

*Canadian Policy on Broadcasting*

legislation it would have been difficult, if not impossible, to arrive at a bill which we can be certain is, in fact, workable.

From all these sources, and from the many other individuals and groups who have given us their views, we have arrived, as I have said, at a consensus, not on every detail of this lengthy and complex bill but a consensus certainly as to the main principles which should underlie it. Perhaps I might for a moment mention these agreed upon principles as a starting point and try to outline to the house how we have tried in this bill to carry each of them through to fulfillment. The report of the standing committee on broadcasting stated:

Although the ultimate authority and responsibility of parliament is clear, it is equally clear that parliament cannot administer or supervise broadcasting. Nor do we believe a minister of the crown should have such power. A reconstituted B.B.C. should provide an assessment of our broadcasting system. In order to do so, it must have clearcut directives from parliament as to how it will be expected to act on parliament's behalf.

The bill accordingly sets out in clear language a broadcasting policy for Canada which includes, for the first time, a mandate for the national broadcasting service operated by the C.B.C. It should be clearly understood that this is a new technique in broadcasting policy. The mandate set out is more than a preamble; it is an integral part of the measure, expressing the intentions of parliament, and it will have all the force of law. Thus, the whole of the rest of the bill must be considered in the context of this declaration of policy. The objects of the regulatory authority, the proposed Canadian radio commission, will quite simply be to regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing this policy. Similarly, the objects of the C.B.C. are to provide the national broadcasting service in accordance with the mandate which forms an integral part of that policy. Each of these two bodies can exercise its powers only in furtherance of the policies established by parliament.

The first of these policy principles is that the airwaves are public property and that the broadcasting undertakings using them constitute a single system. There is, I believe, generally widespread agreement that the regulation and supervision of the broadcasting system should be delegated to an independent regulatory authority, and that this body and its decisions should be as free as possible from partisan political influence and the pressures of vested interests. But the

system as a whole, including both public and private elements, constitutes a public asset and it is clear, therefore, that the ultimate control of the system must rest with the government, since only the government is immediately—and I stress the word “immediately”—answerable to parliament. It is for this reason that parliament is asked to reserve to the government of the day the power to give directions to the commission with regard to the number of channels or frequencies that may be used, and the reservation of channels or frequencies for the use of the C.B.C. or for special purposes such as educational broadcasting.

The standing committee has said “a distinctly Canadian broadcasting system is essential to our national identity, unity and vitality in our second century” and also that “in future, broadcasting may well be regarded as the central nervous system of Canadian nationhood.” It follows that the system must be effectively under Canadian ownership and control. It is simple enough to say that a single person owning or controlling a broadcasting undertaking must be a Canadian citizen, but the problem becomes much more difficult when we attempt to arrive at a statutory definition of what is meant by the effective ownership or control of a corporation. In practice, it has been found in other contexts that a statutory definition invariably opens the door to evasion. Consequently, in order to retain flexibility, and as forecast in the white paper, parliament is now being asked to reserve to the government the power to give directions to the commission aimed at preventing foreign control of Canadian broadcasting facilities. These directions will, of course, be made public and will thus be available for scrutiny by parliament.

The third principle embodied in the statutory declaration of policy reflects the opinion of the standing committee that “the privilege of exclusive use of any channel or frequency must be subject to the clear responsibility of serving the public interest as expressed through national policy.” Obviously, every broadcaster must conform to the law of the land with regard to such matters as obscenity and libel, and the commission must have power to make regulations, as at present, with regard to the standards of programs and the nature and quantity of advertising that is to be permitted. Beyond these reasonable limitations, broadcasters must be allowed the right to freedom of expression; that is to say, censorship and pre-editing of programs are not only undesirable but impractical.