



Brief to Standing Committee reference Bill C-71

14 May, 2018

In regards to: Bill C71, Honorable members of the “House of Commons Standing Committee on Public Safety and National Security” we, John Hipwell and Matthew Hipwell of Wolverine Supplies would like to express our concerns on the proposed classification of firearms.

Firstly a little background - I, John founded Wolverine Supplies, a fully licensed Canadian firearms business in 1989, we are now one of the largest independently owned firearms businesses in Canada, we import, distribute and retail all classes of firearms to, dealers, retail customers, Law Enforcement Departments and DND. We employ twenty-two full time staff. I have a life time of experience in the operation of all classes of firearms, have shot in competition, (rifle and handgun), hunted worldwide and spent five years as a member of the Canadian Military reserves (Artillery). Matthew grew up in the firearms world as a hunter, competitive shooter and as part of the industry. As a competitive shooter he competed in the Canada Winter Games in the sport of biathlon. Matt competes recreationally in a variety of firearms disciplines, along with hunting in Canada and around the world. Matt spent five years with the Canadian Armed Forces reserves and over sixteen years as an RCMP officer. As a RCMP officer he was a firearms instructor for over twelve years and with the Emergency Response Team (ERT) for eight years. While a member of ERT Matt held roles as an assaulter and that of a sniper. Matt was responsible for the initial rollout of the Patrol Carbine program in Manitoba for the first year. Along with firearms instruction he was an instructor for Use of Force and the Conducted Energy Weapon (CEW / taser).

We fully support improvements to our current system of firearms control in Canada that will improve the safety of Canadians and the security of our country providing these improvements are fair and practical. It is unfortunate that Bill C-71 fails to achieve these goals.

According to our understanding of Bill C71 and based on our combined practical experiences we offer the following points on Firearm Classification for your consideration as this area of operation is in urgent need of improvements.

When the RCMP SFSS (Special Firearms Support Section) classify a firearm they issue an FRT (Firearms Reference Table) number, this FRT number is not law. I have seen that statement in writing from several members of the RCMP SFSS included Mr. Murray Smith. I quote Mr. Smith as saying: “The Firearm Reference Table has no standing in law. It’s simply the view point of the firearm program on the classification and description of any particular item”. It is the perceived policy of Police Departments, CFC, CBSA and EXCOL to take the FRT as law, in fact many organizations; both

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Government and Civilian are under the belief that the FRT is law. As the FRT is only an opinion of the RCMP SFSS civilian employees and has no legal standing we have no formal appeal process to challenge any decision that they make.*

*Reference Annex # 1 Extract from Court document

R. v. John-Bryan Gardiner

Murray Smith – in – Ch.

Tuesday, December 2nd 2014.

The FRT is not available to the General Public so most legal firearm owners are normally unaware of any changes to the FRT.

The FRT is a tool developed by the RCMP, the FRT information is used during the processes of Firearms identification, classification, tracing, importation, registration, transfers, Public Agency recording and more. Reference # 2 RCMP Memo dated September 2012.

As there is no legal requirement for firearm classification and the FRT has no statutory authority, there are no time requirements for the RCMP SFSS to reply to any questions from the members of the firearms industry concerning firearm classification and the issuing of FRT. We are told that all requests from LE Departments take priority and that the SFSS are under staffed and underfunded, decisions on firearm classification can take up to five years to be made.

Incorrect firearms Classification and consequently the issuing of incorrect FRT by the RCMP SFSS is a problem. Our one example here concerns a Turkish manufactured MKA 1919, a semi auto, box magazine fed shotgun, that is manufactured by several Turkish manufacturers and, marketed by even more Turkish exporters under several different model designations and names, the most common name being the BR99. Although these shotguns differ in details such as butt stocks, sights and color they are from the same original design.

This shotgun was submitted to the RCMP SFSS in 2010 by a Canadian Firearms importer, Canada Ammo. The RCMP classified this firearm as a "Variant" of the restricted M16. Reference Annex # 3 RCMP Inspection Report and Annex # 4 First MKA 1919 FRT

In 2013 Wolverine Supplies imported a shotgun of the same design manufactured by Alpharms (Turkey) we were advised that the 15SA was a restricted firearm. In July 2013, I submitted

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my technical argument as to why these shotguns were incorrectly classified as restricted. Reference Annex # 5. E-mails to Mr W. Etter, my Technical Report on the SA15

The RCMP SFSS reviewed these shotgun classifications and in Feb 2016 the classification was corrected to non restricted and new FRT issued. Reference Annex # 6. RCMP Inspection Report Alpharms 15SA. Annex # 7. Corrected FRT MKA 1919. Annex # 8. Corrected FRT Alpharms SA 15.

This delay of six years for a correction translates into several million dollars in lost sales which has a direct impact on small businesses and employment.

I have been advised by the RCMP SFSS that the only way to legally challenge their FRT ruling is to put myself in the position where I face criminal code charges. This is not reasonable in that to implement change I must face criminal charges? In my position as an owner of a firearm business the RCMP know that that is an impossibility, it would give the RCMP reason to close me down, even if I defeated the charges later in court it would effectively bankrupt me destroying my business, a life time of hard work and put twenty two staff on the unemployed list. We would have to risk everything in order to legally challenge an FRT when the FRT is not a legal requirement, has no legal authority and is created by civilian employees of the RCMP.

The problem of correctly classifying firearms is further complicated, as a lot of vitally important definitions are neither clearly or legally defined. They are open to different interpretation and opinion.

For example, the use of the word "Variant". When many firearms have been classed as restricted or prohibited the clause is added "and variants", yet there is no legal definition of "Variant". In the past as with the MKA 1919 and Alpharms 15SA shotguns they were classified restricted by the RCMP as variants of the M16 despite having no "Lineage" from the M16 and the internal mechanical design was also totally different. On the original FRT # 132450-1 dated 6/2/14 Restricted, under "Type" they state "this firearm resembles a traditional M16 / AR15 rifle". We are left to conclude the RCMP classified this shotgun as restricted because she was found to be a variant or modified version of an M-16 simply because it looked like (resembled) an M16 / AR15. Reference Annex # 4. The current FRT # 132450-1 dated 30/04/18 Non-Restricted, omits "Type" but adds "Canadian Law Comments" - while the exterior of this model resembles the AR "family", there is no direct lineage that is exclusive to the AR 15/M-16 design. Reference Annex # 10. This is a complete contradiction of their first FRT and completely supports the argument I submitted. Reference Annex # 5. The RCMP SFSS claim to be Forensic Firearm Specialist, how can they

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classify a firearm simply because it looks like another one and still maintain any kind of professional credibility? Years later after receiving protests they reverse their opinion. Given this RCMP SFSS history the firearms industry must have a mechanism for appealing any decision given by them.

Please note in the above examples that both the first and later corrected FRT have the same number despite been given a different classification. The FRT is not available to individual firearm owners and no one in the firearms industry is ever notified by the RCMP SFSS of any changes to the FRT. These changes could result in criminal charges to unknowing firearm owners. We do not believe this is a desirable situation for anyone as it can catch an innocent person

A major problem is the increased use by the RCMP of what is known as the “R. v. Hasselwander case” here a judge ruled that “If a firearm could be readily and easily converted to discharge shots in rapid succession with a single pressure of the trigger in a relatively short time period with relative ease it was in fact prohibited.” This is a very general statement and the key areas are not defined like “readily and easily,” “relatively short time period” and “relative ease” all of this is open to interpretation. In the original court case a very experienced OPP armourer used a file to modify a semi automatic Thompson sub machine gun back to fully automatic fire in less than 15 mins. The RCMP are using this Judgment in order to classify many new firearms as prohibited despite needing major machining and the design and manufacture of missing parts. In a recent conversation with Mr William Etter (Chief Firearms Technologist RCMP) he said that they sourced missing parts from their own stores and that this did not count when then made their decision.

These parts are not available commercially to civilian firearm owners. With advanced technological knowledge and tools, it is theoretically possible (though illegal) to alter firearms so that they are capable of fully automatic fire. However, it is certainly beyond the capabilities of the ordinary hunter or sport shooter. That is why it is so important to have clear definitions in this area. For example at the start of WWII designs were drawn up to convert existing stocks of Lee Metford and Long Lee bolt action rifles into automatic machine guns, the best known example is the Charlton, hardly a quick easy conversion. https://en.wikipedia.org/wiki/Charlton_Automatic_Rifle

We would to draw your attention to the following attachments which show the RCMP use of these phrases. Attachment Annex # 6. RCMP Inspection Report and Annex # 9. FRT # 177862 B&T KH9. This declares the KH9 prohibited due to this “ease of conversion” Even under the Access to Information we are denied forensic reports detailing exactly what the SFSS technicians had to do to convert a firearm to fully automatic fire, what parts they had to manufacture, what machining was involved and how long it took to complete the operation.

We also need to understand that very basic simple firearms can be manufactured in primitive conditions often quicker and easier than converting some semi auto commercial firearms to fully automatic. History is full of such examples. The Mau Mau terrorist in Kenya (1952-1964) manufactured firearms using door bolts, old springs or elastic bands and water pipe, they could and did kill. Afghan tribesmen have manufactured firearms in home workshops for well over a century. Yes these were mainly single shot but in more modern times European resistance fighters in WW II manufactured basic sub machine guns from scrap material that can be found in most garages and farm work shops, they were crude and maybe not safe but they did the job, they worked.

With reference to the RCMP (Murray Smith) paper on "Semiautomatic AR-15 Pattern Lower Receivers" dated 2017-03-07 this is a change in their previous policy. Reference Annex #10. Semiautomatic AR-15 Pattern Lower Receivers. It certainly affects some existing firearms and most owners and dealers are unaware of this change, but possession of these receivers would mean they could face criminal charges. All semiautomatic AR-15 receivers were all previously accepted, I am unaware of any problem that necessitated this change. Again we find that the opinion of a civilian RCMP employee is placing law abiding Canadian citizens at risk of facing very serious charges.

Last year Wolverine Supplies had a new semi automatic rifle, the WK180-C designed, this rifle is now entering production here in Canada. In the attached e-mail you will see that the RCMP is confirming that there is no legal requirement to have any firearm submitted to them for classification. Reference Annex # 11. E-mail from Mr W Etter, Rifle Manufacture. We have submitted a sample for classification and FRT as we need an export license as the "policy" of the Canadian Export Controls Division is not to issue an import or export license for firearms without an FRT. This firearm is a very close copy of existing designs that are already classified as non restricted and the classification could have been made by the simple examination of the TDP (Technical Data Package) for the receiver, it will take them 5 to 6 months to reach a decision. In the meantime I have a half million dollar investment and have taken orders for 2,500 rifles at approximately \$1,000 each this represents 2.5 million dollars in sales, this is vital to my business that employs 22 full time staff.

I believe the RCMP are not commercially responsible, if Parliament grants the authority for the RCMP to classify firearms with no appeal process then Parliament has abdicated its responsibilities and handed them over to the Police.

When Steven Blaney was public safety minister he passed a directive to the RCMP that set service standards for the classification of firearms. This was subsequently repealed by Ralph Goodale. This directive was simply an attempt to introduce service standards to a department that has sometimes taken years to issue classification for some firearms. In no way did this directive compromise public safety.

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The time frame that RCMP SFSS firearm examinations take place in is not defined. We have experience of examinations taking over four years, and corrections even longer, this has cost Canadian Firearm Businesses millions of dollars in lost revenue which has an adverse effect on employment and growth. Currently we have a question in to Mr. Murray Smith (RCMP SFSS) we have been waiting over fifteen months for an answer. Reference Annex # 12. E- mail to Mr M A Smith - CZ 858 Spartan. Why such a delay? Is it due to the proposed Bill C-71? In which case the delay will have cost Wolverine Supplies approximately \$100,000.00 in lost sales. There is a need to establish reasonable time periods for examinations and responses to communications to be conducted and they must be enforced and the right for compensation to the individual(s) or business making the application, if these time periods are exceeded. This needs to be clearly laid down in law.

There must be the ability to appeal firearm classification decisions to a review board of subject matter experts, including industry and legal experts, engineers and designers as we require a decision based on mechanics and law, not personal opinion. If we continue to allow the RCMP SFSS to dictate FRT (Firearm classification) based on their opinion of what the intent of the law is and their interpretation of court decisions there must be an appeal process before this is assumed to be law.

To summarize:

Our understanding of Bill C-71 is that the RCMP will be given the authority to classify firearms with no appeal process. I quote "without Government interference". The RCMP SFSS have made errors in the past; there is no reason to believe this will change.

Clear, accurately defined definitions for the criteria used to classify firearms need to be established, this area is too important to be left to personal interpretations and opinions.

Establish an appeal process for firearm classification, to an independent board of subject matter experts, this would in effect be an impartial technical committee.

Reasonable time limits for classification of firearms and appeals need to be established with compensation paid if these times are not met.

John Hipwell

Matthew Hipwell

