

Canadian Policy on Broadcasting

Criminal Code carrying a maximum penalty of \$500 or three months imprisonment. I cannot foresee a situation where it is likely that a prison sentence would ever be imposed, and in the few prosecutions that have been undertaken the fines inflicted have been no more than \$50 and in most cases \$25.

Considering the nature of the offences involved and the potential damage to the public interest inherent in the violation of these regulations, we believe that it is necessary to have more adequate penalties if the commission's regulations are to command the proper respect by licencees. Accordingly the new legislation provides for fines on summary convictions up to a new maximum. I do not think it is ever to be expected that the maximum penalty would be levied, and certainly never in cases of minor infractions or accidental violations. But there could be violations of these regulations which are neither minor nor accidental, and if you want to prohibit something then you must impose a fine high enough to show that parliament is serious when it means to prohibit it. In the area of advertising regulations, for instance, I am told by my officials that as much as \$240 is charged for a ten second commercial in prime time. One does not have to know much about the new mathematics to show that a broadcaster could make as much as \$10,000 a week over and above his ordinary income just by slipping in one additional minute of advertising each day over and above what is permitted under the current regulations.

• (3:40 p.m.)

I am not suggesting for a moment any present licensee is guilty of such conduct. In fact, I am assured by the Canadian Association of Broadcasters that the prosecutions to date in this regard have dealt with minor, accidental infractions of commercial regulations, particularly ones that took place because of the system of measuring time by the "clock hour". They do not believe there is a predilection amongst Canadian broadcasters to deliberately break the law, particularly in order to obtain an illicit profit.

However, the potential for abuse is there and the regulations, I think, must therefore exist. I believe that the commission must possess powers which are sufficiently punitive to make sure no one will attempt to take this way, the short way, to additional profits. It should be noted that it will not be the commission itself, of course, which will impose fines. The commission will have to proceed in the ordinary way through the

[Miss LaMarsh.]

courts, and it will be the courts that will be called upon to impose whatever fine is decided upon in the circumstances. The commission will be empowered to suspend or revoke licences, but only after a public hearing. It was, indeed, at the request of the C.A.B. initially that a scale of fines was placed within the new legislation, since it was indicated there was too abrupt a transmission from having a licence to suddenly having it suspended.

These are powerful sanctions and, there has been some question as to why they are not applied in the same way to the C.B.C. What would happen if you applied them to the C.B.C., particularly if you suspended or revoked a licence, would be that the public would be deprived in that area of access to the national broadcasting service. The bill therefore provides that if the C.B.C. fails to conform to its licence there will be a report made on the matter by the Canadian radio commission and that report will have to be tabled in parliament. I do not believe we should underestimate the efficacy of that sanction, for, if parliament agrees that the Canadian radio commission report is justified, it is clear that cause will have been established for the dismissal of those responsible within the corporation.

Mr. Lewis: May I ask the minister a question? Even if parliament agrees there is no provision, is there, in the legislation which would enable the report to be lifted off the table?

Miss LaMarsh: It would be tabled and the subject would have to arise in debate, I suppose, perhaps on a supply motion. If the infraction were considerable I suppose the government might provide time. There is no such mechanism in this legislation and that would have to be taken care of by the rules of the house.

Mr. Fairweather: It is really meaningless, then?

Miss LaMarsh: And anything in the broadcasting act would be meaningless with regard to the rules of the house.

The bill therefore provides that this report will be tabled in parliament. If it is tabled and it is demonstrated that the commission is correct and the C.B.C. is incorrect then, as I say, it will be indicated that those responsible will lose their positions. We hope that this will mean that the hope of the standing committee that the total delegation of authority over programming will end parliament's