



MEDIA STATEMENT

CRIMINAL JUSTICE BRANCH

November 2, 2010

10-20

Special Prosecutor Approves Charges

Victoria - The Criminal Justice Branch of the Ministry of Attorney General today announced that independent Special Prosecutor Christopher M. Considine, Q.C. has approved a charge under the *Environmental Management Act* against LeMare Lake Logging Ltd. of Port McNeill.

An Information charging the company with introducing waste into the environment, contrary to sections 6(3) and 120(3)(a) of the *Environmental Management Act*, was sworn November 1, 2010 in Provincial Court in Port Hardy. A first appearance on the matter is scheduled for December 7, 2010 in Port Hardy.

Mr. Considine, a senior Victoria lawyer, was appointed on June 9, 2010 by Assistant Deputy Attorney General Robert W.G. Gillen, Q.C. following receipt of an investigative report prepared by the Conservation Officer Service of the British Columbia Ministry of Environment into the alleged burning of waste at or near Port McNeill in May 2009. As one of the principals of the company is the spouse of an employee of the Criminal Justice Branch Mr. Gillen concluded that it was appropriate to appoint a Special Prosecutor.

Mr. Considine's mandate included:

- Conducting an independent charge review of the Report to Crown Counsel and making the charging decision he deemed appropriate in the exercise of his independent prosecutorial discretion;
- Offering such legal advice as was necessary to the investigative agency in the event that any further investigation by them were required;
- Providing a written report to the Assistant Deputy Attorney General with the results of his review and the reasons for any charging decision;
- If in his view a prosecution were warranted, conducting that prosecution and any subsequent appeal.

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In accordance with the mandate granted, Mr. Considine will now continue with conduct of the prosecution.

The Assistant Deputy Attorney General for the Criminal Justice Branch appoints Special Prosecutors pursuant to the Crown Counsel Act when there is a significant potential for real or perceived improper influence in the administration of criminal justice.

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.

As this matter is now before the court it would not be appropriate to comment further or release additional details of the case at this time.

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