

that is the desire of the dominion parliament then this section has no business to be before us at all.

Hon. Mr. Lambert: Hear, hear.

Hon. Mr. Roebuck: If it is desired to make the C.B.C. an absolute and final court—a court taking part in the work, a court of first instance, a court of appeal, and a court of everything else—then we should strike out the entire section. We should have no illusory appeal. If we are going to have an appeal it should be a real one. It is not an argument against what I say to cite cases of arbitrary legislation which has been passed by a provincial legislature or by the Dominion Parliament.

Some Hon. Senators: Hear, hear.

Hon. Wishart McL. Robertson: Honourable senators, in its report on Bill 17, an Act to amend the Canadian Broadcasting Act, 1936, the Banking and Commerce Committee recommended that clause 7 be amended to provide for appeals from suspension orders not only on questions of law, but also on questions of fact.

This particular appeal section was inserted in its present form only after the government had fully considered its possible application. The government felt that appeals should be confined to questions of law because the Board of Governors of the Corporation is, by law, the authority vested by parliament with the responsibility of administering the Broadcasting Act. The effect of the amendment would be to substitute the judgment of a judge of the Exchequer Court for the judgment of the Board of Governors, on matters which the members of the Board, by virtue of their experience in broadcasting matters, are more competent to decide. If the section were revised in the manner recommended by the committee, appeals on questions of law or fact, or mixed law and fact, would be permissible, and this would open the door to the potentiality of appeal in every case.

Honourable senators, when speaking on the motion for second reading of this bill on Monday morning, the honourable leader opposite (Hon. Mr. Haig) made the following comparison:

How would we like it if one of our railroads were under the control, in respect of jurisdiction, of the other? Suppose a law were passed to make the Canadian National Railway subject to the Canadian Pacific Railway in the same fashion as private stations are controlled by the Canadian Broadcasting Corporation, what would be the reaction of the public? Would not the national interest suffer? Would there not be protests on every hand? Or consider what would happen were the Canadian

Pacific Railway controlled by the Canadian National? Yet in principle much the same thing obtains here.

Honourable senators, I do not think this presents a true picture of the situation. In its wisdom the parliament of Canada, either rightly or wrongly, conferred upon the C.B.C. the full responsibility in the matter of broadcasting in Canada; and the government feels, unless parliament decrees otherwise, that there should be no whittling away of this definite responsibility. Therefore, honourable senators, I would ask the house not to concur in the amendment.

Hon. John T. Haig: Honourable senators, I was present at the meeting of the committee and heard the whole discussion. I will not attempt to retrace the detailed explanation given by the senator from Toronto-Trinity (Hon. Mr. Roebuck). Subsection (7) of section 7 of the bill says, in effect, that anybody who feels offended by an order of the C.B.C. suspending the licence of a private station may, by leave of a judge of the Exchequer Court, appeal to that court against the order on any question of law arising out of the making of the order. That is a new section and an advance, but I agree entirely with the senator from Toronto-Trinity that it means nothing at all. Look at the Board of Transport Commissioners. They have made a large number of rules and regulations on freight rates, but if my memory is right there has been only one appeal on a question of law arising out of the making of any of their rules or regulations; and that was an appeal from a temporary order that was to come into effect on a certain date, an order which in the circumstances the board had not the power to make.

Well, I say quite candidly, I can see no object in our having meetings of a committee if, after the committee has considered a matter carefully and fully and a majority of the members have voted for a certain decision, the leader of the government is to come here and say that the government does not agree with that decision. In the present case the Banking and Commerce Committee carefully and fully deliberated upon the Broadcasting Bill, with the assistance of officials from the C.B.C. itself, and by a majority of members the committee came to a certain decision. Now, that cannot be said to be a decision of members belonging to the party in opposition to the government, for I was the only member of the opposition party at the committee, so the decision of the committee was expressed by men who, with the exception of myself, were appointed by a Liberal administration. I repeat, what is the good of having a committee go into all