

January 29, 2021

Dear Mr. Martin Olszynski:

**Ruling on the January 18, 2021 Application of Martin Olszynski**

On January 18, 2021 the Public Inquiry into anti-Alberta Energy Campaigns (“**Inquiry**”) received an application under section 25 (“**Procedural Application**”) of the Rules of Procedure and Process (“**Rules**”) from Professor Martin Olszynski, a Participant for Commentary in the Inquiry. In this ruling Professor Olszynski is referred to as the “**Applicant**”.

The Procedural Application requests that the Inquiry send an article by Sandy Garasino titled “A data-based dismantling of Jason Kenney’s foreign-funding conspiracy theory” (the “**Garasino Article**”) to Participants for Commentary and solicit their comments on the Garasino Article.

For the following reasons, I decline to grant the Procedural Application.

**1. Preliminary Issue – Section 25 of the Rules**

The Procedural Applicant is made pursuant to section 25 of the Rules, which provides that an application may be made “for an order or direction regarding these Rules or related procedural matters”.

I do not view the relief sought by the Procedural Application as properly the subject of an application under section 25 of the Rules. The Procedural Applicant requests that the Inquiry provide a particular article to Participants for Commentary and solicit their comment thereon – such relief is neither in respect of the Rules themselves nor in respect of a matter of procedure of the Inquiry.

Notwithstanding this, I have considered the merits of the Procedural Application and for the reasons that follow decline to grant the Procedural Application.

**2. The Procedural Application**

The Procedural Application asserts that the package of materials previously sent to Participants for Commentary is deficient by reason of omission of the Garasino Article and further asserts the absence of the Garasino Article indicates bias on the part of the Inquiry. The Procedural Application asks that the Garasino Article be sent to Participants for Commentary and their comments on the Garasino Article solicited.

I do not view the absence of the Garasino Article from the package of materials sent to Participants for Commentary as rendering the materials sent deficient nor indicating any bias on the part of the Inquiry.

The Inquiry invited Participants for Commentary to provide their perspective and commentary to assist the Inquiry in providing policy recommendations regarding the subject matter of the Inquiry. To facilitate participation, Participants for Commentary were provided with a number of reports and publications, which do not comprise the totality of reports and publications that have been reviewed by the Inquiry and which the

Inquiry emphasized did not represent findings or positions taken by the Inquiry. The Inquiry also clarified that the reports and publications were sent to provide a platform to obtain perspectives on policy issues of potential interest to the Inquiry and provided a number of questions to prompt responses. In providing these reports, publications, and questions, Participants for Commentary were advised that there was no obligation to limit the comments they might make and were also invited to draw the Inquiry's attention to any additional material on related topics.

Viewed against the background of the purpose for which the package of materials sent to Participants for Commentary and the context provided in connection with the materials, I do not view that the absence of the Garasino Article as constituting a deficiency in the materials that were provided nor indicating bias on the part of the Inquiry.

As the Garasino Article is mentioned specifically in the Procedural Application, I wish to confirm that the Inquiry was previously aware of the Garasino Article, and has considered this article in the context of the Inquiry's consideration of foreign funding of anti-Alberta energy campaigns. Indeed, Deloitte Forensic Inc., who has been retained by the Inquiry to provide a report regarding foreign funding, has had a meeting with Ms. Garasino.

As has been the Inquiry's practice with previous Procedural Applications, the Inquiry will post both the Procedural Application (which references the Garasino Article and attaches a link thereto) and this ruling to the Inquiry's website. I would clarify that any Participant for Commentary whose submissions to the Inquiry are outstanding, and in due course any Participants for Response who may make submissions to the Inquiry, are at liberty to refer to the Garasino Article as they may deem appropriate.

### **3. Disposition**

For the reasons stated above, I decline to grant the relief requested by the Applicant.

Yours truly,



**J. Stephens Allan**

**Commissioner**