



Second Decision on Funding

Introduction

1. On January 8, 2024, I granted Jenny Kwan standing as a Party in the factual phase of the Inquiry and standing in the policy phase of the Inquiry. I indicated that I would decide her request for a funding recommendation on a later date.
2. This decision explains why I have decided to recommend that Ms. Kwan receive funding.

Extension of Time

3. Ms. Kwan's application for funding was submitted after the deadline for such applications had passed.
4. For the reasons set out in paragraphs 3-8 of my *Fourth Decision on Standing*, I exercise my discretion to consider Ms. Kwan's application.

Request for Funding

5. Ms. Kwan submits that she requires funding in order to meaningfully participate in the Inquiry. She notes that the hearings process is likely to be complex, and that she requires experienced legal counsel to assist her in putting forward relevant evidence, examine witnesses, address policy issues, and potentially prepare her to testify.
6. Ms. Kwan indicates that she does not have the personal resources needed to retain counsel. She indicates that, on request, she would provide additional financial information to the Commission.

7. As I noted in my *Decision on Funding*, it would have been preferable for those seeking funding to provide me with more detailed financial information in their application. An application to the Commission should generally include all relevant information and evidence in support of the request.

8. That said, for the same reasons I expressed with respect to other individuals with Party standing at the inquiry, I am satisfied that the costs of experienced legal counsel exceed the resources of sitting Parliamentarians. In Ms. Kwan's case, I have concluded that she should have Party status, which will likely require a greater amount of legal work than would be needed by Interveners. I also accept that, given the nature of Ms. Kwan's interest in the Inquiry, she requires legal counsel to meaningfully participate.

9. I therefore recommend to the Clerk of the Privy Council that Ms. Kwan be provided funding.

Signed

Commissioner Marie-Josée Hogue

January 18, 2024