

*Oil and Petroleum*

presumed innocent until proven guilty. I support any proposal which will spell out this right in cases where the law is unclear. This right is well known to the courts and to officers of the courts. Not only am I interested in what the law says; I am interested in how the law works. I suggest that the laws of this country have not always worked in the way the hon. member for Calgary Centre suggests.

Until various provinces introduced their legal aid systems a few years ago, poor people, I think most will agree, who could not afford a lawyer were not treated in our courts in the same way as people who could afford a lawyer. The establishment of the legal aid system went a long way to ensuring fair treatment for all. Similarly, as I said earlier, some people who are convicted of certain crimes go to jail but people who have been involved in corporate crimes often have not gone to jail. I want to be sure that no provision of this bill will allow the continuation of what I consider to have been discrimination in favour of the corporation which has transgressed the law.

**Mr. Baldwin:** Madam Chairman, basically I think there is little to be added to what the hon. member for Winnipeg North and the hon. member for Calgary Centre have said. Let me make it clear that we do not want to do anything which would lessen the responsibility in law of officers, agents or servants of a corporation. Our position with respect to individuals who happen to be involved with a corporation which is charged with an offence is the same as our position with respect to any ordinary person charged with an offence. We do not like a provision which says a person who is charged is automatically guilty of an offence unless he can prove his innocence. We object to that principle being applied to anyone who is charged with any offence.

This is not a question of lessening the liability of a corporation. We say, first, that we do not like the way in which the onus has been turned around and, second, that there is a reasonable doubt in our minds—we are not saying we are positive—which could easily be resolved if the minister were to seek the opinion of the Deputy Minister of Justice.

**Mr. Macdonald (Rosedale):** Madam Chairman, I think the hon. member for Peace River has put with precision his party's position on this matter of the reverse onus. Since the matter is contained in clause 30 rather than in clause 29, perhaps we could pass clause 29, stand clause 30 and move on to clause 31. As the hon. member for Peace River suggested, it is the last four lines of clause 30 which give rise to objection, rather than the provisions of clause 29.

**Mr. Andre:** Madam Chairman, I would prefer both these clauses to be stood. If the minister plans to ask the Deputy Minister of Justice for his opinion, perhaps he could ask the deputy minister to look, also, at clause 29(1)(b). I concede that the most offensive aspect of these two clauses, as indicated by my colleagues from Peace River, is contained in the last four lines of clause 30 which provides for the reverse onus under which a person is presumed guilty until proven innocent. All the same, clause 29(2) presents difficulties. Apparently the minister at this point prefers not to give me a detailed explanation of clause

[Mr. Orlikow.]

29(2). I would prefer both these clauses to be stood until the Deputy Minister of Justice can give an opinion.

I remind the committee of the provisions of Standing Order 82(2) which reads:

● (1250)

In order to give effect to the purposes and provisions of section 3 of the Canadian Bill of Rights, it is the duty of the Clerk to cause to be delivered to the Minister of Justice two copies of every bill introduced in or presented to the House of Commons, forthwith after the introduction in or presentation to the House of such bill.

I do not see it anywhere else in the Standing Orders, but I understand from those in whose opinion I have confidence that after this process it is in fact the duty of the Minister of Justice to cause these bills to be examined under section 3 of the Canadian Bill of Rights and to certify that this examination has occurred. It would be useful to the committee to have this certified copy of the bill made available, if for no other reason than to alert members of the committee, officials in the Department of Justice and the Minister of Justice that the screening system set up to ensure that the Canadian Bill of Rights is honoured is somehow not working.

In fact, the screening function was somehow missed in this case. Were it not for the diligence of a few of us examining this bill in more detail than we sometimes do with other bills—although I admit we should do it with each and every bill—this clause would have been passed and become the law of the country, in violation of another law. The onus on anyone who might have been prosecuted under this law would have been to pursue the matter right through the legal system, with all the expenses involved.

In connection with standing these two clauses—I am not sure whether the Minister of Energy, Mines and Resources is the appropriate person—the committee should be given some verification of the fact that the screening process called for under the Standing Orders of the House has in fact been carried out.

**Mr. Macdonald (Rosedale):** Madam Chairman, the point raised by the hon. member for Calgary Centre with regard to clause 29(2) is quite different from the point raised by the hon. member for Peace River, in respect of which he read an opinion presented to a committee and in connection with which I undertook to stand the clause. I will repeat the explanation I have already given to the hon. member for Calgary Centre. It is possible for an officer or an agent of a corporation to knowingly commit one of the offences provided by this clause. However, if he had done so entirely beyond the authority given to him by the corporation, the corporation could legitimately establish that it should not be convicted. Indeed, under those circumstances it might not even be prosecuted. However, the individual who committed the offence should, very properly, be subjected to the judgment of the courts. That is the provision of clause 29(2).

With regard to the point raised by the hon. member for Peace River with regard to clause 30, I wonder if we might pass clause 29(2), stand clause 30 and then proceed.

**The Assistant Deputy Chairman:** Is it agreed that clauses 29 and 30 be stood?