



CANADA

PRIVY COUNCIL

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by Her Excellency the Governor General on the 10th of April 2009

Whereas the Commission of Inquiry into Certain Allegations Respecting Business and Financial Dealings Between Karlheinz Schreiber and the Right Honourable Brian Mulroney, P.C., (hereinafter referred to as the "Commission") was established under Part I of the *Inquiries Act*, pursuant to Order in Council P.C. 2008-1092 of June 12, 2008, to inquire into certain allegations respecting business and financial dealings between Karlheinz Schreiber and the Right Honourable Brian Mulroney, P.C.;

Whereas the Honourable Jeffrey J. Oliphant was appointed by the Commission as Commissioner to conduct the inquiry (hereinafter referred to as the "Commissioner");

Whereas the Commissioner has requested access to and copies of documents that contain confidences of the Queen's Privy Council for Canada which are relevant to the proceedings of the Commission;

Whereas it is a matter of convention and practice in Canada that access to confidences of the Queen's Privy Council for Canada is restricted to the Prime Minister and the Ministers who were members of the Cabinet at the relevant time, the Secretary to the Cabinet, and such persons on the Secretary's staff as the Secretary authorizes to see them, on a confidential basis, where necessary for the proper discharge of their duties;

Whereas this convention and practice is, in the opinion of the Committee of the Privy Council, essential for the proper functioning of the Cabinet system of government;

Whereas the former Prime Minister, the Right Honourable Brian Mulroney, P.C., on behalf of the Ministry of which he was Prime Minister, has consented to an exception being made to the convention and practice in order to enable the Commissioner to access the confidences of the Queen's Privy Council for Canada of his Ministry that are relevant to the proceedings of the Commission;


And whereas the Clerk of the Privy Council and Secretary to the Cabinet, as custodian of the confidences of the Queen's Privy Council for Canada of previous Ministries, has therefore concurred to the adoption of such an exception in respect of the confidences of the Queen's Privy Council for Canada relevant to the proceedings of the Commission;

Therefore, the Committee of the Privy Council, on the recommendation of the Prime Minister, with the consent of the former Prime Minister, the Right Honourable Brian Mulroney, P.C., and with the concurrence of the Clerk of the Privy Council and Secretary to the Cabinet, advises that:

(a) the confidences of the Queen's Privy Council for Canada that are contained in the documents listed in the attached schedule may be made available for the purpose of the proceedings of the Commission; and

(b) any individual may testify in respect of the confidences of the Queen's Privy Council for Canada referred to in paragraph (a) for the purposes of the proceedings of the Commission.

CERTIFIED TO BE A TRUE COPY—COPIE CERTIFIÉE CONFORME



CLERK OF THE PRIVY COUNCIL—LE GREFFIER DU CONSEIL PRIVÉ

SCHEDULE

- (1) Unsigned memorandum to the Honourable Elmer MacKay from D.S. McPhail, undated [circa June 7, 1989] and attachment.
- (2) Unsigned memorandum to the Honourable Elmer MacKay from D.S. McPhail, undated [circa June 7, 1989].
- (3) Unsigned memorandum to the Honourable Elmer MacKay from D.S. McPhail, undated [circa June 7, 1989].
- (4) Memorandum to the Honourable Elmer MacKay from D.S. McPhail, undated [circa June 7, 1989] and attachments, attached to a transmittal note.
- (5) Memorandum to the Honourable Elmer MacKay from Peter B. Lesaux, President of the Atlantic Canada Opportunities Agency, dated October 26, 1989.
- (6) Memorandum to the Honourable Elmer MacKay from Peter B. Lesaux, President of the Atlantic Canada Opportunities Agency, dated October 26, 1989, with attachment, attached to a transmittal note.
- (7) Unsigned letter to the Honourable Harvie Andre from the Honourable Elmer MacKay, undated [circa October 31, 1989].
- (8) Letter to the Honourable Harvie Andre from the Honourable Elmer MacKay, dated October 31, 1989.
- (9) Letter to the Honourable Harvie Andre from the Honourable Elmer MacKay, dated October 31, 1989.
- (10) Letter to the Honourable Elmer MacKay from the Honourable Harvie Andre, dated December 4, 1989.
- (11) Memorandum to Peter Lesaux, President, from Norman Moyer, Vice-President of the Atlantic Canada Opportunities Agency, dated January 3, 1990, and attachment.
- (12) Memorandum to Peter Lesaux, President, from Norman Moyer, Vice-President of the Atlantic Canada Opportunities Agency, dated January 3, 1990, and attachment.
- (13) Memorandum to the Honourable Elmer MacKay from Peter B. Lesaux, President, Atlantic Canada Opportunities Agency, dated January 4, 1990.

- (14) Memorandum to the Honourable Elmer MacKay from Peter B. Lesaux, President of the Atlantic Canada Opportunities Agency, dated January 4, 1990, and attachment.
- (15) Unsigned memorandum to the Honourable Elmer MacKay from Peter B. Lesaux, President of the Atlantic Canada Opportunities Agency, undated [circa January 4, 1990].
- (16) Memorandum to Stanley Hartt from Peter Meerburg, dated January 11, 1990, and attachments.
- (17) Letter to Lieutenant Colonel Ed Champagne, Department of National Defence, from John McDowell, Atlantic Canada Opportunities Agency, dated January 16, 1990, and attachment.
- (18) Note for Operations Committee, dated January 22, 1990.
- (19) Memorandum for R. Protti from Maureen Smith, dated January 24, 1990, and attachment.
- (20) Memorandum for R. Protti from Maureen Smith, dated January 24, 1990, and attachment.
- (21) Memorandum for R. Protti from Maureen Smith, dated January 24, 1990.
- (22) Memorandum for P.M. Tellier from Ronald Bilodeau, dated January 25, 1990, and attachments.
- (23) Memorandum for the Prime Minister from Paul M. Tellier, Clerk of the Privy Council and Secretary to the Cabinet, dated February 5, 1990.
- (24) Memorandum to Paul M. Tellier from Ronald Bilodeau, dated July 11, 1990, and attachment.
- (25) Memorandum to the Prime Minister from Paul M. Tellier, Clerk of the Privy Council and Secretary to the Cabinet, dated July 12, 1990.
- (26) Memorandum to the Prime Minister from Paul M. Tellier, Clerk of the Privy Council and Secretary to the Cabinet, dated July 12, 1990.
- (27) Briefing Note for the Ministers on Thyssen Industries AG proposal to supply DND with 250 multi-role combat vehicles (MRCV), dated July 19, 1990.

- (28) Memorandum to Mr. B. Dewar from Ronald Bilodeau, dated July 25, 1990, and attachments.
- (29) Unsigned memorandum to the Minister, from Robert R. Fowler, Deputy Minister, National Defence, dated July 1990.
- (30) Memorandum to the Deputy Minister from R.N. Sturgeon, dated August 1, 1990.
- (31) Memorandum for the Prime Minister from Paul M. Tellier, Clerk of the Privy Council and Secretary to the Cabinet, dated August 10, 1990, and attachments.
- (32) Briefing Note for the Minister on Thyssen Industries AG proposal to supply DND with 250 multi-role combat vehicles (MRCV), dated September 5, 1990.
- (33) Briefing Note for the Minister on Thyssen Industries AG proposal to supply DND with 250 multi-role combat vehicles (MRCV), dated September 5, 1990, and attachment.
- (34) Executive Summary to Briefing Note for the Minister on Thyssen Industries AG proposal to supply DND with 250 multi-role combat vehicles (MRCV), undated [circa September 1990].
- (35) Memorandum to the Honourable Benoît Bouchard from H.G. Rogers, Deputy Minister, Industry, Science and Technology Canada, dated October 26, 1990.
- (36) Briefing Note for the Minister on Thyssen Industries AG proposal to supply DND with 250 multi-role combat vehicles (MRCV), dated October 30, 1990, and attachment.
- (37) Executive Summary to Briefing Note for the Minister on Thyssen Industries AG proposal to supply DND with 250 multi-role combat vehicles (MRCV), undated [circa October 30, 1990] and attachment.
- (38) Executive Summary to Briefing Note for the Minister on Thyssen Industries AG proposal to supply DND with 250 multi-role combat vehicles (MRCV), undated [circa October 30, 1990].
- (39) Memorandum to Norman Spector from Paul M. Tellier, Clerk of the Privy Council and Secretary to the Cabinet, dated October 31, 1990, and attachments.

- (40) Memorandum to Norman Spector from Paul M. Tellier, Clerk of the Privy Council and Secretary to the Cabinet, dated October 31, 1990, and attachments, attached to a transmittal note.
- (41) Letter to "Peter" from R.D. Gillespie, Assistant Deputy Minister, dated November 19, 1990.
- (42) Document entitled "Bear Head Industries Facility in Nova Scotia", dated November 26, 1990.
- (43) Memorandum to Wynne Potter from John McDowell, dated November 28, 1990, and attachments.
- (44) Document entitled "Point Form Critique of ACOA Draft Aide Memoire on Thyssen Proposal", dated November 30, 1990.
- (45) Document entitled "Point Form Critique of ACOA Draft Aide Memoire on Thyssen Proposal", dated November 30, 1990.
- (46) Document entitled "Point Form Critique of ACOA Draft Aide Memoire on Thyssen Proposal", dated November 30, 1990.
- (47) Memorandum to the Minister, from Robert R. Fowler, Deputy Minister, National Defence, dated December 5, 1990.
- (48) Letter to Peter B. Lesaux, President, Atlantic Canada Opportunities Agency, from Robert R. Fowler, Deputy Minister, National Defence, dated December 7, 1990, and attachments.
- (49) Unsigned memorandum to the Minister, from Frederick W. Gorbet, dated December 7, 1990.
- (50) Unsigned letter to the Honourable Don Mazankowski from the Honourable Michael H. Wilson, undated [circa December 7, 1990].
- (51) Unsigned memorandum to the President of the Treasury Board from the Secretary of the Treasury Board, dated December 7, 1990.
- (52) Memorandum for Norman Spector from Paul M. Tellier, Clerk of the Privy Council and Secretary to the Cabinet, dated December 10, 1990, and attachment.
- (53) Memorandum for Norman Spector from Paul M. Tellier, Clerk of the Privy Council and Secretary to the Cabinet, dated December 10, 1990, and attachment.

- (54) Memorandum for Norman Spector from Paul M. Tellier, Clerk of the Privy Council and Secretary to the Cabinet, dated December 10, 1990, and attachment.
- (55) Memorandum to the Honourable Elmer MacKay from Peter R. Smith, Vice-President, Atlantic Canada Opportunities Agency, dated December 10, 1990.
- (56) Document entitled "Thyssen/Bear Head Industries Facility in Nova Scotia", dated December 10, 1990.
- (57) Document entitled "Thyssen/Bear Head Industries Facility in Nova Scotia", dated December 10, 1990.
- (58) Unsigned memorandum to the Minister, from Frederick Gorbet, dated December 10, 1990.
- (59) Unsigned memorandum to the Honourable Elmer MacKay from Peter R. Smith, Vice-President, Atlantic Canada Opportunities Agency, undated [circa December 10, 1990] and attachment.
- (60) Letter to the Right Honourable Brian Mulroney from the Honourable Elmer MacKay, dated December 11, 1990.
- (61) Supplementary speaking notes for the Minister of National Defence, dated December 11, 1990.
- (62) Memorandum for Paul Tellier from Ronald Bilodeau, dated December 12, 1990.
- (63) Memorandum for Paul Tellier from Ronald Bilodeau, dated December 12, 1990.
- (64) Document entitled "Changes required in the ACOA Aide Memoire re Thyssen Proposal", undated [circa December 12, 1990].
- (65) Document entitled "Changes required in the ACOA Aide Memoire re Thyssen Proposal", undated [circa December 12, 1990].
- (66) Document entitled "Changes required in the ACOA Aide Memoire re Thyssen Proposal", undated [circa December 12, 1990].
- (67) Speaking notes for the Minister of National Defence, dated December 12, 1990.

- (68) Speaking notes for Minister of National Defence, undated [circa December 12, 1990].
- (69) Speaking notes for Minister of National Defence, undated [circa December 12, 1990].
- (70) Speaking notes for Minister of National Defence, undated [circa December 12, 1990].
- (71) Speaking notes for Minister of National Defence, undated [circa December 12, 1990] and attachments.
- (72) Memorandum to the Assistant Deputy Minister, from R.N. Sturgeon, dated December 13, 1990.
- (73) Letter to Norman Spector from the Honourable Elmer MacKay, dated December 19, 1990.
- (74) Letter to Norman Spector from the Honourable Elmer MacKay, dated December 19, 1990.
- (75) Letter to Norman Spector from the Honourable Elmer MacKay, dated December 19, 1990.
- (76) Aide Memoire on Bear Head Industries (Thyssen), undated [circa 1990] and attachments.
- (77) Aide Memoire on Bear Head Industries (Thyssen), undated [circa 1990] attached to an action request.
- (78) Letter to William Rowat, Assistant Secretary to the Cabinet, from Peter Smith, Vice-President, Atlantic Canada Opportunities Agency, dated January 9, 1991.
- (79) Letter to William Rowat, Assistant Secretary to the Cabinet, from Peter Smith, Vice-President, Atlantic Canada Opportunities Agency, dated January 9, 1991.
- (80) Letter to William Rowat, Assistant Secretary to the Cabinet, from Peter Smith, Vice-President, Atlantic Canada Opportunities Agency, dated January 9, 1991.
- (81) Memorandum for Norman Spector from Paul M. Tellier, Clerk of the Privy Council and Secretary to the Cabinet, dated January 16, 1991, and attachment.

- (82) Memorandum for Norman Spector from Paul M. Tellier, Clerk of the Privy Council and Secretary to the Cabinet, dated January 16, 1991, and attachment.
- (83) Aide Memoire on Bear Head Industries (Thyssen), undated [circa January 20, 1991] attached to a transmittal note.
- (84) Letter to William Rowat, Assistant Secretary to the Cabinet, from R.D. Gillespie, Assistant Deputy Minister of National Defence, dated January 28, 1991.
- (85) Unsigned letter to William Rowat, Assistant Secretary to the Cabinet, from R.D. Gillespie, Assistant Deputy Minister, National Defence, dated January 1991.
- (86) Questions and answers related to the Aide Memoire, dated February 1991.
- (87) Memorandum for Norman Spector from Paul M. Tellier, Clerk of the Privy Council and Secretary to the Cabinet, dated March 26, 1991, and attachment.
- (88) Memorandum for Paul Tellier from William A. Rowat, dated April 10, 1991, and attachments.
- (89) Aide Memoire on Bear Head Industries (Thyssen), undated [circa April 17, 1991] and attachments.
- (90) Unsigned letter to the Right Honourable Brian Mulroney from the Honourable Elmer MacKay, undated [between January 30, 1989 and April 20, 1991].
- (91) Unsigned letter to the Right Honourable Brian Mulroney from the Honourable Elmer MacKay, undated [between January 30, 1989 and April 20, 1991].
- (92) Briefing Note for the Minister on Thyssen Industries AG proposal for a directed contract to supply DND with 207-250 Light Armoured Vehicles, dated May 13, 1991.
- (93) Briefing Note for the Minister on "Proposition de la société Thyssen Industries AG visant à passer avec le MDN un contrat sans appel d'offres pour 207 ou 250 véhicules blindés légers", dated May 13, 1991.

- (94) Summary of the Briefing Note for the Minister on "Proposition de Thyssen Industries AG visant l'obtention d'un contrat sans appel d'offres pour la fourniture au MDN de 207 ou de 250 véhicules blindés légers", undated [circa May 13, 1991] and attachment.
- (95) Briefing Note for the Minister on "Proposition de la société Thyssen Industries AG visant à passer avec le MDN un contrat sans appel d'offres pour 207 ou 250 véhicules blindés légers", dated May 13, 1991.
- (96) Unsigned memorandum to the Honourable John C. Crosbie from Peter B. Lesaux, dated May 16, 1991.
- (97) Transmittal note to Jane Billings from Peter R. Smith, dated May 17, 1991, and attachment.
- (98) Memorandum to the Honourable John C. Crosbie from Peter B. Lesaux, President, Atlantic Canada Opportunities Agency, dated May 17, 1991.
- (99) Memorandum to the Honourable John C. Crosbie from Peter B. Lesaux, President, Atlantic Canada Opportunities Agency, dated May 17, 1991, and attachments.
- (100) Memorandum to the Honourable John C. Crosbie from Peter B. Lesaux, President, Atlantic Canada Opportunities Agency, dated May 17, 1991.
- (101) Unsigned memorandum to Robert Dunlop from J.M. Banigan, dated May 27, 1991, and attachment.
- (102) Unsigned memorandum to Robert Dunlop from J.M. Banigan, dated May 27, 1991, and attachment.
- (103) Unsigned memorandum to Robert Dunlop from J.M. Banigan, dated May 27, 1991, and attachments.
- (104) Unsigned memorandum to the Minister, dated May 1991.
- (105) Unsigned memorandum to the Minister, from Robert R. Fowler, dated May 1991.
- (106) Aide Memoire on Bear Head Industries (Thyssen), dated June 18, 1991.
- (107) Unsigned letter to the Honourable Elmer MacKay from the Honourable Michael H. Wilson, undated [circa June 20, 1991].

- (108) Unsigned memorandum to H.G. Rogers from R.A. Russell, undated [circa June 20, 1991] and attachments, attached to a request for facsimile transmission.
- (109) Unsigned memorandum to Wayne Wouters from Jim Stanton, dated June 27, 1991.
- (110) Letter to W.A. Rowatt from J.C. Mackay, Industry, Science and Technology Canada, dated July 9, 1991, and attachment.
- (111) Letter to W.A. Rowatt from J.C. Mackay, Industry, Science and Technology Canada, dated July 9, 1991, and attachment.
- (112) Aide Memoire on Bear Head Industries (Thyssen), dated July 9, 1991.
- (113) Aide Memoire on Industries Bear Head (Thyssen), dated July 9, 1991.
- (114) Memorandum to the Honourable Michael H. Wilson from J.M. Banigan, Industry, Science and Technology Canada, dated July 10, 1991.
- (115) Memorandum for Paul M. Tellier from William A. Rowat, dated July 16, 1991, and attachment.
- (116) Memorandum for Paul M. Tellier from William A. Rowat, dated July 18, 1991, and attachment.
- (117) Unsigned memorandum to the Minister, from Robert R. Fowler, Deputy Minister, National Defence, dated July 29, 1991.
- (118) Unsigned memorandum to the Minister, from Robert R. Fowler, dated August 1, 1991.
- (119) Memorandum to the Minister, from Robert R. Fowler, Deputy Minister, National Defence, dated August 8, 1991.
- (120) Unsigned memorandum to the Minister, from Robert R. Fowler, Deputy Minister, National Defence, dated August 28, 1991.
- (121) Unsigned letter to the Minister, from Robert R. Fowler, undated [circa August 28, 1991].
- (122) Unsigned letter to the Minister, from Robert R. Fowler, undated [circa August 28, 1991].

- (123) Aide Memoire for the Minister on Thyssen Industries AG/Trenton Works Lavalin, dated August 28, 1991.
- (124) Aide Memoire for the Minister on "La Thyssen Industries AG et la Trenton Works Lavalin", dated August 28, 1991.
- (125) Letter to R. Bilodeau, Deputy Secretary to the Cabinet, Privy Council Office, from R.D. Gillespie, Assistant Deputy Minister, National Defence, dated March 17, 1992, and attachment.
- (126) Briefing Note for Chief of Staff to the Minister of National Defence on Thyssen Industries – Chronology of Significant Events, dated April 2, 1992.
- (127) Suggested letter from the Minister of National Defence to the Minister of Industry, Science and Technology Canada, undated [circa May 20, 1992] and attachment.
- (128) Unsigned letter to the Honourable Michael H. Wilson from the Honourable Marcel Masse, undated [circa May 20, 1992].
- (129) Suggested letter from Minister of National Defence to the Minister of Industry, Science and Technology Canada, undated [circa May 22, 1992].
- (130) Aide Memoire on Thyssen Proposal, "MOU for Development of a multi-purpose base Armoured Vehicle", dated May 28, 1992.
- (131) Aide Memoire on Thyssen Proposal, "MOU for Development of a multi-purpose base Armoured Vehicle", dated May 28, 1992.
- (132) Aide Memoire on Thyssen Proposal, "MOU for Development of a multi-purpose base Armoured Vehicle", dated May 28, 1992.
- (133) Unsigned memorandum for the Prime Minister from Paul M. Tellier, undated [circa June 24, 1992].
- (134) Unsigned memorandum for the Prime Minister from Paul M. Tellier, undated [circa June 24, 1992].
- (135) Memorandum for the Prime Minister from Paul M. Tellier, dated June 24, 1992.
- (136) Briefing Note for the Assistant Deputy Minister on Thyssen Bearhead Industry Update, dated September 11, 1992, and attachment.

- (137) Memorandum to L. Beverly from E. Leah Clark, dated September 15, 1992 [2 copies].
- (138) Memorandum to L. Beverly from E. Leah Clark, dated September 15, 1992, and attachments.
- (139) Memorandum for Hugh Segal from Glen Shortliffe, Clerk of the Privy Council and Secretary to the Cabinet, dated September 17, 1992.
- (140) Briefing Note on Bear Head Industries (BHI) – Proposal to Establish a Facility to Manufacture Light Armoured Vehicles (LAV) in Montreal, Quebec, dated September 17, 1992, and attachments.
- (141) Statement from Norman Spector, President, Atlantic Canada Opportunities Agency, dated September 20, 1995 [refers to information dated from September 1990 to February 1992].
- (142) Agenda, Prime Minister, June 1993.