



LEGISLATIVE ASSEMBLY

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Ministry of the Attorney General
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November 10, 2010

Dear Minister Bentley,

I'm contacting you regarding the civil forfeiture laws and the lack of appropriate checks and balances upon its broad and sweeping jurisdiction. The Act clearly depends and relies upon the judgment and discretion of the Ministry of the Attorney General for the proper and judicious application of these powers, with few legislative limitations. The lack of legislative benchmarks permits the powers of the act to be used well beyond its stated purposes, and in a manner unbecoming of a Just Society.

In the case of Bruce Montague, this law has the potential to punish an individual in a manner both extreme and disproportionate to the offense committed. It can be justifiably argued that the application for civil forfeiture in the Bruce Montague case amounts to cruel and unusual punishment.

Bruce Montague was found guilty of numerous firearms violations, but as clearly indicated by the trial judge, these offenses were due to Montague's opposition to the law, not in the commission of violent or criminal activity. Furthermore, the trial judge found that Montague did not, nor intend to, financially benefit from his principled opposition to the law. In addition, the trial judge acknowledged Mr. Montague as an upright, intelligent and honest member of the community.

Mr. Montague's livelihood and business has been eliminated due to his principled opposition to these new firearms regulations and through prosecution. He experienced a further loss of approximately \$100,000 in business inventory, and incarceration for 18 months. The trial judge decided this level of punishment was commensurate with the offense; however Montague is now facing the loss of his family home and significant legal costs defending against this application.

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The Crown's proceedings to seek forfeiture of the Montague home could reasonably be construed as a means for, and an act of, malicious retribution and vindictiveness by the Crown, contrary to the Act's stated intention of seeking and providing a remedy for the victims or those harmed by the offense. To seek such a forfeiture against a man and his family who pose no danger to society, and whose crime was to challenge the constitutionality of the law through inappropriate methods, is a gross abuse of the law.

Should the Crown proceed, it will most assuredly use the law to create a victim where none previously existed and serve to create animosity between the state and citizens, instead of seeking to remedy and rehabilitate the relationship between itself and its citizens. Furthermore it is not just Montague who will be victimized, it is his wife and three children who will face the greatest burdens.

The Law ought never to be exercised in a manner contrary to its intention or as a vindictive tool that in all probability will create resentment and disrespect for the law from its citizens.

I trust you will review the actions of your Ministry in this matter and ensure the outcome is in accordance with the laws of natural justice, the legislation and our constitution.

Best regards,

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Randy Hillier, MPP
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