



May 17, 2006

Ms. Diane Rhéaume
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON
K1A 0N2

Dear Ms. Rhéaume:

Reply Comments re: Telecom Public Notice CRTC 2006-04

The Canadian Newspaper Association (CNA) submits these reply comments to the Canadian Radio-television Telecommunications Commission (CRTC) to ensure the public record is clear on where the Canadian newspaper industry stands in terms of the Do-Not-Call-List (DNCL).

The CNA did not appear before the Commission at the recent public hearings into the DNCL because our position as an industry had been fully described in our written submission to the CRTC, and, with nothing further to add we did not wish to needlessly take up the Commission's time. As the Commission is aware, Parliament has unanimously granted newspapers an exemption from most of the provisions of Bill C-37, however the newspaper industry has offered a series of voluntary proposals to ensure that newspaper telemarketing continues to be conducted according to the highest possible standards of business practice.

Despite the clarity of the law, we feel it is now necessary to address certain statements made during the course of the public hearings to clear the record of any misconceptions.

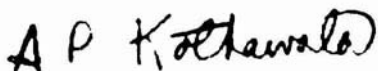
The Canadian Newspaper Association respectfully submits that:

- 1) The definition of a "newspaper of general circulation" in Section 41.7 (1)(g) of Bill C-37 clearly expresses the will of Parliament. While during the course of public hearings it was suggested by one witness that this definition needs to be further refined, no evidence to support this contention was presented by this witness, nor within the 36 submissions from interested parties, nor in over 600 submissions from the public.
- 2) Freedom of the press is guaranteed under Section 2(b) of the Charter of Rights and Freedoms. Any attempt by a government or regulatory body to

- impose a definition of what a newspaper is or is not would likely become entangled in Charter issues and quickly prove unworkable, causing not more clarity but greater confusion.
- 3) We believe that the requirement to monitor and judge the content of newspapers to ensure conformity with any such definition imposed by this regulatory body would lead the Commission into uncharted territory far beyond the scope of its mandate.
 - 4) During the public hearings, the newspaper industry's proposals to adopt an industry-wide code of telemarketing practice were criticized as creating a two-tiered system. We disagree with the thrust of this argument. The existence of two tiers of telemarketers is already an established fact in law: some telemarketing activities have been exempted and some have not. Newspapers fall into the former category.
 - 5) Bill C-37 does not remove newspapers' obligation to comply with pre-existing telemarketing law. To this point, we submit that numerous examples exist where voluntary codes of practice such as we have proposed for our industry have raised the standards of behaviour and compliance with existing regulations far beyond what is required in law. With the code of practice currently being developed by the CNA in conjunction with the entire newspaper industry, we wish to join the ranks of other industries which have proven successful in this regard.

The Canadian Newspaper Association wishes to thank the CRTC for the opportunity to file these reply comments as clarification of any misperceptions that may have arisen in the course of the public hearings concerning our industry's exemption from the DNCL.

Sincerely,



Anne Kothawala
President and CEO