

# Commission of Inquiry into Money Laundering in British Columbia

## Applications for Standing – Ruling #6

Ruling of the Honourable Austin Cullen, Commissioner, issued January 28, 2020

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### A. Background

1. This ruling addresses a request by Bob Mackin, a journalist with theBreaker.news, for the release of application materials provided in support of applications for participant status before the Commission of Inquiry into Money Laundering in British Columbia (“**Commission**”) submitted by British Columbia Ministry of Finance (“**Ministry of Finance**”); the Gaming Policy Enforcement Branch of the British Columbia Ministry of Attorney General (“**GPEB**”); the Government of Canada (“**Canada**”); the Society of Notaries Public of BC (“**SNPBC**”); the Law Society of British Columbia (“**LSBC**”); the British Columbia Lottery Corporation (“**BCLC**”); Great Canadian Gaming Corporation (“**GCGC**”); Gateway Casinos & Entertainment Limited (“**Gateway**”); Canadian Gaming Association (“**CGA**”); British Columbia Government and Service Employees’ Union (“**BCGEU**”); BMW Canada Inc. and BMW Financial Services, a division of BMW Canada Inc. (collectively, “**BMW**”); British Columbia Civil Liberties Association (“**BCCLA**”); Canadian Bar Association, British Columbia Branch (“**CBABC**”); Criminal Defence Advocacy Society (“**CDAS**”); and a coalition comprising of Transparency International Canada (“**TI Canada**”), Canadians for Tax Fairness (“**C4TF**”) and Publish what you Pay Canada (“**PWYP**”) (collectively, the “**Coalition**”).

2. Despite an opportunity to do so, none of these participants object to the release of their application materials.

3. Rule 6 of the Commission’s Rules for Standing provides as follows:

All applications for standing will be available to the public on the Commission’s website unless otherwise ordered by the Commissioner.

4. By direction pursuant to Rule 6, I directed that applications for standing will not be published but will be summarized in rulings. That direction, however, does not preclude applications brought either by representatives of the media or other participants for access to those materials on a case-by-case basis.

5. On November 8, 2019, in response to a request by Bob Mackin for the release of application materials provided by James Lightbody and Fred Pinnock in support of their respective applications for participant status before the Commission, I ordered the release of Mr. Lightbody's submissions and related materials and Mr. Pinnock's initial submissions to Mr. Mackin. I ordered that Mr. Pinnock's supplementary materials not be released to Mr. Mackin.

## **B. The Statutory Framework**

6. The statutory framework for applications of this nature is found in the *Public Inquiry Act*, S.B.C. 2007, c. 9 [**Act**].

7. Section 9(1) of the *Act* provides that:

Subject to this Act and the commission's terms of reference, a commission has the power to control its own processes and may make directives respecting practice and procedure to facilitate the just and timely fulfillment of its duties.

8. That power includes making directives "respecting access to, and restriction of access to, commission records by any person" (see s. 9(2)(f) of the *Act*).

9. Section 15(1)(c) of the *Act* provides that:

15(1) A commission may, by order, prohibit or restrict a person or a class of persons, or the public ... from accessing all or part of any information provided to or held by the commission,

...

(c) if the commission has reason to believe that the order is necessary for the effective and efficient fulfillment of the commission's terms of reference.

10. It is within that statutory context that I must consider and determine this application.

**C. Analysis**

11. The requested materials were generally summarized in Ruling #1 at paras. 18-20, 23-26, 31-34, 38-39, 41-44, 47-49, 53-62, 70-72, 76-78, 106-110, 116-118, 121-128, and 134-138.

12. As noted, none of the affected participants object to the release of their application materials. The parties' instructions not to object to the release of these materials is not determinative of the issue.

13. I am satisfied after reviewing these submissions that it would not compromise any future investigation by Commission counsel or any other agency to release those materials at this time. Nor would it result in any unfairness to any third party if they are not represented at this hearing, or otherwise unable to respond.

14. Accordingly, I order the release of these materials to Mr. Mackin.

Commissioner Austin Cullen