

*Canadian Policy on Broadcasting*

can never support, namely, the provision for community antennae television regulation by whatever board is set up to govern broadcasting. I disagree 100 per cent with that provision. The bill suggests that broadcasting undertakings in Canada make use of radio frequencies that are public property. Community television systems do not make use of radio frequencies; they involve nothing but receiving sets. Yet they are included in this bill.

• (4:00 p.m.)

Let me return to clause 2 (c) which reads as follows:

(c) all persons licensed to carry on broadcasting undertakings have a responsibility for...the programs they broadcast—

Note these words:

—but the right to freedom of expression... is unquestioned.

Did you ever hear of a more mouth-filling phrase that meant nothing than “the right to freedom of expression is unquestioned”? I ask you, Mr. Chairman and members of the committee, what is the use of having the right of freedom of expression if the public has not got the right to listen?

I have here in my hand a XEROX copy of a judgment handed down by the supreme court of British Columbia in a celebrated case regarding the Public Utilities Commission of British Columbia and Victoria Cablevision et al. There were some other cablevision companies involved in this case but Victoria Cablevision Company Limited was the defendant. This particularly interesting case bears on cable television in the province of British Columbia and involves an endeavour to place the cablevision people under the control of the province. The cablevision people took the case to the supreme court of British Columbia where it was ruled that cablevision was within the federal domain rather than provincial jurisdiction. This decision was rendered by the supreme court of British Columbia. The decision rendered there and the opinions of the various justices are worthy of study. There is one part I should like to refer to in particular. It appears at page 722 of Dominion Law Reports. I suppose the lawyers will know what 51 D.L.R. means.

They quoted Viscount Dunedin at pages 85-86 and again quoted His Lordship at pages 87-88 as follows:

Now, a message to be transmitted must have a recipient as well as a transmitter. The message may fall on deaf ears, but at least it falls on ears.

[Mr. Cowan.]

That covers the case in respect of efforts to regulate community antenna television.

I have the annual reports of the Board of Broadcast Governors for the last four years in my hand. In March 1964 the minister of transport—and mark my words, he knew what he was doing—did not have the approval of the house nor the Liberal caucus but decided to ask the Board of Broadcast Governors informally to advise him on C.A.T.V. applications. As I read the reports of the Board of Broadcast Governors it is interesting to note how they cling to the word “informal”. They reported “informally” on this and that and they advised “informally” on one thing and another. Surely this is a case of the minister using the back door because he knows the front door is shut. I do not think I can give a better example than the 1967 report in which I find the following two paragraphs at page 14 of that report for the year ended March 31, 1967:

Other Matters of Concern to the Board  
C.A.T.V. Applications

Under the policy and procedures announced by the Minister of Transport on July 22, 1964, the board continued to advise the minister on the possible impact of C.A.T.V. applications on existing broadcasting stations or on the provision of alternative service.

In the fiscal year ended March 31, 1967, the minister referred 91 C.A.T.V. applications to the board. The number included applications for new licences, extensions of existing systems and changes in the channels carried. The board found that 84 of them, in its judgment, would not make the operation of existing television stations uneconomical or inhibit the provision of alternative service.

That is a very interesting report. Let me point out that there were 91 referrals, on an informal basis, of course, and of the 91 the board found that 84 of them would not affect the economical operation of existing television stations. The report does not say what happened to the other seven applications. This report was received about two months and a half ago and I decided to find out what happened in respect of the other seven applications. It is about two and a half months since that report. The present administration seems determined, even at the expense of the viewing public of Canada, to protect certain stations. I asked the minister to advise me what seven applications were refused. I have been told in reply on many occasions that I will receive this information next week, or shortly, or at some time. I have been told that the department is working on my question and if I wait a week or so I will get an answer.

Because this also involves the Minister of Transport I asked him if he could give me