

*Election Expenses*

that part of the Elections Act which says that if a candidate has been charged with and convicted of an electoral offence, he shall not run as a candidate in subsequent elections. That provision should be tempered, by limiting the prohibition to three elections, or something like that.

The bill provides for the appointment of a chief agent. He and other officials at the head of the party no doubt will be enthusiastic in dreaming up actions to be taken on behalf of the party. Certain people will be appointed to carry out those actions. They will have responsibility, without much of the control. I suggest that we should consider, at a later stage, taking away the privileges of those who are guilty of infractions. That is to say, we should say that such person cannot be a candidate or participate in any official function thereafter in an election. This type of penalty is provided in other sections of the act. We have used it freely when an offence is charged and proven. I believe, though, that the amendment would be difficult to enforce.

● (1500)

I am sorry I did not have an opportunity to sit on the committee and take part in the discussions which took place there. I am aware that many hon. members who have sat in this chamber in the last few days do not really care how the Elections Act is amended. They are obviously not interested in it. They will probably depend on others to read it if necessary. This probably is why candidates are usually given a large number of copies of the act; hopefully, someone around them will sit down and read it and make the life of the returning officer easy. In my view there will be only a limited number of people interested enough to learn all the intricacies of the job they undertake. They are likely to take on the job with the same attitude as some of the young Americans who worked in the election campaign there and who went from A to B without giving any consideration to the philosophy behind democratic election machinery.

While I am sympathetic to the point the hon. member for Skeena (Mr. Howard) is making, I am afraid that if this penalty were applied it would be easy to show that the party itself was not responsible, that someone or another had exceeded his authority and as a result the party should not have to pay the \$25,000 fine. Rather, the person who actually committed the offence would likely be incarcerated. Again, we need only look south of the border to find that most of the principals involved in the unfortunate incident there are not likely to be faced with jail sentences, but a lot of "small fish" are in line for jail sentences. Out of the whole "plumber" organization, the only people who are in jail after conviction are bums and petty crooks, while the people who organized this whole Mafia-type structure are still walking around, some of them holding high government positions.

So while supporting the amendment, I fear there will be a tendency on the part of the courts to rap the people who are not fully aware of their responsibilities and that the \$25,000 fine will be imposed in very few instances. We are talking here about money distributed from the general purse. It appears to me that if a political party spends an extra amount—

[Mr. Peters.]

**Mr. Deputy Speaker:** Order. I regret that the time allotted to the hon. member has expired.

**Mr. Thomas S. Barnett (Comox-Alberni):** Mr. Speaker, the report stage of a bill is an important part of our proceedings and might be regarded as an opportunity to take what used to be called a sober second look. Those of us who have worked on committees know that in dealing with complex and lengthy legislation there is often a desire to dispose of the clauses without too much delay. In most cases, the committee does a good job. Many who have taken part in this debate have referred to the good work done by the committee which dealt with this particular piece of legislation.

The fact remains that the report stage does give us an opportunity to consider once again this legislation which is, in many ways, an experiment. It is not surprising that the hon. member for Skeena (Mr. Howard) should have discovered at the end of the committee's work that there are still a number of questions which require consideration. The amendment before us is a good case in point. In a word or two, it is designed to prevent buck-passing.

As we all know, political parties are somewhat amorphous aggregations of people, and on occasions certain people in the organizations do take actions for which others may suffer the consequences. In the bill before us, as I understand it, there is provision that if an offence is created by the chief agent of a registered party which involves overspending of the legal limits, the party itself becomes liable to a fine of \$25,000. There are some questions here as to the extent to which parties are incorporated when a party is charged and fined. If I understand the proposal in the bill correctly, before the party can be charged and fined the chief agent would have to be found guilty of an offence.

● (1510)

There is a possibility that the situation with respect to the chief agent may be covered by section 78 of the act, which states that if there is no other provision in the act regarding the penalty for an offence, certain penalties will apply if a person who is charged is found guilty. The position outlined in this proposal for having registration of parties, chief agents and other agents puts a particular responsibility on that individual. As I understand it, the onus would be on the registered agent. As the bill stands without this amendment, the registered agent would have to be charged under section 78 and convicted; the registered party would then be liable to a charge and, if convicted, subject to a penalty not exceeding \$25,000. It may be true that the chief agent is primarily legally accountable, but I submit this leaves open the possibility that other people associated with the party who have not assumed a particular responsibility under the Elections Act for the spending of funds might take action which indirectly would make the party and registered agent guilty of an offence under the act.

The amendment proposed by the hon. member for Skeena makes it clear that officers of the party other than the registered agent will be liable for such acts if the party commits an offence. This seems to be a useful proposal to tighten up the whole operation if, in fact, any party does play fast and loose with the law relating to a ceiling on