

Brief Presented to the Standing Committee on Canadian Heritage

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

RCI Action Committee

April 14, 2021

INTRODUCTION

This brief will focus on Article 46 (2) of the Broadcasting Act and the RCI Action Committee's concern that the government's proposed change to this article removes Radio Canada International's last legal protection, threatening its existence.

The RCI Action Committee was formed to protect the mandate, programming, autonomy and funding of Canada's world service, Radio Canada International (RCI). It is supported by the union that represents RCI employees. The Committee, and its predecessor the Coalition to Restore Full RCI Funding, has been active since 1991.

ARTICLE 46 (2)

The Canadian government has proposed a change to Canada's Broadcasting Act that threatens the existence of Radio Canada International (RCI). Buried in a reform of the Act, one sentence, Article 46 (2) has been altered to remove the existence of an international service as a condition of the licence of Canada's public broadcaster, the CBC/Radio-Canada.

The condition was put into the Broadcasting Act in 1991, just after the CBC tried to shut down the international service by appropriating RCI's budget to offset its own funding cuts. At that time, temporary government funding saved the international service, and the Act's wording was changed to strengthen it because it was felt that the existence of the service should not be at the discretion of CBC/Radio-Canada.

Before 1991 the Act said: "The Corporation **may**, within the conditions of any licence..." provide an international service. In 1991, it was changed to: "The Corporation **shall**, within the conditions of any licence or licences issued to it... provide an international service." Making it a service imperative rather than an option.

Since 1991, that protection has remained. In the intervening years, Orders in Council have changed some of the elements defining the international service, and what it should do, but the obligation of the national broadcaster to provide that international service was guaranteed. No government could arbitrarily remove that protection unless the Broadcasting Act itself was changed.

Here's Article 46 (2) as it has existed unchanged since 1991:

46 (2) The Corporation shall, within the conditions of any licence or licences issued to it by the Commission and subject to any applicable regulations of the Commission, provide an international service in accordance with such directions as the Governor in Council may issue.

In the proposed legislation now before Parliament, the Canadian Heritage Minister and the government are eliminating the licence obligation of the CBC to provide an international service. The proposed wording of the article is as follows:

(2) The Corporation shall, subject to any applicable orders and regulations of the Commission, provide an international service in accordance with any directions that the Governor in Council may issue.

The article still appears to suggest that the Corporation (CBC) “shall...provide an international service” but the concept of it being a mandatory requirement of any licence has been removed. More worrisome is that any future Canadian Heritage Minister, with the accord of the Cabinet, would be able to radically change how the international service functions. This is far from a theoretical possibility.

In 2012, the CBC announced RCI would no longer be a radio station broadcasting on shortwave. The decision was in direct violation of Order in Council 2003-0358, which explicitly required Radio Canada International:

(ii) to provide that service through shortwave, as well as through other means of distribution, as appropriate,

The RCI Action Committee called on the government of the day, and Canadian Heritage Minister James Moore in particular, to direct CBC to respect its obligations under the Broadcasting Act and Order in Council 2003-0358. Two months later – and with less than a month left before the end of shortwave broadcasting – the Minister directed the release of a new Order in Council, which removed the obligation to provide programming through shortwave broadcasts.

Radio Canada International ceased being a radio service. We lost our Chinese audience because our radio signals were not blocked by the Chinese authorities, but our website was. And we lost listeners around the world in places where the Internet was not accessible, or was just too expensive to use.

We have no idea what motivated the latest change by Canadian Heritage Minister Steven Guilbeault and the government of Prime Minister Justin Trudeau. It seems more than a bit contradictory that a government that has said “Canada is back” would jeopardize the presence of its world service on the international stage by removing Radio Canada International’s last legal protection.

We hope that you will recognize the danger. This is not a partisan issue.

For 30 years CBC/Radio-Canada has mismanaged and weakened Canada's world service. It is now preparing to diminish RCI's role as an international broadcaster with its policy announcement of December 3, 2020, in direct violation of Order in Council 2012-0775, which obliges RCI:

(iii) to produce and distribute programming targeted at international audiences to increase awareness of Canada, its values and its social, economic and cultural activities

RECOMMENDED CHANGES TO BILL C-10

Given the past actions of CBC/Radio-Canada, such as its attempts to shut down the service in 1990, 1995 and 1996, and its repeated violations of Orders in Council, which can be changed fairly easily, we recommend the Canadian Heritage Committee:

1. Minimally, keep the international service as a condition of the CBC/Radio-Canada licence
2. That the mandatory licence requirement also provide a form of financial and editorial autonomy
3. That the CHPC expand Article 46 (2) to include the guarantee that the international service will produce, present and create programming for international audiences
4. That minimally, RCI programming will be in Canada's Official Languages of English and French, and any other languages deemed appropriate
5. That throughout the new text terms such as: to provide, to distribute, and to broadcast not be used, but use: to produce, to present, to create
6. That the programming produced by RCI will be made available by any means judged to be useful in reaching international audiences, including but not limited to, the Internet, shortwave, satellite, mobile applications and placement through other radio and Internet sources