

power that would be used to require all broadcasters to carry it? Is this the sort of thing?

Miss LaMarsh: I cannot tell you about the specific instances; I rather think that the decision of broadcasters to carry is a voluntary decision. Mr. Jamieson seems to think this.

Mr. Jamieson: If I may, I can answer, I think. Going back to the days of the CBC when they were the regulatory authority there has always been a sort of residual power on the part of the regulatory board to specify that all stations must carry particular programs. There has never been any difficulty as far as national interest programming is concerned. Indeed, in some instances the CBC is reluctant to give it to other stations. I think that Mr. Fairweather's criticism is justified, and probably if it were a national emergency—as I recall most recently, Mr. Chairman, in the civil defence setup there is a requirement that all stations may be required to do certain things. But I think it never was intended that it would go much beyond that.

Miss LaMarsh: I think there is probably a residual if not a specific right also in the War Measures Act for war emergencies.

Mr. Fairweather: Thank you, Mr. Chairman.

The Chairman: Mr. Macaluso is next.

• (4:40 p.m.)

Mr. Macaluso: Mr. Chairman, I am concerned with two sections here. The first is clause 28 which is headed "Prohibitions and Offences" and deals with political programs and referendums.

Miss LaMarsh: I hope there is very vigorous discussion on this in the Committee.

Mr. Macaluso: I just cannot see the sense of this two-day prohibition on political advertising and broadcasting so far as the radio and television media are concerned. It certainly does not apply to newspapers. Are we not therefore, rather discriminating against the radio and television media.

Why is this prohibition being continued when you are really setting up a new act? It is a continuation of an anachronistic system.

Miss LaMarsh: I suppose because it is easier to do the same thing than to change. It is

not the same as the provision that is there currently. It has been sharpened up quite a bit.

I think I said at the very beginning that this is a very negotiable item. No one knows more about elections and their expenses and difficulties than do members of Parliament. We do not take any firm position on it one way or the other. It is there for the Committee to deal with.

Mr. Macaluso: In other words, if this Committee were to delete this ban you would not have any objection?

Miss LaMarsh: No; I would take it to my colleagues. I would not envisage any difficulty there.

Mr. Macaluso: Thank you.

Miss LaMarsh: I cannot guarantee that, but I do not think there would be any difficulty.

Mr. Macaluso: I am now looking at clause 29. Perhaps because of my legal mind I was astonished to find that any licensee in breach of the regulations that may be forthcoming

... is liable on summary conviction to a fine not exceeding one hundred thousand dollars.

From my experience of statutes, at any rate, it is set out that it shall be not less than X number of dollars and not more than Y number of dollars. This seems to me to give the Commission a great deal of latitude. It could go from one cent to \$100,000.

Miss LaMarsh: But it is a court and not the Commission that imposes that.

Mr. Macaluso: That is right; on summary conviction. I am sorry. Why was the sum of \$100,000 chosen? What breach of a forthcoming regulation could be so damaging to the community as to warrant such a fine?

Miss LaMarsh: Well, if you want to prohibit something this is one way to do it.

Mr. Macaluso: Why not a fine of, say \$10,000, or \$15,000 or \$20,000? Is that not a prohibition? Why this figure? Where does it come from?

Miss LaMarsh: It was to show that the government meant business about this. That is where it came from. I detect from my learned friend's argument that he has been