



# MEDIA STATEMENT

## CRIMINAL JUSTICE BRANCH

Monday, 10 March 2008

08-05

### Special Prosecutor Approves Charge

**Victoria** - The Criminal Justice Branch of the Ministry of Attorney General today announced that an independent Special Prosecutor Terrence Robertson Q.C. has approved a charge against Kenneth Dobell in relation to lobbying activities.

An Information charging Kenneth Dobell with one count of Failing to Register as a Lobbyist contrary to Section 10 of the *Lobbyists Registration Act of British Columbia* has been sworn and filed in BC Provincial Court in Vancouver today.

The Special Prosecutor has approved the release of the attached "Summary of Conclusions of the Special Prosecutor in the Matter of Kenneth Dobell."

In British Columbia, independent Special Prosecutors are bound by the Criminal Justice Branch charge approval policy, which requires both a substantial likelihood of conviction and that a prosecution is in the public interest.

There are two components to the Branch charge approval standard: an evidentiary test that requires a substantial likelihood of conviction and a public interest test. The evidentiary test is met when the available evidence supports that there is a strong, solid case of substance to present to the court. It is only when the evidentiary test is met, that Prosecutors must further determine whether the public interest requires a prosecution. Branch policy provides guidance in relation to factors to be considered in relation to the public interest.

In his *Summary*, Mr. Robertson considered Section 121 of the *Criminal Code* relating to influence peddling, and concluded that although the evidence supported a substantial likelihood of conviction, the public interest did not require a prosecution against Mr. Dobell. Mr. Robertson also determined that there was not a substantial likelihood of conviction against the City of Vancouver pursuant to this provision.

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Further in his *Summary* Mr. Robertson states:

- Mr. Dobell is willing to waive the *Offence Act* limitation period and enter a plea of guilty for failing to register as a lobbyist under the *Lobbyists Registration Act*.
- Mr. Dobell will also repay the fees he received in relation to meetings with provincial officials pursuant to the social housing contract, which I have determined to be in the amount of \$6,950.00.

Mr. Robertson, a senior Vancouver lawyer, was appointed by the Assistant Deputy Attorney General of the Criminal Justice Branch Robert W.G. Gillen, Q.C. on October 4, 2007. Mr. Gillen received Mr. Robertson's charge assessment report on March 6, 2007 and has accepted his charging recommendation.

The Assistant Deputy Attorney General of the Criminal Justice Branch appoints Special Prosecutors pursuant to the *Crown Counsel Act* when there is a significant risk of real or perceived improper influence in the independent exercise of prosecutorial responsibilities, including the charge assessment process.

The decisions of Special Prosecutors are final subject only to receiving written directions from the Attorney General, Deputy Attorney General or Assistant Deputy Attorney General for the Criminal Justice Branch. In such an event, those directions must be made public by publishing them in the *Gazette*.

Mr. Dobell is scheduled to make his first appearance in Vancouver Provincial Court in the morning of March 12, 2008.

As this matter is before the court, it would not be appropriate to comment on the circumstances of the case at this time.

[Attachment](#) Summary of Conclusions of the Special Prosecutor In the Matter of Kenneth Dobell: 8 Pages

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