



Public Inquiry Into Foreign Interference in Federal  
Electoral Processes and Democratic Institutions

Enquête publique sur l'ingérence étrangère dans les  
processus électoraux et les institutions démocratiques  
fédéraux

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The Honourable / L'honorable  
Marie-Josée Hogue**

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Ottawa, Ontario

--- The hearing begins Thursday, October 24, 2024 at 9:30  
a.m.

**COMMISSIONER HOGUE:** [No interpretation] to  
all, and my apologies for the slight delay. A little  
misunderstanding. We had to wait for one of our experts, but  
it is a misunderstanding with regards to the start time of  
the session.

So this is our last roundtable, and its title  
is, "Electoral Integrity: Political Financing".

And we have five experts, Mrs. Young, Mrs.  
Davis, Mrs. Gallant, Mrs. Lawlor and Mr. -- let me just  
check. I know that the first name is Robin.

Your family name? Your last name is?

**MR. ROBIN SEARS:** Sears.

**COMMISSIONER HOGUE:** Sears, sorry. I was  
just not able to read my own drafting.

The table is moderated by Professor Lori  
Turnbull, and she will introduce more deeply our guests. So  
thank you for being with us this morning.

**--- ROUNDTABLE: ELECTORAL INTEGRITY: POLITICAL FINANCING:**

**--- PANEL MODERATED BY DR. LORI TURNBULL:**

**DR. LORI TURNBULL:** Thank you very much,  
Commissioner. And thank you, everyone, for being here.

I'm going to introduce our panellists, and I  
will introduce the topic just briefly and we will get  
started.

So with us we have Lisa Young, who is a

1 professor at the University of Calgary. Then we have Jessica  
2 Davis, who is the President of Insight Threat Intelligence.  
3 Michelle Gallant is a professor at the University of  
4 Manitoba. Andrea Lawlor is associate professor at McMaster  
5 University, and Robin Sears is Broadbent Institute Fellow,  
6 former communications, marketing, and public affairs advisor.

7 So thank you, everyone, again, for being here  
8 to share your expertise with us.

9 The *Canada Elections Act* places limits on the  
10 size of annual contributions to political Parties,  
11 candidates, leadership and nomination contestants, and riding  
12 associations. Further, there are limits on the amounts that  
13 political actors, including third parties, can spend before  
14 and during election campaigns. Third parties, which is  
15 people and organizations or groups that seek to participate  
16 in and influence the election debate but do not seek election  
17 themselves, are required by law to keep separate bank  
18 accounts for their election expenses so that election  
19 expenses and contributions can be more easily tracked and  
20 scrutinized. Political actors must submit reports to  
21 Elections Canada outlining their expenditures, as well as the  
22 donations received.

23 These rules, including the specific limits on  
24 contributions and spending, are all enshrined in law and  
25 enforceable by the Commissioner of Elections Canada.

26 Political finance rules have evolved  
27 considerably over the years, with the goal of increasing  
28 transparency and fairness in electoral competition. Only



1 Canadian citizens and permanent residents are permitted to  
2 donate to political campaigns. Contributions from  
3 corporations, trade unions, organizations, and foreign  
4 entities are prohibited by law. Financial contributions have  
5 been recognized as an important form of political expression  
6 in public debate and in jurisprudence on the regulation of  
7 third parties and parties.

8 The limits on financial contributions to seek  
9 -- seek to ensure a level playing field between contestants  
10 so that competing political messages can be heard without  
11 having some campaigns effectively drowned out by others that  
12 have more financial support. Though the law prohibits  
13 donations from foreign entities, it may prove difficult to  
14 follow the money with precision. So those are some of the  
15 topics we're going to cover in our conversations today.

16 So we do have a kind of order of operations  
17 that we've planned out in advance in some of the  
18 conversations we've had in advance of the panel. So I am  
19 going to ask Professor Young to go first, please.

20 **--- PRESENTATION BY DR. LISA YOUNG:**

21 **DR. LISA YOUNG:** Thank you very much for the  
22 invitation to participate today. Oh, there? Yes.

23 Thank you for the invitation to participate  
24 today, and I hope that I can assist the Commission by putting  
25 the Canadian rules governing financial contributions to  
26 parties and candidates in some context, and in identifying  
27 some of the trade-offs that exist in this policy area. I'll  
28 confine my remarks today to the area of these contributions

1 to registered political Parties, to their entities and  
2 candidates, and I'll leave it to my colleagues to discuss the  
3 role of third parties.

4 I want to start today by noting the  
5 importance of public confidence in the integrity of the  
6 electoral process. Over 30 years ago, the Royal Commission  
7 on Electoral Reform and Party Financing, or the Lortie  
8 Commission, undertook the most comprehensive evaluation of  
9 Canadian election and party finance to date.

10 Its report identified enhancing public  
11 confidence in the integrity of the electoral process as one  
12 of the key objectives for election law. It asserted that  
13 Canadians' confidence in the integrity of the system is  
14 enhanced when they perceive that political donors cannot  
15 exercise undue influence on elected officials.

16 "Undue influence" can take a variety of  
17 forms. At its most direct, it can involve a *quid pro quo* in  
18 which political contributions are rewarded with direct  
19 benefits in the form of appointments to government jobs,  
20 awarding of contracts, or policy decisions of direct benefit  
21 to the donor.

22 Another, less direct, form of undue influence  
23 can occur when a donor or class of donors is able to  
24 influence public policy outcomes in their preferred  
25 direction, exercising greater general political influence  
26 than non-donors.

27 Thinking about undue influence in the context  
28 of foreign intervention, we could imagine that foreign

1 interests might try to channel funds to Parties or candidates  
2 either to achieve a direct benefit for their interest, a *quid*  
3 *pro quo*, or to influence policy in a favoured direction.

4 Foreign interests might hope that their financial support of  
5 a candidate translates into loyalty from this elected  
6 official at some point in the future. All of this, of  
7 course, assumes that foreign money can find its way to  
8 Canadian Parties or candidates.

9 This brings me to an explanation of the rules  
10 that govern contributions to Parties and candidates at the  
11 federal level in Canada. Three policy tools are intended to  
12 lessen the likelihood of undue influence.

13 First, transparency, a requirement that  
14 Parties and candidates disclose the name of donors and the  
15 amounts they donate. Between 1974 and 2003, the political  
16 finance regime relied almost entirely on transparency to  
17 prevent undue influence.

18 The second policy tool is limits on the  
19 source of donations. Since 1993, contributions from foreign  
20 sources have been prohibited. Since 2003, contributions from  
21 corporations, unions and other organizations have been  
22 prohibited, with only citizens and permanent residents able  
23 to contribute.

24 The third policy tool is to limit the amount  
25 that can be contributed. Lower contribution limits are  
26 intended to lessen the likelihood that a donor can expect a  
27 benefit in exchange for their contribution.

28 Currently, the maximum contribution amount is

1       \$1,725 to a registered party, and the same amount again to an  
2       electoral district association or candidate.

3                       When we look at the federal rules in  
4       comparative perspective, two things stand out. First, Canada  
5       has some of the more comprehensive rules governing  
6       contributions to political Parties and candidates. The broad  
7       legislative regime covers contributions from nomination  
8       contests through elections and includes leadership contests.  
9       In contrast to this, according to data collected by  
10      International IDEA, three-quarters of democracies do not have  
11      limits on the size or source of contributions.

12                      Second, the levels at which Canada's  
13      contribution limits are set are relatively low. The federal  
14      limits are substantially lower than the limits found in many  
15      Canadian provinces, as well as limits in many other  
16      democracies.

17                      That said, the rules in the province of  
18      Quebec offer a very different approach, setting the maximum  
19      contribution at only \$100 and offering generous public  
20      funding to Parties between elections. A move in this  
21      direction would both reduce Parties' demand for money and  
22      make it very difficult for a foreign or other entity to  
23      coordinate contributions in sufficient amounts to exert undue  
24      influence.

25                      One perspective from the American literature  
26      examining money in politics might be worth keeping in mind.  
27      Some scholars in the United States have described what they  
28      call the "hydraulic" theory of money in politics. In

1 essence, they claim that, just like water finds its way  
2 around obstacles placed in its path, motivated donors will  
3 ensure that money finds a way to get around regulatory  
4 obstacles.

5 This perspective reminds us that a determined  
6 interest, foreign or domestic, could orchestrate a campaign  
7 of donations intended to influence the recipient.

8 One mechanism for evasion of contribution  
9 limits is the bundling of donations, which allows the  
10 organizer to deliver a "bundle" of cheques to a candidate or  
11 Party, and thereby take credit for the fundraising effort.  
12 This is an established practice in many systems that have  
13 contribution limits.

14 A second mechanism, which could be used in  
15 conjunction with bundling, is to channel funds via  
16 intermediaries who are legal donors. This could take the  
17 form of bonuses to executives with an understanding that they  
18 would attend fundraisers, or money passed on to  
19 citizens/permanent residents with directions to make a  
20 donation.

21 This second mechanism is illegal under the  
22 *Canada Elections Act* but difficult to detect. In the context  
23 of corporate contributions, one proposed mechanism would be  
24 to require donors to disclose their employer. No similar  
25 measure is available when we think about money coming from  
26 foreign sources.

27 So one of the core questions asked of us  
28 today is, are the existing rules adequate. For a foreign

1 actor to try to exercise influence using financial means of  
2 political donations would require that foreign actor to break  
3 the law and to induce Canadian citizens or permanent  
4 residents to also break the law. From this perspective, yes,  
5 the existing rules are adequate.

6 Are there additional measures that would  
7 enhance the ability to detect or to counter this? This is  
8 perhaps a more important question.

9 Moving toward a regime more like Quebec's  
10 with smaller contribution limits and greater public funding  
11 would make it more difficult to channel amounts to candidates  
12 or Parties in amounts that were large enough to try to exert  
13 influence.

14 Second, some registered political Parties on  
15 their websites require donors to confirm their eligibility to  
16 donate. Making this practice mandatory might have some  
17 impact on individuals being used as conduits.

18 Third, increasing penalties for contravening  
19 the Act, which are currently set at fines of \$1,500 for  
20 individuals and 5,000 for entities, might be effective,  
21 particularly if combined with a more robust approach to  
22 enforcement and more explicit warnings to donors and  
23 entities.

24 Fourth, a more proactive approach to  
25 enforcement by the Commissioner of Canada Elections,  
26 including the power to undertake investigations and audits,  
27 might discourage these practices.

28 And finally, mandating Elections Canada to

1 undertake advertising warning that channelling funds is  
2 illegal might have some preventative effect.

3 Are such measures warranted?

4 This is a difficult question to answer in the  
5 absence of information regarding how widespread these  
6 activities are and what kind of influence is being exerted.  
7 Like other Canadians, I am entirely in the dark about what  
8 the national security agencies have found. This leave me  
9 unable to make a judgment about whether such measures would  
10 be warranted.

11 What I can offer, however, is to point to  
12 some of the trade-offs that are inherent in the various  
13 measures I've detailed above.

14 Moving to a system more like Quebec's would  
15 lessen the likelihood of undue influence, but it would also  
16 increase Parties' reliance on public funds. There's some  
17 research that suggests that this can erode Parties' ties to  
18 civil societies. Balance is key in this respect.

19 Second, a more proactive enforcement regime  
20 and public warnings might, if targeted to particular  
21 communities, be effective. But such measures risk  
22 stigmatizing legitimate political activity in racialized  
23 communities.

24 As such, they would likely erode the  
25 democratic rights of some Canadians. This is a trade-off  
26 that the Commission must weigh heavily in recommending any  
27 such measures.

28 Thank you for the opportunity to share my

1 thoughts today, and I'm looking forward to answering any  
2 questions.

3 **COMMISSIONER HOGUE:** Thank you.

4 **DR. LORI TURNBULL:** Thank you so much,  
5 Professor Young.

6 Professor Lawlor, please.

7 **--- PRESENTATION BY DR. ANDREA LAWLOR:**

8 **DR. ANDREA LAWLOR:** Good morning. My name is  
9 Andrea Lawlor. I'm an Associate Professor at McMaster  
10 University. During my time, I would like to address the  
11 Commission on the role of third parties in Canadian federal  
12 elections.

13 Third parties, which are individuals,  
14 corporations, unions and interest groups, play a secondary  
15 but vital role in the informational environment in Canadian  
16 federal elections. These actors are distinct from registered  
17 political Parties and candidates, as they're not contesting a  
18 seat in the Legislature. However, they engage in political  
19 advocacy in a variety of ways ranging from campaign  
20 advertising to attempting to influence the partisan makeup of  
21 the Legislature.

22 Their interventions can be targeted at the  
23 national or at the riding level and legislation introduced in  
24 the early 2000s first limited, and then completely abolished,  
25 political contributions from many of these organizations  
26 directly to Parties and candidates.

27 Consequently, it means that third-party  
28 advertising is the primary way through which these



1 organizations can affect election campaigns. While the  
2 third-party participation has historically been viewed  
3 through the lens of fairness and egalitarianism, many  
4 jurisdictions including Canada have identified it as a  
5 potential gateway for foreign interference.

6 The issue of third-party spending in Canada  
7 received considerable attention in the aftermath of the 1988  
8 federal free trade election. During this election, third  
9 parties spent over \$4.7 million on advertisements, a  
10 substantial sum that equated to nearly 40 per cent of what  
11 the 3 main political Parties had spent. The effects of this  
12 spending, both on political and issue advocacy, raised  
13 concerns about the integrity of political advertising and the  
14 role of organizations other than registered political Parties  
15 to effect outcomes.

16 The government addressed these concerns  
17 through the Lortie Commission, which was mentioned earlier by  
18 my colleague, Dr. Young, and this gave rise to what is known  
19 as the egalitarian approach to third-party participation and  
20 elections, and I believe this concept was visited in an  
21 earlier panel. This view, in brief, holds that spending  
22 limits preserve equity or equality between political actors,  
23 that political Parties are the chief participants in  
24 elections, and third parties play an important role, but,  
25 ultimately, a subordinate one.

26 Finally, balancing free expression and fair  
27 participation often referred to as the level playing field  
28 between participants is a valid policy objective. Federal

1 regulations governing third-party activity are found in the  
2 *Canada Elections Act* with amendments in the *Elections*  
3 *Modernization Act*. These laws outline spending limits,  
4 registration requirements and reporting obligations for third  
5 parties, as well as mechanisms for the enforcement of these  
6 laws.

7 The Act regulates three types of activities:  
8 election advertising, what is referred to as partisan  
9 activities, and conducting election surveys. Over time, the  
10 number of third parties that have participated in federal  
11 elections have increased from 47 in 2004 to a high of 122 in  
12 2019, dropping down to just over 90 in the 2021 federal  
13 election. In total, these groups spent close to \$7 million,  
14 and while a large sum, this amounts to less than 10 per cent  
15 of what the main political Parties spent.

16 Spending limits are set at just over 500,000  
17 nationally for the election period with a cap of 4500 per  
18 riding. The pre-writ period is also regulated, a key change  
19 introduced in 2018, has its own spending limits. While  
20 foreign contributions are banned, there is no limit on the  
21 number or amount of contributions that can be made by  
22 domestic contributors. Third parties that exceed \$500 in  
23 spending must register with Elections Canada, appoint  
24 financial agents and auditors, and submit detailed financial  
25 reports. These disclosures aim to provide transparency,  
26 particularly concerning the origin of donations. The *Canada*  
27 *Elections Act* prohibits third parties from using partisan  
28 activity for election advertising or for an election survey

1 if the source of the funds is a foreign entity. And a  
2 registered third party must demonstrate that any funds used  
3 in their campaign are from domestic sources. Any attempt to  
4 circumvent these rules is subject to penalty.

5 In recent years, the focus of third-party  
6 regulation has shifted from concerns of domestic fairness to  
7 that of foreign interference. This interference can occur  
8 through third parties and their contributors, especially  
9 where foreign sources may attempt to funnel money through  
10 Canadian intermediaries.

11 The rise of digital media has exacerbated the  
12 risk of interference as foreign actors can now influence  
13 elections indirectly through online platforms, performing a  
14 role akin to third parties without registering as such.  
15 While Canada's legal framework prohibits third parties from  
16 accepting foreign contributions, it is theoretically possible  
17 that regulations could be circumvented through complex  
18 financial arrangements, particularly in the digital realm.  
19 Reports provided by third parties to Elections Canada now on  
20 an interim and a final basis do include information about  
21 contributors and expenses made by third parties.

22 The current legislative framework is sound;  
23 however, it is always exposed to some level of risk. These  
24 may include the use of a third party's own funds. Third  
25 parties are permitted under the *Canada Elections Act* to use  
26 their own funds to supplement contributions that are made for  
27 the purpose of the election. The fungibility of money means  
28 that it is difficult, if not impossible, to correctly

1 delineate whether an organization's own funds contain foreign  
2 donations. Third parties, as has been pointed out in  
3 previous panels, are not regulated in their contributions to  
4 nomination contestants and party leaderships.

5           The *Canada Elections Act* allows third parties  
6 to conduct partisan activities, which means that any foreign  
7 influence occurring through third parties may enable some  
8 shaping of the vote. To be clear, that third parties can  
9 participate in partisan activities is not normatively a bad  
10 thing; however, it's a political or a values-oriented choice  
11 that requires careful balancing against threat of foreign  
12 interference.

13           Disclosure timelines and interim reports must  
14 be filed by third parties 30 day prior and 7 days prior to  
15 election day. In theory, this could expose in the final days  
16 of the campaign an opportunity for donations to be made and  
17 not be transparent to the electorate. But here we must  
18 consider some balance between administrative burden and  
19 transparency.

20           To address these concerns, the government has  
21 introduced additional measures to regulate third parties  
22 through Bill C-65, which aims to close some loopholes in the  
23 current system. I won't discuss the Act at length here,  
24 though I'm happy to address it in the question and answer.  
25 Bill C-65 is certainly a step in the right direction. Some  
26 additional measures may further insulate third-party finance  
27 from the risk of foreign interference.

28           Consistent with recommendations elsewhere,

1 nomination and leadership contests could follow the same  
2 rules around third-party donations with more restrictive  
3 limits as parties and candidates currently have. This  
4 includes limits on spending, transparency around reporting in  
5 advance of selection dates, and potentially tightening up the  
6 timeline of loan repayments to organizations.

7 Third parties should be required to donate --  
8 disclose all donors well before the final days of the  
9 campaign to prevent last-minute donations, which could  
10 theoretically have foreign origins, from going undetected  
11 until after the campaign. This is a transparency measure  
12 which may assist voters in correctly assessing the role of  
13 third parties in elections.

14 The legislature may want to consider whether  
15 capping contributions with legislative limits is a useful  
16 direction for future third-party regulations. Similarly, the  
17 use of own funds could be changed to be proportional  
18 contributions as a proxy for public support.

19 And finally, the Commissioner of Canada  
20 Elections could theoretically be given stronger investigative  
21 authority and powers to order the removal of online content  
22 or to pursue cases that appear to have a foreign element as  
23 it relates to third-party spending.

24 And to that end, I want to highlight the work  
25 of Canada's non-partisan and independent electoral management  
26 body, Elections Canada and its enforcement arm the  
27 Commissioner, as important sites of countering foreign  
28 interference.

1                   Before concluding, I believe a cautionary  
2 note is warranted. Careful and considered regulation of  
3 campaign finance is an essential step in securing Canadian  
4 elections against foreign interference. That said, I urge  
5 careful reflection in the regulation of election expenditures  
6 of third parties. Free speech is the bedrock of a democratic  
7 system and political expression is central to the functioning  
8 of that democratic system. I do not equate money with speech  
9 by any stretch as is sometimes done elsewhere, but I believe  
10 that completing -- completely excluding third parties from  
11 the campaign may do more harm than good, absent an entirely  
12 reconfigured election finance regime. Third parties are  
13 heterogeneous in their size, aim, intent, and their  
14 vulnerabilities. Many third parties are comparatively small  
15 participants and removing them from the electoral process  
16 could harm the quality of democratic deliberation.

17                   Thank you so much.

18                   **COMMISSIONER HOGUE:** Thank you.

19                   **DR. LORI TURNBULL:** Thank you very much.

20 We're going to go to Jessica Davis, please.

21 **--- PRESENTATION BY DR. JESSICA DAVIS:**

22                   **DR. JESSICA DAVIS:** Thank you. So foreign  
23 interference requires money. It takes money to build  
24 disinformation networks, pay influencers and spread messages.  
25 It also takes money to engage in transnational repression  
26 activities, whether that's through official salaries, bonuses  
27 or stipends. It also takes money to buy votes, fund  
28 candidates and parties, and ensure that voters who support a

1 particular message make it to the polls. Financing has been  
2 a neglected element of foreign interference investigations in  
3 research and is a relatively new concept, in terms of foreign  
4 interference finance.

5 So today my comments are going to draw on  
6 international examples of foreign interference financing,  
7 some of which will reflect things that the Commission has  
8 heard, and will aim to give concrete examples of how money  
9 enables foreign interference.

10 These cases inform a discussion of Canada's  
11 strengths and vulnerabilities in terms of legislation,  
12 regulation, and capabilities. And while there's some areas  
13 of improvement in terms -- for Canada in terms of  
14 legislation, my view is that the vast majority of work that  
15 Canada needs to do to exploit financial intelligence for  
16 foreign interference finance disruption is in investigations,  
17 resources, skills, and political will.

18 We need to invest in capabilities to detect  
19 and disrupt foreign interference financing. This  
20 particularly applies to our financial intelligence unit,  
21 FINTRAC, but also to our law enforcement and security  
22 services, which are the ones responsible for conducting  
23 investigations. They must understand and exploit financial  
24 intelligence in the foreign interference space.

25 So what are some of these activities? States  
26 use a variety of methods to interfere in the politics of  
27 other countries. Dozens of countries around the world have  
28 been affected by this activity. And it takes a number of

1 forms. First of all is the financing of political Parties  
2 and candidates, foreign actors financially supporting  
3 political Parties in Canada aligned with their interests.  
4 These funds can be direct donations, loans, or other  
5 financially advantageous transactions.

6 Foreign governments have also funneled money  
7 to support specific political campaigns. This can provide  
8 significant advantage to the recipient, potentially  
9 disrupting the electoral process and undermining fair  
10 competition.

11 Foreign actors also directly target the  
12 electorate to influence voting behaviour through things like  
13 discounted flights, shopping vouchers, encouraging people to  
14 return to a country to vote.

15 Vote buying is another potential method of  
16 foreign interference. While not as common as some of the  
17 other tactics, it involves offering money or incentives  
18 directly in exchange for votes.

19 Foreign actors also attempt to leverage their  
20 diaspora communities to influence directions. This can  
21 involve mobilizing support for favoured candidates, providing  
22 direct financial contributions, or even engaging in voter  
23 intimidation.

24 And finally, state actors also spread mis-  
25 and disinformation in the elections and outside of election  
26 periods to shape the information battle space. In some  
27 cases, state actors paid troll farms to amplify particular  
28 messages. In other cases, they pay for advertisements,



1 sponsor investigative journalism, and pay for interviews to  
2 promote their interests.

3           These activities that are involved in foreign  
4 interference financing are important to understand, but so  
5 are the transactions that underpin these activities. They  
6 usually involve cash payments, cryptocurrency transfers,  
7 loans, bank transfers, so electronic funds transfers or  
8 payments directly to a bank account, as well as the use of  
9 third-party intermediaries, foundations, think tanks,  
10 sometimes organized crime groups, political consultancies,  
11 shell companies, state owned enterprises, and sometimes  
12 embassy accounts and resources.

13           Gifts and luxury goods are also used to  
14 compensate threat actors for their role in foreign  
15 interference. In-kind donations as well. So things like  
16 payment of legal fees, buying media space for the promotion  
17 of a selected candidate or party, and even transportation  
18 subsidies to ensure voters get to the polls are all examples  
19 of financial transactions involved in foreign interference.

20           State actors also use intermediaries,  
21 friends, family members, trusted business associates, to send  
22 and receive funds on behalf of or in support of a political  
23 candidate or party, ultimately trying to obfuscate their role  
24 in this activity. In some cases, financial institutions  
25 might be co-opted to enable the transfer of funds with less  
26 scrutiny.

27           Finally, states can also pressure donors to  
28 give money to specific candidates.

1           In terms of what we can do about this, many  
2           of the activities I discussed are already illegal under  
3           Canadian law, as my colleagues on the panel have pointed out,  
4           and I'm reluctant to recommend sweeping legislative changes  
5           when, in particular, it's not clear that our law enforcement  
6           and security services are fully exploiting the tools at their  
7           disposal, as we heard from some of the panels yesterday. I  
8           share some of the concerns that were expressed there.

9           I do think, however, it is important to have  
10          the ability to detect foreign interference finance activity,  
11          and FINTRAC can play a role in this, building on existing  
12          powers.

13          The first piece -- the main piece that I  
14          would like to emphasize here is the politically exposed  
15          persons reporting requirements.

16          Currently, politically exposed persons,  
17          members of Parliament, Deputy Ministers, heads of  
18          international organizations, are subject to enhanced due  
19          diligence by financial institutions and entities. Expanding  
20          the requirements of this reporting could enhance our ability  
21          to detect and disrupt foreign interference finance.

22          So the first piece of this is be more  
23          proactive. So currently there's no requirement for financial  
24          institutions to have proactive processes in place to detect  
25          politically exposed persons. This happens during the  
26          onboarding process for the bank, or during regular reporting  
27          updates.

28          Requiring banks and other reporting entities

1 to proactively identify who of their customers are  
2 politically exposed persons could enhance their ability to  
3 detect suspicious activity.

4 This enhanced and proactive reporting could  
5 also be applied to family members and close associates of  
6 politically exposed persons, as already exists in the  
7 legislation.

8 Further, politically exposed person reporting  
9 only applies to individuals once they assume office.  
10 However, we know that foreign interference happens in --  
11 during the electoral process. So in the lead up to people  
12 actually be elected. The *Proceeds of Crime (Money*  
13 *Laundering) and Terrorist Financing Act*, could be amended to  
14 ensure enhanced monitoring of candidates before elections as  
15 well.

16 FINTRAC can also further support this area by  
17 working with allies and developing reporting entity guidance  
18 on detecting foreign interference targeting of PEPs.

19 And finally, the last piece is really just a  
20 bit of a tweak to existing legislation. It's about allowing  
21 financial institutions to report politically exposed persons  
22 for suspicious activity beyond just money laundering and  
23 terrorist financing, which is right now the scope of that  
24 suspicious transaction reporting.

25 The issue here is that foreign interference  
26 financing will not necessarily look like money laundering or  
27 terrorist financing, which means that banks and other  
28 reporting entities will have a difficult time meeting their

1 internal thresholds to report that. If we expand that  
2 requirement to include foreign interference, definitions of  
3 which will have to be careful in terms of nuancing, this  
4 could enhance their ability to do that. And there's  
5 precedent. We recently expanded suspicious transaction  
6 reporting to include sanction evasion in Canada, for  
7 instance.

8 So those are a few of the small things that I  
9 think we can do to enhance foreign interference financing and  
10 detection, but I just want to conclude here by echoing some  
11 of the comments from previous panels, particularly  
12 yesterday's, around our need to increase funding, staffing,  
13 expertise, and law enforcement security and intelligence  
14 agencies.

15 There's also a lot of room for international  
16 cooperation and information sharing focused on foreign  
17 interference financing. There are many countries that are  
18 targeted by this activity and we could be doing more to share  
19 that information.

20 Threat actors use similar methods across  
21 countries and understanding the mechanisms in one country can  
22 help us detect that activity in another.

23 I also think it's worthwhile exploring the  
24 idea of using our *Special Economics Measures Act* sanctions  
25 against some of these threat actors who again are consistent  
26 players in this space.

27 And my last comment here will be about  
28 including foreign interference finance in the idea of a

1 foreign interference toolbox or framework, which I know the  
2 Commission heard about yesterday.

3 This is a complex issue that requires  
4 investigators to navigate many different statutes. So having  
5 a clear layout or toolkit of all of the different possible  
6 offences, reporting requirements will really enable  
7 investigators to use all the tools at their disposal.

8 And this is really, from my perspective,  
9 about -- for investigators and other people charged with  
10 making decisions in this space, determining what's optimal  
11 and has the greatest prospect of success. It's not  
12 necessarily going to be an arrest and prosecution. It might  
13 be a charge and nothing else. It might be public  
14 information. So there's a lot of tools that are available  
15 here and this really needs to be articulated for  
16 investigators to figure that out.

17 Thank you.

18 **COMMISSIONER HOGUE:** Thank you.

19 **DR. LORI TURNBULL:** Thank you very much.

20 Professor Gallant, please?

21 **--- PRESENTATION BY DR. MICHELLE GALLANT:**

22 **DR. MICHELLE GALLANT:** Thank you. Thank you  
23 to the Commission for the invitation to appear today. Thank  
24 you to the research team and to everyone who is facilitating  
25 the hearings. And thank you to my fellow panelists. And  
26 also thank you to everyone who is participating both in the  
27 room and online.

28 If I have an expertise, it might touch upon

1 financial transparency. So the focus of my input, as my  
2 colleague, Dr. Davis, focuses on foreign interference and  
3 funding, and the funding of that interference.

4 That being so, I would start by saying that  
5 disrupting any financial dimensions of any foreign  
6 interference is extremely challenging. Yes, finance is a  
7 tool. It's used to fund those social media campaigns. It's  
8 used to pay the bribes. It's used to entice and to  
9 incentivise behaviour, but even if you think about the narrow  
10 confines of an election period, the idea that we can sort of  
11 track and detect those funds is extremely difficult. So in  
12 speaking this morning about transparency, in particular  
13 financial transparency, I would say it is at best a partial  
14 antidote.

15 So let me speak a little bit about the road  
16 to financial transparency. Targeting, this idea of targeting  
17 the money has become sort of the established methodology  
18 lately for dealing with all kinds of different phenomenon,  
19 like financial crime, like economic crime, like international  
20 corruption, like tax evasion, for dealing with organized  
21 crime, with private bad actors, even in the context of  
22 recalcitrance in states, we've seen it in the context of war.

23 And this simply marks recognition that we all  
24 know that money fuels activity. It fuels both -- it's  
25 instrumental in both good things and it's instrumental in bad  
26 things. So we're simply focusing on the money in recognition  
27 that it's actually fueling these kind of activities.

28 Of course, to target the money, to target any

1 kind of financial stream you actually need to be able to  
2 capture and to see that money. Historically and even  
3 presently, financial activity is notoriously hidden,  
4 generally intentionally so, but it's notoriously so both to  
5 conceal both the orchestrators of a particular action, as  
6 well as to conceal the recipients of those benefits.

7           As my colleagues have suggested, clandestine  
8 financial activity has long underpinned state actions. It's  
9 hard to find sort of a covert activity that's orchestrated by  
10 a state that's not inter pinned by a rogue financial  
11 institution. I'm not sure that the institutions in that case  
12 are actually rogue, but there is the idea that there is some  
13 financial institutions, some financial body, some financial  
14 intermediators that are actually allowing funding -- that  
15 funding to move to those places correlating with that covert  
16 activity.

17           So over the course of the last 30 years, or  
18 40, or maybe even 50, we've been attempting to build this  
19 kind of financial visibility, to render financial activity  
20 less opaque. Through things like anti-money laundering laws,  
21 we have now -- we have financial reporting laws, we have  
22 suspicious transaction reporting, we have disclosure laws, we  
23 have whistleblowing protections, we have know your client  
24 rules.

25           And know your client rules are basically  
26 saying to the banks and any other financial intermediary,  
27 it's not enough to just say my name is Michelle and write it  
28 down. You actually have to identify who I am, you have to do





1 focus today a little bit on two things, and most of my time  
2 on corporations. So one of the instruments that's used,  
3 that's notorious for being used to hide resources, to  
4 separate sort of identity from sort of the puppet masters,  
5 the people who are controlling an activity, from the activity  
6 in the finance. The most notorious device is a corporation.

7 It's sort of -- for me it's in secrecy lore,  
8 you find the corporation. One of the things you find is a  
9 long line of corporations, and one corporation is layered on  
10 top of the other. So one corporation is owned by another, is  
11 owned by another, is owned by another, and those corporations  
12 are registered and set up in a host of discrete  
13 jurisdictions.

14 So if you look at, you know, one of the  
15 places you see this used notoriously internationally is in  
16 building up in proliferation networks, and creating,  
17 marshalling the materials you need for weapons of mass  
18 destruction. You find state actors reliant increasingly on  
19 the corporate form to have all of those things occur. So  
20 it's -- so it's ubiquitous in that context.

21 And secondly, corporations can be set up in a  
22 matter of minutes. You have a few incorporation documents,  
23 you file a few forms, you can also sort of reanimate a  
24 corporation that's been sitting on the shelf. So there's a  
25 corporation that's been there, you sort of reanimate it and  
26 you re purpose it to whatever your particular objective is.  
27 So it's very easy to set up a corporate form.

28 So in that respect they are regularly used to

1 both move money from different jurisdictions into Canada or  
2 elsewhere, as well as to conceal those foreign actors who are  
3 sort of controlling the strings.

4 So one of the things I simply wanted to  
5 highlight here is in this move towards transparency, and one  
6 reason perhaps that Canada has a bad reputation, is that we  
7 haven't done a lot to deal with that corporate form as a way  
8 of maintaining this international secrecy. One of the things  
9 that is happening now, we have this idea of creating what are  
10 called beneficial ownership registries, that simply it's  
11 beginning to take form in Canada.

12 And simply what those beneficial ownership  
13 registries are is it's simply a mechanism for allowing for if  
14 you have a corporation, to actually maintain and gather  
15 information that records who the sentient beings are. So  
16 who is actually substantially controlling this corporations.  
17 That's a very, very, important device in terms of getting rid  
18 of transparency.

19 We have where there's -- we're setting up  
20 both a federal mechanism, and these are beginning to  
21 percolate across the provinces provincially. But one of the  
22 fundamental things that they do is to act as a bit of a  
23 disincentive to using that particular corporate form, because  
24 they enhance the ability to sort of maybe have some better  
25 sense of who's actually undergirding those actions, what  
26 sentient people are actually running those corporations and  
27 using them as proxies for in particular in this case, for  
28 state behavior.

1           So the other piece and the other thing I  
2 wanted to note today in terms of those activities -- sorry,  
3 in terms of those bodies, is talk a little bit about the use  
4 of charities. One of the ideas that has come up with this  
5 idea that foreign bodies will actually use -- and foreign  
6 states, or will actually use charities to move money from one  
7 place into Canada, and those charitable resources will be  
8 available for disposal for use in Canada.

9           And I would simply -- I would simply note  
10 that charities as entities in the international space,  
11 charities are extremely well regulated. There is a new  
12 provision that's come out in terms of charities regulation  
13 which basically says that charities must publicly disclose if  
14 they are in receipt of foreign donations, donations of  
15 foreign origins. So if you're looking at open-sourced  
16 information, you can easily find out if charities have  
17 actually received those, so if there's any kind of influence  
18 there.

19           And secondly, there's also an awful lot of  
20 information that's available to the charities and to Revenue  
21 Canada in terms of who's actually constituting and  
22 contributing to that charity. So I simply wanted to  
23 highlight that, it's probably not -- they are used in -- they  
24 have been used and abused in this context, but they're  
25 actually reasonably fairly well regulated.

26           And another thing, so I also wanted to  
27 comment briefly at one of the disclosure instruments that  
28 we've recently introduced, and that disclosure instrument is

1       this *Foreign Influence Transparency and Accountability Act* --  
2       or sorry, accountability act within the confines of Bill C-  
3       70. And that requires the idea that you must register,  
4       similar to lobbyist registering, register if you might be  
5       working on behalf of a foreign agent.

6                   What I would simply like to highlight there,  
7       as this again, that's a great disclosure mechanism in a way.  
8       However, one of the emergent patterns of concern here is that  
9       -- is the politicization of the discourses around these  
10      organizations that are forced to file, that are forced to  
11      either come under these foreign funding mandates, there  
12      either forced to register, they're forced to disclose or they  
13      are characterized as foreign agents.

14                   One of the things that this general idea has  
15      done is it's really shred, or restricted the funding that  
16      these bodies, civil society organisations actually have  
17      access to. So when you think about a civil society  
18      organization you might think, well, what about a human rights  
19      organization? And it's those very institutions that under  
20      these kind of regimes, call it registration, your foreign  
21      agent have actually seen their funding retreat. Some of  
22      that, yes, is a clash in values, but I would simply also note  
23      that when we think about this, and people have said, well --  
24      yeah, it's okay. So I would simply say there is a clash of  
25      values, but people have associated this with Canada. It's  
26      not so, so just a foreign phenomenon.

27                   So finally, just my few recommendations might  
28      be these. I would echo the concerns of my colleague here

1 that we need to actually build up our financial intelligence.  
2 We need to put money in there. So we've had all these  
3 transparency things. We've had a bunch of new offences to  
4 deal with some of the financial element of these activities,  
5 but we don't really see really good and robust enforcement.  
6 So the idea of sort of building up and making our  
7 contributions to create and generate and then use this  
8 financial intelligence, so that would be -- that would do a  
9 great deal towards helping to dismantle the broader  
10 frameworks of financial secrecy. Thank you.

11 **COMMISSIONER HOGUE:** Thank you.

12 **DR. LORI TURNBULL:** Thank you very much.

13 Mr. Sears?

14 **--- PRESENTATION BY MR. ROBIN SEARS:**

15 **MR. ROBIN SEARS:** Thank you. I'll try to be  
16 brief and speak slowly for the interpreters. I think the  
17 grounds on which I was asked to participate had more to do  
18 with being a semi-retired practitioner than an academic  
19 expert, so I want to bring that frame to what I have to say.  
20 Also, to try to provide some historical context, how we  
21 started, how we got here; secondly, to have a look at the  
22 weakness of the infrastructure and the structures, especially  
23 of our partisan institutions today as opposed to way back  
24 when, when we began this process; and then finally, to look  
25 at some options to deal with the weak underbelly, I guess one  
26 has to characterize it as, of both the nomination and the  
27 leadership selection processes in all of our parties.

28 And I guess I would start off by saying in a

1 very irresponsible decision by adults more than 50 years ago,  
2 I was made National Director of the NDP. I served in that  
3 role for seven years and then another six years serving as  
4 Deputy Secretary General of the Socialist International,  
5 which was then chaired by Willy Brandt and the largest  
6 organization of political Parties in the world. So I have  
7 some experience internationally as well as domestically about  
8 how this feels on the ground. I participated in the drafting  
9 the regulations in 1974 for Bill C-203. That took us 14  
10 months of intense struggle among the party representatives,  
11 guided by the stern hand of Jean-Marc Hamel as the  
12 Commissioner then.

13 So this is very tough to make effective  
14 changes that have absolute cross-party support, and without  
15 that, don't bother beginning. This must be absolutely a  
16 unanimous conviction of all the players, and commitments to  
17 take the measures to change their internal structures and  
18 approaches or it's a waste of time.

19 I guess the other opening remark I would make  
20 is that, you know, there's an action in politics that it's  
21 very hard to legislate values. There's nothing tougher than  
22 to try and deal with racism, to deal with other issues of  
23 values through law. It must significantly come through  
24 education and persuasion and effective advocacy, and I want  
25 to come back to that at the end.

26 The dilemma we have today, it seems to me  
27 from a contextual perspective, is that we're missing 4  
28 ingredients that we had in 1974. We had great trust in the

1 institutions, the parties, and their ability to conduct  
2 themselves honourably then. Gone. We had very strong  
3 political Parties in most parts of Canada where the three  
4 national parties were concerned. Gone. We had very few  
5 sources of information or disinformation opportunities  
6 available to bad actors. Gone. We're now flooded. And  
7 finally, we have a tradition which Michelle addressed, which  
8 I would characterize it a little bit differently in terms of  
9 origin, we don't like to intrude in what we see are the  
10 private affairs of people, families and companies. We're  
11 very deferential to the strength of institutions defending  
12 their privacy, in the view of many people internationally  
13 now, accessibly so.

14 Let me turn to foreign interference itself  
15 and what's changed. We have a far greater number of actors,  
16 both state and corporate, than we have ever had before. We  
17 have a greater intensity of efforts by them to influence both  
18 the selection of officials and the enactment of policy than  
19 every before. And we have an explosion of technological  
20 capability to undermine any measures that we might put in  
21 practice that we've still not got our hands around. The use  
22 of artificial intelligence to create false person's bank  
23 accounts and use those bank accounts to transfer money to  
24 candidates I have witnessed in other parts of the world  
25 already. That's just going to continue to spiral and be very  
26 difficult for any legislator or regulatory environment to  
27 deal with.

28 The reason the laws from '74 to, let's say,

1 2004 worked so well in Canada was because people believed in  
2 their importance, and especially the partisans. We all knew  
3 we had a stake in a level playing field, and, therefore, we  
4 would take measures to punish bad actors within our own  
5 families, quite aggressively in some cases. That has  
6 weakened very considerably.

7           The parties at the local level and even at  
8 the provincial and national level are a shadow of what they  
9 were when we began this process. Some academic experts say  
10 fewer than a hundred thousand Canadians can be called with  
11 any meaning an active partisan. That's down from about half  
12 a million 50 years ago. So, on the ground if you have a  
13 riding association that is five octogenarians running the  
14 party, not very difficult for a foreign actor to get them to  
15 do something they probably shouldn't do.

16           Then we come to the question of the soft  
17 underbelly, as I described it. Those of you who haven't been  
18 at a contested nomination meeting, I encourage you to  
19 envisage this scene. A very overcrowded room, a very  
20 marginally competent chair, a very bitter partisan divide  
21 between at least two camps, often more, a lot of alcohol  
22 consumption, and a group of players in the farce that are  
23 underage teenagers who've been bussed from various locations  
24 in return for free pizza and beer. I'm exaggerating  
25 slightly, but not dramatically. It is not a pillar of a  
26 foundation for democracy.

27           The leadership contests, in my view, have  
28 become similarly weakened. I can go on a website for any of



1 the 3 parties and tick a box on a website that commits me to  
2 contribute \$10 to the Vegan Party of Canada. And in return  
3 for that, I am not only a member, I'm a voter. And the  
4 procedures used by the parties to know their client, as it  
5 were, or to know that I am who I claim to be are laughably  
6 weak. One party I won't name still allows organizers to  
7 register 50 new members at a time, and the response is, well,  
8 they all signed the form. Oh, really? How do you know that?  
9 So these are very serious problems in the system that I think  
10 we need to focus a lot of time on addressing.

11 Let me offer three options. The first is  
12 very strict regulation and penalties and sanctions for  
13 misbehaviour. I doubt whether the parties will agree to  
14 that. I doubt whether that's legislation one could get  
15 passed. I won't go into all of the partisan and operational  
16 reasons why that's the case, but it's a very heavy intrusion  
17 by the state into the private behaviour of political Parties.

18 A second might be an opt-in approach. The  
19 Americans tried this in the early days of their election  
20 expenses journey in the 70s by allowing candidates to agree  
21 not to raise money beyond a certain amount in return for a  
22 very significant cash contribution. That died, ironically,  
23 as a result of Obama, who was the first to opt out, and that  
24 system's now collapsed. Opt-in also, I think, brings with it  
25 the challenge of it becoming a bit of a partisan spitting  
26 match, "Oh, you're not opted in. You're not opted in. You  
27 must have something to hide." And then it kind of undermines  
28 the sense of any propriety about why you might choose to opt

1 in or not.

2 And the third to me, it seems, is that we  
3 have to focus on prevention. As the experts on the nightmare  
4 dealing with money laundering and illicit financial  
5 transactions have made clear, it's virtually impossible to  
6 trace the flows of money through cryptocurrencies and  
7 multilayered corporations. FINTRAC used to say they felt it  
8 was a good year if they captured 10 percent of what they  
9 thought was moving through Canada.

10 So you have to have some guardians at the  
11 gate who are invested in protecting the system, and that  
12 means the parties, the activists, and the elected officials.

13 And I think we could get closer to that if we  
14 did two things: we used the curriculum from a very early age  
15 in elementary school to begin to outline some of these issues  
16 and challenges and the reasons for them, and their importance  
17 to democracy; and secondly, to use a very vigorous form of  
18 public advocacy by respected non-political people or retired  
19 political people. But athletes, entertainers, retired  
20 politicians, you name it, who themselves could say, you know,  
21 "I'm not a politician, but here, let me try to explain to you  
22 why this matters to me."

23 Over time, I think that would have the  
24 ability to reintroduce some trust and some willingness to  
25 participate in the system, because beyond that, I'm a little  
26 bit gloomy.

27 Let me just close by saying that Canada has  
28 one of the best electoral finance and operational systems in

1 the world. We remain the gold standard for a great number of  
2 countries. People ask Canadian electoral, electoral finance  
3 officials all the time, "How did you do this? How did you  
4 get there?" So we shouldn't assume that the system is broken  
5 entirely. It's become overwhelmed by technology and events,  
6 but it's a very sound system of which I think we should be  
7 proud.

8 Thank you.

9 **COMMISSIONER HOGUE:** Thank you.

10 **DR. LORI TURNBULL:** Thank you very much to  
11 everyone for those presentations.

12 Break now?

13 **COMMISSIONER HOGUE:** Go ahead.

14 **DR. LORI TURNBULL:** Okay. I think we are  
15 going to take a break now. We'll break for about 30 minutes  
16 while we get some preparation done for the question-and-  
17 answer period, and then we will come back.

18 --- Upon recessing at 10:29 a.m.

19 --- Upon resuming at 11:11 a.m.

20 **COMMISSIONER HOGUE:** We are ready. You can  
21 go on.

22 **--- OPEN DISCUSSION:**

23 **DR. LORI TURNBULL:** Okay. Thank you very  
24 much, Commissioner.

25 So we've got some questions that we  
26 definitely want to pose to the panelists. I'm going to start  
27 with a little bundle of questions for Professor Young. And  
28 so in your comments, when you were almost finished, you were

1 talking about, like, kind of by way of recommendations around  
2 maybe more what can we do around enforceability, more  
3 proactive enforceability, some -- like, things like that. So  
4 I wondered if we could just start with knowing that we don't  
5 necessarily know, we can't necessarily know that all of the  
6 potential threats, or what -- how many threats are getting  
7 through, all of those sorts of things, I wondered if you  
8 could talk a little more about the enforcement and  
9 preventability and proactivity side of how we address the  
10 possibility of foreign interference through money.

11 **DR. LISA YOUNG:** Sure. And here, you know, I  
12 want to start by saying I'm right on the edge of my -- oh.  
13 I'll get the hang of this by the end. I want to start by  
14 saying I'm sort of at the edge of my expertise when I start  
15 talking about enforcement, but certainly, we know that  
16 enforcement of measures under the *Canada Elections Act*,  
17 investigations are launched when complaints are made.  
18 There's no proactive effort, to the best of my knowledge, to  
19 go looking for patterns that suggest that there's something  
20 dubious going on, for example. And so it certainly, I think,  
21 is possible to imagine an approach to enforcement that would  
22 allow random testing of some sort, you know, using audit  
23 principles perhaps. Now that would certainly require new  
24 capacity for the Commissioner of Canada Elections to  
25 undertake that. And, you know, having said this, as well, I  
26 want to emphasize the point that I made about trade-offs. If  
27 the Commissioner for Canada Elections goes looking for  
28 patterns that they think are suspect potentially, then,

1       presumably, one of the indicators would be clusters of  
2       donations of similar amounts from particular ethnic  
3       communities. And, of course, as soon as we start talking  
4       about this, we're talking about stigmatizing political  
5       participation by members of racialized communities. And so,  
6       you know, I think a lot of caution would need to be exercised  
7       in contemplating something like this.

8                   Preventability, you know, certainly there are  
9       people at this round table who've got far greater expertise  
10      than I do about preventing the transfer of money into the  
11      country and so on. I've got no expertise there. When I  
12      think about the political process, if I imagine an eligible  
13      donor, a Canadian citizen or permanent resident who has money  
14      passed on to them that they then donate, they might do this  
15      willingly and knowing that it is illegal, in which case a  
16      reminder that it is illegal might be helpful. They might do  
17      this unwillingly under some form of duress, knowing that it's  
18      legal [*sic*]. In that case, presumably, having some mechanism  
19      to report it anonymously would be the most helpful approach.  
20      And they might do it unknowing. You know, they may not know  
21      that this constitutes a violation of the *Canada Elections*  
22      *Act*, in which case some sort of information campaign, or even  
23      a requirement that parties indicate at the time of donation,  
24      you know, exactly what the rules are might be helpful. But,  
25      you know, the approach that you take is very much a product  
26      of the behaviour that you are trying to address.

27                   **DR. LORI TURNBULL:** Thank you. While I've  
28      got you, I've got one more thing I wanted to ask you right

1       now. The issue of the per-vote subsidy we used to have, we  
2       don't anymore. So this is kind of part of the evolution of  
3       how campaign finance regulation has changed over the years.  
4       And we did, for a period of time, have a flow of public money  
5       to political Parties where it was, like, roughly \$1.75 per  
6       year per vote between elections that parties would get and  
7       help keep the lights on, it was a guaranteed flow of money,  
8       they knew it was coming. We have not -- we do not have that  
9       anymore. It was fully phased out about 10 years ago.

10               I wonder if you could comment on the  
11       relationship, if there is one, between the flow of this  
12       public money and vulnerability of the system to foreign  
13       money? If we take out the flow of public funds like this to  
14       support electoral competition, does that leave the parties  
15       more at risk because they don't have enough cash that they  
16       might be more open to donations that they shouldn't be  
17       getting from foreign entities?

18               **DR. LISA YOUNG:** Yeah, this -- that's -- it's  
19       a complicated question. And I guess the first thing that I  
20       would say -- well, I'm going to approach this in a couple of  
21       ways. The first thing I would say is that when we think  
22       about money and politics, we have -- we're faced with a  
23       paradox. On one hand, we can't have democratic politics  
24       without money. Parties need money in order to communicate  
25       with the electorate. However, there is no good source of  
26       money for politicians and parties. Every source has  
27       advantages and disadvantages. We've taken corporate and  
28       union money out of the mix in Canada, and so I'm not going to

1 talk about that. Contributions from individuals have the  
2 great advantage of demonstrating citizen support for a party  
3 or a candidate. It engages citizens. It gives political  
4 Parties and candidates an incentive to get out there and  
5 engage with the electorate in order to raise that money.

6 So from that point of view, individual  
7 contributions can be seen as a positive thing.

8 We can also, however, point to a corrosive  
9 impact in terms of some of the pitches that are made for  
10 public funding. You know, the kinds of claims that are made  
11 in messages to potential donors. It may not be appealing to  
12 their better instincts in some ways.

13 So -- and there is, of course, the risk that  
14 parties, if they are highly motivated to raise money from  
15 individuals, or candidates are highly motivated to raise  
16 money from individuals, that they might be willing to look  
17 the other way, to not ask too many questions about a group of  
18 individual donations that come to them. So certainly there  
19 are issues with individual donations.

20 So public money is the obvious substitute,  
21 and we have public money in the system in a variety of ways.  
22 The per-vote subsidy I think had the advantage of recognizing  
23 support from voters, as opposed to recognizing support from  
24 donors who tend to be more affluent than the average voter.  
25 So it did have certainly that advantage.

26 Now, the question is -- you know, embedded in  
27 your question is the assumption that if we provide parties  
28 and candidates with enough public money, will they then be

1 choosy about who they take individual donations from?

2 And I think we then need to look at the  
3 experience after 2004. Certainly there were some parties,  
4 the Bloc Québécois and the Green Party were both quite  
5 content to be almost entirely publicly funded. But the  
6 Conservative Party, which had tremendous fundraising  
7 capacity, based on this merger of the Progressive  
8 Conservatives and Reform Party, it had good donor lists, it  
9 knew how to raise money, and so it identified an opportunity  
10 to have basically out-fundraise its competitors. And so this  
11 allowed it -- it gave it a financial advantage that allowed  
12 it to advertise extensively in-between elections.

13 So if you put a lot of public money into the  
14 system, you don't necessarily reduce the demand for private  
15 money if parties can continue to gain a political advantage  
16 by spending, either during elections or between elections.

17 **DR. LORI TURNBULL:** Mr. Sears, please.

18 **MR. ROBIN SEARS:** Be careful about assuming  
19 that the monies that were transferred from the state to the  
20 parties were used for purposes that would lead to  
21 strengthening the parties. The money all went to the center.  
22 No riding ever got a nickel. And so you have to be careful  
23 about the consequences and the forum which you use to  
24 transfer that money.

25 I would think that a good party strengthening  
26 approach might be to say, you've got a dollar. Fifty (50)  
27 percent of that has to go to your ridings, and the ridings  
28 will have to meet a certain number of tests and be willing to



1 make reports about their use of the money, et cetera, but  
2 that would then give the ridings a recreation of their  
3 traditional authority in a very powerful way.

4 If you give more money to the party center,  
5 I've never met anybody in politics who turned down money no  
6 matter how much they had.

7 **DR. LORI TURNBULL:** Yeah. Okay. Mr. Sears,  
8 can I stay with you for a minute on this? So I'm going to  
9 ask you a follow up question on that, because you made a  
10 point about how parties have developed over time, and not  
11 necessarily in a good way. We have seen a weakening of  
12 parties over time. Fewer members, so therefore fewer  
13 connections and outreach, like less of that connection with  
14 the population, which I think raises questions about the  
15 purposes of parties in the first place. So I wondered if you  
16 could expand on that? And also, are there links between the  
17 weakening of political Parties and changes in the campaign  
18 finance regime that have happened at the same time?

19 **MR. ROBIN SEARS:** Yeah, absolutely there are.  
20 Where to start? I guess one of the things that none of us  
21 involved at the time recognized adequately and created a lot  
22 of subsequent issues is the degree to which the first  
23 *Election Expenses Act* dramatically enhanced the power of  
24 leaders. And because leaders under that legislation, as the  
25 ultimate check about the abuse of tax credit granting  
26 authority to the parties, needed to be carefully framed, were  
27 given the exclusive right to sign the registered agent  
28 contract for every riding associations, usually the treasury

1 or whatever, but also, to certify the candidate's nomination.  
2 So instantly money and power flow to the center, that is to  
3 say the leader and his team, in a way that we didn't  
4 adequately recognize, and I felt stupid about it for 50  
5 years.

6 I think that the related question is how --  
7 what has changed in all the democracies, since the 1980s  
8 roughly, that has made political Parties so incompetent at  
9 engaging a significant chunk of activists to make long-term  
10 commitments to them?

11 My son, if I might give an example, is very  
12 politically engaged. He belongs to a variety of  
13 environmental organizations, to refugee support groups, to,  
14 you know, a panoply of civil society organizations attempting  
15 to work on politics. And whenever I've asked him, "So why  
16 don't you join a political Party?" he would say, "What for?  
17 They just treat us as an ATM that needs to be kicked  
18 regularly to dispense cash." And there's a certain truth to  
19 that, I'm sad to say.

20 So we need to find new ways to make it  
21 meaningful for people to join a political Party and to have  
22 an engaged relationship at the local level that means  
23 something in their life, in some cases socially to begin  
24 with, or else we're going to end up with these very shallow  
25 institutions where power resides with a set of professional  
26 and professionally paid staffers responsible to the party's  
27 leader.

28 The second corollary, Lori, and then I'll

1 shut up, is that you cannot expect parties to run leadership  
2 contests that are based on a per-person vote on the strength  
3 of clicking your enthusiasm on a website without having  
4 access to a lot of cash from somewhere else, because the  
5 membership money is not enough, and that goes significantly  
6 to the party center, and not to the leadership candidate.  
7 And so that might be an area in which we would look at public  
8 funding, because if a leadership candidate is able to  
9 establish certain norms about themselves, the amount of money  
10 they've raised, and number of events they've done, their  
11 popularity, whatever one you might choose, that would be  
12 helpful to equalizing leadership contests.

13 And the haunting number that always rests in  
14 my mind about this is when you look at the influence of how  
15 money is used in politics and who benefits from its use,  
16 consider 95 percent of the elected officials in the United  
17 States, federally, provincially, and at the municipal level,  
18 were the biggest spenders, those were the winners. Ninety-  
19 five (95) percent of those elected officials spent the most  
20 money. It's a sobering statistic about how important this  
21 question is of where the money comes from, who gets it, what  
22 is it permitted to be spent on, et cetera.

23 **DR. LORI TURNBULL:** Okay. Thank you.

24 Okay. On a related note, and I'll open this  
25 question up to everybody, speaking of those people who are  
26 paid to be working for the party, I'm thinking about how  
27 these processes are run. Like the actual on the ground. And  
28 you spoke to that in some of your comments about the weakness

1 of the party and also what's going on at the constituency  
2 association level.

3 And so what about the possibility of placing  
4 obligations of due diligence, mandatory reporting to  
5 Elections Canada upon official agencies and candidates?  
6 Whether we're talking about political Parties, whether we're  
7 talking about third parties, what about that mechanism as a  
8 way of trying to follow the money and ensure that these  
9 processes are followed? And of course you get into all of  
10 the issues in nomination meetings around -- the things you  
11 raised around identifying people, making sure -- is there  
12 something to be considered in terms of the reporting  
13 relationship of those staff or those volunteers to Elections  
14 Canada?

15 **DR. ANDREA LAWLOR:** I think it's very telling  
16 that often when people speak about the role of money and  
17 politics, they use the phrase that sunshine is the best  
18 disinfectant and that transparency and reporting in a timely  
19 fashion, and often not just at one instance, but at multiple  
20 instances throughout a political process, whether it's a  
21 campaign, or a pre-writ period, is a very useful tool. It's  
22 useful to election administrators to get a sense of the flow  
23 of money in an election, it's useful to the public in terms  
24 of understanding not just who the main participants are, but  
25 the source of their contributions.

26 Where it gets a little bit difficult is when  
27 that contribution comes in the form of cash, it is disclosed,  
28 we all understand what \$200 means or buys within some sort of

1       general bounds. It gets more complicated when we start  
2       talking about in-kind contributions or the types of source  
3       contributions that are not as easily operationalizationable.

4               So when we think about professional  
5       expertise, and here we could think about in the actual, an  
6       individual who is -- has expertise in running campaigns, or  
7       who has expertise in the production of digital media, which  
8       of course plays such a fundamental role in so many types of  
9       campaigns, these things and their quantification are much  
10      more complex. And so one of the ways in which these can be  
11      recognized is through the expansion and careful consideration  
12      of the definition of in-kind contributions and what we're  
13      trying to capture.

14             The other thing is that these disclosures I  
15      think need to be more responsive than they are in the past.  
16      So while it's useful to have a set definition of "please  
17      disclose the following types of contributions," we also have  
18      to recognize that these campaigns are a very agile  
19      environment and often where interventions, foreign or  
20      domestic, that are not intended to support the general values  
21      of an election, they are inherently creative.

22             So there is the continuous movement on behalf  
23      of people who may be considered bad actors in a campaign to  
24      find ways to circumvent. And therefore I think there's also  
25      a request, and this is one is perhaps more difficult to  
26      engage in terms of policy, that when atypical behaviours  
27      arise, when things that seem to contravene, for lack of a  
28      better term, the spirit of the legislation, that there should

1 be some requirement for reporting. So this could speak to  
2 particular practices that were not anticipated in the context  
3 of election campaigns.

4 Now, there's no perfect regulation and it's  
5 entirely possible that even the best set regulation will not  
6 capture all of the very creative instances at attempts of  
7 influence. And I think at the same time, it's good to take a  
8 reflective approach to any sort of regulation that follows  
9 this trajectory because while the disclosure to Elections  
10 Canada and the responsiveness of that organization to  
11 candidates, and parties, and the public has always been very  
12 strong, one of the risks that we have is creating an  
13 environment of political chill, which speaks directly to what  
14 Mr. Sears has said. We want to animate these parties. We  
15 want to bolster the strength of them. We want to give people  
16 who are interested in politics at the grassroots level a lot  
17 of scope to participate. And we don't want to administer  
18 them out of participation.

19 So it's always that careful balance.  
20 Transparency, absolutely, with some reflection on how this  
21 will affect smaller political actors, as opposed to larger  
22 ones that have robust resources like in-house counsel and  
23 very substantial budgets.

24 **DR. LORI TURNBULL:** Thank you very much.  
25 Professor Young?

26 **DR. LISA YOUNG:** I think this is an  
27 intriguing question, and it has me reflecting on the role of  
28 the official agent in particular.

1                   You know, since 1974, we've required, in  
2                   Canada, this -- you know, what has been referred to as the  
3                   doctrine of agency, the idea that every campaign and now  
4                   nomination campaign must have an official agent. And  
5                   certainly many of the official agents are, you know, people  
6                   with professional credentials, CPAs, and others, but  
7                   campaigns are peculiar things and some are better staffed  
8                   than others. So there are some volunteers with perhaps less  
9                   financial training and without professional obligations who  
10                  are in fact serving as official agents.

11                  So it's an interesting question then to say  
12                  should those individuals, whose loyalty is to the candidate;  
13                  right? They're appointed by the candidate and it's their job  
14                  to keep the candidate from accidentally breaking the rules.

15                  So then to turn those official agents into,  
16                  in some ways, almost representatives of the state is an  
17                  interesting proposal. I think that parties might be  
18                  resistant to it because they see the official agents as their  
19                  own, but certainly I do think that if an obligation like  
20                  reporting suspicious activity was placed on official agents,  
21                  it would also be incumbent on Elections Canada to provide  
22                  some kind of mandatory training for those official agents so  
23                  they understood their responsibilities.

24                  And, you know, Mr. Sears can speak to this  
25                  better than I can, but I think that even recruiting official  
26                  agents is sometimes a challenge for candidates. So, you  
27                  know, we have to be careful again about administrative  
28                  burden.

1                   **DR. LORI TURNBULL:** Anyone else want to jump  
2 in on this issue? Or we'll move on.

3                   **MR. ROBIN SEARS:** I cannot think of a defence  
4 for allowing contributions in-kind. They lead to so many  
5 areas of bad behaviour, deliberately or by accident. There  
6 are perhaps four very common areas: staff; facilities;  
7 vehicles; and polling. Those add up to hundreds of thousands  
8 of dollars of potential benefit in a tightly fought race, and  
9 they don't appear anywhere in any records if someone is  
10 determined to play below the table, as it were. So why  
11 should we permit in-kind contributions? They all have a  
12 value that's reasonably easy to establish, so turn them into  
13 an equivalent cash donation.

14                   I'm just -- having dealt with them for many  
15 years, I just know there's so many ways you can play games  
16 with in-kind contributions. They are a real vulnerability in  
17 the system.

18                   **DR. LORI TURNBULL:** Okay. Thank you. I'm  
19 going to pivot a tiny bit and try to get to the theme that  
20 has come up a little bit already about potential unintended  
21 consequences of changes in regulations. And so I'm going to  
22 start with Professor Lawlor. I wonder if you could expand a  
23 bit on the concept of a third party, because it conjures up  
24 many things in the mind, right, and there are so many  
25 different sizes. And as you've mentioned, right, like,  
26 levels of sophistication, size of staff, some seem to crop up  
27 around election time for the purpose of arguing for or  
28 against a candidate or a party. Others are huge entities in



1        their own right who tend to lean in during elections but have  
2        other things to do. So I wonder if you could start just by  
3        giving us a picture of what the third-party scene is.

4                    **DR. ANDREA LAWLOR:** Yeah, so third parties at  
5        the outset of my earlier comments I suggested that the  
6        typical definition is individuals, groups of individuals,  
7        corporations, unions and interest groups. Of course, that  
8        covers all manner of civil society. In Canada, traditionally  
9        where we have seen a larger number of third parties  
10       participate in federal elections, and it's very similar  
11       across provincial elections in many cases, it tends to be a  
12       considerable number of unions and interest groups. So unions  
13       are perhaps -- while they're by no means a homogenous set of  
14       organizations, across interest groups we have even more  
15       variability. So we can have very small, you know, citizens  
16       to clean up this local river type groups, which are perhaps,  
17       you know, 20 citizens all committed to a particular local  
18       project, and then at the other end, you have interest groups  
19       that are well established, decades old, and operate not just  
20       within Canada but elsewhere.

21                   All of these organizations fall under the  
22       same legislative framework. And that is, in some respects  
23       understandable, but in other ways presents challenges in  
24       terms of enforcement but also where the attention goes from  
25       both the public and presumably also the elections  
26       administrator.

27                   Some of these groups operate quite robust  
28       political agendas outside of election campaigns and have a

1 considerable amount of internal funds dedicated to not just  
2 third-party campaigning but perhaps lobbying or other ways of  
3 intervening in the political process in the inter-election  
4 period. That is very different than the, you know, small  
5 group of individuals dedicated to tidying up a local river.

6 Over time, in Canada, we have moved from 2004  
7 to having, you know, just under 50 third parties active in  
8 our election. And at that point, I can say the average  
9 expenditure was about \$10,000, but, of course, there's  
10 tremendous variation across the groups depending on their  
11 size and their financial resources. By 2021, it was closer  
12 to a hundred and the average expenditure had gone up. Some  
13 of that's just a function of time and inflation, but some of  
14 that's also a function of perhaps perceived value in spending  
15 through the third-party channel.

16 Now as I said in my earlier comments, that  
17 really amounts to somewhere between 5 and 10 per cent of what  
18 the main political Parties spend, but sometimes, depending on  
19 the channels, their advertisements can be very effective.  
20 There is also provisions in the legislation that prevents  
21 third parties -- that exempt third parties from certain types  
22 of activities like communicating with their own membership  
23 base, et cetera, so some of this isn't caught under the  
24 legislation and with good reason. But what we perhaps lack a  
25 strong sense of is how to effectively legislate the  
26 heterogeneity of these groups.

27 And one of the points I suggested earlier is  
28 we always want to try and restrict any effects of a political

1 chill that may fall on smaller organizations, groups of  
2 individuals who are acting together, and again, that speaks  
3 to the importance of grassroots political activism. However,  
4 you know, on the other side of this is some larger  
5 organizations that have robust financial resources, many of  
6 which are difficult to trace. And I think, you know, Bill C-  
7 65 does make some changes to the portions of the *Canada*  
8 *Election Act* that are useful to try and stem the ability for  
9 a large, well-resourced organization to use all of their own  
10 funds and it placed some new restrictions on how much of  
11 their own funds they're able to contribute to a campaign.  
12 But I think this is an evergreen question in terms of how we  
13 deal with this variety of actors and what role and what  
14 values do we want them to animate as they play a role in the  
15 election process.

16 **DR. LORI TURNBULL:** Thank you. Just as a  
17 quick follow-up question, what was the reaction of the third-  
18 party community to the changes and the additional  
19 responsibilities that were put on them in 2017/2018? Was  
20 there any kind of -- was there a political chill? Was there  
21 a repression of activities? Like, what -- how was that?

22 **DR. ANDREA LAWLOR:** If we look at the  
23 numbers, it doesn't look like there was a suppression, but  
24 it's often hard to determine what the motivations are for any  
25 particular third party in getting involved. And we have some  
26 data on this, but it's not voluminous. We can track which  
27 organizations participate year after year, and so there is  
28 evidence of repeat engagers, if you will, so that we do know

1       that some organizations see this as a useful way to get out a  
2       political point. We also see that most third parties seem to  
3       concentrate, particularly larger interest groups and unions,  
4       concentrate their efforts at the national level; whereas,  
5       smaller, more localized or individual-oriented third parties  
6       are more likely to concentrate themselves within the riding.

7                So, again, that speaks to -- these two  
8       dimensions of third-party activity speaks to, I think, a  
9       broader question of what kind of role do we want third  
10      parties to play? Do we want them to be engaging directly at  
11      the national level in the same sorts of discourses that  
12      political Parties engage and political leaders engage, or do  
13      we see value in having third parties perhaps more restricted  
14      at the local riding level? Is it the case that perhaps we  
15      should have third parties that choose to participate at the  
16      riding level be individuals who live in that riding, so we  
17      don't have a sort of parachuting in of a large organization  
18      trying to change the electoral outcome of a hotly contested  
19      riding, or one that's on the edge? Is that the intended  
20      function of entitling third parties to participate? You  
21      know, likely not. It's much more the case that if  
22      individuals or if third parties are going to participate  
23      locally, we want that to be an expression of people who live  
24      in that riding. So there's some room, I think, for careful  
25      consideration.

26               **COMMISSIONER HOGUE:** And do you have any  
27      reason to believe that third parties are particularly subject  
28      to foreign interference?

1                   **DR. ANDREA LAWLOR:** We have thorough  
2 disclosure reports that are posted on Elections Canada web --  
3 Election Canada's website that will list contributors, and  
4 Bill C-65 changes the regulatory environment for contributors  
5 that -- such that now anyone who contributes \$200 or more,  
6 whether it's an individual contribution or multiple  
7 contributions, their name and address information will be  
8 posted to the report. There's probably no perfect level to  
9 set that number. \$200 or \$500, people have different  
10 opinions on where that level should be set, but I think this  
11 type of disclosure is very useful. One thing I would point  
12 out is that we always want to counter the utility of these  
13 disclosures with the privacy of individuals, but I think  
14 there's an inherent public good to knowing who is  
15 contributing to these organizations and, therefore, seeing as  
16 best we can the flow of money.

17                   To the question of foreign actors, it is an  
18 avenue, and as my colleague suggested, perhaps we don't have  
19 as clear a picture as we could in terms of the source funds.  
20 So it may look like an individual contribution of 200 or  
21 \$500, but the origin of those funds can sometimes be  
22 obstructed. One of the ways that C-65 attempts to close at  
23 least some of those loopholes is by restricting these crypto  
24 assets, prepaid gift cards, money orders, other digital  
25 financial transactions to sort of limit the flow of these  
26 potential sorts of transfers. But we don't have, I think,  
27 conclusive evidence just because of that very difficult  
28 nature of following the money.

1                   **MR. ROBIN SEARS:** And, of course, a very  
2 sensitive area is where the money flows into diaspora  
3 community organizations in Canada from a state actor  
4 internationally. I don't want to go into the question in any  
5 detail, but one can contemplate that if you were a foreign  
6 actor seeking to have a lot of influence, a health and  
7 welfare or community social foundation of a certain ethnic  
8 community would be a very attractive conduit.

9                   **DR. LORI TURNBULL:** Yes, please, Professor  
10 Gallant.

11                   **DR. MICHELLE GALLANT:** Could I just add one  
12 point to that, which is that -- and I cast no dispersions,  
13 but informal financial networks are sort of more famous for  
14 those kinds of communities than others, that simply an  
15 informal financial network is simply an unregulated method of  
16 transferring value. So they would be sort of familiar.  
17 They're sort of removing money from one place, particularly I  
18 say with the diaspora communities. I mean, when -- the one  
19 that -- the informal financial network that folks talk about  
20 is one which is just simply called the hawala network, but I  
21 would just use that to mean these networks don't -- because  
22 they don't run through a formal financial system or through  
23 banks, their ways of transferring -- we talk about  
24 transferring value. And there's no intersection there with  
25 any kind of regulated financial mechanism.

26                   **COMMISSIONER HOGUE:** Can you be more precise  
27 on what you mean by informal?

28                   **DR. MICHELLE GALLANT:** Sure. Maybe my

1 colleague will help me on this one. What I mean there is, so  
2 the term informal financial network originally emerged as  
3 this idea of any system that's not a western system is an  
4 informal financial network; right? So you had that sort of  
5 dichotomy.

6 And in many ways, these systems are informal  
7 financial -- are extremely formal, meaning that say, for  
8 example, I'm coming from, say -- I could come from Beirut and  
9 I might be using an informal system and bringing a chit, so  
10 everyone knows I'm bringing this chit, it's a piece of blue,  
11 and I'm taking it, say, to Vancouver, and I'm giving it to  
12 somebody in Vancouver, and they know that when I get to  
13 Vancouver, I get a bag of gold, or I get money. So that --  
14 when I talk about an informal system, there's no intersection  
15 of that. it's a very sort of -- it's a strong system, but  
16 there's no intersection with what we would call with a bank.  
17 I don't have to go to a bank. There's no banking  
18 intersection. There's no trading intersection. There's  
19 nothing detectable under our laws, any of our reporting  
20 norms. So that would be one.

21 And they say -- we talk about these as  
22 informal systems as transfers of value as opposed to  
23 currency, meaning that something of some value in one place  
24 moves to somewhere other, and it has different kinds of  
25 value.

26 So I don't know if my colleague ---

27 **DR. JESSICA DAVIS:** Jessica Davis here. This  
28 is tricky. I'm not quite sure that I agree that there's no

1 intersection between informal value transfer networks and the  
2 formal financial system. Banks, money service businesses are  
3 often used to settle the transaction that Professor Gallant  
4 was talking about. So yes, there could be a movement of  
5 physical currency or physical gold, but just as often, it's a  
6 Western Union transaction that occurs.

7 In Canada, hawalas, informal value transfer  
8 systems, are all technically money service businesses under  
9 our law. They are meant to be -- they are regulated. They  
10 are meant to register with FINTRAC, our financial  
11 intelligence unit.

12 Is that always the case? I think if you look  
13 at FINTRAC's non-compliance website, you'll see that every  
14 once in a while, they pick up a new unregistered money  
15 service business and they fine them.

16 Is this a huge issue in foreign interference?  
17 I haven't seen a lot of evidence of that. Is this a way that  
18 money can move into diaspora communities? Yes, but again, I  
19 think a lot of that money is happening -- money movement is  
20 happening through our formal and semiformal systems through  
21 those money service businesses which are in fact part of the  
22 Canadian system.

23 So it's -- I wouldn't go so far as to say  
24 that it's a significant issue, and there is probably a few  
25 things that we can do to improve the system. One of them is  
26 certainly to empower FINTRAC to improve its compliance  
27 process. Basically just conduct more compliance exams to be  
28 able to do more of that work to identify unregistered money



1 service businesses.

2 **DR. LORI TURNBULL:** Okay. Thank you. I want  
3 to just follow up on the Commissioner's question for a moment  
4 and push -- maybe just push it a bit. Is there anything  
5 about the work of third parties that makes them more  
6 vulnerable or more attractive to foreign actors? So for  
7 example, the fact that they are international in scope, the  
8 fact that the issues that they're pursuing are -- even if the  
9 organization is not international in scope, say for example  
10 it's an environmental group or a -- some issue that would  
11 have interest, you know, across, not just within the  
12 boundaries of Canada, is there any reason why third parties  
13 would be more vulnerable for that reason?

14 **DR. ANDREA LAWLOR:** Andrea Lawlor. I do  
15 think that when we look at the variety of third-party actors  
16 who are participating, or who have historically participated,  
17 we do see there is -- there are some organizations,  
18 particularly in the interest group categorization, that have  
19 policy or more instrumental concerns that are not unique to  
20 Canada, and so they may be operating across borders, they may  
21 be organizations with various international offices, and that  
22 in and of itself doesn't necessarily mean that their actions  
23 are not compliant with the legislative requirements.  
24 However, that does suggest that even an organization that  
25 legitimately operates across multiple jurisdictions is one  
26 that could have some degree of foreign influence.

27 The second mechanism would be that even  
28 amongst smaller groups where there are a lot of small

1 individual donations, it is entirely possible and very  
2 difficult to detect that the source of those funds could be  
3 foreign in nature. It may be less likely with union  
4 organizations. And interestingly, we actually have not seen  
5 a lot of corporations participate using the third-party  
6 channel historically, or at least since 2000, in Canada. And  
7 that is a real contrast to the event in 1988, the free-trade  
8 election, where that was one of the primary concerns  
9 legislating in that area, that corporations would be involved  
10 because trade obviously has implications for corporations.

11 We see that less, and one of the things that  
12 I have picked up on in my research with Dr. Erin Crandall at  
13 Acadia, is that many organizations, as much as this might be  
14 an opportunity, many organizations see third-party  
15 participation as a -- that there would be a perceived threat  
16 to their integrity. And so they specifically choose not to  
17 use that channel because the idea of an organization  
18 participating in election makes them more political or could  
19 align them with political Parties or a particular view. And  
20 they're not only sensitive about how that might affect their  
21 public -- the perception of their organization from the  
22 public, but how other parties would perceive it too.

23 So as much as we have, on one hand, the  
24 concern about third-party actors expressing themselves and  
25 becoming vehicles for foreign influence, we also have a set  
26 of political actors who expressly choose not to participate  
27 in that because of the heightened political environment. We  
28 even see some organizations will file reports, empty reports,

1 just to declare that they are not participants.

2 **DR. LORI TURNBULL:** Thank you.

3 Professor Young, please.

4 **DR. LISA YOUNG:** Sure. Just one thing that I  
5 would say to this question of third-parties versus registered  
6 parties and candidates, just in the abstract, and that is  
7 that if you were trying to take foreign money and channel it  
8 into the Canadian political system, it seems to me that it  
9 would be more difficult to channel it into parties and  
10 candidates because it would have to go through an individual,  
11 unless it was to be, you know, cash in an envelope, right,  
12 which is clearly illegal. Whereas if it's moving to a third  
13 party, because corporations can act in the third-party space,  
14 it would be a case of putting money to a corporation in some  
15 way, which then finds its way into the system.

16 And, you know, from that point of view, if  
17 you're looking at public policy solutions, one would be to  
18 look to British Columbia, where the only money that can go  
19 into third-party space is contributions from individuals who  
20 are eligible to contribute. So it would basically put the  
21 rules about who can contribute to registered political  
22 Parties and apply them to third parties.

23 So, yeah.

24 **DR. LORI TURNBULL:** Thank you.

25 Mr. Sears?

26 **MR. ROBIN SEARS:** There's a natural limiter,  
27 I think, on the impact of third-party -- the third-party  
28 structure of definition as a participant in the system.

1 They're not very effective. I mean, if I'm a Liberal-  
2 inclined voter and I see a blast of television ads from the  
3 Clean Energy Coalition, and underneath are a bunch of oil  
4 company names, is that going to move my opinion one way or  
5 the other? Not likely. Working Families going to move a  
6 Conservative voter? Not very likely. So I think part of the  
7 reason it hasn't really blossomed, apart from the integrity  
8 concern, which I agree, is that there are probably better  
9 ways of spending your money.

10 But where a foreign actor is concerned, I  
11 think the situation is entirely reversed, for exactly the  
12 reasons that Lisa suggested. If you're an official agent and  
13 you're offered some money from the Chinese Canadian  
14 Retirement Community Foundation, as opposed to an official  
15 from the Chinese Consulate, to be a little bit blunt, you're  
16 going to choose A over B. I mean, it gives third-party  
17 institutions a cleanness or an absence of taint at least to  
18 the money that may come from foreign actors in a very useful  
19 way. And I guess I would say finally about it is that the  
20 dilemma that you have with the sources, the genuine original  
21 source of money that flows into a third party and then into  
22 the political system is how do you find out? You know, is it  
23 likely that an organization -- and you may remember a little  
24 bit of a fracas in Alberta and B.C. about an environmental  
25 group that was accused by their opponents of taking money  
26 from the United States to contribute to Canadian political  
27 Parties on environmental questions about a decade ago. It  
28 was a useful accusation politically because there was no way

1 of proving or disproving it. But if you were pursuing it  
2 legally, how would you possibly source the origin of those  
3 funds?

4 **DR. LORI TURNBULL:** Thank you. Professor  
5 Lawlor?

6 **DR. ANDREA LAWLOR:** Just very quickly, I  
7 would add that this is why when we look at the third-party  
8 regime, the focus tends to be on the limits, the limit of  
9 what one can spend, and as Mr. Sears suggests, often not to  
10 particularly notable effect. It's very difficult to quantify  
11 actual effect, but it's probably not moving as many voters as  
12 may be anticipated. But often we look at that in the absence  
13 of considering contributions. And so these are two sides of  
14 the regulatory coin where one is very strictly regulated, the  
15 expenditures, but the contributions are kind of amorphous.  
16 So this presents one area for consideration, not just the  
17 source of the contributions, and I'm in agreement that those  
18 who are eligible to contribute to parties and candidates,  
19 that should be the restriction for third parties as well, but  
20 also, you know, the amount of the contributions and the  
21 disclosure around it.

22 **DR. LORI TURNBULL:** Okay. Thank you very  
23 much. Yes, please.

24 **DR. JESSICA DAVIS:** Jessica Davis. I just  
25 want to address Mr. Sears question about how would you know  
26 about the money. And I think this is important to  
27 understand, in the context, and I'm assuming here a criminal  
28 investigation with appropriate authorities, it's actually

1 quite straightforward to find out where the money came from,  
2 depending on whether or not that money -- those transactions  
3 have been reported to FINTRAC, it could come through a  
4 FINTRAC disclosure. It could also come through warranted  
5 access to the accounts of the individual suspected of being  
6 involved in foreign interference or Elections Canada  
7 violations. There's digital records.

8 It's a complex but fairly straightforward  
9 process to trace that money, unless we're talking about  
10 serious obfuscation techniques like multiple layers of third  
11 parties, multiple types of currencies, cryptocurrencies,  
12 like, and we're talking very, very serious obfuscation  
13 techniques at that point. And even then, there are still  
14 investigators who can follow all of that. So it is possible,  
15 and I just want to make sure that we're very clear that this  
16 isn't a black box.

17 **DR. LORI TURNBULL:** May I ask you a follow-up  
18 question and then I'll go to Professor Gallant? So it is  
19 possible to trace it. Do we do that?

20 **DR. JESSICA DAVIS:** In the context of foreign  
21 interference and elections, I don't think I have ever seen a  
22 case of that, but certainly in other contexts, so sanctions  
23 of Asian money laundering, terrorist financing, absolutely we  
24 do that.

25 **DR. LORI TURNBULL:** Thank you.  
26 Professor Gallant?

27 **DR. MICHELLE GALLANT:** Just because you raise  
28 that on the Alberta, I would simply say that in that

1 particular case, they did actually trace to foreign origins  
2 the funds, except, as my colleague says, it was a -- it  
3 wasn't in the context of an election. It was the influence  
4 on policy. It was a billion dollars, but it was a billion  
5 dollars over I believe about 20 years, and it took a forensic  
6 -- it cost a lot to hire. I think it was Deloitte Touche, I  
7 think, but it was an extraordinary forensic investigation, so  
8 awfully expensive; right? Awfully expensive.

9 **DR. LORI TURNBULL:** Thank you. While I have  
10 you, in your initial comments you talked about Canada has a  
11 reputation, and -- for attracting money. I wonder if you  
12 could speak a little bit more about that phenomenon.

13 **DR. MICHELLE GALLANT:** Sure. Okay. Well,  
14 one reason -- I mean, there's a couple of reasons we have  
15 that reputation, and one of them seems to be that we don't  
16 seem to do effectively many money laundering prosecutions or  
17 financial crime prosecutions. I think as we said earlier,  
18 because they're expensive, they take -- you have to have the  
19 education and the ability. And even when we've marshalled  
20 them -- so there are a couple of recent ones who sort of come  
21 to the brink, and it fails for some reason. So it's very  
22 difficult, but to the globe, we are a country that is sort of  
23 known for not prosecuting those kind of financial offence.  
24 Now we've done some other things instead of prosecutions, but  
25 that would be one reason.

26 You know, a second reason, you know, that we  
27 have this reputation at least is that, you know, in 2022, and  
28 my colleague again will talk about -- might want to talk

1 about this too, is that there was a Commission in B.C. that  
2 basically said that there's rampant money laundering. And so  
3 globally, we were known to have rampant money laundering in  
4 at least one jurisdiction.

5 Now why that would be, well, as I said, we --  
6 it's a safe place in the sense that we don't seem to do the  
7 prosecutions. Some people would say, well, maybe it's also  
8 because your lawyers are not part of this financial framework  
9 where lawyers are sort of special and lives onto themselves,  
10 so that information from lawyers doesn't feed into our  
11 financial intelligence networks. And I say that -- I think  
12 that's a crucial piece of our identity, and the reason is I  
13 think there's a couple of -- there's some recent reports that  
14 basically say if you think your banks are supposed to be  
15 doing this reporting, well, the banks were reporting  
16 suspicious activity that was originating in lawyer's offices.  
17 So we're not sort of doing -- we have the laws on the books,  
18 but we're not actually sort of policing or enforcing those  
19 laws.

20 And the other piece I think which is funny, a  
21 little bit funny, is that money in search of a destination,  
22 sort of, of spurious origins and looking for a place to  
23 settle, it likes to settle in Canada, and it likes to settle  
24 in Canada for the very reasons that anybody else would have  
25 said. You know there's a certain surety with the laws.  
26 There's a certain strong real estate markets, things like  
27 that. So money -- dirty money or money that's looking for a  
28 place to land is likely to come to Canada for that very



1 reason that we have a -- it's a good place to sit.

2 And finally, I would say that there is a real  
3 question, it's actually a colleague of mine from the  
4 University of Alberta who -- sorry, Calgary who raises this,  
5 and she says, look -- she basically says I think Canada's  
6 sort of in part dependent upon receiving this kind of money.  
7 There's a huge economy that's around kind of servicing dirty  
8 money, and that would be a reason that we might say we want  
9 to, you know, get rid of this stuff, but actually, there's a  
10 whole bunch of us whose lives are sort of dependent upon  
11 servicing that.

12 **DR. JESSICA DAVIS:** Jessica Davis. I think  
13 I'll just build on a couple of specifics from Professor  
14 Gallant's comments. In some of the research that I've done,  
15 trying to get to the bottom of why we're not very good at  
16 prosecuting financial crimes in Canada, I've heard a number  
17 of things from investigators, from prosecutors, from everyone  
18 involved in the system. Our disclosure rules are one of the  
19 issues, our Jordan timelines, the complexity of  
20 investigations is another. As soon as you start pulling out  
21 spreadsheet after spreadsheet after spreadsheet it becomes  
22 very difficult to explain to judges and to juries what we're  
23 talking about here. Explaining that complex -- those complex  
24 investigations and movement of funds is really challenging.  
25 And then there's also the aspect of international information  
26 sharing.

27 Almost -- I'm trying to think about my  
28 personal experience here, but I don't think that I've ever

1 worked on a case that was money laundering or terrorist  
2 financing or anything only in Canada. It always has an  
3 international component. And so then we're talking about  
4 jurisdictions which may not be inclined to share information  
5 with Canada, that might have different rules, that when we  
6 get that information, it's not deemed to be reliable in a  
7 court. So there's a lot of these different complexities.

8 But for me, what this really comes down to is  
9 a requirement for very skilled investigators and very skilled  
10 prosecutors who have specialized in financial crimes. This  
11 it not the kind of thing that you can parachute someone into,  
12 and this is very much true I think in the foreign  
13 interference context as well. You're going to need people  
14 who understand the flow of money, but also understand  
15 geopolitics and how and why states are seeking to influence  
16 Canadian politics, and this is going to be a very specialized  
17 space.

18 **DR. LORI TURNBULL:** Thank you. I was going  
19 to ask you a question about how we can boost our capacity in  
20 terms of financial intelligence and doing this kind of work,  
21 so I just want to give the mic back to you to see if you  
22 wanted to expand on that.

23 **DR. JESSICA DAVIS:** Again, it's Jessica  
24 Davis. I think the first thing that I would refer to is my  
25 initial comments on enhancing our reporting on politically  
26 exposed persons. I think that's possibly one of the main  
27 ways that we can go about certainly gathering more  
28 intelligence. From there though, just having the information

1 is not sufficient. We need to then analyze it, so FINTRAC  
2 will need a mandate to analyze foreign interference and/or  
3 *Elections Acts* violations I think I still need to wrap my  
4 head around specifically what that needs to be. Again, and  
5 more investment in compliance to make sure that our reporting  
6 entities are actually adhering to our reporting requirements.

7 Professor Young was talking about enforcement  
8 and developing indicators. This is very much the work of  
9 FINTRAC that -- the work that they need to do. There may  
10 need to be tweaks to their legislation to allow them to do  
11 that and disclose that information, because that legislation  
12 is very specific about what FINTRAC can and cannot do. We  
13 recently amended it to include sanctions evasion analysis.  
14 It would probably need to be amended to include something  
15 around foreign interference as well.

16 And then again, as Professor Young was  
17 talking, when we're talking about enforcement, if it's  
18 *Elections Act*, and if Elections Canada is doing the  
19 enforcement piece, then Elections Canada will need  
20 disclosures from FINTRAC in order to do that kind of work.  
21 So we would need to make them a disclosure recipient. There  
22 may be cases where it should be the RCMP doing that  
23 enforcement. They're already disclosure recipients. So  
24 there are just little tweaks in that legislation that may  
25 need to be adjusted to enhance that financial intelligence  
26 piece.

27 **DR. LORI TURNBULL:** Thank you. Thank you  
28 very much for that.

1                   **COMMISSIONER HOGUE:** I would like to get your  
2 views on how do we balance the right to privacy with  
3 strengthening the investigative powers of the various  
4 authorities?

5                   **DR. JESSICA DAVIS:** Jessica Davis. That's a  
6 very difficult topic in the financial crime space.

7                   Already the *Proceeds of Crime (Money*  
8 *Laundering) and Terrorist Financing Act* requires mandatory  
9 reporting, we call it threshold reporting, on transactions  
10 into or out of Canada of \$10,000 or above. There's no  
11 threshold of suspicion there. So every Canadian who is  
12 transacting in those amounts is being reported to FINTRAC.  
13 There's very specific information protection that comes with  
14 that information collection, but already there, there's a  
15 question about proportionality that I think is important to  
16 always keep in mind when we're talking about amendments to  
17 this legislation.

18                   In my view, when we're talking about  
19 elections and political activities, people who are seeking  
20 elected office, or senior leadership in government, and  
21 anyone who would qualify as politically exposed persons, even  
22 under the expanded definitions that I've talked about today,  
23 I think has a responsibility or should expect to be a little  
24 bit more transparent with their activities.

25                   Now, expanding politically exposed persons'  
26 suspicious transaction reporting, doesn't necessarily mean  
27 that people will have more of their transactions reported to  
28 FINTRAC. It just means that the reporting entities and

1 financial institutions, where they do their banking, where  
2 they transact, will be paying a little closer attention to  
3 what they're doing and what their friends and family members  
4 are doing, and what their close business associates are  
5 doing. And I think that this is proportional to the  
6 responsibility of elected office and political office in  
7 general.

8 **COMMISSIONER HOGUE:** What do we do with the  
9 family members?

10 **DR. JESSICA DAVIS:** The family members --  
11 again this is Jessica Davis. The family members are already  
12 covered under *Proceeds of Crime (Money Laundering) and*  
13 *Terrorist Financing Act* as sort of the entourage of  
14 politically exposed persons. This is already something that  
15 we're looking at. I think again there's an element of  
16 proportionality to it. It's maybe not entirely fair to  
17 family members who have no say over whether or not their  
18 sister, brother, et cetera, run in elections, or engage in  
19 political office in any kind of way, but they are a known  
20 vector for that threat finance.

21 So again, I think that this comes down on a  
22 proportionality question, and I think it is proportional,  
23 based on the threat environment we're currently in.

24 **DR. LORI TURNBULL:** Mr. Sears?

25 **MR. ROBIN SEARS:** And, Commissioner, I was  
26 going to try and frame this in a somewhat broader context and  
27 say that I would hope that the Commission would find the time  
28 and the possibility to try and offer some general rules about

1 public versus private expectations of balance, because it  
2 touches almost everything we've talked about today. You  
3 know, there isn't really an area where we're not potentially  
4 trespassing on private issues, and that raises sensitivities,  
5 of course.

6 I think in an earlier time, there was an  
7 understanding that the state had an obligation on behalf of  
8 the public good to take certain steps which necessarily  
9 impeded on private interests and information. I think we've  
10 lost that. And I think for all of the comments that you will  
11 make about foreign interference, about changing the  
12 circumstances of election finance, et cetera, this issue of  
13 balance and legitimacy of the state's role comes up.

14 And I can't write the paragraph for you, and  
15 I wouldn't so presume, but it seems to me that there needs to  
16 be a sort of introductory frame for all of these discussions  
17 to say here is what we consider to be an appropriate Canadian  
18 understanding of the boundaries involving the state and the  
19 prerogatives of the individual with respect to private  
20 transactions.

21 It's a tough one, but I think it -- if we  
22 don't try and rebuild an acceptance that there needs to be  
23 these changes for the public good, we're going to run into  
24 that wall of social media driven nonsense that the state  
25 simply wants to interfere in your life, the government wants  
26 to take your money, the government wants to know what you're  
27 doing in your private life. You know, all that nonsense  
28 which forms the environment of a lot of people's information

1 load about these issues today needs to be challenged.

2 **DR. LORI TURNBULL:** Dr. Davis, I just want to  
3 also talk a little bit about the different players involved  
4 in these disclosures of information.

5 So at the first instance, it would be a bank  
6 or reporting entities' responsibility to report suspicious  
7 activity to FINTRAC. So immediately it's not like the bank  
8 is going to be reporting information directly to Elections  
9 Canada or to the RCMP. Then at FINTRAC, that information  
10 would go through a separate analytic process to make sure  
11 that it meets thresholds for disclosure, at which point then  
12 it would be referred to the appropriate authority.

13 So while it may seem like there's a more  
14 significant invasion of privacy, there are balances there in  
15 terms of not automatic disclosure of information, that people  
16 are applying some logic, some thresholds, to meet disclosures  
17 of information, and I think that helps with the  
18 proportionality of the expansion of those rules.

19 **DR. LORI TURNBULL:** Professor Gallant?

20 **DR. MICHELLE GALLANT:** Yeah, I would simply  
21 say -- Michelle. I would simply say, in a similar vein, one  
22 of the reasons that, you know, when we talk about sort of  
23 charities and that kind of open disclosure, right, public  
24 open-source disclosure, that there are sort of rules that  
25 allow for some sharing of information, but the bulk of it  
26 remains in a private space. So for example, when my  
27 colleague was talking about the disclosures even that FINTRAC  
28 makes, they're not public. They're only disclosures to

1 certain entities. In the same way in which, you know, when  
2 you're putting the idea of charities and their -- or sorry,  
3 beneficial ownership registries, one of the ideas there would  
4 be, look, the information might be available, certain  
5 information to the public, or not available to the public at  
6 all. So you're keeping -- so the information is coming out.  
7 So yeah, there is the concern it's available to the state,  
8 for sure, but at least it's not going beyond that. It's  
9 restricted to, you know, a space in which they can access it,  
10 but it's not going fully to all of the public.

11 **DR. LORI TURNBULL:** Okay. I have one more  
12 question. I'm going to start with Mr. Sears. And the  
13 situation going back to political Parties and the evolution  
14 of parties over time. One phenomenon we hear a lot about is  
15 the concept of entryism. And I wonder if you could speak to  
16 that, and the leadership process, and how we've changed  
17 leadership selection processes, and what our vulnerabilities  
18 might be?

19 **MR. ROBIN SEARS:** Conflict of interest  
20 concerns?

21 **DR. LORI TURNBULL:** Sorry?

22 **MR. ROBIN SEARS:** Conflict of interest  
23 concerns?

24 **DR. LORI TURNBULL:** Entryism in leadership  
25 selection processes.

26 **MR. ROBIN SEARS:** Oh, I see. I'm sorry.  
27 Yeah, it's a real problem. I mean, perhaps the most famous  
28 case is Jeremy Corbyn, the British Labour Party changed its



1 rules for leadership selection for the first time, whenever  
2 it was, 15 years ago. He signed up half a million members to  
3 the Labour Party and won the leadership.

4 When the time came to throw him out after a  
5 terrible defeat, every single one of those members in many  
6 constituencies disappeared because they were not in fact  
7 genuine members of the Labour Party. They were paid by  
8 people associated with the Corbyn campaign to provide him  
9 with votes.

10 The degree to which a one person, one vote  
11 system allows entryism a much greater, a much wider door to  
12 go through is very real because it necessarily imposes on the  
13 administration of the leadership contest, in a very tight  
14 timeframe with very limited resources, the responsibility to  
15 certify legitimacy of several hundred thousand new  
16 memberships. Needless to say, it's not a very adequate form  
17 of scrutiny in a great number of cases.

18 I mean, I'll put my prejudice on the table.  
19 I think delegated conventions were more democratic, and more  
20 easy to manage, and more -- had higher integrity because you  
21 knew all the people involved, but we're not going back to  
22 them, so that's hopeless prejudice on my part.

23 I think the two things I would suggest from  
24 the perspective of remedial action is to lengthen the time  
25 that you must have signed up for to perhaps 90 days.  
26 Certainly 60 days. In many cases, in most parties, it's 30  
27 days. At least that would give somewhat greater time for  
28 scrutiny and assessment.

1           And secondly, to raise the amount of money  
2 involved because, you know, it's not -- it doesn't seem  
3 reasonable to me for something as sacred as I would regard  
4 it, as choosing a potential future leader of your country, to  
5 be able to participate for \$10. And it just strikes me as an  
6 inadequate ticket of entry. You know, make it \$100.

7           And if those two things were done, it would  
8 reduce the numbers, spread the period over which they're  
9 gathered, and maybe close the door a little bit.

10           But I come back to the point I made earlier  
11 today. If you don't have people who see their own  
12 responsibility as a party worker or volunteer to be a  
13 guardian at the gate, irrespective of what they understand  
14 the law to be, none of these rules are very enforceable.

15           Those people, you know, to use the  
16 contemporary example of a nightmare, as in the United States'  
17 election officials today, are taking on an enormous  
18 responsibility, potentially even liability to themselves and  
19 their family, out of the defence of the public good. They're  
20 not, certainly, being paid enough to justify that. We need  
21 those people at the foundation of our system in every one of  
22 these cases, otherwise the laws won't work.

23           **DR. LORI TURNBULL:** Thank you. Anyone with  
24 anything to add on that?

25           I actually did have one other question for  
26 Professor Lawlor on the interaction between third parties and  
27 nomination processes, leadership processes. What is the web  
28 of rules that regulate those interactions?

1                   **DR. ANDREA LAWLOR:** It's a very light web.  
2                   It's -- as I believe it was Dr. Pal who pointed out a few  
3                   days ago to this committee, that at present, we don't have  
4                   robust regulations for third-party activity at the level of  
5                   nomination contests and leadership contests. So that  
6                   represents a vulnerability in our system.

7                   It also reflects, to some extent, a point  
8                   through which organizations or interests can tie themselves  
9                   to political leaders, and that may play out in various ways  
10                  over the course of their time in office.

11                  While I'm sensitive to the debate that has  
12                  gone on about whether or not nomination contests and party  
13                  leadership should be regulated and administered by Elections  
14                  Canada to a greater extent than they already are, and of  
15                  course that's just the financial piece, there is certainly  
16                  room to enhance the relationship between third parties, and  
17                  parties, and potential candidates at this level, by setting  
18                  clear guidelines for what the role of third parties is, if  
19                  any, and certainly the contributions.

20                  And I would suggest that it, to me, does not  
21                  make sense to wholesale take the existing legislative regime  
22                  as it relates to elections, and plunk it on to nomination  
23                  contests. Because nomination contests are much more smaller,  
24                  contained contests that facilitate the entry of new political  
25                  players, I think that the third party regulations, to the  
26                  extent that they are legislated in that area, should reflect  
27                  a much more constrained environment too.

28                  So much reduced in terms of expenditures, and

1 perhaps consideration of very strict contribution limits.

2 **DR. LORI TURNBULL:** Thank you.

3 Commissioner, are we missing anything?

4 **COMMISSIONER HOGUE:** No, I was looking at my  
5 notes. I think everything I had in mind has been covered.

6 **DR. LORI TURNBULL:** Okay. Thank you,  
7 everyone. Thank you very much.

8 **COMMISSIONER HOGUE:** So let me thank you.  
9 Honestly the -- your experience and expertise is very  
10 worthwhile for our work and I'm very, very grateful for the  
11 time you devoted, I'm sure, for preparing yourself and for  
12 coming today. But for us, it was something of great value.  
13 So thank you again.

14 So we'll come back this afternoon at 1:30 [no  
15 interpretation] the closing statements from participants. So  
16 we will take our lunch break and we will resume at 1:30.

17 --- Upon recessing at 12:22 p.m.

18 --- Upon resuming at 1:36 p.m.

19 **COMMISSIONER HOGUE:** [No interpretation]  
20 things are smelling like it's -- they're coming to the end.  
21 In Ottawa, I'd say the same. Things look like they're coming  
22 to an end, at least for part of the work.

23 We have several participants this afternoon.

24 We have many participants this afternoon, so  
25 I think we should start right away. And the first one to  
26 present its observations is the Centre for International  
27 Governance Innovation.

28 I would like everyone to identify themselves

1 when they are making their representations.

2 And is there anybody -- there is no time --  
3 okay. I'm going to -- okay. I'll manage.

4 **--- SUBMISSIONS BY MR. AARON SHULL:**

5 **MR. AARON SHULL:** (off mic) at the bench nor  
6 standing when you entered the room, Your Honour.

7 Madam Commissioner, my name is Aaron Shull.  
8 I'm the managing director and general counsel to the Centre  
9 for International Governance Innovation.

10 I'd like to begin maybe in a different tone  
11 than others might, which is to start by expressing my  
12 profound respect for the critical role that you are playing,  
13 for the role of the judiciary, and to the role of counsel,  
14 that they're playing in defending Canadian democracy.

15 I think the work of this Inquiry exemplifies  
16 the essential role of our judiciary in upholding the rule of  
17 law and safeguarding democratic values. It makes me deeply  
18 proud to be a member of the bar, knowing that we are all  
19 contribution to this vital process together.

20 Now, over the years, I've had the privilege  
21 of getting to know many of Canada's security and intelligence  
22 officials, and some of whom who have become friends. I can  
23 personally attest to how hard working, diligent,  
24 professional, and dedicated they are. They are indeed  
25 keeping Canadians safe. Their successes, though often  
26 significant, cannot always be celebrated publicly, but their  
27 tireless efforts should never be overlooked. We owe them a  
28 debt of gratitude for their service, even when the nature of

1 their work remains in the shadows.

2 Now, over the past four years, CIGI has  
3 engaged in a fairly robust program of research and  
4 publication related to Canada's national security, and indeed  
5 as Her Honour recognized in the grant of standing, we are  
6 unique in Canada in this regard.

7 It's with this background in mind that CIGI's  
8 oral submission in response to Clause E of the Commission's  
9 Terms of Reference will be organized into three parts: first,  
10 the need for greater federal government transparency and  
11 public education efforts regarding foreign interference;  
12 second, the need for enhanced enhancements to the federal  
13 government's capacity to detect, deter, and counter foreign  
14 interference threats; and third, the importance of enhanced  
15 political literacy about foreign interference threats and  
16 national security more broadly.

17 Number one. Greater transparency. One of  
18 the key challenges facing the Inquiry in its fact-finding  
19 role is to provide the public with an evidence-based and  
20 clear-eyed assessment of the impacts of foreign interference.  
21 This task has fallen to the Public Inquiry because of a  
22 phenomenon we will call filtered transparency, a combination  
23 of unauthorized leaks, of selected classified intelligence,  
24 media reporting of those leaks, partisan political warfare,  
25 the public findings of the Independent Special Rapporteur,  
26 the Commission's Initial Report, the public hearings  
27 conducted by this Inquiry, and notably, the release of the  
28 redacted version of the National Security and Intelligence

1 Committee of Parliamentarians Report has created what I think  
2 has led to a sense of public confusion, and in some corners,  
3 a loss of trust in the integrity of Canada's elections and of  
4 its Parliament.

5 The clear beneficiaries of filtered  
6 transparency, to be frank, are adversarial hostile state  
7 actors.

8 Filtered transparency must be replaced by  
9 what the Vice-Chair of the National Security Intelligence  
10 Review Agency called bounded transparency. Real transparency  
11 with appropriate safeguards for the production of national  
12 security confidentiality. The practicality and value of  
13 being able to discuss national security issues in a public  
14 setting has been demonstrated by the work of this Commission  
15 to a remarkable degree, Your Honour.

16 The final report should recommend the  
17 creation of a first-ever systematic review for the  
18 declassification and release in the public interest of  
19 important records related to national security.

20 Also, the National Security Transparency  
21 Commitment, the NSTC, issued in 2017 needs to be re-  
22 energized, promoted across government, and delivery of its  
23 goals need to be accounted for on an annual basis. One  
24 cannot manage what one does not measure.

25 Another significant area of improvement is  
26 the need related to national security transparency, is  
27 frankly the absence of a foreign interference strategy  
28 published by the Department of Public Safety. As noted in

1 this Commission's Exhibit 45923, the unclassified version of  
2 Canada's Countering Foreign Interference Strategy has been  
3 ready for public release since August of 2023 and has yet to  
4 be published.

5 Minister LeBlanc's indication to the Inquiry  
6 that the Government may consider revisiting the publication  
7 of this strategy based on the Commission's findings presents,  
8 I think, an important opportunity that should be embraced and  
9 formulized as a recommendation.

10 The Inquiry should also reference the  
11 importance of producing the promised National Security  
12 Strategy in a short timeframe. We haven't had one, Your  
13 Honour, since 2004, and to say that the current National  
14 Security Strategy is out of date and long since forgotten  
15 would be the understatement of my submission.

16 Number two. Enhancements to the ability of  
17 the National Security and Intelligence System to deter,  
18 detect, and counter foreign interference.

19 The Commission faces yet another daunting  
20 challenge of making actionable recommendations to improve the  
21 performance of the national security and intelligence system.  
22 We believe it would be appropriate for the Commissioner to  
23 call for further expert systemic review of the national  
24 security and intelligence system as a whole. No such review  
25 has ever been conducted in the modern history of the Canadian  
26 intelligence system. It has been done in Australia, so it is  
27 not without precedence, and this could complement or be an  
28 addition to the work being done by NSICOP.



1 CIGI also suggests a range of targeted  
2 recommendations which could be advanced independently or  
3 folded into the terms of a larger systemic review. I'm going  
4 to advance four discrete recommendations here.

5 Firstly, the creation of an intelligence  
6 assessment capacity at PCO capable of systemic -- or  
7 systematic fusion of domestic and international threat  
8 reporting. This fusion centre would serve as a primary  
9 resource for the new National Security Council.

10 Second, the creation of a centralized open-  
11 source intelligence unit to bring together technical and  
12 human expertise from across the NSI community and take  
13 advantage of key intelligence collection, this key  
14 discipline.

15 Thirdly, relocate the Foreign Disinformation  
16 Tracking Unit, or referred to as the Rapid Response  
17 Mechanism, from Global Affairs Canada to either Public Safety  
18 or PCO with a clear mandate, including for public attribution  
19 of foreign state information operations and, to be frank,  
20 Your Honour, much greater resources.

21 And fourthly and finally, under this  
22 category, the re-imagining of the role of the National  
23 Counter Foreign Interference Coordinator to provide both  
24 greater capacity to achieve an internal government  
25 coordination function and, and I want to underscore here, a  
26 strong public facing role as a centre of expertise on foreign  
27 interference methods, trends, and resiliency practices;  
28 reinvigorate the Counter Foreign Interference Coordinator.

1                   And my final set of submissions, Your Honour,  
2           is related to political actor literacy on foreign  
3           interference and national security threats. And here I'd  
4           like to advance a series of recommendations, but principally,  
5           we have to have a strong recommendation that all political  
6           leaders, and this is -- we're -- CIGI is non-partisan and  
7           independent. We do not care who wins the next election. Let  
8           me be clear. All political leaders should have a top-secret  
9           security clearance so that they can be briefed by senior  
10          officials on national security and intelligence matters as  
11          required. Number two, a recommendation that a clear  
12          governance process should be established for the provision of  
13          regular unclassified briefings to parliamentarians and  
14          selected staff on foreign interference threats, including  
15          cyber. Number three, a recommendation that the interactions  
16          between the SITE Task Force and security cleared  
17          representatives of the political Parties be strengthened. I  
18          think the after action report of the SITE Task Force  
19          following a general election should be declassified and  
20          published. Fourth, the Commissioner should recommend that  
21          the statutory but delayed review of the Acts governing both  
22          NSICOP and NSIRA be immediately undertaken by Parliament.  
23          It's already in the statute. We just have to make good on  
24          what's already been promised. And the final recommendation,  
25          Your Honour, is that the Commissioner should recommend that a  
26          budget be allocated by Parliament to all recognized political  
27          Parties in-house and groups in the Senate to allow them to  
28          hire and maintain a dedicated security-cleared officer to act

1 as an expert resource on foreign threats, foreign  
2 interference more broadly, and national security. Thank you  
3 very much, Madam Commissioner.

4 **COMMISSIONER HOGUE:** Thank you very much.  
5 So I will hear from The Concern Group.

6 **MS. LEILA GHAAHARY:** Madam Commissioner,  
7 could we just remind speakers to slow down for the  
8 interpreters?

9 **COMMISSIONER HOGUE:** Yes, for the  
10 interpreter.

11 **MS. LEILA GHAAHARY:** Thank you.

12 **COMMISSIONER HOGUE:** Do we have anyone from  
13 The Chinese Canadian Concern Group ---

14 **MR. NEIL CHANTLER:** Yes, I'm ---

15 **COMMISSIONER HOGUE:** --- usually is with us?

16 **MR. NEIL CHANTLER:** --- here, Madam  
17 Commissioner.

18 **COMMISSIONER HOGUE:** Ah, okay.

19 **MR. NEIL CHANTLER:** Can you hear me, Madam  
20 Commissioner?

21 **COMMISSIONER HOGUE:** Yes, I do, because you  
22 are not on the screen in front of me.

23 **MR. NEIL CHANTLER:** Okay.

24 **COMMISSIONER HOGUE:** You're just on my back.  
25 Okay, someone will come.

26 **--- SUBMISSIONS BY MR. NEIL CHANTLER:**

27 **MR. NEIL CHANTLER:** Thank you, Madam  
28 Commissioner. For the record, my name is Neil Chantler and

1 I'm counsel for ---

2 **COMMISSIONER HOGUE:** Ah, okay. You're now --  
3 okay. It's fine.

4 **MR. NEIL CHANTLER:** Ah, there we go. For the  
5 ---

6 **COMMISSIONER HOGUE:** Go on.

7 **MR. NEIL CHANTLER:** --- record again, it's  
8 Neil Chantler. I'm counsel for The Chinese Canadian Concern  
9 Group. I will suggest that today, more than ever before in  
10 this country, people of Chinese descent face unprecedented  
11 challenges arising from foreign interference. My client is a  
12 grassroots organization with dedicated volunteer members  
13 across the country and a long history of facing these  
14 challenges head on. Many have been involved in human rights  
15 advocacy since the Tiananmen Square protests and massacre in  
16 1989.

17 As discussions unfold around foreign  
18 interference, it's easy to get lost in political maneuvering  
19 and institutional debates. We must keep our focus on the  
20 safety and dignity of people in this country and their  
21 ability to participate in our democracy.

22 Here in Canada, people of Chinese descent  
23 experience death threats, harassment, coercion, cyber attacks  
24 and pervasive mis and disinformation campaigns intended to  
25 silence opinions and dissuade participation in our democracy.  
26 In China and Hong Kong, their family members may be  
27 threatened for political views expressed in Canada. The  
28 Communist Party's rhetoric is designed to blur distinctions

1 among people of Chinese descent, portraying any attempt to  
2 counter their influence as racism. This tactic is used to  
3 silence or deflect legitimate criticism of the Communist  
4 Party's policies and actions. It causes successfully, we've  
5 heard, politicians and policing agencies to hesitate before  
6 taking action, fearing accusations of racism. As a result,  
7 victims of foreign interference lose trust in the government  
8 and law enforcement and choose not to come forward at all  
9 with their experiences.

10 Identifying Canada's vulnerabilities to  
11 foreign interference is one of the primary tasks of this  
12 Commission, and we've heard much evidence of many of these  
13 vulnerabilities, from inadequate criminal laws to foreign  
14 language media, party nomination contests, corrupted  
15 community associations, unregulated social media, and  
16 compromised parliamentarians.

17 One manifestation of these vulnerabilities is  
18 Chinese overseas police stations. These are a chilling  
19 example of transnational repression and have been used in  
20 Canada as basis from which to intimidate, coerce and control  
21 our local population. China's establishment and operation of  
22 these police stations was a flagrant violation of  
23 international conventions, Canadian laws, and our territorial  
24 sovereignty. We must condemn these operations in the  
25 strongest terms possible.

26 The sheer gall of China may be staggering,  
27 but the more important question is what China's actions say  
28 about us. Did China perceive this country to be so utterly

1 vulnerable to exploitation and so unlikely to retaliate that  
2 this was a risk worth taking? So far, it appears the gamble  
3 may have paid off.

4 We should look at the overseas police  
5 stations as a case study of our ability to detect, deter and  
6 counter foreign interference. Were we able to detect these  
7 operations? It appears not. It took the report of an  
8 international NGO, likely years after the stations had been  
9 established. Have we effectively deterred and countered  
10 China's activity? Arguably not. Canada's response to these  
11 operations was largely diplomatic. Embassy promises to cease  
12 these activities were insincere. To date, there have been no  
13 arrests, no prosecutions, and no significant diplomatic  
14 penalties imposed on China resulting from this grave  
15 violation of our sovereignty.

16 Will the situation be any different after  
17 Bill C-70? That may be optimistic. We already had laws that  
18 could have been used to prosecute these operations and China  
19 has shown a willingness to flaunt them. Have these  
20 activities merely shifted to other operations such as the  
21 Hong Kong Economic and Trade Office in Toronto? Similar  
22 offices have been implicated in foreign interference efforts  
23 in other parts of the world, in the United States and in  
24 England, and we must ask ourselves, why have these activities  
25 led to arrests and prosecutions in the U.S. and England but  
26 not here in Canada?

27 Among our many vulnerabilities to foreign  
28 interference is our Chinese language news media, which is

1 almost completely captured by the PRC. CSIS described this  
2 as a national security threat and a critical part of the  
3 PRC's efforts to shape overseas public opinion, repress the  
4 community and influence electoral outcomes. Another witness  
5 described how the United Front Work Department has waged  
6 cognitive warfare against us using the media to carry the  
7 CCP's narratives. Censorship including self censorship is  
8 pervasive and alternative viewpoints are all but  
9 extinguished. Arguably, the government has done very little  
10 to combat this foreign interference threat.

11 And what should it do? Undoubtedly, it will  
12 be a multi-faceted approach. We need stronger regulatory  
13 oversight of foreign ownership and influence in our media.  
14 We need better support for our national broadcasters, Chinese  
15 language station, RCI, and we must enhance media literacy and  
16 critical thinking cultivating a more informed and resilient  
17 citizenry.

18 As we close this chapter of hearings, let us  
19 remember the true purpose of this Commission, if I may, to  
20 safeguard the values that define us as Canadians. The  
21 evidence you've heard over these weeks has shown that foreign  
22 interference is not an abstract threat. It is a daily  
23 reality for members of the Chinese Canadian community.  
24 Meanwhile, our leaders have allowed politics to overshadow  
25 this important issue. It should not have taken leaks to draw  
26 attention to foreign interference. With an election  
27 approaching, progress cannot be allowed to stall. The  
28 reforms in Bill C-70 must move forward without delays.

1 Foreign interference strikes at the core of  
2 our democracy. It is our collective duty to confront these  
3 violations with decisive actions. Will Canada defend all of  
4 its residents from external threats, or will it allow foreign  
5 powers to dictate who gets to participate in our democracy?

6 On behalf of The Concern Group, I urge the  
7 Commission to make bold recommendations and assure Canadians  
8 of Chinese descent that this country will always be a place  
9 where their voices are heard and valued. Thank you, Madam  
10 Commissioner.

11 **COMMISSIONER HOGUE:** Thank you. Counsel for  
12 Michael Chong?

13 **--- SUBMISSIONS BY MR. FRASER HARLAND:**

14 **MR. FRASER HARLAND:** Commissioner, it's  
15 Fraser Harland for Michael Chong. I have three points today,  
16 Commissioner, and limited time, so I'm going to dive right  
17 in.

18 First, the PRC's actions against Mr. Chong  
19 were foreign interference. Certain witnesses said that Zhao  
20 Wei's conduct toward Mr. Chong was normal diplomatic  
21 activity. They said there's no evidence of a physical threat  
22 to Mr. Chong's relatives in Hong Kong. These efforts to  
23 trivialize the PRC's interest in Mr. Chong are not supported  
24 by the evidence and they're not supported, frankly, by common  
25 sense. Here's what we do know. We know that the current  
26 regime in the PRC has physically and violently suppressed  
27 political dissidence, particularly in Hong Kong. We know  
28 that in the famous issues management note, CSIS referred to



1 the PRC's conduct as a "threat". CSIS determined that Mr.  
2 Chong was a PRC target and that the PRC was also interested  
3 in Mr. Chong's relatives in Hong Kong.

4 CSIS intelligence indicated that Zhao Wei was  
5 gathering information and sending it not to the Chinese  
6 Ministry of Foreign Affairs, but to China's Ministry of State  
7 Security. And we also know that when CSIS finally briefed  
8 Mr. Chong on this intelligence in May 2023, Mr. Vigneault did  
9 so using a threat reduction measure, a tool that can only be  
10 used when CSIS assesses the matter as a threat to the  
11 security of Canada.

12 Taking all of this together, Madam  
13 Commissioner, I submit that Mr. Chong was clearly the target  
14 of foreign interference. The covert collection of  
15 information by a diplomat for a foreign intelligence agency  
16 is foreign interference and offside the Vienna Convention,  
17 and any reasonable person in Mr. Chong's shoes would have had  
18 legitimate concerns about the safety of their relatives in  
19 Hong Kong.

20 My second point is that the government failed  
21 to review or act on intelligence about this foreign  
22 interference. Coming into this Commission, the story on Mr.  
23 Chong revolved around two intelligence products. There was  
24 the May 2021 IMU and the July 2021 CSIS intelligence  
25 assessment.

26 Well, we know now that there were not two,  
27 but at least five intelligence products outlining the PRC's  
28 foreign interference efforts against Mr. Chong, and they were

1 shared with numerous recipients that include the Clerk of the  
2 Privy Council, the NSIA, the Deputy Ministers of Foreign  
3 Affairs, National Defence and Public Safety, and the Minister  
4 of Public Safety. In other words, CSIS did its job.

5 It did its job not once, but five times, and  
6 yet somehow this intelligence was not seen and not acted  
7 upon. Not by the NSIA, not by the Minister of Public Safety,  
8 not by three Deputy Ministers.

9 And the result? The result was Mr. Chong  
10 learned of this intelligence not in 2021 when it was sent by  
11 CSIS throughout the government, but in 2023 thanks only to  
12 the reporting of *The Globe and Mail*.

13 And we saw the same pattern at Global  
14 Affairs. We know now that CSIS had identified PRC diplomat  
15 Zhao Wei as a candidate for expulsion as early as 2019. CSIS  
16 then provided intelligence on Zhao Wei's foreign interference  
17 activities to Global Affairs in 2021, yet the Minister of  
18 Foreign Affairs only declared Zhao Wei *persona non grata* in  
19 2023 after reading about him in *The Globe and Mail*.

20 Minister Joly admitted that if she had known  
21 about this intelligence years earlier, she would have PNG'd  
22 him at that time.

23 Ultimately, what's so alarming about all of  
24 this is that it is entirely possible that but for *The Globe*  
25 *and Mail's* reporting, Mr. Chong would still not know about  
26 the PRC's foreign interference activities against him. And  
27 it's also possible, if not likely, that Zhao Wei would still  
28 be acting as an accredited PRC diplomat on Canadian soil.

1           My third point is that the government has too  
2 often taken a political, if not partisan, approach to foreign  
3 interference. When disinformation in the *Buffalo Chronicle*  
4 concerned the Prime Minister, it was swiftly dealt with by  
5 the government, yet in the next election, when there was a  
6 disinformation campaign about Kenny Chiu, the government's  
7 approach was to say and to do nothing and to allow the media  
8 ecosystem to "cleanse itself".

9           We learned that a CSIS warrant, one that we  
10 expect the Commission has seen, targets a senior Liberal  
11 organizer, sat in Minister Blair's office for almost two  
12 months, yet despite hearing from Minister Blair and his chief  
13 of staff, the public is still waiting for a credible  
14 explanation of the delay in approving that warrant.

15           And most recently, we saw the Prime Minister  
16 use his access to classified information to launch a partisan  
17 attack in his testimony before this Commission. Making that  
18 evidence public in the last day of hearings, and therefore  
19 preventing participants from asking any other witnesses  
20 questions about it looks more like political grandstanding  
21 than taking the work of this Commission seriously.

22           Let me conclude on all three points by saying  
23 this. In his testimony, Mr. Chong called Canada a playground  
24 for foreign interference. My friends for the Attorney  
25 General of Canada sought to have witness after witness  
26 dispute that statement, but what has Mr. Chong experienced?

27           He has been the victim of PRC foreign  
28 interference. The flow of information on intelligence about

1 that foreign interference was an abject and inexcusable  
2 failure.

3 When confronted with that failure, Minister  
4 Blair and Minister Joly pointed fingers at their officials.  
5 They blamed CSIS. Ministerial responsibility, though, was  
6 nowhere to be found.

7 And Mr. Chong has witnessed this government  
8 playing politics with foreign interference rather than  
9 treating it with the non-partisan seriousness that expert  
10 after expert this week says it requires rather than treating  
11 it with the special responsibility that the government's own  
12 open and accountable government document vests in the Prime  
13 Minister.

14 Taken all together, Madam Commissioner, it is  
15 no wonder that Mr. Chong would conclude that, under this  
16 government, Canada has been a foreign interference  
17 playground.

18 Thank you.

19 **COMMISSIONER HOGUE:** Thank you.

20 Churchill Society?

21 **--- SUBMISSIONS BY MS. MALLIHA WILSON:**

22 **MS. MALLIHA WILSON:** Good afternoon, Madam  
23 Commissioner, and thank you for allowing us to participate in  
24 this very important hearing.

25 My name is Malliha Wilson, and I represent  
26 the Churchill Society for the Advancement of Parliamentary  
27 Democracy. We are a non-partisan charity.

28 I'm going to first lay out some animating

1 principles and then get into specifics.

2 Foreign interference undermines the whole  
3 democratic process and institutions, and it erodes public  
4 confidence in them. And democratic decision-making involves  
5 disagreements, deliberations and persuasion and takes time.

6 Foreign interference attempts to circumvent  
7 these processes of deliberation and persuasion and poses a  
8 threat to Canadian democracy and the values that it helps  
9 secure. And many times, foreign interference is hard to  
10 detect, especially to a jurisdiction like Canada which is not  
11 only -- and only recently started to deal with it.

12 Foreign interference applies not only during  
13 the writ period, but during the entire electoral cycle, and  
14 foreign especially impacts not only political Parties, but  
15 diaspora communities and Indigenous communities, and they  
16 should be looked at -- the impact of foreign interference on  
17 them should be looked at carefully.

18 So with this background, I will be making the  
19 -- not the following three submissions, but the following six  
20 submissions. I understand that that is not the recommended  
21 practice, but I will do it within the timeframe allowed.

22 I will be speaking about the overly complex  
23 organizational structure we currently have, and I am going to  
24 be making a plea for simplicity.

25 Secondly, the need for a code of conduct or  
26 ethics for parliamentarians.

27 Thirdly, legal remedies and the growth of  
28 extra-territorial laws emanating from the Canadian Supreme

1 Court.

2 Four, the role that modern political  
3 processes play in political Parties, NSICOP, and finally, the  
4 need for metrics.

5 So starting with the overly complex process,  
6 we talk about the all-of-society model, but I think we've got  
7 an all-of-government process going on with regard to foreign  
8 interference. Numerous Ministries, Deputy Minister  
9 committees, ADM committees and then, you know, underneath  
10 that, you've got Director committees and so on and so forth.  
11 The result is a lack of accountability. Accountability can  
12 fall through the cracks when you have so many parties  
13 involved. That does not include parliamentary committees.

14 So what we are recommending -- and these  
15 committees all produce reports and, as the evidence has  
16 shown, we're not sure who read them or when they were read so  
17 it is not acceptable situation that we find ourselves.

18 The current situation is that we could find  
19 ourselves in an election at any moment, up to a year, I  
20 guess, up to October. So there has to be a short-term  
21 solution and then a longer-term solution.

22 Our first suggestion is that the committee  
23 that calls out during the writ period that there has been  
24 electoral independence, should be totally independent and  
25 have the indicia of independence. Independence as set out by  
26 the Supreme Court in cases like *Regina v. Valente*, or the PEI  
27 reference case and so on. And the people who -- the panel  
28 that animates this group should have the required

1       competencies of decision-making, cyber security, financial  
2       knowledge, and so on. So they should be carefully picked.

3                 Now, underneath this, there's -- obviously  
4       this panel has to be supported, and the panel can easily be  
5       set up, I think like one of the experts suggested, if it has  
6       to be done quickly, by the *Public Inquiries Act*, but I will  
7       leave that to others to figure out.

8                 But underneath that, there has to be a  
9       supporting secretariate or structure, and I'm going to refer  
10      you to a very different, much smaller-scale task force that  
11      was set up by the Ontario government; it was the Guns and  
12      Gangs Task Force. A crisis happens, specialized expertise is  
13      we needed, this task force to set up with very successful  
14      outcomes. But it was elite, it was specialized, and many of  
15      the people who were members of this task force -- it was  
16      Crowns and police -- are now world-famous.

17                So that level of -- we recommend that that  
18      level of expertise go into supporting secretariat as opposed  
19      to it being animated by generalists.

20                So that is my -- our first submission about  
21      the structural underpinning of this.

22                The second one is a code of conduct and/or  
23      ethics. If it's a code of ethics it's more general  
24      principles, obviously of integrity, loyalty, and so on, but  
25      probably this requires more granularity. And civil servants  
26      have a code of conduct and there is no reason why  
27      parliamentarians, when it comes to foreign interference,  
28      should not as well, i.e., for example, no sponsored trips, no

1 gifts over a certain amount; that kind of code should be  
2 looked at and an attempt should be made to see whether it is  
3 possible to enter into such a code of conduct. An  
4 attestation not to engage in foreign interference also would  
5 be helpful, but it is -- we understand that it is difficult.  
6 It is not your sphere; it's the Speaker's sphere, in terms of  
7 this kind of code of conduct when it comes to  
8 parliamentarians. So the most you can do, Commissioner, I  
9 think, is to make a recommendation to that effect.

10 Remedies: We've spoken about criminal  
11 remedies in the panel that was here, but in our submission  
12 that civil remedies should be looked at, such as  
13 administrative monetary penalties, civil damages, and  
14 certainly sanctions and the enforcement of such sanctions.

15 If the CRTC's jurisdiction is expanded, then  
16 of course there are administrative tribunals that deal with  
17 aspects of foreign interference, one would have the ease of  
18 legal tools like estoppel to actually enforce the wrongdoing  
19 that has happened.

20 My fourth point is political Parties. What  
21 we heard from the expert panels was that the choice is really  
22 between inclusivity and security, and a choice has to be  
23 made. You can let everybody become members but then you lose  
24 aspects of, you know, who's actually voting in these  
25 nomination contests and leadership contests and so on.

26 Now, the other point that came out was that  
27 the old method of delegated conventions is on its way out.  
28 You have one vote per member, and that has pluses and minuses



1 when it comes to foreign interference. Perhaps something  
2 like a preferred membership could be looked at. Maybe  
3 everybody could be a member but when it comes to voting in  
4 nomination contests or leadership contests, then there has to  
5 be some additional requirement tacked on.

6 **COMMISSIONER HOGUE:** Ms. Wilson, I will ask  
7 you to go quickly because you're already over your time.

8 **MS. MALLIHA WILSON:** Okay, sorry. The other  
9 two points are very quick.

10 NSICOP, we are disappointed that there hasn't  
11 been more information on it. We would like there to be a  
12 process set up, recommended either by you on the judicial  
13 side, or the House, that would give -- bring some closure to  
14 the NSICOP Report.

15 And finally, none of this will work unless  
16 there are metrics to measure its success.

17 Thank you very much.

18 **COMMISSIONER HOGUE:** Thank you.

19 Do we have anyone from -- oh yes, Maître De  
20 Luca is on the screen for the Conservative Party.

21 **MR. NANDO DE LUCA:** Thank you. Can you hear  
22 me?

23 **COMMISSIONER HOGUE:** Yes, I do.

24 **MR. NANDO DE LUCA:** Thank you.

25 **--- SUBMISSIONS BY MR. NANDO DE LUCA:**

26 **MR. NANDO DE LUCA:** My name is Nando De Luca;  
27 I appear as counsel for the Conservative Party of Canada.  
28 Given the limited amount of time, I am appearing virtually.

1                   By way of a roadmap, I intend to use the  
2 seven minutes allocated to my clients to urge one particular  
3 factual finding upon the Commission that we say emerges as a  
4 clear theme from the evidence the Commission heard. With any  
5 remaining time, I will address one or two policy points that  
6 we say the Commission should consider as it tackles the  
7 factual issues it identifies.

8                   First, the evidence this Commission has  
9 received points directly to, and fully supports, the  
10 conclusion set out in this morning's *Globe and Mail* editorial  
11 which we say this Commission should also be brave enough to  
12 make as a finding of fact. That is, when it comes to foreign  
13 interference, the needs of the Trudeau government, not  
14 Canada's, have been the guiding principle.

15                   The *Globe* also makes the following assessment  
16 which we would adopt, and which we submit the evidence in  
17 this Inquiry supports: Image over substance and Party before  
18 country. For many months, for far too many months, that has  
19 been how Mr. Trudeau and his Liberals have approached what  
20 should be the deadly serious matter of foreign interference.  
21 While the evidence that was made available to the public on  
22 this Inquiry was limited by many constraints, some facts  
23 became clear.

24                   In the first phase, we learned that Mr.  
25 Trudeau was briefed about matters of foreign interference  
26 with respect to prospective candidate Han Dong within hours  
27 of the deadline in the 2019 election to substitute in a new  
28 candidate in Don Valley North. Rather than risk not having a

1 Liberal candidate on the ballot in a single riding, Mr.  
2 Trudeau put Party before country and turned a blind eye to  
3 the intelligence about Mr. Dong.

4 And Mr. Trudeau cannot hide behind any  
5 professed imperfections in his knowledge about all of the  
6 intelligence and all of the facts regarding the Dong matter.  
7 He had unfettered access to all of the Dong information in  
8 2019, and he has had unfettered access to all of the  
9 information, classified and unclassified, that has been  
10 developed in the subsequent five years.

11 Mr. Trudeau wants Canadians to believe he  
12 took serious action with respect to the information he  
13 received about Mr. Dong, but this is false. Instead, Mr.  
14 Dong successfully ran as a Liberal candidate in a subsequent  
15 candidate in 2021 and sat in the Liberal Caucus for a total  
16 of four years, until the allegations against him became  
17 public in the face of Mr. Trudeau's inaction. It was only  
18 then, we are told, that Mr. Dong apparently of his volition,  
19 rose in the Commons and indicated that he was withdrawing  
20 from the Liberal Caucus.

21 Since then, Mr. Dong is on record that he  
22 would like to rejoin caucus, and Mr. LeBlanc is on record  
23 that he is willing to mediate Mr. Dong's return to the caucus  
24 with the Prime Minister, only to have Mr. LeBlanc tell us  
25 last week that the Liberals are now waiting for the  
26 Commission's report before taking the matter up again, thus  
27 continuing to leave Canadians in the dark, five years after  
28 the fact, on what is a very serious matter.

1           In the second phase we learned more about a  
2 warrant connected to foreign interference in our democracy  
3 that languished in the hands of a Liberal -- partisan Liberal  
4 staffer for 54 days. Although Minister Blair confirmed the  
5 target of the warrant publicly and under oath in the first  
6 phase of the Inquiry, the Liberal Government lawyers now want  
7 us to now pretend that they do not know that it targeted  
8 Michael Chan, a power broker with deep and long ties to the  
9 Liberal Party, both provincially and federally, and that the  
10 warrant application would have no doubt affected other highly  
11 placed Liberals on the Vanweenan list.

12           Minister Blair and his Chief of Staff, whose  
13 own ties with the Liberal Party run long and deep, twisted in  
14 the wind, with no explanations as to how a politically  
15 sensitive warrant that would impact their party was allowed  
16 to languish for 54 days. The answer is obvious. Upon  
17 receipt of the warrant application and its targets, they  
18 realised that there were a whole lot of Liberals that were  
19 going to be surveilled by the security agencies around  
20 foreign interference, and the information that was going to  
21 emerge was not likely to be helpful to the Liberal cause.

22           So what did they do? The simply slow walked  
23 the application so that it took six times longer than the  
24 usual nine days to get processed and approved. And rather  
25 than there being any consequences, the prime minister  
26 declared his full faith in Minister Blair and Ms. Astravas.  
27 Of course he has full faith. Prime Minister Trudeau has full  
28 faith that his partisan ministers and partisan political

1        staffers will do whatever they can to stymie investigations  
2        that would impede foreign interference that they perceive as  
3        helping them.

4                    And finally, the prime minister's nakedly  
5        partisan performance here last week, performed only as a  
6        drama teacher could, confirmed that rather than taking  
7        foreign interference seriously he's content to leverage it  
8        for cheap political gain. With great dramatic effect, and in  
9        an oratory reminiscent of Senator McCarthy's name speech in  
10       1950, the prime minister solemnly announced that he was in  
11       possession of a list of current and former Conservative  
12       parliamentarians that were at risk of foreign interference.  
13       A few minutes later, though, in cross-examination, he was  
14       forced to admit that his list of names included not only  
15       Conservative Party parliamentarians, but indeed, Liberal ones  
16       too, a fact that he conveniently omitted in his evidence  
17       in-Chief.

18                    And then when I tried to press him for  
19        further details about this salacious accusation that he had  
20        levelled, rather than coming clean with Canadians, the prime  
21        minister and the government took refuge in the so-called  
22        national security interest privilege, which it seems appears  
23        to be quite malleable in the hands of those who control it.  
24        We saw ministers and senior staff, who have never been  
25        briefed, and when they had been briefed, they had no  
26        recollection what they had been told or what they had said or  
27        done.

28                    It is apparent that the current government

1 has treated foreign interference as a partisan tool that it  
2 can ignore or enable when it thinks it is benefitting it, or  
3 as we say here, trying to turn into a distraction when faced  
4 with other political scandals, like the news this week of one  
5 third of the prime minister's back bench caucus calling for  
6 his resignation.

7 With respect to policy, we believe that this  
8 Commission should find that the government has the  
9 constitutional and legislative resources at its disposal to  
10 combat foreign interference. When public servants, elected  
11 officials, or others in the public life are being targeted by  
12 foreign interference they can be told.

13 The prime minister has no problem rising in  
14 the House of Commons to disclose otherwise classified  
15 information when he wishes. And the Commission should  
16 conclude that national security actors are already empowered  
17 under section 12.1 of the *CSIS Act* to employ what are called  
18 threat reduction matters, TRMs, to brief individuals that are  
19 positioned to take action to reduce threats, even if those  
20 individuals are not the direct target of the threat.

21 There is nothing in section 12.1 that present  
22 -- prevents that, and if there is any ambiguity or  
23 shortcoming, the Commission can and should provide guidance  
24 to clarify it.

25 Finally, we caution against recommendations  
26 that would impede the free speech of Canadian citizens or  
27 political leaders. The idea of using the threat of foreign  
28 interference in democratic processes as a trigger for the

1 government to try to further regulate what Canadians see or  
2 say is not something that should result from this Inquiry.  
3 Indeed, it would be a sad outcome if the threat of foreign  
4 totalitarian states interfering in Canadian democracy  
5 resulted in greater government curtailment of Canadians' free  
6 speech.

7 Thank you very much.

8 **COMMISSIONER HOGUE:** Thank you.

9 Democracy Watch, I think on Zoom.

10 **--- SUBMISSIONS BY MR. DUFF CONACHER:**

11 **MR. DUFF CONACHER:** Thank you, Madam  
12 Commissioner.

13 My name is Duff Conacher. I am the  
14 co-founder of Democracy Watch. Thank you for this ---

15 **COMMISSIONER HOGUE:** Okay. You're in front  
16 of me now. Okay. Sorry, you were in the -- at the back.

17 **MR. DUFF CONACHER:** No worries.

18 My name is Duff Conacher, and I am co-founder  
19 of Democracy Watch. Thank you, Madam Commissioner, for this  
20 opportunity to make this closing statement to the Inquiry.  
21 Although Democracy Watch hopes that it will hear over the  
22 next month or so from those involved in drafting the final  
23 report, given it has submitted six detailed policy papers to  
24 the Inquiry.

25 As the policy papers detail, there are  
26 significant loopholes and flaws in several Canadian laws that  
27 make it effectively legal to secretly and unethically  
28 interfere in Canadian politics, especially given that

1 enforcement of many of the laws is ineffective. The  
2 loopholes are in the elections, political finance, lobbying,  
3 and ethics laws, including loopholes that allow for anonymous  
4 secret online disinformation and misinformation campaigns.

5 Unfortunately, through its hearing since last  
6 January, the Inquiry has not heard any testimony about the  
7 following loopholes that make secret unethical and  
8 undemocratic foreign interference legal and easy to do:

9 First, secret lobbying is legal. Secret  
10 political fundraising of unlimited amounts of money and  
11 secret campaigning is legal, including by lobbyists. Secret  
12 investments by cabinet ministers, MPs, and senators and their  
13 staff are legal. It is legal for MPs to have a secret job on  
14 the side. It is legal to bribe someone who has just been  
15 elected or just announced as a senator. Anyone and any  
16 entity can pay an unlimited amount of various expenses of an  
17 election candidate. Lobbyists can give secret gifts to  
18 election candidates and secretly sponsored interns in MP  
19 offices. Businesses, organisations, and individuals,  
20 including those that are foreign owned or funded, can provide  
21 a loan of products and services worth an unlimited amount of  
22 money to parties, et cetera, for up to three years, which  
23 makes a mockery of Canada's limits on donations and loans.

24 In addition, there are other significant  
25 loopholes and flaws that have been mentioned only very  
26 briefly during the Inquiry's hearings. First, third parties  
27 can secretly spend an unlimited amount of money supporting or  
28 opposing a nomination or party leadership contestant or



1       trying to influence a policymaking process.

2               Secondly, one individual or a corporation or  
3       organisation with just a few shareholders or members can  
4       spend more than \$1.6 million, as much as a citizen group that  
5       has tens of thousands of members, trying to influence an  
6       election, and an unlimited amount of money trying to  
7       influence a policymaking process with no disclosure of the  
8       sources of the funding. Foreign governments, parties,  
9       businesses, et cetera, are allowed to try to influence voters  
10      in federal elections.

11              Canadians -- Canada's donation limits allow  
12      donors to give 45 times more than the \$75 that the large  
13      majority of voters donate annually, and this makes it easy to  
14      secretly funnel large amounts of foreign money through just a  
15      few proxies, as do the third party limits that allow one  
16      person to spend a very large amount. Again, makes it very  
17      easy to secretly funnel large amounts of foreign money  
18      through just a few proxies to influence elections or  
19      policymaking processes.

20              It's legal for third parties to set up an  
21      online pseudo media outlet and post as much disinformation as  
22      they want. Nomination contestants, candidates, and parties  
23      are not required to disclose their donors until after voting  
24      day, and riding associations only disclose their donors once  
25      a year. Contestants, candidates, riding associations, and  
26      parties choose their own auditors, which makes it easy to  
27      choose a friendly auditor who will cover up questionable  
28      donations and expenses.

1           As detailed in the analysis of Bill C-70 that  
2           Democracy Watch has also submitted to the Inquiry, the  
3           enactment of Bill C-70 has only closed some of these  
4           loopholes; and Bill C-65, which is before the House, will  
5           also only partially close some of these loopholes.

6           However, it would be very naïve to believe  
7           that all or even many foreign agents will comply with the  
8           provisions of Bill C-70 that require registering and  
9           disclosing their activities. More likely is, in response  
10          to Bill C-70, foreign governments, entities, and individuals  
11          who use networks of other entities and individuals as  
12          intermediaries, who will have arrangements with networks of  
13          individual Canadians and permanent residents and the  
14          organisations they are involved in, to act as foreign agents  
15          here. These networks will obscure and make it very difficult  
16          to establish that any Canadian individuals or organisations  
17          are under the direction of or have an arrangement with a  
18          foreign government, entity, or individual.

19          Therefore, as in so many areas of public  
20          policy, and as many Inquiry witnesses have said, it is clear  
21          that an ounce of prevention in the area of foreign  
22          interference is worth a pound of cure. Foreign interference  
23          activities will only be effectively prevented if the  
24          loopholes are closed and the flaws corrected, and the policy  
25          papers submitted by Democracy Watch set out recommendations  
26          for making these key changes. The papers also recommend  
27          using the Supreme Court's egalitarian model as a key basis  
28          for Your Honour's final recommendations.

1           Even if all the loopholes are closed and  
2       flaws corrected, no law enforces itself. The Inquiry has  
3       heard little about the systemic flaws in the enforcement  
4       entities for all the key laws that protect Canada's democracy  
5       from foreign interference. All of the entities lack  
6       independence from the ruling party cabinet, which chooses  
7       them all, except the Commissioner of Canada Elections,  
8       through secretive partisan processes. Many of the watchdogs  
9       serve at the pleasure of cabinet. As a result, it is  
10      justifiable for the public to view anti foreign interference  
11      watchdogs as being too much under the influence and control  
12      of the cabinet.

13           All of the watchdogs are underfunded, slow to  
14      act, not required to undertake any effective enforcement  
15      actions, like inspections and audits allowed to make secret  
16      rulings and bury investigations in secret and are largely  
17      unaccountable, even if they let violators off by ignoring  
18      clear evidence of wrongdoing.

19           As well, money laundering and proceeds of  
20      crime enforcement is weak and whistle blower protection is  
21      weak or non-existent.

22           As well, the federal lobbying and ethics  
23      watch dogs cannot impose any penalties for violations, and as  
24      several Inquiry witnesses have pointed out, penalties in all  
25      other areas are too weak to discourage violations. Democracy  
26      Watch has submitted a policy paper to the Inquiry setting out  
27      key changes to make every enforcement entity fully  
28      independent, well-resourced, transparent, timely, and

1       accountable, and to establish effective penalties.

2                   On another unresolved issue just before I  
3       finish, Democracy Watch urges the Inquiry to be fully  
4       transparent over the next month and in its final report  
5       concerning the total number of pages and documents that the  
6       Federal Cabinet has refused to disclose to the Inquiry,  
7       including about the weeks long delay in approving the CSIS  
8       warrant.

9                   Factual conclusions set out by Your Honour in  
10       the final report should be qualified if the Cabinet refuses  
11       to disclose all of its records which show what actually  
12       happened in the past decade.

13                   Finally, when making decisions about which  
14       recommendations to include in its final report, Democracy  
15       Watch urges Your Honour not to consider whether political  
16       Parties will implement any recommendation.

17                   The role of the Inquiry is to recommend  
18       measures to effectively prevent, prohibit, and penalize  
19       foreign interference. Please do not let the parties off the  
20       hook by failing to recommend any measure just because the  
21       parties may not like it or may not implement it.

22                   Democracy Watch hopes that in your final  
23       report, Your Honour will recommend key changes to close all  
24       loop holes, correct all flaws, and make enforcement  
25       independent and effective. Canadians are counting on you.

26                   Thank you again, Madam Commissioner, for the  
27       opportunity to make this closing statement and for the  
28       opportunity to participate as an intervenor in the Inquiry,

1 and best wishes in completing your final report.

2 **COMMISSIONER HOGUE:** Thank you.

3 **MS. NATALIA RODRIGUEZ:** Commissioner, it's  
4 Natalia Rodriguez, Commission Counsel.

5 I just want to take this opportunity to  
6 remind all participants on Zoom to please wear the approved  
7 headsets that had been requested from the participants at the  
8 beginning of the hearings, otherwise the transcriptionists  
9 may not be able to pick up the audio and there won't be any  
10 translation.

11 So if this is a problem for any of the  
12 participants who will be participating on Zoom, please let  
13 the Commission know as soon as possible. You can email  
14 Daniel Sheppard and just let him know that you don't have an  
15 approved headset and we'll make some arrangements if that's  
16 the case. Thank you.

17 **COMMISSIONER HOGUE:** Counsel for Han Dong?

18 **--- SUBMISSIONS BY MR. EMILY YOUNG:**

19 **MS. EMILY YOUNG:** Good afternoon, Madam  
20 Commissioner. I think my headset is all in order, so I'll  
21 proceed.

22 My name is Emily Young and we're counsel to  
23 member of Parliament Han Dong.

24 To begin, Mr. Dong would like to thank you  
25 and your team for your work in bringing facts to light under  
26 difficult circumstances, and for enhancing Canadians',  
27 including parliamentarians' understanding of how foreign  
28 interference is operating in our country, and risks affecting



1       allegations made in the media about him are not true.

2                   Before the Commissioner, Mr. Dong wishes to  
3       emphasize not only the gravity of foreign interference  
4       issues, but also the gravity of false accusations made about  
5       foreign interference.

6                   Great caution must be taken when making  
7       accusations of this kind, especially accusations that paint  
8       Canadians as traitors to their country.

9                   False accusations ruin careers and expose  
10      people to real danger. As I said, in Mr. Dong's case, he  
11      received death threats, his family received threats, and he  
12      also received threats to his home.

13                  Mr. Dong knows that the Commission  
14      understands the gravity of these issues and takes their  
15      impact seriously. Indeed, the Commission has been very  
16      careful to keep classified information protected, except  
17      where it's safe to be released.

18                  In general, this has included not naming  
19      names, except of course Mr. Dong's. He was named from the  
20      outset by the media.

21                  The Commission also understands, and many  
22      witnesses have emphasized throughout the hearings that  
23      intelligence is not evidence. Intelligence may be  
24      uncorroborated, it may be from a single source, that source  
25      may be unreliable or may have questionable motives, but other  
26      actors must understand this too and proceed cautiously when  
27      making extremely serious allegations, other parliamentarians  
28      must understand this when preparing reports based on

1 intelligence, and the media must understand this. To accuse  
2 a sitting MP of being a traitor based on unverified claims  
3 is, with respect, unconscionable.

4 Despite the evidence that has come out in  
5 this Inquiry, in the eyes of many, Mr. Dong will forever  
6 remain associated with foreign interference. The reality is  
7 that the stain on his reputation caused by the media's false  
8 accusations is likely permanent, no matter the evidence or  
9 the contents of Madam Commissioner's report. This  
10 underscores the importance of getting it right the first  
11 time, the importance of responsible reporting, and of  
12 understanding the fallibility of intelligence.

13 Mr. Dong also wishes to emphasize before the  
14 Commissioner the particular harms that foreign interference  
15 causes to diaspora communities. As we've heard throughout  
16 this Inquiry, diaspora communities are often the targets of  
17 foreign interference attempts. This can include being  
18 subjected to threats, intimidation against family members,  
19 all very, very serious issues.

20 Mr. Dong agrees with other participants that  
21 protecting these communities against foreign interference  
22 should be a priority of this Commission.

23 Members of diaspora communities are also more  
24 vulnerable to being falsely accused of participating in  
25 foreign interference because of who they are, their  
26 community, because they speak a certain language, and those  
27 accusations are more likely to be believed when leveled  
28 against them. This is a risk that must also be taken



1 seriously.

2 Mr. Dong thanks you, Madam Commissioner, and  
3 the Commission, for looking at these critical issues from  
4 many angles and for seeing his case for what it is: a  
5 cautionary tale of the harm that can be caused by  
6 irresponsible reporting that's not grounded in fact, but is  
7 presented as fact.

8 While Mr. Dong's fight to clear his name  
9 continues in the courts, he and other Canadians will move  
10 forward better placed to understand and combat foreign  
11 interference because of this Commission's work.

12 Thank you.

13 **COMMISSIONER HOGUE:** Thank you.

14 Attorney General.

15 **--- SUBMISSIONS BY MR. GREGORY TZEMENAKIS:**

16 **MR. GREGORY TZEMENAKIS:** Good afternoon,  
17 Madam Commissioner. My name is Gregory Tzemenakis and I'm  
18 here today with my co-counsel, Barney Brucker. Please let me  
19 begin.

20 Canadians can and should have confidence in  
21 their elections, in parliamentarians, and in democratic  
22 institutions. The government has been diligent and resolute  
23 in protecting our democracy. Canada's Federal Elections,  
24 particularly those under review in this Inquiry, have been  
25 free and fair.

26 The criminal leaks in 2022 and 2023 shook  
27 that confidence. These leaks, as published in the media,  
28 were often sensationalized, lacked context, and contained

1       inaccuracies. They left the impression that foreign  
2       interference undermined our democratic processes and that the  
3       government knew, but did not act.

4               We also heard that some parliamentarians were  
5       serving the interests of other countries, and some of those  
6       conclusions were exaggerated or false.

7               Now, thanks to the groundbreaking work of  
8       this Inquiry, the record can be corrected, should be  
9       corrected, and recommendations can be made for the next  
10      steps.

11              Canada is committed to unwavering vigilance  
12      and steadfast resolve in protecting Canadians against FI.  
13      The government's actions over recent years are a testament to  
14      that.

15              Let me turn to my first point. I have four  
16      points.

17              Canadians can have confidence in elections.  
18      This Commission has had unprecedented access to classified  
19      information and intelligence. Based on that information, the  
20      Commission can and should conclude that Canada's federal  
21      elections and democratic processes are sound.

22              [No interpretation]

23              My third point. Canada has made significant  
24      changes and will continue to make significant changes in  
25      response to the evolving threat of FI.

26              The threat of foreign interference is  
27      complex, international, evolving. It faces all democracies  
28      at the same time.

1                   Canada has not yet seen the large-scale  
2                   attempts at electoral interference seen elsewhere in other  
3                   countries. Canada has learned from these experiences and  
4                   from our own experiences and have taken many steps to detect,  
5                   deter, and counter FI over the course of many years.  
6                   Sometimes we lead with a first of kind innovation, such as  
7                   the Rapid Response Mechanism, and sometimes we build on the  
8                   innovations of our partners.

9                   To take just a few of many possible examples,  
10                  Canada adopted a first of its kind in its plan to protect  
11                  democracy in 2019. The Commission has heard extensive  
12                  evidence about the work of the Panel of Five, the DM CIR or  
13                  Deputy Committee on Intelligence Response, the SITE Task  
14                  Force, the FI Coordinator, and the world-leading role of the  
15                  Rapid Response Mechanism. The Commission has heard evidence  
16                  that Canada continues to engage with all levels of  
17                  government, parliamentarians, civil society, cultural  
18                  communities, and directly with Canadians about FI.

19                  Finally, recent changes grounded in C-70 will  
20                  allow greater sharing of this sensitive information, create a  
21                  broader range of offences to be investigated and prosecuted,  
22                  and grant more security for classified information. In this  
23                  regard, Canada remains in the vanguard of countering foreign  
24                  interference.

25                  Now, some of these very significant changes  
26                  took care and time. When it comes to building a societal  
27                  response to a complex problem such as FI, when the expressive  
28                  rights and democratic rights of Canadians are on the line,

1 care does not equal delay. It takes the time that it takes  
2 in order to get it right.

3 My next point is about the fact that the  
4 security and intelligence community has evolved. Generally,  
5 information and intelligence reached those who needed to see  
6 it. That said, efforts are ongoing to improve information  
7 sharing and tracking.

8 Ongoing improvement does not suggest that the  
9 system was not working or that Canadians should doubt the  
10 fairness of our elections, or the strength of our democracy.

11 Further, the evidence heard before you does  
12 not support the exaggeration that there was "a raging debate"  
13 within the security and intelligence community that resulted  
14 in inactivity. Different departments and agencies bring  
15 different perspectives to the assessment of a complex  
16 activity.

17 This is not a weakness. It is a strength.  
18 It is not a bug. It is a feature. It leads to sound advice  
19 and action. To have only perspective on FI would leave  
20 Canada's response brittle and incomplete.

21 But the threat will continue to evolve for  
22 vulnerable communities. Witnesses from various communities  
23 have given courageous evidence. Canada is deeply concerned  
24 about foreign interference activities that these communities  
25 face. The threat of transnational repression is real,  
26 serious, and completely unacceptable.

27 [No interpretation] that the threat of  
28 disinformation is concerning. The manipulation of

1 information is a real and growing threat. Work is ongoing to  
2 ensure that Canada remains resilient and resistant to bad  
3 actors. Canada's approach is to fight -- is to fight  
4 disinformation and to ferociously protect our rights and  
5 freedoms.

6 In conclusion, while FI is both present and  
7 evolving, Canadian federal elections and democratic processes  
8 are sound; Canada's understanding of foreign interference and  
9 our defences against foreign interference are strong; Canada  
10 continues to build those defences; the government recognizes  
11 the need for unwavering vigilance and steadfast resolve;  
12 Canada is ready for the next election. We are active. We  
13 are engaged. We are watching. We are ready.

14 Thank you.

15 **COMMISSIONER HOGUE:** Thank you.

16 Human Rights Coalition. Ms. Teich.

17 **--- SUBMISSIONS BY MS. SARAH TEICH:**

18 **MS. SARAH TEICH:** Good afternoon. For the  
19 record, my name is Sarah Teich and I am representing the  
20 Human Rights Coalition.

21 The Human Rights Coalition includes Uyghur  
22 Rights Advocacy Project, Falun Gong Human Rights Group,  
23 Canada Hong Kong Link, the Alliance of Genocide Victim  
24 Communities, Security and Justice for Tigrayans Canada,  
25 Hidmonna Eritrean-Canadian Human Rights Group of Manitoba,  
26 Democratic Spaces, Tamil Rights Group, and Human Rights  
27 Action Group.

28 We have spent a lot of time throughout these

1       hearings discussing the impacts of foreign interference on  
2       Canadian elections, but we have also heard about the impacts  
3       of foreign interference on members of diaspora communities,  
4       and this is exceptionally important to address.

5                       We heard about the long arms of various  
6       authoritarian regimes in relation to the Tamil, Eritrean,  
7       Tigrayan, Cuban, Uyghur, Tibetan, Hong Konger, and Falun Gong  
8       communities. We have heard that foreign interference and  
9       transnational repression takes many forms, including  
10      harassment, intimidation, disinformation, threatening of  
11      family members, even physical assault. It can occur directly  
12      or through the use of proxy organizations. The impacts of  
13      this repression are vast.

14                      We heard from community members about the  
15      importance of addressing root causes, of the link between  
16      repression in Canada and repression abroad, and of the link  
17      between repression and impunity. For instance, Ms. Nagendra  
18      noted that as long as the Sri Lankan regime operates with  
19      impunity, feeling shielded from repercussions for atrocity  
20      crimes, they will persist in using intimidation tactics  
21      against activists in Canada.

22                      This idea applies to all and compounds the  
23      importance and the enormity of tackling this issue.

24                      Those who come to Canada fleeing repressive  
25      regimes too often remain under the thumb of the autocrats  
26      from whom they fled. Canada not only has a duty to protect  
27      its democratic institutions and its elections, Canada has a  
28      duty to protect its people, including those most vulnerable

1 to the long arms of foreign dictators.

2 The question then becomes how can Canada do  
3 that? Tackling foreign interference and transnational  
4 repression requires a clear-eyed victim-centred strategy. It  
5 requires leveraging current laws and policies in a consistent  
6 systematic way, amending, enacting, and implementing new laws  
7 and policies to fill gaps, and revoking laws and policies  
8 that are counter productive or harmful. It requires  
9 supporting victims, building community resilience,  
10 understanding the importance of addressing authoritarians'  
11 collaborations with each other, and understanding the  
12 importance of holding authoritarians accountable for  
13 violations both at home and abroad.

14 Leveraging current laws and policies should  
15 include leveraging immigration laws. Although foreign  
16 interference is not in itself a ground of inadmissibility  
17 under the *Immigration and Refugee Protection Act*, various  
18 provisions may apply to bar from entry those individuals  
19 engaged in acts of foreign interference. Persons in Canada  
20 who are not Canadian citizens can be removed from membership  
21 in a terrorist, subversive, espionage or criminal  
22 organization. They can be removed for a criminal conviction  
23 for harassment. If an individual is found inadmissible under  
24 *IRPA* for any reason, they could face removal from Canada.

25 The Canadian government may also implement  
26 targeted sanctions on perpetrators. The Canadian government  
27 has imposed sanctions in response to Russian mis and  
28 disinformation, but no targeted sanctions have been imposed

1 in response to gross human rights violations committed  
2 against Tibetans, Hongkongers or Falun Gong practitioners.  
3 No targeted sanctions have been imposed in response to gross  
4 human rights violations committed by Cuban or Ethiopian  
5 officials. And there are currently no sanctions imposed on  
6 Eritrean officials. This can and should be rectified.

7 Canada can and should resettle vulnerable  
8 refugees. This should go hand in hand with barring  
9 perpetrators. Canada has in many instances taken the lead  
10 when it comes to refugee resettlement, though why has there  
11 been no special stream created ever in response to a crisis  
12 in Africa?

13 Protecting and supporting victims should be a  
14 central goal. To this end, this Commission should pay close  
15 attention to the myriad of recommendations provided during  
16 the summertime community consultations and during the October  
17 2<sup>nd</sup> afternoon panels. Among other things, victims of foreign  
18 interference and transnational repression should be provided  
19 with consistent and comprehensive support, spanning physical,  
20 psychological and financial support.

21 We have in evidence before this Commission  
22 reports of victims unable to obtain counselling, unable to  
23 pay for replacement devices when theirs get hacked by foreign  
24 regimes, and generally living in deep fear and painful  
25 trauma. Reporting mechanisms are not accessible to those  
26 most vulnerable if they are not available in a language  
27 besides English and French. And how can Uyghurs, Tibetans,  
28 Hongkongers and Falun Gong practitioners trust law



1 enforcement agencies when there remains a mutual legal  
2 assistance treaty in criminal matters between Canada and the  
3 People's Republic of China? How can Cuban activists feel  
4 safe in Canada when there's an active extradition agreement  
5 between Canada and Cuba? How can Tigrayan and Eritrean  
6 Canadians feel supported and protected when regime agents  
7 seem to enter Canada with ease, but victims cannot?

8           There is much work to be done to combat  
9 foreign interference and mitigate its impacts on targeted  
10 communities, but Canada can and should be up for the  
11 challenge. There is a lot to do, but it is all doable. Make  
12 reporting mechanisms accessible. Revoke agreements that  
13 would have Canada cooperating with foreign dictators in  
14 criminal matters. Utilize sanction's regimes, bar  
15 perpetrators, resettle victims, and support those most  
16 vulnerable in the ways they are asking to be supported. In  
17 essence, use and improve the mechanisms we already have,  
18 address gaps, and centre the victims throughout. By doing  
19 so, this Commission can, through its series of  
20 recommendations, bring into being a stronger and safe Canada  
21 for us all. Thank you.

22           **COMMISSIONER HOGUE:** Thank you. Do we have  
23 anybody acting for the Iranian Canadian Congress? It's on  
24 Zoom or -- I'm looking at the back, sorry. No? No. But we  
25 have someone from the Iranian Justice Collective on Zoo?

26           **MS. NATALIA RODRIGUEZ:** Yes, but,  
27 Commissioner, if I may, it appears that the representative  
28 for the Iranian Justice Collective does not have an approved

1 headset, and so we're asking if we can maybe take the break  
2 now ---

3 **MR. KAVEH SHAROOZ:** If I may interject, I've  
4 managed to procure one. I hope ---

5 **MS. NATALIA RODRIGUEZ:** Oh.

6 **MR. KAVEH SHAROOZ:** --- it works.

7 **MS. NATALIA RODRIGUEZ:** Perfect. Okay. So  
8 we can check to see if that works, and if so, then you're  
9 more than welcome to go ahead.

10 **COMMISSIONER HOGUE:** It has been fast.

11 **MR. KAVEH SHAROOZ:** Does it work?

12 **COMMISSIONER HOGUE:** I think we have to wait  
13 for the interpreters to -- can you speak a little bit more?

14 **MR. KAVEH SHAROOZ:** Sure. One, two, three,  
15 four, can you hear me?

16 **MS. NATALIA RODRIGUEZ:** It doesn't look like  
17 it. Oh, it looks like maybe if you can bring up your  
18 microphone a little bit closer to your mouth? Yeah, just  
19 bring that up a little bit. Try that. See if that works.

20 **MR. KAVEH SHAROOZ:** Is this working now? Is  
21 this better? I really hope it works because regrettably I  
22 don't think I'll be able to participate otherwise.

23 **MS. NATALIA RODRIGUEZ:** Oh, it appears to be  
24 working.

25 **COMMISSIONER HOGUE:** Yeah, apparently, it's  
26 working.

27 **MR. KAVEH SHAROOZ:** Oh, perfect. That's very  
28 good news.

1        --- SUBMISSIONS BY MR. KAVEH SHAROOZ:

2                    **MR. KAVEH SHAROOZ:** Madam Commissioner, thank  
3 you for giving the Iranian Justice Collective the opportunity  
4 to participate in the proceedings of the Inquiry. My name is  
5 Kaveh Sharooz and it's my pleasure to deliver these closing  
6 remarks on behalf of our organization.

7                    Throughout their appearances, the IJC's  
8 members and those we have introduced to the Commission have  
9 stressed four key points. One, members of the Iranian  
10 Canadian community in general and human rights and democracy  
11 activists in particular are deeply afraid of transnational  
12 repression in Canada by the Iranian regime. Iran's regime  
13 has a longstanding and well documented history of attacking  
14 dissidents abroad. It has killed many on foreign soil. It  
15 has kidnapped many from foreign soil. Just two days ago, the  
16 United States announced charges against a senior official of  
17 the Islamic Revolutionary Guard Core with attempting to  
18 kidnap a well-known women's rights activist from her home in  
19 Brooklyn, New York. In September, the Washington Post  
20 carried a report about such transnational repression with the  
21 headline "Iran Turns to Hells Angels and Other Criminal Gangs  
22 to Target Critics". This means, as our members have told the  
23 Commission, that members of our community are afraid to  
24 participate in the political process, be it, for example, by  
25 attending protests focused on Iran or standing for elections  
26 here in Canada, because they reasonably fear that they may  
27 face violence, kidnapping, or even death. At the very least,  
28 they fear that their family members back in Iran can be

1 questioned, threatened, or detained.

2 Those fears are made worse when we see  
3 officials of Iran's regime strolling in places like Toronto  
4 and Vancouver and buying expensive properties here. Canada's  
5 immigration system often keeps out those most deserving of  
6 travel to this country, yet somehow fails to keep out those  
7 whose ties to the regime could be discovered with the  
8 simplest Google search.

9 Two, the Iranian regime's so-called cyber  
10 army is very strong in the online space. In June of this  
11 year, the Government of Canada noted that,

12 "Certain foreign states - including  
13 [...] Iran, [...] - are conducting  
14 wide-ranging and long-term campaigns  
15 to compromise government[s] and  
16 private sector computer systems.

17 These states obtain information that  
18 can be used to interfere with our  
19 political systems and our critical  
20 infrastructure, and can be used to  
21 threaten or harm people in Canada."

22 Those of us who work on issues of democracy  
23 and human rights know this firsthand. Iran's cyber army,  
24 sometimes appearing as regime supporters, sometimes in the  
25 guise of regime opponents, issue threats, disseminate  
26 disinformation and misinformation and attempt to hack  
27 devices.

28 Number 3, a 2010 expose by Maclean's magazine

1 revealed that certain so-called independent research and  
2 cultural centres were, in fact, Iranian regime front  
3 organizations. This finding was later confirmed in an  
4 Ontario Court proceeding. We believe that this may be  
5 happening again. We believe there are so-called community  
6 organizations or policy groups often presenting themselves as  
7 promoting peace and diplomacy that work at cross purposes  
8 with Canada's national interests. We recognize and respect  
9 that people may have differing political views, but we  
10 believe that the consistent pro-Iran position taken by such  
11 groups at the very least merits investigation by our security  
12 agencies.

13 And, four, in light of all the above, we  
14 reiterate some of our recommendations to the Commission.  
15 Community members need easier methods of communicating their  
16 concerns to law enforcements and law enforcement agencies  
17 need better training on how to handle such issues. We need  
18 enhanced background checks for those seeking to come to  
19 Canada to ensure that those with ties to Iran's regime are  
20 kept out. And we need better oversight at our community  
21 groups and our nonprofits, places that we believe foreign  
22 influence has proliferated.

23 The Iranian Justice Collective stands ready  
24 to help in implementing these recommendations with respect to  
25 the Iranian Canadian community. Thank you again for giving  
26 us this opportunity.

27 **COMMISSIONER HOGUE:** Thank you. So we'll  
28 take a 30-minutes break and we'll come back at 3:25.

1 --- Upon recessing at 2:54 p.m.

2 --- Upon resuming at 2:42 p.m.

3 **COMMISSIONER HOGUE:** So next one is  
4 Mr. Choudhry representing Jenny Kwan.

5 **--- SUBMISSIONS BY MR. SUJIT CHOUDHRY:**

6 **MR. SUJIT CHOUDHRY:** Commissioner Hogue, your  
7 mandate is to assess the capacity of the federal government  
8 to detect, deter, and counter foreign interference in  
9 Canada's democratic processes. You must consider not only  
10 the evidence presented in the factual hearings, but also what  
11 has happened since they concluded.

12 I want to begin by setting out these  
13 developments for the record because they have a direct  
14 bearing on the momentous task before you.

15 Last Wednesday, the prime minister disclosed  
16 that he had the names of a number of parliamentarians, former  
17 parliamentarians, and/or candidates of the Conservative Party  
18 of Canada who are engaged or at high risk of for whom there  
19 is clear intelligence around foreign interference. This  
20 information was not contained in any of the unclassified  
21 documents in the public record. The only reasonable  
22 conclusion is that the prime minister disclosed classified  
23 information.

24 Under oath, he admitted that members of his  
25 own party were on that list. The only reasonable conclusion  
26 is that the prime minister's initial disclosure was  
27 selective.

28 The prime minister also stated that he

1 instructed CSIS to warn the leader of the official  
2 opposition, but that without obtaining the requisite security  
3 clearance the leader could not be briefed.

4 The leader of the official opposition  
5 responded by calling the prime minister a liar. He denied  
6 the government had shared these allegations with him or his  
7 chief of staff. He called for the prime minister to publicly  
8 release the names, but said the prime minister would not  
9 because he was, quote, "making it up."

10 The prime minister insists that leader of the  
11 official opposition get a security clearance, as have the  
12 leaders of other political Parties. Mr. Poilievre counters  
13 that the prime minister has the authority to declassify  
14 intelligence and provide it to him without the need for him  
15 to receive a security clearance.

16 Madam Commissioner, there is a stalemate at  
17 the highest levels of our political institutions over  
18 questions that go to the very heart of our constitutional  
19 democracy. When you answer the question of whether Canada  
20 has the capacity to counter and deter foreign interference,  
21 you must consider this stalemate. And your only answer can  
22 be that, no, Canada at present does not.

23 This stalemate raises profoundly important  
24 questions for Canada's international standing. There is a  
25 global struggle between democracies and autocracies. Canada  
26 is a battlefield in that war.

27 Law enforcement and intelligence agencies  
28 have told this Commission that foreign states use proxies and

1 diasporas to deplatform politicians like MP Kwan, who  
2 criticized them. That they use slush funds to support  
3 political candidates. That they have engaged in a  
4 disinformation campaign against MP Kenny Chiu. That they  
5 targeted the family of MP Michael Chong, and let there be no  
6 doubt, that was a threat. And finally, that they have  
7 murdered Canadian citizens on Canadian soil for their  
8 political views.

9           Former CSIS Director Vigneault calls foreign  
10 interference an existential threat to Canada. This threat  
11 exploits precisely what makes Canada worth defending. Our  
12 democracy and our openness to the world. And the world is  
13 watching to see if Canada will rise to this existential  
14 challenge. Our intelligence partners and allies need to know  
15 if Canada is a credible, reliable partner. They are all  
16 asking if Canada is a serious country.

17           The paralysis in our political institutions  
18 over compromised parliamentarians is not how things work in a  
19 serious country. Quite frankly, it is dangerous.

20           Commissioner, you must set out basic  
21 principles to govern the design and operation of  
22 institutions, both old and new, to protect Canada's  
23 constitutional democracy from foreign interference. Some of  
24 these new institutions must be politically independent and  
25 non partisan.

26           In the place of the Panel of Five and DM CIR,  
27 there must be a new independent body. This body would  
28 monitor and counter foreign interference during political and



1 governmental processes, as defined by Bill C-70, including  
2 elections, nominations, and leadership contests at both the  
3 national and subnational level. It would decide whether  
4 briefings should be provided to parliamentarians and  
5 political Parties and party leaders regarding relevant  
6 incidents of FI activity. It would inform Canadians of  
7 instances of FI during elections and by-elections. It would  
8 be governed by a spectrum of thresholds and responses that  
9 are not limited to a single high threshold and singular  
10 response. It would possess delegated authority under  
11 legislation, both during and outside the caretaker period.  
12 And SITE's terms of references should be expanded in  
13 lockstep.

14 Commissioner, let me conclude by returning to  
15 MP Kwan. She is the only Chinese Canadian to have served at  
16 all three levels of government. In 1996, she was 1 of 2  
17 Chinese Canadian MLAs ever elected in British Columbia. She  
18 was the first Chinese Canadian cabinet minister in B.C. She  
19 is too modest to say it, but I will do it for her. She is a  
20 trailblazer and a historic figure. But in the wake of the  
21 NSICOP report, she was called a traitor. In a moment, three  
22 decades of service to this country counted for nothing.

23 MP Kwan is not alone in being under a cloud  
24 of suspicion. This is a burden she shares with Chinese and  
25 Indian parliamentarians.

26 Canada's multi-cultural democracy is a  
27 remarkable accomplishment, but it is fragile. It is a matter  
28 of the highest national priority that you propose a standing

1 process to review allegations that parliamentarians are  
2 witting and semi witting accomplices of foreign states. This  
3 process must reconcile transparency, national security, and  
4 due process.

5 Commissioner, we thank you and your team for  
6 your public service. We look forward to providing you with  
7 our final written submissions and to receiving your report.  
8 Thank you.

9 **COMMISSIONER HOGUE:** Thank you.

10 Next one is counsel for Erin O'Toole.

11 **--- SUBMISSIONS BY MR. THOMAS JARMYN:**

12 **MR. THOMAS JARMYN:** Thank you, Commissioner.  
13 Mr. O'Toole thanks you for the opportunity to have  
14 participated in this process.

15 Much has changed since June of 2022, when  
16 Minister Blair, appearing before the Standing Committee on  
17 Public Safety and National Security, said, "I think we've all  
18 heard anecdotes and various opinions laid, but I have not  
19 directly received any information from our intelligence  
20 services that provided evidence of that foreign  
21 interference."

22 We know that's incorrect. There is and was  
23 information at that time, and you have made further findings  
24 with respect to that. And through this process and the leaks  
25 that have occurred, Canadians have a better understanding of  
26 some of the challenges that we face.

27 Foreign actors and states have long been  
28 interested in Canada, and there's nothing wrong with that

1 when their interest and commentary is open and limited to  
2 permissible forms of foreign influence. The New York Times  
3 may write an editorial. A past president may make a comment  
4 on an election. That's all fair because Canadians understand  
5 the source, they can evaluate it, and they can give informed  
6 weight to it.

7                   However, hidden actors, unsourced  
8 information, and deliberate lies and violent crimes are a  
9 different matter. When countries like China and India or  
10 their proxies intimidate electors and manipulate cultural  
11 media, and social networks shape discourse, that is foreign  
12 interference, and it's the very essence of the activity.

13                   Now you heard yesterday from the panels that  
14 the -- there's ample legal authorities with respect to that,  
15 and Mr. O'Toole echoes those comments, and I echo Mr. De  
16 Luca's comment with respect to the application of section  
17 12.1 of the *CSIS Act* and the threat reduction measures.  
18 There are ample authorities to respond to this matter.

19                   What we've seen over the past four years is a  
20 -- or five years, is a failure of institutions and a failure  
21 of people assigned to carry out functions, but the  
22 seriousness of the impact, and I don't -- we don't know what  
23 your discussions with individual members of the diaspora  
24 community were, but Elections Canada did have discussions  
25 with members of the diaspora community and they found out  
26 that individual voters, members of the Chinese community,  
27 felt they were coerced or that their views were being  
28 censored on WeChat, and that assessment was confirmed by

1 PCO's Intelligence and Assessment Secretariat.

2 The question is, when we see actions like  
3 this, and other attempts at foreign interference, between  
4 elections, what are we going to do about it?

5 To date, the government's response has seemed  
6 to be concentrated on what happens during the election, and  
7 this binary response of speak or do nothing. And in fact, we  
8 suggest that what should be happening is that a  
9 responsibility needs to be signed, as Mr. Choudhry pointed  
10 out, a panel, a body, that is arms-length to address these  
11 matters, taking into consideration a proportionate response  
12 that accounts for certainty of attribution and the degree of  
13 impact upon the electorate.

14 Now, we've heard plenty of difficult --  
15 evidence about the difficulties of attribution and we've  
16 heard the government needs to do more. And we suggest that  
17 measured response will allow them to do that.

18 This is particularly important with respect  
19 to social media platforms. And as you heard yesterday, we've  
20 had relationships with private sector social media platforms,  
21 but it's not at all certain those relationships will exist in  
22 the next election. I suggest it's an open question as to  
23 whether or not X or Twitter will be the willing partner in  
24 the next election that it was in the 43<sup>rd</sup> and 44<sup>th</sup> General  
25 Elections. And we can be fairly certain that WeChat will  
26 not, and we can be fairly certain as well that if the Chinese  
27 Government chooses to exercise its authorities under the  
28 National Security Law, TikTok won't be a willing partner

1       either.

2                   Whatever processes we put in place, they can  
3       only work if decision makers have knowledge and fulfil their  
4       responsibility to make decisions.

5                   The Commission has heard of several occasions  
6       in which government officials sent forward matters for  
7       decisions, but those in power failed to process them and  
8       failed to respond.

9                   Ministers -- both the Ministers and the Prime  
10       Minister must be accountable for the information that is sent  
11       to them. When Ministerial staff receive information, the  
12       public service must know that it's being reviewed and it will  
13       be considered.

14                   Public servants shouldn't need to follow up  
15       on matters to get a decision. It should be rendered in a  
16       timely manner.

17                   We also point to some of the problems  
18       associated with the expanding security infrastructure in the  
19       Privy Council Office that seems to have led to agencies  
20       bypassing Ministers in order to report to the PCO. And I  
21       give as an example the longstanding disagreement as to what  
22       constituted foreign interference. Rather than surface that  
23       to Ministers for discussion, it was only in June of '24 that  
24       the Deputy Ministers got together and came to a resolution as  
25       to what exactly we would be looking at as foreign  
26       interference. And in fact, that discussion evolved into  
27       September of '24.

28                   The Westminster system is founded on

1 Ministerial accountability. Ministers and the Prime Minister  
2 are responsible for having qualified staff and ensuring that  
3 the right matters reach them, and it's insufficient to claim  
4 reliance on the public service for document triage. They  
5 cannot offload the responsibility for their choices to public  
6 servants.

7 We've seen dramatic improvements over the  
8 past two years with respect to the public understanding of  
9 this issue. And in fact, we've seen further improvements  
10 with respect to addressing it through Bill C-70, although the  
11 devil is going to be in the details in the regulations that  
12 are associated with that. That is important progress.  
13 However, there are further steps that need to be taken. RRM  
14 needs to be institutionalized on a domestic information basis  
15 and we suggest that that needs to be assigned probably to  
16 Public Safety, although I'll have a comment with respect to  
17 that. Building a permanent capacity to monitor and  
18 coordinate the response to this information is necessary.

19 I note Mr. Fadden's comments yesterday about  
20 the importance of taking these matters away from Ministers,  
21 to assign it to a panel of luminaries to come up with  
22 responses for all levels of government.

23 With respect to Mr. Fadden, I don't think we  
24 can create a structure that is based upon the presumption  
25 that people don't do their jobs. Ministerial accountability  
26 means the Minister who is responsible for CSIS, the Minister  
27 responsible for CSE, are accountable for what is going on.

28 Now, I will make the point that it is quite

1 possible that structure is getting in the way of execution.  
2 The Minister of Public Safety is responsible for 72,000  
3 public servants, has a budget of more than \$10 billion across  
4 his portfolio. I accept the proposition that maybe there is  
5 too much there. Maybe the national security functions, this  
6 domestic monitoring function, and a foreign interference  
7 response function need to be hived off into a separate  
8 ministry and allow these functions to be performed in a more  
9 orderly manner.

10 We need to use the powers that exist, but we  
11 need to build the institutions that are going to use those  
12 powers effectively.

13 I look forward to expanding upon these  
14 comments further in my written submissions. Thank you.

15 **COMMISSIONER HOGUE:** Thank you.

16 Office of the Commissioner of Canada  
17 Elections.

18 **--- SUBMISSIONS BY MR. SÉBASTIEN LAFRANCE:**

19 **MR. SÉBASTIEN LAFRANCE:** Good day. My name  
20 is Sébastien Lafrance, and I'm counsel for the [no  
21 interpretation] the Office of the Commissioner of Canada  
22 Elections, the OCCE.

23 So I'll be short. On the behalf of the OCCE,  
24 I want to extend our thanks to you and your team for the  
25 opportunity to participate in the work of this public  
26 inquiry. I also want to thank our partners and fellow  
27 parties to this Inquiry for their ongoing commitment and  
28 collaboration on the important issue of foreign interference.

1 I hope that through this process, we at the  
2 OCCE have contributed to furthering the Commission's  
3 understanding on foreign interference and how it can manifest  
4 itself within our electoral ecosystem.

5 I can tell you that we've appreciated the  
6 opportunity to talk about our mandate and the work being  
7 carried out by our office.

8 I would add that the platform this Commission  
9 has offered has also increased awareness of our office with  
10 Canadians.

11 This may seem trivial, but as we've seen  
12 during these proceedings, timely reporting of any  
13 contravention of our Act, the *Canada Elections Act*, and  
14 particularly those applicable to foreign interference, is  
15 critical to our success.

16 So for our office, this has the potential to  
17 be extremely positive and we hope that anyone who has a  
18 concern about FI in our electoral process will not hesitate  
19 to communicate with us.

20 I wish to advise you, Madam Commissioner, and  
21 Commission counsel as well, that we will be submitting a  
22 document to you in the coming days outlining potential  
23 recommendations. For that reason, I won't expand in any  
24 great detail on those topics here today. However, I can say  
25 that they will focus on many of the themes that have been  
26 raised over the course of the Commission's work to date.

27 These include several areas where our office,  
28 the OCCE, has a vested interest in issues affecting either



1 the scope of its mandate or its enforcement toolkit.

2 Countering FI, foreign interference, requires  
3 that all participants have tools and information at their  
4 disposal to take action in line with their mandates. You've  
5 heard testimony from our office relating to some of the  
6 challenges to that effect.

7 You've also heard about steps we have and are  
8 currently taking to mitigate some of these issues and ensure  
9 that we can work in seamless collaboration with our partners.

10 Some of the recommendations we will make to  
11 this Commission will also address this point. Investigating  
12 foreign interference is only one small part of what the OCCE  
13 does, but we want to continue do it well. To the extent that  
14 we can, we wish to reassure the Commission that we recognize  
15 the significance of the potential impact foreign interference  
16 can have on our electoral system.

17 In order to meet the expectations of  
18 Canadians in countering this complex phenomenon, we need to  
19 make sure that our system is resilient and ready to address  
20 evolving threats, so that Canadians have confidence in their  
21 democratic process. We hope that the conclusions drawn by  
22 this Commission will further those objectives.

23 I thank you for your time, Madam  
24 Commissioner, and Commission counsel, and fellow  
25 participants, and wish you success in the preparation of your  
26 final report. Thank you.

27 **COMMISSIONER HOGUE:** The Raoul Wallenberg  
28 Centre for Human Rights?

1        --- SUBMISSIONS BY MR. NOAH LEW:

2                    **MR. NOAH LEW:** Thank you, Commissioner. My  
3 name is Noah Lew, and I'm here on behalf of the Raoul  
4 Wallenberg Centre for Human Rights.

5                    We at the Raoul Wallenberg Centre are  
6 intimately aware of the dangers that foreign interference  
7 poses to Canadians. At this very moment, the founder and  
8 international chair of our centre, the Honourable Irwin  
9 Cotler, is under 24-hour security, a target of one of the  
10 most heinous forms of foreign interference, transnational  
11 assassination. The fact that Professor Cotler, former  
12 Minister of Justice and Attorney General of Canada, is  
13 effectively under house arrest in his own country is a  
14 glaring indictment of Canada's current abilities to counter  
15 foreign interference. As participant's only for the policy  
16 phase of this Inquiry, our closing submissions will focus on  
17 providing recommendations to the Commission on how to improve  
18 Canada's policy responses to foreign interference.

19                    The Raoul Wallenberg Centre firmly believes  
20 that foreign interference should be understood as a symptom  
21 of a broader problem facing Canada and the world today, a  
22 symptom of rising global challenges to our international  
23 system. There is a new group of authoritarian regimes, a new  
24 access of evil that with increasing collaboration is seeking  
25 to undermine the rules-based international order and  
26 destabilize liberal democracies. China, Russia and Iran and  
27 its proxies are the leaders of this new access, but they're  
28 joined by other regimes such as North Korea, Venezuela and

1 Qatar.

2 At the global level, this new access of evil  
3 is working to corrupt and subvert the international  
4 institutions, norms and values that serve as the bedrock of  
5 our international system, including the United Nations and  
6 its agencies, the International Court of Justice, and the  
7 International Criminal Court. As this Inquiry has heard,  
8 those same regimes are using the exact same tactics at the  
9 national level through foreign interference. In Canada and  
10 in other liberal democracies, the access of evil is targeting  
11 and seeking to corrupt the institutions and the values that  
12 are at the very core of what makes us liberal democracies.

13 Accordingly, the Raoul Wallenberg Centre for  
14 Human Rights offers the following recommendations which align  
15 with and were informed by expert testimony during the policy  
16 phase hearings.

17 First, Canada's efforts to address foreign  
18 interference must be situated within and reflect the broader  
19 geopolitical context. Because foreign interference is  
20 primarily emanating from a new authoritarian access that  
21 seeks to undermine liberal democracy, our efforts to address  
22 foreign interference must be taken in conjunction with our  
23 allies. In particular, we should be working closely with the  
24 democracies on the front lines of the battle against  
25 authoritarianism, Ukraine, Israel and Taiwan, as they can  
26 provide insight and guidance on how best to counter  
27 autocratic tactics.

28 Second, our responses to foreign interference

1 need to focus not only on protecting our electoral system,  
2 but also on countering other forms of interference that aim  
3 to undermine our institutions and disrupt our society.  
4 Canada's democratic processes require rule of law, freedom of  
5 the press, and voters that are informed and engaged.  
6 Disinformation, transnational repression and efforts to  
7 promote social unrest must be construed as threats to our  
8 democracy.

9 Authoritarian regimes are using  
10 disinformation alongside other tools to ferment hatred,  
11 division and social unrest in Canada. Part of our policy  
12 responses to foreign interference must be to develop an  
13 infrastructure akin to the SITE Task Force and RRM to monitor  
14 and respond to authoritarian disinformation and manipulation  
15 campaigns targeting governments, universities, economic  
16 infrastructure, diaspora communities, and the general public.  
17 Special attention should be paid to instances of civil unrest  
18 that can be easily manipulated by authoritarian states such  
19 as the trucker convoy and the ongoing anti-Isreal protests.

20 Third, Canada's efforts to counter foreign  
21 interference should recognize the significant threat posed by  
22 Iran. Notably, China and Russia were listed in this  
23 Inquiry's terms of reference, but Iran was not. The  
24 Inquiry's findings should identify Iran as a major  
25 perpetrator of foreign interference in Canada alongside  
26 China, Russia and others. Iran's malign impacts in Canada  
27 are widespread and growing.

28 Since the heinous October 7<sup>th</sup> invasion of

1 Israel by Iran's proxy Hamas, Canada has seen a precipitous  
2 decline in social cohesion and a sharp increase in hate  
3 crime. This is in part the result of Iran's campaign of  
4 disinformation and propaganda about Jews, Israelis, the state  
5 of Israel and its allies. Iran, along with its authoritarian  
6 partners is exploiting the conflict and weaponizing anti-  
7 Semitism to divide Canadians and destabilize our democracy.

8 Fourth, it's crucial that the Commission puts  
9 forward specific recommendations on the issue of  
10 transnational repression. Transnational repression poses a  
11 dire threat to all Canadians, but especially to diaspora  
12 communities and to the brave individuals who stand up and  
13 oppose tyranny. As I noted earlier, our Centre's founder is  
14 himself a target of transnational repression, due to his  
15 lifetime commitment to promoting human rights and combating  
16 authoritarianism. Human rights defenders should be  
17 celebrated for their admirable work, not attacked for it.

18 The Commission should recommend that Canada  
19 creates a government agency dedicated to addressing  
20 transnational repression in conjunction with a national  
21 reporting mechanism for victims. To empower this agency to  
22 take action, transnational repression must be officially  
23 defined in Canadian law and should be integrated into the  
24 *Criminal Code* and national security legislation. In  
25 addition, Canada, in coordination with its allies should  
26 impose Magnitsky style sanctions on individuals responsible  
27 for transnational repression, as well as other forms of  
28 foreign interference.

1           In summary, the Raoul Wallenberg Centre for  
2 Human Rights urges the Commission to identify foreign  
3 interference as part and parcel of the broader global threat  
4 posed by a new authoritarian access and to recognize that  
5 manifestations of foreign interference in Canada include  
6 transnational repression and disinformation and manipulation  
7 campaigns in addition to electoral interference.

8           Thank you very much.

9           **COMMISSIONER HOGUE:** Thank you.

10           The Russian Canadian Democratic Alliance, Mr.  
11 Sirois?

12           **--- SUBMISSIONS BY MR. GUILLAUME SIROIS:**

13           **MR. GUILLAUME SIROIS:** [No interpretation]

14           Ms. Commissioner, during the very first phase  
15 of this hearing, we heard information that shouldn't be taken  
16 lightly as to the impact of all of this on Canada. The very  
17 first phase of the Commission, there was a great deal of  
18 media surrounding all of that. Russian agents and Quebecers  
19 produced thousands of videos that were seen by millions of  
20 Canada and others in September '23 to September '24.

21           What is really of concern, and somewhat  
22 surprising, is that this was done during four partial  
23 elections, or by-election. It goes to show how Canada  
24 underestimates the foreign interference in the electoral  
25 process in Canada.

26           This is only the tip of the iceberg and, in  
27 fact, the final chapter of a lengthy foreign interference on  
28 the part of Russia in Canada. It goes all the way back to

1 the Gouzenko Affair.

2 During the General Elections of 2015, a short  
3 time after the invasion of Crimea, it was said that Trudeau  
4 and Canada was not as experienced on this. Since the  
5 adoption of the *Magnitsky Act* in 2017, and since 2019, the  
6 government has been under attack, including the Prime  
7 Minister.

8 During the elections of 2021, Russia also  
9 attacked the Conservatives that wanted to take a stronger  
10 stand against Russia. In February 2022, while Russia was on  
11 Ukraine's frontier, the idea was to exacerbate the situation  
12 in Canada while going ahead with its anti-Trudeau campaign.

13 The Prime Minister, when he came to testify  
14 before you, spoke to the fact that Russia has certainly  
15 contributed to the convoy and created to social division.

16 The Prime Minister also testified under oath  
17 of the most influent people of our time such as Tucker  
18 Carlson and Peterson are funded by Russia. Today, no  
19 accusation, condemnation has been made against these two  
20 individuals.

21 It is obvious that the Russian regime, for  
22 the longest time now, has wanted and has, in fact, been doing  
23 a lot of foreign interference, especially during our  
24 elections. It was always quite obvious to the Russian  
25 diaspora.

26 If we look at our elections and the fact that  
27 we've taken steps to protect our elections, it certainly says  
28 a great deal about what we're attempting to do.

1                   Why is it that it's still the case in 2024?  
2           Well, because it works. And I'm not the one who said it. It  
3           was Mr. Vigneault, the former Director of CSIS, who spoke to  
4           this.

5                   Operations made by Russian agents have a  
6           great impact on social cohesion and Canadian policy, namely  
7           in terms of our support to Ukraine.

8                   Nathalie Drouin said that more Canadians feel  
9           comfortable working with an autocratic regime. She said that  
10          more Canadians believe that the situation in Ukraine is --  
11          was caused by Ukraine itself. Who's not alarmed by this?

12                  Well, whoever is not alarmed by this is not  
13          paying attention. True populism does not need Russia to  
14          work, but they both help each other and mutually encourage  
15          each other.

16                  Since Russian interference aims to increased  
17          social discord, it's easy for Opposition Parties to take this  
18          discord and to turn it towards the Party in power. We've  
19          seen this at the federal level, but at every level of  
20          government, too. And what's more worrying is that the first  
21          victims of this interference are the members of the Russian  
22          diaspora, especially those who defend democratic ideals.

23                  CSIS recognizes that Russia continues to  
24          influence and control the Russian diaspora in Canada,  
25          including through its Canadian diplomatic personnel.  
26          However, no serious measure has been taken against Russia or  
27          its agents for its activities in Canada even after it  
28          amplified the "Freedom Convoy", even -- or rather, despite



1 its funding of media personalities like Tucker Carlson and  
2 Jordan Peterson.

3 What will it take to counter this threat?  
4 Well, the window of opportunity is based on the trust of  
5 Canadians in its institutions, but this window is closing  
6 quickly. No government organization heard over the last few  
7 weeks has the means or the mandate to effectively counter  
8 Russian interference.

9 Many experts said that the only way to tackle  
10 the problem is to review the way we do things. We need to  
11 massively focus on citizen resilience in the face of online  
12 disinformation. We have to keep the digital giants  
13 accountable for their content

14 As Mélanie Joly and Anne Leahy said, we have  
15 to promote Canadian democratic values in the global south and  
16 in Russian sphere countries. As Mélanie Joly said in answer  
17 to one of your questions, Madam Commission, we need an  
18 effective strategy to counter the Russian effort.

19 We also have to close loopholes allowing  
20 foreign countries to get involved in our democracy.

21 Madam Commissioner, the Canadian Alliance of  
22 Russian Canadians counts on you to find a strong response to  
23 Russian interference, a response that will reinforce the  
24 rights of Canadians and of the Russian diaspora. Your  
25 Commission might be the only chance for the -- to get the  
26 government to counter Russian interference and to protect the  
27 integrity of Canada's democracy.

28 Thank you.

1                   **COMMISSIONER HOGUE:** The Sikh Coalition. Mr.  
2 Singh, is he --- Ah, he is on Zoom. Good afternoon.

3                   **--- SUBMISSIONS BY MR. PRABJOT SINGH:**

4                   **MR. PRABJOT SINGH:** Thank you, Commissioner.  
5 Good afternoon. Are you able to hear me clearly?

6                   **COMMISSIONER HOGUE:** Yes, I do.

7                   **MR. PRABJOT SINGH:** Thank you. For the  
8 record, my name is Prabjot Singh for the Sikh Coalition.  
9                   Madam Commissioner, over the course of the  
10 past year, particularly in Phase 2 of the Commission's work,  
11 the Commission has heard a significant amount of evidence.  
12 This has included witnesses from the security and  
13 intelligence community, from the public service, academics  
14 and experts, party officials, Ministers, and the diaspora  
15 communities directly affected by foreign interference.

16                   Reviewing that evidence, I respectfully  
17 submit that one thing is unequivocally clear: the Government  
18 of India has, and continues, to target Canada, Canadian  
19 institutions, and the Sikh community in this country using a  
20 broad range of tactics.

21                   India is in a category of itself in terms of  
22 its corrosive and brazenly violent actions on Canadian soil.  
23 Only one country discussed before this Commission has been  
24 found to be responsible for the assassination of political  
25 dissidents on Canadian soil. Only one state has been found  
26 to be at the epicenter of a sustained campaign of violence  
27 that ravaged communities across the country, subjecting them  
28 to multiple homicides, arson, extortion, or other violent

1 crimes.

2 For years, India has misused its diplomatic  
3 resources to directly engage in various forms of foreign  
4 interference and transnational repression, targeting the Sikh  
5 community in Canada with the specific objective of  
6 criminalizing political advocacy for an independent Sikh  
7 homeland, Khalistan.

8 According to a SITE briefing to the Panel of  
9 Five in March 2024, India's electoral interference is:

10 "...one of the ways the Hindu-centric  
11 Government of India gears Canadian  
12 policy and messaging towards India's  
13 interests, which conversely includes  
14 countering the influence of Sikhs in  
15 Canadian politics." (As read)

16 As of March 2024, SITE also determined that  
17 the Government of India seeks to covertly influence Canadian  
18 officials at all levels of government to take positions and  
19 decisions that are favourable to the Government of India.

20 On this point, we have read and heard a vast  
21 amount of evidence regarding this direct interference with  
22 Canada's democratic institutions and policy-making  
23 mechanisms. This includes the discrediting and targeting of  
24 political party leaders "using materials drafted by Indian  
25 intelligence", MPs working to influence their colleagues on  
26 India's behalf, interference in the leadership race of the  
27 Conservative Party of Canada, and the use of proxies to  
28 influence policy makers, drawing on illicit funding to

1 candidates, and influencing the very issues that are raised  
2 in Canada's Parliament.

3 Understanding the nature and extent of  
4 India's activities shines light on concerning gaps within  
5 Canada's existing infrastructure to address the ongoing  
6 threat to foreign interference.

7 Canada's security and intelligence community,  
8 and the government as a whole, failed to detect the extent of  
9 India's activities until after the assassination of Bhai  
10 Hardeep Singh Nijjar, a pillar of the Sikh community in  
11 Canada, and this is despite the experiences and complaints of  
12 the community for years before this violent attack and  
13 specific concerns that were communicated about potential  
14 assassinations in the summer of 2022. Those targeted,  
15 including Bhai Hardeep Singh, were left to their own devices  
16 without any resources or support from security agencies or  
17 government bodies.

18 The RCMP's revelations last week about  
19 India's ongoing violence, based out of India's consulate and  
20 authorised by the highest level of government, demonstrate  
21 that Canada's actions and response to date has failed to  
22 deter or counter India's ongoing activities.

23 The lack of public transparency and decisive  
24 action to combat Indian activities in Canada until after it  
25 was already too late, appears largely related to the fact  
26 that foreign policy considerations were given greater weight  
27 by Canadian decisionmakers over the long-term domestic harms  
28 on a number of occasions.

1                   The Commission has seen evidence stemming  
2                   from the 2019 NSICOP report, which suggests that Canada  
3                   failed to dismantle an Indian intelligence network due to  
4                   foreign policy priorities to export pulses to India and  
5                   ensure the success of the prime minister's trip to India in  
6                   2018.

7                   This lack of meaningful response over the  
8                   course of many years has led to the continued and increasing  
9                   marginalization of a highly visible minority community whose  
10                  *Charter* rights have been compromised as a result. The *de*  
11                  *facto* impunity granted to Indian diplomats and intelligence  
12                  operatives appears to have emboldened Indian officials to  
13                  escalate their clandestine operations, ultimately paying the  
14                  -- paving the ground for the assassination in June 2023 and  
15                  the subsequent wave of violence the country is still reeling  
16                  from today.

17                  While publicly acknowledging these activities  
18                  as an important first step, I urge the Commission to go  
19                  further and seriously consider Canada's failures in stopping  
20                  India's constant attacks and make bolder recommendations to  
21                  address these gaps. In particular, this requires resources  
22                  and supports for political dissidents targeted by foreign  
23                  states. Individuals in Canada should not be forced to choose  
24                  between exercising their *Charter* rights at the risk of death  
25                  or retreating from public life. This is what our adversaries  
26                  are looking for.

27                  Second, it is imperative that every  
28                  individual responsible for attacks and hostile activities is

1 held to account. The temporary disruption of Indian  
2 activities is not accountability and is not acted as an  
3 effective deterrent.

4 Lastly, there must be meaningful changes in  
5 Canada's response mechanisms to foreign interference to  
6 ensure that foreign policy priorities do not dictate Canada's  
7 response or trump the serious concerns of targeted diaspora  
8 communities. Exporting pulses or building ties with a known  
9 hostile state is not worth sacrificing the integrity of  
10 Canadian institutions, and definitely not worth the lives of  
11 more sick activists who continue to be targeted to this day.

12 Thank you.

13 **COMMISSIONER HOGUE:** Thank you.

14 So last, but not least, the Ukrainian  
15 Canadian Congress.

16 **--- SUBMISSIONS BY MR. JON DOODY:**

17 **MR. JON DOODY:** Thank you, Commissioner.  
18 It's Jon Doody, counsel for the Ukrainian Canadian Congress.

19 Russian foreign interference into Canadian  
20 society and politics is not a new phenomenon, but rather has  
21 existed for decades. While this Commission in their Phase 1  
22 report found no evidence of specific examples of Russian  
23 interference into either the 2019 or the 2021 general  
24 elections, this does not mean that Russia did not attempt to  
25 interfere in those elections.

26 While bussing voters to nomination meetings  
27 is an example of foreign interference, it is hardly the only  
28 example. Foreign interference often may be less overt, but

1 does not mean that it is any less impactful.

2 We now have the unsealed American indictment,  
3 which suggests that Tenet Media was being financed by Russia,  
4 and that Canadian influencers were paid to spread mis- and  
5 disinformation. This example of Russian interference was  
6 discovered and made public by the United States and not by  
7 any Canadian agency.

8 Either Canadian agencies were unaware of  
9 Tenet Media's foreign financing or they're aware but do not  
10 advise the public. This calls into question either Canada's  
11 ability to detect foreign interference in the form of mis- or  
12 disinformation, or Canadian agencies' willingness to share  
13 information regarding foreign interference with the Canadian  
14 public. Either option should cause this Commission concern.

15 Foreign interference manifests in many  
16 different forms, and it does not only come about during  
17 elections. We have heard during this Commission that  
18 Russia's goal is not about getting any specific party or  
19 candidate elected, but rather, to sew discord in western  
20 democracies.

21 The Ukrainian Canadian community is one of  
22 the most susceptible to Russian foreign interference. There  
23 are over 1.2 million Ukrainian Canadians residing in Canada,  
24 one of Canada's largest diasporas. This community, unlike  
25 most other diaspora groups, is not targeted by their  
26 homeland, but rather, is being targeted by a hostile foreign  
27 government, who began an illegal invasion into their homeland  
28 almost three years ago, that continues to this day.

1                   Russian interference, largely through dis-  
2                   and misinformation, continues to impact members of both  
3                   Ukrainian Canadian community and Canadians at large. Russia  
4                   is actively trying to manipulate the perception of its  
5                   invasion into Ukraine, and these actions have a real impact  
6                   on how Canadians think and view the war in Ukraine. Russia's  
7                   actions may not be targeted directly at parliamentarians, but  
8                   the impacts on members of the Ukrainian Canadian community  
9                   are no less significant or harmful.

10                   The Ukrainian Canadian Congress has a few  
11                   policy recommendations to make to the Commissioner for your  
12                   consideration.

13                   First, to complete the ban on Russian state  
14                   media, such as *Russia Today*. While the CRTC did ban RT from  
15                   Canadian airways, it is easily accessible online and through  
16                   social media applications. By allowing RT to continue to be  
17                   accessible to Canadians, the government is permitting a  
18                   continued Russian propaganda agenda to permeate Canadian  
19                   society.

20                   Second, to urge the government to expel  
21                   Russian diplomats from Canada. We have heard about the use  
22                   of expelling diplomats as being one of the tools in Canada's  
23                   toolkit, and we have seen it used recently with respect to  
24                   India's diplomats. Canada is the only NATO country that has  
25                   not expelled a Russian diplomat since Russia illegally  
26                   invaded Ukraine in February of 2022. Russia currently has 69  
27                   diplomats in Canada, exceeding the number of diplomats from  
28                   many of our allied partners.



1 Third, to establish educational programs  
2 focussed on informing the public, including children, on how  
3 to identify mis- and disinformation, and how to critically  
4 think and analyse media stories. A well versed and educated  
5 public is a key step in combatting mis- and disinformation,  
6 and the government has a role to play in ensuring that  
7 Canadians have the necessary skills to identify mis- and  
8 disinformation.

9 I'd like to end by thanking the Commission  
10 for allowing the UCC to take part in this Commission. We  
11 appreciate all the hard work that the Commission and  
12 Commission Counsel have done to date, and continues to do,  
13 and we look forward to reading your final report.

14 Thank you.

15 **COMMISSIONER HOGUE:** Thank you.

16 I think there is -- I forget no one. No?  
17 It's fine?

18 [No interpretation] to take a few minutes  
19 here. I started this afternoon by saying that it was nearing  
20 the end, and I will conclude by saying that it is, indeed,  
21 the end, but only the end of the public work of the  
22 Commission, that is, the end of the public hearings and of  
23 the roundtables.

24 I would like to take a few minutes to thank  
25 all those who, one way or the other, took part.

26 So first of all, the participants themselves,  
27 their counsellors, that I saw more often than the  
28 participants, which is completely normal, the representatives

1 of the media, the technical staff, the interpreters, all  
2 those who amongst the public follow that work and all those  
3 who contributed to make our stay here efficient, safe and, I  
4 would add, pleasant.

5 Of course, also a very special thanks to all  
6 the staff of the Commission, whether it be the lawyers or the  
7 administrative and technical staff, and I include the person  
8 in charge of communications.

9 I must say that I'm delighted to see how much  
10 the collaboration of everyone has enabled us to have these  
11 public hearings in such an efficient way, but also, I would  
12 even say that they were quite peaceful and fair, I would say,  
13 as regards everyone.

14 Our work is far from being over, as you can  
15 imagine, because we have a full report to draft. We will be  
16 receiving written submissions from all the participants, at  
17 least we hope so. Then we will analyze and reflect on all  
18 the different issues that we identified so that we can  
19 provide strong and efficient recommendations, also we hope.

20 Alors, I started by saying it smells the end,  
21 and I conclude by saying that this is the end, but just the  
22 end of the Commission's public work, the end of the public  
23 hearings and the roundtables.

24 I'd like to take this opportunity to thank  
25 all those who took part in one way or another, i.e., the  
26 participants, their lawyers, the media representatives, those  
27 who have followed our work, the technical staff, the  
28 interpreters, and all those who helped to make our stay here

1       efficient, secured, and also enjoyable. And, of course, a  
2       big thank you to the Commission staff, whether lawyers or  
3       administrative and technical staff, including all who are  
4       responsible for the relation with the media.

5                   I am honestly delighted to note the extent to  
6       which everyone's collaboration enabled the Commission to hold  
7       the hearings serenely and efficiently.

8                   Our work, as you can imagine, is far from  
9       being over, as we still have to write a report. We expect to  
10      receive from all participants written observations, and then  
11      we will analyze and reflect the issues identified throughout  
12      the course of the Commission's work, with a view to making  
13      sound and efficient recommendation.

14                  So thank you all. I think you should all  
15      take a good rest this weekend and we'll probably see each  
16      other sometime at the end of the year.

17                  Thank you.

18      --- Upon adjourning at 4:19 p.m.

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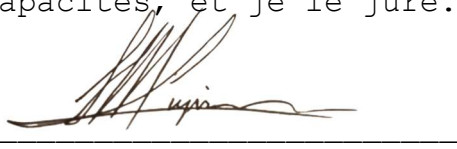
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I, Sandrine Marineau-Lupien, a certified court reporter,  
hereby certify the foregoing pages to be an accurate  
transcription of my notes/records to the best of my skill and  
ability, and I so swear.

Je, Sandrine Marineau-Lupien, une sténographe officielle,  
certifie que les pages ci-hauts sont une transcription  
conforme de mes notes/enregistrements au meilleur de mes  
capacités, et je le jure.



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Sandrine Marineau-Lupien