



BRITISH
COLUMBIA

October 23, 2013

TO ALL MEMBERS OF THE LEGISLATIVE ASSEMBLY

Re: Union Club Guest Membership

As a Member of the Legislative Assembly, you may recently have been offered a Guest Membership from the Union Club of British Columbia.

My understanding is that the Guest Membership offer allows Members full access and use of the Club's services and facilities, but does not permit participation in the Club's governance. For the reasons set out below, it is my opinion that disclosure is required if a Member decides to accept the Union Club's offer.

In 1993, my predecessor Commissioner Hughes issued guidelines for accepting complimentary memberships and passes. He expressed the view that Members may accept free memberships which provide them the opportunity to more efficiently and effectively carry out their responsibilities of office. Examples include memberships to faculty and business/social clubs where meetings can be held, business guests can be served lunch or dinner in an atmosphere conducive to conducting useful discussion of an official or business nature and in a private or semi-private environment.

The following sections of the *Members' Conflict of Interest Act* apply:

- 7(1) A member shall 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.

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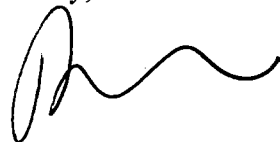
As the Union Club's offer is only extended to those holding public office, the complimentary privileges clearly constitute a gift or personal benefit "connected directly or indirectly with the performance of the member's duties of office".

I am in agreement with Commissioner Hughes' view that complimentary privileges such as those offered by the Union Club may provide an opportunity for Members to more efficiently and effectively carry out their responsibilities of office. The benefit falls under the section 7(2) exemption as being "an incident of the protocol or social obligations that normally accompany the responsibilities of office".

It is my understanding that the type of "membership" offered (i.e. full access to Club facilities but no voting rights) is only available to Members of the Legislative Assembly. In situations such as this where the benefit is not commercially available, it is necessary to disclose the gift and report that it has "no commercial value".

Accordingly, if you do accept the Union Club's offer, please submit a Gifts Disclosure Form (Form 5), available on our website www.coibc.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul D. K. Fraser', with a stylized, wavy flourish extending to the right.

Paul D. K. Fraser, Q.C.
Commissioner