

APPENDIX D: Proposed Revisions to 1991 Broadcasting Act

Below are suggestions for a revised "Communications Policy for Canada", based on Section 3 of the current Broadcasting Act, that provide continued support for a domestic communications system but acknowledge three key facts:

- *Canada cannot presently regulate the day-to-day operation of foreign-based services like Netflix, HBO, etc. – beyond requiring that they pay HST where applicable.*
- *The likelihood that Canada's major commercial TV networks may cease OTA operation within a decade, and*
- *The continued need for a vibrant national public communications service that maintains the essential functions of legacy media while providing access to digital national and international options.*

- 3(1) It is hereby declared that as the communications policy for Canada that
- (a) that the Canadian communications system shall be effectively owned and controlled by Canadians;
 - (b) that the Canadian communications system makes use of radio frequencies in the electromagnetic spectrum that are public property;
 - (c) that, taken together, the domestically-owned public and private sector components provided by the Canadian communications system constitute a single system essential to the maintenance and enhancement of national identity, cultural sovereignty, and democratic processes;
 - (d) that the Canadian communications system, operating primarily in English and French, shall provide access to domestic and foreign services in these and other languages as enabled by technology and resources;
 - (e) that English and French domestic components of the Canadian communications system share common aspects but operate in different conditions and must be capable of responding to distinct cultural and other imperatives;
 - (f) the domestic elements of the Canadian communications system shall

- (i) safeguard, enrich and strengthen the social, cultural, political and economic fabric of Canada;
- (ii) encourage the development of Canadian expression by providing a wide range of services whose content 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 the content and employment opportunities it provides, serve the needs and interests, and reflect the circumstances and aspirations of all Canadians, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society;
- (iv) be readily adaptable to scientific and technological change;
- (v) contribute to the creation and presentation of Canadian programming and ensure its accessibility to disabled persons as technology and resources permit,
- (vi) make 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 renders that use impracticable, in which case the undertaking shall make the greatest practical use of those resources;
- (vii) shall be responsible for the content they offer and shall ensure it is of high standard;

(g) The programming provided by the domestic elements of the Canadian communications system shall

- (i) be varied and comprehensive, providing a balance of information, enlightenment and entertainment for people of all ages, interests and tastes;
- (ii) be drawn from Canadian and international sources;
- (iii) include educational and community services that are essential components of Canada's communications system;
- (iv) include programming that reflects the indigenous cultures of Canada;

- (v) provide a reasonable opportunity for the expression of differing views on matters of public concern, and
- (vi) include a significant contribution from the Canadian independent production sector.

(h) Canada Public Media (CPM), as the national public media service, shall provide radio, television and online services with a wide range of programming that informs, enlightens, engages and entertains.

(i) The programming provided by Canada Public Media shall

- (i) be predominantly and distinctively Canadian and **focus primarily on telling the stories of Canada and Canadians at home and abroad, interpret the world through a Canadian perspective;**
- (ii) **be drawn from local, regional, national and international sources;**
- (iii) be available free of charge at point of reception by all Canadians on radio, television and internet platforms;
- (iv) **be operated as a not-for-profit public trust, a paramount and non-commercial instrument of Canadian life;**
- (v) act in the public interest to provide Canadians with impartial, high-quality and distinctive content which enhances their understanding of local, regional, national and global issues and enables their participation as informed citizens in all aspects of the democratic process;
- (vi) be in English and in French, reflecting the different needs and circumstances of each official language community, including those of English and French linguistic minorities;
- (vii) celebrate unique Canadian events, personalities and achievements in a non-commercial environment free from advertising content;
- (viii) contribute to shared national consciousness and expression by reflecting **Canada's regions, peoples and cultures to national** and regional audiences, while serving the special needs of those regions,
- (ix) strive to be of equivalent quality in English and in French.

With respect to Part III of the 1991 Broadcasting Act, the following change would be necessary to reflect the introduction of the CPM/MPC

- **Board of Directors**

(2) There shall be a Board of Directors of the Corporation consisting of fifteen directors; one director shall represent each province and territory, in addition to the Chairperson, all of whom will be appointed by the Governor in Council, and the President, to be appointed by the Board of Directors.