

The Special Committee believes that the continued importation and sale of all military and para-military semi-automatics should be prohibited once the Canadian Advisory Council on Firearms has determined the criteria for and the content of this class. This may require that the order-in-council prohibition power in the Criminal Code be amended, although the prohibition might be achieved in other ways.

An amendment might be necessary because there is a limitation on the present order-in-council power to prohibit particular firearms. This power does not extend to firearms "of a kind commonly used in Canada for hunting or sporting purposes". The power to restrict weapons is much broader, however, and can extend to any firearm that "in the opinion of the (Cabinet), is (not) reasonable for use in Canada for hunting or sporting purposes" [emphasis added]. The Special Committee recognizes that the limitation on the prohibition power is there to protect those using firearms now regarded as legitimate for any hunting or sporting purpose, and we do not recommend that the prohibition power be made as broad as the present power to restrict.

If it is deemed necessary to change the limitation on the order-in-council power of prohibition, the Special Committee notes that any such changes would have to come before Parliament for statutory amendment. We would also note that any regulatory changes would first have to be submitted to the Canadian Advisory Council on Firearms for consideration, and laid before the House of Commons and referred to the appropriate Committee, pursuant to the recommendations made later in the report.

The Special Committee thus does not disagree with the Minister's proposals concerning military and para-military semi-automatics. We believe, however, that they do not go far enough, and that the means proposed may involve instruments too blunt to achieve the appropriate degree of regulation.

The disposition of those military-design firearms in private hands would be similar to that recommended for converted automatics. There would, however, be no need for a government buy-back provision, because we believe that those who presently own such firearms should be allowed to retain them as restricted weapons even if they are not, and do not wish to become, gun collectors. This would be the major distinction between the treatment which the Special Committee feels is appropriate for owners of converted automatics and that which should be accorded to the owners of other military and para-military firearms.

While the Special Committee believes, as noted earlier, that even these military-style firearms should in the final result be held only by properly-defined gun collectors, we do not believe that it is necessary that present owners be divested of them unless they are or become genuine collectors. Although any further transfers of these firearms should be limited to such collectors, we believe that public safety can be adequately protected by encouraging their sale to genuine collectors, and by requiring that in the interim they be registered and controlled as restricted weapons.

The Special Committee also believes that a comprehensive re-evaluation of all remaining semi-automatic firearms available now and in the future should be carried out by the Canadian Advisory Council on Firearms in order to determine which of these should be in the restricted class. This evaluation should then be used as the basis for future legislative and regulatory action in regard to restricted firearms. The evaluation would be based on a determination of which semi-automatic firearms were appropriate for hunting purposes and which were not. Only those deemed to be