



coalition news

THE OFFICIAL PUBLICATION OF THE RESPONSIBLE FIREARMS OWNERS COALITION • June/July 2002

Carlos Loses - We All Lose

Al Carlos lost his battle in the Supreme Court Of Canada (SCC) on April 17th. Federal prosecutors took this case from Territorial Court to Appeal Court then on to the SCC. Despite three of four lower court judges finding him innocent, the SCC took only minutes to render a verdict and find him guilty.

One must surely wonder why the Crown was so determined to pursue this case. And did they believe that a verdict to their liking would be forthcoming from the SCC? Mr. Carlos faced two charges, both relating to the word storage. Although the guns in question were all handguns, and although these guns were loaded, these facts are actually irrelevant. The whole and only issue is whether the word "storage" applies *if one is at home* with your guns. Justice Ryan, of the Appeals Court, stated that Carlos was either "using" the firearms or that they were "stored". "There is no middle ground." The SCC did allow that there was some "middle ground" by stating, "a short interruption in the use or handling of firearms would still constitute use or handling rather than storage". But how are we (poor, unwashed, ignorant gun-owners) to know what is a "short interruption" and what is "storage"? Obviously three of four learned judges didn't know the difference!

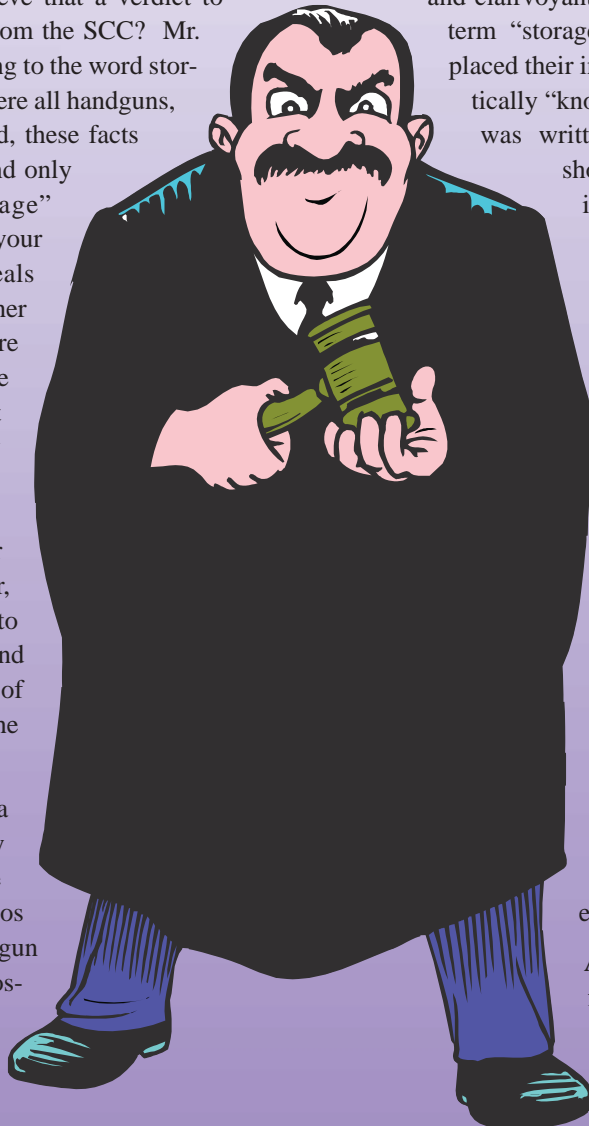
How will this ruling affect you – a normal gun owner who has only unloaded rifles? If you can provide the answers to the following scenarios you may see the danger. Is your gun "unsafely stored" if you put it in a closet while you rush to the bathroom after returning from a shoot? Is your gun "unsafely stored" when

you leave it on the basement bench while you go up to the kitchen for a bowl of soup? Are the guns in your safe "unsafely stored" if you leave the door open after removing one for maintenance? According to the SCC they may be because they obviously are not "in use".

The SCC has for many years acted as wanna-be lexicographers and clairvoyants. The Firearms Act does not define the term "storage" but the Court ignores this fact and placed their interpretation upon the word. They egotistically "know" what Parliament meant when the law was written. With this clairvoyance the Court should set up its own 1-900 number to cash in on the obvious mind-reading capabilities that they claim to possess.

The Court further demonstrates their detachment from reality when they suggest that one "continue use and handling of (the) firearms in plain view of the police". This statement made in a country, where the police shot an unarmed, innocent man because they "thought he had a gun". This statement made in a country where other youngsters were handcuffed, jailed and strip-searched because they were sleeping on a couch with a Nintendo (gun-shaped) controller lying nearby. Is the SCC suggesting that you take your gun to the front door (continuing your handling) when visited by the police? Are they mad? What might the police visitors do if they encounter a real gun?

As of May 24th, \$30,500 has been raised for the defence costs of Al Carlos. Approximately \$24,000 of this was donated by the RFOCBC and its members. Good on ya! (Continued on p. 5)



Bill C-55 replaces Bill C-42 with no changes to Explosives Act amendments What Garry Breitkreuz, M.P said in Parliament

*37th Parliament, 1st Session, Edited Hansard *
Number 186, Thursday, May 9, 2002*

Public Safety Act, 2002

The House resumed from May 3 consideration of the motion that Bill C-55, an act to amend certain acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, **in order to enhance public safety**, be read the second time and referred to a committee, and of the amendment and of the amendment to the amendment.

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, I am addressing Bill C-55 which is before the House at present. The point I want to make right off the top is that there is nothing in the bill that would have prevented the terrible events of September 11 last year, in fact it could have the opposite effect.

If the bill goes through unamended it could actually do the exact opposite to the government's stated objective. I will elaborate. The federal government is using the September 11 terrorist attack as an excuse to continue its anti-gun, anti-hunting, anti-farmer, anti-sport shooter, anti-firearms collector, anti-historical re-enactor, anti-licensed firearm and ammunition dealer, anti-guide, anti-outfitters and anti-aboriginal hunting rights agenda. Those are the honest, law-abiding, taxpaying Canadians the Liberals have targeted with these 10 pages of proposed explosive act amendments in the bill.

The amendments were so urgent that the Liberals have waited four and a half years to bring them before parliament. After all, it was on November 14, 1997, that former the deputy prime minister, Herb Gray, signed the Organization of American States inter-American convention against the illicit manufacturing and trafficking in firearms, ammunition, explosives and other related materials in Washington, D.C.

Those wanting proof of the government's anti-gun agenda, here is what the former deputy prime minister, Herb Gray, said when he signed the OAS convention in Washington, in 1997: **This could be the start of a global movement that would spur the development of an instrument to ban firearms worldwide that would be similar to our land-mines initiative.** That source was from the Montreal Gazette of November 15, 1997, "Canada signs deal to curb illegal sales of guns".

If we need more proof, I will make the point that these proposed

amendments are more about inexplsives than explosives. **The term inexplsive ammunition component appears 26 times in these 10 pages of amendments.**

The government already has total control over the explosive part of bullets and shells, namely gun powder. **What possible public safety, anti-terrorism objective can be achieved by controlling parts of ammunition that cannot go anywhere without the gun powder?**

The proposed amendments to control inexplsive ammunition components are plain and simple government harassment of tens of thousands of responsible firearms owners who happen to load their own bullets and shells for their own legal recreation and sport.

Terrorists and their deadly operations will remain unaffected and undeterred by these amendments. Explosives are easily obtained by terrorists by criminal means and just as easily manufactured with everyday materials that are available in most food and hardware stores.

The only part of the bill that is any good at all is the increased penalties for the criminal use of explosives. The trouble with these sections is that they will most likely hit the wrong target by potentially criminalizing tens of thousands of law-abiding citizens who load their own ammunition for their legal pastimes and sports.

Instead of writing the law the way the government intended, the government assures all concerned: The people responsible for applying the amended act do not think that the proposed measures will interfere with supplies for hunters and people who manufacture their own agenda. If that is what the government means then why does the government not say who the laws are intended for and exempt everyone else?

The danger with these amendments was pointed out in a Library of Parliament research paper prepared on January 18. The lawyers reported: Those who presently make their own ammunition are already regulated under the Explosives Act since an explosive (gun powder) is a regulated product. Thus, licences are currently required, for example, to import explosives. Clause 36 would replace section 9 of the current Explosives Act by requiring a permit to import, to export and to transport in transit through Canada not only for explosives but also for inexplsive ammunition components. (continued on p. 6)

Another New ATT Policy

The new ATT policy for the Northwest Region (BC, Alberta, Saskatchewan, Manitoba, Yukon, NWT and Nunavut) has been unveiled. BC has progressed in some areas but regressed in others. As predicted, the other provinces and territory have had their flexibility greatly and sensibly enhanced. Following is the new ATT policy in italics with our comments in plain text.

REQUIREMENTS OF USERS

While there is no requirement to be a member of a shooting club it is the responsibility of the user to meet the regulations. The client will be advised of the following: Section 6 of Shooting Clubs and Shooting Ranges Regulations:

No person may use a restricted firearm or prohibited handgun at a shooting range unless the person is

- (a) a member or an officer of an approved shooting club;***
- (b) a guest of a person referred to in paragraph (a); or***
- (c) an individual who ordinarily resides outside of Canada who is either a member of a recognized shooting organization or a guest described in paragraph (b).***

It will no longer be mandatory to carry a gun club membership card with your ATT, although carrying it may be a wise choice.

The expiry date will be no longer than three years and will expire on the holder's date of birth.

All existing ATTs, including the attached conditions, will remain valid until their expiry date. It is expected that after passage of Bill C-15B, ATTs may be issued for a period of up to five years.

STANDARD WORDING FOR LONG TERM ATT - *Approved shooting ranges- Restricted Firearms and Prohibited 12(6) handguns only) Transport of the restricted firearm(s) and/or prohibited handgun(s) referred to in section 12(6) of the Act is authorized to all shooting ranges that have been approved under Section 29(2) of the Firearms Act and are within the Province of XXX for the purpose of target practice and target shooting competitions.*

ATTs will be issued for your province of residence. However, upon request, for those who reside relatively close to a provincial border, an ATT for both provinces may be issued.

Current BC ATTs also contain the following clause. "Upon written invitation, the holder of this ATT may attend out-of-province shooting competitions anywhere in Canada. The holder must be in possession of a schedule, invitation or copy of an entry form while attending out-of-province shooting competitions". This clause will no longer be included. A short term ATT will be required for out-of-province competitions. However, upon request, for those who regularly shoot at sanctioned matches an additional "out-of-province shooting events" clause may be given.

The transportation of the firearm(s) must be in accordance with the Storage, Display, Transportation and Handling of Firearms by Individuals Regulations.

The holder:

- (a) must be a member in good standing of an approved shooting club or, the guest of a member of an approved shooting club.***
- (b) must be in possession of a valid Firearms Licence or Firearms Acquisition Certificate***
- (c) must be in possession of the Registration Certificate(s) for the firearm(s) being transported***

Transportation of borrowed guns is allowed. Registration certificates of both your own and borrowed guns must be carried. With the introduction of the new system in January 2003, registration certificate numbers (of guns that you own) will automatically be entered onto the ATT. When a gun is either bought or sold a new ATT will be automatically generated (they hope). What this is supposed to accomplish is baffling - maybe the paper companies have shares in the CFC? The time needed to borrow and return any borrowed gun is included, however, the fourteen-day borrow time has been lost.

Firearms may only be loaded and/or carried on your person while you are actively engaged in target practice or a target shooting.

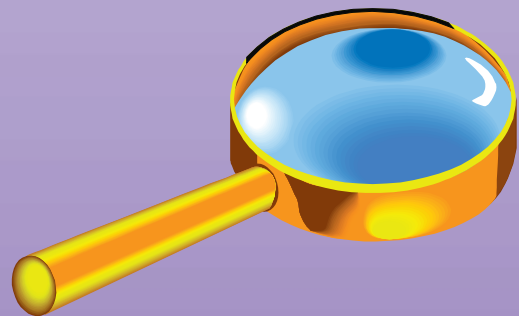
This authorization allows the holder to transport firearms from the place of registration to a Gunsmith, licenced as a business under the Firearms Act, for the purpose of maintenance, repair, modification, or deactivation and return to the place of registration.

You will no longer be required to list gunsmiths. The ATT will cover transportation to any gunsmith. A short-term ATT will be required for the reason of appraisal.

This authorization allows the holder to transport firearms to and from border crossings on condition that the holder is in possession of a valid US Form 6 Import Permit.

Border crossings will no longer need to be named or listed.

The ATT application forms and the actual ATT forms are being "looked at" and will probably change in the near future.



ATT APPLICATIONS CHANGE YET AGAIN

The information required to be submitted on a *long-term* ATT application have changed again because of the new policies laid down by our new (Edmonton based) Chief Firearms Officer.

SECTION “A” Complete all applicable information boxes

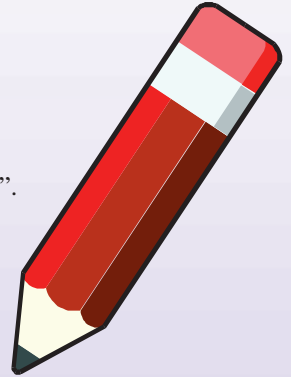
SECTION “B” Leave blank.

SECTION “C” Check boxes “d”, “i” and “o”. Write in name of home club next to box “o”.

SECTION “D” Leave blank

SECTION “E” Leave blank.

Sign and date



YOU NO LONGER NEED TO ATTACH YOUR GUN CLUB MEMBERSHIP

REMINDER: The address and phone/fax numbers for long-term ATTs is:

BC/Yukon District Office
400 – 10470 152 Street
Surrey, BC V3R 0Y3

Phone: 1-800-731-4000 Ext 9563 (this has been changed)

Fax: 604-586-2572 (this has been changed)

Carlos Loses – We All Lose

continued from p. 1

Following is the oral judgment of April 17th.

JUDGMENT April 17, 2002 **Her Majesty the Queen - v. - Allen Michael Carlos** (Y.T.) (Criminal) (28748)

CORAM: The Chief Justice, Gonthier, Iacobucci, Bastarache, Binnie, Arbour and LeBel JJ.

ARBOUR J. (orally):

This is an appeal as of right by the Crown.

Accepting, as we must, the findings of fact made by the trial judge, we disagree with the majority of the Yukon Court of Appeal (2001), 155 C.C.C. (3d) 459 that the *actus reus* of storage, within the meaning of s. 86(1) of the *Criminal Code*, R.S.C. 1985, c. C-46, has not been made out.

There is no requirement in that section that the accused plan a long term or permanent storage. The trial judge found that the respondent deposited a loaded .357 Magnum in an ill-planned temporary hiding spot. In all the circumstances, in our view, this amounted to storage within the meaning of s. 86(1) of the *Code*. The same applies to the temporary placing of the two loaded handguns

inside a locked safe.

In the circumstances of this case, where the respondent, as he put it, rapidly set aside and hid his loaded firearms, in a panicked state, intending to retrieve them shortly thereafter, the facts amply support the conclusion that he stored them within the meaning of that section.

There are obviously circumstances where a short interruption in the use or handling of firearms would still constitute use or handling rather than (sic) storage. In this case however, the respondent took steps to put away and hide his weapons such that the proper characterization of his actions was that he stored them, albeit temporarily, rather than continue his use and handling of the firearms in plain view of the police.

We are of the view that the storage was careless in one case, and in contravention of the regulations in the other two. We therefore agree with Ryan J.A. dissenting in the Court of Appeal that the acquittals must be set aside and convictions entered on all three counts. The matter is remitted to the trial judge for sentencing.

Provincial Liberals – How They Talk and How They Walk

For many years our provincial Liberal Party has been spinning an impression about their opposition to the Firearms Act. They have continuously stated their commitment “to continue to pressure the federal government to scrap mandatory gun registration” and “to protect private property rights”. But how do they act?

Following the imposition by BC Ferries of a new policy that bars walk-on passengers from transporting a firearm (except on Northern routes), Transportation Minister Judith Reid answered(?) a few questions about this new policy. The following is taken from her reply.

Since the events of September 11, 2001, a number of customers have contacted the corporation to express their concerns about security while traveling with B.C. Ferries.

Key interest groups were also contacted directly by a representative of B.C. Ferries. Feedback from these special interest groups was neutral.

The safety of the traveling public is the highest priority of B.C. Ferries and the cooperation of its customers regarding these important safety and security procedures is appreciated.

Bill C-55

continued from p. 2

Consequently, law-abiding citizens who manufacture their own ammunition would end up being charged with the new offences proposed in these amendments, offences that call for fines up to \$500,000 and imprisonment of up to five years in jail.

Offences that are targeting law-abiding Canadians in this act include: acquiring, possessing, selling, offering for sale, transporting or delivering any illicit inexplusive ammunition component and making or manufacturing any explosive from an illicitly trafficked inexplusive ammunition component. The government has not told us how it thinks anyone can make an explosive from an inexplusive ammunition component. **The definition in the act states “inexplusive ammunition component” means any cartridge case or bullet, or any projectile that is used in a firearm as defined in section 2 of the criminal code.**

Even the government’s own definition clearly demonstrates that no one could possibly make an explosive out of inexplusive ammunition components. **I would like to propose at the appropriate time that an amendment be made to remove all references to inexplusive ammunition components from the proposed amendments to the explosives act.**

Her answers only give rise to more questions. How many people contacted BC Ferries? And were they concerned about walk-on passengers with firearms? What “key interest groups” were contacted? RFOCBC or NFA certainly were not. If the “safety of the traveling public is the highest priority” then why isn’t every vehicle being searched for explosives?

Maybe the answer is much more simple. The demonization -of-guns agenda will continue.

Match Schedules

B.C. TRAP/PITA

June 1 - 2

Nanaimo Fish & Game Club
Nanaimo

June 1 - 2

North Peace Rod & Gun Club
Fort St. John

June 8 - 9

Prince George Rod & Gun Club
Prince George

June 9

Cowichan Valley Trap & Skeet Club
Duncan

June 16

VISL CHAMPIONSHIPS
Campbell River Gun Club
Campbell River

June 29 - 30

WESTERN CANADIAN
South Vancouver Island Rangers
Victoria

July 6 - 7

North Okanagan Trap & Skeet Club
Vernon

July 13 - 14

Quesnel Rod & Gun Club
Quesnel

July 13 - 14

Cowichan Valley Trap & Skeet Club
Duncan

July 20

Pitt Meadows Gun Club
Pitt Meadows

August 3 - 4

Vancouver Gun Club
Richmond

August 10 - 11

Kettle Wildlife Assn.
Rock Creek

August 10 - 11

Campbell River Gun Club
Campbell River

B.C. HANDGUN

June 8 - 10

BC Handgun Championships
5 Gun ISSF Match
Pacific Shooters Assn.
Contact: Gordon (604) 271-9626

June 30

NRA 2700 & Barbeque
Pacific Shooters Assn.
Contact: Gordon (604) 271-9626

August 18

NRA 2700 & Barbeque
Pacific Shooters Assn.
Contact: Gordon (604) 271-9626

WEST KOOTENAY MARKSMEN Rossland, BC

Contact: Colin 250-362-5048

June 9

Annual .303 Rifle Match

June 21 - 22 - 23

Black Powder Rendezvous

July 14

Great Merchandise Match &
Barbeque

TERRACE ROD & GUN CLUB

Contact: Richard
forest@monarch.net

July 27

Vintage Military Rifle Shoot

For a more complete listing
see our website: www.rfocbc.com

BATF Changes Rules

As our last newsletter was going to press, April 8th, the US Bureau Of Alcohol Tobacco and Firearms was busy changing the rules for importation of guns into the US. Under pressure from our US cousins they have now decided that an import permit will be valid for multiple entries (of the listed firearms and ammunition) for twelve months after the permit is approved. You still require a permit that can be obtained by completing a Form 6 application accompanied with either a US hunting licence or shoot/show invitations. **More detailed information and a link to the BATF is available on our web site: www.rfofbc.com or you may phone BATF directly at 202-927-8320.**



BENNETT INTRODUCES HUNTING AND FISHING HERITAGE ACT

East Kootenay MLA Bill Bennett has introduced a private members bill, the Hunting and Fishing Heritage Act that would recognize hunting and fishing as legitimate tools with which to effectively manage fish and wildlife in British Columbia.

“The purpose of introducing this bill is to show respect for hunters and anglers in BC and the indispensable work they do around the province on conservation,” said Bennett. “Hunting and fishing is a vital part of wildlife management and conservation in BC. I am proud to call myself a hunter, angler and conservationist and I believe that these recreational activities are important to British Columbia’s heritage and should be recognized in law as such.”

The wording of the Act reads, “A person has the right to hunt and fish in accordance with the law”.

Gun Shows

V.I.A.C.A – ONE DAY GUN SHOW
June 2, 9 am to 3 pm
South Vancouver Island Rangers Hall
3498 Luxton Road, Victoria
Contact: John (250) 474-2512

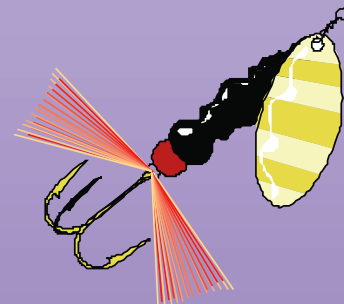
LUMBY DISTRICT FISH & GAME CLUB GUN SHOW
June 8 - 9, Sat. 9 am to 5 pm, Sun 9 am to 3 pm
Lumby Curling Arena
Contact: Gerald (250) 547 2370

H.A.C.S
June 23, Sun. 8:30 am – 1 pm
Operating Engineers Hall
4333 Ledger Avenue, Burnaby
Contact: Geoff (604) 710-3873

H.A.C.S
July 21, Sun. 8:30 am – 1 pm
Operating Engineers Hall
4333 Ledger Avenue, Burnaby
Contact: Geoff (604) 710-3873

“I may work towards introducing similar legislation in the fall by way of either a government bill, as was done in Ontario, or an amendment to the Wildlife Act, as was done in Nova Scotia,” said Bennett. “I have three more years to find a way to make this gesture of respect to the thousands of British Columbians who hunt, fish and who volunteer so many hours to conservation.”

Although this is not strictly a gun issue, it may well have an impact on future firearms ownership. Take the time to contact your MLA and make them aware of your support for this proposed legislation.



Trial Date Set

Well, we have now appeared in court five times after being charged with Elections Act offences: February 27th, March 6th, April 8th, April 30th and May 14th. Our trial date has now been set to February 21st, 2003. Several directors were overheard enquiring about immigration to Argentina.

The National Citizens Coalition is currently before the Alberta Appeals Court challenging the constitutionality of the Elections Act. We would expect their case to work its way to the Supreme Court of Canada. Stay tuned.



More Free Registration

Our previous newsletter alluded to approximately 150,000 Canadians who had not received their offer of free registration. Well, they are finally starting to show up. Applications offering free registration until June 26, 2002 have now surfaced in BC. The deadline for most recipients of this free offer in BC and Alberta was March 19, 2002. Why this occurred is a mystery. The government and the CFC are silent.

Please Support Our Business Alliance Partners

- Barr Electric, Port Alberni
- Caldwell Industries Co. Ltd., North Vancouver
- Coldstream Truck Parts Ltd., Vernon
- Ethos Graphic Design, Vancouver
- Fyfe Fire Sprinklers, Victoria
- Grand Forks Glass Ltd, Grand Forks
- Hunters Sporting Goods Ltd., Surrey
- Larry W. Pippard Lawyer, Port Coquitlam
- Martlen Enterprises Ltd., Surrey
- Redl Sports Distributors., Burnaby
- Riverbend Metal Corp., Surrey
- R.J. Miller & Associates Ltd., Kelowna
- Shadbolt Cams Ltd., Vancouver



MEMBERSHIP APPLICATION/RENEWAL RESPONSIBLE FIREARMS OWNERS COALITION OF BC

Member No: _____ Date: _____

Name: _____

Address: _____

City: _____ Province: _____

Postal Code: _____ Telephone: _____

Email address: _____

Age: _____ Occupation: _____

New Renewal Change of Address

Yes I would like to be an RFOC Volunteer

\$20.00 One Year Membership \$ 20.00

Donation \$ _____

Total Enclosed \$ _____

Method of Payment (check box)

Cheque Visa MasterCard

Credit Card #: _____

Exp.Date: _____ Signature: _____

Make Cheque Payable & Mail To: RFOC BC PO Box 93052, LANGLEY, BC V3A 8H2 Telephone: (604) 532-8048 Fax (604) 532-0380
BC Societies #S-3215