

is liable on conviction to a fine not exceeding \$25,000 and to imprisonment for a term not exceeding one year or to both.

I think if we are to enact legislation of this nature, which we consider to be so important, so valuable and so extraordinary that it must have attached to it a fine of an extraordinary level, namely \$25,000, which is far in excess of any other fine contemplated anywhere else in the Election Act, we should also include the companion step, in recognition of the fact that a party will spend beyond the limitation in this legislation only if individual human beings, officers or agents operating within the party, take the deliberate step of seeing that money is appended above that limit. In that case, when the officer or agent of the party takes that deliberate step, and therefore either directs or authorizes the action which results in the over-expenditure in the violation of the law, or if he assented to it, acquiesced in it or participated in it, then that individual also should be faced with some kind of punishment.

• (1420)

In another section of the act—and this is the penalty which exists right now in terms of jail sentences—if a person is guilty of taking down, covering up, mutilating, defacing or altering any printed notice that is the official notice issued under the authority of the Chief Electoral Officer, not party campaign notices about meetings or posters but official notices, he is liable to a jail term not exceeding two years. If a person is guilty of another offence such as for argument's sake, tearing down another person's or party's election poster, then he is liable to a one-year jail sentence on summary conviction. If a person tears down an opponent's election poster or paints a moustache or eyeglasses on the picture, and I have seen that happen as have other hon. members, or if a poster of one party is placed on top of and thus covers up the poster of another party, then he can be arraigned in court and sentenced to a jail term of one year. That is what the Canada Election Act provides. We, as legislators, are saying that if you paint a moustache on somebody else's poster, then you have defaced it and you can go to jail for a year for that. It sounds stupid and ridiculous, but it can happen under the law. We, as legislators, say that we can send a person to jail for a year for simply playing around with someone else's election poster.

When it comes to the limitation of the total expenditure of a party in a national election campaign, when it comes to the over-reaching of the amount which the law says shall be the limit of permissible expenditures, to which we have already attached a fine of up to \$25,000 for the party which is greatly in excess of any other fine for any other activity under the act, surely it is not asking too much to say that any officer or agent of that party who directed or agreed to that violation of the law of parliament should be liable to a jail sentence also. That is all the amendment asks. I think it goes further and recognizes also that a political party does not do anything unless an individual officer or agent, a person or a group of people, decide to do something. An aircraft cannot be chartered to take the leader of a party across the country to visit this nation's centres during an election campaign unless someone telephones to make the reservations, arrange to pay the bill, or set up the itinerary. It will not happen by itself. There can

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be no offence against this act unless an individual takes the step to do it.

It is true that there may be an accidental violation of the act. It may well be that the treasurer or whoever does the bookwork has knowledge—and this information will be made available to him by the Chief Electoral Officer who will publish it in the *Canada Gazette*—of the number of registered voters on the preliminary list so that every registered party will be able to say: "There are X number of voters. If we multiply that by 30 cents, we can predict precisely to the penny what the limitation of our expenditures is liable to be." It might well be that a commitment is made to do a certain thing, based upon the expectation that it will cost a certain amount of money, and then you find that it will cost you a little more. It is quite easy for that to occur. Unforeseen things develop, postage rates can change or freight rates can change or you can make a verbal commitment about going someplace by aircraft or by some other means and you might find that the rates have changed and you might have to pay more for the fare. It could be that a registered party will cut things so finely that in spite of its close reference to the limitation imposed upon it, it finds some unknown contingencies which will make it accidentally go over the limit, and instead of spending \$4.2 million—and I think a party would have to stretch itself quite a bit to reach that level—it will spend another few hundreds dollars or few thousand dollars.

The party will then be arraigned in court and its officials will put up a defence. This is what lawyers tell me happens. The officials will say in court: "Your Honour, this was accidental. We had assessed all the circumstances but we finally discovered in the last week of the campaign that either the airline company had raised its rates or gasoline prices had gone up and we had not anticipated it. We had made a commitment and we could not get out of it. In any event, it was necessary for that campaign, so we went ahead with it and we over-reached ourselves by a small percentage of the total amount of money to which we are limited". I gather, from what lawyers tell me, that that is the reason the bill now says: "liable to a fine not exceeding \$25,000". I understand that those words give the judge or the court the opportunity to assess, on the basis of evidence presented, whether it was a deliberate over-spending or an accidental over-spending over which no one had any control. Then the judge could say: "Technically you are guilty of an offence under the act, but I fine you \$1" or "I give you a suspended sentence". This means the court has agreed that it was accidental.

• (1430)

But where there is an instance of flagrant abuse of the limitation section of the act, for whatever reason, and this can be proven, and it can be also proven that an officer of the party took part in that deliberate over-reaching, then given those conditions some kind of punishment should be visited on that individual, just to make him that more careful and respectful of the will of parliament when parliament says to registered parties that there shall be a limitation. It does not matter what that limitation is determined to be because as you know, Mr. Speaker, there are a number of amendments on the order paper, the votes on which have been deferred, and it may not be 30 cents by