



## Broadcasting Order CRTC 2012-349

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Route reference: 2012-21

Ottawa, 26 June 2012

### **Amendments to the *Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order* – new provision relating to emergencies**

*The Commission amends the Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order set out in Public Notice 1992-6, as amended by the appendix to Broadcasting Public Notice 2002-73 (the Exemption Order). The amended Exemption Order, found in the appendix to this document, permits the broadcast of information related to emergency situations by broadcasting undertakings that fall under the Exemption Order.*

#### **Introduction**

1. In Broadcasting Notice of Consultation 2012-21, the Commission called for comments on a request by the Legislative Assembly of Nunavut (the Legislative Assembly) to amend the *Parliamentary and Provincial or Territorial Legislative Proceedings Exemption Order* first set out in Public Notice 1992-6 and amended in the appendix to Broadcasting Public Notice 2002-73 (the Exemption Order). The amendment would permit the broadcast of information related to emergency situations by broadcasting undertakings that fall under the Exemption Order.
2. The Legislative Assembly noted that, on 6 October 2011, Telesat Canada's Anik F2 satellite experienced a major failure. As a result, the Government of Nunavut and the RCMP had to implement emergency measures to maintain essential communications links with RCMP detachments, community health centres, medical evacuation providers and others. The Legislative Assembly submitted that Telesat Canada has no backup satellite to replace Anik F2 in the event of major failures.
3. Given that the Legislative Assembly's proceedings are carried on Anik F1, it was of the view that permitting emergency information on that channel would provide a back-up in case Anik F2 were to fail again.
4. In light of the Legislative Assembly's concerns, the Commission proposed to amend the Exemption Order by adding the following criterion:
  - 1) In the event that an emergency situation prevents the reception of other services authorized to broadcast emergency alert messages, the programming service may be used to transmit video, audio and text information to the general public concerning the emergency situation.

## **Comments**

5. The Commission received three comments, all of which supported a change to the Exemption Order to facilitate the broadcast of emergency messages. Pelmorex Communications Inc. (Pelmorex) suggested, however, that the amendment be altered as follows:

In the event that the Speaker or committee responsible for broadcasting matters is satisfied that the use of the service is appropriate to convey emergency messages, the programming service may be used to transmit video, audio and text information to the general public concerning the emergency situations, the content of which it may initiate itself or access from other authorized sources.

6. Pelmorex submitted that, under its proposal, services broadcasting parliamentary or territorial legislative proceedings would be able to access and insert public safety messages from the National Alert Aggregations & Dissemination (NAAD) System operated by Pelmorex just as other broadcasters are able to do. Pelmorex added that this would allow the legislative authority to add detailed information concerning the emergency situation.
7. In reply to Pelmorex, the Legislative Assembly expressed concern that participation in the NAAD System would entail significant expenditures on its part.

## **Commission's analysis and decision**

8. The Commission notes that initiation of emergency alerts through the NAAD System does not require any specific hardware or significant capital expenditures.
9. The Commission considers that Canadians should receive timely warnings of imminent perils. It therefore considers it appropriate to change the Exemption Order to permit the broadcast of information related to emergencies on broadcasting undertakings that fall under the Exemption Order. The Commission also finds it appropriate to change the wording of the Exemption Order to allow the programming service to access content from other authorized services, such as the NAAD System, if the operator of the service so chooses. Accordingly, the Commission amends the Exemption Order, as set out in the appendix, to include the following provision:

1) The programming service provided by the undertaking may be used to transmit video, audio and text information to the general public concerning emergency situations, the content of which may originate from itself or be accessed from other authorized sources.

Secretary General

## **Related documents**

- *Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order: Amendments to previous order in force*, Broadcasting Public Notice CRTC 2002-73, 19 November 2002
- *House of Commons and Provincial or Territorial Legislature Proceedings Exemption Order*, Public Notice CRTC 1992-6, 17 January 1992

## **Appendix to Broadcasting Order CRTC 2012-349**

### **Amended Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order**

The *Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order* set out in Public Notice 1992-6, as amended by the appendix to Broadcasting Public Notice 2002-73, is replaced with the following:

The Commission has concluded that compliance with the requirements of Part II of the *Broadcasting Act* (the Act) or of any regulations by persons carrying on an undertaking providing coverage of the proceedings of Parliament and provincial or territorial legislatures to distribution undertakings will not contribute in any material manner to the implementation of the broadcasting policy set out in subsection 3(1) of the Act. The Commission is satisfied that the availability of the type of programming described below is in the public interest and, because there would be no editorial comment contained in the programming services, the Commission has no concerns regarding their content.

The Commission, pursuant to subsection 9(4) of the *Broadcasting Act*, by this order, exempts from the requirements of Part II of the Act and any regulations, those persons carrying on a broadcasting undertaking of the class defined by the following criteria:

- a) The Commission would not be prohibited from licensing the undertaking by virtue of any Act of Parliament or any direction to the Commission by the Governor in Council.
- b) The undertaking meets all the technical requirements of the Department of Industry and has acquired all authorization or certificates prescribed by the department.
- c) The programming service provided by the undertaking consists of coverage of the proceedings of Parliament or of the legislature of a province or territory of Canada, including its various committees, as provided by the Speaker or appropriate committee responsible for broadcasting matters.
- d) No fee is charged for the service by the operator of the undertaking.
- e) The programming service provided by the undertaking is made available to all distribution undertakings, in the case of Parliament, throughout Canada, and in the case of a provincial or territorial legislature, throughout the province or territory involved.
- f) The programming service provided by the undertaking contains no advertising material.

- g) Any programming that is included in the service, but is in addition to the coverage of the proceedings themselves, is limited to a description of the processes of Parliament or the legislature involved or an agenda (including calls for submissions by committees, etc.) of upcoming activities, without any comment or analysis of the particular proceedings themselves. The operator of the undertaking may offer a translation of the proceedings and may offer closed captioning or signing.
- h) Except as permitted under sections (i) and (j) below the programming service provided by the undertaking covers the proceedings of the House of Commons, the Senate or the legislature involved from beginning to end and does not offer selected excerpts of the proceedings, i.e. the coverage is "gavel to gavel."
- i) The programming service provided by the undertaking may include coverage of Parliamentary committee meetings on a selective basis, where the appropriate Speaker or committee responsible for broadcasting matters is satisfied that such coverage is equitable.
- j) The programming service provided by the undertaking may include a repeat broadcast of the relevant question period.
- k) Control over the programming provided by the undertaking is retained by the appropriate Speaker or committee responsible for broadcasting matters.
- l) The programming service provided by the undertaking may be used to transmit video, audio and text information to the general public concerning emergency situations, the content of which may originate from itself or be accessed from other authorized sources.

Accordingly, persons operating an undertaking within the class defined by all of the foregoing criteria need not apply for a licence to operate a broadcasting undertaking.