



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES

Office of / Bureau de  
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(Western Arctic)

## **Why I voted to kill the long-gun registry: a Northern perspective**

As many Northerners know, I am one of the New Democrat MPs who voted against the Liberal motion to abandon Conservative MP Candice Hoepfner's Bill (C-391) to eliminate the long-gun registry.

This was not something I relished. Bill C-391 was nothing more than a crude and blunt instrument designed solely to drive a wedge between rural and urban Canadians. As a proud member of a progressive party, led by a compassionate and brave leader, I sometimes feel that my motives are under fire, often by fine people with whom I agree with on all other issues.

Our riding of the Western Arctic is 50 per cent Aboriginal. The Dene, Métis and Inuvialuit people of the Northwest Territories continue to live a traditional lifestyle off the land as they have for thousands of years. The Northern Aboriginal lifestyle is protected under the Canadian Constitution and through treaties, some of which have only been signed within the last few years. Aboriginal rights are very real to me. At all times they influence my thoughts and decisions. I believe in their nationhood as I believe in our nation.

Many other Northerners live in harmony with the land and harvest much of their food through hunting. I know that a gun is a tool in a sustainable harvest of irreplaceable value.

The government of the Northwest Territories has made it clear through words and actions that it does not support the long-gun registry. Our territory is one of what the RCMP euphemistically refer to as an '... opting out jurisdiction...' meaning the N.W.T. does not participate in the

National Fire Arms Program and has not appointed a chief firearms officer. Other 'opt-out jurisdictions' are Nunavut, the Yukon, Manitoba, Saskatchewan, Alberta, and British Columbia. The list of 'opting-out jurisdictions' is illustrative of the central problem with the long-gun registry, which is that in a country as vast and diverse as Canada, quite often one size does not fit all. The Liberals, in their haste to out-do the Kim Campbell Conservatives on gun control brought in the ham-fisted, poorly thought-out and incompetently implemented long-gun registry. By imposing a solution to an urban problem on rural Canada the Liberals helped build a right-wing momentum, the direct result of which has been the last four years of Conservative government.

Because of this cynical move by the Liberals we now have a situation where a criminal law is unevenly applied as the western provinces will not prosecute those who do not register their long guns. The RCMP report admits that the law is not enforced on reserves or aboriginal communities in the provinces. These are untenable situations as they breed disrespect for the law and do nothing to promote peace, order and good government. Now with the Harper amnesty we have a situation where prosecution of registry offences depends upon the government in Ottawa, of the day. What is needed is a clearly thought out solution to this problem.

Unfortunately the level of debate on this issue has descended into the absurd. Due to this lack of dispassionate debate, both sides are responsible for the failure to find a solution which works for all Canadians. It is truly unfortunate that both sides prefer to play fast and loose with the truth rather than finding a solution.

For example a long-standing line on the long gun registry is that it is an exclusive federal jurisdiction and many point to the 2000 decision by the Supreme Court of Canada on a reference question from the province of Alberta as proof. This is really the opposite of what the court said. The court was asked to rule on an appeal from the Alberta Court of Appeal which ruled that creating the long-gun registry is a legitimate and therefore constitutional use of Parliament's criminal law powers under Sec. 91(27) of the Constitution Act 1867. The court went on to say "the act does not significantly hinder the ability of the provinces to regulate the property and civil rights aspects of guns. Most provinces already have regulations dealing with hunting, discharge within municipal boundaries, and other aspects of firearm use, and these are legitimate subjects of provincial regulation." The court then goes on to cite several case law examples which support this finding.

Many say that any solution must apply equally across Canada. I remind them that "equal" does not mean "the same." We have a long tradition in Canada of finding solutions which respect the regional differences of this nation.

Firstly a solution must continue the national restriction of firearms whose main purpose is to kill and or maim human beings (handguns and military style rifles). Any solution must continue the criminal code provisions for licensing, handling and storage, safety training, and as well, the use of a gun in a crime. I would welcome federal legislation which increased the sanction, penalty or punishment for the dangerous use of any firearm.

Working with the provinces and territories the federal government could create a long-gun registry which uses the provinces' own powers Sec. 92(13) of the Constitution Act 1867, but is coordinated nationally, though still allowing the provinces and territories the option of how and if they will participate. This solution must also take into account the unique constitutional position of existing and emerging aboriginal governments.

As such the existing long gun registry could continue, modified to meet regional needs, but would no longer be under the Criminal Code.

There would be a need for a transition period, the data in place for provinces that wish to opt in remaining intact and respecting continuity.

In our federation we do this in many policy areas. Whether we are talking building codes or health care, these are examples of a national standard adopted and modified to meet regional needs.

It is time to stop playing the political games engineered for divisive purposes. We have three party leaders in Parliament who have openly recognized the failings of the existing registry. Jack Layton and the NDP caucus are dedicated to improving our laws. As always we want to move Parliament forward. All Parliamentarians need to work towards solutions that are meaningful, that are respectful of our cultures and lifestyles, that will be universally accepted.