

No. 26

2nd Session, 13th Legislature, Alberta
4 Elizabeth II, 1956

BILL 26

A Bill to amend The Telephone and Telegraph Act

HON. MR. TAYLOR

EDMONTON, ALBERTA
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1956

Explanatory Note

2. Will provide following new sections to Act:

Section 15. Prohibiting the attaching of recorder equipment to telephones of the Government Telephone System.

Section 16. (1) Authorizes the Minister of Telephones to provide approved recorder equipment to subscribers.

(2) Prohibits use of recorder equipment on telephone equipment of Government Telephone System unless it is approved recorder equipment that emits a signal while recording.

(3) Relates to the admissibility of evidence.

(4) Provides authority to remove telephone equipment for infraction of the section.

Section 17. (1) Prohibits telephone listening or tapping devices being used on lines or wires of the Government Telephone System except by servicemen of the telephone system.

(2) Relates to the admissibility of evidence of contravention of prohibition.

Section 18. Provides penalties for offences connected with foregoing sections.

BILL

No. 26 of 1956

An Act to amend The Telephone and Telegraph Act

(Assented to _____, 1956)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

PART I

1. *The Telephone and Telegraph Act*, being chapter 198 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. The following new sections are added immediately after section 14:

“15. (1) No person shall fix to any telephone equipment of the Government of Alberta any attachment or device intended to be used therewith or in connection therewith if, in the opinion of the Minister of Telephones, the attachment or device will injuriously affect the telephone equipment or the operating efficiency of telephone lines or equipment.

“(2) Any such attachment or device as is mentioned in subsection (1) shall, for the purposes of this section, be considered to be fixed to telephone equipment if it is attached or fixed thereto or placed on, over, under, or adjacent to, any such equipment in such a manner as to be able to be used in connection therewith.

“16. (1) The Minister of Telephones may sell, rent or otherwise supply to any subscriber equipment known as recorder-connector equipment for use in connecting telephone equipment installed by the Government of Alberta with recording equipment of the subscriber to be used in recording messages transmitted along, over or through the Alberta Government Telephone System's lines or wires.

“(2) No person in the Province shall use any recording equipment to record messages transmitted along, over or through, the lines or wires of the system of the Alberta Government Telephones unless the recording equipment is so connected by means of recorder-connector equipment supplied by the Minister of Telephones that an audible signal is emitted when a message is being recorded.

“(3) Evidence of the finding of recording equipment, any part of which is either attached to, or placed on, over, under or adjacent to, telephone equipment in such a manner that recording can be carried on through or by means of the

Part II will relate new sections to revision.

recording equipment is, in any prosecution under this section, admissible in evidence as *prima facie* proof that the recording equipment was being used to record messages in contravention of this section.

“(4) Where any person contravenes subsection (2) the Minister of Telephones may forthwith either disconnect the telephone service or remove the telephone equipment of that person, or disconnect the telephone service or remove the telephone equipment of the person whose telephone equipment has been used for that purpose.

“17. (1) Except in the case of employees of the Alberta Government Telephone System using such equipment as may be supplied to them for service reasons, no person shall use any equipment, device, apparatus or contrivance for the purpose of intercepting and listening to messages passing along, over, or through the lines or wires of the system, whether the equipment, device, apparatus or contrivance works by being directly attached to the wires or any other part of the lines or equipment of the Alberta Government Telephone System, or by induction or by any other means.

“(2) Evidence of the possession by any person of any equipment, device, apparatus or contrivance capable of being used for intercepting and listening to messages passing along, over or through telephone lines or wires, or under such circumstances that it is capable of being so used, is, in any prosecution under this section, *prima facie* proof that the equipment, device, apparatus, or contrivance was being used for the purpose of intercepting and listening to messages passing along, over or through the lines or wires of the Alberta Government Telephone System.

“18. (1) A person who contravenes subsection (2) of section 16 is guilty of an offence and liable on summary conviction to a fine of not less than one hundred dollars or more than one thousand dollars, and in default of payment to imprisonment for a term not exceeding three months, or to imprisonment for a term not exceeding three months without the option of a fine, or to both such fine and such an imprisonment.

“(2) A person who contravenes subsection (1) of section 17 is guilty of an offence and liable on summary conviction to a fine of not less than two hundred dollars or more than two thousand dollars, and in default of payment to imprisonment for a term not exceeding six months, or to imprisonment for a term not exceeding six months without the option of a fine, or to both such fine and such an imprisonment.”.

PART II

3. *The Telephone and Telegraph Act*, being chapter 332 of the Revised Statutes of Alberta, 1955, is hereby amended.

4. The following new sections are added immediately after section 15:

“16. (1) No person shall fix to any telephone equipment of the Government of Alberta any attachment or device intended to be used therewith or in connection therewith, if, in the opinion of the Minister of Telephones, the attachment or device will injuriously affect the telephone equipment or the operating efficiency of telephone lines or equipment.

“(2) Any such attachment or device as is mentioned in subsection (1) shall, for the purposes of this section, be considered to be fixed to telephone equipment if it is attached or fixed thereto or placed on, over, under, or adjacent to, any such equipment in such a manner as to be able to be used in connection therewith.

“17. (1) The Minister of Telephones may sell, rent or otherwise supply to any subscriber equipment known as recorder-connector equipment for use in connecting telephone equipment installed by the Government of Alberta with recording equipment of the subscriber to be used in recording messages transmitted along, over or through the Alberta Government Telephone System’s lines or wires.

“(2) No person in the Province shall use any recording equipment to record messages transmitted along, over or through, the lines or wires of the system of the Alberta Government Telephones unless the recording equipment is so connected by means of recorder-connector equipment supplied by the Minister of Telephones that an audible signal is emitted when a message is being recorded.

“(3) Evidence of the finding of recording equipment, any part of which is either attached to, or placed on, over, under or adjacent to, telephone equipment in such a manner that recording can be carried on through or by means of the recording equipment is, in any prosecution under this section, admissible in evidence as *prima facie proof* that the recording equipment was being used to record messages in contravention of this section.

“(4) Where any person contravenes subsection (2), the Minister of Telephones may forthwith either disconnect the telephone service or remove the telephone equipment of that person, or disconnect the telephone service or remove the telephone equipment of the person whose telephone equipment has been used for that purpose.

“18. (1) Except in the case of employees of the Alberta Government Telephone System using such equipment as may be supplied to them for service reasons, no person shall use any equipment, device, apparatus or contrivance for the purpose of intercepting and listening to messages passing along, over, or through the lines or wires of the system, whether the equipment, device, apparatus or contrivance works by being directly attached to the wires or any other part of the lines or equipment of the Alberta Government Telephone System, or by induction or by any other means.

“(2) Evidence of the possession by any person of any equipment, device, apparatus or contrivance capable of being used for intercepting and listening to messages passing

along, over or through telephone lines or wires, or under such circumstances that it is capable of being so used, is, in any prosecution under this section, *prima facie* proof that the equipment, device, apparatus, or contrivance was being used for the purpose of intercepting and listening to messages passing along, over or through the lines or wires of the Alberta Government Telephone System.

“19. (1) A person who contravenes subsection (2) of section 17 is guilty of an offence and liable on summary conviction to a fine of not less than one hundred dollars or more than one thousand dollars, and in default of payment to imprisonment for a term not exceeding three months, or to imprisonment for a term not exceeding three months without the option of a fine, or to both such fine and such an imprisonment.

(2) A person who contravenes subsection (1) of section 18 is guilty of an offence and liable on summary conviction to a fine of not less than two hundred dollars or more than two thousand dollars, and in default of payment to imprisonment for a term not exceeding six months, or to imprisonment for a term not exceeding six months without the option of a fine, or to both such fine and such an imprisonment.”.

5. Part I and this section come into force on the day this Act is assented to and Part II, except this section, comes into force and Part I is repealed on the day the Revised Statutes of Alberta, 1955, come into force.

SECOND SESSION
THIRTEENTH LEGISLATURE
4 ELIZABETH II
1956

BILL

An Act to amend The Telephone and
Telegraph Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TAYLOR
