

Broadcasting and Telecommunications Legislative Review



alliance québécoise
des techniciens et techniciennes
de l'image et du son



SUBMISSION TO THE REVIEW PANEL

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1. This document provides an English-language translation of the summary of the submission to the Broadcasting and Telecommunications Legislative Review Panel by the Alliance québécoise des techniciens de l'image et du son (AQTIS), the Association des réalisateurs et réalisatrices du Québec (ARRQ), the Société des auteurs de radio, télévision et cinéma (SARTEC) and the Union des Artistes (UDA) representing French-language technicians, screenwriters, directors and performers.
2. For more detail, the reader is referred to the complete French-language submission filed with the review panel on January 7, 2019.

Summary of our French-language Submission

3. The audiovisual environment in which Francophones work possesses its own characteristics which differ from those of the Anglophone environment. The financial and regulatory support provided to Francophone television production is conditioned by small size of the market and this will continue in the future. In the Francophone world, certain measures are required to maintain television's distinct character.
4. Overall, the *Broadcasting Act* has served French-language television in Québec and Canada reasonably well. Although it is possible to improve the *Act*, the necessary legislative changes concern a few specific issues. While it is true that various television broadcasters are experiencing financial difficulties owing to the competition from online services, these difficulties do not stem from the objectives or basic elements of the *Broadcasting Act*. That said, Francophone television must adapt to the digital era. As far as we are concerned, this does not mean slowing down the inexorable expansion of digital audiovisual services, but rather ensuring that these services are integrated into the current cultural and financial framework of regulated Canadian broadcasting. Unduly modifying or "modernizing" the *Broadcasting Act* while it continues to work relatively successfully must be avoided.
5. In light of this evaluation, here are a few principles that should guide any review of the *Broadcasting Act*.
 - (1) Ensure that the Canadian broadcasting system remains effectively owned and controlled by Canadians.
 - (2) Ensure that the *Broadcasting Act* remains an act of legislation distinct from the *Telecommunications Act*.

- (3) Ensure that the maintenance and enhancement of national identity and cultural sovereignty continue to be the principal objectives of the *Broadcasting Act*.
- (4) Retain in the *Broadcasting Act* a declaration that French- and English-language broadcasting, while sharing common aspects, operate under different conditions and have different requirements.
- (5) Maintain the objectives in section 3 (Broadcasting Policy for Canada) of the current *Act* with regard to Canadian content and access to Canadian programs, and ensure the pursuit of these objectives across the various digital devices and platforms.
- (6) Avoid prioritizing certain objectives in section 3 of the *Broadcasting Act* with regard to other objectives.
- (7) Avoid putting more emphasis on economic objectives relative to the cultural, social and political objectives in section 3 of the *Act*.
- (8) Confirm that audiovisual services online constitute broadcasting programming undertakings and are an integral part of the Canadian broadcasting system.
- (9) Ensure that all digital broadcasting programming undertakings currently exempted from regulation are treated equitably in relation to regulated programming undertakings.
- (10) Update federal government policy in the digital universe by enlarging the concepts of "broadcasting" and "broadcasting undertaking" so as to place Internet service providers (ISPs) under the auspices of the *Broadcasting Act*.
- (11) Recognize the importance of the objectives in UNESCO's *Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005*.
- (12) Ensure that original Canadian French-language drama programs, as well as all other programs of national interest (PNI), are central to the programming offered to Canadians, and that such programs are of an equivalent quality to those in English.
- (13) Retain a broad mandate for the national public broadcaster (CBC/Radio-Canada) and ensure the latter's independence from political interference.

- (14) Continue to provide for the regulation and supervision of the Canadian broadcasting system by a single independent public authority.
 - (15) Continue to rely on the CRTC to fulfil the objectives of the broadcasting policy for Canada by means of broadcasting licences bound by regulations, conditions of licence and specific policies, as well as exemption orders subject to precise conditions.
 - (16) Allow the CRTC to impose administrative monetary penalties (AMPs) when broadcasters or other parties do not respect the obligations of the *Broadcasting Act*.
 - (17) Ensure public access to data from broadcasting undertakings available on digital platforms.
 - (18) Encourage the CRTC to impose quotas on French-language Canadian content from broadcasting undertakings distributed on digital platforms, as well as Canadian content recommendation algorithms or systems on such platforms.
 - (19) Maintain the current balance between enabling government to set overall policy direction while maintaining the CRTC's independence in regard to broadcasting regulation.
6. These are the principles underlying the changes to the *Broadcasting Act* that we are presenting to the review panel and the Government of Canada.
 7. Because the process of revising the three communications laws – the *Broadcasting Act*, the *Telecommunications Act* and the *Radiocommunication Act* – could take several years, we believe that the application of certain principles concerning broadcasting is urgently required. Therefore, by the end of April 2019, the review panel should recommend that the Governor in Council issue a direction to the CRTC to revise the exemption order for digital media broadcasting undertakings and we make a recommendation to this effect.
 8. In the long term, we foresee a transition toward a Canadian broadcasting system with few licences, a system functioning primarily by exemption order subject to a common list of conditions according to the type of undertaking. That said, to ensure the continued existence of Canadian broadcasting undertakings in a largely or entirely digital environment, it will be necessary to limit access to financing from the Canada Media Fund (CMF) to Canadians as defined by the direction by the Governor General in Council to the CRTC (Ineligibility of Non-Canadians).