

*Broadcasting House Proceedings*

witching hour of the dinner recess I had been dealing with some of the comments made by the hon. member for Saint-Jacques (Mr. Guilbault) and the hon. member for Waterloo-Cambridge (Mr. Saltsman). I thought I had, in a non-partisan way, answered the arguments they made. I also indicated that I personally favour a proposition which would permit this House to broadcast radio and television transmissions of its proceedings, but I expressed certain doubts and filed a verbal caveat.

I should like now to enlarge on that caveat and some of the things which lead me to believe we have to be very careful as we move into these uncharted waters filled with shallows and shoals and rocks. There are areas of difficulty which I shall leave to colleagues on both sides of the House because I feel that there is a general consensus among those who support this motion as to some of these dangers. Certain of them concern the mechanical problems, the technical problems. I give credit to the officials of the House and to the representatives of the networks who have examined these things and come up with a number of ideas. I trust the committee set up to consider these matters will examine with greatest care and the most scrupulous anxiety the nature and extent of these technical problems.

There is the question of who shall be in final control, the question of who shall bear ultimate responsibility. I do not think it can be us. We might well have to retain the power we now have, the power, not to censor, of course, but the power to urge that there should be a balance, that when the proceedings of this House are broadcast through the electronic media the reporting should be reasonably balanced. I do not expect it will be possible to reach perfection, just as there is not perfection today in the reports of the proceedings of the House. I do hope, however, that there will be understanding shown as to the distinction between factual news and editorializing or comment. The media and others are, of course, entitled to editorialize. They are entitled to comment. But if they are to do justice to their profession and the heavy responsibility they bear they should make it clear that there is a distinction, one which at times is not observed today.

● (2010)

The media do have a responsibility. They are a very important part of the parliamentary structure with an obligation to make known to the public what goes on here, and in the legislatures, and, of course, in the other place. In doing that they must bear in mind that theirs is not just a living, it is a responsibility which they must observe, and it is one that is not always observed. I do not suggest they are any better than we, or that they are any worse. We make our errors, mistakes and misjudgments, and so do members of the media who will have this responsibility.

I think it was a very witty European who said some time ago that members of the press have great power without responsibility which, over the centuries, has been the prerogative of the prostitute. That may not necessarily be applicable here, but I want to emphasize very strongly, and I do it without in any way being disparaging or unfair, that we will be looking to

[Mr. Baldwin.]

them, as will the public, to see that what comes out of this House through the electronic media is a fair and reasonable reflection of what goes on in parliament.

Under the conditions which prevail in so many of the democratic countries today, in Canada, and in the United States which has been through a very traumatic period, in the United Kingdom and many countries in Europe, the whole democratic parliamentary process is on trial and the press, as part of that process, is just as much on trial as we are. If the system, the method, and the functioning of different parts of the mechanism are to survive, all of us must bear that in mind. That is not to say that if we fail what we have here will suddenly pass out of existence, but its effectiveness and its usefulness to act as machinery to translate the wishes, the desires, the rights and the needs of the public by the rules under which we govern ourselves, will pass, and God knows what will take its place, but it will not be as good as this. We have a responsibility and so does the press. Therefore I hope when the time comes for implementing this the press will bear that in mind, and my view is that it will.

My caveat has another application. As I indicated during the course of the argument on the point of order, Mr. Speaker, you can search all you want through all the statutes and all the standing orders and you will find nothing in legislative form in the laws of this country which deals with the publication of our debates, or which deals with the problems that may arise because of the publication of those debates. This is a long, difficult history which goes back to the very famous case of *Stockdale v. Hansard*.

In the last century when the firm of Hansard was engaged to write and publish the reports and debates in the United Kingdom, a man named Stockdale felt he had been aggrieved and brought a proceeding against Hansard. He secured a judgment and attempted by a writ of execution to make good that judgment. The House of Commons in the United Kingdom of that day said no, he could not do this. It said the members had the right, the duty and obligation, going back to a specific section of the Bill of Rights of 1689, to speak in the House without fear of impeachment, challenge of prosecution, and also had the right to have such words reasonably well and accurately published.

The courts held to the contrary and a judgment was awarded against the *Hansard* firm. The court sent bailiffs and sheriffs to execute that judgment, and the parliament of that day, with some considerable courage, more than most parliaments would have today, seized the sheriffs and put them in jail, so there was no way by which that judgment could be implemented. As a result there was some discussion in that happy way the British have, and it was resolved in 1840 by the passage of what is known as the Parliamentary Papers Act which provides that there should be a reproduction and publication of the proceedings of the House, and as long as this is done under the authority of the House and under the instructions of Mr. Speaker, what appears in those documents, the *Hansard* of England and the *Hansard* of Canada, represents the official publication, and what is said in them cannot be the