

**The Acting Speaker (Mr. Laniel):** I am sure that the point raised by the hon. member is a valid one, but I suggest that if he had listened closely to what I said—

**Mr. Howard (Skeena):** That is the problem; I did.

**The Acting Speaker (Mr. Laniel):** Order, please. I clearly said that I did not want to prejudge any decision that might be made by a chairman of the committee at the committee stage of the bill. The ruling that I as the occupant of the chair at the present time am making will have to be interpreted by other occupants of the chair. I would not wish the hon. member to ask the Chair at this time to pass judgment on any further decisions that may be made.

**Mr. Howard (Skeena):** I rise on another point of order then, Mr. Speaker, and ask whether you are now saying that the government can have it both ways.

**The Acting Speaker (Mr. Laniel):** Order, please.

**Mr. Robert McCleave (Halifax-East Hants):** Mr. Speaker, there is one point about this measure that bothers me and I should like to share my concern with hon. members of the House. The section that bothers me is headed "Political publications and broadcasts" and is clause 13 which is found at page 20 of the bill. The gist of this clause is that on an election day or the day before a person who publishes an article, editorial, advertisement or announcement of a partisan political character in relation to the election or by-election, as the case may be, is guilty of an offence against the act.

This is an attempt to bring into the publishing field something that exists in a slightly different way in the broadcasting field and I state categorically that this attempt is wrongly made. Instead of bringing this into publishing we should be kicking the other measure out of broadcasting. What evil is being cured by putting something like this into the law, which is a prohibition on reporting and comment? What evil is being cured, I ask; and is the remedy a greater evil than any situation in the past which the government feels should be corrected in the future by this sort of legislation?

First, I think there are safeguards in society today regarding what the government is trying to remedy here. I think the first safeguard is that by and large the press of Canada is a responsible press and that the newsrooms of Canadian broadcasting stations are staffed by responsible people. I think that is the biggest safeguard of all. It is the credibility of the press, radio and television that is really on trial, whether you are dealing with events occurring within 24 or 48 hours of an election or with events that occurred a long time before. The public either believes in the honesty and fairness of the press, radio and television or it does not. I do not think that this particular measure sanctifies the honesty of the press in any way. So that the ethics of the news profession is our main safeguard and it is, I suggest, the only safeguard that should be adopted.

The maturity of the electorate and their ability to know when they are being treated in a brainwashing or partisan way, or whether they are receiving objective reporting, is another safeguard. Within the last few days the Canadian press has sent forth through its subscribers a special

### *Election Expenses Bill*

report—I suppose it would be classified as an article within the meaning of proposed section 99(1)—in which it is said:

The bill prohibits partisan political comment on any federal election day and on the day before voting, but sources in the Privy Council office say that this applies only to editorial comment and political advertisements in newspapers.

Why anyone should assume that this is what the law means is beyond me. Why somebody in the Privy Council office, who is not specified, should be the source of the interpretation of a poorly phrased paragraph in the legislation similarly is beyond me. In its editorial today the *Toronto Star* was able to take this contraption apart in a pretty effective manner. I will get around to the comment made by the *Toronto Star* in a few minutes, but the point I wish to make about the danger of prohibiting an article of a partisan political character is simply this, that you are in the field of value judgments and you may have to make a value judgment in extraordinarily difficult cases.

For example, it would be quite possible during the final moments of a campaign—not probable, but possible—if a demagogue were operating in the land, for all sorts of promises to be made by him which, if simply reported without any commentary or effort to examine their implications, might have an effect on the electorate and could not be checked in any responsible manner whatsoever. Indeed, if one used the ordinary democratic process of trying to get the truth across, the person who tried to answer would find that he might be breaching the law, and the person who was getting away with journalistic murder might find that he was being protected by the law. I think that if you have that sort of situation with regard to reporting in this country, then you have a pretty serious situation indeed.

You could use the example of something that happened during the last election, or something that people would remember happening—certain disturbances in the city of Montreal. How do you report that, under this particular measure? You are not supposed to report something of a partisan political character. One might very well say—indeed, I think a great many people did say—that the right hon. gentleman who is the Prime Minister of this country, in facing up to a certain situation showed very commendable qualities. If you said or portrayed that in any way, would you not in fact be reporting in a partisan political manner? I think this is capable of that sort of interpretation. The *Toronto Star* to which I referred earlier made this telling point:

• (2110)

Besides restricting free speech, the clause is incapable of precise application. What exactly does "partisan political nature" mean? Is an editorial—or a letter to the editor—urging voters to support a particular party a "partisan" item? Would it be a breach to report a news story—for example a Statistics Canada release on the latest unemployment figures—that might hurt the government and help the opposition? Must a newspaper, before publishing an official announcement, examine it with a magnifying glass to make sure that it hasn't a possible political connotation? The courts would presumably be called on to answer all these questions, and until they did editors would be left in uncertainty as to what they could lawfully publish.

The wording of that clause and its implications bother me. If it is the general wish of the House that this sort of