**Prof note:**

**Text highlighted added by Online News Act (S.C. 2023, c. 23)**

**Telecommunications Act**

**S.C. 1993, c. 38**

**1** This Act may be cited as the [*Telecommunications Act*](http://laws-lois.justice.gc.ca/eng/acts/T-3.4).

# PART IGeneral

## **Interpretation**

* **2** **(1)** In this Act,

**broadcasting undertaking** has the same meaning as in subsection 2(1) of the [*Broadcasting Act*](http://laws-lois.justice.gc.ca/eng/acts/B-9.01); (*entreprise de radiodiffusion*)

**Canadian carrier** means a telecommunications common carrier that is subject to the legislative authority of Parliament; (*entreprise canadienne*)

***Version anglaise seulement***

**Canadian telecommunications policy objectives** means the objectives set out in section 7; (*Version anglaise seulement*)

***Version anglaise seulement***

**charge** includes to receive in payment; (*Version anglaise seulement*)

**Commission** means the Canadian Radio-television and Telecommunications Commission; (*Conseil*)

**control** means control in any manner that results in control in fact, whether directly through the ownership of securities or indirectly through a trust, agreement or arrangement, the ownership of any body corporate or otherwise; (*contrôle*)

**decision** includes a determination made by the Commission in any form; (*décision*)

**exempt transmission apparatus** means any apparatus whose functions are limited to one or more of the following:

* + **(a)** the switching of telecommunications,
  + **(b)** the input, capture, storage, organization, modification, retrieval, output or other processing of intelligence, or
  + **(c)** control of the speed, code, protocol, content, format, routing or similar aspects of the transmission of intelligence; (*appareil de transmission exclu*)

**intelligence** means signs, signals, writing, images, sounds or intelligence of any nature; (*information*)

**international submarine cable** means a submarine telecommunications line that extends between Canada and any place outside Canada, or between places outside Canada through Canada, other than a line situated entirely under fresh water; (*câble sous-marin international*)

**international submarine cable licence** means a licence issued under section 19; (*licence de câble sous-marin international*)

**Minister** means the Minister of Industry; (*ministre*)

**person** includes any individual, partnership, body corporate, unincorporated organization, government, government agency and any other person or entity that acts in the name of or for the benefit of another, including a trustee, executor, administrator, liquidator of the succession, guardian, curator or tutor; (*personne*)

***Version anglaise seulement***

**prescribed** means prescribed by regulation; (*Version anglaise seulement*)

**public authority** includes Her Majesty in right of Canada or a province; (*administration publique*)

**rate** means an amount of money or other consideration and includes zero consideration; (*tarif*)

**special Act** means an Act of Parliament respecting the operations of a particular Canadian carrier; (*loi spéciale*)

**telecommunications** means the emission, transmission or reception of intelligence by any wire, cable, radio, optical or other electromagnetic system, or by any similar technical system; (*télécommunication*)

**telecommunications common carrier** means a person who owns or operates a transmission facility used by that person or another person to provide telecommunications services to the public for compensation; (*entreprise de télécommunication*)

**telecommunications facility** means any facility, apparatus or other thing that is used or is capable of being used for telecommunications or for any operation directly connected with telecommunications, and includes a transmission facility; (*installation de télécommunication*)

**telecommunications service** means a service provided by means of telecommunications facilities and includes the provision in whole or in part of telecommunications facilities and any related equipment, whether by sale, lease or otherwise; (*service de télécommunication*)

**telecommunications service provider** means a person who provides basic telecommunications services, including by exempt transmission apparatus; (*fournisseur de services de télécommunication*)

**transmission facility** means any wire, cable, radio, optical or other electromagnetic system, or any similar technical system, for the transmission of intelligence between network termination points, but does not include any exempt transmission apparatus. (*installation de transmission*)

###### Marginal note:Definition of “network termination point”

**(2)** The Commission may define the expression **network termination point** for purposes of the definition “transmission facility” in subsection (1).

* 1993, c. 38, s. 2;
* 1995, c. 1, s. 62;
* 1998, c. 8, s. 1;
* 2004, c. 25, s. 174.

[Previous Version](http://laws-lois.justice.gc.ca/eng/acts/T-3.4/section-2-20021231.html)

## **Her Majesty**

###### Marginal note:Act binding on Her Majesty

**3** This Act is binding on Her Majesty in right of Canada or a province.

## **Application**

###### Marginal note:Broadcasting excluded

**4** This Act does not apply in respect of broadcasting by a broadcasting undertaking.

**Digital news intermediaries excluded**

**4.1** **(1)** This Act does not apply in respect of the making available of news content on or by a digital news intermediary in respect of which the Online News Act applies.

**Marginal note:Definitions**

**(2)** In this section, **digital news intermediary** and **news content** have the same meanings as in subsection 2(1) of the Online News Act.

**Marginal note:Interpretation**

**(3)** For the purposes of this section, news content is made available if

**(a)** the news content, or any portion of it, is reproduced; or

**(b)** access to the news content, or any portion of it, is facilitated by any means, including an index, aggregation or ranking of news content.

###### Marginal note:Application

**5** A trustee, trustee in bankruptcy, receiver, sequestrator, manager, administrator of the property of another or any other person who, under the authority of any court, or any legal instrument or act, operates any transmission facility of a Canadian carrier is subject to this Act.

* 1993, c. 38, s. 5;
* 2004, c. 25, s. 175.

[Previous Version](http://laws-lois.justice.gc.ca/eng/acts/T-3.4/section-5-20021231.html)

###### Marginal note:Special Acts

**6** The provisions of this Act prevail over the provisions of any special Act to the extent that they are inconsistent.

## **Canadian Telecommunications Policy**

###### Marginal note:Objectives

**7** It is hereby affirmed that telecommunications performs an essential role in the maintenance of Canada’s identity and sovereignty and that the Canadian telecommunications policy has as its objectives

* **(a)** to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions;
* **(b)** to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada;
* **(c)** to enhance the efficiency and competitiveness, at the national and international levels, of Canadian telecommunications;
* **(d)** to promote the ownership and control of Canadian carriers by Canadians;
* **(e)** to promote the use of Canadian transmission facilities for telecommunications within Canada and between Canada and points outside Canada;
* **(f)** to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective;
* **(g)** to stimulate research and development in Canada in the field of telecommunications and to encourage innovation in the provision of telecommunications services;
* **(h)** to respond to the economic and social requirements of users of telecommunications services; and
* **(i)** to contribute to the protection of the privacy of persons.

(…)

* **27** **(1)** Every rate charged by a Canadian carrier for a telecommunications service shall be just and reasonable.

###### Marginal note:Unjust discrimination

**(2)** No Canadian carrier shall, in relation to the provision of a telecommunications service or the charging of a rate for it, unjustly discriminate or give an undue or unreasonable preference toward any person, including itself, or subject any person to an undue or unreasonable disadvantage.

###### Marginal note:Questions of fact

**(3)** The Commission may determine in any case, as a question of fact, whether a Canadian carrier has complied with this section or section 25 or 29, or with any decision made under section 24, 25, 29, 34 or 40.

###### Marginal note:Burden of proof

**(4)** The burden of establishing before the Commission that any discrimination is not unjust or that any preference or disadvantage is not undue or unreasonable is on the Canadian carrier that discriminates, gives the preference or subjects the person to the disadvantage.

###### Marginal note:Method

**(5)** In determining whether a rate is just and reasonable, the Commission may adopt any method or technique that it considers appropriate, whether based on a carrier’s return on its rate base or otherwise.

###### Marginal note:Exception

**(6)** Notwithstanding subsections (1) and (2), a Canadian carrier may provide telecommunications services at no charge or at a reduced rate

* + **(a)** to the carrier’s directors, officers, employees or former employees; or
  + **(b)** with the approval of the Commission, to any charitable organization or disadvantaged person or other person.