

BILL C-71 REVISED EXECUTIVE SUMMARY

1. Transfers of non-restricted firearms

- a. All transfers must be approved by Registrar of firearms, through issuance of a reference number**
- b. The Registrar confirms the validity of the Transferee's licence and has power to verify whether a person "is still eligible" to hold a licence. Please note that the French version is inconsistent with the English version in this respect. Under the French version, the Registrar may only confirm that the Transferee holds a valid licence. Practically, and depending on which of the two versions prevails, this may mean an ability to revisit the conditions that must be met to hold a licence, such as:**

Spousal consent;

Absence of history of violence;

Absence of mental health issues that are characterized by violence against oneself or others;

Other criteria usually considered upon initial issuance or renewal of a licence.

- Criticism:**

- Recreates a back-door long gun registry, on a transfer by transfer basis;**
- Indeed, records of every request for a reference number (including denials and reasons supporting same) will be kept by the Registrar.**
- Extensive resources will be invested into investigating every transferee, instead of focusing resources on individuals who represent a threat;**
- Delays in getting approval may encourage black market transactions;**
- Individuals who possess firearms without a licence will not be able to straighten out their situation or legally dispose of their firearms. Indeed, the Transferor is the only party who can apply for a "reference number". This requires admitting to illegal possession. Without an amnesty program, this will encourage black market transactions.**
- Detrimental to the gun-show industry, unless reference numbers are obtained instantaneously.**

- Denials of reference numbers are not listed as decisions reviewable upon a reference under s. 74 of the Firearms Act. This likely means that judicial review in Federal Court (much more complex and expensive) could be the only available option.
- A denial of a reference number by the Registrar (because in his opinion the Transferee is no longer “eligible”) could likely trigger a licence review by the CFO.
- Failure to obtain a reference number may result in criminal prosecution under s. 101 of the Criminal Code (transfer without authority).

2. Authorizations to transport restricted and prohibited (12(6) firearms:

- a. Of all the ATTs that were automatically issued as “conditions attached to a licence” since Bill C-42 was passed, only the following two types survive:
 - i. ATT to go to and from approved ranges within the province;
 - ii. ATT to transport a newly acquired firearm to its usual place of storage.
- b. In all other instances, i.e gunsmith, gun show, appraisal, port of exit, etc... an old fashioned paper ATT must be applied for and obtained on a case by case basis;
- c. Automatic ATTs already issued are revoked, except those for going to and from approved ranges.

- **Criticism:**

- Clutters the system with paperwork and takes up resources that could be used to fight real crime;
- Creates more potential “paper criminals”. People are going to be prosecuted after being caught with inadequate paperwork, when nothing morally reprehensible has occurred.

3. Black Rifles Prohibition and Re-classification:

- a. The power of the Government to downgrade the classification of a firearm (from Prohibited to restricted or non-restricted,

and /or from restricted to non-restricted) is taken away;

- b. Any classification decision by the RCMP is final (subject to review by the courts). The RCMP cannot be overruled by the Government;
- c. The OICs passed to re-classify the CZ and Swiss Arms rifles further to the RCMP ban in 2015 are repealed. Those rifles are re-classified as prohibited;
- d. Individuals who possess those rifles are grandfathered, with significant limitations. . New prohibited classes are created: 12 (11) and 12 (14). However:
 - i. If not already registered, those rifles must be registered by the first anniversary of the “commencement day”, under pain of confiscation and criminal sanctions.
 - ii. Those firearms may seemingly still be used for target shooting and competition, although old fashioned paper ATTs will have to be applied for. Note: Available ranges may be limited.
- e. Subsection (9) is added to Section 12 of the Firearms Act, enabling the grandfathering of new classes of “prescribed classes of prohibited firearms”. Corresponding amendments to s. 19 also contemplate that firearms of those “prescribed classes” may be transported to ranges.
 - i. This could be a sign that other prohibitions are upcoming. The first thing that comes to mind is that AR-15s are soon going to become “prohibited” by way of OIC.

- **Criticism:**

- Opens the door to arbitrary actions by the RCMP.
- The AR-15 is likely on the endangered species list.

- Another fine example of quasi-expropriation without compensation.
- In view of the decline in value associated with the prohibited status, some individuals may be tempted to sell on the black market, instead of registering their firearms as “prohibited”.

4. Firearms Prohibition orders

- a. Save and except when a judge so orders, prohibition orders will entail automatic forfeiture of all firearms to the Crown;

- **Criticism:**

- Confiscation of property without compensation;
- Applies to all types of prohibition orders, even when no wrong has taken place (e.g. preventive orders for mental health issues)
- Judicial discretion is granted, but no criteria are defined;
- Those most vulnerable (mentally ill individuals) are least likely to fight and will be adversely affected.

5. Firearms businesses:

- a. Registry of sales now mandatory;
- b. Registries open to inspection by police and CFO.

6. Long Gun Registry Data

- a. Provisions that were part of Bill C-52 have been incorporated into this legislation:
 - i. Repeals mandatory destruction of the long gun registry data;
 - ii. Allows fulfillment of Access to Information applications (Bill Clennett and Information Commissioner litigation.)
 - iii. Allows transfer of data to Quebec.

- **Criticism:** Disregards privacy rights of firearms owners.

7. Amendment to s.5 of the Firearms Act (Issuance and renewal of licences)

a. Focus on the 5 year period preceding the application is removed.

- i. In truth, CFOs were already looking at prior events in deciding whether to issue, renew, or revoke licences.**
- ii. Judges had validated that practice in deciding references under s. 74 of the Firearms Act.**
- iii. There is a likelihood that the “prescribed form” for applying for a licence or renewal may be modified to reflect the amendment. Thus, an applicant for a new licence or licence renewal may have to declare all prior events, such as a depression that occurred 20 years before. This could ultimately be grounds for a denial.**