



DECISION ON APPLICATION FOR LEAVE TO APPLY FOR DISCLOSURE OF STANDING APPLICATIONS

Overview

1. Bob Mackin, a member of the media, seeks leave to bring an application requesting disclosure of applications for standing made to the Commission (the “Application for Disclosure”).
2. I am granting Mr. Mackin leave to bring the Application for Disclosure. This decision explains why I am granting leave, and sets out the procedure and schedule for the Participants to respond to the Application for Disclosure if they choose to do so.

Background to the Application for Disclosure

3. Mr. Mackin served his Notice of Application on December 15, 2023.
4. In his Application for Disclosure, Mr. Mackin seeks disclosure of the applications for standing submitted by the Government of Canada, the Commissioner of Canada Elections, Michael Chan, Han Dong, Chauncey Jung, Elizabeth May, Erin O’Toole, Alykhan Velshi, Yuen Pau Woo, the Conservative Party of Canada, and the New Democratic Party of Canada (the “Named Applicants”).
5. Mr. Mackin submits, among other things, that disclosure of the applications for standing would be in the public interest “for the purpose of public interest reporting.”

Applicable Rules and Statutes

6. Subject to the Terms of Reference and the Inquiries Act, R.S.C., 1985, c1-11 (the “Act”), the Commission has the power to control its own processes and make rules governing its practice and procedure as necessary to fulfill its mandate. The Terms of Reference authorize me to adopt any procedures and methods I consider expedient for the proper and efficient conduct of the Inquiry.

7. The Commission’s Rules of Practice and Procedure (the “Rules”) state that the Commission conducts its work in accordance with various guiding principles including transparency and fairness. The Rules further require that, with respect to the guiding principle of fairness, I take into account and balance the interests of the public and the interests of individuals. The interests of the public include the right to be informed; the interests of individuals include the interests of those persons who applied for Participant standing with the Commission.

8. Rule 4 permits me to make such orders as I consider appropriate.

9. Rule 68 requires any person other than a Party or an Intervenor seeking an Order from the Commissioner to first apply for leave to seek that Order using the process set out in Rule 62.

10. Rule 63 provides that, unless I otherwise direct, the Commission shall deliver the application and supporting material to all other Parties. Rule 64 provides Parties with the right to respond to such application, “if their grant of standing identifies them as having an interest in the subject matter of the application.”

11. Rule 65 permits me to determine the schedule for the filing of material and submissions on the application. Pursuant to Rule 65, applications are to be dealt with in writing unless I order otherwise.

The Interests Engaged by the Application Support Granting Leave

12. The Application for Disclosure engages two of the Commission's guiding principles since the relief sought will require the balancing of important interests: the public interest in transparency and the fairness owed to those who sought to participate in the Commission's work.

13. Given the importance of the principles engaged by the Application for Disclosure, leave is granted to bring that Application. The procedure and schedule to be followed is set out below.

The Named Applicants Shall Have the Opportunity to Respond

14. The Application for Disclosure seeks disclosure of the applications for standing submitted by the Named Applicants. As each of the Named Applicants may have legitimate interests in the question of disclosure of their standing application materials, I order that all the Named Applicants will be provided with the opportunity to respond to the Application for Disclosure.

Application Procedure and Schedule

15. The Application for Disclosure will be heard in writing.

16. Responding submissions shall be no more than five pages. Participants shall deliver any responding materials and submissions by 4pm on Friday, December 29, 2023. Responding materials shall be delivered by email.

17. The Application for Disclosure will be determined on the basis of the materials already filed by the Applicant and any responding materials received from the Named Applicants by 4pm on December 29, 2023.

Signed

Commissioner Marie-Josée Hogue

December 20, 2023