

without accounting for such expenditures, along lines which, surely, were envisaged when the elections act was debated.

I plead with members of the appropriate committee to make sure that my suggestion is given consideration and that ad hoc committees of the kind I have described are not permitted. In my view, they are frivolous and unacceptable groups whose activities go beyond the spirit of this bill. In short, if my suggestion is not accepted, the bill will mean nothing.

PROCEEDINGS ON ADJOURNMENT MOTION

[English]

SUBJECT MATTER OF QUESTIONS TO BE DEBATED

The Acting Speaker (Mr. Turner): It is my duty, pursuant to Standing Order 40, to inform the House that the questions to be raised on the adjournment motion at 6 p.m. are as follows: the hon. member for Egmont (Mr. MacDonald)—Performing Arts; the hon. member for Sault Ste. Marie (Mr. Symes)—Finance; the hon. member for Dauphin (Mr. Ritchie)—Grain.

GOVERNMENT ORDERS

[English]

CANADA ELECTIONS ACT

AMENDMENT OF CERTAIN PROVISIONS

The House resumed consideration of the motion of Mr. Cafik (for Mr. MacEachen) that Bill C-5, to amend the Canada Elections Act, be read the second time and referred to the Standing Committee on Privileges and Elections.

Mr. Lorne Nystrom (Yorkton-Melville): Mr. Speaker, I should like to say a few words about the bill which is before us. When the acting House leader rose, he covered, I think quite adequately, two of the three concerns we have, one being anonymous contributions and, second, the desirability of taking a serious look at indexing in the bill before us. The third concern is one which I think is very important, that is, third party advertising, the subject dealt with by my hon. friend from Brantford (Mr. Blackburn).

There was a case very recently, the Roach case, where the judge ruled in favour of Mr. Roach and in favour of third party advertising. If that sets a precedent, then the whole effect of the elections act in controlling expenditures may be nullified. On October 24 this year, in a judgment, His Honour Judge Zimmerman said the following:

Canada Elections Act

Mr. Roach in his evidence made it clear, in my opinion, that the aims of CUPE, Local 767, were to oppose the anti-inflation program, that his own personal views on the issue were in accord with those aims, and that the means adopted by CUPE Local 767 were intended to attract publicity for the purpose of advancing those aims. Mr. Roach also made it clear in his evidence, and I accept the fact, that no contact was made with any candidates or official agents, so it cannot be said that the expense was related to any provision of the act limiting election expenses. It seems to me, therefore, to follow that the expense was made in good faith.

I do not quarrel, of course, with the judgment of His Honour, but I do think we as parliamentarians should concern ourselves with plugging the loopholes in the act so that this type of activity is not permitted, because if we were to allow what I would call third party advertising, we would be inviting nullification of the act. Not only would we be allowing private citizens to put advertisements in the media campaigning for a certain point of view during an election campaign, but we would also be allowing citizens' committees of all sorts to be formed, committees of concern, citizens in defence of freedom, citizens in defence of God knows what. We would also be allowing the Canadian Manufacturers Association, trade unions, mining associations, insurance companies, and so on, to get involved in election campaigns and campaign for certain ideas or for certain philosophies and not come under the scope of election expenditures. That could distort the whole intent of the act.

As this ruling says, Mr. Roach—and I do not disagree with the objectives Mr. Roach was talking about; this party opposed very vigorously the anti-inflation program—was putting forth his personal views opposing the program during a by-election campaign when the election expenses act had application. He made it clear this was his personal position and that he was in contact with no official agents or candidates of any political party. It was his own personal position in opposition to the anti-inflation program. As I say, I agree with him on that particular issue, but there might be other issues with regard to which I would not agree with him.

I think we have to set aside our personal feelings and look at the merits of this activity. He was trying to influence the outcome of the by-election and was acting totally outside the scope of the elections act. Before it passes the bill before us, I think parliament ought to plug that loophole so that associations cannot be formed during an election campaign in order to present certain points of view.

I recall very vividly the recent British Columbia election when the insurance companies were actively involved in a campaign of their own against the government of the day because it had set up auto insurance in the province. There could be many associations in the next election campaign attacking us, attacking the Conservatives or attacking the government for certain points of view. They would not come under the scope of the elections act as it is drafted, if the Roach decision is to become a precedent. I hope the government will take a serious look at this question. I know many members of the government are very concerned about this judgment being used as a precedent. I know many officials of the Liberal party are very concerned about it—as we are—and as, I am sure, are many members of the Conservative party.