

Greetings from Ontario, Canada

The 2016 Buckeye Classic was well represented by Ontario shooters. Veteran shooter Terry Jordan won the 2016 Championship HOA with 968 and the Vet All Around with 390. Our Senior Veteran shooter Keith Saunders won the Sr. Vet All Around with 386 and Sr. Vet HOA with 951. Congratulations to all of our other shooters who won various trophies throughout the events.

As many of you know, the Quebec provincial government has decided to set up its own provincial registry for long guns (a handgun registry continues to be under Federal jurisdiction Canada wide). The National Firearms Association has initiated a constitutional challenge to this legislation arguing that "Quebec's Registration of Firearms Act" is not constitutional and should be struck down by the courts. The NFA is also seeking an injunction to prevent the implementation of the new gun registry until the constitutional challenge is dealt with. We wish the NFA all the best. For more information on this court challenge you can visit their website at www.nfa.ca or call their toll free number at 1-877-818-0393. Challenges of this nature are extremely expensive. If you can help them with donations it would, I am sure, be very much appreciated. The NFA was instrumental in the earlier Supreme Court of Canada case that denied the Province of Quebec from obtaining the federal (national) long gun registry data – an important ruling that benefitted Canadian firearm owners.

As most of you know I am a practicing lawyer in Ontario. I want to share with you a Supreme Court of Canada case that you may find surprising. The case is a 1993 decision of the Supreme Court of Canada known as R. v. Felawka. One of the pivotal issues of this case was whether Mr. Felawka was guilty of the criminal offence of "carrying a concealed weapon". The facts are straightforward: Felawka who lives near Hope, British Columbia, went target shooting with a friend and took a rapid transit train to return home. His .22 caliber rifle was wrapped in his jacket because he felt it as not "proper" to carry his rifle openly. Two passengers noticed, became alarmed, and notified a train employee. It probably didn't help when Felawka jokingly said he was "going on a killing spree". He then boarded a connecting bus where he was arrested.

The Supreme Court concluded that all the Crown had to prove was that Felawka was:

1. Carrying;
2. An object which is a weapon and is known to the accused person to be a weapon; and
3. In such a way as to conceal it.

The court concluded that the Crown did not need to prove that the weapon was being concealed for some unlawful purpose. Felawka's conviction was upheld.

The Supreme Court of Canada did allow some exceptions such as – many hunting regulations require firearms to be encased at certain times and places (rationale – a gun case is often in the shape of a firearm and thus the firearm is not "concealed").

And of most interest to trap shooters – the court opined on the fact that some cases "for carrying expensive shotguns used for skeet shooting or trapshooting competitions more closely resemble a briefcase than a gun case".

And what did the S.C.C. say about this? - "...these cases can and should be marked clearly as the carrying case for the shotgun". Compliance with the Regulations (storage, display, handling and transportation)

under the Firearms Act is another exception as firearms (long guns) are to be transported in a vehicle that is not attended only if the firearm is unloaded and either locked in the trunk or is not visible from outside the locked vehicle.

So my question is – when you put your high grade 12 gauge in a case and “carry” it to or from your vehicle (in Canada), or carry it in other circumstances, should you have your case clearly marked? On the one hand, one may not want to attract attention by putting markings that it contains a “firearm”. But look what trouble Felawka got into by trying to “cover up” his rifle because to him it only seemed “proper”?

I report – you decide.

Paul Shaw

Ontario Delegate