

IN THE MATTER of the Commission of Inquiry into the Sponsorship Program and Advertising Activities (the « Commission »);

AND IN THE MATTER of Order in Council P.C. 2004-110 (promulgated on February 19, 2004);

AND IN THE MATTER of an inquiry (the « Inquiry ») under Part I of the Inquiries Act, R.S.C. 1985, Chapter I-11, as amended;

AND IN THE MATTER of a motion for full standing by **VIA Rail Canada Inc.** (« VIA Rail ») its relevant present and former management, members of the Board of Directors, and employees under Rules 2 to 7 of the Rules of Practice and Procedure of the Commission.

### **NOTICE OF MOTION**

**VIA Rail**, its relevant present and former management, members of the Board of Directors and employees hereby make a motion in writing to the Commission for full standing with all rights attendant thereto (as prescribed under Rules 2 to 7 of the Rules of Practice and Procedure of the Commission) for all parts of Phases I A and 1 B of the Inquiry.

**VIA Rail** seeks standing on the following grounds :

- a) VIA Rail is a crown corporation;
- b) VIA Rail operates under Part X of the Financial Administration Act;
- c) VIA Rail received funding for certain advertising, sponsorship and public information purposes under the Sponsorship Program and certain advertising activities of the Government of Canada;

- d) VIA Rail and certain of its present and former members of management, Board of Directors, Audit Committee and employees were the subject of direct comment in Chapter 3 of the November 2003 Report of the Auditor General of Canada to the House of Commons;
- e) VIA Rail has received a subpoena dated May 20, 2004 from the Commission requiring VIA Rail to, inter alia, give oral evidence to the Commission, produce documents and information to the Commission and name witnesses and members of VIA Rail's Audit Committee;
- f) VIA Rail will be directly and substantially affected by all aspects of Phases 1 A and 1 B of the Inquiry; and,
- g) VIA Rail represents clearly ascertainable interests and perspectives essential to the Commissioner's mandate in Phases 1 A and 1 B of the Inquiry.

TO : The Commission of Inquiry into the Sponsorship  
Program and Advertising Activities  
200 René Lévesque Boulevard West, Suite 608  
Montreal, Quebec H2Z 1X4

VIA Rail Canada Inc.  
3 Place Ville Marie, Suite 500  
Montreal, Quebec H3B 2C9  
c/o Carole Mackaay  
General Counsel and Corporate Secretary  
Phone: 514-871-6179  
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As represented by the following counsel:

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## **AFFIDAVIT**

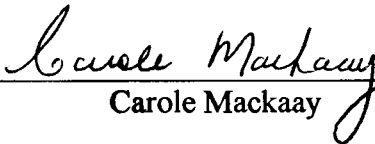
I, Carole Mackaay, of the City of Montreal, Quebec make oath and say as follows :

1. I am general counsel for VIA Rail. I am responsible for all aspects of VIA Rail's representation before the Inquiry and as such have knowledge of the matters hereinafter deposed to :
2. VIA Rail is a crown corporation.
3. VIA Rail operates under Part X of the Financial Administration Act.
4. VIA Rail received funding for certain advertising, sponsorship and public information purposes under the Sponsorship Program and certain advertising activities of the Government of Canada.
5. VIA Rail, and certain present and former members of management, the Board of Directors, Audit Committee and employees were the subject of comment in Chapter 3 of the November 2003 report of the Auditor General of Canada to the House of Commons.

6. VIA Rail has received a subpoena dated May 20, 2004 from the Commission requiring VIA Rail to, inter alia, give oral evidence to the Commission, produce documents and information to the Commission and name witnesses and members of VIA Rail's Audit Committee.
7. VIA Rail will be directly and substantially affected by all aspects of Phases 1 A and 1 B of the Inquiry.
8. VIA Rail represents clearly ascertainable interests and perspectives essential to the Commissioner's mandate in Phases 1 A and 1 B of the Inquiry.

Sworn before me this 31st day of May 2004  
at Montréal, Québec

  
Nancy Beaulieu

  
Carole Mackaay

