

57049-1
Richmond Registry

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

REGINA

v.

PAUL ALEXANDER WILSON
and
GEORGE CAMPBELL

REASONS FOR SENTENCE
OF
THE HONOURABLE JUDGE FRATKIN

COPY

Crown Counsel:	G, Nelson
Counsel for the Accused:	R. Parsonage, duty counsel
Place of Hearing:	Richmond, B.C.
Date of Sentence:	November 30, 2011

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[1] THE COURT: There is always a delicate balance in the question of whether the public interest is affected and to what degree in relation to the discharge provisions. I am mindful of what Mr. Parsonage has said with regard to the punishment that is about to be meted out, not by this court but by the employer because this is totally work-related behaviour. The name of the company is on the line, and two representatives of that company behaved in a fashion that not only is alarming, but is before this court having pled guilty to a criminal offence.

[2] At the end of the day I agree with Ms. Nelson in terms of the public interest. It has got little, if anything, to do with what happened in September of 2001. It has everything to do with just flying in general and the safety and expectation of passengers when they get on a plane, that they are going to go from point A to point B safely, efficiently, and in a civil and cordial fashion amongst the other people that are forced by the circumstances to be together. Everybody is a travelling companion in that situation and everybody is responsible for the other person. If somebody gets sick on the plane, you attend to them and other passengers attend to them. If something, as I have said, unexpected happens it disrupts everybody.

[3] In this particular case, two men who consumed too much alcohol in conjunction with the taking of a pill or pills by prescription, ended up acting in a fashion that alarmed and scared everybody and at the end of the day caused the plane to be diverted at huge expense and inconvenience to all the other passengers on the plane. They too wanted to go to Beijing. They too had things to do there, whether it be business, pleasure or otherwise, and they were interrupted.

[4] The cost is something that these two are going to have to bear because I am going to make an order with regard to restitution. I am going to pick a number that I think is appropriate and whether Air Canada proceeds civilly or not, that is their business, but I have a function here as a judge dealing with two individuals who committed a terribly serious matter.

[PROCEEDINGS]

[5] THE COURT: There will be a standalone restitution order. The sums are \$7,750 for the meal vouchers; \$13,307 for having to put up the passengers in various hotels; credit vouchers to the passengers which is \$100 each for 310 passengers, which is \$31,000; and credit vouchers to passengers for Air Canada flight 29, there's 197 of them at \$100, that's 19,700. If somebody can do the math, that is what the restitution order will be. So it's 7,750 for the first, 13,307 for the second, \$31,000 for the third, and 19,700.

[6] MS. NELSON: By my admittedly poor math -- somebody should check -- \$71,757.

[7] THE COURT: Divided by two. That's \$35,878 each. Round it off.

[PROCEEDINGS]

[8] THE COURT: Mr. Parsonage, I have your point. I am somewhat sympathetic to your position but I am, quite frankly, absolutely disgusted with the actions of these two individuals who know better and acted like absolutely -- well, I

can't say it. But that is the punishment that they should suffer. And beyond that, as I say, a discharge is not appropriate. It is totally contrary to the public interest as far as I am concerned. The sentence is a suspended sentence for both of them. They are placed on a period of probation.

[PROCEEDINGS]

[9] THE COURT: The term is for a period of one year, and that is to keep the peace and be of good behaviour and not to contact any employees of Air Canada and not to enter onto any Air Canada flights during that time period.

(REASONS FOR SENTENCE CONCLUDED)