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Evidence of the Standing Committee on Public Safety and National Security, Hearing on Bill C-391, Monday, May 25, 2010

Hon. Chris Bentley (Attorney General of Ontario, Government of Ontario):

Thank you very much, Mr. Chairman and members of the committee, for the opportunity to join the debate, and quite a debate it's been already this afternoon.

I'm not delivering a letter, I'm here in person. I know you've heard a lot of testimony, not only during these hearings but during the long debate about the gun registry.

I suspect that what joins the overwhelming majority of people in this debate is that we all wish for pretty much the same things. We all want a safe society. We all want a crime-free society. We want to apprehend those who commit crimes, and make sure the system of justice meets its appropriate result.

The real question is what will be achieved if this bill is passed? What will be achieved in furthering the ends of crime prevention, the administration of justice, the apprehension of criminals, and the prosecution of offences?

It's my respectful submission to you that nothing will be achieved, and that in fact--in fact--we will undermine the efforts of those who are charged with preventing, with enforcing the law, with prosecuting.

I see at the outset that there has been discussion at various times about what a single tool in law enforcement can and cannot do. The standard is not one of perfection for any tool, whether it's a registry, whether it's a law, whether it's an approach. There's nothing. There is no one tool that is perfect. The issue really is this: does it contribute in a significant way? The evidence is pretty clear that the gun registry does contribute in a significant way. Almost 11,000 times a day, it's accessed. Almost 11,000 times a day, it's accessed by those on the front lines of law enforcement in Canada.

Now, you could say that many of those are automatic accesses. They happen when other checks occur. But it wouldn't be accessed if it wasn't useful, if it didn't have important information, information that can protect not only the officer answering the call, the officer in assessing the risk, but information that could assist in law enforcement or the investigation.

The information in the gun registry contributes to the reasonable and probable grounds officers require in search and seizure warrants, in arrest warrants. It contributes significantly to the information that investigative officers require in order to determine who committed certain offences.

But the information doesn't stop with the officer. In the province of Ontario, as the Attorney General, I'm responsible for the crowns who prosecute crime, crowns who have to make determinations and make presentations to the judiciary, justices of the peace and judges, about whether an individual is capable of being released once they're arrested, or should be held for a bail hearing, or whether their detention should continue, or they should be released on certain conditions. The information in the registry assists in that determination.

No, it's not perfect. Gosh, if you ever find the perfect tool, let me know what it is. In a system that consists primarily of men and women working their best every day and doing their best, you're not likely to find perfection in any one tool. But it does assist that determination, knowing who's registered as owning guns, what types, whether a person can be released into the custody of another who presents themselves as a surety or guarantor, and thereby might have access to guns.

These are all important pieces of information. Perfect? No, it's not perfect, but it's of significant assistance, as is the information in the hands of those who have to consider parole questions or sentencing questions, sentencing that might result in probation, or community supervision. The question of whether somebody is being released into a household where there are firearms present or not can be important information--not perfect but important information.

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I suppose one of the questions is that if you get rid of it, what replaces it? Would it be the position of the proponents of the bill that the information is simply irrelevant in all cases? Or is it the position of the proponents of the bill that somehow the information could be replaced in a different way, and if so, how? Licensing is only the first step.

So the question is what replaces it, and why would you want to deny those who stake their lives on the fact that the information is important? Why would you want to deny them that information? Why would you want to deny those, who are charged with the responsibility of prosecuting, the access to that information that they maintain is important?

There is no one tool that would be perfect. In fact, the police and the crowns, every single day, access information of various degrees of completeness and credibility. They make those assessments every minute of every day in every case. Whether it's the undercover officer accessing information from an informant, whether it's the crown assessing professional or other witnesses, many of whom have contradictory stories, they're assessing information all the time. But the magic is the information, not the denial of the information, not the refusal to look at the information.

I've never met a front line professional who, when given the opportunity to look at something that they were able to look at, said "No, I don't want to look at that; I don't want to know that; I'm not interested." I've never met that person, ever. I practised for 25 years on the other side from where I am now, but I never met that. People want to know and then they'll make their assessment using their own personal and professional judgment, which is extremely important.

In this particular case, in the case of the gun registry, it's not a question of vilifying the owners of guns in any way, shape, or form. It is minimally intrusive on the owners to register, minimally intrusive. When you have a tool that is minimally intrusive but can provide very important information, in my respectful submission we should not deny its continuance, deny its updating, deny its strengthening.

Let me conclude with this. Bad things happen to good people. Guns are stolen. Guns go into circulation. The criminal may be found with the gun, but the investigation may extend not only to that one offence but to others, and knowing where the gun started and knowing what the trail is, is enormously important in the resolution not only of the one crime but others, in assessing the degree of seriousness with which that individual at the end of the trail should be assessed because of the apprehension.

So I say simply that the Province of Ontario's perspective, the perspective of the Attorney General, is that this registry should be maintained and Bill C-391 should not be supported.

Strengthened? Absolutely. Enhanced? Absolutely. But the registry should be maintained. It contributes significantly to the protection of the people, not only in the province of Ontario but, I believe, throughout the country.

Thank you very much.

  (1620)