tout comme le retrait du registre des armes d'épaule, ne nuiraient pas au Canada s'il décidait de ratifier ces ententes.

### **Justification**

La proposition établirait des exigences de base en matière de marquage afin de faciliter l'identification des armes et de favoriser la sécurité du public en facilitant les enquêtes des forces de l'ordre lorsque les marques peuvent être reliées à des renseignements sur le dernier propriétaire légitime de l'arme. La proposition répond aussi aux inquiétudes des entreprises et des propriétaires d'armes à feu par une approche relative au marquage qui est cohérente avec les pratiques commerciales et réduit les fardeaux administratif et financier.

### Implementation, enforcement and service standards

These Regulations come into force on December 1, 2012. Communication efforts will focus on informing stakeholders of the amendments to the existing Regulations, with a news release and information provided by the RCMP Canadian Firearms Program. Other media relations will be handled on a responsive basis.

Since there is no requirement under the Regulations to report compliance, no other implementation, enforcement or service standard issues have been identified.

#### Contact

Lyndon Murdock  
Director  
269 Laurier Avenue W  
Law Enforcement and Policing Branch  
Public Safety Canada  
Ottawa, Ontario  
K1A 0P8  
General inquiries: 613-944-4875  
Fax: 613-954-4808  
Email: firearms/armesafeu@ps-sp.gc.ca

### Mise en œuvre, application et normes de services

Ce règlement entrera en vigueur le 1<sup>er</sup> décembre 2012. Les communications viseront à informer les intervenants des modifications au règlement actuel et comprendront un communiqué de presse et des renseignements émis par le Programme canadien des armes à feu de la GRC. Les autres activités de relation avec les médias seront traitées au cas par cas.

Comme le Règlement n'exige pas de rapports à l'égard de la conformité, aucune autre question de mise en œuvre, d'application ou de normes de services n'a été soulevée.

#### Personne-ressource

Lyndon Murdock  
Directeur  
269, avenue Laurier Ouest  
Secteur de la police et de l'application de la loi  
Sécurité publique Canada  
Ottawa (Ontario)  
K1A 0P8  
Demandes générales : 613-944-4875  
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Courriel : firearms/armesafeu@ps-sp.gc.ca

### PROPOSED REGULATORY TEXT

Notice is given that the Governor in Council, pursuant to paragraph 117(k.2)<sup>a</sup> of the *Firearms Act*<sup>b</sup>, proposes to make the annexed *Regulations Amending the Firearms Marking Regulations*.

Interested persons may make representations concerning the proposed Regulations within 30 days after the date of publication of this notice. All such representations must cite the *Canada Gazette*, Part I, and the date of publication of this notice, and be addressed to Lyndon Murdock, Director, Firearms and Operational Policing Policy Division, Law Enforcement and Policing Branch, Public Safety Canada, 269 Laurier Avenue West, Ottawa, Ontario K1A 0P8 (tel.: 613-944-4875; fax: 613-954-4808; email: firearms/armesafeu@ps-sp.gc.ca).

Ottawa, October 4, 2012

JURICA ČAPKUN  
*Assistant Clerk of the Privy Council*

### REGULATIONS AMENDING THE FIREARMS MARKING REGULATIONS

#### AMENDMENTS

1. Section 2 of the *Firearms Marking Regulations*<sup>1</sup> is re-numbered as subsection 2(1) and is amended by adding the following:

- (2) Subsection (1) does not apply to
  - (a) a rare firearm; or
  - (b) a firearm that has a value that is unusually high for that type of firearm.

<sup>a</sup> S.C. 2003, c. 8, s. 54(2)

<sup>b</sup> S.C. 1995, c. 39

<sup>1</sup> SOR/2004-275

### PROJET DE RÉGLEMENTATION

Avis est donné que le gouverneur en conseil, en vertu de l'alinéa 117k.2)<sup>a</sup> de la *Loi sur les armes à feu*<sup>b</sup>, se propose de prendre le *Règlement modifiant le Règlement sur le marquage des armes à feu*, ci-après.

Les intéressés peuvent présenter leurs observations au sujet du projet de règlement dans les trente jours suivant la date de publication du présent avis. Ils sont priés d'y citer la *Gazette du Canada* Partie I, ainsi que la date de publication, et d'envoyer le tout à Lyndon Murdock, directeur, Division des armes à feu et de la politique opérationnelle, Secteur de la police et de l'application de la loi, Sécurité publique Canada, 269, avenue Laurier Ouest, Ottawa (Ontario) K1A 0P8 (tél. : 613-944-4875; téléc. : 613-954-4808; courriel : firearms/armesafeu@ps-sp.gc.ca).

Ottawa, le 4 octobre 2012

*Le greffier adjoint du Conseil privé*  
JURICA ČAPKUN

### RÈGLEMENT MODIFIANT LE RÈGLEMENT SUR LE MARQUAGE DES ARMES À FEU

#### MODIFICATIONS

1. L'article 2 du *Règlement sur le marquage des armes à feu*<sup>1</sup> devient le paragraphe 2(1) et est modifié par adjonction de ce qui suit :

- (2) Le paragraphe (1) ne s'applique pas à l'arme à feu qui, selon le cas :
  - a) est rare;
  - b) a une valeur exceptionnellement élevée pour ce type d'arme à feu.

<sup>a</sup> L.C. 2003, ch. 8, par. 54(2)

<sup>b</sup> L.C. 1995, ch. 39

<sup>1</sup> DORS/2004-275

**2. Subsection 3(2) of the Regulations is amended by striking out "or" at the end of paragraph (d) and by adding the following after paragraph (e):**

- (f) a rare firearm; or
- (g) a firearm that has a value that is unusually high for that type of firearm.

**3. (1) Subsection 4(1) of the Regulations is replaced by the following:**

4. (1) The firearm shall be marked by permanently stamping or engraving on the firearm's frame or receiver the firearm's serial number, the name of the manufacturer and any other markings that are required to distinguish it from other firearms.

**(2) Paragraph 4(2)(c) of the Regulations is replaced by the following:**

- (c) subject to subsection (3), be visible without the need to disassemble the firearm using tools or implements.

**(3) Subsection 4(3) of the Regulations is amended by adding "or" at the end of paragraph (b) and by repealing paragraphs (c) and (d).**

#### COMING INTO FORCE

**4. These Regulations come into force on the day on which they are registered.**

[41-1-o]

**2. Le paragraphe 3(2) du même règlement est modifié par adjonction, après l'alinéa e), de ce qui suit :**

- f) est rare;
- g) a une valeur exceptionnellement élevée pour ce type d'arme à feu.

**3. (1) Le paragraphe 4(1) du même règlement est remplacé par ce qui suit :**

4. (1) Le marquage de l'arme à feu s'effectue par l'estampage ou la gravure de façon indélébile, sur la carcasse ou la boîte de culasse de l'arme à feu, de son numéro de série, du nom du fabricant et de tout autre marquage la distinguant des autres armes à feu.

**(2) L'alinéa 4(2)c) du même règlement est remplacé par ce qui suit :**

- c) sous réserve du paragraphe (3), être visibles sans qu'il soit nécessaire de démonter l'arme à feu à l'aide d'outils ou d'instruments.

**(3) Les alinéas 4(3)c) et d) du même règlement sont abrogés.**

#### ENTRÉE EN VIGUEUR

**4. Le présent règlement entre en vigueur à la date de son enregistrement.**

[41-1-o]

OCT-30-2012 12:22P FROM:

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TO: 16139951049

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# Canadian Firearms Advisory Committee

The Hon. Vic Toews, P.C., B.A., LLb.  
Minister of Public Safety  
269 Laurier Avenue West,  
Ottawa, Ontario  
K1A 0P8

RECEIVED - REÇU  
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October 30th 2012

Dear Minister Toews:

The members of your Firearms Advisory Committee have reviewed the Firearms Marking Regulations as Gazetted October 12th 2012 and have some major concerns as to the effect and outcome of these regulations

The stated goal as appears therein is;

"to ensure that firearms are permanently marked to distinguish them from other firearms, independent of any other conditions, without imposing an unnecessary burden on firearms businesses and owners"

In the opinion of this committee, the revised wording of the Firearms Marking Regulations as Gazetted does not meet the needs and goals of the Government on public safety or those of the firearms industry and community. As well, they are not reflective of the Canada Gazette published Results of Consultation with your Advisory Committee, wherein it is stated

"Several meetings were held with the Minister of Public Safety's Canadian Firearms Advisory Committee (CFAC) to consider various issues, including the need for essential identifying information to describe firearms, which would not be costly to businesses or gun purchasers. Following the discussions, CFAC confirmed that the firearms community would be supportive of the requirement for serial numbers to be marked on all firearms, with the exception of rare firearms or firearms that are of a value that is unusually high for that type of firearm. They also are of the view that all other marking requirements should be removed, including the requirement to mark Canada and the year of import"

The proposed regulations require all relevant information to be placed on the firearm's frame/receiver where, in many cases, it is impossible to be placed. Also, the use of the word "manufacturer", and requiring "any other markings that are required to distinguish it from other firearms"(unspecified as yet) are, in the opinion of this committee, unnecessary, counterproductive and in many cases misleading, as the manufacturer is not necessarily the same as the well known brand name that appears on the firearm. The RCMP Firearms Reference Table (FRT) nomenclature shows the difference between "manufacturer" and 'make", and shows the firearm "make" as being the first identifier of any firearm on a Registration Certificate and Transfer Notification, as it is with automobiles.

Current industry practices worldwide provide for all firearms to have a unique serial number on the receiver, as required in these regulations, and for the make and other information to appear conspicuously on all firearms. This information presently appears on all newly manufactured firearms and is proudly displayed by the maker as a unique identifier from all other makers. The serial number is unique to each maker, usually including a unique product code and a production period identifier, and is more than sufficient to identify any firearm imported into Canada .

Any regulatory changes to this present system will unfortunately require a significant rewrite of the RCMP Firearms Reference Table (FRT), which was created by Canada and is used by Canada and numerous other governments as a primary firearm identification tool. The cost of this major change is incalculable at present.

OCT-30-2012 12:22P FROM:

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TO: 16139951049

P.2

This committee believes that this government's goals and those of the firearms industry and community are the same, being the best practical contribution to public safety. We believe that the existence of a unique serial number, along with the information contained in the RCMP Firearms Reference Table regarding the firearm is sufficient to address the Government's goals.

In this regard, we recommend a change to the proposed Regulations be made as follows in an attempt to be more specific: section 4(1) should be split into two parts as follows:

4(1)(a) The firearm manufactured after the coming into force of this regulation shall be marked by permanently stamping or engraving on the firearm's frame or receiver the firearm's serial number.

4(1)(b) The firearm manufactured after the coming into force of this regulation shall be marked by permanently stamping, engraving or etching on the firearm's frame or receiver or barrel or slide, the firearm's make.

The above changes will permit easy identification of any firearm and meet the Consultation, Regulatory Cooperation and Rationale as Gazetted. They will also permit the use of all current markings/information appearing on firearms to continue to be used in conjunction with the current FRT.

Minister, we urge you to amend the Gazetted Regulations to reflect the above proposed changes, as the committee believes that these changes will accomplish all the stated goals of identification without any changes to identification methods as used by Canada and other countries and without the negative fallout to industry of the Regulations as presently Gazetted.

The members of this Committee remain at the service of your government, Minister, and we wish to provide you with the best possible advice based on our expertise. We trust that our proposed solution is of benefit in rectifying this matter within the current timeline.

Yours sincerely,

On behalf of the Committee members

Linda Baggaley, Co-Chair  
Steve Torino, Co-Chair

cc: Candice Bergen, MP

Linda Baggaley  
Tony Bernardo  
Greg Farrant  
Murray Grismer  
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