
THE COMMISSION OF INQUIRY

Introduction

This Summary provides an overview of the Fact Finding Report of the Commission of Inquiry into the Sponsorship Program and Advertising Activities. It is for information only. The complete Fact Finding Report should be treated as the official version of the Inquiry's report.

Throughout the Fact Finding Report, I have highlighted points indicating findings or conclusions drawn from the evidence. That Report contains a detailed analysis of the underlying events and the reasoning that led me to those conclusions, and in this Summary I will focus primarily on the key findings themselves. The reader is advised to consult the Report in order to understand the context in which I draw any of these conclusions. The Fact Finding Report contains detailed references to source material as endnotes, none of which are found in this Summary.

The Commission's Mandate

I was given a twofold mandate. The first element was “to investigate and report on questions raised, directly or indirectly, by Chapters 3 and 4 of 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, including:

- (i) the creation of the sponsorship program,
- (ii) the selection of communications and advertising agencies,
- (iii) the management of the sponsorship program and advertising activities by government officials at all levels,
- (iv) the receipt and use of any funds or commissions disbursed in connection with the sponsorship program and advertising activities by any person or organization, and
- (v) any other circumstance directly related to the sponsorship program and advertising activities that the Commissioner considers relevant to fulfilling his mandate...”

The second part of my mandate is to make recommendations, based on my factual findings, to prevent future mismanagement of sponsorship programs or advertising activities. That will be the subject of a second report. It is beyond the Commission's Terms of Reference to express opinions about the appropriateness of the political decisions that preceded the Sponsorship Program.

The Auditor General's November 2003 Report was severely critical of the way that the federal government ran the Sponsorship Program,

and that Report comments disapprovingly on certain government management practices in the field of advertising.

The public hearings commenced on September 7, 2004, in Ottawa, and then continued in Montreal until June 17, 2005. Over 136 days of hearings, 172 witnesses were heard.

Ordinarily, Cabinet deliberations are secret and privileged, but the Government agreed to waive this privilege by two Orders in Council which permitted a full inquiry to be made of the question of how certain decisions were reached when the Sponsorship Program was first conceived.

Having studied the many volumes of testimony from those hearings and reviewed a vast quantity of documentary evidence that was put into evidence, I have reached conclusions as to what I consider to be the relevant facts about what happened. On the basis of those facts and my own judgment, I have formed conclusions about and assigned responsibility to various individuals and organizations.

Under the *Inquiries Act*, the Commission was able to carry its investigation beyond the Auditor General's boundaries and outside government administration. I was able to investigate the receipt and use of funds and commissions disbursed in connection with the Sponsorship Program. Through that, I have examined the actions and conduct of communication agencies purportedly acting on behalf of the Government to administer sponsorship projects. I also looked into the commissions and fees those agencies charged, the use of funds derived from the Sponsorship Program, and financial dealings with the Liberal Party of Canada.

The Terms of Reference in paragraph (k) specifically direct me to perform my duties "without expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization,"

and I am further instructed by that paragraph “to ensure that the conduct of the Inquiry does not jeopardize any ongoing criminal investigation or criminal proceedings.” I was careful to follow those instructions. The reader should not interpret anything said in the Fact Finding Report as an indication that I have come to any conclusions or opinions on the subject of the possible civil or criminal liability of anyone.

The rules of evidence and the procedure followed at a commission of inquiry are very different from those of a court, and the findings of fact that I have reached may not necessarily be the same as those of a court. There are no legal consequences attached to my determinations. My findings are simply findings of fact and statements of opinion which are supported by some evidence in the record of the Inquiry.

I was obliged to resolve many conflicts in the testimony. The Fact Finding Report expresses my conclusions as to which evidence I accept and which I do not. More important, coming to conclusions on the evidence was necessary to fulfill my mandate. The Report would be of little value to Canada’s citizens or government if it did not include findings as to the causes of any mismanagement or misconduct that might have occurred. It is equally important to identify persons who, on the basis of the evidence, are innocent of any misconduct or mismanagement.