

All this is new, and for the protection of the private interests.

—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.

I say that this amending legislation gives full and new protection to the private stations against arbitrary orders of the C.B.C.

There is the further protection, which is now under consideration, that private stations shall have a right of appeal on questions of law from an order of the C.B.C. suspending them. The whole controversy that has arisen this afternoon is as to whether the right of appeal, instead of being limited to questions of law, should be extended to include questions of fact. For many years attempts have been made on the part of some private radio stations—

Hon. Mr. Howard: Some.

Hon. Mr. Hugessen: —to attack the C.B.C., to limit its powers, and to divest it of regulatory jurisdiction of any kind over private stations. If this amendment is adopted it will be the thin end of the wedge, opening the way to the appointment of some body to review the actions of the C.B.C. A judge of the Exchequer Court will be empowered to decide not only questions of law arising under this subsection but any and every question of fact which may arise out of the cancellation of a licence. Thereby we shall be setting up a new authority to overlook and override the decisions of the C.B.C., and I think that is absolutely a wrong step to take.

Hon. Mr. Roebuck: Then may I ask the honourable gentleman, why have an appeal at all?

Hon. Mr. Hugessen: Because questions of law may arise. It is sometimes difficult to see in what manner such questions may arise. But let me remind my honourable friend of the appeal taken by the Canadian Pacific Railway from the Board of Transport Commissioners two years ago on a question of law. The issue was a vital one, and the C.P.R. was sustained by the Supreme Court, who held that the board had not carried out the functions conferred upon it by parliament. Such a case might well occur under the present legislation.

Hon. Mr. Roebuck: Is it not possible to take such an appeal now? I suggest that if the C.B.C. goes outside its authority or violates its legislative powers, an appeal lies now, apart from this amendment.

Hon. Mr. Hugessen: It may or it may not. Probably it does. But, for what it may be worth, the subsection as amended in the full

gives the private stations some measure of protection against illegal action by the C.B.C.; and speaking personally, that is as far as I am willing to go in that direction.

Hon. Norman P. Lambert: Honourable senators, this amendment and the discussion which has arisen from it can be traced, I think, to questions in the committee which I addressed to Mr. Dunton with reference to subsection (6). The matter was soon taken out of my hands by the distinguished legal representatives on the committee, but I did have the satisfaction of asking, for my information, a few ordinary questions which brought about this result. In relation to the following—

In case of any alleged violation or non-observance by a private station of the regulations made by the Corporation under this section . . .

—I asked Mr. Dunton if he could suggest even a hypothetical case involving such a violation, and he was unable to do so. I believe he said there had never been a case where it had been found necessary to take such action. I think the explanation given by the honourable leader (Hon. Mr. Robertson), and the discussion which has taken place today, has merely served to emphasize the uselessness of this whole section.

The honourable gentleman from Inkerman (Hon. Mr. Hugessen) introduced an entirely new note when he intimated that he was apprehensive of what private stations might say or do about the C.B.C. I have never heard of any attack being made on the C.B.C. by a private station. It is true that a case was put up by the Canadian Association of Broadcasters before the Massey Commission, and that there was a minority report by Mr. Surveyer of Montreal on this whole question. I should not like to think, though, that this section has been inserted in the Act simply to take care of that possibility. I should prefer to see the whole section deleted rather than left in its present form.

Some Hon. Senators: Question.

The amendment was negatived on the following division:— Contents, 10; Non-Contents, 18.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall the bill be read the third time?

Hon. Mr. Robertson: With leave of the Senate, now.

The motion was agreed to, and the bill was read the third time, and passed, on division.

The Senate adjourned until tomorrow at 11 a.m.