

PolySeSouvient

Groupe des étudiants et diplômés de
Polytechnique pour le contrôle des armes



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TÉMOIGNAGE

devant le

COMITÉ PERMANENT DES AFFAIRES JURIDIQUES ET CONSTITUTIONNELLES

SÉNAT DU CANADA

par Heidi Rathjen, coordonnatrice de
PolySeSouvient

**Projet de loi C-42, Loi modifiant la Loi sur les
armes à feu et le Code criminel et apportant
des modifications connexes et corrélatives à
d'autres lois**

**Bill C-42, An Act to amend the Firearms Act
and the Criminal Code and to make a related
amendment and a consequential amendment
to other Acts**

Pièce 257, Édifice de l'Est
Colline parlementaire
Ottawa, Ontario

Jeudi le 11 juin 2015
10 h 30 à 11 h 30

Pour les survivants, les témoins et nombreuses familles des victimes de la tuerie à Polytechnique en 1989, membres de PolySeSouvient, notre premier objectif était, et est toujours, d'éviter des pertes de vies et de prévenir l'énorme souffrance que cause la violence commise à l'aide d'armes à feu. La lutte contre la violence nécessite des interventions à tous les niveaux.

Par définition, une arme à feu est destinée à tuer. C'est un objet dangereux, qui mérite qu'on y accorde la plus haute attention et le plus grand respect. C'est un privilège de pouvoir l'utiliser, pas un droit, et ce privilège doit être encadré par des règles solides et entraîner une gamme de responsabilités.

Depuis son élection, le gouvernement conservateur a détruit ou affaibli la plupart des mesures qui avaient été instaurées à la demande des victimes d'armes à feu, mais aussi à la demande des policiers, des groupes de femmes, des intervenants contre le suicide et des groupes de santé publique. En 2012, il a détruit le registre des armes d'épaule; depuis ce jour, on ne peut plus faire de lien entre une arme d'épaule et son propriétaire. Le gouvernement Harper a également éliminé l'obligation de vérifier la validité du permis d'un acheteur potentiel, de même que les registres de vente auprès des marchands d'armes.

Les contrôles sévères constituent le standard dans la majorité des pays développés. Or le gouvernement Harper, toujours prêt à plaire au lobby des armes, a mené le Canada dans une situation où nous avons à ce jour moins de contrôles que nous en avons au moment de la tragédie à Polytechnique il y a 25 ans.

[ENGLISH:]

The people represented by PolyRemembers are ordinary citizens. We are engineering graduates who witnessed the 1989 tragedy, some whom were shot and survived, current students of Polytechnique, and many members of the families of the victims, some of who are here today. I'd like to underline the presence of Suzanne Laplante-Edward and Jim Edward, the parents of Anne-Marie Edward who was killed during the Montreal tragedy 25 years ago, Romain Gayet, past-president of the Polytechnique Student Association, and Stephane Rouillon, a graduate of Polytechnique who witnessed the shooting, as I am.

Families of gun violence victims have nothing to gain from this exercise. If they are involved and present here today, it is because they want to make sure other families don't experience the horror and pain they lived through, because of the combination of one angry individual and easy legal access to firearms. They want to make sure that lessons are learnt from this tragedy, so that their daughters, sisters, wives have not died in vain.

However, we are not public safety experts, as are Canada's chiefs of police, police associations and Chief provincial Firearms officers (CFOs), nor are we public health authorities, suicide prevention specialists or women's groups or shelters that have first-hand experience in protecting women from domestic violence.

None of these experts appeared before the House of Commons committee studying the same bill, and none will be heard by this Committee. Other than government officials, the only witnesses being heard are civilian groups, or individuals, two in support of gun control, seven against.

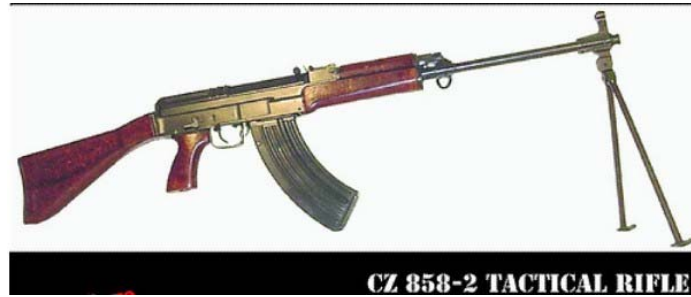
This is disgraceful. It means that neither members of parliament nor senators — who have voted or will be voting on this bill — nor the public will have had the opportunity to hear the opinions of those who are specifically mandated to protect Canadians from the misuse of guns, in order to properly and thoroughly understand the impacts of C-42.

Our position, however, is based their opinions, as expressed through internal government memos, public statements, briefs and by the decisions they make in relation to the implementation of the law.

C-42 is a complex bill and includes many measures. Given our limited time, we will briefly address only two:

The first concerns the ability of the RCMP to classify assault weapons

About a year ago, the RCMP ruled that thousands of semiautomatic weapons that had entered the country as non-restricted long guns¹ were in fact prohibited given their ability to "be converted into a fully automatic firearm."



These weapons included the full range of "Swiss Arms" models and various versions of the "CZ 858" family – one of which was used in the September 2012 shootings at the Parti Québécois election-victory celebration in Montreal, as newly elected premier Pauline Marois was giving her speech. One man was killed and another injured, but the toll could have been much higher had the gun not jammed after the first shot.² The shooter, Richard Bain, was a member of a gun club and the legal owner of the weapon.

We would have hoped that the public safety implications of having thousands³ of prohibited weapons circulating across the country would be obvious to all. But that was not the case. As soon as the decision was rendered, Public Safety Minister Steven Blaney echoed the complaints of the gun lobby, criticized the RCMP for their "arbitrary" decision and announced a two-year amnesty for the owners of these weapons, accompanied by a public address to all gun owners stating "our Conservative government is on your side and will always defend the rights of honest gun owners"⁴... followed, of course, by a message promising to "continue to deliver results" for gun owners and inviting them to click on a fundraising site.

A few months later (August 2014), the government announced new Firearms Classification regulations⁵ that prohibit the re-classification of firearms beyond one year after the day on which the initial classification was made.

Bill C-42 builds on this by authorizing the Minister of Public Safety, a partisan political position, to override any and all classification — even those clearly defined by law. The minister could, literally, reclassify as

¹ http://polysesouvient.ca/Documents/DOCU_14_02_20_RCMP_BriefingNote_SwissArms_Prohibited.pdf

² Radio-Canada « On a également appris que Richard Bain avait en sa possession, outre un fusil semi-automatique, un chargeur de 30 balles contenant 26 balles. ... Il avait aussi un pistolet qu'il aurait pointé en direction du sergent Stéphane Champagne. Cette arme s'est toutefois enrayée quand il a tenté de tirer sur l'agent, qui a alors pu l'arrêter. Lors d'une perquisition à son domicile dans les Laurentides, la police a saisi une vingtaine d'armes, toutes enregistrées à son nom, mais aussi une perceuse, qui a servi à modifier le chargeur de son fusil. » <http://ici.radio-canada.ca/regions/montreal/2014/11/28/003-richard-bain-attentat-metropolis-requete-remise-liberte.shtml>

³ Sûreté du Québec: "Tens of thousands of SKS firearms are imported into Canada each year and sold to businesses or individuals. In Québec alone, there are over 5,000 firearms of this type in the possession of businesses and individuals. I am certain that you will appreciate the public security implications of the situation and the fact that it is impossible to know how many automatic SKSs have been imported inadvertently into Canada and resold as semi-automatics." <http://www.sq.gouv.qc.ca/services-en-ligne/armes-a-feu/documents-armes-a-feu-entreprises/lettre-sks-fr.pdf> ; <http://www.sq.gouv.qc.ca/services-en-ligne/armes-a-feu/documents-armes-a-feu-entreprises/lettre-sks-en.pdf>

⁴ <http://www.conservative.ca/unacceptable/>

⁵ <http://www.gazette.gc.ca/rp-pr/p2/2014/2014-08-27/html/sor-dors198-eng.php>

“non-restricted” - any weapon (not matter how dangerous), at any time, for any reason, extracting it from any significant controls.

Bill C-42 was tabled only months after the murder of three RCMP officers in Moncton (June 2014). Justin Bourque used a M305 semi-automatic .308 Winchester rifle, a Chinese made semi-automatic version of the American M14 service rifle — and a favourite of military firearms collectors.⁶ Yet none of the investigations that were launched to examine the circumstances that lead to the tragedy addressed the legal availability of such weapons, even though only a few months before the tragedy, the RCMP (echoing other police organizations⁷) had raised concerns with the minister regarding the risks inherent to the legal availability such weapons.⁸

These include .50-caliber rifles that can pierce military aircrafts and lightly armoured vehicles,⁹ not to mention bullet-proof vests worn by police.¹⁰ Like the Steyr-Mannlicher, which is inconceivably classified as “non-restricted” and is being sold over the internet¹¹ without any requirement for the seller to verify that the buyer’s permit is indeed valid.



Yet instead of properly classifying these types of assault weapons, this government has chosen, with C-42, to make this kind of political interference at the expense of public safety official and permanent.

The second issue relates to the discretion of the Chief Firearm Officers in issuing permits and authorizations

Discretionary powers are a core element of the chief firearm officer’s role. Every day, CFOs use their discretion while making decisions on whether or not to issue a variety of licenses and authorizations. It is very difficult, if not impossible, to rely on a fixed set of criteria to assess the risks of every individual in every situation. That is why the Firearms Act requires CFOs to assess the particular circumstances of each applicant for a licence to own¹², or to run a gun business^{13,14} or a gun range^{15,16}. Regulations specify that

⁶ BOURQUE RCMP PROBE RESULTS : <http://www.rcmp-grc.gc.ca/pubs/moncton/moncton-macneil-eng.htm> “Justin Bourque had five non-restricted firearms on June 4 *****. He carried an M305 semi-automatic .308 Winchester (7.62x51mm) rifle with one five round magazine and two prohibited twenty round magazines as well as a 12 gauge pump action shotgun throughout the incident. ... The M305 rifle Bourque used is a Chinese made semi-automatic version of the American M14 service rifle which was originally adopted in 1959. While there are several model names for the civilian market versions, many colloquially refer to them as “M14s.” It is a relatively large and heavy rifle that is popular primarily with target shooters and military firearms collectors. Bourque claims to have known a method of converting this rifle to automatic fire and reportedly attempted to do so, without success. ... One of his magazines was specifically manufactured to hold five cartridges and the other two were originally 20 round magazines (the standard size for this rifle) that had been pinned to hold no more than five cartridges, in keeping with Canadian law. It appears that the magazine modifications were removed by Bourque so that the magazines could hold 20 cartridges; turning them into prohibited devices in Canada. Myriad American online sellers of 20 shot magazines offer these for about \$20.” ; “CBC has learned that after Bourque moved to Ryder Park, he began spending increasing amounts of time at a shooting range with friends from a local gun shop” <http://www.cbc.ca/news/canada/new-brunswick/justin-bourque-latest-revelations-about-man-charged-in-moncton-shooting-1.2665900>

⁷ <http://globalnews.ca/news/365049/game-changer-in-northern-ireland-50-calibre-rifles-are-non-restricted-here/>

⁸ <http://globalnews.ca/news/1038496/in-briefing-note-to-blaney-hints-of-tighter-gun-control/>

⁹ “the Austrian-made Steyr-Mannlicher HS50M1; Accuracy International AW50s - described in the sales literature as an “anti-materiel rifle,” meaning that it is designed to destroy vehicles and equipment.” <http://globalnews.ca/news/365049/game-changer-in-northern-ireland-50-calibre-rifles-are-non-restricted-here/>

¹⁰ <https://ca.answers.yahoo.com/question/index?qid=20091023105058AAaWUB7> ; <http://www.theglobeandmail.com/news/national/lack-of-body-armour-puts-mounties-at-risk/article587182/> ; <http://www.theglobeandmail.com/news/national/rcmp-rolls-out-2000-bulletproof-vests-after-mayerthorpe-mountie-killings/article558494/>

¹¹ <http://armesafequebec.com/ads/steyr-mannlicher-hs-50-sniper-bmg/>

¹² Firearms Act: “5. (1) A person is not eligible to hold a licence if it is desirable, in the interests of the safety of that or any other person, that the person not possess a firearm, a cross-bow, a prohibited weapon, a restricted weapon, a prohibited device, ammunition or prohibited ammunition. In determining whether a person is eligible to hold a licence under subsection (1), a chief firearms officer shall have regard to

authorizations to transport (restricted or prohibited firearms), for example, must be based on the CFOs determination that issuing the authorization “will not pose a threat to the safety of the individual or any other individual.”¹⁷

CFOs may further use their discretion to determine whether or not it is desirable, in the interest of public safety, to attach special conditions to an authorization or a licence (Section 58¹⁸). For example:

- ▶ A CFO may decide to require a medical report stating that the previous mental illness of an applicant has been successfully treated, as a condition to the issuance of a possession licence.
- ▶ A CFO may require that a business reconfigure its service counter to make sure the gun display is far enough from clients.

Some conditions may be more comprehensive:

- ▶ New Brunswick and Ontario require that an individual has on their person proof of membership while transporting restricted weapons to a gun club.¹⁹
- ▶ Quebec does not allow prohibited weapons to be on the premises of gun clubs, even if they are grandfathered or subject to an amnesty.²⁰ (They may have made this determination simply to prevent powerful guns from shooting through the building’s walls.)
- ▶ To protect against theft at gun shows, Alberta requires sellers to put trigger locks on the firearms on display instead of wrapping plastic or wire tie-wraps around the triggers.²¹

whether the person, within the previous five years, has a history of behaviour that includes violence or threatened or attempted violence on the part of the person against any person.”

¹³ Firearms Act: Businesses – « 9. (1) A business is eligible to hold a licence authorizing a particular activity only if every person who stands in a prescribed relationship to the business is eligible under sections 5 and 6 to hold a licence authorizing that activity or the acquisition of restricted firearms.”

¹⁴ QUEBEC HAS A CLUB REG: <https://www.canlii.org/fr/qc/legis/lois/rlrq-c-s-3.1/derniere/rlrq-c-s-3.1.html> Québec: Loi sur la sécurité dans les sports, RLRQ c S-3.1 - CHAPITRE V.3 TIR À LA CIBLE - SECTION I CLUB DE TIR ET CHAMP DE TIR 46.25. Le ministre délivre un permis de la catégorie de club de tir, comprenant les champs de tir que le club est autorisé à exploiter, ou de la catégorie de champ de tir, à toute personne qui satisfait aux conditions déterminées par règlement du gouvernement et qui verse les droits et les frais fixés par ce règlement. Seul un organisme à but non lucratif peut se voir délivrer un permis de la catégorie de club de tir. Le ministre refuse de délivrer un permis lorsqu'il estime que la sécurité publique l'exige.

¹⁵ Firearms Act - Shooting clubs and shooting ranges: 29. (1) No person shall operate a shooting club (*commerce*) or shooting range except under an approval of the provincial minister for the province in which the premises of the shooting club or shooting range are located. Approval: (2) A provincial minister may approve a shooting club or shooting range for the purposes of this Act if (a) the shooting club or shooting range complies with the regulations made under paragraph 117(e); and (b) the premises of the shooting club or shooting range are located in that province. Revocation (3) A provincial minister who approves a shooting club or shooting range for the purposes of this Act may revoke the approval for any good and sufficient reason including, without limiting the generality of the foregoing, where the shooting club or shooting range contravenes a regulation made under paragraph 117(e). <http://laws-lois.justice.gc.ca/eng/acts/f-11.6/FullText.html>

¹⁶ BC has gun range regulations: http://www.bclaws.ca/civix/document/id/complete/statreg/96145_01#section2 BC FIREARM ACT [RSBC 1996] CHAPTER 145 Contents 1 Definitions 2 Permits for indoor shooting ranges Exercise of care for safety of others 4 Search without warrant 5 Arrest of person in act of committing offence Persons prohibited from carrying firearm 7 Duty to produce permit 8 Confiscation of firearm 9 Offence 10 Power to make regulations the chief provincial firearms officer may issue a permit authorizing a person to establish and maintain an indoor shooting range and to discharge a firearm in the indoor shooting range. (2) If a permit is issued under subsection (1), the chief provincial firearms officer may do one or more of the following: (a) attach conditions; (b) restrict the kinds of firearms that may be discharged; (c) restrict the kinds of projectiles that may be discharged; (d) restrict the operation of the permit to a use ancillary to the trade or calling of the permit holder; (e) restrict the application of the permit to premises owned or occupied by the permit holder; (f) extend the application of the permit to other persons when they are on the premises specified in the permit with the consent of the permit holder.

¹⁷ Regulations covering the authorizations to Transport Restricted Firearms and Prohibited Firearms [HTTP://LAWS-LOIS.JUSTICE.GC.CA/ENG/REGULATIONS/SOR-98-206/FULLTEXT.HTML](http://LAWS-LOIS.JUSTICE.GC.CA/ENG/REGULATIONS/SOR-98-206/FULLTEXT.HTML)

¹⁸ Firearms Act, article 58. “A Chief Firearms Officer who issues a licence, an authorization to carry or an authorization to transport may attach any reasonable condition to it that the Chief Firearms Officer considers desirable in the particular circumstances and in the interests of the safety of the holder or any other person.” <http://www.gazette.gc.ca/rp-pr/p2/2012/2012-07-18/html/sor-dors138-eng.html>

¹⁹ Handgun owners in both New Brunswick and Ontario are being told to carry written invites with them when they drive with their firearms to shooting ranges. JANUARY 30, 2013 <http://www.torontosun.com/2013/01/30/gunowners-in-new-brunswick-ontario-need-invites-to-shoot-guns-at-ranges>

²⁰ Anastasia Lise Thériault, Assemblée nationale, « J'ai moi-même eu l'occasion de dire que les armes de type Swiss Arms, présentement, on ne peut les pratiquer dans les centres de tir, M. le Président. Pourquoi? Parce que le contrôleur des armes à feu a envoyé une missive dans tous les clubs de tir pour dire que ce n'est pas permis au Québec. Et ce qu'on veut, c'est protéger la population, » <http://www.assnat.qc.ca/fr/travaux-parlementaires/assemblee-nationale/41-1/journal-debats/20141008/117515.html>; <http://www.sq.gouv.qc.ca/actualites/2014/decret-periode-amnistie-armes-a-feu.jsp>

²¹ <http://www.edmontonsun.com/2013/03/30/gunter-time-to-shoot-down-provincial-gun-cops-ability-to-harass-law-abiding-owners>

It is this ability — attaching conditions to licenses — that will be subject to new regulations under Bill C-42. What these regulations will be is impossible to know. However, given that the government has presented the bill as a way to reign in the “broad and often arbitrary discretionary authority”²² of “unelected bureaucrats”, and it follows complaints from the gun lobby²³, we are pretty confident that the said regulations are meant to have a detrimental effect on exactly this type of decision. (The government of Quebec clearly shares that opinion.²⁴)

We don’t have to look very far for similar recent examples.

BUSINESSES - INVESTORIES AND SALES RECORDS

Take sales records, for example. They existed in the law since 1979 and were never controversial. But since C-68 captured all inventory and transactions in a centralized registry, the obligation for businesses to maintain such records was removed from the *Firearms Act*. CFOs nevertheless continued to attach record-keeping requirements as a condition of business licensing.

However, following complaints from the gun lobby in 2012, the government tabled regulations prohibiting CFOs from making such a rule (CFO cannot ask for “any information regarding the sale of an unrestricted weapon, thereby ending the practice of keeping mandatory sales ledgers”), even though CFOs warned that this could facilitate illegal diversions of guns by gun businesses.²⁵

GUN SHOWS

Another example concerns gun shows. Up until 2012, all sales in these events were first cleared by the registrar, since it automatically verified the licence of each buyer before issuing a new registration certificate. But since the elimination of the registry, and with it the mandatory verification of a potential buyer’s licence, CFOs complained that there is no way to ensure that sales that take place in these huge gun shows are legal. (So now we have our own version of the American “gun show loophole”). In order to compensate for the loss of this oversight, CFOs²⁶ said it was necessary for the government to enact existing gun show regulations²⁷ which would allow them to act in an enforcement capacity and ensure minimum safety standards at these shows.²⁸

²² ... as a way to “Restrict the ability of Chief Firearms Officers (CFO’s) to make arbitrary decisions” ... “that deliberately infringe on the enjoyment of property” Cathy McLeod Parliamentary Secretary to the Minister of Health and for Western Economic Diversification, <https://openparliament.ca/debates/2015/4/1/cathy-mcleod-1/>

²³ The **Canadian Sport Shooting Association**, for example, had launched in 2013 a petition calling on the federal government to disband the CFOs’ positions. http://www.cdnshootingssports.org/2013/03/petition_cfo_8-5X11_en.pdf ; **Lorne Gunter** op-ed <http://www.edmontonsun.com/2013/03/30/gunter-time-to-shoot-down-provincial-gun-cops-ability-to-harass-law-abiding-owners>

²⁴ «Ça va à l’encontre du concept de la sécurité du public, de la sécurité des citoyens. Et lorsque le gouvernement fédéral nous annonce qu’il fait ça au nom de la sécurité des citoyens, je crois qu’il y a une incohérence extrême», a lâché le ministre (**Fournier**) à Québec. Sa collègue à la Sécurité publique a tenu à insister: la loi Anastasia continue d’être appliquée. «S’il y a des gens qui veulent s’acheter des fusils de type Swiss Army, je leur recommande de faire attention aux lois», a prévenu **Lise Thériault**. «Le Québec a certaines compétences et on entend bien exercer nos compétences», a insisté la ministre. <http://journalmetro.com/actualites/national/570882/tirs-croises-sur-la-nouvelle-loi-de-blaney/>

²⁵ http://polysesouvient.ca/Documents/MINU_12_06_20_Testimony_Ledgers.pdf

²⁶ <https://www.canlii.org/en/ca/laws/regu/sor-98-211/latest/sor-98-211.html>

²⁷ http://www.thestar.com/news/canada/2012/12/19/conservatives_axe_gun_show_laws.html

²⁸ (These regulations were on the books since 1998, but presumably less urgent given that the registry acted as a “safety net” that ensured that proper transactions were being conducted.) - by requiring authorizations to hold a gun show (like they do for shooting ranges and gun clubs), - making organizers accountable for minimum safety standard, - ensuring the security and safety of the location and ensure guns were properly displayed and stored, - requiring notification, etc. **RCMP Report of CFOS’ answers to questionnaire on gun shows** (up to 500 vendor and 10 000 attendees) https://nfa.ca/sites/default/files/RCMP%20ATI%20Response%20-%20CFO%20Gun%20Show%20Report%20-%20Dec%2030%202013_0.pdf

According to the “Firearms Investigative and Enforcement Services Directorate”²⁹, which is tasked to “combat the illegal smuggling, trafficking, distribution and use of illicit firearms”³⁰, without proper controls, “gun shows may become a focal point for the purchase and subsequent stockpiling of non restricted firearms for criminal use.” Ontario’s Chief Firearms Officer Chris Wyatt warned that “Gun shows are a major source of illegal firearms in the United States, and that could happen here.”³¹ An investigation of gun shows in the US showed that a third of private sellers sold guns to undercover investigators who informed them that they probably could not pass a background check.³²

This was a totally reasonable request by the CFOs, aimed at ensuring the safety of gun shows and preventing illegal sales. But the gun lobby complained, and the government axed the regulations.³³

CONCLUSION

Discretion regarding the classification of guns and the implementation of the Firearms Act should be left in the hands of the RCMP and the CFOs, who are objective, knowledgeable and mandated to protect public safety. It should not be overruled by political interests, which may be linked to promoting an ideology, playing partisan politics, fundraising, or appealing to a specific sub-section of voters. And this government in particular has clearly showed its contempt towards many honourable public servants who were simply doing their job to serve and protect.

Subjecting the discretionary power of public safety officials to political interference places partisan politics over good governance, ideology over expertise, and gun interests over public safety.

For these and many other reasons, Bill C-42 should be rejected by the Senate.

²⁹ <http://www.rcmp-grc.gc.ca/cfp-pcaf/org/team-equipe/index-eng.htm>

³⁰ RCMP Report of CFOS’ answers to questionnaire. Gun shows up to 500 vendor and 10 000 attendees.

https://nfa.ca/sites/default/files/RCMP%20ATI%20Response%20-%20CFO%20Gun%20Show%20Report%20-%20Dec%2030%202013_0.pdf

³¹ <http://www.cbc.ca/m/touch/canada/story/1.1215515>

³² http://usatoday30.usatoday.com/news/nation/2009-10-07-gun-show-stings_N.htm ; In Canada: there is only “Anecdotal evidence suggests that Canadian gun show sponsors and exhibitors generally comply with the safety requirements of the Gun Show Regulations.” **Government of Canada**, http://www.huffingtonpost.ca/2012/09/07/gun-show-regulations-repealed-canada-toews_n_1865610.html

³³ Gun show regs on the books since 1998 <http://www.cbc.ca/news/canada/canada-axes-gun-show-laws-on-advice-of-controversial-committee-1.1215515> ; Ontario shooting range regulations <http://rrgc.ca/wp-content/uploads/2014/03/Shooting-Club-Policy-Chief-Firearms-Office-Ontario.pdf>

IMPACTS DU PROJET DE LOI C-42

1. **Retrait des mains de la GRC du pouvoir final décisionnel sur l'évaluation et la classification de certaines armes particulièrement dangereuses, pour le donner aux instances politiques** en permettant « au gouvernement d'avoir le dernier mot sur les décisions relatives aux classifications, après avoir reçu l'avis d'experts indépendants. »³⁴ À cette mesure s'ajoute le règlement, discrètement annoncé le 15 août dernier³⁵ (« Règlement sur les registres d'armes à feu – Classification ») qui **empêche la GRC de retirer du marché des armes prohibées si le repérage de ces armes se fait plus de 12 mois après leur introduction sur le marché.**

Ainsi, la latitude de la GRC en lien avec ses décisions concernant la classification des armes sera sévèrement limitée. On peut facilement s'imaginer quels intérêts seront pris en compte par le gouvernement actuel compte tenu de l'amnistie, annoncée le 23 juillet³⁶, **protégeant les propriétaires de certaines armes prohibées contre les poursuites au criminel**, malgré le fait que les armes en question — les armes de type Ceska Zbrojovka 858 ou de la famille Swiss Arms — sont prohibées du fait de leur capacité meurtrière démesurée.



Famille des "Swiss Arms" — armes qui sont entrées dans le pays en tant qu'armes « non restreintes » alors qu'elles sont prohibées selon la loi

2. **Affaiblissement des contrôles sur le transport des armes à autorisation restreinte.** Les autorisations pour transporter des armes restreintes existent depuis 1913³⁷; sous la loi C-68 et ses règlements, une autorisation pour le transport des armes de poing et d'autres armes restreintes ou prohibées est nécessaire pour leur déplacement entre la maison et le club de tir, par exemple. C-42 permettrait que celles-ci soient transportées, à tout moment, sans destination spécifique préautorisée, en intégrant l'autorisation de transport dans les permis de possession, valide en permanence pour une liste de types d'endroits dont plusieurs qui n'ont aucun lien avec l'usage légal des armes en question (ex. un club de tir duquel le propriétaire n'est pas membre). Il y a plusieurs centaines de clubs de tir et plus de mille champs de tir au Canada (selon la GRC³⁸). Il y a au moins 576 847 armes restreintes entre des mains privées au Canada³⁹, une augmentation de 35 % depuis que les Conservateurs ont pris le pouvoir en 2006.



Beretta CX4 Storm — arme légale, à autorisation restreinte, utilisée lors de la tuerie au Collège Dawson

³⁴ <http://www.marketwired.com/press-release/le-gouvernement-harper-annonce-des-mesures-simples-et-securitaires-pour-les-proprietaires-1955342.htm>

³⁵ <http://nouvelles.gc.ca/web/article-fr.do?nid=876479>

³⁶ <http://laws-lois.justice.gc.ca/fra/reglements/DORS-2014-56/page-1.html>

³⁷ <http://www.rcmp-grc.gc.ca/cfp-pcaf/pol-leg/hist/con-fra.htm>

³⁸ <http://www.rcmp-grc.gc.ca/cfp-pcaf/rep-rap/2013-comm-rpl/index-eng.htm#licensing12>

³⁹ Commissaire de la GRC, 2012 <http://www.rcmp-grc.gc.ca/cfp-pcaf/rep-rap/2012-comm-rpt/service-eng.htm>

3. **Restrictions sur le pouvoir des contrôleurs provinciaux**, en assujettissant leur pouvoir discrétionnaire d'assortir les permis et autorisations de conditions spécifiques (pour des raisons de sécurité) à une réglementation fédérale. Ceci affecterait leur capacité d'établir des normes, règles ou conditions particulières en lien avec l'octroi des permis de possession, des permis d'entreprises et des autorisations de transport selon les circonstances, de même que les priorités de sécurité publique respectives des gouvernements provinciaux.
4. **Affaiblissement des contrôles sur les propriétaires, permettant la possession d'armes sans permis de possession** en instaurant une « période de grâce » lorsque les propriétaires manquent à leur obligation de renouveler leur permis après cinq ans. Ce renouvellement est crucial pour la protection des proches et des propriétaires eux-mêmes, puisque c'est la seule occasion qu'ont les autorités pour évaluer de façon systématique la présence de nouveaux facteurs de risque comme la perte d'emploi, une rupture conjugale, un problème de santé mentale ou de toxicomanie ou l'observation de comportements violents ou de menaces de violence par les proches ou les collègues de travail. Le renouvellement systématique assure également que l'adresse soit toujours valide.
5. **Affaiblissement des prérequis nécessaires pour acquérir de nouvelles armes** en permettant aux 575 780⁴⁰ titulaires de permis de possession seulement (PPS) d'en acquérir. Il s'agit de ceux qui étaient propriétaires d'armes au moment de l'entrée en vigueur des permis de possession en 2000 et qui ont bénéficié d'une exemption aux règles de dépistage pourvu qu'ils n'acquissent pas de nouvelles armes (le projet de loi propose de fusionner le PPS avec le permis de possession et d'acquisition, ou PPA). Par exemple, le dépistage inclut la notification du conjoint ou de l'ex-conjoint, leur procurant une opportunité de signaler des craintes ou préoccupations quant à l'acquisition d'armes par un individu.
6. **Modification du « Code criminel pour renforcer les dispositions relatives aux ordonnances interdisant la possession d'armes à feu lorsqu'une personne a été condamnée pour une infraction liée à la violence conjugale »**. Des ordonnances d'interdiction de possession suite aux infractions violentes sont déjà en place et peuvent durer jusqu'à dix ans. C-42 permettrait d'allonger à perpétuité l'ordonnance dans les cas de violence conjugale. Or, les procédures de dépistage et de réaction aux cas de violence conjugale permettent déjà aux autorités de refuser des permis ou de les révoquer pour des raisons de sécurité publique de manière à généralement satisfaire aux groupes qui travaillent dans ce domaine. Aucun groupe de femmes luttant contre la violence conjugale n'a d'ailleurs demandé cette modification.
7. **Obligation pour les nouveaux propriétaires de suivre des cours de maniement sécuritaire des armes à feu**. La *Loi sur les armes à feu* exige déjà que les candidats aux permis de possession suivent le Cours canadien de sécurité dans le maniement des armes à feu (CCSMAF) ou qu'ils passent le test du CCSMAF sans suivre le cours (certaines provinces obligent déjà tous les candidats à suivre le cours). Quoique positif, l'effet principal de cette mesure sera de réduire le nombre d'échecs pour la première tentative de passation du test.
8. **Autorisation de « l'échange de renseignements en matière d'importation d'armes à feu lorsque des entreprises importent au Canada des armes à feu prohibées et à autorisation restreinte. »** Cette mesure représente sans doute une amélioration, mais ne va pas assez loin pour couvrir les armes de poing ou d'assaut qui sont identifiées comme étant des armes d'épaule. On peut constater que ce problème est réel et sérieux, compte tenu des milliers d'armes d'assaut, prohibées selon la loi, qui sont entrées au Canada en début 2014 et qui circulaient partout au pays en tant qu'armes non restreintes avant que la GRC se soit rendue compte de la situation (ex. les milliers de carabines « Swiss Arms » pouvant être converties en mode automatique).

⁴⁰ http://www.rcmp-grc.gc.ca/cfp-pcaf/facts-faits/archives/quick_facts/2014/mar-fra.htm