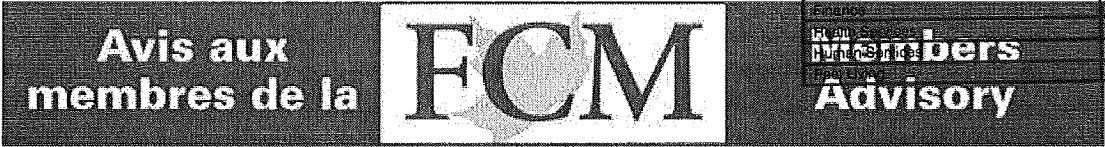


LEGISLATIVE SERVICES	
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CAO	<input checked="" type="checkbox"/>
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Environment, Transportation and Planning Services	May 7 <sup>th</sup>
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April 27, 2009

Please Distribute to Clerk's Office and All Members of Council

**CRTC ANNOUNCES MUNICIPAL EXEMPTION FROM NATIONAL DO NOT CALL LIST**

On September 30, 2008, the Canadian Radio-television and Telecommunications Commission (CRTC) launched the National Do Not Call List (DNCL) and set out the Unsolicited Telecommunications Rules with the intent of giving consumers a choice about whether to receive telemarketing calls. Last week, in direct response to concerns raised by FCM, the CRTC announced that all municipal politicians would now be exempted from the regulations.

Initially, municipal election candidates were exempted from the restrictions imposed by the list but only if calls for these candidates were made on behalf of a registered political party. The restrictions imposed by the National DNCL legislation meant that if a candidate was not affiliated with a registered political party and called a number on the list to solicit volunteer or financial support, a complaint could be lodged with the CRTC. The candidate could then be fined \$1,500 per call. In addition, candidates or currently elected officials would be required to register with the CRTC prior to making any telemarketing calls. Candidates would also be required to pay a subscription fee to access the list.

Considering that almost no municipal political parties are registered under law in Canada, and that in many provinces and territories the legislation governing municipal elections does not provide for the registration of political parties, it was obvious that the CRTC had not fully considered the potential consequences of these new rules.

The concerns of municipalities were raised directly and immediately with the CRTC by FCM and a number of provincial-territorial municipal associations. The CRTC quickly showed an understanding of the need to amend the legislation governing the National DNCL and issued a call for comments to exempt municipal elected officials and candidates.

On April 20, 2009, the CRTC issued a public notice on the National DNCL in which it clarified the telemarketing rule affecting municipal election candidates. In the notice, the CRTC concludes that telemarketing telecommunications made by

REFERRAL TO \_\_\_\_\_  
 RECOMMENDED \_\_\_\_\_  
 DIRECTION REQUIRED \_\_\_\_\_  
 RECEIPT RECOMMENDED  \_\_\_\_\_

or on behalf of non-party candidates, that includes all municipal election candidates and office-holders, should be exempt from the National DNCL rules.

Accordingly, the Commission states that the National DNCL rules do not apply to a telemarketing telecommunication made by or on behalf of a candidate as defined in the Canada Elections Act, or of a candidate under provincial/territorial law for the purposes of a provincial or municipal election, or by or on behalf of the official campaign of such a candidate.

This rule change is good news for municipal governments and all municipal election candidates and office-holders. It allows the municipal democratic process to be carried out under the same exemptions granted to federal, provincial and territorial governments.

More information about the DNCL is available at <https://www.inte-dncl.gc.ca/index-eng>.