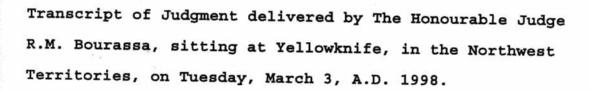
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

GREAT BEAR LAKE LODGE LTD



## 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)

THE COURT:

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Well, I think counsel have adequately characterized the legal principles to be

taken into account in imposing sentence and I would

only endorse counsels' comments.

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

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

enough for me to consider a jail sentence. That is 1 patently clear, in my respectful view, in law. actions of the defendant, however, are serious enough 3 for a substantial fine, but I am bound by the law, as I should be. The maximum fine is a thousand dollars. 5 agree with Crown counsel that that is probably 6 inadequate in terms of reflecting the offence, but it 7 is the maximum under the law that existed at the time the offence took place. Businesses or individuals who seek to avoid the regulatory regime in the future that 10 are in place to protect and preserve wildlife are going 11 to face some hard penalties however. 12 Wildlife in the Northwest Territories, as this 13 Court has commented on more than once, is more than 14 just meat on the hoof. Wildlife forms part of a way of 15 16 life essential in many communities, and the role of the Department of Resources and Wildlife is essential. 17 18 regulatory regime has to be obeyed. 19 Payment forthwith. 20 (JUDGMENT CONCLUDED) 21 22 23 Certified pursuant to Practice Direction #20 dated December 28, 1987 24 25 Jane Romanowich 26 Court Reporter 27