

Chief firearms officer overstepped authority, judge rules

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Conditions placed on a capital-region shooting range by the province's chief firearms officer were unreasonable and redundant in some instances, a judge said in a decision striking them down.

The Springfield Sports Club Inc. operates a shooting range about 11 kilometres from Mactaquac Provincial Park, where members of the Fredericton Recreational Shooting Association go for target practice.

In December 2018, the group received its licence renewal from the chief firearms officer for the range, but it had 26 conditions attached to it.

Club president Tim Cairns told the Daily Gleaner on Tuesday the club felt the conditions were unnecessary and outside the firearms officer's purview. After unsuccessfully trying to rectify the matter through discussions, he said, the organization opted to take the issue to court for a review.

The province had argued the chief firearms officer (CFO) could impose whatever conditions she felt necessary to ensure public safety, but provincial court Chief Judge Mary Jane Richards said Tuesday they were superfluous, as just about all of them were already covered in firearms regulations that the range operator has to follow anyway.

"The CFO should respect the responsibility and authority of the operator," she said. "All conditions are hereby removed."

Richards also noted that according to the testimony of the current chief firearms officer, Lisa Rossignol, every shooting range in New Brunswick has had these impugned conditions imposed upon them.

"She confirmed that 19 New Brunswick ranges were approved in 2019, and all of them received approvals with the 26 conditions attached," the judge said in her decision.

"Some may have had slight variations on this set of conditions, but generally, this is a generic set of

conditions placed on all approvals of shooting ranges."

Richards said the CFO imposed conditions regarding user conduct, target heights and allowable types of targets, but those and other issues were all addressed in relevant regulations, and the range operator is already required to abide by them.

For example, she noted the CFO barred the club from using explosive targets. The group has already banned them at the range, but not because they're unsafe, but because they cause damage to the range infrastructure.

Explosive targets are sold legally in New Brunswick and used by hunters for target practice, the judge said, and if such targets posed a safety risk, they wouldn't be legal for others to use.

Richards sent one condition back to the chief firearms officer, and that was the ban on nighttime shooting at the Springfield range. The ban was imposed for public safety, but the judge noted there was no evidence that it's unsafe. Furthermore, she said, another local range at Base Gagetown does offer low-light shooting at night.

"Considering the placement of Springfield on a 30-hectare piece of land in the woods, it is implausible that any member of the public would be trudging around the range among swamp and trees at night," Richards said.

"It would be inconceivable that a member of the public would then make their way over the earth works of dirt backstops or berms to stumble onto the range."

The blanket ban on night shooting was arbitrary and unreasonable, the judge said, so she tasked the CFO with checking if appropriate precautions were in place for nighttime activity at the range.

Rossignol referred questions Tuesday to government lawyer Justin Wies, who noted his office still needed to review the full decision before any decisions are made on what happens next.