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The Not-So-Slippery Slope: Canada Abandons the Long-Gun Registry

INTRODUCTION

In March of this year, Canada deliberately stepped back from the slippery slope by scrapping its infamous long-gun registry. This historic reversal honored a longstanding campaign promise. The Conservative victory in 2010 ended decades of Liberal rule and promises to reshape Canada. Prime Minister Harper vowed to change the gun laws to focus more on criminals than hunters and farmers.

By ending its long-gun registry, Canada shocked anti-gun organizations and undermined claims about the inevitability of ever-increasing restrictions on civilian guns. Canada's first truly Conservative government has also scandalized so-called "progressives" by expanding individual rights to defend oneself and one's property, cracking down on violent crime with tough new laws, and casting cold water on feel-good initiatives such as the Arms Trade Treaty and the UN's Programme of Action on Small Arms and Light Weapons (SALW).

Canada joins New Zealand as one of the few countries that have rolled back civilian gun laws, and in so doing defying strong and pervasive international anti-gun forces. In the past decades law-abiding citizens in Australia, England, and continental Europe have been subjected to ever more onerous restrictions. The pattern is well known and repetitious: a multiple-person shooting dominates the media for a few weeks or months and resulted in yet another reduction in civilian gun rights. Outside of the United States, there is little public debate since virtually no reputable organization will speak up to defend gun owners. The free world slides ever closer to disarming law-abiding civilians in an attempt to protect them from violence.

In this article I review the recent changes in Canada's gun laws and place them in historical context. Radical feminism played a dominant role in shaping Canada's contemporary gun laws, but other forces, including antipathy to the United States, were behind earlier restrictions on firearms. In the second section, I review the

empirical evidence supporting (or undermining) the leading claims made about the long-gun registry in the recent debates.

In conclusion, I argue that Canada demonstrates how it is possible to oppose socialistic or statist policies that have progressively reduced responsible citizens to supplicants. Perhaps it is possible to defy the ever-slippery slope (Kopel and Olson 1999)?

HISTORY OF CANADIAN GUN LAWS

Canada has long been counted among the countries that have been gradually tightening the noose on civilian gun owners. As is typical for countries in the British Commonwealth, the Canadian Charter of Rights and Freedoms provides less protection for individual rights than the American Bill of Rights (Kopel 1992). Despite abandoning the long-gun registry, Canada still retains stricter controls on firearms than would be generally acceptable in the United States.

The current Canadian firearms law is the 1995 Firearms Act (Bill C-68), which mandates universal firearm registration and owner licensing¹. Prior to this legislation, the provinces had long controlled the safe handling of long guns (rifles and shotguns) through provincial hunting regulations, and, since 1934, the RCMP handled the registration of handguns. In 1977, police scrutiny was mandated for all purchasers of firearms. Prospective gun purchasers who were cleared by the police received a Firearms Acquisition Certificate (FAC). In 1991, in response to a multiple-victim shooting in 1989 by Gamil Gharbi, large-capacity magazines and a large number of semiautomatic rifles were prohibited or restricted and regulations on FACs tightened up.

The 1995 Firearms Act was the second gun law instigated by Gharbi's murders. Gharbi (who had changed his name to Marc Lépine) was the son of a wife-beating Algerian immigrant to Canada who, after his father abandoned his mother, knew whom to blame for his personal problems: liberated women. In 1989, he took a Ruger Mini-14 rifle to the Ecole Polytechnique in Montreal and murdered 14 female engineering students. Police incompetence allowed Gharbi the time to kill at leisure. At the university, Gharbi ordered the males to leave the room, and, after they meekly complied, he

shot the remaining women. Despite his stopping to change magazines during the carnage nobody attempted to intervene. The police arrived long after Gharbi had committed suicide. The Montreal coroner strongly criticized the police handling of the matter, but Canadian feminists blamed all men for this attack. Their strident calls for disarming “male oppressors” dominated the media, and unsurprisingly, the political response.

Immediately after the Gharbi shootings, the government of the day, Brian Mulroney’s Progressive-Conservatives, introduced tighter controls on gun owners (Bill C-17), including safe-storage regulations and stricter screening of prospective firearms purchasers, as well as prohibiting a large number of semiautomatic military-style rifles (but not the Mini-14). During this same time period (the late 1980s and early 1990s), the P-Cs were crumbling. In the 1993 election, the P-Cs splintered into three antagonistic factions, the Reform Party in the west, the Bloc Québécois (the Quebec Party), and a minuscule rump retaining the P-C name. As a result, the Liberals handily won a majority in Parliament, and, in thrall to the feminist lobby, promptly introduced radical changes to Canada’s already strict gun laws.

When the Liberals came to power, they immediately saw the political potential of cracking down on guns, and rammed Bill C-68 through Parliament. Despite their mutual antagonism, three of the four opposition parties (Reform, Progressive-Conservative and New Democrat) united against the legislation. The only opposition party to support the new gun law was the Bloc Québécois. In 2000, the Supreme Court of Canada rejected a constitutional challenge by six provincial governments (including Ontario) and ruled that the federal gun law was justified under the “peace, order and good government” clause of the constitution.

The keystone of the Liberal Firearms Act (Bill C-68) was licensing: henceforth, owning a firearm, even a normal rifle or shotgun, was a criminal offence without holding a valid licence. Additionally, for the first time, long guns (rifles and shotguns) now had to be registered. To coincide with the “National Day of Remembrance and Action on Violence against Women,” (a memorial to Gharbi’s victims), the Firearms Act (Bill C-68) became law on December 5, 1995, but, because of the complexity of the regulations, it took until

1998 for the Canadian Firearms Centre (established as a program within the Justice Department) to begin issuing firearms licences and requiring gun buyers to register long guns. On January 2001, all gun owners were required to have a licence by and by July 2004 to register all rifles and shotguns in their possession. Not everyone complied, as C-68 was not popular among those affected. Approximately 65% of firearms owners are estimated to have registered at least one rifle or shotgun, and no more than half of all long guns ended up in the registry (Mauser 2007).

The Firearms Centre quickly grew out of control. The fiasco was exposed when the Auditor General released a scathing report in December 2002 revealing the incompetence in the Department of Justice. Despite promising that the firearms program would not cost over C\$2 million, the Auditor General estimated that expenditures would exceed C\$1 billion by 2005. By 2012, the cumulative total had ballooned to more than C\$2.7 billion (Lott and Mauser, 2012). Fiscal irregularities uncovered by the Auditor General (December 2002a, 2006) including mismanagement, corruption and misleading parliament, stimulated a parliamentary revolt. In 2003, Parliament established the Firearms Centre as a freestanding agency and imposed an annual spending cap. In 2006, responsibility for the Firearms Centre was transferred to the Royal Canadian Mounted Police.

Thanks to the fractured opposition, Jean Chrétien led the Liberals to victory in the two subsequent elections (1997 and 2000). However, the tide was running out on the Liberals. Fundamental changes were taking place in the opposition ranks. Not only was the Reform Party growing stronger while the P-Cs continued to deteriorate, but in a palace coup, Paul Martin overthrew Chrétien to become the new Liberal leader late in 2003. In the 2004 election, the Liberals barely squeaked back in with a minority government. Opposition to the Liberals continued to firm up. In 2003, the Reform Party (now christened the Canadian Alliance) merged with the Progressive-Conservatives to create the Conservative Party of Canada. The Auditor General's reports led to RCMP investigations of Liberal insiders. Arrests and convictions followed, and ultimately the Liberal government fell in 2006.

Under Stephen Harper, the CPC went on to win two minority governments (in 2006 and 2008), before finally winning a majority

in 2011. Thanks to retirements, Harper had managed to appoint a majority of Senators by 2012, and so controlled both branches of the Canadian government. The Liberals had been banished to the opposition benches, and the Harper Conservatives had managed finally to win control of the Canadian ship of state.

Unfortunately, the Gharbi-inspired gun laws of the 1990s are not unique in Canadian history. Canada has long regulated firearms more severely than the United States. In fact, this history demonstrates the slippery slope of gun control. Gun laws are passed during periods of fear or political instability. Despite the demonstrated inability of gun laws to reduce violent crime, politicians have periodically called for still more gun laws and the bureaucracy surrounding them continues to grow.

During the 1930s the Canadian government feared labor unrest as well as American rumrunners. As a result, in 1934 it passed firearm legislation that mandated handgun registration. There were separate permits for British subjects and for aliens. Before 1947, few orientals or blacks qualified as British subjects even if born in Canada. World War II introduced additional gun control laws, including general registration of long guns. In 1941, concern about possible Japanese sabotage, the government prohibited all orientals (including Chinese) from owning firearms and confiscated their firearms. This is difficult to understand because China was a wartime ally of the British Commonwealth².

Terrorism in Quebec dominated Canadian concerns during the late 1960s and the early 1970s. In 1969, another firearm law was introduced that created the categories of “restricted weapons” and “prohibited weapons” for the first time. The RCMP was given the authority to attach any “reasonable conditions” to the “use, carriage or possession of the [restricted] weapon ... or ammunition, as [deemed] desirable in the interests of the safety of other persons.”

Restrictions were increased for what was now defined as “restricted weapons” (mostly handguns), including requiring a specific purpose for use and at this point they were subjected to stricter conditions, including the requirement that separate permits must be obtained each time handguns were taken to gunsmiths, gun shows or target ranges. Permits for “protection” were limited to a handful of people, such as retired police, judges, geologists, and prospectors.

Citizens were only allowed to purchase a restricted weapon if the police judged them to be suitable owners.

The new category, “prohibited weapons,” which included fully automatic firearms, silencers, switchblades, nunchakus, and rifles and shotguns shorter than 66 cm or 26 inches, were made subject to more stringent conditions than restricted weapons. It became illegal to purchase or sell a prohibited weapon, though people who happened to own them before the introduction of the legislation could keep them and sell them amongst themselves but not take them to a shooting range. The government also gave itself the authority to restrict or prohibit, through Order-in-Council, any firearm “not commonly used in Canada for hunting or sporting purposes.” (Orders-in-Council are decisions made at the cabinet level and therefore undergo no parliamentary review.)

In 1977 firearm legislation was amended again. A permit was now required to obtain ordinary rifles and shotguns (the Firearms Acquisition Certificate, or FAC). A new crime was introduced regarding “unsafe storage of firearms,” although no definition of safe storage was provided. Fully-automatic firearms were prohibited (although present owners were “grandfathered”). The protection of property was eliminated as a suitable reason for acquiring a restricted firearm, and owners could no longer register handguns at their business address. The police began to refuse an FAC to anyone who indicated she or he desired to acquire a firearm for self-protection. This is shocking since in a typical year tens of thousands of Canadians claim to use firearms to protect themselves or their families from violence (Mauser, 1996).

In 1991, the Progressive Conservative government decided there should be new firearm legislation in response to the horrific multiple-victim shooting in Montreal by Gharbi in 1989. After a lengthy investigation, the Quebec coroner concluded that poor police response time rather than the particular weapon used was primarily responsible for the high number of deaths. The 1991 legislation (Bill C-17) expanded the list of prohibited weapons to include converted full-automatics and a large number of semiautomatic military-style rifles and shotguns. A semiautomatic firearm requires a separate press of the trigger for each shot, although it automatically readies itself for the next. No empirical studies had

been conducted to determine which, if any, types of firearms posed a threat to public security. Military-style firearms were restricted primarily because of their cosmetic differences from other firearms. This legislation changed the FAC system so that it now required applicants to provide a photograph and two references and imposed a mandatory twenty-eight-day waiting period and safety training before obtaining an FAC. At the same time, the application form was expanded to include thirty-five questions. If the applicant was married or divorced, one of their references was required to be a spouse or former spouse.

Applicants were now more thoroughly screened by police. The screening often involved telephone checks with neighbors and spouses, even ex-spouses. Other major changes included new Criminal Code offences, an expanded list of prohibited and restricted weapons, new regulations for firearm dealers, and explicit regulations for the safe storage, handling, and transportation of firearms.

Thanks to Gharbi's choice of the Mini-14, a major focus of the new legislation was semiautomatic military-style guns. The class of prohibited weapons was expanded to include semiautomatic firearms that had been converted from fully automatic. Ironically, the Mini-14 was not prohibited because of its popularity in Western Canada. Owners of the newly prohibited firearms were faced with eventual confiscation without compensation. The legislation also prohibited high-capacity cartridge magazines for automatic and semiautomatic firearms. A series of Orders-in-Council prohibited or restricted many semiautomatic rifles and some types of nonsporting ammunition.

Bill C-17's requirement for FAC applicants to show knowledge of the safe handling of firearms came into effect in 1994. To demonstrate such knowledge, applicants had to pass a test or a firearm safety course approved by a provincial attorney general, or a firearm officer had to certify that the applicant was competent in handling firearms safely. The mandated safety courses had to cover firearm laws as well as firearm safety.

Upon being elected in 1993, the Liberals brought in new gun legislation (Bill C-68). The government prohibited over half of all registered handguns in Canada (smaller handguns that could be carried concealed) and initiated plans to confiscate them. There was

no evidence provided that these handguns had been misused. The Auditor General of Canada found that no evaluation of the effectiveness of the 1991 firearm legislation had ever been undertaken (Auditor General, 1993, pp. 647 - 655). Bill C-68 became law on December 5, 1995; the main provisions began to be phased in when owner licensing and long-gun registration began in 1998; licensing became mandatory in 2001, and all long guns were required to be registered by 2003. Any person who allows his/her licence to expire is subject to arrest and their firearms confiscated.

In addition to licensing owners and registering firearms, Bill C-68 (formally known as the Firearms Act of 1995) broadened police powers of search and seizure and expanded the types of officials who could make use of such powers; it weakened constitutionally protected rights against self-incrimination, and it imposed stricter requirements for obtaining a firearm licence (the application retained the personal questions required by the previous legislation and now required two personal references plus endorsements from current or former “conjugal partners”).

Opposition to Bill C-68 was intense from the beginning and has not abated. Grassroots anger helped to fuel the rise of the Reform Party and contributed to the virtual elimination of the Liberals in the West. Reform Party stalwart Garry Breitkreuz, MP (Yorkton-Melville, Saskatchewan) led the fight in parliament by vociferously criticizing the failings of gun licensing and registration. Scrapping Bill C-68 was a staple campaign promise for Reform while in opposition. Once Stephen Harper became Prime Minister, the Conservatives immediately moved to end the long-gun registry. The first effort, a private member's bill (Bill C-391) introduced by Candice Hoepfner, MP (Portage-Lisgar, Manitoba), was narrowly defeated (153 - 151) in 2010 in the House of Commons. The Conservatives had to wait until they had a majority to finally eliminate the long-gun registry on an intensely partisan vote in the House. In 2012, only two NDP MPs broke ranks to vote for Bill C-19, virtually identical to the earlier Bill C-391, and were promptly disciplined by their party leader. The bill was duly passed by the Senate and immediately proclaimed into law by the Governor General.

The long-gun registry refuses to die. Immediately following the passage of Bill C-19, a cabal of Chief Provincial Firearms Officers

mandated that retailers must continue to maintain the same information as had been required by the long-gun registry³. This was widely viewed as a backdoor approach to setting up provincial long-gun registries. The Federal Government quickly scotched this bureaucratic rebellion by introducing new regulations carefully tailored to close this loophole. At the same time, the Quebec government launched a legal challenge to halt the destruction of the data in the long-gun registry so they could set up their own provincial registry. Not to be outdone, a women's group in Ontario is also attempting to block the law's demise. These court challenges will ultimately be settled in the Supreme Court of Canada.

THE LONG-GUN REGISTRY AND PUBLIC SAFETY

This section examines the arguments most often made in support of the long-gun registry. The long-gun registry has been fiercely debated in the past two years, most recently with the parliamentary battle over Bill C-19 that ended the long-gun registry. The long-gun registry was part of Bill C-68, passed in 1995 along with licensing, although it took until 2001 to require purchasers of rifles and shotguns to register them, and until 2003 to compel all owners of previously purchased long guns to register them. This lag was due to the prodigious challenge of implementing licensing and registration; ultimately, the Justice Department proved unable to manage the process with anything approaching competency (Auditor General 2002a).

The first assertion about the value of the long-gun registry is that registering rifles and shotguns plays an important role in reducing criminal violence or murder.

Even though Canadian homicide rates have been declining since the 1970s, no solid evidence can be found linking any of Canadian gun laws to a decline in either violent crime rates or suicide rates (Dandurand, 1998; Langmann 2011; Mauser 2007). Langmann's work masterfully confirmed earlier academic findings: "This study failed to demonstrate a beneficial association between legislation and firearm homicide rates between 1974 and 2008." There is not a single refereed academic study by criminologists or economists that has found a significant benefit from the gun laws.

More specifically, there is no empirical support for believing that registering firearms has been effective in reducing either homicide rates overall, or spousal abuse in particular, either in Canada, the United States or internationally. In general, laws that restrict access to particular instruments such as firearms do not influence the murder rate (See Kates and Mauser, 2007; Kleck, 1991, 1997; Mauser, 2008). Canadian criminologists typically argue that demographics, not firearms laws, better explain the decline in homicides involving long guns (e.g., Abma, 2011).

The multiple-victim shootings (e.g., Kimver Gill at Dawson College in Montreal and by Roszko at Mayerthorp, Alberta) that have occurred since the registry was put in place demonstrate the ineffectiveness of the gun laws. Statistically, the rate of multiple murders has not changed since the long-gun registry began (Mauser 2012a).

The ineffectiveness of the long-gun registry to reduce homicide rates can be immediately seen by comparing homicide rates before and after the implementation of the long-gun registry in 2003. The homicide rate fell faster before all long guns were required to be registered in 2003 than it did afterwards. Between 1991 and 2002, the homicide rate fell 31% but just 7% from 2003 to 2010.

Another way to demonstrate the ineffectiveness of Canadian gun laws is to compare Canada with the United States. It is difficult to argue that Canadian gun laws are effective when homicide rates dropped faster in the United States than in Canada over same time period (1991 to 2010). Needless to say, the US did not share Canadian gun laws. The homicide rate plummeted 51% in the US from the peak in 1991 but dropped just 40% in Canada.

The second assertion is that public safety requires strict laws to monitor potentially dangerous gun owners.

Firearms certainly can be misused, but the vast majority of owners are responsible and do not pose a threat of violence. Available statistics suggest that law-abiding gun owners are less likely to be murderous than other Canadians. This should not surprise: firearms owners have been screened for criminal records since 1979, and it has been illegal since 1992 for people with a violent record to own a firearm.

Gun owners may be compared with other Canadians by calculating the homicide rate per 100,000. Statistics Canada reports that

151 licensed gun owners were accused of committing murder over the 13-year period (1997-2009), or an average of 11.6 owners per year. This means a homicide rate of 0.60 per 100,000 licensed gun owners. Over the same 13-year period, there were 7,620 homicides in total, or a national homicide rate of 1.85 per 100,000 people in the general population. In other words, almost two people out of every 100,000 Canadian residents are accused of murder. It follows that licensed Canadian firearms owners are less likely to commit murder than other Canadians. Or to put this another way, Canadians who do not have a firearms licence are three times more likely to commit murder than those who do. Despite these facts, the RCMP budgeted over \$20 million annually for the long-gun registry (Mauser 2012a).

The third assertion is that long guns are the weapons of choice in domestic homicides.

One of the primary arguments used by the supporters of the registry is that since ordinary rifles and shotguns are often used in domestic homicides, they should be registered in order to aid police in identifying their owners. Registration, they say, would both encourage responsible use as well as facilitate pinpointing anyone who misused a firearm.

In fact, the long-gun registry and licensing are rarely needed by police to solve spousal homicides for two reasons: [1] in almost all cases the murderer is immediately identified, and [2] the firearms used by abusive spouses to kill their wives are almost all possessed illegally.

One study of long guns involved in homicide found that just 4% were registered and only 24% of homicide suspects who used a firearm had a valid FAC or licence (Mauser 2012a).

It has been illegal since 1992 for people with a violent record to own firearms. Unfortunately, Canada does not currently have in place a system that would track prohibited offenders but choose instead to track legal, law-abiding, licensed duck hunters, farmers and recreational sport shooters.

Most spouses (65%) accused of homicide had a history of violence involving the victim (Sinha 2012). Approximately two-thirds of those accused of homicide were known to have a Canadian criminal record; the majority of these were previously convicted of violent offences. Over one-half of the victims were also known to have

a Canadian criminal record; most had been convicted of violent offences (Homicide in Canada, 2001, 2002, 2003, 2004, 2005).

Spousal murderers are opportunistic in that they use whatever implements are available to them to kill. Every home has a variety of objects, such as baseball bats, hammers, or kitchen knives that can be used for assault or murder. Creating expensive bureaucracies to register one or more of these items does nothing to protect vulnerable women.

In a typical year there are almost 600 homicides and 60 female spousal murders in Canada, while long guns are involved in the deaths of 11 female spouses.

Knives, not long guns, are the weapons used more often to kill women than firearms. In the period 1995-2008, knives were used in 31% of the murders of female spouses (Casavant, 2009). Long guns were involved in only 18% of female spousal homicides. Firearms of any kind were used in 29% of homicides of female spouses. See Tables 1 and 2.

TABLE 1. Types of weapons used in female spousal homicide (ANNUAL averages 1995 to 2008)

	Number	Percent
Firearms	18	27%
Knife or other cutting/piercing tool	19	31%
Other weapons	23	42%
Total (annual average number of female victims)	60	100%

Source: Canadian Centre for Justice Statistics, (Casavant, 2009).

TABLE 2. Types of firearms used in female spousal homicide

	Number	Percent
Handgun	5	11%
Long gun (rifle or shotgun)	11	18%
Other type of firearm or unknown	2	3%
Total homicides involving firearms	18	27%

Source: Canadian Centre for Justice Statistics, (Casavant, 2009).

The fourth assertion is that spousal murders with guns have fallen since the law passed even though spousal murders without guns have remained the same.

Variants of this claim have been made by the Coalition for Gun Control (Cukier 2009) and Etienne Blais (Blais and Gagné 2011) and are easily shown to be false: spousal murders (both with and without guns) have slowly been declining since the mid-1970s (Sinha 2011). See Chart 1 and Chart 2 below.

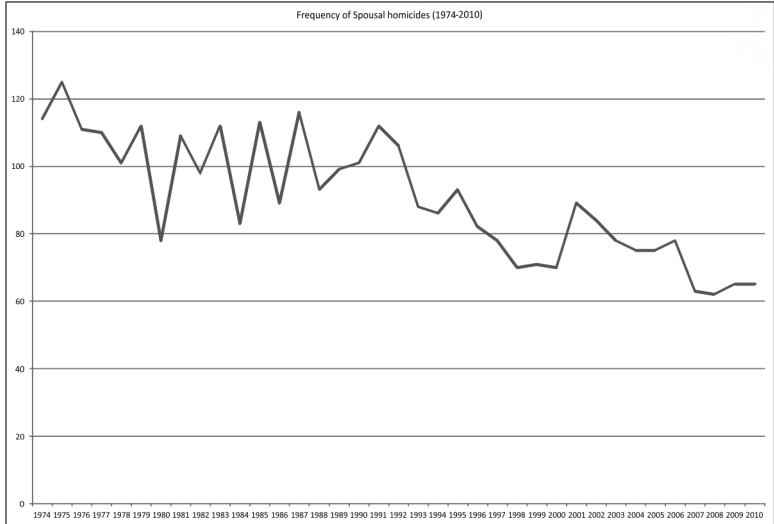


Table 1.



Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Surveys, November 2009 extraction

Table 2.

The total female spousal murder rate fell by more than 50% from 1979 to 2000 (the year before the long-gun registry started); it has continued to slide 15% between 2001 and 2008. Over this same time frame, the percentage of homicides involving guns has declined at approximately the same rate. It is unknown why spousal murders have become less frequent over the past few decades but what is certain is that this decline is a long-term trend. It is logically incorrect to link it to legislation that came into force only in the last few years.

The version of this claim most often promulgated by the Coalition confuses the date the law passed (1995) with the year the long-gun registry came into effect (2003). The law setting up the current firearms system was passed in 1995, but the long-gun registry did not begin until 2001 and all guns were required to be registered by 2003.

Blais and Gagné's claim made is undermined by serious methodological errors (Langmann 2012).

The fifth assertion is that the long-gun registry is an important tool for the police.

Proponents of the registry claim that the police use the long-gun registry 16,000 to 17,000 times daily and therefore it is valuable. Besides mistaking frequency of use with usefulness, this claim is disingenuous in that it confuses the long-gun registry with the Canadian Firearms Registry On-line (CFRO).

The RCMP's website states that almost 98% of the queries to the CFRO concern licensing, not the long-gun registry. It is often overlooked that the firearms registry only contains gun-specific data, e.g., make, model, caliber, serial number and certificate number. Inquiries specific to the gun registry amount to only 2.4% of the approximately 3.5 million inquiries into the database in 2008, which has declined each year from 8.3% in 2003 as awareness has grown that actually looking for this data has limited usefulness.

Repealing the long-gun registry will not change the licensing system so virtually all of these inquiries will continue as before as they concern queries about licensing of people and not the registration of individual guns. Scrapping the long-gun registry would not "significantly compromise" law enforcement's ability to trace firearms in Canada – for instance, linking a weapon left at a crime scene with an

individual owner. The statistics show that police recover registered long-guns in just one percent of all homicides.

The registry is not complete enough to help police or courts to determine whether a particular individual possesses firearms. The most dangerous criminals have not registered their firearms. When police approach a dangerous person or situation, they must assume there could be an illegal weapon. Serving police officers say the registry is not useful to them.

Estimates of how many firearms are held by individuals in Canada vary from 7.5 million to more than 20 million. My best estimate is that approximately 50% of firearms in Canada are registered (Mauser and Buckner, 1997).

The potential of the long-gun registry for solving a crime is, at best, quite restricted. For the registry to identify the perpetrator of a crime, all of the following conditions must exist:

- (a) A rifle or a shotgun must have been used in the crime;
- (b) The offender left the long gun behind at or near the scene of the crime;
- (c) The police recovered the gun;
- (d) The offender was not arrested at the scene of the crime nor on the basis of information unrelated to the gun (if he had been so arrested, the gun would be redundant in identifying the suspect), and
- (e) The gun was registered by the offender, using his real name or enough other information to uniquely identify him, or the owner of the gun could provide information that would lead police to the offender.

If those conditions are not met, then the registry cannot help the police track firearms to solve crimes. The statistics bear out the improbability of these criteria being met.

During the eight years from 2003 to 2010, there were 4,811 homicides; 1,485 of those involved firearms. Statistics Canada reports that only 135 were registered. In just 73 cases – that is only 4.9 percent of all firearm homicides – was the gun registered to the accused, and some of those may be innocent. Only 45 of these 73

cases involved long-guns; thus, less than 1 percent of all homicides involve long-guns registered to the accused. (Mauser 2012a)

Even if all of these 62 cases involved long-guns, and they do not, eliminating the long-gun registry could not “significantly compromise” law enforcement’s ability to trace firearms in Canada, as registered firearms are involved in only 4.7% of firearm homicides and 1% of all homicides. Predictably, the police have not been able to say that the long-gun registry identified any murderer from tracing a firearm in these few cases.

Nor has the long-gun registry proved useful in solving police killings. Since 1961, 123 police have been shot and killed. Only one of these murders involved a registered long gun, and it did not belong to the murderer. Once again, the registry could not have been useful to the police in identifying the killer.

The long-gun registry has reduced the effectiveness of the police by driving a wedge between them and responsible citizens who own firearms. Treating honest citizens as if they were criminals violates the basic principles of Sir Robert Peel, the father of modern policing.

The ability of the police to perform their duties is dependent upon the public approval of police actions. Police must secure the willing co-operation of the public in voluntary observation of the law to be able to secure and maintain the respect of the public.

The sixth assertion is that the registry is useful to police by letting them know who has firearms.

It would be particularly important to police when taking preventative action or when enforcing prohibition orders to know what weapons a suspect has. “Before a police officer knocks on a door, they want and need to know whether the person behind that door owns a gun,” (Ontario Attorney General, 2009).

However, the long-gun registry *ipso facto* contains no information about unregistered firearms, and less than half of all Canadian firearms have been registered (Mauser 2007). The most dangerous criminals have not registered their firearms. Clearly, the registry cannot inform police about the existence of unregistered guns. Trusting the registry can get police officers killed. The failure of the registry to signal a firearm owner at a residence does not rule out a firearm being there.

When police approach a dangerous person or situation, they must assume there could be an illegal weapon. Even when guns have been registered, the long-gun registry does not include information about a gun's location. There is no requirement to store a long gun where the owner resides. The registry contains descriptive information about registered guns and only registered guns. The police need information they can trust. Experienced police officers who work on the front lines say they do not find the registry helpful (Grismer, 2011; Hansen, 2012).

Despite its irrelevance, some police associations have endorsed it. These endorsements may reflect where they receive funding and are currently under scrutiny. MPs who voted for Bill C-19 were right to ignore the disingenuous claims of these police associations.

Here is what one serving RCMP corporal (who requested anonymity) had to say:

“I certainly do not understand how the Canadian Association of Chiefs of Police can claim that the registry is a useful tool. I think their doing so is more a statement of how long it has been since any of them has been in touch with front line policing. I supervise 10 RCMP members on a daily basis and have done so for quite some time. I have never once in my career found the registry to be a useful tool in solving a single crime and can say without a doubt that I have never witnessed the long-gun registry prevent a crime.” Source: email to Candice Hoeppner, M.P. - October 2009

The registry is a shopping list for criminals. The RCMP has admitted to more than 300 breaches so far. Early in 2009, the RCMP handed over sensitive information to the polling firm Ekos Research Associates for a customer-satisfaction survey. Gun owners believe this was a serious breach of privacy. Scrapping the registry means eliminating a possible shopping list for computer-hacking criminals (Hoeppner, 2009).

In summary, almost all of the inquiries are routinely generated by traffic stops or firearm sales and are not specifically requested by police. More than 97% of these inquiries involve licensing, not the long-gun registry. Inquiries specific to the gun registry amount to only 2.4% of the approximately 3.5 million inquiries into the

database in 2008. The registry cannot inform police about the existence of unregistered guns. Since only half of Canada's gun stock has been registered, the failure of the registry to signal a firearm owner at a residence does not rule out a firearm being there. Trusting the registry can get police officers killed.

The seventh assertion is that the data in the long-gun registry are too valuable to be destroyed.

The many errors and omissions in the long-gun registry vitiate its utility for police and courts. The Auditor General found that the RCMP could not rely upon the registry on account of the large number of errors and omissions (Office of the Auditor General, 2002b). This has not changed since that date. It is the nature of gun registries to have such errors and omissions, often on a staggering scale. Recent reports show that a large number errors continues to exist despite the best efforts of the Canadian Firearms Program (Cain 2012). Unsurprisingly, immense problems have been reported concerning the accuracy of the South African firearms registry (Cronje 2011). Gun registries are inherently inaccurate. This was the key reason why the New Zealand Police abandoned their long-gun registry (Thorp, 1997).

The RCMP has reported error rates between 43% and 90% in firearms applications and registry information. A manual search, prompted by an MP's ATI request, discovered that 4,438 stolen firearms had been successfully re-registered without alerting authorities. Apparently, the thieves had resold the firearms to new owners who (unsuspectingly) had subsequently registered them (Breitkreuz, 2003).

This is a classic database problem: garbage in, gospel out. Frontline police know better. In 2006, the Auditor General reported that, "(T)he (Canadian Firearms Program) did not establish targets for data accuracy or methods of measuring the accuracy of data in the CFIS," and that only 27% of firearms had been verified (Auditor General, 2006). It should be understood that the irregularities in gun registration stem from multiple causes that remain inherent in a registration system. Even if the RCMP has improved data processing since 2006, these problems will persist.

It is ironic that progressives strongly support gun licensing and gun registries while loudly decrying the existence of other police databases of law-abiding civilians.

CONCLUSIONS

Scrapping the notorious long-gun registry is an excellent first step towards dismantling the oppressive firearms legislation previously imposed by the Liberals. In the past, hysteria over guns created an oppressive regime for law-abiding gun owners; no Canadian political party remained untainted. Blaming guns allowed politicians to simultaneously be seen to do something while skating past cracking down on drug gangs that continue to thrive. Many needed changes remain to be made in policing and corrections.

Licensing, not the long-gun registry, is the key problem with the Firearms Act. Licensing unnecessarily stigmatizes law-abiding citizens who own firearms and misdirects the police. Police have scarce resources that are barely sufficient for fighting crime and violence, and they are acting hubristically by attempting to create and maintain databases on millions of law-abiding citizens. This must end. For the present, many Canadians trust Stephen Harper and the Conservatives to reshape Canada by abandoning much of former Prime Minister Trudeau's legacy. It remains to be seen whether Prime Minister Harper will actually honour his promises to make the fundamental changes needed in the gun laws.

The Conservatives' majority government represents a sea change in Canadian politics and has the potential to dramatically shift the national culture. Despite sharing much with its American cousin, Canada has long been more European, even socialist, thanks to the capture of the national government by left-leaning elites. The Liberal Party has dominated Canada virtually all of the 20th Century, but may now be in its death throes by ceding power to the Conservatives. Canadian Liberals appear destined to be replaced by a socialist party (The New Democrats), much like their cousins the British Liberals were supplanted by the Labour Party one hundred years ago.

The fusion of the Reform Party with the P-Cs under the leadership of Stephen Harper imbued the CPC with the libertarian and

conservative values that drove the Reform Party. Reform began and flourished in Western Canada, where people place a higher value on individual initiative and social conservatism, and oppose federal intervention in provincial responsibilities, than is popular in Central Canada. The result has been a CPC that differs fundamentally from the Progressive-Conservatives that acted as the pallid opposition to the Liberals for the past 60 years.

One of the keys to the political success of the Conservatives was the party's decision to recruit new immigrants who form an important block of voters. Recognizing that many recent immigrants from Asia share the same basic values as other conservatives, e.g., the importance of family, small government and fiscal conservatism, the approach taken by the Conservative Party of Canada contrasts starkly with the traditional paternalistic strategy adopted by the Democratic Party in the US or the Canadian Liberal Party in appealing to minorities or new immigrants. By including immigrants as one of its core constituencies, the CPC easily distinguishes itself from the xenophobic right-of-center parties in Europe. Relying upon immigrants not only gave the Tories election victories but it also enabled them to make key changes in other central progressive legislation, i.e., abandoning section 12 of the Human Rights Act, reducing involvement in health care, and taking steps to enlarge self-defence rights.

2012 has not been a good year for the anti-gun forces. Not only has Canada stepped back from the slippery slope of gun control, but also the Arms Trade Treaty talks collapsed this summer at the UN. Despite these tactical successes, efforts must not slacken to halt the UN disarmament juggernaut. Canada's rejection of firearm registration, like New Zealand's decades ago will not halt the international push for further reduction of citizens' firearm rights. The United Nations will continue to push the Program of Action, which has become a standing feature of UN disarmament efforts since 2001.

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ENDNOTES

1. For more detail about Canadian firearms legislation, see Mauser (2001 and 2012b,c).
2. This brief history is drawn from research by Allan Smithies and William Stanbury (Stanbury 2003; Stanbury and Smithies 2003).
3. The CPFs argued that this power was pursuant to Section 58 of the Firearms Act, wherein a Chief Firearms Officer (CFO) who issues a business licence may attach any reasonable condition (including written records keeping) on a business licence in their jurisdiction establishing what activities a business can undertake, as well as conditions CFO considers desirable in the particular circumstances and in the interest of public safety.

COALITION for Gun Control / pour le contrôle des armes*

www.guncontrol.ca

Discussion of Bill C-19

Brief to the Standing Committee on Legal and Constitutional Affairs

March, 2012

SUMMARY

The Coalition for Gun Control is a non-profit organization founded in the wake of the Montreal Massacre. Its position on firearms regulation has been supported by over 300 organizations to date. Canada's Firearms Act is an important piece of our national strategy to prevent gun crime and injury and to support law enforcement. Considerable research has shown effective regulation of firearms is linked to reductions in firearms homicide and suicide.

The amendments contained in Bill C-19 will put Canadians' lives at risk. Unlike previous legislation aimed at ending the requirement that individuals register their non-restricted firearms – category of guns that includes rifles and shotguns such as the semi-automatic Ruger Mini-14 used in the Montreal Massacre and sniper rifles, including powerful .50 calibre sniper rifles – this Bill will allow a licensed individual to acquire an unlimited number of guns without even checking if their licence is valid. There will also be no means to know who owns these powerful guns, who sold them or how many are owned. When long guns are recovered in crime, police will not be able to trace them back to their owners, losing an important investigative tool.

Bill C-19 goes far beyond simply repealing elements of the Firearms Act, the 1995 legislation; it actually removes critical measures that have been in place since 1977. Bill C-19:

- Makes verifying a firearms purchaser's licence voluntary, which increases the chances unlicensed individuals will be sold rifles and shotguns.

- Erases data on 7.1 million rifles and shotguns currently registered, despite the fact that the data could be useful as an investigative tool for police officers for firearm tracing purpose. Several international treaties require that countries maintain firearm sales records for the purpose of tracing.

- Omits provisions to reinstate the requirement that businesses keep records of sales. This has been a requirement since 1977, and was removed with the Firearms Act as the information would be in the registry. Without this information there is no way for police to investigate the source of rifles and shotguns recovered from crime scenes or seized from suspects.

- Destroys a tool widely used by police officers to remove guns from dangerous or suicidal people, enforce prohibition orders and take preventive actions.

Registering all non-restricted firearms to their legal owners one time is key to the effectiveness of our gun control policy.

- Non-restricted rifles and shotguns are used in homicides, suicides and unintentional injury and account for a substantial proportion of firearms recovered in crime, even in large urban centres. They are the guns most often used in suicide, domestic violence and the murder of police officers.

- This is not just an urban issue; the evidence shows clearly that rates of firearm death and injury tend to be higher in areas with more firearms per capita.

- Screening and licensing firearm owners reduces the risks that dangerous people will have access to weapons and registration reinforces licensing, as it holds gun owners accountable for their firearms and reduces the chances that their guns will be diverted to unlicensed owners.

- That link between licensing of firearm owners and the registration of their firearms was affirmed by the Supreme Court of Canada in a unanimous decision on the constitutionality of the Firearms Act in 2000.

- Registering firearms helps police enforce prohibition orders and remove guns from dangerous people.

- The gun registry has aided police investigations, including the prosecution of accessories to the murder of four RCMP officers in Mayerthorpe, Alberta.

- In Canada, rates of firearm death and injury have fallen with successively stronger firearms regulation, particularly those focusing on rifles and shotguns, the firearms most often in Canadian homes.

- The costs of maintaining the registration of rifles and shotguns alone have been determined to be less than \$4 million per year,¹ an investment that is dwarfed by the costs of gun death and injury.
- All illegal firearms begin as legal firearms. Controls over legal guns are essential to preventing diversion and choking off the illegal supply.
- Most industrialized countries register firearms. The registry helps Canada meet its international obligations to trace firearms and combat the illegal gun trade.

RECOMMENDATIONS

Relaxing the controls on firearms will put Canadians at risk. The Coalition for Gun Control and its member organizations have publicly opposed Bill C-19's proposed changes. This legislation is not consistent with the Government's stated commitments to crime prevention,² injury prevention³ or suicide prevention.⁴ We believe that if it passes, there will be a substantial increase in the costs of police gun crime investigations and substantial decrease in their success rate. Given the clearly stated objectives of Bill C-19, we see no way to amend the bill to make it acceptable. Hence, considering the serious impact the proposed measures would have on public safety, we recommend that it be defeated at the earliest opportunity. More detailed evidence supporting the efficacy of regulating firearms is contained in the Background section below.

TECHNICAL ANALYSIS OF BILL C-19

1. Discussion of the Proposed Amendments to the *Firearms Act*

1.1 Provisions on the Repealing the Registration of Non-Restricted Firearms

- Amendments to Criminal Code 91(1), 91(4)(b)(ii), 91(5), 92(1), 92(4)(b)(ii), 92(5) and (6), 94(1), 94(1)(a)(i) and (ii), 94(5), 106(1)(a) and (b), 108(3), 117.03(1) and (2)
- Amendments to the Firearms Act 4(a)(i), 12.1, 23, 26(1), 27, 33(a)(ii), 34(a), 36(1), 44(a), 60, 66, 71(1)(a), 72(5), 83(1)(a) and (b), 88, 105, 112, 114 and 115

These amendments propose to eliminate the need to register “non-restricted firearms” to their legitimate owners. For reasons explained in detail below, we believe this will jeopardize the safety of both the public and the police. Registration of firearms is critical to

enforcing the licensing provisions of the law; the Supreme Court of Canada itself has stated that the measures are intertwined:

“The registration provisions cannot be severed from the rest of the Act. The licensing provisions require everyone who possesses a gun to be licensed; the registration provisions require all guns to be registered. These portions of the Firearms Act are both tightly linked to Parliament’s goal of promoting safety by reducing the misuse of any and all firearms. Both portions are integral and necessary to the operation of the scheme.”⁵

These amendments are inconsistent with international treaties to keep records for the purpose of tracing. For example:

- The 2001 Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) was signed but has not yet been ratified. The PoA requires measures to ensure accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons.

- Canada signed the Firearms Protocol of the United Nations Convention Against Transnational Organized Crime, Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition [UN Firearms Protocol] in 2002, which sets out a legally binding instrument that specifies comprehensive procedures for the identification, import, export, and transit of commercial shipments of firearms, their parts and components, as well as ammunition. However, the Government has repeatedly delayed introducing the regulations needed to implement the Firearms Protocol and has not ratified it. Article 7 of the Firearms Protocol specifies: “Each State Party shall ensure the maintenance, for not less than ten years, of information in relation to firearms and, where appropriate and feasible, their parts and components and ammunition that is necessary to trace and identify those firearms and, where appropriate and feasible, their parts and components and ammunition which are illicitly manufactured or trafficked and to prevent and detect such activities.”⁶

- The OAS Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms (CIFTA) was signed in 1997, but Canada is one of the 4 countries among the 35 signatories that have yet to implement it, along with Jamaica, St. Vincent & Grenadines and the US. CIFTA’s Article XI on Recordkeeping specifies: “States Parties shall assure the maintenance for a reasonable time of the information necessary to trace and identify illicitly

manufactured and illicitly trafficked firearms to enable them to comply with their obligations under Articles XIII and XVII.”⁷

- Canada signed the 2005 UN International Tracing Instrument (ITI) that commits states to ensure accurate and comprehensive records are established for all small arms and light weapons within their territory, either by the state or by individuals engaged in manufacturing and trade.⁸ Canada noted in its 2009-2010 report on the progress of the implementation of the ITI that, “Its legislation requires each firearm to be registered against the manufacturer’s inventory at the time of production or the importer’s inventory at the time of importation and at every subsequent transfer, allowing for a quick, electronic registration query to determine the last legal owner of a firearm at any given point in time.”⁹

Prime Minister Harper committed at the October 2011 Commonwealth Heads of Government Meeting¹⁰ to “combating proliferation and trafficking of illicit small arms and light weapons,” and to “comply with all obligations arising under international law and urged all countries to become parties to and implement the UN Convention against Transnational Organised Crime and the Protocols.”¹¹ If Canada intends to conform to its international commitments and ratify the Firearms Protocol as well as CIFTA, it would have to repeal Bill C-19 and develop alternative mechanisms that will be more costly and not as effective or comprehensive as the current system.

Bill C-19 is removing the mechanisms that allow the police to enforce the provisions restricting the sale of long guns to licensed individuals. These provisions mean that despite the fact the infrastructure exists and works, anyone selling a firearm including gun stores will no longer have to check if a buyer’s licence is valid before selling non-restricted firearms. Therefore, unlicensed individuals, individuals that are under prohibition order, whose licence has been revoked or who present the seller a counterfeit licence may have the ability to purchase firearms legally if the seller chooses not to ask to see the licence and confirm its validity. There is not even a requirement for the buyer to visually present a licence, which would not be a sufficient safety check in itself as we know with other types of identification cards – health cards, driver’s licences, passports, etc. – they can be counterfeit, and there have already been documented cases of forged firearms licences.¹²

1.2 Repeal of mandatory licence checks

	FIREARMS ACT (AS OF DECEMBER 2, 2009)	BILL C-19 (1ST READING VERSION)
AUTHORIZATION TO TRANSFER FIREARMS NEITHER PROHIBITED NOR RESTRICTED	<p>23. (1) A person may transfer a firearm if, at the time of the transfer,</p> <p>(a) the transferee holds a licence authorizing the transferee to acquire and possess that kind of firearm;</p> <p>(b) the person has no reason to believe that the transferee is not authorized to acquire and possess that kind of firearm;</p> <p>(c) the person informs the Registrar of the transfer;</p> <p>(d) if the person is an individual and the firearm is a prohibited firearm or a restricted firearm, the individual informs a chief firearms officer of the transfer and obtains the authorization of the chief firearms officer for the transfer;</p> <p>(f) the prescribed conditions are complied with. Notice</p> <p>(2) If, after being informed of a proposed transfer of a firearm, the Registrar decides to refuse to issue a registration certificate for the firearm, the Registrar shall inform a chief firearms officer of that decision..</p>	<p>11. Section 23 of the Acts replaced by the following:</p> <p>23. A person may transfer a firearm that is neither a prohibited firearm nor a restricted firearm if, at the time of the transfer,</p> <p>(a) the transferee holds a licence authorizing the transferee to acquire and possess that kind of firearm; and</p> <p>(b) the transferor has no reason to believe that the transferee is not authorized to acquire and possess that kind of firearm.</p>
VOLUNTARY REQUEST TO REGISTRAR		<p>23.1 (1) A transferor referred to in section 23 may request that the Registrar inform the transferor as to whether the transferee, at the time of the transfer, holds and is still eligible to hold the licence referred to in paragraph 23(a), and if such a request is made, the Registrar or his or her delegate, or any other person that the federal Minister may designate, shall so inform the transferor.</p>
NO RECORD OF REQUEST		<p>(2) Despite sections 12 and 13 of the Library and Archives of Canada Act and subsections 6(1) and (3) of the Privacy Act, neither the Registrar or his or her delegate nor a designated person shall retain any record of a request made under subsection (1).</p>
RIGHT OF ACCESS— SUBSECTION		<p>25. The Act is amended by adding the following after section 90:90.1</p> <p>For the purpose of subsection 23.1(1), the person responding to a request made under that subsection has a right of access to records kept by a chief firearms officer under section 87</p>

Bill C-19 further includes language on how, if a check is done, there should be no records kept which means that it will be impossible to know if dangerous or forbidden people are, or after a tragedy, were, attempting to buy firearms.

These provisions will have serious impact on public safety and represent a dangerous weakening of the measures proposed in Bill C-391, defeated at committee report stage in September 2010:

(2) Paragraphs 23(1)(c) to (f) of the Act are replaced by the following:

(c) in the case of a transfer to an individual, the transferor verifies the validity of the transferee's Firearms Licence with the Canada Firearms Centre, and obtains a reference number for the inquiry;

The Conservative government has recognized the risk associated with removing mandatory licence checks and maintained the measure in previous bills to abolish the registry, saying that verifying a licence at time of sale "*help(s) ensure that guns do not get into the hands of individuals who should not have them, such as convicted criminals, and (helps) investigators identify the owners of stolen firearms or conduct criminal investigations.*"¹³

The 1998 coroner's inquest into the killing of Arlene May, who was killed by a former partner with a rifle, found that a major flaw in the previous system was that the validity of licenses was not verified. While May's estranged spouse was prohibited from possessing firearms as part of his bail conditions after a previous assault of May, his licence card was not removed from his possession. He used that licence card to purchase the firearm used to kill May and himself.¹⁴ Similarly, the Coroner's inquest into the murder of Laval Police

Constable Valérie Gignac reported that despite having a non-valid Firearms Acquisition Certificate (FAC) following a mental illness diagnostic and a prohibition order, the killer was able to purchase a high-power rifle at a gun show without any further screening.¹⁵

Accommodating Sec 23.1(2) will require major changes to the current system and the government has yet to disclose the costs associated with these changes.

1.3 Records of Sale

In 1977, the Criminal Law Amendment Act required businesses to keep records of firearm sales in order to help police trace firearms back to their original owners. That requirement enabled police to trace the perpetrator of the Montreal Massacre in 1989, for

example. However, it was repealed in the Firearms Act because this information was now to be kept in the centralized registry.

Amending section 23 of the Act repeals a tool that allows police to find out where crime guns come from. The Canadian Association of Chiefs of Police wrote to the Public Safety Minister in May 2011 requesting that this requirement be reinstated in future government bills and that this information be uniformly kept and available to the RCMP Tracing Centre,¹⁶ specifying that the maintenance of firearms records would “also allow Canada to live up to various international agreements and arrangements to *facilitate crime gun tracing, particularly with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE).*”

	FIREARMS Act (as of December 2, 2009)	BILL C-19 (1ST READING VERSION)
RECORD OF TRANSACTION IN FIREARMS, ETC.	<p>23. (1) A person may transfer a firearm if, at the time of the transfer,</p> <p>(a) the transferee holds a licence authorizing the transferee to acquire and possess that kind of firearm;</p> <p>(b) the person has no reason to believe that the transferee is not authorized to acquire and possess that kind of firearm;</p> <p>(c) the person informs the Registrar of the transfer;</p> <p>(d) if the person is an individual and the firearm is a prohibited firearm or a restricted firearm, the individual informs a chief firearms officer of the transfer and obtains the authorization of the chief firearms officer for the transfer;</p> <p>(e) a new registration certificate for the firearm is issued in accordance with this Act; and</p> <p>(f) the prescribed conditions are complied with.</p>	<p>11. Section 23 of the Act is replaced by the following:</p> <p>23. A person may transfer a firearm that is neither a prohibited firearm nor a restricted firearm if, at the time of the transfer,</p> <p>(a) the transferee holds a licence authorizing the transferee to acquire and possess that kind of firearm; and</p> <p>(b) the transferor has no reason to believe that the transferee is not authorized to acquire and possess that kind of firearm.</p>

This provision is a radical change from previous bills put forward by Conservative governments. Previous government Bills (C-21, C-24, S-5) had provisions for business records regulations to be developed to require businesses to maintain records of non-restricted firearms transfers, much like the system that was in place prior to the adoption of the Firearms Act, for example the backgrounder issued by the Ministry of Public Safety on Bill C-24 mentioned: *“In addition, as was the case prior to the imposition of the long-gun registry, a requirement for businesses to maintain records of all transactions involving the sale, purchase or disposal of non-restricted firearms will introduced. This is a measure that will assist police investigators in locating owners of stolen firearms or those used in the commission of a crime.”*¹⁷

The failure to include business recordkeeping provisions in Bill C-19 will make non-restricted firearms entirely untraceable, as neither manufacturers nor dealers are required to keep records. Even the United States requests that merchants keep records of sale.¹⁸ Several international treaties require that countries maintain firearm sales records for the purpose of tracing. It is inconceivable that Canadians would support going back more than thirty years.

Between 1977 and 1998, businesses were issued a RCMP-produced ledger book each year and were to keep, by law, details on their inventory.

	AN ACT TO AMEND THE CRIMINAL CODE, THE CUSTOMS TARIFF, THE PAROLE ACT, THE PENITENTIARY ACT AND THE PRISONS AND REFORMATORIES ACT [ASSENTED TO 5TH AUGUST, 1977]
AUTHORIZATION TO TRANSFER FIREARMS	103. (1) Every person who carries on a business that includes the manufacturing, buying or selling at wholesale or retail, importing, repairing, altering or modifying or taking in pawn of restricted weapons or firearms shall (a) keep records of transactions entered into by him with respect to such weapons or firearms in a form prescribed by the Commissioner and containing such information as is prescribed by the Commissioner; (b) keep an inventory of all such weapons and firearms from time to time on hand at his place of business; (c) produce the record and inventory for inspection at the request of any police officer or police constable or any other person authorized by regulations made pursuant to paragraph 106.8(a) to enter any place where a business referred to in that paragraph is carried on; and (d) mail a copy of the record and inventory relating to restricted weapons to the Commissioner or to any person authorized by subsection 106.2(5) to issue a permit to carry on the business in accordance with any request in writing made by the Commissioner or any such person.

And in 1978, Order in Council SOR/78-670 specified that these records should be kept for at least 5 years.

DESTRUCTION OF RECORDS AND INVENTORIES

13. The records and inventories that are required to be maintained pursuant to section 103 of the Act may be destroyed after they have been kept for a period of five years.

2. DISCUSSION OF THE TRANSITIONAL PROVISIONS OF BILL C-19

2.1. Destruction of Current Registry Data

When a non-restricted rifle or shotgun is recovered in crime there will be no way to track it to its source. Prior to the Firearms Act, police were able to track guns, albeit slowly by checking the records of local gun dealers. Gun dealers were also required to keep records of gun sales and those records could be reviewed to ensure that legal guns were not being sold to gun owners who did not

have valid FACs. If this legislation passes, there will be no records through which to trace non-restricted firearms except in those cases where businesses have voluntarily kept records and agree to share those records with police or for which a warrant is obtained. This will create immense opportunities for illegal trafficking. Once again, this change would take us back to the pre-1977 protocols.

	BILL C-19 (1ST READING VERSION)
Destruction of information-- Commissioner	29. (1) The Commissioner of Firearms shall ensure the destruction as soon as feasible of all records in the Canadian Firearms Registry related to the registration of firearms that are neither prohibited firearms nor restricted firearms and all copies of those records under the Commissioner's control.
<u>Destruction of information-- chief firearms officers</u>	(2) Each chief firearms officer shall ensure the destruction as soon as feasible of all records under their control related to the registration of firearms that are neither prohibited firearms nor restricted firearms and all copies of those records under their control.
Non-application	<u>(3) Sections 12 and 13 of the Library and Archives of Canada Act and subsections 6(1) and (3) of the Privacy Act do not apply with respect to the destruction of the records and copies referred to in subsections (1) and (2).</u>

When a non-restricted rifle or shotgun is recovered in crime there will be no way to track it to its source. Prior to the Firearms Act, police were able to track guns, albeit slowly by checking the records of local gun dealers. Gun dealers were also required to keep records of gun sales and those records could be reviewed to ensure that legal guns were not being sold to gun owners who did not have valid FACs. If this legislation passes, there will be no records through which to trace non-restricted firearms except in those cases where businesses have voluntarily kept records and agree to share those records with police or for which a warrant is obtained. This will create immense opportunities for illegal trafficking. Once again, this change would take us back to the pre-1977 protocols.

The data currently contained in the long-gun registry could still be useful as an investigative tool for police officers for firearm tracing purpose on a national scale. Deleting the data is unnecessary and punitive, and will impede criminal investigations. It has no impact on law-abiding gun owners and has minimal costs associated with maintaining it.

Following pressure by the Quebec government to obtain the records on firearms registered to Quebec firearm owners, the federal government has argued that it could not share the data for privacy concerns. However, Privacy Commissioner Jennifer Stoddart

asserted that nothing in the Privacy Act prevents it from sharing the data with provincial governments, since the Act actually allows the disclosure of personal information, provided it is done through a federal-provincial agreement for the purpose of administering or enforcing any law or carrying out a lawful investigation.¹⁹

3. DISCUSSION OF THE PROPOSED AMENDMENTS TO CHAPTER 8 OF THE STATUTES OF CANADA, 2003

3.1 Provisions on Import/Export of Firearms

- Amendments to sections 30 and 31 of chapter 8 of the Statutes of Canada, 2003

We have some concerns about the amendments proposed to the importation and exportation regulation. Bill C-19 proposes to modify certain amendments that were part of Bill C-10A assented on May 13, 2003 but which have not yet been brought into force:

13. Paragraphs 40(1)(b) and (c) of the Act, as enacted by section 30 of chapter 8 of the Statutes of Canada, 2003, are replaced by the following:

(b) the individual produces a licence authorizing him or her to possess that kind of firearm;

(c) in the case of a prohibited firearm or a restricted firearm, the individual holds an authorization to transport it and satisfies the customs officer that the individual holds a registration certificate for the firearm; and

14. Section 41 of the Act, as enacted by section 31 of chapter 8 of the Statutes of Canada, 2003, is replaced by the following:

41. An authorization that is confirmed in accordance with paragraph 40(2)(e) has the same effect as a registration certificate for a restricted firearm until a registration certificate is issued for it.

In the past, we have recognized the need for amendments on the importation and exportation of firearms as a way to bring Canada in line with various international agreements regarding marking and tracing firearms as an essential enforcement tool. This helps countries in their efforts to trace weapons flows, prevent the diversion of legal guns to the illegal market and combat their illegal trade.²⁰ Under current international law, states may adopt different weapons marking systems, complicating the identification of the country-of-origin of a weapon. In spite of the gaps in its

own firearm legislation, the United States supports the marking and tracing standard. Since the 1968 *Gun Control Act*, it already requires manufacturers to maintain records, which is why they are capable of tracing US firearms used in crime internationally. On November 26, 2010 the Canadian government postponed – for the third time – the implementation of a simple firearms marking requirement which is required under our international obligations,²¹ until at least December 1, 2012.²²

BACKGROUND

ALL GUNS ARE LETHAL, AND ANY GUN IN THE WRONG HANDS IS DANGEROUS.

All guns are potentially dangerous, and all guns should be regulated. Rifles and shotguns are the guns most likely to be used in domestic violence situations, accidents, and suicides – particularly among youth. They are also the guns most often used to kill police officers. In the last decade, 12 of the 16 police officers killed with firearms were killed with long guns rather than handguns.

Suicides devastate families and communities – particularly where young people are involved. As Prime Minister Stephen Harper has stated:

“Each year, nearly 4,000 Canadians make this same choice [to commit suicide]. Mostly, the experts tell us, it is a decision to end their burden of depression...The science has progressed but we still don’t know enough about depression, and less about suicide. But we know this much: depression can strike the sturdiest of souls. It cares not how much you have achieved nor how much you have to live for. Severe anxiety and depression are concentrated among men and women in their primary working years, and, most sadly, in their adolescent children.”²³

Suicides attempted with firearms are almost always lethal (93% completion rate). Most firearm deaths in Canada are suicides (69% in 2008). In 1995, 911 Canadians committed suicide with firearms (rate of 3.1 per 100,000); in 2008 it was 518 (rate of 1.55 per 100,000). Suicide is the second most common cause of death in Canada for those between 15 and 34 years old, and the third leading cause for those aged 10 to 14.²⁴

Consequently, a critical dimension of a suicide prevention strategy is to keep firearms away from individuals who represent a

risk to themselves and this was explicitly built into Canada's Firearms Act.

Experts dealing with suicide, including the Canadian Public Health Association, the Canadian Association of Emergency Physicians, the Canadian Association of Adolescent Health, and the Association québécoise pour la prévention du suicide have maintained that the licensing of gun owners and the registration of firearms are both important parts of an integrated suicide prevention strategy.

Risk factors for suicide and homicide are closely linked; consequently, many homicides, including as many as 50% of domestic homicides involving firearms, end in suicide. Coroners have identified access to firearms as one of the top five or ten risk factors for whether a woman will die in domestic violence situations.²⁵ For example, in Ontario, a province where only 15% of homes have firearms, 55% of the perpetrators in domestic homicides had access to guns. A firearm in the home dramatically increases the risk of death in domestic violence situations. Six public inquests (the death of Jonathan Yeo who killed Nina deVilliers and Karen Marquis, the murder of Kassonde children, the murder of Arlene May, the OC Transpo shooting, the murder of Brian Smith, as well as the inquiry into the murder of Rajwar Gakhil and eight members of her family by her estranged husband) all recommended the licensing of gun owners and registration of guns to reduce the risk of further tragedies.

All illegal firearms begin as legal firearms. Controls over legal guns are essential to preventing diversion and choking off the illegal supply. Rifles and shotguns are also frequently recovered in crime. In communities such as Surrey, BC and the Ottawa and York regions in Ontario, long guns outnumber handguns 2 to 1 in recovered crime guns. Non-restricted rifles and shotguns made up half of the crime guns reported to the RCMP's Firearms Operations and Enforcement Support (FOES) Unit from Jan. through Sept. 2009: 1,006 non-restricted firearms or rifles and shotguns (46%), 514 restricted firearms (23%) and 674 prohibited firearms (31%), totalling 2,194. Even in Canada's large cities, a substantial proportion of guns recovered in crimes are long-guns. Most firearms are not traced but among the firearms that are, we see that registered handguns are seldom used but a large portion of the rifles and shotguns used in homicides are. E.g., only 31 (7.3%) of the 422 Canadian firearms homicides between 2003 and 2009 whose weapons could be recovered and traced were committed by registered handguns, while

nearly 20% (83) were by some type of rifle or shotgun; and among all the 256 rifles and shotguns used to kill someone that the police could trace in that period, nearly a third were registered.²⁶ Minister Toews reported in March 2011 that 47% (24,246) of the non-restricted firearms seized by public service agencies and reported to the Canadian Firearms Program had been registered at some point.²⁷

Referring to all non-restricted firearms simply as “duck guns” or “family guns” minimizes the threat they can pose to public safety. Not only does the evidence show that this is not the case, but it is also worth noting that many powerful semi-automatic firearms are currently classified as non-restricted firearms including the Ruger Mini-14 used to shoot and kill 14 young women and injure 14 in the Montreal Massacre (and killed 77 in Norway) as well as certain sniper rifles such as the L115A3 and the Steyr-Mannlicher HS50 which can pierce armoured cars and precisely hit a target nearly 2 kilometres away.

WHILE THERE ARE MORE GUNS IN RURAL AREAS AND THE WEST, THERE ARE ALSO HIGHER RATES OF FIREARM DEATH AND INJURY, OFTEN INVOLVING RIFLES AND SHOTGUNS.

Areas of Western and rural Canada where gun ownership rates are higher also have higher rates of firearm death and injury. For example, the average firearm death rate for 2004-2008 for Canada as a whole was 2.31 per 100,000, while Manitoba had 3.26 deaths per 100,000; Saskatchewan 3.39; and Alberta 3.28.²⁸ Northern Territories’ firearm death rates are the highest: 4.3 per 100,000 in the Yukon; 5.5 in the Northwest Territories; and 16.9 in Nunavut. Northern regions also have high rates of gun ownership and much higher rates of police reported Firearms-Related Incidents; here is a rank ordering of the five Census divisions with the most firearms offenses per capita in a two-year interval, and how they compare with a few urban areas:²⁹

<u>RANKING</u>	<u>CENSUS DIVISION</u>	2007-2008 FRI REPORTED (RATE PER 100,000)
1	Churchill and Northern Manitoba, Northern Region, MB	654
2	La Ronge, SK	637
3	Virden Area, Westman, MB	418
4	<u>Swan River, Parkland Region, MB</u>	317
5	Thompson and North Central Northern Region, MB	312

67	Montreal, Qc	112
71	Toronto, ON	109
89	Greater Vancouver, BC	95

In 2008, the RCMP in rural Alberta noted an increase in the number of gun-related calls.³⁰ In that province, 68% of suicides by firearms are in rural areas.³¹

A study done in the provinces of New Brunswick and PEI on family violence in rural settings found that two thirds of the women indicated the presence of firearms in their home, and said knowing about the firearms made them more fearful for their safety and well-being; it also found women were more likely to express concern for their safety when the firearms owners were not licenced and the firearms were not registered or safely stored.³² On the International Day to End Violence against Women in 2010, 4.5% of the women who sought assistance in Alberta's women shelters reported they had been threatened with a gun.³³ The Alberta Centre for Injury Control & Research wrote, *"We recognize that women in situations of domestic violence are at particular risk of injury or death by long guns in hands of spouses. Saving women from death at the hands of their intimate partner is a key benefit of the long gun registry."*³⁴

Because of the prominence of firearms (particularly rifles and shotguns) in violence against women and children in rural areas, women's groups from western and rural areas, including the Alberta Council of Women's Shelter, the Ontario Coalition of Rape Crisis Centres, the Provincial Association of Transition Houses and Services of Saskatchewan, the Transition House Association of Nova Scotia, the Regroupement des maisons pour femmes victimes de violence conjugale, the Coalition of Provincial and Territorial Advisory Councils on the Status of Women, and the YWCA Canada have all expressed their support for the licensing of all owners and the registration of all firearms.

REGISTRATION IS ESSENTIAL TO ENFORCING LICENSING.

In 1977, changes to the Criminal Law Amendment Act required people to get a Firearms Acquisition Certificate (FAC) to acquire firearms, and businesses to keep records of firearms sale, subject to inspection by police. In 1991, C-17 strengthened screening and safe storage requirements. No licence was required to possess any firearm at that point, and only about a third of firearm owners had a valid FAC. As well, police testimony before the Committee noted that without registration it was difficult to enforce the FAC or safe

storage provisions of the law. They called for renewable licenses to possess firearms and the registration of all firearms owned, to increase accountability and reduce diversion to unqualified users. Under the old system, an individual could buy an unlimited number of guns over a five year period with little or no accountability because no record was kept of the firearms owned by that individual. These loopholes created a huge potential for straw purchases and for illegal trading. It also gave little incentive for reporting firearm thefts.

Firearm registration allows firearms to be traced to their legal owners. As a consequence it increases accountability and discourages legal gun owners from giving their guns to unlicensed individuals or storing them carelessly. We license drivers but we also register automobiles to encourage drivers to conduct themselves responsibly in their cars, to assist the police in enforcing the law and combating car theft. The same principles apply to firearms.

With the information now available in the registry on what guns are owned by whom, existing safe storage regulations are easier to enforce. Registration also discourages straw purchases (where licensed users buy to distribute to others) and reduces the chances licensed gun owners will give or sell their firearms to unlicensed or prohibited owners. If they do, they are more likely to be caught and held accountable.

Police officers across Canada now consult the gun registry 17,402 times a day,³⁵ to take preventative action or enforce prohibition orders, among other things. While it is difficult to measure prevention, the police have cited a number of examples where they have used the registry to take preventative action. E.g., shortly after the Dawson College shooting, the registry allowed police to remove firearms from a potential copycat.³⁶

Similarly, after a man had reportedly pointed a rifle at a co-worker and threatened to kill him, police searched the registry and confirmed that the suspect had a valid licence with nine long-guns registered, allowing police to recover all of them, along with a quantity of ammunition.³⁷ A total of 4,612 registered firearms were removed from the possession of individuals whose licenses were revoked due to public safety concerns.³⁸

Registration also helps enforce prohibition orders by providing information about the firearms police should remove. Physicians, crisis workers and police have provided anecdotal evidence of specific cases where the registry was useful in removing firearms from potentially deadly situations. Without information about who

owns guns and what guns they own, we cannot prevent dangerous people from getting access to guns.

STRONG FIREARM CONTROLS REDUCE THE RISK THAT LEGAL FIREARMS WILL BE MISUSED OR DIVERTED.

Through the procedure of registering firearms, police are in a position to differentiate between legal and illegal firearms. Without information about who owns firearms legally and the firearms they own, police cannot charge individuals with illegal possession. Registry information is also critical in the investigation and prosecution of firearms offences. The gun registry has provided over 18,000 affidavits to support the prosecution of firearms-related crime.³⁹ For example, two men were identified and convicted as accessories to the murder of four RCMP officers in Mayerthorpe, Alberta, in part because a registered gun was left at the scene of the crime.

Firearms registration also helps reduce the diversion of legal guns into illegal markets and combat the illegal gun trade. Almost 3,000 guns are stolen annually in Canada, by definition ending up in the hands of criminals. In most cases, the firearm used was easily accessible in the home. Firearm registration increases accountability, therefore helping enforce the legal obligation to report lost or stolen guns, and encouraging safe storage, which will help reduce gun theft.

Registration also allows police to trace firearms easily to their rightful owner. Between 1974 and 2008, 40,000 long guns and 33,000 prohibited weapons were stolen from Canadian residences. In 2010, more than 111,000 firearms were in police custody, either for public safety reasons or after criminal use. Of these, 87,000 were long guns.⁴⁰ There are numerous examples of the registry helping to combat the illegal gun trade; for example, in March 2011, a licenced gun dealer from Sainte-Béatrix, QC was criminally charged for illegally selling 63 guns—including long guns—to Montreal street gangs. Police began their investigation after three guns that were previously registered to this individual were used in gang crimes.⁴¹ In December 2010, Sarnia Police apprehended a man suspected in the theft of three guns after an individual tried to register them.⁴²

THERE IS EVIDENCE THAT STRONGER REGULATIONS ON FIREARMS CONTRIBUTE TO PUBLIC SAFETY.

Establishing causal relationships between complex factors is difficult. However, firearm deaths in Canada have declined with stricter controls on firearms, particularly with controls on rifles and shotguns, introduced in 1977, 1991 and 1995.

- The rate of death involving guns is the lowest it has been in over 40 years. In fact, nearly 400 fewer Canadians died of gunshots in 2008 (754) compared to 1995 (1,125).

- Public health studies have assessed the impact of the Firearms Act. For example, the Institut de santé publique du Québec has concluded that the Firearms Act has led to 250 fewer suicides and 50 fewer homicides annually in Canada. Studies have concluded that the drop in suicide has not led to an increase in suicide by other means.⁴³ All major suicide prevention groups in the country support the existing law, particularly because it is a preventative tool which has had significant impact.

- Since the long-gun registry and its related requirements for safe storage of guns were introduced, youth suicide rates by firearms have declined in relation to suicide rates by other means. While the rate of suicide by firearm has dropped 48% since 1995, the rate of suicide without firearm has remained stable.

- Rates of robbery committed with firearms have plummeted (-43%) while rates of robbery committed by other means have only decreased by 9%.⁴⁴

- Murders with rifles and shotguns have decreased dramatically, from 61 in 1995 to 36 in 2010. Crime researchers have concluded that stronger controls on firearms were followed by a significant drop in gun homicides and that no tactical displacement to other methods was observed.⁴⁵

- The rate of women murdered with firearms by their intimate partner has decreased by 69% since 1995.

- While rates of homicide without firearms are comparable between Canada and the U.S., rates of homicides with firearms are 6.4 times higher in the U.S.

DISMANTLING THE REGISTRATION OF RIFLES AND SHOTGUNS WILL SAVE ABOUT \$4 MILLION A YEAR AND INCREASE THE COSTS OF POLICE INVESTIGATIONS AND GUN DEATH AND INJURY.

The old system (Bill C-17 in 1991) cost \$50 million annually and was deeply flawed. While setting up the current system cost more than expected, the money spent on the registry is a sunk cost. Going forward, the principal costs are for screening and licensing gun owners, not for registering guns, and those are areas that even the proponents of Bill C-19 say should be maintained or even strengthened. The RCMP estimates that if the registration of rifles and shotguns were discontinued, it would save them less than \$4 million per year.⁴⁶ It will increase the cost of police investigations,

however, because essential information in the trail will be lost. Police will be less likely to trace guns to their source and this will compromise their investigations. In addition, it will reduce their ability to take preventative action.

In 2006, the Geneva based Small Arms Survey singled out Canada's gun law for its significant impact on reducing gun death and injury in Canada, and estimated the decrease in gun injuries and gun deaths since 1995 as saving up to \$1.4 billion Canadian dollars a year.⁴⁷ It was estimated that the cost of death and injury in the mid-nineties was \$6.6 billion per year.⁴⁸

INTERNATIONALLY, IT IS THE NORM TO LICENSE GUN OWNERS AND REGISTER ALL FIREARMS.

Canada's gun control laws have helped reduce the diversion of legal guns into illegal markets and are seen by many to be part of our obligation under specific International agreements as well as international human rights law. The illegal gun trade is fuelled by inadequate regulation of firearms. The United Nations Firearms Protocol⁴⁹ and the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA)⁵⁰ both require Canada to keep records of firearms transactions. If Bill C-19 passes, Canada will not be able to meet these basic treaty requirements.

The United Nations Special Rapporteur on Human Rights and Small Arms has affirmed that there is no international right to own guns, and that countries which fail to implement appropriate firearms laws to protect their citizens may be failing to meet their obligations under international human rights law.⁵¹ Canada's existing gun control laws are consistent with international norms. Most countries license gun owners and register firearms, as they do in, for instance, the European Union through Directive 2008/51/EC.

EXPERTS AND CANADIANS SUPPORT CANADA'S FIREARMS LEGISLATION.

There has been a considerable amount of misinformation about the firearms registry, including the misuse of rifles and shotguns, the role of the registration of these firearms and the costs associated with the registration of these firearms. In spite of this, Canadians continue to express their strong support for the current firearms legislation.⁵² Over 100 public safety organizations and experts publicly raised their concerns about the previous Bill C-391 in 2009-10, including the Canadian Association of Chief of Police, the Canadian Police Association, the Canadian Association of Police

Boards, the Canadian Association of Emergency Physicians, the Canada Association for Adolescent Health, Canadian Paediatric Society, Canadian Auto Workers, the Canadian Labour Congress, Public Service Alliance of Canada, women's groups, victims, and several other advocacy groups. Considering how Bill C-19 goes much further in weakening Canada's gun control regime than Bill C-391 had proposed, these groups remain understandably concerned.

ENDNOTES

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FOLLOW UP TO TESTIMONY AND REPORT

COALITION**for Gun Control / pour le contrôle des armes****www.guncontrol.ca**

March 26, 2012

Ms. Shaila Anwar
Committee Clerk
Standing Committee on Legal and Constitutional Affairs
Senate of Canada
K1A 0A6

Dear Ms. Anwar,

Thank you again for the opportunity to appear before the committee last week and for your assistance in accommodating my schedule and arranging the testimony by video link. I appreciate this opportunity to respond to clarify some points that were raised following my presentation to the committee on Bill C-19 on March 15, 2012.

Yours truly,



Wendy Cukier
President, Coalition for Gun Control
Selected as one of 25 *Transformational Canadians* (2010), recipient of the *Canadian Labour Congress Making a Difference in People's Lives Award* (2011), *Prix des policiers du Québec* (2007), *Canadian Criminal Justice Public Education Award* (2000), *Canadian Public Health Association Award of Merit* (1996), *YWCA Woman of Distinction* (1996)

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1. FIREARMS LICENCE

The process to obtain a non-restricted firearms licence is the same Canada-wide. The Honourable Senator Dagenais mentioned the requirement that one goes to its local police station to apply for a licence. It should be noted that this is not a requirement for non-restricted firearms in any province. Quebec however strengthened its processes on restricted firearms following the introduction of the Anastasia law and requires this for restricted firearms only.

It was also alleged that there have not been any evidence of fraudulent licences and no reason to believe there would be in the future. In fact, there are documented cases of forged firearms licences¹ despite the fact that they have little use in helping purchase firearms as the seller is currently required to verify the licence's validity. It is reasonable to expect that without this safety check, the black market for fake firearms licence will flourish.

2. POLICE USE OF THE LONG-GUN REGISTRY

Lawyer Solomon Friedman presented two cases alleging that these officers were killed because they relied on faulty information from the long-gun registry. In fact:

- Laval Police officer Daniel Tessier was killed during a home raid by a restricted firearm. It was reported that the legal handgun owner who shot him did not report his change of address.²
- Laval Police Constable Valerie Gignac was shot by one bullet fired from a “non-restricted” gun that went through a front door, her bulletproof vest and a notepad. Laval police chief compared the powerful .338-calibre rifle that was used to an “elephant gun”. The coroner's inquest into her death reinforces the need to verify firearms licences for validity. Since Dec. 1 1998, sellers had to call the transfer in and register the gun to the new buyer. However, her killer was able to purchase the gun used at a rural gun show around 2001, despite a revoked licence. The seller's failure to check the licence's validity undercuts the argument that gun sellers will always do the right thing and call in to check a licence. Presumably a known seller would have not sold his guns to a prohibited buyer knowing that they could be traced back to him. With registration and licence checks, there might have been information to track the seller — still unknown today — and charge him appropriately.

3. RECORDS OF SALES

International treaties require that countries maintain records on firearms. The European Union has finalized its implementation and ratification plans of the international Firearms Protocol. When asked how Canada plans to ratify this agreement, Minister Toews responded that the committee should speak to an international expert on this. As it is unclear whether Canada plans to ratify the agreement

and develop alternative mechanisms that will be more costly and not as effective or comprehensive as the current system. We encourage the Committee to seek the input of the Department of Foreign Affairs on this issue.

Committee members questioned whether it is already a requirement under the Income Tax Act to record the serial number of firearms. We understand that it can be done on a voluntary basis, and that other information could be recorded to fulfill the requirement of "*A brief description of the goods or services*".³

We further note that there is no requirement to write the address of the purchaser and that these records are only required to be kept for six years.

4. EMPIRICAL EVIDENCE SUPPORTING CANADA'S GUN CONTROL LAWS

- The rate of death involving guns is the lowest it has been in over 40 years. In fact, **400 fewer Canadians died of gunshots** in 2007 (723) compared to 1995 (1125). (See figure 1)
- Public health studies have assessed the impact of the Firearms Act. For example the *Institut de santé publique du Québec* has concluded that the Firearms Act has led to **250 fewer suicides and 50 fewer homicides annually** in Canada. Subsequent studies not only confirm those initial findings but have extended them, and identify another more specific area where the Firearms Act has been helping **in reducing spousal homicides**.
- Since the long-gun registry and its related requirements for safe storage of guns were introduced, youth suicide rates by firearms have declined in relation to suicide rates by other means. While **the rate of suicide with firearm has drop 48% since 1995**, the rate of suicide without firearm has remained stable. (See figure 2) Studies have concluded that the drop in suicide has not lead to an increase in suicide by other means.
- Rates of **robbery committed with firearms have plummeted (43%)** while rates of robbery committed by other means have decreased only by 9%.
- **Murders with rifles and shotguns have decreased dramatically, from 61 in 1995 to 29 in 2009.**

- Researches on crimes have concluded that stronger controls on firearms were followed by a significant drop in the number of homicides committed with a gun and that no tactical displacement was observed.
- Non-restricted rifles and shotguns are the guns most likely to be used in domestic violence situations. Studies in Ontario and elsewhere have shown that, in abusive relationships, the risk of a woman being murdered increases substantially when firearms are readily available.¹⁰ Canada's firearms legislation was designed to reduce the risk that abusive spouses will have access to firearms by improving screening (including spousal notification) and registering firearms. It also makes it easier to remove firearms when risks are identified. The rate of **women murdered with firearms by their intimate partner has decreased by 69%** since 1995.
- While rates of homicide without firearms are comparable between Canada and the U.S., rates of homicides with firearms are 6.4 times higher in the U.S. (See figure 3 and table 1)

5. AUDITOR GENERAL OF CANADA'S REPORT AND TESTIMONY

Former Auditor General Sheila Fraser reaffirmed to the Standing Committee on Public Safety and National Security May 27, 2010 and specified:

- Her department has not conducted detailed audit on the program since 2006 and did not audit the effectiveness of the program or the social implications of the firearms policy as this is not in their mandate.
- It was expected that the total costs of the program was to reach \$1 billion by the end of the 2004-2005 fiscal year.
- In its 2006 audit, the Auditor General found that the government had made satisfactory progress in recording and reporting the full costs of the program. It was noted at that time that the annual expenditures had decreased to \$71 million in the 2004-05 fiscal year.¹³
- The 2006 audit discussed the quality of the data and recommended that resources were to be devoted to check all records for entry errors and completeness. Instead of improving the accuracy of the data,

the amnesty leads to further degradation of the data — particularly the addresses of firearms owners.

4.59 *A 1994 study commissioned by the Department of Justice found that, in the RWRS, many of the records for restricted and prohibited firearms were outdated or incorrect. However, owners who had registered in the CFIS were not required to confirm or update information provided previously. Confirmation of information would have strengthened the quality of data in the CFIS.*

4.60 *In 2002 we reported that to reduce the burden of the Canadian Firearms Program's requirements and to increase registration, the government had approved a more flexible standard for describing firearms. As a result, the Centre relied on applicants to describe their firearms with reasonable accuracy. It did not physically verify descriptions provided by applicants at the time of registration, and the registration process did not require information such as model or exact barrel length. The Centre expected to correct and complete firearm records at the time that the firearm is transferred.*

6. NEGATIVE EFFECTS OF THE AMNESTY

In 2006 the government declared an amnesty for gun owners who failed to renew their licenses or register their firearms. The amnesty was extended for one year in 2007, 2008, and 2009. On April 22, 2009, the House of Commons voted in favour of a motion to end this amnesty. It was renewed again in 2010, and for two years in 2011. The amnesty covers gun owners who have failed to register their non- restricted firearms and those who have failed to renew their licence and who weren't screened for risk factors. The amnesty:

1. **Undermines respect for the law.** The amnesty penalizes the law abiding gun owners who regardless of their personal views complied with the legislation in a timely fashion. It also encourages groups and individuals that publicly flout the law.
2. **Undermines the integrity of the data in the Firearms Registration System.** The need to improve the accuracy of the data contained in the registry was a point raised in the 2006 report of the Auditor general of Canada in the chapter "Data quality needs to be addressed": "*4.64 Canada Firearms Centre should ensure that its new information system will be able to provide management with the performance information it needs to run*

the Canadian Firearms Registry". Frequent renewals are a way to keep firearm owners' addresses up to date. Information on long guns is self-reported, and only verified when guns are transferred. Instead of improving the accuracy of the data, the amnesty will lead to further degradation of the data -particularly the addresses of firearms owners- putting police officers and the public at risk. The 2008 Commissioner's Report reported "*To encourage compliance, a partially filled renewal application is mailed to the client for completion 90 days prior to expiry. In 2008, a total of 309,161 licences of individuals in possession of firearms (Possession Only Licences and Possession and Acquisition Licences) required renewal. Of these, 66,006 were not renewed. Many of the non-renewals occurred because the licence holders did not advise the CFP of their address changes. Overall, 27,859 renewal notices were returned as undeliverable.*"

3. **Prevents screening for risk factors of violence and suicide.** Licensing gun owners is an essential measure to keep guns away from potentially abusive spouses, and individuals with a history of violence. The license renewal process is essential to allow for re-screening on a regular basis for violence and suicide related risk factors that are not currently in police databases, reducing the chances that dangerous people will have access to guns. For example, a substantial proportion of men who kill their partners have either criminal records or a history of psychiatric treatment. In many of these cases, other members of the community have known that these threats and acts of violence were occurring. Screening and licensing firearm owners reduces the risks that dangerous people will have access to weapons, and registration is essential to enforcing licensing.
4. **Prevents police from removing firearms and charging potentially dangerous people.** In our consultations with police, we have learned that there are many cases where police have apprehended individuals with illegal long guns, including powerful semi-automatics as well as shotguns, and have been unable to proceed with charges because of the amnesty. Arthur Dagenais (father of Curtis Dagenais who is charged with killing two RCMP officers) was charged with obstructing justice while police officers were actively trying to locate his son. Charges for possession of illegal firearms against him were stayed because of the amnesty. In Laval, Quebec, a couple was charged with 21 counts each

of possession of illegal firearms (11 hunting rifles), charges which were later dropped after the accused countered that hunting rifles didn't have to be included in the gun registry. As far as we know, there has been no assessment of how often the amnesty has hampered police investigations and prosecutions.

7. FACTS ON THE COSTS OF THE PROGRAM

- Eliminating the long-gun registry will not refund the financial investment to set it up, nor will it save billions of dollars in the future.
- The costs of maintaining the registration of rifles and shotguns are modest. **An independent cost-benefit analysis for the RCMP has estimated that scrapping the registry would save less than \$4 million per year.** The Deputy Commissioner of the RCMP has confirmed that the long-gun registry makes up approximately 20% of the workload.
- The bulk of the costs of the Firearms Program are for licencing gun owners and screening them for risk factors of violence and suicide.
- Comparatively, police associations have given evidence that it is approximately the cost of a complex murder investigation and public health advocates have argued that it is dwarfed by the annual costs of firearm death and injury, estimated at \$6.6 billion annually in 1995. According to the 2006 Small Arms Survey, the decrease in gun injuries and deaths since the inception of the Firearms Act are worth nearly \$1.4 billion annually.
- Since 2006, the government has waived fees given up associated with gun licence renewal, estimated at \$21 million in lost revenues in 2011 alone.
- The costs of C-19 are unknown but could be substantial. The government has not said what the implementation costs of C-19 will be or how it will proceed with deleting the data. Due to the way the system is built, this could be a time-consuming, expensive process.

- The Quebec government has vowed to take the federal government to court to protect the gun registry data. Rather than cooperate, the government has refused. This will likely lead to an expensive and drawn out court battle.
- Police associations have repeatedly warned that C-19 will make their investigations more difficult and more expensive.

APPENDIX

FIGURE 1

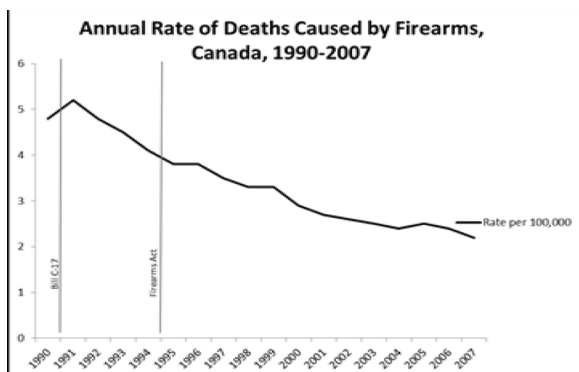


FIGURE 2

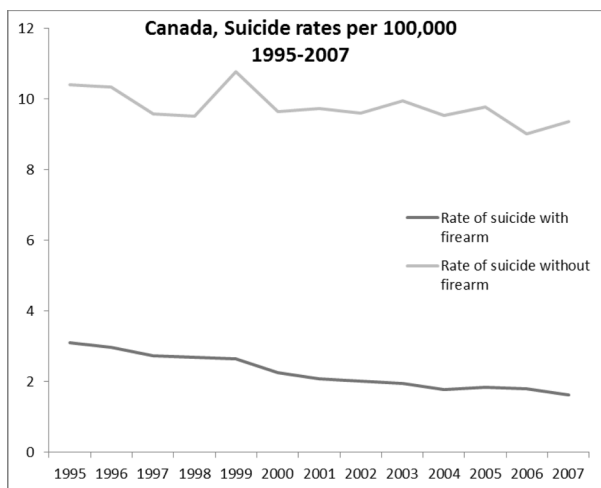


FIGURE 3

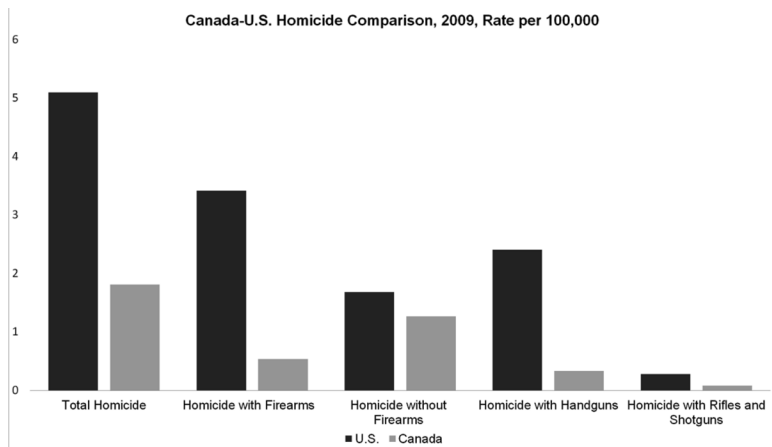


TABLE 1

2009	Canada	US	Comparison US vs Cda
Total Homicides	610	13,636	
Rate of Homicide	1.81 per 100,000	5.1 per 100,000	2.8X
Total Homicide with Firearm	179	9,146	
Rate of Homicide with Firearms	0.53 per 100,000	3.42 per 100,000	6.4X
Homicides without Guns	431	4,490	
Rates of Homicides without Guns	1.27 per 100,000	1.68 per 100,000	1.3X
Handgun Homicides	112	6,452	
Rates of Handgun Homicides	0.33 per 100,000	2.41 per 100,000	7.3X
Homicides with Rifle and Shotgun	29	766	
Rates of Homicides with Rifle and Shotgun	0.08 per 100,000	0.28 per 100,000	3.5X

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EVIDENCE

Proceedings of the Standing Senate Committee on
Legal and Constitutional Affairs

Issue 15 - Evidence for March 14, 2012

OTTAWA, Wednesday, March 14, 2012

The Standing Senate Committee on Legal and Constitutional Affairs, to which was referred Bill C-19, An Act to amend the Criminal Code and the Firearms Act, met this day at 4:15 p.m. to give consideration to the bill; and for the consideration of a draft budget.

Senator John D. Wallace (Chair) in the chair.

[English]

The Chair: Good afternoon, and welcome, Senate colleagues, invited guests and members of the general public who are viewing today's proceedings on the CPAC television network. I am John Wallace, a senator from New Brunswick, and I am Chair of the Standing Senate Committee on Legal and Constitutional Affairs. Today, we begin our consideration of Bill C-19, An Act to amend the Criminal Code and the Firearms Act. This bill was introduced in the House of Commons by the Minister of Public Safety on October 25, 2011.

The summary of the bill states that it amends the Criminal Code and the Firearms Act to remove the requirement to register firearms that are neither prohibited nor restricted. The bill also provides for the destruction of existing records that are held in the Canadian Firearms Registry, under the control of firearms officers and related to the registration of such firearms.

To begin our public hearings today, I am pleased to welcome back to this committee the Honourable Vic Toews, Minister of Public Safety. Minister, I believe you have an opening statement and would ask you to proceed.

Hon. Vic Toews, P.C., M.P., Minister of Public Safety: I thank you for the invitation to be here to assist in your study of Bill C-19, the Ending the Long-gun Registry Act.

I might add as a comment that while I am scheduled to be with you for one hour, if you agree Mr. Chair, I will be pleased to stay longer. I have a vote, but I note that in a previous appearance here there was concern that I had not stayed long enough. I have a few extra minutes and will make myself available. I do have to get away for votes in the other place, but I will stay longer than the allotted hour.

The Chair: We would appreciate any additional time you could give us, minister.

Mr. Toews: Your committee's deliberation brings us one step closer to fulfilling our government's long-standing commitment to end the wasteful and ineffective long-gun registry once and for all. Canadians from coast to coast to coast are watching and waiting for this bill to receive Royal Assent so that common sense can finally be returned to the way firearms are treated in this country.

Our government stands with law-abiding hunters, farmers and sport shooters across Canada. We stand with rural, northern and remote Canadians who use shotguns and rifles as tools in their day-to-day lives. We stand with urban and suburban Canadians who enjoy hunting and target shooting and, most of all, we stand with Canadians who do not believe the state has the right to needlessly interfere with the private property of law-abiding Canadians. These Canadians have long opposed the wasteful and ineffective long-gun registry, and I, along with my Conservative colleagues, am proud to stand up for them.

In short, Bill C-19 is about making sure we do not unnecessarily penalize honest and law-abiding Canadians with rules that have not had an effect on reducing gun crime.

What, then, does bill C-19 do? First and foremost, it removes the need to register non-restricted firearms, such as rifles and shotguns. Honourable senators, these are generally not the guns used to commit crimes.

Secondly, Bill C-19 ensures that we protect the privacy of law-abiding Canadians by destroying the long-gun data currently held in the registry.

The bill is clear: After Royal Assent, clause 29(1) directs the Commissioner of Firearms to ensure the destruction, as soon as feasible, of all information in the Canadian firearms registry pertaining to non-restricted firearms. Canadians can rest assured that our government will not share their personal information with other organizations or government bodies.

While I would not advise it, given the federal experience, provincial governments are free to use their constitutional powers in the area of property rights to establish a provincial long-gun registry. However, I cannot be more emphatic: The federal government will not assist in setting up a registry by the back door.

Contrary to the fear mongering of some opponents, Bill C-19 clearly does not do away with the need to properly license all firearms owners, nor does it do away with the need for the owners of restricted and prohibited firearms to obtain a registration certificate as well as a licence.

Registration of restricted and prohibited firearms, including all handguns and automatic firearms, will continue to be maintained by the Canadian Firearms Program. Under Bill C-19 Canadians will still need to go through a licensing procedure.

To obtain a licence they must be able to pass the required Canadian Firearms Safety Course exams. They also face a screening process to ensure that they have not committed a serious criminal offence, that they are not prohibited by a court sanction to own firearms and that they do not pose a risk to society.

Bill C-19 retains licensing requirements for all gun owners, while repealing the long-gun registry, because it targets those predisposed to complying with the law rather than thugs and criminals. Bill C-19 also maintains the current restrictions on the transfer and transportation of prohibited and restricted firearms.

What is proposed under Bill C-19 are changes that do away with the need to register legally acquired rifles and shotguns, owned largely by Canadians living in rural or remote areas, so that scarce government resources can be directed towards initiatives which in fact make our streets safer. This, again, is really what Bill C-19 is about. It is about ensuring that we invest in initiatives that work.

The bottom line is that measures taken in the area of firearms control should enhance public safety on our streets and in our communities by preventing firearms from falling into the hands of dangerous people and by setting tough consequences if they do.

That is what Canadians want, and that is what our government is committed to doing.

Throughout this debate we have heard all the reasons why Conservatives are opposed to the long-gun registry. We have heard how it is wasteful. According to the state broadcaster, the CBC, the cost of the long-gun registry has surpassed \$2 billion. Can you imagine how many police officers that money could have hired? How many crime prevention programs could have been funded? How we

could have used that money to support victims of crime? When you stop and think about it, the waste is absolutely astounding. We have also heard that it is ineffective.

Throughout the entire process of debate and, frankly, for the 17 years that we have lived under the long-gun registry there has not been one person who could convince me that the long-gun registry has ever stopped a single crime or saved a single life.

Mr. Chair, by eliminating the wasteful and ineffective long-gun registry we can instead focus our efforts on more effective measures to tackle crime and protect families and communities. What will stop crime are smart prevention, effective policing and deterrent sentences. What will stop crime are those matters, not the long-gun registry. This is the approach to criminal justice that this government has taken and will continue to take into the future.

Supporters also claim that repealing the long-gun registry will loosen the rules around gun ownership and lead to increased gun violence in our streets. Mr. Chair, effective gun control exists through proper licensing and ensuring only qualified individuals have possession of firearms.

As I have said before, a gun in the hands of a law-abiding Canadian is just another piece of property. A gun in the hands of a criminal or the mentally ill only leads to tragedy. The long-gun registry does nothing to prevent the latter. Preventing guns from reaching criminals is done through screening and licensing, which in fact we have recently increased investment in.

Since 2007 our government has committed \$7 million annually for enhanced screening of individual licensees. This ensures that over 20,000 first-time firearms licence applicants will be interviewed, along with references for the applicant, to help prevent guns from getting into the hands of those who are legally ineligible.

Ours is an approach to gun control based on common sense. Our government has clearly demonstrated that it is serious about getting tough on crime, and especially gun crime. This is evidenced through our implementation of the Tackling Violent Crime Act, and more recent legislation, Bill C-10, the Safe Streets and Communities Act. I want to thank senators for moving on that bill.

Our government believes that gun control should target criminals, not law-abiding citizens. It should promote safety on our streets, not frustrate hunters in the bush. It is about an approach that does not penalize law-abiding citizens, particularly those in rural areas. It is about an approach that will truly reduce gun crime and keep Canadians safer.

I therefore urge all honourable senators and members of the committee to ensure that Bill C-19 is quickly passed into law. Law-abiding Canadians are counting on you.

Thank you.

The Chair: Thank you, minister, for those helpful comments.

We will now turn to questions from committee members and begin with our deputy chair, Senator Fraser.

Senator Fraser: Minister, thank you for joining us. It is a pity you were not been able to bring officials to stay on after you have to leave.

However, as you know, in 2000, in the Firearms Act reference, the Supreme Court of Canada ruled unanimously that it was not possible to separate the registration provisions from the rest of the Firearms Act and that the registration and licensing provisions were inextricably linked. Both portions, the court said, are integral and necessary to the operation of the gun-control scheme.

Now you are removing the registration requirement for the overwhelming majority of guns in Canada. How, in the light of the Supreme Court's opinion, does the rest of the act still stand?

Mr. Toews: I am not exactly sure what the Supreme Court was saying there, given that the licensing provisions were in effect prior to the registry coming into force.

I think you might be taking that out of context.

Senator Fraser: I was quoting from a memo written in your own department, which said that there might well be constitutional challenges on this ground.

Let me turn to another area.

Mr. Toews: Let me intervene, then. If the licensing provisions were constitutional without the registry, and if the Supreme Court of Canada said the registry was constitutionally valid under the criminal law, how could removing the registry then subsequently invalidate something that the courts have already ruled, in terms of licensing, was constitutionally valid?

Senator Fraser: What they said was that licensing and registration were two sides of the same coin, if you will.

However, I have another question.

Mr. Toews: For 17 years that has been true. Before the 17 years it was not true, and hopefully within the next month or two it will not be true.

Senator Fraser: The chair will cut me off, but I have another question. We all have to be concise and terse around here.

As you also know, there are numerous international treaties, protocols and agreements involving firearms, particularly, obviously, aimed at controlling the international trade in firearms. I am particularly struck by the UN Firearms Protocol because last October, Prime Minister Harper, at the Commonwealth Heads of Government meeting, urged Commonwealth Heads of Government to comply with all obligations arising under international law and urged all countries to become parties to and implement the UN Firearms Protocol.

That protocol, like all the other agreements I referred to, calls for information to be kept and, in the case of that protocol, for information to be kept for not less than 10 years in relation to firearms, information that is necessary to trace and identify them, for example.

How do we square what we are doing in Bill C-19 — again, removing registration, that is, information about the vast majority of guns in Canada — with these international obligations?

Mr. Toews: I understand — and I am not an expert in international relations — that the repeal of the long-gun registry in itself will not impede Canada should it take steps to ratify those agreements. Some of those agreements have not been ratified, the ones you are referring to. There is no impediment, by simply repealing the long-gun registry, to that.

Senator Fraser: If you repeal it before we ratify, that is one thing; however, once we ratify, we are supposed to be bound to have that information, and we will not.

How would we square those international obligations with the fact that we will no longer be keeping the required information?

Mr. Toews: You will have to speak to an expert on that. My understanding is that repealing the long-gun registry itself will not impede Canada's ability to take steps to ratify these agreements. There would be nothing to legally impede Canada from doing that. We would not have to pass other legislation in respect of long guns in order to be able to comply with these agreements.

Senator Lang: I would like to welcome our guest here today. I want to commend you, minister, both for your perseverance and for your ministerial responsibilities and, as a member of Parliament, for taking on this particular issue over the years and finally bringing it to the forefront.

As I said in my opening speech at second reading, I pointed out that Canada faced the same issue, I believe, in 1919, where small arms were prohibited, and then they had to reverse that decision a

year later because the law-abiding Canadians at that time said they would not put up with it. Subsequently, they reversed the law that was put in place, and here we are in the same situation.

I agree with your statement that a gun in the hands of a law-abiding Canadian is just another piece of property. I think the important issue here for us around the table is the question of safety for Canadians. It should be clearly delineated what is expected of those of us who do have a firearms acquisition permit. I do not know how many people around this table have a permit and how many people have gone through the process, other than my colleague Senator Baker. The point is that there is a requirement for a licence, a police check and a safety course. You have to meet all three objectives in order to be eligible for this particular licence.

Perhaps you could clarify the situation further on down, when one does acquire a rifle and goes to sell it, now with the registry gone, the requirements that will still be in place so that we ensure there is a requirement for licensing of every individual who acquires a long rifle once the registry is destroyed.

Mr. Toews: There is still an onus on someone who is going to sell a firearm to satisfy himself or herself that the individual wanting to purchase the firearm is properly licensed. If the owner does not satisfy himself of that, then they could be liable for prosecution, with a possible sentence of up to five years. There is a stiff penalty for selling a firearm to someone who is not licensed.

Senator Lang: Are you satisfied, minister, that there are enough protections in the system, so that for those Canadians who are concerned about safety, as long as those qualifications are met, the question of safety will be met?

Mr. Toews: I believe that the safeguards that are in place are appropriate for the long-gun transfers and the licensing of individuals who wish to possess that type of firearm. I understand that there are differences with short arms, with revolvers and pistols. For that reason, our government has not questioned the registry of pistols and revolvers.

Senator Lang: For the record, again, so that it is clarified for the listeners out there, the registry will continue for revolvers and those types of firearms that have been designated and prohibited. The public has, I think, in some ways been misled to believe that perhaps these will just be open market once this legislation is passed.

Mr. Toews: No. That needs to be clear, senator, and I thank you for raising that. Also with respect to restricted and prohibited firearms, there are certain registry requirements, if not outright banning of

certain types of firearms by the general public. That, again, needs to be made clear.

Instead of focusing on simply the registry, even of pistols and handguns, what we have done in our time in government is tried to enhance tools that will assist police.

I had an interesting conversation just a week or so ago with Chief Chu in Vancouver. He said that when gangsters now carry a gun, they carry it for a reason, not simply because it is a status symbol. They are going out on a mission. The reason they are not now carrying guns all the time is because of some of the changes we made in the legislation, for example, the reverse onus on bail. A lot of these gangsters now do not want to be picked up with a gun, because if there is an illegal gun in their possession, they will not get bail, since the onus is now on them to demonstrate why they are carrying that gun.

It is changes like that. Mandatory minimum prison sentences, for example, which I am strongly in favour of when it comes to the possession of firearms, are very important in order to put a concern in the minds of these gangsters. If they are caught with these guns, they are incapacitated; that is, they are put behind bars so that they cannot use guns on a so-called mission.

Senator Lang: If I could move on to another area, it has to do with the long-gun registry and with respect to our police enforcement agencies. The position that many have taken, especially the front-line officers, is that the registry does not prevent crime and does not necessarily prevent those who would like to get a firearm from getting one. Perhaps you can tell us, from your experience in having to deal with the legislation, what has been brought to your attention with respect to the front-line officers and what they have had to deal with.

Mr. Toews: The idea that officers check the registry thousands of times a day is very misleading, given that whenever they stop someone in a car, for example, it is automatically checked into the registry, so that this somehow gives them this information automatically even if they are not looking for it.

What officers tell me is that they would not rely on the fact that someone might be a registered owner of a firearm. Those are not usually the people they are worried about. They are worried about the ones who are carrying unregistered firearms, handguns and the like. Many here would be in a better position to say it than I, but my information from these officers is that they approach every vehicle, every car and every house with the possibility that there could be a

firearm there. Whether the registry says there is one or not is quite irrelevant.

The Chair: Just a quick clarification, minister. I am sure most people around this table are aware of this, but for the benefit of the viewing public: The distinction that Bill C-19 focuses on the long-gun registry versus the registration of what you refer to as prohibited and restricted weapons. Can you briefly clarify restricted and prohibited weapons? What types of weapons are those, and what circumstances will continue to apply to those weapons?

Mr. Toews: For example, pistols and revolvers are restricted firearms. There is one test for long guns and another for restricted firearms. Automatic weapons are, generally speaking, prohibited. In fact, I do not know of one that is available to an ordinary member of the public. The classification process is done by the RCMP, as a general rule, or by certain independent classification experts. I do not want to give a specific definition, but I think that most of us have the idea that long guns to which the long-gun registry applies are guns used on farms such as .22s, shotguns, 30.06 and .303 Enfields, which are typical long guns that have been registered under this long-gun registry that we say does not assist in crime prevention.

There are substantive policy reasons why revolvers and pistols need to be registered, and while people may differ on that, I think our government has taken the right position in maintaining the registry in respect of short arms.

Senator Baker: Minister, I think most people across Canada watch proceedings like this to try to discover what is actually happening. They want to know how this will apply to the ordinary person who owns a gun or a part of a gun. I learn something every time I listen to someone talk about this legislation, especially yourself, because you are very familiar with it.

Correct me if I am wrong, but the only thing this changes is that people will not have to register their normal guns that one would find in the basement such as, as you mentioned a .22, a 20-gauge, a 16-gauge, a 12-gauge, a 30.06, a 32 special, a .303 or a 30-30, or parts of those guns, which has always been a contentious issue. As far as I can see, this bill only removes the requirement to register the parts of the guns or the guns because, as you pointed out a minute ago, there will still be a licence.

Mr. Toews: Yes.

Senator Baker: Most of the criticism you hear about the long-gun registry is that to get a licence and you have to go through a very invasive and intrusive police procedure where they ask you who your

girlfriend was, who your present spouse is, where they live, if you have ever seen a doctor in your life, and things like that.

Mr. Toews: You have obviously taken the test, senator.

Senator Baker: As you know, I was an MP for 29 years. Those things still remain.

Mr. Toews: Absolutely.

Senator Baker: Minister, all you are doing is removing what?

Mr. Toews: We are essentially removing the registry of the actual piece of property, but we are still qualifying the individual as being properly licensed to possess and use a firearm.

Senator Baker: Or ammunition. In other words, someone who buys ammunition will still have to have a licence?

Mr. Toews: Yes.

Senator Baker: They will still have to have a licence?

Mr. Toews: Perhaps one person out of ten in a coffee shop in my riding will have a registered firearm, and it will be a .22 or something like that. However, everyone sitting around the table relies on that individual to buy them ammunition, because if you have a registered .22, you can buy ammunition for a 30.06, a .303 or a shotgun. It looks a little odd if you come in with your certificate and buy ammunition for every other type of firearm, and that is the unfortunate kind of thing that happens with the registry. It really does not focus on who is a criminal.

I want all the people around that table who have firearms to be licensed so that we can satisfy ourselves that they are not mentally unstable and not criminals.

Senator Baker: The police will still have that person's name and address in the computer in their car because that person had to get a licence to possess a firearm or to purchase ammunition. I am trying to figure out what the change is and whether it is a substantive change. It is considerable in that you do not have to register parts of guns and certain guns, but as far as a substantive change in the intrusive nature of the police duties, they will still have these people on their computers.

Mr. Toews: I am not sure what all CPIC —

Senator Baker: You said they have to have a licence.

Mr. Toews: They have to have a licence.

Senator Baker: Would the police not have access to that?

Mr. Toews: I am not sure what all is on CPIC. A police officer would be in the best position to tell you that.

Senator Baker: We have two good police officers across the table, and they will be able to tell us.

Mr. Toews: They will be able to tell you exactly what is on CPIC. I know that on CPIC is the fact that someone has been acquitted of a crime, that someone has been arrested but not necessarily convicted, or that someone has been picked up under the Intoxicated Persons Detention Act. That is information kept for police purposes specifically. I am not sure whether the licensing computer is linked into that. I know the registry is automatically linked in.

Senator Baker: Mr. Chair, maybe future witnesses can answer that.

Senator Runciman: Were you the Justice Minister in Manitoba when this legislation was being considered?

Mr. Toews: I was.

Senator Runciman: I thought so. I was the Solicitor General of Ontario and I appeared before this committees and expressed the concern that bureaucrats in the provincial government at the time estimated that the cost would exceed \$1 billion. I think Mr. Rock, the federal attorney general and justice minister at the time, was suggesting that it would cost \$2 million.

Mr. Toews: That would be the net cost.

Senator Runciman: We certainly expressed our concern, not only about the cost but about the lack of impact it would have on gun crime. We said that our preference was to put that into front-line policing. I am not sure whether you appeared on behalf of your province.

Mr. Toews: No, I did not. I became the provincial attorney general in 1997, and shortly after that time Mr. Rock came to visit me and indicated to me in no uncertain terms that if we did not enforce this he would sue me. He still has not sued me although I told him very clearly that we would not enforce it. That was a very clear direction from our government. I found it ironic that at the same time they were bringing in this massive gun registry they shut down RCMP Depot in Regina. One of our MPs, the MP from the Yukon, was in Troop 4 in 1998 when they told him that his would be the last troop to graduate from Depot, that there would not be any more RCMP officers graduating because they could not afford it.

I found it amazing that at the same time as they shut down Depot they were bringing in this registry. That was going to make it very difficult for people trying to enforce the law in places like Manitoba, because we could not find enough police officers. There were huge vacancies. With the retirement rate at that time, within five years 50 per cent of the RCMP would be eligible for retirement.

That was why, when we came into government, 300 officers were being graduated a year. They reopened Depot and there were

300 officers in 2006. We ramped that up to 1,800 a year very quickly in order to meet these huge deficits that we had in terms of police officers.

Senator Runciman: I have found in this assembly, people who reside in urban areas or bigger cities seem to have a confusion, which I will describe, with respect to doing away with the registry. They think the government is doing away with gun control. In my view, real gun control is a licensing regime, safe storage and background checks, and really has nothing to do with the registry. I am not sure how you or the government overcome that perception, but it is relatively widespread in heavily urbanized areas. I do not know if you see that as a concern and, if you do, if there is any way it can be addressed.

Mr. Toews: You will notice that when members of the opposition, and I am sure that does not happen in the Senate, talk about the gun registry, they always talk about gun control generally and confuse the issue and do not make that distinction between the registry and licensing. You will note that people on the government side will always talk about licensing and gun control in a different context. They will make clear when they are talking about the registry as something different from what we consider gun control. That loose use of language contributes to people's genuine confusion.

The place where they are not confused is in the rural areas. Come to a riding like mine back in 2000, when I was elected. We had American hunters come up, especially into the poorer areas of that riding in the southeast corner of Manitoba, with ATVs and rent hotel rooms, use the restaurants and hire guides. That industry is devastated. Now, you can basically go down highway number 12 in the fall and honk your horn at the deer that are standing on the highway every minute and a half because people have basically given up on hunting and on a way of life. I think many people are very resentful that they have somehow borne the brunt of a misguided attack on what it means to fight crime. Hunters, guides and others saw this as a natural part of their lives, and somehow they felt they were being viewed as criminals. The worst thing about it is that it has created a divide between the police and ordinary law-abiding citizens who should be supporting the police on many initiatives and yet now are suspicious of the police because they have a .22 hidden in their barn or in their basement. That is terribly unfortunate because it has alienated the wrong people and not focused on the individuals who are in fact the criminals.

Senator Runciman: Whether it is appropriate, perhaps you might consider some sort of advertising program about gun control to reassure Canadians who have concerns.

Is there anything in this bill that in any way has an impact on the licensing process, background checks or the types of weapons that can be legally bought or sold in Canada — in other words, the control of firearms?

Mr. Toews: No change in that respect. In fact, I have noticed there were questions coming up when we brought this bill forward that somehow this will affect the classification of firearms. That is a totally different issue. There are legitimate questions one way or another. Should this be a restricted firearm? Should this not be a restricted firearm? That is a totally different issue and it is not affected by the repeal of the registry.

The Chair: We have Senator Jaffer followed by Senator Dagenais.

Mr. Toews: I will keep my answers a little shorter.

The Chair: We are here to listen to you, minister.

Senator Jaffer: Further to what my colleague Senator Baker was saying, I am trying to grasp this. I am proud to say that I am not a gun owner, holder or licensee because that is not my lifestyle. There are many urban people like me and for them to understand what is happening, is that the best way? Maybe you can correct me if I am wrong. To drive a car, I need a licence, right?

Mr. Toews: Right.

Senator Jaffer: If I have a car, I have to register it.

Mr. Toews: That is correct.

Senator Jaffer: If I want a long gun and to use it, I still have to have a licence.

Mr. Toews: That is correct.

Senator Jaffer: I still have to go through police checks.

Mr. Toews: That is correct.

Senator Jaffer: The only difference now is that under the bill, I do not have to register it.

Mr. Toews: A long gun, yes.

Senator Jaffer: I still have to register the short gun.

Mr. Toews: Yes.

Senator Jaffer: I do not have to register the long gun, if the new bill comes into effect.

Mr. Toews: You do not have to register your long gun; that is correct.

Senator Jaffer: I believe it is non-restricted.

Mr. Toews: Let us be very clear. I appreciate the distinction, Senator Baker.

Senator Jaffer: Minister, I get it: Law-abiding farmers and hunters feel the stress of being treated as criminals. I can understand how they feel. Where I come from in Vancouver, I work in schools where young children tell me, and it is very embarrassing for me as a parliamentarian, that they cannot go and play on their street because of who lives three doors down. That is the reality of where I come from and what happens to long guns. The police report here talks about the RCMP and in Western Canada the cut-down long guns are the guns of choice due to availability.

Mr. Toews: Cut-down guns are prohibited.

Senator Jaffer: I understand they are cut down.

Mr. Toews: Yes.

Senator Jaffer: Minister, do you have the bill in front of you?

Mr. Toews: Yes, I do.

Senator Jaffer: Can you turn to page 5, please?

Mr. Toews: Are you talking about clause 5 or page 5?

Senator Jaffer: Page 5, section 23. My preoccupation is where I live. My reality is such that my children and my grandchildren cannot walk on the streets because of the criminals. How do we stop them? Look at proposed section 23, on page 5.

Mr. Toews: I am not sure I have the same because I have a clause-by-clause analysis here.

Senator Jaffer: My assistant will give it to you. We have highlighted it for you.

Mr. Toews: Yes, I see it. Section 23 states:

(b) the transferor has no reason to believe that the transferee is not authorized to acquire and possess that kind of firearm.

Senator Jaffer: Minister, I want you to look at 23(b). The transferor has to look at that. Every act I have looked at from previous — “the transferor has no reason to believe that the transferee is not authorized to acquire and possess that kind of firearm.” I may be mistaken, but this is a new thing that has been added to this bill. Minister, why has this been added?

Mr. Toews: This puts an onus on the individual who lawfully owns the firearm when he or she is transferring that ownership to someone else, to make sufficient inquiries to ensure that the person first of all is licensed and second is not under some kind of core prohibition.

Senator Jaffer: I am really glad you said that. Minister, when you look at your media campaign that my colleague Senator Runciman

has spoken about, I hope you will put this provision in it. You have now placed an added burden on the gun owner of having to, when he or she transfers the gun to another person, check a license and ensure that there is no suspicion of how the gun will be used.

Mr. Toews: There is an onus, whether this is new or from, let us say, 1995, I cannot remember. What I can say is that we feel it is important that somebody who has a firearm satisfies himself or herself that the person they are transferring it to has the legal authority to acquire that firearm.

Senator Jaffer: This is an additional requirement that you have placed on a person that is transferring or selling a gun.

Mr. Toews: I would not say it is an additional one. It certainly replaces what is presently in place under the registry because a registry takes care of that. Now the onus is on the individual personally. They have personal responsibility in that sense.

Senator Jaffer: If I may paraphrase you, you are saying that instead of registering the gun with the registry you are putting the onus on the transferor to ensure that there is no suspicion as to why this gun should not be transferred to the transferee. The onus has gone from the seller to the buyer.

Mr. Toews: That is correct. That does not eliminate the responsibility of the transferee to have that license. That individual could still be charged, but the transferor could be also.

Senator Jaffer: Here it already says that you have to have a licence before it is transferred.

Senator Fraser: I have a supplementary if you are changing topics.

Minister, it is wonderful to hear you say that. I am delighted that you believe that, and I hope you will tell the people of Canada that. However, I am not the only person who has read this clause of the bill and has not seen that onus in there. The onus, as I read it in subsection (a), is that the person buying or receiving the gun must have a licence. The only onus on the person selling, giving, or bartering the gun is that that person must have no reason to believe that the other person is not authorized to acquire and possess that kind of firearm.

That strikes me as a far more passive requirement. I could say that I have no reason to believe that you are a member of the Progressive Conservative Party. Well, no, there is not one anymore, so I have no reason to believe that you are a member of the Progressive Conservative Party. Maybe there is one somewhere, and you are a member.

Mr. Toems: When you loan someone your car, you say, “Yes, you can drive my car. Do you have a licence?” We all ask that. If it is someone that you do not know that well, you sort of ask, “I hope your licence is current.” You satisfy yourself, in one way or another. This is no different.

Senator Fraser: If I were operating just barely this side of the law and if I knew that most of my customers were not necessarily fine, upstanding, honest Canadian citizens, but were shady characters, it would be in my interest just to look at these people and say, “No reason to believe they do not have a licence. Here is the gun.”

Mr. Toems: I do not think that you would find dealers in guns — retail dealers, especially — who would do that kind of thing.

The criminals will always avoid that type of thing. If you go to a store, buy a stereo, get your receipt, and then go back in six months for the warranty because someone broke it, they will go into the computer, and it is all there. They will know, as a general rule, what you purchased and when you purchased it. That is something that the stores do.

In this context, all we are doing is putting a legal onus on an individual to satisfy themselves that there is, in fact, a legal entitlement to possess. Failure to comply with that could result in a very substantive prison term.

The guys dealing in sawed-off shotguns are not worried about the licenses because they are dealing in prohibited firearms. The gang members do not care about the registry or the licensing system. What we have to do then is the mandatory prison sentence, reverse onus on bail and many other initiatives that our government has —

Senator Fraser: Minister, I would love to go on about this, but I am eating into my colleagues’ time.

Mr. Toems: Okay.

Senator Baker: Just a short supplementary because you litigated this, minister, when you were a crown prosecutor. It is the difference between a reason to believe and a reason to suspect. What they put in here is a “reason to believe,” and that is considerably different than a reason to suspect. Could you elaborate?

Mr. Toems: For example, if I am not mistaken, when you prosecute impaired drivers and go to “reason to believe” that somebody has been drinking, you can give them the alert, the roadside demand.

When the person has, in fact, been drinking — it is confirmed by the alert — you have “reasonable and probable grounds to believe.”

Senator Baker: You have two different standards. “Reason to believe” is the higher standard.

Mr. Toews: I think “reason to believe” might be higher than “reason to suspect.”

Senator Baker: That is what you said when you were a prosecutor.

Mr. Toews: However, it is not as high as “reasonable and probable grounds,” so it is different.

For someone on the street, so to speak, trying to determine this, these are not exact legal standards. We are trying to ensure that they understand that they have to take reasonable steps in order to satisfy themselves that the person can acquire a firearm.

The Chair: We will have to move along. Again, we are aware of the limited time that you have, but I want to come back to Senator Jaffer. She has one further question. Then we have five other senators who wish to ask questions.

Senator Jaffer: A few weeks ago, you were in front of us, speaking very passionately about Bill C-10, and you wanted safer streets and communities

Mr. Toews: I do, and I thank the Senate for passing the legislation.

Senator Jaffer: I heard your passion on that. I am really confused as to why you now bring up Bill C-19. The steering committee had us hear from probably every police officer in the country. There was a mantra that came from them: “We want the tools to fight the crime; we want the tools to fight the crime.” I could hear it in my sleep every night.

This is a tool that police officers have to fight crime. I understand that they check the registry 16,000 times a day! I have been in the car with them when they have gone to a scene of violence and checked if there was a gun.

A few weeks ago, I was in the car with them going to a situation, and they were checking in the car to see if there was a gun. We did not enter the house because there was a gun inside. Why are we taking this tool away from police officers?

Mr. Toews: Are you saying that, if no gun showed up on the registry, the officer would say, “I will now enter into the house?”

Senator Jaffer: They feel safer if they do not see a gun in that house. That is what they tell me.

Mr. Toews: I never heard a police officer say that because every house has a gun in it when you get out of that car and walk out to that house.

Senator Jaffer: They check before they go in. They told me that time after that time. They check to be careful if there is a gun. They check if the person has a license.

Mr. Toews: Let me conclude by saying that at least you know that the person who has registered the gun is law-abiding. Criminals do not register.

The Chair: We will have other witnesses, and you can put that question to them.

[Translation]

Senator Dagenais: Minister, thank you for being here and for persevering in this matter.

You know that, in Quebec, we have a minister of public safety, Jean-Marc Fournier, who is asking for data from the national registry to build his own. Could you explain to us why the government is refusing to provide that information?

[English]

Mr. Toews: The registry was created under certain conditions in respect of certain principles in respect of a criminal law scheme. We told Canadians that this information would be used by the federal government for the purposes of a criminal law registry, which in fact it is.

We now have made a commitment, given that we do not believe that the registry is effective, to get rid of the registry. The registry and the data are inseparable. As one of my constituents so very clearly told me, he said, you know, not getting rid of the data is like saying to my neighbour who wants to buy my farm I will sell you the farm but I am keeping the land. It does not make any sense. They are inseparable, so we made a commitment to get rid of the registry. In other words, we are selling this particular farm. The land goes with the farm; it is gone.

[Translation]

Senator Dagenais: Could we go as far as to say that the opposition to the gun registry being abolished comes from urban areas and is due to a lack of understanding of what goes on in rural and remote regions?

[English]

Mr. Toews: To an extent that is true. When I first came to my riding, because I came from the northeast quarter of Winnipeg where I served as an MLA, the registry was a big issue there as well among hunters and individuals. When you got into the rural areas, it was not an issue just among the hunters and farmers; it was their spouses who were angry about the registry. It was something that I had quite never experienced because it was seen as an insult to their way of life, that somehow someone branded all of them as criminals, and I do not think you can really understand until you live

in one of those areas how deeply personal an issue this is for many of these people.

Having said that, as a provincial MLA, I found very strong opposition to the registry in my own riding of Rossmere. It is interesting that the NDP government that succeeded our government maintained its opposition to the registry and said they would not enforce the registry either, and most of their support is urban based as opposed to rural.

The Chair: We have Senator Hervieux-Payette, Senator White and others. I would like to see everyone have an opportunity on first round.

[Translation]

Senator Hervieux-Payette: Welcome, minister. I have a quote in English from your brief. I would like to hear your comments on that quote. With your indulgence, I will speak in my language.

[English]

... there has not been one person who could convince me that the long-gun registry has ever stopped a single crime or saved a single life.

[Translation]

When I spoke to the bill in the Senate, I said that — and I want to point out that four of the five senators on this side are women — statistics show that the spousal homicide of women involving a firearm decreased by 64 per cent from 1995 to 2007. From 2000 to 2009, a firearm was used in nearly a quarter — 23 per cent — of spousal homicides.

Those statistics generally even come from federally run organizations, as Statistics Canada and your department also keep statistics.

Could you tell me where you obtained that data? Or is that just a personal opinion?

[English]

Mr. Toews: As I indicated, it is a personal opinion, but it is based on conversations I had as recently as a couple of days ago with a former chief of police of a large urban police force who had a senior person ask one of his deputies, who subsequently became the chief of police, if he could find one case, one murder that was solved because of the registry, and the deputy came back and said zero.

That is the kind of evidence I have been hearing. I do not think you can make a correlation between the fact that spousal assaults or violence has gone down because of the registry. I think the better argument that could be made is in respect of the licensing and

ensuring that mentally unstable or dangerous people do not have access to firearms, but that is a separate issue from the registry. You might have an argument with the licensing.

[Translation]

Senator Hervieux-Payette: You just finished my second question. The rate of firearm-related suicides dropped by 48 per cent from 1995 to 2008.

Usually, people suffering from depression commit suicide. A distinction should still be made when it comes to the various mental health problems, and depression is one such problem that leads to suicide in extreme cases.

Suicide rates have dropped. You will tell me again that this is just another coincidence, that there is no direct correlation between the drop and the ability to ascertain that an individual is suffering from depression or other mental health problems. People close to the individual can get involved and ask for help in order to take the gun away, as the individual is no longer fit to own a gun and may commit suicide.

So there are statistics that show a drop in the suicide rate. To what do you attribute that drop? Is it a matter of science or is it a coincidence? The suicide rate is decreasing while the population is growing.

[English]

The Chair: I think the minister does understand your question. I am sorry to cut you off, but I do believe he probably understands the question.

Mr. Toems: Yes, I do understand the question. I just have not seen any evidence of a correlation between the registry and the reduction in suicides.

[Translation]

Senator Hervieux-Payette: Are you going to dispute all of Statistics Canada's related data, which indicates that, from 1995 to 2010, the rate of homicides committed with long guns, rifles and shotguns dropped by 41 per cent? The number of homicides committed with long guns was the lowest since they started collecting data in 1961. Is that also a coincidence? It just fell out of the sky. The registry has not at all played a positive role and all female Montrealers, including the mothers who lost their children at the École Polytechnique, are worrying for no reason?

Statistics would have us believe that a decrease has been noted since the registry was established, but what do you think the real reason behind the drop is?

[English]

The Chair: Senator, please, is there a question in that? I think you have asked the minister is it —

[Translation]

Senator Hervieux-Payette: I asked the minister to explain why there has been a decrease. I think it is clear.

[English]

The Chair: Is that the question?

[Translation]

Senator Hervieux-Payette: Yes.

[English]

The Chair: Minister, do you understand the question?

Mr. Toews: I do.

The Chair: Do you care to respond?

Mr. Toews: I have not seen the correlation between the registry and the reduction in suicides with firearms.

[Translation]

Senator Hervieux-Payette: I also talked about homicide.

[English]

Mr. Toews: I cannot explain that.

The Chair: I am sorry; we will have to move along.

Mr. Toews: All I can say is that on the basis of the registry, I have not seen that correlation.

Senator White: I will apologize later if I am out of line, but I would first like to correct a misperception. After 31 years of police training, every home has a gun, and that is the training in Canada. Second, having worked in Northern Canada for 19 years, if I waited to enter because there was a firearm inside the house, I would still be outside the first house.

To correct the public perception, there are over 1.9 million Canadians who have possession and acquisition licences or minor licences in Canada. With the changes proposed, the same requirements I am asking would be expected of each of those individuals in the future as in the past. Is that correct?

Mr. Toews: Absolutely.

Senator White: Would there be changes — I would suggest no changes — to the safe storage of long guns or ammunition as a result of Bill C-19?

Mr. Toews: That is unchanged.

[Translation]

Senator Chaput: Minister, I listened to your presentation carefully, and you said that Bill C-19 retains the licensing requirements for all

gun owners and the current restrictions in terms of the transfer and transportation of prohibited or restricted firearms. It also removes the obligation to register legally purchased rifles and shotguns.

I would like to bring to your attention an issue you have not talked about. You probably know this. Bill C-19 removes the obligation to check whether the license is valid when a gun is purchased.

That is no longer mandatory. It is now voluntary. Why was that obligation retained in Bill S-5 but was done away with in Bill C-19?

[English]

Mr. Toews: We have made it very clear that there is still an onus on the individual selling the firearm and the onus on the person purchasing that they are lawfully entitled to make that transfer. We have maintained that onus.

[Translation]

Senator Chaput: The seller is no longer obligated to check licenses. That is now voluntary. There is no obligation to check whether the licence is valid. That is how I understood it.

[English]

Mr. Toews: They must have reason to believe, and that reason to believe must be on some type of objective basis. They cannot simply be wilfully blind in the same way that someone says to you, "I will sell you this bicycle" and you are wilfully blind to the fact that it may have been stolen. You have an obligation to find that out because if you do not satisfy yourself in that context, you will be charged and convicted of possession of stolen goods.

The analogy is similar here. No one says to you as the owner of a bicycle, "Please produce some documentation." You may want that documentation and you may request it, but you will look at the circumstances and, objectively speaking, determine it was reasonable for this person to believe in these circumstances.

[Translation]

Senator Chaput: With all due respect, minister, buying a permit for a bicycle is different from buying a gun license.

Do you not think that, if a valid license is required for buying a gun, checking the license at the purchase should also be required? Do those two things not go hand in hand?

[English]

Mr. Toews: Knowing there is a five-year penalty for a transfer, that is enough motivation on my part to ensure that the person I am selling it to satisfies me that they in fact have the legal authority to acquire that firearm.

[Translation]

Senator Chaput: So the onus is on the buyer and not the seller?

[English]

Mr. Toews: The onus is on the person obtaining the gun to have the legal authority, and the onus is on the person selling it to ensure that person has that legal authority.

I am not equating a bicycle and a gun. I am simply saying that in these circumstances, when goods are sold privately, you have to satisfy yourself that you are not acquiring stolen goods. The onus is the same for both parties.

[Translation]

Senator Boisvenu: Minister, thank you for coming to explain the objectives of this bill. I know that the gun registry is a very emotional topic, especially in Quebec. We know that the registry was created in the wake of a terrible tragedy at the École Polytechnique in Montreal, when 14 women were gunned down. Over the years, that registry has become a symbol of denouncing violence against women. So today, merely questioning the registry's usefulness makes many men feel guilty, and many people want to question it. It is as if we were being blamed, and violence against women was the only argument being used. It is difficult to have an objective debate on the usefulness of the gun registry.

We have to be careful with statistics. To my knowledge, the compilation of gun registry statistics started in 1995, as far as the drop in homicide and suicide rates goes.

I conducted another analysis because, scientifically speaking, in order to compare statistics, we have to compare time periods. I selected the 15-year period from 1979 to 1995, and another 15-year period from 1995 to 2009. I compared the drop in suicide rates from 1979 to 1995 with the drop from 1995 to 2009. The decrease was about 100 per cent a year, unrelated to the registry's establishment. The crime rate increased in 1995. The number of suicides and homicides increased in 1992, and again in 1995, when the registry was already in use.

When you look at the data, what does it say statistically or scientifically speaking?

[English]

Mr. Toews: That is why I did not want to get into that argument because I have been through these statistics repeatedly. That is why I have said there is no correlation between the registry and the long-gun registry. There simply is not one correlation. It depends when you start, as you have just pointed out very effectively. That is the difference.

The École Polytechnique shooting was a horrible situation. Tragic events such as these have emphasized the importance of taking strong and effective measures against the misuse of guns, as well as pre-emptive measures to prevent guns from coming into the hands of those who are perhaps mentally unstable or criminally intended. That is what we need to be doing. I am not interested in simply making people feel safe. I want people to be safe, and there is nothing in the registry that in fact makes people safer.

I can tell you that mandatory prison sentences for those who choose to use guns have a wonderful effect of incapacitating those individuals. If you use a gun, you will be behind bars.

Senator Lang: I want to follow up on that. Let us go to the gun registry. Talking about statistics, the reality is that it is not an accurate registry. The information we have been provided is that it is up to 90 per cent misinformation, as far as documentation is concerned, and with errors within the registry.

I would like the minister to comment on that aspect of the registry, which is really not a registry if it is not accurate.

Mr. Toews: It is true. When I deal with my constituents on registry-related matters, especially prior to the amnesty coming in 2006, it was constant.

I am dealing with one of my constituents now who is in a situation where the firearms were stolen from his home. They were seized by the police. They were registered in the name of either the thief or someone who acquired it from the thief, even though he had already registered the firearms.

This is the kind of problem that can exist. Now this poor man is trying to say that he just wants his firearms back, and someone has registered it. It is probably the thief selling these guns to a third party, who then registered these guns. Regardless, they were already registered in the registry; you have the same gun registered to two people.

The Chair: Senator Boisvenu, are you fine if we move along?

I would like to make a point —

Senator Hervieux-Payette: — referred to what I mentioned?

The Chair: If you do not object, senator, I would like to come back to Deputy Chair Fraser. She has another question, and if it can be brief, I would like to give her the opportunity to ask it.

Senator Fraser: Senator Hervieux-Payette believes she has been misinterpreted in some way.

Senator Jaffer: I want to clarify something. The chair said we were going to 5:30. The agenda says 5:45. The minister has kindly agreed to stay a little longer, so we do have time.

The Chair: If we have until 5:45, but my understanding is that it is not the case.

Mr. Toews: I had been scheduled for an hour, from 4:15 to 5:15, but indicated that I would be willing to stay for 10 minutes more. I have stayed for 15 minutes more. I have a vote at 5:45.

The Chair: Please go ahead, senator.

[Translation]

Senator Hervieux-Payette: I actually wanted to follow up on what Senator Boisvenu said concerning the statistics I mentioned. As I understood it, he said that the gun registry was the product of an emotional response by women. To my knowledge, statistics are usually based on rational information.

Mr. Minister, do you agree with Senator Boisvenu that female emotions were the impetus for the registry, or do you think there was a valid reason for gun control?

I would remind you that in Quebec, some 50,000 people have an expired health insurance card; I hope you realize that every system has its own percentage of error.

My question is simple: do you reject the scientific evidence or do you subscribe to my colleague's theory that women are all just emotional beings?

[English]

Mr. Toews: I try not to base my arguments on emotion, but what I can indicate is that very many women feel victimized in the criminal justice system. They have often been the victims more than the perpetrators of the crime. Those are just statistics. Therefore, I think that women have a legitimate concern about being victimized.

My responsibility as Minister of Public Safety is to ensure that there are mechanisms that not only make women feel safe but in fact keep them safe.

Senator Fraser: May I ask a question? Maybe the minister could answer it in writing.

As you know, there is a category of guns that are neither restricted nor prohibited but that, in the view of most people, fall outside the normal law-abiding, hunting citizen's needs. The most famous example is the Ruger Mini-14 that was used in École Polytechnique in Montreal. As long as those guns had to be registered, the fact that they were not classified as restricted or prohibited was perhaps less

serious. However, now they will not be registered; now we will have no information at all about them.

Are you prepared to instruct the RCMP to go back and make its classification system considerably more rigorous on that front?

Mr. Toews: I will not interfere with the classification system that the RCMP have developed.

Senator Fraser: I thought you were here to answer for the RCMP.

Mr. Toews: I do answer for the RCMP, but I leave the issue of the classifications for the RCMP, based on the law. The classification issue is an issue separate and apart from the long-gun registry. If the committee here wants to look at that issue and say “There are issues in respect of licensing that we do not agree with” or that “classification is not exactly what we should do,” I think that is something this committee could look at. I have no objections to that.

I do not think that question is raised in the context here. Whether the long-gun registry remains in effect or not, the classification system is exactly the same. That is a separate issue.

The Chair: Senator, we will have to allow the minister to return to the house.

Minister, thank you. You can tell from the questions that we wish we had you longer but the time you have given us has been useful and valuable; we appreciate it. We thank you so much for being here.

Mr. Toews: I appreciate your thoughtful questions and your heartfelt concern about this particular issue, on both sides of the house. I certainly appreciate that very much. I think both sides are here in good faith to bring forward issues that need to be discussed, and that is exactly what you are doing. Thank you.

The Chair: We continue our consideration and study of Bill C-19, and we are very pleased to have with us Constable Randall Kuntz from the Edmonton Police Service; and Roger Granger, a retired police officer from the Montreal Police Service, who I understand is a ballistics expert. I am sure both gentlemen will be helpful in our consideration of Bill C-19.

Constable Kuntz, I understand you have an opening statement and will proceed first.

Randall Kuntz, as an individual: It is an honour to be here. Thank you very much for the invitation. I am appearing here as an individual, but I am also a 24-year member of the Edmonton Police Service. I have been involved in the homicide cold case section, sex crimes and child abuse investigations, property recovery and general criminal investigations as well as patrol.

Bill C-19 is simply a stitch in a wound that requires about 20 stitches. I support Bill C-19, but there is much more to be done. Canada does not need a Firearms Act because firearms ownership and use is not a concern that warrants such an act. Firearms are used every day in various capacities by law-abiding citizens without any problems, injuries or concerns. Criminal use has been effectively addressed in our Criminal Code already under the sections for robbery, assault with a weapon and murder.

Bill C-68 and the Firearms Act were implemented in response to a mass murder in Quebec. The murderer killed himself, therefore there was no trial, and no one got their judicial pound of flesh from this criminal. What happened next was the government, supported by an encapsulated fringe group with anti-freedom and anti-Canadian values, brought in Bill C-68 and took their pound of flesh from the collective rear ends of lawful gun owners.

Focusing in on an inanimate object and neglecting to focus on the crime has brought us to this point. It was an illogical, incorrect and ineffective stance that has cost the taxpayers almost \$3 billion with zero return. This Firearms Act reads like a comic book, pieced together in boxes with no basis in logic to anyone with knowledge of firearms. Its nature is simply to hinder law-abiding firearms owners, not to prevent crime or make people safer.

I am a firearms instructor for the Alberta Hunter Education Instructors Association. We have had over 1 million students attend our seminars in outdoor education camps. We have fired millions of rounds ammunition. The total number of injuries and deaths is zero.

I, myself, have owned over 1,000 firearms. I have fired over a million rounds of ammunition in my life. Total injuries to humans: zero — moose, bear and deer excepted. Bill C-19 is simply a correction to an error made by a previous government. This is not an urban versus rural issue. Firearms ownership in cities like Toronto, Ottawa, Vancouver, St. John's, Calgary and Edmonton are wonderfully staggering. Lawful firearms owners come from all walks of life, all ethnicities, and the millions of us share a common bond: the enjoyment of shooting sports. To demonize our activities is discriminatory, unfair, overtly weird and counterproductive.

We are of no concern to the safety and security of Canada. As a matter of fact, we enhance it. A firearm knows nothing of good or evil. It is simply a tool. Good or evil comes from its user, much like any other inanimate object on earth.

As an example, currently I can legally hunt with a .45 Colt rifle, but I cannot hunt with a .45 Colt handgun. Why? Because it is smaller.

That seems bizarre to me. This is just one of the dozens and dozens of examples of how our laws so pathetically and ineffectually affect firearms owners.

Bill C-19 seeks to alleviate the financial burden on the Canadian citizen, for a financial burden is all the long-gun registry is. Sixteen years has proven that it is not an effective public safety program. The sooner it and the Firearms Act in its entirety are removed from Canadian law, the better.

Thank you.

The Chair: Mr. Granger, do you have an opening statement?

[Translation]

Roger Granger, As an individual: I was a police officer for 35 years, and I retired from the Montreal urban community police department. I became a detective sergeant in 1970. I have been a gun owner for 58 years. I used to be an instructor. I spent a good part of my life, since 1974 in fact, appearing as an expert witness in court — in cases with both a judge and a jury, as well as those with just a judge. I also appeared before the provincial court in cases involving police ethics. I taught classes to crown prosecutors and to all of the justice ministry's para-public agencies.

I worked on the École Polytechnique case. I was involved in that investigation, and I was the one who identified Marc Lépine. During that period of time, a number of homicides were committed in school settings, including by Valery Fabrikant at Concordia University, by Kimveer Gill at Dawson College and by Marc Lépine at École Polytechnique. The killers always had registered guns and licences to own them.

I do not think there is any benefit to registering a long gun. It was a total mess. Personally, as far as the first batch of registrations goes, I registered 80 firearms, and there were 80 errors. They were all considered frames. For years afterwards, I was somewhat regarded as someone who was breaking the law. I did not even have licences for my firearms because those issuing them could not keep up with the demand.

Still today, there are flaws. I received licences this week for a firearm transfer that happened two years ago. The system does not work and does absolutely no good. What matters is the person behind the trigger, and the measures taken to deal with those who use guns illegally.

It is always the legal gun owners who are subject to the restrictions under the current system; it does not bother the criminals. They do not register their guns, nor do they use long guns to commit their

crimes, aside from domestic disputes. For all intents and purposes, however, the people with the licences are always the ones who have the trouble.

It does absolutely no good to have a long gun registry, because that is not the type of weapon being used in crimes. It is usually prohibited weapons. Lawmakers expanded the restricted and prohibited weapon category. There were storage provisions stipulating that ammunition be kept separate from firearms. That is fine. But including long guns is a mistake, in my opinion.

It created a monumental task for those working in these areas. Legal gun owners ended up being the ones with tarnished reputations, not the criminals. So if you have any questions about the weapons that are used, feel free to ask, as I have a fair bit of experience in that area.

[English]

The Chair: There is something I might ask. You mentioned your involvement in the investigation of the École Polytechnique murders and Marc Lépine. Could you expand upon that? What was your involvement in that investigation? I am sure that will be of interest to all of us.

Mr. Granger: Marc Lépine had no fingerprints, and he shot himself. There was no way that we could identify the person. It was not a good idea to put his head on the television because he shot himself with a 5.56 millimetre. He was not in good shape. I succeeded in identifying Lépine with the bullets he was using. They came from Yugoslavia and were bought at Checkmate Sports on St-Hubert Street. Within a few hours, I was able to get his identity.

The Chair: The role you played in that investigation was to identify —

Mr. Granger: I was on the premises because all the detective sergeants were on duty that particular night on account of a girl that had been killed and found near where they put all the garbage. She had been cut into pieces. We were all working on that case on that particular day when Lépine came up to École Polytechnique.

I worked also when Corporal Marcel Lemay was shot during the Oka crisis. I investigated that. It was mostly with regard to guns and ammunition that my services were required.

The Chair: Thank you for that, Mr. Granger.

Senator Fraser: I have no questions for these witnesses. I have two things I want to say.

[Translation]

Mr. Granger, I want to thank you for all the work you have done, especially in the cases you mentioned earlier. As a Montrealer, I am extremely grateful for your contribution to those investigations.

[English]

As a Montreal woman, I never sought, nor do I know, anyone who ever sought a pound of flesh, nor did any of us ever believe that the gun registry would solve or prevent all crime. However, as noted earlier, we did believe that any tool that might help to avert or solve future tragedies was useful. My daughters both attended Dawson College and Concordia University, and the notion of armed men roaming the halls where my daughters were was enough for me to say, "The police need lots of tools, not just this one, but this one among others."

Senator Lang: I welcome the guests here this evening, and I would like to first put a number of questions to Mr. Kuntz. Just so I understand your background correctly, are you a police officer?

Mr. Kuntz: Yes, sir; 24 years at the Edmonton Police Service.

Senator Lang: Did you not do a number of surveys within your rank and file of the Edmonton police force as well as nationally in respect of whether the gun registry was of value and to get a feeling what the front line officers felt and whether this was a good use of taxpayers' money?

Mr. Kuntz: Yes, I conducted the nationwide survey of police officers over a 14-month period. The Edmonton Police Association conducted its own survey. The results came out at the end of April, just prior to the federal election last year.

Senator Lang: Do you want to expand a little further on the results of that?

Mr. Kuntz: I had 2,631 police officers from every province and territory contact me; 2,410 of them were in favour of scrapping the gun registry and 211 supported it. The Edmonton Police Association conducted a survey of their members, and 81 per cent of police officers of the Edmonton Police Association voted to scrap the gun registry. They saw it as a useless law enforcement tool. I am associated with a couple of members of National Weapons Enforcement Support Team. They have made it clear that not only is the long-gun registry a useless enforcement tool but also you cannot obtain a search warrant based on the information contained within the long-gun registry alone.

Senator Lang: Perhaps I could pursue this further because I think it is important testimony, especially in view of Senator Jaffer's observations about the police forces and the fact that they support

the continuation of the gun registry. There is obviously a difference of opinion. I want to go further on that.

Could you expand for us why it is seen as a useless tool with in respect to its utilization by front line police officers?

Mr. Kuntz: I have discussed this with other officers. I field probably three to four questions per week based on this subject alone. The long-gun registry is simply a list of legally licensed law-abiding firearm owners. There is no criminal information in the long-gun registry. You can run it and see that my name is in it, my father's name is in it and my 12- year old son has a federal firearms licence to possess non-restricted firearms. Those are the kind of people who are on this list. There is no criminal information in there.

I tell young policemen who come out on the street, whether they know me or not, I say, "If you rely on a data base for your safety, you are an idiot." In plain words, no one can misunderstand what I mean. The list tells you two things: There are firearms in there or there are not. There is nothing definitive. If someone runs my house, yes, it shows I have firearms there. What does that tell them? Does it tell them, "I have to be careful because this man has firearms"? Or, "By golly, there is a law-abiding man that went out on his own accord, out of fear of the law and prosecution, among persecution, and complied with the law of Canada"? There is no safety issue to this.

Senator Lang: I want to pursue this a little further because this is very important, and Senator White referred to it. Would the registry, with the younger generation of police officers coming up, give a false sense of security —

Mr. Kuntz: Absolutely.

Senator Lang: — for an officer and put him in harm's way if they took the registry verbatim?

Mr. Kuntz: I started with the old-school style of policing. A lot has changed in 24 years. If we have a power outage at the Edmonton police service, we have policemen that honestly do not know what to do with their time. They do not have a database to dispatch them to a call. The training for police, when it comes to this, is reliance on electronic information, and for them to run someone's name purposefully into a computer database and find where it says there is no licensed owner there, for them to believe that information and to knock at the front door — it puts them in jeopardy. It is a different generation of policing that I see. I am fortunate enough to see it and add my two cents towards their safety, not for their future careers but for their lives. I explain it to them bluntly: If you rely on a database for your safety, you are an idiot.

Senator Baker: This act says there will be a destruction, as soon as feasible, of all records in the Canadian Firearms Registry, and then it says, “all copies of those records under the commissioner’s control.” That is all information under the control of the federal government. In reading the case law about databases I find that the police have access to more databases than you count.

If I were to ask Senator Dagenais or Senator White, I am sure they would verify that. There are police databases accessible in Quebec, in British Columbia, in Alberta and so on, but this act only applies to databases and information under federal jurisdiction and control. Could it be that the information that is in the federal registry and under the control of the federal commissioner could be in all sorts of other police databases?

Mr. Kuntz: When it comes to stolen firearms, absolutely. CPIC has been running for years and is an effective tool for this. It exists already.

Senator Baker: You have a couple of other databases from which you could get the same information?

Mr. Kuntz: I deal with 11 databases every day at work. I have to write pass words down, although we are not supposed to. I physically cannot remember them all, and they have to be changed every few weeks.

Senator Baker: In other words, the police could visit the same information concerning gun ownership in several different databases concerning a particular individual or home?

Mr. Kuntz: I cannot answer that.

[Translation]

Mr. Granger: It has no bearing whether the database shows the person as having 6, 14 or 300 guns.

It is more important to know whether the person has a possession or an acquisition licence. The database does not tell you that. When I started, there were no computers, just telex. It would take a day to find out if a car had been stolen.

The important thing is never to stand in front of a door. Even today, at 70 years old, whenever I knock on the door of a house where I do not know anyone, I do not stand in front of the door. It is an automatic reflex.

The registry is worthwhile as far as restricted weapons or prohibited weapons are concerned; those are the ones used in crimes. The registry has no benefit, however, in terms of long guns used by hunters and shooters.

[English]

Senator Baker: Could you find the same information concerning individuals in more than one database to which police officers have access?

Mr. Granger: Right now I am not allowed to go into those databases because I am retired.

Senator Baker: Let me leave that subject for a minute. It amazes me that we sometimes pass laws here that say that the federal commissioner will destroy all of his or her records when a dozen databases exist with the same information in them.

[Translation]

Mr. Granger: When you watch the news, you see that bladed weapons are used just as much as firearms to commit assaults. It is akin to making people register their kitchen or hunting knives; I do not think that would do any good. There would be way too much red tape. It would do nothing to bring down the crime rate.

[English]

Senator Baker: My final question relates to the actual effect of the bill. The bill only relieves people of the requirement to register so-called long guns that are not restricted in any way, and parts of guns. It relieves the owner of the onus of registering those guns, but it leaves in place all the other requirements of licensing. Many of the complaints that I heard as a member of Parliament and as a senator are about registration and so forth. It is not just about registering the long guns but about everything associated with it.

Senator Hervieux-Payette: I saw in the record that we have about 7 million long guns owned by 3.5 million owners. That is approximately three guns per owner, but some may have ten and some may have one. My family had four guns and one day it became against the law to own the fourth one, so we called the local police and they came and picked it up. The rest of the guns were for regular hunting.

I want to correct your figure of 3 billion. You can access the Public Accounts of Canada and correct your figure. It cost \$200,000 at the beginning to register the 7.1 million. You do not reinvent the system all the time. According to the Auditor General of Canada, the annual cost is \$82.3 million. That is just for the record.

You said that we have to scrap Bill C-19, but that we should do more things. I would have appreciated it if you would have told us what things would ensure that our people are secure. I suppose these things are so monumental that it would take too much time to tell us about them here. Would you agree to send your solution to increasing the security of our people and to reassure the women of my province?

Mr. Kuntz: The Supreme Court has determined that a police officer is not responsible for the safety of citizens. As a police officer, I cannot guarantee your safety. As a neighbour, I cannot guarantee your safety. There is nothing that this government can put in place that will guarantee anyone's safety.

That is what frustrates gun owners. This registry has not saved anyone. If it had, the members of the CACP would have been screaming it from the mountaintops. They do not have a statistic because a statistic does not exist.

I know a few policemen who have been killed since the registry has been in place. I personally know people who have committed suicide with firearms since the registry has been in place. It is a back and forth.

The only person who can ensure your safety or give you the best chance at safety is you.

As I said before, I can hunt a deer with a .45 Colt rifle but not with a .45 Colt handgun, because it is smaller. That is the only reason. Both are designed to fire a projectile, period. The gun does not care who or what it fires at, or if it fires or misfires. It is irrelevant. We could lay a loaded handgun on that table and let it sit here, and until you have external influence on it, it will remain this that state for infinity.

It is the people that cause the problems. We cannot eliminate them. It does not work that way. We have to incarcerate, and try to rehabilitate because I do not believe that someone who goes to prison for 10 years should have to live a life after he has paid his due in that way. Eventually that man has to be free. Is he really free or will we hold it over him forever? If we are going to do that we may as well leave him incarcerated or have a special place to put him. He will never truly have the opportunity to redeem himself. People make mistakes.

For violent criminals that are repetitive and recidivistic, we need laws to toughen that up and thicken this place up, or we will turn out like a place like France or the Congo. That is what Canada is aiming at. I am sure everything I did from the time I got up and from the time I got here is probably illegal in France.

Senator White: Thank you very much. You mentioned earlier — and because it came up a few moments ago — about tools the police may need. Can you explain NWEST, National Weapons Enforcement Support Team, and what their focus is in Canada?

Mr. Kuntz: I will do my best.

I have two friends that operate the Edmonton office. One is from the RCMP and one is from the Edmonton Police Service. A lot of their support is interpretation of the law because there are few citizens, fewer prosecutors, and maybe a handful of lawyers that truly understand all the aspects of the Firearms Act.

As I said, it is pieced together. It is an illogical document.

They supplement an investigator. They will add clarification. Can we charge a person who has ammunition in his glove compartment, and a restricted or non-restricted firearm — not unloaded but not locked up — on his back seat? These are questions of police officers every day because they do not know the Firearms Act, or the ramifications of charging someone with it when there is no charge to begin with. We need a group like NWEST to provide that interpretation strictly for the Firearms Act. They have access to the firearms registry. They also have access to CPIC, where stolen guns will show up. That is accessible to anybody. I have only used the firearms database once. A person wanted to donate a firearm and did not have his registration certificate. That was the purpose of it.

Senator Hervieux-Payette: Would you say, then — maybe it is a philosophy, and I respect other philosophies — that you would abolish any kind of registry that governments have on citizens, like a car registry, some municipalities have a bicycle registry, or dog registries? We have many registries in this country, which means they certainly serve a purpose.

Is it totally useless or if it is serving a purpose, why should we not have a gun registry if we have a car registry?

Mr. Kuntz: Fair enough and let me clarify that. An issue with firearms would be if they were stolen. If you catch a person with the smoking gun in their hand, it does not matter who that gun is registered to. CPIC, the Canadian Police Information Centre already holds, and is accessible to, every police officer and is capable of holding that stolen information in a better format than the current firearms registry. We already have that. If the concern is for stolen or recovered property or where it came from, CPIC is well equipped to accomplish that task.

Senator Hervieux-Payette: I am learning that. I was not a policeman.
[Translation]

Is it useful or not in determining who owns the gun that was used in a crime? I understand there is already a place where guns are registered. Why, then, have two registries if police already know the owner's identity and the futility of investigating every single gun dealer to find out that information?

With respect to long guns, how do you find the person whose firearm was stolen or the person who used it to commit a crime?

Mr. Granger: Your question has two parts. When a crime is committed, do you have the gun or not? If you do, that is secondary. What matters is who pulled the trigger. That is the purpose of the investigation.

If you are talking about a restricted weapon, in which case a prohibited gun was likely used, by a member of a biker gang or an organized criminal, for example, the weapon is clearly not registered. It never is. I have never seen a member of a biker gang with a criminal record from here to tomorrow apply for an acquisition licence on the reasonable grounds of obtaining a gun to go shooting. That would not work. He will have an unregistered weapon that is usually not a long gun. Normally, it will be a sawed off firearm, automatic or semi-automatic, that can be easily concealed. If a registered gun is used, it will end up being stolen or possibly borrowed from someone. Those are the databases police check on a daily basis.

I fully believe, if the legislation is changed, if Bill C-19 is amended, that police officers will use the database just as often as they do now.

Senator Hervieux-Payette: For what information?

Mr. Granger: To find out if the firearm has been stolen or not. The fact that the firearm has been stolen does not tell us who stole it, because, if we knew that, we would have started by investigating the theft of the firearm before investigating the crime that had been committed with it. The fact that the firearm is registered changes absolutely nothing.

Rarely does the owner of a registered firearm commit a murder and leave the murder weapon at the scene of the crime. He will be caught for sure. It is not a good idea.

Senator Dagenais: My thanks to the two witnesses for appearing. Mr. Granger, for 24 years, I was a police officer in the beautiful community of Rawdon, where you live.

I was the president of the largest police union in Quebec and my position on the registry surprised the police unions that were criticizing its abolition with one voice. As a result, the word now is that all police officers are demanding that the firearms registry be kept. I gather from your comments that this is not exactly the case.

What do you think about this false unanimity? Would you say that the unionized police officers who support the abolition of the firearms registry are considered dissidents?

Mr. Granger: That is one interpretation. There are people who say that police officers check the system 12,000 times per day and that now they will not do it anymore. That is absurd. It is not the case at all. They are going to check as much as they ever did. They will check according to the kinds of weapons used, and, I am sorry, but the weapons used are not long guns. When registered long guns are used, it is by people with mental health issues. But they were healthy when they acquired the firearm.

Then there are things that can be done. If your neighbour is acting strangely and goes out in the evening and fires shots in the air for no reason, you can dial 1-800-731-4000 and something will be done about it. If you say “someone is using a firearm,” I can guarantee you that the police will respond immediately. That service operates around the clock.

Senator Dagenais: Mr. Kuntz, you are a career police officer and you know that most officers, when they pull over a vehicle on the highway, will ask the driver for his licence and registration. They will immediately consult the CPIC, as we call it, to find out whether the person has a record, whether the licence is valid or whether the person has anything to hide.

Would you agree that, when you run a request through the CPIC, it is automatically linked to the firearms registry without the officer knowing? So to say that the police make 17,000 enquiries each day is not really true. They make those enquiries because they happen in the course of the job, but it does not mean that they are contacting the firearms registry directly. So it is just not true to say that the police consult the firearms registry 17,000 times.

I have to tell you that I have worked with the registry; I never consulted it when I was on the highway, but let me ask you.

My question is this: when you consult the CPIC, are you consulting the registry?

[English]

Mr. Kuntz: I am glad you asked that. I have been telling people across Canada for two years that the only way that the firearms registry is being queried 17,000 times a day is an automatic query. I have been called a liar more than once. I challenged the Canadian Association of Chiefs of Police on this, and on November 17, 2011, I was sitting in the parliamentary committee on this when one of the representatives from the Canadian Association of Chiefs of Police admitted that their queries were automated, meaning that if a police officer goes to an 80-year-old woman’s house for a barking dog complaint, that house is automatically checked against the firearms

registry. Seventeen thousand hits on the registry equates to over five million queries a year. It is ridiculous. Our military would be running the streets of Canada if we had that many firearm-related issues.

Senator Jaffer: Mr. Kuntz, the Canadian Chiefs of Police are in favour of the registry.

Mr. Kuntz: They are.

Senator Jaffer: Mr. Granger, you were quoted in the news reports after the Dawson College shooting as saying that the long-gun registry is totally ineffective. However, after the shooting, the Montreal chief of police confirmed that information in the long-gun registry allowed them to disarm a copycat after another individual announced his intentions in the chat room. They were able to find this individual through the long-gun registry. Is that not correct?

Mr. Granger: Are you talking about Dawson? It was not a non-restricted weapon. It was a restricted weapon.

Senator Jaffer: I agree, but that is how they were able to track him. I understand it was a restricted weapon.

Mr. Granger: Automatically, on a restricted or prohibited weapon, there is a registry, and they get the name of the person. Let us say that he would have used his neighbour's gun. It would not have changed the situation.

[Translation]

Senator Fraser: I think there is some confusion. The case my colleague was referring to was not the incident at Dawson College. It was a young man who lived in Hudson, if memory serves. He had said on the Internet that he intended to kill people and the Montreal chief of police felt that they had been able to track him down because of the firearms registry. There was no reason to doubt what he said.

Mr. Granger: If someone goes on the Internet and says that he feels like killing everyone, someone has to react immediately, registry or no registry. First, you put his picture on TV, and it will happen in record time. Announce that the person poses an immediate danger because he wants to kill people, whether it is with a razor blade or a revolver, and there will be immediate action.

Senator Chaput: My question is for Mr. Kuntz. In your presentation, you said that the person using the firearm poses the threat, not the firearm itself. Did I understand correctly?

Mr. Kuntz: The person.

Senator Chaput: You also said that you support Bill C-19. You say that "everyone should have to have a licence to buy a gun," but because Bill C-19 removes the requirement to check licences, given

that it is the person that poses the threat, all those people should have licences even though there is no requirement to check whether the person poses a threat or not. I see an inconsistency there.

[English]

Mr. Kuntz: If I understood the question correctly, the firearms registry has nothing to do with licensing. If you want to legally own a firearm in Canada, you have to first complete the Canadian Firearms Safety Course, which is a prerequisite. The next step is to apply for a non-restricted firearms license. After scrutiny and after going through the process, which is even more taxing than getting a Canadian passport, you are eligible to write the Canadian Firearms Restricted Course. Then you may also apply to obtain a restricted firearms permit.

Nowhere in Bill C-19 is there any reference to not licensing people. It is simply the registration. It is actually putting the onus where it belongs, on people like me who will sell a potential buyer a firearm. It puts the onus on me to ensure that he has a license and that I verify it in some manner, which is reasonable.

[Translation]

Senator Chaput: Sir, my understanding is that when you sell a firearm to someone and that someone has a licence, Bill C-19 does not require you to check the licence. Bill C-19 removes that requirement. There is no requirement to check the licence. It is voluntary now. You sell a guy a gun, the guy has a licence, but you are not required to check whether the licence is valid or not. So what you are telling me does not match.

[English]

Mr. Kuntz: Bill C-19 does put more onus on anybody. Before we had to phone in and trust a third party. This is a possession licence. This is what it looks like. It is not much different than a driver's licence. It has my name, birth date, expiry date.

Senator Chaput: You are not answering my question, sir.

The Chair: Let us clarify. Could you repeat the question to ensure that he understands?

[Translation]

Senator Chaput: You are a salesman, Mr. Kuntz. You sell firearms. Someone comes into your store to buy a firearm. He has a licence. Bill C-19 does not require you to check whether the licence is valid or not.

Bill C-19 has removed the requirement to check; it is now optional. You say that it is the person who poses the threat. The guy

may be dangerous, you have no idea, but you have no obligation to check his licence. It just does not fit together, as I see it.

[English]

Mr. Kuntz: The question is validity. I know what one looks like. I look at it, that is fine by me, and I am good to sell it.

Believe me, when this registry is dissolved, there will be police stings. There will be undercover operations. There will be buys and busts, make no mistake about it.

Senator Jaffer: What are “buys and busts”?

Mr. Kuntz: As an officer into, I would go into, let us say, a big box store that sells firearms. I would attempt to buy a firearm or ammunition without a licence. If they need that \$500 bad enough, they will face a federal institutional sentence.

The Chair: Mr. Granger has a response to that.

[Translation]

Mr. Granger: It is the same as if you arrested a person who was drunk behind the wheel of his car. The police officer is going to take his licence away. If you are arrested for an offence, you are put into the justice system, and, if you are found guilty, your licence will be taken away for sure.

If I go into a store where I am not known with a fake card, do not ask too much of the store. I have 750 firearms myself. I do not handle them every day, but I do every week. I always deal with people I know or who are referred to me. I do not run a store, I am a collector. If an Iranian with a turban on his head comes in to buy an AK-47, I will not sell him one. No one knows my address, at least, before today, when I wrote it on my résumé. I am recognized by the court and that is that. I make sure the right card belongs to the right person, then I make the sale.

Senator Boisvenu: My question will go to Mr. Granger, but first, I would like a clarification in the record of this committee about a comment from my colleague Senator Hervieux-Payette. I did not say that the women were emotional about the firearms registry; I said it was an emotional issue.

I have two technical questions that you can answer quickly.

First, could you tell me about the gaps in the registry at the moment?

Second, we know that there is much more resistance to the firearms registry or the long-gun registry in rural areas than in large cities. Your career was in Montreal; could you tell me about the number of murders, to your knowledge, that involved hunting weapons?

Mr. Granger: Honestly, I do not think I came across any. The only time was the Lépine case, and that was not a hunting rifle.

Senator Boisvenu: How do you explain the fact that there are almost no murders with hunting weapons in cities, certainly in Montreal, and yet the resistance to the abolition of the requirement to register hunting weapons comes from cities?

Mr. Granger: Frankly, I have to say that someone walking around a city with a 30-06 would attract a lot more attention than someone with a .45 in his pocket. I would not walk around with a prohibited or restricted weapon, even a musket. It is not very easy to carry and it is too conspicuous. Generally, people do not use things like that.

Senator Boisvenu: What about the quality of the information in the registry?

Mr. Granger: The registry works at the moment. If you are looking for someone's identity, it works. With the previous registry, you got the whole list of previous owners, but now, you just get the present owner. And when you dispose of a firearm, you are not even given the details of the buyers. The person buying the firearm has the right to own it and the details of his residence are no longer required. For a restricted weapon, a long gun or a handgun, you just get the confirmation, and that is all.

[English]

Senator Jaffer: Mr. Granger said he did not wear turbans and implied that the Taliban wear turbans. I take offence to that. There are over a million Canadians who wear turbans, and I want to make sure this is not an issue that those people are not Taliban but are law-abiding citizens. I feel this hearing should not be about pointing fingers at other Canadians.

The Chair: I think it is quite proper for you to point that out, senator, and I can say with certainty there would be no disagreement with that around this table. I am not going to ask for Mr. Granger to give any further explanation of what he had to say. In the heat of the moment, things are said, but I quite agree. What you said is, I am sure, in total agreement around this table.

Senator Jaffer: I appreciate that, chair, but it is very sad that I have to bring that up. We are all members of the Senate and we represent all Canadians. It should not be my responsibility to bring that up. It is very derogatory for a million Canadians who wear turbans to hear this in a Senate committee.

The Chair: I thank you for saying that, senator.

Mr. Granger: You can look through the notes; I did not talk about Taliban. I talked about someone who had a turban and wanted

an AK-47, but it would not make any difference whether he had a turban or not.

The Chair: Please, enough has been said about all of that. Senator Jaffer has made her point, and I believe I said she was right.

Senator Fraser: I am just confirming this.

The Chair: I am confirming I said she was right, and I do not have to have that confirmed.

Senator Lang: I would like to get back to the registry and how it works or does not work. I would like to put my question to Mr. Kuntz again, if I could, because of your experience, obviously, with teaching the course, and you are very familiar with how one goes about registering their long gun.

I want to give a brief description of what I have seen happen to some people, where they have gone through the police check, they have gone through the safety course, and they go to register their long guns, in this case long distance.

You provide the numbers of your rifle for the purposes of the computer, and then you renew it. Then you phone, and it turns out you are phoning Miramichi. You find out where Miramichi is, then you speak to someone who does not know anything about rifles, and you renew your registration of your gun after that five-year period. When you go through your numbers, they may say, "No, that is not the number we have." Automatically it is you that is wrong, not the computer. It is the same rifle, same person; you have not changed anything.

Subsequently, all of a sudden, you get into a conversation with the individual and realize you cannot argue with them because now you will be flagged in the computer as someone who is perhaps a little unbalanced. Therefore, you are automatically wrong and they are right.

The reason I recount that story is because that is one of the reasons law-abiding people with long guns feel they have been infringed upon as a result of the system automatically making them a criminal unless they prove otherwise.

With the number of people you have dealt with and your obvious knowledge, can you tell me if you have come across this situation and perhaps expand a little further on that?

Mr. Kuntz: The problem got to be so great that I actually went to the Chief Firearms Officer and became a firearms verifier so that I could be certified to make corrections on the computer to try to circumvent people having to go through this, mostly when they were doing a transfer. Your registration is effective for as long as you own

the firearm. Renewals of licences — your personal licence, like I showed you, with my picture on it — is every five years.

I went through the process of being a firearms verifier. I have probably made between 300 and 350 corrections in the time I have been a verifier, which is less than 10 years. Many mistakes were made by honest people filling out paperwork and mistaking an 8 for a B. It was an honest mistake; it was not a criminal offence. Regardless, things got to that point.

We had a lot of verifiers. It was legislated that we were not to accept any payment for such services. That was a service to aid the Firearms Centre in doing their job. The verifiers were basically putting a Band-aid on what was bleeding — having us to volunteer and try to make this work. Someone might look at me and say, “A guy in your position that does not agree with it, why would you do such a thing?” It is the law of Canada. I am a law-abiding person. That is why I did it.

The only way to discover the errors in the system they do not even know about is for someone to transfer that firearm to another person and then find out that the serial number or the model is incorrect. We had an example of someone abusing the system, who registered a glue gun. “Make: Mastercraft;” and the serial number. We had people messing with the system, trying to subvert it.

People did not have to try to subvert it; it destroyed itself. That is why we are at the point we are at.

Senator Lang: I would like to recap that; I want to get it clarified for the record.

The Chair: There should be a question.

Senator Lang: I want to get this clearly on the record. You just said to us that we have a registry but the registry is so badly flawed that it is of no value to the law enforcement agencies that are supposed to be utilizing it, or to anyone else; is that not correct?

Mr. Kuntz: That is correct.

Senator Lang: That is all I want to know.

[Translation]

Mr. Granger: When the act was passed, firearms without serial numbers were generally 50 or 60 years old, because there were no serial numbers at the time. There was a system of stickers to be placed on the firearm. You had to write the make on the sticker, not the calibre or the action. I had about 50 firearms in that category; the act required me to put a sticker on the proper gun, but I could not do that, because if I put the wrong sticker on the wrong gun, I could be charged with an offence. It was not a great situation.

[English]

The Chair: Senator Baker with a quick supplementary.

Senator Baker: Following up on Senator Lang's question, there were, as I understand it, a great many problems with parts of guns. Someone would have in their possession a barrel belonging to such-and-such a gun, a stock belonging to another gun, and so on. Some of the guns might not be in workable condition, yet you were on the record as owning that gun. The question came up: Should you register a barrel? I imagine that would still apply, even with the passing of this legislation, but it is terribly confusing to an ordinary Canadian citizen as to what the requirements were and still are. Do you find that?

Mr. Kuntz: Yes, parts and pieces were an issue. The law says that the receiver of the firearm, which normally holds the serial number, is the firearm.

Senator Baker: It is just the barrel?

Mr. Kuntz: It is not the barrel, stock, trigger mechanism, bolt, or action — it is simply the metal machined receiver that may say "Winchester" on it and have a serial number, if indeed it has a serial number. I say that because I have numerous firearms that have no serial number, yet they are similar. In the event of the registration, one card could easily be valid for seven firearms.

That is why I describe it as being like reading a comic book where everything is in boxes, because it is such a chewed up, non-cohesive act. It is difficult for most people.

If I may just —

The Chair: Briefly, if you could.

Mr. Kuntz: This is for Senator Jaffer. I just wanted to assist you in time saving; I think someone has perhaps misguided you. Just for the future, vehicles do not have to be registered. If the vehicle is operated on private property, it does not have to be registered or insured. We have farm vehicles that have never seen a licence plate. There is no legal requirement to do so.

As far as dogs and things, that is fine, but if you do not register your dog, you do not go to prison. However, when someone tells you about a vehicle having to be registered, they are technically incorrect. I say that just to save you time in the future.

Senator Jaffer: If you drive it on the road, you have to register it.

The Chair: There are always exceptions. We are aware of that.

[Translation]

Senator Chaput: Could you clarify something for me, Mr. Kuntz? When I asked about the requirement to check the validity of licences, I was talking about Bill C-19.

So, Mr. Kuntz, would you be so kind as to take a couple of minutes to reread section 11 of Bill C-19 carefully? It really does remove the requirement to check the validity of licences.

[English]

Mr. Kuntz: I was present when Minister Toews perfectly explained how that worked. I would just have nothing more to add.

The Chair: We will leave it at that.

Honourable senators, thank you. That concludes our time with this panel. Constable Kuntz, Mr. Granger, thank you very much. You have a lot of experience in dealing with this. I was going to say more than us around the table, but with a couple of exceptions, perhaps not. However, you certainly do have more than the majority of us around the table. Thank you for taking the time to be here.

Parliament of Canada

Proceedings of the Standing Senate Committee on
Legal and Constitutional Affairs

Issue 15 - Evidence for March 15, 2012

OTTAWA, Thursday, March 15, 2012

The Standing Senate Committee on Legal and Constitutional Affairs, to which was referred Bill C-19, An Act to amend the Criminal Code and the Firearms Act, met this day at 10:30 a.m. to give consideration to the bill.

Senator John D. Wallace (Chair) in the chair.

[English]

The Chair: Good morning, and welcome Senate colleagues, invited guests and members of the general public who are viewing today's proceeding on the CPAC television network. I am John Wallace, senator from New Brunswick, and I am chair of the Standing Senate Committee on Legal and Constitutional Affairs.

Colleagues, today we continue our consideration of Bill C-19, An Act to amend the Criminal Code and the Firearms Act. This bill was introduced in the House of Commons by the Minister of Public Safety on October 25, 2011.

The summary of the bill states that it amends the Criminal Code and the Firearms Act to remove the requirement to register firearms that are neither prohibited nor restricted, which includes non-registered long guns. The bill also provides for the destruction of existing records held in the Canadian Firearms Registry under the control of firearms officers, which relate to the registration of such firearms.

As part of our legislative process, the Senate refers the study of most bills to various committees in order to allow for more detailed and thorough examination. Senate committees often invite individuals, experts, stakeholder groups, public servants and ministers of the Crown to appear before them in order to receive information relevant to the bill that is under consideration. Bill C-19 was referred to this committee by the Senate on March 8, 2012, for further examination and study.

This committee intends to hold public hearings on Bill C-19 over the next few weeks, and these hearings will be open to the public and also available live via webcast on the parl.gc.ca website. Additional information on the schedule of witnesses can be found on the parl.gc.ca website under “Senate Committees.” *The Chair:* Colleagues, our next panel is scheduled for 11:30 and one of the members of that panel will be by video conference. It will take us a couple of moments to set up for that, so we will have to end our time with Ms. O’Sullivan. As always, thank you very much. It is always helpful.

Colleagues, we will now continue with our consideration of Bill C-19, which, as you know, is An Act to amend the Criminal Code and the Firearms Act. As I said earlier, as you are well aware, the effect of the bill would be to amend both the Criminal Code and the Firearms Act to remove the requirement to register firearms that are neither prohibited nor restricted, which would include non-registered long guns. The bill also provides for the destruction of existing records held in the Canadian Firearms Registry that would be under the control of firearms officers and that relate to the registration of such firearms.

Colleagues, for our second panel today, I am pleased to welcome Mr. Solomon Friedman. Mr. Friedman is a criminal defence lawyer practising with the Ottawa law firm Edelson Clifford D’Angelo Barristers LLP. Aside from his comprehensive criminal law practice, Mr. Friedman focuses on firearms law. Welcome, Mr. Friedman.

We are also pleased to have Ms. Wendy Cukier joining us by video conference. She is President of the Coalition for Gun Control and a professor of Information Technology Management at Ryerson University.

Welcome, professor; we are very pleased to have you with us today as well.

Solomon Friedman, Lawyer, as an individual: Good morning, honourable senators. My name is Solomon Friedman. I am a criminal defence lawyer in private practice in Ottawa. In the course of my practice, I regularly represent gun owners in all levels of court in Ontario. It is fair to say that I have a prime vantage point to observe the effect and ineffectiveness of both the gun registry and the broader gun control scheme.

I will begin today by venturing somewhat farther afield than simply addressing the long-gun registry and Bill C-19. By doing so, I hope to explain to you why the gun registry, in particular, has so rankled law-abiding gun owners and ordinary Canadians equally.

Why have MPs been inundated with correspondence from their constituents on this bill? Why was the issue of the long-gun registry one upon which the current government campaigned, front and centre, and, in part, responsible for propelling them to majority status? It is essential that you understand why the issue of finally abolishing the gun registry has galvanized the Canadian public, both gun owners and non-gun owners alike. This question is particularly compounded when one examines the gun registry in light of the history of Canada's criminal gun control scheme.

Throughout the 1990s, countless firearms were arbitrarily reclassified as prohibited and, in some cases, confiscated from law-abiding citizens. In almost every case, they were classified based not on function but on aesthetic appearance alone. If they were deemed to look scary or were made from black plastic instead of wood, they were declared prohibited. Mere possession of these firearms became a criminal offense, punished, in some cases, by a mandatory three-year sentence of imprisonment. This seemed illogical and unnecessary, yet it was passed into law. "All in the name of public safety. . .", Canadians were told.

When section 102 of the Firearms Act was enacted, granting firearms officers the right to inspect the homes of law-abiding gun owners without warrant or suspicion of an offense, many questioned this seeming violation of privacy and fundamental rights. However, Parliament passed it into law. "If it saves one life. . .", Canadians were told.

Instead of legislating meaningful crime-control measures, Parliament engaged in crime-control theatre. In so doing, they sacrificed true public safety for the appearance of public safety. In the wake of tragedy and public outcry, Parliament retreated to the refuge of lazy legislators. Instead of addressing the core causes of crime — poverty, mental illness, and addiction — Parliament saddled law-abiding gun owners with the Firearms Act, a set of convoluted and complex provisions carrying criminal law penalties. Gun control in Canada has been nothing more than a public policy pacifier, a distraction from actual crime prevention and public safety.

Unfortunately, the proponents of the Canadian gun control scheme couch their arguments in platitudes and emotional hysterics, not in facts or empirical evidence. They turn to isolated incidents and extreme anecdotes as support for their views.

You should find it telling that supporters of the gun registry rarely mention the findings of Auditor General Sheila Fraser regarding the state of gun control in Canada. In 2006, she wrote that there

was no demonstration of how this legislation “helps minimize risks to public safety with evidence-based outcomes, such as reduced deaths, injuries, and threats from firearms.”

Nor has mention been made of the recent peer-reviewed study out of McMaster University, published in the *Journal of Interpersonal Violence*, which conclusively demonstrated that “Canadian firearms legislation has had no significant, beneficial association in regard to firearm homicide and spousal homicide by firearm.”

They say that when all you have is a hammer, everything looks like a nail. For the past 40 years, the only tool Parliament has used to regulate law-abiding citizens and their use of firearms is the sledgehammer of the criminal law power. In passing those unnecessary and harsh provisions, members of your chamber, the reputed home of “sober second thought,” succumbed to an appeal to emotion, abandoned common sense, and, ultimately, failed Canadians.

You see, the long-gun registry is hardly the most offensive or illogical provision of the Firearms Act. It is simply the straw that broke the camel’s back, the tipping point. Canadians finally stood up to the criminalization of law-abiding gun owners and the use of the criminal law to regulate the innocent activities of ordinary citizens. I would therefore urge you to pass Bill C-19 swiftly and without amendment, not as a final measure but as the first step to restoring the faith of law-abiding citizens in the good sense and good judgment of their honourable parliamentarians.

The Chair: Thank you for that, Mr. Friedman.

Wendy Cukier, President, Coalition for Gun Control: Thank you very much. I appreciate the committee’s invitation and the fact that you have accommodated my schedule via video conference.

I, of course, have a rather different perspective on this issue, and we are appealing to the Senate to exercise its “sober second thought” and to rely on the evidence.

The Coalition for Gun Control is a non-profit organization founded more than 20 years ago. Its position on firearms and the firearms legislation is supported by the Canadian Bar Association, the Canadian Association of Chiefs of Police, the Canadian Public Health Association, the Canadian Association for Emergency Physicians, the Canadian Criminal Justice Association, and, indeed, most of the public safety organizations in this country, which, I think, pride themselves on evidence-based policy development.

Our brief has been submitted, and it includes a complete list.

These groups regard Canada’s Firearms Act, as it is currently written, as an important piece of our national strategy to prevent

gun death and injury and to support law enforcement. Contrary to the previous speaker's claims, there is a fairly large body of empirical research and refereed journal publications that reinforce its value. Some of this has been recognized internationally. Canada has, in fact, been lauded for its firearms legislation by, for example, the Special Rapporteur on Human Rights from the United Nations.

I am sorry that you probably will not have time to hear from all public safety experts, but we can certainly ensure that you are in receipt of their briefs. They maintain that some of the provisions in Bill C-19 will put Canadian lives at risk by changing the rules related to non-restricted firearms. Many powerful, semi-automatic firearms are currently classified as non-restricted firearms, including the Ruger Mini-14, which was used at Polytechnique, as well as a series of sniper rifles, including some .50 calibre variants.

While it is true that the characteristics of firearms vary in terms of their lethality, I think sometimes the rhetoric around so-called "duck guns" conceals the fact that most Canadians killed with guns, in any given year, are actually killed with unrestricted rifles and shotguns, particularly in domestic violence, suicide and unintentional injuries.

Most police officers who have been killed in Canada in recent years have been killed with non-restricted firearms, such as those which will be affected by this legislation.

In major cities as well as in smaller communities, non-restricted firearms also account for substantial proportion of the firearms recovered in crime. In Toronto and Montreal it is about third, but in communities like York Region there are two rifles and shotguns recovered for every handgun.

The provisions in Bill C-19 which change the rules around licensing are of particular concern. This is quite complex legislation which, on the surface, was intended to eliminate the registration of rifles and shotguns, but in practice will go much further. Bill C-19 removes the requirement that licences be verified when someone purchases a long gun. This will actually undermine the licensing provisions in the legislation. The Supreme Court said very clearly that the registration and licensing provisions go hand in hand, so the removal of registration undermines licensing in general. However, this provision in particular will have a harmful effect on the safety of Canadians.

Bill C-19 also removes the requirement that businesses keep a record of sales. This was a provision introduced in 1977 with the Firearms Acquisition Certificate process, where dealers in firearms

were essentially required to keep a ledger of firearms sales. While it was not as efficient as the computerized and centralized registration system, it did allow some tracking and tracing of firearms. With Bill C-68 these provisions were eliminated because the registration of firearms was seen to supplant the need for records being kept in gun dealers. However, by not reinstating these provisions, in effect Bill C-19 does not roll back the clock to 1995, but to 1976. I do not think that was an intended consequence, but it is a consequence of what will happen if you pass this legislation.

Police say information is the lifeblood of policing. One of the most concerning provisions in this legislation is the requirement that the data on 7.1 million long guns — which has been collected at considerable expense to federal and provincial authorities, as well as the Canadian public — will be destroyed in spite of the fact that a number of our international obligations require maintenance of these records. This information has provided a valuable tool in helping to prosecute criminals and in fact, approximately more than 3,000 affidavits have been filed every year based on this data. While some will say the registry data is not up to date and will not be complete as registration is being eliminated, the fact is that our current fingerprint and DNA databases are also not complete. Yet, they provide useful investigative tools.

There have been many documented cases, and certainly in their testimony in the past the Canadian Association of Chiefs of Police has relayed many of these instances, and they are documented in our briefs. One of the instances, of course, was the murder of four police officers in Mayerthorpe, Alberta, where the fact that the long gun was left on the scene was part of the evidentiary trail that allowed for the conviction of the accessories to that offence.

Bill C-19 will remove the ability to raise flags in suspicious situations. In the past, staff at the registry has documented a number of occasions when, during the process of purchasing a firearm, flags were raised and individuals were identified who, for example, were prohibited from owning firearms. It will also destroy a tool that is used by the police on a daily basis, and it will undermine the government's own stated commitments to crime prevention and particularly to suicide prevention.

The link between licensing firearm owners and registration of firearms is not well understood, but essentially the registration process ensures that licensed firearm owners will be accountable for their firearms, and reduces the risk that legal guns will be diverted to illegal sources. While no law can prevent every tragedy, the data

on firearms death and injury in Canada is quite compelling. We have seen significant declines in the number and rate of women murdered with firearms since this legislation was introduced. In total, the number of Canadians killed with guns in homicides, suicides and unintentional injury has fallen from over 1,100 to under 800 per year. There is a difference of almost 400 deaths per year, even though the population has increased. While no piece of legislation is a panacea, there are many public safety groups across this country that have maintained, based on evidence, that the registry has improved the quality of life, the safety of Canadians, and assisted the police in doing their job. Thank you very much.

The Chair: Thank you, Ms. Cukier.

We will proceed to questions. Before we do, I want to say something. I sense that, creeping into our discussions here, when some of our committee members are asking questions or making comments, there are other comments coming from other senators around the table. I would ask you not to do that please. Everyone will have their opportunity, but the floor belongs to the senator asking the question at that moment.

Senator Fraser: I have a question for each of you, and I will start with Mr. Friedman. You said that you regularly represent gun owners before all levels of court in Ontario. I was wondering what kind of cases those were. Are these people who did not put a padlock on their gun cupboard or are they people who have guns that they are not allowed to have? Where do the bulk of these cases lie?

Mr. Friedman: When I talk about representing gun owners, I mean representing otherwise law-abiding citizens who, for one reason or another, find themselves charged with a criminal offence, pursuant to the Firearms Act or the Criminal Code. In the great tradition of the British barristers, I take all comers when it comes to my criminal clients. However, this area I talk about focuses on sportsmen, target shooters, or hunters who, for example, are charged with criminal violations of the Long-gun Registry Act. They are charged with safe storage violations, or find themselves the subject of a public safety warrant because of a complaint from a co-worker or a neighbour, and have to defend themselves in the criminal justice system at great personal and financial expense.

Senator Fraser: What kind of complaint would a co-worker be laying?

Mr. Friedman: Under section 117.04 and 117.05 of the Criminal Code, anyone can make a report to the police. The RCMP has a hotline to make what is called a public safety complaint. That means

they say, “I got into an argument with my neighbour and he displayed some angry behaviour,” or a co-worker can say, “My co-worker was talking about guns and it made me nervous.” This is true, believe or not; I see it and have a hearing scheduled next week in this very matter. A warrant is often executed at a person’s home and their firearms are removed. The police will usually bring an application to have those guns forfeited to the Crown and have the licence removed from the individual.

Most tellingly about this whole process, is that the obligation under our law is on that individual who has had his firearm seized to prove to a court that he is not a threat to public safety.

Senator Fraser: This is not a gun registry offence.

Mr. Friedman: This is a Firearms Act offence. When I talk about registry offences that is, for example, where a firearm is determined not to have been registered. Despite the amnesty, the police in this jurisdiction and many others continue to lay criminal charges. You are faced with the full force of a criminal sanction for not registering your non-restricted long-gun with the gun registry. I defend individuals who are charged with those offences.

Senator Fraser: I know the chair will be eager for us to get on, so I will turn to Ms. Cukier.

Ms. Cukier, thank you very much for appearing. I realize you barely had time to scratch the surface of your brief, but you did a very good job of scratching. Could you expand a little on what you think the implications of Bill C-19 are for the illegal trafficking of guns both domestically and internationally?

Ms. Cukier: The principles of firearms legislation — and this is something I have published with a number of internationally recognized scholars — is basically risk reduction. By licensing gun owners and by registering guns, the intent is to reduce the risk that legal owners will misuse their firearms and to try to keep legal guns in the hands of legal owners. The provisions in this proposed legislation that eliminate the registration of firearms mean that if you are a licensed gun owner, you can buy as many unrestricted firearms as you want, and there will be no record at all — no record in the store and no registration system. Therefore, if you choose, for example as the accessories chose in the murders of the RCMP officers in Alberta, to give your firearms to someone who does not have a licence or is prohibited from owning firearms, there is no way to trace those firearms back to you.

One of the reasons that the legislation was initially introduced in such a form was to prevent the diversion of legal guns to illegal

markets. While the problem of smuggled handguns is a much bigger problem than the problem of illegally traded rifles and shotguns, there is little doubt that eliminating the record of who owns what guns and destroying the records on who currently owns the 7.1 million registered firearms will eliminate one of the measures in place to reduce the chances that legal guns will end up in illegal markets.

Senator Fraser: How does Bill C-19, in your view, square with the various international treaties and protocols and other such instruments that Canada is a party to, or has signed if not ratified?

Ms. Cukier: The 2001 Programme of Action requires measures to ensure accurate records are kept for as long as possible on the manufacture, holding and transfer of firearms. The Firearms Protocol under the United Nations Convention Against Transnational Organized Crime also requires the maintenance for not less than 10 years of information related to firearms and, where feasible, parts and ammunition. The Inter-American Convention Against the Illicit Manufacturing of and Trafficking of Firearms, Explosives, and Other related Materials also requires maintenance for a reasonable time of information necessary to trace and identify illegally trafficked firearms. The UN international tracing instrument also requires that data be kept on firearm ownership.

In the opinion of most of the international NGOs engaged in these processes, except perhaps the National Rifle Association, there is a view that eliminating the registration of firearms, particularly the elimination of any tracking at the point-of-sale, will basically undermine our international commitments to fight illegal trade in firearms.

The Chair: I might say at this point, for both Mr. Friedman and Ms. Cukier, if a question is directed to one or the other, and it is not that I am encouraging you to necessarily feel you have to rebut every statement made by the other witness, if there is something extremely important you wish to say, let me know, and I will give you that opportunity.

Senator Lang: I want to assure Ms. Cukier that there is no intention on anyone's part around this table to take safety away from Canadians. That is not the intent at all. The question is whether the registry is effective and whether it works. Many Canadians, especially those who own long guns, say that it does not work and is a waste of taxpayers' money; and they would sooner see that money spent elsewhere.

If you could clarify for the record with respect to the organization that you represent, and maybe yourself: What is your position

from the point of view of Canadians outside the police and military owning firearms? Are you supportive of that?

Ms. Cukier: Yes. Our position is very clear. We support the ownership of firearms for legitimate purposes. We want all guns to be registered and all gun owners to be licensed. We support safe storage and the prohibition of specific firearms that would be classified as military assault weapons. Contrary to what the other witness said, the alcohol, tobacco and firearms administration in the United States defined a whole series of criteria, as did the RCMP, about what constitutes a military weapon as opposed to a firearm designed for civilian use.

Senator Lang: I would like to pursue another question with the witness on the registry itself. I would like to point out that Sheila Fraser, former Auditor General, was quoted earlier by the other witness in his statements. I think it is important to read out. In 2006, she stated that there is no demonstration how this legislation helps minimize risks to public safety with evidence-based outcomes, such as reduced deaths, injuries and threats from firearms.

If you refer further to the former Auditor General Sheila Fraser, in 2002 she did a thorough investigation of the registry and pointed out that 90 per cent of the registration certificates had flaws in them — there were errors. That was by the former Auditor General, not by anyone else. The difficulty I have is: Why would we support a registry that has all these errors and flaws in it and continue to spend money on it knowing that the information is incorrect, or that a good part of it is incorrect?

Ms. Cukier: I would like to respond to that. It is really interesting because many opponents of the legislation like to quote Sheila Fraser. I would refer you to her testimony before the committee of the house on this legislation. It was quite interesting because one day you had the head of the Canadian Taxpayers Federation quoting her, and the next day you had her saying very clearly what she did say and did not say. What she said, actually, was not that the firearms registry was ineffective, but that no study had been done by her department on value for money or effectiveness. It is important not to take her comments out of context. I would refer you back to her very testimony before the House of Commons committee on an earlier version of this legislation. That is one point that is very important.

The second point is on the costs. Various people have commented on the costs of the registry and that the money that was spent setting up the licensing and registration system exceeded the targets, and so on.

It is important to remember that most of that money was not spent on registering firearms; it was spent on licensing gun owners. The costs going forward of the registration of rifles and shotguns, according to the RCMP, are between \$2 million and \$4 million a year, because most of the rifles and shotguns have been registered. It is a one-time-only process. We have the data.

Certainly, there are inaccuracies in the database, but as many of the police have said, it is better to have the information that we have than no information. Again, I will refer you to other kinds of public safety tools, like the DNA data bank or AFIS, which is used to access fingerprints.

Not all of the fingerprints of all Canadians are in the AFIS database. Not all of the DNA of all Canadians is in the DNA data bank. However, the fact that there is partial information in those databases is actually an invaluable tool to police. While some have argued that they would like to have more data, the fact is that even the incomplete data that they have is viewed as a useful tool.

Our essential argument, which has been reinforced by the majority of police organizations in this country, is that the data in the registry is not only valuable but worth the continued investment to maintain.

The Chair: Mr. Friedman, is there anything you would like to add?

Mr. Friedman: I wanted to respond briefly to the other witness's comment about the inaccurate data being better than no data at all. I recall a comment made by a member of the Coalition for Gun Control that was expressed in the House of Commons committee and perhaps in the Senate committee as well. The quote was something to the effect that "the gun registry has never killed anyone; getting rid of it might."

Those who are familiar with the cases, for example, of Laval police officer Daniel Tessier or police officer Valérie Gignac, know that in both cases blame for the tragic deaths of those two officers was laid on a reliance on gun registry data that was inaccurate and misused by the police. I think that when an officer is provided with a false sense of security because a gun registry check on a residence comes up clean, what we are actually doing is not only not making Canadians safe but actually putting the lives of police officers at risk.

Senator Lang: I have a question of the witness because of his background.

The Chair: Is it on the same point he just spoke to?

Senator Lang: It is about what a courtroom will take as testimony.

The Chair: I think we will have to move along, senator.

Senator Baker: I will ask the question.

The Chair: If you have a question, get the question out. Perhaps we can get more information from the witnesses.

Senator Hervieux-Payette: For the sake of the argument, I will speak English, because I do not know how the translation is working with Ms. Cukier.

I have a question about the study that was done by many academics. Are you aware of other studies that say the contrary to what you are arguing in your brief? I understand that university people usually have Ph.D.s, that they have rigorous ways of conducting a study. Of course, we are here being told there are no studies that can make a direct relationship between the registry and the diminution of murder. In your career and in your research, are there studies that are contrary to the one you are referring to?

Ms. Cukier: Social science is not exact, so very often on complex policies you will have different views. When we look at the research that has been done, specifically in Canada, on the impact of the firearms legislation that is published in reputable peer-reviewed journals, it is quite clear that the majority of the articles that have been published, particularly in the public health realm, would reinforce the effectiveness of the legislation. At the same time, there are people like Gary Mauser, a marketing professor emeritus from Simon Fraser University, who has published much research that would suggest that more guns would make us safer, that arming people for self-protection would reduce crime, and so on. There is research to that effect published as well.

I would be misleading you to say that all research supports my view, but I would say that there is a sufficient basis in empirical research to support my position. I think it is also reflected in the calibre and the number of public safety organizations with no vested interest who support the legislation that is currently in place.

Senator Hervieux-Payette: With the emeritus professor from B.C., who is usually financing the studies? I know NRA has financed some of his studies. Where do you get your data? Are they data that you collect locally at Statistics Canada or other banks of information? I need to know where the data are coming from.

Ms. Cukier: With respect to Mr. Mauser's research, we know that some of the original research on arming for self-protection was partially funded by the National Rifle Association, and that is well documented in the constitutional challenge to the legislation and the interrogatories.

The data that I base my research on comes from several sources. Some of it is Statistics Canada data. As I said, you can look at overall trends; you can ask questions like: If the murders of women with firearms has declined dramatically and murders of women without firearms have not declined as rapidly, is there a factor that could account for that? If suicides with firearms have plummeted and suicides without firearms have not, can we reasonably infer that firearms legislation played a role? Those are some of the kinds of research designs you can do.

In terms of the tracing and studies we have done on the illicit trafficking of firearms, that data comes from local police agencies. We have been given access to the records of firearms recovered in crime and the traces that have been done on those. That is the basis on which we argue about the sources of illegal guns, the kinds of guns that are being recovered in crime. I hope that answers your question.

Senator Hervieux-Payette: Did you interview people who are directly involved with the question, victims, police people and so on, or did you just do an empirical study?

Ms. Cukier: I have been involved in both kinds of research. In fact, I have been for a number of years an associate member of the Canadian Association of Chiefs of Police and working directly with them on some of these issues. Certainly, I have spoken to many police chiefs, as well as rank-and-file police officers. Of course, most of the large victims organizations in the country are part of the Coalition for Gun Control. I have also spoken with many victims.

Senator Runciman: Mr. Friedman, there is not much emphasis I think with respect to Sheila Fraser's assessment with respect to the accuracy of data. I am wondering from your perspective as a lawyer how important this issue of accuracy of data is. Have you had any experience in terms of legal woes that this inaccuracy has caused people, particularly clients or others that you are aware of?

Mr. Friedman: The issue of accuracy of data is at the forefront of many of the cases I am involved with regarding law-abiding gun owners. For example, I have defended individuals who were the subject of search warrants, which is an intrusion into your private home, based on registry data that was five or more years out of date.

In other words, an individual firearm was being sought, and the registry data was that that firearm had indeed been registered with this individual. That data was taken by a police officer, on good faith I am sure, to a justice of the peace, a warrant was issued and because it was a firearms warrant, it was considered a high-risk warrant and

a SWAT team tactical entry was used, a no-knock warrant was executed and this individual was left to pick up the shambles based on inaccurate data. It cost him a significant amount of legal fees.

This is business, by the way, that, strangely, I am trying to eliminate from my practice. I would like to have fewer of these clients and preferably none at all.

Inaccurate data and misuse and misreading of gun registry and other Canadian firearms centre data is often at the core of numerous failed prosecutions.

Senator Runciman: I share your perspective on this. I think the description you use of crime control theatre really sums it up in not dealing in a meaningful way with crime control measures.

I have read columns recently with observations by a number of commentators about the negative impact this legislation has had with respect to attitudes of everyday Canadians, the criminalization of law-abiding citizens and their attitudes toward police and police officers. Have you witnessed any of that?

Mr. Friedman: Absolutely. I think an important perspective that one can draw from this is to realize this has really created a deep wedge between law enforcement and a group of Canadians who should otherwise be the staunchest allies of law enforcement and are completely responsible and law-abiding citizens, and that is gun owners.

Put yourself in the shoes of, let us say, a 65-year-old gun owner. You own certain firearms. You receive them in a certain way. They were absolutely legal. Parliament, seemingly at the snap of a finger, creates criminal offence after criminal offence. What was otherwise previously completely legal conduct is no longer just regulated conduct but is regulated with the full force of the criminal law. If there is one take-away point from my presentation, it is that criminal law is a sledgehammer; it is not a scalpel of public policy.

When we talk about crime control and prevention, we talk about, for example, the flow of illegal handguns into Canada and issues with border security and front-line police officers. What has been the primary focus of the Firearms Act in Canada? If you thumb through it — and I have an annotated copy on my desk at the office, about this thick — it never once deals with the criminal misuse of firearms. That is, there is no mention there of committing an offence with a firearm or using a firearm for a criminal purpose. It is targeted exclusively at law-abiding citizens, people who follow the law in any event.

It has been more than just a distraction; it has been a severe misuse and misfocus, which has unfortunately created a deep wedge between gun owners and law enforcement.

Ms. Cukier: May I respond?

The Chair: Yes.

Ms. Cukier: If you look at Sheila Fraser's testimony regarding the accuracy of the firearms data, which is in the Hansard from 2006, she is referring specifically to data brought over from the restricted weapons system into the firearms registry. Her concern is that the data on restricted handguns is not fully accurate because those guns were not being re-registered; a lot of the data was being imported. I have not heard anyone suggesting that we get rid of the registration for restricted weapons. I think that is important.

A third of gun owners actually support the legislation, according to polling. It is important to recognize there are differences of opinion even within that constituency. Moreover, 60 per cent of people living with gun owners support the registry. The idea that this is something that is unanimously opposed to in homes where there are firearms I think ignores the fact that women vote, too.

As far as attitudes to the police are concerned, the fact that the Canadian Association of Chiefs of Police and the Canadian Police Association continue to support the law would suggest that they see the value outweighing the costs.

The Chair: Senator Runciman, you have one further brief question.

Senator Runciman: I could say more about this policing issue, but I will not.

The witness referenced in his written and oral statement a peer-reviewed study out of McMaster University, which indicates the legislation has no significant beneficial association with regard to firearm homicide and spousal homicide by firearm. Could you elaborate on that and how it relates to the bill we are considering today?

Mr. Friedman: I will elaborate with the proviso that I am not a statistician; I am a criminal defence lawyer.

I have provided a copy of that study with my material to the clerk of the committee. That is a study done by Dr. Caillin Langmann, an expert witness at the House of Commons committee, and he is an emergency medicine physician. He compiled data, as I understand, from Statistics Canada and other sources by observing, among other things, the drop in homicide and general crime in Canada beginning in 1974, before anything, before the Firearms Acquisition Certificate process or any of the modern, let us say, gun-control measures. He

instead was able to correlate the drops in firearms homicide and spousal homicide by firearm to other social factors, whether it was number of police officers per capita or, for example, the aging per capita in the population. He was actually able to find no statistical correlation between firearms legislation and the harm it sought to prevent. I have provided that study for your review.

Senator Jaffer: I would like a clarification from you, Mr. Friedman. You said there was no mention — I may get your wording wrong, and you can correct me — of criminal negligence in the Firearms Act. Is that correct? Did I hear you correctly?

Mr. Friedman: What I said was that the Firearms Act does not address the criminal misuse of firearms. It addresses administrative issues, such as safe storage and transportation regulations. It does not address the use of firearms in the commission of otherwise criminal offences.

Senator Jaffer: These are mentioned in the Criminal Code, though, right?

Mr. Friedman: Certainly.

Senator Jaffer: They are mentioned in another place.

Mr. Friedman: They are. In fact, we have had provisions in the Criminal Code added one over another, whether it was the use of a firearm in the commission of an offence or the pointing of a firearm. The Firearms Act is the corpus of law that binds law-abiding gun owners, and it is not directed at criminal use.

Senator Jaffer: As a defence lawyer, you know that the Criminal Code covers most criminal negligence offences, right?

Mr. Friedman: The Criminal Code certainly covers the majority of what we would call true crimes.

Senator Jaffer: Thank you. I have a question of Ms. Cukier, if I may. I want to refer you to the licensing provisions. I would like you to clarify something.

If you could look at page 5, section 23 of the bill we are looking at, Bill C-19. Section 23 states that a person may transfer a firearm, but to transfer the firearm, you need a licence authorizing the transfer, and the transferee has no reason to believe that the transferor is not authorized to acquire and possess that kind of firearm.

When I heard you speak, you had concern about when firearms are transferred. Could you please elaborate?

Ms. Cukier: Yes. The Firearms Act, as it is currently written, includes a provision that the validity of the licence be verified. Rather than just requiring someone to present their document, it requires

that the licence be verified. That is one of the provisions that is missing.

In the process of purchasing every firearm, there was previously a requirement that the purchase be recorded and also that the registrar be informed, as well as the validity of the licence be confirmed. That is no longer the case.

Senator Jaffer: I understand that people who sell guns do not need to keep sales records. Can you elaborate on that?

Ms. Cukier: This is one of the changes that was made that may have unintended consequences. As I explained, when the 1977 legislation was introduced, individuals were required to have a firearms acquisition certificate if they wanted to purchase firearms, and when they purchased firearms they were not registered centrally but a record was kept in the store of the FAC number, the name of the person and the guns they had purchased. When registration was introduced in 1995, there was no longer a requirement for that because firearms were being registered centrally.

This bill would eliminate the registration of firearms but not introduce any mechanism to track the sale of firearms at the dealer level, and that completely undermines commitments Canada has made to fight the illicit trade in firearms. There will be no record of firearm sales anywhere. We will have fewer records on firearm sales than they have in the United States of America where guns can at least be traced to the first point of sale.

Mr. Friedman: As a defence lawyer I have noted, as I think those involved in policing will have, that there are many ways to obtain illegal guns. We have yet to see any effort to counterfeit possession and acquisition licences. It is supposition to conjure up a scenario where someone will use a false or an expired licence when in the transfer of firearms gun owners generally are tending, under the present scheme and will continue under the future scheme, to act responsibly and not transfer firearms or engage in firearms trafficking or in straw man purchasing at point of sale. There has been no evidence of that happening in the past and I do not know why we would assume that it will happen in the future.

Senator Jaffer: That was not my question.

I want to bring to the attention of the chair and the committee that we have here with us Meaghan Hennegan and Kathelene Dixon, who were victims of the Dawson College shooting, and Louise de Souza, Heidi Rathgen and Jeff Larivee who were victims of the Polytechnique shootings. They have joined us today to hear our deliberations.

The Chair: Thank you for bringing that to our attention. They are certainly most welcome here.

[Translation]

Senator Dagenais: My question is for Ms. Cukier. If you want to get a hunting weapon in Quebec, you have to report to a police station, you have to apply for a firearms acquisition licence, you have to show that you took a course on handling firearms. Then, obviously, the police will have to investigate. If you do not have a criminal record, you will be issued a firearms licence, and it is the Sûreté du Québec that controls the licences. There is a licensing division just for that. If you later commit a crime or if you are found guilty or simply accused of a spousal violence offence, obviously, when you appear before the court, you will be prohibited from possessing a firearm, even if you have not yet been convicted.

Were you aware of that? It was in place before the registry and still exists. So, were you aware of this way of doing things? And I am speaking about Quebec; I do not know about the other provinces.

[English]

Ms. Cukier: I am well aware of the situation in Quebec. As you know, senator, the last time we met you were giving me a prize on behalf of the Quebec police associations for my work on gun control.

[Translation]

Senator Dagenais: Indeed, it was me who gave it to you.

[English]

Ms. Cukier: Although there may be a problem with the translation, the firearms acquisition certificates no longer exist. Those were eliminated in 1995 with the introduction of the licensing system. Yes, Quebec does have a higher standard, but there was no longer a requirement that gun owners go to the police station in order to obtain their firearms licence. As you know, the licences were introduced in 1995 and implemented starting in 1998.

The problem, of which the police in Quebec are acutely aware and why they have been particularly supportive of stronger controls on firearms is that if you license firearms owners but you do not track the firearms that they own, you have no way of enforcing the licensing. One of the strongest advocates for both the licensing and registration provisions was the police in Quebec, both chiefs and rank and file officers, because of the repeated cases of gaps in the system.

I am sure you remember your former colleagues who were the first responders at l'École Polytechnique where a man with a firearms acquisition certificate acquired a Ruger Mini-14 and shot 27

people, killing 14 young women. One of the big issues that emerged from that was the need for better screening, which has been introduced with the licensing provisions. The second issue was related to the tracking of the firearms themselves. In fact, your colleagues who were first responders at Dawson College will tell us that the fact that they were able to run the killer's licence plate alerted them to information about his identity and important information about his gun ownership. The first responders at that incident would argue that the registry allowed them to respond more effectively than had they not had real-time access to information about the gun owner and his guns.

Senator Baker: I have a question for Mr. Friedman about the meaning of some words.

Mr. Friedman, are you the same Solomon Friedman who won a case recently on care and control before the Superior Court of Ontario?

Mr. Friedman: I was co-counsel on an appeal. I am not sure if that is what you are referring to.

Senator Baker: That is what I am referring to; on the meaning in law of the words "care and control." That is a wonderful case. Congratulations on that.

We are talking about gun control here, and I want to ask you about a section of the bill that has been much referenced during these hearings. Clause 11 says that section 23 of the act will be replaced by the following:

(b) the transferor has no reason to believe that the transferee is not authorized to acquire and possess that kind of firearm.

In your remarks you referred to sober second thought here in the Senate. One thing we do very well here is to ask for the explanation, the meaning, the intent behind certain words. Senator Fraser asked the minister bluntly what this means, what the intent is, what the onus is, and the minister set a very high standard for the onus of "no reason to believe." He went into detail about ensuring that the person was a legitimate holder of a licence.

Will a judge just look at this section and say, "What does this mean?" and then just offer a reason, or will the court go back most likely to what the minister's intent was before the Senate committee, and apply that to the standard to be used?

Could you clarify that for the committee and the general public?

Mr. Friedman: There are two aspects to the response to that. The first is a general interpretation in legal and constitutional matters. For example, when you have a Hansard record or a committee

testimony record wherein a minister or government official attempts to clarify the intent of legislation, that clarification is not binding on the courts. It is informative, it is interesting, and it can add to the debate. However, as we saw in the interpretation of the section 7 of the Charter of Rights and Freedoms, certain statements were simply dismissed by courts.

It will be the court's interpretation of Parliament's intent based on the plain meaning, context, and a host of other interpretive factors that will govern. Therefore, the minister's testimony before this committee would not be a deciding factor; it would be interesting and informative to a court, but not a deciding factor.

Senator Baker: How much weight would be given to the minister's interpretation?

Mr. Friedman: This is a general legal question, but it would depend on the other factors introduced in terms of interpreting this phrase. For example, courts would look at its position in the legislation as a whole. Courts would look at what exactly it is trying to modify and what other similar provisions might be. Perhaps I can be of some assistance in that regard, and that is a second part of the response.

I think this provision mirrors the existing criminal prohibition, already in the Criminal Code — and in the Criminal Code since the introduction of the FAC, and then the licensing system — which is the prohibition on illegal trafficking of firearms. That is to say that it is, has been and will continue to be a criminal offence to transfer, or even offer to transfer, a firearm to someone who is not permitted to possess it.

I do not mean to be giving a lecture here, but the governing standard in criminal law — always — for a criminal offence is what is known as *mens rea*, criminal intent; you have to actively, subjectively intend to have committed that offence. We do not take away people's liberty lightly. A court needs to be satisfied beyond a doubt that an individual intended whatever the criminal offence in question is.

I would be arguing this as defence counsel, but let me attempt to lay out the standard here. You have an individual who has transferred a firearm. How did that individual satisfy that requirement? What is "no reason to believe"? I assume it is quite possible that courts would impute some sort of due diligence into that: Did you look for a licence? Had you known in the past that this individual was licensed?

However, because no process here is laid out, the onus would be on the Crown to prove that the individual knew, for whatever reason, that the transferee was not authorized to acquire the firearm. The onus would be on the Crown and I think the due diligence standard would likely satisfy that.

Senator Baker: And would he go to the minister's words before this committee to support his proposition?

Mr. Friedman: I cannot speak directly to the minister's words because I do not know exactly what he said to the committee.

[Translation]

Senator Boisvenu: Mr. Friedman, my question is for you. I think you are quite familiar with the registry and its history. I remember, in 1992 or 1993, when there was a debate to determine what type of registry we wanted to have, we decided on self-registration. Hunters had to register themselves.

Does this self-registration condition that we had at the beginning mean that now the data is completely inaccurate? We are talking about a 90 per cent error rate.

I have a friend in Quebec who, to test what could be entered as data, registered a joystick as a weapon. Today, how much would it cost us to have a truly effective registry and to keep it effective? We could not maintain self-registration in the long term because, in 10 years, we would find ourselves with the same type of registry, full of inappropriate, even dangerous, information, as you said earlier.

So the choice would be to have a registry similar to the registry for driver's licences where the government contacts the individual every year — with the firearm registry, it would be the hunter—to find out if the individual has moved or still has firearms. Much stricter control would be involved.

In your experience, how much would that control cost us?

[English]

Mr. Friedman: Thank you, senator. I am obviously not qualified to speak from a financial administration side as to what the cost would be in dollars to the government to impose some sort of another type of registration system. However, I think the cost of any type of registration system, via self-verification and others, has been immense in that it has been implemented as a portion of the criminal law; that is to say it has been attached with criminal law penalties and criminal law consequences.

We have all heard stories of staple guns and blow-driers being registered. No one would advocate that type of mischief, but it points to the fact that the data will always be inherently inaccurate

and that it will be difficult to verify. Having worked on the ground with individuals charged or under investigation for Firearms Act issues, my view is that those implementations of firearms registration were done in an “ivory tower” manner, which is to say they did not accurately address the manner in which ordinary Canadians use their firearms.

As an example, we talk about registry data being useful in informing the police as to whether or not there are firearms in a residence. That similar supposition absolutely ignores the reality of the registry legislation. When you have a non-restricted firearm, you are allowed to loan it indefinitely to any licensed individual. Also, that can be done without a licence check, if we talk about what proposed section 23 will do. That was the law and it will continue to be. You do not need to inform the government of that and you do not need to make a call to the registry. If the other individual is licensed and you are satisfied that he is, you can store that firearm on his property without ever informing anyone.

When that point was raised, gun control advocates will often say “Why don’t you need to inform the police every time, for example, you move a firearm?” Guns are used tens of thousands of times a day, probably more times than these supposed registry checks. Firearms are used, and they are moved from home to home, in urban and rural settings. It simply ignores the frequency of innocent use of firearms in Canada.

When we start looking at cost, that is why costs spiralled out of control: No one asked how guns are used by law-abiding Canadians and how much it will cost to put together a registry.

Senator Fraser: I have a supplementary to that, but I will hold for a second round, if we have one.

The Chair: We will have a spot for you.

Senator White: Thank you for coming today, Mr. Friedman, and Ms. Cukier, as well.

Some would argue that training, education and licensing are key to safe firearms use. The bill proposed would leave the requirements regarding each of these areas intact.

Do you have an opinion, legal or otherwise, Mr. Friedman, regarding these requirement areas remaining in future firearms legislations, should the bill be successful?

Mr. Friedman: I do have an opinion about that, and I think it is about focus. I am in the Ottawa courthouse every day and when I take a look at the docket in the remand or bail courts, we often see firearm offences. I can tell you from speaking with my colleagues

on the other side of the fence and interacting with police officers as we do often on a daily basis, that the issue of criminal misuse of firearms is an issue of individuals who never would have qualified to get licences in the first place. They are individuals who are already subject to prohibition orders. They are individuals who are committing crimes with illegally-smuggled firearms.

I think it is time for Parliament, in a legislative manner, to turn away from the distraction that saddling law-abiding gun owners with increasingly strict regulations has been over the past 40 years. It is time to focus scarce resources elsewhere. Two billion dollars is a lot of money, and a continued maintenance cost of up to \$50 million for the entire firearms program is a lot of money. Those are things that need to be focused towards actual crime prevention and crime control, not, as I said, crime control theatre.

Senator Fraser: Two billion dollars is, of course, gone; we cannot get it back. The RCMP says it will only save \$4 million a year if we abolish the long-gun registry.

My question had to do with the frequent references to errors in the gun registry. I am sure there are errors in every human activity, and why not in the gun registry. What proportion of those errors, in your experience, would relate to the fact that a lot of the information in the registry may now be outdated because of the amnesty that the government has had in effect for rising six years now?

Mr. Friedman: I will say two very brief things about that. First, although there is an amnesty in effect, police continue to lay criminal charges and proceed on criminal prosecutions for violations of the long-gun registry. It is not like there is any suspension of the enforcement, at least in this jurisdiction, of the long-gun registry, so I am not sure what effect that has had, if any, on people's registration of firearms.

When we look at errors in the gun registry, of course there will be errors in every government database. The issue with the errors in the gun registry are that the consequences are the most severe imaginable by our law. There is no more severe sanction than the criminal law, and there is no more onerous process than a criminal charge. You can have errors in your motor vehicle registration. The police will not be kicking down your door and executing a search warrant because the numbers on your licence plate do not match the numbers on your driver's licence. That could happen, and has happened, to Canadians because of errors in the gun registry.

Senator Fraser: I think your answer to my specific question was "I do not know."

Mr. Friedman: I think it is very difficult for anyone to determine — certainly for me, without a background in statistics — what effect the amnesty has had, if any, on gun owners. I simply say that it is business as usual when it comes to prosecuting and proceeding on charges for violations of the long-gun registry. Often I have had a situation where we go all the way up to day of trial, where I argue, “By the way, there is an amnesty.” This is something I have informed the Crown about previously, and the judge, for example, will say, “Fair enough. Those charges are off the table.”

Ms. Cukier: The jurisdiction I think you are operating in was where Senator White was recently the chief of police, and it is quite a different context from what I am familiar with. I know that in Quebec, for example, charges were recently not proceeded with in a drug bust where 20 unregistered rifles and shotguns were found, principally because of the amnesty. There was a case out west where a man who had been charged with giving his son access to an unregistered gun that was then used in the murder of a police officer was not charged because of the amnesty.

It would be interesting for the Senate, and for this committee in particular, to request some specific case evidence of where law-abiding people have been thrown in jail for administrative problems, in contrast to the cases where charges were dropped as a result of the amnesty.

Bear in mind that some of the data going into the system was reasonably well verified because it was the point-of-sale data. The data subject to error is typically the self-reported data, and the intent was that over time that data would be corrected and updated.

I will come back to my original point, which is that the data that is there has been used successfully in thousands of affidavits to support thousands of cases, as well as many instances by the police agencies across the country to remove guns where a threat was present.

Senator Lang: To clarify for the record, at least from where I come from it has been business as usual for the renewal of your licence and also from the point of view of verifying the registry. I speak from experience.

I think it is safe to say that across the country, if we did an exploratory review of this, we would find that although there has been an amnesty, everyone who has a long gun and a licence is required to renew it and to go through the process. I would be surprised if the situation were otherwise.

The other area I want to touch on is that I think Mr. Friedman, and perhaps those who are advocating for the retention of the gun registry, do not realize how invasive is the threat of criminal charges for people who have long guns in their homes and the threat of the police being able to enter your home at any given time on flimsy, if any, substantial evidence. You have no idea how that makes one feel. One can disregard this, but the fact is that is very much out there, and that is why this issue is before us today, in good part.

I have a question for Mr. Friedman. This goes back to the inaccuracy of the registration. We keep going to the registry, and the fact is that there is a great deal of inaccuracy in the registration itself. This goes back to the credibility of the registration. It is one thing to say we have a registry, but it is another to say: Is it valid and does it serve a purpose? If it is inaccurate, I would say it does not serve a purpose.

Mr. Friedman, you touched on this earlier. From the point of view of a police officer going into a courtroom and utilizing the registry as far as evidence, can he or she swear an oath that that is evidence and can be used in a courtroom?

Mr. Friedman: That is an interesting question. I know certainly — and Ms. Cukier is correct in this — that countless affidavits are obtained on the basis of the data registry. I do not know if I find that comforting or disturbing, but the fact of the matter is that police officers all the time swear on the accuracy of the registry data, and justices of the peace issue warrants on that basis.

When you talk about the spectre of criminal charge, I think it is of little comfort that perhaps gun owners are not regularly being “thrown in jail” over these violations. A mere criminal charge is earth-shattering for your average citizen, and the prospect of a criminal record in our society is simply not something that we can take lightly and say, “Do not worry. The police will sort it out on the back end. We will charge you and then drop the charges later.”

Absolutely, the inaccuracy of the data of the gun registry has led to numerous criminal charges in error and thwarted perhaps other successful prosecutions.

The Chair: I will come back to you, Ms. Cukier, in just one moment.

Senator Baker: Just a supplementary on this point so that we are clear for the viewing audience and everyone listening to this. What you are saying, Mr. Friedman, is that a warrant is issued by a justice of the peace. In executing the warrant, the police use tactics that are unusual because they believe guns may be present in the dwelling

that they are entering. In other words, it is one of the factors taken into account by the police. They use the “TRU team,” as it is sometimes called, with no knock.

Mr. Friedman: That is right.

Senator Baker: They batter down the door, throw everyone to the floor and put handcuffs on them. Do they also use these noise grenades in Ontario?

Mr. Friedman: Distraction devices or flashbangs.

Senator Baker: Yes, flash grenade, and the first level comes in with machine guns.

Mr. Friedman: The tactical team will often use assault rifles.

Senator Baker: Yes. That would be normal entry for that particular matter, would not you agree, simply because the matter involves firearms? It is unfortunate that it is done, but I would like to ask you what section of the code. Is it 487.01 that is being used here?

Mr. Friedman: Different sections are used variously.

Senator Baker: Which section in the case you have now?

Mr. Friedman: Often section 117.04, which is an application to search a home on public safety grounds due to the presence or concern of firearms.

I would simply respectfully disagree, Senator Baker, that it is —

Senator Baker: Go ahead. I knew you would.

Mr. Friedman: I disagree that it is acceptable that police, as a matter of routine policy, because it is a firearms related search, use, for example, a dynamic or no-knock entry. The Supreme Court, in a case called Cornell, delineated that when planning the method of entry the police need to look at specific, fact-driven factors that have been identified by the police in planning out whether they will depart from the otherwise normal rule in this country, the constitutional rule of “knock and announce.”

The mere presence of firearms, while that may be something that can justify, in certain circumstances, a no-knock warrant, by no means is blanket permission for police to dispense with knock and announce.

Senator Baker: There was an adjudication done by a judge in issuing the warrant by a justice of the peace.

Mr. Friedman: There was not an adjudication.

Senator Baker: You have to do a look at the sworn affidavit behind the warrant, your sworn information to obtain.

Mr. Friedman: Remember that a sworn information to obtain is obtained ex parte, there is no opportunity for anyone to challenge that information or to bring an opposing view.

Senator Baker: That is true. That is the law.

Mr. Friedman: When we talk about an adjudication, it is weighing two sides. This is not an adjudication. I understand, that is the warrant process and it makes a great deal of sense, you do not inform people generally that you are about to execute a search warrant.

Senator Baker: They will disappear.

Mr. Friedman: However, a Justice of the Peace is still obligated, under our law, to take a critical look at both the evidence underlying the warrant and the manner in which the police intend to conduct the search. Whether or not it is my view that they are overly deferential, particularly in firearms cases, is another matter.

The Chair: Ms. Cukier, there was one final comment you wished to make.

Ms. Cukier: Yes. Thank you very much. People have talked a lot about accuracy. It is important to differentiate the circumstances for warranted versus warrantless searches. A number of the comments that were made implied that the mere existence of a firearm entitles the police to a warrantless search. That is not true. The law provides for the inspection of collectors with notice if they have more than 15 firearms. I think it is very important to proceed based on fact.

The other thing that I will observe, and something that the committee may want to consider, is a lot of the issues that have been raised have been with respect to concerns about criminal charges being laid against law-abiding citizens for mere administrative infractions.

One of the recommendations, for example, that the Canadian Police Association forwarded in order to address this was the addition of a non-criminal charge that could be used in cases where people have violated provisions. I do not see anyone around the table considering that as an alternative to eliminating the registration of firearms and destroying the data.

I would suggest that you look carefully at the sanctions that are currently in place and try to get some hard data on these instances that have been raised for you about the police executing warrants with jackboots and breaking down doors, where there was inaccurate information provided as a result of the registry. I think you should ask for some evidence regarding those cases. We would be happy to provide evidence concerning the utility of the act, because I think there is a lot of speculation and misinformation, and there are a lot of hypothetical situations that have been turned into claims of fact. You may want to scratch beneath the surface, if you have some

time, on the basis of these arguments, and as well the empirical data, which we are happy to provide. Thank you very much for your time.

The Chair: Thank you for that. Hypothetical examples that are given, sitting here, we have heard that on both sides of the argument. That is what we have to sort through, and base our decision on facts.

Mr. Friedman: Briefly, to conclude. None of the descriptions of the use of the gun registry and the other gun-control tools in the Firearms Act and the Criminal Code that I have alluded to have been hypothetical in any way.

I practice criminal law in Eastern Ontario from Cornwall to Belleville and all places in between. Those are numerous different jurisdictions and a large set of police agencies, including the Ottawa Police Service, the RCMP and the OPP. This is not hypothetical for gun owners. The use of the public safety warrant and registry violations is often used as either a pretext to obtain a warrant that never would have been issued on other grounds or as a simple pretext to search and seize from ordinary Canadians. Thank you very much.

The Chair: Thank you for clarifying that.

Ms. Cukier: Find the evidence.

The Chair: This concludes our time with this panel. Ms. Cukier, thank you so much. We have extended your time beyond what we had planned, but it was very useful.

Mr. Friedman, thank you very much.

We will adjourn until we are back at this table a week from Wednesday.

Parliament of Canada

Proceedings of the Standing Senate Committee on
Legal and Constitutional Affairs

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OTTAWA, Wednesday, March 28, 2012

The Standing Senate Committee on Legal and Constitutional Affairs, to which was referred Bill C-19, An Act to amend the Criminal Code and the Firearms Act, met this day at 2:34 p.m. to give consideration to the bill.

Senator John D. Wallace (Chair) in the chair.

The Chair: Thank you, colleagues.

Today, as you know, we are continuing our consideration of Bill C-19, An Act to amend the Criminal Code and the Firearms Act. This bill, which is entitled “Ending the Long-gun Registry Act,” was introduced in the House of Commons by the Minister of Public Safety on October 25, 2011.

The bill amends the Criminal Code and the Firearms Act to remove the requirement to register firearms that are neither prohibited nor restricted and, in particular, non-restricted long guns. The bill also provides for the destruction of existing records held in the Canadian firearms registry and under the control of firearms officers which relate to the registration of such firearms.

Bill C-19 was referred to this committee by the Senate on March 8, 2012 for further examination and study. This is the committee’s third meeting on Bill C-19. Our hearings, as you know, are open to the public and are also available live via webcast on the parl.gc.ca website. Additional information on the scheduling of witnesses can be found on the parl.gc.ca website, under the heading of “Senate Committees.”

Colleagues, I am pleased to welcome, as part of our first panel today, from the Calgary Police Service, Chief Rick Hanson.

Chief Hanson joined the Calgary Police Service in February of 1975. From October 2005 to October 2007 he was a member of the RCMP in the K division before returning to the Calgary Police Service as chief in 2007.

Welcome, Chief Hanson. I believe you have an opening statement. We would be most interested to hear it.

Rick Hanson, Chief, Calgary Police Service: Thank you for the opportunity to speak with you today about Bill C-19. There has been a lot said about this bill and the abolition of the long-gun registry. I have listened to the discussions that have raged across Canada and have been amazed at the emotion around the debate and the lack of understanding as to the law itself — not only a misunderstanding of the law as it will be after Bill C-19, but a misunderstanding of the law as it was prior to the implementation of this bill.

First, let me introduce myself. I have been a police officer for over 37 years. I am currently the chief of police of the third largest municipal police service in Canada. Having been born and raised in Alberta I make no apologies for the fact that I think society is best protected when the most dangerous among us, the predators, pedophiles and enterprise criminals, are sent to prison for significant periods of time. I also firmly believe that the police are an arm of the community and not an arm of the state. We represent the safety and security needs of the citizens we serve. As such, we need to listen to them, reflect their beliefs and address their concerns.

That is why I firmly believe that those suffering from addictions and mental illness should be treated as a health issue and not a justice issue. There should be treatment facilities, not prisons. In other words, let us not criminalize those who are not criminals.

I am not one of those who believes that good police work is cross-referencing the morning obituaries with the firearms data base and then racing over to the home of the deceased to seize the expensive firearms collection from the grieving widow because she did not have a possession and acquisition licence. Unfortunately, that actually happens.

I believe that the long-gun registry gave the uninformed and misinformed a false sense of security. Too often the gun registry was presented as the panacea for all of society's firearms problems. The reality is it did little to protect society from the gun violence being perpetrated by armed thugs and criminals on the street, none of whom have possession of acquisition licences and none of whom registered the weapon in a national database. The real magic is in keeping the guns out of the hands of dangerous people and criminals, and herein lie my recommendations.

First, strengthen the law around possession and acquisition licences. Keeping guns out of the hands of the mentally unstable, the dangerous and the criminals is key. Without a possession and acquisition licence you cannot have access to legal guns. The proposed section 23 in the bill before us today should be far clearer. If a person is selling a firearm to another, the wording must be that the transferee must present a valid possession and acquisition licence and the transferor must check with the registrar to ensure that the licence is valid.

To have the threshold stand, Bill C-19 says:

(b) the transferor has no reason to believe that the transferee is not authorized to acquire and possess that kind of firearm.

That is woefully inadequate. In other words, for the purchasing or selling of firearms we have to be firm in proving that the recipient or buyer of the firearm is properly licensed.

Second, we must reinstate point of sale recording. This existed prior to the gun registry and was useful for two reasons. The first is that it allowed for proper auditing of gun stores to ensure that they are complying with the law requiring them to sell only to those with proper licences. That is a starting point should that gun be identified as being used in a criminal offence.

Third, restricted and prohibited guns should be registered individually to the vendor at the point of entry into Canada. This is a ridiculous gap in the law. As it stands now, you could have 1,000 handguns come into this country and be delivered to a gun store without being registered. They are only registered at point of sale. We found this out because an individual at a gun store was selling handguns under the table to criminals on the street. We found and seized these guns and found that there was no record of them coming into Canada. It was only through an informant that we learned that one of the employees of the gun store was selling some of these guns out the back door, with no record.

If gun registration is so important, which I believe it is in this country, especially for restricted and prohibited weapons, those guns should be registered to the vendor the minute they come into the country. They should not be delivered in a big box to a wholesaler or retailer with no expectation of any accountability.

Fourth, any police officer should be authorized, without warrant, to enter a gun store and reconcile these records to lawful sales.

Fifth, another of my pet peeves, search and seizure laws as related to firearms have to be strengthened. Right now we are having a bit of a respite from the gun battles that were occurring on the major streets in all of our cities. Those guns are illegally in the country and primarily unregistered. No one is licensed to have them. Criminals do not register their guns. Yet I could tell you story after story of courts ruling that seizures of handguns made in vehicle searches or from drug dealers were unlawful. If we truly want to get the dangerous guns that are killing people off the street, we have to modify the search and seizure laws so that our officers have the authority to take the guns out of the hands of the killers. It is as simple as that.

It should be worded to say that if a person is convicted of a weapons offence, a violent crime or drug trafficking, the police have the authority to search a vehicle or a person if there is a reasonable

belief that he may be in possession of a weapon, and this belief may include having association to a street gang or other violent criminals.

Sixth is training. As I mentioned earlier, I have listened carefully to the impassioned and emotional debate across the country on the gun registry. I recently heard a senior ranking police officer of one of the major police organizations dramatically state that blood will flow in the streets if the long-gun registry is terminated. He referenced the thousands of times a day that Canadian police officers access the long-gun registry. This same officer was unaware that licensing requirements continue to exist. In other words, you cannot own a firearm, registered or otherwise, if you do not have a licence. He was unaware that if you were concerned about whether a person at a particular address owned guns you could cross-reference the licensing data base, which would tell you whether the occupant was likely to be in possession of a firearm.

You have heard the argument that it is making the streets safer for police officers because when they go to a hot call they will not know if the person owns guns if the registry is not in place. The reality is that the licensing regimen is still in place. If that is important to you, it is still there for every call you go on. I am one of those who believe that you should treat every call as a dangerous one if you do not know what is going on in the residence.

Similarly, officers are unaware that this new law does not change the fact that a person must produce his possession licence on demand if he is in possession of a firearm. Without a licence, the gun can be seized. Officers are also unaware that there is a process in place to revoke an existing possession and acquisition licence and seize firearms from the owner if there is a conviction for violence or a weapons offence or a substantive change in the person's status from the time he received his licence.

The scary part is that these beliefs are being passed on to the officers on the street as fact. Too many officers are now unaware of the law as it relates to the licensing and possession of firearms and the still significant powers that they have. The federal government must develop a mandatory training package for all police officers and police services across this country so that they understand that under the law they can seize firearms from those who have become a danger to others.

Eighth, and finally, there should be public safety announcements that explain the laws around firearms. It should be made clear that licensing is still a requirement and that strict criteria are still rigidly enforced. The law that applies to the selling of firearms should be clearly explained. The real danger around Bill C-19 is not the elimination of the registration provision around long guns but the immense misunderstanding that is being perpetrated by those who do not understand the powers that still exist and the lack of

recognition of the need to give additional authority to the police to more effectively deal with the serious bad guys who continue to use unregistered, restricted and prohibited weapons that are unlawfully in the country and used purely for criminal purposes.

Thank you very much for the opportunity to voice that today.

The Chair: Thank you very much for those comments, Chief Hanson.

Before turning to questions from committee members, I want to remind senators that due to the number of witnesses that we have to hear today, we must keep to the schedule. Please keep that in mind with the length of your questions. I again remind you that we are here to listen more to the witnesses and less to each other. Our time with Chief Hanson will end at 3:25 p.m. If you could keep that in mind, I would appreciate it.

Senator Fraser: Thank you very much, Chief Hanson. You packed an awful lot into what I know is the limited time you were given. I would like to come back to your recommendation about the point of sale requirements for registry. Could you elaborate on how that would work? You said 37 years. I do not know whether you would have been around for the old version. Tell us how you think it should work.

Mr. Hanson: It is amazing to me that a gun store, a legitimate gun store — I will back the bus up further. We have been registering handguns, restricted weapons, in this country since 1935. What is amazing to me is that the onus is put so far downstream on the purchase. In my opinion, if there is a gun order, if there are one thousand handguns or one thousand 9 mm or .45 calibre Glocks coming into this country to be sold at a gun store, I can think of no reason in this day and age why every single one of those guns should not have the serial number, make and model registered to that gun store before that owner can pick it up at whatever brokerage he picks it up from. There should be that in place prior to him selling it.

What we are finding on the streets is so many unregistered handguns. For the longest time, we could not figure that out, until we found out, through a couple of investigations — one was a good investigation out of British Columbia by the RCMP, and there is one out of Calgary — that if you pilfer those guns before they make the front counter and the point of sale, you can sell those out the back door and there is no registration of them ever coming into Canada. There is no record of it coming into Canada. That is unacceptable.

Senator Fraser: You are not proposing that it just be a requirement for the gun seller to keep a record as of the point of sale: “I sold this gun with this record number to this person with this licence number.” You think it should be from the beginning. It would include, once the guns are finally sold, if I understand the way it

used to be, the serial number of the gun and identifying material for the person who buys the gun.

Mr. Hanson: In the case of the handgun, there must still be the registration certificates and the permit, but there should be a paper trail from the time that order crosses the border.

Furthermore, I do not see why you could not do it as well for long guns and re-implement what they used to have years ago, which my learned friend Senator White called the green sheets or blue book or green book. There was a book that was a registration —

Senator Fraser: I have seen reference to the green book.

Mr. Hanson: It was a point of sale registration to the owner of the long gun. No one had problems with that, and it makes good sense. What is frustrating is that so many of the weapons that we are dealing with on the street are killing people and there are so little controls when they come across the border, and that is a place where it could be enhanced significantly.

Senator Fraser: You are the first one to raise that point before us. I want to be clear that, in the end, what this would do in terms of long guns is remove the onus for recordkeeping, so to speak, from the ultimate gun owner back to the vendor.

Mr. Hanson: Even with long guns, there should be a point of sale record to indicate what happened to that gun.

Senator Fraser: Thank you very much.

Senator Lang: I appreciate the witness before us here today. I know you have a lot of expertise in this particular area.

I would like to focus at the beginning on the question of the registry itself and the fact that what we are debating here really is whether or not the registry in place has worked or has not worked. We have had evidence and testimony before this committee, and in the other place, for that matter, where it has been explained over and over again that the registry that is in place has 40 per cent errors, maybe 90 per cent errors, depending on where it is. The fact is that, for example, someone abused the system. They registered a glue gun, the make as Mastercraft and the serial number, and it was registered. Perhaps you could elaborate further on the present registry and perhaps what it is not doing, because I think there is a false impression out there that this registry is in place and is working.

Mr. Hanson: Again, it is the largest repository of honest people that exists in this country. There is no doubt about it. The only people who choose to register their long guns are meticulously honest people who are not involved in criminal activity. It is as simple as that. What I have always taken great exception to is if a person has an unregistered long rifle, a .22 that is sitting in the garage or a shotgun, he may have even the possession and acquisition licence, but he can still be charged criminally for having an unregistered gun, whereas if you have an unregistered car, that is an offence as well,

but it is a provincial statute. You are criminalizing people who, to a large degree, are not criminals. The story I told about going through the obituaries and cross referencing with the gun registry and then going and seizing the guns from a grieving widow is a true story. The people that generally register those guns are law-abiding people, to a large degree, who have never had a problem with the law.

What really frustrated me as the chief about three years ago, when we were literally in the midst of downtown gun battles, is when we were fighting for laws that would be impactful as related to targeting organized crime and the killing going on, people were still talking about how the gun registry was somehow the panacea. It was sold to people, and it is a placebo. It gave people a false sense of security that something was being done. The reality is that it did precious little. Most of the guns we seized off the street were unregistered and had never been registered. People did not have licences to have them. Those are the people that were causing us the most grief as police officers. I realize that some people think that somehow you are doing a good job.

This is a true story again. In a province like Alberta, where you have a lot of outdoor activity, there was an outfitter who had two guys from the States who paid big bucks to go duck hunting. They were out shooting, and all of a sudden two police officers show up and seize the guns in spite of the fact that the guide had the proper permits and everything. He asked, "Why are you seizing the guns? This is legitimate." The officer said, "We got a complaint of gunshots." The guy said, "Well, duh. It is duck season. You are going to hear gunshots."

There was a lack of understanding of what the gun registry was supposed to do and who it targeted and the resources it took away from focusing on the real criminals causing havoc in society. Yet people assumed that the time police officers spent looking for unregistered .22s in a farmhouse somehow contributed to additional safety. If you look back at incidents that occurred where people have said that, "You know what? The gun registry could have prevented this," and you go back, and there are instances where people have had their possession licences revoked and they still have access to illegal guns.

The key is to target criminals. The key is to take away possession and acquisition licences when there is a substantive change in the status of someone who possesses one. In other words, if someone who is a criminal or gets into domestic situations and has a possession and acquisition licence and there is something to suggest they are a risk, then suspend their possession and acquisition licence and seize their guns, because they are no longer legally obtained. The idea that somehow registering these provided some sense of security over and

above anything else just created a false sense of security that was inaccurate and false.

Senator Lang: Perhaps for us, in view of your experience, could you walk us through exactly what the law requires of an individual applying for a long gun firearm licence? I think it is important that people realize, even at this stage, that it is pretty good scrutiny and test prior to that.

Mr. Hanson: You have to confirm identification, which is one thing. Second, there is a full and complete criminal records check that is done to determine if there is a record. There are also phone calls made to your spouse to determine if the spouse has any concerns about you acquiring a gun.

Senator Lang: Before you can take the test.

Mr. Hanson: Yes, there is the requirement that came with the act of the test that you have to pass for the acquisition and retention of the gun.

Senator Jaffer: Chief, I have learned a lot from you today. One of my concerns is proposed section 23. You mentioned that at the beginning: the acquisition and possession of a licence. If you look at 23(b), my concern is that I would have liked more of a responsibility on the seller rather than just the belief. I would like you to comment on that.

Mr. Hanson: I could not agree more. That is why I mentioned it, too. The threshold is way too low:

. . . the transferor has no reason to believe that the transferee is not authorized to acquire and possess that kind of firearm.

I can tell you that criminals and killers are really nice people. You can sit and talk to them and you will never know they are a killer. It is just that they do things differently from us: They kill people and it does not bother them. No one can make the determination that this is a good guy and he probably has his licence.

I see no reason why it would not be an absolute that requires a person to present his PAL — possession and acquisition licence — and also require the person selling the gun to make a quick phone call to ask if it is legitimate.

Senator Jaffer: Thank you for sharing my concern. I am really concerned about that proposed section.

When you were responding to my colleague Senator Lang, you spoke about the spouse or, I imagine, a common-law partner being called before a licence is issued. I am aware that it does happen.

I wanted you to elaborate more on that. What kinds of records are kept? Before the licence is issued, does there have to be a tick confirming that the spouse or common-law partner has been called?

Mr. Hanson: I do not know how they actually keep the records because that is not a policing issue, from our perspective.

I can tell you that one of our greatest concerns is obviously domestic violence. We realize that there is only one way to manage domestic violence, and that is to have experts in the field who do everything they can to mitigate against a violent response.

When you look at domestic violence and deaths in Calgary and in Alberta, the reality is that to suggest it is only guns that kill them is just wrong.

As domestic situations escalate, there is generally an ability to track that, to keep good records, and it is incumbent upon police services to share that information. We are getting better and better at sharing information across jurisdictions so that can be considered before a licence is even given.

If a person does not get the licence they do not get the gun. If they do not get a gun, that eliminates the concern but not the risk.

Senator Jaffer: The third area that I have concerns about is people with mental challenges. When you were explaining to Senator Lang about the different stages, do you have anything to help you assess the person? It is hard; I know it is not easy. I am asking for miracles, but is there anything in your system that helps you assess that?

Mr. Hanson: I think with police officers, and with the information systems that we do have, we all recognize — and I think Senator White was a leader in Ottawa in regard to that — that mental illness is a significant issue with people on the street. We are doing a far better job of tracking that. When somebody accesses our information systems, we are careful about what we use that information for because we recognize it is a health issue. It is not necessarily a criminal issue but there are considerations and facts that should be considered when looking to licensing. I think it is just a matter of ensuring that those records are adequately accessed and properly shared to reduce the risk when issuing possession and acquisition licences.

The Chair: On the issue of domestic violence, if it is a matter that has gone before the courts, am I correct that the courts would be able to order, if there were guns in the house, the removal of the guns and revocation of the licence?

Mr. Hanson: There is a process for having that. If police officers believe that a person who should not be in possession of guns has a possession and acquisition licence, a process can be implemented to access the courts to get an appropriate court order to seize the guns and take back the possession licence.

The Chair: Thank you very much for that.

Senator White: Thank you for coming out from Calgary to meet with us today.

We heard commentary that the registry is accessed up to 17,000 times a day. You made reference to it briefly. Can you explain to the

people here what really happens when it comes to 17,000 accesses a day?

Mr. Hanson: There are automatic record searches that can happen that our systems can be set up to do, address checks. There are so many information systems that you can do an automatic check on virtually every address.

Many systems are set up so if there is a dispatch call it will check that address against existing databases and can identify the fact that this is a person who has registered handguns. The call may not be one where it is even an issue. The person could be calling because their car was stolen or their house was broken into and entered, or it could be that somebody broke into their garage and took a lawn mower. It would be an automatic check against that database. It does not mean that police officers are checking because there are 17,000 calls a day that are so high risk that they have to check to see if that person has a handgun. A far greater indicator of risk is checking your own database to see what kind of information you have on the occupant of that house.

Second, if the call is related to some kind of a violence call, then there are ways to access and find out whether the person has a possession or acquisition licence, in which case it would not matter if he has any guns registered or not. It means he is licensed to have guns.

Third, if it is a high-risk call, our officers at least — I think most — are trained to approach that situation as being one where there could be firearms. Whether it is firearms or knives or whatever, if it is a high-risk situation the risk exists no matter what, whether there is a record of guns in the house or not.

Automatic checks are done on a number of police services now that are linked to the database, and that includes the firearms database.

Senator White: Would it be fair to say the vast majority of times when that information is gathered it is not shared with the police officer, regardless? Someone going for a break and enter, for example.

Mr. Hanson: It is irrelevant to most calls. I will speak to the Calgary Police Service. If we get a call, a violent call at a house, a weapons complaint, a disturbance call, or a situation where we are not sure what we are getting into, we will check the database, and that will include the database around firearms, and we can relate that to the officers for sure.

In most cases, it is irrelevant to the call and does not get imparted to the officers.

Senator Baker: Thank you for a very comprehensive brief. I cannot say that I followed everything that you were advocating, but I am sure it is all legitimate and based upon fact.

The one thing that I wanted to question you on is your reference, which was considerable, to the finding of guns in cars or vehicles. You said that this is sometimes done during searches for drugs, and then you proffered that the judge would not allow you to lay charges for the gun offences because of some other reason.

What are you advocating? Are you advocating that the police be allowed to search any vehicle without a search warrant?

Mr. Hanson: No, not any vehicle.

Senator Baker: What are you advocating?

Mr. Hanson: I will explain with a story. Toronto police officers were patrolling a high-risk area of the city where the community had said that they had had it with drug trafficking and wanted a higher profile police presence. The patrolling officers observed a person who they believed was trafficking drugs, and you can pick that out pretty easily.

Senator Baker: Is this the shoe box case?

Mr. Hanson: No, I do not think so.

When they approached the transaction, the man turned to walk away and the officers made the arrest. They found drugs and a .45 calibre handgun. The gun was inadmissible as evidence as it was viewed to have been obtained in an unlawful search.

That story and others like it occur right across this country. On the one hand, we want safer streets and tighter gun laws, and on the other hand, every police service has stories very similar to that because our search and seizure laws have become so restrictive that it is extremely difficult to get seized items into court.

We know who the gang members are. We know who the criminals are. We know that they are generally driving around wearing body armour and probably have guns in secret compartments in their vehicles. We know that some of them have been convicted of serious offences. Yet, if we stop and search their vehicle and seize a handgun from it, we know that we will not be successful in court and will be chastised for conducting an unlawful search.

Senator Baker: Under the law in Canada, for which there is a basis, you cannot go around searching vehicles. That is contrary to the law unless you have a judicial authorization, reasonable grounds, to do it. There is a reasonable expectation of privacy in a vehicle.

To my recollection, the case that you just outlined was one in which the search was purported to be incidental to an arrest. If the arrest is not lawful, then of course the search is thereby not lawful. The person was not given back the gun at the end of the day. If something is judged by the court to be an unlawful search, it is an unlawful search.

Are you seriously advocating that because of somebody's history there be an automatic right to search? Section 495 of the Criminal Code is very clear. A warrantless arrest can only be made on certain

grounds; in the commission of an offence that is taking place or if an indictable offence is about to take place. That is clearly written in section 495 of the Criminal Code.

Mr. Hanson: If it makes you feel any better, I am very familiar with the law. You are not saying anything I have not heard.

Senator Baker: I know you are. I have looked you up and you are cited in many cases as being an excellent police officer.

I get your point. You are suggesting that we change 495 of the Criminal Code to allow an officer to search a vehicle based upon what?

Mr. Hanson: I am familiar with that. It is ironic that you are talking like that because you have just made the argument for all the officers who think it is much easier to get a conviction if they seize a .22 from a farmer than if they seize a gun from the guys who are killing people on the streets and driving around with impunity because the law protects them so well. It is too much work to get a conviction for them, so let us wait until they kill somebody, even though we know that they are associated with gangs, they have a record for violence and they are wearing body armour. If that is acceptable to you, which it obviously is —

Senator Baker: No, no.

Mr. Hanson: No, no. I am just answering your question. That may be acceptable to you because you are upholding the rule of law, which clearly takes precedence. Well, that was not always the law.

The law has evolved and it can evolve again. The question is whether people are serious about reducing carnage on the street and the damage done by real guns or are intent upon upholding the rights of proven criminals who disregard the law and kill people. If that is what is more important, that will take precedence, and I respect that. However, if you want to put a stop to killing and hurting people, step back and recognize that the evolution of law to this point has taken a turn that was not expected. I remember those debates around the Charter in 1981-82, and it was never expected to go this far.

It is a choice that has to be made. That is why police officers pick off the low-hanging fruit and that is why the gun registry was abused more than it was used. It is much easier to get stats when you take a shotgun from a duck hunter than when you go after the bad guys.

Senator Frum: Mr. Hanson, you made many excellent points. One was about how most of the gun crime in Canada is committed with handguns. However, in the extremely tragic occurrence at Dawson College the violence was committed with registered guns. You talk about emotion and say that there is a disconnect from reality, but I have trouble understanding how in that case a registered gun prevented violence. When criminals have registered guns, the registry

does not prevent them from committing crimes if that is what they want to do.

Mr. Hanson: That is true. There is nothing to say that a person who is lawfully in possession of a gun cannot use it for an illegal purpose. That does happen.

The issue around violence, especially domestic violence, which is a concern when it comes to this, is something that the police are dealing with better now. We are probably not doing as well as we could be, but we are evolving.

In answer to that specific question, it did not make any difference at that point.

Senator Frum: To me that points to the need for the focus on licensing as opposed to the registry. You want to ensure that people who should not have guns do not get guns versus writing down the serial numbers of the guns that they have. That will not prevent anything.

Mr. Hanson: There is no single solution to this issue. No one part of the law can solve all the problems. About 100 little pieces need to be fixed to have the maximum impact for the protection of society, but each one does its part in making society a little safer.

Senator Frum: The registry will not prevent someone who is in possession of a registered gun from committing a heinous act such as what happened at Dawson College.

[Translation]

Senator Hervieux-Payette: Welcome, Mr. Hanson. I would like to know who issues the licence, how it is issued and what the standards are. Does everyone around this table who wants to learn to use a rifle, that is to say a long gun, have to take a course and obtain a course certificate? Who investigates good behaviour and whether the person presents a danger to anyone, apart from his wife?

In the case of Concordia, I will simply say that, in Quebec, Concordia University could have objected to Mr. Fabrikant's having a weapon, and his wife as well, but his wife was terrorized and therefore did not oppose it.

All that to say, in response to my colleague, that legally obtained weapons do not mean that the individual had no psychiatric problems and ultimately was not reported.

Who is responsible for reporting a person who has behavioural disorders? How do we know, when a licence is issued, whether that person has behavioural problems?

[English]

Mr. Hanson: That is a good question. I know that when somebody applies for either renewal or for a new possession licence for any kind of firearm —

Senator Hervieux-Payette: Where do we go?

Mr. Hanson: It is a federal government-administered process. The person responsible for doing the background check also makes a phone call to the spouse, and I know that what they will frequently ask is, “Are you available to talk to me right now?” Domestic violence is insidious. I can tell you that there are many people who are reluctant or scared to say what is really going on in their house, and we get that. We understand that. It is a complicated issue.

When somebody is doing the background check, you would hope that there is a record that the police have maintained if there has been a response to domestics at that location that they can access. Absent that record, it would be incumbent on the spouse to alert the registration investigation, the people phoning in regard to the application, to acknowledge that there is a domestic situation, and that would be sufficient for the person who is issuing the possession licence to make a determination that there should be more investigation into this or whether the PAL should be issued.

The Chair: I am sorry, senator. I have to move on.

Senator Hervieux-Payette: How do you know it is the spouse that you are talking to?

Mr. Hanson: That is a good question.

The Chair: Thank you, senator.

Senator Runciman: I have a question flowing from Senator Baker’s query. With respect to search and seizure, you were talking about the Charter, but you also had a proposal with respect to a legislative way that that could be addressed and meet the Charter issues. Was that what you were suggesting?

Mr. Hanson: I do not think anything would meet the Charter issues. I think that what has evolved is just what the discussion basically talked about. It is virtually impossible without a warrant to remove weapons that are dangerous unless you have a significant amount of grounds, and yet you know when you see these people together that they are known criminals, there is a record and you have intelligence that they belong to a gang. It would require the creation of a new law that would have to be tested through the courts to see if it could be upheld in light of the charter. Right now, it does not exist. The authorities are not there.

Senator Runciman: We know it would be tested.

We will have witnesses from the chief’s association. You talked about a high-ranking official and blood on the streets. I am not sure if it was a policing official or not.

Mr. Hanson: It was.

Senator Runciman: You talked about the lack of understanding in the policing community. I am impressed with your testimony today. I know we have had a few folks in the urban areas — like yourself, Senator White, and Julian Fantino at one point as well — who have taken the same position.

If you look at the association that represents chiefs across Canada, I wonder if you would comment and assist us when they do appear before us as to why they have taken that position, if you can, and if you have any observations with respect to that, and it is a position they have taken for a number of years now. There is no question about it.

Mr. Hanson: One thing I have learned in 37 years of policing is that you guys have a tough job because you have to create laws that appeal to a diverse population right across this country, where there are regional differences and there is no agreement. I can sit down with Senator White, and we will have agreement on probably 90 per cent of the things we talk about in policing, but we will disagree on 10 per cent of them

I come from a province where it is very rural, where outdoor activities like hunting and fishing and farming and ranching and that kind of stuff is prevalent. Do we respect and appreciate there has to be regulations around guns? Yes, but that differs from other people's experience where they have been primarily raised in a city, where guns are just viewed as just bad, period. There is no way I will convince him or her of my point of view any more than they will convince me of their point of view.

The CACP consists of those chiefs of police with a variety of different views. Like with any organization, if the majority which is 51 per cent says that this is the position they want to hold, then that is the position. It does not mean that they are necessarily wrong or that the position I am taking is wrong. It is just that we are different. I understand the difficulty behind the legislation.

The Chair: We will have to move along senator.

[Translation]

Senator Chaput: Mr. Hanson, you said, in response to a question from one of my colleagues, that the registry does not prevent crime or murder. I say that the registry is one tool among many for preventing crime. Since you say it does not prevent crime, is there a tool that, in itself, does prevent crime, or does that require a series of tools? Can you name one tool that prevents crime?

[English]

Mr. Hanson: There is not one single tool at all that prevents crime.

[Translation]

Senator Dagenais: You said in your presentation that the registry gave a false sense of security. Did you mean a false sense of security for police officers or for the general public?

[English]

Mr. Hanson: I think for both. I think that too many people, the way the bill that the registry was presented, thought that it was literally the panacea for gun control, and they did not realize it was not the total answer.

The mere fact that some officers actually believed that knowing if a person has registered guns in that house or that house comes up as not having registered guns somehow makes their approach any different boggles my mind. If it created that sense that you are somehow safer, then they did so at their own peril.

Too many regular citizens who are on the margins and paying a little bit of attention assumed that the gun registry would solve all these gun crimes. If I had a buck for every time I went to a community group, when we were getting shot up in Calgary, and they asked why the gun registry is not fixing all this, it was clear they did not understand it. It was presented as something that was far more comprehensive than it was. As a result, you have other issues, some of which you heard some discussion about today, that go virtually ignored because the panacea was here, and we ignored all the other stuff that was going on that contributed to it, like the unlawful entry of thousands of handguns into this country where we have no record of it because of the loose registration at the border.

[Translation]

Senator Dagenais: Correct me if I am wrong. I heard you say that some police officers did not understand the firearms registry as such. Am I wrong?

[English]

Mr. Hanson: A lot of officers do not understand the entire regimen around gun control, gun registration and possession and acquisition licenses. There are a lot of officers that think that this bill eliminates the need to be licensed. There are officers that truly believe that, "There you go. Anybody can walk around the street carrying a long rifle, and there is nothing I can do about it."

They do not realize that the registry is different from the whole licensing regimen. Many officers do not even know that if somebody is lawfully in possession of a licence and legal long rifles and guns is convicted of serious criminal offences, then we have the authority to revoke that possession and acquisition licence and seize the legally registered guns prior to Bill C-19.

There is a lot of misunderstanding around the act, and there needs to be a lot of training. Once Bill C-19 goes through or does not, depending on what you do, there has to be a concerted effort to educate officers.

[Translation]

Senator Dagenais: Mr. Chair, we were obviously talking about the long portion of the firearms registry, not the registry as such, but rather the long portion.

[English]

The Chair: Colleagues, that concludes our time with Chief Hanson.

Thank you so much. That was an excellent presentation; you were to the point and your thoughts were clearly laid out for us. That was helpful and we appreciate it.

For our final opening statement, I will turn to Professor Mauser.

Gary Mauser, Professor Emeritus, Simon Fraser University, as an individual: Good afternoon, Mr. Chair and members of the committee. I appreciate very much this opportunity to appear before you. I am a professor emeritus at Simon Fraser University. As part of my duties, I have published in academic criminology journals for more than 20 years and I continue to publish. I am here as an individual criminologist to present facts, not myths.

I will address four points: first, responsible gun owners are less likely to murder than are other Canadians; second, the police have not demonstrated the value of the long-gun registry; third, the long-gun registry has not been effective in reducing homicide rates; and, fourth, the data in the long-gun registry are of very poor quality and should be destroyed.

Bill C-19 deserves your support because the evidence demonstrates that scrapping the long-gun registry is a modest step towards improving public safety.

Law-abiding gun owners are less likely to commit homicide than are other Canadians. This should not surprise. Firearms owners have been screened for criminal records since 1979. It has been illegal since 1992 for people with a violent record to own a firearm.

Statistics Canada data show that licensed gun owners have a homicide rate of 0.6 per 100,000 licensed gun owners. Over the same time period, 1997 to 2010, the average national homicide rate was 1.85 per 100,000. That is three times higher. Thus, Canadians who have a firearms licence are less than one third as likely to commit murder than are other Canadians.

Despite these facts, the RCMP budgets over \$20 million annually for the long-gun registry.

Second, the police have not demonstrated the value of the long gun registry. Scrapping the registry will not compromise law enforcement's ability to trace firearms — it cannot. Statistics show that police recover registered long guns in only 2 per cent of all homicides.

During the eight years from 2003 to 2010, there were 4,811 homicides. Of these, 1,485 involved firearms. Statistics Canada reports that only 135 were registered. In just 73 of these cases — that is 5 per cent of all firearms homicides — the gun was registered to the accused, and, of course, some of the accused may be innocent.

Only 45 of these 73 cases involved long guns. Less than 1 per cent of all homicides involved long guns registered to the accused.

Neither the RCMP nor the chiefs of police, unsurprisingly, have provided a single example in which tracing was more than

peripherally important in solving a case. The long-gun registry has not proved useful, either, in solving police killings.

The long-gun registry has not been effective in reducing homicide rates. There is no convincing evidence that the registry has reduced criminal violence. Not a single refereed academic study by criminologists or economists has found a significant benefit from the gun laws. To give you a simple statistical illustration, the homicide rate fell faster before long-guns were required to be registered in 2003. The homicide rate fell 31 per cent from 1991 to 2002 and just 7 per cent from 2003 to 2010.

The data in the long-gun registry are of such poor quality that they should be destroyed.

Registered guns are rarely involved in crime, and, even when they are, the many errors and omissions in the registry vitiate its utility. The Auditor General found that the RCMP could not rely upon the registry in court due to the large number of errors and omissions.

These irregularities stem from multiple causes and remain inherent in the registration system. Even if the RCMP has improved data processing since this evaluation, these problems will persist.

In closing, I wish to urge the honourable senators to support Bill C-19 and the destruction of the data in the long-gun registry. These data should never have been collected.

The Chair: Thank you Professor Mauser. Before we turn to questions, I have listened to your presentation, professor. You quoted a number of statistics. Can you tell us the source of those statistics? Are there reports that we could —

Mr. Mauser: The source is Statistics Canada.

The Chair: It is all StatsCan? Okay.

Mr. Mauser: I put in a request, through a member of the other place, to the Library of Parliament who chased down the statistics in Statistics Canada.

The Chair: Thank you.

Senator Fraser: Professor Mauser, you are a member of the minister's Firearms Advisory Committee. You have been associated with the National Firearms Association and with the American National Rifle Association, and you have previously stated, as I understand it, that you believe that both the handgun registry and licensing provisions should be abolished. Do you still hold those views?

Mr. Mauser: My argument here is based on Statistics Canada's statistics that you can check out. I am not a member of either the NRA or NFA. I am here as an individual. I do not represent anybody except myself. I think you will see, if you wish to invest the intellectual energy, that the statistics are sound.

Senator Fraser: My question was, do you believe that Canada should have a system of licensing firearms?

Mr. Mauser: I think it is really important to have criminal record checks, which is the key part of licensing, so in that I support licensing.

Senator Fraser: I see. You say that neither the RCMP nor the chiefs of police have provided a single example in which tracing was more than peripherally important in solving a case, and the long-gun registry has not proven useful in solving police killings.

I am looking at a decision from the Court of Queen's Bench of Alberta, from 2009, relating to the Mayerthorpe killings in which, as you know, four members of the RCMP were killed with a registered long gun.

Mr. Mauser: Unregistered long guns.

Senator Fraser: There was a gun found there that was, in fact, registered to a man who had provided that rifle to his grandson "when he believed that the government planned upon eliminating the gun registry requirements." That is a direct quote from the court decision.

The grandson then loaned or gave — I am not sure which — the gun to somebody who ended up being involved in the Mayerthorpe case, and it was because of the registry that they were able to track that.

Do you not consider that that is an example of the utility of the registry?

Mr. Mauser: No. If you look at my statement, I argued that the registry was not important in identifying the murderer, and it was not.

The murderer committed suicide, and the RCMP do not dispute that.

Senator Fraser: It was relevant in the police investigation of that case.

Mr. Mauser: I did not say it was never relevant. I said it was no more than peripherally relevant. The murderer was identified before the registry came into play, and the registry was useful for other things. The registry was useful in tracking down the accomplices, the friends, and the colleagues, if you wish, but not the murderer.

Senator Fraser: Nonetheless, it seems to me that there is an interesting association of events there.

Professor Jackman, could you clarify things for me in connection with the way the law now works? I do not know if this is exactly your field, but let me try it.

There has been a lot of discussion and a fair amount of concern raised by quite a number of witnesses about the absence, in Bill C-19, of a requirement for the transferor — normally the seller — of a long gun to check the validity of the licence of the transferee,

the person getting the gun. As I understand it, the way it works now, under the present law, is that you cannot transfer a gun to somebody until you have gone to the registrar or the chief firearms officer to get a registry certificate and that that will be denied if there is not a valid licence. Is that the way you understand it?

Ms. Jackman: Yes. I think this issue illustrates the point that I was trying to make and that the Supreme Court made in the Firearms Act Reference, which is the extent to which these two parts of the legislative scheme function together. As it currently stands, verification is done both through the verification of the registration and through the onus that is placed on the seller.

This bill offloads the responsibility from the Government of Canada to a transferor to ensure that there is no reason to think that the person acquiring the firearm should not be able to do so.

Senator Fraser: It does not include an actual obligation to check the validity of the licence.

Ms. Jackman: Absolutely not; there is no obligation. I am a constitutional lawyer not a criminal lawyer, but, as to the notion that you could prove beyond a reasonable doubt that somebody transferred the firearm and did not have reason to believe that the transferee was authorized to acquire it, I would not want to be the Crown prosecutor in a case like that.

The Chair: Just a supplementary to Senator Fraser's question, that the transferor had reason to believe would be factually determined, would it not? It would depend on the facts of the given case.

Ms. Jackman: That is the actus reus. Essentially, what the act now provides is that a person can transfer a firearm if, at the time of the transfer, the transferor has no reason to believe that the transferee is not authorized to acquire it, so the standard is "no reason to believe."

As I say, that is part of the actus reus and it has to be proved by the Crown beyond a reasonable doubt. That is a very high threshold. Since there is not even an obligation to retain records, I am sure the temptation for the transferor is to say, "I checked," and there is absolutely no way of knowing if that is true or not.

This bill illustrates the point the Supreme Court of Canada made, that both the licensing and the registration parts of the legislation were designed to work together and they are inextricably linked; you cannot get rid of one part without compromising the public safety objectives of the other.

Senator Lang: I am like a broken record, but I would like to go back to the registry itself. The evidence and testimony we have heard over the last number of weeks clearly brought forward, in many cases, issues with the registry and the validity of the registry.

The question, of course, that is being put to us as a committee, and which will be put to the Senate, not unlike in the other place,

is whether or not the registry performs the function that it was intentionally designed to perform.

I should point out that we have been told in this place that there are presently approximately 1 million unregistered long-gun firearms in Canada. We have also heard testimony in this place that the registry itself is flawed from beginning to end. In other words, it is misinformation and it is also providing a false sense of security to those who have to enforce the law. What we have been told, on countless occasions, especially with younger policemen, is that it gives them a false sense of security if they go to the registry and there is nothing registered; they have the feeling that there are no firearms involved. That, in itself, should be cause for concern for all of us around this table.

Mr. Mauser, you addressed the issue straight on. You said the data in the long-gun registry is of poor quality and should be destroyed. Further on in your statement you said the irregularities in gun registration stem from multiple causes that remain inherent in the registration system.

I would like you to expound on that, because I think it is very important that we clarify and understand the registry and the pluses and minuses as it exists today.

Mr. Mauser: Thank you very much for the question. When the registry was begun, it obviously dealt with people giving information about firearms that had not previously been registered. There was a deadline and many people rushed to comply. They are not experts. They may own a firearm, but there are many easily made mistakes, so the original collection of data contained many mistakes. People would honestly think that they were describing their firearm correctly, but they were not. There are many examples of poorly described firearms in the registry.

Second, there are lots of other governmental departments that entered information in the registry, not just the police. The police testified to the Auditor General in 2002 that they could not trust the registry in court because they had not verified the information, so they did not feel comfortable claiming things that they found in the registry. The RCMP reported error rates of between 43 and 91 per cent in the applications that people submitted. An ATI request in 2003 discovered 4,438 stolen firearms that had been successfully re-registered without alerting authorities. There are other stories of the same gun being entered multiple times in the registry.

This unacceptably high error rate was verified in 2006 by the Auditor General. With these high error rates, the RCMP finds it fiscally challenging to verify it all, and therefore they have not. These error rates persist.

At the same time, no one knows, but some number of people did not register their firearms or get licenses when the system began.

Estimates vary from 40 per cent of gun owners licensed themselves and registered their guns, to 60 per cent. That means there are literally millions of guns out there that are not in the system, by so-called honest people, and we have not even gotten to criminal guns, which are, of course, smuggled and have no intention of being included. That is one reason why the statistics that I reported about the number of guns used in homicide that the police recover is not registered.

This is a high error rate. I have been told by police officers and trainers of police officers that young constables actually believe the registry; that when they go to a home, if the registry says there is no gun, there is no gun; if the registry says there are three guns, there are three guns. That does not seem at all reasonable. The person could have registered three and kept two unregistered. The person could have registered none. That strikes me as perfectly plausible.

People should not trust the registry. Constables should not trust the registry. Judges who want to sequester guns from people who should not have them should not trust the registry. The police should check and see if there are others there, if that is the goal. The registry is simply erroneous. Therefore, on the basis of its quality, it should be destroyed.

Senator Lang: An observation that I think has to be reiterated for the record is the fact that the vast majority of front-line policemen feel the same way, and that is very interesting, because they are the ones who are supposed to be enforcing that law.

There is another area of concern. Ms. Silas, if I could direct this question to you and to whomever else might want to respond, and that is the question of registration, the licensing procedure that is in place. I am sure you are well aware of how rigid it is and that when one applies, one just does not get a licence when they walk in. They have to apply, they have to take a course, and they must have at least two references. You take a course and you have to get 80 per cent in that course. There are a number of stringent steps that you have to take in order to be licensed, and of course that legislative provision will remain in the legislation.

Do you think that particular process is rigid enough and meets the concerns you have expressed in your particular paper in the area of licensing and the requirements for licensing?

Ms. Silas: Yes. I do know a bit about licensing. My son is in law enforcement, is licensed, has a gun, and his gun is registered. As mother, fighting for this since 1995, I guarantee you that I made sure his education was thorough.

The registration and licensing are just process; they are pieces of the puzzle to ensure our community is safe. I look at my son's education. He does not see the registry as obsolete. It is part of his assessment of whether the house or the community he would be

going in is safe. It is just part of the process, and that is how I see it, as a nurse.

When I look at the registration and licensing, I bring it back to my experience. I do not have all the degrees that my colleagues have here.

If we look at the precautionary principle, and if we look at 2003, when SARS hit Toronto, 44 people died, including two nurses and one doctor. Justice Archie Campbell came out with a report because health care workers were saying, "What happened? Why were there no safety measures?"

As committee members, your heads must be spinning with numbers. The numbers that Professor Mauser gave today I never heard before. The numbers and data are overwhelming. Justice Campbell said we cannot wait for all the research and all the data to say the same thing. We have to base our decision on the precautionary principle that if we do not know, we go the safe way.

That is the argument we gave to Health Canada when the H1N1 pandemic came. They were saying you do not need protective equipment such as the N95. We were saying if the firefighter needs equipment from head to toe, if the police officer needs a bullet proof vest, health care workers need that precautionary principle. We ask politicians to ensure we have laws in our land that are based on precautionary, not on the reasonable hunter in Alberta or in New Brunswick that will follow all the rules.

There are some that are not, and just like Professor Mauser said, some lie. It was law and it is still law. Some are lying and are not telling how many guns are hidden underneath their beds. They are not following the law. Most are following the law, just like I the follow the law when I drive and register my car.

The only thing we are asking is let us follow the law and go on the safety aspect of laws and implementation of laws. That is all.

The Chair: I would remind our colleagues to look at the end of the table and let us not forget Professor Foote, who has been useful with his comments.

Senator Jaffer: Professor Jackman, you are a constitutional lawyer so I am very interested, and you talking about the Charter. Can you expand? Will this bill stand the Charter test? I am interested. You talked about public safety and have done the comparison and I appreciate your response.

Ms. Jackman: In my view this bill is unconstitutional. There are two provisions of the Canadian Charter of Rights and Freedoms that are infringed by this bill in my view. As I mentioned, section 7 of the Charter guarantees the right to life, liberty and security of the person and the right not to be deprived thereof, except in accordance with principles of fundamental justice.

In the evidence that the House of Commons heard, the evidence that you have had before this committee — and I would prefer to defer to the experts, who I would say would be the Canadian Association of Chiefs of Police, the Canadian Police Association and the Canadian Association of Police Boards rather than of anecdotal evidence of front line police officers which I have not found in any way stands as evidence in a legal sense — this bill compromises the public safety objectives of the gun control regime, of which this is half.

It is particularly so for women who are vulnerable to domestic violence and domestic gun violence.

As I argued, the bill is arbitrary. The objective of the gun control regime is to protect and promote public safety including the safety of vulnerable women and this bill undermines that.

In my view it also violates equality guarantees of the Charter because of its disparate impact on women. This is exacerbated by the international human rights aspects of the bill. Canada has an obligation to comply with its international treaty obligations. The Charter is meant to be interpreted in a manner consistent with those obligations and this bill is clearly incompatible with a number of treaty obligations Canada has undertaken and international human rights principles in this area.

Senator Jaffer: This brings me to my next question for Ms. Silas. You spoke passionately and articulately in your presentation. In answer to my colleague, Senator Lang, you said something very profound that I would like you to expand on: As a woman, I am against this bill.

Ms. Silas: It is hard to explain, but it goes back to when I was an emergency room nurse. When we talk about domestic violence, there is a fear of the woman that is unexplainable. This bill, or the image of this bill, is offloading the responsibility to the family member, as Professor Jackman said. In a domestic violence, the fear is there. In mental illness, the fear, the shame is there. You cannot ask family members to take on that responsibility. I do not know any family member that would call up and say, “I am scared that my brother, who I love dearly, is going to beat his wife or kill his wife. I know he has a gun.” I do not know anybody that would make that call because of the loyalty, shame and fear.

It is that fear in domestic violence. The reality is accidents happen, especially without the proper training. That goes into the licence and Senator Lang talked about the training and licensing. However, it also goes with knowing who has that gun.

When you have it registered, it is in your name and you are a lot more careful than if it is under your bed or hidden in your truck.

Senator Jaffer: You will also state that this bill should have a gender aspect to it. Can you expand on that?

Ms. Silas: I was in New York at the United Nations Commission on the Status of Women. Minister Ambrose was asked at an international panel if we have done a gender analysis because other countries look at Canada as a gender safety issue, and there was no response. As labour, we were very proud because we did not ask that question. It was an individual woman coming from a minority group in Canada going there on her own asking that question. We were well recognized and it is saddening to see it might be threatened.

Senator Runciman: Ms. Silas, we have a witness appearing after you who is a physician, resident physician, an emergency physician and I wanted to read something that he has said:

I believe the gun registry has killed people by diverting billions of dollars to create and maintain itself, while real mental health issues go unfunded.

When I see patients with severe depression and suicidal ideation who are requesting help, I often have to tell them that I cannot refer them to a psychiatrist in six months — that is a significant disgrace to our profession.

I have the same experience with women's shelters that are badly underfunded.

How do you react? This is someone who is also an emergency room individual and has a different perspective from yours.

Ms. Silas: When you speak as an individual, it is an individual point of view and is based on experience.

As I mentioned in my presentation — and I have listed and copied the brief or your reference — in April 2010 health care professionals including the Canadian association of emergency physicians who came and did the press conference with us, we had a statement supporting gun control as health care professionals.

He is absolutely right in mental health. Do not get me wrong. We are hoping the Kirby Commission will come out by the end of June, with a strong recommendation to all governments that we need to do something on mental health illness and cures. They are two separate issues and to mix them together is not—

Senator Runciman: It is \$2 billion and if you have concrete evidence that the registry has had an impact in terms of prevention of—

Ms. Silas: We could also talk about homelessness and how we approach that.

Senator Runciman: We are talking about \$2 billion that I think we could argue was essentially flushed down the toilet.

Professor Mauser, you talked in your submission about spending at least \$2 billion in keeping tabs on some of Canada's least dangerous citizens and people who are only one third as likely as others to commit murder. Again, as this doctor indicated, it has diverted money away from things that could truly make a difference in crime and suicide rates.

Could you elaborate on that? You talked about Statistics Canada. Were you looking at people convicted of homicide and if they were registered gun owners? How did you arrive at those conclusions?

Mr. Mauser: These numbers that I presented are StatsCan numbers that the Canadian police forces report to StatsCan as a matter of “accused.” None of the people accused of homicide are as yet convicted or have gone to court. These are accused figures. Court figures are much more difficult to get a hold of. That is why these are what is available.

Senator Runciman: How do they break that down, though? They do not break it down in the way you have broken it down.

Mr. Mauser: Statistics Canada collects homicides. Homicide is one of the most well-documented kinds of events in our society. StatsCan requires the police to fill out a questionnaire pertaining to each homicide. If a firearm is involved in the homicide then they want to know what type of firearm, whether the firearm is registered, and whether the accused has a licence. They collect all this.

It is reported by StatsCan in their irregularly-reported studies. They pick various themes and report them as they wish. There is nothing untoward with these numbers. I just asked them to collect these numbers and give them to me. Does that answer your question?

The Chair: Thank you. We have three senators remaining on the first round and time is moving.

Senator Hervieux-Payette: Ms. Jackman, thank you for informing us on the whole legislative matter because this is important for me.

If we pass this bill — and I agree with you that it is not constitutional — what would be the recourse of a parent or a spouse who loses a member of their family? They would never track down the gun and there would be no way to find the person who committed the crime. Could they sue the federal government?

[Translation]

Ms. Jackman: That is quite a complex question. The Supreme Court of Canada has held that the relationship between a parent and child is an interest protected under section 7 of the charter. Consequently, when the state makes a decision that jeopardizes that relationship, it has to comply with principles of fundamental justice; the state must not behave in an arbitrary manner.

However, what makes that complicated, particularly in Quebec, is that a decision was rendered in Montreal in the 1990s, when the mother of a young man killed by police for no reason tried to sue the government on the basis of the Civil Code and the Canadian Charter of Rights and Freedoms. She did not win her case under the Civil Code. There was very little analysis based on the Charter and the court did not really discuss the matter.

However, the Supreme Court definitely acknowledges this interest as being fundamentally important, particularly the evidence

presented in the House of Commons and here in the Senate with respect to the effects of the act. I do not think we can say that the government was unaware of the risk incurred, as Ms. Silas just said, in passing this legislation. It runs counter to the recommendations of all the experts.

Senator Hervieux-Payette: I have one final legal question. There is a clause in the bill that nullifies operational provisions respecting the Archives of Canada concerning the destruction of all records.

When you are the government, you are entitled to do whatever you want. The executive can nullify the application of all rights. However, as you said, there nevertheless remains the Charter, the matter of the Supreme Court judgments and the international agreements.

In the balance, there is Quebec that wants to protect these records, on the ground that Quebec's citizens have paid for this registry and that it belongs to them. Could a Quebec citizen not say that, since he has paid for the registry, it belongs to him, and simply threaten to challenge its application to Quebec?

Ms. Jackman: The Supreme Court has definitely held that the registry is a shared jurisdiction. The provincial government has the necessary jurisdiction with regard to prevention; there is no question about that. The most serious legal problem in my mind is the international aspect. Canada has made clear commitments in international law and has signed covenants to maintain that documentation. And as I mentioned, I find it incredible that the Minister of Justice has said he wants to repeal the registry and destroy the records, since that covenant requires us, as a country, to be able to provide that information. So we destroy the records and then we recover them in order to meet requirements in international law? I do not understand what the minister had in mind when he said that.

[English]

The Chair: Senator, we have to move along here; we have other senators who wish to ask questions.

Senator Frum: When you said earlier that you considered the gun registry, you said it was half of our gun control regime. I am a strong supporter of gun control as well as you are, but I have a hard time describing a database as gun control. We have our licensing regime and, as Professor Mauser said, the criminal check is the biggest part of that. We have mental health checks, domestic arrangement checks, education requirements, and storage requirements. Once people get past all that, they are allowed to register the guns they choose.

As one witness put it, this is Canada's largest data bank of law-abiding citizens. That is what the registry is. How is that half of our gun control regime?

Ms. Jackman: I would like to quote the Supreme Court of Canada. They said:

The registration provisions cannot be severed from the rest of the Act. The licensing provisions require everyone who possesses a gun to be licensed; the registration provisions require all guns to be registered. These portions of the Firearms Act are both tightly linked to Parliament's goal of promoting safety by reducing the misuse of any and all firearms. Both portions are integral and necessary to the operation of the scheme.

The Supreme Court of Canada heard and weighed the evidence in the case and this is the conclusion they came to. I cannot disagree with them.

Senator Frum: Some of us can.

Mr. Mauer, I have a question for you. You have said that the data that exists now should be destroyed. Can you explain why you feel that way?

Mr. Mauer: There are two reasons. First, it is of such poor quality that it is of no use to people. In that lack of quality, it endangers police lives and engenders accidents where police will go to the wrong place for the wrong reasons. Quality is the reason.

The second reason is that the gun registry is really data collected on law-abiding people, by definition. It is not clear that it is a good idea to collect such information on law-abiding people. If there were an ethnic or religious nature and we decided to collect information on people who were law-abiding of a particular ethnic group or religion, we would all be righteously shocked, but, because this is a behavioural or even a rural, white group, we are not shocked. We destroyed the data after World War II on Italian, German and Japanese Canadians. It was good that we destroyed that data. We destroyed the long gun registry data after World War II that we collected. It was good that we destroyed this. This is not only useless, it is immoral.

[Translation]

Senator Dagenais: My question is for Ms. Silas. You said that it was your duty to intervene because you felt that the long-gun registry must continue in order to protect the lives of women. You have no doubt worked in emergency rooms as a nurse, a tough job with hard realities that are not that often linked to cases of death by firearms. You have no doubt observed that, despite the infallible registration systems for licences to drive motorcycles and cars, among other things, those devices can also kill human beings, and perhaps more so than hunting weapons. That obviously depends on who is driving the motorcycle or car.

I would like to understand why we do not see that same emotion when we consider car accident victims? The registry does not rule out the possibility of having weapons in the home. I must tell you

that I was a police officer. When women are the victims of family violence, they can arrive in a hospital, and it is noted that they have not always been assaulted with firearms. I do not know whether you can qualify your position a little because you seem to be focusing quite a bit on the registry.

Ms. Silas: Yes, because we are here to talk about the registry. However, I also mentioned that it was one piece of a puzzle, one of the means used to guarantee the safety of our communities and families.

The passion I bring here is the same as I had in New Brunswick in the 1980s. Back home, it's snowmobiles and all-terrain vehicles. We have worked very hard with the medical community to ensure that all those people who are on snowmobiles, who ski or cycle, wear protective helmets. In our emergency rooms, we saw the impact and dangers involved in not wearing them. I still feel the same passion.

This is one piece in the prevention puzzle. As I mentioned, it is a precautionary principle. That does not mean that it will be the solution to everything, but it is a precaution.

[English]

The Chair: Before we conclude, Professor Foote has suffered from being with us by video conference and not at this table. I want to give you an opportunity, Professor Foote. I notice you have been taking notes. Our time is limited, but are there one or two key points that you would care to comment on? If not, that is fine, but I want to give you that opportunity because you have gotten somewhat short-changed by not being in the room.

Mr. Foote: I am struck by the passion people bring to this, and I am very impressed. My compliments on the very lucid points.

I return to my experience, which is formidable, as an outdoorsman. The police checks, the witnesses' signatures, the requirements for storage, the requirements for training, the mental health checks, the transportation requirements, the safety training, the periodic licensing, the specification limitations on types of firearms and the registration for transport accumulate in a snowball to be a sizeable, inconvenient barrier to people who want to use their firearms for beneficial, legal, honourable reasons.

There tends to be a focus on the glass half empty throughout these discussions. The small number of exceptional and very unfortunate cases seems to get disproportionate attention. Let us not forget the valuable, wonderful, vivifying and culturally relevant activities that firearms have brought to Canada and continue to bring. It does not get enough shrift, in my opinion.

The Chair: Thank you, professor.

Colleagues, that concludes our time with this panel. We have heard evidence from different panels and their different viewpoints, as has certainly been illustrated clearly from the opinions given from

the four qualified and impressive individuals that we have had here today. It has given us much to think about and reflect upon.

I wish to thank you. Your thoughts were not easily given and not quickly given, but they were well thought out. We appreciate that.

We will now continue with what is our sixth panel and the last panel of the day in our consideration of Bill C-19, An Act to amend the Criminal Code and the Firearms Act. This particular bill is referred to as An Act Ending the Long-gun Registry Act.

I am pleased to have with us today the three members of this particular panel. We have Dr. Langmann from McMaster University, who is a resident physician. From the Directeurs de santé publique du Québec, we have the regional director, Dr. Jean-Pierre Trépanier and the planning officer of programs and research, Claude Bégin. Welcome.

We will proceed with opening statements. Dr. Trépanier, I would ask you to proceed first.

[Translation]

Dr. Jean-Pierre Trépanier, Regional Director, Directeurs de santé publique du Québec (Lanaudière): Mr. Chair, Madam Deputy Chair, distinguished members of the Senate committee, good evening. Allow me to introduce myself: I am Dr. Jean-Pierre Trépanier, director of public health at the Lanaudière health and social services agency. Today, I am acting as the spokesperson for the Directeurs de santé publique du Québec.

I am here with Dr. Hélène Dupont, Director of public health in the Outaouais, who is here in the room, and Mr. Claude Bégin, our professional officer responsible for the firearms file at the Lanaudière agency, who is here beside me.

I want to thank the members of the Senate committee for allowing us to express the point of view of the Directeurs de santé publique du Québec on Bill C-19.

The Directeurs de santé publique du Québec are aware of the stages that Bill C-19 has gone through for the purpose of its final passage in the Senate. We have tried to influence this process in recent months. In February, we sent a letter to the honourable senators from Quebec reaffirming the importance of keeping the current Firearms Act, Bill C-68, which was passed in 1995, intact. In November 2011, we sent a letter to the leaders of the parties sitting in the House of Commons, and we also submitted a brief to the Standing Committee on Public Safety and National Security.

Today we wish to reiterate three principal elements from that brief, with further emphasis on the public health perspective.

First, we maintain that the present Firearms Act is effective legislation. The effect of enacting Bill C-19 would be to dismantle an effective system that saves lives and averts serious injuries. In addition to abolishing the long-gun registry, the bill proposes to

destroy the data concerning approximately 7.1 million non-restricted firearms, specifically rifles and shotguns, for which a possession licence and registration are currently required. This could result in a loss of ability to trace firearms in the distribution chain linking licence holder, owner, merchant and weapons manufacturers or importers.

It should be noted that, throughout Canada, unlike in the United States, possession of a firearm is a privilege and not a right. The possession licence and mandatory registration of firearms are measures designed to protect the public, without restricting access to or legal uses of firearms, such as hunting or shooting.

As in the case of a driver's licence and motor vehicle registration, which are well accepted by the public, a non-restricted firearms possession licence and the obligation to register each firearm a person possesses are two measures that cannot be severed. They make it possible to connect each firearm with its owner and to hold firearms owners personally accountable, thus providing an incentive for them to obey the regulations in force, regarding, for example, storage, selling, lending and giving a firearm. In the same respect, no one in Canada can lease a motor vehicle without providing the lessor with evidence of a valid driver's licence and a certificate of liability insurance for material harm or bodily injury. Why would it be otherwise for the holders of unrestricted firearms licences?

In those cases, as for the firearms registry, the data gathered by this traceability system provide information on products, make it possible to stop illegal sales, receipt of stolen property between owners, and to monitor developments over time and implement preventive measures.

Second, we want to emphasize that the coming into force of Bill C-68 is associated with a reduction of 300 deaths per year.

First, approximately 70 per cent of firearm-related deaths are caused by long guns, which are considered to be non-restricted firearms. In addition, suicides account for the majority of firearm-related deaths. More specifically, from 2004 to 2008, they represented 73 per cent of those deaths.

Although it cannot be claimed that Bill C-68 alone can eliminate all suicides, homicides and firearm-related accidents, Quebec's Institut national de santé publique estimates that, from 1998 to 2004, its coming into force has been associated with a decline of approximately 250 suicides and 50 homicides a year on average across Canada.

That number represents roughly one death prevented per day, year over year.

A recent study found that stricter firearms controls introduced since 1977 were followed by significant reductions in the number of firearm-related homicides in the order of 5 per cent to 10 per cent,

depending on the province. The authors attribute the effectiveness of firearms control legislation to a reduction in the accessibility and availability of firearms, rather than to harsher sentences provided for under law.

Third and last, we want to restate that firearms are dangerous for everyone. It has been established that firearm-related deaths mainly involve people who have personal, marital or mental health problems, rather than criminals, and that in most cases the deaths occur at the victim's home. It is therefore important to make this type of weapon less accessible to people who are likely to misuse them.

In short, the presence of a firearm in a home presents more of a danger of injury than it provides a means of protection for family members.

In conclusion, given that the current firearms control act continues to be effective legislation and an essential lever for preventing suicides, homicides and accidental deaths, the public health directors of Quebec consider it to be crucial to preserve it in its entirety, along with the long-gun registry, which is an inseparable component of the present act.

The whole system guarantees traceability of firearms through the distribution chain linking licence holders, owners, merchants and weapons manufacturers or importers.

We thank you for your consideration of our comments, and speaking from the standpoint of the health and safety of the Canadian public, we strongly urge this committee to recommend that the Senate abandon Bill C-19, recalling that the present act and the long-gun registry established under it have been valuable and useful.

Thank you for your consideration.

[English]

The Chair: Thank you, Dr. Trépanier.

Dr. Caillin Langmann, Resident Physician, McMaster University, as an individual: Thank you for letting me be here. I would like to ask all of you to turn to the brief that I gave to you. If you do not have those figures, I will pass them around.

I am emergency physician in a busy city in Canada. I see trauma and suicide issues on a daily basis.

During these next five minutes, I will summarize research that I have recently published, in the peer-reviewed Journal of Interpersonal Violence, regarding Canadian firearms legislation and its effects on homicide from 1974 to 2008. I will focus on the long-gun registry as that is the issue at hand, and I will go into brief detail on the association between the long-gun registry and suicide, as it pertains to Canada.

Briefly, three statistical methods were used during my research to attempt to find an association between firearms legislation enacted in 1977, 1991, and 1995. It is particularly important to note that the long-gun registry was implemented in 1998, and full, mandatory registration was required by 2003.

If you consult the Attorney General's report on that, you will find that most long guns were registered around 2002.

This study is significant as it is the only peer reviewed study examining 1974-2008 and as three methods were used to confirm the results.

A search for a gradual effect was also conducted as some of this legislation was enacted over a period of years.

To summarize these results, no statistically significant beneficial associations between firearms legislation in Canada and homicide by firearms — by subcategory long gun — spousal homicide, or the criminal charge of discharge of firearm with intent were found.

Figure 1, if you will turn to that, is a graphical, fictional depiction of a homicide regression analysis, as performed in this paper.

The homicide rate, prior to the intervention, is marked as Beta One. The time of the intervention is Beta Two. There was a sudden impact-shift effect, shifting the homicide rate markedly lower in this fictional depiction.

The trend of the decline of the homicide after the intervention — Beta Three — continues, post intervention, over time. As you can see, it is different.

Statistical effects are then analyzed.

Figure 2 shows the firearms homicide rate minus the effects of contributing variables, such as aging population, poverty, et cetera, on the bottom of this graph.

As can be seen visually, there is not the sudden shift or decline in homicide that one might expect from effects explained by legislation.

Rather, other associated economic factors were found to be statistically associated with homicide by firearms.

For example, when median age of the population increases by one year, the homicide rate drops by 8 per cent. This is nothing remarkable as it has been shown in prior criminal research that, as a population ages, criminals tend to burn out.

Figure 3 depicts a two-dimensional interpretation of multiple regression factors associated with firearms homicide. This is not the standard way of doing this in science, but I have done this for you so that you can interpret this.

Post long-gun registry, as marked in 1999, there is no significant immediate decrease over time or immediate decrease after the long-gun registry comes into effect for firearms homicide.

Figure 4 depicts the same thing for homicide by long gun. Once again, there is no statistically significant decrease.

Figure 5 depicts the same thing for spousal homicide. Once again, there is no statistically significant decrease in either impact or trend effects.

Similar analysis is applied to suicide rates, as per the methodology of Gagne et. al., post 1991. This is to account for any background effects, such as prior legislation, so 1991 is our start date as Bill C-17 came into effect at that time.

Figure 6 depicts total suicide. In 1999, there is no significant immediate impact or impact over time as affected by the long-gun registry or probably by PALs for that matter.

Figure 7 demonstrates, in regard to suicide by firearm, that no significant immediate or trend effect is seen in 1999 as associated with the long-gun registry. I have blown up the scale here. It looks rather flat if you look at it on a smaller scale, but you can see that the rate of suicide by firearm is depreciating over time. It continues that depreciation, at a slower rate, after the long-gun registry comes into effect.

I would like to close by stating that, in my humble opinion, the money that has been spent on the long-gun registry is, unfortunately, wasted. However, we can prevent further waste by taking this money that we currently focus towards the long-gun registry and focusing on this issue and addressing other issues, such as lack of women's shelters and the lack of suicide prevention and treatment, all of which I see every day.

We also need more training for police in spousal abuse. Psychiatric care is sadly lacking in this country. Every day, I turn away patients who come to see me for help. These are average Canadians who contribute to this country through their tax dollars to whom I have to say, "No, I cannot send you to a psychiatrist because there are none available."

I will end this with a quote from an emergency chief of a department of emergency medicine, "In a town where we have over 15,000 registered and probably just as many unregistered firearms and where 22 trains travel through this town every 24 hours, the trains get used for suicide more often.

What we need, from my point of view, is more resources to fund mental health access and treatment, rather than registering inanimate objects in our rural community. Psychiatrists and outreach workers offer tangible results. They are saving Canadian lives, something no gun registry on earth can provide." That was from Dr. Oscar Ramirez, Chief of Emergency Medicine at Stevenson Memorial Hospital.

My results are by no means astounding. They have been demonstrated by other meta-analysis, done by the National Academy of Sciences and the Centres for Disease Control, that looked at all papers — not just a selective, biased analysis — and come to the

conclusion that, in terms of registration of firearms, storage of firearms, and licensing, that there is no demonstrable beneficial effect from these laws.

The Chair: Thank you. I see that the source of your data for the statistical analysis that you provided us with is, at least in part, Statistics Canada information. Is that correct?

Dr. Langmann: That is correct. All data is from Statistics Canada. There were over 300 data points used in this study.

The Chair: Are there any other sources?

Dr. Langmann: No.

Senator Fraser: Thank you all for being here.

[Translation]

We really appreciate your involvement in our proceedings.

[English]

Dr. Langmann, this was Statistics Canada data, which you then subjected to various statistical manipulations. I am a little puzzled. What I have in front of me is two things from you, and the first one says that you are prohibited, by publication agreement, from submitting your original study to this committee. Then, the second half seems to consist of the article.

Dr. Langmann: The second half was submitted by Solomon Friedman. I did not submit my actual article.

Senator Fraser: Why can you not do that?

Dr. Langmann: This happens with all scientific journals. During the initial one-year printing process of all scientific journals, they require you to obtain the articles by either paying money or having an agreement with some of the providers, such as Sage, which provide publication. This is not anything unusual.

Senator Fraser: You have answered. I do not have much time, so now I have another question for you. I get the point, of which I was not previously aware.

I take from your concluding remarks that you think that even licensing is irrelevant and that registration is irrelevant. Are you therefore saying we should not even register handguns or the weapons now in the prohibited classification? Are you saying we should not even bother licensing the gun owners? I am not sure how to interpret your remarks.

Dr. Langmann: You have asked three questions. I will address them individually.

First, it is not my opinion. I am basing my information today on scientific fact.

Senator Fraser: I asked for your opinion.

Dr. Langmann: My opinion would be based on scientific fact. Scientific fact, in terms of meta-analysis done by the National Academy of Sciences — this is by no means a biased institution funded by the NRA or something like that, as well as the Centers

for Disease Control, both in 2004 and 2005 in their publications determined that there is no beneficial proven effects, that the evidence is equivocal in terms of licensing.

Those same groups can show that blood alcohol .08 has a beneficial effect so it is not like they are incompetent. You might want to ask yourself why these groups have difficulty finding beneficial effects from legislation.

To go into that detail, that confused me as well as to why licensing would not have a beneficial effect in terms of the numbers we looked at.

Gary Mauser was also able to obtain the same result, and several other publications did as well in 1977 when licensing first came into effect in terms of the firearms acquisition certificate.

The suggestion is that there is a significant substitution effect where criminals or people wishing to perform malicious activities will obtain firearms in another manner.

It has been studied in Canada, and you can read in the back of the publication that I did not provide but Solomon Freedman did, a study that looked at how criminals were obtaining the firearms in Toronto and where they were obtaining them from.

They found that criminals tend to trade firearms amongst themselves. They tend to borrow firearms for whatever particular use they have. They do not tend to go to the store to buy them.

Senator Fraser: I am not trying to cut you off. It is all pertinent information, but if it is in the study, it is in the study.

I asked about your personal opinion on licensing and on the registration of handguns and prohibited weapons. I know the chair will cut me off. That is why I am cutting you off.

Dr. Langmann: What I am telling you is that in science, personal opinion is not a factor. Personal opinion might matter for something where you have qualitative data or experience. I have experience in emergency medicine; if you want to address that issue, you can.

In science, you have to look at the facts and make your decisions based on the facts. I do this all the time in emergency medicine as well.

According to the facts, in Canada there has been no study on the registration of pistols. Pistols were registered in 1934 so I cannot say anything on that. In the United States as well as other countries according to, once again, the CDC and the National Academy of Sciences, their meta-analysis shows that the results were equivocal. In other words, they could not demonstrate there was a beneficial effect.

In terms of registration of prohibited firearms, which include pistols as well as certain firearms based simply on looks as well as restricted firearms, which I believe they are talking about, prohibited firearms require a 12(6) licence, which few people have, but based on

looks and barrel length, a lot of the firearms that are included in the restricted category were probably put in there simply based on looks so there would probably be no effect if you were to unlicense those.

Registration of those came into effect in 1977 partly, and then in 1991. As my study shows, there were no beneficial effects associated with that legislation.

The Chair: Senator, as you predicted, we will have to move along.

Senator Chaput: It is a supplementary question to Senator Fraser's question.

What is the scientific definition of beneficial effects? Seeing that what you are saying is based on science, what is the scientific definition?

Dr. Langmann: In medical science, economic science and socio-economic science, you choose a statistical value where something would be found to be 95 per cent of the time effective, or different from what else would have occurred. That benchmark is generally accepted.

In my study, the values of statistical difference were even better than that, to put it in layman's terms. That is what it is based on.

Senator Chaput: Different being what?

Dr. Langmann: You can apply it to something like the use of a drug. Does Aspirin have a beneficial effect in preventing heart disease?

Senator Chaput: For this registry here, the difference is what, if you are saying that there was no significant beneficial effect?

Dr. Langmann: The P value is less than .05. That is what it means. If you want me to go into more detail, I can.

Senator Chaput: That is okay. Whether I understand it or not is another thing.

Dr. Langmann: It is peer-reviewed, so scientists understand.

Senator Lang: I think it is important for the record. We have had evidence today and I believe a number of times before where the question of suicide has come up. I appreciate you doing the work you have done. I do not think I fundamentally understand how you got to where you got, but it is interesting to see the interest that you have taken, and this has been peer reviewed obviously from what you have indicated very rigidly along the guidelines that are established by the science community. I think that is important to point out.

I would like you to expand more on your figure 7. Suicide by firearm rate per 100,000, it shows a very marked decline, significantly. It coordinates with some other information entitled "gun control advocates play disingenuous game with suicide stats," the fact that the suicide rate has been reduced and the registry really is not a factor in respect of that.

Can you expand on that? It would help clarify it for all members here before we make a decision.

Dr. Langmann: If you look at the graph, I have tried to make it simple so that people can understand.

You see suicide rate declining. Then the year 1999 is indicated by a straight line going up. Then you see after that firearm suicide declining, in less of a manner. You do not see a big step shift of the decline either. If you did see a shift or if you did see a significant trend or increase in the decline afterward, that would suggest that the firearms long-gun registry has had an effect in preventing suicide as it increases the rate of decline of suicide.

Obviously, a statistical analysis is done. This is just a depiction of that on a graph.

The interesting thing is that in 1991, SSRIs, which are antidepressant medications, were introduced in both Canada and the United States. We saw, in the United States as well, a marked decline in suicide especially by teenagers, not associated with any legislation that I am aware of at that time as well, which matches what we are seeing in Canada in terms of firearm suicide.

As well, you see a shift and that is called the substitution effect, where people choose another method to kill themselves. In particular, that is hanging in Canada and the United States. It has been shown in several studies that firearms suicide is about 83 or 84 per cent effective at ending a life and hanging is about 82 per cent effective at ending a life. They are pretty significant. Obviously we cannot ban rope.

There have been a large number of studies, which are covered by the meta-analyses that I talked about.

In Canada, as well, I would like to read one by Dr. Caron done for Canada's highest suicide area, the Abitibi area in the Northern Quebec on the Indian reservation. They looked at the rate of suicide by firearms after Bill C-17 when background checks came into effect. They found that, while the rate of gun ownership dropped and the rate of suicide by firearm dropped, the overall rate of suicide increased by about 11 per cent, mostly by hanging and by other forms, such as poisoning.

What we are really concerned about is whether any of our legislation has any effect on the overall suicide rate. It will have an effect, as has been demonstrated, on firearm suicide but does it cause people to hurt themselves less? The peer analysis appears to be that there is a significant substitution effect. That is what I am concerned about mostly, because that is what I see.

I do not have anywhere to send people and that is a big problem.

Senator Lang: Just for the record, Mr. Chair, what Dr. Langmann has just basically stated here is what this other information I have

here that basically says that, while suicide has stayed consistent, the method of suicide has changed.

Dr. Langmann: We are not sure why that method has changed.

Senator Lang: I want to follow up with the other witnesses on another area. I think it is important because we are talking about a registry for which we are getting a lot of evidence and testimony as being inaccurate. The majority of frontline law enforcement officers do not support the long-gun registry because they feel that the information, in good part, is erroneous and puts them in a situation of false security.

I want to direct Dr. Trépanier to the area of licensing itself. You are very knowledgeable on the legislation. I wonder what your thoughts are in view of the fact that licensing of the individual is staying in place — the requirement to apply for a licence, the requirement to have to take the test for the licence, the requirement to have references, the requirement to have 80 per cent plus for the purposes of passing the exam. There are a number of steps that are rigorous and rigid to ensure that those who have a firearm licence meet the qualifications. I cannot forget and I impress upon everyone that you need to have not only the reference checks by the police but you also need to have references from the community to prove you are a bona fide applicant for such a licence.

Do you feel that licensing is working, and is working as a screen for those individuals who should not be getting a licence — that this is in place and it is working to some degree? Perhaps you could tell us something on that.

[Translation]

Dr. Trépanier: In fact, I believe that what is important and the message we want to transmit today is that our mandate as public health directors is to look at the issue from a public, not an individual standpoint, and in that respect, we have a very specific mandate that has been conferred on us by law and that is to protect public health. In that respect, if we want to carry out our mandate, we have to ensure that we conduct a thorough analysis of the problem in order to find solutions that can improve and protect public health. And to that end, of course, there is no single measure that can do that, if we are talking about suicide prevention, but rather a set of measures directed at individuals, but also environments.

When we talk about acting on environments, we are not just talking about the physical environment, but also about the legislative environment, and thus the entire set of acts and regulations that a society adopts in order to live together in harmony, and, in that respect, we consider it fair to regulate a number of consumer goods and to ensure that they are used in the fairest way possible.

Earlier I cited driving as an example. That is an example very similar to that of firearms to the extent that we require drivers to

have registration and a licence. In addition, when we talk about all the measures concerning driving, we also mean taking courses and several other measures.

Of course, in the case of a firearm, as is the case of a motor vehicle, we understand that the vast majority of users will use those items legally and diligently, apart from the intrinsically dangerous nature of that consumer good, just as a car can become a weapon in itself through the simple laws of physics. So in that respect, we consider it entirely reasonable to require weapons control similar to that required for motor vehicles.

Claude Bégin, Planning Officer, Programs and Research, Directeurs de santé publique du Québec (Lanaudière): In fact, legislation subsequent to a registry reinforces measures put forward such as licences and registration, for example. When the licensing and motor vehicle registration system were established in Canada, it took years to develop it. I cannot tell you how much that cost, but there were costs to governments, even Transport Canada, associated with registering vehicles imported or sold here.

Over the years, that registry has been improved along with the quality of the information. The same is true of the firearms registry. We have heard statements about the quality of the information from the registry. Without denying that fact, however, it is possible for public and government organizations to improve the data quality system. We are doing it in other fields, such as public health and safety. We can draw the same parallel with cars as well and the legislation that subsequently flows from those registries. A registry cannot just accumulate information on licence holders, weapons or vehicles, it also enables people who engage in research or, like us, public health prevention, to look at those files, to extract data and to draw comparisons in order to determine whether groups of individuals are more affected by that product, for example, motor vehicles, and to conduct other research that will subsequently enable us to propose policies and programs that will lead to other legislation. For cars, for example, we have had impaired driving, dangerous driving, speeding, vehicle safety, our entire road system. A number of acts have been put forward to ensure that we ultimately have a road system.

[English]

The Chair: I am sorry to interrupt but if you can tighten it up, we have a number of others that wish to ask questions.

[Translation]

Mr. Bégin: I will stop for the moment.

[English]

The Chair: Again, colleagues, we must tighten questions and responses. I realize there is a lot to be said and we want to hear from you but we must keep it as concise as possible.

[Translation]

Senator Hervieux-Payette: First, I want to congratulate the 16 health directors. You have conducted excellent research with references to experts. With whom did you prepare this document? Was it within your office or did you associate with researchers in order to prepare this document?

Dr. Trépanier: Well, of course, we referred to research that had been conducted mainly by the Institut national de santé publique, which did that as part of a brief submitted to the House of Commons Standing Committee on a previous bill, Bill C-391.

The Institut national de santé publique is an agency that advises Quebec's health minister and the public health directors. So it is an independent agency which, in turn, does business with a number of researchers. One of them, Étienne Blais, testified before the Standing Committee on Public Safety and National Security last fall. That is part of the information we have at our disposal. We therefore based our brief mainly on that information and we worked with Mr. Bégin to write it.

Senator Hervieux-Payette: It really gives us the source, that is to say that it is not a personal opinion, but the opinion of a well-established institution in Quebec.

I would like to read a brief note from which we can deduce the entire issue of statistics. A woman, Barbara Weil, of the Suicide Prevention Initiative in Switzerland, is convinced that restricting access to firearms would help reduce the number of suicides. She says:

We are able to prove that the suicide rates of countries with stricter legislation, Finland and Great Britain, have changed considerably.

Earlier this afternoon, I cited the number of firearms circulating in the United States and in Switzerland. In both cases, it is much higher than in other countries, and there appears to be a correlation between suicide rates, the rate of use to commit murders and the availability or liberalization of firearms in a country.

Does this issue of knowing that when you liberalize and there is no longer any control — because there is virtually no control — jeopardize public health?

Mr. Bégin: It probably does. And, in 2010, the Institut national de santé publique published a study on suicide in Quebec in the journal *Injury Prevention*, which is quite well recognized in its field, and it concluded that the suicide rate among young men was closely related to the introduction of Bill C-17. It provided an important note stating that it had taken some time for firearms legislation to have an effect in Canada. You know as well as I do that it took a number of years for all the measures of that act, based on Bill C-17 and Bill C-68, to really take effect.

For example, the average rate of suicide by hanging among Quebec men also declined starting in the 2000s. No substitution effect was observed starting in the 2000s along with the decline in the rate of suicide by firearms in Quebec.

[English]

Dr. Langmann: First, that study, as mentioned, did not show any effect at Bill C-19. That is incorrect.

Senator Hervieux-Payette: What study?

Dr. Langmann: It showed an effect in 1995, and that was the legislation Bill C-68.

Senator Hervieux-Payette: We do not know what you are talking about.

The Chair: I think the senator was asking which study. You referred to a study.

Dr. Langmann: The Gagne study that was on the general prevention of violence.

The other point I would like to make is that there is no inclusion of any other dependent variables in that study. In other words, they did not look at income, poverty rate or the invention of new treatments such as SSRIs, which have had a significant impact in treating suicide and also in terms of affecting impulsivity with regard to people who are thinking about committing suicide, and preventing that.

Also, many other studies have shown that while if you limit the number of firearms, it does reduce suicide by firearms, but there is a significant substitution effect. There are several in Canada. Caron et. al. in 2008, and Carrington and Moyer in 1994, also showed that there is no correlation between the number of firearms and firearm suicide rates in Canadian provinces. In other words, provinces with high firearms ownership did not have an increase in overall suicide rates.

I would also like to point out another study done by Sloan et. al. in 1990, which compared Seattle and Vancouver. Seattle has a higher firearm ownership rate. Their gun laws are much more progressive than they are in British Columbia in terms of people being allowed to own firearms. They showed that while there was a greater rate of suicide by firearm in Seattle, the overall suicide rate between the two cities was equal. This compares two rather equivalent cities in Canada and the United States that I am well familiar with.

It is important to look at large meta-analyses done that look at all studies. The CDC and the National Academy of Science does that, and it is peer reviewed.

I would also like to address the 250 number that my colleagues here have presented, which I have never seen published in any peer-reviewed journal. I would like to know how they came up with those figures.

They are suggesting there are 250 fewer suicides every year since the introduction in 1998 of the long-gun registry and the PAL. I will read out the numbers so we can look at that. This is Statistics Canada data. In 1996, the reduction in suicide was by 33, so 33 fewer suicides; in 1997 there were 65 fewer suicides; in 1998 there were zero fewer suicides; in 1999 there were 11 fewer suicides; in 2000 there were 122 fewer suicides, but it also correlates with 209 fewer suicides by other methods in that year. I am not sure why; there must have been something going on at that point of time.

Senator Hervieux-Payette: Mr. Chair, if they want to have a debate about their statistics, we have several other studies. Are we going to go through each study? I think I have enough.

The Chair: Fair enough. I thought it was in response to an issue you raised. If you have heard enough, that is fine. Thank you.

We have four senators left on first round.

[Translation]

Senator Boisvenu: Thank you very much for your briefs. This is very instructive and interesting because we are moving a little outside strictly subjective debate and we are getting figures that give us a slightly more objective view of the registry.

In my former life, I worked for the Government of Quebec, in economic and social development. We went through three major economic crises: 1982 to 1983, 1988 and 1993 to 1995. When I look at the suicide curve in Quebec, I see it rose in 1983, 1988 and 1993. Based on your experience as a physician, can the economic situation have a greater impact on the number of suicides among men, as, for example, when a father goes 24 or 30 months without work, then the fact that they have a hunting weapon in the home?

Dr. Trépanier: You are asking me whether that can have a greater impact? I won't say whether that can have a greater impact. However, does it have an impact? For the major economic cycles and suicide rates observed, there is very definitely an impact. There is even an excellent correlation between the two, which however does not mean that measures designed to reduce suicide, including measures to restrict access to means, are not effective.

As I mentioned in my speech, no measure alone can claim to eliminate suicide, and suicide is indeed a major public health problem linked to economic cycles. If we take measures to counter suicide, we must therefore have a significant range. We of course must have measures addressing the individual, but also measures aimed at the environment. We very definitely have to act by providing better treatment and better screening for mental illnesses. However, we have to ensure that people are not tempted to use means in order to act out. Based on the figures at our disposal, the registry has made a contribution to that.

Senator Boisvenu: That is obvious.

[English]

The Chair: I know that nothing fits specifically into a neat box in all of this, but it is Bill C-19 what we are talking about.

[Translation]

Senator Boisvenu: We have received two documents, one a summary and the other an elaborate document, and it was signed by a lot of scientists, including Dr. Réal Lacombe, with whom I did my scientific studies.

You are saying that there is a direct link between the firearms registry and the decline in homicides and suicides. How can such a direct connection be made between the registry and the decline in homicides and suicides when, during the same period, from 1979 to 1995, when the registry was not in existence, homicides and suicides declined at a faster rate than when the registry had been in existence for 15 years?

As a scientist, I am trying to understand what your analysis is based on. Is it based strictly on statistics from Statistics Canada, or is it a scientific study conducted in a lab by independent people?

Dr. Trépanier: Our understanding is that the suicide trend has been on the decline for many years, even a few decades. It is obviously not easy to determine the marginal effect of a measure, even more so of an act, when the trend is downward.

However, we have to have a methodology that enables us to demonstrate this and we have to measure it at the right time. It is definitely not easy to develop that kind of methodology. Moreover, it took a number of years before we had data on the impact of legislation since 1977, and the work done by the Institut de santé publique and Étienne Blais has enabled us to shed light on the issue for the first time.

I do not know whether my colleague has something to add on the more accurate data on the phenomenon.

Mr. Bégin: I would simply like to say that there has been a trend since the 1970s. It does not undermine the validity of the results to observe that there has been a declining trend in the number of deaths.

That is a general trend in suicides and the same is true for homicides. There is a general trend in Canada, but, through the methods they have used, our colleagues have determined that, starting with the implementation of Bill C- 68, effects have really been observed, having regard to certain variables related to age, alcohol consumption and the provinces, because that study was based on all the Canadian provinces as a whole. So this data is by province and cumulative for Canada as a whole.

Dr. Trépanier: Incidentally, we observed the same trends in road deaths, a sharp decline since the 1970s. That does not mean that the measures put in place since then have had no impact on overall

road deaths. On the contrary, we are still seeing a reduction that is definitely due to this entire set of measures. It is not one measure in itself, but rather the entire environment of legislative measures and other preventive measures put in place.

[English]

Senator Jaffer: I have a question for you, Dr. Trépanier. I apologize; I do not know Quebec as well as I should. When you say that you are from Health Quebec, is that the Department of Health like we have Health Canada? In British Columbia, we have the Department of Health. Is that what it is?

[Translation]

Dr. Trépanier: Health is a provincial jurisdiction. In the area of public health, there is the Public Health Agency of Canada, which spearheads all the activities. In Quebec, there is the health department, and within the health department, there is the public health branch. However, the regional public health authorities also have mandates within the health agencies.

[English]

Senator Jaffer: The point I want to make is that you had a pretty big sample when you were doing your research; is that not correct?

[Translation]

Dr. Trépanier: We did not do the research ourselves; it was done by a researcher, Étienne Blais, with the assistance of the Institut national de santé publique. The data used — once again, these are technical terms that I do not want to go into, but an analysis was done by province, which yielded more observations than if we had looked at the data for Canada as a whole.

That, I believe, is the strong point of this study, but I did not conduct it, so I cannot tell you about it in detail, but we trust the institute's work.

[English]

Senator Jaffer: Sitting here listening to the three of you talk about the different research, what goes through my ears is what Ms. Silas said about being precautionary; take the precautions rather than the number of people that die. I would like your comment on that. To keep the gun registry is to be precautionary — to prevent death. It does not matter if it is one death or 100 deaths. It is to prevent death. Is that not what we are talking about?

[Translation]

Dr. Trépanier: You have to be able to look at this phenomenon in order to be able to assess the impact of the measure, but this is not the first time we have had scientific data that point in one direction, whereas certain studies may head in another direction. Of course, we cannot wait to get all the data before decisions are made; we have to act so as to protect public health.

In this case, we have data that I consider reliable and that show that the registry is effective. If the data are contradictory, I definitely do not think that is an indication that the registry should be abolished, but rather an indication that it should be maintained and that we should continue compiling the data that are provided to us through the registration of weapons so that we can better assess the phenomenon in order to determine whether we have recognized effectiveness. Is that for the entire population? Are there population subgroups that benefit from it to a greater degree?

It is essential to have the data; otherwise we are unable to state a view on the subject. Unfortunately, once it is abolished, it will be too late.

[English]

Dr. Langmann: I have a few brief comments. If I practiced medicine on a precautionary basis, I would admit every patient to the hospital and you guys would be bankrupt.

Senator Hervieux-Payette: No, that is not the same.

Dr. Langmann: We have to make decisions based on evidence. Every now and then, I send home a patient who dies. Based on the evidence, they should not have been admitted to the hospital; they pass away.

That is what we have to do here. We have to decide what is financially and safely beneficial. There are a lot of studies that show that the long-gun registry has had no effect. The Blais study only used two dependent variables; I used seven or eight, depending on which one I was looking at. If you read the footnotes of their study, you see most of them were taken out.

The Chair: Thank you, senator. We have two senators remaining. We are running over time, but it is the final panel, so they will have their opportunity.

Senator Runciman: I cannot help but respond to something Dr. Trépanier said: We need more time on this. It has been 17 years and over \$2 billion of taxpayers' money with no end in sight.

I want to congratulate Dr. Langmann. I guess CPAC could entitle this segment "Battle of the Docs." I appreciate the work you have done here with respect to the study. You are a bit of a voice in the wilderness in the medical community. We have people appearing before us and we have heard over the years with respect to suggestions of impacts here, but nothing to back it up in terms of significance the way you have looked at this issue. You are pricking some balloons — you can see that here tonight. People get upset when they see these facts before them.

I want to ask the other witnesses here if they are suggesting that they are disputing the findings and conclusions of the peer-reviewed study that Dr. Langmann has undertaken? Is that what you are telling us here today?

[Translation]

Dr. Trépanier: I am making no claim whatever to contradict the data of another study. I simply mentioned that the study we based our work on is reliable. The researcher is credible and his figures have also been published in journals. However, I do not intend to conduct an expert debate here.

I represent the Directeurs de la santé publique du Québec. Our mandate is to protect public health, and the registry's effectiveness in suicide prevention is one of the factors that we are bringing to your attention today.

We should not overlook the importance of having traceable data to enable us to continue to understand the phenomenon and to be able to make good decisions based on facts.

[English]

Senator Runciman: I have one quick question I would like to get your response to with regard to the World Health Organization, and this is the most recent year available, 2011. It indicates that the United States has lower suicide rates, and this is by country, by year and sex. We all know that it has much looser gun controls, if you will, than Canada does. How do you explain something like that?

[Translation]

Dr. Trépanier: As I mentioned earlier, weapons control is one of the tools in our suicide prevention arsenal. However, it is not the only one and we cannot establish a correlation like that to see whether the registry is effective.

[English]

Senator Runciman: We are talking about gun laws here and the impact they have on suicide rates. Here we have, perhaps, the loosest gun control laws in the world, and they have lower suicide rates, so I think there is a correlation here. I do not think you can ignore that. You should not, anyway.

Mr. Bégin: Can I comment?

The Chair: I think it was directed toward Dr. Trépanier.

Do you wish to comment on that, doctor?

[Translation]

Dr. Trépanier: The idea is not to ignore it, but we could think that, if we did not have the registry here, that gap would be even greater. We are not denying that suicide is a public health problem; we admit that, and we believe that it has to be taken into account. That is why we are presenting it to you today as a major issue, to show that Bill C-19 goes far beyond crime.

[English]

The Chair: We will move to our last senator, and the last question of the day. It goes to Senator White.

Senator White: I will be brief. You left a commentary in the air, Dr. Trépanier, that our knowing the vehicle identification number on the car makes the driver safer and would actually reduce deaths.

I cannot make the correlation between knowing a vehicle identification number and knowing a serial number of a weapon. It is about the driver as it is about the person that has the weapon. It is about the regulations around training, testing and psychological well-being and all of those things in both cases. However, knowing the VIN number does not reduce the number of accidents. In fact, the VIN number is collected for sales tax, insurance purposes and many other things but not to make the driver a safer driver. I guess I have to put this in the form of a question. I guess you would agree that it was not your intent to suggest that knowing the VIN number makes for safer drivers, Dr. Trépanier?

[Translation]

Dr. Trépanier: What we said earlier is that we can draw a parallel between two consumer goods which are definitely not ordinary consumer goods, firearms and motor vehicles, which are subject to a legislative framework.

In this case, once again, registering a car and having a driver's licence make the drivers accountable, and the aim is the same with regard to the registration of firearms and possession of a firearms licence. These create accountability.

We are also sending a message to the community as a whole, that this is not an ordinary consumer good and that we are concerned about public safety and the impact that it can have on public health. As a result of all that, we have a safer environment, people will abide by the law and all that will have an effect on health.

[English]

The Chair: Colleagues, that concludes our time with this panel.

As we have heard from many of our witnesses, and I think it was no more clearly illustrated than by the three excellent witnesses before us on this panel that there are different thoughts and viewpoints, and thoughts that have been well considered, but people do have different views of it. That is exactly why we go through this process, so that at the end of it, we have considered everything that we believe is relevant.

You have been extremely helpful to us in a very learned way, all three of you. We deeply appreciate the time and detailed attention you have given us. Thank you so much.

Colleagues, we will adjourn until 9:30 tomorrow morning.

Do Restrictive Firearm Laws Improve Public Safety?¹

Gary A. Mauser²

Human ingenuity is impressive, and no less so when it comes to finding ways to kill. How effective can it be to limit the availability of one of these tools, firearms, in reducing the incidence of criminal violence, murder or suicide?³ The introduction of stricter firearms regulations is almost always justified as a reaction to a recent rise in violent crime, although fears of political unrest may be equally important if less often discussed publicly⁴. Politicians promise that restrictive gun laws will make society safer, but proof has been lacking. Such laws must be demonstrated to cut violent crime, homicide and suicide, or these claims are hollow promises. It's time to ask if stringent gun laws actually work because regardless of how restrictive such laws are, and the trend is to be ever more restrictive, these kinds of laws impose high costs on citizens by stimulating the growth of governmental bureaucracy.

Firearms pose an intractable problem for government: on the one hand, allowing individuals to own firearms risks relinquishing power which might facilitate criminal violence, or more ominously, encourage local regions to claim independence from the central government, or even lead to revolution. English history, for example, is replete with examples of local Barons or Dukes rebelling against the King, often encouraged by foreign powers. On the other hand, a government might wish under some conditions to allow "responsible" civilians to have firearms as a means of extending its power. The police might reluctantly admit that they cannot protect everyone, so individuals could be encouraged to take greater steps to protect themselves and their local communities. While perhaps difficult to imagine today, historically, England has relied upon armed civilians to help maintain law and order. More recently, the Home Guard was created to play a vital role during World War II.

Empirical support for firearms laws has proved to be elusive in the US as well as the UK. In 2004 the US National Academy of Sciences released its evaluation from a review of 253 journal articles, 99 books, 43 government publications and some empirical research of its own. It could not identify any gun law that had reduced violent crime, suicide or gun accidents (Wellford, 2004). The US Centers for Disease Control reached a similar conclusion in 2003 in their independent review of research on firearms laws (Hahn et al. 2003). The recent mass shootings at Virginia Tech vividly illustrate the failure of restrictive gun laws to protect the public. Virginia Tech, like almost all schools, is a “gun free zone.” Obviously, gun bans do not keep murderers from obtaining or using guns.⁵

Historical ignorance allows some to credit the generally low homicide rates in the United Kingdom and Western Europe to stringent gun control. This claim cannot be accurate because murder in Europe was generally lower before the gun controls were introduced (Barnet and Kates, 1996, p 1239). Stringent gun controls were not adopted in either the United Kingdom or Western Europe until after World War I. Consistent with the outcomes of the American studies mentioned above, these strict controls did not stem the general trend of ever-growing violent crime throughout the post-World War II industrialized world (Malcolm, 2002, pp 209, 219).⁶

The divergence between firearm laws in the UK and the US increased during the 1980s and 1990s. In the late 1990s the UK moved from stringent controls to a complete ban on handguns and many types of long guns. Without suggesting this caused violence, the bans’ ineffectiveness was such that by year 2000 violent crime had so increased that England had the developed world’s highest rate of violent crime, far surpassing even the US (van Kesteren, et al. 2001). During these same two decades, more than 25 states in the United States passed laws allowing responsible citizens to carry concealed handguns. There are now 40 states, including more than 60 per cent of the population, where qualified citizens can get such a handgun permit (O’Hanlon 2006). As a result, the number of Americans who are allowed to carry concealed handguns on the street has grown to 3.5 million (Kates, 2005, p.64).

This paper examines the claim that restrictive gun laws are effective in protecting public safety. If this approach to violent

crime, widely adopted by the UK and other countries in the British Commonwealth, is more effective than the gun laws in operation in the US, then, other factors being equal, the crime rates in Commonwealth countries with restrictive gun laws should fall faster than the corresponding crime rates in the US. If, on the other hand, the British-style gun laws do not live up to the promises made for them, that is, they are not as effective in reducing violent crime as the American approach, then one would not expect to see differences in the trends, or conceivably that crime rates in the US may fall even faster. The uniqueness of the criminal justice system in the United States makes the US a singularly valuable point of reference.⁷

A variety of Commonwealth countries have adopted British-style gun laws. Surely, if this approach is effective in dealing with criminal violence, stringent restrictive gun laws will have actually reduced violent crime in at least some place where they have been introduced.

Two sets of Commonwealth countries will be compared with the United States in this paper. First, I will look at countries that introduced laws restricting general access to firearms in the 1990s (i.e., the United Kingdom, Australia and Canada). Next, I will compare the crime trends in two countries that attempted near comprehensive firearms bans in the 1970s (Jamaica and the Republic of Ireland). In each of these countries, I compare the trends in violent crime, particularly homicide trends, with corresponding crime rates in the United States over the same time period.

It is important to remember that the goal claimed for stringent firearm laws is to reduce total criminal violence, not just gun violence. As Mr Kates and I have argued in another paper, the determinants of murder and suicide are basic social, economic and cultural factors not the prevalence of any particular deadly mechanism (Kates and Mauser, 2007). Thus it follows that to evaluate the effectiveness of firearms legislation, one must measure the increase or decrease in criminal violence as a whole, not whether gun laws cause a drop—or an increase—in just firearms crime. If gun crime declines, but crimes with other weapons increase, so that the number of violent crimes does not decline, then these gun laws must be seen as failing (Malcolm, 2002).

The crucial test is whether gun laws improve public safety. There is no social benefit in restricting the availability of guns if total murder and suicide rates remain unchanged. It is difficult to claim that public safety is better if there is no decrease in the number of lives lost. The evidence, as I will show, indicates that all that is accomplished (at best) by the removal of one particular means is that people manage to kill themselves or others by some other means.

In assessing the impact of legislation on crime rates, it is necessary to examine changes over time. A direct comparison of national averages is irrelevant. It is an entirely different question whether the Canadian average for a particular crime rate is higher (or lower) than that of the United States or England. Such patterns speak to the historical and cultural differences among nations, not to the effectiveness of recent firearm legislation⁸. Evaluating legislation is analogous to evaluating a new diet. If we want to determine whether our new diet is effective, we must ask if our weight changes after the diet is introduced. While it may be reassuring, it is logically irrelevant to our diet's efficacy that other people are fatter than we are.

Of course, even if crime rates decline (or increase) after the introduction of a new firearm law, this does not prove that the legislation caused the change. There may be alternative explanations that are more persuasive, such the continuation of long-term trends. The question of causality is never fully answered even in complex econometric analyses or in experiments conducted under strict laboratory conditions. All that anyone can do is to attempt to eliminate most of the alternative explanations. By examining the trends in a diverse set of countries, I argue that alternative factors can be discounted to some extent. In none of these cases covered in this paper do total homicide rates drop as a consequence of the introduction of more restrictive firearm laws.

Comparative studies rely upon police statistics rather than victim surveys. There are several reasons for this even though there are well-known limitations to police data⁹. The first is that police statistics are the only data that are consistently available for the range of countries that I am considering over the full thirty years. Second, not only are victim surveys often unavailable for some countries,¹⁰ but also the most important index of criminal violence is homicide, for which victim surveys are not possible. Third, despite their high

reputation, victim interviews are of strikingly uneven quality both across nations and within nations across time¹¹.

The first countries I shall examine are the United Kingdom, Australia, and Canada. Each of these countries introduced Draconian general laws in the 1990s that severely restricted access to firearms by citizens in an effort to improve public safety. These countries are large western democracies with modern, functioning police forces, customs bureaucracies, with high levels of education. If any country could be expected to control firearm misuse through the legal system, these countries would qualify. In subsequent sections of this paper, both the experiences of the Republic of Ireland and Jamaica will be considered.

THE UNITED KINGDOM¹²

Firearm policy in the United Kingdom has been driven by sensationalised coverage of firearm murders for almost 20 years. First, the Hungerford incident in August 1987 shocked Britain, and almost 10 years later in 1996, another murder in Dunblane, Scotland captured media attention (Malcolm 2002, pp 201-203). In both cases, the media were outraged that licensed target shooters were able to own handguns, not that the police failed to follow established rules that should have prevented granting these killers a firearm permit, nor why no one attempted to stop these murders during the extended time over which they were committed.

The Firearms (Amendment) Act of 1988 was brought in by the Conservative government following the Hungerford incident, and the Firearms (Amendment #2) Act of 1997, which banned all handguns, was introduced by the Labour government following the shooting in Dunblane in 1996 (Greenwood 2001, p. 8; Munday and Stevenson, 1996). Unfortunately, these Draconian firearm regulations have not curbed violent crime.

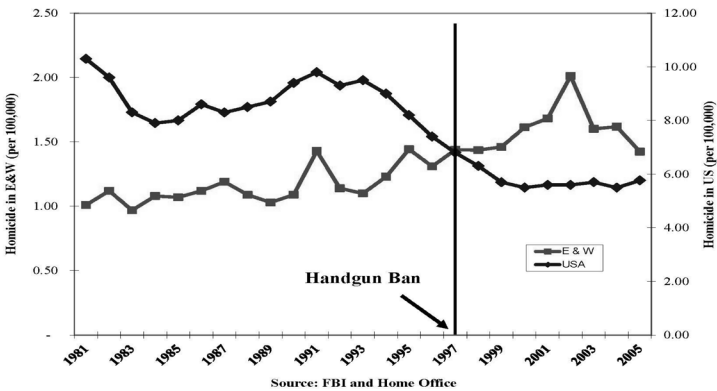
ENGLAND AND WALES

In assessing the impact of this legislation, the principal jurisdiction of the UK is England and Wales. For historical reasons, police

statistics are reported for England and Wales as if they formed a single unit.

Police statistics show that England and Wales are enduring a serious crime wave. In contrast to North America, where the homicide rate has been falling for over 20 years, the homicide rate in England and Wales has been growing over the same time period. (See Figure 1.) In the 1990s alone, the homicide rate jumped 50 per cent, going from 1.1 per 100,000 in 1990 to 1.6 per 100,000 in 2000, and has remained at this higher rate, averaging 1.7 per 100,000 since 2001 (Home Office 2001).

Fig. 1. Trends in Homicide Rates England and the U.S.



As for violent crime in general, police statistics show a huge increase since the handgun ban, and since 1996 violent crime has been more serious than in the United States. The rate of violent crime has jumped from 400 per 100,000 in 1988 to almost 1,400 per 100,000 in 2000 (Home Office 2001; Nicholas et al. 2005; Walker et al. 2006). (An unknown amount of the recent increase may be attributed to changes in the recording rules in 1998 and 1999.) In contrast, not only are violent crime rates lower in the United States, there they are continuing to decline (FBI 2003, 2006).

The Home Office has also tightened up on enforcement of regulations to such an extent that the legitimate sport-shooting community has been virtually destroyed. For example, shotgun permits have fallen almost 30 per cent since 1988 (Greenwood 2001). The British Home Office admits that only one firearm in 10 used in homicide

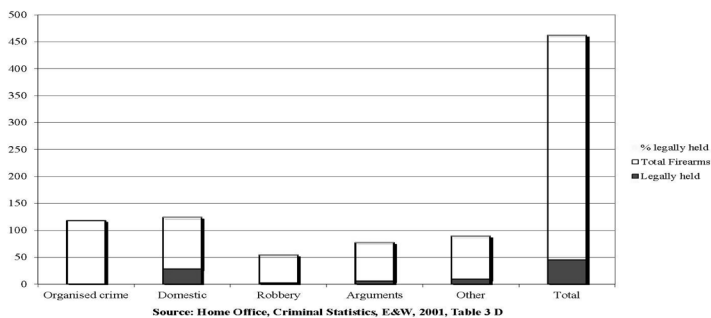
was legally held (Home Office 2001). (See Figure 2). But, there is little pressure from within bureaucratic and governmental circles to discontinue the policy of disarming responsible citizens who hold their firearms for target shooting or for taking game for the table, after some centuries of being allowed to do so by the law. The costs of the firearms bureaucracy for taxpayers are unknown.

Clearly, there is no evidence that firearm laws have caused homicide or violent crime to fall. The firearm laws may even have increased criminal violence by disarming the general public.¹³

SCOTLAND

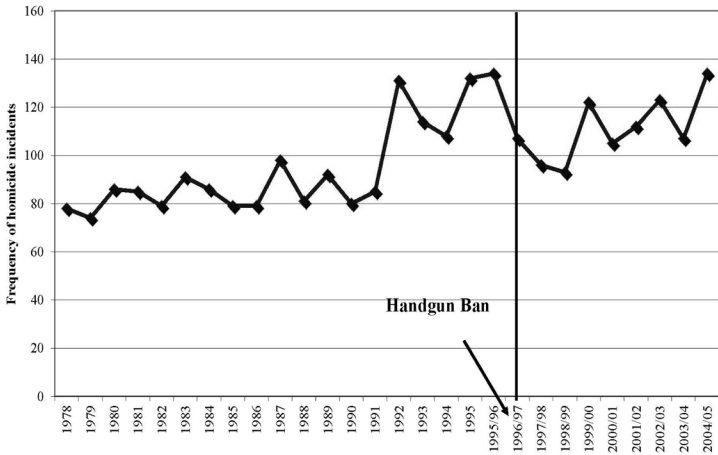
It is important to examine the violent crime trends in Scotland as well, because it has almost 9 per cent of the total population of the United Kingdom. Firearms laws in Scotland are essentially the same as in England, despite differences between the English and Scottish legal systems (Peele 1995, p. 417).

Fig. 2. Legal Status of Homicide Firearms, England and Wales 1992 - 1998



As can be seen in Figure 3, the homicide trend in Scotland resembles that in England and Wales. The restrictive firearms laws have failed to slow down murderers; homicides continue to increase. For the ten years prior to 1997, there were 104 homicides per year. 1997 was an exceptionally low year, with only 90 homicides, but homicides have continued to increase. Since the handgun ban, there have been 110 homicides each year through 2003, but for the past three years (2001-2003) there have been an average of 114 homicides per year (Scottish Executive 2004a; Scottish Executive 2006).¹⁴

Violent crime is also increasing. This is evident in both police statistics and victim surveys. Violent crime has increased from 14,500 in 1994 to over 15,000 in 2001, 2002 and 2003. Over the same time period, rape and attempted rape has also increased from under 6,000 per year to over 6,500 per year (Scottish Executive 2004b). A recent victim survey, conducted as part of a United Nations sponsored survey of crime victims in 21 countries, identified Scotland as one of the most violent places in Europe (Tweedie 2005).



Source: Scottish Executive

AUSTRALIA

Publicity surrounding a multiple murder triggered recent changes in Australian firearm policy. In Port Arthur, Tasmania, on April 28, 1996, Martin Bryant, a mentally deranged man, went on a rampage murdering anyone he encountered, killing 35 people. The media afterwards focused almost exclusively on the killer's use of military-style semi-automatic firearms (Bellamy 2003). Confusion remains over many of the details of this incident, including how Bryant came to have the firearms he used, and whether or not the police response was adequate. No Royal Commission has ever examined the incident, despite the public perception that an open inquiry was required. The media focus on the firearms diverted public concern from police procedures.

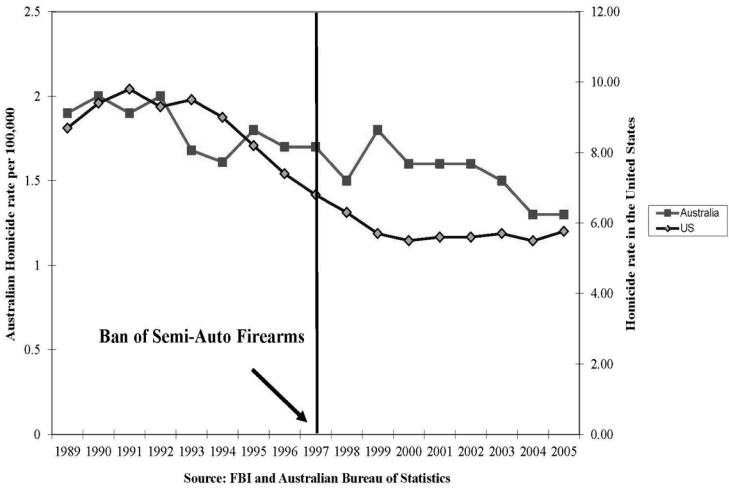
Following garish media coverage of the Tasmanian killings, in 1997 the Australian government brought in sweeping changes to the firearm legislation. The new controls on firearms introduced included the prohibition and confiscation of over 600,000 firearms, mostly semi-automatic or pump-action firearms, from their licensed owners, as well as new licensing and registration regulations (Lawson 1999; Reuter and Mouzos 2002)¹⁵.

These stringent firearm regulations do not appear to have made the streets of Australia safer. In the years following their introduction, homicides involving firearms declined but murders with other weapons increased so that the total homicide rate remained basically flat from 1995 through to 2001 (Mouzos 2001). A subsequent report found that, despite the declining firearm homicides, there was an increase in multiple-victim incidents (Mouzos 2003). The homicide rate reached a peak in 1991 and then began to decrease. The rate of decline prior to the 1996 firearms laws is indistinguishable from the rate afterwards¹⁶. Logically, this suggests that the firearms legislation had no effect upon the gradually declining homicide rate.

The plummeting homicide rate in the USA during the 1990s contrasts strongly with the slow decline in Australia (see figure 4). In the US, the homicide rate has dropped 32 per cent between 1995 and 2001, while it has slid only 10 per cent in Australia. At the same time Australia banned and confiscated legally owned firearms, the number of states in the ^{US} that allow their residents to carry concealed handguns increased from 28 to 40 out of the total of 50 states.

The divergence between Australia and the United States is even more apparent when one considers violent crime. While violent crime is decreasing in the United States, it continued to increase in Australia for four years following 1997, although it has recently started to decline. In 2003, the violent crime rate had decreased by 22 per cent in the US since 1997, while it had increased by over 14 per cent in Australia¹⁷. Assault rates have jumped from 623 per 100,000 in 1996 to 815 per 100,000 in 2002, and easing just slightly to 798 per 100,000 in 2003. Robbery jumped from under 90 per 100,000 prior to 1997 up to 137 per 100,000 in 1991 before returning to pre-1997 levels in 2004 (ABS 2005; AIC 2001; Mouzos and Carcach 2001). Despite the recent decline in violent crime in Australia, it is illogical

to credit the 1997 firearm law for this drop given that violent crime did not begin to decline until four years after the gun law.



The destruction of the confiscated firearms cost Australian taxpayers an estimated \$AUS500 million and has had no visible impact on violent crime (Lawson 1999). The costs of the confiscation do not include the costs of bureaucracy, which, as has been shown in Canada, can be considerable. The proposed solution to the failure of the 1997 gun regulations is to pass even more restrictions on handguns. This is all the more remarkable because in Australia, as in Great Britain and Canada, few firearms used in homicide are legally held; in 1999/2000 only 12 out of 65 (18 per cent) were identified as being misused by their legal owner (Mouzos 2001).

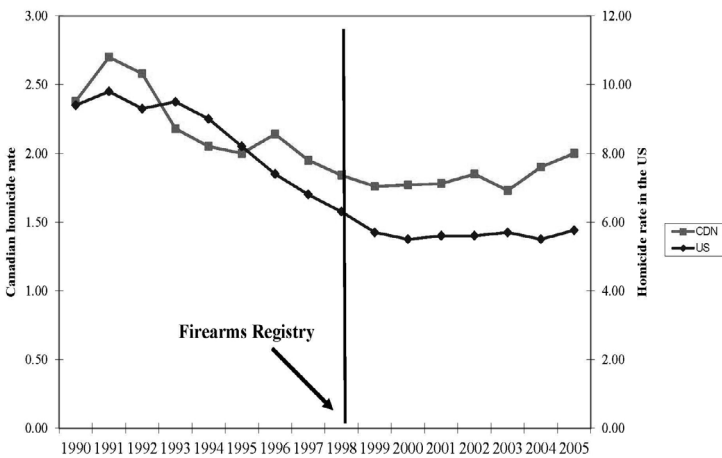
CANADA

As in other countries, recent changes in firearm policy were precipitated by a media frenzy over a multiple murder. On December 6, 1989, Marc Lepine, born Gamil Gharbi, went to the University of Montreal campus, where he killed 14 women and wounded another 13 students, including four men, before he finally shot himself

(Jones 1998). Even though Gharbi encountered almost one hundred students and at least three teachers, no one tried to stop the murderer.

An investigation by the Montreal coroner severely criticized the police for their inadequate response and stated that the type of weapon used was not a significant factor in the murders (MacDonald 1990, p A1). Nevertheless, Canada twice introduced sweeping changes to its firearms laws, first, in 1991, under the Conservative government and then again, in 1995, under the Liberals. These changes included prohibiting over half of all registered handguns in 1995, licensing firearm owners and requiring the registration of long arms (i.e., rifles and shotguns) in 1998¹⁸.

The Canadian homicide rate has remained essentially stable since the mid-1990s after declining during the early 1990s. In 2000 it began to increase again. Over this same time period, firearm murders have also declined, although this has been compensated by increases in murders involving knives and clubs. The homicide rate plummeted in the United States while the Canadian homicide rate has remained flat (see Figure 5). Between 1991 and 1997, the homicide rates in both Canada and the US fell by 32 per cent. Since 1997, the homicide rate in the United States has fallen an additional 19 per cent, from 6.8 per 100,000 in 1991 to 5.5 per 100,000 in 2004, while the Canadian rate has remained stable at 1.8 – 1.9 per 100,000 (Dauvergne 2005; Gannon 2006).



Source: Statistics Canada and the FBI

The contrast between the rate of criminal violence in the United States and that in Canada is much more dramatic. Over the past decade, the Canadian violent crime rate has stayed basically stable while, in the United States during the same time period, the rate of violent crime has slid from 600 per 100,000 to 500 per 100,000 (FBI 2003, 2006; Gannon 2006).¹⁹

The Canadian experiment with firearm regulation is moving towards farce. Although it was originally claimed that this experiment would cost only \$2 million (\$C), the Auditor General reported in 2001 that the costs of the firearm registry were out of control and would be more than \$1 billion CAD (Fraser 2002, chapter 10)²⁰. Unfortunately, her mandate was limited so she could not examine the entire sprawling programme. The final costs are unknown but, if the costs of enforcement are included, estimates now reach \$3 billion (CAD). It is important to recognize that the introduction of any expensive program, such as universal firearm registration, typically causes expenditures for other policing priorities to be reduced. In Canada, the police budget was effectively frozen in the 1990s – that is, after factoring in inflation, there has been no real increase in the budget.

Though the stated goal of firearms registration is to disarm legally unqualified persons, the Ministry discontinued background investigations in order to speed up the protracted process (Breitkreuz 2004). This was one of the reasons that the RCMP announced it does not trust the information in the registry (Fraser 2002, chapter 11).

An even more serious problem is that the security of the firearm registry has come under question after a series of large-scale robberies from gun collectors and gun shops in southern Ontario. These robberies appear to have been specifically directed by criminals who had access to inside information about the locations of gun collections (Bonokoski 2006, p. 10; Tibbits 2006, p. A10).

The countries considered to this point merely attempted to restrict certain types of firearms or to register firearms. A critical reader may well ask whether a more thorough firearms ban would have been more effective. The next two countries to be discussed will evaluate the effectiveness of firearm bans. In the 1970s, both the Republic of Ireland and Jamaica passed legislation in order to

prohibit virtually all firearms. These countries did not simply regulate firearms, or ban a particular type of dangerous firearm, but instead they attempted a comprehensive ban of nearly all firearms. Each did so in a desperate effort to break the spiral of violence that had infected it. Each of these countries has serious problems with organized crime or terrorists that a gun ban does not address.

THE REPUBLIC OF IRELAND

Concerned with the rapid rise of sectarian violence in Northern Ireland, on 2nd August 1972 the Irish Republic issued a Firearms Temporary Custody Order under the extraordinary powers it had given itself in the 1964 Firearms Act, Clause 4. It required no debate in Parliament; it became Law as soon as the Minister for Justice issued the Order.²¹ Virtually all firearms were required to be surrendered to the authorities within three days.

Even though the Irish Republic was not hit as hard as its northern neighbour, the threat was perceived as very real and the Irish Government claimed that the risk of the IRA stealing firearms from private homes justified the Custody Order²². Despite the firearms ban, the number of murders in the Republic of Ireland doubled with the introduction of the Custody Order. Prior to 1972, there were an average of no more than 13 murders per year; but in 1972, the number jumped to 28 murders, and the average remained at this level for the next 20 years, when it started to rise again to its present level of about 45 murders per year (Brewer et al. 1997; Garda Stochana 2006).²³ Even more troubling, the murder of police officers rose dramatically as well. When Officer Fallon was murdered in 1970, with an illegal pistol, it was the first murder of a police officer for 28 years; but in the 29 years that followed, another 13 officers were murdered, all with illegally-held firearms. With a substantially static population, these figures represent dramatic rate increases. Apart from allowing small calibre hunting rifles (calibres up to .270) in 1993, the Firearm Custody Order continued to be enforced right up until 2004 (Bernard 2005)²⁴.

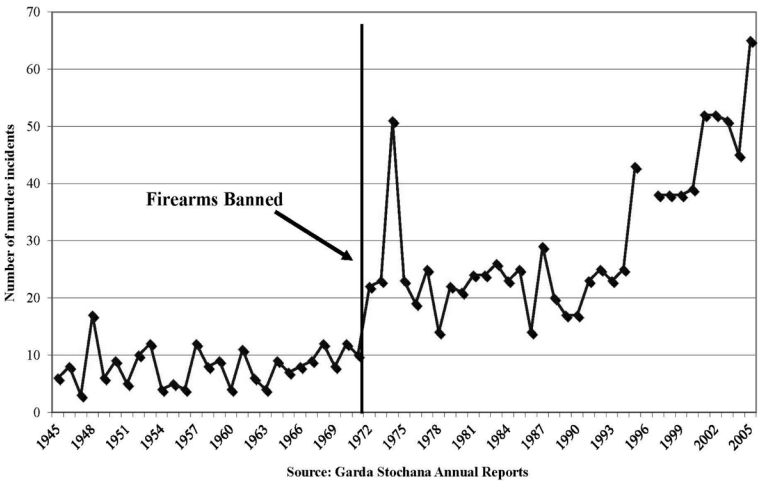
Clearly, the evidence linking the doubling of the murder rate to the introduction of the Custody Order is only circumstantial. Nevertheless it can clearly be seen from Figure 6 that government

efforts, including the Draconian Firearms Custody Order and its extension for 32 years, certainly did not bring the murder rate down.

Other violent crimes have also increased over the past thirty or so years. For example, the number of robberies (including thefts) jumped up from under 500 per year in the early 1970s to over 2,000 per year in the early 1980s, and even hit 3,500 in 1995. There were over 4,000 robberies in 2005, the most recent year for which statistics are available.

In hindsight, it appears difficult to believe that banning and confiscating firearms from target shooters, hunters and farmers could ever have been imagined to be a successful strategy to combat an organized group of terrorists such as the IRA. Nevertheless the Irish government and police steadfastly pursued it for 32 years, regardless of its questionable legality, until forced to abandon it by legal action²⁵.

Fig. 6. Murder Trend in the Republic of Ireland

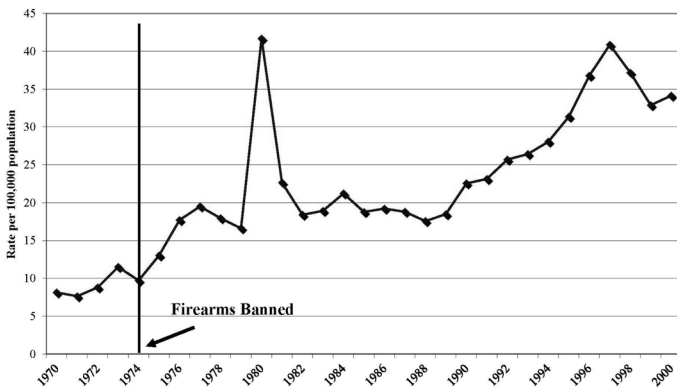


JAMAICA

In the early 1970s, Jamaica was shocked by a horrifying increase in drug-related violence involving guns. The murder rate jumped from between 6 and 7 deaths per 100,000 population in the late 1960s to 8 per 100,000 in 1970 and then to over 11 per 100,000 by

1973. In response, the Jamaican government decided to introduce the Gun Court Act in 1974. The Gun Court was a drastic institution that eliminated many safeguards in the British legal tradition such as open hearings and trial by jury (although these were retained for capital cases). The standard, mandatory sentence for almost any firearm offence, even the illegal possession of a single cartridge, was life imprisonment. Those charged would be imprisoned without bail until tried, often for 2 years or more²⁶.

Fig. 7. Murder Trend in Jamaica



Source: Professor A. Francis, University of the West Indies (2001)

The results of the Jamaica Gun Court were not encouraging even though the number of murders dropped the year the Gun Court was introduced. In 1973, before the Gun Court, 227 people were murdered, and in 1974, this number fell to 195. Unfortunately, the number increased in 1975 to 266, and it increased again to 367 in 1976. Despite the continuation of draconian controls on firearms, the number of people murdered has continued to increase. In 2001, the most recent year statistics are available, there were 1,139 people murdered in Jamaica.

The raw figures do not tell the full story because of population changes. Consequently, we have calculated murder rates per 100,000 people in the general population (Francis 2001)²⁷. As may be seen in Figure 7, the murder rate jumped more than 50 per cent from 9 per 100,000 to over 16 per 100,000 from the early 1970s to the mid-1970s and has continued to climb. Nor did the gun ban

reduce gang shootings. A few years after the introduction of the Gun Court, the murder rate reached a deplorable figure of over 40 deaths per 100,000, but it soon fell back down to between 18 and 19 per 100,000 for the rest of the 1980s. The murder rate began climbing again in the 1990s until it surpassed even the previous high in 2001 with 43 murders per 100,000.

It is difficult to argue that the Gun Court was successful. Perhaps more so than most, Jamaica is a special case. The two major political parties are both rumored to have consistently employed criminal gangs to terrorize their opponents; and, as a result of political corruption, these gangs have no trouble in smuggling whatever offensive weapons they desire. In a very real sense the gangs associated with whichever party happened to be in power were above the law. Let us remember that people accused of nothing more than the ownership of a single bullet lost their most basic legal rights and were punished with sentences harsher than those served for murder in other societies. As would be expected, there is no shortage of hypotheses about who or what is to blame. Each political party blames the other, and both blame the United States. Nevertheless, it is clear that the crackdown on firearms did not manage to reduce either gun crime or criminal violence.

CONCLUSION

This review of violent crime trends in the United Kingdom, Australia and Canada found that in the years following the introduction of British-style gun laws, despite massive increases in governmental bureaucracy, total homicide rates either increased or remained stable. Similar trends were observed in total violent crime. Importantly, in not one of these countries did the new gun laws appear to result in a decrease in total homicide rates despite the enormous costs to taxpayers. The situation is even clearer in the Republic of Ireland and Jamaica where violent crime, particularly murder, became much worse after the bans in both countries. Clearly, the factors driving the increasing rates of violent crime, e.g., organized crime or terrorism, were not curtailed by British-style gun laws.

The failure of British-style firearm laws to influence the total homicide rate in any of the jurisdictions examined here is suggestive

but not conclusive. The causal link remains unproven. The British Home Office argues that crime would have increased even more rapidly had the gun laws not been imposed. That explanation is problematic, given the failure of British-style gun laws in other countries.

These trends contrast with the situation in the United States where there was an impressive drop in the American homicide rate and violent crime rate. Three plausible explanations have been advanced for the plummeting criminal violence. First, it is driven by concealed-carry laws. Based on impressive analyses, John Lott and David Mustard conclude that adoption of these statutes has so deterred criminals from confrontation crime as to cause murder and violent crime to fall faster in states that adopted this policy than in the states that did not (Lott 2000; Lott and Mustard 1997).²⁸ Alternatively two other American phenomena might be driving crime rates: the dramatic increase in both the prison population and the number of executions in the United States. During this time period, the prison population in the US tripled, jumping from roughly 100 prisoners per 100,000 in the late 1970s to over 300 per 100,000 people in the general population in the early 1990s (Beck and Harrison 2005). In addition, executions in the United States soared from about 5 per year in the early 1980s to more than 27 per year in the early 1990s (Bonczar and Snell 2004). None of these trends are reflected in Commonwealth countries (Langan and Farrington 1998). Further research is required to identify more precisely which elements of their approach is the most important, or whether all three elements acting in concert was necessary to reduce criminal violence.

Whatever the reason, the upshot is that violent crime in the United States, and homicide in particular, has plummeted over the past 15 years.²⁹ This paper merely scratches the surface in attempting to understand the link between firearm laws and crime rates. However, this study corroborates American research that has been unable to identify any gun law that had reduced violent crime, suicide or gun accidents (Hahn et al 2003; Wellford 2004). Much more research needs to be conducted before firm conclusions may be able to be drawn. We may need to wait for other countries to experiment with aspects of the American approach to crime to be able to determine which elements are the most effective in reducing crime: aggressive police activity, increasing prison populations,

capital punishment or empowering citizens to defend themselves. Nevertheless, the failure of British-style gun laws in all of the countries examined here should give pause to anyone who imagines that efforts to impose international controls on firearms will be successful in reducing criminal or political violence.

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ENDNOTES

1. This article is an updated version of a chapter in *Prohibitions* (2008), John Meadowcroft (Ed), published by the Institute for Economic Affairs,

London, England, pp. 90-116. I would like to thank Peter Allen and C.B. Kates for their critical comments on earlier drafts. The paper has benefited from their contributions. Despite their gracious help, I remain responsible for any and all errors or omissions that may remain.

2. Dr. Gary Mauser is Professor Emeritus in the Institute for Canadian Urban Research Studies, Beedie School of Business, Simon Fraser University, British Columbia, CANADA.

3. As startling as it may appear, many powerful tools for murder (even mass murder) are readily available in highly regulated societies. For example, petrol, propane, and knives are easy to obtain. As recent events in the UK have shown, even amateurish terrorists are familiar with the first two, and knives are involved in more murders in the UK than guns. Given the ubiquity of ropes, tall buildings, and motor vehicles, it is not difficult for suicidal individuals to find adequate substitutes for firearms. See Kates and Mauser (2007) for an analysis of the effectiveness of gun laws in reducing overall murder or suicide rates in Europe.

4. Historical analyses of private Cabinet papers reveal that British firearms laws have reflected government concerns about the potential for public disorder and revolution as well as criminal violence (Malcolm 2002, p.142.)

5. Strict gun laws are effective however in keeping guns out of the hands of responsible citizens who might then be better able to defend themselves and others.

6. The most frequently proposed reasons for the increasing crime rate in Europe since World War II are demographic changes, organized crime, and the international drug trade. Clearly, the increasingly integrated nature of Europe facilitates illegal activity as well as legitimate businesses. See (van Duyne and Levi, 2005 and Malcolm, 2002).

7. For a more thorough discussion of the differences among a wide variety of countries, including the United States see David Kopel (1992).

8. Arguably, one of the reasons that violent crime rates tend to be higher historically in the United States and Jamaica than in Canada is that slavery played a smaller role in Canada than in either of the other two countries. Slavery had been abolished in Canada by 1810 by Lieutenant Governor John Graves Simcoe. For more information about slavery in Canada see Michael Craton (1974).

9. Police statistics have been criticised because they are subject to changes in the public's willingness to report crimes, and, equally important, to variations in police recording practices.

10. Excellent victim surveys exist in Australia, Canada, the United States, as well as in England and Wales, but not in Scotland, the Republic of Ireland or Jamaica. See Nicholas et al. (2005).
11. Recent criticisms of the British Crime Survey's practice of placing arbitrary limits upon numbers of violent crimes that can be reported indicates the problem inherent in any survey approach (Barrett 2007).
12. The crime trends of the Channel Islands and other nearby islands associated with the UK will not be examined here.
13. It is not necessary to argue that disarming the citizenry caused the increase in violent crime, although that might have contributed. All that is required is that the cost of the British firearms bureaucracy has diverted scarce resources away from more effective crime fighting approaches.
14. Note that the increase in the frequency of homicide represents a real growth in the Scottish homicide rate because the population of Scotland decreased by approximately 1 per cent between 1992 and 2003.
15. For further information on the firearms legislation, see James Lawson (1999) and Peter Reuter and Jenny Mouzos (1999, 2000).
16. A recent study has found no statistically significant link between the Australian gun laws and the trend in the homicide rate (Baker and McPhedran 2007).
17. Violent crime is defined differently in the two countries, so they cannot be compared directly. The primary differences lie in how assault and particularly sexual assault are defined. In addition, in 2004, Australia withheld reporting on crimes of assault due to a concern over the definitional variance across reporting states.
18. Handguns have been required to be registered in Canada since 1934. http://www.cfc-cafc.gc.ca/pol-leg/hist/firearms/default_e.asp
19. See Marie Gannon (2001) for a thorough discussion of the differences in measurement of crime rates in the United States and Canada.
20. This estimate was confirmed in a more thorough audit four years later (Fraser 2006).
21. This legislation included all handguns, including air guns, and all rifles over .22 caliber. Thus shotguns and .22 rifles were excluded.
22. The recent 30-year period of violence, colloquially called "The Troubles", began with Civil Rights marches in 1968, but rapidly escalated into extreme violence. Murder in Northern Ireland jumped from 5 per year up to 1968, to 123 in 1971, and then to 376 in 1972.
23. Murder statistics for the Republic of Ireland are given as raw

frequencies rather than rates per 100,000 population. In this way we can avoid any possible error introduced from over (or under) estimating annual population increases. The Republic of Ireland has grown but slowly over the past thirty years; the population has only increased by 3 per cent over the past 15 years.

24. I am indebted to Mr. Derek Bernard for supplying the information about the murder of Officer Fallon and the detailed nature of the Irish firearms laws. Personal communication, Derek Bernard, October 27, 2005.

25. This legislation has recently been overturned in an Irish court. At the time of writing, the Custody Order and associated firearm ban has gone, only to be replaced by massive obstructionism and delay, defended usually on the grounds that “a new Firearms Law is on the way and no new authorizations will be issued until it comes out” (private correspondence from John Sheehan).

26. In 1982 and 1983, these conditions were relaxed somewhat but they nevertheless remain draconian to the present day.

27. I am indebted to Professor Emeritus Alexander Francis of the University of the Western Indies for access to his extensive time-series of crime statistics in Jamaica.

28. Several critics have now replicated Lott’s work using additional or different data, additional control variables, or new or different statistical techniques they deem superior to those Lott used. Interestingly, the replications all confirm Lott’s general conclusions; some even find that Lott *underestimated* the crime-reductive effects of allowing good citizens to carry concealed guns. See the seven articles printed in the Oct. 2001 issue of *The Journal of Law and Economics*, vol. 44; See also Plassman & Whitley (2003). Lott (2003) reiterates and extends his earlier findings.

29. These trends are easily seen in the Uniform Crime Reports (UCR) data on the website of the federal Bureau of Investigation (<http://www.fbi.gov/ucr/ucr.htm>).

