

Radio Broadcasting

Mr. LAWSON: Does the minister not mean that paragraph (c) remains in the bill?

Mr. BENNETT: That is what he says.

Mr. LAWSON: He said "to stand," and confused the chairman and the committee.

Mr. HOWE: Stands as part of the bill.

The CHAIRMAN: When the committee were on this bill on May 11, an amendment was moved by Mr. Lapointe (Quebec East) to section 4, subsection 1, paragraph (e) which was allowed to stand. The amendment is to amend section 4, subsection 1(e) by striking out the words "sold or serviced" in line 3 and substituting therefor the words "sold, repaired or maintained."

Mr. BENNETT: That passed, I think, did it not?

Mr. HOWE: Yes, I think that amendment passed.

The CHAIRMAN: The records are that it did not pass.

Mr. BENNETT: That should pass first.

The CHAIRMAN: Shall the amendment to section 4, subsection 1(e) carry?

Amendment agreed to.

Subsection 1 (e) as amended agreed to.

Section 4 as amended agreed to.

Mr. LAWSON: If the minister will permit me, before he goes to section 5; I marked on my copy of the bill that paragraph (e) of section 3 stood, but it may be that there was an amendment. In other words, the idea was that it was to stand in order that the penalty might be prescribed by the law itself and not be left to be determined by order in council.

Mr. HOWE: My recollection is that the amendment was at the time approved and the clause passed as amended.

Mr. LAWSON: On section 3 paragraph (e) was there an amendment?

The CHAIRMAN: Yes; that amendment was carried.

Mr. LAWSON: Then section 5 is the next one.

On section 5—Station licences.

Mr. HOWE: Section 5 is related to section 10 which is the penalty section for section 5, and we have suggested an amendment which was printed in the votes and proceedings. The amendment reads:

That Bill No. 52, clause 10 (1) be amended by inserting after the word "shall" in line 43 the following:

"Unless he satisfies the court or magistrate that the radio station or private receiving

[Mr. Chairman.]

station or radio apparatus was not at the time of the alleged commission of the offence intended for or capable of being used for transmission or reception of radio."

And by striking out the words "not less than \$5 nor exceeding \$50" in lines 43 and 44 and substituting therefor the following "not exceeding \$50" so that the said clause 10 (1) will read as follows:

"Any person who establishes a radio station or private receiving station or installs, operates or has in his possession any radio apparatus, in violation of the provisions of this act or any regulations made hereunder, shall unless he satisfies the court or magistrate that the radio station or private receiving station or radio apparatus was not at the time of the alleged commission of the offence intended for or capable of being used for the transmission or reception of radio, be liable on summary conviction to a penalty not exceeding \$50 and on conviction on indictment to a fine not exceeding \$500 and to imprisonment for a term not exceeding twelve months, and in either case the aforesaid radio apparatus may be forfeited to his majesty by an order of the minister."

The larger fine mentioned is, of course, for private sending stations, the installation of which is a very serious offence and has always been so regarded. Private sending stations are installed from time to time, unauthorized broadcasts being sent therefrom. Heavy penalties up to \$500 have been imposed, depending upon whether or not criminal intent can be proved in connection with the establishment of these sending stations.

Mr. BENNETT: I think it is the usual course that the forfeiture, or confiscation as it is sometimes called, of the apparatus should be by direction of the court or magistrate as the case may be and not of the minister.

The CHAIRMAN: In order to clarify the record, I would point out that section 5 has not been carried.

Mr. HOWE: We were discussing some changes in the act relating to section 5, and perhaps we were rather out of order. I suggest that it might be well for us to pass on to clauses 9 and 10 and then return to clause 5.

The CHAIRMAN: Shall section 5 carry?

Mr. LAWSON: No amendment is proposed for section 5?

Mr. HOWE: No.

Section agreed to.

The CHAIRMAN: Sections 7 and 8 are carried; section 9 is not.

Mr. BENNETT: Has section 6 carried?

The CHAIRMAN: Yes.