programming so that the providers of such services will be properly licensed as networks and made subject to the appropriate regulatory scrutiny. Under this approach the commission will be able to exercise jurisdiction over such services. In the committee's view, they may not be excluded from scrutiny by an artificial definition of the term "program".

I suggest to the Minister that the proposed amendment would strike out all references to non-programming by removing the references to alphanumeric text. This would ensure that both programming and non-programming carried on under a broadcast undertaking would fall under the Broadcasting Act rather than telecommunications, and that the jurisdiction would be that of the CRTC. I think that would be quite consistent with what we have had to say and I suggest that this is a very important amendment.

• (1710)

We could have a situation where the commission would be in a position of trying to define or to direct what would be a program under a programming undertaking. In their particular brief they state that the court could decide that the commission only had jurisdiction over the operation of a distribution program, that it could find that the physical apparatus constituted two undertakings, one a program undertaking and one a non-program undertaking. There would then be confusion as to who has the right under the law to make certain decisions or to try to indicate the kind of programming that should be carried on in this undertaking.

The courts could decide that it would be unwise to create two undertakings and look to the predominant characteristic, programming versus non-programming of the operation, to determine exactly what they are dealing with. That test could be applied in any way the court saw fit and we would be in a very serious jurisdictional dispute because non-programming services could fall under provincial jurisdiction. We are then into a battle between the federal and provincial jurisdictions.

As well, it would be seriously unfair to the regulated broadcasters who would have to meet the objectives set out in Clause 3 with all the attendant costs. The commission would not be able to ensure that it is a level playing field and that similar operations are regulated in a similar way.

I suggest to the Minister as well that when a broadcaster has the right to use the services of the public airwaves and is using that service partly for alphanumeric advertising and partly for programming it becomes a blurred situation. If you are running an 18 or 20-hour service, what percentage of that service will be alphanumeric, what percentage would be a pay service or speciality service, and who would determine at what point that percentage falls under the CRTC's right to dictate? What percentage would fall under alphanumeric and non-regulated and would, therefore, not be a contributing factor to the broadcasting policies of the country?

The Minister wants Canadian content. There is also the potential that if it is more than 50 or 60 per cent it could be owned by other than Canadians. By reinforcing the meaning of what a program is in the Broadcasting Act, that is, that it is intended to inform, enlighten, or entertain, one would be in a position to ensure that everyone who uses our airwaves for gain and to entertain is using a public facility and would, therefore, fall under the regulations of the CRTC.

The CRTC was very firm in its concerns in this matter. It believes there is a potential for a jurisdictional battle between the federal and provincial interests. I suggest that the Minister reconsider her definition of program. She should leave no question marks with respect to what a program is in the eyes of this very important industry. She should recognize that the standing committee gave this issue very serious concern and found that excluding alphanumerics would not be in the best interests of the broadcasting policies of Canada. I recommend that the Minister reconsider her definition of "program" as found in Clause 2 of the Bill.

Mr. Ian Waddell (Vancouver—Kingsway): Mr. Speaker, I am pleased to speak on this particular motion. I will speak on the motion first and then broaden it out to some general comments on the Bill itself. As I understand Motion No. 7 of the Hon. Member for Mount Royal (Mrs. Finestone), it simplifies the definition of programming. It responds to the concern expressed by the Canadian Radio and Television Telecommunications Commission and others with the splitting of the undertaking between programming and non-programming parts. This could have highly negative effects for the CRTC's jurisdiction over closed captioning, for example, as the Hon. Member for Mount Royal mentioned.

The commission told us that engineering experts have advised that intellectual matter contained in the vertical blanking interval of a television signal can be considered to be separate and apart from the main transmission. It is this vertical blanking interval which is used by broadcasters to supply closed captions, that is, alphanumeric material for use by the hearing impaired. The current definition of "program" may mean that we lose control over this important area of broadcasting, and that is why we in the NDP would support the amendment of the Hon. Member for Mount Royal.

While I am up I would like to tie this amendment in to the general position on the Bill. When the broadcasting Bill first came forward no one thought that it would ever get this far. We thought that we were going to have a general election before then. We have not yet had the election. We may have it and we may not have it. Everyone on the Hill is expecting it, but today less than yesterday. So here we are debating the Bill.

I think it is important that we give the Bill the utmost consideration. There has not been a Broadcasting Act in 20 years, not since 1968. This is an important Bill in a vitally important area about which Canadians are concerned.