

*Broadcasting Act**(Translation):*

Mr. Augustin Brassard (Lapointe): Mr. Speaker, I should like to say just a few words with regard to the bill now before us.

I believe all hon. members are aware of the sense of justice and social sense which characterize the hon. member for Kootenay West. (Mr. Herridge), and I am not surprised to hear him take up the defence of anyone who seems to be victimized.

However, I was agreeably surprised to see him champion the cause of private enterprise, which he calls legitimate private enterprise. I commend him for this.

I also listened to the hon. member for St. John's East (Mr. McGrath) who stated that it would be most difficult to find a solution, by means of legislation, to the problem stated by the hon. member for Kootenay West.

I think that the hon. member for Kootenay West almost exhausted every means of finding some remedy for that problem in his riding, and I wonder whether this is not a case of abuse which comes very near to being a monopoly.

He stated that he had had some talk with the Minister of Justice (Mr. Fulton) and it seems that no steps have been taken to call to order the man who, it seems, proposes to control a certain geographical district.

I want to tell the hon. member for Kootenay West that I sympathize with him and that I am astonished he should have to remind the government which endowed us with the Canadian Bill of Rights, that there is still some part of this country where human rights are violated.

(Text):

Mr. Eldon M. Woolliams (Bow River): Mr. Speaker, first of all I should like to congratulate the hon. member for Kootenay West on presenting this bill. From listening to him I take it that briefly these are the facts. In this particular area there is a radio station, CKLN, and two newspapers. One newspaper and the radio station are owned by one company, the Nelson News Publishing Company Limited which the hon. member said was incorporated in 1908. I want to say at the outset that I certainly agree with the spirit of the bill; but the situation is a little different from ordinary free enterprise because a radio or television station secures its right to operate under a licence. Because of that fact these stations enjoy a monopoly in certain sections of the country.

I think I can safely say that whenever I have spoken in the house or outside it I have always stood for free enterprise and against any kind of monopoly, whether it is a state monopoly granted by licence or a capitalistic monopoly as in this case which

[Mr. McGrath.]

is granted by licence by the government. A monopoly may also be a provincial monopoly such as we had in the province of Saskatchewan or a capitalistic monopoly such as this one created by a licence from some board.

Now, I want to say again that I agree with the spirit of the bill itself, and I would support the bill. However, there are two or three points I should like to bring to the attention of the house. I know that during the debate on second reading of a bill one does not refer to the sections, but I should like to deal with the spirit of clause 1(b) in which the draftsman has endeavoured to make the Canadian Bill of Rights apply to this bill. I feel that the Canadian Bill of Rights applies to all federal statutes. In so far as the bill of rights is concerned, it may be a good time to say that there are some people even judges and students of jurisprudence, who feel that some of our courts have not given the bill of rights the proper interpretation. This is a general feeling. I think if you read the debates with regard to the bill of rights, you will see it was intended that all federal statutes then on the books should be amended as well as those passed in the future, unless the statute said otherwise.

I should like to come back to a consideration of clause 1(b). I am certain the hon. member for Kootenay West has a legitimate complaint, not only because he could only speak on the radio once or twice a month but because this newspaper was not allowed to advertise over the radio. This would probably be a legitimate complaint. The hon. member read the letter in which the company stated the reason they were not advertising the other newspaper was that they were in the publishing business themselves and they did not want to advertise competition. If I may refer to clause 1(b), I find that the Minister of Justice, upon receiving any complaint, shall ascertain whether or not a licensee has breached in any particular the conditions set out in paragraph (a).

The first complaint that I have about the bill is that it gives too much power to the minister. I know that in this particular government we have a very fair Minister of Justice who has a sense of justice. This has been evident at any time we have heard him in debate. The fact is, though, that this clause gives the minister too much power. We may, at some time in Canada, have a minister of the wrong calibre who might exercise this right to take away the licence of a radio station. Then this bill would create a monopoly because if that happened the member for Kootenay West would not even be on the radio once a month. He would be off the radio because the station would be turned off.