



Royal
Canadian
Mounted
Police

Gendarmerie
royale
du
Canada

Security Classification / Designation
Classification / Designation sécuritaire

Asst. Criminal Operations Officer
Financial Integrity
"A" Division
155 McArthur Avenue
Ottawa, Ontario K1A 0R4

February 24, 2010

François Lareau
55-890 Cahill Dr. W.
Ottawa, Ontario K1V 9A4

Dear Sir:

Subject: Your letter of January 10, 2010 to the Commissioner
Kyoto Protocol Implementation Act (KPIA)

This letter is in reference to your correspondence of January 10, 2010 to the Commissioner which was forwarded to "A" Division for appropriate follow-up. Your allegation is, "... that government members have not followed the provisions of the *Kyoto Protocol Implementation Act*, S.C. 2007, c. 30 and have thus committed an offence under subsection 126(1) of the *Criminal Code*, disobeying a statute."

In the decision rendered by the Federal Court regarding the Friends of the Earth, 20081020 [Citation: 2008 FC 1183] it was determined after careful review that the provisions in the Act excluded "judicial review over issues of substantive Kyoto compliance including the regulatory function. Parliament has, with the KPIA, created a comprehensive system of public and Parliamentary accountability as a substitute for judicial review." (Reference p 35 & 36) You also note that there is request for permission to appeal the matter to the Supreme Court.

We have read and examined the material mentioned in your letter. Section 126(2) of the *Criminal Code* provides that "Any proceedings in respect of a contravention of or conspiracy to contravene an Act in subsection (1), other than this Act, may be instituted at the instance of the Government of Canada and

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conducted by or on behalf of the Government of Canada." The RCMP does not have the power to conduct proceedings.

Section 126 of the *Criminal Code* does not supplant the *Kyoto Protocol Implementation Act* provisions. In light of these factors it has been determined that the allegation does not warrant a criminal investigation by the RCMP.

In the event you wish to speak to me further on this matter, you can reach me at 613-993-0944.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Burke', is written over a faint circular stamp.

Stan Burke, Superintendent
Asst. Criminal Operations Officer - Financial Integrity
"A" Division

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