

*Broadcasting Act*

she does, since she is a veteran of this House and of political wars—

**Miss MacDonald:** Come on!

**Mr. Axworthy:** I am sorry, Mr. Speaker. I use that phrase in the generic sense. The Minister is someone who has experience, wisdom and judgment in these matters. I think that her statement recognizes that there is a concern being expressed. Her attempt in committee to meet that concern has not succeeded because of other representations, other testimony and other witnesses who leave open the possibility or potential that this may not be a guarantee and assurance that will exist in perpetuity, or at least for the life of this Act.

I say to the Minister that the purpose of my amendment, and I think she will understand, is not for political or other advantage but simply to respond to a very strongly felt need on the part of a large number of Canadians. I think that it would be very easy to satisfy that concern by accepting the amendment, either my amendment or another, which would clarify in the law what it is that we all agree on, that is, that we do not want condominium owners to feel that they are being treated in a second-class way.

I took some pains in my amendment not only to ensure that condominiums would be seen as a permanent residence but that they would still be subject to the general terms and conditions of CRTC actions as they relate to broadcasting policy, whether it relates to content or otherwise. I know that from the people I met with they have no interest in using this as a way of skirting the intention to deal with these problems. They are saying that if the Government wants them to pay royalties because of free transmission to other areas, then that is a condition to which they are subject. Under my amendment they would still be required to do so if that is a CRTC ruling.

What the CRTC could not take away from them is the opportunity in a condominium complex to use a satellite as a means of receiving a signal and distributing it throughout the building. The conditions under which it is received is something that can be set as part of the policy. But the right to do so would not be compromised by accepting this amendment.

I would ask Hon. Members, and in particular the Minister, to recognize that there is a real need in the legislation for clarification. It should be a matter of law and not a matter of discretion, hope, expectation or assurance. Those are far too general and subject to the vagaries of time and circumstance. I think that the Minister could quickly solve the problem, either by agreeing to the amendment or substituting another for it.

I do not say that my amendment has to be accepted word for word. But there have been sufficient representations from both sides of the House about this problem that the Government, I think, would be wise either to accept the amendment or another one that would be responsive to a felt need of thousands of Canadians. It is one which I think would substantially strengthen the Bill that the Government has introduced in this respect.

I am sure we will have many other things to say about other parts of the Bill. But in terms of this particular question, it should be resolved. Because it is a new Bill, the situation created by the Lount decision and other court decisions in the past should be clarified to ensure that it is now recognized as part of broadcasting law and not subject to regulatory or policy change.

I conclude by saying that I was given a copy of the letter the Minister sent to members of a condominium corporation which indicated that she herself had no reason for not doing such a thing. She said that this was a matter of government policy. I would like to quote the letter written to Mr. Wheeler, Secretary Treasurer of the Satellite Communications Association, in March of 1988, which states: "I might point out that this Government has not discouraged the direct subscription to U.S. services by individual dish owners. Nor is it government policy to discourage subscription to U.S. services by enacting punitive legislation".

It goes on to state: "I would like to assure you that there is no government or regulatory impediment to Canadian dish owners obtaining access to satellite or other services lawfully marketed in Canada provided they do not redistribute the signals to others".

In this case the Minister herself is giving those assurances but has not followed through with the obvious requirement that it be put into the Bill or the law. I ask the Minister to take into account not only the words quoted to her in these assurances but to recognize that where she has spoken to a need to look at questions of content, availability and so on, obviously those judgments would be made by the CRTC under the terms of the amendment I have proposed. They would not impair in any way the fundamental right of condominium owners to have the same rights as those who occupy single family dwellings.

**Mr. Alan Redway (York East):** Mr. Speaker, I too would like to speak to this series of amendments dealing basically with an amendment to the definition of distribution undertaken in the Act. I have put forward some four separate amendments in this group of amendments. The main thrust is to exclude condominium corporations from the tentacles of this particular Act. This is a matter of long-standing concern for condominium owners. It is part of a wider problem, a wider concern of condominium owners, which is a matter of very high principle of condominium owners, that they are home owners. They feel that they should be treated exactly the same as home owners, whether they live in semi-detached homes or whatever. A condominium home owner is a home owner just like anybody else.

Back in my time in municipal Government I dealt with many other aspects of this same problem, particularly the garbage collection aspect and, as the Hon. Member for Winnipeg—Fort Garry (Mr. Axworthy) indicated, problems relating to assessments and municipal taxation. Each time the issue was raised with me it was raised as a matter of principle.