



**OPINION
OF THE
CONFLICT OF INTEREST COMMISSIONER**

**PURSUANT TO SECTION 19(2) OF THE
*MEMBERS' CONFLICT OF INTEREST ACT***

**IN THE MATTER OF AN APPLICATION BY
CHRIS DELANEY WITH RESPECT TO
ALLEGED CONTRAVENTIONS OF THE
MEMBERS' CONFLICT OF INTEREST ACT
BY THE HONOURABLE GORDON CAMPBELL,
MLA FOR VANCOUVER-POINT GREY,
PREMIER OF BRITISH COLUMBIA**

City of Victoria
Province of British Columbia

December 14, 2010

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I INTRODUCTION

On October 5, 2010, Mr. Chris Delaney wrote to me, in part, as follows:

I am writing to request a Conflict of Interest investigation and ruling regarding a potential conflict by BC Premier Gordon Campbell with respect to public funds being appropriated by him for use in attending a private conference.

Specifically, I am referring to an expenditure of \$16,803.00 for airfares to and from a private conference in Sitges, Spain sponsored by the Bilderberg Group on June 3-6 2010.

Mr. Delaney signed the letter as Spokesman, BC First Party.

Political parties do not have status under the *Members' Conflict of Interest Act* ("the Act"). A member of the public does have status under the Act (s. 19(2)) to request an opinion respecting an alleged contravention of the Act. I have, therefore, considered Mr. Delaney's request under s. 19(2) of the Act. [For convenience, all of the relevant sections of the Act are attached as Appendix A to this Opinion].

Mr. Delaney has provided me with a variety of documents which apparently have been received in response to requests made under the *Freedom of Information and Protection of Privacy Act*.

Mr. Delaney's opinion request attached a copy of the written invitation which was sent to Premier Campbell ("the Premier") to attend the conference. A copy of that invitation is attached to this Opinion as Appendix B.

Appendix C is a copy of a request for written confirmation of attendance. Mr. Delaney raised with me the appropriate concern that when he received a copy of Appendix C in response to his FOI request, he noted that it had been redacted under sections 15 and 22 of the legislation. His point was that if the redaction was for the Premier's personal privacy reasons, then that would support the contention that the invitation to attend the meeting was "personal". I have had the opportunity of seeing an unredacted copy of the document and can confirm that the information redacted was an email address for the executive secretary of the Bilderberg Group and had nothing at all to do with the Premier.

Mr. Delaney went on to say the following in support of his opinion request:

The documents show the expenditures outlined above, as well as the letter from the Bilderberg Group specifying that the invitation to the meeting the premier attended was "strictly personal", and that he was not allowed to bring a spouse, a replacement, or any staff. The contents of the Bilderberg Conference are strictly confidential, and details of discussions and the meeting agenda are not available to the public.

We understand that no public report has been made by the premier documenting the details of this meeting to either the government or the citizens of BC. We also understand the public money used to pay for this private conference was not repaid or reimbursed in any way.

We also understand that there are no records for payment by the government for the premier's accommodations at the conference. We are unclear as to whether Mr. Campbell paid for his own accommodations, or whether these were picked up by the Bilderberg Group.

If the former occurred, it would seem to support our contention that the conference was a personal matter. If the latter occurred, we are unaware of any ‘statement of benefit’ being filed by Premier Campbell for the benefit of the accommodations received (sic) for the conference by him, as required by the Conflict of Interest Act. We are hopeful your investigation can research these important questions in addition to the alleged misuse of public funds for personal benefit.

We believe the use of public funds for a strictly personal benefit is prohibited by the Member’s Conflict of Interest Act, and may potentially be in violation of the Criminal Code of Canada, Section 336 – Criminal Breach of Trust.

We ask that, based on the evidence submitted, you investigate this matter forthwith and provide a ruling on your findings.

The Act provides in s. 19(2) that a member of the public who has “reasonable and probable grounds to believe that there has been a contravention” of the Act may set out those grounds and “the nature of the contravention alleged”. Mr. Delaney has over the past several weeks set out the grounds for his belief.

The Act does not contemplate that the Commissioner will conduct an “*investigation*” as requested by Mr. Delaney. In fact, the word “investigation” does not appear in the Act. Unlike some other Statutory Officers of the Legislature, the Conflict of Interest Commissioner does not have any plenary investigatory powers. However, the Act does provide in s. 21(2) that the Commissioner may conduct an “*Inquiry*” with the power to order production of documentary records and to summons individuals to attend and have their evidence taken under oath. In the 20 years that the Office has been in existence, very few formal Inquiries have been conducted.

While it may seem that the different terms amount to a distinction without a difference, the juristic reality is that only the formal process contemplated by the Act is the traditional evidence-gathering Inquiry power. Typically, information is gathered informally by the Commissioner. If

the Commissioner encounters resistance to the provision of information it may become necessary to conduct a formal Inquiry. No resistance was experienced in this matter and I received full cooperation from the Premier's Office in response to my requests.

On December 4, 2010, Mr. Delaney issued a press release in which he commented that the Premier was "being investigated for conflict of interest over Bilderberg Conference." He then went on to say that I had "confirmed" that I had "been investigating the Premier regarding BC First's allegations that [the Premier] used public funds to attend a private conference in Spain earlier this year." It will be obvious that those comments can only be properly understood in the context just provided. The reality is that the information I have collected from a variety of available sources has been for the purpose of determining the threshold question of whether reasonable and probable grounds exist that the Act has been contravened as alleged.

My findings, based on the material I have received, gathered and accessed are confirmed and summarized as follows:

1. The Bilderberg Group has organized an annual meeting since 1954. The conference is the Group's only activity. The genesis of the meeting was apparently a concern expressed by "leading citizens" in Western Europe and North America that common problems of critical importance to both regions would benefit from regular "off-the-record" discussions, initially during the difficult period of the cold war. At the annual meetings, the sessions are private and closed to the public. Apparently the only purpose of the meetings is that the participants may benefit from the engagement and the ferment

generated by their discussions.

2. The Bilderberg Group has officially described the 2010 meeting as follows:

The 58th Bilderberg Meeting was held in Sitges, Spain from June 3-6, 2010. There were 127 participants from 20 countries. The participants represented government, diplomacy, politics, business, law, education, journalism and institutes specializing in national and international studies. All participants spoke in a personal capacity, not as representatives of their national governments or employers. As is usual at Bilderberg Meetings, in order to permit frank and open discussion, no public reporting of the conference took place. (emphasis added)

3. Invitations to the meetings are extended by the Group after consultation with national Steering Committee members. On the recommendation of the Canadian Steering Committee, an oral invitation was extended to the Premier in January, 2010, followed by a written invitation which is included as Appendix C. The invitation was not immediately accepted; and because of scheduling uncertainties, oral confirmation of the Premier's attendance was not given by his office until approximately the middle of May, 2010. There was no written confirmation of attendance.
4. The Premier attended the meeting alone. He travelled by air to the meeting on Thursday, June 3 and returned to Vancouver on Sunday, June 6, 2010. The cost of his flights totalled \$8,709.23 and was paid by the Government of British Columbia. His air travel expenses were approved through the appropriate channels. All of the expenses at the meeting for accommodation, meals, lodging and ground transportation were paid by the Bilderberg Group. The Premier did not receive any recognition gifts for attending the meeting. He did not report the value of the hospitality provided at the meeting as a gift received under s. 7 of the Act. Abiding by the rules of the meeting, he did not report to

British Columbians on the discussions that were held.

5. The topics discussed at the 2010 meeting were:
 - a. Current international events;
 - b. Global economic cooling: implications of public debt and slow economic growth: how to reignite economic growth;
 - c. How is cyber technology changing the relationship between the individual and the state?
 - d. Coordination of financial reform across various countries;
 - e. Fiscal and financial challenges in North America and Europe as fiscal deficits and debt-to-GDP ratios increase year after year;
 - f. The European Union and the crisis of the euro;
 - g. The relationship between quality and the cost of medical care;
 - h. The promises and challenges of energy independence, conservation and innovation in the context of the Gulf Oil Spill;
 - i. Security in a nuclear proliferated world;
 - j. Social networking and its privacy consequences for governments and citizens;
 - k. The state of European-American relations in a multi-polar world;
 - l. The Afghan War and NATO's continued role;
 - m. Can we feed the world? Increasing starvation and hunger-related problems.

6. The participants included heads of state and present and former heads of governments, as well as senior government ministers, officials, leading diplomats, chief executives of some of the world's most prominent multinational companies, distinguished academics, prominent editors, publishers and journalists. The participants discussing fiscal issues included commissioners of the European Commission, as well as various ministers of

finance and the architects of the American Economic Recovery: Lawrence Summers, Director of the Economic Council and Paul Volcker, Chairman of the Economic Recovery Advisory Board. The representatives of business included Bill Gates and Eric Schmidt, the CEO of Google. Prominent diplomats included Henry Kissinger and Richard Holbrooke, the architect of the Dayton Accords and the United States Special Representative for Afghanistan and Pakistan.

II DISCUSSION

The essence of Mr. Delaney's point in his request for an opinion is that the Bilderberg Meeting was a "private conference" that the Premier was invited to attend "personally" and, therefore, he received "strictly personal benefits", contrary to s. 2 of the Act, that were not ultimately disclosed under s. 7.

In my view, it is inaccurate in the context of everything we know about the Bilderberg Meeting to properly call it a "private conference". Certainly the meeting was exclusive and strictly limited to those who were invited, but as the 2010 Meeting was officially described, the participants "represented [in the case of the Premier] government and politics", but "spoke in a personal capacity not as representatives of their national governments...". Otherwise, an essential benefit of "off-the-record" discussion by global leaders would be erased and the meeting would become nothing more than an exposition of official positions. Presumably, that form of dialogue already exists and the value of the discussion at the Bilderberg Meeting would be lost.

The fact that the invitation was “strictly personal and cannot be transferred” should not be elevated to mean that the *benefits* of attendance were personal. In context, that term really meant that the invitation could not be handed over to anyone else. It was, essentially, non-transferable. It did not extend to any staff or family members, and it was not an option to send someone in the Premier’s place if he was unable to attend. Put in other words, invitations to the meeting were extended exclusively to the invitee because of his or her public, professional or business position. The Bilderberg website confirms that participants are chosen for their experience, their knowledge, their standing and their contribution to the selected agenda. The real purpose of the meeting was accomplished because the ban on attribution allowed the participants to speak their minds openly and freely. The list of participants when matched with the list of topics discussed, makes it self-evident that the organizers of the meetings were successful.

It is clear that the invitation to the Premier was to attend as the head of the Government of British Columbia. Given the agenda for discussion, it also seems clear that the organizers must have been aware of the Premier’s and the government’s well known and particular interests in climate change, conservation, health care costs and a new relationship with our First Nations communities. The intellectual stimulation and benefit that the Premier received by attending the meeting was, given his position as the head of the Government, also a benefit to the citizens of this province. Information is the currency of democracy and the source of knowledge that informs public policy.

In my view, we have not reached the point where the trust and confidence we have in our system of responsible government is so frail that we question the value to our citizens of the Premier of British Columbia attending, at some public expense, a unique international meeting of distinguished world citizens, engaged in the most important contemporary issues that the free world confronts. To suggest that the Premier received a personal benefit that amounts to a real or apparent conflict of interest under the Act would, in my opinion, be contrary to the intent of the legislature when the Act was passed and the spirit with which the Act has been interpreted and administered throughout its 20 year history.

III CONCLUSIONS

In my opinion, there was no misuse of public funds for personal benefit in connection with the Premier's attendance at the 2010 Bilderberg Meeting.

In my opinion, there were ultimately no reasonable or probable grounds disclosed to support a finding that there had been a contravention of the Act or to support a decision to conduct a formal Inquiry.

Mr. Delaney raised two separate but related concerns based on s. 7 of the Act: first, whether the Premier acted appropriately by having his air travel paid by the BC Government to attend the meeting; and second, whether he ought to have filed a disclosure statement in relation to the accommodation, meals and transportation provided at the meeting location.

In my opinion, the Premier did not breach the Act in either case. Given the nature of the event and the reason for his attendance, the Premier's onsite meeting expenses would normally have been paid for by the Province. The Premier of a Canadian province receives invitations to a wide variety of important events, which may be local, national or international in scope. The expenses for attending such events are normally paid for out of public funds. In my view, because of the Premier's presence, the Bilderberg Meeting enhanced the province's international profile. In the result, the payment of these costs was, in essence, a gift by the Bilderberg Meeting to the Province, rather than to the Premier personally. Accordingly, it was not necessary under the Act for him to disclose any of these expenses.

Dated this 14th day of December, 2010

In the City of Victoria, Province of British Columbia



Paul D. K. Fraser, Q.C.
Conflict of Interest Commissioner

IV APPENDICES

APPENDIX A RELEVANT SECTIONS OF THE *MEMBERS' CONFLICT OF INTEREST ACT*

**RELEVANT SECTIONS OF THE
MEMBERS' CONFLICT OF INTEREST ACT, RS CHAP. 287**

Conflict of interest

- 2 (1) For the purposes of this Act, a member has a conflict of interest when the member exercises an official power or performs an official duty or function in the execution of his or her office and at the same time knows that in the performance of the duty or function or in the exercise of the power there is the opportunity to further his or her private interest.
- (2) For the purposes of this Act, a member has an apparent conflict of interest if there is a reasonable perception, which a reasonably well informed person could properly have, that the member's ability to exercise an official power or perform an official duty or function must have been affected by his or her private interest.

Accepting extra benefits

- 7 (1) A member must not accept a fee, gift or personal benefit, except compensation authorized by law, that is connected directly or indirectly with the performance of his or her duties of office.
- (2) Subsection (1) does not apply to a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office.
- (3) If a gift or personal benefit referred to in subsection (2) exceeds \$250 in value, or if the total value received directly or indirectly from one source in any 12 month period exceeds \$250, the member must immediately file with the commissioner a disclosure statement, in the form prescribed by the regulations, indicating
- (a) the nature of the gift or benefit,
 - (b) its source, and
 - (c) the circumstances under which it was given and accepted.

Commissioner's opinion on referred question

- 19** (2) A member of the public who has reasonable and probable grounds to believe that there has been a contravention of this Act or of section 25 of the *Constitution Act* may, by application in writing setting out the grounds for the belief and the nature of the contravention alleged, request that the commissioner give an opinion respecting the alleged contravention.

Inquiry

- 21** (1) On receiving a request under section 19, and on giving the member concerned reasonable notice, the commissioner may conduct an inquiry.
- (2) For the purposes of preparing an opinion under section 19 or conducting a special assignment under section 20, the commissioner may order a person to do either or both of the following:
- (a) attend, in person or by electronic means, before the commissioner to give evidence on oath or affirmation or in any other manner;
 - (b) produce for the commissioner a record or thing in the person's possession or control.

APPENDIX B

ATTENDANCE CONFIRMATION REQUEST

PLEASE RETURN BY E-MAIL
BEFORE 22 JANUARY 2010*

To : Mrs. M. Banck
Executive Secretary
Bilderberg Meetings
E-mail : 5.22
From : Prime Minister Gordon Campbell

I will attend the next Bilderberg conference in Sitges, Spain full-time from Thursday June 3 (before dinner) until Sunday June 6, 2010 (through lunch)

I will not attend

Signature:

Date :

⇒ * NB: more detailed information will only be sent to you after receipt of this form

APPENDIX C

LETTER OF INVITATION TO BILDERBERG MEETINGS

BILDERBERG MEETINGS

s.15

75.22

PERSONAL AND CONFIDENTIAL

Prime Minister Gordon Campbell
Office of the Prime Minister
Suite 740 - 999 Canada Place
VANCOUVER, BC V6C 3E1
Canada

11 January 2010

Dear Prime Minister

On behalf of the Steering Committee I am delighted to confirm our invitation to you to join us for the next Bilderberg Conference

3 - 6 June 2010
Sitges, Spain

As you already know this invitation is strictly personal and cannot be transferred; Bilderberg's rules do not allow for spouses and/or personal staff.

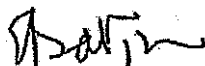
We would much appreciate it if you could note that participants are expected to attend for the entire time of the conference, i.e. from dinner on Thursday evening June 3 through lunch on Sunday June 6, unless explicitly agreed otherwise with the Executive Secretary beforehand.

The number of participants at the annual Bilderberg Conference is strictly limited; a maximum of 130 from about 28 countries. We hope that you will appreciate that by extending this invitation to you we cannot at this time invite someone else.

Please, therefore, help us by confirming your attendance and returning the attached form to the Executive Secretary before the 22nd of January. If for any reason you are unable to come, please let us know immediately.

I look forward to seeing you in Spain.

Yours sincerely,



Etienne Davignon
Honorary Chairman