

# Commission of Inquiry into Money Laundering in British Columbia

## Application of Bob Mackin for Copies of Application Materials – Ruling #15

### Ruling of the Honourable Austin Cullen, Commissioner

Issued November 12, 2020

---

#### A. BACKGROUND

[1] This ruling addresses an application by Bob Mackin, a journalist with theBreaker.news, for the release of application materials, including any related affidavits and correspondence, provided by Paul King Jin in support of his application for participant status before the Commission.

[2] On November 5, 2020, I granted standing to Mr. Jin on a limited basis (see Ruling #14 and, in particular, at para. 16).

[3] As noted in Ruling #4 issued November 8, 2019, my previous direction that applications for standing not be published does not preclude applications brought by representatives of the media for access to those materials on a case-by-case basis (at paras. 4-6).

[4] Commission counsel circulated Mr. Mackin's application to participants on November 6, 2020. Counsel for the British Columbia Lottery Corporation, the Gaming Policy Enforcement Branch and Mr. Jin have each advised they take no position on Mr. Mackin's application.

#### B. STATUTORY FRAMEWORK

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

[6] Under s. 9(1) of the *Act*, the Commission has the power to control its own processes and may make directives respecting practice and procedure to facilitate

the “just and timely fulfillment of its duties”. This includes the ability to make orders in respect of any matter for which a directive has been made (see s. 9(5) of the *Act*).

[7] In making the order sought, I must consider the framework set out in s. 15(1) of the *Act*, namely:

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

...

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

### **C. ANALYSIS**

[8] As noted, none of the participants, including Mr. Jin, object to the release of the materials at issue. These instructions are not determinative.

[9] Mr. Jin’s application materials consist of a single letter submitted by his counsel to the Commission on November 3, 2020. As I noted in Ruling #14, Mr. Jin did not provide any biographical detail in the course of his application. The letter reflects Mr. Jin’s concerns as to certain evidence relating to his activities led in the Inquiry process, and his arguments in favour of a limited grant of standing to respond to that evidence.

[10] I am satisfied after reviewing Mr. Jin’s application materials that it would not compromise any future investigation by Commission counsel or any other agency to release the materials at this time. Nor would it result in any unfairness to any third party.

[11] As for the correspondence sought by Mr. Mackin, I do not think it appropriate to make such an order. Correspondence between Commission counsel and counsel for Mr. Jin did not bear on my decision to grant standing. Given that Mr. Jin filed no affidavit in support of his application, it is unnecessary to address that portion of Mr. Mackin’s application.

[12] Accordingly, I grant Mr. Mackin's application in part. I order the release of Mr. Jin's application to Mr. Mackin. I will not, however, order the release of any related correspondence to Mr. Mackin.

A handwritten signature in cursive script, appearing to read "Cullen".

Commissioner Austin F. Cullen