

C

---

APPENDIX C

# SAMPLE CALL LETTER

Montréal, April 1, 2004

VIA COURIER

Mr. Sylvain Lussier  
DESJARDINS DUCHARME STEIN MONAST  
Tour de la Banque Nationale  
600, rue de La Gauchetière Ouest  
Bureau 2400  
Montréal (Québec) H3B 4L8

Dear Mr. Lussier:

**Re: Commission of Inquiry into the Sponsorship Program and  
Advertising Activities of the Government of Canada**

You have advised me that you act as counsel of the Government of Canada in the above-noted Commission of Inquiry (“the Inquiry”). In that capacity, enclosed herewith please find a preliminary Document and Information Request #1 (the “Request”) addressed to the Government of Canada. Kindly produce the documents and supply the information requested on or before April 30, 2004 as indicated in the Request.

Several points in the Request should be noted.

First, you have advised Commission counsel that, while you act as counsel to, and your client generically is, the “Government of Canada”, there are nevertheless persons and organizations which might otherwise come within that rubric which you do not represent as counsel. You will note the definition of the “Government of Canada” in the Request. Please, advise us promptly in two separate lists which persons and organizations you do represent before the Commission, and which you do not. As well, to the extent this changes in the future, please advise us of those modifications.

Second, you will note that the definition of the “Government of Canada” in the Request includes, for example, Crown Corporations, Crown Agencies and exempt (political) staff. You have advised Commission counsel that you do not represent those persons and organizations. Nevertheless, for greater certainty, those parts of the “Government of Canada” that you do represent no doubt have documents (as defined in the Request) and information relating to, or from or about, those persons and organizations which you do not represent. The Request thus seeks the production of documents and the supply of information in relation to them from your client, and hence we have used an extended definition of Government of Canada.

Third, while the Auditor General literally comes within the definition of the Government of Canada, we have established a separate process for dealing with her as she is an independent entity reporting to Parliament. We thus do not expect you to produce documents pursuant to this Request which are within her possession.

We will expect you to certify that Document and Information Request #1 has been full complied with.

We should discuss the logistics of the manner in which the enclosed Request can best be implemented.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Finkelstein". The signature is fluid and cursive, with the first name "Neil" being more prominent.

Neil Finkelstein

NF/mjc

Encl.

COMMISSION OF INQUIRY INTO THE SPONSORSHIP PROGRAM  
AND ADVERTISING ACTIVITIES

DOCUMENT AND INFORMATION REQUEST

---

GOVERNMENT OF CANADA DOCUMENT AND INFORMATION REQUEST # 1

Date of Request: April 1st, 2004

Request due: April 30, 2004

This Document and Information Request is made pursuant to the authority granted to Justice John H. Gomery by Part I of the *Inquiries Act*, section 4, which authority has been delegated to Commission counsel pursuant to section II of the *Inquiries Act*.

A. Definitions

- (a) "Advertising activities" includes the advertising activities referred to in the November 2003 Report of the Auditor General of Canada to the House of Commons with regard to the sponsorship program and advertising activities of the Government of Canada and, for greater certainty, includes these activities from January 1st, 1994 to the present.
- (b) "Crown corporations and agencies" includes, without limiting the generality of the foregoing, Business Development Bank of Canada ("BDC"), Canada Mortgage and Housing Corporation ("CMHC"), Canadian Tourism Commission, Old Port of Montreal Corporation, National Arts Centre Corporation, National Capital Commission, Via Rail Canada Inc. ("VIA"), Canada Post Corporation, Royal Canadian Mounted Police ("RCMP").

- (c) "Document" includes any memorandum, data, analysis, report (including internal or other audit reports), minutes, briefing material, submission, correspondence, record (including accounting and financial records), agenda, diary, note, study, investigation, test, file, e-mail or other electronic file or communication or other communication or material in writing both internal to the Government of Canada or sent to or received from external sources including legal opinions (whether subject to solicitation client privilege or not), including, without limiting the generality of the foregoing, any document as defined herein that may be subject to Cabinet or Executive privilege, in the possession, custody or control of the Government of Canada, its agents, servants, officials or contractors including any present or former Government of Canada employee, Minister or exempt (political) staff. For greater certainty, this includes documents in off-site storage or which has been archived, and any electronic files, documents and communications. In the case of electronic files, documents and communications, these should not be copied or attached in any manner that might result in electronic information about it being lost or changed, and the hard drives should be preserved.
- (d) "Employee" includes any present or former employee, agent, servant, official, or contractor of the Government of Canada.
- (e) "Government of Canada" includes, without limiting the generality of the foregoing, all elected or non-elected persons, institutions, departments and organizations employed by, working within, or part of the Government of Canada. By way of illustration, this includes:
- i) Present and former Cabinet Ministers, including Prime Ministers, and persons employed by and working in their offices, including their ministerial, constituency and other offices;
  - ii) Present and former exempt (political) staff;
  - iii) Employees of the Government of Canada;

- iv) Prime Minister's Office ("PMO");
  - v) Privy Council Office ("PCO");
  - vi) Treasury Board, including the Treasury Board Secretariat;
  - vii) Public Works and Government Services Canada ("Public Works") and its predecessors, successors and assigns; and specifically, includes Communication Canada and Communications Co-ordination Services Branch ("CCSB"), and Advertising and Public Opinion Research Sector ("APORS");
  - viii) Department of Finance;
  - ix) Department of Justice;
  - x) Tourism Canada;
  - xi) Canada Customs and Revenue Agency;
  - xii) Health Canada;
  - xiii) Crown Corporations and agencies, and their employees.
- (f) "Minister" includes any present or former Cabinet Minister, including Prime Minister.
- (g) "Sponsorship Program" means the Sponsorship Program referred to in the November 2003 Report of the Auditor General of Canada to the House of Commons with regard to the sponsorship program and advertising activities of the Government of Canada and, for greater certainty, includes the sponsorship activities from January 1st, 1994 to the present.
- (h) "National Unity Reserve" means the fund established for the purposes of Canadian national unity which was administered by the PMO and abolished in the Budget presented by Minister of Finance Ralph Goodale to the House of Commons on March 23, 2004.

B. Document Requests

For the period January 1st, 1994 to the present time and continuing, produce by April 30, 2004 all documents, including all copies identified as to source and, for each original and copy, in whose custody, possession and control it was found and, where relevant, indicating the author of marginalia, which are relevant to the following matters:

1. the creation, purpose, objectives of the Sponsorship Program and the National Unity Reserve Fund;
2. the selection of communications and advertising agencies in relation to the advertising activities;
3. the management of the Sponsorship Program, National Unity Reserve and advertising activities by the Government of Canada;
4. the receipt and use of any funds or commissions disbursed in connection with the Sponsorship Program, National Unity Reserve and advertising activities by any person or organization, either internal or external to the Government of Canada;
5. the flow of the Sponsorship Program, National Unity Reserve and advertising activities funds within the Government, both to the point that these funds were disbursed to non-Government of Canada sources, including the return of funds or any part thereof to the Government of Canada;
6. Any gift, contribution or payment made directly or indirectly by any recipient of the Sponsorship Program, National Unity Reserve or advertising activities funds for political purposes;

7. the identities of any person or organization who received Sponsorship Program, National Unity Reserve or advertising activity funds, including fees or commissions, the purpose for which those funds were disbursed to that person or organization, the extent of value for money received by the Government of Canada;
8. contractual and related documents, including tenders, contracts (including drafts), follow-ups, analyses (pre-contract and post-contract), and all the files at issue in the Sponsorship Program and advertising activities;
9. documents and information produced by the Government of Canada to the House of Commons Standing Committee or public accounts; and
10. any other document related to the Sponsorship Program, National Unity Reserve and advertising activities of the Government of Canada.

C. Information Request

1. Provide a list of all persons, including their present and, where relevant, former position(s), together with current addresses, telephone numbers, fax numbers and e-mail addresses, who have any relevant knowledge of, or involvement in, any of the matters identified in items I. to IO. in the "Document Requests" section above. Without limiting the generality of the foregoing, the list should specifically include and identify all persons who might reasonably be considered to have relevant and material evidence as witnesses before the Commission at public hearings; and
2. Provide a list of all departments and organizations in the Government of Canada, including Crown corporations and Crown agents, which have relevant documents, information and evidence in relation to any of the matters identified in items I. to IO. in the "Document Request" section above, together with:



- a) names, positions (present or former) addresses, telephone numbers, fax numbers and e-mail addresses of persons who are suitable contact points for information and documentation;
  - b) organizational charts for all such departments and organizations for the period January 1st, 1994 to the present, with the names, positions and contact numbers for the people holding relevant positions at relevant times.
3. Provide documents in relation to, and a person or persons to explain:
- a) the normal or standard rules, procedures, structures, reporting lines, systems and guidelines for approvals, internal controls, implementation and administration of procurement programs and selection of service providers by the Government of Canada, including modifications thereto where relevant;
  - b) the rules, procedures, structures, reporting lines and guidelines for the creation, approvals, internal controls, implementation and administration of the Sponsorship Program, "National Unity Reserve" Fund and advertising activities, and whether, how and by whom there were deviations from, or non-compliance with, the standard norms.
4. List of all the communications and advertising agencies, including subsidiaries and sub-contractors (collectively "agencies") to whom contracts were awarded or services retained by the Government of Canada between January 1st, 1994 and the present. Such list should include:
- a) name, addresses and contact numbers of agencies;
  - b) amounts paid, broken down by fees, commissions, and services (with description);
  - c) principals of agencies, including names, addresses and contact numbers; and
  - d) affiliates of agencies, and principals of the affiliates.

