

Registre des armes à feu

Québec remporte la première manche

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La cour a accepté la requête d'ordonnance de sauvegarde des données demandée par Québec.

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MONTREAL - Le gouvernement du Québec vient de remporter une victoire relativement à l'abolition du registre des armes d'épaule par le gouvernement fédéral.

La cour a accepté la requête d'ordonnance de sauvegarde des données québécoises demandée par le gouvernement Charest. Cette décision empêchera donc Ottawa de procéder à la destruction des données du registre, même si le projet de loi en sens doit recevoir la sanction royale jeudi après-midi.

L'ordonnance est valide jusqu'à ce que la cause soit finalement débattue devant le tribunal.

Le gouvernement Harper a immédiatement réagi en affirmant qu'il allait se soumettre à la décision de la cour dans cette affaire.

Dans une brève déclaration, le ministre de la Justice du Québec, Jean-Marc Fournier, s'est montré satisfait de la décision du juge et a du même coup appelé Ottawa à régler cette affaire sans passer par les tribunaux.

«Je suis heureux, mais ce n'est qu'une première manche. Le débat sur les mesures interlocutoires se déroulera à partir de la semaine prochaine. Par ailleurs, je tiens à rappeler que le dossier peut se régler autrement, maintenant. Le gouvernement fédéral peut changer de cap et accepter de collaborer.»

La décision a aussi réjoui les gens qui militent en faveur du contrôle des armes à feu, dont Heidi Rathjen, témoin de la tragédie de la Polytechnique, qui a tenu à remercier le gouvernement Charest.

«Les Québécois sont tellement choyés d'avoir un gouvernement qui se préoccupe sincèrement de la sécurité publique et qui va au front pour se battre pour maintenir un outil qui sauve des vies. La vraie bataille s'en vient, mais c'est une excellente nouvelle», a-t-elle déclaré au palais de justice de Montréal.

Jusqu'à tout récemment, le ministre fédéral de la Sécurité publique, Vic Toews, a dit que la destruction des données du registre commencerait aussitôt la sanction royale apposée.

Le gouvernement Harper se félicitait, encore jeudi avant-midi, de l'abolition du registre des armes d'épaule, affirmant qu'il ne servait à rien.

«Ce registre n'a absolument pas servi à diminuer la criminalité au Canada et c'est pourquoi il est important de mettre fin à ce registre qui contient des données erronées et désuètes. Donc, nous donnons suite à une promesse électorale de longue date», avait dit le député conservateur Maxime Bernier

Quebec court injunction delays gun registry's demise

Law to scrap long-gun registry and destroy all its records takes effect at midnight

[CBC News](#)

Posted: Apr 5, 2012 8:56 AM ET

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Ministers mark long-gun registry's end

Just as the Harper government's bill to end the long-gun registry becomes law, a Quebec Superior Court judge has granted a five-day injunction against destroying the data about Quebec gun owners found in the registry.

The Quebec government sought the injunction in court in Montreal Thursday, in anticipation of royal assent for C-19,

the Harper government's legislation to fulfil a longtime campaign promise to scrap the registry.

The injunction granted Thursday applies to the data collected on residents of the province of Quebec, but also covers the accessibility, availability and integrity of the system holding the registry, as well as the equipment and tools that allow access to the Quebec data. That means the federal government can't take further steps on ending the registry while the injunction is in place. And Quebec can keep adding data to the registry.

"Quebecers are extremely lucky to have a government that cares about public safety, that sincerely cares," said Heidi Rathjen, a former engineering student who survived the 1989 shooting at Montreal's École Polytechnique.

"The battle continues, and hopefully other provinces will see there is a case to be made to fight the federal government," Rathjen told reporters.

Legal arguments will continue on April 12 and 13 on the larger case brought by the Quebec government questioning the constitutionality of the federal government's legislation.

A spokeswoman for Public Safety Minister Vic Toews emphasized the injunction isn't permanent.

"This is an interim order that is in effect until [5 p.m. ET] on the last day of the hearing of Quebec's application, presently April 13, 2012," Julie Carmichael said in an email.

"This injunction is temporary and doesn't diminish our commitment to ending the long-gun registry once and for all. We are disappointed to see that, contrary to the will of Canadians and of Parliament, the wasteful and ineffective long-gun registry is still alive."

C-19 passes into law

Bill C-19, the Act to Amend the Criminal Code and the Firearms Act, received royal assent just before 2 p.m. ET Thursday afternoon, after passage at third reading in the Senate Wednesday by a vote of 50-27. The new law takes effect just after midnight.

Its passage into law not only ends the collection of information, enforcement and use of the long-gun registry by law enforcement officials, but begins the process to destroy all the data it contains about registered gun owners across Canada.

"We're really disappointed," Candice Hoepfner, the parliamentary secretary to the minister of public safety told Rosemary Barton on CBC News Network's *Power & Politics* Thursday. "The impact of it is put on hold until next week."

Hoepfner noted that Quebec is free to set up its own provincial registry, but the federal government does not want to help any other jurisdiction create a registry using the existing data, which she called "flawed," "inaccurate" and "old."



Longtime gun registry opponent Candice Hoepfner gives a thumbs-up as she votes alongside Eve Adams to pass bill C-19, which would scrap the long-gun registry, in the House of Commons on Feb.15. The bill was given royal assent Thursday. (Sean Kilpatrick/CP)

"We're not giving up," Hoepfner added. "We believe in our jurisdiction as a federal government... We're certainly prepared to fight this and go as far as we need to," she said, suggesting a Supreme Court appeal was possible.

Hoepfner accused Quebec of fighting the federal government on this for "political reasons."

'Momentous time'

Ministers from the Harper government were celebrating the imminent end of the oft-maligned registration system earlier Thursday.

"Many of us have waited for this day for a very long time," Toews told reporters in Ottawa.

P.O.V.

Should the gun registry data be saved? [Take our survey.](#)

Hoepfner, who has been the public face of the Harper government's efforts to kill the registry, said she was proud to stand with her colleagues to "mark this momentous time when our government's commitment to ... stand up for law-abiding Canadians and end the long-gun registry today is being fulfilled."

"Free at last! Free at last! Law-abiding Canadians are finally free at last!" New Brunswick Conservative MP John Williamson said in Thursday's question period.

Hoepfner noted in reply that two NDP MPs and three Liberal senators had voted in favour and helped pass the bill.

The Quebec government filed 68 pages of legal arguments in Quebec Superior Court Tuesday in anticipation of C-19's passage into law, saying section 29 interfered with Quebec's rights.



Quebec justice minister Jean-Marc Fournier, seen here in at the National Assembly on Wednesday, argues the bill to scrap the long-gun registry and destroy its data is unconstitutional. The Quebec government is in court in Montreal Thursday seeking an injunction to block the destruction of the gun registry's records. (Jacques Boissinot/CP)

Quebec Justice Minister Jean-Marc Fournier said Tuesday that more than a million long guns would disappear from the radar screens of law enforcement agencies in Quebec if the data is destroyed.

"In 2010, we [seized] 2,500 guns from people who owned those guns, because they were dangerous [to] themselves or other people," Fournier said.

The province believes that it has a right to the data because it helped collect it and claims that its destruction is unconstitutional.

Quebec has long demanded relevant registry information be transferred to the province, so it can create its own list. It says starting a new registry from scratch would be prohibitively expensive.

Ottawa will respect injunction

The federal government argues that a criminal law measure like the long-gun registry does fall under federal jurisdiction.

"The data registry will be destroyed as soon as feasible," Toews told reporters in Ottawa Thursday. When asked to clarify what impact the Quebec court case could have on the timing of the destruction of the data, Toews declined to comment on the court case specifically.

"As soon as the legislation is passed, there is a requirement to destroy the data. If there is no legal impediment to destroying the data, that process continues," Toews said.

The prime minister's office later confirmed that the federal government would respect any injunction from the Quebec Superior Court.

Federal government lawyers at the Quebec Superior Court in Montreal told reporters that because of physical, bureaucratic and logistical reasons, the data in the gun registry cannot be physically destroyed until August.

The legislation allows for a phased implementation, the federal lawyer said in explaining the delay in the actual destruction of the data.



Ottawa can't destroy long-gun registry

BY WILLIAM MARSDEN, THE GAZETTE APRIL 5, 2012 1:38 PM



Claude Fortin strips a client's rifle at B & L Sports hunting and fishing store in Montreal. There is data that fuels both sides of the gun registry debate.

Photograph by: Phil Carpenter, The Gazette

MONTREAL – Judge Jean-François de Grandpré of Quebec Superior Court has granted a request by the Quebec government for an injunction to halt Ottawa from destroying gun-registry records.

As a result, Ottawa has been forbidden, for the time being, to destroy documents in the long-gun registry.

The judge said he acted because Vic Toews, the federal minister of public safety, had said Thursday morning that the government would begin destroying the registry as soon as new legislation enabling it to do so took effect, something that was imminent.

The decision, by means of a temporary injunction, was announced shortly before 1 p.m. Thursday.

Quebec government lawyer Éric Dufour said the granting of such an injunction is unprecedented in Canadian law, as it is the first time a court has stopped a government from enacting a law.

This temporary injunction is in force until Friday, April 13, when lawyers for the Quebec government are to present arguments that the federal government should turn over the data to Quebec so the province can establish its own registry.

The judge had indicated earlier that he would rule only on whether to grant a temporary injunction.

He advised Quebec lawyers to seek a new judge to make further arguments for a permanent injunction.

Heidi Rathjen, a longtime gun-registry advocate, said the judgment is "excellent news" and will help protect the lives of Quebecers.

She said the federal government has acted "vindictively and ideologically" in ending the long-gun registry, and by doing so is risking the lives of Canadians.

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Read more: <http://www.montrealgazette.com/news/Ottawa+destroy+long+registry/6416665/story.html#ixzz1rCs96wIO>



Un juge sauve temporairement le registre

Par Stéphanie Marin La Presse Canadienne

Partager cet article



Jacques Boissinot Jean Marc Fournier.
Jacques Boissinot / La Presse Canadienne

OTTAWA – Par ses propos provocateurs, le ministre fédéral de la Sécurité publique, Vic Toews, a contribué sans le vouloir à la survie temporaire du registre des fusils de chasse au Québec.

Un juge a ordonné jeudi au gouvernement fédéral de le maintenir en place, et de ne pas détruire les données qu'il contient, d'ici à ce

qu'il se penche plus longuement sur le litige qui oppose Ottawa et Québec.

Le juge Jean-François de Grandpré, de la Cour supérieure, a ainsi accepté les arguments du gouvernement du Québec, qui requérait son intervention, craignant que les enregistrements des armes ne soient effacés dès l'octroi, jeudi, de la sanction royale sur le projet de loi C-19 qui abolit le registre.

Il a déclaré qu'il y avait urgence d'agir, à la lumière des commentaires faits par le ministre Toews.

Celui-ci — un ennemi déclaré du registre — avait fait le dur à cuire jeudi matin devant des journalistes, affirmant que les données seraient immédiatement détruites.

«Dès que la loi sera en vigueur, cet après-midi (jeudi), le processus pour détruire les données aura lieu», avait-il confirmé lors d'un point de presse organisé pour faire savoir que C-19 allait recevoir la sanction royale.

La seule chose qui pourrait mettre un frein à la destruction des données serait un «empêchement légal», avait toutefois précisé le ministre.

«Il y a une obligation dans la loi de détruire les données. S'il n'y a pas d'empêchement légal, le processus va continuer», avait-il ajouté, sans indiquer ce qu'il considérait être un tel empêchement.

Le ministre Toews, tout en spécifiant «que le gouvernement allait entièrement respecter la loi», n'avait pas voulu dire s'il allait attendre que l'audition en cour soit terminée avant d'aller de l'avant avec la destruction des enregistrements des fusils de chasse.

Le sort des données du registre a ainsi donné lieu à une véritable course contre la montre, jeudi.

L'ordonnance de sauvegarde décrétée par le juge de Grandpré, une mesure exceptionnelle, sera en vigueur jusqu'à ce que d'autres requêtes soient entendues par le juge la semaine prochaine.

«Je suis heureux, mais ce n'est qu'une première manche», a insisté le ministre de la Justice du Québec, Jean-Marc Fournier, soulignant que la bataille en cour se poursuit.

Il a eu ce message pour les conservateurs à Ottawa: «Je tiens à rappeler que le dossier peut se régler autrement. Aujourd'hui, maintenant, le gouvernement peut changer de cap et collaborer. Les victimes de ces armes et leurs proches leur font cette même demande.»

Mais jeudi, les conservateurs aux Communes se sont plutôt réjouis que C-19 devienne loi. Le député John Williamson s'est levé en Chambre pour faire une déclaration sur l'abolition du registre, ponctuant son discours de «Libres enfin!» bien sentis, aussitôt repris par ses collègues.

Le maintien temporaire du registre signifie que les policiers pourront le consulter et que les propriétaires d'armes pourront continuer à enregistrer leurs fusils au Québec.

Selon les avocats du gouvernement fédéral, la destruction des données n'allait pas être entreprise avant le mois d'août. Ils l'ont d'ailleurs plaidé, pour empêcher l'émission d'une injonction.

Mais considérant les commentaires faits jeudi matin par le ministre fédéral de la Sécurité publique, le juge semble n'avoir pris aucune chance.

Car une fois les données effacées, refaire un registre serait très difficile, voire impossible, a plaidé le gouvernement du Québec.

C'est pourquoi il avait déposé, plus tôt cette semaine, une demande en justice pour empêcher la destruction des données du registre afin de pouvoir créer le sien.

L'ordonnance temporaire s'applique au Québec uniquement et aux enregistrements d'armes de cette province. Les données des autres provinces font toujours face à la destruction.

L'ordre va effectivement laisser du temps au juge de Grandpré afin d'examiner le dossier plus en profondeur, car Québec demande aussi à la Cour d'invalider l'article 29 du projet de loi C-19, qui exige que tous les fichiers et les enregistrements sur les fusils de chasse soient détruits.

Avisé de l'ordre du tribunal, le gouvernement fédéral a vaguement affirmé qu'il va respecter le processus judiciaire.

«Nous allons lire le jugement avec attention et nous y conformer», a commenté le ministre Maxime Bernier.

Mais Ottawa n'a pas l'intention de baisser les bras devant les nombreuses demandes de Québec incluses dans sa requête en justice.

«Nous agissons dans nos champs de compétence et nous allons défendre notre juridiction», a répliqué le ministre Bernier, ajoutant que le fédéral va «revoir le gouvernement du Québec en cour».

Le gouvernement Harper maintient que les provinces sont libres d'agir comme elles le veulent dans leurs champs de compétence, mais qu'il ne les aidera pas à créer un nouveau registre par la porte d'en arrière.

Après la décision du juge, la joie de Heidi Rathjen était bien visible.

«Les Québécois, on est tellement choyés d'avoir un gouvernement qui s'occupe de la sécurité publique et qui va au front pour maintenir un outil qui sauve des vies», a déclaré cette survivante de la tuerie de l'école Polytechnique, qui était présente jeudi au Palais de justice de Montréal pour voir l'issue des procédures.


Le registre des armes a été créé dans la foulée du massacre de la Polytechnique en 1989 et est considéré comme un symbole des efforts faits pour contrer la violence faite par armes à feu.

Mercredi, en fin d'après-midi, le Sénat avait adopté en troisième et dernière lecture le projet de loi C-19, à 50 contre 27.

Forts de leur majorité aux Communes comme au Sénat, les conservateurs étaient certains de pouvoir liquider le registre qu'ils jugent inefficace et considèrent comme un gaspillage de fonds publics. Ils tentaient depuis des années de se débarrasser du registre.

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Tories: Canada's 'free at last, free at last' from gun registry; Court: 'not so fast'

Sidhartha Banerjee, **THE CANADIAN PRESS** 
Thursday, April 05, 2012 5:57 PM



The Quebec government is racing against the clock to save data from the federal long-gun registry. Lawyers for the province are in a Montreal courtroom this morning, asking a judge to step in and block the Harper government from deleting the data.

THE CANADIAN PRESS/Sean Kilpatrick

Federal Conservatives have had a dream for a long time — and on Thursday they finally celebrated the demise of the long-gun registry.

One even quoted the famous speech by Martin Luther King, to the cheers of Tory colleagues in the House of Commons.

"Free at last, free at last," said New Brunswick MP John Williamson, paraphrasing the U.S. civil-rights leader, who was killed 44 years ago this week by a bullet from a long gun.

"God almighty, Canadians are finally free at last (of the gun registry)."

But those cheers in Parliament were muted by a legal setback.

While the bill to end the federal long-gun registry received royal assent in Ottawa after sailing through the Senate, things played out differently in a Montreal courtroom.

Quebec Superior Court agreed to order a delay in the deletion of registry data from that province, following a request by the provincial government.

The court has granted the reprieve until further motions for an injunction can be argued next week, when the Quebec-Ottawa registry legal fight moves to its next phase. The province wants to keep the data for Quebec so that it can set up its own provincial registry.

In the rest of the country, the bill to scrap long-gun registry and destroy all its records was to become law at midnight but federal lawyers said the actual destruction of the paper and computer files that make up the registry is still months away.

Meanwhile, the registry will continue to function in Quebec — long arms will still be registered and the information will be kept for now.

The Quebec government has argued that the data is vital in the province, where about 94 per cent of firearms registered are of the long-gun variety.

"For the moment, it's the status quo that is maintained. The information will continue to be registered," said Quebec government lawyer Eric Dufour. "The information will continue to be amassed for an eventual provincial database."

Next Thursday and Friday, another judge will hear arguments regarding the request for a permanent injunction. The case has the potential to drag on for some time.

Thursday's granting of an interim order protecting the data was not automatic, and depended on the legal arguments that persuaded the judge.

Ironically, it was some remarks by Public Safety Minister Vic Toews — a committed registry foe — that may have convinced the Quebec judge to grant the temporary reprieve.

Toews's remarks helped persuade the judge that the situation was urgent and warranted a safeguard order until a case for a permanent injunction and a constitutional challenge could be heard next week.

"As soon as the legislation is passed there is a requirement to destroy the data," Toews told a news conference earlier Thursday.

Quebec lawyers rushed to share that news with Justice Jean-Francois de Grandpre. Upon being informed of Toews' comments, de Grandpre said in his ruling that it was necessary to issue an order.

A spokesman for Prime Minister Stephen Harper says the government will respect the judicial process, but has no plans to help Quebec create a new registry.

"The federal government is acting within its jurisdiction by abolishing its own registry — we promised to eliminate the gun registry once and for all, and we will deliver," said Carl Vallee.

"The provinces are free to do as they wish in their jurisdictions, but our government will not help to create a new registry by the back door."

A federal lawyer had been stressing in court Thursday that the deletion process won't be easy, and repeatedly mentioned that it might actually take months to complete across the country.

That federal lawyer had been trying to persuade the judge that there was no urgency to accept Quebec's request, because the registry data would not be destroyed for some time.

Lawyer Claude Joyal said the earliest the registry documentation would be deleted is in August; he continued to maintain that position in court, even after being informed of Toews' comments.

Quebec will argue next week that it's unconstitutional for the federal government to destroy the information if it means thwarting the public policy of another level of government.

The registry battle has been particularly emotional in Quebec, which was the epicentre of the national gun-control movement after the Polytechnique massacre of 1989. Polytechnique survivor and gun-control advocate Heidi Rathjen applauded Thursday's court ruling, calling it a great first step.

The provincial justice minister said Quebec had no choice but to use the courts, because the federal government wouldn't listen.

Justice Minister Jean-Marc Fournier expressed satisfaction with Thursday's legal developments, while warning that the contest is far from won.

"It's clear that when the first inning goes well, it's better than when it goes badly," he told reporters in Quebec City.

"We're obviously happy with the decision. That being said, this decision is good for one week and there's still a battle ahead."

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