

CANADA / JUDGMENT

R. v. Martin

[1992] 1 SCR 838**COURT**

Supreme Court of Canada

DECIDED

30 March 1992

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R. v. Martin Collection Supreme Court Judgments Date 1992-03-30 Report

[1992] 1 SCR 838 Case number 22336 Judges Lamer, Antonio; La Forest, Gérard V.; L'Heureux-Dubé, Claire; Sopinka, John; Gonthier, Charles Doherty; Cory, Peter deCarteret; McLachlin, Beverley; Stevenson, William; Iacobucci, Frank On appeal from Ontario Subjects Constitutional law Notes SCC Case Information: 22336 Decision Content R. v. Martin, [1992] 1 S.C.R. 838 Joseph Martin Appellant v. Her Majesty The Queen Respondent and The Attorney General for Ontario, the Attorney General of Quebec and the Attorney General of Manitoba Interveners Indexed as: R. v. Martin File No.: 22336. 1992: March 30. Present: Lamer C.J. and La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory, McLachlin, Stevenson and Iacobucci JJ. on appeal from the court of appeal for ontario Constitutional law -- Charter of Rights -- Presumption of innocence -- Legislation creating strict liability offence -- Restriction on presumption of innocence justifiable -- Export and Import Permits Act, R.S.C. 1970, c. E-17, s. 13 -- Canadian Charter of Rights and Freedoms, ss. 1 , 11 (d). Cases Cited Applied: R. v. Wholesale Travel Group Inc., [1991] 3 S.C.R. 154. Statutes and Regulations Cited Canadian Charter of Rights and Freedoms, ss. 1 , 11 (d). APPEAL from a judgment of the Ontario Court of Appeal (1991), 2 O.R. (3d) 16, 63 C.C.C. (3d) 71, 43 O.A.C. 378, allowing the Crown's appeal from the appellant's acquittal on charges under the Export and Import Permits Act . Appeal dismissed. Morris Manning, Q.C., and Theresa Simone, for the appellant. D. D. Graham Reynolds, for the respondent. M. Philip Tunley and W. J. Blacklock, for the intervener the Attorney General for Ontario. Monique Rousseau and Gilles Laporte, for the intervener the Attorney General of Quebec. Marva J. Smith, for the intervener the Attorney General of Manitoba. The judgment of the Court was delivered orally by Lamer C.J. -- We are all of the view that this appeal fails. We agree with the Court of Appeal's conclusion that this legislation can be construed and was properly construed as being of strict liability. The existence of a restriction to s. 11 (d) is governed by this Court's decision in R. v. Wholesale Travel Group Inc., [1991] 3 S.C.R. 154. The section 1 analysis in Wholesale is applicable here, as there is no difference of substance between the nature of the legislation in that case and this one. Accordingly, the appeal is dismissed. Judgment accordingly. Solicitors for the appellant: Manning & Simone, Toronto. Solicitor for the respondent: John C. Tait, Ottawa. Solicitor for the

intervener the Attorney General for Ontario: The Deputy Attorney General for Ontario, Toronto. Solicitors for the intervener the Attorney General of Quebec: Monique Rousseau and Gilles Laporte, Ste-Foy. Solicitor for the intervener the Attorney General of Manitoba: The Department of Justice, Winnipeg.

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