



Decision on Intervener Participation in Stage 2 Hearings (Political Parties and Erin O'Toole)

1. In this decision, I explain why I have decided to grant additional participatory rights to four Interveners: The Bloc Québécois, the Conservative Party of Canada, the New Democratic Party of Canada, and Erin O'Toole (“the Four Interveners”).

Background

2. Much of the background to this decision can be found in two of my previous decisions: the *Decision on Intervener Participation in Stage 1 Hearings*, dated March 15, 2024, and the *Decision on Intervener Participation in Stage 2 Hearings (Democracy Watch)*, dated September 6, 2024. This decision will therefore be relatively brief.

3. The Four Interveners currently have “Intervener standing” during the factual phase of the inquiry, which does not entitle them to cross-examine witnesses, nor does it grant access to the Party Database.

4. In making standing decisions, I have reserved to myself the authority to modify a Participant’s standing in appropriate circumstances.

5. Prior to the start of the Stage 1 factual hearings in March 2024, I concluded that it would be appropriate to grant the Four Interveners two additional rights: the right to cross-examine witnesses during the Stage 1 hearings, and the right to access the Party database.



6. I reached this conclusion based on the information obtained by the Commission in the course of its investigation and my assessment of the strength of the Four Interveners' interest in the issues that were likely to be addressed during Stage 1. It became clear to me that each of the Four Interveners had a particularly strong interest in the issues that the Commission expected to explore during the public hearings. In fact, the Four Interveners were directly involved in many of the events that the Commission explored during Stage 1.

7. Having reached this conclusion, I directed Commission counsel to write to each of the Four Interveners to offer them these additional rights. Ultimately each of the Four Interveners decided to accept the offered rights. I granted them these rights in my *Decision on Intervener Participation in Stage 1 Hearings*.

Decision

8. I have concluded that, for largely the same reasons, the Four Interveners should be able to exercise the same additional rights during the Stage 2 factual hearings.

9. As noted in the Commission's *5th Notice to the Public*, the Commission has obtained a significant body of information related to Clause (a)(i)(C) of my Terms of Reference over the summer. Commission counsel have examined a vast quantity of documents and interviewed dozens of witnesses. I have heard evidence over the course of nearly three weeks of *in camera* hearings.



10. As was the case during the Stage 1 hearings, during Stage 2 the Commission anticipates examining events and issues that directly involved the Four Intervenors.

11. Their interest in these matters is, in my view, clearly substantial and direct. Moreover, in light of their involvement in the issues and topics that are likely to be addressed, I view their ability to cross-examine witnesses to constitute a necessary and appropriate form of participation.

12. I therefore adopted the same process as I did with respect to offering the Four Intervenors enhanced rights during Stage 1. The Commission wrote to them and they confirmed that they wished to exercise these additional rights.

Conclusion

13. I grant the Bloc Québécois, the Conservative Party of Canada, the New Democratic Party of Canada, and Erin O'Toole the following additional rights during the Stage 2 hearings (September 16 – October 16, 2024):

- a. The right to cross-examine the witnesses who testify; and
- b. The right to access, in the same way as at the Parties, documents in the Party database.

Signed

Commissioner Marie-Josée Hogue

September 6, 2024