

Deputy Prime Minister
and Minister of Public Safety
and Emergency Preparedness Canada



Vice-première ministre
et ministre de la Sécurité publique
et de la Protection civile du Canada

Ottawa, Canada K1A 0P8

The Honourable L'honorable
A. Anne McLellan, P.C., M.P. c.p., députée

SEP 29 2005

Mr. John Maloney, M.P.
Chair
Standing Committee on Justice, Human Rights,
Public Safety and Emergency Preparedness
Room 622, 180 Wellington Street
House of Commons
Ottawa, Ontario K1A 0A6

Dear Mr. Maloney:

I am writing further to the discussions of the Standing Committee on June 28, 2005, with respect to prohibited handguns, and further to the Committee's vote on the motion of the Member from Yorkton Melville, Mr. Garry Breitkreuz, in this regard. As was explained in the Committee's deliberations, these prohibited handguns are commonly called "12(6)" handguns, in reference to the section of the *Firearms Act* in which they are described.

In particular, I am writing to communicate my view with respect to the proposition that the *Firearms Act* be amended to address the circumstances of the approximately 1500 individuals who purchased 12(6) handguns during the period from February 15, 1995 to December 31, 1998. As discussed at your meeting, these individuals do not have grandfathered status under the *Firearms Act* to allow them the privilege of continuing to own these prohibited firearms. An Amnesty Order made under the Criminal Code currently allows the individuals to lawfully dispose of the firearms. The Amnesty Order expires on December 31, 2005.

The motion to investigate and address the situation was defeated on a vote in the Committee. In advance of the Committee potentially taking up the discussion of this matter again this Fall, I would like to put on record my position that I do not support amending the *Firearms Act* in this instance.

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It is critical to underscore that the firearms in question are prohibited, and as such pose particular public safety concerns. This was well noted by Members in the Committee's June discussions. Parliament identified these firearms as prohibited and imposed the restrictions on them that are now in law for valid and important reasons. These are easily concealed smaller caliber and short barreled handguns, including cheap, poorly made "Saturday Night Specials". They pose particular threats to public safety in the context of criminal activity and are often simply unsafe to operate.

Far from being an opportunity to fulfill any "undertaking" of Parliament to gun owners, this issue must be decided on its own merits. Under the *Firearms Act*, only a limited number of people are now grandfathered to own these firearms. These prohibited firearms cannot be lawfully transferred to a non-grandfathered individual under any circumstance.

Mr. Breitkreuz' motion, as noted by Mr. Ménard, Member for Marc-Aurèle Fortin, seeks to make an exception for owners who "knew that these weapons would be prohibited and they were informed of that when they purchased them...It is not an injustice, but we are granting amnesty to people who put themselves into an illegal situation." On these grounds, it is manifestly clear that Parliament would send entirely the wrong message in legislating a loophole for the dangerous firearms in question.

With respect to the approximately 1500 individuals in question, I point out that that there are clear and reasonable options available to them for lawful disposal of the firearms under the terms of the existing Amnesty Order. More than 2500 individuals have already complied with the legal requirement to dispose of their prohibited handguns in a manner consistent with this Amnesty. The options for disposal available are:

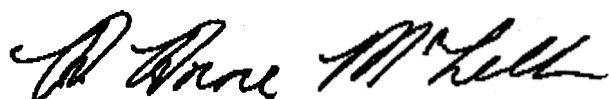
- a) selling or giving the handgun to an individual grandfathered under subsection 12(6) of the *Firearms Act* to possess such a handgun;
- b) if the firearm is not a .25 or .32 calibre handgun, changing the barrel length so that the handgun is no longer prohibited, and turning in the prohibited barrel to a police officer or Firearms Officer;
- c) selling or giving the handgun to a Public Service Agency, or a business (including a museum) with the proper licence privileges under subsection 11(2) of the *Firearms Act*;

- d) exporting the handgun in accordance with all applicable legal requirements in relation to the exportation of a firearm, including the legal requirements of the country to which the handgun is exported;
- e) turning in the handgun to a Police Officer or a Firearms Officer for destruction or other disposal; or,
- f) deactivating the handgun so that it is no longer a firearm.

The Canada Firearms Centre will continue to offer all information and assistance it can to firearm owners to help them comply with the law through its 1 800 and e-mail services, through the Canadian Firearms Registry, and through the offices of Chief Firearms Officers in the provinces and the territories.

I trust that my comments are of assistance in this matter.

Yours sincerely,



A. Anne McLellan

c.c. The Honourable Irwin Cotler, P.C., M.P.
Minister of Justice and Attorney General of Canada

Mr. William V. Baker
Commissioner of Firearms