

The Acting Speaker (Mr. DeBlois): It being five o'clock, the House will now proceed to consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS—BILLS

[English]

CRIMINAL CODE

MEASURE TO AMEND

Mr. Iain Angus (Thunder Bay—Atikokan) moved that Bill C-271, an act to amend the Criminal Code (facsimile advertising), be read the second time and referred to a legislative committee.

He said: Mr. Speaker, perhaps some members think that today is the adjournment debate as opposed to some other point in time.

I am pleased to rise to speak on Bill C-271, an act to amend the Criminal Code, facsimile advertising, commonly known as junk faxes.

The reason I presented this bill is to deal with an emerging problem within the business community and in other sections of society that are using facsimile machines in their places of work. The bill is very specific. It is an amendment to section 426 of the Criminal Code of Canada and it reads as follows:

Everyone who sends to a person or organization through a telephone network an unrequested facsimile communication advertising for sale or goods any service is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding \$200.

What I would like to do is lay out for members in the House some of the background to the problem of junk faxes. Fax machines are not new. They were around in the mid-1970s, very cumbersome, very expensive and out of the reach of most offices and certainly, very slow and very expensive to utilize.

However, since the new generation of faxes were introduced in the mid-1980s there has been an explosion. In 1986 there were only 100,000 such machines in Canada. By the end of 1989 that had grown to 210,000. By the end of this year, that number doubled again to 420,000, and it is estimated by Evans Research Corporation that by the end of 1993 there will be one million facsimile machines in operation in this country. That

Private Members' Business

does not include the proliferation of what is called a fax board in micro computers. That is a computer component that you can plug into your computer that can list as many as 999 telephone numbers which you can utilize to send out an electronic facsimile message in one command.

A *La Presse* poll shows that 95 per cent of Montreal businesses had fax machines in November 1989 and of the remainder, half planned to buy a fax machine within six months. So it is definitely a growing situation, at least in terms of the machines.

Let me turn to the problem of the junk faxes. Fax advertising is a dream come true for advertisers who can force an unwilling audience to shoulder a substantial burden of their costs. All of us in this House get complaints about junk mail, about those advertising flyers that come to our mailbox unsolicited. Those flyers do not cost the recipient anything, other than aggravation and most times just go into the round filing cabinet. But in terms of junk faxes, anyone can send to you at your place of business or at your home if you have a fax there, a message offering for sale the good or service that particular company wants to sell and you have to pay the cost of printing that flyer. That is the difference.

The Canadian Federation of Independent Business in their membership survey in October 1989, asked if there should be regulations protecting the public from advertising by businesses via fax machines. Eighty-one per cent of the respondents said yes; 10 per cent said no; 5 per cent were undecided and 4 per cent had no interest in the issue.

• (1720)

The Canadian Radio-television and Telecommunications Commission believes it cannot deal with junk faxes because it has no authority over the content of what is carried on telephone lines. That is according to one of their information officers. Also, neither they nor Bell report hearing any complaints on unsolicited fax advertising. I will come back to that in a moment.

In the United States, two states have passed laws banning unsolicited faxes; Maryland and Connecticut. Lobbying, favouring and opposing the law was intense. The Maryland law provides for fines of up to \$5,000 for repeat offenders, while the Connecticut law has fines of up to \$500, or three months in jail. As well, a U.S. federal panel approved legislation to establish lists of