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Memo

SUBJECT: **Radio Act Consolidation for the Museum**

As discussed earlier, you will find enclosed a historical Consolidation of the Radio Act as it has evolved over the years. This document dates back to **1852** when the first act relating to Telegraphy was passed, and comes to conclusion in **1989** as we celebrate the 20th anniversary of the Department of Communications.

The document was researched and prepared by Pierre Poulin of DRP-R to be used as an exhibit for the Museum established for the 20th Anniversary of the Department.

INTRODUCTION

The Acts in this document have been reasearched and assembled for their relationship with the Radio Act as we know it now. They show the evolution of the intents of the legislators to follow the technological progresses.

It is hoped that your consultation will be fruitful and enjoyable.

This consolidation was prepared by Pierre Poulin of DRP-R.

March, 1989

1852 (16 VICTORIA, CAP. X),
An Act to provide by one General Law for the Incorporation of
Electric Telegraph Companies.

[Assented to 10th November, 1852.]

Features: This Act is the first one we could find that is in
some way related to the Radio Act. It was passed by the fourth
Parliament of Canada, in Quebec, in 1852.

1859 (The Consolidated Statutes of Canada. CAP. LXVII.),

An Act respecting Electric Telegraph Companies.

Features: This is the consolidation of the previous Act. It
is found in the Consolidated Statutes of Canada of 1859.

1875 (38 VICTORIA, CHAP. 26.),

An Act to regulate the construction and maintenance of Marine
Electric Telegraphs.

[Assented to 8th April, 1875]

Features: Passed by the third Parliament of Canada held in
Ottawa, in 1875.

1881 (44 VICTORIA, CHAP. 26.),

An Act to prescribe a declaration to be taken by employees on
telegraph lines under the control of the Government, and to
provide for the punishment of telegraph operators and employees
who divulge the contents of certain telegrams.

[Assented to 21st March, 1881.]

Features: Act passed by the fourth Parliament in Ottawa, in
1881. For the first time in Canadian legislation the right to
the privacy of private communications is recognized.

1882 (45 VICTORIA, CHAP. 40.),

An Act declaratory of the meaning of the word telegraph in certain cases.

[Assented to 17th May, 1882]

Features: The telephone was invented in 1876. The term telegraph was not to be understood to include the telephone.

1886 (Revised Statutes of Canada, CHAP. 132.),

An Act respecting Electric Telegraph Companies.

Features: This is a revision of chapter 67 of the Consolidated Statutes of 1859 and of chapter 40 of the statutes of 1882 (see above).

1886 (Revised Statutes of Canada, CHAP. 133.),

An Act respecting Marine Electric Telegraphs.

Features: Revision of chapter 26 of the Statutes of 1875.

1886 (Revised Statutes of Canada, CHAP. 134.),

An Act respecting secrecy by officers and persons employed on Telegraph Lines.

Features: Revision of chapter 26 of the Statutes of 1881.

These three revised Acts are a rearrangement of the provisions contained in previous acts.

1905 (4-5 Edward VII, CHAP. 49)

An Act to provide for the regulation of Wireless Telegraphy in Canada

[Assented to 20th July, 1905]

Short title: The Wireless Telegraphy Act, 1905.

Features: This is the first time an Act of the Parliament of Canada deals directly with wireless telegraphy. Although it comprises only six sections, most of them can still be found in the Radio Act in force at the end of the Eighties. The

Minister of Marine and Fisheries is responsible for the administration of the Act, because of the importance of telecommunications in maritime activities.

1906 (Revised Statutes of Canada, 1906, Chap. 126)

An Act respecting Telegraphs.

Short title: The Telegraphs Act.

Features: In this revision, the Acts previously passed to deal with telegraphy are integrated to form one general Act. Part IV deals particularly with wireless telegraphy and restates the provisions of the 1905 Act.

1913 (3-4 George V, Chap. 43)

An Act respecting Radiotelegraphy.

[Assented to 6th June 1913.]

Short title: The Radiotelegraph Act.

Features: This Act repeals Part IV of the Telegraphs Act dealing with wireless telegraphy (see 1906). For the first time, the regulatory power is split between the Governor in Council and the Minister of Naval Services, who is responsible for the administration of the Act. The backbone of the 1938 Act can be found in this piece of legislation.

1923 (13-14 George V, Chap. 26)

An Act to amend The Radiotelegraph Act.

[Assented to 13th June, 1923.]

Features: The regulatory powers given to the Governor in Council are amended.

1927 (The Revised Statutes of Canada, 1927, Chap. 195)

An Act respecting Radiotelegraphy.

Short title: Radiotelegraph Act.

Features: Revision of The Radiotelegraph Act (1913). The

Minister responsible is now the Minister of Marine and Fisheries.

1938 (2 George VI, Chap. 50)

An Act respecting Radio In Canada.

[Assented to 1st July, 1938.]

Short title: The Radio Act, 1938.

Features: This is the first Act to be called the Radio Act. Broadcasting enters the scene. The Minister of Transport is responsible for enforcing the Act. Licensing of private receiving stations, including domestic apparatus, is made mandatory. The Radiotelegraph Act is repealed.

1951 (15 George VI, Chap. 22)

An Act to amend The Radio Act, 1938.

[Assented to 31st May, 1951]

Features: "telecommunication" is defined. Exemptions are created for certain foreign operators.

1952 (The Revised Statutes of Canada, 1952, Chap. 233)

An Act respecting Radio in Canada

Short title: Radio Act.

Features: The Minister of Transport is responsible. Mandatory licensing of private receiving stations abolished.

1953 (1-2 Elizabeth II, Chap. 48)

An Act to amend The Radio Act, 1938.

[Assented to 14th May, 1953]

Features: Part I amends The Radio Act, 1938, and comes into force on the 31st day of March, 1953.

Part II amends the Radio Act, chapter 233 of the Revised Statutes of Canada, 1952, and repeals Part I on the day the Revised Statutes come into force.

1954 (2-3 Elizabeth II, Chap. 31)

An Act to amend the Radio Act.

[Assented to 27th May 1954]

Features: Amending conditions for the exemption of certain radio operators.

1955 (3-4 Elizabeth II, Chap. 57)

An Act to amend the Radio Act.

[Assented to 28th July, 1955]

Features: Provision regarding the regulation of antennae, etc.

1968 (16-17 Elizabeth II, Chap. 25)

An Act to implement a broadcasting policy for Canada, to amend the Radio Act in consequence thereof and to enact other consequential provisions.

[Assented to 7th March, 1968]

Short title: Broadcasting Act

Features: In addition to defining a broadcasting policy for Canada, this Act substantially amends the Radio Act in consequence thereof. For the first time reference is made to communications transmitted by space vehicles.

1969 (17-18 Elizabeth II, Chap. 28)

An Act respecting the organization of the Government of Canada and matters related or incidental thereto

[Assented to 28th March, 1969]

Short title: Government Organization Act, 1969

Features: Creation of the Department of Communications and definition of the Minister's powers and responsibilities. The Radio Act is amended. The Act is published in the bilingual format on two columns as the new Official Languages Act states the acts of Parliament of Canada must be.

1970 (Revised Statutes of Canada, 1970, Chap. R-1)

An Act respecting radio in Canada

Short title: Radio Act

Chapter 10 (2nd Supp.), Revised Statutes of Canada, 1970

An Act respecting the Federal Court of Canada
[1970-71-72, c. 1]

Short title: Federal Court Act

Features: Section 64 of this Act amends section 12 of the Radio Act, changing the reference to the Exchequer Court to the Federal Court.

1974-75-76 (23-24 Elizabeth II, c. 49)

An Act to establish the Canadian Radio-television and Telecommunications Commission, to amend the Broadcasting Act and other Acts in consequence thereof and to enact other consequential provisions

[Assented to 19th June, 1975]

Short title: Canadian Radio-television and Telecommunications Commission Act

Features: Creation of the CRTC. Item 4 of the Schedule amends section 8 of the Radio Act.

1977-78 Bills C-43, C-24 and C-16 do not pass first reading stage, but for reasons unrelated to spectrum management.

1985 (Revised Statutes of Canada, 1985, Chapter R-2)

An Act respecting radio in Canada

Short title: Radio Act

Features: The last revision of the Radio Act.

1987 (35-36 Elizabeth II, c. 4)
An Act to amend the Radio Act

[Assented to 25th March, 1987]

Features: This Act states that Her Majesty is bound by the Radio Act and eliminates the exemption with respect to the payment of a fee for any licence or certificate issued to Her Majesty in right of Canada or any province. It was passed as a consequence of a policy decision of the Government.

1988 Bills C-136 and C-151 were introduced in Parliament but died on the Order Paper at the dissolution of Parliament when the 1988 general election was called.

Bill C-136, An Act respecting broadcasting and to amend certain Acts in relation thereto and in relation to radiocommunication

Short title: Broadcasting Act

Features: In addition to amending rules dealing directly with broadcasting, the Bill introduced into the Radio Act concepts like the unlawful interception of radiocommunications, encrypted signal or network feed, etc., and created offences related to those concepts as well as a right to civil action and the possibility to get an injunction.

Introduced on June 23, 1988, Bill C-136 was passed by the House of Commons where it received third reading on August 28, 1988, and was sent to the Senate for first reading on September 29, 1988 and second reading on September 30, 1988. The election was called on the next day, October 1st, 1988.

1988 Bill C-151, An Act to amend the Radio Act and certain other Acts in consequence thereof

Long title: An Act respecting radiocommunication in Canada

Short title: Radiocommunication Act

Features: A major reorganization of the Radio Act, the first overall revision since 1938. Harmful interference is defined. The Radio Act deals with radio apparatus and, to a certain

extent, with interference causing equipment. Once this Bill comes into force, radio-sensitive equipment will also be subject to regulation under the Radiocommunication Act.

This Bill was introduced in the House of Commons (first reading on August 17, 1988), but did not progress any further.