

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES
IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

GREAT BEAR LAKE LODGE LTD



Transcript of Judgment delivered by The Honourable Judge
R.M. Bourassa, sitting at Yellowknife, in the Northwest
Territories, on Tuesday, March 3, A.D. 1998.

APPEARANCES:

Mr. A. Regel: On behalf of the Crown
Mr. C. McGee: On behalf of the Defence

(Charges under Section 65(1) of the Wildlife Act)

1 THE COURT:

2 Well, I think counsel have
3 adequately characterized the legal principles to be
4 taken into account in imposing sentence and I would
5 only endorse counsels' comments.

6 I would add one further element that should be
7 taken into account. Judge Stuart, of the Yukon, in the
8 United Keno Hill case, commented that, in environmental
9 cases, the principal shareholders or owners should be
10 present for sentencing. The fellow with a mine or some
11 painting business who gets picked up on impaired
12 driving has to take time off work and has to come to
13 court and face the charges, enter his plea and have
14 everyone hear what transpired in his presence and face
15 the music as it were. It is only right that the same
16 should be done with corporate defendants. They ought
17 not to be allowed to hide in the corporate boardrooms.
18 Directors and presidents and executive officers are
19 going to have to makes arrangements to come to court to
20 deal with these matters and not just fob it off on a
21 lawyer and hopefully minimize its repercussions. The
22 defendant is not present. I appreciate he does not
23 want to spend the money to come to Yellowknife. He
24 does not mind, apparently, spending money to come to
25 Yellowknife to make money, but not to face these
26 charges. I take that into account negatively.

27 The actions of the defendant do not display a
criminal intent that is serious enough or aggravated


1 enough for me to consider a jail sentence. That is
2 patently clear, in my respectful view, in law. The
3 actions of the defendant, however, are serious enough
4 for a substantial fine, but I am bound by the law, as I
5 should be. The maximum fine is a thousand dollars. I
6 agree with Crown counsel that that is probably
7 inadequate in terms of reflecting the offence, but it
8 is the maximum under the law that existed at the time
9 the offence took place. Businesses or individuals who
10 seek to avoid the regulatory regime in the future that
11 are in place to protect and preserve wildlife are going
12 to face some hard penalties however.

13 Wildlife in the Northwest Territories, as this
14 Court has commented on more than once, is more than
15 just meat on the hoof. Wildlife forms part of a way of
16 life essential in many communities, and the role of the
17 Department of Resources and Wildlife is essential. The
18 regulatory regime has to be obeyed.

19 Payment forthwith.

20 (JUDGMENT CONCLUDED)

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23 Certified pursuant to Practice
24 Direction #20 dated December 28, 1987

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26 _____
27 Jane Romanowich
Court Reporter