

Now, it has been the law of Canada for a long time, perhaps ever since the beginning of broadcasting in this country, that the C.B.C. should have the right to formulate regulations which other broadcasters must observe. The provision is not new that if a private station violate or fails to observe the regulations made by the corporation, the corporation can take certain actions and impose certain penalties to enforce the observance of the rules. That, as I say, has been the law right along. But recently an amendment was made, which will be found in the bill now before us. So that we may have clearly in our minds what the proposed changes are, I shall read subsection 6 of section 7 of the bill. That subsection would provide:

In the case of any alleged violation or non-observance by a private station of the regulations made by the corporation under this section, the corporation may, after notice has been given to the licensee of the alleged violation or non-observance and an opportunity afforded to the licensee to be heard, order that the licence of such private station be suspended for a period not exceeding three months, but such order shall not be effective until the expiration of ten days after the making thereof; and any such order shall be forwarded to the Minister of Transport who shall forthwith communicate the same to the licensee and shall take such steps as may be necessary to carry out the terms of such order.

Honourable senators will observe that a number of things arise out of that subsection. First of all, the alleged offence must be non-observance or violation of regulations. That is all that is involved. In the course of the discussions the point has been raised that the regulations are not intended to completely control private stations, that there may be cases of inefficiency, or tendencies in the wrong direction, or something else in the nature of bad management. It has been said that these matters cannot be governed by regulation, and yet that the C.B.C. should have the right to act in accordance with its judgment in such circumstances. I will grant that point. But I go further and say that the licence given to the private broadcaster is renewed annually, and that the time to take into consideration complaints such as I have mentioned, rather than direct violations of the regulations, is when the licence is renewed.

In a case of unsatisfactory broadcasting, the C.B.C. has two alternative procedures: it may cancel the licence outright at the time of violation of the regulations, or within the year, when the time for renewal comes up, the C.B.C. may say to the private broadcaster that for some reason or other—it may be that C.B.C. does not like the colour of his hair—it does not propose to renew the

licence. Under those circumstances the broadcaster is out. So, it is not a case of the difficulty or the impossibility of defining what are infractions, and there is no confusion as between general poor management and the violation of regulations. That is the important point in this amendment.

Here we are dealing with one thing only: the violation of a written regulation supplied to broadcasters by the C.B.C. The suspension or cancellation of the licence of a private station is drastic action; therefore the amendment would provide a method of appeal, which I submit is the reasonable thing to do. The C.B.C. does not desire, I take it, to occupy a position of dominance, act arbitrarily or appear to be tyrannical; and certainly we have no desire that it should do so.

While I make great reservations as to the right of the C.B.C. to control private stations, at the same time I feel that the arbitrary cancellation of a right to broadcast is to be avoided. It must be appreciated that one who secures a licence to broadcast must have spent a considerable amount of money, for broadcasting equipment is expensive and is becoming more so. The cancellation of a right to use machinery that has been set up is a very drastic remedy. Indeed, even to refuse to renew a licence is drastic, but to come down with an axe, as it were, in the middle of a year, and peremptorily cancel a licence, is an action that should be taken only with great care and deliberation, and with every assurance that the grounds upon which the action is based are or can be established. In view of the desire on our part to see that the private station shall not be subject to arbitrary control, this amendment gives the right of appeal against such drastic action.

In subsection 7 of section 6 these words appear:

Where the corporation orders the suspension of the licence of a private station under subsection six, the licensee may by leave of a judge of the Exchequer Court of Canada appeal against such order . . .

I pause there for a moment to emphasize the fact that the appeal is with the leave of the judge. That means that the taking of frivolous appeals is unlikely. The first thing that the "prisoner at the bar" must do is to ask leave to appeal and establish the grounds upon which he proposes to urge his appeal.

**Hon. Mr. Dupuis:** May I ask the honourable member whether this is his own amendment made in committee?

**Hon. Mr. Roebuck:** Yes, sir.

**Hon. Mr. Haig:** No, no.