

AFFIDAVIT

Court File No. T-577-20

FEDERAL COURT

BETWEEN:

CANADIAN COALITION FOR FIREARM RIGHTS, RODNEY GILTACA, LAURENCE
KNOWLES, RYAN STEACY, MACCABEE DEFENSE INC., WOLVERINE SUPPLIES
LTD., AND MAGNUM MACHINE LTD.

Applicants

and

ATTORNEY GENERAL OF CANADA and CANADA (ROYAL CANADIAN MOUNTED
POLICE)

Respondents

APPLICATION UNDER sections 18 and 18.1 of the *Federal Courts Act*, RSC 1985, c F-7.

AFFIDAVIT

I, Robert Ronald LeBlanc, of the community of 150 Mile House, in the Province of British Columbia, AFFIRM THAT:

1. I am a Conservation Officer for the Province of the British Columbia. I have personal knowledge of the facts affirmed to in this Affidavit except where I have stated facts based on information, in which case I believe the information to be true.
2. I am aware of the Application filed in Court File No. T-577-20 (“**Application**”) regarding the May 1, 2020 Order in Council SOR/2020-96 (the “**Order in Council**”) which made the *Regulations Amending the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted*, SOR/2020-96 (the “**Regulation**”), and regarding certain things done by the Royal Canadian Mounted Police (“**RCMP**”), including through the Specialized Firearms

Supports Services Unit (“**RCMP SFSS**”), in relation to the Firearms Reference Table (“**FRT**”) as described in the Application. I am also aware of the *Order Declaring an Amnesty Period (2020)*, SOR/2020-97 (the “**Amnesty Order**”) with respect to the Regulation.

Experience with the Canadian Armed Forces

3. I joined the Canadian Armed Forces (**CAF**) as an Army Cadet at 13 years of age. When I turned 17, I joined the Army Reserves. I was originally posted to the lower mainland in British Columbia. In addition to my posting in British Columbia, I have also been posted to Wainwright, Alberta, undergone training in the United States of America, and served two deployments to Afghanistan.
4. When I first joined the CAF, I received basic combat training which included foot drills, marching, and basic firearms training. Following basic combat training, I specialised in basic Armoured Reconnaissance Training. In that field of the CAF, I received specialized training in respect of working with CAF vehicles including basic mechanics, off road driving, vehicle manoeuvring and tactics, and identification of foreign vehicles and basic field craft.
5. As I progressed and advanced in the CAF, I further specialized in the field of advanced armoured reconnaissance including nuclear and biological warfare environment. While a member of the Advanced Armoured Reconnaissance division I was promoted to Corporal in 1994.
6. As a member of the CAF and specifically in the Advanced Armoured Reconnaissance division, the proficient handling of firearms was an essential part of executing my duties in a safe and effective manner. When I first joined the CAF my proficiency with firearms was very limited. Generally speaking, members of the CAF receive relatively limited firearm training time and opportunities. You are limited to a certain number of rounds in training and a limited amount of time at the range. Accordingly, I had to find other avenues to sharpen my marksmanship skills.

7. I joined a reserve unit which had small arms marksmanship training. Among other things, that allowed me to train annually in the Canadian Armed Forces Small Arms Concentration (CAFSAC). The CAFSAC is a series of shooting competitions where active and reserve members of the CAF, and other organizations, including the Royal Canadian Navy, the Royal Canadian Air Force and the RCMP compete in individual and team shooting matches. There are various categories of matches including the service rifle and combat pistol. I competed in the CAFSAC service rifle matches. I was part of the BC Regiment small arm shooting team for 20 years.
8. I focussed my training and competitive shooting in the CAF using the C7 Assault Rifle (C7). The C7 is the primary firearm used in the military. I wanted to have as much familiarity with the C7 in competitive shooting in the CAF as it would translate over to my service. My primary purpose in training and competitive shooting was not due to a passion for firearms or competitive shooting, but in an effort to become as proficient as possible in the handling and use of firearms that I could be called on to use in the course of my service with the CAF.
9. In 2008, I was deployed to a combat mission in Afghanistan. During my deployment I was often in high risk situations where both my safety and that of my fellow soldiers was in jeopardy. I experienced firsthand the need to be highly trained and proficient in using firearms, specifically the C7 military-issued firearm.
10. When I returned from Afghanistan, I realized that I would simply not get the firearms training I needed in the course of my service with the CAF alone and needed to supplement that training with my own personal firearms training outside of the CAF.
11. From my experience in Afghanistan, I knew firsthand that in a high stress situation where you are called upon to use your firearm, your response is based on muscle memory and instinct. There is no time to methodically engage in the use of a firearm; you rely almost entirely on your instinct. This honed instinct can literally be the difference between life and death. There is a saying in the military: "train as you fight, fight as you train". Training these instincts requires thousands of repetitions. The opportunities within the CAF for marksmanship training would not satisfy that need.

12. Because the CAF uses the C7, I wanted to train on something similar in terms of handling as the C7. That would allow me to rely on muscle memory and instinct when called upon to use my firearm in the course of my CAF service.
13. The C7 has full automatic capabilities, and is therefore prohibited for civilian ownership and use. I purchased an M4 (Stag Arms) which, in terms of the handling, is very similar to the C7. The C7 and M4 are nearly identical except that the civilian version is not capable of firing on fully automatic. In addition, while the C7 is capable of holding 30 rounds, the M4 can only house a maximum of 5 rounds..
14. Since the C7 and M4 handle similarly, training on my M4 allowed me to gain the muscle memory and instinct to handle the C7 proficiently and safely in the course of my CAF duties. Gaining muscle memory and instinct in the context of discharging a firearm involves a sequence of events all of which must happen within micro-seconds. Muscle memory includes both the mechanics of the firearms (including where the trigger is located, where the safety is located, and the way in which to reload the firearm) but also the physical movements required, including your full body stance, the nature and extent of any recoil, the finger movements required to turn off the safety and squeeze the trigger. Discharging a firearm involves all of these movements, and others, to take place within extremely quick succession. To become proficient in firing a particular firearm so as to develop an instinctual reaction requires hundreds or thousands of repetitions on the same or similar platforms.
15. To purchase the M4, I was required to and did obtain both my Possession and Acquisition Licence (**PAL**) and my Restricted Possession and Acquisition License (**RPAL**) upon returning home from Afghanistan.
16. I trained on my own time with the M4 and both my marksmanship and my proficiency in handling the M4 increased exponentially. This proficiency translated directly to my use and handling of the CAF C7.
17. In 2013, I was redeployed to Afghanistan in an advisory role with the Afghan police. In that role I mentored and trained Afghan police officers. That was a high-risk

environment. However, unlike my deployment in 2008, I was much more confident because of my increased skill and proficiency in using the C7, which I attribute to my training on the M4.

18. During my service with the CAF, I became extremely proficient in the handling and the use of the C7 largely due to my own personal training with the M4. I became a firearms instructor with the CAF and eventually became a Range Safety Officer with the CAF for 15 years. Since I did not start out as a great shot, I was well-suited to this position because I understood why my students might struggle with marksmanship skills, and I knew how to build their skills and confidence with firearms.
19. After returning from my second deployment to Afghanistan, I went on reserve status with the CAF. I was a reservist until 2018, when I officially retired from the CAF.

Experience as a Conservation Officer

20. In 2014, while a reservist for the CAF, I applied to become a BC Conservation Officer. I have always had a passion for wildlife and conservation. I was successful and was hired shortly thereafter.
21. The primary mandate of the British Columbia Conservation is public safety we also respond to injured wildlife to allow for rehabilitation, relocation, or humane dispatch; protect the public from wildlife; to enforce hunting and fishing regulations and licensing protocols; and to monitor and intervene in environmental threats, either natural or human caused. In British Columbia, Conservation Officers are also Special Provincial Constables and are often called up on to assist the RCMP or other police agencies. We are entitled and required to enforce provincial and federal laws and statutes and have the same authority as the RCMP in that regard.
22. As Conservation Officer we receive extensive firearms education, both during the training phase and routinely during the course of our ongoing employment. Because part of our mandate is to ensure compliance with firearms regulations, especially in the context of hunters, we routinely inspect firearms and firearm licences during the hunting

seasons. Conservation Officers will inspect more firearms within a single hunting season than the majority of police officers will over the course of their entire career.

Impact of the Regulation on My Duties as a Conservation Officer

23. Currently, BC Conservation Officers employ an M4 style platform in the course of our duties. The M4 Rifle is a semi-automatic firearm. It is now prohibited under the Regulation. However, as a Conservation Officer I am still permitted to use this firearm in the course of my duties.
24. The use of semi-automatic firearms in the course of my duties as a Conservation Officer is important not only to keep me and my fellow officers safe from wildlife, it is also necessary for the humane dispatch of animals. Where it is necessary to dispatch wildlife, semi-automatic firearms allow us to discharge multiple rounds in relatively quick succession resulting in increased effectiveness and less suffering for the animal.
25. The prohibition of the M4 is extremely concerning to me from a safety standpoint. As a Conservation Officer my safety and that of my fellow Officers is at risk on a daily basis. I am routinely deep in the bush on my own, facing the threat of wildlife including bears, wolves, cougars and other large game. The only means to protect myself from such wildlife, if attacked, is through the use of firearms.
26. As was the case when I was in the CAF, in order to ensure proficiency and efficient handling of the M4 during the course of my duties, I need to be able to train on my own time because of the relatively limited training time and ammunition we get during the course of our employment.
27. Until May 1, 2020, I continued to train on my M4. Because the M4 is the same platform of the firearm used in the course of my employment, the instinctual aspect of firearm use and marksmanship, which I detailed above, was refined and translated over exactly to my work as a Conservation Officer.
28. I can no longer use my M4 to train, since it is re-designation as prohibited under the Regulation. This is extremely concerning to me. Without being able to train, I will not

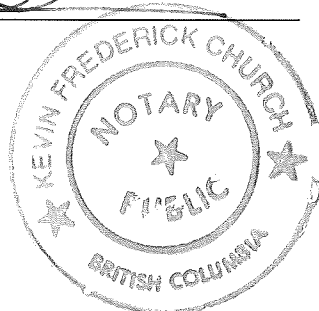
have the same level of proficiency and handling in using the M4 in the course of my employment. This will put both me and my fellow officers at risk.

29. The impact of the Regulation is not only to my safety and that of my fellow Officers, it also detrimentally impacts the management of wildlife. While the dispatch of wildlife is not our first response during encounters, it can be necessary where management, relocation or rehabilitation is not possible. If an animal is injured, humane dispatch may be the only means of ending the animal's suffering. Many of these animals can move at very quick speeds. A clean ethical kill requires both accuracy and the ability to sometimes fire two or three rounds in rapid succession.
30. To minimize the suffering that can occur from inflicting a non-lethal wound, it is best to use a semi-automatic firearm such as the M4 which significantly increases our chances of dispatching the animal quickly and humanely. In order to do so, I need to train to ensure that my skill in handling the firearm is as accurate as possible to minimize the animal's suffering. Without being able to train and practice on the M4, I know my level of proficiency and accuracy will decrease. The effects of being unable to train are almost immediate and within a couple of weeks of the Regulation being issued and being unable to train on my M4, I noted a decrease in both my proficiency and skill level.
31. To the best of my knowledge, there is simply no other legally available substitute firearm for me to train with that will allow for that same transfer of skill that the M4 and other equivalent firearms provide.

SWORN BEFORE ME at the community
of 150 Mile House, in the Province of
British Columbia, this 27th day of
August, 2020.



A Notary Public



ROBERT RONALD LEBLANC