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Office of the Conflict of Interest and Ethics Commissioner

ATTN: Mary Dawson, Commissioner

Parliament of Canada

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Email: ciec-ccie@parl.gc.ca

May 3, 2013

RE: Request for examination and ruling under Conflict of Interest Act with regard to Prime Minister Harper's decisions concerning Peter Penashue

Dear Commissioner Dawson:

I am writing to request that you undertake an examination, and issue a public ruling, with regard to Prime Minister Harper's recent decisions and by-election call for the riding of Labrador, actions that I believe furthered Prime Minister Harper's Conservative friend Peter Penashue's private career interest in being re-elected in a way that violates the Conflict of Interest Act.

The first questionable decision by Prime Minister Harper is allowing Mr. Penashue to make a \$1.35 million spending announcement in his riding on March 11, 2013, just four days before Mr. Penashue resigned his seat. I am asking you to investigate whether the Prime Minister knew that Mr. Penashue was going to resign and whether he made the decision to allow Mr. Penashue to make that announcement knowing that Mr. Penashue would soon run as a candidate in a by-election in the riding.

The second questionable decision is that by calling the by-election on April 7th before prosecutors decided whether to charge Mr. Penashue or others involved in his 2011 election campaign for violations of the Canada Elections Act, Prime Minister Harper is essentially furthering Mr. Penashue's private interests by not allowing voters in the riding to know whether independent investigators at Elections Canada and prosecutors have concluded that there is enough clear evidence of violations to prosecute. The Prime Minister could definitely have waited longer to call the by-election, which would have given prosecutors adequate time needed to make their decision.



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The federal Conflict of Interest Act prohibits public office holders like the Prime Minister from exercising “an official power, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person’s private interests.” (sections 4 and 6).

Not only is Mr. Penashue clearly a “friend” of Prime Minister Harper (who recently called Mr. Penashue the “best member of Parliament Labrador has ever had” – something a friend would clearly say), but also you have, in your recent ruling in a situation involving Jim Flaherty, made it clear that the definition of “improperly” includes the standards set out in Prime Minister Harper’s Accountable Government guide for ministers.

That guide requires ministers to “uphold the highest ethical standards so that public confidence and trust in the integrity and impartiality of government are maintained and enhanced” and to “make decisions in the public interest” and to “perform their official duties and arrange their private affairs in a manner that will bear the closest public scrutiny. This obligation is not fully discharged merely by acting within the law” (Annex A, Part I: Ethical Guidelines and Statutory Standards of Conduct).

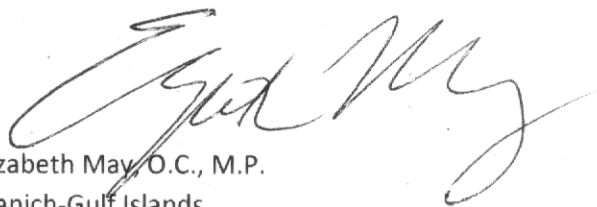
It seems very clear that Prime Minister Harper’s recent decisions concerning Mr. Penashue do not uphold the highest ethical standards and are not impartial in a way that enhances public confidence and trust as they are favours that help Mr. Penashue, are not in the public interest because they effectively deny voters key information they have a right to know before they vote in the by-election, and, as a result, do not bear the closest public scrutiny, given how clearly they help Mr. Penashue’s private career interest private career interest in keeping his job, and pay, as a Member of Parliament.

I therefore believe that Prime Minister Harper has violated sections 4 and 6 of the Conflict of Interest Act because he has furthered his friend Peter Penashue's private interest, or in any case improperly furthered Mr. Penashue's private interest, by making the decision to call the by-election before the Commissioner of Canada Elections and the Public Prosecutor made their decisions about whether Mr. Penashue should be prosecuted for violations of the Canada Elections Act.

Please contact me at the address above if you need any more information to conduct the examination.

I look forward to receiving your ruling.

Sincerely,



Elizabeth May, O.C., M.P.

Saanich-Gulf Islands

Leader of the Green Party of Canada