

establish unauthorized private broadcasting stations, and I quite agree that there should be a more severe penalty for that offence. But as I pointed out when the section was under consideration previously, who is going to say whether some person who fails to take out a licence for a private radio receiving set is going to be prosecuted by summary procedure, or is going to be haled before a superior court and charged with an indictable offence?

Mr. FACTOR: The minister has to consent to a prosecution.

Mr. LAWSON: The minister's reply was that the departmental officials would make the determination. The minister will remember I pointed out that I did not think it was proper that a civil servant should have the right to determine whether I, as a citizen, should be prosecuted for a minor or a more serious offence arising out of the same set of facts and the same circumstances. Now the hon. member for Spadina says the minister may determine. I assume that is by reason of subsection 3, if subsection 3 is to stand.

Mr. HOWE: Yes.

Mr. LAWSON: Does not the minister himself think, even if subsection 3 is to stand, in view of the statement he made to-day, that this clause should be clarified and that specific provision should be made whereby anyone who operates or has in his possession a private radio receiving set without a licence may, on summary conviction, be fined a minimum or a maximum amount? Then go on and say anyone guilty of establishing or having in his possession a private sending station shall be guilty of an indictable offence and liable to certain penalties, if that is the thought in the mind of the minister, urged upon him by the department. I do think it is a mistake to pass legislation giving discretionary power to someone who is not a judicial or quasi-judicial official, to say that I may be prosecuted for an offence which may result in a minor or a major penalty. If there is to be a discretion of that kind, I think it should be exercised by a crown official such as the crown attorney.

Mr. HOWE: My officers point out that there may be a criminal offence in connection with a receiving station. That is, it is quite conceivable that a man could use a receiving station to tap an important source of information, such as a Marconi wireless beam, a transoceanic service, and to dispose of the messages in a criminal way. Then, of course,

there are two grades of offences even in connection with sending messages. We have several cases of this kind: A boy will build an amateur sending station in his basement. Of course he is simply taken before the judge and ordinarily fined from \$2 to \$5, whereas a big company might set up an illegal sending station and really do a great deal of damage with it. My officers believe that the section as it stands, administered with discretion, is the most effective way to handle the situation.

Mr. LAWSON: In view of the minister's information that a private receiving station could tap a radio beam and obtain secret information, of course my objection falls.

Section as amended agreed to.

On section 11—His majesty may take possession of station.

Mr. LAWSON: Does section 11 now consist of what was formerly subsection 4 of section 10?

Mr. HOWE: No; section 11 is just as it appears. We withdrew the amendment changing the numbers of the sections.

Section agreed to.

Section 12 agreed to.

On section 13—Action for offence to be taken within two years.

Mr. BENNETT: With respect to this section, Mr. Chairman, I should like to suggest to the minister that the period should be one year instead of two years. I think two years is rather a long time within which to maintain the right to take proceedings under a statute of this kind; I believe that will be agreed. I have noticed that in many of our quasi-criminal statutes this period of time has operated very greatly to the detriment of those who at one time had a good defence, which the lapse of time made it impossible for them to assert. I should think twelve months would be ample in a statute of this kind, and I suggest to the minister that this might be changed accordingly.

Mr. HOWE: I am very glad to accept the suggestion of my right hon. friend, and I will ask my colleague to move that in line 4 of section 13 the words "two years" be changed to "one year."

Mr. MACKENZIE (Vancouver): I move accordingly.

Amendment agreed to.

Section as amended agreed to.