



## Rebooting Canada's Communications Legislation



**A conference to examine changes to Canada's  
broadcasting and telecommunications legislation**

Friday and Saturday  
May 22 and May 23, 2015

**Ottawa, Ontario**

Faculty of Social Sciences (FSS) Building (120 University), 4th floor, room 4007

Co-sponsored by the University of Ottawa's Centre on Governance and the  
Forum for Research and Policy in Communications (FRPC)

Register online at [eventbrite.ca](http://eventbrite.ca)

## Rebooting Canada's Communications Legislation

This two-day policy and law conference will focus on Canada's broadcasting and telecommunications legislation, and whether these statutes should be changed.

It will examine issues related to communications sovereignty and the use of new content distribution services, the socio-cultural objectives of Canada's communications legislation, lessons from the last 50 years and whether they can be applied to the regulation of electronic communications in the 21st century, cultural employment, media ownership, and the availability of evidence needed for public participation.

The conference will also include a discussion of ethical issues related to broadcasting and telecommunications regulation.

Registration - through Eventbrite (<https://www.eventbrite.ca/e/rebooting-canadas-communications-laws-tickets-15682843808>)

To obtain more information, contact the Forum for Research on Policy in Communications (FRPC): (613) 526-5244, [execdir@frpc.net](mailto:execdir@frpc.net), or [www.frpc.net](http://www.frpc.net)

Cette conférence de deux jours sur la politique et le droit concentrera sur la loi canadienne sur la radiodiffusion et les télécommunications, notamment si les statuts doivent être modifiés.

Elle examinera les questions qui touchent la souveraineté en communication et l'utilisation de nouveaux services de distribution du contenu, les objectifs socio-culturels de la loi canadienne sur les communications, les leçons des cinquante dernières années et si elles s'appliquent à la réglementation des communications électroniques au 21<sup>e</sup> siècle, l'emploi dans les milieux culturels, la propriété des médias, et la disponibilité de la preuve requise pour la participation du public.

Enregistrement: Eventbrite (<https://www.eventbrite.ca/e/rebooting-canadas-communications-laws-tickets-15682843808>)

Pour obtenir plus de renseignements, contactez le Forum de recherche et de politique en communication (FRPC) en composant le (613)526-5244, [execdir@frpc.net](mailto:execdir@frpc.net), ou [www.frpc.net](http://www.frpc.net)



# Rebooting Canada's Communications Legislation



A two-day law and policy conference co-sponsored  
by the Centre on Governance of the University of Ottawa, and  
the Forum for Research and Policy in Communications (FRPC)

**Friday, May 22, 2015 to Saturday, May 23, 2015**

University of Ottawa, Ottawa, Ontario  
Faculty of Social Sciences Building  
120 University  
Fourth floor

## Friday, May 22, 2015

**8:30 – 8:45** Welcome, and introductory remarks

**8:45 – 9:15** Keynote speech

**9:15 – 10:30** **Session 1: The medium vs the law: communications sovereignty and technology**

In 1932 the Judicial Committee of the Privy Council of the United Kingdom held that radio broadcasting fell under federal jurisdiction. Sixty-seven years later the CRTC decided that some programs and broadcasts made using the internet also constitute broadcasting, but exempted these from regulation.

How far does Parliament's jurisdiction extend online? If Parliament decided to consider new communications legislation, should it or could it establish and enforce federal jurisdiction over Internet distribution and programming services used in Canada? Does the medium make the legislation? Should all services that deliver ephemeral content (over the air, by satellite, through cable or by the internet) in Canada be subject to Canadian broadcasting, telecommunications, copyright or criminal law? Should Canadian law be enforced with respect to programming services that earn money from, but are located outside of Canada?

**10:30 – 10:45** Refreshments

**10:45 – 12:00** **Session 2: Window to the world, mirror for ourselves – socio-cultural objectives of contemporary communications legislation**

Parliament has required Canadian communications media to reflect could and Canadians in their programming. Are such socio-cultural objectives passé? Should Parliament ensure that broadcasting and telecommunications serve the interests of Canada and

Canadians, and if so, which interests?

Are legislative changes needed to meet Canada's socio-cultural objectives in broadcasting and telecommunications? Would these changes be affected by Canada's international treaty obligations?

**12:00 – 1:00**

Lunch

**1:00 – 1:30**

Afternoon address

**1:30 – 3:30**

### **Session 3: The ethics of advocacy in a regulated sector**

The CRTC has expanded its efforts to engage the public in discussions about the future of Canada's communications system. Have these efforts increased public confidence in the CRTC's administration of its responsibilities under the *Broadcasting and Telecommunications Acts*? How should legal practitioners manage their duties to advocates, to act in good faith, to maintain confidentiality, and to avoid sharp practice, when practising before a tribunal that is expected to rely heavily on its members' experiences and expertise?

**3:30 – 3:45**

Refreshments

**3:45 – 5:30**

### **Session 4: Enforcing electronic communications regulation in the 21st century**

Canada's current communications laws do not specifically require the CRTC to put the public interest first in its determinations, and many believe the CRTC is either ineffective, obsolete, or conflicted when required to investigate and sanction licensee non-compliance.

Should Parliament give the CRTC more explicit directions, or expand the federal regulator's authority? What mechanisms enable Parliament to know that its communications policies are actually enforced? Should the federal government license and set the terms of operation for Canada's broadcasting, telecommunications and internet companies, and leave enforcement to the CRTC?

Are legislative amendments required to ensure that the regulator makes the public interest its first priority? Why would administrative monetary penalties be more effective than the CRTC's current powers in implementing Parliament's objectives? Should the conflict of interest between licensing and regulatory enforcement be removed by creating a separate enforcement body?

## **Saturday, May 23, 2015**

**8:30 – 9:00**

Keynote speech

**9:00 - 10:30**

### **Session 5: Quasi v. judicial - have expectations for fair process changed in the last century**

The rules governing CRTC procedures are set out in the *CRTC Rules of Practice and Procedure*, which came into force in April 2011. Among other things, the new rules reflect contemporary use of technology in terms of filing materials.

The CRTC has also recently increased its outreach to Canadians, using social media to encourage public participation and interaction. Is this enough to maintain or increase meaningful public participation in CRTC proceedings? At the same time, practices common in legal proceedings, such as hearings, cross-examination and the recitation of facts in decisions, have largely fallen into disuse at the CRTC.

If new communications legislation were introduced, should Parliament continue to leave issues about procedural fairness to the CRTC, or should Parliament give the CRTC more detailed guidance about the requirements to make relevant evidence available to those participating in its proceedings, and to give reasons in its policies and decisions?

**10:30 – 10:45**

Refreshments

**10:45 – 12:00**

**Session 6: It's our culture, and it's a job – employment issues in Canada's communications sector**

Parliament expressly refers to broadcasting as a source of employment opportunities, but is silent about the role of telecommunications in employment. More than 170,000 people work for Canadian telecommunications, broadcasting and Internet companies across Canada – although a large number of broadcasting and telecommunications jobs have disappeared in the last twenty years.

Should Parliament encourage employment opportunities in the content and carriage sector, or rely on the market to allocate jobs efficiently? Are legislative amendments required to ensure that Canadians have employment opportunities in the country's communications media?

**12:00 – 1:00**

Lunch

**1:00 – 1:30**

Afternoon address

**1:30 – 2:45**

**Session 7: Democracies and oligopolies – too big to regulate?**

Highly concentrated media ownership began to be accepted in Canada in the early 1990s, as a way of strengthening Canadian program production. Today the four largest companies control 80% of the communications system's total revenues. Yet since the 1990s the level of original broadcast news has decreased, private television broadcasters spend substantially more on foreign than on Canadian programming, and two-thirds of the music played by radio stations is foreign. Do the benefits of concentrated broadcast and telecommunications ownership outweigh its disadvantages, and if not, can Parliament act?

Should Parliament change its statutes to address concentrated media ownership, or leave such questions to the discretion of the CRTC? Is it possible in a 'too-big-to-fail' era to regulate highly-concentrated media in the public interest? Would such regulation run counter to Canada's international trade obligations?

**2:45 – 3:00**

Refreshments

**3:00 – 5:30**

**Session 8: If we could do it all over again, should we? Lessons from the last 50 years**

The CRTC celebrated its 47th birthday this year. Its enabling legislation predates the internet, leading some to argue for legislative change.

Before changing Canada's communications statutes, what can we learn from the past – and specifically, from those charged with implementing Parliament's policies? What, if anything, could the CRTC have done differently, and what do those lessons suggest for legislators going forward?

### CPD accreditation

The Law Society of Upper Canada has accredited this conference for 3 hr 0 min Professionalism Content, and the program is also eligible for up to 12 hr 30 min Substantive Content.

### Registration

Registration begins 9 February 2015, and includes morning and afternoon refreshments, lunch and a digital copy of the conference materials. Printed copies of the materials are available for an additional fee.

Early-bird registration (before 1 April 2015)	\$700.00 + taxes and Eventbrite fee
Registration on or after 1 April 2015	\$800.00 + taxes and Eventbrite fee
Students & faculty (50 seats reserved on a first-come, first-served basis)	\$50.00 + taxes
Printed copy of materials (at conference)	\$50.00 + taxes and Eventbrite fee
(When purchasing tickets, select whether materials are digital or printed)	

Register online, through [Eventbrite](https://www.eventbrite.ca/e/rebooting-canadas-communications-laws-tickets-15682843808) (<https://www.eventbrite.ca/e/rebooting-canadas-communications-laws-tickets-15682843808>)