



Broadcasting and Telecommunications Legislative Review

Submission of the Government of Yukon

A. Introduction

1. The subject matter under consideration in this review touches upon several areas of responsibility and subjects of interest for the Government of Yukon.

2. Yukon has been an active participant in telecommunications policy matters, primarily in CRTC proceedings, and has an ongoing interest in the development of regulatory and legislative provisions that have potential implications for the economic and social well-being of Yukon residents and businesses.

B. Yukon Overview

3. The population of Yukon (as of June 2018) is 40,483¹, which represents just over 0.1% of Canada's population². According to StatsCan data for 2017, Yukon's GDP represents about 0.14% of Canada's GDP.³

4. Some 23% of Yukon's population is aboriginal; there are 14 First Nations in Yukon⁴, and 8 aboriginal language groups⁵.

5. Yukon has a small but vibrant Francophone community, and an English-French bilingualism ratio of 13.8% of the population, highest among the Western provinces and the territories.⁶

6. Telecommunications infrastructure in Yukon is predominantly owned by Northwestel, a subsidiary of Bell Canada. While the telecommunications market is open to competition, Northwestel is the only major service provider.

¹ Yukon Bureau of Statistics

² StatsCan Q3 2018 population estimate 37,058,856

³ <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3610040201>

⁴ See Appendix 1

⁵ See Appendix 2

⁶ <https://www150.statcan.gc.ca/n1/pub/11-631-x/11-631-x2018006-eng.htm>

7. Bell Mobile is the predominant service provider of mobile service in Yukon, having taken over the assets and business of Northwest Wireless and Latitude Wireless in 2013.⁷ The CRTC Communications Monitoring Report 2018 aggregates mobile market share data for “The North”. The 2017 market share for the Bell Group was 84.4%. The 2017 average revenue per mobile customer in the North was \$91.94, the highest in Canada.

8. Northwestel is the provider of cable TV services in Whitehorse, which represents over 80% of the Yukon market. In Dawson City, cable TV services are offered by Dawson City TV, a municipally-owned entity.

9. Northwestel is the dominant provider of terrestrial Internet services in Yukon.⁸ The CRTC recognized this market anomaly in Telecom Regulatory Policy decision 2013-711, where the Commission revoked forbearance and determined that Northwestel’s terrestrial retail Internet services should be re-regulated.

C. Interests of the Government of Yukon

10. The review of legislation governing telecommunications and broadcasting affects the interests of the Government of Yukon in several ways, directly and indirectly.

11. Through the Protective Services branch, the Government of Yukon is responsible for emergency preparedness and the provision and coordination of emergency services. This includes ensuring the effectiveness and evolution of 9-1-1 emergency call services throughout Yukon.

12. Through the Community Radio and TV Service (CR&TS), Government of Yukon provides CBC-FM radio to those communities in Yukon not serviced by CBC-owned and operated equipment.

13. The Government of Yukon has invested in specific telecom infrastructure projects for the benefit of Yukon consumers and businesses, where market opportunities had not justified private investment.

14. Through the Economic Development department, the Government of Yukon continues to engage in policy and regulatory issues that affect the economic and social well-being of Yukoners, and also works through the Media Development branch to support individuals and businesses involved in film, sound and media production industries.

⁸ The StatsCan report “Yukon: Beautiful, Complex and Changing”, released October 2, 2018, notes that there is one Internet service provider in Yukon. <https://www150.statcan.gc.ca/n1/pub/11-631-x/11-631-x2018006-eng.htm>

D. Responses to Questions in the Terms of Reference

Universal Access

15. The importance of reliable, quality and affordable telecommunications services to the economy, health, welfare, and culture of Yukon cannot be overstated. Given the size and scale of Yukon's market, it is critically important that the unique perspectives of our needs and capabilities not be overwhelmed by consideration of national averages.

16. A regulatory framework which addresses the policy objectives in s. 7 of the Telecommunications Act, together with government funding programs to support the development of broadband and transport infrastructure in the North is essential to enable universal access in areas where market forces are not effective for the purpose.

17. While the CRTC policy preference for facilities-based competition has led to the establishment of robust competition in broadband access in many parts of the country, the factors of small market opportunity and structural advantages of the incumbent have combined to stifle other infrastructure investment in Yukon. Consequently, access to publicly-owned infrastructure assumes a greater importance, since there is no competitive spur for investment by the incumbent.

Question 1.1

18. Assessment of CRTC decisions to date suggests that the appropriate tools are in place to address the needs for access to reliable, quality and affordable broadband throughout Yukon communities, together with the emphasis on utilizing market forces wherever that may be possible.

19. However, since the regulatory framework, and the support mechanism for broadband access are still in process, any conclusion about the ultimate effectiveness of these programs in achieving the expected standards of universal access can only be speculative.

20. It is important that legislative and policy tools be available to allow intervention where there is disparate bargaining power between service providers and users, or between dominant incumbents and entrants, so that policy goals are not thwarted.

Question 1.2

21. Publicly-owned infrastructure, including poles, ducts and rights-of-way represent investments made by local and regional governments, on behalf of their ratepayers. Privately-owned infrastructure represents investments made on behalf of owners or shareholders.

22. Passive infrastructure, both publicly and privately held, has been utilized through several generations of telecom development to establish or extend networks that provide telecom, cable and wireless services. Freely bargained arrangements between public and private entities have enabled access that has allowed efficient use of infrastructure, and enabled owners to obtain the economic value of investments.

23. There is no reason to expect that this market value approach will be any less effective as current and future technology generations arrive. In addition, the powers given to the CRTC under the Telecommunications Act provide a backstop to encourage resolution of differences and a recourse in the event of failed negotiations.

24. Introducing new requirements—or constraints—for access to public or private infrastructure runs the risk of creating asymmetry in bargaining positions, and perhaps unfairly burdening—or advantaging—one side. This could be a significant risk where an incumbent provider which also has significant infrastructure, as is the case in Yukon, might be in a position to benefit from asymmetry.

Competition Innovation and Affordability

25. The Government of Yukon acknowledges the benefits of improved competition for users (more choices, better prices), providers (more efficiency, greater incentives) and the economy as a whole (growth, innovation). However, the economic and structural issues which characterize the Yukon market contribute to a more fragile environment, where policy measures with salutary effect in other parts of Canada may not have the same results (or the same time frame) in Yukon.

26. For instance, where the Terms of Reference suggest that the provision that the CRTC promote reliance on market forces was “an important consideration in the early 1990s monopoly environment” which might warrant reconsideration in the context of convergence, the actual competitive circumstances in Yukon today are strongly similar to that monopoly environment.

Question 2.1

27. Technological convergence and changing customer usage have rendered traditional service definitions meaningless or obsolete. Both Telecommunications and Broadcasting Acts would benefit from a reconsideration of what services are actually being required by—and provided to—customers.

28. At the same time, any legislative changes contemplated must recognize, and provide for, the need for different measures to address the specific needs of communities and users in Yukon, and throughout the North.

29. The forbearance power has been an effective tool for the Commission to withdraw regulatory oversight where market forces will effectively protect the public interest. However, it is very important that the CRTC be allowed to retain the power to review the forbearance determination, and re-regulate where necessary, as exemplified in the decision to tariff Northwestel's terrestrial retail Internet services.

30. In areas where market forces operate weakly, or not at all, it is important that policymakers have the ability to address issues of affordability. Once again, this is a concern that may be more significant in small or remote markets, like Yukon, where telecommunications costs are already higher than in the rest of Canada.

Net Neutrality

31. The traditional separation of communications industries by "content" and "carriage" has been effectively rendered obsolete by the forces of technological and service convergence, raising the issue of how best to address the resulting policy implications.

32. Further complications are introduced by the shifting structure of communications, information and entertainment industries. Vertical combinations of businesses formerly separated by content and carriage can provide more choice and value options but may also present challenges for fair treatment of consumers and competitors.

33. The Internet has increasingly become—and is likely to continue to be—the mechanism and means of exchanging and delivering information and entertainment, requiring policy provisions which protect the fair, open and innovative nature of the Internet.

34. There are several types of policy challenges, each of which involve different considerations.

- a. Filtering or blocking specific content raises issues of censorship, and potential discrimination—for competitive, political or other purposes. The policy solution must balance considerations of public safety with the prevention of unfair discrimination.
- b. Service options which offer faster or more reliable Internet access raise the issue of preferential treatment of some users or some competitors. In this case the policy should require transparency and disclosure of what is being provided, including any restrictions, and should be able to address any anti-competitive behaviour.
- c. Traffic management practices, including throttling access, create the opportunity for preferential treatment or consumer abuse. The policy solution should require full disclosure to consumers and be able to monitor and rectify any discriminatory behaviour.

- d. Differential pricing practices, such as zero-rating, create the potential for discriminating between customers and possible anti-competitive behaviour. Here the policy tools must be sufficiently flexible to balance reasonable consumer benefits with prevention of unfairly disadvantaging competitors.

35. The term 'net neutrality' has been subjected to multiple definitions, and different interpretations, depending on the interest or orientation of the particular party that is deploying the term.⁹

36. There is an inherent risk to incorporating a rigid definition of net neutrality into legislation, because customer demands and provider solutions will continue to evolve. Flexibility in application of policy goals to specific present needs would be preferable.

Question 3.1

37. There would be benefit in a legislative policy principle that establishes the objective of protecting and fostering an open Internet, but the incorporation or definition of "net neutrality" should be avoided. The present comprehension of net neutrality represents the means by which the policy objective might be attained but should not itself be the objective.

38. The current powers of the CRTC under the Telecommunications Act have been demonstrated to be effective in addressing issues of traffic management and differential pricing.¹⁰ However there may be benefit in examining whether the s.27(2) and s. 36 provisions can be reasonably interpreted to address the full range of stakeholders interested in preserving Internet openness.

39. While the present legislation enables the Commission to require disclosure of prices and terms of service for regulated service, there may be a benefit in establishing a legislative basis for providing consumers of Internet services (not otherwise subject to the Telecommunications Act) with complete information about the services being provided. The current CRTC initiative to develop an Internet Code addresses this concern, but it may be advisable to establish a specific legislated basis for this power.

40. The non-discrimination provision in s. 27(2) of the Telecommunications Act, while broadly worded to prohibit discrimination or undue/unreasonable preference to "any person", likely did not contemplate possible anti-competitive behaviour. It may be useful to consider specifically including this within the concept of discrimination.

⁹ See internet Society Policy Brief 30 October 2015 www.internetsociety.org/policybriefs/networkneutrality

¹⁰ TRP 2009-657 and TRP 2017-104

Consumer Protection, Rights and Accessibility

41. The regulatory approach adopted by the CRTC towards consumer rights and protections, combined with the jurisdiction of the CTCC, has provided an effective framework for addressing these issues. With respect to telecommunications services, this represents an appropriate balance between ensuring safety and security and the operation of market forces.

42. The Commission's Wireless Code, and proposed Internet Code provide additional clarity and focus for the protection of consumer interests.

43. The Government of Yukon notes that the challenges of small market size, absence of competitive options and infrastructure deficits might require additional specific policy considerations to ensure investment to ensure appropriate levels of safety and security, such as 9-1-1 capability.

Question 4.1

44. While the CRTC initiatives to develop and extend 9-1-1 emergency access throughout Canada are necessary and appropriate, it would be helpful to specifically address the infrastructure situation in Yukon, where E 9-1-1 services are not yet available and the timetable for NG 9-1-1 is uncertain.

45. It would be useful to consider including provisions to enable or encourage better access to emergency services in Yukon, particularly for the disabled.

Safety, Security and Privacy

46. Public safety, security and privacy are needs shared by all Canadians, in all regions. Legislative and policy provisions which address these needs should be designed and administered to ensure that Canadians who live in rural areas or remote small communities have the same protections as those living in urban areas or larger communities.

47. Where the investment in infrastructure necessary for provision of public safety and emergency services is dependent on an incumbent provider's business case, there is a risk that Canadians living small, rural, and remote communities will not have access to the services that they need.

48. Public safety and availability of emergency services access may be more significant concerns in Yukon and other Northern communities where distance, remoteness and the dearth of nearby services increase the dependence on reliable communications.

49. The Government of Yukon is actively engaged in coordinating and managing the delivery of emergency services to all communities and has worked with the incumbent service provider to upgrade 9-1-1 services.

50. While the CRTC has been able to define the pathway for implementation of Next Generation 9-1-1 to extend 9-1-1 emergency access beyond the regulated wireline companies to wireless, broadband and IP-based providers within the scope of its existing powers, the necessary infrastructure investment in Yukon lags behind.

Question 5.1

51. It is appropriate that responsibilities for safety and security be incorporated into current legislation, and should be applicable across the entire range of services contemplated under both Broadcasting and Telecommunications Acts.

52. Legislation should also provide for regulators or policymakers to direct the establishment and ensure support for infrastructure that may be required to ensure expected standards of public safety. Specific consideration should be given to the unique requirements of rural and remote communities, like those in the North.

53. The Government of Yukon also recommends that the Public Safety Broadband Network (PSBN) be fully developed and implemented, and that where legislative changes may be needed, that those be included within the scope of this review.

54. Issues of national security, including information security and security of critical infrastructure (other than for emergency services) would be more appropriately addressed by other statutes or authorities.

55. As noted in the Terms of Reference, privacy is included in the objectives under s.7 of the Telecommunications Act, which would enable the CRTC to address privacy issues involving providers subject to that act. Consideration should be given to how privacy protections might apply to providers of information or entertainment which are not subject to the Telecommunications Act.

Effective Spectrum Regulation

56. The trends driving demand for wireless bandwidth that are identified in the Terms of Reference are certain to continue. The proliferation of uses will likely continue beyond expectations; therefore it is important that the regulatory framework be flexible and adaptable.

57. It is equally important that capable and reliable infrastructure be available in Northern Canada to enable the deployment of 5G, IoT, and other services yet to be imagined.

Question 6.1

58. While it is important to recognize the potential for explosive growth in the consumer devices and applications, legislative tools must also be available to address the use of spectrum by businesses, which will be providing the services and connections that will be utilized by consumers.

59. Interoperability and ensuring compatibility with standards in other countries will also be considerations but given that current legislation and spectrum administration has necessarily addressed the issues, it should be capable of adapting to future requirements.

Governance and Effective Administration

60. The policies and decisions of the CRTC to promulgate facilities-based competition, together with the directive to rely on market forces where possible, have been successful in developing a robust telecommunications market in most of the country. Funding programs of ISED (and its predecessors) have provided targeted benefits to telecommunications development.

61. The prima facie concern with the assignment of responsibilities for policy oversight and management of telecommunications policy to multiple entities is the risk of jurisdictional gaps. This is of particular concern in Yukon where the allowed common ownership of telecom, cable and wireless facilities has effectively barred facilities-based competition in provision of Internet services, as well as telecom and cable services.

Question 7.1

62. The CRTC's forbearance regime offers a flexible policy tool to adapt regulation where market forces operate effectively and has been used to reverse forbearance where competition is absent.¹¹ However, the process for forbearance is cumbersome and perhaps not well-suited to a dynamic competitive market. Similarly, the process by which forbearance may be reversed is an exceptional remedy, only initiated by an application.

63. The legislative review should examine whether the Competition Bureau might be utilized to assess the status and progress of competition in all parts of the converged telecommunications industry. Deploying the Bureau's expertise in a manner similar to the CRTC's communications monitoring report would provide regulators and decision-makers with an additional tool to evaluate progress towards policy goals.

¹¹ Re-regulation of Northwestel's retail terrestrial Internet service

Question 7.2

64. The Government of Yukon believes that the combination of clear policy objectives in s. 7 of the Telecommunications Act, with independent CRTC authority, subject to the circumscribed review powers of the Governor-in-Council provides a dynamic balance that is effective and adaptable to changing circumstances.

65. It is important that the GiC review powers do not constitute an appeal process from Commission decisions but be specifically focused on the interpretation of broader policy directions. The process of referring a matter back to the Commission, or requiring a report, are important measures to reinforce the independent authority of the regulator.

66. Utilizing the CRTC public process to address a GiC directive or review allows greater transparency in the decision-making process and enables the Commission to adjust its interpretation of policy directions without undermining its jurisdiction.

67. The Government of Yukon further believes that the current process for Governor-in-Council reviews of CRTC decisions which incorporates consultation with provincial and territorial governments is useful and effective, representing an appropriate balance of federalism.

Broadcasting Definition

68. As noted in the Terms of Reference, the legislative framework governing broadcasting in Canada was established when content was primarily distributed by Canadian broadcasters, insulated from outside competition.

69. Section 3(2) of the Broadcasting Act makes clear that all providers were to be considered part of a single system, which would then be subject to the supervision of a single regulatory authority, indicating that the definition of broadcasting was utilized more as a means of control of the content creation and distribution industries than to define them.

Question 8.1

70. The trends identified in the Terms of Reference make clear that the concept of broadcasting, as defined in the Broadcasting Act, is not sustainable. The digital revolution has created an environment where a number of providers limited by licence will not be able to satisfy diverse demands for innovative services, features and prices.

71. Both the Creative Canada vision, and these Terms of Reference recognize the reality that broadcasting is one of the means by which policy objectives might be achieved but can no longer be the only means.

72. In order to remain relevant, the traditional concept of broadcasting must be deconstructed with a view to identifying how legislation can enable Canadian content creators and distributors to succeed in an open, competitive world while maintaining focus on important policy objectives relating to language, culture and diversity.

73. It will be necessary to first define the policy goals and priorities, and then determine how legislative provisions relating to broadcasting may best be crafted to attain those goals. This may require legislation specific to issues like Canadian content, or public broadcasting, rather than the umbrella approach of the current Broadcasting Act.

Question 8.2

74. Given the open, competitive digital environment, legislation that proscribes or prescribes Canadian content will not be sufficient to foster important cultural and linguistic values of Canadians. Government policy measures should be directed towards encouraging the creation and distribution of Canadian content that will be the first choice of Canadian consumers, and a marketable commodity beyond Canada's borders.

75. Legislative measures designed to foster Canadian voices on the Internet should be considered in the context of the operation of market forces, so that Canadian content is encouraged by both user demand and provider opportunity.

76. In Yukon and throughout Northern Canada, it is important to recognize the limitations of Internet access posed by technology and structural barriers that reduce choice and increase cost. It is recommended that specific consideration be given to legislative provisions that enable these barriers to access to be overcome.

Broadcasting Policy Objectives

77. The regulatory approach developed for telecommunications in Canada provides a model for development of broadcasting policy. The focus on measures that encourage development of Canadian infrastructure, together with the commitment to utilize market forces wherever possible, has stimulated growth and innovation without resort to prescriptive regulation.

78. The Broadcasting Act does not define “broadcasting system” but the declared policy in s.3 presumes the existence of a closed system which can be shaped and controlled by prescription. The comprehensive list of dictates in s. 3 focus more on how the industry should operate to achieve policy objectives, rather than identifying the goals of government policy. This approach is inherently less adaptable to changing circumstances than that adopted in s. 7 of the Telecommunications Act.

Question 9.1

79. The Broadcasting Act objectives, as currently framed in s. 3, focus on the behaviour of broadcasting licensees rather than on policy objectives. This is inconsistent with the global competitive digital environment, and in fact may serve to disadvantage Canadian broadcasters compared to foreign providers.

80. The first step in evaluating the relevance of the present legislation should be to identify policy objectives from a goal-oriented perspective, instead of the prescriptive approach in s.3. The approach utilized in s. 7 of the Telecommunications Act may offer a useful guideline.

81. It would also be helpful to adopt a targeted approach to the broadcasting objectives, refining the list to those most relevant to Canadian policy goals, and then determining how legislative provisions can facilitate attainment of those goals given the current, and expected future environment. This will likely be more effective, and more adaptable than the present umbrella approach.

Question 9.2

82. Once policy goals have been refined and considered in broader aspirational terms rather than prescriptive ones, prioritization may be possible, but may not be necessary.¹²

83. The Government of Yukon suggests that the establishment of policy goals, and their prioritization (if necessary) is properly the responsibility of Parliament.

84. However, there are several subject areas which reflect a broad consensus of Canadian values, which might be expected to be included in Parliament’s consideration:

- a. Culture—adapting the words of the Broadcasting Act, “to safeguard, enrich and strengthen the cultural fabric of Canada”, as an example.
- b. Language—in addition to promulgating Canada’s two official languages, recognizing and supporting other languages of Canadians, and in particular aboriginal languages.

¹² It is worth noting that the policy objectives in s.7 of the Telecommunications Act are not prioritized, and that has enabled the CRTC to develop policies and decisions which apply the objectives on a case-by-case basis, as appropriate to specific circumstances.

- c. Diversity—incorporating and encouraging all aspects of Canadian diversity.
- d. Universal access—ensuring that all Canadians in urban and rural areas in all regions of Canada have access to the same quality, accessibility and affordability of telecommunications, information and entertainment.

Question 9.3

85. In addition to the recommendations above, a new approach to achieving the objectives underlying the current Broadcasting Act would be to create separate legislative initiatives, rather than relying on the catch-all approach in the existing legislation.

86. One important step would be to carve out the role and responsibilities of the public broadcaster, recognizing the limitations imposed by the open competitive environment.

87. Legislation which specifically addresses the promotion and development of Canadian content, and how that contributes to the protection and evolution of a unique Canadian culture would provide an important focus, and would facilitate the creation of more effective support programs. This would be particularly helpful in smaller and more remote regions like Yukon, where the scale of broader programs may tend to overlook our unique needs.

88. Measures that directly address languages—official and other Canadian languages—could facilitate more targeted and more effective results than lumping the provisions in with other requirements of a broadcasting licence.

89. The successful attainment of broadcasting policy objectives will inevitably depend, at least partially, on the ability of Canadians to access the distribution channels. In rural and remote locations, particularly in the North, this may involve measures to support infrastructure development. This will—and should—involve consideration and coordination of other programs and initiatives, like those implemented by the CRTC and ISED.

Support for Canadian Content

90. Relying on the old model of a closed system of Canadian broadcasting as the means by which Canadian content can be promoted and distributed by mandate is no longer supportable.

91. The combination of increased distribution options and the explosive growth in content choices made available through Internet access vastly increases the competition for attention of Canadian consumers. In such circumstances it is unreasonable to expect Canadian content to command the same market share as previously.

92. Policy measures must ensure that Canadian consumers and producers of online content must have reliable and affordable access, as well as providing support to level the playing field with outside players.

Question 10.1

93. Since mandated requirements for supporting Canadian content are likely ineffective in a competitive environment,¹³ alternative legislative provisions should be considered.

94. One approach could be to utilize a taxing mechanism, perhaps with an option to waive application if certain commitments are made for creation/distribution of Canadian content, however this would run the risk of costs being passed on to users. The alternative would be to provide funding support from general revenues.

95. In Yukon, it will be important to enable support for local content creators, to offset the disadvantages of higher infrastructure and production costs.

Question 10.2

96. There is a realistic concern that relying on regulatory powers to ensure protection of Canadian culture and languages may not be effective as competition and choices from outside the country continue to proliferate.

97. Once legislated standards are established, enabling the CRTC to enforce those standards with a combination of penalties and incentives would be more effective.

Question 10.3

98. The Government of Yukon believes that good stories, well told, will find audiences. Currently, Yukon stories, like Discovery Network's "Gold Rush", or Ridley Scott's TV series "Klondike" are being told by production companies outside Yukon, because of the lack of access to production and distribution support in Yukon.

99. Increased emphasis on Northern-specific incentives, like the Canada Media Funds Northern Incentive Fund, would assist in leveling the playing field for Yukon-based content creators.

¹³ Even if non-Canadian online providers were to be subject to some form of licensing requirement, enforcement may be problematic. Any asymmetry in obligations to contribute funding for Canadian content would adversely affect the competitiveness of Canadian providers.

100. Legislative measures or programs which help to strengthen the capabilities of content creators, and to specifically build the Yukon media ecology, would be helpful by providing access to resources, training and expertise.

Democracy, news, citizenship

101. The opportunity for diversity of voices and a multitude of perspectives is limited in small and remote markets like Yukon, and the complexion of local news in small communities is different than in larger centres where more choices are available.

102. Where resources are limited, it may be difficult to support both local news and diverse voices, so it will be important for legislative provisions to be sensitive to the needs of communities and to balance interests.

Question 11.1

103. The attributes of quality and accuracy in the delivery of news and information are important prerequisites for a source to be trusted, and legislated provisions alone cannot mandate quality, accuracy or trust.

104. In the wide-open market of digital information available to Canadians, users can and will choose sources or views which appeal to their own preferences—popularity may not coincide with quality or accuracy, at least so far as those attributes may be objectively defined.

105. However, when there is a clear public need for reliable information, as may the case in a disaster or tragedy situation, the availability of a trusted source of information becomes critical.

106. While Canadians can and should be able to choose their sources, the Government of Yukon submits that the preservation and maintenance of a trusted source of information is an important policy priority which should be enabled through federal legislation.

Question 11.2

107. It is axiomatic that local news must be locally sourced—simply providing local access to a national or regional outlet is not the same. Similarly, access to community information, emergency notifications and availability of government and other services must be relevant to local residents.

108. Proliferation of digital media sources offers an opportunity for alternate means of providing local news and information. Legislative provisions that enable and support local information providers to satisfy these requirements should be considered. Funding support tied to a commitment to a code of conduct might be a useful provision, as would programs that offer training and expertise.

Cultural Diversity

109. As previously noted, the cultural and linguistic diversity in Yukon is considerable, given the relatively small size of the population, increasing the importance of ensuring the availability of access in the evolving digital environment.

110. Providing access to and distribution channels for cultural content, while enabling diverse expression, and equality presents significant challenges in developing legislation.

Question 12.1

111. The Government of Yukon submits that legislative provisions which encourage or enable the development of content reflecting cultural diversity will be more effective than mandated requirements or restrictions.

112. Since culture may be defined in many different ways (national, regional, ethnic, linguistic, religious to name some examples), legislative provisions must be flexible enough to enable Canadians to choose how and where to access their preferred cultural content.

113. The Internet Code of Conduct being considered by the CRTC might provide a vehicle for establishing principles supporting equality and diversity and could include provisions that address issues like discrimination and censorship.

National Public Broadcaster

114. As noted in the Terms of Reference, changes to the media and information distribution environment resulting from the digital revolution have necessitated a review of the appropriateness of the mandate of CBC/Radio-Canada as national public broadcaster.

115. Competitive pressures, funding challenges, and existing legislated requirements have affected the current direction of CBC/Radio-Canada.

116. CBC/Radio-Canada is the only true broadcaster in Yukon and consequently carries with it a significant swath of responsibilities, as the source of reliable news and information, the primary distributor of Canadian content, the leading entity for development of Canadian content, and the designated provider of Northern-related programming.

Questions 13.1 through 13.6

117. The Government of Yukon believes that CBC/Radio-Canada has an essential role in Northern Canada as a public broadcaster, and in the support of Northern content and programming.

118. There is a concern that the mandate of CBC/Radio-Canada in the North creates a default expectation that the Corporation will be the default choice for distribution of Yukon stories. The Government of Yukon believes that the appropriate role for CBC/Radio-Canada is to act as a catalyst for development and distribution of Northern-created content, regardless of the channel. The priority of CBC/Radio-Canada should be to first support and nurture Canadian content and secondarily to control distribution.

119. Greater emphasis by CBC/Radio-Canada on sharing expertise in development, production and distribution of Canadian content would provide important support for Northern-based creators.

120. Northern communities would benefit from improved region-specific investment by CBC/Radio-Canada, in traditional and alternative broadcast channels. Provision of local news and information over the Internet could be improved and enhanced with advice and support from the national broadcaster.

121. The changes brought about by the open, competitive, digital communication environment which have led to this current review also raise important questions about the future role and mandate of CBC/Radio-Canada.

122. The Government of Yukon recommends that the mandate and governance of CBC/Radio-Canada be removed from the Broadcasting Act, so that the unique and important role of the Corporation in fostering Canadian culture and society can be clearly defined, supported, and protected.

Governance and Effective Administration

Questions 14.1 through 14.5

123. As previously noted, the Government of Yukon believes that the licensing model for regulation of broadcasting in Canada is not sustainable, and in fact is incompatible with the government's broader policy goals.

124. It is our view that the framework established by the Telecommunications Act, where high level policy goals are established for the CRTC to interpret within the scope of its legislated

authority offers a model for broadcasting regulation that has been demonstrated to be effective in an evolving competitive environment.

125. Similarly, the dynamic relationship between the Commission's independent authority and the review powers of the Governor-in Council—when demonstrably open and transparent—provide an appropriate balance for achieving public policy goals.

----- END OF DOCUMENT -----

