

20 February 2020

Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario K1A 0N2

Broadcasting Notice of Consultation CRTC 2019-379
Submitted electronically: CRTC Intervention Comment Form

Dear Mr. Doucet,

1. This is the submission of ACTRA in the matter of the renewal of the licences of the Canadian Broadcasting Corporation/Société Radio-Canada. ACTRA wishes to appear at the public hearings to present its views, to address matters raised by other intervenors and to engage with the Commissioners.
2. ACTRA brings to this process the perspective of over 25,000 professional performers working in the English-language recorded media sector in Canada. For more than 75 years, ACTRA has represented performers living and working in every corner of the country who are pivotal to bringing Canadian stories to life in film, television, videogames, sound recording, radio and digital media.

EXECUTIVE SUMMARY

3. ACTRA is strongly supportive of the CBC. ACTRA is encouraged by the CBC's most recent efforts to keep itself relevant in the digital world, including a robust website and the launch of its streaming service, Gem, and to reflect the needs of a richly diverse and scattered population that speaks many languages. ACTRA fully supports CBC efforts to achieve gender equality. ACTRA urges the CRTC to require the CBC to provide detailed financial and other information about all facets of its operation and programming to allow Canadians to track the CBC's progress against these, and other, objectives.
4. ACTRA believes the CBC can and should do more, particularly as we deal with the shift to online on-demand consumption of cultural content and the continuing erosion of the traditional broadcasting model. The CBC should have a singular focus on providing high-quality and distinctive Canadian programming content.

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5. Of most particular concern to ACTRA is the CBC's obligation to drama and scripted comedy, the type of programming most underrepresented in the Canadian system, but most needed for cultural reasons.
6. With respect to Programs of National Interest (PNI), ACTRA supports the CBC's proposal to increase its obligation to 10 hours per week and to acquire at least 80 per cent of it from independent producers. If appropriate rules can be developed for an online release, including an audience metric or threshold, and to confirm the CBC has a substantive involvement in its production, ACTRA is prepared to agree to the CBC having flexibility, for the additional one hour of PNI, to release it on its linear television service or online. ACTRA opposes the CBC's request to eliminate the requirement that at least two hours of its weekly PNI obligation must be devoted to each of category 7 and category 2(b).
7. With respect to the CBC's children and youth programming, ACTRA supports the CBC's proposal to change the definition of child to someone under 13 years of age. ACTRA opposes the CBC's request to reduce its programming aimed at children/youth. Further, ACTRA urges the CRTC to require the CBC to provide a minimum of 64 hours per year of original Canadian programming aimed at children or youth. Of this total, 12 hours per year may be released on the linear service or online, subject to the implementation of an appropriate audience metric/threshold and investment criteria for the online release. ACTRA supports the proposal that 80 per cent of children's and youth programming be from independent producers.
8. With respect to the CBC's local/regional programming obligations, ACTRA urges the CRTC to retain the CBC's 14 hour per week local/regional programming obligation in metropolitan markets and to retain the requirement that a minimum of one hour each week of this programming must be non-news or information. ACTRA urges the CRTC to retain the CBC's seven hour per week local/regional programming obligation in non-metropolitan markets. ACTRA further urges the CRTC to require the CBC to provide an additional one hour of programming each week in both metropolitan and non-metropolitan markets, which programming may be scheduled on its linear service or released online, subject to agreement on an appropriate audience metric/threshold.
9. ACTRA soundly rejects the suggestion the CRTC should consider regulating the programming activities of the Corporation in a manner that focuses solely on the provision of content via traditional television and radio services.

GENERAL COMMENTS

10. Arising from concerns about U.S. radio broadcasters expanding into Canada, the Canadian Radio Broadcasting Commission (now CBC) was established in 1936. Speaking in support of its creation, Conservative Prime Minister R.B. Bennett said: "This country

must be assured of complete Canadian control of broadcasting from Canadian sources. Without such control, broadcasting can never be the agency by which national consciousness may be fostered and sustained and national unity ... strengthened.”

11. Almost 85 years later, we face the same challenge. Canadians enjoy a limitless supply of audiovisual content from around the world, on all of our screens, particularly from our much larger southern neighbour with whom most of us share a language and cultural reference points. The key question today is: how do we ensure Canadian stories, music and entertainment; local, regional and national news and information; as well as our perspective on global events, are provided to Canadians wherever they are and however they access their cultural content? The CBC was created in 1936 to address this challenge and continues today to be a critical part of the answer.
12. ACTRA and the CBC have grown up together. ACTRA’s roots can be traced to the announcers engaged by CBC radio in studios across the country beginning in the early 1940s. As television came on the scene in the next decade, ACTRA organized and represented the actors, hosts, singers, announcers and other performers the CBC needed to bring programming to the airwaves. Historically, ACTRA’s collective bargaining agreements negotiated with the CBC set the standard for all other broadcasters and producers. Many of the personalities and stars the public associates with the CBC over the decades were, and continue to be, ACTRA members.
13. As the industry has changed so too has our relationship with the CBC. Most importantly, as broadcasters began to commission programs from Canada’s developing independent production sector, rather than producing them in-house, ACTRA’s Independent Production Agreement (IPA) supplanted the CBC television agreement as the most important in our industry. The IPA now establishes the rates, use rights and working conditions for most of those engaged to speak into the microphone or to appear before cameras in the English-language Canadian dramas, comedies, public affairs, documentaries and entertainment programming content you find on your television, cinema and digital screens.
14. While we have had our disagreements over the decades, ACTRA remains strongly supportive of the CBC. ACTRA is encouraged by the CBC’s most recent efforts to keep itself relevant in the digital world, including a robust website and the launch of its streaming service, Gem, and to reflect the needs of a richly diverse and scattered population that speaks many languages. ACTRA fully supports CBC efforts to achieve gender equality in all facets of its operations and programming.
15. ACTRA, however, believes the CBC can and should do more. Particularly as we deal with the continuing erosion of the traditional broadcasting model, a central element of which is the acquisition and scheduling of foreign programming, specifically from the U.S., by Canadian broadcasters. Broadcasters obtain substantial advertising revenues from this

programming that they use to subsidize the acquisition, production and distribution of Canadian content.

16. In the digital era, the CBC can and must remain relevant. This means it must focus on its core mandate, which is making and acquiring high-quality Canadian programming of all kinds and making that programming available to Canadians regardless of the technologies we use to consume that content. The CBC must focus on Canadian stories, entertainment and music, as well as our local, regional and national news, and our perspective on global events.
17. In this day of virtually unlimited access to the best content the world has to offer, the CBC should have a singular focus on Canadian content. This does not preclude it from engaging with the rest of the world. The CBC should offer our programming to audiences everywhere, so others can learn about us and our perspective on world events. The CBC should work with foreign partners to bring Canadian stories to life or bring us excellent foreign programs offering a unique global perspective. But the CBC should not be in the business of bringing us programming from abroad that is otherwise readily available.

Funding

18. Given the geographical breadth of Canada, the need for it to operate in English, French and Indigenous languages, and the need to be locally, regionally and nationally relevant, funding is a key challenge, even with the budget increase announced by the Liberal government in 2016 and its more recent commitment to do more.
19. ACTRA was extremely disappointed the CRTC's study of other public service media (PSM)¹ did not include comparative information about the source and amount of funding other PSM receive from public and private sources. However, the Broadcasting and Telecommunications Legislative Review (BTLR) Panel did report that, in terms of per capita spending on public broadcasting in 2015-16, Canada ranked 16 out of 18 OECD countries. The \$29 per capita spending on public broadcasting in Canada was well below spending in other countries: \$196 in Switzerland; \$105 in the United Kingdom; \$73 in France; and \$55 in each of Australia and Ireland.²
20. A February 2020 study by the Forum for Research and Policy in Communications (FRPC) quantifies a steady decline in CBC funding over 30 years. According to the report:
 - Since 1985, parliamentary funding for the CBC's operations decreased (in real, 2002 terms) by 36 per cent and total public and commercial funding of CBC's operations decreased by 28 per cent. CBC's advertising revenues have decreased by 40 per cent

¹ [Harnessing public broadcasting for Canadians in the digital age](#), Cullen International, November 2019;

² [Canada's communications future: Time to act](#), Broadcasting and Telecommunications Legislative Review Panel, 29 January 2020, pg. 167-168;

- since 2014, which coincides with the loss of National Hockey League broadcast rights.
- Funding for the CBC's operations has not kept pace with economic growth: since 2009, Canada's Gross Domestic Product has **increased** by 21 per cent while public funding for CBC operations **decreased** by 11 per cent.
 - **When considered in terms of daily life in Canada, the funding the CBC receives from Parliament for its operations has decreased 54 per cent – from 14 cents per person per day in 1985, to six cents per person per day in 2019.**³ Yet, in that same period, the demands on the CBC have expanded.

OBLIGATIONS FOR CANADIAN PROGRAMMING CONTENT

Programs of National Interest

21. Since Canadian content is central, it is no surprise a key issue in the current process concerns the CBC's obligation to Programs of National Interest (PNI), a category that includes drama, scripted comedy and long-form documentaries.
22. As numerous reports over many years have highlighted, drama and scripted comedy remain the type of programming most underrepresented in the Canadian system, but most needed for cultural reasons. They are the most viewed genre and can make an important contribution to national dialogue. Current and recent CBC programs have highlighted women, diverse Canadians, regional perspectives, Indigenous Peoples, or provided important and often biting social commentary.
23. According to the CRTC *Communications Monitoring Report 2019*, in the English-language market in 2018, Canadians spent 38 per cent of their viewing time watching drama and scripted comedy. But only 14.5 per cent of this time was spent watching Canadian shows.⁴ In 2014, viewing of Canadian drama and comedy as a percentage of the total in the genre stood at 19.4 per cent. This is a significant decline in four years and most likely relates to the availability of films and television series being created and offered to global audiences by Netflix, Amazon Prime, Hulu and other Over-The-Top (OTT) streaming services.
24. The explosion of global investment in English-language films and television shows is creating high-quality, attractive content, some of which is produced in Canada under ACTRA's jurisdiction. But according to *Profile 2018*, production of Canadian English-language and bilingual fiction in the year reported was \$1.09 billion, down 20.6 per cent from the previous year.⁵

³ Forum for Research and Policy in Communications (FRPC), [An Analysis of CBC's financial history from 1937 to 2019: We tried to follow the money - Frodo had it easier](#), Research paper (Ottawa, February 2020);

⁴ CRTC *Communications Monitoring Report 2019*, fig. 6.4, pg. 146;

⁵ [Profile 2018](#), Canadian Media Producers Association, March 2019, Exhibit 4-7, pg. 29;

25. Under its current licence, the CBC is obligated to broadcast nine hours of PNI during prime-time hours per week. In its application for licence renewal, the CBC proposes to increase its PNI to 10 hours per week. But it further proposes to reduce its prime-time scheduling of PNI to seven hours per week, and to have flexibility to release the remaining three hours on either its traditional linear service or online. The trigger for counting the digital release would be “when (the program) is first put online.”
26. ACTRA has significant problems with the CBC’s PNI proposals and opposes them as currently written.
27. As ACTRA has written extensively over the past few years when contributing to various public processes, traditional TV remains an important medium and it will remain so for many years to come. According to the CRTC *Communications Monitoring Reports*, Canadians 18+ spent 29.0 hours watching traditional television in 2014. In 2018, Canadians spent 26.2 hours per week watching traditional television and a further 3.2 hours per week watching Internet-based television. Overall, 41 per cent of this time was spent watching Canadian programs, including the vast majority of news and sports programming.⁶ While this downward trend in watching linear television is likely to continue, it is important to note the specific rate of decline is uncertain, since at least a portion of the Internet-based viewing occurs contemporaneously with a traditional broadcast. The demise of traditional television is underway, but it will be a long and slow process.
28. Importantly, the CBC’s PNI obligation is not limited to original first-run programs. Thus, there is nothing in the CBC’s proposed Conditions of Licence to prevent the PNI commitment from being fulfilled simply by repurposing previously broadcast programs online.
29. ACTRA is intrigued by the CBC’s proposal only because it would, for the first time, “regulate” the availability of PNI online, which is an important issue all of us will be dealing with in this decade. But, in this context, ACTRA cannot accept a broadcaster could count the program against its obligation when it is first made available online.
30. A release of a one-hour drama in prime-time on CBC television’s main service is not of equal value to a one-hour television drama being placed in Gem’s inventory. The prime-time exhibition rule has been essential because it continues to be the time when the majority of Canadians watch television. Given the need to sell advertising in this valuable timeslot, every broadcaster must try to attract the largest possible audience for its prime-time Canadian content. In the online world there is no equivalent imperative.
31. ACTRA submits an online release should count against a programming obligation only when a relevant metric or threshold is achieved, and other requirements are satisfied. In

⁶ Op. Cit. *Monitoring Report 2019*, fig. 6.9, pg. 150;

the absence of hard data about the digital services operated by Canadian broadcasters, and the refusal of the CBC to release data about its Gem streaming service, we cannot be definitive about such a metric. A simple solution, however, may be to determine a minimum number of times a program is downloaded and viewed as the trigger for counting its release against the PNI obligation. If the CBC is serious about this proposal, it should begin to share relevant digital information, so we are all better informed about the shifting dynamics.

32. The CRTC has moved away from prime-time exhibition requirements for private broadcasters. To ensure reasonable quality Canadian content programming, the Commission now requires these broadcasters spend a certain percentage of their gross revenues on Canadian Programming Expenditures (CPE) and a percentage of their gross revenues on PNI, as a subset of CPE.
33. ACTRA does not support a CBC program expenditure requirement at this time since it would be difficult to define given the CBC's core funding comes from Parliament. As highlighted in the FRPC report on CBC funding, at least some of the CBC's funding has been directed to specific purposes in the past, such as coverage of a royal visit, or to non-programming objectives such as making the terrestrial service available in remote communities.
34. For all of these reasons, ACTRA takes the following positions with respect to CBC PNI programming obligations:
 - a) ACTRA supports the CBC's proposal to increase its PNI obligation to 10 hours per week.
 - b) ACTRA opposes the CBC's proposal to have flexibility to schedule three hours of its weekly PNI obligation either online or during prime-time hours on its linear service. If appropriate rules can be developed for an online release, including an audience threshold/metric such as number of downloads, ACTRA is prepared to agree to the CBC having flexibility for the **additional** one hour of PNI. This is also subject to other reasonable parameters, such as ensuring the online release is the first CBC use of the program and ensuring it is a program in which the CBC is a significant financial contributor.
 - c) ACTRA opposes the CBC's proposal to eliminate the requirement that at least two hours of its weekly PNI obligation must be devoted to each of category 7 (drama and comedy) and category 2(b) (long-form documentary). Given these are the core PNI categories, the CBC should have an obligation to program a minimum in each category and this seems to be an appropriate number.

Children/Youth Programming

35. In May 2019, CBC released its strategic plan, *Your Stories, Taken to Heart*. While the publicly available three-year plan is modest in scope, the CBC did state its priorities include “(becoming) a leader in bringing the best content to our children and youth.”⁷ The CBC observes, and ACTRA agrees, the shift to digital consumption of programming content is more pronounced in children and youth than it is in older age groups.
36. The CBC is proposing significant changes to its commitments to children and youth programming in its current application. The first change concerns the age at which someone moves between these categories. The CBC proposes the definition of a child should be someone under 13 years of age, which is one year older than the existing under-12 rule.
37. At present, the CBC must program at least five hours per week of programming aimed at youth and 15 hours per week of programming aimed at children (averaged over the broadcast year). At least one hour of the 15 aimed at children must be original Canadian programming. In its application, the Corporation proposes to maintain the 15 hours per week aimed at children but to delete the five hours per week aimed at youth and to delete the specific obligation for original Canadian programming aimed at children. In its place, the CBC proposes to broadcast a minimum of 40 hours per year of original Canadian programming aimed at children and youth, and 80 hours of original programming (not necessarily Canadian) aimed at children and youth either on traditional linear television or one of the CBC’s digital platforms.
38. As part of its rationale for these changes, the CBC argues the concept of “youth” programming is not relevant since its family programming is targeted at youth and their parents.
39. Once again, ACTRA has serious problems with the CBC’s proposal. Its obligation to provide Canadian programs to children and youth is just as relevant as its obligation to provide PNI to adults. Yet, the CBC is proposing to reduce its core obligation to provide original Canadian programming from 52 hours per year to 40. It is also proposing to reduce its scheduling of children/youth programming on its linear service from 1,040 hours each year (five hours per week for youth and 15 hours per week for children) to 780 hours each year (15 hours per week for children). Its commitment to 80 hours per year of original programming aimed at children or youth would come with flexibility to schedule these hours either on its linear service or online. We also note if family programming overlaps with youth programming, then the CBC should have little problem in meeting significant content obligations for young Canadians.
40. ACTRA believes the proposed CBC reductions are contrary to its stated objective of being a “leader in bringing the best content to our children and youth.” Also, the *Broadcasting Act* provides “the programming provided by the Canadian broadcasting

⁷ [*Your Stories, Taken to Heart*](#), CBC/Radio-Canada, May 2019 (pg. 2);

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.” Finally, Canada has a long history of being a world leader in the production of children’s and youth programming, a genre that also sells well internationally. According to *Profile 2018*, the production of English-language or bilingual Canadian children’s and youth programming in 2017-2018 was \$433 million.⁸

41. For these reasons, ACTRA takes the following positions with respect to the CBC’s children and youth programming obligations:
- a) ACTRA supports the CBC’s proposal to change the definition of a child to someone under 13 years of age.
 - b) ACTRA opposes the proposal to reduce its programming aimed at children/youth. ACTRA recommends the current conditions of licence be retained. The CBC should be required to program on its linear service at least 260 hours each year of programming directed at youth and at least 780 hours each year of programming directed at children.
 - c) ACTRA urges the CRTC to impose a condition of licence to require the CBC to provide a minimum of 64 hours per year of original Canadian programming aimed at children or youth. Of this total, 12 hours per year may be released on the linear service or online, subject to the implementation of an appropriate audience threshold/metric and investment criteria, as discussed above under PNI, for the online release.

Local and Regional Programming

42. As with other programming genres, the CBC is proposing to reduce its commitment on its linear service, to slightly increase its commitment overall, but to provide itself with flexibility to release local/regional programming online.
43. In metropolitan markets, the CBC proposes to reduce its traditional broadcast commitment from 14 hours per week (including one hour that is not news or information programming) to 12 hours per week (with no non-news minimum). A new 14.5 hour per week requirement could be met either with a release on its linear service or online. In non-metropolitan markets, the CBC proposes to reduce its traditional broadcast commitment from seven hours per week to five hours per week. A new 7.5 hour-per-week requirement could be met either with a release on its linear service or online.
44. The struggles of local media in Canada are well-documented. As advertisers move to digital media, many local providers of news and information have either closed shop or significantly reduced their capacity. At the same time as Canadians are rapidly losing

⁸ Op. Cit. *Profile 2018*, Exhibit 3-2;

access to trusted sources of local news and information, we are seeing a rise in online news and information sources that are far removed from the objective journalism found in traditional media. As the results of the 2019 federal election underline, we are a diverse country with different needs and views. Since its launch in the last century, the CBC has played an important role in allowing us to hear each other's issues, concerns and perspectives and this role remains hugely important in this decade.

45. ACTRA takes the following positions with respect to CBC's local/regional programming obligations:
- a) ACTRA urges the CRTC to retain the CBC's 14 hours per week local/regional programming obligation in metropolitan markets and to retain the requirement that a minimum of one hour each week of this programming must be non-news or information. There are stories and music in every part of the country that should have an opportunity to be broadcast on the CBC. There are many cases in which artists who are first broadcast locally go on to be major national (and international) stars.
 - b) ACTRA urges the CRTC to retain the CBC's seven hours per week local/regional programming obligation in non-metropolitan markets.
 - c) ACTRA recommends the Commission require the CBC to provide an additional one hour of programming each week in both metropolitan and non-metropolitan markets that may be scheduled on its linear service or released online, subject to agreement on an appropriate audience metric/threshold, as reviewed above.

CRTC QUESTIONS

46. Rather than responding to the CRTC's specific questions, ACTRA will offer general comments about the "four overarching objectives" identified by the CRTC in Notice of Consultation 2019-379, but modestly redefined by ACTRA. We will also offer general comments about the proposed regulatory approach and the measurement framework.

Objective 1: Reflection of the Rich Diversity of Canadians (Questions 1-7)

47. While ACTRA is generally satisfied with the CBC's programming content, we believe the CBC should be providing more first-run Canadian content, particularly as government funding may increase in the coming years.
48. ACTRA supports an increase in the CBC's PNI commitment. Canadian drama and scripted comedy are seriously underrepresented in our system but are the programming genre most watched by Canadians. ACTRA also supports a condition of licence that would increase the amount of original Canadian programming targeting children and youth.

49. Given the crisis in local and regional media, ACTRA also believes the CBC's commitment to providing local news and information to all Canadians from coast to coast should be strengthened.
50. While we fully support the obligation on the CBC to provide equivalent services in English and French, we will leave it to our French colleagues to comment on whether this objective is being achieved. ACTRA's submission focuses on the realities of the non-French-language markets, which are themselves extraordinarily diverse. ACTRA believes the CBC needs to continue to strive to reflect this rich diversity with a broad array of high-quality innovative programs in English, Indigenous languages and, as appropriate, other languages spoken in Canada. Diverse content should be available on all platforms and services in relevant communities.
51. The CBC has taken important steps toward gender equality and should continue to move aggressively in this direction. Because it's 2020, there should be gender balance in important decision-making positions and more balanced and appropriate on-screen portrayal. ACTRA acknowledges the CBC is pursuing these objectives and we look forward to continuing to work together to achieve gender equality in CBC programming and its operations.
52. Because Canada is a racially and culturally diverse country, CBC programming and staffing should reflect this rich diversity, including racialized communities, Canadians with differing abilities and LGBTQ2 Canadians. Once again, ACTRA acknowledges the CBC is pursuing this objective and we look forward to continued progress.
53. Programs of National Interest (PNI) are fundamental to nation-building and it is important for us to communicate with each other locally, regionally and nationally. ACTRA notes we have excellent storytellers and entertainers across the country, and the CBC has a rich history of supporting this creativity. PNI includes well-told local stories and the CBC should build on its rich tradition of bringing such stories to life.

Objective 2: Production of High-Quality Canadian Content (Questions 8-13)

54. ACTRA believes the CRTC must emphasize in its decision that the programs provided by the CBC across all its platforms and services must be "predominantly and distinctively Canadian," as required by Sec. 3.1.m.i of the *Broadcasting Act*. This is a very high bar the Corporation has sometimes not reached. Non-Canadian programs should be acquired by the CBC only when such programs offer a unique perspective to Canadians and are otherwise not available to them.
55. The CBC proposes in its three-year plan to "increase the revenue we earn and find new revenue opportunities,"⁹ presumably as a way to invest more in its programming. Where increased revenue is from foreign sales of CBC programs or coproduction

⁹ Op. Cit. *Your Stories, Taken to Heart*;

partnerships where the Corporation has a major creative input, we fully support the initiative. ACTRA highlights there are many stories relevant to Canadians the CBC could tell in partnership with other public service media.

56. Independent producers are an essential part of the production ecosystem in Canada. In some respects, they are nimbler and more daring than broadcasters and we support requirements for broadcasters to partner with independent producers. ACTRA welcomes and supports the CBC's proposals for conditions of licence to commission or acquire from independent producers at least 80 per cent of its PNI and at least 80 per cent of its children's programs (up from 5.25 hours and 75 per cent respectively).

Objective 3: Distribution of Canadian Programming (Questions 14-17)

57. ACTRA believes every Canadian should have access to the Internet and to CBC services, regardless of their personal circumstances and where they live. This is an important public policy issue the government must address. But in an environment where the CBC remains inadequately funded, the CBC cannot carry the burden to achieve this important objective.

58. ACTRA believes the CBC's linear services will remain critically important for the next decade or more. We also understand it is vital for the CBC to continue to develop its digital presence, since this is where consumers are heading. The launch of Gem is an important step for the CBC. While ACTRA is wary about Canadians having to pay for a subscription service offered by its public service broadcaster, in the current environment where the CBC must obtain commercial revenues, this is an acceptable trade-off.

59. ACTRA believes the CRTC can and must regulate programming made available to Canadians online, including by the CBC. ACTRA endorses the simple but elegant proposal of the BTLR Panel that the *Broadcasting Act* be clarified to confirm it applies "to media content undertakings involved in the creation and distribution of media content."¹⁰

Objective 4: Promoting Canadian Democracy (Questions 18-21)

60. As we note above, in the current environment in which local media are challenged, we are most concerned about the slow erosion of the CBC's capacity to provide local and regional news and information programming. These services are fundamental to dialogue in the public space.

61. CBC national news and information programming also remain critical and the CBC needs to do better. While *The National* plays an important role in public discourse, it has trailed one or more of its private sector competitors in the ratings for several years.

¹⁰ [Canada's communications future: Time to act](#), Broadcasting and Legislative Review Panel, January 2020 (pg. 131);

While its good the CBC ranks among the most highly visited websites in Canada, we know the BBC is the number one domestic website in the U.K.

62. ACTRA submits Canada's social and political realities are reflected as much in cultural programming as they are in news and current affairs. Diverse programs such as *Schitt's Creek*, *Kim's Convenience*, *Little Mosque on the Prairie*, *Republic of Doyle*, *Heartland*, the *Degrassi* franchise, *North of 60*, *This Hour Has 22 Minutes*, *DaVinci's Inquest*, *Baroness von Sketch*, *The Rick Mercer Report*, and many others promote understanding, national dialogue and reflect Canada's rich diversity. Good dramas and scripted comedy can challenge us to reflect on who we are, and to think about what our society can become. That's why PNI is so important and that's why non-news regional programming is also critical.

Regulatory Approach (Questions 22-28)

63. ACTRA soundly rejects the suggestion the CRTC should consider regulating the programming activities of the Corporation in a manner that focuses solely on the provision of content via traditional television and radio services. Robert Fowler, who chaired a 1957 national commission on broadcasting and a 1965 special committee investigation, said it best: "all that matters in broadcasting is program content: all the rest is housekeeping."¹¹ ACTRA agrees.

64. The last major review of Canada's broadcasting legislation concluded in 1990 and resulted in the *Broadcasting Act*, which was given royal assent in early 1991. Given what we now know as the Internet was then in its earliest stages of development and the World Wide Web did not move into the public domain until 1993, the *Act* is remarkably prescient and technology neutral. Even without the proposed BTLR Panel clarification, it is evident the ***Broadcasting Act is about content*** and not about what we today call linear television:

- "*broadcasting* means **any transmission of programs, whether or not encrypted, by radio waves or other means of telecommunication for reception by the public by means of broadcasting receiving apparatus, ...**"
- "*program* means sounds or visual images, or a combination of sounds and visual images, that are intended to inform, enlighten or entertain, ..." ¹²

65. As we have detailed above, ACTRA believes we need to have more drama, scripted comedy and documentaries, and thus supports the CBC's proposal to increase its PNI. ACTRA could support flexibility to provide the additional PNI content either online or on the linear service only when an appropriate online threshold is achieved and other conditions are met. ACTRA's overriding interest is to ensure CBC programming is of the highest quality and "distinctively Canadian," including that which is released online.

¹¹ *Broadcasting Policy in Canada*, second edition, Robert Armstrong, 2016 (pg. 37);

¹² [Broadcasting Act](#), Sec. 2.1, Government of Canada, 1991.

Measurement Framework (Questions 29-33)

66. In many interventions over the past few years, ACTRA has pointed out the critical importance of having a broad range of information about programming content, from all program producers, distributors and exhibitors in every medium. As a publicly funded agency, the CBC has an obligation to all Canadians to be transparent about its operations and be a leader in collecting and releasing data.
67. ACTRA thus endorses the commitment of the CBC to have new conditions of licence related to: consulting and reporting on commitments for content created by and for Indigenous peoples; reporting on commitments related to on-screen diversity, in content production, and in the CBC workforce; and reporting on commitments for gender parity in audio-visual content production.
68. However, ACTRA submits the CBC should do more, and specifically should be required to provide more than the minimum data required by the revised Production Report to be completed annually by large ownership groups (CRTC 2019-304). The CBC should also be required to provide data about its operations to ensure the various policy objectives can be monitored.
69. With respect to programming, being open and transparent means collecting and making available a broad range of data about every program, in every genre, the CBC produces or distributes across the full spectrum of its operations. The CBC should provide a database of information that will allow all Canadians, who are the primary funders of the CBC, to monitor developments and performance over time. The program data should include information about financing and partnerships, the story and cast, how and where the program is distributed, and appropriate audience metrics, including for the CBC's online services.

CONCLUSION

70. The CBC is one of Canada's most important public institutions. While it has performed reasonably well over many decades, it can and must do better. As the media landscape will continue to evolve throughout the 2020s, the CBC will remain as important as it was when radio, television, satellite and fibre-optic cable each profoundly disrupted the broadcasting system in the last century.
71. As Canadians increasingly consume entertainment and information content online and on-demand, they have access to a virtually unlimited supply of the best and the worst content the world has to offer. In this environment, it is essential for all of us to have access to programs produced, acquired and curated for Canadians under a public service mandate, rather than for profit. In this brave new media world of the 2020s, if we did not already have the CBC, we would need to create it.

72. ACTRA appreciates the opportunity to participate in this important process. ACTRA would like the opportunity to appear before the Commission at the public hearing commencing on 25 May 2020 to present our views in person, respond to any new information and address any questions the Commission may have about our written intervention.

Thank you,

A handwritten signature in black ink that reads "Marie Kelly". The signature is written in a cursive, flowing style.

Marie Kelly
National Executive Director, ACTRA

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