

ATA article for June 2017

Greetings from Ontario, Canada.

I have been following the progress of Roger Stempiski in attaining accreditation to be able to legally, quickly and inexpensively export/import firearms and accessories across the Canada/U.S. border in both directions. I will devote an article on this shortly as Roger may be helpful in helping trapshooters navigate the complex laws that apply when importing or exporting firearms etc. both ways.

But in the face of Roger's progress, our Federal Liberal Government is at it again in adding more government regulations and paperwork that will negatively impact law abiding firearm owners and do nothing to prevent the criminal misuse of firearms or aid in apprehension of criminals. Criminalization of the law abiding for paperwork violations has never been a concern for the Liberals who continue to pander to the press and those that just don't like guns. As if the looming U.N. Marking Regulations aren't bad enough the Justin Trudeau (Liberal) Government recently introduced Bill C-47 which is aimed at imposing new and entirely discretionary import/export regulations for the Canadian firearms industry. Gun dealers hoping to import firearms into Canada will have more severe rules on brokering and recordkeeping. We firearm owners will necessarily have the increased cost passed on to us. Bill C-47 is piecemeal legislation that will enable more and more regulations as the Federal Government dictates (in its discretion). But, firearm owners can have some comfort by the fact that the Government will have at its disposal an advisory committee. – Not! Minister Goodale's ill-conceived Firearms Advisory Committee is composed of appointed people who bring perspectives that are stacked against the law abiding firearm owner community.

As further details emerge I will attempt to keep readers updated. For you, Roger, keep up the good work in your efforts to help firearm owners with the import/export bureaucracy.

And now for some shocking governmental hypocrisy. Under the current Firearms Act and its regulations enacted by a former Liberal Government, to be able to acquire a firearm a person must successfully pass a firearms safety course and then make application for a Possession and Acquisition Licence (PAL). As part of this process S. 14 (1) of the Regulations stipulates that a current photograph had to be submitted which is a full front view of the applicant's head and showing the applicant's face unobstructed by any object. Everyone I know submitted a photo, and the PAL shows the licence holders full, unobstructed face. A PAL needs to be submitted in a great many situations – when buying or borrowing firearms, ammunition, verifying to gun club operators that people wishing to shoot are eligible to be in possession of firearms, or eligible to be in direct and immediate supervision of target shooters that are not accredited. At least one Ontario Club (Toronto International) a person's membership is issued on a card that is embossed with a copy of that person's PAL on the reverse side so that accreditation is present and transparent and tied to the actual person whose picture is depicted on the PAL. The picture on the PAL helps protect those who rely upon the integrity of the PAL to protect them in ensuring that the presenter of the PAL is one and the same person that the PAL was issued to (\* not an imposter). Common sense?

Let me pose a hypothetical question. You have a firearm for sale (you may be a firearm dealer, or maybe even an individual wishing to sell a firearm privately). You are approached by an individual with cash in hand who wants to buy the firearm on the spot and that is his or her right if that person produces a valid PAL. As seller you are obliged to view the PAL and be satisfied it is valid and has not expired. You examine the PAL. The reverse side has standard generic wording with the exception that PALs will show the type of firearms the PAL holder is entitled to possess/acquire – for instance non-restricted (long guns like rifles

and shotguns), restricted (like handguns) and perhaps 12(6) handgun (such as prohibited handguns like 25 or 32 caliber or short barreled). As long as the class of firearm you are selling or lending is shown on the reverse side, you are good to go. You then turn the PAL over and look at what is on the front. You will observe the following:

- The person's name (no address);
- The person's birth date;
- The expiration date of the PAL;
- Height (in centimeters – note most people talk about height in feet and inches and would have a hard time in converting from metric to imperial and I suspect this "height" inclusion is never even looked at or considered.
- Gender;
- Eye colour;
- PAL #;
- Everything else is generic wording present on all PAL's.

And finally, the arguably most important part of the complete PAL to satisfy you that the person presenting this PAL to you is the valid holder of the PAL... his or her photo (full facial, unobstructed). However, the PAL presented to you has no photo. What do you do? The person before you may be wearing a burka (a veil that covers the entire body and face with a mesh window or grill across the eyes for a woman to see out of). You don't know whether this individual is male or female, can't see the colour of his or her eyes. The only thing that you can assess is height but even then, foot wear, height of the head portion of the burka, leaves lots of wiggle room. Is this a legal PAL or not? If it is legal and you decline to deal with this person will you be sued under the Human Rights Code for discrimination based on gender, religion, ethnic origin..... Will you be labelled racist, homophobic..... [I guess that is one reason why lawyers are a necessary evil in providing advice.] So here is the law (according to the exemption under s. 14 (2) of the Firearm Regulations:

An applicant for a PAL is exempt from providing a photo if:

1. The applicant declares that he or she for religious reasons cannot be photographed; and
2. A declaration is signed by an individual of the same religion, who is authorized under the (applicable) Province to solemnize marriages, that the religion prohibits the taking of photographs of its members and the applicant is a member of that religion.

As you now know, a photo-less PAL is valid. But whether the person presenting that PAL to you is one and the same person that the PAL was issued to is anyone's guess and virtually incapable of verification. Can you imagine how terrorists or dishonest people including criminals could take advantage of this "loophole"? Will the Government ever close this loophole? Not likely. That would be politically incorrect. It would rather treat all people equally – ban guns from everyone.

Canadians have our issues with our Government and our firearm laws. Americans have their own issues but have better tools to combat Government overreach – such as their 2<sup>nd</sup> Amendment. Cherish it, protect it.

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