

**IN THE MATTER OF THE COMMISSION OF  
INQUIRY INTO THE SPONSORSHIP PROGRAM  
AND ADVERTISING ACTIVITIES, issued under Part  
I of the Inquiries Act.**

**IN THE MATTER OF an Application for Standing for  
Phases 1A and 1B of the Inquiry, by Joseph Charles  
Guité, through his legal counsel Michael D.  
Edelson.**

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## **Notice of Application Standing**

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**Michael D. Edelson**

**EDELSON & ASSOCIATES**

Barristers and Solicitors  
Suite 600, 200 Elgin Street  
Ottawa, Ontario K2P 1L5

Tel: (613) 237-2290

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Counsel for Mr. Joseph Charles Guité

**IN THE MATTER OF THE COMMISSION OF INQUIRY INTO THE SPONSORSHIP PROGRAM AND ADVERTISING ACTIVITIES, issued under Part I of the Inquiries Act.**

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**NOTICE OF APPLICATION FOR STANDING**

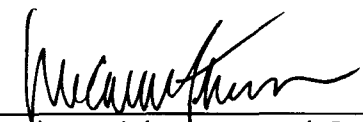
1. Joseph Charles Guité hereby formally applies for full standing for Phases 1A and 1B of the Inquiry.
2. Such standing is sought for that portion of the Inquiry touching upon the issues set out in the terms of reference prescribed in paragraph 27, i to v.
3. Mr. Guité has a real and substantial interest in the Inquiry's activities.
  - a) He is generally recognized as a "Central Figure" with respect to the Government issues perspective of the Inquiry.
  - b) Up until August, 1999, Mr. Guité was a senior public servant who was involved in aspects of Government advertising, sponsorship contracts, and public opinion research.
  - c) He has appeared on three occasions before the Public Accounts Committee of Parliament to testify on the issues forming a central portion of the terms of reference, including chapters 3 and 4 of the November 2003 Report of the Auditor General of Canada.
  - d) He has now been made the subject of criminal allegations by way of a preferred Indictment in the Quebec Superior Court in Montreal. Those allegations are directly related to the mandate of Justice Gomery and the Commission of Inquiry. There are complex and important practical and legal issues surrounding Mr. Guité's participation in the Inquiry, while ensuring full protection of his legal and Charter Rights in respect of any future criminal court proceedings. It is crucial that counsel for Mr. Guité be in a position to address all of these issues before the Commissioner, notwithstanding his mandate precludes any findings of criminal or civil liability.

- e) He has been subpoenaed to testify before the Commission.
- f) If s.13 of the Inquiries Act is invoked, Mr. Guité may require the opportunity to cross-examine witnesses, make submissions and respond to any notices issued in order to protect his reputation.
- g) It will be of crucial importance to a full and fair review of all of the facts and circumstances that Mr. Guité's interests be fully protected at the hearing.
- h) The issues list of Phase 1A and Phase 1B discloses an Inquiry into concerns wherein Mr. Guité has invariably been involved to some degree during his tenure as a public servant. He is directly and substantially affected and has a specific perspective to convey concerning all of these issues as they may impact upon the fact finding duties of the Commission.
- i) The applicant seeks participation through full standing as described in 1 through 7.

For the foregoing reasons, and any further reasons as may be anticipated in oral submissions at Ottawa, June 21 - 23, 2004, the Applicant, Joseph Charles Guité seeks full standing.

DATED at Ottawa Ontario, May 31, 2004

  
\_\_\_\_\_  
Joseph Charles Guité (Applicant)

  
\_\_\_\_\_  
Michael D. Edelson (Legal Counsel)  
Edelson & Associates  
Barristers  
200 Elgin Street  
Suite 600  
Ottawa, Ontario K2P 1L5

(613) 237-2290 (Tel.)  
(613) 237-0071 (Fax)

To: The Commission of Inquiry  
into the Sponsorship Program  
and Advertising Activities  
P.O. Box 1388, Station "B"  
Ottawa, Ontario K1P 5R4

Delivered by Hand:

222 Queen Street  
Ottawa, Ontario

And by Fax To: (1-514-283-8138)

Bernard A. Roy, Q.C.  
Lead Counsel to the Gomery Commission  
Commission of Inquiry into the  
Sponsorship Program and Advertising Activities  
Suite 608, Eastwing  
Guy-Favneau Complex  
200 René Levesque Blvd West  
Montreal, Quebec H2Z 1X4

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**Affidavit of Joseph  
Charles Guité in Support  
of Application for  
Standing**

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**Michael D. Edelson**

**EDELSON & ASSOCIATES**

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**AFFIDAVIT OF JOSEPH CHARLES GUITÉ  
IN SUPPORT OF APPLICATION FOR STANDING**

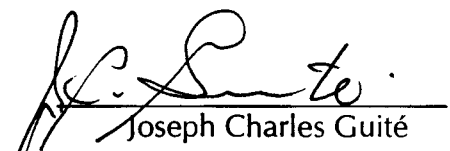
I, Joseph Charles Guité, of the City of Ottawa, Province of Ontario, make oath and say as follows:

1. I, Joseph Charles Guité hereby formally apply for full standing for Phases 1A and 1B of the Inquiry.
2. Such standing is sought for that portion of the Inquiry touching upon the issues set out in the terms of reference prescribed in paragraph 27, i to v.
3. I have a real and substantial interest in the Inquiry's activities set out as follows:
  - a) I have been generally recognized as a "Central Figure" with respect to the Government issues perspective of the Inquiry.
  - b) Up until August, 1999, I was a senior public servant who was involved in aspects of Government advertising, sponsorship contracts, and public opinion research.
  - c) I have appeared on three occasions before the Public Accounts Committee of Parliament to testify on the issues forming a central portion of the terms of reference, including chapters 3 and 4 of the November 2003 Report of the Auditor General of Canada.

- d) I have now been made the subject of criminal allegations by way of a preferred Indictment in the Quebec Superior Court in Montreal. Those allegations are directly related to the mandate of Justice Gomery and the Commission of Inquiry. There are complex and important practical and legal issues surrounding my participation in the Inquiry, while ensuring full protection of my legal and Charter Rights in respect of any future criminal court proceedings. It is crucial that counsel for myself be in a position to address all of these issues before the Commissioner, notwithstanding his mandate precludes any findings of criminal or civil liability.
- e) I have been subpoenaed to testify before the Commission.
- f) If s.13 of the Inquiries Act is invoked, I may, through legal counsel, require the opportunity to cross-examine witnesses, make submissions and respond to any notices issued in order to protect my reputation.
- g) It will be of crucial importance to a full and fair review of all of the facts and circumstances that my interests be fully protected at the hearing.
- h) The issues list of Phase 1A and Phase 1B discloses an inquiry into concerns wherein I have invariably been involved to some degree during my tenure as a public servant. I am directly and substantially affected and have a specific perspective to convey concerning all of these issues as they may impact upon the fact finding duties of the Commission.
- i) I seek participation through full standing as described in 1 through 7.

For the foregoing reasons, and any further reasons as may be anticipated in oral submissions at Ottawa, June 21 - 23, 2004, the Applicant, Joseph Charles Guité seeks full standing.

SWORN BEFORE ME AT THE City )  
of Ottawa in the Regional Municipality )  
of Ottawa-Carleton this 31<sup>st</sup> day of )  
May 2004 )  
\_\_\_\_\_  
A Commissioner, etc. )

  
Joseph Charles Guité

Edelson & Associates  
Barristers  
200 Elgin Street, Suite 600  
Ottawa, Ontario K2P 1L5

Michael D. Edelson  
Counsel for the Applicant

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