

LEST WE FORGET THE IN AND OUT SCHEME AND PROROGATION

Posted by Joan Russow
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by [Joan Russow](#) Global Compliance Research Project

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Prorogation- a forgotten prelude to the evading of investigation and to the avoiding of a vote of non-confidence. It should be pointed out also that Harper used the Governor General to dissolve Parliament, in 2008, to avoid the investigation, by the Parliamentary Ethics and Access to Information Committee, into the in-and-out Conservative funding scheme in the 2006 election. Background from 2008 and the dissolution of the Ethics Committee because the Governor General dissolved Parliament and granted Harper an election Harper's rationale for calling the election was that Parliament was dysfunctional

. He deemed that Parliament was dysfunctional because the three opposition parties representing over 66% of the electorate disagreed with his policies. He had presumed that he would be successful in obtaining a majority and thus his policies would then be implemented. While he increased the number of Conservative members he failed to attain a majority government, and thus the Parliament is still dysfunctional. If the dysfunctionality of a minority government was the reason for going to the polls then when he obtained another minority government equally dysfunctional - he should have stepped down and called upon the Governor General to form a Coalition Government. But he DID NOT. Why? Was there another reason for calling a quick election? Was it that with an election there would be the dissolution of the Parliamentary Ethics Committee that was investigating the Conservative violation of the Elections Act in the 2006 election? Serious questions arise about the condoning of potentially fraudulent election practices, the reneging of responsibility by the Governor General; the disregarding, by the media, of this issue during the election; and the legitimacy of Harper speaking on behalf of Canada with less than 40% support of the population.. **DELIBERATIONS OF THE PARLIAMENTARY ETHICS COMMITTEE IN THE HEARINGS IN AUGUST, 2008** There is no doubt that the public interest would certainly be served by exposing the fraudulent practice used by the Conservatives in the 2006 election. On August 14, 2008, at the Parliamentary Committee, it was revealed that there is sufficient evidence that this practice occurred and that the practice was condoned by the Conservative Party. One Conservative witness even referred to the scheme as being a creative fund-raising scheme benefiting in the long-run Conservatives

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WITNESSES: Chantal Proulx and Don Beardall from the Office of the Public Prosecution of Canada. PAT MARTIN from the NDP raised a serious question about the potential that the case before the Office of the Public Prosecution might not even be resolved before the next election (either before, in 2008, or on the fixed election date in 2009), and that the Conservatives could even adopt the same in-and-out scheme. CONSERVATIVES TRANSFERRED NOT JUST FUNDS BUT EXPENSES WITNESS: Mark Mayrand, Chief Electoral Officer In response to questions asked by various opposition members, Mark Mayrand confirmed that the transfer of funds from the Central Campaign to the Riding Associations, is permitted. What is not permitted is the transfer of expenses of the local candidates campaign. When asked if he had determined if this practice had occurred with other parties during the 2006 election, Marc Mayrand responded: No. CONSERVATIVES EXCEEDED THEIR NATIONAL SPENDING LIMITS BY TRANSFERRING FUNDS TO THE RIDING ASSOCIATIONS. It was pointed out by a Committee member that by passing on expenses to local ridings the Conservative National Election Campaign superseded its national spending limits by 1.3 million. It was also noted that political parties benefit in a number of ways such as issuing tax receipts for donations with tax benefits of up to 76%, paying \$1.75 per vote, and providing rebates, of 60% of election expenses, for candidates receiving 10% of the vote. Marc Mayrand indicated that in cases where the expenses were under investigation, rebates had not been made. This point was not clear; it is possible that rebates were made before the investigation was undertaken, and it was not clear whether or not an investigation would result in the re-imburement of the rebate. CONSERVATIVE CANDIDATES AND OFFICIAL AGENTS WERE WILLING TO SIGN A FALSE EXPENSE FORM Official agents and candidates both sign off and attest that the expenses occurred in the local campaign are at fair market value. Both the Conservative candidates and their agents who are under investigation apparently signed the required documents even though they knew that the expenses were not incurred locally by their campaigns. CONSERVATIVE PARTY DID NOT COMPLY WITH THE ADVERTISING REQUIREMENTS OF FAIR MARKET VALUE It was pointed out that in three adjacent ridings in Toronto, the same ads were recorded, by the Conservative candidates, as costing a different amount. The implications of this are that the expenses were accounted for in relation to the range of spending limits for the candidates. CONSERVATIVE CANDIDATES PROBABLY WOULD NOT HAVE BEEN ABLE TO DEMONSTRATE THAT THE NATIONAL ADS WOULD HAVE BENEFITED THE LOCAL CANDIDATES. Richard Nadeau, Bloc MP, made the distinction between pooling of resources to collectively benefit the candidates, and the practice of in-and-out national campaign ads. Marc Mayrand responded that "it must be sure that it benefits the candidates..." and that "I am not satisfied that all the expenses claimed were of benefit to the candidates...." CONSERVATIVE CANDIDATES AND AGENTS WERE NOT APPRISED OF THE REGULATION UNDER THE ELECTIONS ACT Ricard Nadeau also raised the issue of the need for proper training of candidates and their agents so that this Conservative practice would never happen again. He proposed that Elections Canada should do this across the country. Marc Mayrand responded that "we hold training sessions regularly throughout the

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country." He cited the problem of late selection of agents at election time, and that the agents are already overwhelmed. He neglected to mention that there are meetings, of representatives of the registered parties at the Elections Canada office in Ottawa, and that this issue could be raised at that time and all party riding headquarters apprised of the regulation related to expenses. CONSERVATIVES MIGHT BE EMBROILED IN ALL LEVELS OF TAX EVASION BECAUSE OF THE SCHEME Marcel Proulx raised the issue of discrepancy in provincial taxes and that the taxes were not applied before the assessment of GST. This might indicate a problem with the invoices submitted by Retail Media, the agent acting for the National Conservative Ad Campaign. Conservative members of the Committee continually raise issues related to process, rather than recognizing that it is clear that the Conservatives did engage in a widespread way in at least 67 ridings, that this practice was against the Elections Act, and that the Conservatives benefited unfairly in the 2006 election from this practice. TIME FOR THE GOVERNOR GENERAL TO INVOKE ARTICLE V AND REMOVE HARPER AND THE CONSERVATIVES INVOLVED IN THE FRAUDULENT FUNDING SCHEME, FROM OFFICE FOR NEGLIGENCE AND FRAUD Canadians must be prepared to no longer tolerate an unethical government which has engaged in fraudulent practices, evasive techniques, and unscrupulous actions, to govern. How much longer will a compliant Governor General support such practices, techniques and actions? The Governor General has erred thrice in dissolving and proroguing Parliament, (under Article VI) of her Letters Patent. Now she must correctly use her residual powers under Article V to remove Harper and the Conservative MPs benefiting from 2006 in-and-out funding, from office for criminal negligence and for election fraud. It is incumbent upon the Governor General, on January 25 2010 when the Opposition Parties appear at Parliament, to invoke Article VI of the Lettres Patent to summon Parliament, and then call upon the Opposition Parties to govern.

If you were also Prime Minister would you have entered into an in and out funding scheme which was clearly in violation of the Elections Act. And when it was being investigated by a parliamentary committee, would you advise the 67 impugned MPs not to appear or respect subpoenas to appear?. And then would you step down and ask the GG to dissolve parliament, so you could evade an investigation? Or would you avoid a non-confidence vote, by asking the GG to prorogue Parliament. Or would you also evade an investigation of Canada's violation of the Convention Against Torture, by again asking the GG to prorogue Parliament? If so, would you not be acting strategically but not ethically, and in the first case, not legally? Under the Elections Act MPs and their agents can be prosecuted for such offences, and as you know there is still an outstanding case, launched by Elections Canada, against the Conservative MPs. He has made a mockery of Canada's Constitution.