

BRIEF

Remarks / Observations

Study: Re: Bill C-10, An Act to amend the Broadcasting Act and
to make related and consequential amendments to other Acts

Submitted to the Standing Committee on Canadian Heritage

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INTRODUCTION

The Fédération des télévisions communautaires autonomes du Québec (the “Fédération”) is a non-profit organization whose objectives are to: defend and promote the interests of its members; promote the development of community television in Quebec; foster co-operation among association members and with various industry partners; and consolidate and develop funding for independent community television.

Founded in 1998, the Fédération currently represents 41 non-profit independent community television corporations (ICTs) that are recognized by the Ministère de la Culture et des Communications of Quebec (MCCQ).

ICTs, which have existed for nearly 50 years, are trailblazers for a viable model of citizen communication and access to the public sphere. This is a model to be followed for local and democratic ownership of news and modes of communication.

In Quebec, ICTs produce, on average, **six hours of original programming per week** over a period of 39 weeks. This means that nearly 236 hours of original programming is broadcast each year. Half of all ICTs broadcast more than 6.5 hours of original programming per week, such programming being produced by half of them for at least 36 weeks a year. Of the average of six hours of original programming **nearly a third is local news** (*Rapport de la tournée des membres 2015*, p. 2). So the news has pride of place in ICT programming. The rest of the programming covers such varied subjects as culture, sports, music, local talent and local politics.

In Quebec, ICTs generate 112 full-time jobs, 30 part-time jobs and 17 contract jobs. There are also 932 volunteers who yearly give 84,848 hours of their time. The ICTs serve 398 municipalities, potentially reaching 1,300,000 households (*Ibid.*, p. 2).

The ICT’s annual budget varies between \$45,000 and \$578,000, with an average of around

\$213,000 (ibid., pp. 5-6). However, it is important to put these figures into perspective. A number of ICTs run media bingos that bring in between \$20,000 and \$350,000, but 75% of that amount is given back to participants in the form of prizes, artificially inflating available operating revenues. Half of ICTs have an **operating budget of less than \$150,000** per year. Although most ICTs receive financial assistance from the Quebec Department of Culture and Communications (MCCQ), four of our members receive nothing at all. Unfortunately, this financial assistance is not enough given production responsibilities and the equipment expenditures that are necessary to stay current and adapt to new technologies and new modes of production and broadcasting. Although most ICTs receive a financial contribution from their cable company averaging \$68,368, nine of them do not. However, it should be noted that **half of the ICTs receive less than \$35,000** per year and that this contribution is not guaranteed (ibid., p. 8). Since ICTs are barred from airing commercials, the revenue streams mentioned above are therefore very important.

INDEPENDENT COMMUNITY TELEVISION STATIONS IN THE CANADIAN BROADCASTING SYSTEM LANDSCAPE

The Broadcasting Act establishes that the Canadian broadcasting system “[comprises] public, private and **community** elements.” (S.C. 1991, c. 11, 3(1)(b)). The Fédération considers that it is imperative that community elements continue to be recognized as one of the three pillars of Canada’s broadcasting system. Thus, the objectives defined in the legislation must give great importance to the community element in order to protect its contribution to Canadian society while still enabling it to flourish in the digital age. Prioritizing the community element would, in the Fédération’s view, strengthen the creation and presentation of Canadian programming that reflects the needs and aspirations of Canadians in all their diversity.

The Broadcasting Act also specifies that the programming provided by the Canadian

broadcasting system should “include educational and **community** programs” (S.C. 1991, c. 11, 3(1) (i)(iii)). The Fédération fully agrees with this objective but notes that as a result of certain Canadian Radio-television and Telecommunications Commission (CRTC) decisions, the reach and financial health of ICTs have been weakened, undermining their ability to produce community programming. We will discuss this point later in this document.

The community channel is the **last available sphere for Canadian citizens to access conventional linear channel television**. Any kind of reduction of access to this sphere is tantamount to slowly shutting Canadian citizens out of this open sphere. As we consider how legislation can promote access to Canadian voices on the Internet, community media outlets should not be shut out; they are still needed and it is important to protect the gains made by local citizen voices.

Indeed, it is wrong to presume that citizens’ voices can easily be heard everywhere else through other outlets for local expression; their voices must make themselves heard through every possible outlet, including the traditional linear ones. This is a precept that Canadians inside and outside Quebec hold dear.

Although Canadians are increasingly turning to social media as a news source, they continue to tune in to local television newscasts. (Ipsos Public Affairs, 2018, p. 8). Furthermore, at a time when Canadians are placing less trust in traditional media, it is television, along with print newspapers, that is rated most trustworthy (ibid., p. 14). Nonetheless, while the Fédération maintains that traditional linear outlets are essential for local and citizen voices to be heard, there is no denying that the citizenry is being shunted towards the digital world. That is why ICTs have adapted by now offering their programming online. This also means, however, more work without an increase in revenues in a time of severe financial constraints. It must be noted, too, that online programming is not intended to replace programming on the linear channel; we consider

them to be complementary.

Thanks to their programming, whether on the linear channel or online, ICTs are **an alternative to traditional media**, bringing local perspective to local issues often ignored by the major networks. Moreover, ICTs' neutrality is guaranteed since they belong to the people, not private interests, and need not contend with ratings wars and conflicts of interest. And even as many local and regional media outlets are being closed by the major networks because they are unprofitable, **ICTs are the driving force behind quality, cost-effective local and regional news**. Community elements such as ICTs must therefore continue to be protected by legislation, because they guarantee access to democratic citizen voices and to local and regional news. In addition, they are a channel for exhibiting local cultures in all their diversity. They are an incubator for new ideas, a showcase for local talent and a springboard for many citizens' entry into the media universe. Hence, legislation providing greater protection for ICTs will ensure that cultural diversity is better represented and that reliable, high-quality news can be sustainably presented. **In our view, then, ICTs are an engine of regional development and vitality that Canada can ill do without.**

In this sense, the Fédération believes that the legislation must clearly define the term "community" (See Appendix 1 for definitions). We suggest that this term should refer to entities belonging to the community. Therefore, an entity owned by a private company that encourages citizen participation could not qualify as "community" because, although it provides a place for citizens, it does not belong to the community it serves.

THE CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

For the Fédération, it is necessary that the legislation maintain the independence of the CRTC. However, it should also provide mechanisms, beyond public consultation, for the

public, private AND community elements of the Canadian system to have a voice in regulatory matters. In fact, it seems to us that the system of public consultations is insufficient since the CRTC has repeatedly ignored the Fédération's comments on crucial issues by moving forward with decisions that jeopardize the survival and the development of ICTs in Canada. Over the years, the CRTC has refused to grant ICTs the right to engage in local commercial advertising to diversify their revenues, a request we have long repeated and still hold dear to our hearts. The CRTC has refused to enshrine in law the obligation of BDUs to fund ICTs, refused to create a dedicated fund to finance community television in this country. It also refused our request to require all BDUs in the same territory to broadcast community programming in order to make it accessible to as many citizens as possible. Instead, the latest CRTC decisions allowing BDUs to withdraw funding from community television and redirect it to local news has had the effect of weakening the place of the community element in the Canadian system and making their survival precarious. It is clear that BDUs have more weight than the community in decision-making bodies, and we believe that restoring the balance would be in the best interests of citizens.

In light of these findings, the Fédération suggests that the legislation provide that the CRTC has a duty to form a committee composed of representatives from the three pillars of the Canadian broadcasting system, including representatives of ICTs, as well as representatives from the consumer protection sector. This committee would be responsible for advising the CRTC in the decision-making process. In addition, the Fédération also suggests that the appointment of the Chair, Vice-Chair and Commissioners of the CRTC be made by consensus in the House of Commons rather than by Cabinet in order to increase the independence of the CRTC.

REPLACEMENT OF LICENSING AND RESTRUCTURING OF FINANCING

In its report *Harnessing Change: The Future of Programming Distribution in Canada*, the CRTC proposes to replace mandatory licensing with detailed and binding service agreements that include both traditional and new players. The Fédération agrees that all players must equitably support the creation and production of Canadian programming and believes that the definition of broadcasting must be reviewed to clarify the role of online players in the Canadian broadcasting system.

However, the Fédération is concerned about the replacement of the licensing system. We realize that applying this system to new players is complex and far from ideal. However, the replacement of the licensing system should not result in a more precarious situation for ICTs.

In the event that compulsory licensing is replaced by detailed and binding service agreements, it is essential that strict conditions be put in place to ensure that the production, financing, distribution and discovery of Canadian content, including community programming, is supported.

While the Fédération is concerned, it also sees an opportunity to strengthen the role and funding of ICTs. Through new service agreements, there is an opportunity to restructure funding. Currently, there is no funding to support ICTs, unlike community radio, which benefits from the Community Radio Fund of Canada (CRFC), and the Canadian creative industry, which has access to the Canada Media Fund. In addition, there is no regulatory requirement for cable companies to fund ICTs. The Fédération therefore sees the possibility of raising funds through service agreements that would require the various players to contribute financially to the development of ICTs based on the CRFC model. We believe it is entirely justified to create a fund dedicated to the financing of ICTs in order to allow them to continue to offer local information to communities across the country.

As television is, as mentioned above, the medium most consulted by citizens for information, it seems entirely appropriate for ICTs to be able to benefit from such a Fund, just like the country's community radio stations.

Finally, the Fédération considers that all service agreements must be entered into by the CRTC. The committee we have suggested should also be involved in this process. It seems inappropriate to us that players should be able to enter into agreements directly with the government. The same process should apply to all. The legislation should also provide for real penalties for non-compliance with the conditions established.

CONCLUSION

In conclusion, we would like to emphasize the importance of the community element in the Canadian broadcasting system, and recommend that measures be put in place to protect it and better fund it to ensure its sustainability. Regional development and land use are crucial issues for our country. Bringing local news to underserved communities has been part of the ICT's mission for almost 50 years. With the new measures, we hope to be able to pursue our mission, which is essential to the democratic expression of citizens on all available platforms. A better definition of our mission enshrined in law, fair mechanisms within the CRTC and a licensing system that recognizes our work are measures that would help achieve this.

REFERENCES

Ipsos Public Affairs on behalf of Radio Television Digital News Association. (2018). *Trust and Confidence in News Sources*. Accessed from <https://www.ipsos.com/en-ca/news-polls/RTNDA-Trust-and-Confidence-in-News-Sources-May-25-2018> May-25-2018

APPENDIX 1: Proposed changes to

Bill C-10 to clarify the role of community media

- 1) **Define community media**, in a manner comparable to how the CRTC defines Community Radio:

"Community Element:

The community element is defined, in the broadcasting system:

- (i) by non-profit community ownership,*
- (ii) through the participation of community members in content production, day-to-day operations and day-to-day administration, through an elected Board of Directors."*

"Community Program: An audiovisual production created by a non-profit community media organization."

- 2) **Describe the role of community media.**

Use the definition of "alternative media" in section 3.1(r) of the 1991 Act (which has never been used or exploited)

"(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, arts, politics, local history, news and local information,*
- (iii) reflect the communities, regional diversity and the Aboriginal and multicultural character of Canada,*
- (iv) be produced by and for local communities, through their participatory and non-profit structures,*

(v) support the development of Canadian creative talent, as a cost-effective platform where developing writers, artists and technicians can learn new skills, take risks and test ideas,

(vi) be made available across Canada on all relevant platforms,

(vii) be made available to Library and Archives Canada and local cultural institutions representing the public interest, such as public libraries, museums and public archives, for archival purposes, in order to preserve and make accessible community culture, history and politics of enduring value to Canadians and to anyone with an interest in Canada, including future generations."

3) Integrating community media into other sections of the Act.

3.1 (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. At the local level, community broadcasters are in a unique position - through their non-profit structure – to offer this variety and to meet the needs of these more niche groups,

(iv) provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern, and to participate directly in public dialogue on such matters through the community component."

3.1 (o) *"the Canadian broadcasting system should provide programming that reflects Canada's Aboriginal cultures, including through programming that is pursued by Aboriginal people; including Aboriginal community media, which are best placed to serve small and remote communities."*

3.1 (p) *"the system should provide programming adapted to the needs of persons with disabilities. It should be accessible without barriers to persons with disabilities and the system should provide them with the resources and opportunities they need to develop their own content and deploy their own voices through community media."*

4) Ensure that community-owned and community-managed media are given the resources they need to play their role effectively:

3.1 (e) "each element of the Canadian broadcasting system shall contribute in an appropriate manner to the creation and presentation of Canadian programming. Those performing public service functions will be provided with the resources necessary to do so."