

Canadian Radio-television and Telecommunications Commission Act

C-22

An Act to establish the Canadian Radio-television and Telecommunications Commission

SHORT TITLE

Short title

1. This Act may be cited as the Canadian Radio-television and Telecommunications Commission Act.

1974-75-76, c. 49, s. 1.

INTERPRETATION

Definitions

2. In this Act,

"broadcasting"

«radiodiffusion »

"broadcasting" has the same meaning as in the Broadcasting Act;

"Chairman" [Repealed, 2001, c. 34, s. 30]

"Chairperson"

«president »

"Chairperson" means the Chairperson of the Commission designated by the Governor in Council under subsection 6(1);

"Commission"

«Conseil »

"Commission" means the Canadian Radio-television and Telecommunications Commission;

"Executive Committee" [Repealed, 1991, c. 11, s. 75]

"member"

«conseiller »

"member" means a member of the Commission and includes a full-time member and a part-time member;

"Minister"

«ministre »

"Minister" means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of this Act;

"radiocommunication" [Repealed, 1991, c. 11, s. 75]

"telecommunication" [Repealed, 1993, c. 38, s. 83]

"telecommunications undertaking"

«entreprise de telecommunications »

"telecommunications undertaking" means an undertaking in the field of telecommunication that is carried on in whole or in part within Canada or on a ship or aircraft registered in Canada;

"Vice-Chairman" [Repealed, 2001, c. 34, s. 30]

"Vice-Chairperson"

«vice-president »

"Vice-Chairperson" means any Vice-Chairperson of the Commission designated by the Governor in Council under subsection 6(1).

R.S., 1985, c. C-22, s. 2; 1991, c. 11, s. 75; 1993, c. 38, s. 83; 1995, c. 11, s. 43; 2001, c. 34, s. 30(E).

ESTABLISHMENT AND CONSTITUTION OF COMMISSION

Commission established

3. (1) There is hereby established a commission, to be known as the Canadian Radio-television and Telecommunications Commission, consisting of not more than thirteen full-time members and not more than six part-time members, to be appointed by the Governor in Council.

Tenure

(2) A member shall be appointed to hold office during good behaviour for a term not exceeding five years but may be removed at any time by the Governor in Council for cause.

Re-appointment

(3) Subject to section 5, a member is eligible for re-appointment.

R.S., 1985, c. C-22, s. 3; 1991, c. 11, s. 76.

Duties of full-time members

4. A full-time member shall devote the whole of his time to the performance of his duties under this Act.

1974-75-76, c. 49, s. 4.

Disqualifications

5. (1) A person is not eligible to be appointed or to continue as a member of the Commission if the person is not a Canadian citizen ordinarily resident in Canada or if,

directly or indirectly, as owner, shareholder, director, officer, partner or otherwise, the person

(a) is engaged in a telecommunications undertaking; or

(b) has any pecuniary or proprietary interest in

(i) a telecommunications undertaking, or

(ii) the manufacture or distribution of telecommunication apparatus, except where the distribution is incidental to the general merchandising of goods by wholesale or retail.

Disposal of interest

(2) A member in whom any interest prohibited by subsection (1) vests by will or succession for the member's own benefit shall, within three months thereafter, absolutely dispose of that interest.

1974-75-76, c. 49, s. 5.

CHAIRPERSON AND VICE-CHAIRPERSONS

Chairperson and Vice-Chairpersons

6. (1) The Governor in Council shall designate one of the full-time members to be Chairperson of the Commission and two of the full-time members to be Vice-Chairpersons of the Commission.

Chairperson chief executive officer

(2) The Chairperson is the chief executive officer of the Commission, has supervision over and direction of the work and staff of the Commission and shall preside at meetings of the Commission.

Chairperson's absence, incapacity or office vacant

(3) In the event of the absence or incapacity of the Chairperson or if the office of Chairperson is vacant, the Commission may authorize one of the Vice-Chairpersons to exercise the powers and to perform the duties and functions of the Chairperson.

Acting Chairperson

(4) The Commission may authorize one or more of its full-time members to act as Chairperson for the time being if the Chairperson and both Vice-Chairpersons are absent or unable to act or if the office of Chairperson and each office of Vice-Chairperson are vacant.

R.S., 1985, c. C-22, s. 6; 2001, c. 34, s. 31(E).

REMUNERATION

Salaries and fees

7. (1) Each full-time member shall be paid a salary to be fixed by the Governor in Council and each part-time member shall be paid such fees for attendances at meetings of the Commission or any committee thereof or at any public hearing before the Commission that the part-time member is requested by the Chairperson to attend as are fixed by by-law of the Commission.

Expenses

(2) Each member is entitled to be paid such travel and living expenses incurred in the performance of his duties as are fixed by by-law of the Commission.

R.S., 1985, c. C-22, s. 7; 2001, c. 34, s. 31(E).

STAFF

Appointment

8. The officers and employees necessary for the proper conduct of the Commission's business shall be appointed in accordance with the Public Service Employment Act.

R.S., 1985, c. C-22, s. 8; 1993, c. 38, s. 84.

SUPERANNUATION

Full-time members' superannuation

9. (1) The full-time members of the Commission shall be deemed to be persons employed in the public service for the purposes of the Public Service Superannuation Act.

Compensation

(2) For the purposes of any regulations made pursuant to section 9 of the Aeronautics Act, the full-time members of the Commission shall be deemed to be persons employed in the federal public administration.

R.S., 1985, c. C-22, s. 9; 2003, c. 22, ss. 224(E), 225(E).

OFFICES, MEETINGS AND RESIDENCE

Head office

10. (1) The head office of the Commission shall be in the National Capital Region described in the schedule to the National Capital Act or at such other place within Canada as may be designated by the Governor in Council.

Regional offices

(1.1) The Governor in Council may direct the Commission to establish an office of the Commission in any region of Canada and the Commission shall comply with any such direction.

Meetings

(2) The Commission shall meet at least six times in each year.

Quorum

(3) A majority of the full-time members from time to time in office and a majority of the part-time members from time to time in office constitute a quorum of the Commission.

Telephone conferences

(4) A member may, subject to the by-laws of the Commission, participate in a meeting of the Commission or a committee of the Commission by means of such telephone or other communication facilities as permit all persons participating in the meeting to hear each other, and a member who participates in such a meeting by those means is deemed for the purposes of this Act to be present at the meeting.

R.S., 1985, c. C-22, s. 10; 1991, c. 11, s. 78.

Residence of members

10.1 (1) Subject to subsection (2), the full-time members of the Commission shall reside in the National Capital Region as described in the schedule to the National Capital Act or within such distance thereof as may be determined by the Governor in Council.

Idem

(2) Where a regional office of the Commission is established under subsection 10(1.1), a full-time member of the Commission who is designated for the purposes of this section by the Governor in Council shall reside in the region and within such distance of the regional office as may be determined by the Governor in Council.

1991, c. 11, s. 79.

BY-LAWS

By-laws of Commission

11. (1) The Commission may make by-laws

(a) respecting the calling of meetings of the Commission;

(b) respecting the conduct of business at meetings of the Commission, the establishment of special and standing committees of the Commission, the delegation of duties to those committees and the fixing of quorums for meetings thereof; and

(c) fixing

(i) the fees to be paid to part-time members for attendances at meetings of the Commission or any committee thereof or at public hearings before the Commission that they are requested by the Chairperson to attend, and

(ii) the travel and living expenses to be paid to members.

By-law subject to Minister's approval

(2) No by-law made under paragraph (1)(c) has any effect unless it has been approved by the Minister.

R.S., 1985, c. C-22, s. 11; 2001, c. 34, s. 31(E).

OBJECTS, POWERS, DUTIES AND FUNCTIONS

In relation to broadcasting

12. (1) The objects and powers of the Commission in relation to broadcasting are as set out in the Broadcasting Act.

Telecommunications

(2) The full-time members of the Commission and the Chairperson shall exercise the powers and perform the duties vested in the Commission and the Chairperson, respectively, by the Telecommunications Act or by any special Act within the meaning of that Act.

By-laws

(3) The full-time members of the Commission may
(a) make by-laws respecting the establishment of special and standing committees of the full-time members, the delegation of the powers, duties and functions of the full-time members to those committees and the fixing of quorums for meetings thereof; and

(b) by any such by-law, provide that any act or thing done by any such committee in the exercise of the powers or the performance of the duties and functions so delegated to it shall be deemed to be an act or thing done by the full-time members.

R.S., 1985, c. C-22, s. 12; 1991, c. 11, s. 80; 1993, c. 38, s. 85; 2001, c. 34, s. 31(E).

Annual report

13. The Commission shall, within three months after the end of each fiscal year, submit to the Minister a report, in such form as the Minister may direct, on the activities of the Commission for that fiscal year, and the Minister shall cause a copy of the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives it.

R.S., 1985, c. C-22, s. 13; 1991, c. 11, s. 80.

14. [Repealed, 1991, c. 11, s. 80]

RELATED PROVISION

-- 1991, c. 11, s. 91:

Full-time members of Commission

91. (1) Every person holding office as Chairman, Vice-Chairman or full-time member of the Commission immediately before the coming into force of section 76 shall continue in office and be deemed to have been appointed under section 3 of the Canadian Radio-television and Telecommunications Commission Act, as amended by this Act, to hold office for the remainder of the term for which the person had been appointed before the coming into force of section 76.

Part-time members of Commission

(2) The part-time members of the Commission holding office immediately before the coming into force of section 76 shall cease to hold office on the coming into force of that section.