

**Law 12 Chapter 4 Legal Problems****Problem**

1. Northlands Ltd. was charged with three offences under the B.C. *Waste Management Act* after tests by company workers showed that levels of toxins and suspended solids in effluent, or waste water from the plant had exceeded permitted levels.  
The court dismissed two of the charges and halted proceedings on the third charge. The court found that, although the Crown had proved the *actus reus* of each offence, Northlands Ltd. had established the defence of due diligence. The evidence showed that the company's effluent treatment system was extensive and up-to-date, and that the company had reported the problem to the government in good faith and was working to find a solution to it.
  - a) Was Northlands Ltd. charged with criminal offences or regulatory offences?
  - b) How had Northlands Ltd shown due diligence?
  - c) Where had the evidence establishing the *actus reus* of the offences come from?
  - d) Did the court view the offences as ones of strict liability or absolute liability? Explain.
2. In January 2002, former B.C. premier Glen Clark went on trial for breach of trust and accepting a benefit. The Crown's case against Clark was that he had offered his political influence to help a neighbour obtain a casino license in exchange for free renovations to his home and cottage. Clark chose to be tried by judge alone in the provincial supreme court.
  - a) Suggest a reason why a former premier might choose trial by judge rather than trial by judge and jury.
  - b) Based on the information provided here, had Clark been charged with a summary offence or an indictable offence? Explain.
  - c) What must the Crown prove to establish *mens rea* in this case?
3. Morales offers Terrance \$2000 to torch his restaurant so that he can collect on his insurance policy. Terrance is hesitant at first, but then accepts the offer after Morales convinces him that there is no chance he will be caught and charged with arson. Morales gives Terrance a hand-drawn map of the restaurant with written instructions on where and how he should start the fire. Terrance accepts a \$500 advance from Morales and carries out the instructions. However, the fire damages only the kitchen of the restaurant before the fire department arrives and puts it out.
  - a) With what offence(s) could Terrance be charged? Explain your reasoning, based on the information above.
  - b) With what offence(s) could Morales be charged? Explain your reasoning, based on the information above.
  - c) Does the law consider either of the two parties more guilty? If not, why not? If so, which one?

Name: \_\_\_\_\_

ID: A

4. Douglas Perreault murdered a police officer in Montreal. After midnight, following the day of the murder, Perreault's sister, accompanied by a man named Young and two others, set out by car from Montreal for the home of Perreault's mother to tell her what had happened. On the way, Young and the others met a car containing Douglas and Donald Perreault. Young told the Perreaults that the police were looking for them in connection with the murder and that they knew their names and the license number of their car. Donald Perreault replied that this was the first he had heard this information. Young then offered to hide the two men at a camp he owned in the woods. The Perreaults did not take him up on his offer.

- a) Was Young guilty of being a party to the offence of murder? Explain.
- b) If not, what offence was he guilty of?