



RULING ON APPLICATION FOR STANDING FOR PART II (POLICY REVIEW) BY THE ATTORNEY GENERAL OF CANADA

INTRODUCTION

[1] The Attorney General of Canada (the “Attorney General”) has applied for full standing as a party to Part II (Policy Review) of this Inquiry.

[2] The Attorney General filed a written submission with the Inquiry. At the oral hearing on January 21, 2009, I indicated that I need not hear oral submissions from counsel for the Attorney General. At the conclusion of the oral hearing that day, I indicated that the application of the Attorney General for full party standing was allowed. These reasons explain my decision.

[3] In a ruling (the “Jefford Ruling”) issued contemporaneously with this ruling, I set forth the principles, both general and specific, by which I am guided in deciding applications for standing with respect to Part II (Policy Review). Those same principles apply to the application of the Attorney General.

ANALYSIS AND REVIEW

[4] In order to obtain standing as a party to Part II (Policy Review), it is necessary that I be satisfied that the Attorney General is directly and

substantially affected by the mandate of at least a portion of the Policy Review part of this Inquiry.

[5] The Attorney General will be representing the interests of the Government of Canada, its several departments and agencies at the Part I (Factual Inquiry). During the Part II (Policy Review) of the Inquiry, the Attorney General will represent the Government as a whole, as well as affected departments and agencies. Further, the Attorney General may also represent individual Crown servants, both present and former, who may have knowledge of facts, events, policies and procedures that may be relevant to the Commission.

[6] I am called upon to make recommendations regarding ethical rules and guidelines concerning the activities of politicians as they transition from office and after they leave office. I am also required to make recommendations regarding the handling of correspondence in the Privy Council Office.

[7] I accept, as submitted by the Attorney General in his application, that the Government of Canada as a whole and several government departments and agencies have a direct and substantial interest in the subject matter of the Part II (Policy Review) because any recommendations made by the Commission with regard to the two areas of recommendation may have an impact on governmental policies and legislation.

[8] Therefore, I do not hesitate to grant the Attorney General full standing as a party to Part II (Policy Review).

Signed at Ottawa this_____ day of February, 2009.

Jeffrey James Oliphant
Commissioner