

could be for some other period of time. I am not saying that one year is inviolable and not subject to change. I simply picked one year because that is the sort of medium range penalty that exists in the act for a general violation for which no specific penalty is provided under section 78.

I suppose one could have used the words, "is guilty of an offence against this act". If that were the case, then the offender would come under the proscriptions of section 78.1. That is another way of doing it. I do not think it really matters except that the potential fine in section 78.1 is less than it is here, and less than that which was conceived by the minister in drafting the bill in the first place.

Some hon. Members: Question.

Mr. Arnold Peters (Timiskaming): Mr. Speaker, in the last few minutes I have been looking over the responsibilities being created in this bill amending the Elections Act, the Broadcasting Act and the Income Tax Act. We are again faced with the problem of some person being designated by legislation as having a legal position and being then in a position, as a representative of a party, of doing something that, in effect, will be an offence against one of the amending sections of either the Elections Act, the Broadcasting Act or the Income Tax Act.

This person, Mr. Speaker, is acting on behalf of the party and is a recognized official of that party. On page 8 of the bill section 13.2(1) reads as follows:

The chief agent of any registered party that, through registered agents acting within the scope of their authority as such or other persons acting on behalf of the registered party with the actual knowledge and consent of an officer thereof, incurs election expenses on account of or in respect of the conduct or management of an election that exceed in the aggregate the amount determined by multiplying 30 cents by the number of names appearing on all preliminary lists of electors at the election for the electoral districts in which there is an official candidate who has the endorsement of the party, is guilty of an offence against this act.

To some extent, Mr. Speaker, I disagree with the previous speaker because it seems to me that this is putting a great deal of responsibility on someone who may or may not—this is not very clearly defined in the bill as so many things are not and I suppose we will be relying on practice established from precedent—have the authority. It is not clear who this person may be, or the extent of the responsibility that he will have within the party. In some cases, this would be an honorary position and in other cases we will be talking about the paid political organizer or chief officer of that political party. It will depend to quite an extent on which type of agent is being considered whether they should be involved in the liability that the party may have.

The hon. member for Skeena (Mr. Howard) was speaking about specific offences committed by an individual in his right as an agent of a candidate. His liability is totally within his own responsibility, then. It seems to me, Mr. Speaker, in looking at the agent representing the national party who may be making decisions for a large number of areas, and who may think that he is providing the amount of money necessary and made possible by this law, we may in fact find that there are other factors over which he has no control. While it may be advantageous to levy a

Election Expenses

fine against the party, I am not sure that an officer of a political party who may not have too much control over what is done elsewhere should be held accountable. I am not a lawyer, but I can see that the court would have to determine questions relating to the degree of responsibility, how extensive that responsibility is and on whom the burden of responsibility is to rest.

● (1450)

What would happen, for example, if the officer of a political party, in anticipating a letter of recommendation to a candidate, were to make an allotment to the candidate of 30 cents times the number of constituents on the voters' list, only to find at the last minute that there is no letter of endorsement of the candidate from the party, and that the candidate, therefore, does not enjoy the support of the party? That agent, who had in good faith made available moneys in keeping with the law, would find himself in difficulties. Of course, in some cases, the allocation of moneys might be connived. These things might be done without the knowledge of the agent. It seems to me that since an officer might not be able to control what is done, he should not be held accountable for actions which might be violations under the part of the act we are considering. Even though certain actions might warrant a party being fined \$25,000, I do not believe that the officer, in such circumstances as I have alluded to, ought to be considered as being guilty of an offence which warrants his incarceration.

The chief agent will be appointed by the party, and he may delegate certain powers and functions to those under him at the constituency level. In my opinion, too many people will be involved in certain kinds of decisions to warrant an individual being held responsible for a situation in which the party may be subject to a fine.

I am sure that many members of parliament do not know how much money was raised for their national organization, or how much the national organization distributed to individual ridings. Often, the official agent, or agents appointed by him, will not know quite how much money has been voluntarily donated for the campaign of the candidate in the riding. Therefore, as it is possible that certain offences may be committed on behalf of a party, the party obviously must have some type of machinery with which to protect itself. Actually, very few people in politics in this country do what is done in the United States, sell their souls for a job, or for a cause they believe in.

In my experience, most mistakes have been mistakes of oversight. They would not warrant a person's being sent to jail. Someone at the national level is to be responsible for providing 30 cents for each voter on the voters' list in 264 constituencies, or thereabouts. That calculation will be made in good faith on the basis of information which has been supplied to the officer. If a mistake is made, I suggest that it should not be considered as an offence which would warrant the incarceration of that individual. If there is to be a penalty, the party should pay. The concept of the guilt of the individual and the culpability of the party should be separated.

There are some extreme penalties in the act that I should like to see softened. Specifically, I am referring to