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BACKGROUND PAPER



Canadian Broadcasting Policy

Publication No. 2011-39-E
23 June 2011
Revised 6 August 2014

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Parliamentary Information and Research Service

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Canadian Broadcasting Policy
(Background Paper)

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Ce document est également publié en français.

CONTENTS

1	INTRODUCTION.....	1
2	A BRIEF HISTORY OF CANADIAN BROADCASTING POLICY	1
3	THE PRINCIPLES OF CANADIAN BROADCASTING POLICY.....	3
3.1	General Principles.....	3
3.2	The Role of the CRTC.....	4
3.3	Other Federal Organizations That Contribute to Broadcasting Policy.....	4
3.4	The Role of CBC/Radio-Canada.....	5
3.5	Canadian Content	5
4	THE CHALLENGES TO CANADIAN BROADCASTING POLICY.....	6
4.1	Technological Developments and Structural Changes.....	6
4.2	Convergence.....	7
4.3	Fragmentation	7
4.4	Corporate Consolidation	7
4.5	Canadian Content	8
4.6	CBC/Radio-Canada's Plan for Meeting Challenges	8
5	CONCLUSION	8

FURTHER READING

APPENDIX A – BROADCASTING POLICY FOR CANADA

APPENDIX B – OBJECTS AND POWERS OF THE COMMISSION IN RELATION
TO BROADCASTING

CANADIAN BROADCASTING POLICY

1 INTRODUCTION

Since the dawn of broadcasting in the 1920s, Canadian broadcasting policy has adapted to new technologies while ensuring that the broadcasting system is controlled by Canadians, includes public and private broadcasting, reflects Canadian values, promotes Canadian content, and makes use of Canadian creative resources. In recent years, the development of digital technology and the Internet has presented challenges to ensuring some of these objectives.

This paper gives a brief history of Canadian broadcasting policy, and looks at the principles of the policy, the role of the system's regulator and other federal organizations, and policies regarding Canadian content. It then discusses some of the technological and structural changes that are creating challenges for the broadcasting policy. This paper also offers some suggestions for further reading.

2 A BRIEF HISTORY OF CANADIAN BROADCASTING POLICY

The origins of Canadian broadcasting policy go back to the 1920s, when commercial radio broadcasting was in its infancy. Faced with an influx of American radio signals, the federal government set up the Royal Commission on Radio Broadcasting. It recommended public ownership of the broadcasting system, but the government opted for a mix of public and private ownership. The public broadcaster was established in 1932, when Parliament passed the *Canadian Radio Broadcasting Act*. First known as the Canadian Radio Broadcasting Commission, four years later it became the Canadian Broadcasting Corporation. It is referred to as the CBC in English and as Radio-Canada in French.

Initially, CBC/Radio-Canada was responsible for not only producing information and entertainment programming, but also for regulating the broadcasting system. This changed in the late 1950s. In 1957, the Royal Commission on Broadcasting recommended that a new agency be established to regulate the system. Accordingly, the *Broadcasting Act* of 1958 created the Board of Broadcast Governors (BBG) and made it responsible for regulating CBC/Radio-Canada and private broadcasters. At the same time, requirements for Canadian content were introduced. The new Act set out, for the first time, the principle that the broadcasting system should be Canadian in content and character. The first Canadian content regulations were introduced the following year.¹

CBC/Radio-Canada began television broadcasting in 1952. The 1960s saw the development of private television broadcasting and cable television distribution. As a result, many Canadians had increased access to American programming. This led to a series of studies on the broadcasting system, which in turn led to the adoption of a new *Broadcasting Act* in 1968. It introduced many of the central features of today's broadcasting policy. For one thing, it set out the objectives of the broadcasting policy and declared that "the Canadian broadcasting system should be effectively owned

and controlled by Canadians so as to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada.”² It also created the Canadian Radio-television Commission (now the Canadian Radio-television and Telecommunications Commission, or CRTC) to replace the BBG. The CRTC was given the role of putting the broadcasting policy into effect, the power to issue broadcast licences, and the authority over cable television.³ From the outset, the CRTC was more active than the BBG had been in upholding Canadian content quotas.

In 1972, the distribution of television signals by satellite began. During the 1980s, further studies of the broadcasting system were conducted by the Federal Cultural Policy Review Committee, the Task Force on Broadcasting Policy, and the House of Commons Standing Committee on Communications and Culture. These contributed to a revised *Broadcasting Act*, which was adopted by Parliament in 1991. This is the Act that is in force today.⁴

The early 1990s saw the development of digital media, also known as new media, which allowed the distribution of pictures, music and video over the Internet. The rapid development of these technologies raised questions about their role in broadcasting. After studying the issue, the CRTC said there was a significant amount of Canadian new media content and that its production and distribution would not be helped by regulation. Furthermore, it said it wanted to encourage innovation in the sector. Consequently, the CRTC issued an order in 1999 exempting broadcasting in new media from regulation. This means that broadcasting over the Internet is not subject to licensing.

In 2003, the House of Commons Standing Committee on Canadian Heritage tabled a major report on the broadcasting system entitled *Our Cultural Sovereignty: The Second Century of Canadian Broadcasting*. In it, the committee concluded that the *Broadcasting Act* of 1991 continued to respond to the needs of Canadians and needed few changes. Rather, the committee felt the key issues facing the broadcasting system revolved around how to carry out the intentions of the Act. For instance, it recommended that a policy statement be developed in order to provide definitions of key terms in the broadcasting policy.⁵

In 2005, the federal government responded to the committee report with an action plan based on three pillars: focusing on Canadian content, improving governance and accountability, and looking towards the future in order to adapt to technological changes. The government said the objectives of the 1991 *Broadcasting Act* were sound and saw no need to modify them.⁶

In 2006, the federal government asked the CRTC to provide a factual report on the future environment facing the whole broadcasting system. The report, which was based on submissions from individuals, consumer groups, broadcasters, distributors and industry associations, provided details on technological developments and trends, and suggested policy action. The majority of those who presented submissions expressed support for or acceptance of the objectives of the broadcasting policy contained in the Act. There were, however, significant differences of opinion about regulatory policy objectives contained in the Act and the priority that should be given to the various objectives (see section 3.2, “The Role of the CRTC”).⁷

In 2009, the CRTC, after examining the 1999 exemption of broadcasting in new media, decided to continue to exempt from regulation broadcasting over the Internet and through mobile devices. The CRTC said such broadcasting complements traditional broadcasting and that intervention would get in the way of innovation.⁸

In August 2011, over-the-air television transmission in major markets and on certain channels in other areas switched from analog to digital. The change affected only those consumers who received their television signals with an antenna and did not have a television set with a digital tuner.⁹

In 2013, another examination of the television system began. The October 2013 Speech from the Throne announced that the government would require television channels offered by distribution services “to be unbundled, while protecting Canadian jobs.”¹⁰ On 24 October, the CRTC launched a public consultation on the television system. On 7 November, the government asked the CRTC to report on how television service subscribers could choose discretionary (i.e., pay-TV and specialty) television channels on a stand-alone basis, in other words unbundled. In its April 2014 report, the CRTC proposed an approach that would include an all-Canadian basic package, the option to select discretionary channels on a stand-alone basis and the option to select packages of channels. It is unclear, however, what impact this might have on consumers, producers and official language minority communities, and the CRTC said it would evaluate the approach during its public consultation.¹¹

3 THE PRINCIPLES OF CANADIAN BROADCASTING POLICY

3.1 GENERAL PRINCIPLES

The broadcasting policy contained in subsection 3(1) of the *Broadcasting Act* contains a number of objectives (see Appendix A). Among other things, these objectives provide that the Canadian broadcasting system:

- shall be effectively owned and controlled by Canadians;
- shall operate primarily in the English and French languages and comprise public, private and community elements;
- should serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada;
- should encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity;
- should serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society, and the special place of Aboriginal peoples within that society; and
- should make maximum use of Canadian creative and other resources in the creation and presentation of programming.

The broadcasting policy also assigns programming objectives to CBC/Radio-Canada. In addition, the policy provides for educational programming, programming that reflects the Aboriginal cultures of Canada, programming accessible by disabled persons, and alternative television programming. Subsection 3(2) of the *Broadcasting Act* declares that the broadcasting system constitutes a single system and that the objectives of the broadcasting policy can be best achieved through regulation and supervision by a single independent body – the CRTC.¹²

3.2 THE ROLE OF THE CRTC

The CRTC has a central role in the Canadian broadcasting system, regulating and supervising it so that it meets the objectives of the *Broadcasting Act's* broadcasting policy. To quote the CRTC, it ensures:

that Canadians have access to compelling creative content from diverse sources and on a variety of platforms, and that this content reflects Canada's diversity and enables Canadians to participate in their country's democratic and cultural life.¹³

To these ends, the CRTC issues broadcasting licences and makes decisions on mergers, acquisitions and changes of ownership in the broadcasting sector. In addition, the CRTC regulates the telecommunications sector to ensure that Canadians receive reliable telephone and other telecommunications services, at affordable prices. The CRTC regularly seeks input through public hearings, round-table discussions and informal forums.¹⁴ It issues numerous regulatory policies every year.

As mentioned earlier, the CRTC is guided by regulatory policy objectives, which are set out in section 5 of the *Broadcasting Act* (see Appendix B). While the regulatory policy objectives repeat many of the broadcast policy objectives, they also provide that the system be regulated in a flexible manner that does not inhibit the development of information technologies and is sensitive to the administrative burden of regulation.

Various groups have different opinions about the importance that should be given to the different provisions. For instance, cultural groups tend to emphasize the use of Canadian creative resources, while distributors tend to stress economic objectives and the need for innovation.¹⁵ Because the various objectives of the broadcasting policy and the regulatory policy are not prioritized, the CRTC must interpret their relative importance.¹⁶

3.3 OTHER FEDERAL ORGANIZATIONS THAT CONTRIBUTE TO BROADCASTING POLICY

Overall, broadcasting policy is a federal responsibility. In addition to the CRTC, a number of other federal bodies contribute to broadcasting policy. To guide the CRTC in its interpretation of the broadcasting policy, the Governor in Council (Cabinet) has the power to issue directions on broad policy matters,¹⁷ as well as on specific matters regarding the issuing of licences and the broadcasting of programs of urgent importance.¹⁸ To give an example, one of its directions to the CRTC says that no broadcasting licence may be issued to a non-Canadian applicant.¹⁹

Within the federal government, the Department of Canadian Heritage is responsible for ensuring that the Canadian broadcasting and digital communications sectors contribute to the realization of the policy objectives set out in the *Broadcasting Act*. The department administers programs to support the broadcasting policy, including the Canada Media Fund (see section 3.5, “Canadian Content”).²⁰

Parliamentary committees are involved in examining the broadcasting policy. In the Senate, broadcasting is included in the subject areas assigned to the Standing Senate Committee on Transport and Communications. In addition, the Standing Senate Committee on Official Languages sometimes studies CBC/Radio-Canada’s language obligations under the *Official Languages Act* and the *Broadcasting Act*.²¹

In the House of Commons, the Standing Committee on Canadian Heritage has the mandate to study and report on all matters relating to the mandate of the Department of Canadian Heritage. It has often invited officials from the department, the CRTC, CBC/Radio-Canada and other federal organizations to give testimony about aspects of the broadcasting policy. The committee can make recommendations regarding broadcasting policy. In addition, the Standing Committee on Official Languages regularly examines the language provisions of the broadcasting policy.

3.4 THE ROLE OF CBC/RADIO-CANADA

The mix of public and private broadcasting has been a feature of the Canadian broadcasting system since the 1930s. The broadcasting policy gives CBC/Radio-Canada a special mandate to “provide radio and television services incorporating a wide range of programming that informs, enlightens and entertains.” Among other things, this programming should be predominantly Canadian, serve the needs of the regions, be in English and in French, and be available throughout Canada.²² Given that CBC/Radio-Canada has these policy objectives, it has a role in establishing policies in these areas.²³

3.5 CANADIAN CONTENT

The development of Canadian content and its availability to Canadians is the underlying principle of the broadcasting policy. It provides for the encouragement of Canadian expression through a wide range of programming, gives CBC/Radio-Canada a special role as the national public broadcaster, and declares that programming should reflect linguistic, regional and cultural diversity.²⁴ Based on this, the CRTC has established requirements regarding Canadian content. These include a range of policies and regulations dealing with, among other things, the minimum numbers of Canadian programs and amount of Canadian music on radio and television, and the provision of Canadian programming services by cable and satellite distributors.²⁵

To ensure that Canadian programs and music receive sufficient airtime, the CRTC has established content requirements for television, radio and distributors. Its television policy makes certain that a range of diverse Canadian television programming is available for a sufficient number of hours.²⁶ Radio stations are required to play a percentage of Canadian content. For instance, 35% of the popular

music played on commercial radio stations between 6 a.m. and 6 p.m. must be Canadian content.²⁷ Distribution services must deliver more Canadian than non-Canadian audio and television services, and the CRTC has established rules about which Canadian services must be carried and how Canadian services are carried.²⁸

In addition, the broadcasting policy requires that each element of the broadcasting system contribute to the creation of Canadian programming. The elements are the programming services – such as radio and television services that decide what programs to carry – and distribution services, such as cable or satellite services that deliver programming to the public.²⁹ The CRTC provides incentives to the programming services for airing Canadian drama programs and obliges pay-TV and specialty television services to contribute to the production of Canadian programs.³⁰ As for distribution services, the CRTC requires them to make financial contributions towards the creation of Canadian programs. Typically, they must contribute a minimum of 5% of their gross annual revenues derived from broadcasting activities.³¹ In 2008, the CRTC created the Local Programming Improvement Fund to support local programming produced by conventional television stations in non-metropolitan areas. Due to the recession, these stations were experiencing financial difficulties. In 2012, however, the CRTC announced that because the Local Programming Improvement Fund had fulfilled its purpose, it would be phased out by 31 August 2014.³²

The Department of Canadian Heritage also has a role to play in designing and administering programs that encourage the development of Canadian content. One of these programs is the Canada Media Fund, a public-private partnership that funds content for television and emerging digital platforms.³³

4 THE CHALLENGES TO CANADIAN BROADCASTING POLICY

4.1 TECHNOLOGICAL DEVELOPMENTS AND STRUCTURAL CHANGES

As mentioned in the introduction, in recent years, the development of digital technology and the Internet has presented challenges to the broadcasting policy. Digitization refers to the conversion of analog information – be it text, pictures, sound or video – into digital code that can then be processed by computers. The distribution of this code over the same networks is referred to as convergence.

Digitization and convergence have resulted in two major changes in the broadcasting environment – fragmentation and corporate consolidation. Fragmentation comes about as a result of the explosion in the number of services and applications. Some of these are delivered by traditional, regulated players, while others are delivered by unregulated players over the Internet or wireless networks.

Corporate consolidation comes about when companies either take over other similar companies (horizontal integration) or become involved in different aspects of broadcasting (vertical integration). Vertically integrated companies can be

involved in production, broadcasting and broadcasting distribution, and often provide telecommunications services as well. Corporate consolidation could have the effect of reducing competition and the diversity of voices.³⁴

The following sections look at the implications of these developments for Canada's broadcasting policy.

4.2 CONVERGENCE

As a result of digitization and convergence, the distinction between broadcasting and telecommunications is blurring, yet these two areas are governed by different acts: the *Broadcasting Act* and the *Telecommunications Act*. However, there is more and more overlap between these two acts.³⁵

For instance, there has been controversy around the question of whether Internet service providers (ISPs), which are subject to the *Telecommunications Act*, are also "broadcasting undertakings" under the *Broadcasting Act*. While ISPs argue that they provide a content-neutral service, cultural groups maintain that they operate as broadcasting undertakings and as such should be subject to the Act. Such groups also insist that ISPs should contribute to a fund to support the creation of Canadian content. Asked by the CRTC to rule on the matter, the Federal Court of Appeal ruled in 2010 that while ISPs provide access to broadcasting, as content-neutral service providers they do not carry on as broadcasting undertakings.³⁶ In February 2012, the Supreme Court of Canada upheld the Federal Court of Appeal's decision.³⁷

4.3 FRAGMENTATION

Fragmentation has resulted in not only a greater number of regulated sources – such as specialty channels delivered by cable or satellite services – but also a greater number of unregulated sources, such as programming that is delivered over the Internet. The impact for the broadcasting policy is that advertising and subscription revenues may be diverted from regulated broadcasters to unregulated services. This shift of revenues could have an impact on the ability of regulated broadcasters to contribute to the production funds that help produce Canadian content. At the same time, fragmentation can allow Canadian companies to compete in the global marketplace, which can provide benefits for Canada.³⁸

4.4 CORPORATE CONSOLIDATION

Since 2001, corporate consolidations have brought about vertical integration in the broadcasting industry. Notable consolidations include the acquisition of TVA by Quebecor Media, five City Television stations by Rogers Media, Canwest Global by Shaw Communications, and CTVglobemedia by BCE. In June 2013, the CRTC approved BCE's acquisition of Astral Media's television and radio services. In doing so, the CRTC imposed a number of conditions designed to ensure that the broadcast system remains competitive.³⁹

Vertical integration has advantages, such as cost reduction, but it carries the risk that the integrated companies will favour firms within their own group. With increased corporate consolidation, the CRTC decided in 2010 to take a group-based approach to reviewing the licensing of large private television ownership groups that operate conventional and specialty services. In the past, these services were considered individually. The objective of the new approach is to provide the ownership groups with greater flexibility in allocating resources between their various services.⁴⁰

To address concerns about integrated companies favouring their own firms, in September 2011 the CRTC announced a regulatory framework intended to prohibit companies from offering television programs to their mobile or Internet subscribers on an exclusive basis. The CRTC also adopted a code of conduct to prevent anti-competitive behaviour and implemented measures to ensure the fair treatment of independent distributors and broadcasters.⁴¹

4.5 CANADIAN CONTENT

The traditional approach to supporting the development of Canadian content and its availability to Canadians has been based on the scarcity of spectrum – the limited availability of radio frequencies. To have access to the spectrum, a broadcaster requires a licence from the CRTC. In return, the broadcaster must adhere to Canadian content regulations, which set minimum levels of spending on Canadian programs and minimum numbers of hours for airing Canadian programs.

On the Internet, however, scarcity of spectrum is not an issue and there is a vast amount of content from all kinds of sources. As former CRTC Chairperson Konrad von Finckenstein noted in a speech, “the control of access as a means of guaranteeing the supply of Canadian content is becoming outdated. In the future, if we want Canadian content in any media, we’ll have to consider an increased role for support and promotion, and a more innovative use of the public broadcaster to that end.”⁴²

4.6 CBC/RADIO-CANADA’S PLAN FOR MEETING CHALLENGES

Like all broadcasters, CBC/Radio-Canada must adapt to technological change. At the same time, it must respect the mandate set out in the *Broadcasting Act*. CBC/Radio-Canada’s latest plan for adapting to the changing environment is entitled *A Space for Us All*. Launched in June 2014, it accelerates the shift to digital services, provides for a continued regional presence, but at lower cost, and reduces in-house production, except in news, current affairs and radio.⁴³

5 CONCLUSION

When Parliament adopted the *Broadcasting Act* in 1991, many of the technologies that are in widespread use today did not exist. The changes brought about by the adoption of digital technologies have created challenges for implementing the objectives of the Act.

While the traditional objectives of the broadcasting policy – Canadian ownership, a mix of public and private broadcasting, the production and distribution of Canadian content, and the use of Canadian creative resources – remain in place, there is ongoing debate about how best to achieve these objectives. Technological changes have made the situation more complicated.

In order to understand the rapidly changing environment, the CRTC monitors trends and often holds hearings to learn more about emerging issues. From time to time, it issues policy decisions that direct how the objectives of the broadcasting policy will be implemented. In this way, Canadian broadcasting policy will continue to evolve until the next revision of the *Broadcasting Act*.

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APPENDIX A – BROADCASTING POLICY FOR CANADA*

Declaration

3. (1) It is hereby declared as the broadcasting policy for Canada that

(a) the Canadian broadcasting system shall be effectively owned and controlled by Canadians;

(b) the Canadian broadcasting system, operating primarily in the English and French languages and comprising public, private and community elements, makes use of radio frequencies that are public property and provides, through its programming, a public service essential to the maintenance and enhancement of national identity and cultural sovereignty;

(c) English and French language broadcasting, while sharing common aspects, operate under different conditions and may have different requirements;

(d) the Canadian broadcasting system should

(i) serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada,

(ii) encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, by displaying Canadian talent in entertainment programming and by offering information and analysis concerning Canada and other countries from a Canadian point of view,

(iii) through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society, and

(iv) be readily adaptable to scientific and technological change;

(e) each element of the Canadian broadcasting system shall contribute in an appropriate manner to the creation and presentation of Canadian programming;

(f) each broadcasting undertaking shall make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation and presentation of programming, unless the nature of the service provided by the undertaking, such as specialized content or format or the use of languages other than French and English, renders that use impracticable, in which case the undertaking shall make the greatest practicable use of those resources;

(g) the programming originated by broadcasting undertakings should be of high standard;

CANADIAN BROADCASTING POLICY

- (h) all persons who are licensed to carry on broadcasting undertakings have a responsibility for the programs they broadcast;
- (i) the programming provided by the Canadian broadcasting system should
 - (i) be varied and comprehensive, providing a balance of information, enlightenment and entertainment for men, women and children of all ages, interests and tastes,
 - (ii) be drawn from local, regional, national and international sources,
 - (iii) include educational and community programs,
 - (iv) provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern, and
 - (v) include a significant contribution from the Canadian independent production sector;
- (j) educational programming, particularly where provided through the facilities of an independent educational authority, is an integral part of the Canadian broadcasting system;
- (k) a range of broadcasting services in English and in French shall be extended to all Canadians as resources become available;
- (l) the Canadian Broadcasting Corporation, as the national public broadcaster, should provide radio and television services incorporating a wide range of programming that informs, enlightens and entertains;
- (m) the programming provided by the Corporation should
 - (i) be predominantly and distinctively Canadian,
 - (ii) reflect Canada and its regions to national and regional audiences, while serving the special needs of those regions,
 - (iii) actively contribute to the flow and exchange of cultural expression,
 - (iv) be in English and in French, reflecting the different needs and circumstances of each official language community, including the particular needs and circumstances of English and French linguistic minorities,
 - (v) strive to be of equivalent quality in English and in French,
 - (vi) contribute to shared national consciousness and identity,
 - (vii) be made available throughout Canada by the most appropriate and efficient means and as resources become available for the purpose, and
 - (viii) reflect the multicultural and multiracial nature of Canada;

(n) where any conflict arises between the objectives of the Corporation set out in paragraphs (l) and (m) and the interests of any other broadcasting undertaking of the Canadian broadcasting system, it shall be resolved in the public interest, and where the public interest would be equally served by resolving the conflict in favour of either, it shall be resolved in favour of the objectives set out in paragraphs (l) and (m);

(o) programming that reflects the aboriginal cultures of Canada should be provided within the Canadian broadcasting system as resources become available for the purpose;

(p) programming accessible by disabled persons should be provided within the Canadian broadcasting system as resources become available for the purpose;

(q) without limiting any obligation of a broadcasting undertaking to provide the programming contemplated by paragraph (i), alternative television programming services in English and in French should be provided where necessary to ensure that the full range of programming contemplated by that paragraph is made available through the Canadian broadcasting system;

(r) the programming provided by alternative television programming services should

(i) be innovative and be complementary to the programming provided for mass audiences,

(ii) cater to tastes and interests not adequately provided for by the programming provided for mass audiences, and include programming devoted to culture and the arts,

(iii) reflect Canada's regions and multicultural nature,

(iv) as far as possible, be acquired rather than produced by those services, and

(v) be made available throughout Canada by the most cost-efficient means;

(s) private networks and programming undertakings should, to an extent consistent with the financial and other resources available to them,

(i) contribute significantly to the creation and presentation of Canadian programming, and

(ii) be responsive to the evolving demands of the public; and

(t) distribution undertakings

(i) should give priority to the carriage of Canadian programming services and, in particular, to the carriage of local Canadian stations,

CANADIAN BROADCASTING POLICY

(ii) should provide efficient delivery of programming at affordable rates, using the most effective technologies available at reasonable cost,

(iii) should, where programming services are supplied to them by broadcasting undertakings pursuant to contractual arrangements, provide reasonable terms for the carriage, packaging and retailing of those programming services, and

(iv) may, where the Commission considers it appropriate, originate programming, including local programming, on such terms as are conducive to the achievement of the objectives of the broadcasting policy set out in this subsection, and in particular provide access for underserved linguistic and cultural minority communities.

Further declaration

(2) It is further declared that the Canadian broadcasting system constitutes a single system and that the objectives of the broadcasting policy set out in subsection (1) can best be achieved by providing for the regulation and supervision of the Canadian broadcasting system by a single independent public authority.

NOTES

* Source: [Broadcasting Act](#), S.C. 1991, c. 11.

APPENDIX B – OBJECTS AND POWERS OF THE COMMISSION IN RELATION TO BROADCASTING*

Objects

5. (1) Subject to this Act and the *Radiocommunication Act* and to any directions to the Commission issued by the Governor in Council under this Act, the Commission shall regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy set out in subsection 3(1) and, in so doing, shall have regard to the regulatory policy set out in subsection (2).

Regulatory policy

(2) The Canadian broadcasting system should be regulated and supervised in a flexible manner that

(a) is readily adaptable to the different characteristics of English and French language broadcasting and to the different conditions under which broadcasting undertakings that provide English or French language programming operate;

(b) takes into account regional needs and concerns;

(c) is readily adaptable to scientific and technological change;

(d) facilitates the provision of broadcasting to Canadians;

(e) facilitates the provision of Canadian programs to Canadians;

(f) does not inhibit the development of information technologies and their application or the delivery of resultant services to Canadians; and

(g) is sensitive to the administrative burden that, as a consequence of such regulation and supervision, may be imposed on persons carrying on broadcasting undertakings.

Conflict

(3) The Commission shall give primary consideration to the objectives of the broadcasting policy set out in subsection 3(1) if, in any particular matter before the Commission, a conflict arises between those objectives and the objectives of the regulatory policy set out in subsection (2).

Employment equity

(4) Where a broadcasting undertaking is subject to the *Employment Equity Act*, the powers granted to the Commission under this Act do not extend to the regulation or supervision of matters concerning employment equity in relation to that broadcasting undertaking.

NOTES

* Source: [Broadcasting Act](#), S.C. 1991, c. 11.