



March 29, 2012

Via email: lcjc@sen.parl.gc.ca

The Honourable John D. Wallace
Chair, Senate Committee on Legal and Constitutional Affairs
The Senate of Canada
Ottawa, ON K1A 0A4

Dear Senator Wallace,

Re: Bill C-19, *Ending the Long-gun Registry Act*

I am writing on behalf of the Canadian Bar Association's National Criminal Justice Section (CBA Section) regarding Bill C-19, *Ending the Long-gun Registry Act*. The CBA is a national association of over 37,000 lawyers, notaries, students and law teachers, with a mandate to promote improvements in the law and the administration of justice. Members of the CBA Section include both prosecutors and defense counsel from every province and territory in Canada, as well as legal academics specializing in criminal law.

The CBA Section's views about Bill C-19 are set out in our submission to the House of Commons Standing Committee on Public Safety and National Security, attached. The submission raises several concerns, but does not address the Senate Committee's specific questions. We believe that Justice Canada officials are better placed to respond.

However we would like to address the issue of police use of business records instead of the registry to investigate firearms offences. We do not believe that business records are a satisfactory substitute for the registry for the following reasons:

1. It is unlikely that businesses have kept sales records in the past because the registry made them redundant, so only new sales could be captured by obtaining business records.
2. A large number of businesses in Canada sell firearms. It would be impossible for police forces to contact each business to get sales records. The need for centralized records was one reason for creating the registry.
3. Business records do not capture private sales of firearms from one individual to another.
4. The only proper way to determine who owns a specific firearm is not through haphazard business records but through a central government registry.

Thank you for considering the CBA Section's concerns, and I trust that our submission will be useful in your deliberations.

Yours truly,

(original signed by Gaylene Schellenberg for Daniel A. MacRury)

Daniel A. MacRury
Chair, National Criminal Justice Section

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November 23, 2011

Via email: SECU@parl.gc.ca

Kevin Sorenson, M.P.
Chair, Standing Committee on Public Safety and National Security
Sixth Floor, 131 Queen Street
House of Commons
Ottawa, ON K1A 0A6

Dear Mr. Sorenson,

Re: Bill C-19 – Ending the Long-Gun Registry Act

I am writing on behalf of the Canadian Bar Association's National Criminal Justice Section (CBA Section) to provide our views on Bill C-19, *Ending the Long-Gun Registry Act*. The Canadian Bar Association is a national association representing over 37,000 jurists, including lawyers, notaries, law teachers and students across Canada. The CBA's primary objectives include the improvement in the law and administration of justice. The CBA Section consists of prosecutors and defence lawyers from all parts of Canada.

The CBA Section supports retaining the firearms registry. If enacted, Bill C-19 would change the law to require the registration of a firearm only if it is a restricted or prohibited weapon.

The CBA has supported measures to control the use and ownership of guns in Canada for decades.¹ The CBA favours responsible and limited gun ownership, viewing gun ownership as a privilege, rather than a right. The CBA endorses an efficient, cost effective system to register all firearms.²

Requiring registration will continue to improve public safety and ensure appropriate accountability of firearms owners.

If Bill C-19 were enacted, the whereabouts of millions of firearms currently registered or required to be registered would no longer be known. They will in effect simply "disappear," and become impossible to locate through a public registry. The Quebec government has recently expressed opposition to the loss of data that will result if the firearms registry and its supporting data are destroyed.³

¹ See for example, CBA Resolutions: 90-23-M, Firearms Control; 93-07-M, Prohibition of Handguns, and Submissions to the House of Commons and Senate on Bill C-68, *Firearms Act* (Ottawa: CBA, 1995).

² See, letter regarding Bill C-68 from CBA President G. Proudfoot to Senator Beaudoin (Ottawa: CBA, 1995).

³ See, for example, "Defiant Quebec digs in against Harper's plan to destroy long-gun data" 3 November 2011, *Globe and Mail* at <http://m.theglobeandmail.com/news/politics/shareTweet/article2224891/?service=mobile>.

The CBA Section views this as a large step backward, impeding the police in being able to prevent the illegal use or sale of firearms. Resources for police, rather than amendments to the *Criminal Code*, are more likely to advance the laudable goal of improved public safety. Repealing the firearms registry would make it more difficult for police to anticipate the presence of firearms when called to the scene of a potentially violent crime. This would reduce community safety in general, and police safety in particular.

The Royal Canadian Mounted Police conducted a program evaluation of the Canadian Firearms Program. The final approved report of their evaluation was dated February 2010. It stated:

The firearms registry is a useful tool for law enforcement, providing:

- Officer safety: It ensures police are better equipped to respond to, for example a situation of domestic violence, assess potential safety risks and confirm the possible presence of firearms and their legal status.
- Investigative support: (tracing firearms, affidavits to support prosecutions) Police would otherwise have to search manually through thousands of retail records to find the source of any firearm recovered at a crime scene. Computerized and centralized registration provides for quick searches. If stolen, knowing the source of the firearm provides police with a valuable starting point for their investigation.
- Improved public safety: (seizure of firearms in situations of domestic or mental health breakdowns) People can be negatively affected by a number of factors, including job loss, divorce or other forms of socio-economic stress, that may increase the risk of firearms misuse.⁴

It is important for Canadians to understand what is at stake. Victims of gun violence, including the many who continue to die as a result of domestic violence involving guns, should not be forgotten in considering Bill C-19.⁵ Canada cannot combat illegal guns without first having an effective system to control legal guns.⁶ While firearm violence remains a concern in Canada, rates of gun crime, homicide and death have fallen significantly over the last decade, in part because of stricter control on firearms.⁷

Canada's firearms registry allows for the screening of legal gun owners, increases their accountability and provides tools to prevent the diversion and misuse of firearms. While we do not doubt that improvements could be made to the registry's efficiency and cost effectiveness, this does not warrant eliminating the registry as proposed.

Thank you for the opportunity to participate in the review of Bill C-19.

Yours truly,

(original signed by Gaylene Schellenberg for Daniel A. MacRury)

Daniel A. MacRury
Chair, National Criminal Justice Section

⁴ See <http://www.rcmp-grc.gc.ca/pubs/fire-feu-eval/eval-eng.pdf> at 17, 18.

⁵ In the CBA's 1995 submission about Bill C-68, we said, "We are concerned with the incidence of domestic violence in Canada, and note that 40% of women killed by their husbands are shot, many with weapons which are legally owned", citing *Domestic Homicides Involving the Use of Firearms* (Ottawa: Department of Justice, March 1992) (Ottawa: CBA, 1995) at 4.

⁶ The US experience is a case in point.

⁷ See <http://www.statcan.gc.ca/daily-quotidien/080220/dq080220b-eng.htm>.