

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Bédard, 2017 SCC 4, [2017] 1 S.C.R. 89 | **Appeal heard:** January 19, 2017  **Judgment rendered:** January 19, 2017  **Docket:** 37071 |

Between:

Laurier Bédard and

**Sylvain Rangers**

Appellant

and

Her Majesty The Queen

Respondent

**Official English Translation**

**Coram:** McLachlin C.J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon and Côté JJ.

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| **Reasons for Judgment:**  (paras. 1 to 4) | McLachlin C.J. (Abella, Moldaver, Karakatsanis, Wagner, Gascon, and Côté concurring) |

R. *v.* Bédard, 2017 SCC 4, [2017] 1 S.C.R. 89

Laurier Bédard and

Sylvain Rangers Appellants

v.

Her Majesty The Queen Respondent

**Indexed as: R. *v.* Bédard**

2017 SCC 4

File No.: 37071.

2017: January 19.

Present: McLachlin C.J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon and Côté JJ.

on appeal from the court of appeal for quebec

*Criminal law — Defences — Officially induced error — Wildlife and fisheries officers charged with assault causing bodily harm after warrantless arrest attempt — Stay of proceedings ordered at trial on basis that officers’ acts were based on officially induced error of law — Stay of proceedings set aside by Court of Appeal and officers found guilty — Convictions upheld.*

**Cases Cited**

**Referred to:** *Lévis (City) v. Tétreault*, 2006 SCC 12, [2006] 1 S.C.R. 420.

APPEAL from a judgment of the Quebec Court of Appeal (Doyon, Kasirer and Parent JJ.A.), 2016 QCCA 807, [2016] AZ-51286691, [2016] J.Q. no 4649 (QL), 2016 CarswellQue 4216 (WL Can.), setting aside the stay of proceedings entered by Hudon J., 2014 QCCQ 12416, [2014] AZ-51136704, [2014] J.Q. no 14596 (QL), 2014 CarswellQue 13566 (WL Can.), and finding the accused guilty of assault causing bodily harm. Appeal dismissed.

Jean-Marc Fradette and Roseline Bouchard-Zee, for the appellants.

Régis Boisvert, Jean-Philippe Robitaille and Sébastien Bergeron-Guyard, for the respondent.

English version of the judgment of the Court delivered orally by

1. The Chief Justice — The defence of officially induced error of law is intended to protect a diligent person who first questions a government authority about the interpretation of legislation so as to be sure to comply with it and then is prosecuted by the same government for acting in accordance with the interpretation the authority gave him or her.
2. We have serious reservations about the very possibility of a government official raising the defence of officially induced error of law in relation to the performance of his or her duties.
3. This being said, we all agree that the conditions under which this defence is available are not met here: see *Lévis (City) v. Tétreault*, 2006 SCC 12, [2006] 1 S.C.R. 420. In particular, considered objectively, the third and fourth conditions — that the advice obtained came from an appropriate official and that the advice was reasonable — are not satisfied.
4. For these reasons, the appeal is dismissed.

*Judgment accordingly.*

Solicitors for the appellants: Fradette & Le Bel, Chicoutimi.

Solicitor for the respondent: Director of Criminal and Penal Prosecutions, Québec.