

Canada Elections Act

any credibility that the public can have in this government's intent to bring about electoral reform if it does not plug the obvious loophole of anonymous contributions. We in the New Democratic Party will not stand for that kind of subversion of a very good elections act. We will fight for amendments to the bill prohibiting any kind of anonymous contributions, or use thereof, in a campaign.

Another part of the entire bill and the elections act which concerns me is the weakness which was manifested recently in a federal by-election in Ottawa-Carleton. Section 70.1 deals with incurring election expenses by individuals other than candidates or organizations which are recognized as a political party or part of a political party. I should like to read that provision into the record, because I think it is germane to the situation which occurred recently in the federal by-election to which I have referred. I should like to refer to the Statutes of Canada, 1973-74, at C.51 on page 26. Section 70.1(1) reads as follows:

Every one, other than

(a) a candidate, official agent or any other person acting on behalf of a candidate with the candidate's actual knowledge and consent, or

(b) a registered agent of a registered party acting within the scope of his authority as such or other person acting on behalf of a registered party with the actual knowledge and consent of an officer thereof,

who, between the date of the issue of the writ for an election and the day immediately following polling day, incurs election expenses is guilty of an offence against this act.

The problem is this: in the by-election in Ottawa-Carleton, Mr. Donald Roach hired an aeroplane which towed a banner behind it with the following message, "OHC employees—767 CUPE Vote, but not Liberal."

Mr. Paproski: A good message; a great message.

Mr. Symes: This is an example of a third party involved in advertising in an election campaign. The third party was not a member of any of the parties campaigning in the campaign itself. It was an outside, non-political group. They advertised a political message. The Chief Electoral Officer launched a suit, after the by-election, against Mr. Roach for violation of the current elections act. Subsequent to a trial, we find that Judge Hugh Zimmerman ruled that Donald Roach did not violate the Canada Elections Act.

The court decision raises a very serious question about the intent of the act passed by the Parliament of Canada, because if that decision is allowed to stand, it subverts the limitation of expenses provision of the act. If that court ruling is upheld, it could be possible for any third party to advertise for or against a recognized candidate or party as defined by the elections act.

Conceivably, in the next federal election we could have advertising of any sort placed by such groups as Citizens Coalition, the Trotskyites, any police association or any concerned citizens' group which may arise during a campaign, arguing their points of view with a message to vote for or against a certain candidate. If non-political party is able to do that, then what effect will it have on the provisions of the act limiting the expenses a political party can incur?

[Mr. Symes.]

Therefore, it would be quite easy for any of the recognized political parties to say to another group, "Well, if you get together and raise some funds and advertise in such a way that it is beneficial to my party, that is all to the good; it will never come under the limitations of the Election Expenses Act". We have to look at that weakness in order to determine whether it necessitates the bringing in of a further amendment to the bill before us in order to close the loophole of non-recognized parties, groups or individuals advertising during a campaign, or whether the Chief Electoral Officer must take the court decision to the Supreme Court of Canada and ask for a very definitive ruling on it. If we do not take into account that incident in the by-election and the subsequent court decision, it seems to me we will have thrown the limitation of expenses out the window. We will have provided a major loophole that subverts one of the fundamental intentions of this act to bring about electoral reform in this country.

● (1612)

Those are some of my concerns and those of my party. I should like to acknowledge, again, and pay tribute to the work of the committee. I am gratified to see that some of the representations I have made, and I know other members have made, have been accepted. I think, for example, of the provision in the bill before us that will allow advance voting for people who, because of their work, may be out of the constituency for quite a while prior to the advance polls.

I think that provision is long overdue. But what worries me are the omissions in the bill before us which are an indication of the attitude of the Liberal government once it gets back to a majority position.

In a minority parliament we had a real, meaningful and positive reform of our election procedures in this country, as contained in the act before us. For the first time, it brought a degree of openness to the democratic process, a degree of equality in terms of fund raising and expenditure. Because of the subsequent incidents and the loopholes that have been discovered, I fear that unless we have a tightening up, more so than this bill gives us, we will regress, rather than progress, in terms of reforming the democratic process in this country.

I want, as my party has always wanted, an open and above board system of election financing. To do that, we must have limitations on expenditures, we must have full public disclosure of where the money is coming from, and we must have a measure of reimbursement from the public treasury for campaign expenses. I fear that because of some of the loopholes which are not corrected, the government has ignored the recommendations of the all-party committee, and the great act which was passed in the twenty-ninth parliament, which I think restored some confidence to the people of Canada in our political system, will suffer and that confidence will be eroded, as indeed will the act and the whole political process unless we see some tightening up and prohibition of anonymous contributions and third party campaigning under the terms of the act.