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**CANADA. ROYAL COMMISSION ON
ACTIVITIES OF STATION CHEK-TV,
VICTORIA, B.C.**

REPORT.

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BOARD OF BROADCAST GOVERNORS

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL,

MAY IT PLEASE YOUR EXCELLENCY,

We, the Commissioners, appointed in accordance
with the terms of Order in Council P.C. 1960-1211,
to examine and make a report on certain activities
of Private Commercial Broadcasting Station CHEK-TV,
Victoria, B.C.

BEG TO SUBMIT TO YOUR EXCELLENCY

THE FOLLOWING REPORT.

COMMISSION

(Sgd.) F. Weatherhead

appointing

DR. ANDREW STEWART ET AL.,

(Sgd.) J. H. Mitchell

Commissioners under Part I of the Inquiries Act to
FOR REPORT (Sgd.) F. Weatherhead

inquire into complaints received concerning certain

activities of Station CHEK-TV, Victoria, B.C. and any other
Radio and Television stations, and of the
Communications Branch of the Post
and Telecommunications Canada

TO ALL TO WHOM THESE TERMS SHALL COME OR PASS THE SAME BY IN
COURSE OF TIME.

DATED 8th September, 1960.

RECORDED of 8th September, 1960.

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upon demand. (Sgd.) F. Weatherhead

FOR REGISTRAR GENERAL OF CANADA.

Noted by the Registrar General of Canada on the 15th day of
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(Sgd.) P. Kerwin

C A N A D A

(SEAL)

(Sgd.) J. D. Affleck

FOR DEPUTY ATTORNEY GENERAL

C A N A D A

ELIZABETH THE SECOND, by the Grace of God
of the United Kingdom, Canada and Her other
Realms and Territories QUEEN, Head of the
Commonwealth, Defender of the Faith

TO ALL TO WHOM these Presents shall come or whom the same may in
anywise concern,

GREETING:

WHEREAS pursuant to the provisions of Part I of the Inquiries Act,
chapter 154 of the Revised Statutes of Canada, 1952, His Excellency
the Governor in Council, by Order P.C. 1960-1211 of the sixth day of September,
in the year of Our Lord one thousand nine hundred and sixty, a copy of which
is hereto annexed, has authorized the appointment of Our Commissioners
therein and hereinafter named to conduct an inquiry into complaints
received concerning certain activities of Station CHEK-TV, Victoria, British
Columbia, which are alleged to be in contravention of the undertakings given
to the Board of Broadcast Governors by the Station, and has conferred certain
rights, powers and privileges upon Our said Commissioners as will by
reference to the said Order more fully appear.

NOW KNOW YE that, by and with the advice of Our Privy Council for
Canada, We do by these Presents nominate, constitute and appoint
Dr. Andrew Stewart, Carlyle Allison, Esquire, Joseph F. Brown, Esquire,
Eugene A. Forsey, Esquire and Leslie M. Marshall, Esquire, to be Our
Commissioners to conduct such inquiry.

TO HAVE, hold, exercise and enjoy the said office, place and trust unto
the said Andrew Stewart, Carlyle Allison, Joseph F. Brown, Eugene A. Forsey
and Leslie M. Marshall, together with the rights, powers, privileges and
emoluments unto the said office; place and trust of right and by law
appertaining during Our Pleasure.

AND WE DO hereby authorize Our said Commissioners to adopt such
procedure and methods as they may from time to time deem expedient for the
proper conduct of the inquiry and sit at such times and at such places in
Canada as they may decide from time to time.

AND WE DO hereby authorize Our said Commissioners to engage the services of such counsel, staff and technical advisers as they may require at rates of remuneration and reimbursement to be approved by the Treasury Board.

AND WE DO hereby require and direct Our said Commissioners to report their findings to Our Governor in Council.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed.

WITNESS:

The Honourable Patrick Kerwin, Chief Justice of Canada and Deputy of Our Trusty and Well-beloved Major-General George Philius Vanier, Companion of Our Distinguished Service Order upon whom We have conferred Our Military Cross and Our Canadian Forces' Decoration, Governor General and Commander-in-Chief of Canada.

AT OTTAWA, this Eighth day of September in the year of Our Lord One thousand nine hundred and sixty and in the Ninth year of Our Reign.

BY COMMAND,

(Sgd.) A. Alex Cattanach

ACTING UNDER SECRETARY OF STATE

P.C. 1960-1211

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 6th September, 1960.

The Committee of the Privy Council have had before them a report, representing:

That the Board of Broadcast Governors has advised that, as a result of complaints received concerning certain activities of Station CHEK-TV, Victoria, British Columbia, which are alleged to be in contravention of undertakings given to the Board by the Station, the Board intends to conduct a public enquiry in the City of Vancouver on September 15 and 16, 1960, concerning these allegations; and

That in order to obtain the necessary evidence to enable the Board to take any action it deems necessary or desirable under section 15 of the Broadcasting Act, the Board considers it essential to have the power to enforce the attendance of witnesses and to compel them to give evidence under oath at the enquiry.

The Committee, therefore, advise that the following members of the Board of Broadcast Governors be appointed Commissioners under Part I of the Inquiries Act for the purpose of conducting the public enquiry referred to above:

Dr. Andrew Stewart
Mr. Carlyle Allison
Mr. Joseph F. Brown
Mr. Eugene A. Forsey
Mr. Leslie M. Marshall

R.B. Bryce
Clerk of the Privy Council.

REPORT

On September 16, 1960, five members of the Board of Broadcast Governors conducted a public hearing in Vancouver to hear complaints regarding alleged commercial practices by Private Commercial Broadcasting Station CHEK-TV, Victoria, B.C., which were said to be in contravention of undertakings given by the station with respect to the solicitation of advertising business from Vancouver and the Lower Mainland of British Columbia. The commitments referred to were made to the Board of Broadcast Governors on January 18, 1960, the date on which the Board considered at a public hearing in Vancouver an application by CHEK-TV for an increase in effective radiated power and a change of antenna site. After the public hearing on January 18, 1960, the Board recommended the application for approval and the necessary amendments to the licence were authorized by Order in Council, permitting the station to operate with the changes in facilities which were effective in July 1960. One result of these two changes is that the station delivered an improved signal to Vancouver and the Lower Mainland.

At the public hearing on January 18, 1960, the representative of Station CHEK-TV answered in response to a question concerning any intentions he might have to sell advertising in Vancouver and the Lower Mainland that "It is not our intention today or any time in the future to sell or compete with Bellingham or Vancouver television stations". He stated further, in response to a question as to whether he planned to have a sales advertising office in Vancouver, that "We have no plans for any advertising organization to solicit local business". After the station began operating with increased power from its new antenna site, the Board received complaints from Vancouver that it was, in fact, soliciting local advertising business from Greater Vancouver.

In May, 1960, the President of CHEK-TV was called before the Board as a result of these complaints, to explain the alleged solicitation of advertising in Vancouver and the Lower Mainland. At that meeting, the Board made quite clear to the management of Station CHEK-TV that it expected the station to adhere to the commitments made before the Board not to solicit advertising business in the Vancouver area. The President of CHEK-TV undertook at the meeting to adhere to these commitments. Subsequently, the Board received more complaints of solicitation of advertising in Vancouver and decided to hold a public inquiry in Vancouver to investigate them.

At the public hearing of September 16, 1960, the Board heard, under oath, evidence from six persons who, the Board had been advised, had been solicited either to join the sales staff of CHEK-TV in Vancouver or to place local advertising from Vancouver with the station. These six persons were questioned by the Board's Counsel and by the members of the Board, and an opportunity was given for the Counsel for Station CHEK-TV to cross-examine witnesses while they were under oath.

At the conclusion of the public hearing, the five Board members reviewed fully the evidence that was presented at the public hearing as well as the allegations made in the complaints received by the Board prior

to the hearing. It was the conclusion of the members of the Board who conducted the public hearing that, while there was some evidence of breach of commitments made to the Board prior to May 1960, there was no evidence of such breach of commitments after that time. It was the belief of the members of the Board who sat in Vancouver that the management of Station CHEK-TV had endeavoured to live up to its commitments since their meeting with the Board in Edmonton in May 1960.

While the Board found no grounds under which it felt justified to take any action against the station, the Board will continue to be supplied by the station with a weekly list of all advertising calls made by the sales representatives of the station in the Vancouver area, broken down to show national and regional advertising as well as purely local advertising.

The five members of the Board who conducted the hearing in Vancouver made a full and detailed report on the findings and conclusions to the Board itself at the Board meeting held in Ottawa September 27, 1960, and recommended that no action be taken against the station. The Board concurred unanimously in this recommendation.

Submitted with this report is a copy of the verbatim transcript of the full proceedings of the public hearing in Vancouver on September 15 and 16, 1960. Pages 257 - 321 of this transcript refer to the portion of the public hearing during which members of the Board were acting in their capacity as Commissioners under Part I of the Inquiries Act. Attached also is a copy of the public announcement dated September 29, 1960, issued by the Board with reference to the public hearing in Vancouver.

Andrew Stewart
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Andrew Stewart

Carlyle Allison
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Carlyle Allison

Joseph F. Brown
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Joseph F. Brown

Eugene A. Forsey
.....
Eugene A. Forsey

Leslie M. Marshall
.....
Leslie M. Marshall