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Editorial : Blind to blind trust?

The issue of Premier Campbell knowing that he held Alcan shares at the time that he was dealing with Alcan over the company's proposed sale of power to BC Hydro has received a good deal of media interest.

It is customary for cabinet ministers and senior officials, whose duties inevitably include dealing with business, to divest themselves of all their business interests for the period that they hold office. This is often done through the creation of a blind trust. The premier says that the way he was handling his investments was essentially the same thing. But it wasn't. It wasn't divestment, it wasn't blind, and it wasn't a trust.

It could be that Premier Campbell is in violation of the 1996 *Members Conflict of Interest Act* (c287). Interestingly, while most jurisdictions have legislation that prohibits actual conflicts of interest, British Columbia's *Act* also prohibits *apparent* conflicts, as follows:

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.

We cannot conceive that Premier Campbell's shareholding (which was probably not large) would make any difference to his obvious enthusiasm for the Alcan deal. However he has clearly been careless about the appearance of conflict.

A blind trust is a recognized legal agreement that prevents a public servant from having any knowledge of, or influence over, his business interests while he is in office. The premier didn't care enough about what BC's citizens might think to bother to set one up. This despite the fact that there is practically nothing a premier does that wouldn't affect his business interests in some way. ✍

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