

CHAPTER 2

ACCESS TO FIREARMS: THE FIREARMS ACQUISITION CERTIFICATE

1. INTRODUCTION

A. The Objective of a Strengthened Process

The Special Committee finds the present Firearms Acquisition Certificate (FAC) screening process to be inadequate. The proposals made by the government in Bill C-80 would strengthen the process, although other steps must be taken to make it even more effective. Assistance may be had in this regard through the guidance and advice of the Canadian Advisory Council on Firearms. Moreover, the Special Committee believes that the tougher and lengthier process proposed by the government is not necessary in all cases, and is inadequate in other cases.

The Special Committee therefore proposes that a strengthened FAC application process be applied to first-time applicants. A much simpler renewal procedure would apply to anyone who had already gone through the full process, and to those in possession of a valid FAC when the new system was implemented. Transitional provisions would apply to those who presently own and use firearms, but who did not have an FAC when the new system commenced. The Special Committee believes that this will not only be fairer to both present and future owners of firearms, but it will mean that a significantly tougher initial screening process would become feasible. If implemented as a package, the Special Committee believes that the resulting system would not only be stronger than the present process, but it would be significantly more effective than what is presently proposed by the government.

B. The FAC System

The definition of an FAC is set out in section 84(1) of the Criminal Code and reads as follows:

“firearms acquisition certificate” means a firearms acquisition certificate issued by a firearms officer under section 106 or a hunting licence, certificate, permit or other document issued under the authority of a law of a province that, by virtue of an order issued under section 107, is deemed to be a firearms acquisition certificate.

FACs are issued by designated “firearms officers”, usually local police officers. They are normally applied for locally, although other firearms officers have the jurisdiction to issue them in appropriate cases. Section 106 of the Code sets out the circumstances in which an FAC may not be issued. An FAC is not available to any person under the age of 16 years, or who is subject to a prohibition order, or has a criminal record or a history of mental illness involving violence or other violent behaviour (but only within the preceding five years). A firearms officer also has some