



# MEDIA STATEMENT

## CRIMINAL JUSTICE BRANCH

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March 16, 2010

10-02

### Charges Laid in Queen of the North Sinking

**Victoria** - The Criminal Justice Branch of the Ministry of Attorney General today announced that navigating officer Karl Lilgert has been charged with Criminal Negligence causing the deaths of Gerald Foisy and Shirley Rosette, in the sinking of the Queen of the North on March 22, 2006. The charges were sworn today in Provincial Court in Vancouver, and the next appearance has been scheduled for Wednesday April 14, 2010 in Vancouver.

At 12:22 a.m. on March 22, 2006 the British Columbia ferry Queen of the North struck bottom along the north side of Gil Island in Wright Sound. The vessel sank approximately 80 minutes later. While passengers and crew abandoned the vessel before it sank, passengers Gerald Foisy and Shirley Rosette could not be located following the sinking.

Mr. Lilgert has been charged on the basis that he was the navigating officer responsible for steering of the vessel at the time of the incident. The available evidence does not support the laying of charges against anyone other than Mr. Lilgert.

Section 219 of the Criminal Code of Canada provides that:

Every one is criminally negligent who

- (a) in doing anything, or
- (b) in omitting to do anything that it is his duty to do,

shows wanton or reckless disregard for the lives or safety of other persons.

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Since the sinking the Transportation Safety Board and B.C. Ferries conducted their own investigations, while the RCMP and Transport Canada conducted a joint investigation. The Criminal Justice Branch charge assessment review of the extensive police investigation has been detailed and involved. The criminal investigation and charge assessment have had to take into account the fact that the vessel sank in 430 metres of water. The process has involved consideration of a substantial body of information, and has required the evidence of experts in a number of relevant disciplines. There has been ongoing consultation with police while Crown completed the charge assessment, and additional information was requested and provided during this process.

As this matter is now before the Court it is not appropriate to release additional information at this time.

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