



RULING ON APPLICATION BY KARLHEINZ SCHREIBER FOR STANDING FOR PART II (THE POLICY REVIEW)

INTRODUCTION

[1] Karlheinz Schreiber has applied for full standing as a party to Part II (Policy Review) of this Inquiry.

[2] Mr. Schreiber filed a written submission and his counsel, Richard Auger, made an oral submission in support of the application.

[3] In a ruling issued contemporaneously with this ruling (the “Jefford 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 Mr. Schreiber’s application for standing.

ANALYSIS AND CONCLUSIONS

[4] Mr. Schreiber, to whom I granted full standing as a party to Part I (Factual Inquiry), is, in my opinion so intrinsically involved in almost all, if not all, of the matters covered by the mandate of the Commission that I conclude he is entitled to be granted full standing as a party to Part II (Policy Review).

[5] Depending upon the outcome of Part I (Factual Inquiry), my report may include findings of misconduct against Mr. Schreiber as referred to in s. 13 of the *Inquiries Act*, R.S.C. 1985, c. I-11. If such findings may be made, as submitted by Mr. Schreiber through counsel, it follows that Mr. Schreiber may be directly and

substantially affected by the Policy Review and ought to be granted full standing as a party to Part II so that he can fully participate with respect to the Policy Review.

[6] Moreover, on another basis, Mr. Schreiber has satisfied me he is directly and substantially affected by the mandate of the Policy Review. That is because even if there are no findings of misconduct made against him, there are, in my view, consequences that may flow from the Policy Review that may have a serious impact on, or implicate, the interests of Mr. Schreiber.

[7] While Mr. Schreiber may not have particular expertise with respect to the issues raised in Part II (Policy Review), he has satisfied me that he does have a particular perspective that may assist me, especially, I might say, with the issues pertaining to the manner in which the Prime Minister's correspondence is handled by the Prime Minister's Office and the Privy Council Office.

[8] I therefore grant to Mr. Schreiber full standing as a party with respect to Part II (Policy Review).

Signed this ____ day of January, 2009.

Jeffrey James Oliphant,
Commissioner