

## Gun Control in Canada

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Historically, Canada has stricter gun control legislation than the US, as well as lower rates of criminal violence, and a higher suicide rate. As in the US, urban areas have lower rates of legal gun ownership but higher rates of criminal violence. Unlike the United States, the responsibility for criminal law lies with the federal government in Canada. Power is much more centralized in Canada than in the US. For example, the Prime Minister unilaterally appoints all Senators and all Supreme Court Justices. Moreover, individual rights have less protection under the Canadian Charter of Rights and Freedoms than in the American Bill of Rights.

In 1995, the Canadian government passed the Firearms Act (Bill C-68) which mandated licensing firearm owners and universal firearm registration. This legislation is remarkable because Canada already had a strict firearm regime. Handguns had been registered since 1934, police scrutiny had been required for all firearm purchasers since 1977, a wide range of weapons were prohibited in 1977, and in 1991, a large number of semi-automatic rifles and large-capacity magazines were also prohibited or restricted. Opponents argue that such a scheme is unworkable and just creates another costly bureaucracy.

The Firearms Act was forced through Parliament in 1995 by the Liberal Party. Three of the four opposition parties (Reform, Progressive Conservatives, and New Democrats) were united against Bill C-68. The only opposition party to support this legislation was the Quebec Party; possibly because Quebec was allowed to run a separate firearm registry. In 2000, a constitutional challenge by six provincial governments (including Ontario) was rejected by the Supreme Court of Canada.

When firearm registration was introduced, it was claimed that it would cost taxpayers \$CDN 85 million (or US\$55 million). By early 2001, the known costs have passed ten times that. Unfortunately, no solid evidence can be found linking Canadian gun laws to a decline in either crime rates or suicide rates (Dandurand 1998).

The history of gun control in Canada demonstrates the “slippery slope” of gun control. Gun laws are passed during periods of fear and political instability. The question seems never to be asked: where is the most appropriate level of control for firearms? Politicians continually call for more gun laws, and the bureaucracy continues to grow.

During the 1930s the Canadian government feared labor unrest as well as American “rum runners.” As a result, in 1934 the government of Canada passed firearms legislation that mandated handgun registration. There were separate permits for ‘British subjects’ and for ‘aliens.’ Before 1947, few Orientals or Blacks qualified as British subjects. World War II introduced additional gun control laws. In 1941 Orientals were forbidden to own firearms and their firearms confiscated.

Terrorism in Quebec dominated the late 1960s and the early 1970s. In 1969, another firearm law was introduced which created the categories of “restricted weapon” and “prohibited weapon” for the first time. “Restricted weapons” (eg, handguns) had to be registered and their use was subject to strict conditions – including the requirement that a permit must be obtained to transport it. However, citizens were allowed to purchase a restricted weapon if the police judged them to be suitable.

“Prohibited weapons” (eg, fully automatic firearms, silencers, switchblades, rifles and shotguns shorter than 66 cm), were made subject to more stringent conditions than restricted weapons. (A ‘fully automatic’ firearm continues to shoot as long as the trigger is held down – or until the magazine is empty). It became illegal to purchase or to sell a prohibited weapon, with the exception that those individuals who happened to own them before the introduction of the legislation. The RCMP was given the authority to attach any “reasonable conditions” to the “use, carriage or possession of the [restricted] weapon ... or ammunition, as he deems desirable in the interests of the safety of other persons.” The government also gave itself the authority to restrict or prohibit, through Order-in-Council, any firearm “...not commonly used in Canada for hunting or sporting purposes.” (Orders-in-Council are decisions made at the Cabinet level and therefore undergo no parliamentary review and are secret.)

In 1977 firearms legislation was amended again. A new permit was required to obtain “ordinary” rifles and shotguns (the Firearms Acquisition Certificate or FAC). A new crime was introduced for “unsafe storage of firearms,” although no definition of safe storage was provided. The protection of property was eliminated as a suitable reason for acquiring a restricted firearm, and owners could no longer register handguns at their business address. The police began to refuse an FAC to anyone who indicates she or he desires to acquire a firearm for self-protection. (Although tens of thousands of Canadians use firearms annually to protect themselves or their families from violence).

In 1991, significant changes were made in the firearm law in response to a horrific shooting that shocked the country in 1989 in Montreal. After a lengthy investigation, the Quebec Coroner concluded that poor police response time was primarily responsible for the high number of deaths, not the particular weapon used. The Conservative government decided there should be new firearm legislation. The 1991 legislation (Bill C-17), among other things, expanded the list of prohibited weapons, to include “converted full automatics” and a large number of semi-automatic military style rifles and shotguns. A “semi-automatic” firearm requires a separate press of the trigger for each shot; although it automatically readies itself for another shot. No empirical studies had been conducted to determine which, if any, types of firearms posed a threat to public security. “Military style” firearms were restricted primarily because of their “cosmetic” differences from other firearms. This legislation changed the FAC system, now requiring applicants to provide a photograph and two references; imposing a mandatory 28-day waiting period and safety training for an FAC. At the same time, the application form was expanded to include 35 questions. If

married or divorced, one of the references was required to be a spouse or former spouse.

An application to own a firearm now initiated thorough police screening of FAC applicants, which often involved telephone checks with neighbors and spouses or ex-spouses. Some other major changes included new Criminal Code offences; new definitions for prohibited and restricted weapons; new regulations for firearm dealers; clearly defined regulations for the safe storage, handling and transportation of firearms.

A major focus of the new legislation was “semi-automatic military-style” guns. The class of prohibited weapons was expanded to include semi-automatic firearms that had been converted from full-automatic. Owners of the newly prohibited firearms were faced with eventual confiscation without compensation. The legislation also prohibited high-capacity cartridge magazines for automatic and semi-automatic firearms. A series of Orders-in-Council prohibiting or restricting many semi-automatic rifles and some types of “non-sporting” ammunition.

The Bill C-17 requirement for FAC applicants to show knowledge of the safe handling of firearms came into force in 1994. To demonstrate knowledge, applicants had to pass the test or a firearm safety course approved by a provincial Attorney General, or a firearm officer had to certify that the applicant was competent in handling firearms safely. Bill C-17 added a requirement that safety courses had to cover firearm laws as well as firearms safety.

Upon being elected in 1993 the Liberals proposed new gun laws. The government prohibited over half of all registered handguns in Canada and initiated plans to confiscate them. These handguns had not been misused. In 1993, the Auditor General of Canada reported that no evaluation of the 1991 firearm legislation had ever been undertaken (Auditor General, 1993, pp. 647-655). Bill C-68 became law on December 5, 1995.

Major changes included in Bill C68, the Firearms Act of 1995, in addition to licencing owners and registering firearms:

- the broadening of police powers of “search and seizure” and expanding the types of officials who can make use of such powers;
- the weakening of formerly constitutionally protected rights and freedom against being required to testify against oneself;
- stricter requirements for obtaining a firearms licence (the application has now grown to six pages with 45 questions, retaining the personal questions included in the previous application).

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