

SCC Court File Nos.: 41859, 41858, 41861, 41860

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)

BETWEEN:

**CANADIAN COALITION FOR FIREARM RIGHTS, RODNEY
GILTACA, RYAN STEACY, MACCABEE DEFENSE INC. and
WOLVERINE SUPPLIES LTD.**

APPELLANTS

- and -

ATTORNEY GENERAL OF CANADA

RESPONDENT

- and -

**ATTORNEY GENERAL OF ALBERTA, ATTORNEY GENERAL OF
SASKATCHEWAN AND ATTORNEY GENERAL OF ONTARIO,
CANADIAN CONSTITUTION FOUNDATION, CANADIAN SHOOTING
SPORTS ASSOCIATION, INTERNATIONAL PRACTICAL SHOOTING
CONFEDERATION CANADA, SAFARI CLUB INTERNATIONAL,
CANADIAN COALITION FOR GUN CONTROL, BRITISH COLUMBIA
CIVIL LIBERTIES ASSOCIATION, ONTARIO RIFLE ASSOCIATION,
CANADA'S NATIONAL FIREARMS ASSOCIATION**

INTERVENERS
(continued)

FACTUM OF THE INTERVENER
(SAFARI CLUB INTERNATIONAL, INTERVENER)
(Pursuant to Rule 42 of the *Rules of the Supreme Court of Canada*)

SUPREME ADVOCACY LLP

340 Gilmour St., Suite 100
Ottawa, ON K2P 0R3

Marie-France Major

Cory Giordano

Tel.: (613) 695-8855

Fax: (613) 695-8580

mfmajor@supremeadvocacy.ca

cgiordano@supremeadvocacy.ca

**Counsel for the Intervener,
Safari Club International**

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)

BETWEEN:

**CANADIAN COALITION FOR FIREARM RIGHTS, RODNEY
GILTACA, RYAN STEACY, MACCABEE DEFENSE INC. and
WOLVERINE SUPPLIES LTD.**

APPELLANTS

- and -

ATTORNEY GENERAL OF CANADA

RESPONDENT

- and -

**ATTORNEY GENERAL OF ALBERTA, ATTORNEY GENERAL OF
SASKATCHEWAN AND ATTORNEY GENERAL OF ONTARIO,
CANADIAN CONSTITUTION FOUNDATION, CANADIAN SHOOTING
SPORTS ASSOCIATION, INTERNATIONAL PRACTICAL SHOOTING
CONFEDERATION CANADA, SAFARI CLUB INTERNATIONAL,
CANADIAN COALITION FOR GUN CONTROL, BRITISH COLUMBIA
CIVIL LIBERTIES ASSOCIATION, ONTARIO RIFLE ASSOCIATION,
CANADA'S NATIONAL FIREARMS ASSOCIATION**

INTERVENERS

AND BETWEEN:

**CHRISTINE GENEROUX, JOHN PEROCCHIO,
VINCENT PEROCCHIO**

APPELLANTS

- and -

ATTORNEY GENERAL OF CANADA

RESPONDENT

- and -

**ATTORNEY GENERAL OF ALBERTA, ATTORNEY GENERAL OF
SASKATCHEWAN AND ATTORNEY GENERAL OF ONTARIO,
CANADIAN CONSTITUTION FOUNDATION, CANADIAN SHOOTING
SPORTS ASSOCIATION, INTERNATIONAL PRACTICAL SHOOTING
CONFEDERATION CANADA, SAFARI CLUB INTERNATIONAL,
CANADIAN COALITION FOR GUN CONTROL, BRITISH COLUMBIA
CIVIL LIBERTIES ASSOCIATION, ONTARIO RIFLE ASSOCIATION**

INTERVENERS

AND BETWEEN:

**JENNIFER EICHENBERG, DAVID BOT, LEONARD WALKER,
BURLINGTON RIFLE AND REVOLVER CLUB, MONTREAL
FIREARMS RECREATION CENTRE, INC. AND
O'DELL ENGINEERING LTD.**

APPELLANTS

- and -

ATTORNEY GENERAL OF CANADA

RESPONDENT

- and -

**ATTORNEY GENERAL OF ALBERTA, ATTORNEY GENERAL OF
SASKATCHEWAN, CANADIAN CONSTITUTION FOUNDATION,
CANADIAN SHOOTING SPORTS ASSOCIATION,
INTERNATIONAL PRACTICAL SHOOTING CONFEDERATION
CANADA, SAFARI CLUB INTERNATIONAL, CANADIAN
COALITION FOR GUN CONTROL, BRITISH COLUMBIA CIVIL
LIBERTIES ASSOCIATION, ONTARIO RIFLE ASSOCIATION**

INTERVENERS

AND BETWEEN:

**MICHAEL JOHN DOHERTY, NILS ROBERT EK, LINDSAY DAVID
JAMIESON, MARK ROY NICHOL and PETER CRAIG MINUK**

APPELLANTS

- and -

ATTORNEY GENERAL OF CANADA

RESPONDENT

- and -

**ATTORNEY GENERAL OF ALBERTA, ATTORNEY GENERAL OF
SASKATCHEWAN AND ATTORNEY GENERAL OF ONTARIO,
CANADIAN CONSTITUTION FOUNDATION, CANADIAN SHOOTING
SPORTS ASSOCIATION, INTERNATIONAL PRACTICAL SHOOTING
CONFEDERATION CANADA, SAFARI CLUB INTERNATIONAL,
CANADIAN COALITION FOR GUN CONTROL, BRITISH COLUMBIA
CIVIL LIBERTIES ASSOCIATION, ONTARIO RIFLE ASSOCIATION**

INTERVENERS

LOBERG ECTOR

2300, 635 – 8th Avenue SW
Calgary, AB T2P 3M3

Michael A. Loberg

Blair D. Ector

Francois C. Wessels

Tel: (403) 668-6561

mloberg@lobergector.com

bector@lobergector.com

fwessels@lobergector.com

**Counsel for the Appellants,
Canadian Coalition for Firearm Rights, et al.**

**CHRISTINE GENEROUX,
JOHN PEROCCHIO
VINCENT PEROCCHIO**

Appellants

**BOUCHELEV LAW PROFESSIONAL
CORPORATION**

181 University Avenue, Suite 2200
Toronto, ON M5H 3M7

Arkadi Bouchelev

Tel: (416) 594-1400

arkadi@bouchelevlaw.com

**Counsel for the Appellants,
Michael John Doherty, et al.**

SUPREME ADVOCACY LLP

340 Gilmour St., Suite 100
Ottawa, ON K2P 0R3

Marie-France Major

Tel.: (613) 695-8855

Fax: (613) 695-8580

mfmajor@supremeadvocacy.ca

**Agent for Counsel for the Appellants,
Canadian Coalition for Firearm Rights, et al.
Christine Generoux, et al and Michael John
Doherty, et al. and Jennifer Eichenberg,
et al.**

SUPREME ADVOCACY LLP

340 Gilmour St., Suite 100
Ottawa, ON K2P 0R3

Eugene Meehan, K.C.

Thomas Slade

Cory Giordano

Tel: (613) 695-8855

Fax: (613) 695-8580

emeehan@supremeadvocacy.ca

tslade@supremeadvocacy.ca

cgiordano@supremeadvocacy.ca

LEN WALKER

Barrister & Solicitor

101-270 Elm St

Sudbury, ON P3C 1V4

Tel: (249) 878-4854

len@lenwalkerlaw.ca

**Counsel for the Appellants,
Jennifer Eichenberg, et al.**

ATTORNEY GENERAL OF CANADA

Department of Justice Canada

National Litigation Sector

50 O'Connor Street

Ottawa, ON K1A 0H8

Zoe Oxaal

Amy Martin-LeBlanc

zoe.oxaal@justice.gc.ca

amy.martin-leblanc@justice.gc.ca

Counsel for the Respondent

ATTORNEY GENERAL OF CANADA

Department of Justice Canada

National Litigation Sector

275 Sparks Street, St-Andrew Tower

Ottawa, Ontario K1A 0H8

Bernard Letarte

Tel.: (613) 294-6588

SCCAgentCorrespondentCSC@justice.gc.ca

Agent for Counsel for the Respondent

**ATTORNEY GENERAL FOR
SASKATCHEWAN**
Constitutional Law Branch
Saskatchewan Justice and Attorney General
820 – 1874 Scarth Street
Regina, SK S4P 4B3

P. Mitch McAdam, K.C.
Tel: (306) 787-7846
mitch.mcadam@gov.sk.ca

**Counsel for the Intervener,
Attorney General for Saskatchewan**

BORDEN LADNER GERVAIS LLP
World Exchange Plaza
1300 – 100 Queen Street
Ottawa, ON K1P 1J9

Guy Pratte
Nadia Effendi
Matthew Schneider
Tel: (613) 787-3521
gpratte@blg.com
neffendi@blg.com
mschneider@blg.com

**ALBERTA JUSTICE CIVIL LITIGATION
TEAM**
Government of Alberta 9th Floor,
Peace Hills Trust 1710, 639-5th Ave SW
Calgary, AB T2P 0M9

Cynthia Hykaway
Tel: (403) 297-4433
Cynthia.Hykaway@gov.ab.ca

**Counsel for the Intervener,
Attorney General of Alberta**

GOWLING WLG (Canada) LLP
2600 – 160 Elgin St
Ottawa, ON K1P 1C3

Matthew Estabrooks
Tel.: (613) 786-0211
Fax: (613) 563-9869
matthew.estabrooks@gowlingwlg.com

**Agent for Counsel for the Intervener,
Attorney General for Saskatchewan**

BORDEN LADNER GERVAIS LLP
World Exchange Plaza
1300 – 100 Queen Street
Ottawa, ON K1P 1J9

Nadia Effendi
Tel: (613) 787-3521
neffendi@blg.com

**Agent for Counsel for the Intervener,
Attorney General for Alberta**

ATTORNEY GENERAL OF ONTARIO

Constitutional Law Branch
720 Bay Street, 4th Floor
Toronto, ON M7A 2S9

Padraic Ryan**Hera Evans**

Tel: (416) 894-5276
Fax: (416) 326-4015
padraic.ryan@ontario.ca
hera.evans@ontario.ca

**Counsel for the Intervener,
Attorney General of Ontario**

BAKER & MCKENZIE LLP

Brookfield Place
181 Bay Street, Suite 2100
Toronto, ON M5J 2T3

George Avraam**Rana Aly****Tiana Gleason**

Tel: (416) 865-6935
Fax: (416) 863-6275
george.avraam@bakermckenzie.com

**Counsel for the Intervener,
Canadian Constitution Foundation**

EDWARD L. BURLEW, LL.B.

Barrister & Solicitor
11 Blueberry Lane
King City, ON L7B 1C5
Tel: (905) 833-2221
burlelaw@gmail.com

**Counsel for the Intervener,
Canadian Shooting Sports Association**

JURISTES POWER LAW

50 O'Connor Street, Suite 1313
Ottawa, ON K1P 6L2

Darius Bossé

Tel.: (613) 702-5566
Fax: (613) 702-5566
dbosse@juristespower.ca

**Agent for Counsel for the Intervener,
Attorney General of Ontario**

GOWLING WLG (Canada) LLP

160 Elgin Street, Suite 2600
Ottawa, ON K1P 1C3

Graham Ragan

Tel: (613) 786-8699
Fax: (613) 563-9869
graham.ragan@gowlingwlg.com

**Agent for Counsel for the Intervener,
Canadian Constitution Foundation**

SUPREME ADVOCACY LLP

340 Gilmour St., Suite 100
Ottawa, ON K2P 0R3

Marie-France Major**Cory Giordano**

Tel.: (613) 695-8855
Fax: (613) 695-8580
mfmajor@supremeadvocacy.ca
cgiordano@supremeadvocacy.ca

**Agents for Counsel for the Intervener,
Canadian Shooting Sports Association**

SUPREME ADVOCACY LLP

340 Gilmour St., Suite 100
Ottawa, ON K2P 0R3

Marie-France Major

Cory Giordano

Tel.: (613) 695-8855

Fax: (613) 695-8580

mfmajor@supremeadvocacy.ca

cgiordano@supremeadvocacy.ca

**Counsel for the Intervener,
International Practical Shooting
Confederation Canada**

OSLER, HOSKIN & HARCOURT LLP

Suite 2500, TransCanada Tower
450 - 1st Street S.W.
Calgary, AB T2P 5H1

Thomas D. Gelbman

Mia Bertanjoli

Rebecca Orsini

Tel: (403) 260-7000

Fax: (403) 260-7024

tgelbman@osler.com

**Counsel for the Intervener,
Canadian Coalition for Gun Control**

OSLER, HOSKIN & HARCOURT LLP

World Exchange Plaza
100 Queen St, 6th Floor
Ottawa ON K1P 1J9

Leah McGurn

Tel: (613) 787-1023

lmcgurn@osler.com

**Agent for Counsel for the Intervener,
Canadian Coalition for Gun Control**

OSLER, HOSKIN & HARCOURT LLP

Suite 3000, Bentall 4
1055 Dunsmuir Street
Vancouver, BC V7X 1K8

Emily MacKinnon

Emily Wang

Simone Penney

Tel: (604) 692-2705

Fax: (778) 785-2745

emackinnon@osler.com

**Counsel for the Intervener,
British Columbia Civil Liberties
Association**

OSLER, HOSKIN & HARCOURT LLP

Suite 320, 100 Queen Street
World Exchange Plaza
Ottawa, ON K1P 1J9

Kaitlyn Margison

Tel: (613) 787-1102

Fax: (416) 862-6666

kmargison@osler.com

**Agent for Counsel for the Intervener,
British Columbia Civil Liberties Association**

SUPREME ADVOCACY LLP

340 Gilmour St., Suite 100
Ottawa, ON K2P 0R3

Marie-France Major

Cory Giordano

Tel.: (613) 695-8855

Fax: (613) 695-8580

mfmajor@supremeadvocacy.ca

cgiordano@supremeadvocacy.ca

**Counsel for the Intervener,
Ontario Rifle Association**

GRATL & COMPANY

511-55 East Cordova Street
Vancouver, BC V6A 0A5

Jason Gratl

Tel: (604) 694-1919

Fax: (604) 608-1919

jason@gratlandcompany.com

**Counsel for the Intervener,
Canada's National Firearms Association**

TABLE OF CONTENTS

	Page
MEMORANDUM OF ARGUMENT	1
PART I – OVERVIEW & STATEMENT OF FACTS	1
PART I – STATEMENT OF ISSUES	2
PART III – STATEMENT OF ARGUMENT	2
A. AR-Platform rifles are commonly used hunting firearms.....	2
B. The Regulations also prohibit numerous other firearms routinely used by hunters	6
PART IV – SUBMISSION ON COSTS	9
PART V – ORDER REQUESTED	9
PART VI – TABLE OF AUTHORITIES	10

PART I – OVERVIEW & STATEMENT OF FACTS

1. Safari Club International (“SCI”) respectfully makes this submission on behalf of its thousands of members who, until recently, lawfully owned and used many of the firearms now prohibited under 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, and the related Order in Council, P.C. 2020-298 (collectively, the “Regulations”).
2. SCI’s members include hunters, outfitters, guides, conservationists, and sport shooters throughout Canada and the rest of the world who wish to hunt in Canada. Their interest in using the firearms prohibited by the Regulations are significantly harmed, particularly because those firearms are commonly used in Canada for hunting or sporting purposes.
3. As explained below, the Regulations capture numerous firearms that law-abiding hunters and shooters have long owned and used for legitimate sporting purposes. Many of the affected firearms are commonplace hunting tools rather than unusual or specialized weapons. The ban unduly damages hunter participation, the advancement of wildlife management objectives, conservation funding, and Canada’s nearly \$6 billion hunting economy. These consequences reinforce the need to apply the *Criminal Code*’s limitation concerning firearms that are reasonable for use in Canada for hunting or sporting purposes.
4. To this last point: hunting generates significant economic and conservation benefits in Canada, and this Court should not ignore that impact. One study found that hunting contributes nearly \$6 billion annually to the Canadian economy and supports approximately 37,000 jobs. Hunting guides host more than **300,000 non-resident hunters each year**, generating substantial economic activity in rural and remote communities.¹ The challenged Regulations therefore affect not only individual firearm owners but also the broader conservation and economic benefits that flow from lawful hunting.

¹ The Conference Board of Canada, [The Economic Footprint of Angling, Hunting, Trapping and Sport Shooting in Canada](#) (2018).

PART II – STATEMENT OF ISSUES

5. One of the questions before this Court is whether the prohibited firearms are reasonable for use in Canada for hunting or sporting purposes.

6. That inquiry requires attention to the firearms’ design, lawful uses, prevalence among hunters and sport shooters, and suitability for hunting conditions in Canada.

7. Evidence that a firearm is routinely and lawfully used for those purposes bears directly on whether the Regulations permissibly classify a firearm as prohibited. It forms part of the context against which this Honourable Court can assess the reasonableness of the decision that these same firearms are not “reasonable for use in Canada for hunting or sporting purposes” under the *Criminal Code*.²

PART III – STATEMENT OF ARGUMENT

A. AR-Platform rifles are commonly used hunting firearms.

8. AR-platform rifles possess characteristics relevant to lawful hunting: they are accurate, lightweight, reliable, and characterized by relatively mild recoil. Their modular design permits hunters to configure the firearm for different calibres, game species, and hunting conditions. These characteristics make the platform especially attractive to younger hunters, women, elderly hunters, and individuals with physical limitations. But they are attractive to all hunters—as demonstrated by their prevalence. The evidence should therefore be assessed by reference to the platform’s actual sporting uses, rather than its appearance or political characterization.

9. Significantly, the U.S. Supreme Court is presently considering challenges to state prohibitions on substantially similar semi-automatic firearms. In *Viramontes v. Cook County, Illinois*,³ the U.S. Supreme Court accepted a petition to review two local regulations that ban possession of semi-automatic firearms with similar attributes to those banned by the Regulations. One of the primary issues before the U.S. Supreme Court is whether these firearms are in common

² *Criminal Code*, s. [117.15\(2\)](#).

³ *Cutberto Viramontes, et al., Petitioners v. Cook County, Illinois, et al.*, [No. 25-238](#); consolidated with *Grant v. Higgins*, [No. 25-566](#).

use among the American public.⁴ And the submitted briefs answer that question with a resounding “yes.”⁵

10. This popularity is not surprising, given that semi-automatic firearms have existed since the 19th century.⁶ The AR-15 itself is a senior citizen: it was introduced to the civilian market in the 1960s and has remained commercially available for decades. Unlike the firearm that inspired it, the civilian AR-15 fires only one round with each trigger pull.⁷ Thus, despite the politically charged label of being an “assault weapon,”⁸ the AR-15 operates in the same manner as countless other semiautomatic firearms that are unquestionably in common civilian use.

11. The letters “AR” stand for “ArmaLite Rifle,” not “assault rifle.” The AR was first developed by the ArmaLite Corporation and originally produced by Colt. AR-platform rifles fall squarely within the category of arms that are “typically possessed by law-abiding citizens for lawful purposes.”⁹ As the U.S. Supreme Court recently observed, “the AR-15 is the most popular rifle in the country,” and firearms of this type are “widely legal and bought by many ordinary

⁴ The U.S. Supreme Court’s test is not so different from this Court’s. It is evaluating whether the challenged firearms are “in common use today” or are “highly unusual.” *N.Y. State Rifle & Pistol Ass’n v. Bruen*, [597 U.S. 1, 21, 47 \(2022\)](#). This Court is similarly considering whether the banned firearms are common or “reasonable” for use for hunting or sporting purposes.

⁵ Although those submissions are not findings of fact by this Court, the underlying surveys and industry data may assist in evaluating prevalence and lawful sporting use.

⁶ D.B. Kopel & J.G.S. Greenlee, [The History of Bans on Types of Arms Before 1900](#), 50 J. Legis. 223, 282 (2024); see also *Duncan v. Becerra*, [970 F.3d 1133, 1147 \(9th Cir. 2020\)](#), *reh’g en banc granted, opinion vacated*, 988 F.3d 1209 (9th Cir. 2021), *cert. granted, judgment vacated*, 142 S. Ct. 2895 (9th Cir. 2022).

⁷ See *Garland v. Cargill*, [602 U.S. 406, 416 \(2024\)](#).

⁸ D.B. Kopel, [Machine Gun History and Bibliography](#), 25 Wyo. L. Rev. 45, 103 (2025). The term “assault weapon” was first used by a politician, not a manufacturer, to trigger “the public’s confusion over fully automatic machine guns versus semi-automatic” firearms. J. Sugarmann, [Assault Weapons and Accessories in America](#) (1988); *Stenberg v. Carhart*, [530 U.S. 914, 1001 n.16 \(2000\)](#) (Thomas, J., dissenting).

⁹ *District of Columbia v. Heller*, [554 U.S. 570, 625 \(2008\)](#).

consumers.”¹⁰ Although the U.S. constitutional questions differ from those before this Court, the factual record developed in those cases similarly addresses whether such firearms are commonly possessed and commonly used for lawful purposes.

12. The evidence presented in the U.S. Supreme Court shows that civilian ownership of AR-platform rifles is not only common but reasonable given the light, comfortable, and adaptable design. For example, a 2022 Washington Post-IPSOS survey found that approximately 20% of U.S. firearm owners possessed an AR-style rifle, representing roughly 16 million individuals.¹¹ A separate nationwide survey (the “English survey”) estimated that approximately 24.6 million Americans had owned an AR-platform rifle or a similar firearm.¹² Industry analyses are even higher: that over 30 million such rifles have been produced for the American civilian market since 1990.¹³ These figures place AR-platform rifles among the “most popular rifle in American history.”¹⁴

13. Retail sales data confirm the same conclusion. For more than a decade, AR-platform rifles have consistently represented approximately 20% of all firearm sales in the U.S.¹⁵ Such sustained demand demonstrates that these firearms are not niche products owned by a small group of enthusiasts. Rather, they are ordinary civilian firearms selected by millions of law-abiding owners.

14. Equally important, these firearms are not merely owned; they are actively used.¹⁶ A substantial majority of owners regularly shoot their rifles and millions of Americans use these

¹⁰ *Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos*, [605 U.S. 268, 297 \(2025\)](#).

¹¹ Wash. Post-IPSOS, [Poll of Current Gun Owners](#), (Sept. 30, 2022).

¹² W. English, [2021 National Firearms Survey: Updated Analysis Including Types of Firearms Owned](#) 33, Georgetown Univ. Rsch. Paper NO. 4109494 (May 13, 2022).

¹³ National Shooting Sports Foundation, [Firearm Production in the United States With Firearm Import and Export Data](#) (2023).

¹⁴ *Duncan v. Becerra*, [970 F.3d 1133, 1148 \(9th Cir. 2020\)](#), *reh’g en banc granted, opinion vacated*, 988 F.3d 1209 (9th Cir. 2021), *cert. granted, judgment vacated*, 142 S. Ct. 2895 (9th Cir. 2022).

¹⁵ National Shooting Sports Foundation, [2021 Firearms Retailer Survey Report](#) 9 (2021); *Bianchi v. Brown*, [111 F.4th 438, 517 \(4th Cir. 2024\)](#) (Richardson, J., dissenting).

¹⁶ National Shooting Sports Foundation, [Modern Sporting Rifle: Comprehensive Consumer Report](#) 41 (2022); National Shooting Sports Foundation, [Sport Shooting Participation in the U.S. in 2020](#) iii (2021).

firearms annually for recreational shooting and related sporting activities. Hunting is among those sporting activities and one of the principal reasons Americans state that they own AR-platform rifles. The Washington Post-IPSOS survey found that approximately 48% of AR-platform owners use their rifles for hunting.¹⁷ Likewise, the English survey found that approximately one-half of owners possessed the rifles for hunting purposes.¹⁸ Industry surveys similarly identify hunting, particularly predator and varmint hunting, as one of the leading reasons for ownership.¹⁹ The popularity of the platform among hunters is unsurprising. Courts and commentators have recognized that AR-platform rifles are valued for their accuracy, light weight, low recoil, and adaptability.²⁰ Unlike a traditional bolt-action rifle limited to a single configuration and calibre, an AR-platform firearm can be adapted to different lawful hunting applications through changes in calibre, optics, and other components.²¹ Hunters commonly use the rifles for coyotes, feral hogs, prairie dogs, and other predator or varmint species.²² In jurisdictions where permitted, hunters also use AR-platform rifles chambered in lawful calibres for deer and other medium-sized game.²³

15. These characteristics help explain why AR-platform rifles have become a common choice among hunters. The evidence, presented both to the U.S. Supreme Court and this Court, demonstrates that AR-platform rifles are not unusual firearms. They are among the most widely owned rifles in North America and have become firmly embedded in mainstream hunting and sporting culture.

¹⁷ Wash. Post, IPSOS, [Poll of Current Gun Owners](#), (Sept. 30, 2022).

¹⁸ W. English, [2021 National Firearms Survey: Updated Analysis Including Types of Firearms Owned](#) 33 (2022).

¹⁹ National Shooting Sports Foundation, [Modern Sporting Rifle: Comprehensive Consumer Report](#) 18 (2022); *see also* *Ass'n of N.J. Rifle & Pistol Clubs, Inc. v. Att'y Gen. N.J.*, [183 F.4th 211, 241–42 \(3d Cir. 2026\)](#).

²⁰ *Ass'n of N.J. Rifle & Pistol Clubs, Inc. v. Att'y Gen. N.J.*, [183 F.4th 211, 241–42 \(3d Cir. 2026\)](#) (discussing AR-platform firearms and finding evidence showed “their build and design features, such as their mild recoil, ergonomics, and accuracy make them ‘a good choice for self-defense’”).

²¹ NRA Hunters’ Leadership Forum, [Why Your Next Hunting Rifle Should be an AR-15](#) (Feb. 25, 2025).

²² B. Hendricks, [Varmint/Predator Hunting is a Moving Target](#) (2022).

²³ NRA Hunters’ Leadership Forum, [Why Your Next Hunting Rifle Should be an AR-15](#) (Feb. 25, 2025).

16. Nor are these firearms highly unusual or dangerous. Evidence presented to the U.S. Supreme Court confirms that, despite their widespread popularity, AR-platform rifles are *not* commonly used for unlawful purposes. According to the FBI Crime Data Explorer, there were 161,863 homicides in the United States in the last decade.²⁴ Of those, 4,227 were conducted with a rifle—an average of 423 per year. That is far less than the number of homicides committed with handguns (68,273 over the past decade or 6,827 per year), knives (15,600 over the past decade or 1,560 per year), or even personal weapons like hands and feet (6,818 over the past decade or 682 per year).

17. Data from Canada similarly shows that rifles are rarely used for unlawful purposes. According to data from Statistics Canada, in 2021 there were 788 homicides in Canada. Forty percent of those deaths were by shooting, and 26% of those shooting deaths involved rifles and shotguns.²⁵ In other words, rifles were used (at most) in 82 homicides in Canada in 2021.

B. The Regulations also prohibit numerous other firearms routinely used by hunters.

18. The Regulations apply not only to certain semi-automatic firearms but also to firearms with a muzzle energy greater than 10,000 joules, a bore diameter of 20 millimeters or more, or the capacity to accept a detachable magazine holding more than five cartridges. Consequently, the measure encompasses a broad range of commonly used hunting arms, including the Benelli M1 Super 90 shotgun, the Ruger Min-14, the Weatherby Mark V, and the SKS, among countless others.

19. SCI's members pursue large and dangerous game species throughout the world. Many of those hunters use traditional “safari calibre” rifles designed for the ethical harvest of dangerous game. Some of these firearms exceed the muzzle-energy thresholds established by the Regulations. For example, the Weatherby Mark V can be chambered in a .460 Weatherby Magnum, commonly used for hunting Cape buffalo in Africa and grizzly bear in North America. This calibre produces a muzzle energy greater than 10,000 joules. But this firearm is not unusual. Rather, it is a

²⁴ U.S. Federal Bureau of Investigation, [Expanded Homicides Reported in the United States](#) (Sept. 15, 2026).

²⁵ Statistics Canada, [Firearms and Violent Crime in Canada, 2021](#) (Dec. 12, 2022).

conventional sporting firearm whose purpose is hunting. Weatherby is a well-known manufacturer of hunting firearms—not military weapons, and this firearm-and-ammunition combination is used regularly for big game species.

20. Restricting firearms based on joules is especially problematic given that muzzle energy changes with the mass and velocity of a bullet. Heavier bullets tend to have more muzzle energy than lighter ones, but the velocity of the bullet exiting the muzzle has a greater bearing on muzzle energy than weight.²⁶ Simply put, under the Regulations the same firearm can be legal with one bullet and prohibited with another. It is fundamentally unfair and undoubtedly unlawful to require hunters to know the exact joules of every calibre and bullet combination for a commonly and historically owned firearm—especially when those hunters are not Canadians but are Americans or others coming to Canada to hunt big game.

21. Further, the list of prohibited firearms includes single-shot and bolt-action guns like the Ruger No. 1 and the Weatherby Mark I, II, and V. These firearms are obviously not for military use—they are traditional hunting rifles. Break open and double barrel rifles, typically collected or used on safari in Africa, are also prohibited. These are likewise configured exclusively for sporting use.

22. Similarly, the Regulations affect numerous firearms capable of accepting magazines that can hold more than five cartridges. Many of those firearms are commonly owned hunting rifles that have been used safely and lawfully for decades. Their ability to accept a larger-capacity magazine does not alter their fundamental character as ordinary hunting firearms. For example, the SKS—Canada’s most popular centerfire, semi-automatic rifle, commonly used by indigenous and subsistence hunters²⁷—is illegal under the Regulations. The restriction is not based on the fact it is a semi-automatic rifle, but because it was originally designed and is able to hold more than five bullets.

23. Just as for semi-automatic firearms, numerous U.S. courts have also found that magazines with the capacity to hold more than five bullets are in common use. According to the Third Circuit

²⁶ Sig Sauer, [Muzzle Energy](#) (2026).

²⁷ J. Sillars, [What Hunters Need to Know About the Canadian Rifle Ban](#) (Dec. 6, 2022).

Court of Appeals—one of the intermediate U.S. courts just below the Supreme Court — “‘millions of magazines are owned, often come factory standard with semi-automatic weapons, [and] are typically possessed by law-abiding citizens for hunting, pest-control, and occasionally self-defense.’” ... the 24 million AR-15s and similar sports rifles in circulation ... typically come standard with twenty- or thirty-round magazines. And there are over 100 million 30-round AR-15 magazines in circulation.”²⁸

24. Similarly, the Court of Appeals for the Ninth Circuit found that: “L[arge] C[apacity] M[agazine]s are commonly owned and typically used for lawful purposes, i.e., not unusual ... [N]early half of all magazines in the United States today hold more than ten rounds of ammunition. And the record shows that such magazines are overwhelmingly owned and used for lawful purposes.”²⁹ The Court traced historical evidence showing that “[f]irearms or magazines holding more than ten rounds have been in existence — and owned by American citizens — for centuries.”³⁰ Among other examples, “[t]he Girandoni air rifle, developed in 1779, had a 22-round capacity and was famously carried on the Lewis and Clark expedition. In 1821, the Jennings multi-shot flintlock rifle could fire 12 shots without reloading. Around the late antebellum period, one variant of the Belgian Mariette Repeating Pepperbox could fire 18 shots without reloading.”³¹

25. The Courts’ conclusions emphasize that firearms are not “military grade,” dangerous, or unusual simply because they are capable of holding more than five cartridges. That is actually a regular, common, and practical attribute for firearms used not only for recreational shooting and hunting, but even for self-defense. The Regulations’ emphasis on this characteristic is misplaced, and over-burdens firearms that are “reasonable for use in Canada for hunting or sporting purposes.”

²⁸ *Ass’n of N.J. Rifle & Pistol Clubs, Inc. v. Att’y Gen. N.J.*, [183 F.4th 211, 249–50 \(3d Cir. 2026\)](#) (citation omitted).

²⁹ *Duncan v. Becerra*, [970 F.3d 1133, 1147–48 \(9th Cir. 2020\)](#), *reh’g en banc granted, opinion vacated*, 988 F.3d 1209 (9th Cir. 2021), *cert. granted, judgment vacated*, 142 S. Ct. 2895 (9th Cir. 2022).

³⁰ *Ibid.*

³¹ *Ibid.*

26. In short, the firearms captured by the Regulations are not rare, unusual, or exotic weapons. They are commonly owned, commonly used, and commonly selected by hunters for lawful sporting purposes.

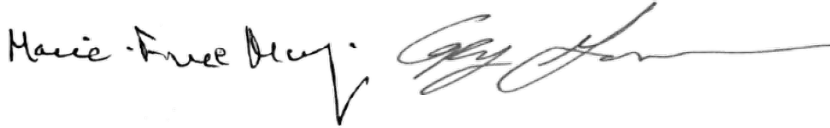
PART IV – SUBMISSION ON COSTS

27. SCI does not seek costs and asks that no costs be awarded against it.

PART V – ORDER REQUESTED

28. SCI takes no position on the ultimate disposition of this appeal.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 18th day of September, 2026.

A handwritten signature in black ink, appearing to read "Marie-France Dugay", is written over a horizontal line.

**Counsel for the Intervener,
Safari Club International**

PART VI – TABLE OF AUTHORITIES

CASES	CITED AT PARAGRAPH NO.
<i>Ass’n of N.J. Rifle & Pistol Clubs, Inc. v. Att’y Gen. N.J.</i> , 183 F.4th 211, 241–42 (3d Cir. 2026)	14, 23
<i>Bianchi v. Brown</i> , 111 F.4th 438, 517 (4th Cir. 2024)	13
<i>Cutberto Viramontes, et al., Petitioners v. Cook County, Illinois, et al.</i> No. 25-238	9
<i>District of Columbia v. Heller</i> , 554 U.S. 570, 625 (2008)	11
<i>Duncan v. Becerra</i> , 970 F.3d 1133 (9th Cir. 2020) , <i>reh’g en banc granted, opinion vacated</i> , 988 F.3d 1209 (9th Cir. 2021), <i>cert. granted, judgment vacated</i> , 142 S. Ct. 2895 (9th Cir. 2022)	10, 12, 24
<i>Garland v. Cargill</i> , 602 U.S. 406, 416 (2024)	10
<i>Grant v. Higgins</i> , No. 25-566	9
<i>N.Y. State Rifle & Pistol Ass’n v. Bruen</i> , 597 U.S. 1, 21, 47 (2022)	9
<i>Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos</i> , 605 U.S. 268, 297 (2025)	11
<i>Stenberg v. Carhart</i> , 530 U.S. 914, 1001 n.16 (2000)	10
SECONDARY SOURCES	
B. Hendricks, Varmint/Predator Hunting is a Moving Target (2022)	14
D.B. Kopel & J.G.S. Greenlee, The History of Bans on Types of Arms Before 1900 , 50 J. Legis. 223, 282 (2024)	10
D.B. Kopel, Machine Gun History and Bibliography , 25 Wyo. L. Rev. 45, 103 (2025)	10
J. Sillars, What Hunters Need to Know About the Canadian Rifle Ban (Dec. 6, 2022)	22
J. Sugarman, Assault Weapons and Accessories in America (1988)	10
National Shooting Sports Foundation, 2021 Firearms Retailer Survey Report 9 (2021)	13
National Shooting Sports Foundation, Firearm Production in the United States With Firearm Import and Export Data (2023)	12

National Shooting Sports Foundation, Modern Sporting Rifle: Comprehensive Consumer Report 18 (2022)	14
National Shooting Sports Foundation, Sport Shooting Participation in the U.S. in 2020 iii (2021)	14
NRA Hunters' Leadership Forum, Why Your Next Hunting Rifle Should be an AR-15 (Feb. 25, 2025)	14
Sig Sauer, Muzzle Energy (2026)	20
Statistics Canada, Firearms and Violent Crime in Canada, 2021 (Dec. 12, 2022)	17
The Conference Board of Canada, The Economic Footprint of Angling, Hunting, Trapping and Sport Shooting in Canada (2018)	4
U.S. Federal Bureau of Investigation, Expanded Homicides Reported in the United States (Sept. 15, 2026)	16
W. English, 2021 National Firearms Survey: Updated Analysis Including Types of Firearms Owned 33 (2022)	12, 14
Wash. Post-IPSOS, Poll of Current Gun Owners , (Sept. 30, 2022)	12, 14
LEGISLATION	SECTION(S)
514.54 Federal Act of 20 June 1997 on Weapons, Weapon Accessories and Ammunition (Weapons Act, WA)	28d
<i>Criminal Code</i> , RSC 1985, c C-46 <i>Code criminel</i> , LRC 1985, c C-46	117.15(2) 117.15(2)
Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons (codification) Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons (codification)	9(6) 9(6)
<i>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</i> , PC 2020-298 <i>Règlement modifiant le Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction</i> : 2020-298	

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](#)

Règlement modifiant le Règlement désignant des armes à feu, armes, éléments ou pièces d'armes, accessoires, chargeurs, munitions et projectiles comme étant prohibés, à autorisation restreinte ou sans restriction : [DORS/2020-96](#)