

Appendices

Appendix A

Terms of Reference

1. Definitions

In this order:

“**Act**” means the *Public Inquiry Act*;

“**commission**” means the commission established under section 2 of this order;

“**money laundering**” means the process used to disguise the source of money or assets derived from illegal activity.

2. Establishment of commission

1. A study and hearing commission called the Commission of Inquiry into Money Laundering in British Columbia is established under section 2 of the Act.
2. The Honourable Justice Austin F. Cullen is the sole commissioner of the Commission.

3. Purposes of commission

The purposes of the commission are as follows:

- a. to inquire into and report on money laundering in British Columbia;
- b. to make recommendations referred to in section 4 (2) (a).

4. Terms of reference

1. The terms of reference of the commission are to conduct hearings and make findings of fact respecting money laundering in British Columbia, including the following:
 - a. the extent, growth, evolution and methods of money laundering in the following sectors:

- i. gaming and horse racing;
 - ii. real estate;
 - iii. financial institution and money service, including unregulated entities and persons who provide banking-like services;
 - iv. corporate, in relation to the use of shell companies, trusts, securities and financial instruments for the purposes of money laundering;
 - v. luxury goods;
 - vi. professional service, including legal and accounting;
 - b. the acts or omissions of regulatory authorities or individuals with powers, duties or functions in respect of the sectors referred to in paragraph (a), or any other relevant sector, to determine whether those acts or omissions have contributed to money laundering in British Columbia and whether those acts or omissions have amounted to corruption;
 - c. the scope and effectiveness of the powers, duties and functions exercised or carried out by the regulatory authorities or individuals referred to in paragraph (b);
 - d. the barriers to effective law enforcement respecting money laundering in British Columbia.
2. Further terms of reference of the commission are as follows:
- a. to make recommendations the commission considers necessary and advisable, including recommendations respecting the following:
 - i. the regulation of the sectors referred to in subsection (1) (a) or any other relevant sector;
 - ii. the acts or omissions referred to in subsection (1) (b);
 - iii. the powers, duties and functions referred to in subsection (1) (c);
 - iv. the barriers referred to in subsection (1) (d);
 - b. to review and take into consideration the following reports:
 - i. *Dirty Money: An Independent Review of Money Laundering in Lower Mainland Casinos* conducted for the Attorney General of British Columbia, Peter M. German, Q.C., March 31, 2018;
 - ii. *Vancouver at Risk—Turning the Tide—An Independent Review of Money Laundering in B.C. Real Estate, Luxury Vehicle Sales & Horse Racing*, Peter M. German, Q.C., March 31, 2019;
 - iii. *Real Estate Regulatory Structure Review* (2018), Dan Perrin;
 - iv. *Combating Money Laundering in BC Real Estate*, Maureen Maloney, Tsur Somerville and Brigitte Unger, March 31, 2019;

- c. to submit to the Minister of Public Safety and Solicitor General and Deputy Premier, the Attorney General and Minister Responsible for Housing and the Minister of Finance a final report on or before June 3, 2022.
3. The commission is to carry out the inquiry in such a way as to ensure the inquiry does not jeopardize any ongoing criminal investigation or proceeding.
4. The commission may not inquire into any matter respecting the exercise of prosecutorial discretion.

5. Expenses

Subject to the directives of Treasury Board, the commissioner is entitled to be reimbursed for reasonable travelling and living expenses at the rates specified for Group III employees set out in the government's Core Policy and Procedures Manual.

Appendix B

Rules of Practice and Procedure

AUTHORIZED BY THE PUBLIC INQUIRY ACT, S.B.C. 2007, c. 9, s. 9

GENERAL

1. These rules of practice and procedure apply to the Commission of Inquiry into Money Laundering in British Columbia (the “Commission” or “Inquiry”).
2. The Commission will be conducted in accordance with the *Public Inquiry Act*, S.B.C. 2007, c. 9 (the “Act”) and pursuant to Order in Council No. 238/2019 (the “Terms of Reference”).
3. Subject to the Act and the Terms of Reference, the Commission has the power to control its own process.
4. The Commissioner may amend, supplement, vary or depart from any rule for the effective and efficient conduct of the Inquiry.
5. The Commissioner may issue directions or issue orders including on his own motion or following an application.
6. Except as otherwise ordered or directed by the Commissioner, participants, counsel and witnesses must comply with these rules.
7. Without limiting any other powers of enforcement, if any participant, counsel or witness fails to comply with any of these rules, including any time limits specified for taking any actions, the Commissioner, after giving reasonable notice to the participant, counsel or witness, may do one or more of the following:
 - a. schedule a meeting or hearing;
 - b. continue with the Inquiry and make a finding or recommendation based on the information before him, with or without providing an opportunity for submissions from that participant;

- c. extend or abridge any time limit provided for in these rules; or
 - d. make any order necessary for the purpose of enforcing these rules or promoting the fair and efficient conduct of the Inquiry.
8. Commission counsel will communicate with participants primarily by email. Notice or service by email shall be considered adequate notice or service. All participants must identify to Commission counsel the email address they wish to use for this purpose.

COMMISSIONER'S POWERS RESPECTING PARTICIPANTS

9. The Commissioner may make orders respecting:
 - a. the manner and extent of a participant's participation;
 - b. the rights and obligations of a participant, if any; and
 - c. any limits or conditions on a participant's participation.
10. In making an order under Rule 9, the Commissioner may:
 - a. make different orders for different participants or classes of participants; and
 - b. waive or modify one or more of his orders as necessary.

RIGHTS OF PARTICIPANTS

11. A participant:
 - a. may participate on his or her own behalf; or
 - b. may be represented by counsel or, with the approval of the Commissioner, by an agent.

RECORDS

General

12. In these rules, the term "record" has an extended meaning and includes a photograph, audio or video recording, any record of a permanent or semi-permanent character and any information recorded or stored by means of any device;
13. As soon as reasonably possible after being granted standing, a participant shall:
 - a. identify to the Commission the nature and character of records in the participant's possession or under the participant's control relevant to the subject matter of the Inquiry;

- b. if requested to do so, provide to the Commission a list of records or any subset of records in the participant's possession or under the participant's control; and
 - c. if requested to do so by the Commission, provide copies to and allow inspection of such records by the Commission. Wherever possible, records shall be provided electronically in the format requested by the Commission.
14. The obligation under paragraph 13(a) is a continuing obligation.
15. If it is claimed that a record is privileged from production, the claim must be set out when the record is listed pursuant to Rule 13(b) along with a statement of the grounds of privilege.
16. The nature of any record for which privilege from production is claimed must be described in a manner that, without revealing the information that is privileged, will permit a preliminary assessment of the validity of the claim for privilege.
17. Subject to Rule 18 (Undertaking), the Commission shall treat all records it receives as confidential unless and until they are made part of the public record in accordance with Rule 27. This does not preclude Commission counsel from showing or providing a record to a witness or potential witness, an expert, a consultant or a participant.
18. Commission counsel shall not provide a record to counsel for a participant or counsel for a witness until counsel has delivered to Commission counsel a signed undertaking, in a form approved by the Commission, that all records disclosed by the Commission will be used solely for the purpose of the Inquiry.
19. Counsel for a participant or a witness may provide a record to the participant or witness or expert or consultant only if that person has delivered to counsel a signed confidentiality agreement in a form approved by the Commission, that all records disclosed by the Commission will be used solely for the purpose of the Inquiry, and counsel has delivered the signed confidentiality agreement to Commission counsel.
20. Witnesses or participants who are unrepresented by counsel may be required to sign a confidentiality agreement, in a form approved by the Commission, before being provided records.
21. The Commissioner may:
- a. impose restrictions on the use and dissemination of records;
 - b. require that a record that has not been entered as an exhibit in the evidentiary proceedings, and all copies of the record, be returned to the Commission; and
 - c. on application, release counsel, a participant or a witness, in whole or in part, from the undertaking or confidentiality agreement in relation to any record, or may authorize the disclosure of a record to another person.

Applications for Further Disclosure of a Record

22. A participant may seek disclosure of a record from another person (“record holder”) by asking Commission counsel, in writing, to use the powers of the Commission to obtain the record.
23. The request must state:
 - a. the reasons the participant believes the record holder possesses or controls the record; and
 - b. the reasons the participant believes the record is relevant to a matter before the Commission.
24. If Commission counsel accepts the request, he or she will attempt to obtain the record.
25. If Commission counsel rejects the request, he or she will notify the participant, and the participant may apply to the Commissioner, in accordance with Rule 60 (Applications), for an order respecting the request.
26. If the participant applies to the Commissioner under Rule 60 (Applications), the Commission shall deliver the application and any supporting materials to the record holder and to each other participant having an interest in the subject matter of the record.

Public Access to Records

27. Unless the Commissioner otherwise determines:
 - a. a record within the Commission’s control that has not been entered as an exhibit is not available for public inspection, copying or publication; and
 - b. a record that has been entered as an exhibit may be made available to the public on the Commission’s website including with redactions made by Commission counsel.
28. A participant or witness may apply to the Commissioner in accordance with Rule 60 (Applications) for an order that an exhibit, or parts of an exhibit, be redacted, sealed or otherwise made unavailable to the public.

INTERVIEWS AND SECTION 22 MEETINGS

29. Commission counsel may interview any person who they believe may have information or records that have any bearing upon the subject matter of the Inquiry.
30. A person may be required by summons issued under s. 22(1) of the Act to attend a meeting with Commission counsel and answer questions.
31. Commission counsel may meet with and/or interview the same person more than once. Persons who are met with and/or interviewed are entitled, but not required, to have legal counsel present.

OVERVIEW REPORTS

32. Commission counsel may prepare overview reports derived from their investigations. These overview reports may contain core or background facts, referring to their sources. They may also describe facts and circumstances relevant to the subject matter under discussion.
33. Once final, an overview report is an exhibit before the Commissioner without the necessity of being introduced into evidence through a witness.
34. Before an overview report is finalized:
 - a. Commission counsel will deliver a draft to each participant with standing to participate in respect of the subject matter of the overview report;
 - b. such participants may provide comments in writing on the draft overview report, within 14 days or such other time as Commission counsel advises; and
 - c. Commission counsel may modify the draft overview report in response to comments received from participants or on Commission counsel's own initiative.
35. In accordance with Rule 46, participants may propose witnesses for Commission counsel to call during the evidentiary hearings to support, challenge or comment upon the overview report in ways that are likely to significantly contribute to an understanding of the issues relevant to the Inquiry.

EVIDENTIARY HEARINGS

General

36. The Commissioner will set dates, hours and places for the evidentiary hearings, and will publish this information on the Commission's website.
37. The Commissioner may receive and accept information that he considers relevant, necessary and appropriate, whether or not the information would be admissible in a court of law.

Public and Media Access to Evidentiary Hearings

38. Subject to Rule 39 (below), the Commission will:
 - a. ensure that evidentiary hearings are open to the public, in person and/or through broadcast proceedings; and
 - b. except as otherwise limited by these rules or order of the Commissioner, provide public access to information received in evidentiary hearings.
39. The Commissioner may, by order, prohibit or restrict a person or class of persons, or the public, from attending all or part of an evidentiary hearing, or from accessing all or part of any information provided to or held by the Commission,

- a. if the government asserts privilege or immunity over the information under section 29 of the Act;
 - b. for any reason for which information could or must be withheld by a public body under sections 15 to 19 and 21 to 22.1 of the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165; or
 - c. if the Commissioner has reason to believe that the order is necessary for the effective and efficient fulfillment of the Terms of Reference.
40. In making an order under Rule 39 (above), the Commissioner shall take into account the rights and interests of a participant against whom a finding of misconduct, or a report alleging misconduct, may be made.
41. The Commissioner may impose restrictions on the video and audio recording of the evidentiary hearing proceedings and may, on application, order that there be no video or audio recording of some or all of a witness's testimony.
42. The public and media may report the evidentiary hearing proceedings that are open to the public, except as otherwise ordered.

Witnesses

43. Commission counsel shall decide who will be called as a witness at the evidentiary hearings.
44. Each witness called shall, before testifying, be sworn or affirmed.
45. A witness may be called more than once.
46. Participants may propose witnesses to be called during the evidentiary hearings. Participants shall provide to Commission counsel at the earliest reasonable opportunity and in writing the name and contact information, if known, of any person who the participant believes should be called as a witness during the evidentiary hearings, with a statement of the subject matter of their proposed testimony, their experience and background, anticipated evidence and the estimated length of their testimony.
47. Commission counsel may decline to call a witness proposed by a participant. If the participant believes that the witness's evidence is necessary, the participant may apply, in accordance with Rule 60 (Applications), to the Commissioner for an order that Commission counsel call that witness.

Rules of Examination

48. Commission counsel will call all witnesses at the hearing and may adduce evidence by way of both leading and non-leading questions.
49. Each witness who testifies may, during his or her testimony, have counsel present.
50. Counsel for a witness who is not a participant may only ask questions of the witness with leave of the Commissioner.

51. Subject to direction by the Commissioner, participants may examine witnesses within the areas of their grant of standing.
52. The Commissioner may direct any counsel whose client shares a commonality of interest with the witness only to adduce evidence through non-leading questions.
53. Unless the Commissioner orders otherwise, the order of examinations of a witness will be as follows:
 - a. Commission counsel;
 - b. counsel for participants;
 - c. Commission counsel, if appropriate.
54. The Commissioner may set reasonable time limits for the examination of witnesses and direct the order in which participants examine witnesses.
55. Commission counsel will provide reasonable notice in writing to participants of the name of each proposed witness, the subject matter of the proposed evidence of the witness and a list of records Commission counsel anticipates may be put to the witness.
56. Subject to direction of the Commissioner a participant may not put a record to a witness unless:
 - a. the record has been disclosed to the Commission; and
 - b. written notice has been given to the Commission at least five days prior to the date of the witnesses' scheduled attendance and in the form directed by Commission counsel, identifying the record that the participant intends to put to the witness.
57. Commission counsel will provide all such notices to the witness.
58. The Commissioner has discretion to adjust or vary notice periods, and to determine whether the introduction of a subject matter or a record to a witness should be denied, allowed, or allowed on such terms as he directs.

Panels of Witnesses

59. Commission counsel may call a witness to give evidence as a member of a panel of witnesses.

APPLICATIONS TO THE COMMISSIONER

60. A person may apply to the Commissioner for an order by:
 - a. preparing an application in writing;
 - b. attaching to the application any supporting materials; and
 - c. delivering the application and supporting materials to the Commission by email at applications@cullencommission.ca.

61. Unless the Commissioner otherwise directs, the Commission shall promptly deliver the application and supporting materials to each other participant.
62. Participants are entitled to respond to an application where their grant of standing identifies them as having an interest in the subject matter of the application.
63. Commission counsel may provide the Commissioner with any submissions or materials Commission counsel consider relevant and necessary to the proper resolution of the application.
64. The Commissioner will determine the schedule for the filing of submissions and materials and for the hearing of oral argument, if any.
65. The Commissioner may make an order or direction based on the written material filed or, at his discretion, after hearing oral argument.

NOTICES OF ALLEGED MISCONDUCT

66. The Commissioner will not make a finding of misconduct against a person or make a report that alleges misconduct by a person unless that person has had reasonable notice under s. 11(2) of the Act of the allegations against him or her and has had opportunity during the Inquiry to respond.
67. Any s. 11(2) notices will be delivered on a confidential basis to the persons or participants to whom they relate. Supplementary notices may be delivered from time to time by the Commission as warranted by the information before it.
68. If a person in receipt of a notice under s. 11(2) of the Act believes that it is necessary that additional evidence be received to respond to the allegations of misconduct, he or she may seek to have such evidence placed before the Commissioner in accordance with Rules 46 and 47.

STUDY COMMISSION ACTIVITIES

69. The Commission may use a range of investigative, research and policy development processes in its work.

SUBMISSIONS

70. Commission counsel, and each participant authorized to do so, may make submissions to the Commissioner as permitted by the Commissioner.

Appendix C

Rules for Standing

1. Commission counsel, who will assist the Commissioner to ensure the orderly conduct of the inquiry, have standing throughout the inquiry.
2. Commission counsel have the primary responsibility for representing the public interest at the inquiry, including the responsibility to ensure that all matters that bear upon the public interest are brought to the Commissioner's attention.
3. Individuals, agencies, institutions or any other entities (collectively "persons") who wish to participate in the inquiry may seek standing by submitting a written application to the Commission with the following information:
 1. the person's name, address, telephone number and email address;
 2. the name of counsel, if any, representing the person, together with counsel's address, telephone number and email address;
 3. the nature of the person's interest in the subject matter of the inquiry, why he or she wishes standing, and how he or she proposes to contribute to the inquiry, having specific regard to the terms of reference; and
 4. the nature and extent of participation sought.
4. Applications for standing must not exceed ten (10) double-spaced pages in length, unless otherwise ordered by the Commissioner.
5. Applications for standing must be filed with the Commission in electronic format at participants@cullencommission.ca on or before September 6, 2019, or at the discretion of the Commissioner on any other date.

6. All applications for standing will be available to the public on the Commission's website unless otherwise ordered by the Commissioner.
7. The Commissioner will determine the outcome of applications for standing on the basis of written applications, unless the Commissioner determines that an oral hearing is necessary. Any oral hearings on standing will take place on such dates as the Commissioner may determine.
8. The Commissioner may grant a person standing after considering all of the following:
 1. whether, and to what extent, the person's interests may be affected by the findings of the Commission;
 2. whether the person's participation would further the conduct of the inquiry; and
 3. whether the person's participation would contribute to the fairness of the inquiry (*Public Inquiry Act*, s. 11(4)).
9. Those granted standing will be designated as participants before the inquiry.
10. The Commissioner will determine on what terms and in which parts of the inquiry a participant may participate, and the nature and extent of such participation. The Commissioner retains the discretion to vary a participant's participation or rescind standing.
11. The Commissioner may direct that a number of applicants share in a single grant of standing.

Note: Pursuant to Standing Rule 6, the Commissioner has directed that applications for standing will not be published, but will be summarized in rulings.

Appendix D Commissioner, Counsel, and Staff

Commissioner

The Honourable Austin F. Cullen

Counsel

Patrick McGowan, QC	Senior commission counsel
Brock Martland, QC	Senior commission counsel
Tam Boyar	Policy counsel
Alison Latimer, QC	Associate commission counsel
Nicholas Isaac	Associate commission counsel
Eileen Patel	Associate commission counsel
Dahlia Shuhaibar	Junior policy counsel
Kyle McCleery	Junior commission counsel
Kelsey Rose	Junior commission counsel
Steven Davis	Junior commission counsel
Charlotte Chamberlain	Junior research counsel

Policy Advisor

Keith R. Hamilton, QC

Administration

Dr. Leo Perra, OBC	Executive director
Cathy Stooshnov	Manager, finance and administration
Natasha Tam	Paralegal / Senior administrative assistant, report fact checking
Linda Peter	Executive assistant to Commissioner
Shay Matters	Information technology analyst
Mary Williams	Administrative assistant
Phoenix Leung	Registrar/Hearings coordinator
Sarah LeSage	Administrative assistant, report fact checking
Scott Kingdon	Web developer

Communications

Ruth Atherley	Director of communications
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Report Preparation Team

AHA Creative Strategies	Report editing and fact checking
Christine Joseph	Report and research counsel
Christine Rowlands	Proofreader
Tom Norman (KAPOW Creative)	Layout and design

Appendix E

Commissioner's Rulings

Ruling #	Subject	Date Issued
1	Application for Standing (20 applicants)	September 24, 2019
2	Application for Standing (BCREA)	October 16, 2019
3	Application for Standing (Lightbody and Pinnock)	October 25, 2019
4	Application of Bob Mackin for Copies of Lightbody and Pinnock Application Materials	November 8, 2019
5	Application for Standing (Desmarais)	January 6, 2020
6	Application of Bob Mackin for Copies of Numerous Standing Application Materials	January 28, 2020
7	Application for Standing (Devine)	March 25, 2020
8	Application for BCLC Confidentiality Order (Intelligence Interview Materials)	September 18, 2020
9	Renewed Application for Standing (Desmarais)	September 23, 2020
10	Application for Standing (CPABC)	September 29, 2020
11	Application for Standing (CPA Canada)	October 16, 2020
12	Application for Witness Accommodation Measures	October 23, 2020
13	Application for Directions Regarding Redactions (Gaming Documents)	October 27, 2020
14	Application for Standing (Jin)	November 5, 2020
15	Application of Bob Mackin for Copies of Jin Standing Application Materials	November 12, 2020

16	Application for Standing (Heed)	November 12, 2020
17	Application of Fred Pinnock to Redact Place Name	November 19, 2020
18	Ruling on Admissibility of Transcripts of Pinnock/Heed Conversations	November 26, 2020
19	Application of BCLC for Protective Measures over Certain Intelligence Interviews	December 2, 2020
20	Application for Witness Accommodation (Sharma)	December 2, 2020
21	Application for Standing (the Province)	December 4, 2020
22	Application for Directions re Redactions (Casino Patron Names)	December 7, 2020
23	Application for Redactions (Labine Affidavit)	December 15, 2020
24	Application for <i>In Camera</i> Hearing (Bank Chief Anti-Money Laundering Officers)	January 15, 2021
25	Application for Removal of Certain Documents from Public View (Interac)	January 29, 2021
26	Application for Directions on Access to Records (Jin)	February 5, 2021
27	Application of Global News Network for Access to Surveillance Footage	February 23, 2021
28	Application for Witness Safety Measures (Two Real Estate Witnesses)	February 23, 2021
29	Application to Admit Evidence of BCGEU Witnesses' Panel	March 12, 2021
30	Application for Witness Accommodation (Hussey)	March 29, 2021
31	Application to Exclude Evidence and Maintain Information Confidentiality	April 22, 2021
32	Application of Paul Jin for Orders and Directions	May 5, 2021
33	Renewed Application for Standing (Alderson)	June 25, 2021
34	Application of Paul Jin: Definition of Loan Sharking	July 21, 2021
35	Application for Standing (Drover)	July 21, 2021
36	Application of Paul Jin: Proposed Overview Report	August 20, 2021
37	Application of Paul Jin for Answers to Questions and Requested Documents	January 18, 2022
38	Application of Sam Cooper for Disclosure of Information (Hung Guo)	January 19, 2022

Appendix F

Participants and Counsel

Participants	Counsel
Her Majesty the Queen in Right of the Province of British Columbia	Jacqueline D. Hughes, QC Chantelle M. Rajotte J. Cherisse Friesen Alandra Harlingten Kaitlyn Chewka Joanna Stratton Gina Addario-Berry
Government of Canada	BJ Wray Jan Brongers Judith E. Hoffman Hanna Davis Olivia French Katherine Shelley Dorian Simonneaux Ashley Gardner

Participants	Counsel
Law Society of British Columbia	Ludmila B. Herbst, QC Catherine George Rachael Gardner
Society of Notaries Public of BC	Ron Usher
British Columbia Lottery Corporation	William B. Smart, QC K. Michael Stephens Shannon P. Ramsay Brian Duong Kenneth K. Leung Susan Humphrey
Great Canadian Gaming Corporation	Mark L. Skwarok Melanie Harmer
Gateway Casinos & Entertainment Ltd.	Laura Bevan Meg Gaily David Gruber
Canadian Gaming Association	Paul Burns (President & CEO)
British Columbia General Employees' Union	Jitesh Mistry Ming Lin
BMW	Morgan L. Camley Carina Chu Matthew Sveinson
Chartered Professional Accountants of Canada	Guy Pratte Nadia Effendi Ewa Krajewska Teagan Markin Heather Webster

Participants	Counsel
Chartered Professional Accountants of British Columbia	Allen Soltan Jason K. Herbert
British Columbia Civil Liberties Association	Megan Tweedie Jessica Magonet Stephen Chin (Articling Student)
Canadian Bar Association, BC Branch	Kevin B. Westell Stephanie Dickson Jo-Anne Stark
British Columbia Real Estate Association	Chris Weafer Patrick Weafer
Coalition: Transparency International Canada Canadians For Tax Fairness Publish What You Pay Canada	Jason Gratl Toby Rauch-Davis
James Lightbody	Robin N. McFee, QC Jessie I. Meikle-Kähs Maya Ollek
Robert Kroeker	Marie Henein Christine Mainville Carly Peddle
Brad Desmarais	David Butcher, QC
Paul King Jin	Greg DelBigio, QC
Kash Heed	Peter R. Senkpiel
Ross Alderson	Paul E. Jaffe

Appendix G

Witnesses

Witness	Brief Biography	Evidence
Aled ab Iorwerth	Deputy Chief Economist, Canada Mortgage and Housing Corporation	Transcript Webcast
Wahid Abdallah	Specialist, Policy Analysis, Canada Mortgage and Housing Corporation	Transcript Webcast
Donna Achimov	Deputy Director and Chief Compliance Officer, Compliance Sector, FINTRAC	Transcript Webcast
		Transcript Webcast
Ken Ackles	Manager of Investigations, Gaming Policy and Enforcement Branch; Former RCMP Officer	Affidavit: Ex. 144 Transcript Webcast
Ross Alderson	Former Director of Anti-Money Laundering at the British Columbia Lottery Corporation (BCLC)	Affidavit: Ex. 1025 Transcript Webcast
		Transcript Webcast
Gurmit Aujla	Director, Internal Audit, Audit Service Department, BCLC	Affidavit: Ex. 481

Witness	Brief Biography	Evidence
Sandy Austin	Director, People Rewards & Recruitment, BCLC	Affidavit Ex. 1049
Don Avison, QC	Executive Director / CEO, Law Society of British Columbia	Transcript
		Webcast
David Avren	Vice-President, Legal and Compliance, Real Estate Council of British Columbia	Transcript
		Webcast
Gurprit Bains	Deputy Chief Legal Officer, Law Society of British Columbia	Transcript
		Webcast
		Affidavit Ex. 992
Bal Bamra	Manager, Anti-Money Laundering Intelligence, BCLC	Affidavit: Ex. 143
Rob Barber	Former Investigator, Gaming Policy and Enforcement Branch; Former RCMP Officer	Affidavit: Ex. 145 Transcript Webcast
Jon Baron	Executive Director, Data, Finance Real Estate Data Analytics – BC Finance	Transcript Webcast
Michael Barron	UK Consultant, Co-Author of <i>Towards a Global Norm of Beneficial Ownership Transparency</i>	Transcript Webcast
Graham Barrow	UK Transparency Expert, Co-Host of “The Dark Money Files”	Transcript Webcast
Gary Bass	Former member of RCMP	Affidavit: Ex. 1023
Barry Baxter	Former member of RCMP	Transcript Webcast

Witness	Brief Biography	Evidence
S/Sgt. Kurt Bedford	Integrated Market Enforcement Team, RCMP “E” Division	Transcript Webcast
Steve Beeksmā	BCLC Anti-Money Laundering Project Specialist; Former Surveillance Shift Manager, Great Canadian Gaming Corporation	Affidavit No. 1: Ex. 78 Affidavit No. 2: Ex. 79 Transcript Webcast
Kevin Begg	Former Assistant Deputy Minister, Policing and Community Safety Branch; Former Director of Police Services	Transcript Webcast
Ellen Bekkering	Chief, Statistics Canada	Transcript Webcast
Alexon Bell	Chief Product Officer, Quantexa	Transcript Webcast
Diana Bennett	Chair, Board of Paragon Gaming, Inc.	Affidavit: Ex. 1048
Dr. Katie Benson	Professor, Lancaster University	Transcript Webcast
Maria Bergström	Associate Professor of European Law, Uppsala University	Transcript Webcast
Cpl. Karen Best	RCMP	Affidavit No. 1: Ex. 652 Transcript Webcast Affidavit No. 2: Ex. 765
Sue Birge	Former Executive Director, Policy and Legislation Division, and Former Acting Assistant Deputy Minister and General Manager, Gaming Policy and Enforcement Branch	Affidavit: Ex. 527 Transcript Webcast
Larry Blaschuk	Registrar of Land Titles, Land Title and Survey Authority of British Columbia	Transcript Webcast

Witness	Brief Biography	Evidence
Richard Block	Senior Specialist, Regulatory Reporting and Fixed Assets, BCLC	Affidavit: Ex. 785
Shirley Bond	Leader of the Opposition; Former Minister of Public Safety and Solicitor General; Former Attorney General and Minister of Justice	Transcript Webcast
Dr. Martin Bouchard	Ph.D., Professor, School of Criminology, Simon Fraser University	Transcript Webcast
Michael Bowman	Global Chief Anti-Money Laundering Officer, Toronto Dominion Bank Group	Transcript Webcast
Bob Boyle	Ernst & Young	Transcript Webcast
		Transcript Webcast
Stephanie Brooker	Partner, Gibson, Dunn & Crutcher – Washington, D.C.; Former Director, Enforcement Division, Financial Crimes Enforcement Network (FinCEN), U.S. Department of Treasury; Former Chief, Asset Forfeiture and Money Laundering, U.S. Attorney's Office, District of Columbia; Former Federal Prosecutor	Transcript Webcast
Justin Brown	Senior Director, Financial Crimes Policy, Department of Finance – Canada	Transcript Webcast
Oliver Bullough	Journalist and author of <i>Moneyland: The Inside Story of the Crooks and Kleptocrats Who Rule the World</i>	Transcript Webcast
		Transcript Webcast
Detective Inspector Barry Butler	Criminal Assets Bureau (Ireland)	Transcript Webcast

Witness	Brief Biography	Evidence
Craig Callens	Retired Deputy Commissioner of RCMP	Affidavit: Ex. 1022
Chris Carter	Deputy Registrar of Mortgage Brokers, BC Financial Services Authority	Transcript Webcast
John Cassara	Former US Intelligence Officer and Treasury Special Agent in the Treasury's FinCEN, US Secret Service and US Customs Service	Transcript Webcast
Stefan Cassella	Author, <i>Money Laundering and Forfeiture Digest</i> ; Former Assistant U.S. Attorney, Office of the U.S. Attorney; Former Chief, Asset Forfeiture and Money Laundering, Office of the U.S. Attorney – Baltimore; Former Deputy Chief, Asset Forfeiture and Money Laundering, U.S. Department of Justice	Transcript Webcast
Jonathan Caulkins	Professor of Operations Research and Public Policy, Carnegie Mellon University's Heinz College	Transcript Webcast
Chris Chandler	CEO, Access Cash; President and CEO, Perativ; Past President, ATM Industry Association	Transcript Webcast
Jay Chaudhary	Former Mortgage Broker	Transcript Webcast
Ezekiel Chhoa	Vice-President, Risk and Compliance, BlueShore Financial	Transcript Webcast
Maggie Chiu	Manager, VIP Development, Gateway Casinos & Entertainment Ltd.	Transcript Webcast
Cpl. Melvin Chizawsky	RCMP	Affidavit Ex. 663 Transcript Webcast

Witness	Brief Biography	Evidence
Calvin Chrustie	Former RCMP	Transcript
		Webcast
		Affidavit: Ex. 999
Charlene Cieslik	Chief Compliance Officer, Localcoin; Principal, Complifact AML Inc.; Former Chief Compliance Officer, Chief Anti-Money Laundering Officer, and Privacy Officer, Coinsquare Ltd and subsidiaries	Transcript
		Webcast
Ward Clapham	Former Officer-in-Charge, Richmond RCMP Detachment	Transcript
		Webcast
		Transcript Webcast
Christy Clark	Former Premier	Transcript
		Webcast
Garry Clement	Consultant; Former National Director, Proceeds of Crime, RCMP	Transcript
		Webcast
Prof. Arthur Cockfield	Faculty of Law, Queen’s University	Transcript
		Webcast
Supt. Stephen Cocks	Superintendent in Charge of “E” Division RCMP, Special Investigative and Operational Techniques	Transcript
		Webcast
James Cohen	Executive Director, Transparency International Canada	Transcript
		Webcast
Rich Coleman	Former Minister of Public Safety and Solicitor General; Former Minister of Housing and Social Development; Former Minister of Energy and Mines and Minister Responsible for Housing	Transcript
		Webcast
		Transcript
		Webcast
Michael Cox	Chief Compliance Officer & Finance Director, Vancouver Bullion & Currency Exchange	Transcript
		Webcast

Witness	Brief Biography	Evidence
Deputy Chief Brett Crosby-Jones	Abbotsford Police Department	Transcript Webcast
Caterina Cuglietta	AML Business Intelligence Analyst, BCLC	Affidavit No. 1: Ex. 482 Transcript Webcast
		Affidavit No. 2: Ex. 784
		Affidavit No. 3: Ex. 1045
Sarah D'Ambrogio	Policy Analyst for Canada Border Services Agency	Affidavit: Ex. 1000 (see also exhibits 1001–1005)
Reuben Danakody	Director, Land Owner Transparency Registry	Transcript Webcast
Stuart Davis	EVP, Global Head of Financial Crimes Risk Management and Group Chief AML Officer, Scotiabank	In Camera Hearing
Christina Dawkins	Executive Lead, Finance Real Estate Data Analytics (FREDA), BC Ministry of Finance	Transcript Webcast
		Transcript Webcast
		Transcript Webcast
		Transcript Webcast
Kevin deBruyckere	Director, AML & Investigations, Legal Compliance, Security Division, BCLC	Affidavit No. 2: Ex 484 Affidavit No. 3: Ex 485 Transcript Webcast
Michael de Jong	Opposition Attorney General Critic; Former Minister of Finance	Transcript Webcast
Peter Dent	Managing Partner, Financial Advisory, BC Region, Deloitte LLP	Transcript Webcast
		Transcript Webcast

Witness	Brief Biography	Evidence
Jean-Philippe Deschamps-Laporte	Chief, Statistics Canada	Transcript Webcast
Brad Desmarais	Chief Operating Officer, Vice-President of Casino and Community Gaming, Interim Vice-President of Legal, Compliance and Security, BCLC	Transcript
		Webcast
		Transcript
		Webcast
	Affidavit No. 1: Ex. 522	
	Affidavit No. 2: Ex. 995	
Beth Dewitt	National Leader, Data Protection and Privacy, Deloitte LLP	Transcript Webcast
Derek Dickson	Director, Casino Investigations, Gaming Policy and Enforcement Branch	Transcript Webcast
Giles Dixon	Senior Manager, Grant Thornton, Toronto	Transcript Webcast
Terrance Doyle	President, Strategic Growth and Chief Compliance Officer, Great Canadian Gaming Corporation	Affidavit: Ex. 560
		Transcript
		Webcast
		Transcript
	Webcast	
Rick Duff	Former Employee of Great Canadian Gaming Corporation and Paragon	Transcript Webcast
David Eby	Attorney General; Former Opposition Spokesperson for Gaming	Transcript Webcast
Chris Elgar	Vice-President and Deputy Superintendent of Financial Institutions, Prudential Supervision, BC Financial Services Authority	Transcript Webcast
Stephen Ellis	Real Estate Brokers Association of BC	Transcript Webcast

Witness	Brief Biography	Evidence
Lisa Eng-Liu	Vice-President, Public Practice Regulation, Chartered Professional Accountants of BC	Transcript Webcast
Patrick Ennis	Former Vice-President, Corporate Security and Compliance, Great Canadian Gaming Corporation	Affidavit No. 1: Ex. 530 Transcript Webcast
		Transcript Webcast
		Affidavit No. 2: Ex. 998
Insp. Tony Farahbackchian	Federal Serious and Organized Crime, Financial Integrity Unit, Money Laundering Team, RCMP “E” Division	Transcript Webcast
Craig Ferris, QC	President, Law Society of British Columbia	Transcript Webcast
		Transcript Webcast
Anna Fitzgerald	Executive Director, Compliance Division, Gaming Policy and Enforcement Branch	Affidavit: Ex. 781
Sherri-Lynn Foran	Director of the Appeals & Enforcement Litigation Division of the Recourse Directorate, in the Finance and Corporate Management Branch of Canada Border Services Agency	Affidavit: Ex. 1006
Gordon Friesen	Former Manager of Investigations, BCLC; Former RCMP Officer	Transcript Webcast
		Transcript Webcast
Richard Fyfe	Deputy Attorney General	Transcript Webcast

Witness	Brief Biography	Evidence
Anna Gabriele	Anti-Money Laundering Manager, Financial Intelligence Unit – High Risk Customer Group, Global Anti-Money Laundering, Toronto Dominion Bank	Transcript Webcast
Samantha Gale	CEO, Canadian Mortgage Brokers Association – British Columbia	Transcript Webcast
C/M Bryanna Gateley	Intelligence Analyst, Federal Serious and Organized Crime Unit, RCMP	Transcript Webcast
		Transcript Webcast
Dr. Peter German	Consultant; Former Deputy Commissioner, RCMP	Transcript Webcast
		Transcript Webcast
Joel Gibbons	Senior Program Advisor, Intelligence and Targeting Directorate, Canada Border Services Agency	Transcript Webcast
		Transcript Webcast
Robert Gilchrist	RCMP Chief Superintendent, Director General of the Criminal Intelligence Service Canada	Transcript Webcast
		Transcript Webcast
Cpl. Aaron Gilkes	Digital Forensic Supervisor, RCMP “E” Division, British Columbia	Transcript Webcast
William Gilmore	Emeritus Professor of International Criminal Law, School of Law, University of Edinburgh, Scotland	Transcript Webcast
		Transcript Webcast
Marko Goluz	Director, Professional Conduct, Insurance Council of British Columbia	Affidavit: Ex. 777

Witness	Brief Biography	Evidence
Prof. Joshua Gordon	Simon Fraser University	Transcript Webcast
Michael Graydon	Former Chief Executive Officer, BCLC	Affidavit: Ex. 576 Transcript Webcast
Craig Hamilton	Detective Inspector; Acting Director, Financial Crime Group, New Zealand Police	Transcript Webcast
Megan Harris	Executive Director and Anti-Money Laundering Secretariat Lead, BC Ministry of Attorney General	Transcript Webcast
		Transcript Webcast
Insp. Mike Heard	Vancouver Police Department	Transcript Webcast
Kash Heed	Former Minister of Public Safety and Solicitor General; Former Chief Constable, West Vancouver Police Department	Transcript Webcast
Dr. José Hernandez	Ph.D., CEO, Ortus Strategies	Transcript Webcast
Lindzee Herring	Director, Corporate Security, First West Credit Union	Transcript Webcast
Mike Hiller	Former BCLC Investigator; Former RCMP Officer	Affidavit: Ex. 166 Transcript Webcast
Wayne Holland	Former RCMP Officer and Officer-in-Charge, Integrated Illegal Gaming Enforcement Team; Former Chief Constable, Nelson Police Department	Transcript Webcast
Gary Hughes	Barrister, Akarana Chambers, New Zealand	Transcript Webcast

Witness	Brief Biography	Evidence
Raheel Humayun	Managing Director, Investigations, Office of the Superintendent of Real Estate	Transcript Webcast
S/Sgt Joel Hussey	Combined Forces Special Enforcement Unit – BC, Joint Illegal Gaming Investigation Team	Transcript Webcast
Darlene Hyde	Chief Executive Officer, British Columbia Real Estate Association	Transcript Webcast
Joseph Iuso	Executive Director, Canadian Money Services Business Association	Transcript Webcast
Mora Johnson	Lawyer, Ottawa	Transcript Webcast
Robin Jomha	Director, Corporate Registration Unit, Licensing, Registration and Certification Division, Gaming Policy and Enforcement Branch	Affidavit: Ex. 782
John Karlovcec	Former Director, Anti-Money Laundering & Investigations, BCLC; Former RCMP Officer	Transcript Webcast
		Transcript Webcast
Dr. Colin King	Reader in Law and Director of Postgraduate Research Studies, Institute of Advanced Legal Studies, University of London	Transcript Webcast
Sgt. Warren Krahenbil	RCMP Federal Cybercrime Operations Group Team Leader	Transcript Webcast
Robert Kroeker	Former Officer, RCMP; Former Director of Civil Forfeiture and Former Vice-President, Compliance and Legal, Great Canadian Gaming Corporation; Former Vice-President, Legal, Compliance and Security / Chief Compliance Officer, BCLC	Affidavit No. 1: Ex. 490
		Transcript Webcast
		Transcript Webcast
		Affidavit No. 2: Ex. 783

Witness	Brief Biography	Evidence
Muriel Labine	Former Great Canadian Gaming Corporation Dealer Supervisor	Affidavit: Ex. 147 Transcript Webcast
Bill Lang	Executive Director, VIP, Gateway Casinos & Entertainment Ltd.	Affidavit No. 1: Ex. 480 Affidavit No. 2: Ex. 1040
Tim Law	UK Consultant, Co-Author of <i>Towards a Global Norm of Beneficial Ownership Transparency</i>	Transcript Webcast
Michelle Lee	Executive Director, Consumer Taxation Programs Branch, Revenue Division, Ministry of Finance of BC	Affidavit: Ex. 779
Stone Lee	BCLC Investigator; Former Great Canadian Gaming Corporation Surveillance Manager	Affidavit: Ex. 87 Transcript Webcast
Doug LePard	Consultant; Former Vancouver Police Department	Transcript Webcast
Dr. Christian Leuprecht	Professor, Queen's University and Royal Military College of Canada	Transcript Webcast
Michael Levi	Professor, Cardiff University	Transcript Webcast Transcript Webcast Transcript Webcast
Prof. David Ley	University of British Columbia	Transcript Webcast
Qi Li	Former Edgewater Casino Employee	Transcript Webcast
Jian Wei Liang	Businessman	Affidavit: Ex. 766

Witness	Brief Biography	Evidence
Jim Lightbody	Chief Executive Officer and President, BCLC	Affidavit: Ex. 505
		Transcript Webcast
Simon Lord	Senior officer and money laundering expert, National Crime Agency (UK).	Transcript
		Webcast Transcript Webcast
Tobias Louie	Executive Director of the BC Ferry Authority; former Executive Director of the Corporate Policy and Planning Office in the Ministry of Public Safety and Solicitor General	Affidavit: Ex. 994
Carlos MacDonald	Director of Land Titles, Land Title and Survey Authority of British Columbia	Transcript Webcast
Barry MacKillop	Deputy Director, Intelligence Sector, FINTRAC	Transcript
		Webcast Transcript Webcast
Sam MacLeod	Assistant Deputy Minister and General Manager, Gaming Policy and Enforcement Branch	Transcript Webcast
Nicholas Maxwell	Head of the Future of Financial Intelligence Sharing (FFIS) Programme, RUSI Centre for Financial Crime and Securities Studies	Transcript Webcast
John Mayr	Executive Director, Society of Notaries Public of British Columbia	Transcript Webcast

Witness	Brief Biography	Evidence
John Mazure	Former Assistant Deputy Minister and General Manager, Gaming Policy and Enforcement Branch	Affidavit No. 1: Ex. 541
		Transcript
		Webcast
Haig McCarrell	Director of Investment, Science and Technology, Statistics Canada	Transcript
		Webcast
		Affidavit No. 2: Ex. 997
William McCrea	Former Executive Director, Gaming Policy and Enforcement Branch	Affidavit: Ex. 1042
Matthew McGuire	Co-Founder, The AML Shop	Transcript Webcast
Barbara McIsaac	Lawyer, Author of <i>The Law of Privacy in Canada</i>	Transcript Webcast
Kevin McMeel	Bureau Legal Officer, Criminal Assets Bureau (Ireland)	Transcript Webcast
Jeanette McPhee	CFO and Director of Trust Regulation, Law Society of British Columbia	Transcript
		Webcast
		Transcript Webcast
Michael McTavish	Director, Business Solutions, BC Financial Services Authority	Transcript Webcast

Witness	Brief Biography	Evidence
Len Meilleur	Former Executive Director of Compliance, Gaming Policy and Enforcement Branch	Affidavit No. 1: Ex. 587 Transcript Webcast Transcript Webcast Affidavit No. 2: Ex. 1057 Affidavit No. 3:* Ex. 1058 (*By order of the Commissioner, the exhibits to this affidavit are not to be published.) Affidavit No. 4: Ex. 1059
Dr. M-J Milloy	Ph.D., Research Scientist, British Columbia Centre on Substance Use	Transcript Webcast
Anton Moiseienko	Research Fellow, Centre for Financial Crime and Security Studies, Royal United Services Institute	Transcript Webcast
Marny Morin	Secretary, Society of Notaries Public of BC	Transcript Webcast
Kirkland Morris	Vice-President, Enterprise Initiatives & External Affairs, Interac Corp.	Transcript Webcast
Blair Morrison	Chief Executive Officer, BC Financial Services Authority	Transcript Webcast Affidavit: Ex. 1051
Ryan Mueller	Chief Compliance Officer, Netcoins	Transcript Webcast
Insp. Chris Mullin	New Westminster Police Department	Transcript Webcast

Witness	Brief Biography	Evidence
Melinda Murray	Executive Director, Criminal Property Forfeiture, Community Safety Division, Manitoba Justice; Former Crown Counsel, Province of Manitoba	Transcript Webcast
Megan Nettleton	Supervisor, RCMP National Headquarters, Financial Crime Analysis Unit	Transcript Webcast
Gabriel Ngo	Senior Advisor, Financial Crimes Policy, Department of Finance – Canada	Transcript Webcast
Micheal Noseworthy	Superintendent of Real Estate	Transcript Webcast
Brendon Ogmundson	Chief Economist, BC Real Estate Association	Transcript Webcast
Melanie Paddon	Investigator, Joint Illegal Gaming Investigation Team, Combined Forces Special Enforcement Unit – BC	Transcript Webcast
		Transcript Webcast
Supt. Peter Payne	Director of Financial Crime, RCMP National Headquarters	Transcript Webcast
Clayton Pecknold	Police Complaint Commissioner; Former Assistant Deputy Minister and Director of Police Services, Policing and Security Branch	Transcript Webcast
Bert Pereboom	Senior Manager, Housing Market Policy, Canada Mortgage and Housing Corporation	Transcript Webcast
Fred Pinnock	Former RCMP Officer and Officer-in-Charge, Integrated Illegal Gaming Enforcement Team	Transcript Webcast
		Transcript Webcast
		Transcript Webcast

Witness	Brief Biography	Evidence
Ian Place	Director Solutions Architecture, Chainalysis	Transcript Webcast
Carol Prest	Executive Director and Registrar, BC Registries and Online Services	Transcript Webcast
Joseph Primeau	A/ED, Financial and Corporate Sector Policy Branch, BC Ministry of Finance	Transcript Webcast
		Transcript Webcast
Joel Rank	Manager in the Project Management Office of the Canada Border Services Agency Assessment and Revenue Manager (CARM) Project	Affidavit: Ex. 993
Deputy Chief Laurence Rankin	Vancouver Police Department	Transcript Webcast
Francien Rense	Partner, NautaDutilh	Transcript Webcast
Peter Reuter	Professor, University of Maryland School of Public Policy and Department of Criminology	Transcript Webcast
		Transcript Webcast
		Transcript Webcast
Wayne Rideout	Assistant Deputy Minister and Director of Police Services, Policing and Security Branch	Transcript Webcast
Tom Robertson	Former RCMP Officer and Officer- in-Charge, Integrated Illegal Gaming Enforcement Team; Former Investigator, Gaming Policy and Enforcement Branch	Transcript Webcast
Sgt. Ben Robinson	Combined Forces Special Enforcement Unit – BC	Transcript Webcast

Witness	Brief Biography	Evidence
Adam Ross	Consultant, White Label Insights	Affidavit No. 1: Ex. 729
		Affidavit No. 3: Ex. 1041
Brad Rudnicki	Anti-Money Laundering Intelligence Specialist, BCLC	Transcript
		Webcast
		Affidavit No. 1: Ex. 1007 (see also exhibits 1009–1012)
		Affidavit No. 2: Ex. 1008 (see also Exhibit 1013)
		Affidavit No. 3: Ex. 1062
Affidavit No. 4: Ex. 1063		
Annette Ryan	Deputy Director and Chief Financial Officer, Enterprise Policy, Research and Programs Sector, FINTRAC	Transcript
		Webcast
		Transcript
		Webcast
		Affidavit No. 1: Ex. 990 (see also Exhibit 991)
Webcast		
Joe Schalk	Former Senior Director, Casino Investigations, Gaming Policy and Enforcement Branch	Transcript
		Webcast
		Affidavit: Ex. 1043
Stephen Schneider	Professor, St. Mary's University, Halifax	Transcript
		Webcast
		Transcript
		Webcast
		Transcript
Webcast		
Doug Scott	Former Assistant Deputy Minister and General Manager, Gaming Policy and Enforcement Branch	Affidavit No. 1: Ex. 557
		Transcript
		Webcast
		Affidavit No. 2: Ex. 1056

Witness	Brief Biography	Evidence
Michael Scott	Director, Compliance and Investigations, Real Estate Council of BC	Transcript
		Webcast
		Affidavit: Ex. 1050
Erin Seeley	Chief Executive Officer, Real Estate Council of BC	Transcript
		Webcast
		Transcript
		Webcast
Sgt. Sushile Sharma	Member, Federal Serious and Organized Crime Unit, RCMP	Transcript
		Webcast
		Transcript
		Webcast
Jason Sharman	Sir Patrick Sheehy Professor of International Relations, Politics and International Studies, University of Cambridge	Transcript Webcast
Norman Shields	Vice-President, Finance and Administration, BMW Canada	Affidavit: Ex. 778
Mark Sieben	Deputy Solicitor General, BC Ministry of Public Safety and Solicitor General	Transcript
		Webcast
		Transcript
		Webcast
Jeffrey Simser	Co-Author of <i>Civil Asset Forfeiture in Canada</i>	Transcript
		Webcast
		Transcript
		Webcast
Dr. Natalie Skead	Professor in Law and Dean and Head of School, University of Western Australia Law School	Transcript Webcast
Cary Skrine	Executive Director, Enforcement Division, Gaming Policy and Enforcement Branch	Affidavit: Ex. 504
		Transcript
		Webcast

Witness	Brief Biography	Evidence
Bud Smith	Former Board Chair, BCLC	Transcript Webcast Affidavit No. 1: Ex. 537 Affidavit No. 2: Ex. 996
Prof. Tsur Somerville	University of British Columbia	Transcript Webcast
Walter Soo	Former Employee of Great Canadian Gaming Corporation (including as Vice-President of Player and Gaming Development)	Affidavit: Ex. 559 Transcript Webcast
Lesley Soper	Director-General in the National and Cyber Security Branch of Public Safety Canada	Affidavit: Ex. 1019
Jesse Spiro	Global Head of Policy & Regulatory Affairs, Chainalysis	Transcript Webcast
Jay Stark	Senior Vice-President, Financial Crimes and Chief Anti-Money Laundering Officer, Royal Bank of Canada	In Camera Hearing
Georgia Stavridis	Executive Vice-President and Chief Compliance Officer, HSBC	In Camera Hearing
Tom Steenvoorden	Executive Director, Office of the Police Complaint Commissioner; Former Acting Executive Director, Public Safety & Policing Operations Support, Policing and Security Branch	Transcript Webcast
Leslie Stevens	Inspector, Criminal Intelligence Service British Columbia / Yukon Territory Bureau	Transcript Webcast Transcript Webcast
Gregory Steves	Vice-President, Policy and Legal Services, Land Title and Survey Authority of British Columbia	Transcript Webcast

Witness	Brief Biography	Evidence
David Stewart	Partner, Financial Crime Analytics, Deloitte LLP	Transcript Webcast
Derek Sturko	Former Assistant Deputy Minister and General Manager, Gaming Policy and Enforcement Branch	Affidavit: Ex. 507 Transcript Webcast
Beatrice Sturtevant	Managing Director, Canadian Jewellers Association	Affidavit: Ex. 776
Kevin Sweeney	Director of Security, Privacy and Compliance, Legal, Compliance, Security Division, BCLC	Affidavit: Ex. 520 Transcript Webcast
Chris Taggart	Co-founder and CEO, OpenCorporates	Transcript Webcast
Edward Tanaka	Vice-President, Professional Conduct, Chartered Professional Accountants of BC	Transcript Webcast
Philip Tawtel	Executive Director, British Columbia Civil Forfeiture Office	Affidavit: Ex. 389 Transcript Webcast
Supt. Brent Taylor	Federal Serious and Organized Crime, Officer-in-Charge, Operations and Financial Integrity, RCMP “E” Division	Transcript Webcast
Erin Tolfo	Vice-President, Compliance and Financial Crime Risk Management and Chief Anti-Money Laundering Officer, Coast Capital Savings Federal Credit Union	Transcript Webcast

Witness	Brief Biography	Evidence
Daryl Tottenham	Manager, Anti-Money Laundering (AML) Programs, BCLC; Former New Westminster Police Department Officer	Affidavit No. 1: Ex. 148
		Affidavit No. 2: Ex. 149
		Transcript
		Webcast
Terry Towns	Former Vice-President of Corporate Security and Compliance, BCLC	Transcript
		Webcast
		Transcript
		Webcast
Brigitte Unger	Professor of Law, Economics and Governance, Utrecht University School of Economics, and Economics of the Public Sector Chair, Utrecht University, Netherlands	Transcript
		Webcast
Terri Van Sleuwen	Former Executive Director, Gaming Policy and Enforcement Branch	Affidavit: Ex. 1044
Rolf van Wegberg	Assistant Professor, Faculty of Technology, Policy and Management, Organization & Governance Section, Delft University of Technology	Transcript
Larry Vander Graaf	Former Executive Director of Investigations, Gaming Policy and Enforcement Branch; Former RCMP Officer	Webcast
		Transcript
		Webcast
		Affidavit No. 2: Ex. 529

Witness	Brief Biography	Evidence
Sgt. Adrienne Vickery	RCMP National Cryptocurrency Coordinator, National Headquarters Federal Policing Criminal Operations, Financial Crime – Proceeds of Crime Money Laundering Section	Transcript Webcast
Sir Robert Wainwright	Former Executive Director of Europol and partner with Deloitte based in the Netherlands	Transcript Webcast
		Transcript Webcast
Bruce Wallace	Manager of Strategic Policy and Reviews, FINTRAC	Transcript Webcast
Lori Wanamaker	Deputy Minister to the Premier, Cabinet Secretary and Head of the British Columbia Public Service; Former Deputy Minister of Finance; Former Deputy Minister of Public Safety and Solicitor General	Transcript Webcast
Peter Warrack	Chief Compliance Officer, Bitfinex	Transcript Webcast
Ryland Wellwood	Civilian Member Analyst, RCMP	Transcript Webcast
		Transcript Webcast
Cheryl Wenezenki-Yolland	Former Associate Deputy Minister of Finance	Affidavit No. 1: Ex. 922
		Transcript Webcast
		Affidavit No. 2: Ex. 1018

Witness	Brief Biography	Evidence
Frederica Wilson	Executive Director and Deputy CEO, Federation of Law Societies of Canada	Transcript Webcast
		Transcript Webcast
Helena Wood	Associate Fellow, Royal United Services Institute	Transcript Webcast
Michele Wood-Tweel	Vice-President, Regulatory Affairs, CPA Canada	Transcript Webcast
Prof. Henry Yu	University of British Columbia	Transcript Webcast
John Zdanowicz	President of International Trade Alert, Inc. and Professor of Finance, Florida International University	Transcript Webcast

Appendix H

Exhibits

Exhibit #	Descriptions	Entered On
	OVERVIEW REPORTS (May 25, 2020)	
0001	Overview Report: Basel AML Index	May 25, 2020
0002	Overview Report: International Legal Initiatives	May 25, 2020
0003	Overview Report: Canada Reports	May 25, 2020
0004	Overview Report: FATF Records	May 25, 2020
0005	Overview Report: Hansard	May 25, 2020
	STEPHEN SCHNEIDER (May 25, 26 & 27, 2020)	
0006	Money Laundering in British Columbia: A Review of the Literature submitted by Stephen Schneider	May 25, 2020
0007	Money Laundering in Canada: An Analysis of RCMP Cases	May 26, 2020
0008	Stephen Schneider Annotated Bibliography	May 26, 2020
0009	Hunting for El Chapo	May 27, 2020
	SIMON LORD (MAY 28 & 29, 2020)	
0010	Curriculum Vitae – Simon Lord	May 28, 2020
0011	IVTS Network Map	May 28, 2020

Exhibit #	Descriptions	Entered On
0012	National Crime Agency NAC (19)122 – Ethnic Chinese Money Laundering in the UK v.1.0, June 2019	May 28, 2020
0013	National Crime Agency – Chinese Underground Banking and “Diagou” (NAC/NECC v.1.0), October 2013	May 28, 2020
	OLIVER BULLOUGH (Jun 1 & 2, 2020)	
0014	How Britain can help you get away with stealing-millions: a five-step guide	June 1, 2020
0015	The Great American tax haven: why the super-rich love South Dakota	June 1, 2020
0016	Offshore secrecy: inside the movement to crack it open	June 1, 2020
0017	How Britain let Russia hide its dirty money	June 2, 2020
	WILLIAM GILMORE (Jun 3 & 4, 2020)	
0018	Curriculum Vitae – Professor William Gilmore	June 3, 2020
0019	Professor William Gilmore – Report	June 3, 2020
0020	Summary of Canada’s Follow up Reports to FATF (2017–2019)	June 4, 2020
	MICHAEL LEVI & PETER REUTER (Jun 5 & 8, 2020)	
0021	Curriculum Vitae – Professor Michael Levi	June 5, 2020
0022	Curriculum Vitae – Professor Peter Reuter	June 5, 2020
0023	Money-Laundering Typologies: A review of their fitness for purpose	June 5, 2020
0024	Cash, Crime and Anti-Money Laundering	June 5, 2020
0025	Understanding the laundering of organized crime money	June 5, 2020
0026	Can the AML system be evaluated without better data?	June 5, 2020
0027	Italy – Financial Security Committee – National Analysis of the risks of money laundering and terrorist financing	June 5, 2020

Exhibit #	Descriptions	Entered On
0028	Japan – National Risk Assessment of Money Laundering and Terrorist Financing (December 2014)	June 5, 2020
0029	Japan – National Risk Assessment of Money Laundering and Terrorist Financing (November 2017)	June 5, 2020
0030	National Risk Assessment of Money Laundering for the Netherlands 2017	June 5, 2020
0031	Singapore National Money Laundering and Terrorist Financing Risk Assessment Report 2013	June 5, 2020
0032	Switzerland – Report on the national evaluation of risks of money laundering and terrorist financing in Switzerland 2015	June 5, 2020
0033	UK national risk assessment of money laundering and terrorist financing 2015	June 5, 2020
0034	US National Money Laundering Risk Assessment 2015	June 5, 2020
0035	US National Money Laundering Risk Assessment 2018	June 5, 2020
0036	UK national risk assessment of money laundering and terrorist financing 2017	June 8, 2020
	CRIMINAL INTELLIGENCE SERVICE CANADA PANEL: ROBERT GILCHRIST, INSP. LESLIE STEVENS & RYLAND WELLWOOD (June 9 & 10, 2020)	
0037	CISC Request from Cullen Commission Member Agencies	June 9, 2020
	PROVINCIAL PANEL: CHRISTINA DAWKINS, MARK SIEBEN & MEGAN HARRIS (June 11 & 12, 2020)	
0038	Mark Sieben – Biography	June 11, 2020
0039	Curriculum Vitae – Chris Dawkins	June 11, 2020
0040	Curriculum Vitae – Megan Harris	June 11, 2020
0041	Draft – Ministry of Attorney General – Anti-Money Laundering Deputy Ministers Terms of Reference	June 11, 2020

Exhibit #	Descriptions	Entered On
0042	Final – Government of BC – Money Laundering Deputy Ministers Terms of Reference	June 11, 2020
0043	AML Current Human Resources (Slides)	June 11, 2020
0044	The Provincial Anti–Money Laundering Strategy (Slide deck)	June 11, 2020
0045	Anti–Money Laundering Strategic Timeline: Three Year Plan	June 11, 2020
0046	Provincial Anti–Money Laundering Strategy	June 11, 2020
0047	Agendas for the Meetings of Deputy Minister’s Committee on Anti–Money Laundering	June 11, 2020
0048	Minutes of Meetings of Deputy Minister’s Committee on Anti–Money Laundering	June 11, 2020
0049	Deloitte, Government of BC Anti–Money Laundering Jurisdictional Scan	June 11, 2020
0050	Ministry of Finance Briefing Document dated February 25, 2018 – Threshold for reporting beneficial ownership through companies under the proposed Land Ownership Transparency Act	June 11, 2020
0051	Briefing Document dated February 26, 2019 – Final Structure of the Land Owner Transparency Act (LOTA)	June 11, 2020
0052	Briefing Document dated March 13, 2019 – Summary of Land Owner Transparency Act (LOTA) legislation and registry	June 11, 2020
0053	Briefing Document dated May 31, 2019 – Effective Date of Beneficial Owner Transparency Register	June 11, 2020
0054	Briefing Document dated November 27, 2018 – Proposed Changes to the Land Owner Transparency Act (LOTA)	June 11, 2020
0055	BC Consultation on a Public Beneficial Ownership Registry January 2020	June 11, 2020
0056	Briefing Document dated June 3, 2019- Federal/ Provincial Implications of Expert Panel on Money Laundering in Real Estate Recommendations	June 11, 2020
0057	Briefing Document dated September 17, 2019 – Single Regulator for Real Estate	June 11, 2020

Exhibit #	Descriptions	Entered On
0058	Briefing Document dated October 16, 2019 – Single Regulator for Real Estate – Rule-making procedures	June 11, 2020
0059	Anti–Money Laundering Designated Policing Unit Discussion (Slide Deck)	June 11, 2020
0060	Anti–Money Laundering Financial Intelligence and Investigations Unit Draft Proposal	June 11, 2020
0061	BC Compliance and Enforcement Anti–Money Laundering Fusion Centre (Slide Deck) May 2019	June 12, 2020
0062	Briefing Document dated November 22, 2019 – Unexplained Wealth Orders	June 12, 2020
	SIR ROBERT WAINWRIGHT (June 15 & 16, 2020)	
0063	Curriculum Vitae – Sir Robert Wainwright	June 15, 2020
0064	Europol – Why is Cash Still King? A Strategic Report on the Use of Cash by Criminal Groups as a Facilitator for Money Laundering	June 15, 2020
0065	Europol – From Suspicion to Action	June 15, 2020
0066	Europol – Does Crime Still Pay	June 15, 2020
	OVERVIEW REPORTS – GAMING SECTOR (October 26, 2020)	
0067	Overview Report: Regulation of Gaming in BC	October 26, 2020
0068	Overview Report: Regulation of Land-Based Casino Gaming and Horse Racing in Ontario	October 26, 2020
0069	Overview Report: Regulation of Horse Racing in British Columbia	October 26, 2020
0070	Overview Report: Gaming Control Act Hansard	October 26, 2020
0071	Overview Report: Gaming Policy and Enforcement Branch Annual Reports	October 26, 2020
0072	Overview Report: British Columbia Lottery Corporation Annual Reports	October 26, 2020
0073	Overview Report: Past Reports and Recommendations Related to the Gaming Sector in British Columbia	October 26, 2020

Exhibit #	Descriptions	Entered On
0074	Overview Report: 2016 River Rock Casino Chip Swap	October 26, 2020
0075	Overview Report: 2016 BCLC Voluntary Self-Declaration of Non-Compliance	October 26, 2020
0076	Overview Report: BCLC Standards, Policies, Procedures and Operational Services Agreements	October 26, 2020
0077	Overview Report: Integrated Illegal Gaming Enforcement Team	October 26, 2020
	STEVE BEEKSMA (October 26, 2020)	
0078	Affidavit 1 of Steve Beeksma	October 26, 2020
0079	Affidavit 2 of Steve Beeksma	October 26, 2020
0080	Email from Patrick Ennis re DVD/Footage request: Large Cash Buy ins – Jan 28, 2015	October 26, 2020
0081	Not public by order of the Commissioner	October 26, 2020
0082	Not public by order of the Commissioner	October 26, 2020
0083	Not public by order of the Commissioner	October 26, 2020
0084	Email from Gordon Friesen to Steve Beeksma RE: Under \$50K buy ins in \$20 bills – September 23, 2011.	October 26, 2020
0085	A collection of 18 Interview forms – Interview Format for Identified HRP Patrons	October 26, 2020
0086	BCLC Anti Money Laundering (AML) Protocol for Conditions & Interviews	October 26, 2020
	STONE LEE (October 27, 2020)	
0087	Affidavit 1 of Stone Lee.	October 27, 2020
0088	Incident Report at Starlight Casino on Unusual Financial – Transaction (IN20150010775) – Feb 27, 2015	October 27, 2020
0089	Not public by order of the Commissioner	October 27, 2020
0090	Incident Report from River Rock on Unusual Financial Transaction (IN20200006443) – January 29, 2020	October 27, 2020
0091	Incident Report from River Rock on Unusual Financial Transaction (IN20200012826)	October 27, 2020

Exhibit #	Descriptions	Entered On
0092	Notes of Interview April 10, 2015 of Stone Lee and Proposed Questions	October 27, 2020
	WARD CLAPHAM (October 27 & 28, 2020)	
0093	Email from Ward Clapham – December 13, 2004	October 27, 2020
0094	RCMP Briefing Note – Supt. Ward Clapham – Richmond RCMP Annual Reference Level Update 2007/2008	October 27, 2020
0095	Call for Service – Site Specific – The Great Canadian Casino and River Rock Casino	October 27, 2020
0096	Serious & Unreported Crime at the Casinos (Adapted from a report by Cst. David Au of Richmond CIS)	October 27, 2020
0097	City of Richmond – Report to Committee – September 1, 2006	October 27, 2020
0098	City of Richmond – Additional Level Request Form for Budget Year 2007	October 27, 2020
0099	City of Richmond Regular (Closed) Council Meeting, September 25th, 2006	October 27, 2020
0100	Email from Ward Clapham to Mahon and Pinnock Re: River Rock Casino – A Policing Response	October 27, 2020
0101	RCMP Memorandum to City of Richmond – December 11, 2006	October 27, 2020
0102	City of Richmond Regular Council Meeting, February 26th, 2007	October 28, 2020
0103	City of Richmond – Law & Community Safety 2007 Achievements / 2008 Priorities	October 28, 2020
0104	2007 Annual Report, City of Richmond	October 28, 2020
	GORDON FRIESEN (October 28 & 29, 2020)	
0105	GPEB Audit Report Review of BCLC Player Gaming Fund Accounts Pilot Project 2009/2010	October 28, 2020
0106	Letter from Gordon Friesen re Review of BCLC Player Gaming Fund Accounts Pilot Project – February 17, 2010	October 28, 2020

Exhibit #	Descriptions	Entered On
0107	Email from Gordon Friesen re Under \$50K Buy Ins in \$20 Bills – September 23, 2011	October 28, 2020
0108	Letter from Derek Dickson re Loan Sharking/ Suspicious Currency & Chip Passing – April 14, 2010	October 28, 2020
0109	Letter from Gordon Friesen re Loan Sharking/ Suspicious Currency and Chip Passing – May 4, 2010	October 28, 2020
0110	Letter from Derek Dickson re Money Laundering in Casinos – November 24, 2010	October 28, 2020
0111	Letter from John Karlovcec re: Money Laundering in BC Casinos – December 24, 2010	October 28, 2020
0112	Letter from Joe Schalk re Money Laundering in BC Casinos – February 28, 2011	October 28, 2020
0113	Email exchange between Karlovcec, Alderson and Beeksma re \$100 Bills at RRRCR – February 3, 2012	October 29, 2020
	JOHN KARLOVCEC (October 29 & 30, 2020)	
0114	Email from John Karlovcec re Derek Dickson – Jan 27, 2011	October 29, 2020
0115	Email from Rob Kroeker re Vancouver Sun – AML story today – Nov 28, 2017	October 29, 2020
0116	Email from Daryl Tottenham to: AML, RE: CFSEU/ High Risk list review – for discussion – June 4, 2014	October 30, 2020
0117	Email from John Karlovcec to Daryl Tottenham – June 6, 2014 Subject: RE: CFSEU/High Risk list review – for discussion	October 30, 2020
0118	Email from Desmarais re Info For Presentation, Prohibited BCLC Patrons Numbers – November 23, 2017	October 30, 2020
0119	Email from John Karlovcec to Brad Desmarais, Subject: FW: CFSEU list – outline of procedures – June 10, 2014	October 30, 2020
0120	Email from Kurt Bulow to John Karlovcec, Subject: CFSEU Uniform Team BCLC – June 17, 2014	October 30, 2020

Exhibit #	Descriptions	Entered On
0121	Email from John Karlovcec to Robert Grace, re CFSEU River Rock Casino Orientation – Jun 20, 2014	October 30, 2020
0122	Email from John Karlovcec to Trevor Emmerson, re Casino Cash Facilitators	October 30, 2020
0123	A collection of 10 target sheets	October 30, 2020
0124	Email from Brad Desmarais re Heads up on another large cash Buy-in River Rock 2014-52289 – November 23, 2017	October 30, 2020
0125	Email from John Karlovcec to Patrick Ennis, re River Rock Surveillance Reports – “ALERT ISSUE again...” – October 16, 2014	October 30, 2020
0126	Email from John Karlovcec to Patrick Ennis, re Meeting to Discuss Protocol for Approaching VIP Players – October 17, 2014	October 30, 2020
0127	Email from John Karlovcec to Brad Desmarais, Re: FW: Unusual Financial Transaction – October 18, 2014	October 30, 2020
0128	Email from John Karlovcec to Brad Desmarais – January 2, 2015	October 30, 2020
0129	Email from John Karlovcec to Robert Kroeker, Re: Large Cash Buy-Ins – January 8, 2015	October 30, 2020
0130	Email from Ross Alderson re VVIP Players and Sanctions – May 14, 2015	October 30, 2020
0131	Letter from Robby Judge to Brad Desmarais, re Compliance Examination Findings – January 23, 2015	October 30, 2020
0132	FINTRAC Examination November 2014 Findings Explanatory Document – March 4, 2015	October 30, 2020
0133	Email from Tottenham to John Karlovcec, re Lisa Gao Summary – December 5, 2017	October 30, 2020
0134	Letter from Bob Stewart to John Karlovcec, re Ms. Gao 200k Buy In – December 8, 2017	October 30, 2020
0135	Email from Ben Robinson to John Karlovcec re CFSEU-BC File 2016-54 – Request for Information	October 30, 2020
0136	Combined Forces Special Enforcement Unit British Columbia letter to John Karlovcec re Request for Information – February 7, 2018	October 30, 2020

Exhibit #	Descriptions	Entered On
0137	BCLC memo from Bal Bamra to John Karlovcec and Rob Kroeker, subject: MSB Due Diligence – January 11, 2018	October 30, 2020
0138	Letter from John Karlovcec to Cary Skrine re Questions with Feedback – October 19, 2018	October 30, 2020
0139	Meeting Notes – Fintrac Audit Jan 1–Jun 30, 2012 for SFT’s Exit Meeting – Meeting date: December 14, 2012	October 30, 2020
0140	AML Compliance & Analytics Enhancement Project Business Case Fiscal 2014/15	October 30, 2020
0141	Summary Review Anti–Money Laundering Measures at BC Gaming Facilities, February 2011	October 30, 2020
0142	Email from John Karlovcec to Daryl Tottenham, Subject: FW: Post Media Inquiry – December 14, 2017	October 30, 2020
	ADDITIONAL DOCUMENT (November 2, 2020)	
0143	Affidavit 1 of Bal Bamra	November 2, 2020
	KEN ACKLES (November 2, 2020)	
0144	Affidavit 3 of Ken Ackles	November 2, 2020
	ROB BARBER (November 3, 2020)	
0145	Affidavit 1 of Robert Barber	November 3, 2020
0146	Email Robert Stewart, subject: Fw: CIR_17-003_ AML Month of December.docx – February 23, 2017	November 3, 2020
	MURIEL LABINE (November 3, 2020)	
0147	Affidavit 1 of Muriel Labine	November 3, 2020
	DARYL TOTTENHAM (November 4, 2020)	
0148	Affidavit 1 of Daryl Tottenham	November 4, 2020
0149	Affidavit 2 of Daryl Tottenham	November 4, 2020

Exhibit #	Descriptions	Entered On
	FRED PINNOCK (November 5 & 6, 2020)	
0150	Memo from S/Sgt T Robertson Re Introduction and Mandate of the RCMP's Integrated Illegal Gaming Enforcement Team – 10-Nov-2004	November 5, 2020
0151	Integrated Illegal Gaming Enforcement Team – Implementation Plan of Operations – 24-June-2004	November 5, 2020
0152	RCMP – Five Year Strategic Projection: Provincial Policing – 2004-2009	November 5, 2020
0153	S/Sgt F Pinnock – IIGET Consultative Board Meeting minutes – 26-Nov-2007	November 5, 2020
0154	Integrated Illegal Gaming Enforcement Team RCMP and GPEB Consultative Board Meeting – 29-Nov-2004	November 5, 2020
0155	RCMP Backgrounder (2003–05)	November 5, 2020
0156	Memo from NCO IIGET “E” Division Re Status Report – Integrated Illegal Gaming Enforcement Team– 14-March-2007	November 5, 2020
0157	S/Sgt F Pinnock – Integrated Illegal Gaming Enforcement Team Performance Report for IIGET Consultative Board – 23-July-2007	November 5, 2020
0158	Undated memo detailing IIGET and BCLC working group to target loan sharks and other organized criminal activity	November 5, 2020
0159	Integrated Illegal Gaming Enforcement Team (IIGET) – A Provincial Casino Enforcement – Intelligence Unit, June 27, 2007	November 5, 2020
0160	Email from Fred Pinnock Re IIGET Business Cases – DD 07JUN27 – 19-June-2007	November 5, 2020
0161	S/Sgt F Pinnock – Business Case for the Expansion of Integrated Illegal Gaming Enforcement Team (IIGET) – 20-July-2007	November 5, 2020
0162	Overview of the Report on the Integrated Illegal Gaming Enforcement Team (IIGET) Effectiveness Review by Catherine Tait – March 31, 2009	November 5, 2020
0163	Transcript of a phone call between Heed and Pinnock on July 10, 2018	November 6, 2020
0164	Transcript of a lunch meeting between Heed and Pinnock on September 7, 2018	November 6, 2020

Exhibit #	Descriptions	Entered On
	TOM ROBERTSON (November 6, 2020)	
0165	Email from Donald Smith, Re: IIGET File 05-661 Loansharking Investigation – February 25, 2005	November 6, 2020
	MIKE HILLER (November 9, 2020)	
0166	Affidavit 1 of Michael Hiller	November 9, 2020
0167	Mike Hiller notebook #2 – June 1, 2009 to June 16, 2010	November 9, 2020
0168	Email exchange between Mike Hiller and Jim Wall, Subject: [Patron name] Buy-ins with No Play – August 18, 2014	November 9, 2020
	DARYL TOTTENHAM (November 10, 2020)	
0169	Email from Heather Samson to Laurin Stenerson, Re: Subject Detailed Report – October 2, 2017	November 10, 2020
0170	Email from Ross Alderson, subject: List for VP – September 9, 2015	November 10, 2020
0171	Email from Daryl Tottenham to Rob Kroeker, Re: Exhibit listing – October 10, 2017	November 10, 2020
0172	Email from Daryl Tottenham to Patrick Ennis, re: [Patron name] cash buy-in – August 3, 2016	November 10, 2020
0173	Email from Patrick Ennis to Daryl Tottenham, Re: \$200K Cash from [Patron name] – August 17, 2016	November 10, 2020
0174	Email exchange between Daryl Tottenham and David Zhou, re: [Patron name] – June 5, 2017	November 10, 2020
0175	A chain of email re: German Recommendation #1 – Source of Funds Declaration – December 28, 2017	November 10, 2020
0176	Email from Ross Alderson to Daryl Tottenham, Re: COMM-8669 Final Report – Provincially Banned Cash Facilitators – May 6, 2017	November 10, 2020
0177	Email from Ross Alderson, Re: Jia Gao – April 27, 2015	November 10, 2020
0178	Email from Daryl Tottenham, Re: Jia Gao – October 5, 2015	November 10, 2020

Exhibit #	Descriptions	Entered On
0179	Email from Ross Alderson, Re: AML – January 24, 2017	November 10, 2020
0180	Email from Ross Alderson, Subject: Resignation – December 21, 2017	November 10, 2020
	LARRY VANDER GRAAF (November 12 & 13, 2020)	
0181	Affidavit 1 of Larry Vander Graaf	November 12, 2020
0182	Curriculum Vitae – Larry Peter Vander Graaf	November 12, 2020
0183	Letter from Derek Sturko To Vic Poleschuk – March 28, 2003	November 12, 2020
0184	Email from Larry Vander Graaf, Re: Patron Gaming Fund Account Discussion – September 14, 2009	November 12, 2020
0185	Gaming Policy and Enforcement Branch, Investigations and Regional Operations Division – Compliance Note to the Minister – February 19, 2014	November 12, 2020
0186	Las Vegas Review Journal – Casinos shudder over possible federal requirement to divulge source of rollers’ gambling funds – April 8, 2014	November 13, 2020
0187	Email from John Mazure to Larry Vander Graaf, Re: Comments to GPEB Investigations Report on Money Laundering in BC Casinos – December 2, 2013	November 13, 2020
0188	Email from Larry Vander Graaf to Bill McCrea, Re: Strategic Priority Measurements – July 23, 2013	November 13, 2020
0189	GPEB/BCLC Joint Executive Meeting – November 5, 2012	November 13, 2020
0190	Gaming Policy and Enforcement Branch, Investigations and Regional Operations Division – Report of Findings	November 13, 2020
	OVERVIEW REPORTS: PROFESSIONALS SECTOR (November 16, 2020)	
0191	Overview Report: Anti–Money Laundering Initiatives of the LSBC and FLSC	November 16, 2020

Exhibit #	Descriptions	Entered On
0192	Overview Report: Regulation of Legal Professionals in BC	November 16, 2020
0193	Overview Report: Legal Professionals and Accountants Publications	November 16, 2020
	PANEL: GABRIEL NGO & BRUCE WALLACE (November 16, 2020)	
0194	FINTRAC Research Report – Review of Money Laundering Court Cases in Canada – November 2015	November 16, 2020
0195	Terms of Reference – Federation of Law Society of Canada and the Government of Canada Working Group on Money Laundering and Terrorist Financing (Draft for policy discussion)	November 16, 2020
0196	Recent Amendments to Canada’s AML/ATF Regulations – June 25, 2020	November 16, 2020
0197	Audit Program Presentation	November 16, 2020
0198	Overview of the Federation of Law Societies of Canada and the Govt. of Canada Working Group on Money Laundering and Terrorist Financing presented by Department of Finance Canada, presentation to Cullen Commission – October 2020	November 16, 2020
0199	Presentation to the Federation of Law Societies of Canada and the Government of Canada Working Group on Money Laundering and Terrorist Financing – June 26, 2019	November 16, 2020
0200	Sanitized Case Executive Summary	November 16, 2020
	FREDERICA WILSON (November 16 & 17, 2020)	
0201	Federation of Law Societies of Canada – Executive memo to Council re Anti–Money Laundering and Terrorist Financing Issues – September 14, 2015	November 16, 2020
0202	Email from Deborah Armour, Re: FATF – November 09, 2015	November 16, 2020
0203	Memorandum from Federation Executive to Council of the Federation & Law Society Presidents & CEOs Re Anti–Money Laundering & Terrorist Financing Issues – December 3, 2015	November 16, 2020

Exhibit #	Descriptions	Entered On
0204	Federation of Law Societies of Canada – Memorandum from Frederica Wilson to CEO, Re: FATF Mutual Evaluation Report – September 21, 2016	November 16, 2020
0205	Societies Federation of Law of Canada – Memorandum from Richard Scott to Federation Council Law Society Presidents and CEOs, Re Anti–Money Laundering and Terrorist Financing Engagement with Department of Finance – July 30, 2018	November 16, 2020
0206	Federation of Law Societies of Canada – Amended Model Rule on Cash Transactions	November 17, 2020
0207	Federation of Law Societies of Canada – Memorandum from No Cash Model Rule Sub-group, Re: Review of No Cash Rule – April 8, 2017	November 17, 2020
0208	Federation of Law Societies of Canada – Consultation Report Anti–Money Laundering and Terrorist Financing Working Group – October 2, 2017	November 17, 2020
0209	Federation of Law Societies of Canada – Amended Model Rule on Client Identification and Verification	November 17, 2020
0210	Federation of Law Societies of Canada – Memorandum from CIV Subgroup AML Working Group to AML Working Group, Re: Report on CIV Issues Review – April 24, 2019	November 17, 2020
0211	Changes to the Model Rules on Money Laundering and Terrorist Financing, 2018, one-page summary	November 17, 2020
0212	Federation of Law Societies of Canada – Model Trust Accounting Rule	November 17, 2020
0213	Federation of Law Societies of Canada – Guidance to the Legal Profession – December 14, 2018	November 17, 2020
0214	Federation of Law Societies of Canada – Risk advisories to the legal profession – December 2019	November 17, 2020
0215	Federation of Law Societies of Canada – Risk Assessment Case Studies for the Legal Profession – February 2020	November 17, 2020

Exhibit #	Descriptions	Entered On
0216	Thematic summary of Feedback from Consultation on 2018 AMLTF Model Rules amendments	November 17, 2020
	KATIE BENSON (November 17, 2020)	
0217	Curriculum Vitae – Katie Benson	November 17, 2020
0218	The Facilitation of Money Laundering by Legal and Financial Professionals; Roles, Relationships and Response – A thesis submitted by Katie Benson, 2016	November 17, 2020
0219	Money Laundering, Anti-Money Laundering and the Legal Profession by Katie Benson, 2018	November 17, 2020
0220	The Law of Financial Crime – Lawyers and the Proceeds of Crime – The Facilitation of Money Laundering and Its Control by Katie Benson, 2020. Not public by order of the Commissioner	November 17, 2020
0221	Solicitors Disciplinary Tribunal – Case no. 11178-2013 – Hearing date: 17 December 2013	November 17, 2020
	LAW SOCIETY OF BC PANEL: CRAIG FERRIS, DON AVISON, JEANETTE MCPHEE & GURPRIT BAINS (November 18 & 19, 2020)	
0222	LSBC – Introduction to the Law Society Summary	November 18, 2020
0223	LSBC – Investigations and Discipline Programs Summary	November 18, 2020
0224	LSBC – Regulation of the Practice of Law	November 18, 2020
0225	LSBC – Trust Assurance Program Summary	November 18, 2020
0226	LSBC – Education of the Profession	November 18, 2020
0227	LSBC 2020 Fees and Budgets Report	November 18, 2020
0228	LSBC Memo to Executive Committee from Michael Lucas re Summary of Relevant Points in German Report (real estate, luxury vehicle sales & horse racing) – May 13, 2019	November 18, 2020
0229	Email from Deborah Armour to Craig Ferris re Code of Conduct Rule 3.2-7 Commentary – May 11, 2018	November 18, 2020
0230	Amendments to Rules Relating to Fiduciary Property Under Consideration – Undated	November 18, 2020

Exhibit #	Descriptions	Entered On
0231	Email from Jeanette McPhee to Michael Lucas re Model Trust Accounting Rule, comments from Eva Milz – October 11, 2018	November 18, 2020
0232	Email from Gurprit Bains re Fiduciary Property Examples – January 14, 2019	November 18, 2020
0233	LSBC Agenda for Act and Rules Committee – October 24, 2019	November 18, 2020
0234	Email from Jeanette McPhee to Michael Lucas re Model Trust Accounting Rule, Lawyers Acting in a Representative Capacity – October 11, 2018	November 18, 2020
0235	Memo to FLSC AMLTF Working Group, CIV Working Group from Jeanette McPhee re Source of Funds and Wealth – October 25, 2019	November 19, 2020
0236	Email from Jeanette McPhee re CIV Rules – March 26, 2019	November 19, 2020
0237	LSBC Briefing Note for Cullen Commission – October 7, 2020	November 19, 2020
0238	Email from Karen Mok re Law Firm Regulation AML Issues – January 29, 2019	November 19, 2020
0239	Email from Jeanette McPhee to Varro & Wilson re Further Issues for Phase 2, Update from BC – May 29, 2019	November 19, 2020
0240	LSBC Memo to Jeanette McPhee from Eva Milz re Resources – April 24, 2017	November 19, 2020
0241	Letter from Catherine George re Question to the LSBC re Information-sharing with law enforcement entities – September 24, 2020	November 19, 2020
0242	LSBC Guidelines for Disclosing Information to Law Enforcement	November 19, 2020
0243	Letter from Catherine George – October 26, 2020	November 19, 2020
	MICHAEL LEVI (November 20, 2020)	
0244	Lawyers, their AML regulation and Suspicious Transaction Reporting – Report for the Cullen Commission – 2020	November 20, 2020

Exhibit #	Descriptions	Entered On
0245	The Legal and Institutional Infrastructure of Anti-Money Laundering in the UK: A Report for the Cullen Commission	November 20, 2020
	OVERVIEW REPORTS: VIRTUAL ASSET SECTOR (November 23, 2020)	
0246	Overview Report: Quadriga CX	November 23, 2020
0247	Overview Report: Canadian Securities Administrators Publications on Virtual Assets	November 23, 2020
0248	Overview Report: FATF Publications on Virtual Assets	November 23, 2020
0249	Overview Report: Federal Regulation of Virtual Currencies	November 23, 2020
	RCMP PANEL: CPL. AARON GILKES, SGT. ADRIENNE VICKERY & SGT. WARREN KRAHENBIL (November 23, 2020)	
0250	Curriculum Vitae – Sgt. Adrienne Vickery	November 23, 2020
0251	Curriculum Vitae – Cpl. Aaron Gilkes	November 23, 2020
0252	Curriculum Vitae – Sgt. Warren Krahenbil	November 23, 2020
0253	RCMP Virtual Assets Slideshow	November 23, 2020
0254	Senate Report – Digital Currency: You Can’t Flip this Coin! – June 2015	November 23, 2020
	CHAINALYSIS PANEL: JESSE SPIRO & IAN PLACE (November 24, 2020)	
0255	Curriculum Vitae – Jesse Spiro	November 24, 2020
0256	Curriculum Vitae – Ian Place	November 24, 2020
0257	Chainalysis – The 2020 State of Crypto Crime report – January 2020	November 24, 2020
0258	Chainalysis – The 2020 Geography of Cryptocurrency Report – September 2020	November 24, 2020
0259	FATF Report – Virtual Assets Red Flag Indicators – September 2020	November 24, 2020
0260	Chainalysis Reactor webpage	November 24, 2020

Exhibit #	Descriptions	Entered On
	INDUSTRY PANEL: CHARLENE CIESLIK, GILES DIXON, RYAN MUELLER & PETER WARRACK (November 25, 2020)	
0261	Curriculum Vitae – Peter Warrack	November 25, 2020
0262	Curriculum Vitae – Charlene Cieslik	November 25, 2020
0263	Curriculum Vitae – Ryan Mueller	November 25, 2020
0264	Curriculum Vitae – Giles Dixon	November 25, 2020
0265	Ontario Securities Commission Report – April 14, 2020	November 25, 2020
0266	Fifth Report of the Monitor – June 19, 2019	November 25, 2020
0267	City of Vancouver Memo to mayor re: Bitcoin ATMS – October 30, 2020	November 25, 2020
0268	Central 1 Credit Union Anti-Money Laundering and Counter-Terrorist Financing Requirements	November 25, 2020
	FREDERICK PINNOCK (Per Ruling #18 issued on November 26, 2020)	
0269	Transcript of phone call between Heed and Pinnock on 31 December 2018	November 27, 2020
	PANEL: MICHAEL BARRON & TIMOTHY LAW (November 27, 2020)	
0270	Curriculum Vitae – Michael Barron	November 27, 2020
0271	Curriculum Vitae – Timothy Law	November 27, 2020
0272	Towards a Global Norm of Beneficial Ownership – A scoping study on a strategic approach to achieving a global norm – March 2019	November 27, 2020
0273	Canada’s 2018-2020 National Action Plan on Open Government	November 27, 2020
0274	FATF Best Practices on Beneficial Ownership for Legal Persons – October 2019	November 27, 2020
0275	Ministry of Finance Briefing Document – Company Beneficial Ownership Consultation – Summary – May 26, 2020	November 27, 2020

Exhibit #	Descriptions	Entered On
0276	Response to BC Government's Consultation on a Public Beneficial Ownership Registry – from Michael Barron – April 29, 2020	November 27, 2020
0277	Global Witness – Learning the lessons from the UK's public beneficial ownership register – October 2017.	November 27, 2020
	BENEFICIAL OWNERSHIP TRANSPARENCY PANEL: JAMES COHEN, PETER DENT, MORA JOHNSON & CHRIS TAGGART (November 30, 2020)	
0278	Resume – James Cohen	November 30, 2020
0279	Biography – Peter Dent	November 30, 2020
0280	Curriculum Vitae – Mora Johnson	November 30, 2020
0281	Curriculum Vitae – Chris Taggart	November 30, 2020
0282	Transparency International Canada, Ending Canada's Snow-Washing Problem with a Publicly Accessible Beneficial Ownership Registry – An Advocacy Handbook, April 2020	November 30, 2020
0283	Mora Johnson: Submission to the Cullen Commission – November 2020	November 30, 2020
0284	Transparency International Canada, Implementing a Publicly Accessible Pan-Canadian Registry of Beneficial Ownership – Legislative and Technical Options, 2020	November 30, 2020
0285	BC Beneficial Ownership Consultation Submission, Deloitte (Peter Dent), 2020	November 30, 2020
0286	BC Beneficial Ownership Consultation Submission, TI Coalition, 2020	November 30, 2020
0287	Opencorporates, EU Company Data: State of the Union 2020 – How Poor Access to Company Data is Undermining the EU, 2020	November 30, 2020
0288	Opencorporates, US Company Data: State of the Union 2020 – How Accessible is official company register data in the US, 2020	November 30, 2020
0289	UK Department for Business, Energy and Industry Strategy Review of the Implementation of the PSC Register, March 2019	November 30, 2020

Exhibit #	Descriptions	Entered On
0290	Mora Johnson, A Public Beneficial Ownership Registry and the Canadian Privacy Regime: A Legal Analysis, October 2019	November 30, 2020
0291	Transparency International Canada, Technical Briefing Note – Comparison of Information Fields Amongst Beneficial Registries in International Jurisdictions (2020)	November 30, 2020
0292	Transparency International Canada, Technical Briefing Note – Necessary Components and Considerations for a Publicly Accessible, Pan-Canadian Company Registry of Beneficial Owners (2020)	November 30, 2020
	CAROL PREST (December 1, 2020)	
0293	BC Registries Budget (Excel spreadsheet)	December 1, 2020
0294	Structure of BC Registries	December 1, 2020
0295	Active Entities (Excel spreadsheet)	December 1, 2020
0296	Types of Registered Entities – Questions and Answers	December 1, 2020
0297	“Nature of Business” Occurring More than 200 Times – May 25, 2020 (Excel spreadsheet)	December 1, 2020
0298	Incorporators Showing How Many Corporations (No Xpro) They Incorporated Since 2020 (Excel spreadsheet)	December 1, 2020
0299	Directors / Officers Showing How Many Corporations (Including XPro) They Were Appointed to Since 2010 (Excel spreadsheet)	December 1, 2020
0300	Directors / Officers – Questions and Answers	December 1, 2020
0301	Searches – BC Onlines and Corporate searches	December 1, 2020
0302	Enforcement – Question and Answers	December 1, 2020
	JOSEPH PRIMEAU (December 1, 2020)	
0303	BC MOF Briefing Document re Federal Proposal for Improving Beneficial Ownership Transparency in Canada – November 30, 2017	December 1, 2020
0304	DOF Canada, Agreement to Strengthen Beneficial Ownership Transparency – July 11, 2019	December 1, 2020

Exhibit #	Descriptions	Entered On
0305	BC MOF Briefing Document re Exemptions to the Corporate Transparency Register Requirement in the Business Corporations Act – November 28, 2019	December 1, 2020
0306	BC MOF Briefing Document re Effective Date of Beneficial Ownership Transparency Register – May 31, 2019	December 1, 2020
0307	BC MOF Briefing document re Consultation for a publicly accessible, government-maintained transparency registry of the significant individuals of BC private companies – September 18, 2019	December 1, 2020
0308	BC MOF Briefing Document re Company Beneficial Ownership Consultation – Summary – May 26, 2020	December 1, 2020
0309	A collection of emails – Beneficial Ownership Transparency consultation submissions	December 1, 2020
0310	BC MOF – Money Service Businesses Public Consultation Paper – March 2020	December 1, 2020
0311	BC MOF Briefing Document re Money Services Businesses Consultation – Summary – June 8, 2020	December 1, 2020
	GRAHAM BARROW (December 2, 2020)	
0312	Curriculum Vitae – Graham Barrow	December 2, 2020
0313	UK Department for Business, Energy and Industry Strategy, Corporate Transparency and Register Reform – 18 September 2020	December 2, 2020
0314	Canadian Entities Involved in Global Laundromat Style Company Formations	December 2, 2020
	WAYNE HOLLAND (December 2, 2020)	
0315	IIGET Status Report – IIGET Consultative Board Meeting – July 25, 2007	December 2, 2020
0316	IIGET Consultative Board Meeting Agenda – December 16, 2008	December 2, 2020
0317	Email from Kevin Begg, Re: Media A-TIP-IIGET – December 17, 2009	December 2, 2020

Exhibit #	Descriptions	Entered On
	BARBARA MCISAAC (December 3, 2020)	
0318	Curriculum Vitae – Barbara McIsaac, QC	December 3, 2020
0319	Report for the Cullen Commission on Privacy Laws and Information Sharing – November 17, 2020	December 3, 2020
0320	OPCC – Financial Transactions and Reports Analysis Centre of Canada Audit Report of the Privacy Commissioner of Canada (2013)	December 3, 2020
0321	OPCC – Financial Transactions and Reports Analysis Centre of Canada Audit Report of the Privacy Commissioner of Canada (2017)	December 3, 2020
	OVERVIEW REPORTS: QUANTIFICATION SECTOR (December 4, 2020)	
0322	Overview Report: Simplified Text on Quantification of Money Laundering	December 4, 2020
0323	Overview Report: Quantification of Money Laundering	December 4, 2020
	BRIGITTE UNGER (December 4, 2020)	
0324	Curriculum Vitae – Dr. Brigitte Unger	December 4, 2020
0325	Slides – Regarding controversy between criminologists and economists on measuring money laundering and on politics based on real numbers- Prof. Unger	December 4, 2020
0326	Measuring Global Money Laundering – The Walker Gravity Model (Review of Law and Economics) (Unger & Walker) (2009)	December 4, 2020
0327	How Big is Global Money Laundering (Journal of Money Laundering Control) (Walker) (1999)	December 4, 2020
0328	Estimating Money Laundering Flows with a Gravity model Based Simulation (Unger et al 2020)	December 4, 2020
0329	Slides – Scientific Reports 2020	December 4, 2020
0330	Combating Money Laundering in BC Real Estate (“The Maloney Report”)	December 4, 2020
0331	Estimating Illicit Financial Flows, UNODC (Unger and Walker) (October 2011)	December 4, 2020

Exhibit #	Descriptions	Entered On
0332	Gravity models of trade-based money laundering – Applied Economics 45 (Ferwerda & Unger) (2013)	December 4, 2020
	PANEL: MARTIN BOUCHARD & MICHAEL-JOHN MILLOY (December 7, 2020)	
0333	Curriculum Vitae – Dr. Martin Bouchard	December 7, 2020
0334	Curriculum Vitae – Dr. Michael-John Milloy	December 7, 2020
0335	Research Report Estimating the size of the fentanyl market in British Columbia, October 26, 2020	December 7, 2020
	PANEL: JONATHAN CAULKINS & PETER REUTER (December 8, 2020)	
0336	Curriculum Vitae – Jonathan Caulkins	December 8, 2020
0337	White Paper on Relating the Size of Illegal Markets to Associated Amounts of Money Laundered – November 19, 2020	December 8, 2020
	OVERVIEW REPORTS: TRADE BASED MONEY LAUNDERING SECTOR (December 9, 2020)	
0338	Overview Report: Canada’s Customs Mutual Assistance Agreements	December 9, 2020
0339	Overview Report: Trade-Based Money Laundering Publications and Records	December 9, 2020
	JOHN CASSARA (December 9, 2020)	
0340	Biography – J. Cassara	December 9, 2020
0341	Final Statement by John A. Cassara	December 9, 2020
	TRADE BASED MONEY LAUNDERING PANEL: JOEL GIBBONS, SGT. SUSHILE SHARMA & C/M BRYANNA GATELEY (December 10 & 11, 2020)	
0342	Curriculum Vitae – Joel Gibbons	December 10, 2020
0343	Curriculum Vitae – Sushile Sharma	December 10, 2020
0344	Curriculum Vitae – Bryanna Gateley	December 10, 2020

Exhibit #	Descriptions	Entered On
0345	Government of Canada, Trade-Based Money Laundering Overview, presented April 1, 2020.	December 10, 2020
0346	FINTRAC, Professional money laundering through trade and money services businesses, July 18, 2018.	December 11, 2020
0347	CBSA, Trade-Based Money Laundering 101, June 5, 2019.	December 11, 2020
0348	RCMP Trade-Based Money Laundering: A Law Enforcement Perspective	December 11, 2020
0349	CBSA, Backgrounder: Trade-Based Money Laundering in Canada, September 10, 2019	December 11, 2020
0350	CBSA, Trade Fraud & Trade-Based Money Laundering Centre of Expertise, 101 Overview, April 2020	December 11, 2020
0351	CBSA, CBSA Knowledge Pool on Trade-Based Money Laundering, undated.	December 11, 2020
0352	Criminal Intelligence Service British Columbia & Yukon Territory, CISCBC/YT 2016 Provincial Threat Assessment, Part “B”, undated.	December 11, 2020
0353	Criminal Intelligence Service British Columbia & Yukon Territory, CISCBC/YT 2017 Provincial Threat Assessment, Part “B”, undated.	December 11, 2020
0354	Criminal Intelligence Service British Columbia & Yukon Territory, CISCBC/YT 2018 Provincial Threat Assessment, Part “B”, undated.	December 11, 2020
0355	Criminal Intelligence Service British Columbia & Yukon Territory, CISBC-YT Money Laundering Collection Initiative (2018), May 3, 2018.	December 11, 2020
0356	Criminal Intelligence Service British Columbia & Yukon Territory, General Framework of how TBML fits into the ML Process, February 13, 2018.	December 11, 2020
0357	CBSA, COVID-19 Implications for Trade Fraud, April, 2020.	December 11, 2020
0358	CBSA, Trade-Based Money Laundering Overview, June 8, 2020	December 11, 2020
0359	CBSA, Electronics and Canadian Goods Returned/ The Abuse of Tariff Codes 9813 and 9814 in TBML ICAP, October 1, 2020.	December 11, 2020

Exhibit #	Descriptions	Entered On
	PROF. JOHN ZDANOWICZ (December 11, 2020)	
0360	Biography – John Zdanowicz	December 11, 2020
0361	Review of Law & Economics Article by John Zdanowicz, TBML and Terrorist Financing – 2009	December 11, 2020
0362	Canada International Trade Pricing Analysis 2015	December 11, 2020
0363	Canada International Trade Pricing Analysis 2016	December 11, 2020
0364	Canada International Trade Pricing Analysis 2017	December 11, 2020
0365	Canada International Trade Pricing Analysis 2018	December 11, 2020
0366	Canada International Trade Pricing Analysis 2019	December 11, 2020
0367	Excel Spreadsheet, BC Money In – Exports Over 2019	December 11, 2020
0368	Excel Spreadsheet, BC Money In – Imports Under 2019	December 11, 2020
0369	Excel Spreadsheet, BC Money Out – Imports Over 2019	December 11, 2020
0370	Excel Spreadsheet, BC Money Out – Exports Under 2019	December 11, 2020
0371	TBML in Canada and BC, 2015-2019 – undated	December 11, 2020
0372	Slide Presentation by John Zdanowicz, TBML – undated	December 11, 2020
	OVERVIEW REPORTS: ASSET FORFEITURE SECTOR (December 14, 2020)	
0373	Overview Report: Asset Forfeiture in British Columbia	December 14, 2020
0374	Overview Report: Reports Related to Asset Forfeiture and Unexplained Wealth Legislation in Jurisdictions outside of Canada	December 14, 2020
0375	Overview Report: Asset Forfeiture in Ireland and Selected Writings of Dr. Colin King	December 14, 2020
0376	Overview Report: Selected Writings of Dr. Natalie Skead	December 14, 2020
	JEFFREY SIMSER (December 14, 2020)	
0377	Curriculum Vitae – Jeffrey Simser	December 14, 2020

Exhibit #	Descriptions	Entered On
0378	Civil Asset Forfeiture in Canada by Jeffrey Simser	December 14, 2020
0379	Seizing Family Homes from the Innocent by Louis Rulli	December 14, 2020
	PANEL: HELENA WOOD & ANTON MOISEIENKO (December 15, 2020)	
0380	Curriculum Vitae – Helena Wood	December 15, 2020
0381	Curriculum Vitae – Anton Moiseienko	December 15, 2020
0382	Unexplained Wealth Orders: UK Experience and Lessons for BC – October 2020	December 15, 2020
	ASSET FORFEITURE PANEL: DR. COLIN KING, DET. INSP. BARRY BUTLER & KEVIN MCMEEL (December 16, 2020)	
0383	Curriculum Vitae – Colin King	December 16, 2020
0384	Barry Butler Career History Summary	December 16, 2020
0385	Kevin McMeel Career History Summary	December 16, 2020
0386	Slide deck – Criminal Assets Bureau Structure and Legislation – Kevin McMeel, December 16, 2020	December 16, 2020
0387	Civil Processes and Tainted Assets: Exploring Canadian Models of Forfeiture, Michelle Gallant – Ch 8 – 2014	December 16, 2020
	NATALIE SKEAD (December 17, 2020)	
0388	Curriculum Vitae – Dr. Natalie Skead	December 17, 2020
	PHIL TAWTEL (December 18, 2020)	
0389	Affidavit 1 of Phil Tawtel	December 18, 2020
0390	Patrick Daley, “Civil Asset Forfeiture: An Economic Analysis of Ontario and British Columbia” – 2014	December 18, 2020
	OVERVIEW REPORTS: PROFESSIONAL (ACCOUNTING) SECTOR (January 11, 2021)	
0391	Overview Report: Accounting Sector in British Columbia – Dec 17, 2020	January 11, 2021

Exhibit #	Descriptions	Entered On
	MATT MCGUIRE (January 11, 2021)	
0392	Curriculum Vitae – Matt McGuire	January 11, 2021
0393	CPA Guide to Comply with Canada’s Anti–Money Laundering (AML) Legislation prepared by MNP LLP	January 11, 2021
0394	Report on Accountants, Money Laundering, and Anti–Money Laundering prepared by the amlSHOP October 19, 2020 and updated December 31, 2020	January 11, 2021
0395	CPA Canada Meeting Minutes, March 4, 2015	January 11, 2021
0396	Department of Finance Canada, Assessment of Inherent Risks of Money Laundering and Terrorist Financing in Canada (2015)	January 11, 2021
0397	CPA Canada, Alert: Proceedings of Crime (Money Laundering) and Terrorist Financing – Know Your Obligations (July 2015).	January 11, 2021
0398	BC’s Public Registry to Combat Money Laundering: Broken on Arrival, by Kevin Comeau, C.D. Howe Institute – Commentary No. 583, Nov 2020	January 11, 2021
	CHARTERED PROFESSIONAL ACCOUNTANTS OF BC PANEL: EDWARD TANAKA & LISA ENG-LIU (January 12, 2021)	
0399	CPABC Strategy, Governance, Risk & Human Resource AudioWeb – Anti–Money Laundering: An Interactive Overview	January 12, 2021
0400	CPA Memo from Lisa Eng-Liu, Re: Possible opportunities for education, December 21, 2020	January 12, 2021
0401	Public Practice Committee Meeting Minutes – September 11, 2020	January 12, 2021
0402	Public Practice Committee Data Sheet, Pre-Reading #6 dated September 4, 2020	January 12, 2021
0403	CPABC Review of McGuire Report on Accountants – Jan 7, 2021	January 12, 2021

Exhibit #	Descriptions	Entered On
	CHARTERED PROFESSIONAL ACCOUNTANTS OF CANADA PANEL: DR. JOSE HERNANDEZ & MICHELE WOOD-TWEEL (January 13, 2021)	
0404	Curriculum Vitae – Michele Wood-Tweel	January 13, 2021
0405	Curriculum Vitae – Jose Hernandez	January 13, 2021
0406	CPAC Background Report on CPA Canada’s AML Activities	January 13, 2021
0407	Anti-Money Laundering & Anti-Terrorist Financing Committee of the Chartered Professional Accountants of Canada – Terms of Reference – February 2015	January 13, 2021
0408	FINTRAC presentation – Anti-Money Laundering and Anti-Terrorism Financing in Canada (CPA Canada) – March 4, 2015	January 13, 2021
0409	CPA Canada Alert – Proceeds of Crime (Money Laundering) and Terrorist Financing – Know your Obligations, July 2015	January 13, 2021
	NICHOLAS MAXWELL (January 14, 2021)	
0410	Curriculum Vitae – Nick Maxwell	January 14, 2021
0411	Canada in Context: FFIS Briefing Paper to the Cullen Commission – January 4, 2021	January 14, 2021
0412	FFIS, Case Studies of the Use of Privacy Preserving Analysis – June 2020 Version	January 14, 2021
0413	FFIS, Case Studies of the Use of Privacy Preserving Analysis – January 2021	January 14, 2021
0414	Government Response to the 24th report of the House of Commons Standing Committee on Finance	January 15, 2021
	CHRIS ELGAR (January 15, 2021)	
0415	BCFSA Organizational Chart November 30, 2019	January 15, 2021
0416	Office of the Superintendent of Financial Institutions Canada guideline, Deterring and Detecting Money Laundering and Terrorist Finance no. B-8 dated December 2008	January 15, 2021

Exhibit #	Descriptions	Entered On
0417	FICOM Letter from Frank Chong to All Provincially Regulated Financial Institution May 5, 2016	January 15, 2021
0418	BCFSA Risk Matrix	January 15, 2021
0419	Memorandum of Understanding January 9, 2005	January 15, 2021
0420	FICOM – Reporting Statistics Update: Fiscal Year 2017–2018	January 15, 2021
0421	FINTRAC ComPack	January 15, 2021
0422	BCSFA Advisory Number re 20-002 2020/2021 Regulatory Roadmap dated November 5, 2020	January 15, 2021
0423	BCFSA 2020/21 – 2022/23 Service Plan February 2020	January 15, 2021
0424	BCFSA Letter from Frank Chong re New Regulatory Guidance Terminology August 11, 2020	January 15, 2021
	WHITE LABEL ATM PANEL: CHRIS CHANDLER, KIRKLAND MORRIS & MELANIE PADDON (January 15, 2021)	
0425	Curriculum Vitae – Melanie D. Paddon	January 15, 2021
0426	Curriculum Vitae – Chris Chandler	January 15, 2021
0427	Biography – Kirkland Morris	January 15, 2021
0428	Interac – Number of WLATMs in BC since 2010	January 15, 2021
0429	RCMP Criminal Intelligence – Project Scot, November 10, 2008	January 15, 2021
0430	WLTM Brief – Department of Finance, March 5, 2020	January 15, 2021
0431	ATMs in Context: Debunking the myth that ATMs present a material risk for organized crime money laundering	January 15, 2021
0432	Actual versus Perceived Risks of Money Laundering at White-Label ATMs in Canada – 2017	January 15, 2021
0433	Not public by order of the Commissioner	January 15, 2021
0434	Interac – Overview WLCO Regs, 2020	January 15, 2021
0435	Not public by order of the Commissioner	January 15, 2021
0436	Confronting Money Laundering and Terrorist Financing – Standing Committee Report	January 15, 2021

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	MONEY SERVICES BUSINESSES – INDUSTRY & POLICING PANEL: MICHAEL COX, JOSEPH IUSO & MEGAN NETTLETON (January 18, 2021)	
0437	CISBC/YT – Provincial Threat Assessment 2018	January 18, 2021
0438	CISBC/YT – Report – Money Service Businesses – Nov 1, 2018	January 18, 2021
0439	Email exchange between Christian Nordin and Joseph Iuso March and April 2020	January 18, 2021
0440	Money Services Businesses Public Consultation Paper – March 2020	January 18, 2021
	MONEY SERVICES BUSINESSES – FINTRAC PANEL: DONNA ACHIMOV, BARRY MACKILLOP & ANNETTE RYAN (January 18, 2021)	
0441	Money Laundering and Terrorist Financing (ML/TF) Typologies and Trends for Canadian Money Services Businesses (MSBs) FINTRAC Typologies and Trends Reports – July 2010	January 18, 2021
0442	Professional Money Laundering in Canada – March 2019	January 18, 2021
0443	“Trends in Canadian Suspicious Transaction Reporting (STR) FINTRAC Typologies and Trends Reports – April 2011” – April 1, 2011	January 18, 2021
0444	Trends in Canadian Suspicious Transaction Reporting (STR) – Part II – Oct 1, 2011	January 18, 2021
0445	Financial Intelligence Report Criminal Informal Value Transfer Systems (IVTS) – February 2016	January 18, 2021
0446	FINTRAC Statistics Letter – January 15th, 2021	January 18, 2021
0447	FINTRAC Report to the Minister of Finance on Compliance and Related Activities – Sept 30, 2017	January 18, 2021
0448	2018 FINTRAC’s Report to the Minister of Finance on Compliance and Related Activities – September 2018	January 18, 2021
0449	List of Compliance Engagement Activities 2017–18 to 2019–20	January 18, 2021

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	CREDIT UNIONS' CHIEF ANTI-MONEY LAUNDERING OFFICERS PANEL: EZEKIEL CHHOA, LINDZEE HERRING & ERIN TOLFO (January 19, 2021)	
0450	Biography – Ezekiel Chhoa	January 19, 2021
0451	Biography – Lindzee Herring	January 19, 2021
0452	Biography – Erin Tolfo	January 19, 2021
0453	Brief of Kevin Comeau to FINA Committee respecting proposed changes to PCMLTFA, June 12, 2018	January 19, 2021
	BANKS' CHIEF ANTI-MONEY LAUNDERING OFFICERS PANEL – IN-CAMERA HEARING: STUART DAVIS, JAY STARK & GEORGIA STAVRIDIS (January 19, 2021)	
0454	Curriculum Vitae – Stuart Davis	January 19, 2021
0455	Biography – Jay Stark	January 19, 2021
0456	Biography – Georgia Stavridis	January 19, 2021
0457	Not public by order of the Commissioner	January 19, 2021
0458	Meeting minutes – Project Athena – April 24, 2019	January 19, 2021
	ANNA GABRIELE (January 20, 2021)	
0459	Email from Alezandra Andreu re Project Athena casino patrons list Oct 2018 – January 9, 2019	January 20, 2021
0460	Email from Melanie Paddon re Project Athena June 2018 – August 14, 2018	January 20, 2021
0461	Combined Forces Special Enforcement Unit British Columbia – Project Athena Stakeholders Meeting Agenda – January 23, 2019	January 20, 2021
0462	Email from Ben Robinson re Project Athena Update – January 24th, 2019	January 20, 2021
0463	Email from Melanie Paddon re Project Athena, Jan 2019 – March 21, 2019	January 20, 2021
0464	TD – Project Athena: A Public/Private Partnership presentation – Undated	January 20, 2021

Exhibit #	Descriptions	Entered On
0465	Email from Anna Gabriele re Project Athena – May 17, 2019	January 20, 2021
0466	Email from Kevin Doherty re Project Athena – June 21, 2019	January 20, 2021
0467	Email from Amy Hellen re Project Athena advisory role, – November 7, 2019	January 20, 2021
0468	Message from Anna Gabriele and Kevin Doherty re TDs involvement with Project Athena – July 11, 2019	January 20, 2021
0469	Project Athena Meeting Minutes – July 24, 2019	January 20, 2021
0470	Email from Dermot Hickey re Project Athena, customer review – November 28, 2019	January 20, 2021
0471	Email from Anna Gabriele re Project Athena meeting date with Amy H. – January 7, 2020	January 20, 2021
	MICHAEL BOWMAN (January 20, 2021)	
0472	Email from Melanie Paddon re Project Athena bank drafts for July 2018 – September 27, 2018	January 20, 2021
0473	Caitlin Riddolls Interview – October 21, 2020	January 20, 2021
0474	Letter to Michael Bowman re: Misuse of Bank Drafts, TDs Response – March 20, 2020	January 20, 2021
0475	Letter from Michael Bowman re: Misuse of Bank Drafts, TDs Response – June 15, 2020	January 20, 2021
0476	Project Athena Stakeholders Meeting minutes – October 24th, 2018	January 20, 2021
0477	Email from Kevin Doherty re Project Athena – May 13, 2019	January 20, 2021
0478	Michael Bowman Interview – October 22, 2020	January 20, 2021
	MAGGIE CHIU (January 21, 2021)	
0479	Not public by order of the Commissioner	January 21, 2021
	ADDITIONAL DOCUMENTS (January 21, 2021)	
0480	Affidavit 1 of Bill Lang	January 21, 2021
0481	Affidavit 1 of Gurmit Aujla	January 21, 2021

Exhibit #	Descriptions	Entered On
	CATERINA CUGLIETTA (January 21, 2021)	
0482	Affidavit 1 of Caterina Cuglietta	January 21, 2021
0483	A report to John Karlovcec, re: STR Trend Analysis, prepared by Cathy Cuglietta – July 18, 2018	January 21, 2021
	KEVIN DEBRUYCKERE (January 21, 2021)	
0484	Affidavit 2 of Kevin deBruyckere	January 21, 2021
0485	Affidavit 3 of Kevin deBruyckere	January 21, 2021
	DEREK DICKSON (January 22, 2021)	
0486	Email exchange between Kris Gade and Derek Dickson, re: Confirmation Requested – March 13, 2015	January 22, 2021
0487	Memo Organized Crime Groups	January 22, 2021
	JOE SCHALK (January 22, 2021)	
0488	Letter from Joe Schalk re Suspicious Currency Transactions/Money Laundering Review Report – Dec 27, 2012	January 22, 2021
0489	Email exchange between Douglas Scott and Michael Graydon, re: GPEB letter – Privileged and Confidential – Jan 18, 2013	January 22, 2021
	ROBERT KROEKER (January 25 & 26, 2021)	
0490	Affidavit 1 of Robert Kroeker	January 25, 2021
0491	Emails Re: Story showing how vigilant Great Canadian Gaming is at preventing money laundering – Aug 26, 2015	January 26, 2021
0492 (A) , (B)	1. Email from Brad Desmarais Re: RR File 2014-52094 – April 16, 2018 2. Chart of Suspicious Transactions by Patrons and BCLCs Enforcement Actions	January 26, 2021
0493	Corporate Security & Compliance AML Document – September 8, 2015	January 26, 2021

Exhibit #	Descriptions	Entered On
0494	A spreadsheet with five incident reports from different casinos, dated between Feb 14, 2015 and May 13, 2015	January 26, 2021
0495	BCLC Information note COMM-8669 Final Report – May 11, 2018	January 26, 2021
0496	Email from Rob Kroeker re MNP Audit Investigations and AML Response, Jul 19 2016	January 26, 2021
0497	GPEB Section 86 Report re Alleged Service Provider non-compliance to PCMLTFA, Jan 18 2016	January 26, 2021
0498	Consent Order of Federal Court, between BCLC and AG of Canada – July 2017	January 26, 2021
0499	Resignation letter of Ross Alderson – 3 October 2017	January 25, 2021
	OVERVIEW REPORTS: GAMING SECTOR (January 27, 2021)	
0500	Overview Report: Ministry Service Plans – Ministries Responsible for Gaming	January 27, 2021
0501	Overview Report: BCLC Shareholder’s Letters of Expectations and Mandate Letters	January 27, 2021
0502	Overview Report: British Columbia Lottery Corporation Service Plans	January 27, 2021
0503	Overview Report: 1998–2001 BCLC Security Incident Reports Related to Loan Sharking, Money Laundering and Suspicious Transactions in British Columbia Casinos	January 27, 2021
	CARY SKRINE (January 27, 2021)	
0504	Affidavit 1 of Cary Skrine	January 27, 2021
	JAMES LIGHTBODY (January 28, 2021)	
0505	Affidavit 1 of Jim Lightbody	January 28, 2021
0506	1-page undated notes of James Lightbody dealing with the conversation with Cheryl Wenezenki-Yolland.	January 28, 2021

Exhibit #	Descriptions	Entered On
	DEREK STURKO (January 28, 2021)	
0507	Affidavit 1 of Derek Sturko	January 28, 2021
0508	GPEB – Roles and Responsibilities of Participants in British Columbia’s Gaming Industry – February 22, 2010	January 28, 2021
0509	Email from Bill McCrea, re: Money Laundering Risk Management, March 30, 2009	January 28, 2021
0510	Emails re: Casino Lg Accounts, March 31, 2009	January 28, 2021
0511	1. Emails from Bill McCrea re: BCLC Money Management Material, July 8, 2009 2. Money Laundering Risk Management – Comparison of GPE proposals, FINTRAC requirements and BCLC current practice – 8 July 2009	January 28, 2021
	JAMES LIGHTBODY (January 29, 2021)	
0512	Letter from Jim Lightbody to John Mazure, re: Peter German recommendations, December 13, 2017	January 29, 2021
0513	BCLC Minutes of the Meeting of the Board of Directors, 29 October 2015	January 29, 2021
0514	BCLC Briefing – July 31, 2017	January 29, 2021
0515	Pages of notes of James Lightbody, dated 1/17/18	January 29, 2021
0516	1-page notes of James Lightbody, dated 1/17/18	January 29, 2021
	TERRY TOWNS (January 29, 2021)	
0517	Affidavit 1 of Terry Towns	January 29, 2021
0518	Email from Michael Graydon Re: Current Year Forecast Budget – December 1, 2011	January 29, 2021
0519	Email from Michael Graydon Re: Year End Forecast – December 13, 2011	January 29, 2021
	KEVIN SWEENEY (January 29, 2021)	
0520	Affidavit 1 of Kevin Sweeney	January 29, 2021

Exhibit #	Descriptions	Entered On
0521	BCLC Directive – Source of Funds Declaration – Effective date: January 10, 2018	January 29, 2021
	BRAD DESMARAIS (February 1 & 2, 2021)	
0522	Affidavit 1 of Brad Desmarais	February 1, 2021
0523	BCLC Patron Risk Decision Tree	February 2, 2021
0524 (A, B, C)	1. Email from Brad Desmarais to Jim Lightbody Re: Measurement Report to Ministry – March 14, 2013 2. Email from Jim Lightbody to Brad Desmarais re: Measurement Report to Ministry – March 15, 2013 3. Anti-Money Laundering in BC Gaming Measuring Performance Progress – draft – with comments	February 2, 2021
0525	Letter from Douglas Scott, re: BCLC Request for Policy Change Regarding Casino Cheque Issuance – Sept 22, 2013	February 2, 2021
0526	Email exchange between Brad Desmarais to Robert Scarpelli, Re: SP Job Loss in the event of reduction of High Limit Rooms and/or elimination of Cash Buy-Ins over \$10K – Oct 12, 2017	February 2, 2021
	SUE BIRGE (February 3, 2021)	
0527	Affidavit 1 of Sue Birge	February 3, 2021
0528	Email from Larry Vander Graaf to Bill McCrea and others, Re: Patron Gaming Fund Accounts Pilot – BCLC Report – Feb 25, 2011	February 3, 2021
	ADDITIONAL DOCUMENT (February 3, 2021)	
0529	Affidavit 2 of Larry Vander Graaf	February 3, 2021
	PATRICK ENNIS (February 3 & 4, 2021)	
0530	Affidavit 1 of Patrick Ennis	February 3, 2021
0531	BCLC High Limit Baccarat Evaluation – a report by Bill Zender and Associates – Feb 2017	February 3, 2021

Exhibit #	Descriptions	Entered On
0532	BCLC Incident Report 2016-0008580 at River Rock Casino Resort – 10 Feb 2016	February 3, 2021
0533	Emails re: River Rock – Four Items Noted – Topic Tracking Sheeting & LCT Issues – November 2, 2015	February 3, 2021
0534	Email from Patrick Ennis to Dave Pacey and Arlene Strongman, re: \$20 bills buy ins – Nov 8, 2010	February 3, 2021
0535	BCLC Directive – FINTRAC Amendments effective June 17, 2017, dated Jun 15, 2017	February 3, 2021
0536	BCLC forms – Reasonable Measures	February 3, 2021
	BUD SMITH (February 4, 2021)	
0537	Affidavit 1 of Stuart Douglas Boland Smith	February 4, 2021
0538	1. Email to Bud Smith from Jim Lightbody, re: Letter to Minister Re AML – Oct 24, 2015 2. A draft letter in response to the letter from the Minister regarding BCLC's AML approach	February 4, 2021
0539	1. Email to Bud Smith from Jim Lightbody, re: Background material for tomorrow – Nov 17, 2015 2. BCLC Briefing for Minister Michael de Jong – Nov 18, 2015	February 4, 2021
0540	Board Meeting – 29 October 2015 – Management Report – Corporate Security & Compliance	February 4, 2021
	JOHN MAZURE (February 5, 2021)	
0541	Affidavit 1 of John Mazure	February 5, 2021
0542	MOF Briefing Document, Title: Minimizing Unlawful Activity in BC Gambling Industry – Feb 6, 2015	February 5, 2021
0543	MOF Briefing Document, Title: Table Limits in Casinos – Dec 13, 2013	February 5, 2021
0544	BCLC letter from Michael Graydon to John Mazure, re: High Limit Table Changes – Dec 19, 2013	February 5, 2021
0545	Letter from John Mazure to Michael Graydon – Dec 24, 2013	February 5, 2021

Exhibit #	Descriptions	Entered On
0546	MOF Gaming Policy and Enforcement Branch Review – Sept 18, 2014	February 5, 2021
0547	GPEB Review: Investigations and Regional Operations and Audit and Compliance Divisions Review – Sept 18, 2014	February 5, 2021
0548	MOF Briefing Document, Title: Internal operational review of the Gaming Policy & Enforcement Branch (GPEB) – Update – Nov 22, 2014	February 5, 2021
0549	MOF Gaming Policy & Enforcement Briefing Note prepared for Cheryl Wenezenki-Yolland – Nov 26, 2014	February 5, 2021
0550	MOF Briefing Document, Title: June 4 2015 Anti-Money Laundering Workshop “Exploring Common Ground, Building Solutions” – May 14, 2015	February 5, 2021
0551	GPEB Meeting Highlights – Anti-Money Laundering Workshop: Exploring Common Ground – June 25, 2015	February 5, 2021
0552	MOF Strategy Document, Title: Gaming Policy and Enforcement Branch’s Anti-Money Laundering Strategy: Phase 3 – Sept 3, 2015	February 5, 2021
0553	MOF Briefing Document, Title: Options for issuing anti-money laundering directives to BCLC – Sept 1, 2015	February 5, 2021
0554	MOF Briefing Document, Title: Anti-Money Laundering Strategy (Phase 3 Initiatives) – Date Requested: May 17, 2016	February 5, 2021
0555	MOF Briefing Document, Title: 2016 MNP Report on Anti-Money Laundering Practices in Gaming Facilities – Sept 30, 2016	February 5, 2021
0556	MOF Briefing Document, Title: Minister’s Direction to Manage Source of Funds in BC Gambling Facilities – Feb 2017	February 5, 2021
	DOUG SCOTT (February 8, 2021)	
0557	Affidavit 1 of Douglas Scott	February 8, 2021
0558	Emails re: Briefing Request-BCLC matter – May 6, 2019	February 8, 2021

Exhibit #	Descriptions	Entered On
	WALTER SOO (February 9, 2021)	
0559	Affidavit 1 of Walter Soo	February 9, 2021
	TERRANCE DOYLE (February 9 & 10, 2021)	
0560	Affidavit 1 of Terrance Doyle	February 9, 2021
0561	Email from Ross Alderson, re: [Patron name] Buy in Clarification, April 24, 2015	February 9, 2021
0562	GCGC Business Case – River Rock Casino 3rd Floor High Limit Facilities Enhancements, October 2014	February 9, 2021
0563	Email chain, re: patron [Patron name] (Incident 14-55769) – Nov 6, 2014	February 9, 2021
0564	Email from Robert Kroeker to Terrance Doyle and others, re: AML-Granting of Credit – Feb 18, 2015	February 9, 2021
0565	Email from Ross Alderson, re: Sanctions on high limit players – August 5, 2015	February 9, 2021
0566	Email from Terrance Doyle to Andrea Lieuwen, re: Credit report – September 14, 2015	February 9, 2021
0567	Letter from Ross Alderson to Pat Ennis, Re: BCLC Direction to RRCR regarding patron – December 18, 2015	February 9, 2021
0568	Email from Terrance Doyle to Patrick Ennis, re: [Patron name] – Conditions to be imposed – Nov 10, 2015	February 9, 2021
0569	River Rock UFT/STR Review completed by AML Unit – Feb 12, 2016	February 10, 2021
0570	GPEB Internal Memo from Parminder Basi to Len Meilleur, re: Cash Flow Review of River Rock Casino High Limit Rooms – Dec 15, 2015	February 10, 2021
0571	BCLC letter from Ross Alderson to Pat Ennis, re: large Cash Transaction Reporting at RRCR – April 21, 2017	February 10, 2021
0572	Amended and Restated Casino Operational Services Agreement between BCLC and Great Canadian Casinos Inc, effective as at November 17, 2005	February 10, 2021

Exhibit #	Descriptions	Entered On
	OVERVIEW REPORTS: GAMING SECTOR (February 11, 2021)	
0573	Overview Report: Ross Alderson	February 11, 2021
0574	Overview Report: Casino Surveillance Footage	February 11, 2021
0575	Overview Report: Briefing Documents, Briefing Notes, Issues Notes and Similar Documents Related to Suspicious Cash Transactions and Money Laundering in British Columbia Casinos	February 11, 2021
	MICHAEL GRAYDON (February 11, 2021)	
0576	Affidavit 1 of Michael Graydon	February 11, 2021
0577	Email from Michael Graydon, re Revenue – March 23, 2012	February 11, 2021
0578	Email from Byron Hodgkin to Michael Graydon, re: Fintrac audit – Dec 14, 2012	February 11, 2021
0579	Email from Bryon Hodgkin to Michael Graydon, Re: GPEB letter-Privileged and Confidential – January 7, 2013	February 11, 2021
	JOHN MAZURE (February 11, 2021)	
0580	Presentation titled “Gaming Policy and Enforcement Branch Anti–Money Laundering (AML) Briefing” – January 2015	February 11, 2021
0581	Presentation titled “Gaming Policy and Enforcement Branch and the British Columbia Lottery Corporation Present: Exploring Common Ground, Building Solutions” – June 4, 2015	February 11, 2021
0582	Presentation by GPEB, titled “Minister of Finance Briefing Anti–Money Laundering (AML) Gaming Facilities” – April 4, 2016	February 11, 2021
0583	Email chain, re: BCLC Briefing Note date January 22, 2017 – Jan 26, 2017 (with attachment)	February 11, 2021
0584	MOF Briefing Document, Title: Minister’s Directive to Refuse Un sourced Cash in British Columbia Gambling Facilities – Jan, 2017	February 11, 2021

Exhibit #	Descriptions	Entered On
0585	Email chain, re: BN for Minister – 2016 MNP Report on Anti-Money Laundering Practices in BC – Oct 4, 2016 (with attachment)	February 11, 2021
0586	Not public by order of the Commissioner	February 11, 2021
	LEN MEILLEUR (February 12, 2021)	February 12, 2021
0587	Affidavit 1 of Joseph Emile Leonard Meilleur	February 12, 2021
0588	Email from Len Meilleur to John Mazure, re Draft – AML Direction for discussion Nov 6, 2014 – Nov 12, 2014 (with attachment)	February 12, 2021
0589	Email from Derek Dickson to Len Meilleur, re: AML – May 21, 2015	February 12, 2021
0590	Email from Cal Chrustie, re: AML June 4 Workshop – Backgrounder – final draft – May 22, 2015	February 12, 2021
0591	GPEB AML Timeline – Significant Events and GPEB Activities	February 12, 2021
0592	Email from Derek Dickson to Len Meilleur, re: AML Strategies – Aug 31, 2015	February 12, 2021
0593	GPEB Current Intelligence Report (CIR 16-005) November 8, 2016	February 12, 2021
0594	GPEB Current Intelligence Report – CIR 17-002 January 19, 2017	February 12, 2021
0595	GPEB Current Intelligence Report (CIR 17-003) February 17, 2017	February 12, 2021
0596	GPEB Current Intelligence Report (CIR 17-004) March 17, 2017	February 12, 2021
0597	GPEB Current Intelligence Report (CIR 17-006) May 5, 2017	February 12, 2021
0598	Current Intelligence Report (CIR 17-009) August – September 2017	February 12, 2021
0599	Email from Murray Dugger to Ross Alderson, re: BCLC Casino proposals – March 9, 2016	February 12, 2021
0600	GPEB Internal Memo from Lynn Li to Len Meilleur, re: Review of Transactions from China’s Sky Net List of 100 Most Wanted Fugitives – April 29, 2016	February 12, 2021

Exhibit #	Descriptions	Entered On
	OVERVIEW REPORTS – REAL ESTATE SECTOR (February 16, 2021)	
0601	Overview Report: Literature on Money Laundering and Real Estate & Response from Real Estate Industry	February 16, 2021
0602	Overview Report: Lower Mainland Housing Prices	February 16, 2021
0603	Overview Report: Legislative and Regulatory Structure of Real Estate in British Columbia	February 16, 2021
0604	Overview Report: Registrar of Mortgage Brokers Discipline Orders	February 16, 2021
0605	Overview Report: Mortgage Brokers Act Consultation	February 16, 2021
	BC GOVT REGULATORS PANEL: CHRIS CARTER, BLAIR MORRISON & MICHAEL NOSEWORTHY (February 16, 2021)	
0606	BC Financial Services Authority Organizational Chart – Nov 30, 2019	February 16, 2021
0607	Real Estate Regulatory Structure Review prepared by Dan Perrin	February 16, 2021
0608	Organizational chart – Office of the Superintendent of Real Estate – Nov 1, 2019	February 16, 2021
0609	Mandate letter from Carol James to Dr. Stanley Hamilton – January 14, 2020	February 16, 2021
0610	Vulnerabilities in mortgage lending (FICOM, CMHC)	February 16, 2021
0611	OSRE Presentation to the Province’s Expert Panel on Money Laundering – January 23, 2019	February 16, 2021
0612	Email from Jonathan Vandall, Re: 2019-08-20 Discussion Paper re Regulating Market Conduct v2 – Aug 29, 2019 (with attachment)	February 16, 2021
0613	OSRE Briefing Document, re: Filing regulatory data and information gaps – Oct 24, 2019	February 16, 2021
	REAL ESTATE COUNCIL OF BC PANEL: ERIN SEELEY & DAVID AVREN (February 16 & 17, 2021)	
0614	PPT presentation – Overview of RECBC – Jan 2019	February 16, 2021

Exhibit #	Descriptions	Entered On
0615	RECBC Memorandum of Understanding with FINTRAC – March 2019	February 16, 2021
0616	Information Sharing Agreement between the Registrar of Mortgage Brokers and the Real Estate Council of BC – March 2005	February 16, 2021
0617	RECBC Anti-Money Laundering in Real Estate online course materials	February 16, 2021
0618	Report of the Independent Advisory Group – June 2016	February 16, 2021
0619	RECBC Administrative Penalty Guidelines 2021	February 17, 2021
0620	FINTRAC Overview – slide presentation to RECBC – May 2019	February 17, 2021
	BC REAL ESTATE ASSOCIATION PANEL: DARLENE HYDE & BRENDON OGMUNDSON (February 17, 2021)	
0621	Curriculum Vitae – Darlene Hyde	February 17, 2021
0622	Curriculum Vitae – Brendon Ogmundson	February 17, 2021
0623 (A), (B), (C), (D), (E), (F)	Mastering Compliance AML Training for Brokers: Module 1: Introduction and Culture of Compliance Module 2: Defining Roles and Responsibilities Module 3: Compliance Reporting and Record Keeping Module 5: Risk Assessments Module 7: The Training Program Module 8: Effectiveness Review and Examinations Part 1	February 17, 2021
0624	BC Real Estate Sector Submits Anti-Money Laundering Recommendations to Government – April 15, 2019	February 17, 2021
0625	Letter from Darlene Hyde to Expert Panel on Money Laundering, re: Proposal for risk assessment on money laundering in real estate – Dec 10, 2018	February 17, 2021
0626	FINTRAC’S AML/TF Real Estate Sector Presentation – Sept 19, 2018	February 17, 2021
0627	FINTRAC’s Meeting with the representatives of the Canadian Real Estate Association – June 5, 2018	February 17, 2021

Exhibit #	Descriptions	Entered On
0628	FINTRAC memorandum on issue: Money Laundering and Real Estate in British Columbia: Banking and Private Lenders – December 13, 2018	February 17, 2021
0629	FINTRAC Report to the Minister of Finance on Compliance and Related Activities – Sept 30, 2019	February 17, 2021
0630	FINTRAC Report to the Minister of Finance on Compliance and Related Activities – Sept 30, 2017	February 17, 2021
0631	BCREA Market Intelligence Report – September 9, 2020: “The Unusual World of Pandemic Economics” – Why BC’s Housing Market Remains Strong Despite COVID-19	February 17, 2021
0632	BCREA First Quarter Forecast Update – January 25, 2021	February 17, 2021
	ALED AB IORWERTH (February 18, 2021)	
0633	Curriculum Vitae – Aled ab Iorwerth	February 18, 2021
	HOUSING PRICES PANEL: PROF. JOSHUA GORDON, PROF. DAVID LEY & PROF. TSUR SOMERVILLE (February 18, 2021)	
0634	Biography – Josh Gordon	February 18, 2021
0635	Summary Curriculum Vitae – David Ley	February 18, 2021
0636	Publications Summary of David Ley	February 18, 2021
0637	Curriculum Vitae – Craig Tsurriel (Tsur) Somerville	February 18, 2021
0638	Reconnecting the Housing Market: to the Labour Market: Foreign Ownership and Housing Affordability in Urban Canada, written by Joshua Gordon, March 2020	February 18, 2021
0639	Slides for the Cullen Commission – Joshua Gordon, SFU	February 18, 2021
	PROF. HENRY YU (February 19, 2021)	
0640	Curriculum Vitae – Henry Yu	February 19, 2021
0641	Then and Now: Trans-pacific Ethnic Chinese Migrants – Henry Yu – January 2006	February 19, 2021

Exhibit #	Descriptions	Entered On
0642	Global migrants and the new Pacific Canada – International – Journal – Henry Yu – Autumn 2009	February 19, 2021
0643	Review Essay – Is Vancouver the Future or the Past – Henry Yu - 2006	February 19, 2021
0644	So you want to get your money out of China – Cut out and keep edition – FT Alphaville, by David Keohane – March 3, 2016	February 19, 2021
0645	China Tightens Controls on Overseas Use of Its Currency – The New York Times – by Keith Bradsher – Nov 29, 2016	February 19, 2021
0646	Chinese foreign property investment at 4-year low amid clampdown – Financial Times, by Gabriel Wildau – Nov 22, 2017	February 19, 2021
	SAMANTHA GALE (February 22, 2021)	
0647	CMBA-BC Anti-Money Laundering Course Module – draft	February 22, 2021
0648	What the German Report Got Wrong by Samantha Gale – Summer 2019	February 22, 2021
	MICHAEL MCTAVISH (February 22, 2021)	
0649	Curriculum Vitae – Michael McTavish	February 22, 2021
0650	FICOM Investigative Services, Review of Sample of Mortgage Transactions – Case file: INV11.343.48836	February 22, 2021
0651	Case note: Meeting with RCMP – Case File: INV18.313.53758 – Filing date 03 Apr 2019	February 22, 2021
	CPL. KAREN BEST (February 23, 2021)	
0652	Affidavit 1 of Karen Best	February 23, 2021
	JAY CHAUDHARY (February 24, 2021)	
0653	Suspension Order In the matter of the Mortgage Brokers Act and Jay Kanth Chaudhary – October 16, 2008	February 24, 2021

Exhibit #	Descriptions	Entered On
0654	Investigation report on client files of Jay Chaudhary	February 24, 2021
0655	Cease and Desist Order in the matter of the Mortgage Brokers Act and Jay Kanth Chaudhary – May 23, 2019	February 24, 2021
	REAL ESTATE INVESTIGATOR: RAHEEL HUMAYAN (February 25, 2021)	
0656	Biography – Raheel Humayun	February 25, 2021
0657	Organizational Chart – Office of the Superintendent of Real Estate – Feb 16, 2021	February 25, 2021
0658	Letter to the Commission from Chantelle Rajotte, in response to Commission counsel’s information request – Jun 9, 2020	February 25, 2021
	REAL ESTATE INVESTIGATOR: MICHAEL SCOTT (February 25, 2021)	
0659	Curriculum Vitae – Michael Scott	February 25, 2021
0660	UBC RECBC AML in Real Estate Course Evaluation Report – Nov 17, 2020	February 25, 2021
0661	Letter from FICOM to RECBC, re: Real Estate Licensees working with Jay Kanth Chaudhary – Jun 7, 2019	February 25, 2021
	STEPHEN ELLIS (February 26, 2021)	
0662	Curriculum Vitae – Stephen Ellis	February 26, 2021
	CPL. MELVIN CHIZAWSKY (March 1, 2021)	
0663	Affidavit of Cpl. Melvin Chizawsky	March 1, 2021
	DELOITTE/QUANTEXA PANEL: ALEXON BELL, PETER DENT, BETH DEWITT & DAVID STEWART (March 2, 2021)	
0664	Biography – Alexon Bell	March 2, 2021
0665	Biography – Beth Dewitt	March 2, 2021
0666	Biography – David Stewart	March 2, 2021

Exhibit #	Descriptions	Entered On
0667	Presentation – Application of Networks to detect and mitigate organized crime – March 2021	March 2, 2021
0668	To Surveil and Predict – publication of University of Toronto – International Human Rights Program – 2020	March 2, 2021
	BRAD RUDNICKI (March 2, 2021)	
0669	Curriculum Vitae – Brad Rudnicki	March 2, 2021
0670	Real Estate Observations BCLC AML Unit 2019	March 2, 2021
0671	Link Chart prepared by Brad Rudnicki – Nov 27, 2018	March 2, 2021
0672	Analytical Concepts for Cullen Commission	March 2, 2021
	QI LI (March 3, 2021)	
0673	Incident Report #IN20150017386 – April 2, 2015	March 3, 2021
0674	Notice of Civil Claim – VLC-S-S-154010 – May 15, 2015	March 3, 2021
0675	BCLC Banned Patron Subject Detailed sheet, printed July 30, 2020	March 3, 2021
	IN-CAMERA HEARING (March 4, 2021)	
0676	Not public by order of the Commissioner	March 4, 2021
0677	Not public by order of the Commissioner	March 4, 2021
0678	Not public by order of the Commissioner	March 4, 2021
0679	Not public by order of the Commissioner	March 4, 2021
	SOCIETY OF NOTARIES PUBLIC OF BC PANEL: JOHN MAYR & MARNY MORIN (March 5, 2021)	
0680	Resume – John Mayr	March 6, 2021
0681	Resume – Marny Morin	March 6, 2021
0682	SNPBC Organizational Chart 2021	March 6, 2021
0683	SNPBC 2017-2020 Complaints Summary	March 6, 2021
0684	The Conveyancing Web of Communication, Coordination, and Context, Version K – Oct 2020	March 6, 2021

Exhibit #	Descriptions	Entered On
0685	Conveyancing Cash Flow Charts v3, Oct 2020	March 6, 2021
0686	ABC Solutions Training	March 6, 2021
	FINANCE REAL ESTATE AND DATA ANALYTICS PANEL: CHRISTINA DAWKINS & JOSEPH PRIMEAU (March 8, 2021)	
0687	FREDA Data Branch Strategy 2020	March 8, 2021
0688	Presentation – OneFSR Legislative Summary – Feb 19, 2021	March 8, 2021
0689	MOF Briefing Document, Title: Single Regulator for Real Estate – Rule-making Procedures – Oct 16, 2019	March 8, 2021
0690	Memo from Connie Fair to Shauna Brouwer – Nov 26, 2018	March 8, 2021
0691	Recommendation from Maloney Report	March 8, 2021
0692	Agenda – Project Update on Finance Maloney Report Response	March 8, 2021
0693	Chart of policy projects	March 8, 2021
0694	MOF Briefing Document, Title: Mortgage Brokers Act Review Consultation – Summary – Aug 18, 2020	March 8, 2021
0695	Email from Suzanne Anderson, re: BCNA Mortgage Broker Act Review and Comment – Sept 30, 2020 (with attachment)	March 8, 2021
0696	Email from Erin Seeley, re: MB Discussion Paper and AMPs – Sept 20, 2019	March 8, 2021
0697	MOF Briefing Document, Title: Authorize sharing Corporate Registry Data with the Ministry of Finance – Jan 31, 2020	March 8, 2021
0698	Privacy Impact Assessment for Data Analysis Branch	March 8, 2021
	FEDERAL-PROVINCIAL WORKING GROUP ON REAL ESTATE PANEL: CHRISTINA DAWKINS & JUSTIN BROWN (March 8, 2021)	
0699	Curriculum Vitae – Justin Brown	March 8, 2021

Exhibit #	Descriptions	Entered On
0700	Letter from Minister Carole James to Minister Morneau – Feb 1, 2018	March 8, 2021
0701	Letter from Minister Bill Morneau to Minister Carole James – Aug 3, 2018	March 8, 2021
0702	Terms of Reference on Real Estate Working Group	March 8, 2021
0703	Report – Work Stream 1 feasibility study – Dec 9, 2020	March 8, 2021
0704	Work Stream 2 – Regulatory Gaps, Compliance, Standards and Education	March 8, 2021
0705	Work Stream 3 – Improving Enforcement and Prosecution	March 8, 2021
0706	Final Report to Finance Ministers – January 2021	March 8, 2021
	LEN MEILLEUR (March 10, 2021)	
0707	AML Strategy – Has it worked? – Talking points – Len Meilleur	March 10, 2021
0708	Slide deck with notes – Ministry of Attorney General GPEB Update October 26, 2017	March 10, 2021
0709	Email from Robert Stewart, Re: GM Delegation Letters – Nov 9, 2018 (with attachment)	March 10, 2021
0710	GPEB Organization Chart – Jan 26, 2015	March 10, 2021
0711	Table of Response Plan	March 10, 2021
0712	Email from Len Meilleur to Bill McCrea, re: Personal Notes of Len Meilleur – June 4, 2013 (with attachment)	March 10, 2021
	CANADA MORTGAGE AND HOUSING CORPORATION PANEL: DR. WAHID ABDALLAH & ALBERTUS PEREBOOM (March 11, 2021)	
0713	Curriculum Vitae – Bert Pereboom	March 11, 2021
0714	Curriculum Vitae – Wahid Abdallah	March 11, 2021
0715	Scoring and Flagging ML Risks in Real Estate – Bert Pereboom – May 9, 2019	March 11, 2021

Exhibit #	Descriptions	Entered On
0716	Money Laundering in the Canadian Real Estate Market; Overview and key challenges for professionals and stakeholders – Bert Pereboom – Dec 2020	March 11, 2021
0717	Scoring and Flagging ML Risks in BC Real Estate – Bert Pereboom – Oct 2019	March 11, 2021
0718	Detecting Money Laundering in the Real Estate Sector – Joras Ferwerda and Brigitte Unger	March 11, 2021
0719	Defining a Housing Market Integrity Index: A Methodology and Application to Quebec’s Housing Market – Draft – 19 Feb 2021	March 11, 2021
	STATS CANADA PANEL: JONATHAN BARON & ELLEN BEKKERING (March 11, 2021)	
0720	Resume – Jon Baron	March 11, 2021
0721	Curriculum Vitae – Ellen Bekkering	March 11, 2021
0722	Curriculum Vitae – Jean-Philippe Deschamps-Laporte	March 11, 2021
0723	Curriculum Vitae – Haig McCarrell	March 11, 2021
0724	Presentation to Commission Counsel on Working Group Feasibility Study – March 11, 2021	March 11, 2021
0725	Work Stream 1 – Data Collection and Sharing Work Stream Report Executive Summary – Sept 7, 2020	March 11, 2021
0726	BC-Canada Working Group on Real Estate – Data Work Stream – Data Holdings Template	March 11, 2021
0727	AML Work Stream Update – Work Stream 3 – Data Collection and Sharing – Feb 26, 2020	March 11, 2021
0728	Data Collection and Sharing Work Stream Status Update – August 26, 2019	March 11, 2021
	ADDITIONAL DOCUMENT (March 12, 2021)	
0729	Affidavit of Adam Ross	March 12, 2021
	FINTRAC PANEL: DONNA ACHIMOV, BARRY MACKILLOP & ANNETTE RYAN (March 12, 2021)	
0730	Curriculum Vitae – Donna Achimov	March 12, 2021

Exhibit #	Descriptions	Entered On
0731	Curriculum Vitae – Barry MacKillop	March 12, 2021
0732	Curriculum Vitae – Annette Ryan	March 12, 2021
0733	FINTRAC Annual Report – November 17, 2020	March 12, 2021
0734	Unredacted Release Package: ATIP 2015-00129	March 12, 2021
0735	Reporting Entity Sector Profiles Money laundering and terrorist financing vulnerability assessments – Mar 31, 2014	March 12, 2021
0736	FINTRAC’s Engagement and Compliance Activities in the Real Estate Sector	March 12, 2021
0737	FINTRAC’s meeting with the representatives of the Canadian Real Estate Association – Aug 23, 2017	March 12, 2021
0738	FINTRAC Real Estate Sector Presentation – Toronto Real Estate Board Toronto – Apr 26, 2018	March 12, 2021
0739	FINTRAC’s Compliance Sector BC Real Estate Brokerages Welcome Letter Template	March 12, 2021
0740	Sample FINTRAC Letter, Re: Compliance Examination Findings	March 12, 2021
0741	Fulfilling request from Cullen Commission – RSU input	March 12, 2021
0742	Dataset – Financial transaction report counts by postal code and activity sector – dated March 3, 2021	March 12, 2021
0743	Excel spreadsheet re BCREA request for information	March 12, 2021
0744	This exhibit was previously marked as Exhibit 346	
	LAND TITLE & SURVEY AUTHORITY PANEL: LARRY BLASCHUK, REUBEN DANAKODY, CARLOS MACDONALD & GREGORY STEVES (March 12, 2021)	
0745	Curriculum Vitae – Larry Blaschuk	March 12, 2021
0746	Curriculum Vitae – Reuben Danakody	March 12, 2021
0747	Resume – Carlos MacDonald	March 12, 2021
0748	Curriculum Vitae – Greg Steves	March 12, 2021
0749	Presentation -The Land Title and Survey Authority of BC – Feb 26, 2020	March 12, 2021

Exhibit #	Descriptions	Entered On
0750	Mock up – State of Title Certificate	March 12, 2021
0751	Mock up – Form A – Freehold Transfer	March 12, 2021
0752	Mock up – Form B – Mortgage	March 12, 2021
0753	Mock up – Title Search	March 12, 2021
0754	Mock up – Form 17 – Charge, Notation or Filing	March 12, 2021
0755	Mock up – Form 5 – Claim of Lien	March 12, 2021
0756	Land Owner Transparency Registry Presentation – 2020	March 12, 2021
	CALVIN CHRUSTIE (March 29, 2021)	
0757	Transnational Organized Crime – FSOC Major Projects	March 29, 2021
0758	Overview of FSOC Bulk Cash/ Money Pick up Contracts – FISOC – January 18, 2018	March 29, 2021
0759	Casino Summary & Proposal – IPOC – December 2011	March 29, 2021
0760	Casino – Investigational Planning & Report – IPOC – Jan 30, 2012	March 29, 2021
0761	GPEB Meeting Highlights – Anti–Money Laundering Workshop: Exploring Common Ground – June 25, 2015	March 29, 2021
0762	Email from Cal Chrustie to Len Meilleur et al. re: June 4, 2015 Anti Money Laundering Workshop – June 6, 2015	March 29, 2021
0763	Emails between Cal Chrustie and Ross Alderson Re: Meeting – July 21–22, 2015	March 29, 2021
0764	Email chain re: Illegal Gaming Houses – July 23, 2015	March 29, 2021
	AFFIDAVITS – REAL ESTATE SECTOR (March 30, 2021)	
0765	Affidavit 2 of Karen Best	March 30, 2021
0766	Affidavit of Jian Wei Liang	March 30, 2021

Exhibit #	Descriptions	Entered On
	MUNICIPAL POLICING PANEL: DEPUTY CHIEF BRETT CROSBY-JONES, INSP. MIKE HEARD, INSP. CHRIS MULLIN & DEPUTY CHIEF LAURENCE RANKIN (March 30, 2021)	
0767	Biography – Deputy Chief Brett Crosby-Jones	March 30, 2021
0768	Biography – Inspector Michael Heard	March 30, 2021
0769	Curriculum Vitae – Inspector Christopher Mullin	March 30, 2021
0770	Bio update of Inspector Christopher Mullin	March 30, 2021
0771	Curriculum Vitae – Deputy Chief Laurence Rankin	March 30, 2021
0772	Biography – Deputy Chief Laurence Rankin	March 30, 2021
0773	Federal/Provincial/Territorial Meeting, Ministers Responsible for Justice and Public Safety – Nov 14-16, 2018	March 30, 2021
	OVERVIEW REPORTS: LUXURY GOODS SECTOR (March 31, 2021)	
0774	Overview Report: Luxury Goods	March 31, 2021
0775	Overview Report: Motor Vehicle Sales Authority of British Columbia	March 31, 2021
	AFFIDAVITS – LUXURY GOODS SECTOR (March 31, 2021)	
0776	Affidavit 1 of Beatrice Sturtevant	March 31, 2021
0777	Affidavit 1 of Marko Goluzza	March 31, 2021
0778	Affidavit 1 of Norman Shields	March 31, 2021
0779	Affidavit 1 of Michelle Lee	March 31, 2021
	AFFIDAVITS – LUXURY GOODS SECTOR (March 31, 2021)	
0780	Affidavit 3 of Daryl Tottenham	March 31, 2021
0781	Affidavit 1 of Anna Fitzgerald	March 31, 2021
0782	Affidavit 1 of Robin Jomha	March 31, 2021
0783	Affidavit 2 of Robert Kroeker	March 31, 2021
0784	Affidavit 2 of Cathy Cuglietta	March 31, 2021
0785	Affidavit 1 of Richard Block	March 31, 2021

Exhibit #	Descriptions	Entered On
	PROVINCIAL POLICING PANEL: CLAYTON PECKNOLD, WAYNE RIDEOUT & TOM STEENVOORDEN (April 6, 2021)	
0786	Curriculum Vitae – Wayne Rideout	April 6, 2021
0787	Biography – Tom Steenvoorden	April 6, 2021
0788	Provincial Police Service Agreement, April 2012	April 6, 2021
0789	Police Resources in BC 2019	April 6, 2021
0790	Email from L. Wanamaker to C. Pecknold re fwd: German Money Laundering, Dec. 15, 2018	April 6, 2021
0791	Briefing Note to Minister Farnworth, Organized Crime Priorities, April 30, 2018	April 6, 2021
0792	Letter from ADM Butterworth-Carr to Asst. Commissioner Stubbs, Re Federal RCMP Reporting Requirements, May 23, 2019	April 6, 2021
0793	RCMP, Financial Crime Resources in “E” Division, August 31, 2020	April 6, 2021
0794	Appendix B – Response to Request 11 of Cullen Commission’s May 4, 2020 Request	April 6, 2021
0795	RCMP Narrative re Proposals, prepared by Supt. Taylor	April 6, 2021
0796	RCMP Proposal for Financial Crime Unit, November 9, 2016	April 6, 2021
0797	Business Case for Financial Crime Unit, Appendix D – Examples of Cases Affected by Federal Re-engineering, November, 2016	April 6, 2021
0798	Letter from ADM Pecknold to Deputy Commissioner Butterworth-Carr, Nov. 22 2017	April 6, 2021
0799	Joint Briefing Note – Issue: Government has directed the PPSG, Ministry of Finance, and the Ministry of AG to examine options to combat money laundering in British Columbia, February 7, 2018	April 6, 2021
0800	Ministry of Public Safety and Solicitor General Policing and Security Branch – Decision Note, June 7, 2019	April 6, 2021

Exhibit #	Descriptions	Entered On
0801	Briefing Note – Current state of police response to money laundering in BC, Feb. 10, 2020	April 6, 2021
	DOUG LEPARD (April 7, 2021)	
0802	Curriculum Vitae – Doug LePard	April 7, 2021
0803	Review of the Joint Illegal gaming Investigation Team (JIGIT) – D. LePard, C. Tait – Nov 2020	April 7, 2021
0804	Draft Proposal for a Provincial Financial Integrity/ Crime Unit – Jan 22, 2018	April 7, 2021
0805	Final Draft – Concept Paper: Designated Provincial Financial Crimes Unit – Feb 15, 2019	April 7, 2021
0806	CFSEU-BC Proposal for Proceeds of Crime / Asset Forfeiture Team – Dec 2018	April 7, 2021
	JOINT ILLEGAL GAMING INVESTIGATION TEAM PANEL: S/SGT. JOEL HUSSEY & SUPT. STEPHEN COCKS (April 7, 2021)	
0807	Curriculum Vitae – Joel Hussey	April 7, 2021
0808	Curriculum Vitae – Stephen Cocks	April 7, 2021
0809	Slide deck – The Combined Forces Special Enforcement Unit BC JIGIT – April 7, 2021	April 7, 2021
0810	Email chain re money exchange receipts	April 7, 2021
0811	Organizational Charts, “E” Division Criminal Operations Combined Forces Special Enforcement in BC, 2010-2017	April 7, 2021
0812	Draft RCMP Investigational Planning and Report, Jan 19, 2017	April 7, 2021
0813	MOF Briefing Document, title: Police Presence in BC Casinos – Start Date January 28, 2017, Jan 24, 2017	April 7, 2021
0814	Baccarat, Business Plan for Richmond Private Clubhouse	April 7, 2021
0815	Email exchange between Ross Alderson and Joes Hussey and others, re: [patron name] – Jul 6, 2017	April 7, 2021
0816	Email from Ross Alderson to Paul Dadwal, re Interview summary – Nov 2, 2016	April 7, 2021

Exhibit #	Descriptions	Entered On
0817	Email from Ross Alderson to Ken Ackles, re: Intel – Sept 22, 2016	April 7, 2021
0818	Presentation – Money Laundering Enforcement CFSEU-BC JIGIT – April 7, 2021	April 7, 2021
0819	Responses from CFSEU for Cullen Commission Requests 4(2)(A),(B) and (C)	April 7, 2021
0820	Media Protocol for JIGIT subsequent to Section 8, of the Operation and Funding Agreement between the Minister of PSSG and MOF, February 7, 2017	April 7, 2021
0821	A Resourcing Overview of Major Money Laundering Investigations in BC, prepared by RCMP E-Division in partnership with CFSEU-BC's Strategic Research Office	April 7, 2021
	BARRY BAXTER (April 8, 2021)	
0822	Public Safety Canada Report: 2010–2011 Evaluation of the Integrated Proceeds of Crime Initiative – Final Report – March 30, 2011	April 8, 2021
0823	Media Excerpts: Money Laundering in Casinos – various, 2011	April 8, 2021
0824	Presentation – Reducing Reliance on Cash in BC Casinos & More – April 18, 2013	April 8, 2021
	ENFORCEMENT PANEL (April 9, 2021)	
0825	Curriculum Vitae – Garry W.G. Clement	April 9, 2021
0826	Curriculum Vitae – Dr. Arthur John Cockfield	April 9, 2021
0827	Curriculum Vitae – Dr. Christian Leuprecht	April 9, 2021
0828	Collaborative Report, Detect, Disrupt and Deter: Domestic and Global Financial Crime – A Roadmap for British Columbia – March 2021	April 9, 2021
0829	A matter of Trust: Integrating Privacy and Public Safety in the 21st Century – Nov 2010	April 9, 2021
0830	The high price of Chinese money laundering in Canada, by Arthur Cockfield, February 9, 2019	April 9, 2021

Exhibit #	Descriptions	Entered On
	DR. PETER GERMAN (April 12 & 13, 2021)	
0831	Biography – Peter German	April 12, 2021
0832	Dirty Money Report by Peter German March 31, 2018	April 12, 2021
0833	“Dirty Money – Part 2: Turning the Tide – An Independent Review of Money Laundering in B.C. Real Estate, Luxury Vehicle Sales & Horse Racing”, by Peter German, QC, March 31, 2019	April 12, 2021
0834	A pdf of the website of Peter German & Associates	April 13, 2021
0835	Response to Report – Dirty Money in Our Casinos by P. German – March 31, 2018 submitted by Ross Alderson	April 13, 2021
0836	BC Center for Substance Abuse – August 21, 2020 submission	April 13, 2021
0837	Letter from Douglas Scott to Peter German – Feb 22, 2021	April 13, 2021
	CFSEU-BC/JIGIT/CIFA-BC PANEL: MELANIE PADDON & SGT. BEN ROBINSON (April 14, 2021)	
0838	Curriculum Vitae – Ben Robinson	April 14, 2021
0839	Project Athena and CIFA-BC, Presentation	April 14, 2021
0840	Project Athena Stakeholders Meeting October 24, 2016	April 14, 2021
0841	GPEB Briefing Notes – Bank drafts and source of funds update – Project Athena, Dec 28, 2018	April 14, 2021
0842	Luxury Vehicle Sub Group (undated)	April 14, 2021
0843	Luxury Vehicle – Case Scenario	April 14, 2021
0844	Project Athena High End Luxury Vehicle Working Group, Minutes, Jan 22, 2020	April 14, 2021
0845	Ben Robinson – Response, Jun 11, 2020	April 14, 2021
0846	Investigational Planning and Report, Project ATHENA, Feb 13, 2020	April 14, 2021
0847	CIFA-BC Framework revised April 9, 2021	April 14, 2021
0848	Memo to ADM Policing – CIFA-BC, Oct 2, 2020	April 14, 2021
0849	Letter from Minister Blair to Attorney General Eby, Dec 10, 2020	April 14, 2021

Exhibit #	Descriptions	Entered On
0850	Email exchanges Ross Alderson re Persons of Interests February 18 and 19, 2021	April 14, 2021
0851	Email from Ben Robinson re Toyota Corolla February 16, 2017	April 14, 2021
0852	Email from Ben Robinson re Intel and Interview	April 14, 2021
0853	Email from Paul Dadwal re JIGIT New Systems – May 19, 2016	April 14, 2021
	FSOC ML TEAMS / IMET PANEL: INSP. TONY FARAHBACKCHIAN & S/SGT. KURT BEDFORD (April 15, 2021)	
0854	Curriculum Vitae – Tony Farahbackhchian	April 15, 2021
0855	Curriculum Vitae – Kurt Bedford	April 15, 2021
0856	Presentation – FSOC Financial Integrity Program Group 1 – Undated	April 15, 2021
0857	Integrated Market Enforcement Team – 2018 Performance Improvement Action Plan RCMP – June 31, 2018	April 15, 2021
0858	IMET Performance Improvement Action Plan – 2019 IMET HR Modernization phase 1 – Undated	April 15, 2021
0859	“E” Division Criminal Operations Chart – March 15, 2021	April 15, 2021
0860	RCMP: Definition revision of the Federal Policing Priorities – October 12, 2018	April 15, 2021
0861	Letter from Michael Duheme re: Directive on Proceeds of Crime and Money Laundering in All Future Federal policing Serious and Organized Crime Investigations – Feb 4, 2020	April 15, 2021
	RCMP E-DIV & HQ: SUPT. BRENT TAYLOR (April 16, 2021)	
0862	Curriculum Vitae – Supt. Brent Taylor	April 16, 2021
0863	Presentation – Briefing for the Cullen Inquiry, Supt. Taylor	April 16, 2021
0864	Assessment of Proceeds of Crime Responsibilities within FSOC, July 29, 2015	April 16, 2021

Exhibit #	Descriptions	Entered On
0865	RCMP FPCO POC Review, 2013 to 2017 – NHQ (undated)	April 16, 2021
0866	RCMP Federal Policing Projects Review, Jan. 2017 to Dec. 2018 – NHQ	April 16, 2021
	RCMP E-DIV & HQ: SUPT. PETER PAYNE (April 16, 2021)	
0867	Curriculum Vitae – Peter Payne	April 16, 2021
0868	Presentation – Money Laundering/Proceeds of Crime – RCMP Federal Policing Perspective, April 2021	April 16, 2021
0869	RCMP Major Projects Prioritization Matrix, Jan 01, 2020	April 16, 2021
0870	Major Project Prioritization Process, Jan 01, 2015	April 16, 2021
0871	RCMP AML Strategy, Nov 10, 2015	April 16, 2021
0872	2021 IMLIT Way Forward – IMLIT	April 16, 2021
	SAM MACLEOD (April 19, 2021)	
0873	Ministry of Attorney General & GPEB Briefing Note re: Bank drafts and source of funds update – Dec 28, 2018	April 19, 2021
0874	Ministry of Attorney General, GPEB & BCLC Joint Briefing Note – 2019	April 19, 2021
0875	Ministry of Attorney General & GPEB Briefing Note re: Options for new regulator structure in response to Dr. German’s recommendations – Dec 5, 2018	April 19, 2021
0876	Ministry of Attorney General & GPEB Briefing note: Establish a more effective and flexible regulatory model for gambling in BC – Oct 18, 2019	April 19, 2021
0877	GPEB Briefing Note for decision of David Eby – Oct 22, 2019	April 19, 2021
0878	Office of the Auditor General of Ontario, Value-for-Money Audit: Alcohol and Gaming Commission of Ontario – December 2020	April 19, 2021
0879	Letter from Sam MacLeod re: Source of Funds Declaration Identification Threshold – Dec 4, 2018	April 19, 2021

Exhibit #	Descriptions	Entered On
0880	Deputy Minister’s Committee on Anti–Money Laundering meeting minutes – May 2, 2019	April 19, 2021
0881	Letter from Sam MacLeod re: Suspension of BCLC directive – August 9, 2018	April 19, 2021
0882	Letter from Sam MacLeod re Source of Funds Declaration policy – Nov 27, 2018	April 19, 2021
0883	Letter from Sam MacLeod re: source of funds policy – Jan 16, 2019	April 19, 2021
	KEVIN BEGG (April 21, 2021)	
0884	Establishment of the Organized Crime Agency of BC – Attorney General – Briefing #3 – Feb 23, 1999	April 21, 2021
0885	Email exchange between Kevin Begg and Al MacIntyre, re IIGET File 05-661 Loansharking Investigation – February 25, 2005	April 21, 2021
0886	Email from Al MacIntyre to Dick Bent, re River Rock Casino – A Policing Response – September 18, 2006	April 21, 2021
	LORI WANAMAKER (April 22, 2021)	
0887	Email from Michael Graydon to Lori Wanamaker– May 15, 2012	April 22, 2021
	SHIRLEY BOND (April 22, 2021)	
0888	Advice to Minister, Confidential Issues Note, Anti–Money Laundering Review, August 24, 2011	April 22, 2021
	MIKE DE JONG (April 23, 2021)	
0889	Advice to Minister, Draft GCPE-FIN Issue Note, re GPEB Release of Section 86 reports – Sept 30, 2014	April 23, 2021
0890	Letter of Expectations between MOF and The Chair of the BCLC for 2014/15	April 23, 2021
0891	Letter from Michael de Jong to Bud Smith, re 2015/16 Mandate Letter, Feb 05, 2015	April 23, 2021
0892	Mandate Letter to BCLC for the 2016/2017 fiscal year, Jan 29, 2016	April 23, 2021

Exhibit #	Descriptions	Entered On
0893	Mandate Letter to BCLC, for the 2017/2018 fiscal year, December 2016	April 23, 2021
0894	BCLC Briefing June 2013	April 23, 2021
0895	Letter from Michael de Jong to David Eby in response to Eby's letter to Susan Anton, re ML in BC Casinos, undated	April 23, 2021
0896	Advice to Minister, Estimates Note – Apr 22, 2015	April 23, 2021
0897	Meeting – Backgrounder – Minister meeting with BCLC Chair, re BCLC 2016/17 Priorities, Sept 28, 2015, Cliff: 345743	April 23, 2021
0898	Meeting – Backgrounder – Minister meeting with BCLC Chair, re BCLC 2016/17 Priorities, Sept 28, 2015, Cliff: 346075	April 23, 2021
0899	Confidential Information Note, re AML – Aug 24, 2015	April 23, 2021
0900	Letter from Michael de Jong, providing BCLC with direction on phase three of the AML strategy – Oct 1, 2015	April 23, 2021
0901	MOF Briefing Document, Title: Enhanced Compliance and Enforcement on Gambling Activities – Oct 9, 2015	April 23, 2021
0902	Letter from Mike Morris re JIGIT, Mar 10, 2016	April 23, 2021
0903	Email exchange between Brittney Speed and Len Meilleur, re: AML Strategy language – draft BCLC mandate letter – Nov 19, 2015	April 23, 2021
	DAVID EBY (April 26, 2021)	
0904	Binder of briefing documents prepared by ADM and presented to Minister Eby – Aug 2017	April 26, 2021
0905	BCLC Briefing – J July 31, 2017	April 26, 2021
0906	Provincial AML Strategy by John Mazure and Len Meilleur – Aug 2017	April 26, 2021
0907	Provincial AML Strategy (Part II) by John Mazure and Len Meilleur	April 26, 2021
0908	PowerPoint deck related to AG Minster Briefing – Oct 26, 2017	April 26, 2021

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0909	BCLC Briefing Note for David Eby, re Status update on JIGIT – Jul 27, 2017	April 26, 2021
0910	GPEB Briefing note for Decision for Honourable David Eby – Sept 11, 2017	April 26, 2021
0911	Email chain, re AG File No. 546040 – Jan 26, 2018	April 26, 2021
0912	Letter from David Eby to Bill Blair – Jan 29, 2019	April 26, 2021
0913	Internal Memo to Len Meilleur from Parminder Basi, re COMM-8611 Follow up – Cash Buy-Ins Conducted at River Rock Casino Cages – Feb 15, 2016	April 26, 2021
0914	Internal Memo to Len Meilleur from Parminder Basi, re COMM-8939 BCLC Directive Impact on Cash Buy-Ins and New Money PGF Deposits – Aug 9, 2017	April 26, 2021
0915	Vancouver Real Estate a Buyers’ Market – For Mainland China: Study, by Sam Cooper – Nov 2, 2015	April 26, 2021
0916	BCLC Briefing Note for David Eby, re BCLC – AML and Countering Terrorist Financing Program – Jul 27, 2017	April 26, 2021
0917	Resignation letter of Bud Smith – Aug 2, 2017	April 26, 2021
0918	Letter from David Eby to Richard Fyfe and Douglas Scott directing recommendations of Dr. German be implemented, Jun 27, 2018	April 26, 2021
0919	GPEB briefing note for decision of David Eby, re Mandate and governance model for a new independent provincial gambling regulator – Aug 27, 2019	April 26, 2021
0920	AML Secretariat Briefing Note for decision of David Eby, re Analysis of Dr. Peter German’s recommendations related to casino reporting obligations to FinTRAC – Jan 24, 2020	April 26, 2021
0921	GPEB briefing note, re Short term funding mechanism for the remaining two years of JIGIT’s initial five-year mandate – Oct 5, 2018	April 26, 2021
	CHERYL WENEZENKI-YOLLAND (April 27, 2021)	
0922	Affidavit 1 of Cheryl Wenezenki-Yolland	April 27, 2021

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0923	Email chain, re Sanctions on high limit players – Aug 7, 2015	April 27, 2021
0924	Responsible Gambling Standards for the BC Gambling Industry – Feb 2010	April 27, 2021
	RICH COLEMAN (April 28, 2021)	
0925	Directive to BCLC published in the British Columbia Gazette, June 26, 2003	April 28, 2021
0926	CBC News – Loansharking alleged at B.C. Casinos – Jun 25, 2004	April 28, 2021
0927	Advice to Minister, Issues Note, re large Cash Transaction Reporting – Feb 23, 2012	April 28, 2021
0928	Advice to Minister, Confidential Issues Note, re Anti-Money Laundering Strategy Update – Feb 23, 2012	April 28, 2021
0929	Advice to Minister, Issues Note, re Gaming Review: AML Measures at BC Facilities – Feb 23, 2012	April 28, 2021
0930	Advice to Minister, Issues Note, re BCLC’s Anti-Money Laundering Measures – Feb 23, 2012	April 28, 2021
0931	Advice to Minister Estimates Note, re Anti Money-Laundering and FINTRAC Compliance – Jun 14, 2013	April 28, 2021
0932	Incident Report #IN20100024262 - Loan Sharking – Jun 21, 2010	April 28, 2021
0933	Vancouver Sun article – We Can’t fight casino money laundering: RCMP report, by Chad Skelton – Aug 12, 2010	April 28, 2021
0934	BCLC Minutes from the Board Meeting – Jul 23, 2010	April 28, 2021
0935	BCLC Board Meeting July 23, 2010 Presentation regarding AML and FINTRAC	April 28, 2021
0936	Email from Mike Hiller, re Form 86 BCLC 2010-0024262 – Jun 22, 2010	April 28, 2021
0937	GPEB report of findings – Failure to Report – Paragon Gaming (dba) Edgewater Casino – Oct 4, 2010	April 28, 2021

Exhibit #	Descriptions	Entered On
0938	Email from Sr. Analyst to Greg Visco, re CLIFF ID 166858, with attachment	April 28, 2021
0939	Email from Anna Fitzgerald to Dave Boychuk, re Deloitte report 2007 – Oct 14, 2015, with attachment	April 28, 2021
	RICHARD FYFE (April 29, 2021)	
0940	1. Letter from Richard Fyfe to Peter German, re Terms of Reference – Money Laundering Review – Oct 4, 2017 2. Letter from Richard Fyfe to Peter German, re Terms of Reference – Money Laundering Review – Signed by Peter German on Oct 7, 2017	April 29, 2021
0941	Email from Suzanne Rowley to Rob Kroeker and others, re Notes from Jim Lightbody’s conversation with Richard Fyfe – Jan 18, 2018	April 29, 2021
0942	Handwritten notes of Richard Fyfe – Jan 17, 2018	April 29, 2021
0943	1. Email from Jim Lightbody to Douglas Scott, re Request by Ministry of Finance – Apr 13, 2018 2. Suspicious Transaction Reports and Table Performance – April 12, 2018	April 29, 2021
0944	Both are handwritten notes of Richard Fyfe – 31 July 2017	April 29, 2021
0945	Email chain, re Meeting with Minister – Jul 31, 2017	April 29, 2021
0946	Handwritten notes of Richard Fyfe – Aug 2, 2017	April 29, 2021
0947	Handwritten notes of Richard Fyfe – Oct 10, 2017	April 29, 2021
0948	Handwritten notes of Richard Fyfe – Dec 20, 2017	April 29, 2021
0949	Handwritten notes of Richard Fyfe – Oct 23, 2017	April 29, 2021
0950	Email exchange between Rob Kroeker and Jim Lightbody, re MSB’s and other initiatives – for the Task Force – Oct 19, 2017	April 29, 2021
	KASH HEED (April 30, 2021)	
0951	Order of the Lieutenant Governor in Council – Jun 10, 2009	April 30, 2021

Exhibit #	Descriptions	Entered On
	GARY HUGHES (May 3, 2021)	
0952	Curriculum Vitae – Gary Hughes	May 3, 2021
0953	Report to the Commission of Inquiry into Money Laundering in British Columbia, Canada, by Gary Hughes – April 9, 2021	May 3, 2021
0954	Enhanced Customer Due Diligence Guideline – Sept 2020	May 3, 2021
	MELINDA MURRAY (May 5, 2021)	
0955	Criminal Property Forfeiture Act	May 5, 2021
0956	Bill 58 – The Criminal Property Forfeiture Amendment Act	May 5, 2021
0957	CBC News – How Crime Pays for Police, by Ian Froese – Nov 30, 2019	May 5, 2021
	JASON SHARMAN (May 6, 2021)	
0958	Curriculum Vitae – Jason Sharman	May 6, 2021
0959	Money Laundering and Foreign Corruption Proceeds in British Columbia: A Comparative International Policy Assessment, by Jason Sharman	May 6, 2021
0960	Reviewing Canada’s Anti-Money Laundering and Anti-Terrorist Financing Regime – Feb 7, 2018	May 6, 2021
0961	A study on Methods of Transferring Assets Outside China by Chinese Corruptors and Monitoring Methods for this Problem – Bank of China – Jun 2008	May 6, 2021
0962	Why We Fail to Catch Money Launderers 99.9 Percent of the Time, by Kevin Comeau – May 7, 2019	May 6, 2021
	MARIA BERGSTROM (May 7, 2021)	
0963	Curriculum Vitae – Maria Bergström	May 7, 2021

Exhibit #	Descriptions	Entered On
0964	Bergström, M., The Many Uses of Anti-Money Laundering Regulation – Over time and into the future (German Law Journal, Vol. 19 No. 5, October 2018)	May 7, 2021
0965	Bergström, M., Legal Perspectives on Money Laundering (Research Handbook on Transnational Crime, 2019)	May 7, 2021
0966	Report on the European Union Anti-Money Laundering Regulation – Draft, by Maria Bergstrom	May 7, 2021
0967	Bergström, M., Money Laundering (Research Handbook on EU Criminal Law, 2016)	May 7, 2021
	STEFAN CASSELLA (May 10, 2021)	
0968	Curriculum Vitae – Stefan Cassella	May 10, 2021
0969	Report for the Cullen Commission, prepared by Stefan Cassella	May 10, 2021
0970	Addendum – Civil Forfeiture Law in the United States	May 10, 2021
0971	Policing for Profit – The Abuse of Civil Asset Forfeiture 3rd Edition – Dec 2020	May 10, 2021
	STEPHANIE BROOKER (May 11, 2021)	
0972	Curriculum Vitae – Stephanie Brooker	May 11, 2021
0973	The Role of FinCEN, the US Financial Intelligence Unit, in the US Anti-Money Laundering Regime and Overview of the US Anti-Money Laundering Structure and Authorities, by Stephanie Brooker	May 11, 2021
	CRAIG HAMILTON (May 12, 2021)	
0974	Curriculum Vitae – Craig Hamilton	May 12, 2021
0975	Anti-Money Laundering and counter-terrorist financing measures New Zealand – Mutual Evaluation Report – April 2021	May 12, 2021
0976	Dashboard – CPRA (Criminal Proceeds (Recovery) Act 2009) – April 30, 2021	May 12, 2021

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0977	Criminal Disclosure Act 2008	May 12, 2021
0978	New Zealand Police Financial Crime Group response – July 10, 2017	May 12, 2021
0979	New Zealand Ministry of Health response – July 13, 2017	May 12, 2021
	FRANCIEN RENSE (May 13, 2021)	
0980	Overview Report: Documents Related to Anti-Money Laundering Initiatives in the Netherlands	May 13, 2021
0981	Profile of Francien Rense	May 13, 2021
0982	Understanding Bank De-risking and Its Effects on Financial Inclusion, by Tracey Durner and Liat Shetret – Nov 2015	May 13, 2021
0983	Opinion of the European Banking Authority on the risks of money laundering and terrorist financing affecting the European Union’s financial sector – March 3, 2021	May 13, 2021
	ROLF VAN WEGBERG (May 14, 2021)	
0984	Curriculum Vitae – Rolf van Wegberg	May 14, 2021
0985	List of publications authored by Rolf van Wegberg	May 14, 2021
0986	Anti-Money Laundering efforts in the Netherlands, prepared by Rolf van Wegberg	May 14, 2021
0987	“Bitcoin Money Laundering: mixed results?” by Rolf van Wegberg, Jan-Jaap Oerlemans and Oskar van Deventer – 2018	May 14, 2021
0988	Using Police Reports to Monitor Money Laundering Developments. Continuity and Change in 12 Years of Dutch Money Laundering Crime Pattern and Analyses – March 2019	May 14, 2021
	ADDITIONAL DOCUMENTS (May 14, 2021)	
0989	Manitoba Justice – Annual Report 2019-2020	May 14, 2021
0990	Affidavit 1 of Annette Ryan	May 14, 2021
0991	Exhibit A to the Affidavit 1 of Annette Ryan – FINTRAC CBCR Reports Data	May 14, 2021

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0992	Affidavit 1 of Gurprit Bains	May 14, 2021
0993	Affidavit 1 of Joel Rank	May 14, 2021
0994	Affidavit 1 of Tobias Louie	May 14, 2021
0995	Affidavit 2 of Brad Desmarais	May 14, 2021
0996	Affidavit 2 of Bud Smith	May 14, 2021
0997	Affidavit 2 of John Mazure	May 14, 2021
0998	Affidavit 2 of Patrick Ennis	May 14, 2021
0999	Affidavit 1 of Calvin Chrustie	May 14, 2021
1000	Affidavit of Sarah D'Ambrogio	May 14, 2021
1001	CBCR Seizures 2015-2016	May 14, 2021
1002	CBCR Seizures 2016-2017	May 14, 2021
1003	CBCR Seizures 2017-2018	May 14, 2021
1004	CBCR Seizures 2018-2019	May 14, 2021
1005	CBCR Seizures 2019-2020	May 14, 2021
1006	Affidavit of Sherri-Lynn Foran	May 14, 2021
1007	Affidavit 1 of Bradley Rudnicki	May 14, 2021
1008	Affidavit 2 of Bradley Rudnicki	May 14, 2021
1009	BCLC0016965	May 14, 2021
1010	BCLC0016966	May 14, 2021
1011	BCLC0016967	May 14, 2021
1012	BCLC0016968	May 14, 2021
1013	BCLC0016998	May 14, 2021
1014	Overview Report: Cash Payments for Building Supplies	May 14, 2021
1015	Overview Report: Money Laundering and Proceeds of Crime Prosecutions in British Columbia	May 14, 2021
1016	Overview Report: Basel AML Index: 9th Public Edition	May 14, 2021
1017	Overview Report: Criminal Intelligence Service of Canada National Criminal Intelligence Estimate on the Canadian Criminal Marketplace: Money Laundering and Fraud (2020)	May 14, 2021
1018	Affidavit 2 of Cheryl Wenezenki-Yolland	May 14, 2021

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1019	Affidavit 1 of Lesley Soper	May 14, 2021
1020	Overview Report: Information Relating to the FATF & Egmont Group Trade-Based Money Laundering Report	May 14, 2021
1021	Overview Report: Miscellaneous Documents	May 14, 2021
	RICH COLEMAN (May 14, 2021)	
1022	Affidavit 1 of Craig Callens	May 14, 2021
1023	Affidavit 1 of Gary Bass	May 14, 2021
1024	CBC Interview with Rich Coleman – Jan 10, 2011	May 14, 2021
	ROSS ALDERSON (September 9 & 10, 2021)	
1025	Affidavit of Ross Alderson	September 9, 2021
1026	Unredacted copy of exhibits to Ross Alderson's affidavit not public by order of the Commissioner	September 9, 2021
1027	Copy of an envelope in which Mr. Alderson's affidavit was delivered to the Commission	September 9, 2021
1028	GPEB Audit of River Rock HL Rooms note by Ross Alderson	September 9, 2021
1029	Incident File Full Report IN20160008580 – February 10, 2016	September 9, 2021
1030	Email from Kevin Sweeney re For Comment, GPEB PIA – November 7, 2016	September 10, 2021
1031	BCLC Investigations Protocol for Educating, Warning, Sanctioning or Barring Patrons – April 16, 2015	September 10, 2021
1032	BCLC letter re: Request for Records: BCLC File 20-024 – June 1, 2020	September 10, 2021
1033	Email from Brad Desmarais re Gao latest – April 27, 2015	September 10, 2021
1034	A collection of emails sent from YR_Mate to Ross Alderson between 2020 and 2021	September 10, 2021
1035	Ross Alderson Notes – Jan 2011–Jan 2013 (only pages 31, 49, 51, 64, 68-72 are marked as Ex.1035)	September 10, 2021

Exhibit #	Descriptions	Entered On
1036	Ross Alderson Notebook – Oct 2013–May 2015 (only pages 127, 235, 242, 246 are marked as Ex. 1036)	September 10, 2021
	ROBERT BOYLE (September 13, 2021)	
1037	Report on Known Play by Ernst & Young LLP – April 30, 2021	September 13, 2021
1038	Report on AML Practices by Ernst & Young LLP – April 28, 2021	September 13, 2021
	ADDITIONAL DOCUMENTS (September 14, 2021)	
1039	Overview Report: Case Study	September 14, 2021
1040	Affidavit 2 of Bill Lang	September 14, 2021
1041	Affidavit 3 of Adam Ross	September 14, 2021
1042	Affidavit 1 of William McCrea	September 14, 2021
1043	Affidavit 1 of Joe Schalk	September 14, 2021
1044	Affidavit 1 of Terri Van Sleuwen	September 14, 2021
1045	Affidavit 3 of Cathy Cuglietta – August 31, 2021	September 14, 2021
1046	Overview Report: New Developments & Miscellaneous Documents	September 14, 2021
1047	Overview Report: Gateway Casinos & Entertainment Inc. and Gateway Casinos & Entertainment Limited	September 14, 2021
1048	Affidavit of Diana Bennett	September 14, 2021
1049	Affidavit 1 of Sandy Austin	September 14, 2021
1050	Affidavit of Michael Scott	September 14, 2021
1051	Affidavit of Blair Morrison	September 14, 2021
1052	Overview Report: Paul Jin Debt Enforcement Against BC Real Estate	September 14, 2021
	ROBERT BOYLE (September 14, 2021)	
1053	Hunter Litigation Memo to B. Boyle re HLC Draft Questions for EY re AML Practices – Point in Time Review – Feb 19, 2021	September 14, 2021

Exhibit #	Descriptions	Entered On
1054	Email re 100% known Play_ BCLC – March 11, 2021 and attachment	September 14, 2021
1055	Email re SOW – Appendix A – April 19, 2021	September 14, 2021
	ADDITIONAL DOCUMENTS (Marked by written direction of the Commissioner)	
1056	Affidavit 2 of Douglas Scott	September 27, 2021
1057	Affidavit 2 of Joseph Emile Leonard Meilleur	September 27, 2021
1058	Affidavit 3 of Joseph Emile Leonard Meilleur – exhibits to affidavit not public by order of the Commissioner	September 27, 2021
1059	Affidavit 4 of Joseph Emile Leonard Meilleur	September 27, 2021
1060	Overview Report: 2012 & 2013 Gaming Policy and Enforcement Branch Organizational Charts	October 1, 2021
1061	FATF – Canada 1st Regular Follow-up Report & Technical Compliance Re-Rating – October 2021	October 8, 2021
1062	Affidavit 3 of Bradley Rudnicki	October 8, 2021
1063	Affidavit 4 of Bradley Rudnicki	October 8, 2021

Appendix I
**Constitutionality of Possible Changes to the
British Columbia *Civil Forfeiture Act***

Commission of Inquiry into Money Laundering in British Columbia

Constitutionality of possible changes to the British Columbia *Civil Forfeiture*

Act :

- **Unexplained wealth orders**
- **Information sharing**
- **Combining law enforcement and civil forfeiture
personnel**

Opinion of The Honourable Thomas A. Cromwell C.C.

Requested by the Commission of Inquiry into Money Laundering in British Columbia

February 9, 2021

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I. Introduction

[1] This is my opinion as to whether three potential changes to British Columbia’s civil forfeiture scheme would be within provincial legislative competence¹ and compliant with the *Charter*.²

[2] The three potential changes are:

- Providing the Director of Civil Forfeiture with authority to apply for, and the courts with the authority to issue, “unexplained wealth orders”;
- Enabling the Director of Civil Forfeiture to share information obtained in the exercise of his or her information gathering powers with criminal law enforcement agencies, tax authorities and regulators; and
- Embedding a provincial civil forfeiture office within a provincial law enforcement agency or giving a provincial law enforcement agency a mandate to pursue civil asset forfeiture.

[3] An introductory word about the first of these changes—the unexplained wealth order—will be helpful. The “unexplained wealth order” (or “UWO”) would add to the information gathering tools in the *Civil Forfeiture Act*³ and introduce an evidentiary shortcut in civil forfeiture proceedings. These orders, like those provided for in Part 8 of the United Kingdom *Proceeds of Crime Act 2002*⁴, would authorize the director to apply to the court for an order requiring persons to provide information about the acquisition and ownership of property that may be subject to forfeiture. Failure to comply with the order would give rise to a presumption that the property is subject to forfeiture.

¹ i.e. whether they would conform with the division of legislative powers under the *Constitution Act, 1867*, 30 & 31 Victoria, c 3 (UK) (“*Constitution Act, 1867*”).

² *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitutional Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11 (“*Charter*”).

³ *Civil Forfeiture Act*, SBC 2005, c 29 (“*CFA*”).

⁴ *Proceeds of Crime Act 2002*, 2002, c 29, s. 362.

II. Overview of opinion

A. Unexplained wealth orders

[4] If the unexplained wealth order becomes part of the *CFA*, its constitutionality cannot be assessed apart from that of the *CFA* as a whole. In my opinion, with one exception, the current *CFA* provisions are validly enacted provincial legislation under British Columbia’s jurisdiction over property and civil rights within the province. The UWO provisions, viewed on their own and as part of the larger *CFA* scheme, would also, in my opinion, be validly enacted provincial legislation under the same head of power.

[5] The exception is the so-called “future use” aspect in relation to the instruments of criminal activity provisions. The Supreme Court of British Columbia has ruled this aspect of the scheme to be beyond provincial legislative competence. If that ruling is correct, the UWO provisions cannot validly operate in relation to the investigation of alleged “future use” cases.

[6] Turning to *Charter* compliance, provisions modeled on the UK UWO scheme would not constitute unjustified infringements of any right guaranteed by the *Charter*. However, the use of these powers would give rise to a number of *Charter* issues, which would, in some respects, limit their usefulness.

B. Information sharing

[7] In general, there is no constitutional impediment to a civil forfeiture office sharing information with other provincial regulatory bodies and agencies for valid provincial purposes. However, *Charter*, and perhaps division of powers issues, will arise if the British Columbia Civil Forfeiture Office (“CFO”) uses its investigative powers for the predominant purpose of investigating penal liability. For example, sharing compelled information with law enforcement for the purposes of a criminal investigation and prosecution likely breaches s. 7 of the *Charter* and likely engages s. 8 of the *Charter*.

C. Combining law enforcement and civil forfeiture personnel

[8] A critical element of both the division of powers and the *Charter* analyses concerns whether the civil forfeiture scheme and the powers it confers on the director are limited to

pursuing the valid provincial objectives of a civil forfeiture scheme and not directed to the investigation or prosecution of criminal offences. There is a serious risk that embedding a provincial civil forfeiture office in a law enforcement agency would blur this important distinction of purpose and, as a result, risk a finding that the scheme exists in fact, if not in form, for a criminal law, rather than purely civil forfeiture, purpose. This risk, in turn, opens the legislation to challenges on division of powers grounds and its operation to *Charter* challenges. The risk is even more serious in the case of giving a law enforcement agency a civil asset forfeiture mandate.

III. Analysis

A. Division of powers analysis

1. Introduction

[9] Provincial legislation may be “unconstitutional” in the division of powers sense in three ways but only one of them is relevant here.⁵ We are concerned solely with the question of whether provincial legislation comes within one or more of the classes of subjects over which provinces have legislative authority. If it does not, the legislation is *ultra vires* (beyond the power of) the province; if it does, the legislation is *intra vires* (within the power of) the province.

[10] To answer this question, we must focus first on whether the existing *CFA*, of which the UWO provisions would form a part, is within provincial legislative competence. If it is, the next question is whether adding the UWO provisions or the potential information sharing and embedding schemes would alter that conclusion. We must consider both the impact of the addition of new features on the constitutionality of the whole scheme, as well as whether any aspects of the new features are themselves constitutionally suspect.

[11] I will first turn to the question of whether the existing scheme is valid provincial legislation and then address whether the potential additional features would alter the division of powers analysis.

⁵ The other two are: (a) interjurisdictional immunity, the application of which makes a provincial law inapplicable to the extent that it intrudes into the essential core of a federal legislation power; and (b) paramountcy, the application of which makes a provincial law inoperative to the extent that it conflicts with a validly enacted federal law.

2. Constitutional validity of the current CFA

a) *Analytical method*

[12] The *Constitution Act, 1867*, in ss. 91 and 92, assigns exclusive, legislative authority to Parliament and the provincial legislatures, respectively, in relation to “Matters coming within the Classes of Subjects” set out in those sections. Following this basic structure, the analysis to determine whether a law or parts of a law fall within federal or provincial legislative jurisdiction follows two main steps. First, one characterizes the law to determine the “matter” to which it relates, its so-called “pith and substance.” Then, one classifies the law by determining which of the “classes of subjects” set out in either s. 91 or s. 92 that “matter” comes within. While this analytical method is simple to state, it can be challenging to apply: the justices of the Supreme Court of Canada recently split three ways over how best to describe the pith and substance of a challenged law.⁶

[13] The constitutional analysis may be focused on the whole legislative scheme or only parts of it. In the latter situation, provisions that are found to be unconstitutional are severed, leaving the remaining provisions intact. However, severance will not be possible if the unconstitutional provisions are inextricably bound up with the constitutional ones such that the legislature would not have enacted one without the other.⁷

b) *Characterization of the CFA—determining the law’s “pith and substance”*

(i) General principles

[14] As explained earlier, the first step is to determine the “matter” of the law. This has been described as the law’s “pith and substance,” “the matter to which it essentially relates” or its “dominant purpose or true character.” In more everyday language, one asks, “What is the essence of what the law does and how does it do it?”⁸

⁶ *Reference Re Genetic Non-Discrimination Act*, 2020 SCC 17.

⁷ *Attorney-General for Alberta v Attorney –General for Canada*, [1947] AC 503 (PC Can) at p 518, cited with approval in *Reference re Assisted Human Reproduction Act*, 2010 SCC 61 at para 18.

⁸ *RJR-MacDonald Inc v Canada (Attorney General)*, [1995] 3 SCR 199 at para 29; *Canadian Western Bank v Alberta*, 2007 SCC 22; *Chatterjee v Ontario (Attorney General)*, 2009 SCC 19 at para 16.

[15] Both the law’s purpose and its legal and practical effects play a part in this analysis.⁹ It is the purpose and effects of the law, not its form, that determine its true character. The means by which the law sets out to accomplish its purpose are relevant, but must not be confused with its purpose.¹⁰ Where the challenged provisions are part of a larger legislative scheme, one considers the pith and substance of the challenged provisions in the context of that larger scheme.¹¹ This is because the nature of the larger scheme may influence the assessment of the purpose and/or effects of the challenged provisions.

[16] The law’s “dominant purpose” is decisive in the pith and substance analysis; the law’s secondary objectives and effects have no impact on its characterization or on its constitutionality.¹² Thus, where “the matter” of legislation is squarely within federal or provincial legislative authority, it may have substantial effects on matters that, considered on their own, would be outside that legislative authority. This point is often expressed by saying that “incidental effects”, that is, effects that may be of significant practical importance but are collateral and secondary to the mandate of the enacting legislature, do not alter the constitutionality of an otherwise valid law.¹³

[17] Canadian constitutional law recognizes the so-called “double aspect doctrine.” This doctrine holds that a matter may, for one purpose and in one aspect, fall within federal jurisdiction while for another purpose, and in another aspect, it may fall within provincial competence. Standards for driving are a good example. Parliament can enact the offence of dangerous driving or criminal negligence causing death under its power in relation to criminal law, while the provinces can regulate driving within their borders, including by creating the provincial offence of careless driving under provincial authority in relation to property and civil rights.¹⁴

[18] The potential for overlap inherent in this approach is addressed through the constitutional doctrines of pith and substance, interjurisdictional immunity and federal paramountcy. Overlap

⁹ *Reference Re Securities Act*, 2011 SCC 66 at paras 63-64.

¹⁰ See e.g. *Reference re Genetic Non-discrimination Act*, 2020 SCC 17 at paras 116 and 221.

¹¹ *Kirkbi AG v Ritvick Holdings Inc*, 2005 SCC 65; by analogy, see also *R v Comeau*, 2018 SCC 15 at para 113.

¹² *Global Securities Corp v British Columbia (Securities Commission)*, [2000] 1 SCR 494 at para 23.

¹³ *Canadian Western Bank v Alberta*, 2007 SCC 22 at para 28.

¹⁴ *Canadian Western Bank v Alberta*, 2007 SCC 22 at para 30.

that has only incidental effects is resolved by the pith and substance analysis. Overlap that impairs the core of the other order of government’s legislative authority is addressed by interjurisdictional immunity with the result that the impairing law is inapplicable to the extent of that impairment. Overlap that results in a conflict between a provincial and a federal law is addressed through federal paramountcy with the result that the provincial law is inoperative to the extent of the conflict. As noted earlier, I do not consider either interjurisdictional immunity or federal paramountcy to be relevant to the constitutional issues on which you have asked for my opinion.

(ii) The purposes and effects of the *CFA*

[19] We turn, then, to the “pith and substance” of the *CFA* by looking at its purpose and effects. The British Columbia Court of Appeal has held the *CFA* has three purposes: (a) to take the profit out of unlawful activity; (b) to prevent the use of property for unlawfully acquiring wealth or causing bodily injury; and (c) to compensate victims of crime and fund crime prevention and remediation.¹⁵

[20] In broad terms, the *CFA*’s effects mirror these purposes.

[21] The focus of the *CFA* is forfeiture to government of property that is “proceeds of unlawful activity” or “an instrument of unlawful activity.”¹⁶ The *CFA* defines “property” to mean “a parcel of real property or tangible or intangible personal property,” including cash.¹⁷ The term “proceeds of unlawful activity” refers to various types of interests in property and an “instrument of unlawful activity” is defined to mean property used or likely to be used to engage in unlawful activity. Thus, the effects of forfeiture of such property furthers the first two purposes of the *CFA*, taking the profit out of unlawful activity and preventing the use of property to acquire wealth or cause bodily harm.

[22] Part 6 of the *CFA* furthers the third purpose, compensating victims of crime and funding crime prevention and remediation. The proceeds of forfeiture are paid into the civil forfeiture

¹⁵ *British Columbia (Director of Civil Forfeiture) v Onn*, 2009 BCCA 402 at para 14; see also *British Columbia (Director of Civil Forfeiture) v Wolff*, 2012 BCCA 473 at para 16.

¹⁶ *CFA*, s. 3.

¹⁷ *CFA*, s. 1(1).

account and the director may make payments out of it to, among other things, compensate eligible victims and to fund crime prevention and remediation.

[23] An application for forfeiture may be made “only with respect to property or an interest in property located in British Columbia.”¹⁸ This focus on property within the Province is further evidenced by the fact that proceedings for forfeiture orders under Part 2 and for other court orders (such as interim preservation orders) under Part 3 are proceedings *in rem* and not *in personam*.¹⁹ This means that the object of the proceeding is to make a determination of rights to the property that is conclusive against the world, regardless of who the owner is or who else might have an interest in it.²⁰ In short, the whole scheme is directed to forfeit, to the provincial government, property in the province that is either the proceeds of crime or an instrument of unlawful activity and to devoting the value of that property to compensating victims of crime and funding crime prevention and remediation.

[24] The *CFA* contains a number of procedural provisions that, among other things, confer discretion on the court to dispense with or mitigate the effects of forfeiture where it would be in the interests of justice to do so, and establish rules concerning the burden and standard of proof for proceedings under the Act. It also provides for various interim preservation orders and for the director’s authority to provide notices to persons to produce information, including about accounts and account holders at financial institutions. All of these provisions are ancillary, and aim to further the *CFA*’s three purposes as articulated by the Court of Appeal.

(iii) Conclusion on pith and substance of the *CFA*

[25] The British Columbia courts have held that the pith and substance of the *CFA* is a property-based regime for the forfeiture and redistribution of property found to be tainted by crime for purposes related to the suppression of crime, including by preventing the use of

¹⁸ *CFA*, s. 3(3).

¹⁹ *CFA*, s. 15.01(2).

²⁰ *Law v Hansen* (1895), 25 SCR 69 at p 73.

property to unlawfully acquire wealth or cause bodily injury, and to compensating victims of crime and funding crime prevention and remediation.²¹

[26] This closely tracks the conclusion reached by the Supreme Court of Canada in relation to the pith and substance of the Ontario *Civil Remedies Act, 2001*²², legislation that in substance is similar to British Columbia’s *CFA*. The Court described the pith and substance of that legislation as creating “a property-based authority to seize money and other things shown on a balance of probabilities to be tainted by crime and thereafter to allocate the proceeds to compensating victims of and remedying the societal effects of criminality. The practical (and intended) effect is also to take the profit out of crime and to deter its present and would-be perpetrators.”²³

[27] These statements capture the pith and substance or “the matter” of the *CFA*.

[28] However, I note my conclusion about the pith and substance of the *CFA*—and its classification (below)—might be different if the CFO were sharing information with criminal law enforcement agencies or tax authorities for the purposes of prosecutions under the *Criminal Code*²⁴ or *Income Tax Act*²⁵ or if the CFO is embedded in a provincial law enforcement agency or such an agency is given a civil forfeiture mandate. In *R v Jarvis*²⁶, which is discussed further below in relation to *Charter* compliance, the Court held there was a distinction, for *Charter* purposes, between obtaining information in order to assess tax liability and obtaining information for the purposes of determining penal liability. The distinction turns on the “predominant purpose” for which the information is obtained. To determine the predominant purpose for which information is obtained, one must look to all factors that bear upon the nature of the inquiry. Apart from a clear decision to pursue a criminal investigation, no one factor is determinative.²⁷

²¹ *British Columbia (Director of Civil Forfeiture) v Onn*, 2009 BCCA 402 at para 14; *British Columbia (Director of Civil Forfeiture) v Wolff*, 2012 BCCA 473 at para 16; *British Columbia (Director of Civil Forfeiture) v Angel Acres Recreation and Festival Property Ltd.*, 2020 BCSC 880 at para 1399.

²² *Civil Remedies Act, 2001*, SO 2001, c 28 (“*CRA*”).

²³ *Chatterjee v Ontario (Attorney General)*, 2009 SCC 19 at para 23.

²⁴ *Criminal Code*, RSC 1985, c C-46.

²⁵ *Income Tax Act*, RSC 1985, c 1 (5th Supp) (“*ITA*”).

²⁶ *R v Jarvis*, 2002 SCC 73.

²⁷ The following factors may be considered: (a) did authorities have reasonable grounds to lay charges or could a decision have been made to proceed with a criminal investigation; (b) was the authorities’ general conduct consistent with a criminal investigation; (c) did the regulator transfer his or her file to the investigators; (d) was the

[29] This has implications for the division of powers analysis as well. If the predominant purpose of the CFO in gathering information were to assist law enforcement agencies in their criminal investigations, then the information gathering process by the CFO might be characterized as a criminal investigation.²⁸ If the CFO is embedded in a law enforcement agency or such an agency has a civil forfeiture mandate, then the characterization as a criminal investigation may be even more likely.

c) *Classification: assigning the “matter” to one the classes of subjects set out in ss. 91 and 92*

(i) Introduction

[30] I now turn to the question of whether the matter to which the law relates—its “pith and substance”—falls within one of the classes of subjects established under ss. 91 and 92 of the *Constitution Act, 1867*.²⁹ The focus of our concern is whether the *CFA* falls within provincial legislative authority over “property and civil rights in the province” under s. 92(13) or within federal legislative authority over “the criminal law except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters” under s. 91(27).

[31] In classifying the matter, we must remember that “a matter” may have a dual aspect, that is, it may have aspects that are both federal and provincial.³⁰ This allows the concurrent operation of federal and provincial laws each of which pursues objectives that are, in pith and substance, within their respective jurisdictions. Moreover, even where a matter may at first appear to fall within the legislative competence of one level of government, it may be assigned to a head of power of the other level where the matter is closely connected or integral to that head of power. For example, labour relations (generally a matter of property and civil rights within the

regulator acting as an agent for the investigators; (e) did the investigators appear to intend to use the regulator as their agent; (f) was the evidence relevant to taxpayer liability generally or only to penal liability; and (g) were there other circumstances or factors suggesting an audit became a criminal investigation?

²⁸ *R v Jarvis*, 2002 SCC 73.

²⁹ The language in quotations comes from the opening words of ss. 91 and 92. Parliament has exclusive legislative authority “in relation to all matters not coming within” the classes of subjects assigned to the provinces by s. 92 and this authority extends “to all matters coming within the classes of subjects” set out in s. 91. The provincial legislatures have exclusive legislative authority “in relation to matters coming with the classes of subjects” set out in s. 92.

³⁰ *Reference re Securities Act*, 2011 SCC 66 at para 66.

province) may be integral to the operation of an interprovincial undertaking and therefore fall within federal legislative competence.³¹

[32] As discussed in more detail below, I conclude that the *CFA*, with the possible exception of the “future use” provisions, is within provincial legislative jurisdiction and that adding the UWO provisions would not alter that conclusion.

(ii) Criminal law and property and civil rights

[33] The two main contending heads of legislative power are the federal criminal law power and the provincial power in relation to property and civil rights in the province. A brief word about each, and about the relationship between them, is in order.

[34] Federal legislative power in relation to criminal law applies, as a general rule, to matters with a valid criminal law purpose (such as the public peace, order, security, health and morality) to which a prohibition and penalty are attached. The federal power extends to criminal procedure that regulates many aspects of criminal law enforcement such as arrest, search and seizure of evidence, the regulation of electronic surveillance and the forfeiture of stolen property.³²

[35] Provincial legislative power in relation to property and civil rights within the province is “a broad, multi-faceted power difficult to summarize concisely.”³³ Under this power, the provinces have authority to enact laws that govern relationships between individuals and their property (real, personal and intangible) as well as individuals and each other and their “civil rights.”³⁴ Peter Hogg describes the power as “...a compendious description of the entire body of private law which governs the relationships between subject and subject, as opposed to the law which governs the relationships between the subject and the institutions of government.”³⁵

[36] A matter does not fall within property and civil rights simply because property is the subject-matter of the law. Classification of the challenged law turns not on its subject matter, but

³¹ See e.g. *Bell Canada v Quebec (Commission de la Santé et de la Sécurité du Travail)*, [1981] 1 SCR 749.

³² See e.g. *Reference re Firearms Act (Can.)*, 2000 SCC 31 at paras 28 and 31; with respect to forfeiture of stolen property see *Industrial Acceptance Corp. Ltd. v The Queen*, [1953] 2 SCR 273.

³³ *Ward v Canada (Attorney General)*, 2002 SCC 17 at para 42.

³⁴ See also *Laderoute v Alberta*, [2019] AJ No 457, quoting G Régimbald and D Newman, *The Law of the Canadian Constitution*, 2nd ed (Markham, Ont: LexisNexis Canada Inc, 2017) at p 244.

³⁵ PW Hogg, *Constitutional Law of Canada*, 5th ed Supp (Toronto: Thomson Reuters, loose-leaf updated to November 2018) at p 21-2.

on its “true nature and purpose.”³⁶ Moreover, there are no “sharp lines” between criminal law and property and civil rights: food, drugs and obscene materials are all items of property but they are also legitimate subjects of criminal laws.³⁷ As a further example, forfeiture of property used in the commission of a criminal offence has been recognized as an integral aspect of the criminal law.³⁸

[37] The Supreme Court’s decision in *Johnson v AG for Alberta* provides a nice illustration of the at-times fine distinctions that determine the dividing line between criminal law and property and civil rights.³⁹ Alberta’s *Slot Machine Act*⁴⁰ provided that no slot machine was capable of ownership or of being the subject of property rights in the Province. The law also authorized confiscation of such machines unless, at an inquiry before a justice of the peace, the court was satisfied that the machine was not a slot machine within the meaning of the Act. The legislation defined slot machine in a way that nearly mirrored the *Criminal Code* definition.

[38] The Court closely divided on how to characterize and classify the legislation. Kellock and Cartwright JJ. held that it related to the prohibition and punishment of keeping contrivances for playing games of chance and was therefore federal criminal law and *ultra vires* the province. Locke J. reasoned that, in essence, the Act was directed against gambling and was therefore properly characterized as criminal law. Estey J., in dissent, was of the view that the legislation was directed to prevention rather than punishment and was therefore within provincial legislative competence. Kerwin and Taschereau JJ., also in dissent, thought that the legislation concerned property and therefore was within provincial jurisdiction as a matter of property and civil rights within the province. For his part, Rand J. avoided characterization and classification by dealing with the case under the federal paramountcy doctrine, finding that the provincial law was inoperative because “the machines or devices struck at by the statute are the same as those dealt with in similar manner” by the *Criminal Code*.

³⁶ See e.g. *Switzman v Elbling and AG Quebec*, [1957] SCR 285, *per* Nolan J. at p 314.

³⁷ *Ward v Canada (Attorney General)*, 2002 SCC 17 at para 50.

³⁸ *Industrial Acceptance Corp. Ltd. v The Queen*, [1953] 2 SCR 273.

³⁹ *Johnson v AG for Alberta*, [1954] SCR 127.

⁴⁰ *Slot Machine Act*, RSA 1935, c 333.

[39] One dividing line is clear. A provincial law cannot authorize an inquiry into specific individuals in respect of specific criminal offences.⁴¹ The question in every case must be whether or not the primary purpose of the inquiry is an investigation of whether a specific crime was committed.⁴² Or, as Estey J. put it in his concurring judgment in *Di Iorio v Warden of the Montreal Jail*, “where the object is in substance a circumvention of the prescribed criminal procedure by the use of the enquiry technique..., the provincial action will be invalid as being in violation of either the criminal procedure validly enacted by the authority of s. 91(27), or the substantive criminal law, or both.”⁴³

d) *Is the CFA valid provincial legislation in relation to property and civil rights in the province?*

(i) The jurisprudence

[40] There is strong support for the view that the current *CFA*, with the exception of one aspect, is within provincial legislative authority in relation to property and civil rights. That support consists of the judgment of the Supreme Court of Canada in *Chatterjee v Ontario (Attorney General)*⁴⁴ and the decision of the Supreme Court of British Columbia in *British Columbia (Director of Civil forfeiture) v Nguyen*.⁴⁵ The exception to provincial authority arises from *British Columbia (Director of Civil Forfeiture) v Angel Acres Recreation and Festival Property Ltd.*⁴⁶

[41] The leading case on the constitutionality of provincial civil forfeiture schemes is *Chatterjee*, which concerned aspects of the Ontario scheme.

[42] In issue was whether ss. 1 to 6 and 16 to 17 of the Ontario *Civil Remedies Act, 2001* were *intra vires* the Province. Sections 1 to 6 provided for applications to the Superior Court for

⁴¹ *Starr v Houlden*, [1990] 1 SCR 1366.

⁴² *Starr v Houlden*, [1990] 1 SCR 1366; see also *Di Iorio v Warden of the Montreal Jail*, [1978] 1 SCR 152 at p 201.

⁴³ *Di Iorio v Warden of the Montreal Jail*, [1978] 1 SCR 152 at p 258.

⁴⁴ *Chatterjee v Ontario (Attorney General)*, 2009 SCC 19.

⁴⁵ *British Columbia (Director of Civil forfeiture) v Nguyen*, 2013 BCSC 1610, aff'd 2014 BCCA 460. And see *British Columbia (Director of Civil Forfeiture) v Wolff*, 2012 BCCA 473 at paras 15-17, where the Court of Appeal noted that the constitutionality of the *CFA* had not yet been determined by a British Columbia court, but cited *Chatterjee v Ontario (Attorney General)*, 2009 SCC 19 and noted that the Court of Appeal confirmed the objectives of the *CFA* in terms similar to those stated in s. 1 of the *Civil Remedies Act, 2001*, which were accepted by the Court in *Chatterjee*.

⁴⁶ *British Columbia (Director of Civil Forfeiture) v Angel Acres Recreation and Festival Property Ltd.*, 2020 BCSC 880.

forfeiture orders for the proceeds of crime and for orders to disclose information required for the administration of the Act. In addition, these provisions permitted the provincial Minister of Finance to make payments from funds forfeited to compensate victims of unlawful activity, to assist victims of unlawful activity or to compensate the province, municipalities and prescribed public bodies for pecuniary losses suffered as a result of unlawful activity, including costs incurred in remedying the effects of the unlawful activity. Sections 16 and 17 provided that the standard of proof under the *CRA* was on the balance of probabilities and that proof that a person has been convicted of an offence was proof that the person committed it.

[43] The appellant Chatterjee argued that to the extent these provisions provided for forfeiture of the proceeds of federal offences, they were in pith and substance criminal law and therefore beyond the legislative competence of the Province. In essence, the appellant argued that “forfeiture, in the context of property tainted by crime, is punishment.”⁴⁷

[44] A unanimous Supreme Court rejected this contention. Having set out the *CRA*’s pith and substance as noted above, the Court concluded that its dominant feature was in relation to the provincial legislative authority over property and civil rights in the province (s. 92(16)) although it incidentally affected the federal power in relation to criminal law and procedure (s. 91(27)). As Binnie J. put it on behalf of the Court:

... the *CRA* method of attack on crime is to authorize *in rem* forfeiture of its proceeds and differs from both the traditional criminal law which ordinarily couples a prohibition with a penalty ... and criminal procedure which in general refers to the means by which an allegation of a particular criminal offence is proven against a particular offender.

The Constitution permits a province to enact measures to deter criminality and to deal with its financial consequence so long as those measures are taken in relation to a head of provincial competence and do not compromise the proper functioning of the *Criminal Code* including the sentencing provisions.⁴⁸

[45] The Court concluded that this was the case with Ontario’s *CRA*.

⁴⁷ *Chatterjee v Ontario (Attorney General)*, 2009 SCC 19 at para 38.

⁴⁸ *Chatterjee v Ontario (Attorney General)*, 2009 SCC 19 at paras 3 and 40.

[46] This conclusion, strictly speaking, relates only to the *CRA*'s provisions relating to proceeds of crime and burden and standard of proof.⁴⁹ However, the reasoning supporting the conclusion suggests that British Columbia has considerable latitude under its property and civil rights jurisdiction to legislate in relation to deterring crime and dealing with its financial consequences, provided, of course that those are its true and dominant purposes and effects.

[47] The constitutionality of the *CFA* is also supported by the decision of the Supreme Court of British Columbia in *British Columbia (Director of Civil forfeiture) v Nguyen*.⁵⁰ The Court rejected a division of powers challenge to ss. 15 to 22.1 of the *CFA*, provisions that cover the *in rem* nature of the proceedings, presumptions of fact and the standard of proof, among other things. There was no dispute that, following *Chatterjee*, the pith and substance of the *CFA* fell within provincial legislative competence. The challenge in *Nguyen* was that there was an operational conflict between the *CFA* and the *Criminal Code* in relation to how evidence in forfeiture cases is collected and in respect of procedures, burdens and presumptions. The Court rejected this challenge, concluding there was “no evidence of any incidental effects that create operational conflicts with federal criminal law and procedure.”⁵¹

(ii) Conclusion

[48] Based on these authorities, there are strong grounds for concluding that the *CFA* is generally valid provincial legislation enacted under British Columbia's legislative authority in relation to property and civil rights in the province.

[49] I turn now to the exception I noted earlier relating to the constitutionality of the *CFA*'s “future use” of “instruments of unlawful activity” provisions. In *British Columbia (Director of Civil Forfeiture) v Angel Acres Recreation and Festival Property Ltd.*, there was a challenge to the instrument of unlawful activity provisions. The Court concluded that the “future use” provisions were in pith and substance criminal law and therefore *ultra vires* the Province.

[50] An instrument of unlawful activity is property that has been used (the so-called “past use” provision) or is likely to be used (the so-called “future use” provision) to engage in unlawful

⁴⁹ *Chatterjee v Ontario (Attorney General)*, 2009 SCC 19 at para 55.

⁵⁰ The Court of Appeal did not consider the constitutional issue.

⁵¹ *British Columbia (Director of Civil Forfeiture) v Nguyen*, 2013 BCSC 1610 at para 43.

activity. That unlawful activity must be one that resulted (or may result) in the acquisition of property or caused (or is likely to cause) serious bodily harm to a person and includes property realized from the disposition of such property.⁵² The submission in *Angel Acres* was that these past and future use provisions are in pith and substance criminal law because they constitute *in personam* criminal proceedings rather than *in rem* civil proceedings like the other forfeiture provisions.

[51] The Court concluded that, to the extent the *CFA* permits forfeiture of property that is found to be an instrument of future crime, it is *ultra vires* the Province. The future use provisions, in the Court’s view, “target the potential actions of an individual or group of individuals based upon propensity to offend. As such, they are punitive in their practical essence and in their legal effect, either by creating a new offence based upon the propensity to commit a criminal act or by further penalizing an unlawful act that has been previously punished.”⁵³

[52] While there are arguments to be made as to the soundness of this conclusion, it should be accepted as the law in British Columbia unless reversed on appeal.⁵⁴

[53] On the basis of this state of the authorities, I conclude that the overall scheme of the *CFA* is *intra vires* the Province with the exception of the “future use” instruments of unlawful activity provisions with which *Angel Acres* was concerned.

[54] The question therefore becomes whether adding enhanced investigative tools, such as UWOs, to the scheme would change the conclusion that the scheme is, in pith and substance, in relation to property and civil rights in the province. For reasons I will explain, my view is that it would not.

3. The impact on the division of powers analysis of adding UWOs to the civil forfeiture scheme

⁵² *CFA*, s. 1.

⁵³ *British Columbia (Director of Civil Forfeiture) v Angel Acres Recreation and Festival Property Ltd.*, 2020 BCSC 880 at para 1497.

⁵⁴ Note that the finding of unconstitutionality was stayed with a judge of the Court of Appeal finding that the appeal from that finding raised a serious issue: *British Columbia (Director of Civil Forfeiture) v Angel Acres Recreation and Festival Property Ltd.*, 2020 BCCA 290 at para 21.

a) Introduction

[55] The *CFA* confers some information gathering powers on the director and according to the case law, the discovery process under the *Supreme Court Civil Rules* applies to proceedings under the Act.⁵⁵ It is also likely that information gathering processes within the inherent jurisdiction of a superior court, such as “Norwich orders” are available.⁵⁶ You have not asked for my opinion concerning any division of powers or *Charter* issues that might arise in relation to the use of the civil discovery process in support of a civil forfeiture proceeding.

b) Overview of UWO provisions

[56] The focus of your inquiry relates to whether there would be division of powers or *Charter* concerns if the director had access to an information gathering device modelled on the UK UWO scheme. It will be useful first to provide a brief description of that device.

[57] Mrs. Justice Lang of the Queen’s Bench Division of the High Court of Justice recently set out the background and an overview of the UK UWO scheme in *National Crime Agency v Baker et al.*⁵⁷ The following summary is drawn from her analysis.

[58] UWOs were introduced by the *Criminal Finances Act 2017*⁵⁸ and inserted into Part 8 of *Proceeds of Crime Act 2002*⁵⁹ at ss. 362A to 362R (relating to England, Wales and Northern

⁵⁵ *British Columbia (Director of Civil Forfeiture) v Day*, 2019 BCCA 160; *Director of Civil Forfeiture v Shoquist*, 2011 BCSC 1199; *British Columbia (Director of Civil Forfeiture) v Huynh*, 2012 BCSC 740; *British Columbia (Director of Civil Forfeiture) v Cronin*, 2016 BCSC 284 at paras 13-14. Also, in *Director of Civil Forfeiture v Lloydsmith*, 2014 BCCA 72, while the Court of Appeal does not directly address this point, the Court assumes the civil rules, including discovery, apply to civil forfeiture proceedings. See also *British Columbia (Director of Civil Forfeiture) v Crowley*, 2013 BCCA 89. I note, however, that although the full panoply of civil discovery rules apply to an action brought by the director, if the director commences proceedings by petition, then the less extensive discovery applying in petitions under the *Supreme Court Civil Rules* would apply: *CFA*, s. 15.01(1).

⁵⁶ Norwich orders are used to compel non-parties to disclose information or documents in their possession required by a claimant: *Google Inc. v Equustek Solutions Inc.*, 2017 SCC 34 at paras 31 and 73, citing *Norwich Pharmacal Co v Customs and Excise Commissioners*, [1974] AC 133 (HL) at p 175. In British Columbia, they are issued under the court’s inherent jurisdiction: *Kenney v Loewen*, 1999 CanLII 6110 (BC SC); *British Columbia (Director of Civil Forfeiture) v Hells Angels Motorcycle Corporation*, 2014 BCCA 207 at para 26. While there are no cases addressing Norwich orders under *CFA* proceedings, the court’s inherent jurisdiction to manage its processes has been accepted in the civil forfeiture context: *British Columbia (Director of Civil Forfeiture) v Kingdon*, 2011 BCSC 1501; *British Columbia (Director of Civil Forfeiture) v PacNet Services Ltd.*, 2019 BCSC 70 at para 102; *Director of Civil Forfeiture v Doe*, 2010 BCSC 940 at para 21; *British Columbia (Director of Civil Forfeiture) v Crowley*, 2013 BCCA 89 at para 78. Norwich orders in civil forfeiture proceedings have been issued in Ontario. See for example, *Attorney General of Ontario v Two Financial Institutions*, 2010 ONSC 47. In the *CRA*, the rules of civil procedure apply expressly: *CRA*, s. 15.6(3).

⁵⁷ *National Crime Agency v Baker et al.*, [2020] EWHC 822 at paras 10-12.

⁵⁸ *Criminal Finances Act 2017*, 2017, c 22.

Ireland) and 396A-396U (relating to Scotland). Part 8 comprises a “toolkit” of investigative powers. UWOs are one of a number of investigation tools available to the National Crime Agency (or other designated enforcement authority). According to the Home Office’s Explanatory Notes⁶⁰:

12. The Act creates unexplained wealth orders (UWOs) that require a person who is suspected of involvement in or association with serious criminality to explain the origin of assets that appear to be disproportionate to their known income. A failure to provide a full response would give rise to a presumption that the property was recoverable, in order to assist any subsequent civil recovery action. A person could also be convicted of a criminal offence, if they make false or misleading statements in response to a UWO. Law enforcement agencies often have reasonable grounds to suspect that identified assets of such persons are the proceeds of serious crime. However, they are often unable to freeze or recover the assets under the previous provisions in POCA due to an inability to obtain evidence (often due to the inability to rely on full cooperation from other jurisdictions to obtain evidence).

13. The Act also allows for this power to be applied to “politically exposed persons”, that is, politicians or officials from outside the European Economic Area or those associated with them. A UWO made in relation to a non-EEA PEP would not require suspicion of serious criminality. This measure reflects the concern about those involved in corruption overseas, laundering the proceeds of crime in the UK; and the fact that it may be difficult for law enforcement agencies to satisfy the evidential standard at the outset of an investigation given that all relevant information may be outside of the jurisdiction.

[59] A number of other jurisdictions have unexplained wealth provisions, including Australia and Ireland.⁶¹ While “unexplained wealth” does not have the same meaning across jurisdictions, the common element in UWO laws is a presumption, arising from non-compliance with the order, that a person’s property constitutes proceeds of crime. This, in effect, compels persons to explain the provenance of their wealth.⁶²

[60] A more detailed description of the UK UWO device follows.

⁵⁹ *Proceeds of Crime Act 2002*, 2002, c 29, as amended by *Criminal Finances Act 2017*, 2017, c 22.

⁶⁰ Home Office, *Explanatory Notes Criminal Finances Act 2017* at paras 12–13.

⁶¹ See e.g. T Keatinge, A Moiseienko and H Wood, *Unexplained Wealth Orders: UK Experience and Lessons for British Columbia* (Royal United Services Institute, October 2020), Cullen Commission Exhibit 382, pp 20-26.

⁶² T Keatinge, A Moiseienko and H Wood, *Unexplained Wealth Orders: UK Experience and Lessons for British Columbia* (Royal United Services Institute, October 2020), Cullen Commission Exhibit 382, pp 20-21; Testimony of Anton Moiseienko, Cullen Commission Transcript, December 15, 2020, pp 15-16.

c) *Detailed review of the statutory scheme*

(i) What is an UWO?

[61] An UWO is an order of a superior court requiring the respondent to provide a statement setting out the nature and extent of that person’s interest in specified property, explaining how it was acquired, setting out the details of any trust arrangement and “other information in connection with the property as may be so specified.”⁶³ The order may also require the respondent to produce documents “of a kind specified or described in the order.”⁶⁴ The order will set out how, and within what period of time, the respondent is to provide the statement.⁶⁵

(ii) How is the UWO obtained?

[62] An “enforcement authority” (which I assume if the device were adopted in British Columbia, would be the Civil Forfeiture Office) may apply without notice to the superior court (the Supreme Court of British Columbia) for an UWO. The application must specify or describe the property in respect of which the order is sought and the person whom the enforcement authority thinks holds the property.⁶⁶

[63] To grant the order, the Court must be “satisfied” that:

- There is “reasonable cause to believe” that the respondent holds the property; it does not matter if there are other persons who also hold the property;⁶⁷
- There is reasonable cause to believe the value of the property (or if there is more than one item, the total value of all items) is greater than £50,000 [say CAD \$86,000];⁶⁸
- The respondent is a “politically exposed person”⁶⁹ (or a family member or known close associate) or there are “reasonable grounds for suspecting” that the respondent,

⁶³ *Proceeds of Crime Act 2002*, 2002, c 29, s. 362A(3).

⁶⁴ *Proceeds of Crime Act 2002*, 2002, c 29, s. 362A(5).

⁶⁵ *Proceeds of Crime Act 2002*, 2002, c 29, ss. 362A(4) and 362A(6).

⁶⁶ *Proceeds of Crime Act 2002*, 2002, c 29, ss. 362A(2) and 362I(1).

⁶⁷ *Proceeds of Crime Act 2002*, 2002, c 29, ss. 362B(2) and 362(5)(a).

⁶⁸ *Proceeds of Crime Act 2002*, 2002, c 29, s. 362B(2)(b).

or person connected with the respondent, is or has been involved in serious crime in the jurisdiction or elsewhere;⁷⁰ and

- There are “reasonable grounds for suspecting” that the known sources of the respondent’s lawfully obtained income would have been insufficient for the purposes of enabling the respondent to obtain the property.⁷¹

(iii) What is the effect of compliance with the UWO?

[64] If there is compliance (or purported compliance) with the UWO and there is no freezing order in effect (as to which see below), the “enforcement authority” may, at any time, determine what, if any, “enforcement or investigatory proceedings” it considers ought to be taken in relation to the property.⁷² For our purposes, the “enforcement authority” would be the CFO. If a freezing order is in effect, then the “enforcement authority” must make that determination within 60 days from the day the respondent complies with the order.⁷³

[65] In the UK legislation, “enforcement or investigatory proceedings” include three types of proceedings: confiscation proceedings under Part 2 or 4 of the *Proceeds of Crime Act 2002*; proceedings that may be taken under the UWO provisions; and civil recovery proceedings.

[66] Confiscation orders, which are made following conviction and relate to the amount of the benefit the defendant is determined to have derived from the conduct concerned, may be made if the enforcement authority is also a “prosecuting authority” under the Parts 2 or 4 of the *Proceeds of Crime Act 2002*.⁷⁴ As I understand it, these orders are very roughly equivalent to orders that may be made under the Canadian *Criminal Code* and other federal statutes. I will assume that they would not form part of potential provincial legislation.

⁶⁹ “Politically exposed person” is defined in s. 362B(7), and, adjusted for the Canadian context, would mean a person who is (a) an individual who is, or has been, entrusted with prominent public functions by an international organisation or by a State other than Canada; (b) a family member or (c) a close associate or (d) otherwise connected with of such a person.

⁷⁰ *Proceeds of Crime Act 2002*, 2002, c 29, s. 362B(4). “Serious crime” is defined in s. 362B(9) to include offences specified in Part 1 of Schedule 1 of the *Serious Crimes Act 2007*, 2007, c 27, which include such offences as drug trafficking, people trafficking, terrorism, firearms offences, armed robbery, money laundering, fraud, etc. “Connected” person is as defined in s. 1122 of the *Corporation Tax Act 2010*, 2010, c 4.

⁷¹ *Proceeds of Crime Act 2002*, 2002, c 29, s. 362B(3).

⁷² *Proceeds of Crime Act 2002*, 2002, c 29, s. 362D(5).

⁷³ *Proceeds of Crime Act 2002*, 2002, c 29, ss. 362D(2) and (3).

⁷⁴ *Proceeds of Crime Act 2002*, 2002, c 29, Parts 2 and 4 and s. 362D(8).

[67] With respect to proceedings under the UWO provisions, the main proceeding would be in relation to interim freezing orders that I will discuss shortly.

[68] With respect to civil recovery proceedings, I will assume that these are the proceedings authorized under the *CFA*.

[69] In purporting to comply with an UWO, it is an offence to make a false or misleading statement knowingly or recklessly.⁷⁵ The respondent’s statement made in response to an UWO is not admissible in criminal proceedings, with some exceptions such as perjury prosecutions or if the person gives evidence inconsistent with the statement in a prosecution for another offence.⁷⁶ It is admissible in subsequent civil proceedings. The UWO requirement to disclose information overrides any restrictions that would otherwise apply to disclosure. But there are certain protections for privileged material.⁷⁷

(iv) What are the consequences of non-compliance?

[70] If the respondent fails without reasonable excuse to comply, or purport to comply, with UWO requirements, the property is presumed to be recoverable property unless the contrary is shown.⁷⁸ For our purposes, I will assume that the presumption that property is “recoverable property” would, in potential provincial legislation, be a presumption that the property was “proceeds of unlawful activity” within the meaning of the *CFA*.⁷⁹ The UK UWO scheme only applies to proceeds of crime.⁸⁰ Unlike in the *CFA*, there is no concept of “instruments of crime.”

d) *The impact on the pith and substance analysis of adding UWO provisions to the CFA*

(i) Assumptions

[71] Following your instructions, I have assumed for the purposes of formulating my opinion that:

⁷⁵ *Proceeds of Crime Act 2002*, 2002, c 29, s. 362E(1).

⁷⁶ *Proceeds of Crime Act 2002*, 2002, c 29, ss. 362F(1) and 362F(2).

⁷⁷ *Proceeds of Crime Act 2002*, 2002, c 29, ss. 362G(1) and 362F(2).

⁷⁸ *Proceeds of Crime Act 2002*, 2002, c 29, ss. 362C(1), 362C(2) and 362C(5).

⁷⁹ If the Commissioner intends to recommend a UWO power that would apply to instruments of unlawful activity, then he would have to look at a more express declaration of what can be ordered under an UWO than what is in s. 362A(3)(d) of the *Proceeds of Crime Act 2002*, 2002, c 29: “other information in connection with the property as may be so specified.”

⁸⁰ Testimony of Helena Wood, Cullen Commission Transcripts, December 15, 2020, p 37.

- Provincial legislation would be directed to politically exposed persons and those involved in serious crime;
- The enforcement authority for the legislation would be the provincial CFO;
- References to forfeiture proceedings in the legislation would be to the processes under the *CFA*, as amended; and
- The UWO scheme would be directed to obtaining information about the nature of the respondent's interest in the property and how it was acquired. It follows that the UWO scheme adapted to British Columbia would be directed to inquiries concerning whether property was the proceeds of unlawful activity but not whether it was an instrument of unlawful activity.

(ii) Purpose of UWO provisions

[72] As discussed in detail earlier, the first step in the division of powers analysis is to determine the “matter” or the “pith and substance” of the challenged provisions by considering their purpose and effects.

[73] The Home Office Explanatory Notes state that the purpose of the UWO provisions is to facilitate obtaining evidence that property is the proceeds of unlawful activity. The focus of the information that may be compelled by means of an UWO is the nature of the respondent's interest in, and how he or she came to acquire, the property. It is true that the UWO may also require a statement “setting out such other information in connection with the property as may be so specified” but it is doubtful that this provision permits compelled statements about the use of the property. As noted, I have assumed that, adapted to the *CFA*, the UWO scheme would assist in determining whether property was the proceeds of unlawful activity, but not in determining whether the property was an instrument of unlawful activity.⁸¹

[74] Thus, the UWO scheme is essentially an investigative tool aimed at discovering whether property is the proceeds of unlawful activity. The legislative scheme largely confirms this

⁸¹ In the *CFA*, the term “unlawful activity” has a broad definition. In short, it means that the conduct constitutes a provincial or federal offence or, if committed outside Canada, an offence that would be an offence in the Province if committed here: see *CFA*, s. 1.

purpose. The UWO provisions allow the authorities to obtain a court order that requires the respondent to explain the source of the property and failure to do so (or to purport to do so) gives rise to the presumption that the property is proceeds of unlawful activity unless the contrary is proved.

[75] I have considered the fact that the UWO scheme focuses on the conduct of individuals as much as on the status of the property. This is because one of the requirements that must be met before the UWO may be issued is that there are reasonable grounds for suspecting that the known sources of the respondent's lawfully obtained income would have been insufficient for the purposes of enabling the respondent to obtain the property. This brings to the fore the question of how the respondent came to acquire the property which, in turn, will often devolve to the question of whether the respondent acquired it by means of unlawful activity. To this extent, the legislation may be seen as authorizing the investigation of criminal activity by a specific person by means of compelling that person to provide statements about how he or she could have obtained the property legally.

[76] However, I do not think that this moves the purpose of the scheme away from the provincial objectives of civil forfeiture into the realm of federal criminal law and procedure. The key is that the legislation limits the use of the information obtained to deciding what investigatory and enforcement proceedings may be initiated or continued in relation to the property. Also to note is that the UK scheme provides that statements a person makes in response to a UWO cannot be used as evidence against that person in criminal proceedings. Similar protection would apply in Canada by virtue of s. 13 of the *Charter* and, in fact, more extensive protection is likely provided in relation to use of the evidence as I will discuss in the *Charter* section of my opinion. Also, although provincial legislation cannot provide assurance about the subsequent use of statements compelled by provincial as well as by federal legislation, because the rules of evidence in criminal matters are within the legislative authority of Parliament, s. 5 of the federal *Canada Evidence Act*⁸² affords protection against the use in matters to which it applies, including of course criminal matters. All of this is consistent with the purpose of the UWO being focused on obtaining evidence that property is the proceeds of unlawful activity and the nature of the respondent's interest in it.

⁸² *Canada Evidence Act*, RSC 1985, c C-5.

(iii) Effects of the UWO provisions

[77] The scheme has two main effects.

[78] First, the UWO requires individuals to provide evidence that may help to establish that property is the proceeds of unlawful activity. The specified matters which may be required by the order are directed exclusively to the proceeds of unlawful activity: the required statement may relate to the “nature and extent” of the person’s interest in the property; an explanation of how the person obtained it; and, if held by trustees, the details of the trust. These types of information are directed to the question of how the property was acquired and by whom, which are relevant only to the questions of whether the property is the proceeds of unlawful activity and whether the person being examined acquired it by means of unlawful activity. While the UK provision also authorizes the court to order the respondent to set out “such other information in connection with the property as may be” specified in the order, this broad provision would have to be interpreted to limit the court’s authority to order disclosure of matters consistent with the overall purpose of the scheme.

[79] Second, the person’s failure or refusal to comply with the UWO gives rise to a presumption that the person’s interest in the property is “recoverable property” unless the contrary is proved.⁸³ Transplanted to the *CFA*, the presumption would be that the property is the proceeds of unlawful activity.

(iv) Pith and substance of the UWO provisions

[80] In my view, the pith and substance of the UWO provisions is that they compel persons to disclose how they acquired property and other information “in connection with the property” for the purpose of facilitating proof that the property is the proceeds of unlawful activity as well as the nature and extent of the person’s interest in it.⁸⁴

⁸³ *Proceeds of Crime Act 2002*, 2002, c 29, s. 362C(2).

⁸⁴ However, in Australia, federal and state UWO provisions generally do not tie the UWO to a specific property. Rather, the legislation stipulates there must be reasonable grounds to suspect a person’s total wealth exceeds the value of wealth lawfully acquired: see e.g. *Criminal Property Confiscation Act 2000* (Western Australia); *Criminal Property Forfeiture Act 2002* (Northern Territory); *Crimes Legislation Amendment (Serious and Organised Crime) Act 2010* (Commonwealth). Detaching the inquiry from specific property could be constitutionally problematic in Canada.

(v) Characterization of the UWO provisions and the impact of their addition to the *CFA*

[81] While I cannot give an unqualified view, my opinion is that the UWO provisions (excepting in relation to politically exposed persons, see further below) are properly classified as falling within provincial legislative authority over property and civil rights in the province. The provisions further the same valid provincial objectives as the larger *CFA* scheme; they are concerned with obtaining evidence about property for the purpose of initiating or pursuing forfeiture proceedings under the *CFA* and only for those purposes. As the Supreme Court of Canada put it in *Chatterjee*:

The Constitution permits a province to enact measures to deter criminality and to deal with its financial consequence so long as those measures are taken in relation to a head of provincial competence and do not compromise the proper functioning of the *Criminal Code* including the sentencing provisions.

[82] The UWO provisions would form part of, and share the purposes of, the overall scheme to deter criminality and to deal with its financial consequences. Taken on their own or considered as part of the larger *CFA* scheme, they are within the legislative competence of the Province to enact under its authority over property and civil rights in the province.

[83] I must qualify this opinion in two respects.

[84] First, as noted earlier, the Supreme Court of British Columbia has ruled that the “future use” provisions relating to instruments of unlawful activity are *ultra vires* the Province because they fall under Parliament’s authority in relation to criminal law and procedure. It would follow from this that the UWO provisions, if employed in relation to the future use provisions, would similarly be *ultra vires* the Province. They would be directed to the same criminal law purpose as the Supreme Court of British Columbia determined was that of the future use provisions. However, I have assumed that the UWO provisions would be used only to obtain evidence about whether the property was the proceeds of crime and not in relation to whether it was an instrument of criminal activity. If that were the case, any division of powers issue with respect to the “future use” provisions would not affect the UWO provisions.

[85] Second, the UWO provisions are likely to be challenged as being in relation to criminal law and procedure. The basis of the challenge would likely be that the provisions seek to establish that a specific individual committed some unlawful act in connection with acquisition of property. I think, however, that such a challenge is unlikely to succeed. The test set out in the jurisprudence from the Supreme Court of Canada is whether the purpose of the proceeding is solely to investigate whether a specific crime has been committed.⁸⁵ This is not, in my view, the case with the UWO provisions. To paraphrase the words of the Court in another leading case on the point, “there is neither an accuser or an accused. The purpose ... is not the prosecution or punishment of an accused.”⁸⁶ Here, the investigative powers conferred by the UWO are directed to the forfeiture of property within the province to further valid provincial objectives.

[86] Provincial regulatory schemes and the criminal law are often interrelated and provincial statutes do not invade federal power over criminal law merely because their purposes are to target conduct that is also captured by the *Criminal Code*.⁸⁷ Deterrence can be a purpose of provincial law.⁸⁸ Moreover, the civil consequences of a criminal act are generally not considered “punishment” so as to bring a matter within the exclusive jurisdiction of Parliament.⁸⁹ The Supreme Court has repeatedly upheld provincial schemes that overlapped with the federal power over criminal law, such as provincial drunk driving programs⁹⁰, provincial dangerous driving prohibitions⁹¹, automatic suspension of driving licences after a *Criminal Code* conviction⁹², laws aimed at regulating “disorderly houses”⁹³ and powers of coroners to investigate a death.⁹⁴ The Court has consistently supported provincial jurisdiction over matters of crime prevention and personal safety.

⁸⁵ See e.g. *Starr v Houlden*, [1990] SCR 1366.

⁸⁶ *Faber v The Queen*, [1976] 2 SCR 9 at p 33.

⁸⁷ *Goodwin v British Columbia (Superintendent of Motor Vehicles)*, 2015 SCC 46: the province’s purpose in enacting the Automatic Roadside Prohibition (“ARP”) scheme was not to oust the criminal law, but rather to prevent death and serious injury on public roads by removing drunk drivers and deterring impaired driving. The pith and substance of the ARP scheme was the licensing of drivers, the enhancement of traffic safety and the deterrence of persons from driving while impaired by alcohol. Provinces have an important role in ensuring highway safety, which includes regulating who is able to drive and removing dangerous drivers from the roads.

⁸⁸ *Goodwin v British Columbia (Superintendent of Motor Vehicles)*, 2015 SCC 46.

⁸⁹ *Ross v Registrar of Motor Vehicles et al.*, [1975] 1 SCR 5.

⁹⁰ *Goodwin v British Columbia (Superintendent of Motor Vehicles)*, 2015 SCC 46.

⁹¹ *O’Grady v Sparling*, [1960] SCR 804; *R v Mann*, [1966] SCR 238.

⁹² *Ross v Registrar of Motor Vehicles et al.*, [1975] 1 SCR 5.

⁹³ *Bédard v Dawson*, [1823] SCR 681.

⁹⁴ *R v Colarusso*, [1994] 1 SCR 20.

(vi) Politically exposed persons

[87] However, if UWOs were applied to “politically exposed persons” as is done in the UK, then such provisions might be *ultra vires* the Province. If the definition of “politically exposed persons” applies to people who are, or have been, entrusted with prominent public functions by an international organization or by a State other than Canada, then to the extent these people are foreign nationals (i.e. “aliens”), provincial legislation in respect of them might be found to be in relation the exclusive federal power in relation to “naturalization and aliens” under s. 91(25).⁹⁵ There is also the possibility that extending the UWO scheme to such persons would run afoul of the prerogative powers of the Crown in Right of Canada to conduct foreign relations.⁹⁶ This is not a division of powers issue, but concerns a power accorded by the common law to Canada.⁹⁷ The power to conduct foreign relations is the “residue of discretionary or arbitrary authority, which at any given time is legally left in the hands of the Crown.”⁹⁸

(vii) Conclusion

[88] With the qualifications mentioned, my opinion is that a UWO scheme similar to that in the UK could be enacted by the Province under its authority to legislate in relation to property and civil rights in the province.

B. Charter compliance

1. Introduction

[89] Many provincial legislative schemes include investigative powers to further their purposes. For example, restaurants are subject to public health inspections, work places are inspected by occupational health and safety officers and home owner and developer compliance

⁹⁵ *Morgan et al v AG (PEI) et al*, [1976] 2 SCR 349 at pp 355-356; *Law Society of British Columbia v Mangat*, 2001 SCC 67 at para 33; *Union Colliery v Bryden* [1899] UKPC 58; PW Hogg, *Constitutional Law of Canada*, 5th ed Supp (Toronto: Thomson Reuters, loose-leaf updated to November 2018) at p 26-4; but see *Li v British Columbia*, 2019 BCSC 1819, upholding the *Foreign Buyers Tax* as being legislation in relation to property ownership in the province.

⁹⁶ *Canada (Prime Minister) v Khadr*, 2010 SCC 3 at paras 33 – 35, citing *Reference as to the Effect of the Exercise of the Royal Prerogative of Mercy Upon Deportation Proceedings*, [1933] SCR 269 at p 272, per Duff CJ, quoting AV Dicey, *Introduction to the Study of the Law of the Constitution* (8th ed 1915) at p 420.

⁹⁷ *Canada (Prime Minister) v Khadr*, 2010 SCC 3 at para 34.

⁹⁸ *Canada (Prime Minister) v Khadr*, 2010 SCC 3 at para 34;

with building codes or zoning regulations is tested by inspection of their premises.⁹⁹ Similarly, compliance with minimum wage, employment equity and human rights legislation empowers the regulator to inspect an employer’s files and records. Powers of this nature are subject to *Charter* review, but have often been upheld by the courts.

[90] The question I address here is what limits, if any, does the *Charter* place on investigative powers that could be conferred on a civil forfeiture office. In relation to these powers, four broad categories of *Charter* issues arise.

[91] The first is whether the *Charter* applies at all to the powers in question. This depends on whether the challenged provision or activity is in popular parlance, “government action,” or to track the language of s. 32(1)(b) of the *Charter*, whether the actor is the “legislature [or] government of each province.” In general, powers of a public character conferred by statute are subject to the *Charter*¹⁰⁰ and I am confident that this is the case with respect any powers conferred by statute as part of a civil forfeiture scheme.¹⁰¹

[92] However, to say that the *Charter* applies because there is government action does not mean that all of the rights conferred by the *Charter* apply to civil forfeiture investigatory powers. The various sections of the *Charter* apply in particular and limited contexts and so the second category of issues concerns which *Charter* rights are implicated by civil forfeiture.

[93] Some generally will not apply. For example, the rights under s. 11 apply to persons “charged with an offence” and will therefore generally not apply to a person whose property is the subject of civil forfeiture proceedings. There are, however, two situations in which s. 11

⁹⁹ *Thomson Newspapers Ltd. v Canada (Director of Investigation and Research, Restrictive Trade Practices Commission)*, [1990] 1 SCR 425 at pp 506-507.

¹⁰⁰ See e.g. *Greater Vancouver Transportation Authority v Canadian Federation of Students – British Columbia Component*, 2009 SCC 31 at paras 14-16: under s. 32, the *Charter* applies to not only Parliament, the legislatures and the government themselves, but also to all matters within the authority of these entities and there are two ways to determine whether the *Charter* applies to an entity’s activities: (a) by enquiring into the nature of the entity; or (b) by enquiring into the nature of its activities.

¹⁰¹ Jurisprudence in British Columbia, Alberta and Ontario confirms the *Charter* applies in civil forfeiture proceedings: *Angel Acres Recreation and Festival Property Ltd. v British Columbia (Attorney General)*, 2019 BCSC 1421; *British Columbia (Director of Civil Forfeiture) v Huynh*, 2013 BCSC 980; *British Columbia (Director of Civil Forfeiture) v Thandi*, 2018 BCSC 215; *Director of Civil Forfeiture v Lloydsmith*, 2014 BCCA 72; *Alberta (Justice and Attorney General) v Petros*, 2011 ABQB 541; *Alberta (Minister of Justice and Attorney General) v Squire*, 2012 ABQB 194; *Alberta (Justice) v Wong*, 2012 ABQB 498; *Feuerhelm v Alberta (Justice and Attorney General)*, 2017 ABQB 709; *Ontario (Attorney General) v \$78,000 in Canadian Currency*, 2003 CanLII 16953 (ON SC); *AG Ontario and \$164,300 in Currency*, 2019 ONSC 2024.

rights will be engaged even though the person is not, in normal parlance, “charged with an offence.” The first situation is where the proceedings against the person are criminal in nature and the second is where the proceedings may result in the imposition of “true penal consequences” on the person who is the subject of those proceedings.¹⁰²

[94] Whether proceedings are criminal in nature depends not on the “nature of the act which gave rise to the proceedings, but the nature of the proceedings themselves.”¹⁰³ If the proceedings to enforce the prohibition and impose a penalty lack the conventional characteristics of a criminal prosecution (such as summons or arrest, the laying of an information or trial in a court of criminal jurisdiction), they will be considered administrative or regulatory and not criminal in nature.¹⁰⁴ Turning to whether the proceedings impose a true penal consequence, this test will always be satisfied by the possibility of imprisonment being imposed.¹⁰⁵ It may also be satisfied by a fine or other monetary penalty, but only, as the Court explained in *Martineau v Canada (Minister of National Revenue)*, if the fine or penalty, “by its magnitude,” is imposed to redress “a wrong done to society at large, as opposed to the purpose of maintaining the effectiveness” of a discrete regulatory or disciplinary regime.¹⁰⁶

[95] In my opinion, a person who is the subject of civil forfeiture proceedings is not a “person charged with an offence” within the meaning of s. 11 of the *Charter* and therefore does not benefit from any of the protections set out in that section. There is no “charge,” the proceedings are not “criminal in nature” and civil forfeiture is not a “true penal consequence.”¹⁰⁷

[96] However, there is much more scope for application of ss. 7 and 8 of the *Charter*.

[97] The rights under s. 7 of the *Charter* are engaged where a person’s right to “life, liberty [or] security of the person” are affected. State action in relation to a person’s interest in property does not, in general, do so. However, compulsion to testify or to provide documentary information likely will engage the liberty interest under s 7. Once the liberty interest is engaged,

¹⁰² *R v Wigglesworth*, [1987] 2 SCR 541 at pp 560-561, per Wilson J.

¹⁰³ *R v Shubley*, [1990] 1 SCR 3 at pp 18-19; *Martineau v Canada (Minister of National Revenue)*, 2004 SCC 81.

¹⁰⁴ *Martineau v Canada (Minister of National Revenue)*, 2004 SCC 81 at para 45.

¹⁰⁵ *R v Wigglesworth*, [1987] 2 SCR 541.

¹⁰⁶ *Martineau v Canada (Minister of National Revenue)*, 2004 SCC 81 at para 60; see also *Guindon v Canada*, 2015 SCC 41; *Goodwin v British Columbia (Superintendent of Motor Vehicles)*, 2015 SCC 46.

¹⁰⁷ *Ontario (Attorney General) v Chatterjee*, 2007 ONCA 406 at paras 39-44; This issue was not addressed by the subsequent appeal to the Supreme Court of Canada.

the authorizing statute is open to challenge on the basis of arbitrariness, overbreadth and disproportionality.¹⁰⁸ Compulsion in relation to providing evidence also opens the door to claims to protection under s. 7 for subsequent derivative use immunity of the evidence provided.¹⁰⁹

[98] The s. 8 right to be free of unreasonable search and seizure is also likely to apply given the broad definition of search and seizure adopted by the jurisprudence.

[99] Thus, as we shall see, the main *Charter* issues in connection with the investigative powers available in the civil forfeiture process are ss. 7 and 8.

[100] The third type of issue is whether the *Charter* invalidates the statute conferring the power or simply imposes conditions or requirements for the *Charter*-compliant exercise of the power. For example, in *British Columbia Securities Commission v Branch*, the Supreme Court held that the general rule under the *Charter* is that witnesses may be compelled to testify but must receive immunity against the use of the evidence for other purposes.¹¹⁰ Thus, the statutory provision compelling the witness to answer was valid, but the *Charter* required that the witness have protection against subsequent use.

[101] If the *Charter* applies, and a particular *Charter* right is implicated, the fourth type of issue arises: what *Charter* standard will apply to assess whether the power and the manner of its exercise in the particular case were *Charter* compliant? As the Supreme Court put it in *R v Fitzpatrick*:

... the context of a *Charter* claim is crucial in determining the extent of the right asserted;... In particular, in *Wholesale Travel, supra*, at p. 226, Cory J. held that “a *Charter* right may have different scope and implications in a regulatory context than in a truly criminal one”, and that “constitutional standards developed in the criminal context cannot be applied automatically to regulatory offences”.¹¹¹

[102] As the Supreme Court observed in *Chatterjee*, there will often be overlap between measures enacted pursuant to the provincial power over property and civil rights and those taken pursuant to the federal power over criminal law and procedure.¹¹² This overlap tends to give rise

¹⁰⁸ *Canada (Attorney General) v Bedford*, 2013 SCC 72.

¹⁰⁹ *R v S(RJ)*, [1995] 1 SCR 451; *British Columbia Securities Commission v Branch*, [1995] 2 SCR 3.

¹¹⁰ *British Columbia Securities Commission v Branch*, [1995] 2 SCR 3.

¹¹¹ *R v Fitzpatrick*, [1995] 4 SCR 154.

¹¹² *Chatterjee v Ontario (Attorney General)*, 2009 SCC 19 at para 29.

to questions about the true purpose of investigative powers. This question of purpose is an important factor in determining what *Charter* standard applies to a particular investigative power as well as to the manner of its exercise. For example, more robust *Charter* standards will likely apply if the predominant purpose of an investigation is to determine penal liability.¹¹³ On the other hand, the jurisprudence recognizes less exacting standards, for example, with respect to searches that are not part of a criminal investigation.¹¹⁴ These questions of overlap and purpose also have implications for information sharing between regulatory investigators and the police.¹¹⁵ To put it at a high level of generality, provincial investigative powers cannot be used to do an “end run” around the *Charter* protections that apply in a criminal investigation, nor can they be used for purposes other than carrying out the legislative objectives of the provincial scheme.

2. Overview of actual and potential investigative powers

[103] If the *CFA* included provisions modeled on the UK UWO scheme, the following would be the result:

- The director could apply to the Supreme Court, *ex parte*, for an order requiring a respondent to provide a statement about his or her interest in property, explaining how he or she obtained it, details of any trust which holds the property and “such other information in connection with the property as may be so specified.”¹¹⁶ The order would have to specify the form and manner in which the statement is to be given and the place it is to be given, or if to be made in writing, the address to which it is to be sent.¹¹⁷ It would also require the respondent to produce documents of a kind specified or described in the order.¹¹⁸ It would be an offence for the respondent to make a statement that the person knows to be, or is reckless as to whether it is, false or misleading. There would be no stipulated sanction for non-compliance (although non-compliance gives rise to the presumption to be discussed below).

¹¹³ *R v Jarvis*, 2002 SCC 73.

¹¹⁴ See e.g. *R v Daley*, 2001 ABCA 155; *Byers v Clancy*, 1992 CanLII 257 (BC SC); *Wong v Insurance Corp. of British Columbia*, 1993 CanLII 685 (BC SC); *Oughton v ICBC*, 2004 BCSC 1567.

¹¹⁵ *R v Colarusso*, [1994] 1 SCR 20: lawful seizure of blood samples by a provincial coroner but turning the sample over to police for the purposes of a criminal investigation constituted an unreasonable search and seizure.

¹¹⁶ *Proceeds of Crime Act 2002*, 2002, c 29, ss. 362A(3) and (5).

¹¹⁷ *Proceeds of Crime Act 2002*, 2002, c 29, s. 362A(4).

¹¹⁸ *Proceeds of Crime Act 2002*, 2002, c 29, s. 362A(5).

Presumably the court’s contempt power could be invoked for wilful failure to comply with the court’s order; and

- When a court makes an UWO, it could also make an interim freezing order if it considered it necessary to do so for the purpose of avoiding the risk of any recovery order (i.e. forfeiture order) being frustrated. The order may include the appointment of a receiver.¹¹⁹

[104] The director has taken the position that the CFO does not have independent investigation authority.¹²⁰ However, while the director cannot investigate crime, ss. 11.01 and 22.02 of the *CFA* give him or her access to information gathering powers roughly equivalent to, and potentially in some respects more robust than, those provided for in the UK UWO scheme.¹²¹

[105] Similar to the UWO legislation, s. 11.01 of the *CFA* provides that the director may apply to the Supreme Court of British Columbia, *ex parte*, for an order requiring a person to disclose information about a suspect property. The wording of the provision is broad, referring to an order to produce “information or records in the custody or control of the person” that are “reasonably required...to exercise the director’s powers or perform the director’s functions and duties”, whereas in the UK UWO scheme the compelled statement is expressly limited to a statement about the respondent’s interest in the property. To grant an order under s. 11.01, the court must be satisfied that the information or records are reasonably required by the director in order to exercise his or her powers or perform his or her functions and duties under the Act. In contrast, to issue an UWO, the High Court must be satisfied that there are reasonable grounds for suspecting that the known sources of the respondent’s lawfully obtained income would have been insufficient for the purposes of enabling the respondent to obtain the property.¹²²

[106] Section 22.02 of the *CFA* gives the director additional information gathering powers that have no equivalent in the UK UWO legislation. Without a court order, but with “reason to believe” that property is proceeds of unlawful activity or is an instrument of unlawful activity in British Columbia, the director may require a financial institution holding the property, or a

¹¹⁹ *Proceeds of Crime Act 2002*, 2002 c 29, ss. 362J and 362N.

¹²⁰ Civil Forfeiture Office Information Policy dated July 1, 2006.

¹²¹ *CFA*, ss. 11.01 and 22.02 have not yet been judicially considered.

¹²² *Proceeds of Crime Act 2002*, 2002, c 29, s. 362B(3).

person with a registered interest in the property, to produce information about any accounts in which the property is held or about the person’s interest in the property. With respect to a person with an interest in the suspect property, the wording of the provision is broad and allows the director to issue a notice to the person to provide “information or particulars.”

[107] Once a forfeiture proceeding is commenced, the director is entitled to the benefit of the civil discovery process, including testimony under oath and document production from the respondent, as well as third parties (via Norwich orders).

[108] As discussed further below, under the UK legislation, if a respondent fails to comply with a UWO, the property is presumed to be recoverable property for the subsequent forfeiture proceedings. There is no such consequence for non-compliance with an order or notice issued under ss. 11.01 or 22.02.

[109] The Commission’s experts from the Royal United Services Institute testified that UWOs in the UK, as opposed to how they are used in Australia and Ireland, are primarily an information gathering tool. They also opined that the *Proceeds of Crime Act 2002* has existing disclosure provisions that are more effective (or could be made more effective) for gathering information than UWOs.¹²³

3. Charter compliance analysis

¹²³ Testimony of Anton Moiseienko, Cullen Commission Transcripts, December 15, 2020 at pp 84-86 and 111. Part 8 of the *Proceeds of Crime Act 2002*, 2002 c 29, deals with civil forfeiture investigations. Under Part 8, an appropriate officer (it depends on the type of investigation, but generally, a National Crime Agency officer, an accredited financial investigator, a constable, a Serious Fraud Office officer, an officer of Revenue and Customs or an immigration officer: s. 378 of Part 8) may apply *ex parte* to a judge for a production order requiring a person subject to a confiscation, civil recovery, exploitation proceeds or money laundering investigation, to either produce “material” or give the agency access to the material: *Proceeds of Crime Act 2002*, 2002 c 29, ss. 345-346 and 351. The term “material” is not defined, but on their face, these provisions appear equivalent to the power of the director to apply for a production order under s. 11.01 of the *CFA*. However, under the *Proceeds of Crime Act 2002* a judge may also issue an order to grant entry in relation to a production order: *Proceeds of Crime Act 2002*, 2002 c 29, s. 347. Part 8 also allows an agency to apply *ex parte* for search and seizure warrants in relation to an investigation: *Proceeds of Crime Act 2002*, 2002 c 29, ss. 352-353 and 356. There is no equivalent provision in the *CFA*. Part 8 of the *Proceeds of Crime Act 2002* allows the relevant authority to apply to a judge *ex parte* for a disclosure order in relation to an investigation: *Proceeds of Crime Act 2002*, 2002 c 29, ss. 357 and 362. A disclosure order authorizes an appropriate officer to require any person the officer considers has information relevant to the investigations to answer questions, provide information specified in the notice and/or produce documents. The UK disclosure order scheme has some elements of an order under s. 11.01 of the *CFA* and a notice to produce information under s. 22.02, but applies much more broadly in that any person who has relevant information can be required to disclose information or documents.

a) *Compelled statements and document production*

[110] There is no question that the *Charter* applies to statutory powers to compel statements and produce documents as well as to the manner of exercise of those powers.¹²⁴ There are two main *Charter* issues.

(i) Self-incrimination

[111] The *Charter*'s protections against self-incrimination will not result in the compelled statement and document provisions of the UWO scheme being struck down as contrary to the *Charter*. However, the *Charter* does have important implications for those powers.

[112] Persons who are not “charged with an offence” do not have the s. 11 right to immunity from compulsion to testify in the proceedings against them.¹²⁵ However, the principle against self-incrimination is a principle of fundamental justice that is engaged under s. 7 of the *Charter* when any person's life, liberty or security of the person is implicated.

[113] Compelled testimony or statements generally engage the compelled person's liberty interest because failure to comply with the requirement to provide a statement could lead to incarceration.¹²⁶ However, such compulsion, if for a valid public purpose, will be consistent with the principles of fundamental justice so long as the witness receives protection against the subsequent use of the evidence in proceedings against him or her in which his or her s. 7 rights are implicated. Thus, while UWO provisions giving the director powers of compulsion for the purposes of the forfeiture scheme will generally be *Charter* compliant, the *Charter* nonetheless has two implications for the operation of those powers.

[114] First, in *Branch*, the Supreme Court of Canada held that although compulsion is generally permitted, the courts may grant exemptions from compulsion to testify where the predominant

¹²⁴ *Angel Acres Recreation and Festival Property Ltd. v British Columbia (Attorney General)*, 2019 BCSC 1421; *British Columbia (Director of Civil Forfeiture) v Huynh*, 2013 BCSC 980; *British Columbia (Director of Civil Forfeiture) v Thandi*, 2018 BCSC 215; *Director of Civil Forfeiture v Lloydsmith*, 2014 BCCA 72; *Alberta (Justice and Attorney General) v Petros*, 2011 ABQB 541; *Alberta (Minister of Justice and Attorney General) v Squire*, 2012 ABQB 194; *Alberta (Justice) v Wong*, 2012 ABQB 498; *Feuerhelm v Alberta (Justice and Attorney General)*, 2017 ABQB 709; *Ontario (Attorney General) v \$78,000 in Canadian Currency*, 2003 CanLII 16953 (ON SC); *AG Ontario and \$164,300 in Currency*, 2019 ONSC 2024.

¹²⁵ *Charter*, s. 11(c).

¹²⁶ *Thomson Newspapers v Canada*, [1990] 1 SCR 42; *Stelco v Canada*, [1990] 1 SCR 617.

purpose for seeking the evidence is to obtain incriminating evidence against the person compelled to testify and not some other legitimate public purpose. This makes it critical to ensure that the compulsion powers under the UWO are not being used to obtain incriminating evidence for determining penal liability.

[115] The Court’s subsequent decision in *Jarvis* provides further guidance as to how to determine the predominant purpose of an inquiry. One must look to all factors that bear upon the nature of the inquiry. Apart from a clear intention to pursue a criminal investigation, no one factor is determinative. Factors include whether the authorities’ general conduct was consistent with a criminal investigation and whether the authorities were acting as agents for the criminal investigators.

[116] It follows from this that, while in general, compelled statement provisions modeled on the UWO scheme would be *Charter* compliant, the courts have the authority to grant exemptions from compulsion if the dominant purpose of the compulsion in a particular case is to determine penal liability.

[117] The second *Charter* implication concerns the use of the compelled statement. The *Charter* requires that the respondent receive “derivative use immunity”—that is protection against not only the use of the information provided as evidence against him or her in subsequent proceedings, but also protection against the use in subsequent proceedings of any further information derived from it. The leading case is *Branch*. The British Columbia Securities Commission served summonses on two officers of a company under investigation requiring them to attend for examination on oath and to produce all information and records in their possession relating to the company.¹²⁷ The officers failed to appear and the Securities Commission sought a contempt order. The Supreme Court of Canada held that the compulsion was lawful but that the principle against self-incrimination was a principle of fundamental justice protected by s. 7 that means persons compelled to testify have derivative use immunity in addition to the use immunity guaranteed by s. 13 of the *Charter*.¹²⁸

¹²⁷ *British Columbia Securities Commission v Branch*, [1995] 2 SCR 3.

¹²⁸ *British Columbia Securities Commission v Branch*, [1995] 2 SCR 3, citing *R v S(RJ)*, [1995] 1 SCR 451.

[118] The protections against subsequent use of compelled statements in the UK UWO provisions do not meet these *Charter* standards. The UK provisions simply provide that the respondent's statements cannot (with exceptions for perjury and related offences) be used against him or her in criminal proceedings. Following *Branch*, the Canadian *Charter* requires, in addition, that evidence discovered as a result of the compelled statement not be used against that person in criminal proceedings. Provincial legislation cannot confer this sort of immunity in a criminal proceeding¹²⁹ but it would not be necessary for provincial legislation to purport to do so given the holding in *Branch* that the *Charter* imposes this protection.

[119] Neither the UK legislation nor our *Charter* protect compelled statements from being used in subsequent civil proceedings. However, if inclined to recommend adoption of a UWO scheme for British Columbia, the Commissioner may wish to consider whether it would be fairer to provide explicit protection against the subsequent civil use of statements compelled in civil forfeiture proceedings.

[120] Compelled production of documents will often give rise to different considerations than those relating to testimonial compulsion. For example, documents brought into existence without compulsion, containing communications made before there was any such compulsion and independent of it, do not engage the s. 7 principle.¹³⁰ Moreover, if a witness is compelled to testify, then his or her documents are also compellable subject to a possible claim against their subsequent use.¹³¹

[121] There may be situations in which documentary evidence would not have been discovered without compulsion.¹³² These situations may support a claim for derivative use immunity but generally would not support a claim for exemption from the obligation to produce the documents. However, if a witness is exempted from compulsory testimony as described earlier, the witness would also be exempted from producing documents or communications that came into being because of the attempt to compel testimony.¹³³

¹²⁹ See e.g. *Klein v Bell*, [1955] SCR 309; *Marshall v The Queen*, [1961] SCR 123.

¹³⁰ *British Columbia Securities Commission v Branch*, [1995] 2 SCR 3 at paras 43, 48.

¹³¹ *British Columbia Securities Commission v Branch*, [1995] 2 SCR 3 at paras 42, 48; *R v S(RJ)*, [1995] 1 SCR 451.

¹³² *British Columbia Securities Commission v Branch*, [1995] 2 SCR 3 at paras 43-44.

¹³³ *British Columbia Securities Commission v Branch*, [1995] 2 SCR 3 at paras 41-48.

(ii) Search and seizure

[122] Section 8 of the *Charter* provides that “[e]veryone has the right to be secure against unreasonable search or seizure.” The *Charter* standard for most searches in the criminal context is that the search must be authorized in advance by an impartial judicial officer, be based on reasonable and probable grounds to believe that relevant evidence will be found in the place to be searched and the search itself be conducted reasonably.¹³⁴ However, even in the criminal law context, there are exceptions to this general standard. For example, searches incident to arrest are generally permitted if grounds to arrest exist¹³⁵ and sniffer dog searches are permitted on the basis of reasonable suspicion.¹³⁶ Outside of the criminal context, less exacting s. 8 standards are routinely applied.¹³⁷

[123] For example, in *Thomson Newspapers Ltd. v Canada (Director of Investigation and Research, Restrictive Trade Practices Commission)*¹³⁸, the majority of the Supreme Court of Canada held an order to produce documents under the *Combines Investigation Act*¹³⁹ was not an unreasonable seizure. The stringent standards usually applicable to criminal investigations were inappropriate to determine the reasonableness of resort to the order to produce.¹⁴⁰ As the discovery of violations of the Act will often require access to information as to the internal affairs of business organisations, the power to compel production of documents was important to the overall effectiveness of the investigative machinery established by the Act and did not constitute an unreasonable intrusion on privacy. Business records and documents would normally be the only records and documents that could lawfully be demanded. There was only a relatively low expectation of privacy in respect of these documents since they were used or

¹³⁴ *Hunter v Southam Inc.*, [1984] 2 SCR 145.

¹³⁵ *R v Fearon*, 2014 SCC 77.

¹³⁶ *R v Chehil*, 2013 SCC 49.

¹³⁷ See e.g. *Thomson Newspapers Ltd. v Canada (Director of Investigation and Research, Restrictive Trade Practices Commission)*, [1990] 1 SCR 425 at pp 506-507, per La Forest J; *R v Jarvis*, 2002 SCC 73 at para 72; *143471 Canada Inc. v Quebec (Attorney General)*; *Tabah v Quebec (Attorney General)*, [1994] 2 SCR 339 at p 378, per Cory J.; *Comité paritaire de l'industrie de la chemise v Potash*; *Comite paritaire de l'industrie de la chemise v Selection Milton*, [1994] 2 SCR 406 at pp 420-421; *R v Fitzpatrick*, [1995] 4 SCR 154 at para 49; *R v McKinlay Transport Ltd.*, [1990] 1 SCR 627 at pp 649-650.

¹³⁸ *Thomson Newspapers Ltd. v Canada (Director of Investigation and Research, Restrictive Trade Practices Commission)*, [1990] 1 SCR 425.

¹³⁹ *Combines Investigation Act*, RSC 1970, c C-23.

¹⁴⁰ *Hunter v Southam Inc.*, [1984] 2 SCR 145.

produced in the course of activities which, although lawful, were subject to state regulation as a matter of course.

[124] As Dickson J. wrote for the Court in *Hunter v Southam Inc.*, assessing whether the law authorizing a search or seizure is reasonable requires determining whether in a particular situation, the public's interest in being left alone by government must give way to the government's interest in intruding on the individual's privacy in order to advance its goals (which in *Southam*, was law enforcement).¹⁴¹ The Court in *Goodwin v British Columbia (Superintendent of Motor Vehicles)* identified a number of relevant considerations including the purpose and nature of the provincial scheme, the mechanism of the seizure and the availability of judicial oversight.¹⁴²

[125] In line with these principles, statutory regulatory powers compelling production of business, tax and similar records generally are not subject to the requirements of prior authorization or objective grounds for suspicion.¹⁴³ The Supreme Court of Canada has also upheld powers, without requiring warrants or objective grounds for suspicion, to inspect businesses for regulatory compliance.¹⁴⁴ To comply with s. 8 in this context, investigators need show only that they acted in good faith in pursuit of legitimate regulatory objectives.¹⁴⁵ Such powers, the Court has stated, are necessary for the effective regulation of industrial and economic activity.¹⁴⁶ Requiring warrants and probable grounds would frustrate government's ability to protect the vulnerable and regulate in the public interest.¹⁴⁷

¹⁴¹ *Hunter v Southam Inc.*, [1984] 2 SCR 145 at pp 159-160.

¹⁴² *Goodwin v British Columbia (Superintendent of Motor Vehicles)*, 2015 SCC 46.

¹⁴³ See *Thomson Newspapers Ltd. v Canada (Director of Investigation and Research, Restrictive Trade Practices Commission)*, [1990] 1 SCR 425; *R v McKinlay Transport Ltd.*, [1990] 1 SCR 627; *R v Jarvis*, 2002 SCC 73; *R v Ling*, 2002 SCC 74; *R v Fitzpatrick*, [1995] 4 SCR 154 at paras 49-51; *British Columbia (Securities Commission) v Branch*, [1995] 2 SCR 3 at paras 51-64.

¹⁴⁴ *Comité paritaire de l'industrie de la chemise v Potash; Comité paritaire de l'industrie de la chemise v Selection Milton*, [1994] 2 SCR 406.

¹⁴⁵ *Comité paritaire de l'industrie de la chemise v Potash; Comité paritaire de l'industrie de la chemise v Selection Milton*, [1994] 2 SCR 406 at pp 422-423; *Thomson Newspapers Ltd. v Canada (Director of Investigation and Research, Restrictive Trade Practices Commission)*, [1990] 1 SCR 425 at pp 531-532.

¹⁴⁶ *Thomson Newspapers Ltd. v Canada (Director of Investigation and Research, Restrictive Trade Practices Commission)*, [1990] 1 SCR 425.

¹⁴⁷ *Thomson Newspapers Ltd. v Canada (Director of Investigation and Research, Restrictive Trade Practices Commission)*, [1990] 1 SCR 425 at p 526. See also *R v McKinlay Transport Ltd.*, [1990] 1 SCR 627 at p 648, per Wilson J. Not all regulatory searches are exempt from the *Southam* requirements. The Supreme Court noted in *Thomson Newspapers*, for example, that prior authorization on probable grounds was required in *Southam* because

[126] *R v Colarusso* illustrates how different *Charter* standards will apply to searches and seizures depending on their purpose. The issue concerned (among other things) the coroner taking blood and urine samples pursuant to his statutory powers. Given that the power was exercised in furtherance of the coroner’s “essential non-criminal” role to investigate deaths and decide whether an inquest was required, the seizure did not engage the *Southam* requirements and did not violate s. 8.¹⁴⁸ However, the police obtaining the samples from the coroner for the purposes of a criminal investigation did engage the usual, criminal law s. 8 protections.

[127] With these principles in mind, I turn to the compelled production of documents under the UK UWO scheme. In my opinion, compelled production of documents under the provisions modelled on the UK UWO scheme would be subject to s. 8 scrutiny but would not engage its criminal law standards.¹⁴⁹ If the CFO obtains documents or records from defendants or third parties, using its own statutory powers and for the purposes of implementing the civil forfeiture scheme, the compelled production will meet the s. 8 standard of reasonableness, as it did for example in *Thomson Newspapers*.¹⁵⁰

[128] While not strictly within the scope of the opinion you have asked for, I should note that issues may arise in a forfeiture proceeding if the CFO relies on documents received from the police, which they obtained in the course of a criminal investigation. In that case, challenges to the propriety of the CFO’s use of those documents has focused on whether law enforcement

authorities could acquire sensitive personal information as well as business documents: pp 520-521. See also *R v McKinlay Transport Ltd.*, [1990] 1 SCR 627 at p 649, *per* Wilson J.; *Baron v Canada*, [1993] 1 SCR 416 at pp 444-445. Warrants and probable grounds are also presumptively required where the state’s “‘predominant purpose’ is to uncover evidence of ‘penal liability’” rather than monitor regulatory compliance: see *R v Jarvis*, 2002 SCC 73 at paras 2, 46, 88 and 99.

¹⁴⁸ *R v Colarusso*, [1994] 1 SCR 20.

¹⁴⁹ See e.g. *Ontario (Attorney General) v Chatterjee*, 2007 ONCA 406 (the appellant claimed the preservation order infringed his rights; he did not challenge the propriety of the roadside stop), the Court of Appeal held there was no s. 8 violation, but there was no *Charter* argument at the Supreme Court of Canada; *British Columbia (Director of Civil Forfeiture) v Johnson*, 2016 BCSC 1570 (breach of the Johnsons’ ss. 8 and 10(b) rights, but not of their s. 9 or 10(a) rights); *British Columbia (Director of Civil Forfeiture) v Huynh*, 2013 BCSC 980; *Ontario Attorney General v \$164,300.00 in Canadian Currency (In Rem)*, 2019 ONSC 2024; *AGO v \$68,870 Cdn Currency & \$3,700 US currency (In Rem)*, 2019 ONSC 6546; *Feuerhelm v Alberta (Justice and Attorney General)*, 2017 ABQB 709.

¹⁵⁰ *Thomson Newspapers Ltd. v Canada (Director of Investigation and Research, Restrictive Trade Practices Commission)*, [1990] 1 SCR 425; *R v McKinlay Transport Ltd.*, [1990] 1 SCR 627 (tax); *R v Jarvis*, 2002 SCC 73; *R v Ling*, 2002 SCC 74; [1995] 4 SCR 154 at paras 49-51; *British Columbia (Securities Commission) v Branch*, [1995] 2 SCR 3 at paras 51-64; *Comité paritaire de l’industrie de la chemise v Potash*; *Comite paritaire de l’industrie de la chemise v Selection Milton*, [1994] 2 SCR 406. I assume for the purpose of this opinion that document production under a UWO would be constrained by the purposes of the *CFA* and not extend to irrelevant documents or be a “fishing expedition.”

complied with the usual s. 8 requirements that apply in the course of criminal investigations when they obtained the documents.¹⁵¹

(iii) Preservation/freezing orders

[129] As noted earlier, both the *CFA* and the *UWO* scheme provide for orders preventing the disposition of, or otherwise dealing with, assets, the appointment of receivers, etc. I think it likely that imposing these sorts of freezing orders (called “preservation orders” in the *CFA*) constitutes a form of seizure and is therefore subject to s. 8. While there is authority to the contrary,¹⁵² it likely has been superseded by the Supreme Court of Canada’s decision in *Quebec (Attorney General) v Laroche*.¹⁵³

[130] In that case, a restraint order under s. 462.33 of the *Criminal Code* was held to be a “seizure” within the meaning of s. 8: it freezes property where there are reasonable and probable grounds to believe that a forfeiture order under other *Code* provisions should be made.¹⁵⁴ LeBel J., for the majority, reasoned that freezing the property reduces the person in possession to the status of caretaker or administrator of his or her own property and places the property under the legal and actual control of the criminal justice system.¹⁵⁵ To the same effect, in civil forfeiture proceedings in Alberta, s. 8 of the *Charter* has been held to apply to freezing orders (called “restraint orders” in the Alberta legislation).¹⁵⁶

¹⁵¹ See e.g. *Angel Acres Recreation and Festival Property Ltd. v British Columbia (Attorney General)*, 2019 BCSC 1421; *British Columbia (Director of Civil Forfeiture) v Huynh*, 2013 BCSC 980; *British Columbia (Director of Civil Forfeiture) v Thandi*, 2018 BCSC 215; *Alberta (Justice and Attorney General) v Petros*, 2011 ABQB 541; *Alberta (Minister of Justice and Attorney General) v Squire*, 2012 ABQB 194; *Alberta (Justice) v Wong*, 2012 ABQB 498; *Feuerhelm v Alberta (Justice and Attorney General)*, 2017 ABQB 709; *Ontario (Attorney General) v Chatterjee*, 2007 ONCA 406; *Ontario (Attorney General) v \$78,000 in Canadian Currency*, 2003 CanLII 16953 (ON SC); *AG Ontario and \$164,300 in Currency*, 2019 ONSC 2024.

¹⁵² *British Columbia (Director of Civil Forfeiture) v Fischer*, 2010 BCSC 568 at para 36. And see *Director of Civil Forfeiture v Angel Acres*, 2007 BCSC 1648 at para 48. There is a stated case before the Supreme Court of British Columbia arising from the British Columbia Securities Commission in relation to whether the “freeze order” provisions of s. 151 of the *Securities Act* are contrary to s. 8: *BC Securities Commission v Bridgemark Financial Corp et al*, BCSC No. S1914058. A decision is outstanding, but may have some implications for *CFA* freezing orders.

¹⁵³ *Quebec (Attorney General) v Laroche*, 2002 SCC 72.

¹⁵⁴ *Quebec (Attorney General) v Laroche*, 2002 SCC 72.

¹⁵⁵ *Quebec (Attorney General) v Laroche*, 2002 SCC 72 at para 55.

¹⁵⁶ If is evidence obtained in breach of the *Charter*, s. 8 and is relied on for a restraint order, it can be excluded under s. 24(2): *Alberta (Justice and Attorney General) v Petros*, 2011 ABQB 541 at paras 62-66; *Alberta (Minister of Justice and Attorney General) v Wong*, 2012 ABQB 498 at paras 46-53; *Alberta (Minister of Justice and Attorney General) v Squire*, 2012 ABQB 194 at paras 71-75.

[131] If a freezing order constitutes a seizure and is therefore subject to s. 8, by what standards would the reasonableness of the seizure be assessed? The presumptive requirements from *Southam* are that the search or seizure be pre-authorized by an independent judicial officer, that reasonable and probable grounds exist¹⁵⁷ and that the search or seizure be conducted reasonably. But as we have seen, the criminal standards for s. 8 have been relaxed in relation to search and seizure powers in provincial regulatory schemes and there is no “hard and fast” test for reasonableness.

[132] Having regard to the considerations set out in *Goodwin*, my view is that the legislation authorizing interim preservation orders under s. 8 and the preliminary orders to preserve property under s. 11.02 do not infringe s. 8 of the *Charter*. My conclusion is based on the purpose and nature of the civil forfeiture scheme, the mechanism of seizure and the degree of its potential intrusiveness and the judicial oversight of the interim and preliminary preservation orders.¹⁵⁸

[133] I turn to consider interim freezing orders under the UWO scheme. These orders may be made where the court makes an UWO if it considers it necessary to do so “for the purposes of avoiding the risk of any recovery order that might subsequently be obtained being frustrated.”¹⁵⁹ Thus, before making the interim freezing order, the court must be satisfied that the requirements for making an UWO exist. Some of the key requirements must be shown only to the standard of “reasonable grounds for suspecting”, such as that the known sources of the respondent’s lawfully obtained income would have been insufficient for the purposes of enabling the respondent to obtain the property and that the respondent (or a person connected to the respondent) is or has been involved in serious crime.

[134] Based on the considerations set out in *Goodwin*, my view is that if amendments to the *CFA* are made to implement interim freezing orders as in the UK UWO scheme, this legislation is not likely to infringe s. 8 of the *Charter*. Evaluation of the purpose and nature of the regulatory scheme would be the same as considered above in relation to the *CFA* and preservation orders. The *Proceeds of Crime Act 2002*, ss. 362D, 362J and 362K provide for judicial oversight. The High Court issues the order and if there is non-compliance with the UWO, the Court must

¹⁵⁷ Meaning reasonable and probable grounds to conclude there is a risk that property believed to be proceeds of crime will not remain available for possible forfeiture.

¹⁵⁸ *Goodwin v British Columbia (Superintendent of Motor Vehicles)*, 2015 SCC 46 at para 57.

¹⁵⁹ *Proceeds of Crime Act 2002*, 2002, c 29, s. 362J.

discharge the order if a “relevant application” (restraint order, property freezing order or interim receiving order) has not been made within 48 hours, the relevant application is made within 48 hours but has been determined or otherwise disposed of or if there is notification from an enforcement authority that there are no further proceedings. If there is compliance with the UWO, then within 60 days of compliance (or purported compliance), the enforcement agency must determine what enforcement or investigatory proceedings, if any, ought to be taken. As with *CFA* preservation orders, the mechanism of seizure is of concern with respect to *Charter* compliance. However, for the same reasons as given above in relation to the *CFA* interim preservation orders, in my view, interim freezing orders would likely not infringe s. 8.

(iv) Presumption that the property is recoverable property

[135] In the UK, if the respondent fails to comply with the UWO, “the property is presumed to be recoverable property” for the purposes of forfeiture proceedings to the extent of the respondent’s interest in the property and if that interest exceeds a certain value threshold.¹⁶⁰ The presumption may be rebutted by proof of the contrary. In other words, if the respondent fails to comply with the UWO, the burden of proof on the balance of probabilities is placed on him or her to show that the property is not “recoverable property”, or in the British Columbian context, the proceeds of unlawful activity.¹⁶¹ The presumption does not arise if the person “purports to comply” with the requirements of the UWO.¹⁶² (I should note that the *CFA* contains a number of presumptions, but you have not asked my opinion in relation to them.¹⁶³)

[136] There are two potential *Charter* issues with respect to this presumption. There is also a potential argument about the validity of this presumption because of its impact on judicial independence.¹⁶⁴

¹⁶⁰ T Keatinge, A Moiseienko and H Wood, *Unexplained Wealth Orders: UK Experience and Lessons for British Columbia* (Royal United Services Institute, October 2020), Cullen Commission Exhibit 382 at pp 20-21; Testimony of Anton Moiseienko, Cullen Commission Transcript, December 15, 2020 at pp 15-16.

¹⁶¹ *Proceeds of Crime Act 2002*, 2002, c 29, ss. 363C(2) and 363C(3).

¹⁶² *Proceeds of Crime Act 2002*, 2002, c 29, s. 362C(5)(a).

¹⁶³ See e.g. *CFA*, ss. 17(2), 17(3), 19.01, 19.02, 19.03, 19.04(2), 19.04(3) and 19.05.

¹⁶⁴ Reverse onus provisions in civil forfeiture schemes have been unsuccessfully challenged on the basis of the European Convention for the Protection of Human Rights and Fundamental Freedoms’ guarantees of the presumption of innocence and criminal procedural rights in Article 6, §§ 2-3: see e.g. *Arcuri et al v Italy*, ECtHR, App no 52024/99, Judgment of 5 July 2001; *Gogitidze et al v Georgia*, ECtHR, App No 36862/05, Judgment of 12 May 2015; *Nedyalkov and Others v Bulgaria*, ECtHR, App no 663/11, Judgment of 10 September 2013. The

[137] The first *Charter* issue relates to s. 7, but arises only if the presumption is found to engage the respondent’s life, liberty or security of the person. There is no specified penalty for failure to comply, but I have assumed that such failure could constitute contempt of court and be punished by imprisonment, thus engaging the liberty interest.

[138] If s. 7 is engaged, the presumption could be challenged as being contrary to the principle of fundamental justice that laws must not be arbitrary or overbroad.¹⁶⁵ An arbitrary law is one in which there is “no rational connection between the object of the law and the limit it imposes on life, liberty or security of the person.”¹⁶⁶ A law that is overbroad “takes away rights in a way that generally supports the object of the law, [but] goes too far by denying the rights of some individuals in a way that bears no relation to the object.”¹⁶⁷ With respect to both arbitrariness and overbreadth, one compares the effects of the law with its objects.

[139] The object of the presumption is to provide proof that property is the proceeds of crime. It could be argued that the provision is arbitrary, or at least overbroad, because there is no connection, at least in some cases in which the presumption would apply, between the respondent’s non-compliance with the UWO and whether or not the property is the proceeds of crime.

[140] There are difficulties with this argument, however. One is that the presumption itself does not engage the respondent’s liberty interest. Only the failure to comply with the UWO may do that. It may be that there is an insufficient causal connection between the presumption and any potential deprivation of the respondent’s liberty interest to engage s. 7. Put differently, there is no relationship between the limitation on liberty—that is, the risk of imprisonment for failure to comply—and the operation of the presumption.

challenges failed because the countries’ civil forfeiture proceedings were not criminal in nature: *Arcuri et al v Italy*, ECtHR, App no 52024/99, Judgment of 5 July 2001; *Gogitidze et al v Georgia*, ECtHR, App No 36862/05, Judgment of 12 May 2015; *Nedyalkov and Others v Bulgaria*, ECtHR, App no 663/11, Judgment of 10 September 2013. The Commission’s expert, Anton Moiseienko, opined that the reverse onus provisions challenged in the European Court of Human Rights were stricter than the UK’s equivalent: Testimony of Anton Moiseienko, Cullen Commission Transcripts, December 15, 2020 at pp 128-131.

¹⁶⁵ See e.g. *Carter v Canada*, 2015 SCC 5 at para 71ff.

¹⁶⁶ *Carter v Canada*, 2015 SCC 5 at para 83.

¹⁶⁷ *Carter v Canada*, 2015 SCC 5 at para 85.

[141] Another difficulty is that the inference that the property is the proceeds of crime may not be irrational given what must be established to obtain the UWO. In brief, to issue the UWO, the court must be satisfied that there are reasonable grounds to believe that the respondent holds the property and reasonable grounds to suspect that the respondent or a person connected to the respondent has been involved in serious crime. In the face of those conclusions, the inference from the respondent's refusal to comply with the UWO that the property is the proceeds of crime may not be strong, but it perhaps may not be dismissed as completely irrational either.¹⁶⁸

[142] A second potential *Charter* issue relates to s. 8. It is likely that a forfeiture of property as proceeds of crime is a "seizure" within the meaning of s. 8.¹⁶⁹ If so, the question arises whether a seizure based on the presumption is reasonable. One might say that the presumption arises based on mere suspicion that the property is proceeds of crime. If that is right, it could be argued that basing a forfeiture order on the presumption amounts to allowing a permanent change of ownership of property based on mere suspicion that the statutory requirements for forfeiture have been met.

[143] There is very little jurisprudence to assist in assessing the strength of these potential *Charter* arguments. In my opinion, the s. 7 argument is weak and unlikely to be accepted, but the chances of success of the s. 8 argument cannot be dismissed as speculative.

[144] Finally, I considered whether the UWO presumption would be contrary to the principle of judicial independence and impermissibly intrude into the jurisdiction of a s. 96 court. On the basis of *British Columbia v Imperial Tobacco Canada Ltd.* I do not think the presumption would be impermissible on that basis.¹⁷⁰ The appellants argued British Columbia's *Tobacco Damages and Health Care Costs Recovery Act*¹⁷¹ violated the independence of the judiciary because it shifted the onuses of proof of some elements of a claim and limited the compellability of certain

¹⁶⁸ See e.g. *Ewert v Canada*, 2018 SCC 30 at para 73.

¹⁶⁹ *Quebec (Attorney General) v Laroche*, 2002 SCC 72. There are no cases addressing whether forfeiture of property in the context of a scheme like the *CFA*, where there is not necessarily seizure prior to forfeiture (unlike in other regulatory schemes like the *Customs Act* or *Fisheries Act*, where seizure precedes forfeiture), is a seizure subject to s. 8. However, trial courts in British Columbia, Alberta and Ontario have applied s. 8 to evidence relied on for a civil forfeiture order (in these cases the director, or equivalent, was attempting to submit evidence obtained from police): see e.g. *British Columbia (Director of Civil Forfeiture) v Cronin*, 2016 BCSC 284; *Alberta (Justice and Attorney General) v Petros*, 2011 ABQB 541; *AG Ontario and \$164,300 in Currency*, 2019 ONSC 2024.

¹⁷⁰ *British Columbia v Imperial Tobacco Canada Ltd.*, 2005 SCC 49.

¹⁷¹ *Tobacco Damages and Health Care Costs Recovery Act*, SBC 2000, c 30.

information.¹⁷² The Supreme Court disagreed. In fact and appearance, the Act did not take away the court’s adjudicative role and a court retained the ability to exercise that role without interference. “Judicial independence can abide unconventional rules of civil procedure and evidence.”¹⁷³ Similarly, in the UWO regime, if the respondent fails to comply (or purport to comply) with the UWO, he or she has the onus to show that the property is not recoverable property.¹⁷⁴

C. Information sharing

1. Introduction

[145] You have asked for my opinion on whether there are constitutional barriers to a provincial forfeiture office providing information obtained in the exercise of its investigative powers to: (a) criminal law enforcement agencies; (b) tax authorities; and (c) regulators.

[146] With respect to this last aspect of the question, there is no constitutional impediment to the CFO sharing information with other provincial regulatory bodies and agencies for valid provincial purposes. While not within the scope of my opinion, I simply note that there may be provincial statutory limitations on the sharing of such information.¹⁷⁵

¹⁷² The presumptions which shifted the onuses of proof were in relation to aggregate claims to recover expenditures on disease caused by exposure to cigarettes in ss. 3.1(1) and 3(2) of the Act. Once the government proves (a) the defendant manufacturer breached a common law, equitable or statutory duty or obligation it owed to persons in British Columbia who have been or might become exposed to cigarettes, (b) exposure to cigarettes can cause or contribute to disease, and (c) during the manufacturer’s breach, cigarettes manufactured or promoted by the manufacturer were offered for sale in British Columbia, then the court will presume that: (a) the population that is the basis for the government’s aggregate claim would not have been exposed to cigarettes but for the manufacturer’s breach; and (b) such exposure caused or contributed to disease in a portion of the population that is the basis for the government’s aggregate claim.

¹⁷³ *British Columbia v Imperial Tobacco Canada Ltd.*, 2005 SCC 49 at para 56.

¹⁷⁴ *Proceeds of Crime Act 2002*, 2002 c 29, ss. 241-242, 266.

¹⁷⁵ The *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165 (“*FOIPPA*”), governs disclosure of “personal information” by government. Schedule 1 defines “personal information” as recorded information about an identifiable individual other than contact information. Part 3 of *FOIPPA* is about protecting privacy. Key provisions include the following: (a) a public body must protect personal information in its custody or under its control by making reasonable security arrangements (s. 30); (b) if the head of a public body receives a request to disclose, produce or provide access to personal information from a foreign authority, then the minister responsible for *FOIPPA* must be notified (s. 30.2(2)); (c) an employee, officer or director of a public body cannot disclose personal information except as authorised under *FOIPPA* (s. 30.4); (d) a public body may use personal information only for the purpose for which the information was obtained or compiled or for a use consistent with that purpose (s. 32); and (e) a public body may disclose personal information only as permitted under ss. 31.1, 33.2 or 33.3 (s. 33). There are exceptions for disclosure inside and outside of Canada in certain circumstances: *FOIPPA*, ss. 33.1, 33.2,

[147] With respect to sharing information with criminal law enforcement agencies and tax authorities, there are potential constitutional difficulties falling into two categories.

- Information sharing with criminal law enforcement agencies and tax authorities for the purposes of prosecutions under the federal *Income Tax Act* could result in a different characterization of the legislative scheme for division of powers purposes. I have discussed this risk in the division of powers section of my opinion; and
- Information sharing with criminal law enforcement agencies would have to take account of the principles in *R v Jarvis*.¹⁷⁶ Application of those principles could result in a finding that the “predominant purpose” of the investigation by the CFO was the determination of penal liability with the result that law enforcement agencies could not use information received from the CFO at trial. Thus, a finding of a predominant purpose in relation to penal liability has implications for both the individual’s s. 7 and s. 8 *Charter* rights and would result in enhanced *Charter* protections that would not apply in the course of inquiries that were not undertaken for that predominant purpose. The predominant purpose for which the information was obtained is an important factor both in shaping the contours of the principle against self-incrimination under s. 7 and the applicability and content of the protection against unreasonable search and seizure under s. 8.

[148] I will first set out current and potential information sharing mechanisms, then turn to the key holdings of *Jarvis* and finally discuss their implications for ss. 7 and 8 of the *Charter*.

2. Current and potential information sharing

[149] The current *CFA* scheme is based on the CFO obtaining information from the police and regulatory agencies on which to base its forfeiture proceedings. The information sharing that is envisioned by the *CFA* and which has been put in place by virtue of powers conferred on the director to have access to information and to enter into information sharing arrangements is “one

35 and 36. The *CFA* deals with *FOIPPA* concerns indirectly as it gives the director the right to access information in the possession of a public body, some of which would otherwise be subject to *FOIPPA*: *CFA*, ss. 22(5) and 22(7).

¹⁷⁶ *R v Jarvis*, 2002 SCC 73.

way” sharing: the information is “shared” by others with the director and not the other way around.

[150] As noted earlier, this sort of one-way information sharing does not give rise to any constitutional issues. Nonetheless, it will be helpful to summarize, briefly, the information sharing arrangements under the current *CFA*.

[151] The Act addresses information sharing in two ways. First, it provides that the director is entitled, despite any other enactment, to information in the custody of various “public bodies” prescribed by regulation. Second, the Act authorizes the director to enter into information sharing agreements with the full range of public bodies, both federal and provincial. Here are the details:

- Under s. 22(5): the director is entitled to request, and a public body designated by the Lieutenant Governor in Council must disclose to him or her on request, information that is: (a) in the custody or control of the public body; and (b) reasonably required by the director in order to exercise his or her powers or perform his or her functions and duties under the Act¹⁷⁷; and
- Under s. 22(4) the director may, subject to the regulations, enter into information sharing agreements with Canada, a province or another jurisdiction in or outside Canada and a public body.¹⁷⁸

[152] The director has entered into an agreement with a number of British Columbia municipal police forces for information sharing by those forces.¹⁷⁹ Briefly, the agreement is “one way” in that its purpose is to provide a framework for disclosure by the police to the director and is silent about the director sharing information with the police. It provides for sharing by the police with the director either on the initiative of the police or at the request for information by the director

¹⁷⁷ Also, s. 22(6) provides: A public body that has custody or control of information to which the director is entitled under subsection (5) must, on request, disclose that information to the director. Public bodies prescribed by regulation are: the Ministry of Environment and Climate Change Strategy; Ministry of Finance; Insurance Corporation of British Columbia and BC Financial Services Authority: BC Reg 164/2006, s. 8.

¹⁷⁸ No regulation constrains this authority. “Public body” by virtue of s. 21(1) means a public body as defined in the *Freedom of Information and Protection of Privacy Act* and therefore includes a ministry of the British Columbia government, and agency board or commission, etc. listed in Schedule 2 of the *FOIPPA* and a local public body but does not include the offices of members or officers of the Legislature or the courts.

¹⁷⁹ Information Sharing Agreement dated 25 August 2006.

and says that the information is to be used by the director solely for the purpose of exercising his or her powers and performing his or duties and functions under the Act. There are provisions with respect to the protection of investigations and investigation techniques, confidential informants and solicitor-client privilege.

[153] The Province also has an agreement with the Government of Canada regarding information sharing between federal government and provincial institutions, including police forces and, in particular, the Co-ordinated Enforcement Unit of the Ministry of the Attorney General of British Columbia.¹⁸⁰ The purpose of the Agreement is to provide access to, and the use and disclosure of, information under the control of federal government institutions to British Columbia or a provincial institution. The Agreement stipulates that information disclosed pursuant to it will “only be used or disclosed for the purpose of administering or enforcing any law or carrying out a lawful investigation or for a subsequent use which is consistent therewith.” Although this agreement pre-dates the *CFA*, I understand that it governs the sharing of information by the Royal Canadian Mounted Police (“RCMP”) with the CFO. Note that, as with respect to the agreement with municipal police forces, the Agreement is a “one way” agreement in that it deals only with the sharing of information by federal government institutions with provincial institutions and not the reverse situation.¹⁸¹

[154] Given that all of these provisions and agreements are “one-way” in the sense that they deal only with others sharing their information with the director, I think they are constitutionally sound. The main questions are whether the police may lawfully turn over the information and the director may lawfully receive it. What case law there is affirms that the answer to both of these questions is “yes.”¹⁸² As I noted above, the issues that may arise if evidence shared with the director by the police or others was illegally obtained are beyond the scope of the opinion that

¹⁸⁰ Information Sharing Agreement dated 27 July 1983.

¹⁸¹ Information Sharing Agreement dated 27 July 1983, s. 2.

¹⁸² *Angel Acres Recreation and Festival Property Ltd. v British Columbia (Attorney General)*, 2019 BCSC 1421; *Director of Civil Forfeiture v Shoquist*, 2011 BCSC 1199 at para 41; See e.g. *Alberta (Justice and Attorney General) v Petros*, 2011 ABQB 541; *Alberta (Minister of Justice and Attorney General) v Squire*, 2012 ABQB 194; *Alberta (Justice) v Wong*, 2012 ABQB 498; *Feuerhelm v Alberta (Justice and Attorney General)*, 2017 ABQB 709; *Brown v Canada*, 2013 FCA 111 at para 16; *Klundert v Canada*, 2014 FCA 156 at para 10.

you have requested and in any event these issues would not go to the constitutionality of the existing information sharing arrangements but only to their application in specific cases.¹⁸³

[155] In addition to these information sharing agreements, there are other agreements in place to facilitate cooperation and coordination between the CFO and police. I will return to these later in my opinion where I discuss embedding a civil forfeiture office within a provincial law enforcement agency or having such an agency with a civil asset forfeiture mandate.

[156] Turning to potential information sharing by the director with the police, the main question is whether there would be *Charter* issues if the CFO were given enhanced investigative powers such as those in the UK UWO scheme and shared the fruits of the use of those powers with the police. To take a specific example, I will assume that the CFO has obtained a UWO that requires a respondent to provide details about his or her acquisition of property and then wishes to share the respondent's response to the order with the police.

3. The importance of *Jarvis*

[157] As discussed above, the leading case addressing the intermingling of regulatory and criminal investigative powers is *R v Jarvis*, which concerned the sharing of information between the audit and prosecution arms of the Canada Revenue Agency ("CCRA").¹⁸⁴ The decision is both complex and important for the purposes of my opinion. I will therefore discuss it in detail.

[158] A CCRA auditor pursued a tip that the taxpayer had not reported the proceeds of sales of his late wife's art on his tax returns. The auditor obtained books and records and interviewed the taxpayer and his accountant. In assembling this information, the auditor used the so-called inspection power under s. 231.1(1) of the *Income Tax Act* to "inspect, audit or examine" a wide array of documents. The auditor then referred the entire file to the CCRA Special Investigations

¹⁸³ The director may use information received from police in civil forfeiture proceedings subject to *Charter* scrutiny. As in a criminal trial, civil forfeiture defendants can allege the police obtained the information in violation of the *Charter* and seek a remedy under s. 24(2) for exclusion of that evidence in the civil forfeiture petition: *British Columbia (Director of Civil Forfeiture) v Huynh*, 2013 BCSC 980; *Director of Civil Forfeiture v Shoquist*, 2011 BCSC 1199; *Alberta (Justice and Attorney General) v Petros*, 2011 ABQB 541; *Alberta (Minister of Justice and Attorney General) v Squire*, 2012 ABQB 194; *Alberta (Justice) v Wong*, 2012 ABQB 498; *Feuerhelm v Alberta (Justice and Attorney General)*, 2017 ABQB 709.

¹⁸⁴ *R v Jarvis*, 2002 SCC 73.

Section, which began an investigation to determine whether prosecution for tax evasion was merited.

[159] Using the file material assembled by the auditor, the investigator obtained a search warrant and obtained additional information by way of “requirement letters” sent to various banks as provided for in s. 231.2(1) of the *ITA*. The taxpayer was charged with tax evasion.

[160] At trial, the trial judge ruled that the “audit” had at a certain point become a criminal investigation and that information obtained by the auditor after that point was obtained in violation of the taxpayer’s s. 7 rights and should be excluded from the trial evidence pursuant to s. 24(2) of the *Charter*. The judge also reviewed the search warrant and held that when the illegally obtained evidence was removed from the Information To Obtain, it no longer disclosed reasonable grounds for the search. The search was, therefore, not authorized by a warrant and the court excluded the evidence obtained as a result of it. The judge also concluded that the information obtained by the investigator by means of the “requirement letters” to the various banks was also illegally obtained and should be excluded. As a result of the exclusion of all of this evidence, the judge granted a directed verdict of acquittal.

[161] The main issues before the Supreme Court of Canada were whether there was a distinction between CCRA’s audit and investigation functions and, if so, what were the legal consequences of that distinction for the taxpayer. Note that the constitutionality of the provisions conferring the inspection and requirement powers was not in issue. Rather the case focused on the admissibility of the evidence obtained by the use of those powers at the trial for tax evasion.¹⁸⁵

[162] The Court made three key holdings for our purposes.

[163] First, there is a distinction for *Charter* purposes between obtaining information in order to assess tax liability and obtaining information for the purposes of determining penal liability. The distinction turns on the “dominant purpose” for which the information is obtained.

¹⁸⁵ The Court held in *R v McKinlay Transport Ltd.*, [1990] 1 SCR 627, that s. 231.2 of the *Income Tax Act*, one of the sections conferring the powers in issue in *Jarvis*, did not infringe s. 8 of the *Charter*.

[164] Second, powers conferred for tax assessment purposes cannot be used for the dominant purpose of determining penal liability. As a matter of statutory interpretation, the inspection and requirement powers in the *ITA* are not available for use in an investigation to determine penal liability.

[165] Third, using compelled information for the dominant purpose of determining penal liability engages enhanced *Charter* protections for the target of the investigation.

[166] I will examine each of these three key holdings in turn and note their implications for information sharing by the CFO.

[167] To begin with the dominant purpose for which information is obtained, one must look to all factors that bear upon the nature of the inquiry. Apart from a clear decision to pursue a criminal investigation, no one factor is determinative. Even where reasonable grounds to suspect an offence exist, it will not always be true that the predominant purpose of an inquiry is the determination of penal liability. The following factors can be considered: (a) did authorities have reasonable grounds to lay charges or could a decision have been made to proceed with a criminal investigation; (b) was the authorities' general conduct consistent with a criminal investigation; (c) did the regulator transfer his or her file to the investigators; (d) was the regulator acting as an agent for the investigators; (e) did the investigators appear to intend to use the regulator as their agent; (f) was the evidence relevant to taxpayer liability generally or only to penal liability; and (g) were there other circumstances or factors suggesting an audit became a criminal investigation?

[168] The second key holding, as noted, is that powers conferred for tax assessment purposes cannot be used for the dominant purpose of determining penal liability. As Iacobucci and Major JJ. put it on behalf of the Court, “where the predominant purpose of a particular inquiry is the determination or penal liability, CCRA officials must relinquish the authority to use the inspection and requirement powers under ss. 231.1(1) and 231.2(1).”¹⁸⁶ This means that the auditor in *Jarvis* should not have shared the information that she assembled under the inspection power after the point at which the dominant purpose became determination of penal liability. It

¹⁸⁶ *R v Jarvis*, 2002 SCC 73 at para 88.

further means that the investigator should not have used the requirement power to further his investigation for that purpose.

[169] Neither of these holdings affects the constitutionality of information sharing provisions provided of course that they do not expressly authorize sharing that is off-side the *Jarvis* principles. However, the distinction between audit and criminal investigation, coupled with the highly fact-specific, multi-factored test to determine whether the predominant purpose of an inquiry is to determine penal liability opens many lines of challenge to information assembled in the civil forfeiture process that is shared with law enforcement. Thus, sharing the information may give rise to concerns about the purpose for which the information was in fact obtained and give rise to disputes about whether the director's dominant purpose in obtaining the information was civil forfeiture. If a court concluded that this was not the director's dominant purpose in obtaining the information, then this would open arguments in both the forfeiture and criminal proceedings that the director's powers had been used for an improper purpose and that the evidence had therefore been illegally obtained. In deciding whether to recommend enhancement of the information sharing mandate of the director, the Commissioner may wish to consider the potential that such sharing has to prolong both forfeiture proceedings and criminal proceedings as a result of disputes of this nature.

[170] *Jarvis* tells us that the framework for assessing *Charter* breaches in a regulatory context is highly contextual. The result is that a bright-line "point in time" analysis, which requires an investigator to identify precisely when an inspection for regulatory compliance shifted to an investigation into possible offences under the regulatory scheme (i.e. became adversarial) is not necessarily determinative or even applicable.¹⁸⁷ Regulatory inspections (unlike tax audits) always take place, broadly speaking, in a "penal" or "adversarial" context because regulatory powers to ensure compliance always raise the spectre of charges under the scheme. Therefore, depending on the context, the regulatory inspection powers may always be penal in the sense of *Jarvis* and thus the pertinent question will be whether what was done was within the scope of those regulatory powers and for the purposes for which the regulatory powers were conferred.

¹⁸⁷ *R v Mossman*, 2020 BCCA 299 at paras. 11-24. See also: *R v Rice*, 2009 BCCA 569; *R v Mission Western Developments Ltd.*, 2012 BCCA 167; *Workers' Compensation Board of British Columbia v Seattle Environmental Consulting Ltd.*, 2020 BCCA 365.

[171] *R v Nolet* provides a helpful example. The accused were subject to a warrantless search during a random roadside stop after the police found provincial regulatory violations.¹⁸⁸ The Court held that courts must conduct a step by step review of the interactions of the police and the accused from the initial stop onwards to determine whether, as the situation developed, the police stayed within their authority, having regard to the information they lawfully obtained at each stage of their inquiry. Although the accused challenged the search as unconstitutional on the basis of *Jarvis*, their reliance on *Jarvis* was misplaced.¹⁸⁹ The context was always penal so the issue was whether the statutory powers had been properly exercised for the purposes for which they were given.

[172] I now turn to the enhanced *Charter* protections engaged in inquiries with a dominant purpose of determining penal liability. The existence of this purpose affects the application of both ss. 7 and 8 to the conduct of those inquiries.

a) *Section 7*¹⁹⁰

[173] The individual's liberty interest is engaged by the introduction of statutorily compelled information at his or her trial for a criminal offence, which in turn engages the principle of fundamental justice in relation to self-incrimination. This principle does not prevent the use of information in all contexts in which it is statutorily compelled.¹⁹¹ However, "when the predominant purpose of a question or inquiry is the determination of penal liability, the 'full panoply' of *Charter* rights are engaged for the [individual's] protection."¹⁹² This means that the powers given to compel documents and statements and to require financial records under ss. 231.1(1) and 231.2(1) of the *ITA* cannot be used for the purpose of advancing the criminal

¹⁸⁸ *R v Nolet*, 2010 SCC 24.

¹⁸⁹ *R v Nolet*, 2010 SCC 24 at paras 45-46.

¹⁹⁰ See also the section of this opinion discussing *Charter* compliance in relation to investigative powers (as opposed to information sharing).

¹⁹¹ Examples include *R v Fitzpatrick*, [1995] 4 SCR 154, in which information obtained under the federal *Fisheries Act*, RSC 1985, c F-14, for a regulatory purpose could be used for a criminal prosecution under that statute. In contrast, a statement concerning an accident which was compelled by the BC *Motor Vehicle Act*, RSCBC 1979, c 288, was held not to be admissible at a criminal trial of the maker of the statement on charges arising from the accident in *R v White*, [1999] 2 SCR 417.

¹⁹² *R v Jarvis*, 2002 SCC 73 at para 96.

investigation. These powers may continue to be used in an audit parallel to a criminal investigation provided that they are used for audit purposes.¹⁹³

[174] I conclude that compelled statements in relation to civil forfeiture proceedings sought to be used in criminal proceedings will be subject to the “full panoply” of *Charter* rights. Both under the *CFA*, and particularly under the UWO scheme, the respondent can be required to provide “information” (in the case of the *CFA*, s. 11.01) or a “statement” (in the case of the UWO scheme). Both of these provisions contemplate that the respondent is required to disclose information that has not been previously recorded in a document for some other purpose.

[175] My view is that a lower threshold will apply to production of pre-existing documents unless their discovery is linked to the compulsion. This is because compelled production of documents does not impinge on the right to silence if the communications were made independently of, and before, the state compelled production.¹⁹⁴ Although at common law and under s. 7 in certain circumstances, compellability would impinge on the right to silence, this does not occur where documents contain communications not brought into existence by the exercise of state compulsion. In *Thomson Newspapers*, Sopinka J. illustrated this distinction between communications as follows:

It is a distinction that is made virtually every day in connection with police investigations. While suspects are entitled to remain silent, their documents may be seized by means of a search warrant under the *Criminal Code*. No right to remain silent or privilege against self-incrimination will avail to protect against seizure of the documents...¹⁹⁵

[176] The production of documents itself can have communicative aspects, for example where possession of a document permits an inference of knowledge of the contents of the document or an inference of the truth of its contents.¹⁹⁶ In *Branch*, the Court held that the communicative aspects of document production may be of significance at the derivative evidence stage where a

¹⁹³ *R v Jarvis*, 2002 SCC 73 at para 97.

¹⁹⁴ *British Columbia Securities Commission v Branch*, [1995] 2 SCR 3 at para 43.

¹⁹⁵ *Thomson Newspapers v Canada*, [1990] 1 SCR 425 at p 608.

¹⁹⁶ *British Columbia Securities Commission v Branch*, [1995] 2 SCR 3 at para 47.

witness seeks to exclude all evidence that would not have been obtained but for the compelled testimony.¹⁹⁷

b) *Section 8*

[177] The Court in *Jarvis* held that taxpayers have a very low expectation of privacy with respect to the material and records they are obliged to keep under the *ITA* and which they are obliged to produce during the course of an audit. It follows that there is “nothing preventing auditors from passing to investigators their files containing validly obtained audit materials. ...[T]here is no principle of use immunity that prevents the investigators, in the exercise of their investigative function, from making use of evidence obtained through the proper exercise of the *CCRA*’s audit function. Nor, in respect of validly obtained audit information, is there any principle of derivative use immunity...”¹⁹⁸

[178] These statements must, however, be understood in the context of two important facts that have implications for information sharing obtained in the course of civil forfeiture proceedings.

[179] First, the auditor in *Jarvis* did not use the inspection power while conducting an investigation, the predominant purpose of which was a determination of penal liability. However, the Court made clear that once that becomes the predominant purpose, the results of the audit inquiries cannot be used in pursuance of the investigation or prosecution.¹⁹⁹ This has two implications for civil forfeiture proceedings: civil forfeiture investigative procedures cannot be used for the dominant purpose of determining penal liability and once a criminal investigation has been started, information obtained after that date through the civil forfeiture process cannot be in pursuance of the investigation or prosecution.

[180] Second, the taxpayer had a low expectation of privacy with respect to the documents and records in issue in *Jarvis*. The s. 8 analysis might well be different if the material obtained in the civil forfeiture process was such that the respondent had a significant privacy interest, although this seems unlikely with respect to the sort of information about property and financial records that are likely to be relevant to a civil forfeiture proceeding.

¹⁹⁷ *British Columbia Securities Commission v Branch*, [1995] 2 SCR 3 at para 48.

¹⁹⁸ *R v Jarvis*, 2002 SCC 73 at para 95.

¹⁹⁹ *R v Jarvis*, 2002 SCC 73 at paras 99, point 3 and 103.

4. Conclusion on information sharing

[181] In summary, my opinion is:

- There are likely no constitutional barriers to a provincial civil forfeiture office providing information obtained using investigative tools provided for the purpose of civil forfeiture proceedings with other provincial regulators and tax authorities;
- Civil forfeiture offices cannot use their investigative powers for the predominant purpose of investigating penal liability;
- The sharing of compelled information for the purposes of a criminal investigation and prosecution likely breaches s. 7 of the *Charter*; and
- With respect to sharing information for the purposes of a criminal investigation in which there is a significant reasonable expectation of privacy, the sharing of such information also likely engages s. 8 of the *Charter* and will be subject to the *Southam* standard.

D. Combining law enforcement and civil forfeiture personnel

1. Introduction

[182] You have asked whether there are constitutional impediments to: (a) constituting a provincial law enforcement agency with a mandate to pursue civil asset forfeiture; or (b) embedding a civil forfeiture office within a provincial law enforcement agency. In both scenarios, the critical question is whether the change in administrative setting and arrangements would change the purpose of the scheme. This is critical because the purpose of the scheme has significant weight in both the “pith and substance” analysis for division of powers purposes and in the *Charter* analysis concerning what standards will be applied to the exercise of the power.

[183] The CFO and the RCMP have a Memorandum of Understanding (“MOU”)²⁰⁰ under which the CFO assigns one of its employees to the RCMP in the role of CFO RCMP Program

²⁰⁰ Memorandum of Understanding between The British Columbia Civil Forfeiture Office and the Royal Canadian Mounted Police “E” Division dated April 24, 2014.

Manager within the RCMP’s Federal Serious and Organized Crime Operations Support Group Asset Forfeiture Unit. There is also a secondment agreement between the British Columbia Ministry of Public Safety and Solicitor General and the Vancouver Police Board (“VPD”).²⁰¹ The VPD has an “informally assembled” asset forfeiture team whose role includes identifying, seizing and recommending forfeiture of criminal assets and prosecution of “persons associated therewith” and cooperating with other jurisdictions for such purposes. The seconded person is “retained by the VPD under a contract to perform services for the VPD.” The seconded person’s role is to review and assess VPD files forwarded to the asset forfeiture team for potential referral to the CFO. The person is not to “browse police information” for potential referrals to the CFO.

[184] I have taken these arrangements into account in formulating my opinion about the constitutionality of the current scheme.

[185] I note that the British Columbia courts have held that: (a) it is lawful for the director to collect information from the RCMP; (b) the director can use information received from the RCMP under the 1983 Information Sharing Agreement to commence and conduct proceedings under the *CFA*; and (c) the director has the authority to assign an employee to the CFO RCMP Program Manager position.²⁰²

2. Analysis

a) *Division of Powers*

[186] For the civil forfeiture scheme to be within provincial legislative powers, its pith and substance must be in relation to property and civil rights within the province. As described in detail above, pith and substance depends on the law’s purposes and effects. The purposes and effects of the current *CFA* scheme are conceptually and practically distinct from federal legislative jurisdiction in relation to investigating crime and determining penal liability. The two scenarios on which you have asked my opinion involve a risk that the clarity of this distinction could be weakened or perhaps even lost.

²⁰¹ Ministry of Public Safety and Solicitor General Secondment Agreement dated October 24, 2018.

²⁰² *British Columbia (Director of Civil Forfeiture) v Angel Acres Recreation and Festival Property Ltd.*, 2010 BCCA 539; *Angel Acres Recreation and Festival Property Ltd. v British Columbia (Attorney General)*, 2019 BCSC 1421.

[187] If a civil forfeiture mandate were given to a criminal law enforcement agency, the lines between civil forfeiture and determining penal liability would inevitably be blurred. Different arms of the same agency would at times be simultaneously trying to determine if property was the proceeds, or an instrument, of crime and to determine penal liability. This in my view would make it more difficult to convince a court that the powers conferred for the purposes of the civil forfeiture scheme were not in fact being used for the purposes of determining penal liability. The same, in my view, could be said about embedding a civil forfeiture office within a criminal law enforcement agency.

[188] These risks could no doubt be mitigated. Confidentiality “walls” could be established around the work of the civil forfeiture arm and clear protocols put in place to avoid even the appearance that civil forfeiture powers were in fact being used for criminal investigation purposes. However, the blurring of the distinction between the two functions is at the least likely to lead to litigation. In my view, there is, at a minimum, a moderate risk that these changes could lead to a finding that the civil forfeiture scheme’s purposes and effects were not in relation to valid provincial objects.

b) Charter implications

[189] The *Charter* implications of these changes also depend on the risk that they would lead to a different conclusion about the dominant purpose for using civil forfeiture information gathering powers. The potential new arrangements would in my view increase the risk that those powers could be held to be for the dominant purposes of investigating and prosecuting crime.

[190] I have discussed the *Jarvis* case in detail earlier in my opinion. That case put in place a complex, multi-factored test for determining the dominant purpose for which information was gathered. It arose out of the fact that within the same overall organization, the CCRA, there were both audit and prosecution arms. The problem arose from the sharing of information acquired for audit purposes once a criminal investigation had been initiated. That same problem is likely to arise if civil forfeiture and criminal investigation functions exist side by side within the same organization.

[191] It is worth noting that the Supreme Court of British Columbia has expressed concern about the relationship between the RCMP and the CFO resulting from the MOU for the creation

of the CFO RCMP Program Manager position. The Court upheld the legality of the arrangement. However, it also expressed the view that “in some circumstances, the relationship between the police and the CFO with the attendant possibility of conflict arising from the intersection of criminal law substance and procedure and civil forfeiture law substance and procedure may require not only evidentiary oversight by the Court but also engage Charter scrutiny.”²⁰³ These sorts of concerns will undoubtedly be more acute if the potential “embedding” arrangements are adopted.

²⁰³ *British Columbia (Director of Civil Forfeiture) v Angel Acres Recreation and Festival Property Ltd.*, 2020 BCSC 880 at para 159.