

## National Film Act

statute law, which passed this house, is sufficient, then I submit this section certainly should stand until an opinion is secured, in order to make certain that the right of the individual as against this crown corporation shall extend to the right to take action in respect of torts without a fiat.

**Mr. Winters:** As the hon. member knows, this section was drafted and then redrafted to make more certain that it would give private individuals rights against the board in case of legal action. I suggest that if there is any question about it, and the statute law is being considered in the other place, perhaps this legislation should go forward on the same basis. If an amendment is required in the other place the same consideration can be given this bill, and it can be brought into line there.

**Mr. Diefenbaker:** The only difficulty is that it would have to come back here again.

Section agreed to.

On section 11—*Production of films for departments.*

**Mr. Green:** Will the minister give us some further explanation with respect to subsection 1. It appears to give the film board very wide power over all other departments of government, in that it provides that the production and processing of all motion picture films by or for departments shall be undertaken by the board, unless the board is of the opinion that it is in the public interest that it be otherwise undertaken and authorizes it to be so undertaken. Under this it would appear to me that the Department of National Defence could not produce or process any motion picture film without the approval of the film board. I would like the minister to say whether my interpretation of this subsection is correct and, if it is, why the film board is given such drastic power over the other departments.

**Mr. Winters:** As I explained before, the national film board is the government's agency in the field of films. The Department of National Defence, which has been referred to previously this evening, does take a considerable amount of film footage, and there is nothing in this act which could bar it from continuing to do so. When it comes to producing a film, however, they are required, as they have been heretofore, to work through the national film board.

**Mr. Green:** This section would not apply to their defence films, that is to films taken purely for the purposes of the defence department?

**Mr. Winters:** It would not bar them from having their motion picture cameramen go

into camps or stations or any other places they wanted and take films. If the question is one of producing a motion picture for the Department of National Defence, however, then under this section it must be done through the national film board.

**Mr. Green:** Does this mean that if the defence department want to make a picture of some phase of their training they cannot produce and show that film to their own troops without the consent of the national film board?

**Mr. Winters:** That is true, Mr. Chairman.

**Mr. Macdonnell (Greenwood):** Does this mean that the film board has an absolute monopoly on the production of films for government use?

**Mr. Winters:** Not at all, Mr. Chairman; it does not mean that in any sense. It just means that if another department of government wishes to produce a motion picture, or to have one produced, it must work through the national film board which, let us say for purposes of discussion, could put it in contact with a private producer, and it would then work with that private producer to obtain the film.

**Mr. Drew:** But this seems to be more far-reaching than that. Any film taken with a moving picture camera is a motion picture film, and "film" is defined in section 2 of the act, where these various films are described in such a way as to cover anything that would be taken by a moving picture camera. The Department of National Defence has in its different branches a number of cameramen. Does this not mean that those cameramen would not be in a position to go out and take pictures without the authority of the film board? I cannot read it in any other way.

**Mr. Cote (Matapedia-Matane):** If I may interject a word, after what the leader of the opposition has just said, if I am not mistaken, there is an historic fact that perhaps justifies this section. During the first world war we had no film board and no motion picture bureau, but we had private operators who took both moving films and still pictures. In 1950, however, there are not available to this government for record purposes either still pictures or moving picture films taken at that time. They were taken by operators over whom there was no control. When the war was over and the government tried to secure those films and still pictures, they were not made available. It became impossible for the government to secure them because of the freedom that was given to those who took the pictures. The result is that the government has not those pictures.