

1 safe employer, then how can industry be
2 expected to respect and to obey the
3 law?"

4

5 As pointed out by Mr. Cliffe, the quote goes on to
6 state:

7

8 "The public deserves to have its laws
9 respected by its governments, and their
10 officials, who owe us all no less than
11 that."

12

13 In taking into account the seriousness of the
14 offence, I also have to consider that the offence
15 was committed through negligence, lack of attention,
16 rather than actual wilfulness. It was not committed
17 on purpose; there was not actual knowledge either.
18 There was a lack of thoroughness that resulted from
19 inadequate systems being in place and inadequate
20 communication occurring between the different
21 parties involved.

22

23 And I also have to take into account as well
24 that, since the offence, the government has taken
25 very significant steps to deal with the problem and
26 to ensure that it doesn't happen again.

26

27 So under all of the circumstances, given that
28 counsel have identified all of the appropriate

1 factors that I need to consider, and also
2 considering the guilty plea which I think is a
3 highly mitigating factor as it is in all cases, I
4 find the joint submission of counsel to be
5 appropriate. I am going to impose a \$100,000 fine.
6 I believe that the victims of crime surcharge would
7 be only 15 percent because territorial legislation
8 applies, not the federal legislation. So 15 percent
9 will be the victims of crime surcharge in this
10 matter.

11 Nothing further as far as penalty is concerned,
12 simply a fine?

13 MR. CLIFFE: Fine, yes, Your Honour.

14 THE COURT: And time to pay? Six months,
15 is that enough time?

16 MR. TONER: That will be fine, Your Honour.
17 Thank you.

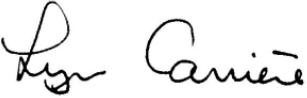
18 THE COURT: Six months. All right. And I
19 don't believe I have to order whom it is payable to.
20 I believe that the legislation covers that, does it
21 not?

22 MR. CLIFFE: I think, for the sake of the
23 record, perhaps just an acknowledgment that the
24 funds will go to the Workers' Protection Fund,
25 pursuant to s. 22(6) of the *Safety Act*.

26 THE COURT: Certainly, it is not simply a
27 matter of the government paying itself the fine.

1 MR. CLIFFE: No.
2 THE COURT: It will be paid as you have
3 indicated.
4 MR. CLIFFE: Thank you.
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10 Certified Pursuant to Rule 723
11 of the Rules of Court.

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14 Lynn Carrière
15 Certified Court Reporter
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