

Extract from Hansard -202 dated May 30, 2023

Hon. Erin O'Toole (Durham, CPC):

Madam Speaker, I would like to thank you for allowing my colleague from [Brantford—Brant](#) to finish his speech today.

I am rising on a question of privilege concerning efforts and actions by officials and agents of the People's Republic of China to interfere with me as a consequence of actions that I have taken here on the floor of our House of Commons.

On Friday, I received a briefing from the Canadian Security Intelligence Service, CSIS, that confirmed several matters to me that I will discuss in a few moments. In the notice I subsequently sent to the Speaker, I indicated that I required yesterday to reflect upon how best to present the information I received. While I recognize that the law of parliamentary privilege affords me absolute freedom of speech here in Parliament, subject only to the rules of the House itself, I also proudly held our late Queen's commission as an officer in the Canadian Armed Forces and have taken several oaths to protect our nation and its secrets.

It is because of this background that I have such profound respect for the men and women who swear such oaths to keep our country safe. Whether in the military, in a police service or in one of our security and intelligence agencies, these Canadians are charged with keeping us safe in a dangerous world. With the respect I have for those institutions in mind, I wrestled to find the right balance between satisfying the diverse demands on my conscience and saying what I am about to say today in my question of privilege.

In the Speaker's May 8 ruling on a similar but distinct question, at page 14106 of the Debates, where he noted "the gravity of the claims made by the member for [Wellington—Halton Hills](#)", the Speaker favourably cited the words of Mr. Speaker Milliken from May 29, 2008:

The Chair has always exercised discretion on this point given the need to balance the need for timeliness with the important responsibility members have of marshalling facts and arguments before raising matters of such import in the House.

In my case, it was a matter of not just marshalling the facts, but also giving adequate consideration as to how those facts could be presented in this House in a way that safeguards the sources and methods of our intelligence agencies and the personnel who work within them.

As I alluded to a moment ago, the facts of the People's Republic of China's campaign against me are separate and distinct from those that led to the Speaker's important ruling regarding the intimidation campaign orchestrated against the hon. member for [Wellington—Halton Hills](#). In that case, the Globe and Mail newspaper reported on intelligence leaks that indicated an accredited Chinese diplomat was involved in the targeting of this hon. member and his family.

This targeting appears to have been ordered following the February 2021 motion brought by that member recognizing the harms perpetrated against the Uyghur population in the Xinjiang region of China as genocide. After the hon. member raised his question of privilege, the government and CSIS acknowledged to him the veracity of the media reports.

The facts of my case are distinct, as they relate to an ongoing campaign of foreign interference to target me as both a member of this chamber and leader of the official opposition. Given my respect for the men and women who work for CSIS and the Communications Security Establishment, I will not provide the specific details from my intelligence briefing on the numerous threats identified to me, as I do not want any details to reveal sources or methods of collection.

While I have more detail than I am sharing with the House, I want to ensure that the public interest is properly served alongside ensuring that important intelligence gathered can continue unimpeded by appropriate parliamentary review. As an aside, the procedure and House affairs committee could, of course, obtain further details directly from the government under appropriate in camera cautions.

That said, I will break down the nature of the threats identified to me by CSIS into four distinct categories of threats. Each of these threats was intended to discredit me, to promote false narratives about my policies and to severely obstruct my work as a member of Parliament and as leader of the official opposition. The numerous examples also demonstrate that there was an orchestrated campaign of foreign interference in the 43rd Parliament and in the 2021 general election.

(1200)

The first category of threat is related to foreign funding, specifically the payment of funds by the Chinese Communist Party through the united front work department, to create specific products of misinformation on me as a member of Parliament and as leader of the Conservative Party of Canada. The second category of threat is related to human resources, specifically the use of groups of people working for or aligned with the United Front Work Department in Canada that were organized and directed by a foreign state to amplify misinformation efforts and undermine my work as a member of the chamber and as the leader of a parliamentary caucus. The third category of threat is related to foreign-controlled social media platforms. This category related specifically to the WeChat communications platform and its use to further the aims of the Chinese Communist Party and the United Front Work Department, and their campaign to spread misinformation to undermine and discredit my work in the chamber as the member of Parliament for [Durham](#) and as leader of the official opposition. The final category of threat outlined to me is related to voter suppression, specifically that intelligence indicated an active campaign of voter suppression against me, the Conservative Party of Canada and a candidate in one electoral district during the 2021 general election.

I must acknowledge at this point that I also believe that my privileges as a member and officer of Parliament were infringed upon by the government's unwillingness or inability to act on intelligence related to foreign interference. The briefing from CSIS confirmed to me what I had suspected for quite some time, which is that my parliamentary caucus and I were the target of a sophisticated misinformation and voter suppression campaign orchestrated by the People's Republic of China before and during the 2021 general election.

[Translation]

I also believe that my privileges as a member and as opposition leader were infringed upon by the government's unwillingness to act on intelligence related to foreign interference. The briefing from CSIS confirmed to me what I had suspected for quite some time, that my party, several members of my caucus and I were the targets of a misinformation and voter suppression campaign orchestrated by China before and during the 2021 general election.

[English]

Not only were the multiple threats against me and members of my parliamentary caucus not raised to me by the government or security agencies during the 43rd Parliament, but these serious threats were also not communicated to us through the security and intelligence threats to elections task force created by the government in the 43rd Parliament to safeguard our election.

The context of the final months of proceedings in the chamber in the 43rd Parliament is also important to consider with respect to my privilege. The House, at the time, was seized with four separate document production orders forcing the government to be accountable to the House with respect to what actually happened at the Winnipeg laboratory and the firing of scientists with links to China. I know that you remember the time, Madam Speaker, because the government forced you into federal court over the issue, and forced me, as a member of the chamber and leader of the opposition, to seek intervenor status in that proceeding, which, ultimately, dissolution rendered moot. While denying our privileges as members for disclosure of these documents at the time, the government also denied me and other members of the chamber, including a member of the NDP, knowledge of identified foreign interference threats against us as parliamentarians. This is a matter that should concern all members of the House, regardless of party.

As I mentioned in my opening remarks, this is a separate and distinct matter from that which my colleague, the hon. member for [Wellington—Halton Hills](#), raised to you a few weeks ago. The threats identified against me by CSIS did not relate to one single event or one single accredited diplomat; rather, the numerous threats identified to me provide proof of an ongoing campaign of foreign interference, intended not only to disrupt my work as a member but also to critically disrupt my work as the leader of a large parliamentary caucus in a minority Parliament.

(1205)

Threats, disruption and interference of this scale actually violated the privilege of hundreds of members of the House. I stress this distinction because it is my respectful submission that it represents a question that is distinct from the one addressed in an earlier ruling or in the subsequent May 10 order of reference to the procedure and House affairs committee. It is worthy of its own separate finding of a prima facie contempt and committee investigation. Indeed, the situation here might be analogous to a couple of periods in the Speaker's early days as a member of the House. In spring 2005, there were no less than four prima facie cases of privilege, all related to member mailings, which were each referred to the procedure and House affairs committee in an overlapping manner. One of them originated from today's [government House leader](#). Later, in November 2009, there were two prima facie cases of privilege related to members' householder mailings, which were also separately referred to committee again in an overlapping way.

In a ruling on May 10, 2005, Speaker Milliken said, at page 5885 of the Debates, words which probably have some echoes with the way the issues we are confronting this spring are cropping up. He said the following:

As the hon. member for Wellington—Halton Hills well knows, we have had a number of these kinds of questions of privilege raised in the House recently and quite a number have been sent out to the procedure and House affairs committee, which is actively studying these issues, I believe, as we speak.

I am more than happy to permit him to move his motion and send the matter to committee, if he wishes. I am sure the committee will be interested in considering this one along with all the other ones that it is currently dealing with of a similar nature. There do seem to be a lot of these mailings these days.

There do seem to be a lot of foreign interference reports these days as well. The House should be seized with each of them individually. As I said, they should trouble all members of the chamber.

As members know, I have been a frequent commentator on Canada's foreign policy in the House. Specifically, I have been raising concerns relating to Canada-China relations for many years. Before serving as leader of the opposition, in both the 42nd and 43rd Parliaments, I served as the shadow minister for foreign affairs, the same parliamentary position held now by the member for [Wellington—Halton Hills](#). It was in that capacity that I was one of the first voices in the chamber to discourage the use of Huawei technology in Canada's 5G network. I, alongside other colleagues, raised concerns about the approval of sales of several Canadian technology companies without proper security assessments by the government. I, along with others, spoke about the issue of human rights in China and the abuse of the “one country, two systems” agreement in Hong Kong. Like many members of the House on all sides, I met with people from persecuted religious and cultural minorities. In fact, in many ways, my concerns about the government's approach to China culminated in a December 2019 motion to establish the first special committee on Canada-China relations.

This retaliatory campaign by a foreign government, targeting my work as a member of Parliament, arose from my participation in these, among other, proceedings of the 42nd and 43rd Parliaments. It is because of this advocacy that I have faced, in response, many years of an orchestrated retaliation campaign run from Beijing. These events occurred not only before and during the 2021 general election, which has been the subject of considerable reporting in the last year, but also prior to this election, and they were in the knowledge or control of the government, which refused to act. In fact, CSIS advised me that I will remain a target of Beijing's influence operations long after I leave the House this summer.

These timing aspects should pose no barriers to the Speaker's favourable ruling. Indeed, *House of Commons Procedure and Practice*, third edition, notes, at page 81, “Instances of contempt in one Parliament may even be punished during another Parliament. This area of parliamentary law is therefore extremely fluid and most valuable for the Commons to be able to meet novel situations.”

(1210)

Although some of the actions in this retaliatory campaign of foreign interference were even more present during an election campaign, while Parliament was dissolved, there remained, throughout that time, a clear nexus among the retaliatory campaign in Parliament, parliamentary proceedings and through dissolution and election. The attacks on my privilege began before dissolution, were accelerated during the writ and resumed again afterwards. It shows how insidious this foreign interference has become. In this light, I would draw the Chair's attention to this passage at page 773 of *Parliamentary Practice in New Zealand*, fourth edition. It says, "Conduct that seeks to influence members in the performance of their public duties is perfectly proper and permissible. People may even exert pressure on members (for example, by threatening to withdraw support at the next election), unless such an attempt to influence becomes an attempt to intimidate, or there is a threat to do something that is improper in itself."

The right of all members of the House to go about their parliamentary duties free from intimidation, interference or any form of obstruction has been affirmed by a long line of precedents. The hon. member for [Wellington—Halton Hills](#) cited several of those concerning intimidation when presenting his own question of privilege, some of which you also quoted in your ruling on that matter. In the interest of time, I commend those to your consideration, but perhaps the most powerful words are your own, from your May 8 ruling, at page 14107 of the Debates: "The Chair agrees that the matter raised by the member, that is that a foreign entity tried to intervene in the conduct of our proceedings through a retaliatory scheme targeting him and his family, squarely touches upon the privileges and immunities that underpin our collective ability to carry out our parliamentary duties unimpeded. On the face of it, the Chair believes this matter to be serious enough to take priority of debate over all other parliamentary proceedings."

One new aspect that my situation raises is what our authorities consider to be a form of "obstruction". *House of Commons Procedure and Practice*, third edition, at pages 111 and 112, offers this explanation:

A Member may also be obstructed or interfered with in the performance of his or her parliamentary functions by non-physical means....

It is impossible to codify all incidents which might be interpreted as matters of obstruction, interference, molestation or intimidation and, as such, constitute prima facie cases of privilege. However, some matters found to be prima facie include the damaging of a Member's reputation...[and] the intimidation of Members and their sta^{ff}....

The unjust damaging of a Member's good name might be seen as constituting an obstruction....

Speaker Fraser, on May 5, 1987, at page 5766 of the Debates, ruled:

The privileges of a Member are violated by any action which might impede him or her in the fulfilment of his or her duties and functions. It is obvious that the unjust damage of a reputation could constitute such an impediment. The normal course of a member who felt himself or herself to be defamed would be the same as that available to any other citizen: recourse to the courts under the laws of defamation and the possibility of damages to substitute for the harm that may be done. However, should the alleged defamation take place on the floor of the House of Commons, this recourse is not available.

Where these campaigns were masterminded by diplomats accredited to Canada, the diplomats enjoy legal immunities under the Vienna Conventions. Therefore, just as in the example cited by Speaker Fraser, ordinary recourse to the courts of law is simply not possible under the circumstances.

To be clear, this parliamentary privilege is not being asserted, nor do I seek to assert it, against any Canadian who exercises his or her democratic right to enter into the parliamentary and political debate and to criticize politicians for the stands or policies they take. Joseph Maingot, at page 235 of *Parliamentary Privilege in Canada*, second edition, articulates the appropriate balance here:

(1215)

...all interferences with Members' privileges of freedom of speech, such as editorials and other public comment, are not breaches of privilege even though they influence the conduct of Members in their parliamentary work. Accordingly, not every action by an outside body that may influence the conduct of a Member of Parliament as such could now be regarded as a breach of privilege, even if it were calculated and intended to bring pressure on the Member to take or to refrain from taking a particular course. But any attempt by improper means to influence or obstruct a Member in his [or her] parliamentary work may constitute contempt. What constitutes an improper means of interfering with Members' parliamentary work is always a question depending on the facts of each case.

In investigating a past contempt concerning the prejudicing of a member's reputation, the procedure and House affairs committee explained the heart of the reputational concern succinctly at paragraph 38 of its 51st report tabled in November 2005. It stated, "Members of Parliament are public figures, and their reputations and integrity are among their most valuable assets."

The same committee, when reviewing misleading statements about a member made in one of these ten-percenter cases I mentioned earlier, wrote, in its 38th report tabled in May 2005, as follows:

The content of the document, while not complained of by other Members whose constituents received similar mailings, must be considered in relation to [the member for Windsor West]. Under such an analysis, it is impossible to avoid the conclusion that it is inaccurate and misleading with respect to him. [The member] noted that he had received complaints from constituents as a result of the mailing. By unjustly damaging his reputation with voters in his riding, it thereby impairs his ability to function as a Member.

That last sentence brings me to some important points. First, whether the defamatory or misleading comments were made inside or outside of my riding, they, nonetheless, must be considered in relation to me and to the unjust damaging of my reputation within my riding.

Second, at the time, I was the leader of Her Majesty's loyal opposition. I was an officer of this House with national responsibilities, which I believe requires the Speaker to consider matters through an additional lens. By unjustly damaging the reputation of the leader of a national party, it has the consequence of impairing his or her ability to function as one of those political officers of this House, but also of indirectly implicating all of my colleagues, whom I was proud to lead as leader of a parliamentary caucus.

Third, we must truly understand the goal of Beijing's retaliatory campaign here. The Communist government's ideal outcome is to have its critics pull their punches and turn a blind eye. It is to create, at the end of the day, a chilling effect on our public policy and the debates in this chamber, a chilling effect on our parliamentary democracy.

At its heart, Beijing's goal and detailed actions toward the member for [Wellington—Halton Hills](#), myself and other members of this chamber stifle free debate in this House. The special committee on rights and immunities of members explained the importance of freedom of speech in Parliament in its first report tabled in April 1977 as:

...a fundamental right without which they would be hampered in the performance of their duties. It permits them to speak in the House without inhibition, to refer to any matter or express any opinion as they see fit, to say what they feel needs to be said in the furtherance of the national interest and the aspirations of their constituents.

It is this very principle which the House must uphold, must vindicate and must defend robustly for it is what ensures that we are vibrant democracy, where the people's representatives defend the people's interests, not vested interests.

Earlier, I cited an authority for the proposition that the area of parliamentary law of concern here remains fluid in order to allow the House to meet new and novel threats. This novel and expanding situation of foreign interference in our politics seeking to silence the debates of this Parliament must be met and our parliamentary democracy must be defended.

(1220)

It is important for me to raise this issue before I finish my service in the House in the coming weeks. It is also important for me, and all of us collectively, to raise this critical issue for Canadians who might contemplate joining the House and standing for office. We can no longer ignore this interference and the chill effect it will have on free speech and our debates. We owe it to the next generation of members of Parliament from all backgrounds, cultures and experiences to be able to take their place in this chamber to build on our democracy unencumbered by threats, intimidation or pressure.

As my colleague, the member for [Wellington—Halton Hills](#), observed, members of Parliament, and especially opposition members, are certainly not ordinary Canadians who can rely on the government, the executive branch, to discharge its role as defender of the realm. The problem does not lie with our proud, hard-working intelligence agencies; it lies in the blindness to their activities by some figures in this government and in some of the senior offices that advise it. The government has gone from one diversion to another for years to deflect its responsibility in tackling this scourge of foreign interference that has limited the privileges of several members of the House. They are being willfully blind to attacks on our parliamentary democracy.

I could go on at length about my views concerning the SITE task force, the panel of five senior civil servants, and review the inaction or incompetence of those structures and how disappointed I was in the report of the special rapporteur, but I acknowledge that might be straying into debate. Besides, the House and the whole country know first-hand my views on the special rapporteur's review process, because when he met with me, the review was largely completed. He did not even

seek input from a member who our intelligence agencies knew was being targeted by Beijing. I will simply say that rather than restoring faith in our institutions and democratic process, the perceived conflict of interest of the special rapporteur, the outcome-driven terms of reference he was given and the final report that followed them have actually deepened mistrust and further demonstrated the need for an independent review.

The conversation and inquiry do not need to wait until there is a Conservative government elected and it determines to appoint an independent public inquiry. The longer there are delays, the longer there will be embarrassing leaks and headlines that will only continue to erode public trust in our institutions and in our parliamentary democracy. This historic and proud House of Commons has the duty and responsibility to stand up to attacks on the privilege of every single member of this chamber. Inaction to do so amounts to muting the voices sent to Ottawa to defend the interests of their constituents.

So, let us do it for all members of this chamber, on all sides of the House, and for the Canadians who might want to join the House in the future. As the defender of our rights and privileges, this effort starts with you, Mr. Speaker. Should you agree with me, Mr. Speaker, that this amounts to a prima facie case of contempt, I am prepared to move an appropriate motion at that time.