

discretion to refuse to issue an FAC if he or she has "notice of any matter that may render it desirable in the interests of the safety of the applicant or any other person that the applicant should not acquire a firearm". In any other case, the Code states that the officer must issue the FAC. Any refusal is subject to a right of appeal.

Section 106 also provides that an FAC is valid across Canada for a period of 5 years and, upon its expiration, the current application process must be gone through again if another FAC is required. The fee for issuance of an FAC is presently set out in this section at \$10. No fee is presently payable by persons who require a firearm to hunt or trap in order to sustain themselves or their family.

The FAC is not at present required for the purposes of owning, carrying or possessing a firearm. It is simply a screening process for the acquisition of a firearm which seeks to ensure that those who wish to acquire guns can be entrusted with them. The present FAC, therefore, allows the holder to acquire an unlimited number of unrestricted firearms for a 5-year period. Although the FAC is generally regarded as a permit to purchase a firearm, it also applies to any kind of acquisition, for example, by way of gift or inheritance. An FAC is also necessary when a firearm is borrowed from its legal owner, except when it is being used in the owner's company and under his or her supervision.

The requirement that any person wishing to obtain a firearm of any kind must have an FAC was not introduced until 1977. There are thus many people in Canada who were in possession of guns before the requirement came into force on January 1, 1979, and who may never have had any need to apply for an FAC. The evidence presented to the Special Committee also indicated that as of the end of 1989, there were approximately 847,000 people in Canada with FACs in good standing. The Special Committee does not intend that its recommendations would interfere with the privileges of any of the above two groups of individuals. The Committee does, however, strongly endorse the recommendations made by witnesses of varying perspectives that effective firearms legislation means a focus on the point of access. It is the goal of the Special Committee, then, to strengthen the present point of access, the FAC process, and, in particular, to ensure that a national firearms competency and safety course is obligatory as a condition of that process.

## 2. FIRST-TIME APPLICANTS

### A. The Application Process

#### i) *The Present System*

Although the statutory requirements for the FAC process are set out in the Criminal Code, the administration of justice, and thus the administration of the gun control provisions of the Code, are a matter of provincial jurisdiction. The system is therefore administered by Chief Provincial and Territorial Firearms Officers, who are responsible to their respective Attorneys General. The R.C.M.P. has, however, produced a "National Firearms Manual" which sets out guidelines for the administration of the firearms provisions of the Code. According to the Manual, a firearms officer is required to conduct a proper index check of the applicant to ensure that all identification data on