



March 25, 2021

Aimée Belmore  
Clerk of the Committee  
Standing Committee on Canadian Heritage  
Sixth Floor, 131 Queen Street  
House of Commons  
Ottawa, ON K1A 0A6

Via email: [chpc@parl.gc.ca](mailto:chpc@parl.gc.ca)

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

Dear Ms. Belmore:

CBC/Radio-Canada is pleased to submit the following for consideration by the Standing Committee on Canadian Heritage.

Please note: It is our understanding that Bill C-10 represents the first tranche of potential changes to the *Broadcasting Act* – and that amendments in future proceedings could more specifically address the role of national public broadcaster. If that is indeed the case, we look forward to actively participating in those consultations. Similarly, we anticipate commenting on the draft policy directive when the timing of that process is formally announced.

Sincerely,

Catherine Tait  
President & CEO  
CBC/Radio-Canada

## Introduction

*CBC/Radio-Canada supports the expeditious passage of Bill C-10. After 30 years of technological and industry evolution, it is clearly time for a modernized, refreshed Broadcasting Act.*

The *Broadcasting Act*, and, most especially the section outlining the Broadcasting Policy for Canada, has acted as foundational bedrock for Canada's media industry. Famously technology-neutral, this legislation was specifically designed to be flexible and to adapt to changing circumstances.

And for the most part, it worked – for a long time. The Canadian Radio-television and Telecommunications Commission (CRTC) and public, private, and community players worked together to build and fine-tune a uniquely Canadian broadcasting system, one that supported Canadian creators, one that ensured a steady stream of quality journalism, and one that is studied as a model by policy-makers in other jurisdictions. Parties did not always agree on details or mechanisms; but the various and intertwined rules and support structures in the Canadian broadcasting system enabled us to pursue the objectives and mandates laid out in the *Act*.

There comes a time, however, when even the best paint jobs cannot sufficiently or possibly cover-over ever-widening cracks in an edifice. As we wrote in our submission to the Broadcasting and Telecommunications Legislative Review Panel (BTLP Panel) in January 2019:

The resulting broadcasting ecosystem has contributed to an enormously successful industry – generating economic activity and producing a vibrant and diverse array of content. But, as we now can see, this ecosystem – a delicate balance of public policy objectives to support Canadian stories and commercial objectives to build a healthy industry – is faltering. The global digital disruption fueled by the Internet and broadband penetration poses a very real threat to our ecosystem.<sup>1</sup>

Most parties in this process, and in consultations that preceded the draft legislation, have acknowledged that the foundational legislation governing our industry needs an update. We support this effort – and the priorities that have been identified in Bill C-10. It is our hope that this legislation will pass expeditiously so that the subsequent regulatory proceedings required to put the new regime in place can begin as soon as possible.

### ***Contributions by the Online Giants***

In CBC/Radio-Canada's submission to the BTLP Panel, we highlighted some of the material issues raised by the online giants:

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<sup>1</sup> [CBC/Radio-Canada submission to the Broadcasting and Legislative Review Panel](#), January 2019, p. 3.

The dominance of global entertainment threatens to drown out Canadian stories and perspectives. The economics of foreign digital giants make Canadian culture more difficult to fund and sustain. As the public broadcaster, we are very concerned about the health of the broadcasting system and its continued ability to serve the needs of Canadians. We are also concerned about our ability to properly fulfill our responsibility to nurture and promote Canadian culture. We believe that strengthening public broadcasting is critical to ensuring a strong Canadian culture and a vibrant democracy.<sup>2</sup>

By bringing the online giants into the fold, by explicitly recognizing their role in, and impact on, our domestic broadcasting system, Bill C-10 and subsequent policies and regulations to be established by the CRTC will help ensure that all parties that *benefit* from the system, *contribute* to the system. It is a reasonable and just path forward.

Of course, the quanta of contributions involved, the thresholds to trigger funding obligations, and the eligibility of funding recipients will have to be worked out; but there is no question that new monies generated by these parties will – indeed *must* – help support our nation’s broadcasting and media policy objectives, especially in terms of cultural sovereignty and diversity of voices, and the production and discoverability of Canadian content across any number of programming genres.

### ***Enhanced Diversity Language***

CBC/Radio-Canada supports efforts in this legislative process to update the Broadcasting Policy for Canada to ensure that:

... the Canadian broadcasting system should serve the needs and interests of all Canadians — including Canadians from racialized communities and Canadians of diverse ethnocultural backgrounds — and should provide opportunities for Indigenous persons, programming that reflects Indigenous cultures and that is in Indigenous languages, and programming that is accessible without barriers to persons with disabilities.<sup>3</sup>

As the Committee is no doubt aware, enhancing diversity in front of, and behind, cameras and microphones is also a key area of focus at CBC/Radio-Canada. In fact, earlier this year, at our licence renewal Hearing before the CRTC, we stated:

It is [the] pairing of digital and diversity that is the future of CBC/Radio-Canada, and it’s a powerful opportunity for transformative change for the public broadcaster and the society we serve.<sup>4</sup>

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<sup>2</sup> *Ibid.*, p. 2.

<sup>3</sup> Minister of Canadian Heritage, *Summary of Bill C-10*, First Reading, November 3, 2020.

<sup>4</sup> CRTC Transcript, Virtual Hearing, January 11, 2020, Line 124 (CBC/Radio Canada Licence Renewal Hearing).

Strengthening the Act's commitment to representation of all Canadians – whether it relates to the recognition and inclusion of Indigenous persons and languages in the Canadian broadcasting system, or persons with disabilities, or other equity-seeking groups – is not just good policy, it reflects who we want to be as a country, and which values we want to pursue, encourage, and reflect.

One caution, however, and it is something we are familiar with at CBC/Radio-Canada: Terminology is tricky. Bill C-10 includes some terminology that may not be accepted, or deemed acceptable by, members of certain communities. We encourage the Committee to work directly with affected communities before it moves to codify final language.

### **Proposed Amendments to Draft Legislation**

While CBC/Radio-Canada is supportive of Bill C-10 and its expeditious passage, we also recommend two (2) amendments to clarify existing and proposed language.

#### ***Revise proposed language in Section 3(1)(l) to explicitly recognize and support innovation at the national public broadcaster***

Bill C-10 proposes to replace s. 3(1)(l) of the *Broadcasting Act* that currently reads:

It is hereby declared as the broadcasting policy for Canada that [...] (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;

with

It is hereby declared as the broadcasting policy for Canada that [...] (l) the Canadian Broadcasting Corporation, as the national public broadcaster, should provide broadcasting services incorporating a wide range of programming that informs, enlightens and entertains;

As outlined by CBC/Radio-Canada in its submission to the BTLR Panel,<sup>5</sup> we believe better language would read as follows:

It is hereby declared as the broadcasting policy for Canada that [...] (l) the Canadian Broadcasting Corporation, as a national public broadcaster, should provide services incorporating a wide range of programming that informs, enlightens and entertains *by any technological means known or yet to be developed*; [emphasis added]

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<sup>5</sup> CBC/Radio-Canada Submission to BTLR Panel *op. cit.*, p. 40.

In line with treatment of Public Service Media (PSM) in other jurisdictions,<sup>6</sup> this change would explicitly recognize the importance of innovation to the national public broadcaster's role, and ensure that we have the flexibility to determine, over time, the most appropriate platforms and delivery mechanisms to serve Canadians. It would also be consistent with s. 3(1)(m)(vii) and s. 5(2)(c) of the *Act* which read, respectively:

the programming provided by the Corporation should [...] (vii) be made available throughout Canada by the most appropriate and efficient means and as resources become available for the purpose

and

The Canadian broadcasting system should be regulated and supervised in a flexible manner that [...] (c) is readily adaptable to scientific and technological change [...] and (f) does not inhibit the development of information technologies and their application or the delivery of resultant services to Canadians

The broadcasting landscape, and associated technologies, are changing rapidly. In coming years, CBC/Radio-Canada will need to continue to evolve by exploring new platforms and innovating with new technologies to meet Canadians' preferences. Our proposed language is sufficiently flexible and explicit to recognize and support such innovation and reflect the evolution of new communications technologies, techniques, and formats.

***Include new proposed language in Section 3(1)(m) to include specific reference to the circumstances and aspirations of Indigenous peoples***

In CBC/Radio-Canada's submission to the BTLR Panel, we recommended a few additions to s. 3(1)(m) of the *Act*.

While we continue to believe that all of the proposed changes to that subsection would be useful additions to CBC/Radio-Canada's programming objectives, there is one particular amendment that perhaps should be advanced into this phase of the legislative review, namely:

(m) the programming provided by the Corporation should [...] actively contribute to reflect the circumstances and aspirations of Indigenous persons.

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<sup>6</sup> Through legislation, regulation, contracts negotiated and established between key public bodies, and publicly communicated strategies, most foreign broadcasting regimes have *explicitly* recognized the need for public service media to expand onto digital and mobile platforms (including social media) that may or may not exist at present, and pursue on-demand offerings, greater interactivity, and generally more product and programming innovation and risk-taking. For example, Article 7.3 of the *BBC Royal Charter* reads: "The UK Public Services must fulfil the Mission and promote one or more of the Public Purposes and consist of — (a) the existing services specified in the Framework Agreement; and (b) any activity aimed primarily at users in the United Kingdom involving the provision of output supplied by means of — (i) television, radio and online services; or (ii) similar or related services which make output generally available and which may be in forms or use technologies which either have not previously been used by the BBC or which have yet to be developed."

CBC/Radio-Canada recently completed its CRTC licence renewal Hearing. In that process, issues related to Indigenous programming and audiences, and more generally Indigenous participation in the Canadian broadcasting system, were heavily featured. We also listened closely as Aboriginal Peoples Television Network and the Indigenous Screen Office appeared before the Committee last month, and, among other things, recommended a clearer definition of “Indigenous” in the *Act* to specify that it includes First Nations, Métis, and Inuit.

CBC/Radio-Canada tries to reflect the diverse cultures, languages, and perspectives of Indigenous Peoples across Canada through a wide variety of content on various platforms: from documentaries, to interviews, to dramas, to news and current affairs in English, French, and eight (8) Indigenous languages. We clearly play an important role in the reflection of Indigenous persons, and including this particular programming objective in s. 3(1)(m) of the *Act* would serve to strengthen and reinforce this commitment.

The addition would also be consistent with other proposed amendments to the *Act* and aligns with the Summary of the draft legislation which states:

This enactment amends the *Broadcasting Act* to, among other things,

[...]

(b) update the broadcasting policy for Canada set out in section 3 of that Act by, among other things, providing that the Canadian broadcasting system should serve the needs and interests of all Canadians — including Canadians from racialized communities and Canadians of diverse ethnocultural backgrounds — *and should provide opportunities for Indigenous persons, programming that reflects Indigenous cultures and that is in Indigenous languages*, and programming that is accessible without barriers to persons with disabilities [emphasis added]

## Conclusion

In its final report, the BTLR Panel referred to CBC/Radio-Canada as a “strong Canadian cultural anchor in the face of technological change, changing viewing habits and evolving business models in the sector,” and one that “plays a critical role in the current media landscape.”<sup>7</sup>

But we are not the only player. The *Broadcasting Act* specifically refers to a Canadian broadcasting *system*, one composed of public, private, and community elements; one that provides, through its programming, a “public service essential to the maintenance and enhancement of national identity and cultural sovereignty.”<sup>8</sup>

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<sup>7</sup> Broadcasting and Telecommunications Legislative Review Panel, “Final Report: Canada’s communications future: Time to Act,” January 29, 2020, Overview and s. 3.7.

<sup>8</sup> *Broadcasting Act*, s. 3(1)(b).

For each of those elements to thrive, for each of those elements to individually meet their respective mandates and collectively meet policy objectives, we need *all* parties to contribute directly to the ongoing health of the Canadian media ecosystem.

By ensuring that all parties contribute to the system — including, *for the first time*, the online giants — Bill C-10 goes a long way to level the playing field. Moreover, by updating and strengthening the diversity elements of the *Act*, Parliament is sending a strong and important message that inclusion is a key policy objective within the Canadian broadcasting system.

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