

*Canadian Policy on Broadcasting*

against their advice by the part time members which might prove in the event to be unworkable.

So far as the power to issue licences is concerned, the government is convinced that the public interest will best be served by reserving the power of decision to the full time members. As permanent statutory officials with security of tenure they should be in a better position to make objective judgments than the part time members who could be unduly influenced by local and sectional considerations. Nevertheless, the part time members will have an important role to play in participating in public hearings. It is essential that they should have free opportunity to express their views and to make representations on behalf of local and sectional interests when licensing decisions are under consideration. It is equally essential, Mr. Speaker, that the full time members should give full and careful attention to these representations before they arrive at licensing decisions. In licensing matters, therefore, and when suspension of a licence is under consideration, the full time members will be required to consult with the part time members before they conclude their deliberations.

There is one important matter with regard to the licensing power to which I should refer. It was stated in the white paper that the licensing power would be delegated to the regulatory authority—that was a proposal with which the standing committee concurred—but that provision would be made for appeals against licensing decisions to the governor in council. Although it has happened very seldom in the past that the recommendations of the B.B.G. have been rejected by the governor in council, the important thing to remember is that there have been occasions in the past when such recommendations were deemed to be contrary to the public interest, and it is certainly not without possibility that such a situation could occur again in the future.

On closer consideration, Mr. Speaker, it was concluded that formal appeals to the governor in council would not be practical, but it is proposed that the governor in council should have the power, within a period of 60 days after a decision by the commission, to set aside a licensing decision or to refer it back to the commission for another public hearing. It should be noted that this does not give the government any power to issue a licence, nor does it give the government any power to nominate an acceptable licensee.

There is also a provision that any such decision by the government, and indeed any direction by the government to the commission, must be published forthwith in the *Canada Gazette*. Thus there will be no opportunity for undisclosed misuse of this power or for the exercise of hidden persuasion, since any action taken by the government under the powers accorded to it by this bill would immediately become public knowledge and open for parliamentary or public discussion. Among the matters to which this powerful sanction will apply will be the proposed authority to give directions for the pre-emption of time for broadcasting programs of peculiar Canadian significance or public interest.

On the subject of appeals, Mr. Speaker, the white paper proposed that there should be provision for appeals to the courts on questions of law but not of fact. The bill accordingly provides for appeals to the supreme court on questions of law or jurisdiction.

The transfer of the licensing authority to the regulatory body does not, of course, remove broadcasting from the necessity to comply with the technicalities governed by the Radio Act, for the administration of which the Minister of Transport is still responsible. The present procedure is that the Minister of Transport cannot issue a radio licence to a broadcasting station except on the recommendation of the B.B.G. and with the approval of the governor in council. Under this legislation it will still be absolutely essential that the construction and operations of broadcasting undertakings comply in all respects with the technical requirements of the Radio Act, and this has necessitated a reversal of the previous procedure.

Under the bill now before the house, Mr. Speaker, the commission, before issuing a licence, would have to be satisfied that the Minister of Transport has issued or will issue a technical construction and operating certificate under the Radio Act. That procedure is necessary in order to ensure that broadcasting undertakings in using the airwaves will not interfere with each other or with other radio traffic.

• (4:00 p.m.)

I would like to thank hon. members for bearing with me on such a lengthy statement. I now turn to part III of the bill which deals with the Canadian Broadcasting Corporation. It may be a matter of surprise to hon. members that most of the changes from part II of the present act are matters only of detail or