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PROTECTED - PERSONAL INFORMATION

December 20, 2006

Mr. Duff Conacher
Coordinator
Democracy Watch
420 - 1 Nicholas Street
P.O. Box 821, Station B
Ottawa, ON K1P 5P9

Dear Mr. Conacher:

I am writing in response to your letters of November 22, 2006 and December 18, 2006 in which you asked me to conduct an investigation on the activities and statements of Prime Minister Stephen Harper; Treasury Board President John Baird; and Ms. Sandra Buckler, PMO Director of Communications.

First, I would like to point out that subsection 72.08(1) of the *Parliament of Canada Act* allows me to undertake examinations under the *Conflict of Interest and Post-Employment Code for Public Office Holders* (POH Code) at the request of a member of the Senate or the House of Commons only, in relation to the conduct of Ministers of the Crown, Ministers of State and Parliamentary Secretaries. Since Ms. Buckler does not fall within this category of public office holders, and considering that this request is not from a member of the Senate or the House of Commons, I do not have any statutory authority to proceed with an examination into the conduct of the individuals named above, with respect to the application of the POH Code.

Similarly, subsection 27(1) of the *Conflict of Interest Code for Members of the House of Commons* stipulates that the Ethics Commissioner can conduct an inquiry only when a request is received from a member of the Senate or House of Commons.

As I am sure you are aware, under the *Parliament of Canada Act* I do not have the authority to self-initiate an examination regarding public office holders. I do, however, have that

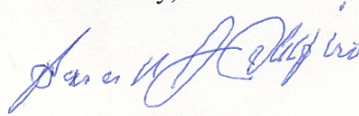


authority under the *Conflict of Interest Code for Members of the House of Commons* in relation to members.

I believe it is necessary to understand that the allegations you are making relate both to activities that occurred during an election campaign which are not associated with the carrying out of duties and functions of their office as members or as public office holders and the subsequent introduction of Bill C-2 by the government, which would be considered an activity associated with the discharge of duties and responsibilities as public office holders. Bearing this in mind and based on the information you have provided, I am unable to conclude on reasonable grounds that Prime Minister Harper or Minister Baird have failed to comply with their obligations under the *Conflict of Interest Code for Members of the House of Commons*.

Accordingly, and in keeping with the foregoing, I cannot proceed with your request for an investigation into the conduct of Prime Minister Harper, Minister Baird and Sandra Buckler.

Cordially,



Bernard J. Shapiro
Ethics Commissioner