

Broadcasting Act

government agencies concerned and that it was evident that there was no other way for this newspaper to redress its grievance than by a statute of parliament. I do not believe that is the case, as there is a further provision in the Broadcasting Act. If the Kootenay *Graphic News*, in its grievance against radio station CKLN, wished to pursue the matter, it should follow the *Canada Gazette*, for under the Broadcasting Act radio station CKLN would be required after several years have elapsed to appeal to the board of broadcast governors for the renewal of its licence. A licence is not granted in perpetuity. I do not know what the time limit is but I believe it is a period of five years. When the radio station applied for renewal of its licence the newspaper referred to as having a grievance with respect to the station could appeal to the board of broadcast governors and state its case. The board would then decide if it had a legitimate grievance and would take this into account in the extension of the licence or the board, if it deemed it necessary to do so, could formulate regulations to guard against just such alleged abuses, which it is permitted to do under the powers in the act.

It seems to me that to provide for regulation by statute is a very dangerous practice because what you are really doing is depriving the radio station of the right to be discriminating in the advertising it accepts. In all fairness I do not think that a radio station should be expected to carry the sales message of its chief competitor. That is really the whole crux of the argument as I see it. However, apparently the Kootenay *Graphic News* and the hon. member for Kootenay West unfortunately do not see it this way. The hon. member referred to the proceedings of the broadcasting committee and the fact that his colleague, the hon. member for Peterborough, had raised this matter in that committee. I have been a member of that committee for the past several years, and while I do not recall that particular reference I am grateful to the hon. member for bringing it to my attention. In his reference to the proceedings of the broadcasting committee the hon. member referred to the fact that the witness, Mr. Jamieson, who is president of the Canadian association of broadcasters, said in answering the hon. member for Peterborough that in his opinion this was an extremely rare case. In other words, it does not usually happen.

Mr. Herridge: That is what the chairman of the board of broadcast governors said.

Mr. McGrath: That seems to me to be another very good reason why we should not regulate such a matter by statute. It seems

to me that would be an extremely dangerous course to follow. I refer now to the proceedings of the broadcasting committee to which the hon. member referred, and I read part of what Mr. Jamieson said in reply to the hon. member for Peterborough:

Again you would have to take the individual case and assess it on its merits. Let us suppose there were two television stations in a given market. Would the committee consider it reasonable that a station which was in difficulty, for instance, could move over to its competitor and run ads which say: "Don't you think this is a terrible program? Do not look at this. Switch over to our channel." This certainly would be refusing competitor advertising, and it is conceivable that it could happen.

Mr. Herridge: Would the hon. member mind my explaining something?

Mr. McGrath: Not at all.

Mr. Herridge: The point here is that the competition is not to a great extent with the radio station. The competition is with the Nelson daily *News* because the *Graphic News* is taking advertising away from that paper. There is where the competition lies. The Nelson News Publishing Company is using its influence in CKLN to overcome that, if possible.

Mr. McGrath: The hon. member has referred to a fact that I omitted mentioning, that the owners of the radio station are also the owners of the other competitive newspaper. To me that is another good reason why they should not accept advertising from the Kootenay *Graphic News* because they are already advertising the Nelson daily *News*. In our free society surely this man has a right to accept advertising contracts only from those sources he deems desirable. That is the crux of my argument. I submit with deference to the hon. member, to whom we enjoy listening and whose opinions we respect, that in this particular case I believe he would have been much more justified in bringing this matter before the house as a grievance. There is a period during our proceedings when the hon. member could have raised this matter as a grievance. He has brought it up on the orders of the day on several occasions and it has been brought up in the broadcasting committee.

I submit it would be a most dangerous practice for the house to consent of the passage of this legislation which would regulate advertising, because once you start to regulate advertising where do you stop? The next step is to regulate the sale of automobiles, for example. You could go to the most dangerous lengths and regulate the assimilation of news itself. For these reasons I cannot support the legislation.