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CANADIAN FIREARMS ADVISORY COMMITTEE (CFAC) MEETING

MARCH 26-27, 2012

LORD ELGIN HOTEL, OTTAWA

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Public Safety Sécurité publique
Canada Canada

Deputy Minister Sous-ministre

Ottawa, Canada
K1A 0P8

SECRET

DATE: **MAR 22 2012**

File No. : 386632

MEMORANDUM FOR THE MINISTER

**MEETING WITH THE CANADIAN FIREARMS ADVISORY COMMITTEE
MARCH 26 AND 27, 2012**

(For Information Only)

ISSUE

To provide briefing material in preparation for your in-person meeting with the Canadian Firearms Advisory Committee, scheduled for March 26-27, 2012, in Ottawa.

BACKGROUND

The Canadian Firearms Advisory Committee (CFAC) 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 (Terms of Reference at **TAB B**).

While the Terms of Reference provide for up to 15 members, the Committee was originally comprised of 13 individuals appointed for a two-year term. Twelve of the original 13 members were renewed for a subsequent two-year term ending in August 2010, while one resigned. The same 12 members were renewed again for a one-year term, ending in July 2011. Eleven memberships were renewed again for an additional two years, ending July 2013. One member, Dr. Mike Ackermann, was not renewed while a new member, Mr. Kerry Higgins, was appointed. Member biographies, updated in March 2012, are attached (**TAB C**).

As part of the recent membership renewal process, you approved a review of the Committee's Terms of Reference by officials to ensure they remain relevant. Proposed revisions to the Terms of Reference have been submitted for your approval under separate cover. (Copies are included at **TAB B**).

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SECRET

Since its creation, the Committee has met on nine occasions, five of which have been in-person with the Minister, with the remaining four held by teleconference. You have met with this Committee on two occasions (June 16, 2010 by teleconference, and an in-person meeting on November 30/December 1, 2010). The Records of Discussion from both of your meetings are attached (TAB D).

Meetings are currently co-chaired by Mr. Steve Torino and Ms. Linda Baggaley, the Committee's official spokespersons. In-person meetings are generally comprised of open sessions, in which departmental officials participate, and in-camera sessions attended only by Committee members and ministerial staff. The members have input to the development of the agenda and generate recommendations that are submitted to you for your consideration.

CURRENT STATUS

Your next in-person meeting with the Committee is scheduled for March 26-27, 2012, in Ottawa at the Lord Elgin Hotel located at 100 Elgin Street. The agenda, which was prepared in consultation with your office and Committee members, is attached (TAB E).

Parliamentary Secretary Candice Hoepfner will welcome and address the Committee when it convenes at noon on Monday, March 26, 2012. Talking Points are provided (TAB F). A working lunch will be provided.

The early afternoon session will include a presentation from the Royal Canadian Mounted Police on the Canadian Firearms Program, followed by a discussion with departmental officials on the Committee's revised Terms of Reference, Gun Shows and Firearms Marking Regulations and licencing reform. Issues briefs for the meeting are attached (TAB G).

At 3:30 p.m. you are scheduled to arrive to formally welcome and address the Committee. Proposed Talking Points are attached (TAB H). Following your introductory remarks there will be an open discussion. Key topics to address with the Committee are the implementation of Bill C-19, *Ending the Long Gun Registry*, Gun Shows and Marking Regulations, and licencing. The first day's formal program will conclude at 5:00 p.m.

At 7:00 p.m., the Committee will meet with you and the Parliamentary Secretary for dinner at the Parliamentary Restaurant. A private room has been reserved.

On Tuesday, March 27, 2012, the Parliamentary Secretary will meet with the Committee for a working breakfast from 8:30 a.m. to 9:30 a.m. at which time it is anticipated that the Committee will present their recommendations, based on deliberations from the first day.

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Following the departure of the Parliamentary Secretary, the Committee will be invited to meet with departmental officials for an hour for a formal meeting wrap up and to discuss the way forward.

The day will end at 11:00 a.m., marking the conclusion of the meeting.

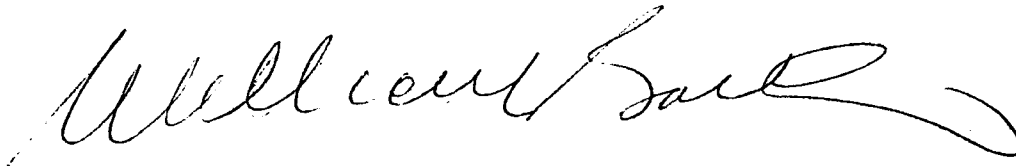
CONSIDERATIONS

As this is the first meeting since memberships were renewed in July 2011, you may wish to take the opportunity to welcome returning members and the new member.

The last meeting of the Committee took place in late 2010. This meeting provides an opportunity to update members on the status of Bill C-19 and to acknowledge their support in advancing this priority of the Government.

With the repeal of the registry moving forward, this meeting is seen by the Committee members as an opportunity to provide advice on the priorities for a future-oriented firearms agenda, particularly with respect to Gun Shows and Marking Regulations and licensing reform.

Should you require additional information, please do not hesitate to contact me or Mr. Richard Wex, Assistant Deputy Minister, Law Enforcement and Policing Branch, at 613-990-2703.



William V. Baker

Enclosures: (7)

Prepared by: Vesna Knezevic

Canadian Firearms Advisory Committee Terms of Reference - Previous

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.

Canadian Firearms Advisory Committee Terms of Reference - New

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 providing advice, particular emphasis will be placed by the Committee on:

- improving the efficiency and effectiveness of gun control laws and regulations in combatting 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 co-chair the Committee.

TERMS OF APPOINTMENT

Under the authority provided for in section 6 of the *Department of Public Safety and Emergency Preparedness Act*, the Minister is empowered to establish advisory and other committees and provide for their membership, duties, functions, and operation. The committees serve at the Minister's pleasure, and the Minister may at any time:

- extend the service of members of a Committee;
- disband and re-appoint new members to a Committee; or
- disband a Committee.

Each of the Canadian Firearms Advisory Committee members will be appointed by the Minister and will serve on the Committee during pleasure for such term not exceeding two years. Members may be asked to resign at any time, at the Minister's discretion. Retiring members will be eligible for reappointment.

In order to enhance the effectiveness of their work, all members 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 Minister. The Committee will aim to hold one in-person meeting and up to two teleconferences per year as necessary.

Sub-committees or working groups may be formed as necessary. The input of Committee members may be sought by Government officials between meetings as circumstances dictate and to ensure ongoing dialogue.

AGENDAS AND MATERIALS

Co-Chairs will seek input from Committee members to develop the agenda. To ensure that the Minister's priorities are reflected, proposed agendas should be shared with Public Safety Canada officials at least three weeks in advance of meetings to facilitate preparations.

Members have access to teleconference services provided by Public Safety Canada to facilitate their planning.

The agenda will be approved at the discretion of the Minister.

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

Records of Discussion will be prepared by Public Safety Canada. To ensure that timely updates are provided to the Minister, Co-chairs will be asked to confirm the accuracy of the content within three weeks so that Records of Discussion can be finalized and submitted to the Minister within two months of a meeting.

The Records of Discussion will be approved at the discretion of the Minister.

All Records of Discussion and meeting materials are accessible to the public through the *Access to Information Act*.

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.

Changes to the Terms of Reference

Changes are proposed to the following sections:

Purpose

The original text stated that: *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.*

It is proposed that "*in keeping within the commitment of the Government to replace Bill C-68*" be removed with a view to updating the mandate and focusing it on future directions.

Terms of Appointment

Original text stated that "*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.*"

It is proposed that the original text be replaced with:

"Under the authority provided for in section 6 of the Department of Public Safety and Emergency Preparedness Act, the Minister is empowered to establish advisory and other committees and provide for their membership, duties, functions, and operation. The committees serve at the Minister's pleasure, and the Minister may at any time:

- extend the service of members of a Committee;*
- disband and re-appoint new members to a Committee; or*
- disband a Committee.*

Each of the Canadian Firearms Advisory Committee members will be appointed by the Minister and will serve on the Committee during pleasure for such term not exceeding 2 years. Retiring members will be eligible for reappointment.

In order to enhance the effectiveness of their work, all members will undergo background checks for the purpose of receiving a security clearance."

This change is proposed in order to clarify your legislative authority to establish the Committee and prerogative to appoint, disband, and/or re-appoint the service of individual members, and/or the Committee at large, at any time.

Location and Frequency of Meetings

Original Terms of Reference stated: "*Meetings will be held in Ottawa or as decided by the Chair.*"

It is proposed that the original text be replaced with *“Meetings will be held in Ottawa or as determined by the Minister.”* This would set out your prerogative to determine where meetings will be held.

Original Terms of Reference stated: *“The Committee will meet as necessary 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.”*

It is proposed that the original text be replaced with *“The Committee will aim to hold one in-person meeting and up to two teleconferences per year as necessary.”* This change is being proposed in the interest of time and cost effectiveness, and to reflect more accurately, the current practice with respect to timing of meetings.

Agendas and Materials

Original Terms of Reference stated: *“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.”*

It is proposed that the original text be replaced with:

“Co-Chairs will seek input from Committee members to develop the agenda. To ensure that the Minister’s priorities are reflected, proposed agendas should be shared with Public Safety Canada officials at least three weeks in advance of meetings to facilitate preparations. Members have access to tele-conference services provided by Public Safety Canada to facilitate their planning.”

The agenda will be approved at the discretion of the Minister.”

This change is being proposed to set out your prerogative to approve meeting agendas ensuring they meet your needs and to enable officials to support you with relevant and timely briefings.

Original Terms of Reference stated: *“Between meetings, members will receive timely updates on consultative activities and any relevant releases.”* It is proposed that the original text be removed as this has not been the practice to date, and given the proposed meeting schedule, it is felt that this requirement is unnecessary.

Original Terms of Reference stated: *“Records of meetings will be maintained as Records of Discussion.”*

It is proposed that the original text be replaced with:

“Records of Discussion will be prepared by Public Safety Canada. To ensure that timely updates are provided to the Minister, Co-chairs will be asked to confirm the accuracy of the content within three weeks so that Records of Discussion can be finalized and submitted to the Minister within two months of the meeting.”

The Records of Discussion will be approved at the discretion of the Minister.”

This change is proposed to provide timely updates on discussions.

Addition of new text is proposed for the purpose of clarity and transparency, as follows:
“Records of Discussion and meeting materials are accessible to the public through the Access to Information Act. “

Members of the Canadian Firearms Advisory Committee

Linda Baggaley - Co-Chair

Ms. Baggaley is the President of Bud Haynes Auctions and is a member of the accredited Canadian Personal Property Appraisers Group (CPPAG) specializing in antiques and fine art and a former member of the Minister's User Group on Firearms. Bud Haynes Auction is the oldest established gun auction in Canada. Ms. Baggaley is also a charter member of the Canadian Auctioneers' Association and first Vice President of the Canadian Shooting Sports Association.

Ms. Baggaley [redacted]

Tony Bernardo

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

[redacted] is active with the World Forum on the Future of Sport Shooting Activities. Mr. Bernardo [redacted]
Mr. Bernardo [redacted]

Alain Cossette

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

Louis D'Amour

Mr. D'Amour [redacted]

Mr. D'Amour [redacted] Mr. D'Amour is currently a public servant in the employ of the RCMP, working at the Central Processing Site (CPS), in Miramichi.

Greg Farrant

Mr. Farrant [redacted]

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

Gerry Gamble

Mr. Gamble [redacted]

[redacted] Mr. Gamble [redacted] a Director (Ontario) of the Canadian Shooting Sports Association.

John Gayder

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.

Murray Grismer

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.

Kerry Higgins

Professor Emeritus Gary Mauser

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).

Linda Thom

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.

Steve Torino - Co-Chair

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.

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

**Canadian Firearms Advisory Committee (CFAC)
Teleconference Record of Discussion
June 16, 2010
7:15 p.m. - 8:15 p.m.**

Members Participating:

Dr. Mike Ackermann	Mr. Louis D'Amour	Mr. Murray Grismer
Ms. Linda Baggaley	Mr. Gerry Gamble	Prof. Gary Mauser
Mr. Tony Bernardo	Mr. John Gayder	Mr. Steve Torino

Members Unavailable:

Mr. Alain Cossette	Mr. Greg Farrant	Ms. Linda Thom
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Minister and Minister's Staff:

Minister Toews	Mr. Shawn Fried
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Departmental Officials:

Mr. Richard Wex	Mr. Mark Potter	Mr. Lyndon Murdock
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Secretariat Function:

Ms. Sandra Maurice

Overview:

This was the first meeting of the Canadian Firearms Advisory Committee (the Committee) with Minister Toews, and its first since the in-person meeting held in April 2009 with Minister Van Loan. The Minister welcomed the Committee members and invited them to introduce themselves before providing introductory remarks and turning the floor over to Committee members to discuss issues of interest. Issues of particular importance identified by the Committee were:

1. Bill C-391
2. *Firearms Markings Regulations*
3. *Gun Shows Regulations*

Round Table Introductions:

Members each had the opportunity to introduce themselves and provide a summary of their experience with firearms. The names and firearms background of the three absent members were also highlighted.

Minister's Introductory Remarks:

Minister Toews opened the meeting by conveying his appreciation to Committee members for making themselves available on short-notice, in addition to his regrets for not being able to meet in person. Minister Toews wanted to use this teleconference to get acquainted with Committee members and to hear their views on firearms related matters that were of importance to them. The Minister committed to convening an in person meeting in fall 2010 and conveyed his intention to have his officials liaise more regularly with the Committee to ensure on-going dialogue.

Minister Toews provided a status update on the following issues:

Bill C-391

The Minister thanked those members of the Committee who appeared as witnesses at the Standing Committee of Public Safety and National Security to provide testimony in support of Bill C-391.

The Minister indicated he intends to focus his attention over the summer on Bill C-391, with a view to advancing the Bill through Parliament in the fall. In this vein, he encouraged the Committee to contact non-government members of Parliament who voted in favour Bill C-391 at second reading to urge their continued support.

The Minister reiterated the Government's 2010 Speech from the Throne commitment to repeal the long-gun registry, while affirming the Government's intention to maintain licencing provisions required to be able to acquire a firearm.

Committee members highlighted the possibility of varying views between police management and front-line officers regarding the long-gun registry.

Other members of the Committee provided the Minister with examples of what firearms stakeholders and organizations are doing to lobby members of Parliament to support Bill C-391.

Compliance Measures

Minister Toews highlighted that on May 13, 2010 the Government extended three measures intended to facilitate compliance for one year, until May 16, 2011. These include:

- (i) the fee waiver associated with renewing or upgrading an existing licence;
- (ii) the Possession Only Licence eligibility measure, thereby removing the requirement for previous holders of these licences to take the firearms safety training course and obtain a Possession and Acquisition Licence; and
- (iii) the amnesty which protects non-compliant owners of non-restricted firearms from criminal liability while they are taking steps to comply with the licensing and registration requirements of the *Firearms Act* and the *Criminal Code*.

Classification of Norinco T-97A and High Standard Model 10B firearms:

Minister Toews provided the Committee with an update on what the Government has done in response to concerns raised by Norinco Type 97A owners. The Minister began by recounting the facts of the matter:

- Between October 2006 and November 2007, 60 Type 97A firearms were imported in two separate shipments from China.
- The firearms were classified at the time as non-restricted and restricted based on information provided by the importer and manufacturer.
- Forty of the distributed firearms were subsequently determined by the RCMP upon physical verification to be purpose-made fully automatic firearms that had been temporarily modified to be semi-automatic.
- As a result, the RCMP changed the classification of the affected firearms to prohibited.
- Individuals and businesses that currently possess one of the 40 prohibited Type 97A firearms, and who are not legally entitled to possess such firearms, have received revocation notices from the RCMP, in addition to an offer of compensation to the maximum amount of \$1,400 to those who surrender their firearms.

Committee members highlighted that they were aware of the two different Norinco Type 97A's and noted there were approximately 1,000 of these firearms in Canada being detained by the CBSA. Members expressed concern that the business which attempted to import the firearms may be billed for the storage of the weapons, pending the conclusion of legal proceedings under the *Customs Act* and *Tariff Act*.

Role of Committee:

The Minister highlighted the importance of the Committee and the wealth of knowledge that the members bring regarding firearms related matters. Minister Toews thanked the members for their continued support and participation and mentioned that he intended to renew all the Committee Memberships.

The Minister turned the floor over to allow Committee members to talk about some of the issues of importance to them, but reiterated that his primary focus was on ensuring the passage of Bill C-391. The Committee members raised the following issues with the Minister:

Marking Regulations:

The Committee expressed concerns regarding the coming into force of the *Firearms Marking Regulations* on December 1, 2010, highlighting that it was their understanding that Canadian businesses would not be able to comply. Members believe that the costs associated with acquiring the technology for stamping or engraving is the primary issue of concern.

Members confirmed that industry had completed a study recommending that firearms marking be done via adhesive metallic strips – something that the Committee believed would be an acceptable alternative to stamping or engraving. The Minister, however, indicated that he must be satisfied that the adhesive metallic strip was a reasonable alternative that complies with international commitments.

The Minister stated that his office will brief him on the industry led proposal for adhesive metallic strips.

Gun Shows Regulations:

Committee members expressed concerns regarding the coming into force of the *Gun Shows Regulations* on November 30, 2010, noting that in their opinion, the definition of a “gun show” within the regulations is vague.

When asked by the Minister if there were any specific incidents that precipitated the development of this regulation, the Committee was not aware of any significant incidents occurring in Canada. Committee members suggested that Canada does not typically attract a criminal element at their gun shows as compared to other countries.

The Committee recommended deferral of the regulations to allow for further study.

Firearms Licences and Privileges

Committee members raised three specific points surrounding firearms licences and their privileges, including:

- merging the Possession Only Licence (POL) and Possession and Acquisition Licence (PAL), to create one class of licences that provides for both possession and acquisition privileges;
- the issuance of a special inheritance licence or privileges to allow individuals to bequeath their firearms to family and friends; and,
- the expansion of grandfathering provisions related to prohibited firearms.

The POL was created in 1998 as a one-time grandfathering mechanism to provide existing firearms owners, not interested in acquiring additional firearms, an opportunity to retain their current firearms without having to obtain a PAL. Under the *Firearms Act*,

a POL must be renewed prior to its expiry and is no longer available to new applicants. Once it has expired, former holders must pay for and successfully complete the Canadian Firearms Safety Course, and then apply for a PAL. It was the view of the Committee that these experienced POL holders are not generally considered a significant public safety risk by law enforcement, and as a result, should be granted acquisition privileges by amending the *Firearms Licences Regulations*.

The Committee also recommended that measures be undertaken to allow some type of licencing privileges or certification for individuals who wish to possess and acquire firearms that were bequeathed by deceased relatives and friends, in some cases, even prohibited firearms. This also led to a discussion regarding the possibility of amending the current legislative regime to extend grandfathering provisions in relation to prohibited firearms to the children of those individuals who are currently grandfathered. The Committee recognized that the large majority of inheritance transfers between friends and families (non-commercial transactions) are not recorded with the Canadian Firearms Program.

In interest of time, the Minister deferred discussion on this item, committing to exploring this issue further with the Committee at a later date.

Other Issues

The Committee informed the Minister that it wished to put forward a proposal with recommendations for amendments to the *Criminal Code* with respect to the possession of a prohibited firearm without being the holder of the appropriate licence. Committee members believe that the penalty provisions for unlawful possession of a prohibited firearm should be increased as a deterrence measure. ||

Minister's Closing Remarks:

The Minister thanked the Committee members for their time, apologized for going so long without having convened a meeting of the Committee and encouraged them to send recommendations and concerns to his office in writing. Due to time constraints, agenda items that were not considered during this teleconference would be carried forward to the next meeting of the Committee, tentatively scheduled for early fall 2010.

Next Steps:

- Officials will be in contact with each of the Committee members in regards to the renewal of their membership;
- an in-person meeting of the Minister's Canadian Firearms Advisory Committee will be convened in Ottawa this fall, with further communication to follow in the near-term; and
- the Committee will provide views in writing on the *Firearms Marking Regulations* and *Gun Shows Regulations*, in addition to other firearms related issues, to the Minister for further consideration.

**Canadian Firearms Advisory Committee
In-person Meeting Record of Discussion
November 30 and December 1, 2010
9:00 a.m. to 12:00 p.m.**

Members Participating:

Mr. Tony Bernardo
Mr. Allain Cossette
Mr. Louis D'Amour

Mr. Greg Farrant
Mr. Gerry Gamble
Mr. John Gayder

Prof. Gary Mauser
Mr. Steve Torino

Members Unavailable:

Dr. Mike Ackermann
Ms. Linda Baggaley

Mr. Murray Grismer
Ms. Linda Thom

Minister and Minister's Staff:

Minister Toews

Mr. Shawn Fried

Departmental Officials:

Mr. Mark Potter

Mr. Lyndon Murdock

Secretariat Function:

Ms. Sandra Maurice

Overview:

The Committee met from November 30 to December 1, 2010, marking the first in-person meeting with Minister Toews. The previous meeting had taken place via teleconference in June 2010. Issues of particular importance identified by the Committee were:

1. Licencing;
2. *Firearms Marking Regulations*; and
3. *Public Agents Firearms Regulations*.

1. Licencing

The Committee made a number of observations and recommendations with respect to licencing, addressing the following issues:

The Canadian Firearms Safety Course

The Committee expressed strong support for the requirement of new licencees to take and successfully complete the Canadian Firearms Safety Course. However, some concern was raised regarding the inability of Possession Only Licence (POL) holders to upgrade to a Possession and Acquisition Licence (PAL) without having first successfully completed this course.

Recommendation: In the opinion of the Committee, the safety record and risks associated with POL holders are comparable to those of PAL holders, and therefore, the former should not be obligated to pay for and successfully complete the course.

The Committee also questioned why peace officers in Canada were not obligated to complete the Canadian Firearms Safety Course, since they are often required to handle various types of firearms.

Merger of POL / PAL

The Committee was of the view that affording acquisition privileges to POL holders would not affect public safety, as these individuals are generally considered to be experienced firearms owners who have proven to be safe users. As well, most POL holders would like the ability to replace firearms in their possession that are defunct, stolen or otherwise inoperable, with a similar or like firearm and are not interested in acquiring firearms of another class. Members highlighted the point that while POL holders are ineligible to acquire new firearms, they are lawfully able to borrow them (without restriction) for unlimited periods, provided the firearm is within their licence privileges.

Recommendation: The Committee recommended that officials examine possible regulatory and legislative mechanisms that could facilitate the conversion of POLs to PALs. Specifically, the Committee proposed the following two options for consideration:

- having all expired POLs automatically upgraded to a PAL by Chief Firearms Officers (CFOs), or
- allow the CFOs to accept alternative certification, in lieu of successfully completing the Canadian Firearms Safety Course.

Continuous Licencing and Continuous Eligibility

The Committee reiterated its concerns regarding the criminalization of firearms owners through the current licencing framework. A significant irritant to firearms owners is what is perceived as the Government's focus on penalizing law-abiding gun owners whose license has expired instead of pursuing criminals. A specific example cited was the Canadian Firearms Program's practice of issuing letters (i.e., 30 and 90 days prior to the expiry of licences) which are viewed as intimidating and could be addressed in other less punitive ways.

Recommendation: The Committee recommended the creation of a continuous licencing regime that:

- largely mirrors the former Firearms Acquisition Certificate by removing the expiration date of the licence and thus, eliminating criminal sanctions for non-compliance;
- would require licencees to furnish updated photographs and residential information on a regular basis;
- transfers responsibility for compliance from the licencee to businesses and Government;
- ensures the continuous registration of firearms and the prevention of unnecessary revocations by the Registrar as a result of licence expiration; and,
- enables Continuous Eligibility Screening of all licenced firearms owners without the fear of non-compliant licencees "falling under the radar".

Under this continuous licencing scenario, additional measures would be required, including:

- mechanisms to prevent the purchase of additional firearms or ammunition (i.e., ensuring businesses verify the validity of licences);
- friendly telephone reminders to firearms licencees who are non-compliant; and, if necessary,
- the revocation of registration certificates under extreme circumstances.

2. Firearms Marking Regulations

Committee members were informed of the deferral of the *Firearms Marking Regulations* until December 1, 2012.

Members reiterated previously communicated concerns that implementation of the regulations could have significant negative cost implications to the industry as they anticipate that manufacturers exporting firearms to Canada would be unwilling, given Canada's small share of the global market, to introduce the Canada specific markings (i.e., "CA" and year of import). The members reiterated findings from an industry-led study, conducted by the Canadian Sporting Arms and Ammunition Association, which confirmed the negative cost implications resulting from a marking regime. The Committee undertook to provide a copy of the report to the Department. Members reiterated their understanding that serial numbers already provided an effective means of firearms tracing and that the regulations are unnecessary. The Committee also discussed following up with law enforcement representatives in Australia on their approach to the marking regime and exploring the use of Proof Houses in Europe as models.

Departmental officials provided a brief overview of the independent study undertaken to look at the effectiveness of markings from a law enforcement perspective, the various marking technologies available and the implications for the Canadian firearms industry and users. Officials also briefed the Committee on a meeting with 3M on the issue of adhesive technology available with respect to firearms marking.

Officials explained possible options available to the Government with respect to the regulations at this time, including:

- continue to examine alternative options;
- bring the regulations into force;
- rescind Canada's international commitments (e.g., CIFTA treaty, etc.);
- choose not to ratify international treaties and continue deferring regulations; or,
- amend the current regulations.

Officials noted that all of the aforementioned scenarios have serious implications, are not necessarily viable, and would require further consultation among stakeholders. In addition, there would be a need to assess the impacts on existing international agreements to which Canada is co-signatory.

3. Public Agents Firearms Regulations

The Committee expressed concern regarding provisions of the *Public Agents Firearms Regulations* that prohibit regulated agencies from transferring or selling firearms in their possession to the public, citing a loss in potential revenue from the sale of firearms. Under the existing regulatory scheme, public agents may only transfer or sell firearms in their custody to another public agency, or offer them to their provincial CFO.

Recommendation: The Committee recommended that the regulations be amended to allow for the transfer and/or sale of public agency firearms to individuals or businesses lawfully entitled to acquire them. Departmental officials committed to examining the issue further.

Issues raised by the Committee but not discussed in detail due to time restrictions

Violent Person Registry (previously known as Prohibited Persons Registry)

Since October 2006, the Committee has advocated the establishment of a "prohibited person's registry" which in the Committee's opinion would focus government efforts on the criminal element rather than law abiding gun owners.

Restricted Weapons Registration System (RWRS)

Committee members expressed concern that some firearms previously registered in RWRS are not available to law enforcement through registry searches. The RCMP has committed to examine this issue.

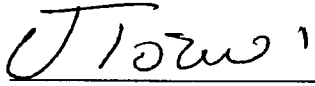
Fee Waiver

The Committee recommended the continuance of the firearms licence renewal/upgrade fee waiver.

Next Steps

The Committee has provided a summary of its recommendations to the Minister. Officials have committed to examining the issues raised by the Committee and will follow-up as necessary.

I approve:


Vic Toews, P.C., Q.C., M.P.

JUL 28 2011

**Canadian Firearms Advisory Committee (CFAC)
March 26-27, 2012**

**Lord Elgin Hotel (St. Laurent Room, Main Floor)
100 Elgin Street, Ottawa, Ontario**

AGENDA

Day 1: March 26, 2012

Meeting with Officials: Working lunch to be provided

- Noon** **Opening Remarks by Candice Hooppner, Parliamentary Secretary to the Minister of Public Safety (10 minutes)**
- 12:10 p.m.** **Opening Remarks by CFAC Co-Chairs Steve Torino and Linda Baggaley (10 minutes)**
- Acceptance of Agenda
- 12:20 p.m.** **Presentation by Pierre Perron, Director General, Royal Canadian Mounted Police Canadian Firearms Program (CFP) (30 minutes)**
- Overview of the programs and services of the CFP and links to policing and public safety priorities.
- 1:00 p.m.** **Discussion with Public Safety Officials (2 hours)**
- *Gun Shows Regulations*
- *Firearms Marking Regulations*
- Licencing Reform
- 3:00 p.m.** **Health Break (30 minutes)**
- 3:30 p.m.** **Remarks by the Honourable Vic Toews, Minister of Public Safety, accompanied by Candice Hooppner (90 minutes).**
Discussion on:
- Implementation of Bill C-19, *Ending the Long-gun Registry*
- Licencing
- 5:00 p.m.** **Conclusion of Day One**
- 7:00 p.m.** **Dinner at the Parliamentary Restaurant with the Minister and Candice Hooppner (Private Room #602)-**

Day 2: March 27, 2012

- 8:30 a.m.** **Working Breakfast with Candice Hooppner (60 minutes)**
- 9:30 a.m.** **Health Break (30 minutes)**
- 10:00 a.m.** **Meeting with Public Safety Officials (60 minutes)**
- Wrap up of issues / discussion of next steps
- 11:00 a.m.** **Conclusion of Day Two**

CANADIAN FIREARMS ADVISORY COMMITTEE MEETING: MARCH 26, 2012

REMARKS BY THE PARLIAMENTARY SECRETARY

- Good afternoon, I would like to extend a warm welcome to all of you to Ottawa.
- I am very pleased to have this opportunity to join you to discuss what has been achieved on the firearms file.
- I am also looking forward to hearing views on what you consider to be the priorities in moving forward.

Bill C-391

- As you all know, I have personally been involved in the fight to dismantle the long-gun registry for many years.
- In 2009, I introduced Private Member's Bill C-391: *Repeal of the Long-gun Registry*. Like C-19, this Bill sought to end the requirement for law-abiding gun owners to register their hunting rifles and shotguns.

- Despite the hard work of this government and the support of many Canadians, C-391 was narrowly defeated in the House of Commons in June 2010.

Bill C-19

- In May of last year, the government reiterated its commitment to Canadians to dismantle the long-gun registry. With the introduction of Bill-C19, we have kept that promise.
- I would like to express my gratitude to the members of this Committee who have contributed to, and supported efforts over the last 5 years, to repeal the registry.
- As you know, on February 15, 2012 the House of Commons voted to adopt Bill C-19: *Ending the Long-gun Registry Act*.
- Resources previously spent on the long-gun registry can now be re-directed to other initiatives that will have a greater impact on combatting crime in Canada.
- As you are well aware, this government has taken action on crime – especially violent gun crime, and has delivered results in a number of ways:

- We have implemented the *Tackling Violent Crime Act*, which imposes stronger mandatory penalties on the use of firearms by offenders, particularly those who are linked to gangs and organized crime;
- We have strengthened the sentencing of dangerous high-risk offenders;
- Our government has ensured that murders connected to organized crime will be treated automatically as first-degree murders and we have imposed mandatory jail time for drive-by or reckless shootings;
- Our government has ended sentence discounts for multiple murder;
- We passed C-10, the *Safe Streets and Communities Act* which will allow us to get tough on child sexual offenders, crack down on illegal drug trafficking, and improve the overall efficiency of our judicial system;
- On February 16, 2012 we introduced the *Protecting Canada's Immigration System Act* (C-31). This new legislation will help us crack down on human smugglers, including making it easier to prosecute them and introducing mandatory minimum sentences for convicted human smugglers; and finally,
- We have introduced in the House of Commons the *Protecting Children from Internet Predators Act* (C-30), a Bill that would provide law enforcement and the

Canadian Security Intelligence Service with the modern investigative tools they need to help fight crime and national security threats, while strengthening safeguards to protect the privacy of Canadians.

Future Directions

- In moving forward, on the firearms side in particular, our government strongly supports firearms licencing and the continued registration of prohibited and restricted firearms.
- With the repeal of the long-gun registry in sight, the Minister and I would welcome input from this Committee on other potential reforms to improve Canada's firearms control system.
- We would welcome your views, in particular, on the gun shows and markings regulations, as well as firearms licencing.
- I look forward to discussing your ideas further over the next two days.
- Thank you

Issue Notes

Issues to be discussed

TAB 1

- *Gun Shows Regulations*
- *Firearms Marking Regulations*
- Licencing
- Bill C-19 Implementation

Hot Issues:

TAB 2

- Firearms Classification

Other Issues (previously raised):

TAB 3

- Compliance Measures
- *Public Agents Regulations*
- Prohibited Persons Registry
- Restricted Weapons Registration System (RWRS)

**Pages 118 to / à 145
are withheld pursuant to sections
sont retenues en vertu des articles**

69(1)(g) re (e), 69(1)(g) re (f)

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

CANADIAN FIREARMS ADVISORY COMMITTEE MEETING: MARCH 26, 2012

REMARKS BY THE MINISTER

- Good afternoon, I would like to take this opportunity to welcome all of you to Ottawa. It is a pleasure to meet with you again in-person. As in the past, I am looking forward to hearing your views, and benefiting from your wealth of knowledge and experience on firearms matters.
- Since we last met, Committee memberships have been renewed. I would like to take this opportunity to thank all returning members for your continuing participation, and to welcome Mr. Kerry Higgins, who has recently joined the Committee.
- As you know, we have made some significant progress on the firearms file since our last meeting in late 2010, which I will be happy to update you on today.
- Before I do, I would like to acknowledge Parliamentary Secretary Candice Hoepfner. I am sure you are all aware of the leadership she has demonstrated in advancing the Government's firearms agenda. I am very pleased she was able to welcome you earlier today. I know that we will all benefit from her future ongoing engagement with this Committee.

- I understand you also met with Public Safety Canada officials today; I trust that you had productive discussions on a number of important issues that will need to be addressed as we move forward.

Firearms Registry

- As you are all aware, Bill C-19, *Ending the Long Gun Registry*, succeeded through the 3rd reading vote in the House of Commons. It is currently at second reading in the Senate.
- Ending the long-gun registry has been a priority for our Government. This important achievement helps us fulfill the promise we have repeatedly made to Canadians to eliminate the long-gun registry once and for all.
- I would like to express my gratitude to this Committee for your dedicated work and support, and particularly those members who appeared as witnesses before the Standing Committee on Public Safety and National Security for the study of Bill C-19. Again, I would also like to recognize the tremendous efforts of the Parliamentary Secretary in helping to advance this legislation.
- Our Government will continue to focus on efforts that tackle crime and make streets and communities safer.
- As Bill C-19 approaches Royal Assent, there is an opportunity for the Government to address other

outstanding firearms issues and to consider ways to improve Canada's firearms control system.

- I would now like to open up the discussion to hear your views, in particular, on issues such as gun shows and marking regulations and firearms licencing.
- Thank you.



Public Safety Sécurité publique
Canada Canada

Deputy Minister Sous-ministre

Ottawa, Canada
K1A 0P8

SECRET

DATE: AVR 30 2012
 APR 30 2012

File No.: 387349

MEMORANDUM FOR THE MINISTER

**QUEBEC LITIGATION CONCERNING THE
ENDING THE LONG-GUN REGISTRY ACT**

(Information only)

ISSUE

Status of Quebec litigation concerning the *Ending the Long-gun Registry Act*.

BACKGROUND

On April 5, 2012, Bill C-19, *Ending the Long-gun Registry Act*, received Royal Assent and came into force. The Act amended the *Firearms Act* and the *Criminal Code* to repeal the requirement to register non-restricted firearms. The legislation also requires the Commissioner of Firearms and Chief Firearms Officers to ensure the destruction of all registration records of non-restricted firearms.

On April 2, 2012, in advance of the coming into force of former Bill C-19, Quebec filed proceedings with the Quebec Superior Court challenging the constitutionality of the destruction provisions of the Act (section 29) and claiming a right to the non-restricted registration records as they relate to Quebec.

The province also sought an interim injunction

- preventing the destruction of the registration records that relate to Quebec residents or that are required for the purposes of Quebec laws;
- requiring continued registration of non-restricted firearms in Quebec; and,
- requiring continued access to registration records related to Quebec citizens by authorized personnel.

On April 5, 2012, the court granted all elements of the injunction, effectively freezing the implementation of the Act in Quebec until the motion for an interlocutory injunction could be heard. The court subsequently heard arguments in relation to an interlocutory injunction on April 12-13, 2012.

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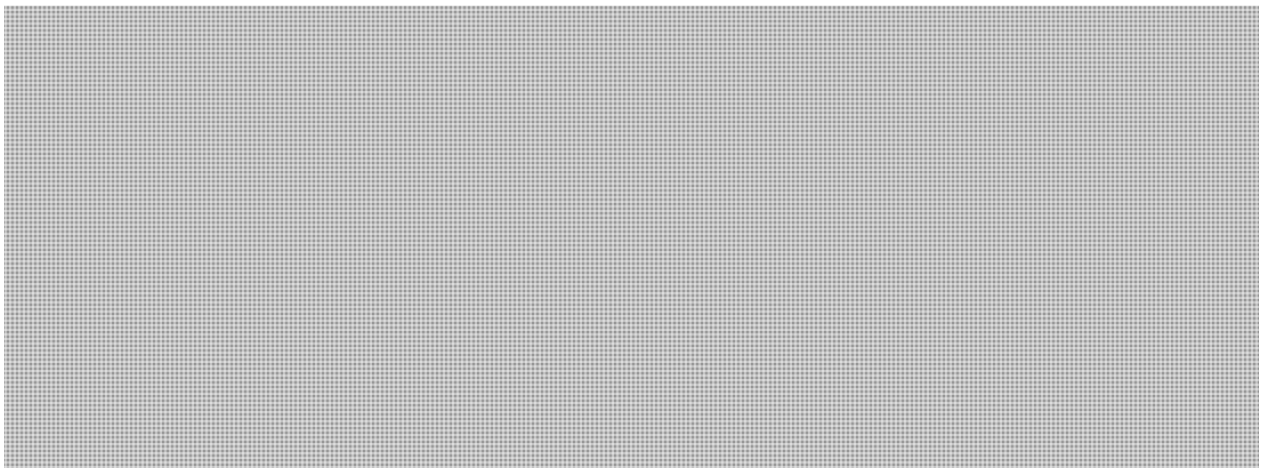
CURRENT STATUS

On April 20, 2012, the Quebec Superior Court granted Quebec's motion for an interlocutory injunction, which has the same effect as the interim injunction, (i.e., a freeze on implementation of the Act in Quebec). The interlocutory injunction will last until the court has heard and decided upon the merits of the case. The hearing on the merits of Quebec's case is scheduled for June 11-13, 2012.

The Act is being fully implemented in the rest of Canada, outside Quebec.



CONSIDERATIONS



NEXT STEPS



Should you require additional information, please do not hesitate to contact me or Mr. Richard Wex, Assistant Deputy Minister, Law Enforcement and Policing Branch, at 613-990-2703.

Graham Flack
Acting Deputy Minister

Prepared by: Christine Guénette

minutes,



Public Safety Sécurité publique
Canada Canada
Deputy Minister Sous-ministre

Ottawa, Canada
K1A 0P8

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DATE: ~~MAY~~ 07 2012

File No.: 387422
RDIMS No.: 607982

MEMORANDUM FOR THE MINISTER

BUSINESS RECORD REQUIREMENTS POST C-19

(Information Only)

ISSUE

Concerns that firearms businesses will be required by Chief Firearms Officers (CFOs) to maintain records of their business transactions in relation to long-guns.

BACKGROUND

Prior to the *Firearms Act*, legislative controls over the possession, transfer and use of firearms were governed entirely by the *Criminal Code*. Beginning in 1979, firearms businesses, pursuant to the Code, were required to keep inventory and transaction records (including the purchaser's name, address and Firearms Acquisition Certificate Number), and to produce these records at the request of a firearms officer, for the purposes of inspection. This information assisted firearms officers with their duty to ensure that businesses maintained an inventory in accordance with business permits and transferred firearms to those who were authorized to acquire them. Business records were required to be kept for a period of five years, following which they could be destroyed. Failure to maintain records was a criminal offence.

With the implementation of the *Firearms Act* in 1998, new requirements for the lawful possession of firearms, including universal licencing and registration were established. The Act also provided for the appointment, either provincially or federally, of a CFO for each province and territory.

Pursuant to the Act, the administrative responsibility for issuing firearms licences, including business licences, was assigned to CFOs. To issue a business licence, CFOs must ensure that all employees who handle firearms are appropriately licenced and that others connected to the business, such as owners, directors and partners have passed a background check and are eligible to hold a licence and possess firearms.

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Canada

The Act also authorizes CFOs, under section 58, to attach any reasonable condition to a business licence that the CFO considers desirable in the particular circumstance and in the interests of public safety (e.g., the CFO in British Columbia requires businesses importing prohibited firearms to provide a copy of the Canada Border Service records showing the quantity and description of the imported firearms).

To ensure that businesses operate within the scope of their business licence and are in compliance with the requirements of the Act and regulations (e.g., lawful transfers, proper storage and display of firearms), section 102 of the Act authorizes CFOs to conduct business inspections. With the requirement for universal registration (which identifies licence and firearms information, including serial number, make, model, type, action, gauge or caliber and barrel length), CFOs have relied on records contained in the Canadian Firearms Registry as the principal tool to ensure that firearms acquired by the business are accounted for, that inventories match the class of firearm the business is licenced to possess, and that firearms transactions are compliant with transfer requirements under the Act.

With the requirement that all firearms inventory and transactions records be captured in the centralized registry, and given that this information was the same as that which businesses were recording, the obligation for businesses to maintain such records was removed from the *Firearms Act* in 2005 in order to eliminate redundancy and reduce the administrative burden on businesses.

CONSIDERATIONS

On April 5, 2012, Bill C-19 *Ending the Long-gun Registry Act* received Royal Assent and was brought into force. This legislation repeals the requirement for individuals and businesses to register non-restricted firearms and requires the Commissioner of Firearms and the CFOs for each province to ensure the destruction of all existing long-gun records under their control.

Bill C-19 did not affect controls regarding universal licencing or the registration of restricted and prohibited firearms. It also left unaffected the requirement that CFOs ensure compliance with the *Firearms Act* and the regulations, and that they may do so via their business inspection powers. Bill C-19 did not re-instate a requirement for businesses to maintain transaction records and with the destruction of non-restricted firearms data, there is no information, pursuant to the Act, that is available to CFOs.

On April 23, 2012, media reports stated that CFOs in Alberta and Saskatchewan and across Canada are requiring firearms businesses to record all transactions pertaining to long-guns. Some stakeholders have taken the view that, as a result, the long-gun registry is being recreated.

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Consultations with the Canadian Firearms Program (CFP), has confirmed that some CFOs are independently exercising their authority under section 58 to impose, as a condition of licence, the requirement for businesses to keep such records. This information, which is kept by businesses, is being required by CFOs for the purpose of conducting business inspections, preventing the illegal diversion of firearms and contributing to public safety.

There are concerns that the imposition of such a requirement is contrary to the spirit of Bill C-19 (i.e., that information on long-guns would no longer be accessible and would not need to be maintained) which received the support of Parliament.

s.21(1)(b)

s.23

CURRENT STATUS



Officials will continue to keep your office apprised as information becomes available.

Should you require additional information, please do not hesitate to contact me or Mr. Richard Wex, Assistant Deputy Minister, Law Enforcement and Policing Branch, at 613-990-2703.



Graham Flack
Acting Deputy Minister

Prepared by: Christina-Maria Syme

Title / Titre : Business Record Keeping Post C-19		ACTION REQUIRED / MESURES À PRENDRE		
Name / Nom	Date	Initials / Initiales	Approval or signature / Approbation ou signature	Information
Originator / Auteur Christina Syme			<input type="checkbox"/>	<input type="checkbox"/>
Director / Directeur Lyndon Murdock		(LW)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director General / Directeur général Mark Potter	Apr. 27/12/11	(MP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chief Audit Executive / Dirigeante principale de la vérification Rosemary Stephenson	May 4/12	(RS)	<input type="checkbox"/>	<input type="checkbox"/>
Director General Evaluation / Directrice générale, Évaluation Denis Gorman			<input type="checkbox"/>	<input type="checkbox"/>
Director General Communications / Directrice générale des communications Stéphanie Durand			<input type="checkbox"/>	<input type="checkbox"/>
Executive Director & Senior General Counsel LS / Directeur exécutif et Avocat général principal SJ Paul Shuttle			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister SP / Sous-ministre adjointe PS Paul MacKinnon			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister LP / Sous-ministre adjoint PAL Richard Wex	Apr 30/12/88		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister CM / Sous-ministre adjointe GM Gary Robertson			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister CSP / Sous-ministre adjoint SPP Shawn Tupper			<input type="checkbox"/>	<input type="checkbox"/>
Associate Assistant Deputy Minister EMNS / Sous-ministre adjoint délégué GMUSN Gina Wilson			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister EMNS / Sous-ministre adjointe GMUSN Lyada Clairmont			<input type="checkbox"/>	<input type="checkbox"/>
Associate Deputy Minister / Sous-ministre délégué Graham Flack			<input type="checkbox"/>	<input type="checkbox"/>
Deputy Minister / Sous-ministre William V. Baker			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minister / Ministre The Honourable / L'honorable Vic Toews			<input type="checkbox"/>	<input checked="" type="checkbox"/>

30/4/12
See comment
Deck returned
ok 11/5/12

Rev.: 2010/09/03



Public Safety Sécurité publique
Canada Canada
Deputy Minister Sous-ministre
Ottawa, Canada
K1A 0P8

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DATE: **MAY 10 2012**

File No.: 387344
RDIMS: 604973

MEMORANDUM FOR THE MINISTER

**PROPOSED AMENDMENTS TO THE
EXPLOSIVES REGULATIONS**

(Information Only)

ISSUE

Concerns raised by firearms enthusiasts regarding proposed changes to the *Explosives Regulations*, as they pertain to the storage of small arms cartridges (i.e., ammunition).

BACKGROUND

Natural Resources Canada (NRCan) is responsible for the administration of the *Explosives Act* and the supporting *Explosives Regulations*. These provisions, which have been in force since the 1920s, set out the framework governing the import, manufacture, transportation, storage and use of explosives, including firearms ammunition.

On March 17, 2012, NRCan pre-published proposed amendments to the *Explosives Regulations* in the *Canada Gazette*. As explained in the Regulatory Impact Analysis Statement (TAB A), the proposed amendments are intended to modernize outdated provisions which no longer appropriately govern the range of explosive products, technologies, and practices in use today. Specifically, the proposed regulations aim to reflect current industrial standards, remove ambiguity through the use of clear, simple language, and eliminate overlap with other regulations. A minimal number of new regulatory requirements are introduced to address changes made to the *Explosives Act* in 2002. With respect to ammunition, the draft regulations do not

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impose new requirements, but seek to clarify the existing provisions, including the manner in which ammunition may be lawfully stored.

On April 5, 2012, media reported that some firearms enthusiasts were concerned that the proposed regulations would introduce tighter controls over the storage of ammunition. This issue was also raised with you directly in the context of a media scrum following the Royal Assent of Bill C-19 *Ending the Long-gun Registry Act*. Government communications have consistently indicated that the storage requirements currently in place will not change.

CONSIDERATIONS

NRCan has indicated that the purpose of amending the current *Explosives Regulations*, as they pertain to the storage of ammunition, is to update and clarify the provisions. Currently, the existing regulations require that ammunition be stored in a lockable storage area that is detached from any house. NRCan has indicated that some individuals who are subject to these requirements have identified this obligation as ambiguous and potentially problematic as it is open to interpretation whether storing ammunition within one's house is an illegal activity. The proposed regulatory amendments would clarify that the storage of ammunition in a residence is lawful (i.e., "when small arms cartridges are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorized by the user") (TAB B).

There is also a perception among some firearms enthusiasts that the proposed requirement to store ammunition in a residence "in a manner that protects them from theft" is a new requirement and therefore, an increased burden on law-abiding gun owners. Specifically, these individuals are of the view that the provision is too vague and could be interpreted by law enforcement as requiring a separate locking box or safe exclusively to store ammunition. NRCan officials have informed us that the proposed regulations were designed so as to not impose new requirements on firearms owners. In fact, the provision aims to provide greater flexibility for the manner in which ammunition is stored, as it removes the existing requirement that ammunition must be locked in a detached storage area. NRCan officials have confirmed that the new regulations do not explicitly require a separate locking device.

The *Firearms Act* and the *Criminal Code* comprise the legislative firearms control framework in Canada. Pursuant to the *Firearms Act*, there are no restrictions pertaining to the storage of ammunition, except where an individual stores a firearm that is readily accessible to ammunition. In this circumstance, individuals are required to store ammunition in a container or receptacle that is kept securely locked and that is constructed so that it cannot readily be broken open or into. Further, the *Criminal Code* makes it an offence to store ammunition in a careless manner or without

.../3

reasonable precautions for the safety of other persons. The proposed *Explosives Regulations* are consistent with, and complimentary to, the *Firearms Act* and the *Criminal Code* requirements.

Public Safety Canada was not consulted during the development of the proposed regulations. However, NRCan did consult with a number of industry stakeholders, as well as firearms associations, including the National Firearms Association, the Canadian Sports Shooting Association, the Saskatchewan Wildlife Federation, and the Ontario Federation of Anglers and Hunters during the development of the regulations.

NEXT STEPS

The *Canada Gazette* consultation period will continue until June 1, 2012. NRCan officials have committed to reviewing all comments and to working with firearms stakeholders to address any concerns and to ensure that no new or additional burdens are imposed on firearms owners.

Public Safety and Department of Justice officials are monitoring this issue and will keep your office apprised of any significant developments.

Should you require additional information, please do not hesitate to contact me or Mr. Richard Wex, Assistant Deputy Minister, Law Enforcement and Policing Branch, at 613-990-2703.



Graham Flack
Acting Deputy Minister

Enclosures: (2)

Prepared by: Christina-Maria Syme

TAB A

Explosives Regulations, 2012

Statutory authority

Explosives Act

Sponsoring department

Department of Natural Resources

Règlement de 2012 sur les explosifs

Fondement législatif

Loi sur les explosifs

Ministère responsable

Ministère des Ressources naturelles

REGULATORY IMPACT ANALYSIS STATEMENT

RÉSUMÉ DE L'ÉTUDE D'IMPACT DE LA RÉGLEMENTATION

(This statement is not part of the Regulations.)

(Ce résumé ne fait pas partie du Règlement.)

Executive summary

Résumé

Issue: The *Explosives Regulations* are out of date and make it difficult for regulatees to determine their obligations in order to comply with the Regulations. Several areas of industrial safety and security must be enhanced to be in line with industry best practices such as quality management systems and personnel training, and certain gaps must be filled in order to ensure an appropriate level of safety and security for the industry, its workers, and the public at large.

Question : Le *Règlement sur les explosifs* est désuet et les personnes réglementées éprouvent de la difficulté à déterminer leurs obligations afin de se conformer avec le Règlement. De nombreux points du Règlement concernant la sûreté et la sécurité industrielles doivent être améliorés pour correspondre aux pratiques exemplaires de l'industrie telles que les systèmes de gestion visant la qualité et la formation du personnel, et certaines lacunes doivent être comblées dans le but d'assurer un bon niveau de sécurité et de sûreté pour l'industrie, pour ses travailleurs et pour le grand public.

Description: Modernization of the Regulations requires a complete rewrite of the legal text, and introduces a minimal number of new requirements. The *Explosives Act* and Regulations are outdated (Act was written before 1920). The current Act and Regulations are difficult to navigate and understand (i.e. archaic language, layout not conducive to easy interpretation). The modernized Regulations would better reflect modern industry practices and standards.

Description : La modernisation du *Règlement sur les explosifs* exige un remaniement complet du texte légal et présente un nombre minimal de nouvelles exigences. La *Loi sur les explosifs* et le *Règlement sur les explosifs* sont désuets (la *Loi* a été rédigée avant 1920). La loi et le règlement actuels sont difficiles à consulter et à comprendre (c'est-à-dire le langage est archaïque et la documentation est difficile à interpréter). La modernisation du Règlement permettrait de tenir compte davantage des pratiques et des normes existantes de l'industrie.

With the exception of regulatory requirements related to the implementation of outstanding obligations under the *Public Safety Act*, the modernization initiative does not introduce new requirements other than changes to reflect modern practices. The burden of the industry is reduced by removing irritants and duplications and ensuring that the regulatory framework is accessible and easier to understand. The most important changes being made are

À l'exception d'exigences réglementaires se rapportant à la mise en vigueur des obligations prévues dans le cadre de la *Loi sur la sécurité publique*, l'initiative de modernisation ne présente aucune nouvelle exigence, sauf pour les modifications apportées reflétant les pratiques modernes. Le fardeau imposé à l'industrie est réduit par la suppression d'irritants et de doubles emplois, ainsi que par l'assurance que le cadre de réglementation est accessible et plus facile à comprendre. Les plus importantes modifications apportées sont les suivantes :

- Enhanced management of operating procedures for processes and better staff training;
- Requirement of fire safety plans and, under certain circumstances, of decommissioning plans;
- Tighter control on the packaging of consumer fireworks (e.g. roman candles, fountains);
- Distribution of safety information to consumers;
- Clarification of requirements applicable to retail sales establishments (e.g. requirement of displays for sale for consumer fireworks);
- Clarification and strengthening of requirements applicable to the use of consumer fireworks; and

- Amélioration du contrôle de la qualité des processus d'exploitation et meilleure formation du personnel;
- Exigence de l'établissement d'un plan de sécurité en cas d'incendie et, dans certaines circonstances, de plans de mise hors service;
- Contrôle plus serré des types d'emballages de pièces pyrotechniques permis à l'usage des consommateurs (par exemple des chandelles romaines, des fontaines);
- Distribution de consignes de sécurité visant les consommateurs;
- Clarification des exigences applicables aux établissements de vente au détail (par exemple les exigences relatives à

- New packaging standards to be met by sellers of industrial explosives (e.g. sellers must mark licence or authorization number on inner packaging).

As well, the security of explosives is to be strengthened by

- introducing a regime of export and in transit transportation permits and requiring importers and exporters to provide additional information;
- requiring a tracking and communication system in vehicles carrying large quantities of explosives;
- lowering magazine storage exemption limits, which will vary by type of explosive;
- requiring security plans detailing measures to be taken to prevent and react to security incidents;
- requiring a key control plan for licensed magazines; and
- requiring security screening of personnel who could have access to high hazard explosives types E (high explosives), I (initiation systems) and D (military and law enforcement explosives).

Cost-benefit statement: The approach to assessing costs and benefits of this proposal focused separately on the three parts of the proposed changes: modernization, improved public safety and enhanced security.

Aggregate costs/benefits for modernization

Modernization is essentially a rewrite of the current requirements, but also eliminates overlap and duplication. Seventeen specific items were flagged as most important as demonstrated in the cost-benefit analysis.¹

While there may be some small additional costs in the form of stakeholder time to learn what is where in the new text, the obligations themselves have not changed significantly other than to eliminate overlap and duplication. In short, modernizing the Regulations may entail cost reduction, but certainly no significant additional compliance costs.²

l'exposition pour la vente des pièces pyrotechniques à l'usage des consommateurs);

- Clarification et renforcement des exigences relatives à l'utilisation de pièces pyrotechniques à l'usage des consommateurs;
- Normes d'emballage destinées aux vendeurs d'explosifs industriels (par exemple les vendeurs doivent inscrire les numéros de licences et d'autorisation sur l'emballage intérieur).

De plus, la sûreté des explosifs doit être renforcée comme suit :

- Création d'un régime de permis d'exportation et de permis de transport en transit et obligation imposée aux importateurs et aux exportateurs de fournir des renseignements additionnels;
- Installation obligatoire de systèmes de localisation et de communication dans les véhicules transportant de grandes quantités d'explosifs;
- Diminution des limites d'exemption de quantités d'explosifs requérant des poudrières d'explosifs, lesquelles varieront selon le type d'explosifs;
- Nouvelle exigence consistant à créer des plans de sûreté décrivant de façon détaillée les précautions à prendre pour prévenir les incidents liés à la sûreté ainsi que les mesures à prendre à la suite de tels incidents;
- Nouvelle exigence consistant à avoir un plan de contrôle des clés pour les poudrières agréées d'explosifs;
- Vérification obligatoire du casier judiciaire du personnel qui est susceptible d'entrer en contact avec des explosifs à risque élevé (type E [explosifs de sautage], type I [systèmes d'amorçage] et type D [explosifs destinés à des fins militaires]).

Énoncé des coûts et avantages : La démarche concernant l'évaluation des coûts et des avantages de la présente proposition est axée sur les trois parties des modifications proposées, à savoir : la modernisation, l'amélioration de la sécurité publique et le renforcement de la sécurité.

Coûts totaux et ensemble des avantages de la modernisation

La modernisation est avant tout un remaniement des exigences actuelles, y compris la suppression des chevauchements et des doubles emplois. Dix-sept points particuliers ont été désignés comme étant les plus importants, tel qu'il est indiqué dans l'analyse des coûts-avantages¹.

Il pourrait y avoir certains coûts minimes supplémentaires associés au temps mis par les intervenants dans le but d'assimiler et de comprendre le contenu du nouveau texte. Cependant, les obligations, en tant que telles, n'ont pas changé de manière significative, outre l'élimination des chevauchements et des doubles emplois. En résumé, la modernisation du *Règlement sur les explosifs* pourrait entraîner une réduction des coûts, mais certainement pas de coûts additionnels importants liés à la conformité².

¹ Cost-Benefit Analysis of Changes to the Explosives Regulations.

² Refer to Annex 1 — Summary Accounting Statement.

¹ Analyse des coûts-avantages des modifications apportées au *Règlement sur les explosifs*.

² Voir Annexe 1 — États comptables sommaires.

Summary table 1: Aggregate costs by stakeholder for improving public safety

Stakeholders	Costs: Initial in 2011	Annual for 2012-2020	Total present value
Factory licence holders	\$1,229,000	\$157,000 every third year	\$1,531,000
Retailers	\$100,000	\$100,000	\$725,000
TOTAL	\$1,329,000	\$100,000 + \$157,000 every third year	\$2,256,000

The present value of all the costs of the safety measures is likely to be less than \$2.2 million. Benefits could well be 0.13 fewer deaths and 2 fewer injuries a year. The Explosives Safety and Security Branch (ESSB) compiles a list of accident and incidents involving explosives in Canada. This list shows that the total number of individuals injured or dead from explosives accidents or incidents went from 227 in the 1970s (with 28 deaths) to 54 in the 1990s (with 13 deaths) to 89 in the 2000s (with 6 deaths). While the values derived from the costs of illness and a standard value of a statistical life (VSL)³ may be somewhat abstract and difficult to relate to, these statistics suggest that the safety goal of the proposed Regulations is a reasonable risk-based approach that considers economic and life safety criteria together with the effectiveness of security and protective measures.

Summary table 2: Aggregate costs by stakeholders for enhancing security

Stakeholders	Costs: Initial in 2011	Annual for 2012-2020	Total present value
Magazine licence applicants wishing to store Type E, I or D explosives	\$804,000	\$40,200	\$1,055,000
New sellers (new stakeholders)	\$120,000	\$20,000	\$245,000
Industry and workers	\$298,000	2012-2015: \$14,900 2016: \$238,400 2017-2020: \$29,800	\$577,000
TOTAL	\$1,222,000	2012-2016: \$75,100 2016: \$298,600 2017-2020: \$90,000	\$1,877,000

The present value of all the costs of the security measures is likely to be less than \$1.8 million. Security has become a

Tableau sommaire 1 : Coûts totaux par intervenant pour l'amélioration de la sécurité publique

Intervenants	Coûts initiaux en 2011	Annuels pour 2012-2020	Valeur actualisée totale
Titulaires d'une licence de fabrication	1 229 000 \$	157 000 \$ tous les trois ans	1 531 000 \$
Détaillants	100 000 \$	100 000 \$	725 000 \$
TOTAL	1 329 000 \$	100 000 \$ + 157 000 \$ tous les trois ans	2 256 000 \$

La valeur actualisée de l'ensemble des coûts liés aux mesures de sécurité sera vraisemblablement inférieure à 2,2 millions de dollars. Les avantages pourraient bien représenter 0,13 décès de moins et 2 blessures de moins chaque année. La Direction de la sécurité et de la sûreté des explosifs (DSSE) compile une liste des accidents et des incidents reliés aux explosifs au Canada. Cette liste démontre que le nombre total de personnes qui subissent des blessures ou qui décèdent de ces accidents ou incidents impliquant des explosifs est passé de 227 dans la décennie des années 1970 (avec 28 décès), à 54 dans les années 1990 (avec 13 décès) et à 89 dans les années 2000 (avec 6 décès). Bien que les valeurs calculées à partir d'études sur les coûts de maladie et de la valeur d'une vie statistique (VVS)³ normalisée soient quelque peu abstraites et difficiles à mettre en rapport, ces statistiques suggèrent que l'objectif visant la sécurité par l'entremise d'un règlement est une approche raisonnable qui est basée sur le risque et qui prend en compte des critères économiques et liés à la sécurité pour la vie humaine de même que l'efficacité des mesures de protection et de sûreté.

Tableau sommaire 2 : Coûts totaux par intervenant pour le renforcement de la sécurité

Intervenants	Coûts initiaux en 2011	Annuels pour 2012-2020	Valeur actualisée totale
Demandeurs de licence de poudrière d'explosifs désirant stocker des explosifs de type E, I ou D	804 000 \$	40 200 \$	1 055 000 \$
Nouveaux vendeurs (nouveaux intervenants)	120 000 \$	20 000 \$	245 000 \$
Industrie et travailleurs	298 000 \$	2012-2015 : 14 900 \$ 2016 : 238 400 \$ 2017-2020 : 29 800 \$	577 000 \$
TOTAL	1 222 000 \$	2012-2016 : 75 100 \$ 2016 : 298 600 \$ 2017-2020 : 90 000 \$	1 877 000 \$

La valeur actualisée de l'ensemble des coûts liés aux mesures de sûreté sera vraisemblablement inférieure à 1,8 million de

³ Cost-Benefit Analysis of Changes to the Explosives Regulations, Benefits.

³ Analyse des coûts-avantages des modifications apportées au Règlement sur les explosifs, Avantages.

much greater concern and the problem of "homegrown" security threats and criminals has been underscored in recent years. Gaps in security throughout the lifecycle of explosives can be lessened through a number of common sense and not particularly costly initiatives. By controlling security more tightly, a barrier is created which would demand a much higher level of sophistication and planning for criminals and terrorists to be successful.

Business and consumer impacts: Modernization of the Regulations should lower costs to businesses by eliminating overlap and duplication, harmonizing exemptions, eliminating unneeded permits and reducing the time and effort needed to train staff. Better compliance with the law is the expected result.⁴

Because the proposed amendments will better reflect today's technology, industrial structure and regulatory practices, they will facilitate and encourage safer, more reliable and more cost-effective technology with lower risks for companies, workers, and the public at large.

Safety-related measures, such as the use of quality management system principles for operating procedures, along with staff training, will ensure that safety concerns are addressed systematically and kept front and centre. Similarly, changes with respect to the sale of fireworks should enhance public awareness of safe practices, thereby further lowering the risk of injury. The cost of these items is low and the benefits are estimated to exceed them by a significant margin.

By controlling security more tightly, a barrier is created which would require a higher level of sophistication and planning for criminals and terrorists to be successful. The chance of a significant event is lowered and security is enhanced.

Domestic and international coordination and cooperation: South Australia, Australia, has used portions of the concepts from the proposed Canadian approach to regulating explosives. The United Kingdom has conducted a similar review of its explosives regulations.

Performance measurement and evaluation plan: The proposed Regulations will be measured and evaluated through the regular performance measurement framework of the ESSB. The ESSB continually monitors compliance rates with Regulations as well as death and injury rates in Canada. The impact of the changes in the Regulations will be assessed by tracking trends in death and injury rates and stakeholder compliance rates.

dollars. La sûreté est devenue une préoccupation très importante, et le problème des menaces à la sûreté et des criminels d'origine intérieure a été porté à notre attention au cours des dernières années. Il est possible de réduire les lacunes sur le plan de la sécurité tout au long du cycle de vie des explosifs grâce à un certain nombre d'initiatives élémentaires et particulièrement peu coûteuses. En renforçant le contrôle de la sûreté, on crée une barrière qui demanderait aux criminels et aux terroristes un niveau beaucoup plus élevé de sophistication et de planification pour réussir.

Incidences sur les entreprises et les consommateurs : La modernisation du Règlement devrait permettre de réduire les coûts des entreprises en supprimant les chevauchements et les doubles emplois, en harmonisant les exemptions, en éliminant les licences non requises et en réduisant le temps et les efforts nécessaires à la formation du personnel. Le résultat visé est une meilleure conformité à la loi.⁴

Le Règlement tiendra mieux compte de la technologie, de la structure industrielle et des pratiques réglementaires courantes, ce qui permettra de faciliter et d'encourager le développement de technologies plus sécuritaires, fiables et rentables, entraînant des risques moins élevés pour les compagnies, les travailleurs et le grand public.

Les mesures liées à la sécurité, telles que l'utilisation des principes des systèmes de gestion de la qualité pour les procédures d'exploitation, de même que la formation du personnel, permettront d'assurer le traitement systématique des préoccupations en matière de sécurité et de faire en sorte que ces dernières demeurent à l'avant-plan. De la même façon, les changements apportés à la vente de pièces pyrotechniques devraient permettre de mieux sensibiliser la population aux règles de sécurité, réduisant ainsi davantage le risque de blessures. Ces points sont peu coûteux, et on estime que les avantages qu'ils apportent dépassent largement les coûts qu'ils entraînent.

En renforçant le contrôle de la sécurité, on crée une barrière qui demanderait aux criminels et aux terroristes un niveau élevé de sophistication et de planification pour réussir. La possibilité que survienne un événement important en est diminuée et la sécurité est renforcée.

Coordination et coopération à l'échelle nationale et internationale : L'Australie-Méridionale (Australie) s'est servie de parties des concepts de l'approche réglementaire canadienne proposée pour sa propre réglementation. Le Royaume-Uni a entrepris un examen similaire de sa réglementation sur les explosifs.

Mesures de rendement et plan d'évaluation : Le règlement proposé sera mesuré et évalué par l'entremise d'activités normales du cadre de mesure du rendement de la DSSE. Cette dernière surveille continuellement les taux de conformité par rapport à la réglementation, de même que les taux de mortalité et d'accidents avec blessures au Canada. L'incidence des modifications apportées au Règlement sera évaluée en fonction des tendances observées dans les taux de mortalité et d'accidents avec blessures et les taux de conformité des intervenants.

⁴ Refers to Most Important Changes in the Explosives Regulations and "Stakeholder Feedback/Impact" (provided upon request).

⁴ Fait référence aux changements les plus importants apportés au Règlement sur les explosifs et au document « Rétroactions des intervenants et Répercussions » (disponible sur demande).

Issue

The context for the *Explosives Regulations* has evolved markedly over the past 50 years. Four drivers in particular stand out as having led to this proposal.

- The technologies, products and industry that the *Explosives Act* and the *Explosives Regulations* were designed to control have changed significantly. Industrial practices have changed to the point that the industry which the current Regulations were designed to govern effectively no longer exists.
- With respect to industry structure, change has been driven in part by industry globalization and rationalization. These have had major consequences, such as loss of experienced personnel and expertise from industry downsizing and the growing number of imported products.
- Similarly, technology has changed. The current Regulations were formulated when dynamite was the most significant explosive; this is old technology. Regulatory requirements for explosives are currently based on their positioning within an outdated classification scheme.
- Emergent security concerns have provided the opportunity to strengthen security and support Canada's commitment under the Public Security Technical Program (PSTP) for long-term security.⁵

As a result, the current Regulations are often either out of date or incomplete. For example, whereas in the past dynamite cartridges were manufactured at a fixed location and then shipped for distribution to users, nowadays insensitive emulsion explosives are manufactured in bulk, transported and sensitized at the point of use only prior to or while loading into boreholes, thus rendering the whole operation much safer. Authorizing such practices under the *Explosives Act* has required additional guidance and support to allow for a modern interpretation of the Regulations. A literal, non-purposive interpretation of the current Regulations could seriously impede the industry's ability to operate with safer, more reliable and more cost-effective technology which would put the industry, its workers and the public at greater risk.

Generally, the Explosives Regulatory Division (ERD) and the industry have also coped with outdated regulations through innovative approaches such as providing extensive helpful information to stakeholders, use of guidelines and industry standards to help structure safety and security practices, imposing various conditions for licences and certifications, and enforcement and compliance regimes that are sensitive to the newer technologies.

The old-fashioned drafting, inadequate structure, and outdated references in the current Regulations have made it more difficult for industry stakeholders and their workers to thoroughly and quickly understand what they are required to do. In a 2003-04 study of stakeholders such as the Canadian Pyrotechnics Council and the Canadian Explosives Industry Association (CEAEC), more than half of those responding to surveys or participating in

⁵ PSTP: Defence Research and Development Canada initiated the Public Security Technical Program (PSTP), which aims to develop a coordinated program to enhance collaboration across government and to deliver science and technology solutions across many dimensions of public security. The PSTP embraces a two-pronged approach, with a Canadian program that includes many federal government departments and agencies, and a Canada/United States program, which engages the U.S. Department of Homeland Security.

Question

Le contexte du *Règlement sur les explosifs* a évolué sensiblement au cours des 50 dernières années. Quatre éléments en particulier se démarquent comme ayant mené à cette proposition.

- Les technologies, les produits et l'industrie que la *Loi sur les explosifs* et le *Règlement sur les explosifs* devaient contrôler ont changé de manière significative. Les pratiques industrielles ont changé au point que la réglementation actuelle a été conçue pour régir une industrie qui, dans les faits, n'existe plus.
- En ce qui concerne la structure de l'industrie, les changements ont été dictés par la mondialisation et la rationalisation de l'industrie. Ces dernières ont eu des conséquences majeures, telles que la perte de personnel chevronné et d'expertise en raison de compressions au sein de l'industrie et du nombre croissant de produits importés.
- Dans le même ordre d'idées, la technologie a changé. La réglementation actuelle a été établie alors que la dynamite était l'explosif le plus important; il s'agit maintenant d'une vieille technologie. Les exigences réglementaires pour les explosifs sont actuellement fondées sur leur positionnement dans un système de classification désuet.
- Les nouvelles préoccupations en matière de sécurité ont donné l'occasion de renforcer la sécurité et d'appuyer l'engagement du Canada dans le cadre du Programme technique de sécurité publique (PTSP) pour la sécurité à long terme.⁵

Par conséquent, le règlement actuel est souvent soit désuet ou incomplet. Par exemple, alors que, par le passé, les bâtons de dynamite étaient fabriqués à un endroit fixe et, ensuite, expédiés pour la distribution aux utilisateurs, de nos jours, les explosifs à émulsion à risques atténués sont fabriqués en grande quantité, transportés et activés au lieu d'utilisation juste avant ou pendant le chargement dans des trous de mine, rendant l'ensemble de l'opération beaucoup plus sécuritaire. L'autorisation de telles pratiques dans le cadre de la *Loi sur les explosifs* a nécessité une orientation et un appui supplémentaires afin de permettre une interprétation moderne de la réglementation. Une interprétation littérale et non fonctionnelle du règlement actuel pourrait nuire gravement à la capacité de l'industrie d'opérer avec une technologie plus sécuritaire, fiable et rentable, ce qui pourrait exposer l'industrie, ses travailleurs et le public à un plus grand risque.

D'une façon générale, la Division de la réglementation des explosifs (DRE) et l'industrie ont surmonté le handicap de travailler avec un règlement désuet grâce à des approches novatrices comme fournir des renseignements utiles et exhaustifs aux intervenants et utiliser des directives et des normes industrielles pour aider à structurer les pratiques de sécurité et de sûreté, en imposant diverses conditions pour l'obtention de licences et de certificats, de même que des programmes de conformité et de renforcement qui sont adaptés aux technologies plus récentes.

La rédaction ancienne, la structure inadéquate et les références désuètes du règlement actuel ont fait en sorte qu'il était plus difficile pour les intervenants de l'industrie et leurs travailleurs de comprendre rapidement et à fond ce qu'ils devaient faire. Lors d'une étude menée en 2003-2004 auprès des intervenants tels que le Conseil canadien de la Pyrotechnie (CCP) et l'Association de l'industrie des explosifs canadienne (CEAEC), plus de la moitié

⁵ PTSP : Recherche et développement pour la Défense Canada a mis sur pied le Programme technique de sécurité publique (PTSP) dont l'objet était de renforcer la collaboration dans toute l'administration fédérale et de formuler des solutions scientifiques et technologiques dans de nombreux secteurs de la sécurité publique. Le PTSP adopte une approche à deux volets : un volet canadien qui fait intervenir de nombreux ministères et organismes fédéraux, et un volet canado-américain auquel participe le Department of Homeland Security des États-Unis.

focus groups found it difficult to locate necessary information in the Regulations; then found it difficult to interpret the meaning.

The ERD has been in the process of modernizing its regulations for a number of years with the view to better reflect current industry conditions and to make them more accessible through the use of plain language. The industry has been very supportive of this exercise and has contributed time, effort and ideas to making the regulations better.

Additionally, while public safety has been addressed by current regulatory and industry practices, certain aspects can be clarified and strengthened. For instance, safety information is now available for distribution to consumers; its distribution can be required.

Security has become a much greater concern since September 11. It is now recognized that there are serious security issues from homegrown terrorists such as the "Toronto 18." The Government of Canada has already responded by modifying the Regulations in 2008 to better control chemicals used in the making of explosives (restricted components). In considering security throughout the lifecycle of explosives, a number of common sense, and not particularly costly, initiatives have been identified that will further enhance security.

Finally, the *Explosives Regulations* are out of date and make it difficult for regulatees to determine their obligations. Several areas of industrial safety and security can be enhanced in line with industry best practices, and certain gaps filled, in order to provide better protection for the industry, its workers, and the public at large.

Objectives

Overall goal: Ensuring a balanced approach to managing explosives safety and managing security risks while minimizing impact on business and supporting innovation and competitiveness.

The *Explosives Regulations* are being revised with the following objectives:

- a regulatory program based on an integrated and evidence-based approach that manages safety and security risks across the range of explosives-related activities under departmental jurisdiction;
- a regulatory framework that is accessible, understandable, and responsive through inclusiveness, transparency and accountability;
- where possible, a regulatory program that promotes a fair and competitive market economy and minimizes the regulatory burden placed on industry; and
- a regulatory program that enables cooperation/harmonization with other departments, and is benchmarked against international best practices.

Description

The proposed Regulations are divided into 20 parts for ease of reference for stakeholders. The organization of information into parts that are addressed to particular classes of stakeholders is one

des personnes ayant répondu aux enquêtes ou participé aux groupes de discussion trouvaient qu'il était difficile de trouver l'information nécessaire dans le Règlement; puis, ils éprouvaient de la difficulté à en interpréter le sens.

La Division de la réglementation des explosifs (DRE) travaille à la modernisation de sa réglementation depuis un certain nombre d'années dans le but qu'elle reflète mieux les conditions actuelles de l'industrie et de la rendre plus accessible grâce à l'utilisation d'un langage clair. L'industrie a beaucoup appuyé cet exercice et a consacré temps, efforts et idées pour améliorer la réglementation.

Puis, bien que les pratiques actuelles en matière de réglementation et celles en vigueur dans l'industrie traitent de la sécurité publique, certains aspects peuvent être clarifiés et renforcés. Par exemple, de l'information sur la sécurité est maintenant à la disposition des consommateurs; on peut en demander la distribution.

La sécurité est devenue une préoccupation majeure depuis le 11 septembre. On s'accorde à reconnaître qu'il existe de sérieux problèmes de sécurité engendrés par des terroristes d'origine intérieure, tels que la cellule terroriste appelée « Toronto 18 ». Le gouvernement du Canada a déjà réagi en modifiant le Règlement en 2008 afin de mieux contrôler l'utilisation de produits chimiques dans la fabrication d'explosifs (composants d'explosifs limités). En prenant en considération la sécurité tout au long du cycle de vie des explosifs, on a dégagé un certain nombre d'initiatives pleines de sens et particulièrement peu coûteuses qui permettront de renforcer davantage la sécurité.

Enfin, le *Règlement sur les explosifs* est désuet, et les personnes réglementées éprouvent de la difficulté à déterminer leurs obligations. De nombreux points du Règlement concernant la sûreté et la sécurité industrielles peuvent être améliorés pour correspondre aux pratiques exemplaires de l'industrie, et certaines lacunes peuvent être comblées dans le but d'offrir une meilleure protection à l'industrie, à ses travailleurs et au grand public.

Objectifs

Objectif global : Assurer l'adoption d'une approche équilibrée afin de gérer les risques pour la sécurité et la sûreté que représentent les explosifs tout en minimisant l'impact sur les échanges commerciaux et tout en favorisant l'innovation et la compétitivité.

On procède à l'examen du *Règlement sur les explosifs* en ayant les objectifs suivants :

- réglementer en se fondant sur une approche intégrée basée sur des preuves qui permet de gérer les risques pour la sécurité et la sûreté dans l'ensemble des activités liées aux explosifs relevant du ministère;
- favoriser l'accessibilité, la clarté et l'adaptabilité d'un cadre de réglementation grâce à l'inclusivité, la transparence et la responsabilisation;
- dans la mesure du possible, créer un programme de réglementation qui favorise une économie de marché équitable et compétitive et minimise le fardeau de la réglementation imposé à l'industrie;
- favoriser un programme de réglementation qui permet une coopération ou une harmonisation avec d'autres ministères et qui est évalué en fonction de pratiques exemplaires internationales.

Description

Le *Règlement sur les explosifs* proposé est divisé en 20 parties afin d'en faciliter la consultation par les intervenants. L'organisation des renseignements en parties distinctes pour les intervenants

of the major improvements to the Regulations. Currently, stakeholders have to scan the entire text of the Regulations to determine what requirements apply to their situation.

For the purpose of this Regulatory Impact Analysis Statement, the 20 parts have been organized into four categories to provide for a fuller understanding of the major improvements to the Regulations: Administrative changes, Writing current practices into regulations, Closing loopholes and Harmonization.

Administrative changes

Part 7 — Provisions of general application

This part sets out the general terms and conditions that apply to all licences, permits and certificates issued by the Minister of Natural Resources under the *Explosives Act*. It also sets out the procedures for making a change to or renewing any of these documents and sets out rules governing their suspension and cancellation. Suspending or cancelling a document is delegated to the Chief Inspector of Explosives. Persons affected by suspension or cancellation may ask the Minister to review the decision taken by the Chief Inspector. This part introduces new requirements for a decommissioning plan and incident reporting.

Part 19 — Fees

This part sets out the fees payable for the issuance of licences, permits and certificates and integrates the current fee schedule, which came into force on June 1, 2009, with the rest of the *Explosives Regulations*.

Part 20 — Restricted components

This part lists the components of explosives that are restricted (nine in total) and contains the rules previously set out in the *Restricted Components Regulations* respecting ammonium nitrate (which came into force in June 2008) and respecting the other eight substances (which came into force in March 2009). It describes the security requirements for these components and sets out the obligations for suppliers and for buyers who will use the components to manufacture products other than explosives.

Writing current practices into regulations

Part 1 — Preliminary matters

This part provides an overview of the revised *Explosives Regulations*. It also clarifies which explosives are under the control of the Minister of National Defence.

Part 2 — General requirements, prohibitions and safety precautions

This part provides for increased accountability for staff training.

Part 3 — Authorization and classification of explosives

This part

- sets out the information that must be provided when requesting authorization of an explosive for a use in Canada;
- describes the process to be followed to obtain the authorization;
- sets out the new types developed for the classification of explosives on which Parts 10 to 18 of the proposed Regulations are based;

est l'une des principales améliorations apportées au Règlement. Actuellement, les intervenants doivent parcourir l'ensemble des articles du Règlement pour être en mesure de déterminer quelles exigences s'appliquent à leur situation.

Aux fins du présent Résumé de l'étude d'impact de la réglementation, les 20 parties ont été regroupées en quatre catégories pour aider à mieux comprendre les améliorations importantes apportées au Règlement, à savoir : Changements administratifs, Codification des pratiques actuelles dans le Règlement, Correction des imperfections et Harmonisation.

Changements administratifs

Partie 7 — Dispositions d'application générale

La présente partie édicte les conditions générales qui s'appliquent à l'ensemble des licences, des permis et des certificats délivrés par le ministre des Ressources naturelles en vertu de la *Loi sur les explosifs*. Elle édicte également les procédures établies pour modifier ou renouveler un de ces documents et en prévoit la suspension et l'annulation. La suspension ou l'annulation d'un document relève de l'inspecteur en chef des explosifs. Les personnes visées par une suspension ou une annulation peuvent demander au ministre de réviser la décision rendue par l'inspecteur en chef des explosifs. La présente partie ajoute l'obligation de l'établissement d'un plan de mise hors service et de rapports d'incidents.

Partie 19 — Droits

La présente partie édicte les droits exigibles pour la délivrance de licences, de permis et de certificats et intègre le tableau des frais d'utilisation en vigueur depuis le 1^{er} juin 2009 au *Règlement sur les explosifs*.

Partie 20 — Composants d'explosif limités

La présente partie dresse la liste des composants d'explosif qui sont limités (neuf au total) et incorpore toutes les règles contenues dans le *Règlement sur les composants d'explosif limités*, c'est-à-dire les règles portant sur le nitrate d'ammonium (entrées en vigueur en juin 2008) et celles relatives aux huit autres composants limités (entrées en vigueur en mars 2009). Elle décrit les exigences en matière de sûreté applicables à ces composants et édicte les obligations visant les vendeurs et les acheteurs qui utilisent les composants pour fabriquer des produits autres que des explosifs.

Codification des pratiques actuelles dans le Règlement

Partie 1 — Premières questions

La présente partie donne un aperçu du *Règlement sur les explosifs* révisé et clarifie quels explosifs sont sous l'autorité du ministre de la Défense nationale.

Partie 2 — Exigences, interdictions et mesures de sécurité générales

La présente partie prévoit une responsabilité accrue pour la formation du personnel.

Partie 3 — Autorisation et classification des explosifs

La présente partie édicte :

- les renseignements requis lors d'une demande d'autorisation d'un explosif au Canada à une certaine fin;
- le processus à suivre pour obtenir l'autorisation;
- les nouveaux types développés pour la classification des explosifs sur lesquels les parties 10 à 18 du règlement proposé sont fondées;

- introduces a new classification based on the concept of potential effects, which refers to the behaviour of explosives in case of an accidental ignition and better addresses hazards that arise outside the transportation context; and
- incorporates the UN transport classification scheme.

Part 5 — Manufacturing explosives

This part addresses the manufacture of explosives. It describes

- the requirements that holders of division 1 factory licences and satellite site certificates must meet, including requirements respecting facilities, the posting of signs, packaging, ensuring the safety of workers and visitors, training, management and mobile process units;
- the requirements that holders of division 2 factory licences or manufacturing certificates must meet, including requirements respecting the workplace, packaging, ensuring the safety of persons, knowledge of the workplace and management of the workplace;
- rules of conduct applicable to workers and visitors at a factory or satellite site and to persons at a workshop;
- the requirements for manufacturing activities that do not require a factory licence or manufacturing certificate; and
- the requirements for a security plan to be filed as part of the application for a licence to manufacture high explosives, initiation systems, military explosives or law enforcement explosives and for the plan to be implemented for as long as the licence is valid.

Additionally, this part requires appropriate hazard assessments to be undertaken and operating procedures as well as security controls to be in place. New technologies have significantly modified manufacturing methods and increased the need to have more detailed procedures along with appropriate training of personnel. Every licence holder is subject to the requirement to establish and implement a security plan for high risk explosives.

Part 9 — Transporting explosives

Changes introduced by this part eliminate current overlap with the *Transportation of Dangerous Goods Regulations* and the Canada Motor Vehicle Safety Standards and remove some out-of-date sections from the current Regulations.

The proposed requirement for an explosives transport permit has not been included in the proposed Regulations. As a result, they cover only what the *Transportation of Dangerous Goods Regulations* do not. Additionally, the current 10-hour driving limit for explosives shipments has been removed, allowing explosives shipments to be treated like other dangerous goods.

Similarly, the changes respecting transportation introduced by this part remove aspects that are covered more thoroughly by the Canada Motor Vehicle Safety Standards. The transportation of certain low-hazard explosives, generally on sale to the public from retail outlets, in quantities below 12 kg in some cases and 150 kg in others, is subject to relatively lenient regulatory requirements.

For the transportation of explosives that are not eligible for more lenient treatment, new requirements have been added for vehicle tracking and two-way communication between driver and

- la nouvelle classification fondée sur les effets potentiels, qui réfère au comportement des explosifs faisant l'objet d'un alimantage accidentel et aborde mieux les dangers qui se présentent pendant que les explosifs ne sont pas transportés;
- l'utilisation du système de classification pour le transport de l'ONU.

Partie 5 — Fabrication des explosifs

La présente partie traite de la fabrication d'explosifs. Il décrit ce qui suit :

- les exigences visant les titulaires de licences de fabrication de la section 1 et de certificats de site satellite, notamment celles liées aux installations, à l'affichage, à l'emballage, à la sécurité des travailleurs et des visiteurs, à la formation, à l'exploitation et aux unités de fabrication mobiles;
- les exigences visant les titulaires de licences de fabrication de la section 2 et de certificats de fabrication, notamment celles liées à ce qui suit : lieu de travail, emballage, sécurité des personnes, ainsi que connaissance et gestion du lieu de travail;
- les règles de conduite applicables aux travailleurs et aux visiteurs à la fabrique ou au site satellite, ainsi que celles applicables à toute personne au lieu de travail;
- les exigences liées aux activités de fabrication ne requérant aucune licence de fabrication ou de certificat de fabrication;
- les exigences liées au plan de sûreté qui doit être présenté dans la demande de licence d'explosifs détonants, de systèmes d'amorçage, d'explosifs destinés à des fins militaires et d'explosifs destinés à des fins d'application de la loi et qui doit être mis en œuvre jusqu'à l'expiration de la licence.

De plus, la présente partie requiert la réalisation d'évaluations appropriées des dangers et la mise en place de procédures opérationnelles et de contrôles de sûreté. Les nouvelles technologies ont modifié de façon significative les méthodes de fabrication et sont venues accroître le besoin d'avoir des procédures plus détaillées ainsi qu'une formation appropriée du personnel. Chaque titulaire de licence est assujéti à l'obligation d'établir et de mettre en œuvre un plan de sûreté pour les explosifs à risque élevé.

Partie 9 — Transport des explosifs

Les changements introduits par la présente partie éliminent le chevauchement avec le *Règlement sur le transport des marchandises dangereuses* et les Normes de sécurité des véhicules automobiles du Canada, et ils suppriment certains articles désuets qui se trouvent dans le règlement actuel.

La proposition de requérir un permis de transport des explosifs a été supprimée. Par conséquent, le règlement proposé couvre uniquement ce que le *Règlement sur le transport des marchandises dangereuses* n'englobe pas. De plus, on a enlevé la durée limite de conduite de 10 heures pour le transport d'explosifs qui se trouve dans le règlement actuel, permettant de traiter le transport des explosifs comme le transport d'autres marchandises dangereuses.

Dans le même ordre d'idées, les changements introduits par la présente partie enlèvent des aspects de transport qui sont traités de façon plus approfondie dans les Normes de sécurité des véhicules automobiles du Canada. Certains explosifs peu dangereux, généralement vendus au public dans des établissements de vente au détail, font l'objet de règles moins restrictives lorsqu'ils sont transportés en une quantité d'au plus 12 kg dans certains cas et lorsqu'ils sont transportés en une quantité d'au plus 150 kg dans d'autres cas.

Pour le transport qui n'est pas admissible à ce traitement moins restrictif, de nouvelles exigences ont été ajoutées pour la localisation des véhicules et la communication bidirectionnelle entre le

company in the interests of increasing the security of explosives during transport.

The proposed Regulations will be less restrictive and easier to comply with, particularly as they will now be coordinated with the *Transportation of Dangerous Goods Regulations*.

Part 14 — Small arms cartridges, propellant powder and percussion caps

This part authorizes the acquisition, storage and sale of small arms cartridges and the manufacture of small arms cartridges and black powder cartouches. Division 1 sets out rules for sellers and users of small arms cartridges. Division 2 sets out rules for sellers and users of propellant powder and percussion caps (also known as primer). It also sets out rules for the manufacture of small arms cartridges and black powder cartouches for personal use.

Changes to the current Regulations are being introduced to clarify the requirements for the storage for personal use of smokeless powder and black powder in private residences. Limits are imposed on the quantities of small arms cartridges and primer that may be stored by an unlicensed person and detached residences are distinguished from multiple-unit residences. The limits for storage in a detached private residence are changed from the current maximum of 10 kg to 20 kg of smokeless powder and 5 kg of black powder together, 25 kg of smokeless powder alone or 5 kg of black powder alone. The limits for storage in a multiple-unit residence are changed from the current maximum of 10 kg to 20 kg of smokeless powder in containers of 1 kg or less, or 5 kg in containers holding more than 1 kg and 1 kg of black powder in containers or 3 kg total in cartridges or cartouches less any in containers.

Parts 12 and 13 — Power device cartridges and special purpose explosives

These parts set out the requirements for selling, acquiring and storing power device cartridges, low-hazard special purpose explosives (essentially current 7.2.4) and high-hazard special purpose explosives (essentially current 7.2.5).

Currently, the *Explosives Regulations* set out rules for "safety cartridges." Under the proposed Regulations, this category will be split into "small arms cartridges" (covered in part 14) and "power device cartridges" (covered in part 12).

Part 15 — Model and high-power rocket motors

This part sets out the requirements for selling, acquiring, and storing model and high-power rocket motors, their reloading kits and their igniters. The use of these motors is not covered as this is regulated by Transport Canada.

Proposed changes to the current Regulations include requiring that safety information be provided to buyers of model rocket motors and increasing the total impulse limit for model rocket motors from 80 newton-seconds to 160 newton-seconds to harmonize with Transport Canada regulations and with the existing standards in the United States.

conducteur et la compagnie dans le but d'accroître la sûreté au moment du transport des explosifs.

Le règlement proposé sera moins restrictif et plus facile à respecter, plus particulièrement parce qu'il sera coordonné avec le *Règlement sur le transport des marchandises dangereuses*.

Partie 14 — Cartouches pour armes de petit calibre, poudre propulsive et amorces à percussion

La présente partie autorise l'acquisition, le stockage et la vente de cartouches pour armes de petit calibre, de même que la fabrication de cartouches pour armes de petit calibre et de cartouches à poudre noire. La section 1 énonce les règles visant les vendeurs et les utilisateurs de cartouches pour armes de petit calibre. La section 2 énonce les règles visant les vendeurs et les utilisateurs de poudre propulsive et d'amorces à percussion. Les exigences visant les fabricants de cartouches pour armes de petit calibre et de cartouches à poudre noire pour des fins personnelles sont également décrites.

Les changements apportés au Règlement visent à clarifier les exigences relatives au stockage de poudre sans fumée et de poudre noire pour utilisation personnelle dans des locaux d'habitation. On établit la quantité de cartouches pour armes de petit calibre et d'amorces à percussion pouvant être stockées sans licence et on établit une distinction entre des locaux d'habitation détachés et les locaux d'habitation contenant plus d'un logement. On modifie les limites pour le stockage dans des locaux d'habitation isolés en passant de la quantité actuelle de 10 kg de poudre sans fumée à 20 kg et 5 kg de poudre noire au total, 25 kg de poudre sans fumée ou 5 kg de poudre noire isolément. On modifie les limites de stockage dans des locaux d'habitation composées de plusieurs logements en passant de la quantité actuelle de 10 kg à 20 kg de poudre sans fumée dans des contenants ayant une capacité de 1 kg ou moins, ou 5 kg dans des contenants de plus de 1 kg et à 1 kg de poudre noire en vrac dans des contenants ou à 3 kg au total dans des cartouches moins toute quantité en vrac.

Parties 12 et 13 — Cartouches pour pyromécanismes et explosifs à usage spécial

Les présentes parties énoncent les exigences relatives à l'acquisition, au stockage et à la vente des cartouches pour pyromécanismes, des explosifs à usage spécial à risque restreint (essentiellement l'article 7.2.4 actuel) et des explosifs à usage spécial à risque élevé (essentiellement l'article 7.2.5 actuel).

Le règlement actuel traite des « cartouches de sûreté ». Dans le règlement proposé, cette catégorie est divisée en deux catégories qui comprennent les cartouches pour armes de petit calibre (traitées dans la partie 14) et les cartouches pour pyromécanismes (traitées dans la partie 12).

Partie 15 — Moteurs de fusée miniature et moteurs de fusée haute puissance

La présente partie énonce les exigences relatives à l'acquisition, au stockage et à la vente de moteurs de fusée miniature, de moteurs de fusée haute puissance, de leur trousse de rechargement respective et de leur allumeur respectif. La partie ne traite pas de leur utilisation étant donné qu'elle est traitée par Transports Canada.

Les changements apportés au règlement actuel exigent que des renseignements sur la sécurité soient fournis aux acheteurs de moteurs de fusée miniature et comprennent une augmentation de la limite d'impulsion totale pour les moteurs de fusée miniature passant de 80 newton-secondes à 160 newton-secondes afin de s'harmoniser avec la réglementation de Transports Canada et avec les normes existant aux États-Unis.

The proposed Regulations allow persons under 18 but at least 12 years old to acquire a model rocket motor that does not exceed 40 newton-seconds and is no higher than E class. The proposed Regulations also address reloadable rocket motors, a more recent technology that is not covered by the current Regulations.

The proposed Regulations also lower the maximum quantity of motors and igniters that may be stored without a licence.

Part 17 — Special effect pyrotechnics

This part sets out the requirements for selling, storing, acquiring, and using special effect pyrotechnics. It also sets out when a licence or a fireworks operator certificate is required to acquire, store or use pyrotechnics.

Changes to the current Regulations permit more flexibility in firing systems for pyrotechnics while achieving the same result — preventing accidental ignition. There is a decreased burden on stakeholders in the management of records for pyrotechnic events. Technicians from outside Canada are permitted to act as the pyrotechnician-in-charge.⁶

Part 18 — Display fireworks

This part sets out the requirements for selling, acquiring, storing and using display fireworks and fireworks accessories for use with display fireworks, which are fireworks designed for professional use (e.g. fireworks used in the Canada Day celebrations on Parliament Hill). This part also sets out when a licence or a fireworks operator certificate is required to acquire, store or use display fireworks.

Technicians from outside Canada are permitted to undertake the duties of a display assistant, but may not act as pyrotechnician-in-charge.

In addition to the fallout zone currently required, the proposed Regulations require the pyrotechnician-in-charge to establish a danger zone when the fireworks are first brought to a site. This requirement will enhance safety because at many shows the fallout zone is not established until after the fireworks are present at the site.

Part 10 — Military explosives and law enforcement explosives

This part deals with the selling, acquiring and storing of military explosives and law enforcement explosives (type D).

Part 6 — Magazine licences and storage in a licensed magazine

This part sets out how to apply for a magazine licence as well as the standards and the safety and security procedures for magazines. The proposed Regulations require a fire safety plan and key control plan to be in place before an application for a magazine

⁶ Technicians outside of Canada are certified, competent pyrotechnicians who do not reside in Canada and have not taken the Canadian Pyrotechnics Special Effects Safety and Legal Awareness course.

Le règlement proposé permet à une personne âgée de moins de 18 ans mais d'au moins 12 ans d'acquies des moteurs de fusée miniature. Ces derniers ne devront pas dépasser 40 newton-secondes ni être d'une classe supérieure à E. Le règlement proposé traite également des moteurs de fusée rechargeables, une technologie plus récente qui n'est pas assujettie au règlement actuel.

Le règlement proposé réduit aussi la quantité maximale de moteurs et d'allumeurs qui peuvent être stockés en l'absence d'une licence.

Partie 17 — Pièces pyrotechniques à effets spéciaux

La présente partie édicte les exigences relatives à l'acquisition, au stockage, à la vente et à l'utilisation de pièces pyrotechniques à effets spéciaux. La présente partie prévoit qu'une personne doit être titulaire d'une licence ou d'un certificat de technicien en pyrotechnie pour acheter, stocker ou utiliser de telles pièces pyrotechniques.

Les changements apportés au Règlement permettent davantage de flexibilité lors de l'allumage des dispositifs de mise à feu des pièces pyrotechniques tout en atteignant les mêmes résultats, soit la prévention d'un allumage accidentel. Il y a une diminution du fardeau imposé aux intervenants par rapport à la gestion des dossiers liés aux activités pyrotechniques. Des techniciens provenant de l'extérieur du Canada sont en mesure d'agir à titre de pyrotechniciens responsables⁶.

Partie 18 — Pièces pyrotechniques à grand déploiement

La présente partie édicte les exigences relatives à l'acquisition, au stockage, à la vente et à l'utilisation de pièces pyrotechniques à grand déploiement et d'accessoires pour pièces pyrotechniques, qui sont des pièces pyrotechniques conçues pour être utilisées à des fins professionnelles (par exemple les pièces pyrotechniques utilisées le jour des célébrations de la fête du Canada sur la Colonne parlementaire). Cette partie édicte également si une licence ou si un certificat de technicien en pyrotechnie est requis pour acquies, stocker ou utiliser les pièces pyrotechniques à grand déploiement.

Des techniciens provenant de l'extérieur du Canada sont autorisés à assumer les fonctions d'aide-artificier, mais ne peuvent pas agir à titre de pyrotechniciens responsables.

Le règlement proposé exige que le pyrotechnicien responsable établisse une zone de danger lorsque des pièces pyrotechniques sont amenées au site de mise à feu en plus de la zone de retombées exigée actuellement. Cette exigence améliorera la sécurité puisque la zone de retombées dans bien des spectacles n'est établie qu'après que les explosifs sont arrivés sur le site.

Partie 10 — Explosifs destinés à des fins militaires et explosifs destinés à des fins d'application de la loi

La présente partie porte sur l'acquisition, le stockage et la vente d'explosifs destinés à des fins militaires et d'explosifs destinés à des fins d'application de la loi (type D).

Partie 6 — Licences de poudrière et stockage dans une poudrière agréée

La présente partie édicte la marche à suivre pour demander une licence de poudrière d'explosifs, de même que les normes et les procédures en matière de sécurité et de sûreté pour les poudrières d'explosifs. Les exigences comprennent l'obligation de mettre en

⁶ Les techniciens provenant de l'extérieur du Canada sont des pyrotechniciens compétents et accrédités qui ne résident pas au Canada et qui n'ont pas suivi le cours canadien de sensibilisation à la sécurité et aux aspects légaux soulevés par l'utilisation des pièces pyrotechniques à grand déploiement.

licence is submitted and the applicant must include in the application a declaration that these plans have been prepared. Additionally, a security plan must be prepared for every magazine storing types E (blasting), I (initiating systems) or D (military and law enforcement) explosives and the elements in the plan must be implemented by the licence holder.

Closing loopholes

Part 4 — Importing and exporting explosives and transporting explosives in transit

This part addresses the importation, exportation and in transit transportation of explosives. It describes

- the information required when applying for an import, export or in transit permit;
- the requirements for holders of an import, export or in transit permit;
- the information a permit holder must provide to the Chief Inspector of Explosives after the explosives are imported, exported or transported in transit; and
- when explosives may be imported, exported or transported in transit without a permit.

The current Regulations only require a permit for importing explosives. An order will be made to bring section 9 of the *Explosives Act* (as amended by section 40 of the *Public Safety Act, 2002*) into force. It requires permits for export and transportation in transit.

Secure storage locations for in transit explosives in case of emergencies are required in the proposed Regulations.

Section 149 of the current Regulations covers the requirements for samples for analysis and scientific research, as well as those for field testing of new products, products specifically imported for fireworks competitions or other special purposes. The authorization requirements for these types of situations are covered in the proposed Regulations, in Part 3 (Authorization).

Part 16 — Consumer fireworks

This part sets out the requirements for selling, acquiring and storing consumer fireworks, which are fireworks that are designed for recreational use by members of the public. It also regulates their use. Changes to the current Regulations introduced by this part clarify the requirements relating to the packaging of consumer fireworks for sale.

Most of the other proposed changes reduce the administrative burden on sellers, purchasers, and users. However, sellers will be required to keep records of any sale of more than 150 kg of consumer fireworks; under the current Regulations, records of sale are not required unless the amount sold is more than 1 000 kg.

Part 8 — Screening

This part introduces a new requirement for security screening for people who have access to high hazard explosives. The objective of the regulatory changes is to limit access to high hazard explosives (types E [high explosives], I [initiation systems] and D [military explosives and law enforcement explosives]).

place un plan de sécurité en cas d'incendie et un plan de contrôle des clés avant de présenter une demande de licence; le demandeur doit inclure dans la demande une déclaration énonçant que ces plans ont été préparés. De plus, chaque poudrière d'explosifs de types E (explosifs de sautage), I (systèmes d'amorçage) et D (explosifs destinés à des fins militaires et explosifs destinés à des fins d'application de la loi) doit avoir en place un plan de sûreté, et le titulaire de la licence a la responsabilité de mettre en œuvre les éléments du plan.

Correction des imperfections

Partie 4 — Importation, exportation et transport en transit d'explosifs

La présente partie traite de l'importation, de l'exportation et du transport en transit d'explosifs. Elle décrit ce qui suit :

- les renseignements à inclure dans une demande de permis d'importation, d'exportation ou de transport en transit;
- les exigences visant les titulaires d'un permis d'importation, d'exportation ou de transport en transit;
- les renseignements qu'un titulaire de permis doit fournir à l'inspecteur en chef des explosifs après l'importation, l'exportation ou le transport en transit des explosifs;
- les situations au cours desquelles on peut importer, exporter ou transporter en transit des explosifs sans permis.

Le règlement actuel ne requiert qu'un permis d'importation pour l'importation d'explosifs. Un décret sera pris pour mettre en vigueur l'article 9 de la *Loi sur les explosifs* (modifié par l'article 40 de la *Loi de 2002 sur la sécurité publique*), qui exige des permis pour l'exportation, de même que pour le transport en transit.

L'établissement d'exigences relatives au stockage dans un lieu sûr des explosifs en transit en cas d'urgence est proposé.

L'article 149 du règlement actuel traite de l'utilisation d'échantillons servant aux analyses et aux recherches scientifiques, ainsi que de ceux servant à la mise à l'essai sur le terrain de nouveaux produits, de produits importés expressément aux fins de concours de pièces pyrotechniques ou à d'autres fins particulières. Les exigences en matière d'autorisation pour ces types de situation sont traitées dans le règlement proposé, à la partie 3 (Autorisation).

Partie 16 — Pièces pyrotechniques à l'usage des consommateurs

La présente partie édicte les exigences relatives à l'acquisition, au stockage, à la vente et à l'utilisation des pièces pyrotechniques à l'usage des consommateurs, qui sont des pièces pyrotechniques conçues à des fins récréatives pour les particuliers. Les changements apportés au règlement actuel par cette partie clarifient les exigences visant l'emballage des pièces pyrotechniques à l'usage des consommateurs destinées à la vente.

La plupart des autres changements apportés allègent le fardeau administratif imposé aux vendeurs, aux acheteurs et aux utilisateurs. Toutefois, les vendeurs verront leur tâche administrative augmenter puisqu'ils devront tenir un dossier des ventes de plus de 150 kg de pièces pyrotechniques à l'usage des consommateurs; actuellement, ils ne doivent tenir de dossier des ventes que s'ils vendent plus de 1 000 kg de ces pièces.

Partie 8 — Vérification

La présente partie instaure une nouvelle exigence concernant les vérifications de sûreté à l'égard des personnes qui ont accès aux explosifs à risque élevé. Les changements réglementaires apportés ont pour but de limiter l'accès à des explosifs à risque élevé (types E [explosifs détonants], I [systèmes d'amorçage])

Under the proposed Regulations, an applicant for a licence, or renewal of a licence, authorizing the storage of high hazard explosives who is an individual is required to submit the original of a criminal record check carried out within the previous year or proof of an equivalent document. The applicant must also submit a list naming the employees at the site who could have access to high risk explosives and who are therefore required to have an approval letter.

The licence holder must ensure that everyone at the site who is required to have an approval letter has obtained one. Personnel who seek an approval letter must submit proof of a criminal record check or an equivalent document.

If the criminal record check of an applicant for a licence or approval letter reveals that certain offences have been committed, the Minister will deny the request and notify the applicant. The applicant is entitled to submit additional information that may reverse the denial. If the additional information reveals that the criminal record check was erroneous, the Minister will issue the licence, licence renewal or approval letter. Otherwise, the Minister will confirm the denial in writing to the applicant.

Harmonization

Part 11 — Industrial explosives

This part deals with the selling, acquiring and storing of explosives used for industrial purposes. However, the storage requirements set out in this part apply only to holders of magazine licences issued by the federal Minister of Natural Resources of Canada, as the applicable provincial or territorial laws regulate the storage of explosives acquired under an authorization issued by a provincial or territorial authority.

The industrial explosives covered by this part are any of the following types of explosives, based on the new Canadian types introduced in Part 3:

- E.1 — blasting explosives;
- E.2 — perforating explosives (for example, explosives intended for use in oil and gas wells);
- E.3 — special-application explosives (for example, explosives used to form, cut, shape, weld or break and for avalanche control);
- I — initiation systems (for example, blasting accessories); and
- P.1 — black powder and PE 1 black powder substitutes when used in mining, quarrying, construction or avalanche control.

Proposed changes to the current Regulations include the following:

- a seller must mark the purchaser's packaging with the licence or the provincial or territorial authorization number. There is no exemption based on type of packaging (e.g. ammonium nitrate and fuel oil [ANFO] bag);
- the length of time that records must be kept is reduced to two years. The information that must be kept in the record has been simplified from current requirements;

et D [explosifs à des fins militaires et explosifs à des fins d'application de la loi]).

En vertu du règlement proposé, comme condition d'une licence autorisant le stockage d'explosifs à risque élevé, le demandeur qui est un particulier doit présenter l'original de l'attestation de vérification de son casier judiciaire qui a été faite au cours de l'année précédente ou la preuve d'un document équivalent. Il doit également présenter une liste du personnel sur le site qui est susceptible d'avoir accès à un explosif à risque élevé et qui est par conséquent tenu d'avoir une lettre d'approbation.

Le titulaire de la licence doit veiller à ce que quiconque sur le site est tenu d'avoir une lettre d'approbation en ait une. Le personnel qui veut obtenir une lettre d'approbation doit présenter une attestation de vérification de son casier judiciaire ou un document équivalent.

Si la vérification des antécédents criminels du demandeur d'une licence ou d'une lettre d'approbation révèle que certaines infractions ont été commises, le ministre refusera la demande et avisera le demandeur qu'il peut soumettre des renseignements supplémentaires. Si ces renseignements révèlent que la vérification était erronée, le ministre procédera à la délivrance ou au renouvellement de la licence, ou à la délivrance de la lettre d'approbation. Dans le cas contraire, le ministre confirmera par écrit au demandeur le refus de délivrance ou de renouvellement.

Harmonisation

Partie 11 — Explosifs industriels

La présente partie traite de l'acquisition, du stockage et de la vente d'explosifs utilisés à des fins industrielles. Toutefois, les exigences relatives au stockage énoncées dans la présente partie ne s'appliquent qu'aux titulaires de licences de poudrière d'explosifs délivrées par le ministre des Ressources naturelles du Canada, puisque les lois provinciales ou territoriales applicables régissent le stockage d'explosifs acquis sous le régime d'une autorisation donnée par une autorité provinciale ou territoriale.

Les types d'explosifs suivants constituent les explosifs industriels dont il est question dans la présente partie. Ceux-ci sont fondés sur les nouveaux types canadiens, tels qu'ils ont été présentés à la partie 3 :

- E.1 — les explosifs de sautage;
- E.2 — les explosifs à charge creuse (par exemple les explosifs prévus pour une utilisation par l'industrie des puits de pétrole ou de gaz);
- E.3 — les explosifs destinés à des usages particuliers (par exemple les explosifs utilisés pour former, couper, façonner, souder ou fragmenter, et pour le contrôle d'avalanches);
- I — les systèmes d'amorçage (par exemple les accessoires de sautage);
- P.1 — la poudre noire et ses substituts de catégorie de risque EP 1 utilisés dans l'exploitation des mines et des carrières, dans la construction ainsi que dans la lutte contre les avalanches.

Les changements proposés au règlement actuel incluent ce qui suit :

- Un vendeur doit inscrire le numéro de licence ou le numéro d'autorisation provincial ou territorial sur l'emballage de l'acheteur. Il n'y a aucune exception en fonction du type d'emballage (par exemple le sac de nitrate-fuel [ANFO]);
- La durée de conservation des dossiers est réduite à deux ans. Les renseignements devant être conservés au dossier sont simplifiés comparativement aux exigences actuelles;

- the holder of a provincial or territorial authorization to store industrial explosives at a mine site or a quarry who is a user is authorized to acquire such explosives;
 - a purchaser must mark the licence or authorization number on inner packaging when the outer packaging is opened;
 - packaging may be reused if it is in good condition (does not contain any explosive residue) and it did not previously contain any liquid-based explosive ingredients; packaging that is not in good condition may not be reused and must be destroyed so that it cannot be reused; and
 - although most sites for impending use may be under provincial jurisdiction, a requirement for attending has been added to cover a potential situation not covered by provincial regulations.
- Le titulaire d'une autorisation provinciale ou territoriale pour le stockage d'explosifs industriels sur le site d'une mine ou d'une carrière qui est un utilisateur est autorisé à acquérir de tels explosifs;
 - Un acheteur doit inscrire le numéro de licence ou le numéro d'autorisation sur l'emballage intérieur lorsque l'emballage extérieur est ouvert;
 - On peut réutiliser l'emballage s'il est en bon état (ne contient aucun résidu d'explosif) et s'il ne contenait pas antérieurement d'ingrédients compris dans les explosifs liquides. Les emballages en mauvais état ne doivent pas être réutilisés. Ils doivent plutôt être détruits pour éviter qu'ils ne soient réutilisés;
 - Bien que la plupart des sites à usage imminent relèvent de la compétence provinciale, on a ajouté des exigences relatives à la surveillance afin d'englober les situations potentielles non traitées dans la réglementation provinciale.

Regulatory and non-regulatory options considered

Besides the status quo, no formal alternatives were considered for the overall regulations. The regulatory modernization is intended to reduce the gap that has grown between the Regulations and the reality of today's technology, industrial structure and regulatory practices. It is designed to both facilitate and encourage industry's ability to operate with safer, more reliable and more cost-effective technology and lower risks to companies, their workers, and the public at large.

In modifying the regulations, industry stakeholders have been involved from the beginning as ERD sought to find ways to better reflect in regulation the industry as it has evolved, modern industry best practices, modern regulatory practices, and the evolving technology.

Benefits and costs

The approach to assessing costs and benefits of this proposal focused separately on the three parts of the proposed changes: modernization, improved public safety and enhanced security.

For modernization, the focus was on demonstrating that there would not be any significant costs (and some reductions). A qualitative assessment of benefits of the initiative focused on test evidence regarding comprehension of the legal text. Earlier research into factors that promote compliance was used to determine whether the changes would enhance compliance with the law, and hence promote safety.

While it was believed that the public safety changes were low cost, the cost-benefit analysis (CBA) developed for each change estimated costs for the affected parties. Often based on proxies, these estimated costs were chosen to result in over-estimates of the costs. A qualitative assessment of the benefits resulting from the changes was undertaken to determine the directions of the effects, with a check against a quantitative estimate of lowered incidence of injuries and deaths based on the methodology used in a CBA of the modernization of the explosives regulations in the United Kingdom.

For public security, again the CBA estimated the costs of each component, while undertaking a qualitative assessment of the

Options réglementaires et non réglementaires considérées

Outre le statu quo, nous n'avons pris en considération aucune solution de rechange officielle en ce qui a trait à l'ensemble de la réglementation. La modernisation de la réglementation a pour but de réduire l'écart qui s'est creusé entre le Règlement et la réalité de la technologie, de la structure industrielle et des pratiques réglementaires d'aujourd'hui. Elle est conçue à la fois pour faciliter et favoriser la capacité de l'industrie à fonctionner en utilisant une technologie plus sécuritaire, fiable et rentable, et pour réduire les risques encourus par les compagnies, leurs travailleurs et le grand public.

Les intervenants de l'industrie ont participé depuis le début à la modification de la réglementation, alors que la Division de la réglementation des explosifs (DRE) tentait de trouver des façons de mieux refléter dans la réglementation l'évolution de l'industrie, les pratiques exemplaires modernes de l'industrie, les pratiques réglementaires modernes et l'évolution de la technologie.

Avantages et coûts

La démarche concernant l'évaluation des coûts et des avantages de la présente proposition était axée sur les trois parties des modifications proposées, à savoir : la modernisation, l'amélioration de la sécurité publique et le renforcement de la sécurité.

Pour la modernisation, nous avons voulu démontrer qu'elle n'entraînerait pas de coûts importants (même quelques réductions). Une évaluation qualitative des avantages de l'initiative a porté sur l'analyse de la preuve concernant la compréhension du texte légal. Nous avons utilisé une recherche antérieure sur les facteurs favorisant la conformité à la réglementation afin de déterminer si les changements apportés accroitraient la conformité à la loi et, ainsi, favoriseraient la sécurité.

Alors que l'on croyait que les changements apportés à la sécurité publique étaient peu coûteux, l'analyse des coûts et des avantages a permis d'établir des coûts estimatifs pour chaque changement apporté aux parties concernées. Souvent fondés sur des approximations, ces coûts estimatifs ont donné lieu à une surestimation des coûts. Nous avons entrepris une évaluation qualitative des avantages découlant des changements afin d'en déterminer les conséquences, incluant une vérification de l'estimation quantitative de la diminution de la fréquence des blessures et des morts fondée sur la méthodologie utilisée lors d'une analyse des coûts et des avantages de la modernisation de la réglementation sur les explosifs réalisée au Royaume-Uni.

Pour la sécurité publique, là encore l'analyse des coûts et des avantages a permis d'établir les coûts pour chaque composante,

benefits. In keeping with Government of Canada and United States government practice, no quantitative estimate of the benefits was undertaken.

Rationale

With the renewal of the user fees, the selected option strikes an appropriate balance between not placing an undue burden on industry and generating sufficient funds to address gaps in explosives safety and security.

The explosives user fees were renewed following consultations held in early 2008, which confirmed stakeholders understood that the current fee schedule was out of date and did not reflect the costs of doing business. The original proposal was modified based on stakeholder comments and the current proposal reflects a user fee model that all major industry associations can accommodate. The explanations for the costing of the increased fees satisfied stakeholders that the fees reflected the actual costs of providing services.

It is important to note that even with the increased user fees, ERD will still be recovering only 47% of its costs — the taxpayer will continue to fund an appropriate portion of ERD's activities that are related to protecting the safety of all Canadians.

Consultation

This modernization proposal was initiated in the 1990s and was developed with consultations with key partners and stakeholders. Given the long-term nature of this project, stakeholders are thoroughly aware of the proposed changes and they have been consulted on numerous occasions. Stakeholders support the proposed changes as they will modernize the explosives regulations, make compliance easier, and implement modern industrial practices into regulations. Other stakeholder groups will be consulted on specific sections of the revised *Explosives Regulations*. For example, the Canadian Fertilizer Institute was briefed on changes to the *Restricted Components Regulations*.

On regulatory modernization, updates were provided to the four major explosives stakeholder groups (Canadian Explosives Industry Association [CEAEC], Petroleum Services Association of Canada [PSAC], Canadian Association of Geophysical Contractors [CAGC], and Canadian Pyrotechnical Council [CPC]) and the one major stakeholder group (Canadian Fertilizer Institute [CFI]) related to the *Restricted Components Regulations*. These groups have been briefed regularly. Consultations were held over the fall of 2009 with continued support for the regulatory modernization project going forward.

On security screening, this issue only affects stakeholders concerned with high-risk explosives (namely, CEAEC, PSAC and CAGC). Concerned associations were briefed most recently in October 2009. No issues were raised.

Ongoing informal discussions are held with the heads of the four major stakeholder organizations:

- Canadian Explosives Industry Association (CEAEC)
- Petroleum Services Association of Canada (PSAC)

tout en procédant à une évaluation qualitative des avantages. Suivant les pratiques du gouvernement du Canada et du gouvernement des États-Unis, nous n'avons effectué aucune estimation quantitative des avantages.

Justification

Grâce au renouvellement des frais d'utilisation, l'option choisie représente un juste équilibre entre la nécessité de ne pas imposer un fardeau exagéré à l'industrie et celle de produire suffisamment de fonds afin de combler les lacunes en sécurité et sûreté des explosifs.

On a procédé au renouvellement des frais d'utilisation liés aux explosifs à la suite des consultations tenues au début de 2008, qui ont confirmé que les intervenants ont compris que l'actuel barème des frais d'utilisation est périmé et qu'il ne correspond plus à ce qu'il en coûte pour exécuter les activités. La proposition originale a été modifiée pour tenir compte des commentaires des intervenants et la proposition actuelle constitue un modèle de frais d'utilisation auquel toutes les principales associations de l'industrie peuvent s'adapter. Les explications au sujet de la méthode utilisée pour déterminer la hausse des frais d'utilisation ont suffi à convaincre les intervenants que les nouveaux frais correspondent au coût réel de la prestation des services.

Il est important de noter que, même si la DRE augmente les frais d'utilisation, elle ne recouvrera que 47% de ses coûts — le contribuable continuera de financer une fraction appropriée des activités de la DRE qui ont trait à la protection de la sécurité de tous les Canadiens.

Consultation

La présente proposition de modernisation a débuté dans les années 1990 et a été élaborée en collaboration avec des partenaires et des intervenants clés. Compte tenu du caractère à long terme de ce projet, les intervenants sont parfaitement conscients des changements proposés, et ils ont été consultés à plusieurs occasions. Les intervenants appuient les changements proposés puisqu'ils permettront de moderniser la réglementation sur les explosifs, de faciliter la conformité et d'intégrer des pratiques industrielles modernes à la réglementation. On consultera d'autres groupes d'intervenants relativement à des articles particuliers de la version révisée du *Règlement sur les explosifs*. Par exemple, on a informé l'Institut canadien des engrais (ICE) des changements apportés au *Règlement sur les composants d'explosif limités*.

En ce qui a trait à la modernisation de la réglementation, on a présenté des mises à jour aux quatre principaux groupes d'intervenants de l'industrie des explosifs (l'Association canadienne de l'industrie des explosifs [CEAEC], la Petroleum Services Association of Canada [PSAC], l'Association canadienne d'entrepreneurs géophysiques [ACEG], et le Conseil canadien de la pyrotechnie [CCP]) et au principal groupe d'intervenants (l'Institut canadien des engrais [ICE]) se rapportant au *Règlement sur les composants d'explosif limités*. On a régulièrement informé ces groupes. Les consultations ont eu lieu au cours de l'automne 2009, avec un soutien continu pour le projet de modernisation de la réglementation dans le futur.

En ce qui a trait à la vérification de sécurité, ce point ne touche que les intervenants concernés par les explosifs à risque élevé (à savoir CEAEC, PSAC et ACEG). On a récemment informé les associations concernées en octobre 2009. Aucune question n'a été soulevée.

Les dirigeants des quatre principales organisations d'intervenants mentionnées ci-dessous tiennent des discussions informelles continues :

- l'Association canadienne de l'industrie des explosifs (CEAEC)

TAB B

- Canadian Pyrotechnic Council (CPC)
- Canadian Association of Geophysical Contractors (CAGC)

- la Petroleum Services Association of Canada (PSAC)
- le Conseil canadien de la pyrotechnie (CCP)
- l'Association canadienne d'entrepreneurs géophysiques (ACEG)

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ANNEX 1

Summary Accounting Statement⁷

	2011	2012	2020	Present Value ⁸ Annualized	Total Present Value
Explosives: Factory licence holders	≤ 1,229	Varies	Varies	≤ 211	≤ 1,531
Fireworks: All retailers	≤ 100	≤ 100	≤ 100	≤ 100	≤ 725
Sub-total safety				≤ 311	≤ 2,256
Explosives: Magazine licence holders	≤ 804	≤ 40	≤ 40	≤ 146	≤ 1,055
Restricted components: Product sellers	≤ 120	≤ 20	≤ 20	≤ 34	≤ 245
All companies handling high explosives	≤ 298	≤ 15	≤ 30	≤ 80	≤ 577
Government of Canada	≤ 150	≤ 150	≤ 150	≤ 150	≤ 1,087
Sub-total security				≤ 409	≤ 2,964
Total costs				≤ 720	≤ 5,220
Workers and the public (safety)	≥ 452	≥ 452	≥ 452	≥ 452	≥ 3,276
Total benefits				≥ 452	≥ 3,276
Safety Security				≥ 141	≥ 1,020 N.A.
Injuries averted	Workers	1.6	1.6	1.6	
Injuries averted	Public	13.9	13.9	13.9	
Deaths averted	Workers	0.075	0.075	0.075	

- Modernization of the Regulations should lower costs to businesses by
 - Eliminating overlap and duplication with other regulations and laws;
 - Harmonizing exemptions;
 - Eliminating unneeded permits; and
 - Reducing time and effort to train staff and ensure compliance.
- Modernization will ensure the Regulations reflect today's technology, industrial structure and regulatory practices, thereby facilitating and encouraging safer, more reliable and more cost-effective technology with lower risks to companies, workers, and the public at large.
- Modernization should lead to better compliance with the law.
- New regulatory measures such as use of quality management system principles for operating procedures, along with staff training, will ensure safety concerns are addressed systematically and kept front and centre.
- Similarly, changes with respect to the sale of fireworks should enhance public awareness of safe practices, thereby further lowering risks.
- By controlling security of explosives more tightly, a barrier is created which would demand a much higher level of sophistication and planning for criminals and terrorists to be successful at stealing and then using them. The chance of a significant event is lowered.

⁷ Cost-Benefit Analysis of Changes to the *Explosives Regulations* is available upon request to the Explosives Safety and Security Branch, Natural Resources Canada.

⁸ As present values are calculated for 2011, the formula used is $AV = [PV \cdot \rho] / [1 + \rho - (1 + \rho)^{-n}]$.

⁹ Rounded to nearest thousand dollars.

- (e) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal);
- (f) only propellant powder and percussion caps may be stored with the small arms cartridges;
- (g) small arms cartridges, propellant powder and percussion caps must be stored separately from one another (for example, on different shelves or separated by a wooden barrier);
- (h) the storage unit must be *attended when it is unlocked;
- (i) the storage unit must be kept clean, dry, organized and free of grit;
- (j) any spill, leakage or other contamination in the storage unit must be cleaned up immediately;
- (k) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and
- (l) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.

- e) si elle contient des étagères, celles-ci sont faites d'un matériau qui ne produit pas d'étincelles (par exemple, du métal peint ou du bois);
- f) seules de la poudre propulsive et des amorces à percussion sont stockées avec les cartouches pour armes de petit calibre;
- g) les cartouches pour armes de petit calibre, la poudre propulsive et les amorces à percussion sont stockées séparément les unes des autres (par exemple elles sont rangées sur des tablettes distinctes ou elles sont séparées par une cloison en bois);
- h) l'unité est *surveillée lorsqu'elle est déverrouillée;
- i) elle est gardée propre, sèche, bien rangée et exempte de petites particules abrasives;
- j) tout déversement, toute fuite ou toute autre contamination qui se produit à l'intérieur de celle-ci est nettoyé immédiatement;
- k) des précautions qui réduisent au minimum la probabilité d'un incendie à l'intérieur ou aux alentours de celle-ci sont prises;
- l) un panneau portant les mots « Danger — Risque d'incendie/Fire Hazard » en lettres d'au moins 10 cm de haut et interdisant de fumer en lettres ou à l'aide d'un symbole d'au moins 10 cm de haut est apposé sur l'unité de stockage dans un endroit bien en vue.

Sale

Maximum quantity — licensed buyer 276. (1) A seller must not sell more small arms cartridges to a licensed buyer than the buyer is authorized by their licence to store.

Maximum quantity — unlicensed buyer (2) A seller must not sell more small arms cartridges to an unlicensed buyer than the buyer is authorized by this Division to store.

Retailer 277. A retailer may sell small arms cartridges only to a user.

Rules for Users

Acquisition 278. A user may acquire and store small arms cartridges, whether or not they hold a licence. A user who acquires small arms cartridges must comply with this Division.

Storage — licensed user 279. (1) A user who holds a licence must store their small arms cartridges in the magazine specified in their licence.

Storage — unlicensed user (2) A user who does not hold a licence must store their small arms cartridges in a dwelling or a *storage unit and ensure that

- (a) in the case of small arms cartridges that do not contain black powder, the requirements of sections 280 and 281 are met; and
- (b) in the case of small arms cartridges that contain black powder, the requirements of sections 299 to 304 are met.

* Terms preceded by an asterisk are defined in section 6.

Vente

Quantité maximale — acheteur titulaire de licence 276. (1) La quantité de cartouches pour armes de petit calibre que le vendeur peut vendre à un acheteur qui est titulaire d'une licence n'excède pas celle que celui-ci est autorisé à stocker selon sa licence.

Quantité maximale — acheteur non titulaire de licence (2) La quantité de cartouches pour armes de petit calibre que le vendeur peut vendre à un acheteur qui n'est pas titulaire d'une licence n'excède pas celle que celui-ci est autorisé à stocker en vertu de la présente section.

Détaillant 277. Le détaillant ne peut vendre de cartouches pour armes de petit calibre qu'à des utilisateurs.

Règles visant les utilisateurs

Acquisition 278. L'utilisateur peut acquérir et stocker des cartouches pour armes de petit calibre, avec ou sans licence. L'utilisateur qui acquiert ces cartouches se conforme à la présente section.

Stockage — utilisateur titulaire de licence 279. (1) L'utilisateur qui est titulaire d'une licence stocke ses cartouches pour armes de petit calibre dans la poudrière mentionnée dans sa licence.

Stockage — utilisateur non titulaire de licence (2) L'utilisateur qui n'est pas titulaire d'une licence stocke ses cartouches pour armes de petit calibre dans un local d'habitation ou une *unité de stockage et il veille à ce que soient respectées :

- a) les exigences aux articles 280 et 281, dans le cas des cartouches ne contenant pas de poudre noire;
- b) les exigences aux articles 299 à 304, dans le cas des cartouches contenant de la poudre noire.

* Les termes précédés d'un astérisque sont définis à l'article 6.

Maximum quantity	280. No more than 225 kg of small arms cartridges that do not contain black powder may be stored at any one time.	280. Au plus 225 kg de cartouches pour armes de petit calibre ne contenant pas de poudre noire peuvent être stockées à tout moment.	Quantité maximale
Storage requirements — dwelling	281. (1) When small arms cartridges that do not contain black powder are stored in a dwelling, they must be stored away from flammable substances and sources of ignition, in a manner that protects them from theft and ensures that access to them is limited to people authorized by the user.	281. (1) Les cartouches pour armes de petit calibre ne contenant pas de poudre noire qui sont stockées dans un local d'habitation le sont loin de toute matière inflammable et de toute source d'allumage. Le stockage est fait de manière à prévenir les vols et à ce que seules les personnes autorisées par l'utilisateur aient accès aux cartouches.	Exigences visant le stockage — local d'habitation
Storage requirements — storage unit	(2) When small arms cartridges that do not contain black powder are stored in a *storage unit, (a) the storage unit must be located in a dry place, away from flammable substances and sources of ignition; (b) the storage unit must be constructed and maintained to prevent unauthorized access and to protect the contents from weather; (c) if the storage unit is a container, it must not impede exit in case of fire; (d) if the storage unit is not a container, all exits must be kept unobstructed; (e) any shelving in the storage unit must be made from a non-sparking material (for example, wood or painted metal); (f) only propellant powder, percussion caps or black powder cartridges may be stored with the small arms cartridges; (g) small arms cartridges, propellant powder, percussion caps and black powder cartridges must be stored separately from one another (for example, on different shelves or separated by a wooden barrier); (h) the storage unit must be *attended when it is unlocked; (i) the storage unit must be kept clean, dry, organized and free of grit; (j) any spill, leakage or other contamination in the storage unit must be cleaned up immediately; (k) precautions that minimize the likelihood of fire in or near the storage unit must be taken; and (l) a sign that displays the words "Danger — Fire Hazard/Risque d'incendie" in letters at least 10 cm high and that prohibits smoking using letters, or a symbol, at least 10 cm high must be posted on the storage unit in a clearly visible location.	(2) L'*unité de stockage où sont stockées des cartouches pour armes de petit calibre ne contenant pas de poudre noire satisfait aux exigences suivantes : a) l'unité est située dans un endroit sec et éloigné de toute matière inflammable et de toute source d'allumage; b) elle est construite et entretenue de façon à empêcher tout accès non autorisé et à protéger son contenu des intempéries; c) dans le cas où elle est un contenant, elle ne gêne pas l'évacuation en cas d'incendie; d) dans le cas où elle n'est pas un contenant, toute issue est libre d'obstacles; e) si elle contient des étagères, celles-ci sont faites d'un matériau qui ne produit pas d'étincelles (par exemple, du métal peint ou du bois); f) seules de la poudre propulsive, des amorces à percussion et des cartouches à poudre noire sont stockées avec les cartouches pour armes de petit calibre; g) les cartouches pour armes de petit calibre, la poudre propulsive, les amorces à percussion et les cartouches à poudre noire sont stockées séparément les unes des autres (par exemple elles sont rangées sur des tablettes distinctes ou elles sont séparées par une cloison en bois); h) l'unité est *surveillée lorsqu'elle est déverrouillée; i) elle est tenue propre, sèche, bien rangée et exempte de petites particules abrasives; j) tout déversement, toute fuite ou toute autre contamination qui se produit à l'intérieur de celle-ci est nettoyé immédiatement; k) des précautions qui réduisent au minimum la probabilité d'un incendie à l'intérieur et aux alentours de celle-ci sont prises; l) un panneau portant les mots « Danger — Risque d'incendie/Fire Hazard » en lettres d'au moins 10 cm de haut et interdisant de fumer en lettres ou à l'aide d'un symbole d'au moins 10 cm de haut est apposé sur l'unité de stockage dans un endroit bien en vue.	Exigences visant le stockage — unité de stockage

* Terms preceded by an asterisk are defined in section 6.

* Les termes précédés d'un astérisque sont définis à l'article 6.

Law Enforcement and Policing Branch

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Title / Titre : Proposed Amendments to the Explosives Regulations		ACTION REQUIRED / MESURES A PRENDRE		
Name / Nom	Date	Initials / Initiales	Approval or signature / Approbation ou signature	Information
Originator / Auteur Christina Syme	APR 27 2012		<input type="checkbox"/>	<input type="checkbox"/>
Manager / Gestionnaire: Ryan Doyle			<input type="checkbox"/>	<input type="checkbox"/>
Director / Directeur Lyndon Murdock	02/05/12 APR 27 2012		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director General / Directeur général Mark Potter			<input type="checkbox"/>	<input type="checkbox"/>
Chief Audit Executive / Dirigeante principale de la vérification Rosemary Stephenson			<input type="checkbox"/>	<input type="checkbox"/>
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Assistant Deputy Minister LP / Sous-ministre adjoint PAL Richard Wex	9/5/12		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Ottawa, Canada
K1A 0P8

For your meeting with:
**The Honourable Robert Trevors,
Minister of Public Safety and
Solicitor General of New
Brunswick**

On: May 31, 2012

UNCLASSIFIED

DATE: **MAY 29 2012**

File No.: 388093
RDIMS No.: 625089

MEMORANDUM FOR THE MINISTER

CHIEF FIREARMS OFFICER AUTHORITIES

(Information Only)

ISSUE

You are scheduled to meet with the Honourable Robert Trevors, Minister of Public Safety and Solicitor General of New Brunswick, where the issue of Chief Firearms Officer (CFO) authorities will be discussed.

Talking points have been prepared for your consideration (TAB A). A biography of Minister Trevors is also attached (TAB B).

BACKGROUND

On April 5, 2012, Bill C-19 *Ending the Long-gun Registry Act* came into force. The legislation amends the *Criminal Code* and the *Firearms Act* to repeal the requirement to register non-restricted firearms (i.e., long-guns). The Bill also requires the Commissioner of Firearms and the CFO for each province to ensure the destruction of non-restricted firearms records under their control.

.../2

Notwithstanding Bill C-19, some jurisdictions are continuing a practice of requiring businesses, as a condition of licence, to maintain point-of-sale data. Ontario, in particular, is requiring businesses to record a buyer's name, licence information and the details of the firearm being purchased.

Pursuant to the *Firearms Act*, CFOs are authorized, under section 58, to attach any reasonable condition to a business licence that the CFO considers desirable in the particular circumstance and in the interests of public safety.

On May 8, 2012, you wrote to the Commissioner of the RCMP and all CFOs. In this letter, you affirmed that the *Firearms Act* does not authorize any measures that could facilitate the creation of a provincial long-gun registry and that neither the Canadian Firearms Program, nor the RCMP, are to assist provinces seeking to establish a registry, except as expressly required by valid provincial legislation. You also indicated that you are prepared to consider all legislative and regulatory measures necessary to ensure that the intent of Parliament is respected.

CONSIDERATIONS

On May 15, 2012, Minister Trevors announced that the New Brunswick CFO will issue a new directive to firearms businesses within the province to inform them that they are no longer required to record purchase information on long-guns, and that the CFO and inspectors will not be inspecting such records. (Press release attached at TAB C). The announcement also noted that businesses, which have been recording transactions of all types of firearms (i.e., non-restricted, restricted and prohibited) in ledgers, will be instructed to start new ledgers to only include information on prohibited and restricted firearms. Minister Trevors also stated that the provincial government, which was never collecting long-gun owner information, will not create a provincial long-gun registry as the government respects the federal directive pertaining to long-guns.

Minister Trevors is the member of the provincial legislature for Miramichi Centre, where the Central Processing Site (CPS) for the Canadian Firearms Program is located. The CPS is responsible for all day-to-day firearms-related transactions, including registrations, and serves as a major source of employment for the area. Concerns have been expressed regarding potential job losses in Miramichi in relation to the government's plan to abolish the long-gun registry. The federal government is on record that there will be no loss of federal employment in the Miramichi area as a result of abolishing the long-gun registry. In fact, up to 550 federal public service positions will be created in Miramichi by 2015-2016, as the government moves forward with its plan to establish a new pay centre in the area.

.../3

UNCLASSIFIED

CURRENT STATUS

RCMP Commissioner Bob Paulson and Mark Potter, Director General, Policing Policy Directorate, Public Safety Canada, will be joining you for this discussion.

Should you require additional information, please do not hesitate to contact me or Mr. Richard Wex, Assistant Deputy Minister, Law Enforcement and Policing Branch, at 613-990-2703.



**Graham Flack
Acting Deputy Minister**

Enclosures: (3)

Prepared by: Christina-Maria Syme

TAB A

Meeting with Minister Robert Trevors May 31, 2012

Talking Points

- I would like to acknowledge the efforts of the government of New Brunswick to ensure that practices with regard to the sale of long-guns are consistent with Bill C-19, *Ending the Long-gun Registry Act*.
- The intent of Parliament is to eliminate any form of a long-gun registry.
- When I wrote to Commissioner Paulson and all CFOs on May 8, 2012, I emphasized that the *Firearms Act* does not authorize any measures that could facilitate the creation of a provincial long-gun registry.
- To ensure that the spirit of Bill C-19 is respected, and should other jurisdictions not follow the example of New Brunswick, I will not hesitate to consider any legislative or regulatory measures necessary to give effect to the will of Parliament and the mandate to end the long-gun registry given to us by Canadians.

If questioned on the potential for jobs losses at the Canadian Firearms Program in Miramichi:

- This Government understands the economic challenges of the region. Please be assured that there will be no loss of federal employment in the Miramichi area as a result of the abolition of the long-gun registry.

TAB B



Legislative Assembly of New Brunswick
MLA Bios - 57th Legislature

[Home](#) | [Français](#)



Hon. Robert B. Trevors
Minister of Public Safety and Solicitor General

Robert Trevors (Miramichi Centre) was born and raised in the City of Miramichi.

Most recently, Mr. Trevors served as executive assistant to MP Tilly O'Neill-Gordon. He also served three terms on Miramichi City Council.

He was elected to represent Miramichi Centre in the September 27, 2010, provincial election.

Mr. Trevors also has extensive knowledge of the forestry industry, having spent 28 years working in the industry, including 22 years in a management position at UPM Kymmene Miramichi. He also volunteer for minor, junior and senior hockey, holding various executive positions.

Mr. Trevors is married to Sherry Trevors. They have one daughter, a son-in-law and two granddaughters.

Last updated : 1/25/2011

Website Link(s)

- [Public Safety and Solicitor General](#)
- [Constituency Office](#)

TAB C

Public Safety

Government of New Brunswick News Release

Public Safety and Solicitor General

Minister's statement on information related to long guns

15 May 2012

Media Contact(s)

FREDERICTON (GNB) – The following statement was issued today by Public Safety Minister and Solicitor General Robert Trevors:

Sheila Lagacé, communications, Department of Public Safety, 506-444-5267.

Our government is aligning our approach on firearms, to be consistent with the spirit and intent of federal Bill C-19, which eliminated the long-gun registry.

We work closely with our federal counterparts, and we believe in a co-operative approach, particularly on issues of public safety.

As a result, our Chief Firearms Officer (CFO) will issue a new directive to firearms dealers. Effective immediately, firearms dealers will no longer be required to record purchase information on long-guns, and the CFO and inspectors will not be inspecting such records.

Firearms dealers have been recording these transactions in ledgers, along with purchases of prohibited and restricted firearms. They will now be instructed to start new ledgers, which include information only on prohibited and restricted firearms.

In the coming days, the CFO will instruct dealers on how to deal with their old ledgers, which include both information they must continue to record - on restricted and prohibited firearms - and information on long-guns they will no longer record.

The provincial government was never collecting long-gun owner information, and we will not create a provincial long-gun registry. We respect the directive of our federal partners, and we will ensure that it is carried out.

15-05-12

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**Pages 321 to / à 326
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69(1)(e)

**of the Access to Information
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69(1)(d)

**of the Access to Information
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Public Safety Sécurité publique
Canada Canada
Deputy Minister Sous-ministre
Ottawa, Canada
K1A 0P8

PROTECTED B

DATE: **SEP 21 2012**

File No.: 390195
RDIMS No.: 690709

MEMORANDUM FOR THE MINISTER

**JUDGMENT RENDERED IN QUEBEC LITIGATION
CONCERNING THE *ENDING THE LONG-GUN REGISTRY ACT***

s.21(1)(a)
s.23



ISSUE



BACKGROUND

On April 5, 2012, Bill C-19, *Ending the Long-gun Registry Act*, received Royal Assent and came into force. The Government of Quebec filed a court action in the Quebec Superior Court on April 2, 2012, challenging the Act on constitutional grounds. The hearing on the merits of Quebec's case occurred on June 11-14, 2012. Further background and the history of the court action are attached (**TAB A**).

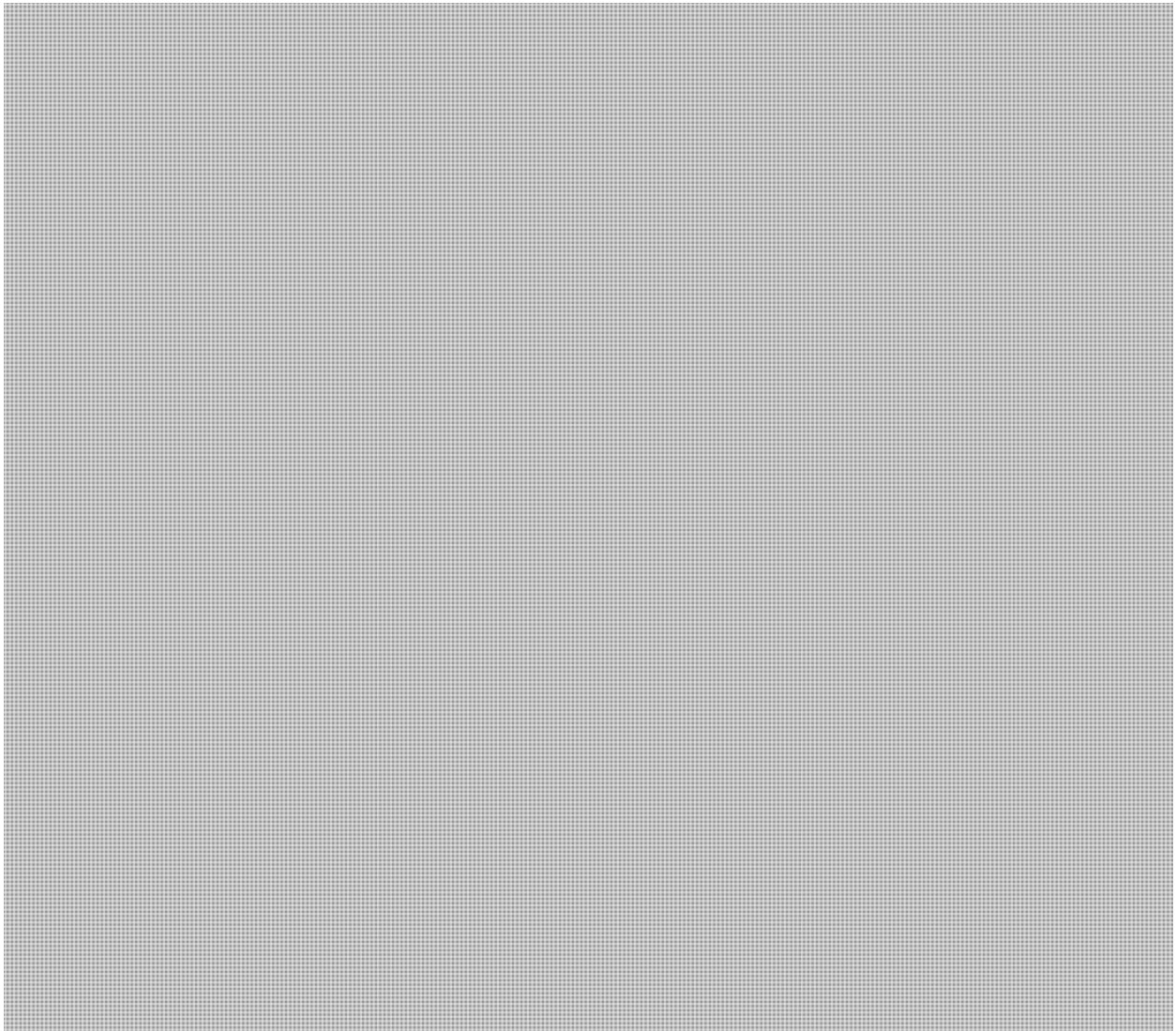
CURRENT STATUS

The court released its judgment on September 10, 2012, granting all of Quebec's requests. A summary of the judgement is included (**TAB B**).

.../2

CONSIDERATIONS

On September 17, 2012, your colleague, the Honourable Maxime Bernier, Minister of State (Small Business and Tourism), announced on your behalf in the House of Commons, that the government of Canada will appeal the decision.



.../3

s.21(1)(a)

s.21(1)(b)

s.23

Page 331

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21(1)(a), 21(1)(b), 23

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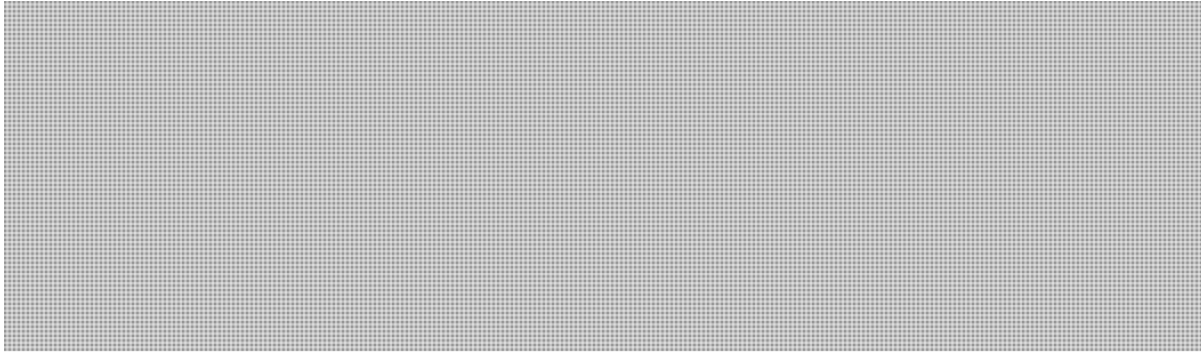
PROTECTED B

s.21(1)(a)

s.21(1)(b)

s.23

NEXT STEPS



Should you require additional information, please do not hesitate to contact me or Mr. Richard Wex, Assistant Deputy Minister, Law Enforcement and Policing Branch, at 613-990-2703.



Graham Flack
Acting Deputy Minister

Enclosures: (5)

Prepared by: Christine Guénette

I agree:



Vic Toews, P.C., Q.C., M.P.

Tab "A"

PROTECTED B

APPENDIX A

BACKGROUND

On April 5, 2012, Bill C-19, *Ending the Long-gun Registry Act*, received Royal Assent and came into force. The Act amends the *Firearms Act* and the *Criminal Code* to repeal the requirement to register non-restricted firearms. The legislation also requires the Commissioner of Firearms and Chief Firearms Officers to ensure the destruction of all registration records of non-restricted firearms.

On April 2, 2012, in advance of the coming into force of former Bill C-19, the Attorney General of Quebec filed proceedings with the Quebec Superior Court challenging the constitutional validity of the destruction provisions of the Act (section 29) and claiming a right to the non-restricted registration records as they relate to Quebec. The province also sought an interim injunction:

- preventing the destruction of the registration records relating to Quebec;
- requiring continued registration of transfers of non-restricted firearms in Quebec; and,
- requiring continued access to registration records related to Quebec citizens by authorized personnel.

On April 5, 2012, the court granted all elements of the interim injunction, effectively freezing the implementation of C-19 amendments to the *Firearms Act* in Quebec. On April 20, 2012, the Quebec Superior Court granted Quebec's motion for an interlocutory injunction, which has the same effect as the interim injunction (i.e., a freeze on implementation of the Act in Quebec). The interlocutory injunction expired on September 20, 2012.

There were two separate requests for leave to intervene (Marc-André Lussier, a Quebec citizen and firearms owner, and the National Firearms Association), which were rejected by the court.

The hearing on the merits of Quebec's case occurred on June 11-14, 2012.

Tab "B"

PROTECTED B

APPENDIX B

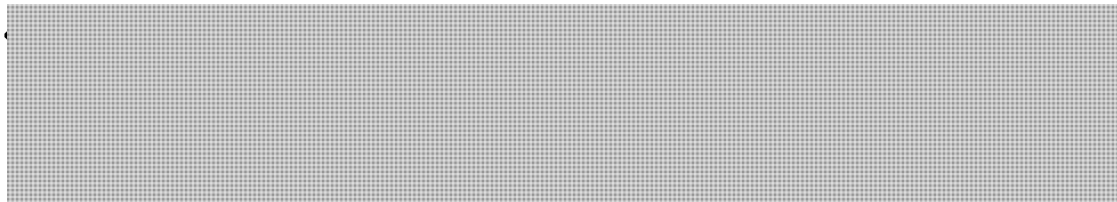
JUDGMENT

The Quebec Superior Court released its judgment in *Attorney General of Quebec vs. Attorney General of Canada et al*, on September 10, 2012, granting all of Quebec's requests and declaring that:

- section 29 of the Act, which provides for the destruction of the registration data, is invalid with regards to data emanating from Quebec, from Quebec citizens or from citizens located in the territory of Quebec;



- the Government of Canada must maintain the Registry until the final transfer of the data, or at the latest 30 days after the final judgment; and,



Tab "C"

Page 338

**is withheld pursuant to sections
est retenue en vertu des articles**

21(1)(a), 21(1)(b), 23

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Tab "D"

Page 340

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21(1)(a), 21(1)(b), 23

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

Tab "E"

Page 342

**is withheld pursuant to sections
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21(1)(a), 21(1)(b), 23

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Branch / Direction Générale
PUBLIC SAFETY CANADA

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2012 SEP 27 P 5:21

Routine Slip / Bordereau d'acheminement

CCM : 390195

RDIMS 4-600

2012 SEP 21 P 1:58

2012 SEP 27 11:35 709

abstract: 691307

Deadline for DM's signature / Échéancier pour la signature du S-M : _____

Assistant Deputy Minister Quality Control / Contrôle de qualité du cabinet du Sous-ministre adjoint(e) : _____

<u>Title / Titre</u> : Judgement Rendered in Quebec Litigation concerning the <i>Ending of the Long-gun Registry Act</i>		<u>ACTION REQUIRED / MESURES À PRENDRE</u>		
Name / Nom	Date	Initials / Initiales	Approval or signature / Approbation ou signature	Information
Originator / Auteur Christine Guenette	Sept 21/12	[Signature]	<input type="checkbox"/>	<input type="checkbox"/>
Director / Directeur Lyndon Murdock		[Signature]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Director General / Directeur général Mark Potter	Sept 20/09/12	[Signature]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chief Audit Executive / Dirigeante principale de la vérification Rosemary Stephenson			<input type="checkbox"/>	<input type="checkbox"/>
Director General Communications / Directrice générale des communications Stéphanie Durand			<input type="checkbox"/>	<input type="checkbox"/>
Executive Director & Senior General Counsel LS / Directeur exécutif et Avocat général principal SJ Paul Shuttle			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister SP / Sous-ministre adjoint PS Paul MacKinnon			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister LP / Sous-ministre adjoint SPL Richard Wex	20/9/12	[Signature]	<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister CM / Sous-ministre adjoint GM Gary Robertson			<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister CSP / Sous-ministre adjoint SPP Shawn Tupper	27/9/12	[Signature]	<input type="checkbox"/>	<input type="checkbox"/>
Assistant Deputy Minister EMRO/ Sous-ministre adjointe GMUOR Gina Wilson			<input type="checkbox"/>	<input type="checkbox"/>
Senior Assistant Deputy Minister NS/ Sous-ministre adjointe principale SN Lynda Clairmont			<input type="checkbox"/>	<input type="checkbox"/>
Acting Deputy Minister / Sous-ministre par interim Graham Flack			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minister / Ministre The Honourable / L'honorable Vic Toews			<input checked="" type="checkbox"/>	<input type="checkbox"/>

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69(1)(e)

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69(1)(d)

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69(1)(e)

**of the Access to Information
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**Pages 367 to / à 397
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69(1)(d)

**of the Access to Information
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69(1)(g) re (a), 69(1)(g) re (d), 69(1)(g) re (e), 69(1)(g) re (f)

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69(1)(g) re (f)

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69(1)(d)

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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

SECRET

DATE:

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.

.../2

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 19th 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).

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)

.../3

s.21(1)(b)

s.69(1)(g) re (a)

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 (CFAC) MEETING

Public Safety Canada, 19th Floor Executive Boardroom
269 Laurier Ave West, Ottawa
April 25, 2013

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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.

s.19(1)

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.

Mr. Bernardo [REDACTED] and is active with the World Forum on the Future of Sport Shooting Activities.

Mr. Bernardo [REDACTED]

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

BIOGRAPHY

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

Picture (if available)

BIOGRAPHY

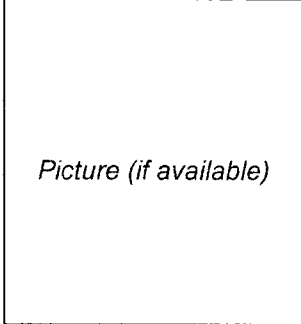
Mr. Cossette has been the Director General of the Fédération québécoise de la faune (Quebec Wildlife Federation) since 1997.

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

s.19(1)

BIOGRAPHY

LOUIS D'AMOUR



BIOGRAPHY

Mr. D'Amour

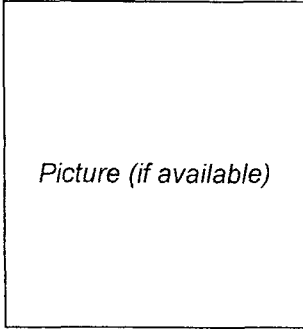
Mr. D'Amour

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

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

Mr. Farrant



He is currently the

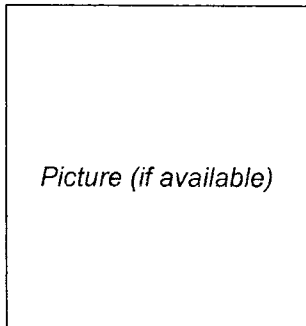
Manager of Government Affairs & Policy for the Ontario Federation of Anglers and Hunters,



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. Mr. Gayder

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

s.19(1)

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, [REDACTED]

[REDACTED] 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.

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

BIOGRAPHY

RICK HANSON
CHIEF
CALGARY POLICE FORCE

Picture (if available)

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. From October 2005 until October 2007, Chief Hanson was a member of the RCMP in "K" Division. Over the last 15 years, he has been in senior management roles both within the RCMP and the Calgary Police Service.

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

BIOGRAPHY

GARY MAUSER
PROFESSOR EMERITUS
SIMON FRASER UNIVERSITY

Picture (if available)

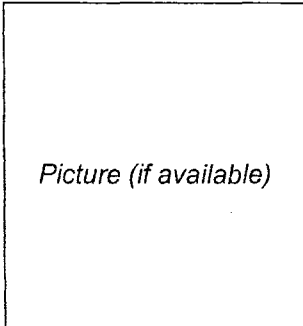
BIOGRAPHY

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



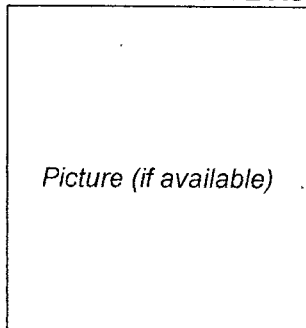
BIOGRAPHY

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



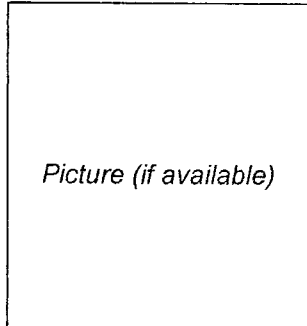
BIOGRAPHY

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

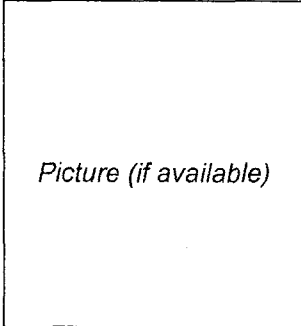
Ms. Thom took the Gold Medal in the Sport Pistol event at the 1984 Los Angeles Olympic Games. Hers was the first individual gold medal for Canada since 1956 and the first gold for a Canadian woman since the 1928 summer games. In 1985, Ms. Thom was made a Member of the Order of Canada.

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

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BIOGRAPHY

STEVE TORINO



BIOGRAPHY

Mr. Torino

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.

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

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
Tony Bernardo
Gerry Gamble
Alain Cossette
John Gayder
Gary Mauser, PhD

Steve Torino
Louis D'Amour
Murray Grismer
Linda Thom
Greg Farrant
Kerry Higgins

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
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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. [REDACTED]

[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

s.21(1)(b)

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).

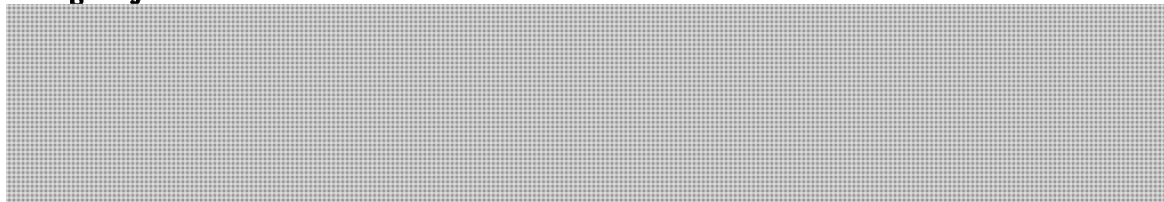
Assistant Commissioner Perron provided an overview of the mandate of the Canadian Firearms Program (CFP) including a synopsis of the roles and responsibilities of the organization and described the process for classifying a firearm based on the current legal framework, including the requirements established 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



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.

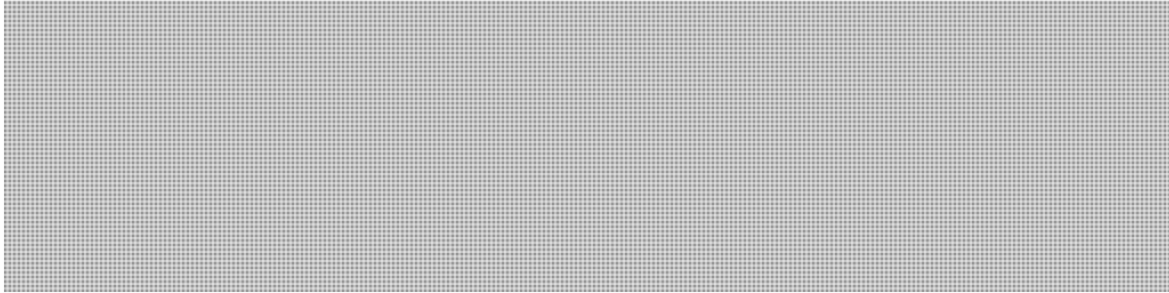
- **Firearms Marking Regulations**

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.



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.

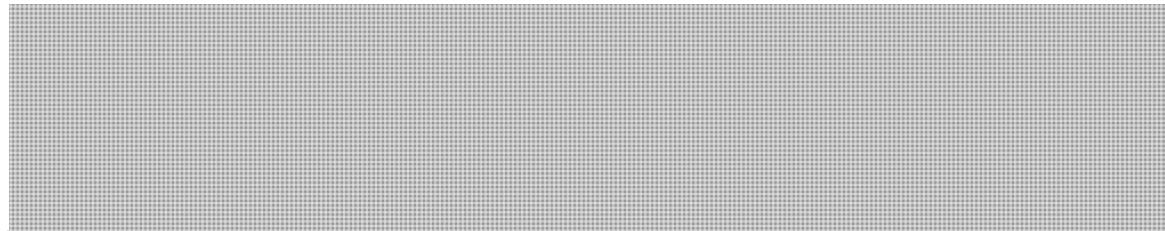


Recommendation:



- *Gun Shows Regulations*

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



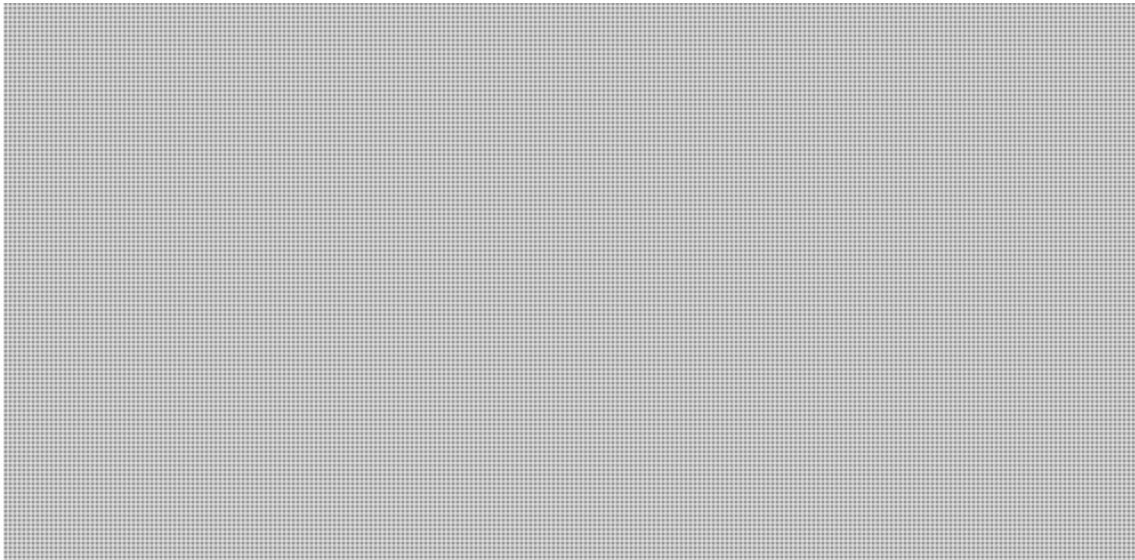
The Committee committed to carefully reviewing the *Storage, Display, and Transportation of Firearms and Other Weapons by Businesses Regulations* against the proposed *Gun Shows Regulations* with a view to examining the display provisions



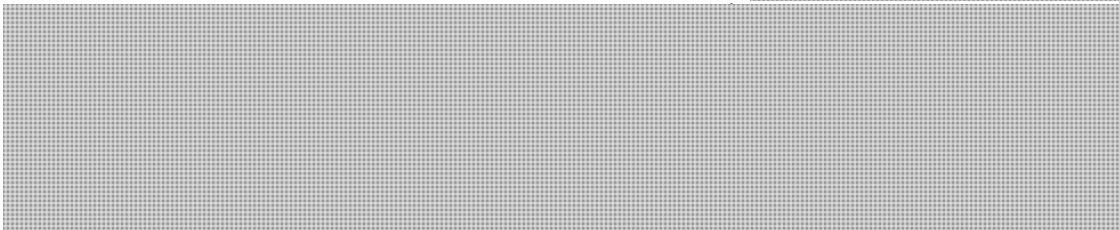
s.21(1)(b)

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, [redacted]



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. [redacted]



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
- Establishing a system to help dealers and individuals confirm the validity of licences.

s.21(1)(a)

Meeting of the Canadian Firearms Advisory Committee (CFAC)

April 25, 2013

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

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

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: 19th 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**.

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.


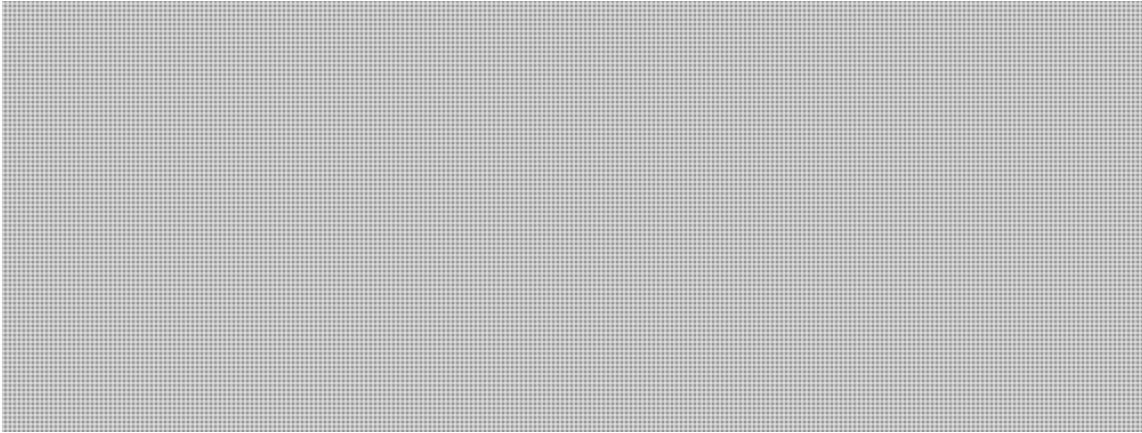
- I would like to express my gratitude once again to this Committee for your dedicated work and support concerning Bill C-19.

- As you know, the Government strongly supports firearms licencing. [REDACTED]
[REDACTED]

- 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
[REDACTED]

- I am interested in your views on these and other matters as I consider possible options to [REDACTED] I would ask that you focus discussions on licencing and the pros and cons of various options.

s.21(1)(a)

- 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* 

- 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

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 **PALIAMENTARY 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.

- 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.

- 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

BUILDING A **SAFE AND RESILIENT CANADA**



Firearms Licencing

Presentation by Public Safety Canada to the
Canadian Firearms Advisory Committee

April 25, 2013

Canada

Purpose

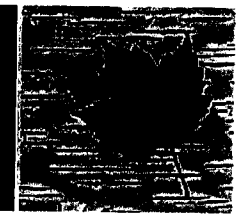


BUILDING A **SAFE AND RESILIENT CANADA**

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

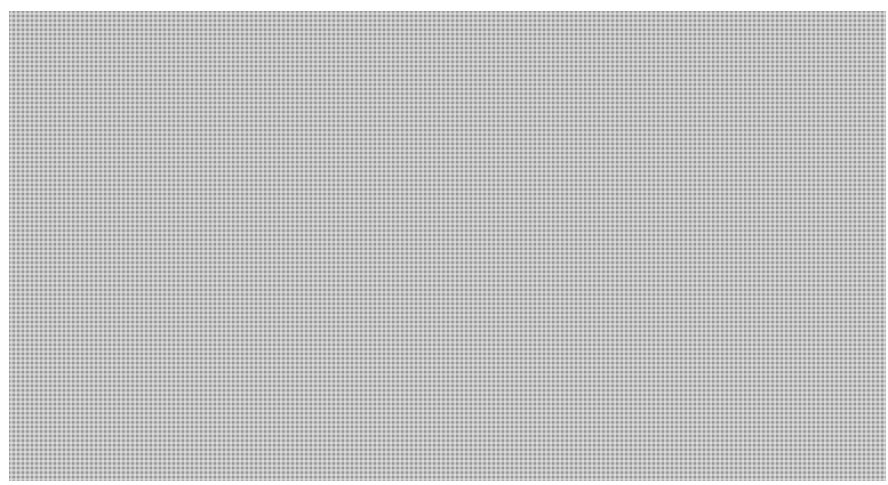


Possible Proposals Include:

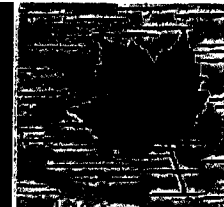


BUILDING A **SAFE AND RESILIENT CANADA**

- Firearms licencing:
 - POL Conversion
 - Licence Duration



Licensing Reform - Background



BUILDING A **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



FOR A SAFER AND MORE RESILIENT CANADA

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

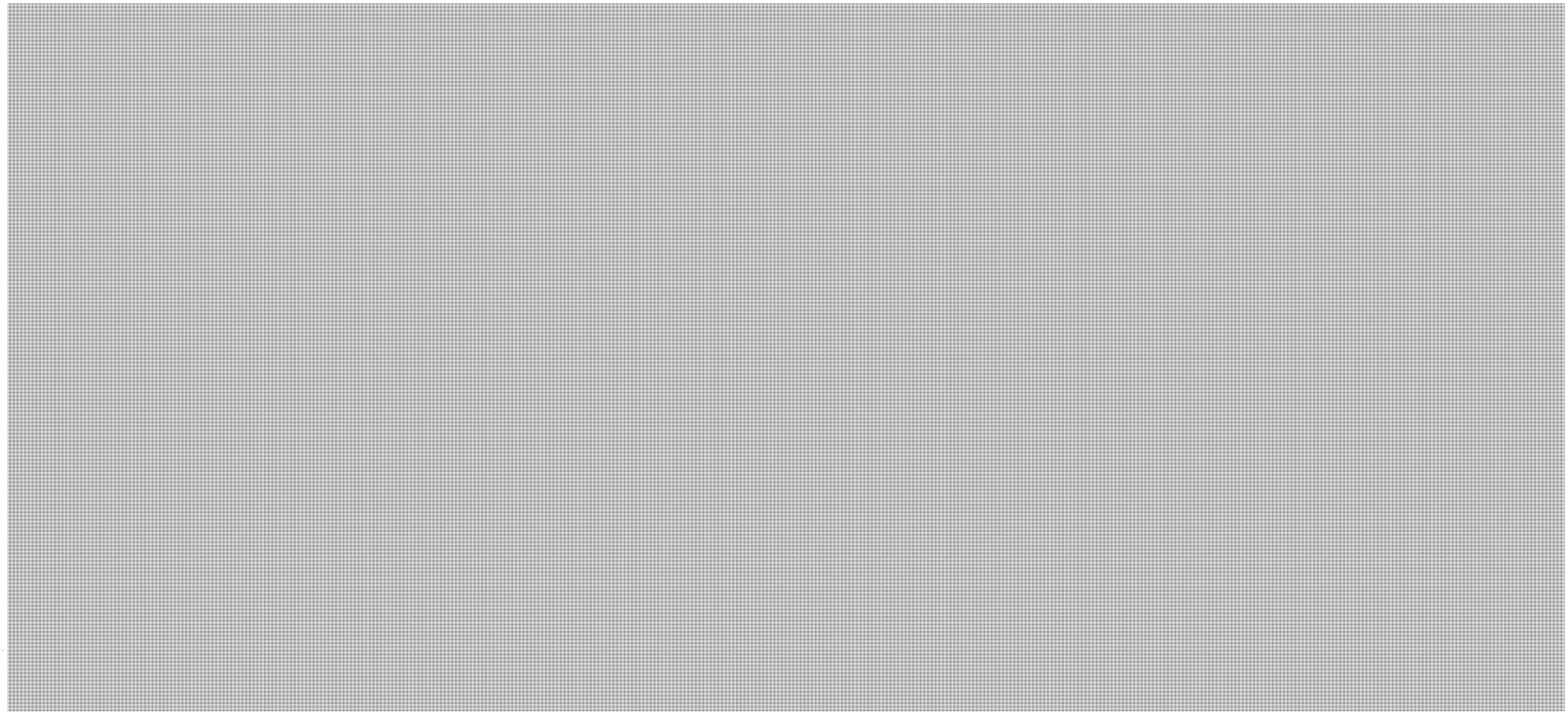


Licence Duration



Extend licence period from five to ten years.

BUILDING A **SAFE AND RESILIENT CANADA**



**Pages 605 to / à 608
are withheld pursuant to section
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SECRET**CONVERSION OF POLs TO PALs****ISSUE**

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

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.)

.../2

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.



**Pages 613 to / à 614
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SECRET



ISSUE



BACKGROUND

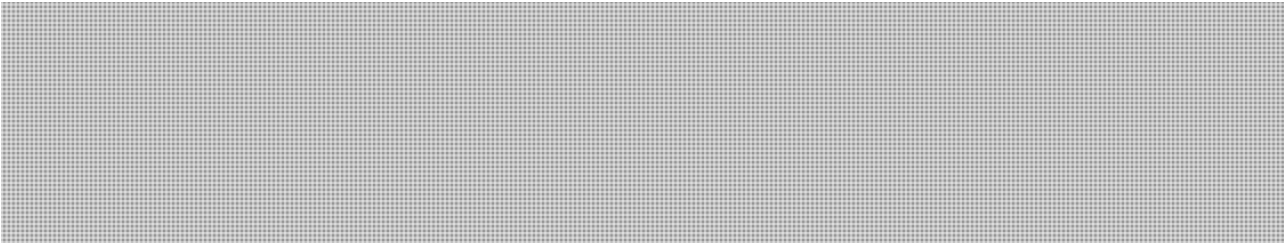
To lawfully possess firearms in Canada, the *Firearms Act* requires all owners to hold a valid firearms licence. Individuals must apply to renew their licence prior to expiry. Failure to renew the licence while still in possession of firearms can result in sanctions under the *Criminal Code* (i.e., liable 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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SECRET
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).

.../2

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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s.21(1)(a)

s.21(1)(c)

s.23

SECRET





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.

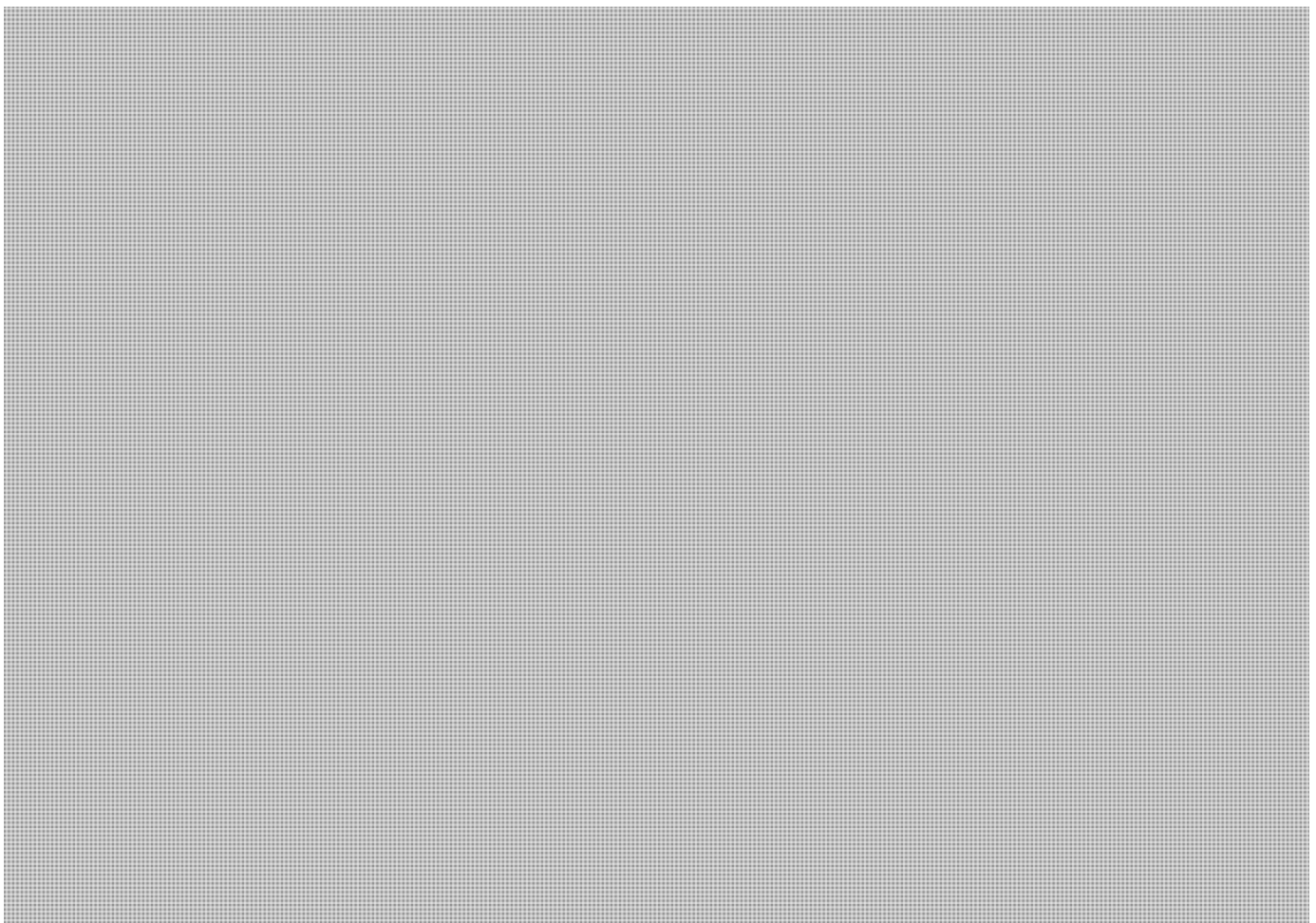
CONSIDERATIONS



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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).



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.)



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Public Safety
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BUILDING A **SAFE AND RESILIENT CANADA**



Firearms Marking Regulations

Presentation by Public Safety Canada to the
Canadian Firearms Advisory Committee

April 25, 2013

Canada

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

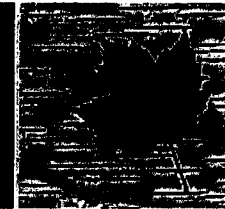


BUILDING A **SAFE AND RESILIENT CANADA**

- 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



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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.

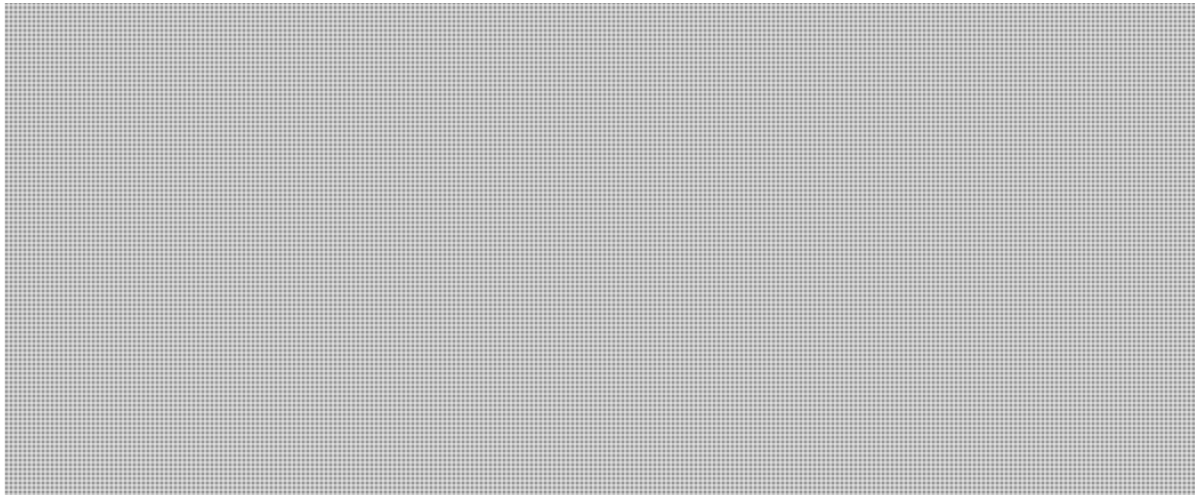
The Regulations were deferred until December 1, 2010, and again to December 1, 2012, to consider a proposal from the firearms industry to place the information required by international treaties on adhesive metallic strips. Consequently, in 2011, the Royal Canadian Mounted Police (RCMP) tested the industry 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

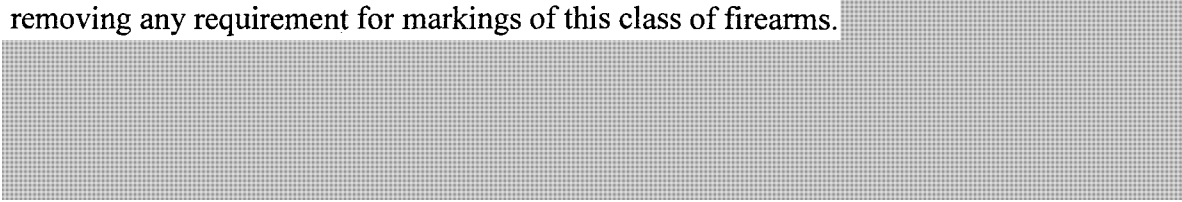
A fundamental purpose of markings is to assist police to trace crime guns when markings can be linked to records of the last legal owner of the firearm.

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

.../3

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.



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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]



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

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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^{er} 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.~~

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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*^a, 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^b of the *Firearms Act*^a, 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*^a, 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^b de la *Loi sur les armes à feu*^a, Son Excellence la Gouverneure générale en conseil prend le *Règlement sur le marquage des armes à feu*, ci-après.

^a S.C. 1995, c. 39

^b S.C. 2003, c. 8, s. 54

^a L.C. 1995, ch. 39

^b 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;

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(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^{er} 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

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.

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

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^{er} avril 2006, puis au 1^{er} décembre 2007, et encore une fois au 1^{er} 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 en 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^{er} 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^{er} 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 municipales 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

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Email: firearms/armesafeu@ps-sp.gc.ca

Mise en œuvre, application et normes de services

Ce règlement entrera en vigueur le 1^{er} 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
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269, avenue Laurier Ouest
Secteur de la police et de l'application de la loi
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PROPOSED REGULATORY TEXT

Notice is given that the Governor in Council, pursuant to paragraph 117(k.2)^a of the *Firearms Act*^b, 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*¹ is renumbered 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.

^a S.C. 2003, c. 8, s. 54(2)
^b S.C. 1995, c. 39
¹ SOR/2004-275

PROJET DE RÉGLEMENTATION

Avis est donné que le gouverneur en conseil, en vertu de l'alinéa 117k.2)^a de la *Loi sur les armes à feu*^b, 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*¹ 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.

^a L.C. 2003, ch. 8, par. 54(2)
^b L.C. 1995, ch. 39
¹ 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]

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

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Chambre des communes

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October 30th 2012

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Agency PAA
D.F. 20-11-2012
Action REP
File No. T100-3
CC: GF DB

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.

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
Dr. Gary Mauser

Steve Torino
Alain Cossette
Gerry Gamble
Kerry Higgins
Linda Thom
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