

MORE CFO OVERREACH and WASTE

Chief Firearms Officers demand for a range membership can be used as a tool for gun confiscation.

By Todd Brown, Executive Director, Firearms Institute for Rational Education

The Firearms Act is a tool for gun confiscation in Canada, and this is how some provincial Chief Firearms Officers are in on it. Pay close attention, as this gets complicated.....

In Alberta, when you renew your Possession Acquisition Licence (PAL), and you have a 'restricted' (RPAL) classification, you will need a range membership to get your Authorization To Transport (ATT). If you choose not to get a range membership, you will not be given an ATT, and "you will be required to legally dispose of your firearms". (quote from 'Confirmation of Purpose', or demand letter from the Alberta CFO) Keep in mind that this requirement is a CFO 'policy', and nowhere in the FA does it state specifically that you need a range membership to get an ATT.

There are 2 sections of the Firearms Act that are at work here. One is section 67(2), (3), and the second is section 58(1).

Let me address section 67 first:

•67 (2) On renewing a licence authorizing an individual to possess restricted firearms or handguns referred to in subsection 12(6.1) (pre-December 1, 1998 handguns), a chief firearms officer shall decide whether any of those firearms or handguns that the individual possesses are being used for a purpose described in section 28.

There are specific reasons that the FA will allow an individual to acquire a restricted firearm, and these are listed in section 28 of the FA:

Permitted purposes

28 A chief firearms officer may approve the transfer to an individual of a restricted firearm or a handgun referred to in subsection 12(6.1) (pre-December 1, 1998 handguns) only if the chief firearms officer is satisfied

- (a) that the individual needs the restricted firearm or handgun
 - (i) to protect the life of that individual or of other individuals, or
 - (ii) for use in connection with his or her lawful profession or occupation; or
- (b) that the purpose for which the individual wishes to acquire the restricted firearm or handgun is
 - (i) for use in target practice, or a target shooting competition, under conditions specified in an authorization to transport or under the auspices of a shooting club or shooting range that is approved under section 29, or
 - (ii) to form part of a gun collection of the individual, in the case of an individual who satisfies the criteria described in section 30.

I am not going to discuss the reasons one by one, but suffice it to say that the ordinary citizen is only allowed to be a collector or target shooter (part 'b'). Note that it does not state in(b)(i) that you have to be a member in good standing of any particular club, just that you will be shooting under the club supervision, or 'auspices'.

Also keep in mind that a person can get a day pass, be a guest, or a short-term membership at most ranges. This is important for people that do not live close to a CFO approved range.

67(3) A chief firearms officer who decides that any restricted firearms or any handguns referred to in subsection 12(6.1) (pre-December 1, 1998 handguns) that are possessed by an individual are not being used for that purpose shall

- (a) give notice of that decision in the prescribed form to the individual; and
- (b) inform the Registrar of that decision.

The CFO in Alberta uses a copy of your range membership as proof that you are using a restricted gun for target shooting. Under the regulation 15(1) of the, Shooting Clubs and Shooting Ranges Regulations, The CFO can “request.....a written description of the participation, if any, of a current or past member or officer of the shooting club or his or her guest”, but there is still no legal requirement for you to hold a current membership in said club. If you happen to get a day pass to a range, and do not need a full-time membership (because of range cost, distance, etc.), then (according to the Alberta CFO), you will not be given an ATT and then your registration certificate(s) for your restricted gun(s) will be revoked. You will then have to “dispose of your firearms”.

The Registrar is basically just a database, so when the CFO ‘informs’ the Registrar of a decision {67(3)(b)}, in reality, the CFO is ordering the Registrar to act on what the CFO decided. In the case of this discussion, the CFO is ordering the Registrar to revoke the certificates in question.

How does not having a Range membership equate to the loss of personal property? A lot, according to the CFO demand letter. Here is the last paragraph of the demand letter RPAL holders in Alberta receive:

“RE: Confirmation of Purpose.....

.....

Failure to respond to this notice may result in the rejection of your licence application. Pursuant to section 67(2) of the Firearms Act, a chief Firearms Officer shall decide whether the restricted firearms and/or prohibited handguns are being used for the purpose declared at the time of the acquisition of those firearms. Pursuant to section 67(3) of the Firearms Act, if a Chief Firearms Officer decides that the restricted and/or prohibited handguns are not being used for the declared purpose, you will receive a Notice advising you of that decision and the Registrar at the Canadian Firearms Registry will be informed of that decision. The Registrar shall revoke the registration certificate(s) upon being informed of the decision by the Chief Firearms Officer. Upon revocation of your registration Certificates, you will be legally required to legally dispose of your firearms.”

Under what authority can the CFO demand a range membership, (not specifically asked for by the FA)? This is where section 58(1) comes in.

58 (1) 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.

This section grants powers to the CFO to make 'policy' that has the force of law. If the CFO has an idea that he 'considers desirable', then he can implement that as a policy. It will have the support of the above section, and have the force of law. This is the only section that gives the CFO any kind of authority to give you a choice between acquiring a range membership, or having you dispose of your guns. (a kind of voluntary confiscation)

So, as I have shown, the demand for a range membership can be used as a tool for confiscation.

The way this 'demand letter' is used is also a waste of time and resources. Instead of asking for a range membership on the application for renewal, this letter is sent out via Canada post AFTER the renewal process is almost complete. This has the effect of wasting time, money and resources, while putting gun owners at risk of legal prosecution. Why don't the forms ask for a range membership in the initial process?

Know your rights or you won't have any

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If you wish to get a full copy of the CFO Confirmation of Purpose letter, make a request at:

<http://www.firearmsinstitute.ca/contact.html>

If you like these thoughts towards firearms ownership, help out by sharing or donating to FIRE at

[http://www.firearmsinstitute.ca/store/p1/Donation to Firearms Institute for Rational Education.html](http://www.firearmsinstitute.ca/store/p1/Donation+to+Firearms+Institute+for+Rational+Education.html)