

gramming and subscriber rates. Do you envisage testing this authority in the courts?

Mr. Boucher: Well, Senator, this brief was meant to be informative and presenting facts as we saw them. The Association does not wish this brief to be construed as a challenge but merely a position or an informative document, for the lack of a better description.

Senator McElman: I appreciate that, but do you envisage testing the authority?

Mr. Boucher: Well, the Association itself, as I say—we have analyzed the facts as we see them, have presented them and are absolutely candid about the situation as it exists, but no decision has been taken to challenge in the forms provided by this Association.

Senator McElman: All right. That is the Association's position. Are any of your member units currently taking anything before the courts?

The Chairman: That you are aware of obviously?

Mr. Boucher: I am not aware of any but there are cable operators making presentations before you.

Mr. G. Allard, Past President of the Canadian Cable Television Association: I wanted to mention the authority of the CRTC was challenged by one non-member of the Association. This was with respect to the authority of the CRTC to grant an exclusive license, but I believe this was dismissed.

Mr. Fortier: Mr. Couture at Thetford Mines

Mr. Allard: That is right.

Mr. Boucher: I think that was last fall. I had forgotten about that one.

Senator McElman: As an association, do you feel that it is for the good of the broadcast industry, including cable television, that there be a regulatory body laying out guidelines.

Mr. Boucher: I think we are on record as being in agreement with the principles of the Broadcasting Act and, of course, this prescribes that there must be a regulatory body. Broadcasting is a very complex, as you well know from all the presentations that you have heard and everything that has been written; there are so many factors involved. What is done in one area is bound to affect another; there is bound to be disturbance of

the ecology along the line, if that is a proper terminology.

So there must be someone who oversees the orderly development, as the CRTC put it, to achieve balance. So in that sense, certainly, we believe there must be this type of body.

Senator McElman: In the *Montreal Gazette* of September 6th last year, there is a report of a speech given by Mr. Loader, your Executive Vice-President. He was speaking to the Broadcast Executives Society and the quotation is:

"The right to employ and enjoy the maximum capacity of the receiver should not be limited by regulation for any reason."

Would you like to comment on that and perhaps elaborate on it?

Mr. Boucher: I think that he is expressing a view that most of us, certainly the majority of us, have in the industry, that there is a basic right for Canadians that they have—similarly to magazines, as an example, I think this is the example we use in our brief—the right to access to what is available.

In other words, we don't believe that an artificial, say, "iron curtain" or "electronic curtain" would be a rightful means of depriving the Canadian public. I don't think that is the CRTC intent.

I might suggest, that was the context of Mr. Loader's remark.

Mr. Allard: I might point out, Senator, that this is spelled out in the preamble of the Broadcasting Act itself. I can't remember the exact wording. I think it suggests Canadians should be entitled to the greatest choice possible, subject to existing regulations. I can't remember the exact wording but it is in the preamble to the Broadcasting Act itself.

Mr. Boucher: I think there are numerous references in our brief and one in particular that comes to mind, of course, is that the Fowler Commission Report was quite emphatic about the fact Canada should not become a broadcasting or television ghetto. I think this is also the same context.

Canadian people do want, as a right, the choice. I am not saying United States programmes or anything. My own personal view, of course, is it would be a terrible disaster if Canadians did not have access to as much material as is available. After all that is what made us Canadians.