

Appendix 2: Amendments to the 1993 Telecommunications Act - Annotated Highlights

Year	Sections	Highlights
1998	2, 16, 16.1-16.4, 19, 22, 46.1-46.5, 67, 73, 74.1	<p><u>Implementation of WTO/GATS obligations</u></p> <p>These amendments implemented Canada’s obligations to liberalize basic international telecommunications services under the Fourth Protocol to the World Trade Organization (“WTO”) General Agreement on Trade in Services (“GATS”).</p> <p>Consistent with these obligations, the amendments to the <i>Telecommunications Act</i>:</p> <p>(a) authorized the CRTC to establish a licensing regime for telecommunications service providers and to administer telecommunications numbering resources and other activities, including establishing the contribution subsidy regime, related to telecommunications; and</p> <p>(b) augmented the existing regime for the certification and inspection of telecommunications equipment in Canada.</p>
2005	41.1-41.7, 72.01-72.15	<p><u>Unsolicited telecommunications</u></p> <p>The 2005 amendments to the <i>Telecommunications Act</i> included the addition of new sections 41. To 41.7, to permit the CRTC to administer databases for the purpose of its power under section 41, namely the power to prohibit or regulate the use by any person of the telecommunications facilities of a Canadian carrier for the provision of unsolicited telecommunications to the extent that the Commission considers it necessary to prevent undue inconvenience or nuisance, giving due regard to freedom of expression.</p> <p><u>Administrative Monetary Penalties</u></p> <p>Further amendments established an administrative monetary penalty for the contravention of prohibitions or requirements of the CRTC under new sections 72.01-72.15.</p>
2010	16(1), 16(5), 39(2), 39(5.1), Section 41 (various subsections)	<p><u>Canadian ownership and control</u></p> <p>Amendments to section 16 exempted satellites from Canadian ownership and control requirements.</p> <p><u>Amendments pertaining to CASL legislation</u></p> <p>Amendments to section 39 pertained to the passage of CASL legislation. Amendments to section 41 also pertained to the passage of CASL legislation and included amendments “not yet in force.”</p>

Year	Sections	Highlights
2012	16(1) – 16(9), 41	<p><u>Canadian ownership and control</u></p> <p>Amendments to section 16 remove Canadian ownership rules on telecommunications common carriers if the carrier and all of its affiliates have total annual telecommunications revenue that represent less than 10% of total Canadian telecommunications revenues, as determined by the CRTC. If foreign-controlled carriers subsequently increase their revenues above the 10% threshold, they will continue to be exempt provided that the growth in revenues is not the result of either (i) the acquisition of control of another Canadian carrier or (ii) the acquisition of the assets of another Canadian carrier used to provide telecommunications services. To monitor this, the CRTC must be notified when any carrier operating pursuant to the 10% exception acquires control of another Canadian carrier or acquires assets used by another Canadian carrier to provide telecommunications services. In order to facilitate these measures, a new definition of “entity” was introduced to include not only corporations but also partnerships, trusts and joint ventures. The term “voting interest” was also introduced.</p> <p><u>Telemarketing – National Do Not Call List</u></p> <p>Amendments to section 41 pertained to telemarketing rules and the National Do No Call List (NDCL), giving the CRTC the explicit power to conduct investigations to determine whether there has been a contravention of any order made by the CRTC with respect to its telemarketing rules, and clarifying the CRTC’s power to set fees for the use of the NDCL and similar databases.</p>
2014	24.1, 27.2, 39(3)-(5), 69.2, 69.3 (1) (a) to (d), (f) and (g), 69.3 (2) and (3), 69.4(1)(c) and (d), 71(1) and (2), 71(4) preamble and subsections (a)-(d), 71(5) and (6), 71(8), 72.001-72.009, Heading before section 72.01, 72.08(4), 72.14-72.19, 72.2, 73(2)(d), 73(4)	<p>There were three sets of amendments to the <i>Telecommunications Act</i> in 2014 as follows:</p> <p>(i) <u>Inspection/Civil Liability</u>: The <i>Telecommunications Act</i> was amended to create new offences under sections 71 and 72 relating to voter contact calling services and to allow the CRTC to use the inspection and investigation regime in the <i>Telecommunications Act</i> to administer and enforce part of the voter contact calling services regime in the <i>Canada Elections Act</i>.</p> <p>(ii) <u>Roaming</u>: A new section 27.1 (Roaming) was added which set a maximum amount that a Canadian carrier can charge to another Canadian carrier for certain roaming services. This section was subsequently repealed.</p>

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		<p>(iii) A third set of amendments amended the <i>Telecommunications Act</i> in several respects, including the following:</p> <p><u>Extension of Jurisdiction - conditions for resellers:</u> Section 24.1 was added to provide the CRTC with the authority to impose certain conditions concerning the offering and provision of services on providers of telecommunications services that are not telecommunications carriers (resellers);</p> <p><u>Paper bills:</u> A new section 27.2 was added to prohibit providers of telecommunications services from charging subscribers for the provision of paper bills;</p> <p><u>Sharing confidential information:</u> Section 39 was amended to allow for the sharing of information between the CRTC and the Competition Bureau (sub-sections 39(3)-(5));</p> <p><u>Administrative Monetary Penalties:</u> Amendments were made to provide the CRTC with enhanced authority to impose administrative monetary penalties (AMPs) for violations of the <i>Telecommunications Act</i>, CRTC decisions and regulations;</p> <p><u>Telecommunications apparatus:</u> Amendments were made to provide the Minister of Industry with the authority to establish a registration system and update other processes relating to telecommunications apparatus in order to assess conformity with technical requirements (section 69), and to update inspection powers for ensuring compliance (section 71); and</p> <p><u>Coordinating amendments:</u> These amendments included coordinating amendments with the <i>Fair Elections Act</i>.</p>