

BROADCASTING AND TELECOMMUNICATIONS  
LEGISLATIVE REVIEW

# WHAT WE HEARD REPORT

JUNE 2019



## WHAT WE HEARD REPORT

### Broadcasting and Telecommunications Legislative Review

## OPEN GOVERNMENT LICENCE - CANADA

You are encouraged to use the Information that is available under this licence with only a few conditions.

### USING INFORMATION UNDER THIS LICENCE

- Use of any Information indicates your acceptance of the terms below.
- The Information Provider grants you a worldwide, royalty-free, perpetual, non-exclusive licence to use the Information, including for commercial purposes, subject to the terms below.

### YOU ARE FREE TO:

- Copy, modify, publish, translate, adapt, distribute or otherwise use the Information in any medium, mode or format for any lawful purpose.

### YOU MUST, WHERE YOU DO ANY OF THE ABOVE:

- Acknowledge the source of the Information by including any attribution statement specified by the Information Provider(s) and, where possible, provide a link to this licence.
- If the Information Provider does not provide a specific attribution statement, or if you are using Information from several information providers and multiple attributions are not practical for your product or application, you must use the following attribution statement:  
Contains information licensed under the Open Government Licence – Canada.

The terms of this licence are important, and if you fail to comply with any of them, the rights granted to you under this licence, or any similar licence granted by the Information Provider, will end automatically.

### EXEMPTIONS

This licence does not grant you any right to use:

- Personal Information;
- third party rights the Information Provider is not authorized to license;
- the names, crests, logos, or other official symbols of the Information Provider; and
- Information subject to other intellectual property rights, including patents, trade-marks and official marks.

### NON-ENDORSEMENT

This licence does not grant you any right to use the Information in a way that suggests any official status or that the Information Provider endorses you or your use of the Information.

### NO WARRANTY

The Information is licensed “as is”, and the Information Provider excludes all representations, warranties, obligations, and liabilities, whether express or implied, to the maximum extent permitted by law.

The Information Provider is not liable for any errors or omissions in the Information, and will not under any circumstances be liable for any direct, indirect, special, incidental, consequential, or other loss, injury or damage caused by its use or otherwise arising in connection with this licence or the Information, even if specifically advised of the possibility of such loss, injury or damage.

### GOVERNING LAW

This licence is governed by the laws of the province of Ontario and the applicable laws of Canada.

Legal proceedings related to this licence may only be brought in the courts of Ontario or the Federal Court of Canada.

### DEFINITIONS

In this licence, the terms below have the following meanings:

**“Information”**: means information resources protected by copyright or other information that is offered for use under the terms of this licence.

**“Information Provider”**: means Her Majesty the Queen in right of Canada.

**“Personal Information”**: means “personal information” as defined in section 3 of the *Privacy Act*, R.S.C. 1985, c. P-21.

**“You”**: means the natural or legal person, or body of persons corporate or incorporate, acquiring rights under this licence.

# TABLE OF CONTENTS

Message From the Chair	4
Who We Heard From	5
Introduction	6
THEME A:	
Reducing Barriers to Access by all Canadians to Advanced Telecommunications Networks	8
THEME B:	
Supporting the Creation, Production and Discoverability of Canadian Content	15
THEME C:	
Improving the Rights of the Digital Consumer	22
THEME D:	
Renewing the Institutional Framework for the Communications Sector	26
Next Steps	31
Abbreviations	32
Annexes	
A: Call for Comments	33
B: List of Written Submissions	47
C: List of Stakeholder Meetings	53

## MESSAGE FROM THE CHAIR

In two short decades, the ways in which Canadians connect, work and consume information have changed dramatically. We now find ourselves in a rapidly evolving digital world: a landscape of new opportunities that previous generations could scarcely have imagined. The digital consumer is more engaged than ever before. While many Canadians benefit from this digital age, some face barriers in accessing new technologies and being able to participate fully in society and the economy.

Others question whether Canada is well prepared to seize the opportunities and meet the challenges that emerge from the scope and scale of constant technological change.

It is in this digital environment that the Minister of Innovation, Science and Economic Development and the Minister of Canadian Heritage tasked us with reviewing Canada's broadcasting and telecommunications legislative framework.

After being appointed in June of 2018, our Panel undertook an extensive outreach and engagement process to hear what Canadians had to say about these new realities and to gain the benefit of their insights. Panel members travelled the country, meeting with interested parties and hearing from a diverse cross section of Canadians. We wanted to hear a wide range of views on the need for legislative change, and we made a particular effort to hear from Indigenous communities and official language minority groups.

The Panel members and I extend our sincere thanks to all interested parties who took the time to contribute their expertise and thoughts during our consultation process.

What follows in this report are the key themes that emerged from our open call for written submissions.

The perspectives and recommendations provided to us will help inform and strengthen our work. We will now focus on completing our final report, with recommendations for legislative change, by January 2020.

Janet Yale  
Chair

# WHO WE HEARD FROM

## CONSULTATION ACTIVITIES



Vancouver  
Calgary  
Whitehorse  
Yellowknife  
Iqaluit  
Winnipeg  
Toronto  
Ottawa  
Montreal  
Halifax  
St. John's

### CONTRIBUTED TO THE DISCUSSION



2,085 letters and formal submissions

### 12 CONFERENCES



### OUTREACH TO PUBLIC



4 informational videos created

Broadcasting Act  
Telecommunications Act

Radiocommunication Act  
Future of Programming Distribution

# INTRODUCTION

The Government has asked the Broadcasting and Telecommunications Legislative Review Panel to present recommendations on legislative changes that may be needed to maximize the benefits the digital age brings to citizens, creators, cultural stakeholders, the communications industry and the Canadian economy. The Government also asked us to undertake consultations during the course of our Review with industry, creators and Canadians, including those from Indigenous communities and official language minority communities (OLMCs).

On September 24, 2018, we issued our consultation document, *Review of the Canadian Communications Legislative Framework: Responding to the New Environment: A Call for Comments* (attached as [Annex A](#)). The document was organized under the following themes:

- Reducing barriers to access by all Canadians to advanced telecommunications networks;
- Supporting the creation, production and discoverability of Canadian content;
- Improving the rights of the digital consumer; and
- Renewing the institutional framework for the communications sector.

Our Call for Comments included the questions raised by the Government in its [Terms of Reference](#). In response to the Call for Comments, we received 2,085 letters and written submissions from a wide variety of interested parties. A list of submissions is provided in [Annex B](#).

To complement the written consultation process, Panel members met with Canadians from across the country to identify the critical issues they are facing and to gather thoughts and ideas to help address the complex issues on which we have been asked to make recommendations. We held in-person meetings with interested parties in Vancouver, Calgary, Whitehorse, Yellowknife, Iqaluit, Winnipeg, Toronto, Ottawa, Montreal, Halifax and St. John's. The organizations we met with were diverse and included industry, creators, Indigenous communities, OLMCs, public-interest groups, accessibility groups and others. A complete list is included in [Annex C](#).

The written submissions and in-person meetings reflected a great diversity of perspectives and concerns in matters related to broadcasting and telecommunications. The consultation process also yielded a number of concrete suggestions and areas for legislative amendments.

This report highlights the key themes and messages received in response to our Call for Comments. Throughout the report, we highlight areas of tension identified in our consultation process that have potential implications for legislative reform.

# THEME A

## REDUCING BARRIERS TO ACCESS BY ALL CANADIANS TO ADVANCED TELECOMMUNICATIONS NETWORKS





# Reducing Barriers to Access by all Canadians to Advanced Telecommunications Networks

From the submissions received, we heard consensus from interested parties that affordable access to high-quality broadband networks, both wireline and wireless, is essential to Canadians' ability to participate in digital society. We have organized the submissions received into the following topics:

- Economic regulation of telecommunications;
- Broadband deployment in rural and remote communities;
- Use of passive infrastructure to expand networks;
- Spectrum management;
- Network security and reliability; and
- Net neutrality.

## ECONOMIC REGULATION OF TELECOMMUNICATIONS

The submissions made it clear that an important objective of telecommunications regulation is to ensure that all Canadians have affordable access to high-quality networks now and in the future. However, there was significant debate over how to achieve this goal. More particularly, there were differences of opinion on the proper policy foundation for economic regulation of telecommunications and on the statutory amendments that are necessary to achieve this objective.

The parties differed on whether the telecommunications policy objectives should support competition between “facilities-based carriers”—those that build out and operate their own transmission facilities to provide services to customers—or whether the objectives should encourage competition based on services, with competitive providers being given access to the dominant carriers' networks. Some parties submitted that supporting service-based competition (by competitive providers, some of whom do not operate their own network facilities) would likely reduce prices for consumers. Others took the position that supporting facilities-based competition promotes ongoing investments in advanced telecommunications networks and that promoting service-based competition would reduce incentives for carriers to continue to invest in their networks.

We heard differing views on the level of competition in telecommunications markets and the attendant impact on rivalry among service providers, diversity of service offerings, customer responsiveness and price levels for services in these markets. Some parties submitted that there is robust competition in Canada's telecommunications markets. However, others submitted that telecommunications markets are highly concentrated, the level of effective competition is limited, and prices for telecommunications services in certain markets in Canada are too high.

These differences informed the positions of parties on the appropriate focus of economic regulation of telecommunications. A number of parties noted that the current *Telecommunications Act* is based on a presumption of regulation of rates and service conditions, but that the level of competition in telecommunications markets has evolved to the point where this regulation is generally no longer appropriate. Exceptions were made for a limited set of issues that could be subject to continued regulation, such as accessibility requirements, access to passive infrastructure, public safety and copyright piracy issues.

Some parties proposed a fundamental rewrite of the provisions of the *Telecommunications Act* dealing with economic regulation. In some cases, parties made specific reference to the 2006 Policy Direction issued to the Canadian Radio-television and Telecommunications Commission (CRTC) by the Governor-in-Council to "...rely on market forces to the maximum extent feasible..." when conducting its regulatory activities in furtherance of the Policy Objectives found in section 7 of that Act. Parties suggested that the content of that Policy Direction be enshrined in the legislation itself.

Others disagreed with the premise that reliance on the operation of market forces in telecommunications markets is sufficient to achieve Canada's policy objectives for telecommunications. They suggested that economic regulation of certain telecommunications markets is needed. For example, some submitted that greater regulation of wholesale telecommunications markets is needed to support service-based competition. These same parties commented at length on the harmful effects on competition and on their own competitive positions arising from the current regulatory process and, in particular, from long delays in resolving disputes and finalizing regulatory determinations.

## BROADBAND DEPLOYMENT IN RURAL AND REMOTE COMMUNITIES

Interested parties highlighted particular challenges in obtaining access to broadband in rural and remote communities (including Indigenous communities) and pointed to the need for ongoing government intervention and collaboration with communities to ensure that all Canadians benefit from digital society.

Parties generally agreed that there is insufficient incentive for private-sector players to make investments that will close the gap between service and price levels in urban centres and areas in the rest of Canada. This is largely due to the lower population levels in these areas and the accompanying lower levels of return on investment that carriers receive. Additional challenges arise in remote regions, particularly in the North, due to climate and terrain. However, some parties suggested that these difficulties may soon be overcome through technological developments, including the deployment of low-earth orbit (LEO) satellites.

Most parties agreed that investments in infrastructure to provide broadband services to rural and remote regions will require continued subsidization. Several parties called on the Government to develop a National Broadband Strategy that would bring together the broadband support programs currently administered separately by Innovation, Science and Economic Development Canada (ISED) and the CRTC, and provide for ongoing, stable funding for broadband infrastructure.

Some communities told us they want to be partners in providing access to telecommunications services for their members. The submissions received highlighted municipalities' interest in ensuring the timely development of telecommunications services to meet their connectivity goals. A few municipalities, including some in rural areas, also want to act as telecommunications service providers for their residents.

Indigenous parties identified the lack of access to broadband infrastructure as a major issue for their communities. They expressed the desire to be involved in the development of broadband networks in their own communities not just as consumers of telecommunications services, but also as owners and operators of those services. Indigenous participants also called for telecommunications services to be developed using a community-based approach rather than a consumer-centred model. We also heard that it is important to enshrine Indigenous treaty and land rights in the legislation and ensure they are respected in the provision of services, and to provide support for Indigenous economic development, employment as well as training and skills development.

## USE OF PASSIVE INFRASTRUCTURE TO EXPAND NETWORKS

We use the term “passive infrastructure” to mean structures that can support telecommunications facilities. In many cases, such structures are owned by local authorities or by power, gas or water utilities. These structures include light poles, bridges, water towers and street furniture. (Examples of street furniture include light standards, mail boxes and bus shelters.) Participants submitted that the question of final authority over access to passive infrastructure is an evolving issue as telecommunications networks continue to develop. Interested parties expressed differing views as to whether the legislation should be changed to facilitate greater access to passive infrastructure and differing opinions as to whether such changes would be constitutionally valid.

Carriers and industry associations submitted that there is a need for greater regulation at the federal level over access to public rights-of-way and other passive infrastructure. These parties commented that delays in attaining rights-of-way or high prices for accessing structures will limit the development of advanced networks, thereby preventing Canadians from gaining the benefit of communications services that rely on those networks. A number of parties submitted that the CRTC should have authority to manage this access, including the timely resolution of disputes between land use authorities and carriers.

Regarding wireless deployment, we heard that the deployment of next generation technologies, including 5G wireless networks, will require carriers to construct denser networks with considerably more points of connection than currently exist. Densification will also require greater access to public rights-of-way. In addition, privately-held buildings may serve an important role in supporting network expansion.

However, municipalities and electrical associations submitted that they need continued control over passive infrastructure and rights-of-way, noting that they are responsible for balancing the needs of various users. We heard that electrical associations and municipalities are open to working in collaboration with carriers to expand telecommunications networks. Municipalities noted that they have a long history of resolving the vast majority of infrastructure installations using a cooperative approach. They pointed specifically to the protocol established for the installation of antenna towers as an example of federal-municipal collaboration to govern telecommunications infrastructure.

Indigenous parties stated that they should control the installation of telecommunications networks on their lands, in keeping with their treaty and territorial rights.

## SPECTRUM MANAGEMENT

The development of advanced wireless networks relies on access to spectrum, which is managed by the Minister of Industry on behalf of Canadians. ISED is responsible for both the allocation of frequencies (designating them for certain services) and their assignment to specific individuals or entities.

We heard it is imperative that the spectrum regulator provide timely access to spectrum as communications services continue to develop. Many participants commented that assignment processes will need to be accelerated in future to keep pace with technological change. They also noted that the spectrum regulator will need to balance competing demands for assignment from, as examples, commercial services; public safety and first responders; and defense needs. These competing needs should accommodate satellite services, including the deployment of LEO satellites that may support the provision of broadband services in rural and remote areas.

A number of submissions advocated the introduction of a set of policy objectives into the spectrum management legislation to replace current provisions in the *Radiocommunication Act* that reference the *Telecommunications Act*. More specifically, many parties recommended that the legislation direct the spectrum regulator to rely on market forces when managing spectrum and that it should take care to minimize the administrative burden in its activities. Several parties indicated that the spectrum regulator should allow for secondary-market trading and assignment of spectrum rights.

We received a number of comments regarding who should regulate spectrum as well as the potential for combining the *Radiocommunication Act* with the *Telecommunications Act*. These are discussed under [Theme D](#).

## NETWORK SECURITY AND RELIABILITY

We heard that the importance of ensuring security of telecommunications is growing as more and more devices are becoming connected to the Internet. In addition, critical infrastructure and systems are vulnerable to threats carried over telecommunications networks.

We also heard that telecommunications carriers and equipment manufacturers have made investments to address security risks and defend against cyber threats.

## NET NEUTRALITY

We heard widespread agreement among public interest groups and the general public that net neutrality principles are important. Many submissions emphasized the need to reflect them in telecommunications legislation.

Submissions were mixed regarding whether legislation should be amended to enshrine net neutrality principles. While some participants indicated that an explicit reference to net neutrality should be made in the *Telecommunications Act*, others commented that the regime administered by the CRTC under current legislative provisions is already quite robust. Some suggested that the current provisions should apply to resellers of telecommunications services in addition to facilities-based telecommunications carriers. In addition, some submissions noted that there is a risk of being overly prescriptive in legislation, which might risk future adaptability of legislative provisions to the effects of yet-to-be-developed technologies.

# THEME B

## SUPPORTING THE CREATION, PRODUCTION AND DISCOVERABILITY OF CANADIAN CONTENT

# Supporting the Creation, Production and Discoverability of Canadian Content

Interested parties from the cultural sector, including many associations, acknowledged that the digital revolution has had a profound impact on the creation, distribution, consumption, business models and pricing of content. The majority of parties also emphasized the importance of supporting Canadian audio and audiovisual content in the digital age to preserve and express Canada's cultural identity and sovereignty in all its diversity. To this end, they collectively reaffirmed the importance and relevance of the objectives of the *Broadcasting Act*. We have organized the parties' proposals into the following topics:

- Creation and production of Canadian content;
- Discoverability of Canadian content in the digital age;
- Diversity of Canadian content;
- Local news;
- Role of the CBC/Radio-Canada; and
- Role of other non-commercial broadcasters.

## CREATION AND PRODUCTION OF CANADIAN CONTENT

The majority of interested parties from the cultural sector submitted that funding for Canadian content is a major issue. The loss of revenue (from advertising and subscriptions) experienced by traditional players such as private broadcasters, radio stations and broadcasting distribution undertakings (BDUs) in favour of new players in the cultural sector, including foreign digital platforms and Internet service providers (ISPs), has prompted most parties to call for equitable treatment for both traditional and new players. They therefore recommended expanding the legislative and regulatory framework for Canadian content funding (for example, Canadian programming requirements and contributions to the Canada Media Fund [CMF]) to include these new players. This could be achieved through a licensing system, binding agreements or regulations with administrative monetary penalties (AMPs). Some parties emphasized the urgency of the situation and called for immediate action, such as the revision of the Exemption Order for



digital media broadcasting undertakings, to get new players to contribute in advance of a potential modification of the legislative framework.

A few interested parties, including vertically integrated enterprises and BDUs, submitted that the regulatory burden should be reduced to allow for greater reliance on market forces. Foreign digital platforms commented that they are already investing in production and talent in Canada and contributing to the country's creative ecosystem. Some submitted that funding for Canadian content should come directly from the government rather than being subsidized by industry revenues. However, the majority insisted on binding measures to ensure funding remains available for Canadian content in the face of market failures.

A number of interested parties, in particular content creators and producers, submitted that given that ISPs benefit from increased consumption of audio and audiovisual content online, they should contribute to its creation. These parties would like the legislative framework to be modified to enable the CRTC to require contributions from ISPs and wireless service providers. Other parties, such as ISPs, submitted that requiring ISPs to contribute to Canadian content would be unfair because Internet use is not limited to the dissemination of content. In their view, the contribution of ISPs should be limited to building the networks that provide access to Canadian content. Parties also noted that requiring ISPs to contribute to content funding could have a negative impact on the price of Internet access if it gets passed on to consumers.

Almost all interested parties advocated for equity in the application of sales taxes between Canadian and foreign companies even though this issue is outside the scope of the communications legislative framework. They submitted that this would put an end to the competitive disadvantage currently faced by Canadian companies, which also have obligations with respect to the creation and distribution of Canadian content.

The majority of parties also recommended maintaining Canadian regulations on ownership and control of the broadcasting system while imposing binding obligations on foreign companies to support the creation and distribution of Canadian content. However, a small number of interested parties submitted that they would prefer to see a relaxation of national media ownership restrictions so that Canadian BDUs can access more private funding.

## DISCOVERABILITY OF CANADIAN CONTENT IN THE DIGITAL AGE

Interested parties agreed that there now seems to be unlimited choice in terms of content and that digital platforms employ proprietary algorithms that use mass data to predict user preferences and tailor their offerings. A large number of parties also pointed out that it is becoming increasingly difficult to find Canadian content. As a result, we heard that it is important to them that the new legislative framework address the issue of the discoverability of Canadian content.

Specifically, a number of parties suggested that Canada's broadcasting policy not only set out objectives with respect to the broadcasting and distribution of Canadian content, but also with respect to its discoverability. This could result in digital platforms being required to promote and prioritize content, and/or to hold a minimum number of Canadian programming hours or titles. Many parties also asked for changes to the legislative framework to impose data-sharing obligations regarding the viewing of titles in order to measure the consumption of Canadian content on these platforms.

Some interested parties, including digital platforms, expressed reservations as to the need for discoverability obligations, and some rejected the idea outright. They submitted that it is up to consumers to decide what they want to watch based on their preferences. Digital platforms also highlighted their ability to give Canadian content global visibility.

## DIVERSITY OF CANADIAN CONTENT

Many interested parties noted the importance of preserving diversity in the content sector at two different levels: diversity of voices and cultural diversity.

According to many parties, the existence of an independent production and broadcasting sector is needed to preserve a diversity of voices and perspectives given the consolidation of the industry. They therefore called for an explicit commitment to an independent sector in the legislative framework.

Independent producers and broadcasters stated that they would like to receive greater protection from the CRTC vis-à-vis large vertically integrated companies. However, the vertically integrated companies asked for greater reliance on market forces and opposed rules restricting their flexibility to tailor their content offerings, such as rules on content ownership.

Several parties requested the inclusion of objectives regarding content created by women, Indigenous creators, francophone creators, OLMCs and creators from accessibility groups.

Indigenous parties submitted that the legislation should not only preserve Indigenous languages, traditions and culture, but actively promote them. They stressed the imperative of making such content available proactively rather than “as resources become available.” They called for more resources and mechanisms to support the funding, distribution and discoverability of programming created by Indigenous peoples. They also expressed a desire to be able to decide on all matters relating to the expression of Indigenous cultures in broadcasting.

The concept of diversity was of particular interest to francophone parties. They stressed the need for a legislative framework that preserves Canada’s linguistic duality. Many spoke of the importance of continuing to invest in the creation of French-language content and ensuring its availability and discoverability on all platforms.

OLMCs also emphasized the importance of providing specific support measures for programming produced by OLMCs on all platforms.

Accessibility groups spoke of the importance of ensuring representation in the media of people with visual and hearing impairments. These groups also made recommendations on measures to support original content created by and for members of these groups.

Some interested parties submitted that the responsibility for meeting social and cultural objectives, including those related to diversity, rests with public actors. These parties suggested that the private sector should focus primarily on creating and marketing content that is likely to be successful nationally and internationally. However, other interested parties were of the view that the achievement of social and cultural objectives cannot rest solely on public organizations.

## LOCAL NEWS

Many interested parties commented on the devastating effect that the transfer of advertising revenue to digital platforms has had on the Canadian media environment, particularly on the business models of print media, private broadcasters (especially over-the-air television) and, to a lesser extent, the public broadcaster. These parties submitted that this revenue migration is affecting broadcasters’ ability to produce and broadcast local news. They emphasized the

importance of the survival of local media to the vitality of democratic debate, especially in an era of media consolidation and misinformation.

Since news is often read on digital platforms, print media stakeholders expressed a desire to be able to get data from digital platforms to better understand their audience.

Several parties proposed creating an information media fund to fund local and regional news and information programming on all platforms. However, parties stressed the importance of safeguarding the independence of the media, regardless of the funding program.

Many parties also highlighted the important role played by the CBC/Radio-Canada, provincial educational and cultural broadcasters, Indigenous media, and community television and radio stations in local news broadcasting.

## ROLE OF THE CBC/RADIO-CANADA

Many interested parties recognized the fundamental role the CBC/Radio-Canada plays in the creation and distribution of cultural and informational content on all platforms. To ensure it continues to be able to fulfil this role, several interested parties called for the protection of CBC/Radio-Canada's independence (for example, through more stable funding mechanisms). Parties also requested increased funding for the public broadcaster to levels comparable to funding of public broadcasters in other countries.

Many parties also highlighted the role that the CBC/Radio-Canada plays within OLMC and Indigenous communities. However, Indigenous communities submitted that CBC/Radio-Canada should act as a complement to Indigenous media and not as a competitor. They were of the view that CBC/Radio-Canada's mandate should therefore include a commitment to develop partnerships and share funding with smaller organizations such as Indigenous media.

Private broadcasters also submitted that CBC/Radio-Canada should not compete with them, particularly for advertising revenue.

Finally, some parties called for greater representativeness within CBC/Radio-Canada, particularly from the Indigenous community.

## ROLE OF OTHER NON-COMMERCIAL BROADCASTERS

Several interested parties submitted that provincial educational and cultural broadcasters, Indigenous media, non-profit services, and community-based television and radio stations disseminate content that meets cultural and social objectives. In this way, their programming complements the content offerings of the private sector and CBC/Radio-Canada. These parties suggested that these types of broadcasters could play a greater role in providing programming that addresses imperatives other than commercial ones, notably by offering local news and a voice to underrepresented segments of the population. We heard that the legislative framework should recognize and support not just a single public broadcaster, but an ecosystem of public and community services that, taken together, make it possible to achieve the objectives established by Parliament to meet the specific needs of minority and under-served groups as well as of regional and local communities.

# THEME C

## IMPROVING THE RIGHTS OF THE DIGITAL CONSUMER

# Improving the Rights of the Digital Consumer

The Internet and digital technology have transformed the social, economic, cultural and civic participation of Canadians, making way for a new type of consumer—one who is engaged as a creator, citizen and a full participant in digital society. However, this transformation also raises the potential for individual and social harm, including damage resulting from the proliferation of misinformation and “fake news.” The transformation also means that Canadians must be digitally literate to fully participate in digital society.

We received submissions on the following issues:

- Affordability for low-income Canadians;
- Accessibility;
- Social harm in a digital environment; and
- Privacy.

## AFFORDABILITY FOR LOW-INCOME CANADIANS

Competition and overall affordability of telecommunications have been discussed under [Theme A](#).

However, we also heard about the specific issue of affordability for low-income Canadians, including those with accessibility needs. They struggle to afford what are and will continue to be essential communications services; this impacts their ability to participate fully in digital society and exercise their rights as citizens.

Public interest groups noted the importance of affordable access to the Internet for those with low income to allow them to apply for jobs, participate in education, or access government services. Some submissions called on the Government to expand its current low-cost Internet programs and to ensure that all carriers participate in the programs. Other parties recommended establishing a price ceiling for low-income Canadians and free or significantly discounted accessible technology for communications services.

Participants submitted that transparent and stable pricing is important for all Canadians, especially those with low income or accessibility needs.

## ACCESSIBILITY

Some parties submitted that accessibility-related policy objectives should be included in communications legislation to ensure that people with accessibility needs are taken into account when regulating the telecommunications and broadcasting sectors. We received additional suggestions to include accessibility representatives in policy-making, as discussed under Theme D.

Accessibility groups noted that communications tools and mobile applications on smart devices are not only important for them as digital consumers but that they also provide independence and freedom. These groups noted the importance of affordable Internet connections, including mobile data plans, for these tools and applications to function.

Interested parties emphasized the importance of accessibility standards in communications services, including in the provision of audiovisual content. They proposed standards for the provision of services in sign language; accessible websites and picture-in-picture interpretation; and video description. Accessibility groups recommended including obligations to meet accessibility standards directly in communications legislation as well as establishing relevant enforcement mechanisms.

## SOCIAL HARM IN A DIGITAL ENVIRONMENT

Digital platforms have created new opportunities for participation in digital society; expanded outlets for the expression of ideas and creativity; and allowed the creation and sharing of user-generated content. However, digital platforms also create new and enhanced potential for individual and collective social harm, ranging from misinformation and fake news to inappropriate or illegal content. There were references to the potential roles and responsibilities of digital platforms in relation to news, information and audiovisual content that may be generated by users or, alternatively, be provided or curated by the platform provider.

Digital platforms holding vast amounts of Canadians' personal data are able to re-use that information in ways that may cause social harm. For this reason, some parties indicated that the digital platforms should be subject to the authority of regulators, including the CRTC, the Office of the Privacy Commissioner (OPC) and the Competition Bureau.



A number of interested parties submitted that communications regulation should have a role in ensuring the provision of accurate, independent and trusted news and information, and that legislation should include a policy objective to this end. Some parties suggested that the quality of online journalism would be increased if standards-setting models similar to those established for broadcast journalism (such as the Canadian Broadcast Standards Council) were to be adopted.

Some parties noted that digital platforms have considerable power regarding what information is presented to Canadians as news and fact. Through their algorithms, digital platforms provide a curation function that is driven by user preferences and the application of processes that are not transparent. These can lead to the removal of credible sources of news and the rapid dissemination of misinformation. Consequently, some interested parties asked that digital platforms be subject to regulatory oversight. Providers of digital platforms disagreed, stating that they were committed to the free flow of information but were also taking steps to stem the flow of misinformation online.

A number of parties commented on the importance of increasing Canadians' digital literacy, and several highlighted that there are numerous programs currently in place for this purpose. However, we heard mixed views on whether legislative changes are needed to communications statutes to promote digital literacy. Some interested parties indicated that the CRTC should be given responsibility for digital literacy and the provision of public education to enhance it. Others indicated that there is no need to include digital literacy in the Acts that are subject to this Review.

## PRIVACY

The OPC highlighted the importance of privacy, noting that consumers need legal safeguards so that they may participate in digital society without having their personal information used in ways that may cause personal or collective harm. The OPC submission also noted that consumers are not in a position to understand how their information is collected, used and shared, which calls into question whether they are able to give meaningful consent regarding use of their data. Other parties submitted that digital platforms should have fiduciary obligations with respect to their users' data.

The OPC noted that data gathered by telecommunications service providers on consumers is particularly sensitive and of increasing use to law enforcement entities. For this reason, care should be taken to provide protection of the data and citizens' privacy when considering data generated from communications activities.

# THEME D

## RENEWING THE INSTITUTIONAL FRAMEWORK FOR THE COMMUNICATIONS SECTOR

# Renewing the Institutional Framework for the Communications Sector

We heard a number of perspectives regarding the need for renewal of the institutional framework for the communications sector, including the allocation of responsibilities between the CRTC and the Government.

Submissions centred around the following topics:

- Allocation of regulatory responsibilities;
- Regulatory toolkit and composition of the CRTC;
- Funding for public participation in regulatory proceedings; and
- Legislative and regulatory framework for copyright piracy.

## ALLOCATION OF REGULATORY RESPONSIBILITIES

Currently, regulatory responsibilities for the broadcasting and telecommunications sectors are divided among the CRTC, the Minister of Canadian Heritage, the Minister of Industry and the Governor-in-Council. We heard a variety of opinions concerning the effectiveness of current regulatory authorities and their respective responsibilities. A number of parties commented that the current allocation of responsibilities works well and should not be changed. Some also noted that changing organizational responsibilities would represent a major disruption and, therefore, should not be undertaken lightly or without sound public policy reasons.

Other interested parties proposed realignment of certain regulatory responsibilities and authorities. Some suggested that Canadian Heritage be given greater direct responsibility over the regulation of broadcasting activities. Many also advocated for the reallocation of authority and responsibility for the management of spectrum from the Minister of Industry to an independent regulatory body, with some proposing the CRTC specifically as an appropriate body.

Many parties commented that the legislation currently strikes the right balance between enabling the government to set overall policy direction while maintaining the regulatory independence of

the CRTC. However, other parties expressed concern that the powers provided to the Governor-in-Council to issue policy directions and hear appeals of specific decisions in the *Broadcasting Act* and *Telecommunications Act* allow Cabinet to undermine the overall policy objectives in the Acts set out by Parliament.

There were differences of opinion regarding the desirability to consolidate legislative provisions governing the communications sector into a single Act. Those who favored maintaining the status quo noted that the objectives of broadcasting are different from those for telecommunications and radiocommunication, and it would therefore be inappropriate to combine the three Acts. Others noted that a large body of jurisprudence exists regarding the current legislative structure and that the existing structure might be weakened by converging legislative provisions into a single Act. In contrast, some parties submitted that a single communications statute would likely be clearer in terms of purpose and easier to understand.

Some interested parties recommended that the *Telecommunications Act* and *Radiocommunication Act* provisions be combined, with the result that wireline and wireless communications would be governed by a single Act. A number of parties submitted that there is need for a specialized regulator to deal with complex issues that arise in the telecommunications sector and were of the view that it should be a separate entity from the CRTC and/or ISED.

## REGULATORY TOOLKIT AND COMPOSITION OF THE CRTC

Some interested parties noted that the CRTC's regulatory toolkit is weaker under the *Broadcasting Act* than under the *Telecommunications Act*. For example, the CRTC has no ability to impose AMPs to promote compliance with requirements under the *Broadcasting Act*. In general, parties suggested that the regulatory toolkit for the broadcasting and telecommunications sectors be aligned.

Parties also suggested amendments to the regulatory mechanisms established in the *Telecommunications Act*. In this regard, parties indicated that the AMP regimes in the *Telecommunications Act* should be harmonized.

A number of interested parties spoke to the need for regulatory flexibility to address the speed of change. These parties stressed the need for the regulator to be able to respond quickly to issues as they arise.

Some parties also submitted that there should be additional provisions included in the CRTC's regulatory toolkit that would allow for greater sharing of information and cooperation with other regulators, including the Competition Bureau and the OPC.

We heard a number of suggestions to make the CRTC more diverse. In addition to reflecting geographical and linguistic diversity, some interested parties proposed that the composition of the CRTC include representation from Indigenous communities, OLMC groups, and community TV and radio. Other parties proposed including representatives with accessibility needs in communications regulatory bodies and establishing advisory functions on accessibility in the CRTC as well as in various government decision-making bodies.

## FUNDING FOR PUBLIC PARTICIPATION IN REGULATORY PROCEEDINGS

A number of parties submitted that current funding mechanisms for participation in proceedings under communications statutes are insufficient, inconsistently applied and overly cumbersome to access. Some parties proposed the creation of permanent, stable funding to allow public interest groups to participate more effectively in regulatory proceedings under all three statutes.

## LEGISLATIVE AND REGULATORY FRAMEWORK FOR COPYRIGHT PIRACY

In 2018, a number of parties made a joint submission to the CRTC, under the name Fairplay Canada, proposing a regulatory scheme that would require ISPs to block access to sites that were determined to be engaging in copyright piracy. The CRTC dismissed the application on the grounds that it did not have the jurisdiction under the *Telecommunications Act* to enact Fairplay Canada's proposal. Its decision noted that the issue of copyright piracy may be addressed in the Parliamentary review of the *Copyright Act* or by this Panel.

A number of interested parties indicated that the CRTC should be given regulatory authority to require ISPs to block access to pirated audiovisual content. However, others disagreed, submitting that the regime proposed by Fairplay Canada could threaten freedom of expression, result in over-blocking of legitimate content and undermine net neutrality.

Some parties suggested that establishing a regulatory offence for copyright piracy similar to that found in section 9 of the *Radiocommunication Act* with respect to satellite programming piracy would be beneficial. However, others suggested that the issue would be better addressed through the *Copyright Act*.

## NEXT STEPS

The Panel was pleased to receive input from Canadians representing a wide range of views and values from diverse groups of interested parties.

The contributions and submissions will be taken into consideration in the work leading to the development of our final report that will be presented to the Government in January of 2020.

# ABBREVIATIONS

5G: Fifth-generation wireless networks

AMPs: Administrative Monetary Penalties

BDU: broadcasting distribution undertaking

CBC/Radio-Canada: Canadian Broadcasting Corporation/Radio-Canada

CMF: Canada Media Fund

CRTC: Canadian Radio-television and Telecommunications Commission

ISP: Internet service provider

ISED: Innovation, Science and Economic Development Canada

LEO: low-earth orbit (satellites)

OLMCs: official language minority communities

OPC: Office of the Privacy Commissioner

Panel: Broadcasting and Telecommunications Legislative Review Panel

Review: Review of the *Broadcasting Act*, *Telecommunications Act* and *Radiocommunication Act*





# ANNEX A: CALL FOR COMMENTS

Responding to the New Environment: A Call for Comments  
From: Innovation, Science and Economic Development Canada  
Review of the Canadian Communications Legislative Framework

September 24, 2018

Broadcasting and Telecommunications Legislative Review Panel

## INTRODUCTION

*...A world-class communications sector should enable Canadians to connect with each other and the world, be competitive, be innovative, contribute to economic growth, and provide reliable services at affordable rates to Canadians across the country.*

*Our communications sector should also enable and promote culture as touchpoints for Canadians and be the foundation for Canadian content and culture in English and French, which thrive in Canada and abroad. It should also enable Canadians to participate in the free flow and exchange of information, supporting the principles of Canadian democracy. Finally, a world-class communications sector for Canada should safeguard the interests of Canadian consumers and support the safety, security, and privacy of Canadians.*

**Broadcasting and Telecommunications Legislative Review Panel,  
Terms of Reference, 5 June 2018.**

The digital revolution has disrupted and transformed telecommunications and broadcasting sectors worldwide, creating radically new economic, cultural, and technological models. These models are in a state of continuous change, which is unfolding at an unprecedented rate. Innovation is the watchword of a new environment, based on a re-invention of the use of communications networks and services by consumers, creators, financial partners and service providers.

Digital disruption has been transformational and global, challenging the ability of sovereign states to enforce existing national policies and regulatory frameworks.

Enormous opportunities and benefits accompany these changes; however, the potentially negative implications and consequences are equally significant.

The opportunities and challenges of the new environment make it imperative that Canada has effective legislative and regulatory tools in place to support increased innovation, competition, diversity and choice.

With this in mind, the federal government announced the creation of an expert panel to review the suite of legislation that governs the telecommunications and broadcasting sectors, with a view to ensuring that the Canadian communication sector achieves world-class standards.

The members of the Broadcasting and Telecommunications Legislative Review Panel (the Panel) are listed in Appendix A.

Given the linkages that exist in the suite of legislation governing telecommunications and broadcasting, the Panel has been charged with undertaking a joint review of the *Telecommunications Act*, the *Radiocommunication Act*, and the *Broadcasting Act*. It is expected to present recommendations on changes that may be needed to maximize the benefits that the digital age brings to citizens, artists and creators, the communications industry, and the economy as a whole.

The Panel is releasing this document to call for comments from interested individuals and organizations on the issues related to its mandate and the questions set out in its Terms of Reference.

This document discusses the broad themes of the Review as envisioned by the Panel, describes the Panel's process of consultation and engagement, and reproduces the questions from the Terms of Reference.

## THEMES OF THE REVIEW

Since its establishment, the Panel has considered the scope of its mandate and reflected on how to best capture the wide-ranging implications of the issues on which it has been asked to advise. The Panel must assess whether the legislative objectives set out in section 3 of the *Broadcasting Act* and section 7 of the *Telecommunications Act* remain relevant in the current environment. But the Panel's review must go well beyond that. To assist in its review, the Panel has identified four broad themes that are intended to help guide its work and structure meaningful dialogue during its consultation process.

Each theme has implications for the public policy objectives, definitions and substantive provisions currently set out in the three pieces of legislation under review.

The Panel recognizes that some issues may not neatly fit in a single theme.

The four themes are:

- A. Reducing barriers to access by all Canadians to advanced telecommunications networks
- B. Supporting the creation, production and discoverability of Canadian content
- C. Improving the rights of the digital consumer
- D. Renewing the institutional framework for the communications sector

What follows is a discussion of each of the themes. It is intended to stimulate new thinking on the issues under consideration.

### **A. Reducing barriers to access by all Canadians to advanced telecommunications networks**

Throughout its history, technological change has enabled Canada to overcome the challenges and exploit the potential of its vast geography.

Today, Canadians rely on advanced telecommunications to connect, communicate, innovate, consume, study, work, and participate in Canadian society and in an increasingly global digital economy. It has become more important than ever to ensure that all Canadians are able to benefit from innovation and investment in state-of-the-art infrastructure that enables access to safe, secure and high-quality telecommunications services at affordable prices.

However, not all Canadians have adequate, or in some cases any, access to higher speed broadband services for reasons that include lack of coverage, slower network speeds and insufficient digital literacy. In order to create a truly inclusive digital society, and to bridge existing digital divides, it is particularly important to enable improved access for Canadians in rural and remote areas, Indigenous communities, and Canadians with disabilities.

The Canadian telecommunications carriers that have evolved from yesterday's telephone and cable TV companies currently operate sophisticated digital network facilities. These facilities must, however, be continuously updated and expanded to ensure all Canadians have access to advanced services. A number of new entrants have contributed to the rollout of new services and facilities, enhancing both the availability and affordability of services.

Facilities-based telecommunications carriers must be able to efficiently roll out new infrastructure to increase the functionality, capacity, and reach of their networks to address consumer demand, particularly for an increasing range of domestic and foreign online services and applications. The proliferation of devices, operators and users that will emerge in the era of 5G wireless networks—and beyond—requires a legislative framework that is able to ensure the provision of adequate spectrum for advanced services, safe and efficient radio apparatus, and access to the 'passive infrastructure' (i.e. poles, ducts and rights-of-way) required to accommodate the advanced and ubiquitous networks of tomorrow.

Digital transformation also poses new challenges to the safety and security of Canada's telecommunications infrastructure. Lack of adequate network security undermines both the capacity of the government and the industry to respond effectively to new threats as they arise, as well as the trust that Canadians have historically placed in their telecommunications system. While openness and 'net neutrality'—a concept related to the long-standing principle of 'common carriage'—will continue as key elements of Canada's legislative and regulatory frameworks, there may be other principles that should be applied in order to balance the need for an open internet with security in the digital context.

This Review will need to consider how the governing legislation can remain both flexible enough to deal with continuing technological and market changes, and responsive to the need to ensure that all Canadians benefit in a timely way from competitive, innovative and affordable broadband infrastructure.

## **B. Supporting creation, production and discoverability of Canadian content**

Digital disruption has had a significant effect on creators, culture and content in both English and French communications markets. The economics of creation, distribution, consumption and pricing have all been affected. The shifting market dynamics are likely to be a permanent aspect of the landscape.

In this new environment, the global demand for high-quality film and television programming has never been greater. With this demand has come a substantial growth of the foreign location and service production sector in Canada. In this sector, Canadians have demonstrated both the capacity and talent to produce high quality content for global distribution.

However, producing quality Canadian content—particularly drama and children’s programming—remains a challenge under the current Canadian content rules that were designed to focus on a domestic rather than global marketplace. This is particularly problematic as Canadians shift viewing to online streaming services that directly compete with regulated Canadian broadcasters. At present, online programming services are exempted from Canadian content requirements.

For Canadian content programming to succeed both domestically and in the international marketplace, there must be clear policies that support quality creation, production and discoverability.

It is important to consider how the legislative and regulatory framework may be modified to ensure that all players, including online players that garner revenue in Canada, play a role in the creation, production, and distribution of Canadian content. This may also give rise to opportunities for Canadian broadcasters, producers, distributors and other partners to hold and exploit intellectual property rights in regard to their productions.

In a world of almost limitless choice, with customized offerings and an exponential growth of user-generated content, the discoverability of Canadian content—including that produced by Indigenous communities, official language minority communities, diverse communities and Canadians with disabilities—is more difficult than in the past. New tools and supports may be needed to overcome this discoverability challenge. Adding to this challenge is the fact that digital platforms increasingly use artificial intelligence and data-driven techniques to predict individual user preferences and tailor content offers to meet them.

In this regard, the collection of data on consumer use and preferences is a new source of value and is transforming traditional lines of business. These changing business models have significant implications for the regulatory approaches needed to meet public policy goals.

The role of CBC/Radio-Canada as a leader in showcasing Canadian content is particularly important in this context and may need to be adapted to a global, digital environment. Its contribution as a local and Canadian source of news and information should be part of this re-examination.

### **C. Improving the rights of the digital consumer**

The Internet and digital technology have transformed social, economic, cultural, and civic participation of Canadians, making way for a new kind of consumer—one who is engaged as a creator, citizen, and a full participant in the digital society and economy.

For digital consumers, the pace of modern life requires ubiquitous and immediate access to broadband services at affordable rates. The communications services and contracts that govern them have become more diverse and complex. As a result, it is more difficult for consumers to understand the nature of their consent to complex terms of service as well as their rights and responsibilities, and exercise meaningful control over their personal information.

Further, Canadians generate an elaborate digital footprint about themselves and all aspects of their lives. As noted earlier, the collection of large amounts of personal information—big data—has become tremendously valuable, allowing the application of artificial intelligence and data analytics to the mass of consumer information in order to create new products and tailored offers. Personal information is also routinely traded by consumers in exchange for free or personalized services, posing new challenges to their privacy, safety and security. Online activities amplify existing risks while creating new ones, including identity theft, cyberviolence, and unintended exposure of private information. It is challenging to balance the neutrality and openness of the Internet with the protection of privacy and personal security for digital consumers.

The free flow and exchange of information supports the democratic process and democratic institutions, and Canadians are increasingly exercising their citizenry through digital participation. However, the proliferation of false or misleading information presents new challenges. In this

context, independent, trusted, accurate, diverse, as well as local and Canadian sources of news and information are essential for an informed citizenry, civic participation, and democratic process.

In this rapidly evolving communications landscape, legislation should appropriately address the implications of these changes for the rights of digital citizens and digital consumers.

#### **D. Renewing the institutional framework for the communications sector**

In addition to ‘getting the rules’ right, it is equally important to ensure the appropriateness of the current institutional framework governing the communications sector. A review of the institutional framework should include the allocation of regulatory responsibilities between the government and the regulator as well as the mechanisms for legal oversight in the system.

It is also necessary to consider whether new or different legal powers or regulatory tools may be needed to improve the effectiveness and efficiency of the system and the governance of the communications sector in the digital environment.

## **THE CONSULTATION PROCESS**

The Panel invited written submissions in response to the questions set out in the Terms of Reference, reproduced in [Appendix B](#).

The consultation period for written submissions closed on January 11<sup>th</sup>. This was the extended deadline the Panel set after accommodating requests for more time to prepare submissions.

The Panel members extend their sincere appreciation to the 2,000 interested parties who took the time and dedicated the effort to prepare submissions.

In addition to the submissions, the Panel met with [over 100 interested parties](#).

The Panel will now take a period of time to review and evaluate these submissions, along with their other outreach activities. These inputs will form the backbone of the Panel’s *What We’ve Heard Report* which will be published no later than June 30<sup>th</sup>. At that time, all written submissions will also be posted on the Panel’s website as the panel works to finish their final report for January 2020.

For any inquiries on the consultation process, please contact the Broadcasting and Telecommunications Legislative Review Panel by email: [ic.btlr-elmrt.ic@canada.ca](mailto:ic.btlr-elmrt.ic@canada.ca).

For media inquiries on the consultation process, please contact Stéfanie Power at [stefanie.power@intercedecommunication.com](mailto:stefanie.power@intercedecommunication.com) or 613-864-7849.

The Broadcasting and Telecommunications Legislative Review Panel  
c/o Innovation, Science and Economic Development Canada  
235 Queen Street, 1<sup>st</sup> Floor  
Ottawa, Ontario K1A 0H5



## Appendix A: MEMBERSHIP

The members of the Broadcasting and Telecommunications Legislative Review Panel are:

**Janet Yale**, who chairs the panel, is currently the president and CEO of The Arthritis Society. She has a long history in the communications sector, having previously served as Executive Vice-President at TELUS and the President and CEO of the Canadian Cable Television Association. Ms. Yale also served as a Director General at the CRTC and as General Counsel at the Consumers Association of Canada. She is recognized as a leader in the not-for-profit sector, and currently serves on the boards of Samara, the Ottawa Art Gallery and Business for the Arts.

**Peter S. Grant** is Counsel and past Chair of the Technology, Communications and Intellectual Property Group at law firm McCarthy Tétrault LLP in Toronto. He is considered a pioneer in the field of communications law in Canada. His practice touches all areas of communications law—broadcasting and cable television, satellite services, copyright, mass media and press law, cultural industries and telecommunications.

**Hank Intven** is an Adjunct Professor at the University of Victoria where he teaches telecommunications, broadcasting and Internet law. He has practiced law with a major law firm for more than 30 years. He is recognized as a leading advisor to business, governments and regulators in the telecommunications and broadcasting industries in Canada and internationally.

**Marina Pavlović** is an Associate Professor at the Faculty of Law, Common Law Section at the University of Ottawa and a member of its Centre for Law, Technology and Society. Her expertise is in consumer rights in the digital society, and technology policy and regulation. Prior to joining the University of Ottawa in 2007, she was an in-house counsel for a telecommunication company and also practiced in the area of international commercial arbitration.

**Monique Simard** has a long and distinguished track record in the cultural industries. She was President and CEO of the Société de développement des entreprises culturelles (SODEC) from 2014 to 2018 and was previously Director General of the National Film Board of Canada's

French Program. Ms. Simard was Commissioner of the Commission de la personne du Québec from 1983 to 1988. In April 2018, she was appointed as Chair of the Board of the Quebecor Fund.

**Monica Song** leads the Communications Law practice at Dentons Canada LLP. She has over 20 years of experience as a leading Canadian lawyer in telecommunications and broadcasting, with in-depth knowledge of the legal, regulatory and public policy issues affecting the communications industry.

**Pierre Trudel** is a law professor at the Public Law Research Centre of the Université de Montréal. He has also been a visiting professor at Université Laval (Québec City), at Université de Paris II (Panthéon-Assas) and at Université de Namur (Belgium). From 1986 to 1988, he was the research director for the Caplan-Sauvageau Task Force on Broadcasting Policy. He currently teaches and researches cyberspace law.

## Appendix B: QUESTIONS AS SET OUT IN THE TERMS OF REFERENCE

### TELECOMMUNICATIONS ACT AND RADIOCOMMUNICATION ACT

#### **1. Universal Access and Deployment**

1.1 Are the right legislative tools in place to further the objective of affordable high quality access for all Canadians, including those in rural, remote and Indigenous communities?

1.2 Given the importance of passive infrastructure for network deployment and the expected growth of 5G wireless, are the right provisions in place for governance of these assets?

#### **2. Competition, Innovation, and Affordability**

2.1 Are legislative changes warranted to better promote competition, innovation, and affordability?

#### **3. Net Neutrality**

3.1 Are current legislative provisions well-positioned to protect net neutrality principles in the future?

#### **4. Consumer Protection, Rights and Accessibility**

4.1 Are further improvements pertaining to consumer protection, rights, and accessibility required in legislation?

#### **5. Safety, Security and Privacy**

5.1 Keeping in mind the broader legislative framework, to what extent should the concepts of safety and security be included in the *Telecommunications Act/Radiocommunication Act*?

## **6. Effective Spectrum Regulation**

6.1 Are the right legislative tools in place to balance the need for flexibility to rapidly introduce new wireless technologies with the need to ensure devices can be used safely, securely, and free of interference?

## **7. Governance and Effective Administration**

7.1 Is the current allocation of responsibilities among the CRTC and other government departments appropriate in the modern context and able to support competition in the telecommunications market?

7.2 Does the legislation strike the right balance between enabling government to set overall policy direction while maintaining regulatory independence in an efficient and effective way?

## **BROADCASTING ACT**

## **8. Broadcasting Definitions**

8.1 How can the concept of broadcasting remain relevant in an open and shifting communications landscape?

8.2 How can legislation promote access to Canadian voices on the Internet, in both official languages, and on all platforms?

## **9. Broadcasting Policy Objectives**

9.1 How can the objectives of the *Broadcasting Act* be adapted to ensure that they are relevant in today's more open, global, and competitive environment?

9.2 Should certain objectives be prioritized? If so, which ones? What should be added?

9.3 What might a new approach to achieving the Act's policy objectives in a modern legislative context look like?

## **10. Support for Canadian Content and Creative Industries**

10.1 How can we ensure that Canadian and non-Canadian online players play a role in supporting the creation, production, and distribution of Canadian content?

10.2 How can the CRTC be empowered to implement and regulate according to a modernized *Broadcasting Act* in order to protect, support, and promote our culture in both official languages?

10.3 How should legislative tools ensure the availability of Canadian content on the different types of platforms and devices that Canadians use to access content?

## **11. Democracy, News and Citizenship**

11.1 Are current legislative provisions sufficient to ensure the provision of trusted, accurate, and quality news and information?

11.2 Are there specific changes that should be made to legislation to ensure the continuing viability of local news?

## **12. Cultural Diversity**

12.1 How can the principle of cultural diversity be addressed in a modern legislative context?

## **13. National Public Broadcaster**

13.1 How should the mandate of the national public broadcaster be updated in light of the more open, global, and competitive communications environment?

13.2 Through what mechanisms can government enhance the independence and stability of CBC/Radio-Canada?

13.3 How can CBC/Radio-Canada play a role as a leader among cultural and news organizations and in showcasing Canadian content, including local news?

13.4 How can CBC/Radio-Canada promote Canadian culture and voices to the world, including on the Internet?

13.5 How can CBC/Radio-Canada contribute to reconciliation with Indigenous Peoples and the telling of Indigenous stories by Indigenous Peoples?

13.6 How can CBC/Radio-Canada support and protect the vitality of Canada's official languages and official language minority communities?

#### **14. Governance and Effective Administration**

14.1 Does the *Broadcasting Act* strike the right balance between enabling government to set overall policy direction while maintaining regulatory independence in an efficient and effective way?

14.2 What is the appropriate level of government oversight of CRTC broadcasting licencing and policy decisions?

14.3 How can a modernized *Broadcasting Act* improve the functioning and efficiency of the CRTC and the regulatory framework?

14.4 Are there tools that the CRTC does not have in the *Broadcasting Act* that it should?

14.5 How can accountability and transparency in the availability and discovery of digital cultural content be enabled, notably with access to local content?



## ANNEX B: LIST OF WRITTEN SUBMISSIONS

### INDIVIDUALS

- Kane Anderson
- R. Bruce
- Bryan
- Julien Cléon
- Walter Dnes
- Elka Enola
- Dr. Michael Geist
- Hal Giles
- John Gordon
- Dr. Véronique Guèvremont
- Michael Hawke
- Yves Lebel
- Lynda G Leonard
- D. Lindsay
- Dr. Steven James May
- Peter McComb
- Dr. Michael B. McNally and Kris Joseph
- Brad Nickel
- Kathleen O'Connor
- Norman Palardy
- Dr. Michèle Rioux

- John P. Roman
- Colin Sandquist
- Don Schmidt
- Dr. Gregory Taylor
- Kevin Tighe
- Joe G. Vaccaro
- Richard Ward

## ORGANIZATIONS

- Aboriginal Multi-Media Society (AMMSA), Aboriginal Peoples Television Network (APTN), Missinipi Broadcasting Corporation, Native Communications Inc., Native Communications Society, Northern Native Broadcasting (Terrace), Northern Native Broadcasting Yukon, OKâlaKatiget Society, and Taqramiut Nipingat Inc.
- Accessible Media Inc. (AMI)
- ACORN Canada
- Alliance of Canadian Cinema, Television and Radio Artists (ACTRA)
- Alliance Interactive canadienne
- Alliance québécoise des techniciens et techniciennes de l'image et du son (AQTIS), Association des réalisateurs et réalisatrices du Québec (ARRQ), Société des auteurs de radio, télévision et cinéma (SARTEC), Union des artistes (UDA)
- Allstream
- Asian Television Network
- Association of Canadian Publishers
- Association of Municipalities of Ontario
- Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ)
- Association québécoise de la production médiatique (AQPM)
- Awesome Over 50
- Bell Canada Enterprises Inc. (BCE)
- Blue Ant Media
- British Columbia Broadband Association
- Broadband Communications North
- Broadcasting Accessibility Fund
- Cable Public Affairs Channel (CPAC)
- Canada Charity Partners



- Canada Media Fund (CMF)
- Canadian Association of Broadcasters (CAB)
- Canadian Association of Community Television Users and Stations (CACTUS)
- Canadian Association of Content Exporters (CACE)
- Canadian Association of Film Distributors and Exporters (CADFE)
- Canadian Association of Fire Chiefs
- Canadian Association of Public Educational Media
- Canadian Association of the Deaf
- Canadian Association of Wireless Internet Service Providers (Canwisp)
- Canadian Broadcast Museum Foundation
- Canadian Communication Systems Alliance (CCSA)
- Canadian Council of the Blind
- Canadian Electricity Association (CEA)
- Canadian Electronics and Communications Association (CECA)
- Canadian Interactive Alliance
- Canadian Internet Registration Authority (CIRA)
- Canadian Media Concentration Research Project (CMCRP)
- Canadian Media Guild
- Canadian Media Producers Association (CMPA)
- Canadian Music Policy Coalition
- Canadian Network Operators Consortium Inc. (CNOC)
- Canadian Radio-television and Telecommunications Commission (CRTC)
- Canadian Wireless Telecommunications Association (CWTA)
- CBC/Radio Canada
- Charlotte County Television (CHCO-TV)
- Cisco Systems Canada Co.
- City of Calgary
- City of Toronto
- CNIB Foundation
- Coalition for Culture and Media
- Coalition for the Diversity of Cultural Expressions (CDCE)
- Cogeco Inc.
- Conseil provincial du secteur des communications
- Consumers Council of Canada
- Corus Entertainment

- Cybera Inc.
- Deafness Advocacy Association Nova Scotia
- DHX Media Ltd.
- Directors Guild of Canada
- Distributel
- DOC Talks Festival & Symposium
- E-Comm 9-1-1
- Eastern Ontario Regional Network (EORN)
- Eastlink
- Eeyou Communications Network
- Entertainment One
- Entertainment Software Association of Canada
- Facebook Canada
- Fédération de la jeunesse canadienne-française
- Fédération des communautés francophones acadiennes du Canada
- Fédération des télévisions communautaires autonomes du Québec (FTCA)
- Fédération nationale des communications
- Federation of Canadian Municipalities (FCM)
- First Mile Connectivity Consortium
- First Nations Technical Services Advisory Group (TSAG)
- Forum for Research and Policy in Communications (FRPC)
- Friends of Canadian Broadcasting
- Google Canada
- Government of the Northwest Territories
- Government of Yukon
- Independent Broadcast Group
- Independent Telecommunications Providers Association (ITPA)
- Indigenous Screen Office
- Interim Commissioner of Competition
- International Alliance of Theatrical Stage Employees
- Internet Society
- Internet Society Canada Chapter
- Inuit Tapiriit Kanatami (ITK)
- Iridium Communications Inc.
- Iristel

- Knowledge Network
- L'alliance des producteurs francophones du Canada
- La Guilde de développeurs de jeux vidéo indépendants du Québec
- Le Devoir
- Magazines Canada
- MBS Radio
- MediaSmarts
- Meridian Artists
- Midelcon Spectrum Consulting
- Mobile Exchange Services
- More Canada
- National Campus and Community Radio Association (NCRA-ANREC), Alliance des radios communautaires du Canada (ARC du Canada), Association des radios diffuseurs communautaires du Québec (ARCQ), Community Radio Fund of Canada (CRFC-FCRC)
- National Emergency Number Association (NENA)
- National News Media Council of Canada (NNC)
- Native Communications Society of the Northwest Territories
- Netflix Canada
- Northwestel
- Office of the Privacy Commissioner of Canada
- One Media Law
- Open Media
- OUTtv Network Inc.
- Pelmorex Corp.
- Province of British Columbia
- Public Broadcasting in Canada (PBC)
- Public Interest Advocacy Centre (PIAC)
- Public Safety Broadband Network Consulting (PSBN)
- Quebec English-language Production Council (QEPC), Quebec Community Groups Network (QCGN), English-language Arts Network (ELAN)
- Quebecor Media Inc.
- Radio Advisory Board of Canada (RABC)
- Regional and Rural Broadband
- Rogers Communications Inc.

- Rural Ontario Municipal Association
- S.B. Shah Law Professional Corporation
- Saskatchewan Association of Rural Municipalities
- SaskTEL
- Shaw Communications
- Shaw Rocket Fund
- Société de la francophonie manitobaine
- Société Nationale de l'Acadie
- SSi Micro Ltd.
- Stingray Group
- Super Channel Entertainment Group
- Syndicat des communications de Radio-Canada (SCRC), Fédération nationale des communications (FNC-CSN)
- TekSavvy Solutions Inc.
- Télé-Québec
- Telesat Canada
- TELUS
- The Globe and Mail
- Toronto Community Media Network
- Toronto Police Service
- TV5 Québec Canada
- TVO
- Unifor
- United Nations Educational, Scientific and Cultural Organization (UNESCO)
- VMedia
- Women in Film and Television- Vancouver
- Writers Guild of Canada
- Xplornet Communications Inc.



## ANNEX C: LIST OF STAKEHOLDER MEETINGS

### INDIVIDUALS

- Dr. Michael Geist
- Dr. Gerri Sinclair
- Dr. Gregory Taylor

### ORGANIZATIONS

- Aboriginal Multi-Media Society of Alberta (AMMSA)
- Aboriginal Peoples Television Network (APTN)
- Accessible Media Inc. (AMI)
- Aircraft Pictures
- Alliance des producteurs francophones du Canada (AFPC)
- Alliance des radios communautaires du Canada (ARC)
- Alliance of Canadian Cinema Television and Radio Artists (ACTRA)
- Alliance of Equality of Blind Canadians (AEBC)
- Alliance québécoise des techniciens et techniciennes de l'image et du son (AQTIS)
- Allstream
- Amazon.com
- Asian Television Network
- Association des radiodiffuseurs communautaires du Québec (ARCQ)
- Association des réalisateurs et réalisatrices du Québec (ARRQ)

- Association franco-yukonnaise (AFY)
- Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ)
- Association québécoise de la production médiatique (AQPM)
- Baffin Regional Chamber of Commerce (BRCC)
- Bell Canada Enterprises Inc. (BCE)
- Bell Media
- Blue Ant Media
- Broadband Communications North
- Cabin Radio
- Calgary Association of the Deaf (CAD)
- Canada Media Fund (CMF)
- Canadian Association of Broadcasters (CAB)
- Canadian Association of Community Television Users and Stations (CACTUS)
- Canadian Association of Content Exporters (CACE)
- Canadian Association of Film Distributors and Exporters (CADFE)
- Canadian Association of the Deaf
- Canadian Association of Video Relay Service (VRS)
- Canadian Association of Wireless Internet Service Providers (Canwisp)
- Canadian Communications Systems Alliance Inc. (CCSA)
- Canadian Council of the Blind (CCB)
- Canadian Electricity Association (CEA)
- Canadian Electronics and Communications Association (CECA)
- Canadian Internet Policy and Public Interest Clinic (CIPPIC)
- Canadian Internet Registration Authority (CIRA)
- Canadian Network Operators Consortium (CNOC)
- Canadian Media Producers Association (CMPA)
- Canadian Radio-television and Telecommunications Commission (CRTC)
- Canadian Satellite and Space Industry Forum
- Canadian Wireless Telecommunications Association (CWTA)
- CBC/Radio-Canada
- Chaire de l'UNESCO sur la diversité des expressions culturelles (Université Laval)
- Citizen Lab (Munk School of Global Affairs, University of Toronto)
- City of Iqaluit
- City of Yellowknife
- Clear Sky Connections

- CNIB Foundation
- Coalition for Culture and Media
- Coalition for the Diversity of Cultural Expression (CDCE)
- Cogeco Inc.
- Community Radio Fund of Canada
- Corus Entertainment
- Cybera Inc.
- Deaf and Hear Alberta
- Deaf Wireless Canada Consultative Committee
- DHX Media Ltd.
- Directors Guild of Canada
- Eastlink
- Energy Transformation Network of Ontario
- English Language Arts Network-Quebec (ELAN)
- Entertainment One
- Entertainment Software Association of Canadian
- Facebook Canada
- Fédération de la jeunesse canadienne-française (FJCF)
- Fédération des communautés francophones et acadiennes (FCFA)
- Fédération des télévisions communautaires autonomes du Québec (FEDETVC)
- Federation of Canadian Municipalities (FCM)
- First Mile Connectivity Consortium
- First Nations Technical Services Advisory Group (TSAG)
- Google Canada
- Government of the Northwest Territories
- Government of Nunavut (Community and Government Services)
- Government of Yukon
- Gwich'in Tribal Council
- Holdfast
- Ice Wireless
- Iconoclaste Musique Inc.
- Independent Telecommunications Providers Association (ITPA)
- Indigenous Filmmakers Association
- Indigenous Screen Office
- Inuit Broadcasting Corporation

- Inuit Tapiriit Kanatami (ITK)
- Inuvialuit Communications Society
- KatloTech Communications
- Kepler Communications
- Knowledge Network
- Koj-B Films
- Komodo OpenLab
- KOTV
- La Guilde des développeurs de jeux vidéo indépendants du Québec
- La Presse
- Le Devoir
- Media Access Canada (MAC)
- MediaSmarts
- Missinipi Broadcasting Corporation (MBC)
- Morag Loves Company
- National Campus and Community Radio Association (NCRA)
- National Film Board of Canada (NFB)
- Native Communications Inc.
- Native Communications Society of the Northwest Territories
- Netflix Canada
- Newfoundland and Labrador Film Development Corporation
- Newfoundland Broadcasting Company (NTV)
- Northern Native Broadcasting Yukon (CHON-FM)
- Northwest Territories Association of Communities
- Northwestel
- Novus Entertainment
- Nunavut Film Development Corporation
- Nuvujaq Inc.
- Open Media
- OUTtv Network Inc.
- Panoramic Pictures
- Paqtnkek Mi'kmaw Nation
- Productions Rivard
- Public Interest Advocacy Centre (PIAC)
- Qaujigiartiit Health Research Centre (QHRC)



- Quebec Community Group Network (QCGN)
- Quebec English-language Production Council (QEPC)
- Radio Advisory Board of Canada (RABC)
- Rink Rat Productions Inc.
- Rogers Communications Inc.
- St. John's International Women's Film Festival
- SaskTEL
- Sirius XM
- Société de la francophonie manitobaine
- Société des auteurs de radio, télévision et cinéma (SARTEC)
- Société nationale de l'Acadie
- Sovimage
- SSi Micro Ltd.
- Stingray Group
- Telefilm Canada
- Télé-Québec
- Telesat Canada
- TELUS
- The Globe and Mail
- Torstar
- TV5 Québec Canada
- TVO
- Union des Artistes (UDA)
- Union des consommateurs
- VMedia
- VICE Media Inc.
- Writers Guild of Canada (WGC)
- Xplornet Communications Inc.
- Yukon Film Society