



Media Production  
Industry Association

Association des professionnels  
de l'industrie audiovisuelle

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Le 1 mars 2021

Monsieur Claude Doucet  
Secrétaire général  
Conseil de la radiodiffusion  
et des télécommunications canadiennes  
Ottawa (Ontario) K1A 0N2

Re: **Broadcasting Notice of Consultation CRTC 2019-379** Renewal of the licences relating to the Canadian Broadcasting Corporation / Société Radio-Canada English-language audio-visual services (Application no. 2019-0282-5) and French language audio-visual services (Application no. 2019-0281-7)

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*Monsieur le secrétaire générale :*

1. On Screen Manitoba is pleased to provide our final submissions with respect to Broadcasting Notice CRTC 2019-379.
2. On Screen Manitoba recognizes, and values, the special place CBC/Radio-Canada holds in the Canadian broadcasting system.
3. We support the licence renewal of the Canadian Broadcasting Corporation / Société Radio-Canada (CBC/SRC) subject to our comments below.
4. CBC/Radio-Canada provides original Canadian programming across both linear and online platforms. The current conditions of licence (COLs) only address linear broadcast programming; it is time for an approach that recognizes that CBC/Radio-Canada Canadian programming and its audiences use both broadcast and online services.
5. On Screen Manitoba agrees with the CMPA, the APFC and other intervenors that the proven effectiveness of expenditure-based COLs provide a measure that would work within CBC/Radio-Canada's cross-platform environment. COLs that are expenditure-based, using the historical average of the past three years are proven, effective, regulatory tools that allow the Commission, intervenors, the public and CBC/Radio-Canada itself to measure its success.
6. On Screen Manitoba was pleased to read in a letter to the CRTC dated February 3, 2021, that CBC/Radio-Canada agrees an expenditure-based approach is reasonable for cross-platform programming; however, we do not support CBC/Radio-Canada's proposal to combine audio and audio-visual programming. These constitute two separate types of programming, each with its

own regulatory model, which reflects their different nature. Indeed, the CBC/Radio-Canada licence reflects this distinct regulatory approach as each service in each official language is treated separately: French language audio services (2019-0279-2), English language audio services (2019-0280-0), French language audio-visual services (2019-0281-7), and English language audio-visual services (2019-0282-6).

7. Further, expenditure requirements have been a long-standing means to regulate broadcast television. There is simply no parallel with broadcast radio and no policy rationale has been provided as to why audio and audio-visual content should suddenly be considered in the same regulatory basket during a licence renewal hearing and especially at this late stage of the consultation.
8. In this same letter, CBC/Radio-Canada proposes to introduce four programming categories: Canadian Programming Content; News and Information; Regional Reflection and OLMC; Programs Contributing to Shared National Consciousness. While On Screen Manitoba appreciates CBC/Radio-Canada's recognition that regional and OLMC production are cornerstones of its programming responsibilities, the proposed categories are not adequately defined, nor are they based on existing regulatory categories.
9. Arguably three of the categories are subcategories of the first in that CBC/Radio-Canada primarily produces Canadian content. What exactly constitutes "News and Information?" In regulatory terms "information programs" may include a range of programming such as analysis, long form documentary and educational programming. CBC/Radio-Canada has provided neither a definition nor a rationale for this approach.
10. In addition, CBC/Radio-Canada does not suggest appropriate levels for cross-platform expenditure requirements, or any other mechanism for setting those levels.
11. The proposed category of "Programs Contributing to Shared National Consciousness" is a responsibility of the CBC/Radio-Canada enshrined in the Broadcasting Act rather than a regulatory category. CBC/Radio-Canada has not addressed expenditure requirements for two key programming objectives of the CRTC: programs of national interest (PNI) and children's and youth programming. Instead, CBC/Radio Canada appears to want to introduce a new notion: "Programs Contributing to Shared National Consciousness," which is a key CBC/Radio-Canada responsibility enshrined in the Broadcasting Act, but which remains undefined in their proposal.
12. Again, On Screen Manitoba is appreciative that CBC/Radio-Canada wanted to emphasize the importance of regional and OLMC contributions by including them as a new category; however, regional and OLMC producers and creators make content in all three of the other proposed categories. Regionally and OLMC-created and produced content is Canadian programming content. Regionally and OLMC-created and produced content is made in the form of news and information, and in the form of, "programs contributing to shared national consciousness."
13. In the proposed category, "Regional Reflection & OLMC," the term "reflection" is problematic. Today, many regions of Canada have thriving media production industries – several, including Manitoba, produce independent Canadian programming of all types in both official languages. Regionally-based and OLMC creators and producers are key components of the Canadian broadcasting system, contributing to the diversity of voices available to Canadian audiences.

While CBC/Radio-Canada has a responsibility to reflect the many regions of Canada in its programming, any new “regional and OLMC” category should clearly recognise the role of regionally-based and OLMC creators and producers.

14. Finally, along with other intervenors, we believe that COLs that include both expenditures and exhibition hours would not be unnecessarily burdensome for CBC/Radio-Canada. Private broadcasters operate effectively while meeting both expenditure and exhibition requirements; there is no policy reason to treat CBC/Radio-Canada differently.
15. Expenditure requirements are needed to ensure continued investment in critical programming including PNI, children’s and youth, drama and documentary. The expectations of cross-platform exhibition hours proposed by CBC/Radio-Canada is simply not practical. As has been highlighted multiple times throughout this hearing, an on-air exhibition hour cannot be compared to an online exhibition hour, which may simply sit unfound in a vast library.
16. As the CMPA rightly points out, CBC/Radio-Canada’s PNI expenditures declined in 2019 and 2020 and its financial projections for the coming years demonstrate it plans to invest less in PNI. Using an expenditure-based COL will help to ensure PNI remains a priority that can be measured.
17. Further, it is also not possible to assess CBC/Radio-Canada’s proposed cross-platform expectations of original hours of children’s and youth programming because it does not currently report actual original programming hours. There is no baseline for measuring whether the proposed expectation of 80 hours by CBC/Radio-Canada reflects an increase, a decrease or the status quo. The situation with French language programming for children and youth described below underlines the importance of transparent, consistent reporting in order to ensure CBC/Radio-Canada is meeting its obligations.
18. *Radio-Canada n’a pas répondu formellement aux demandes de fournir des détails par rapport aux nombres d’heures historiques consacrés à la production jeunesse. L’APFC, en réunissant diverses réponses de Radio-Canada au Conseil, constate dans sa soumission finale datée du 1 mars 2021 que le nombre d’heures produites historiquement étaient de plus de 100 heures et probablement près de 170 heures par an. Une réduction à 80 heures est significative et risque de nuire à la diversité du contenu canadien en langue française disponible au jeune public et à leurs familles. En conséquence, nous appuyons la demande de l’APFC d’une condition de licence, de diffuser sur le réseau français au minimum 120 heures, sur une base annuelle, d’émissions originales canadiennes pour enfants et jeunes, ainsi que d’une attente de consacrer au moins 4 % des dépenses totales d’émissions canadiennes du réseau et de ses plateformes audiovisuelles aux émissions canadiennes pour enfants et jeunes.*
19. *Considérant maintenant la contribution des créateurs et des producteurs de communauté de langue officielle en situation minoritaire, tels que ceux et celles qui vivent et réalisent du contenu canadien au Manitoba, nous sommes ravis de constater que Radio-Canada accepte la définition « Producteur des CLOSM » qui se trouve dans le Bulletin d’information CRTC 2019-304.*
20. *Nous sommes en accord complet avec l’APFC dans sa démonstration que la moyenne historique (basée sur les trois dernières années selon la politique du CRTC) des dépenses d’émissions des*

*producteurs des CLOSMs en pourcentage des dépenses totales d'émissions indépendantes du réseau est de 3,6 %.*

- 21. Radio-Canada admet avoir fait passer un bon nombre d'émissions produites en anglais à Toronto comme étant le fait de producteurs de CLOSMs. Ces émissions ne sont ni régionales (sont régionales des productions faites au moins 150 km de Toronto ou de Montréal), ni produites originellement en français et ne respecte pas l'intention de la condition de licence numéro 16 de sa licence actuelle. L'APFC affiche vingt-quatre sociétés membres à travers le Canada sur son site web. Trois de ces sociétés se trouvent au Manitoba, toutes les trois sont expérimentées dans une diversité de type de production documentaire, fiction, animation, pour jeunes. Les Productions Rivard existe depuis plus de 25 ans, Manito Média existe depuis 10 ans, et Wookey Films depuis 8 ans. Tous ont produits des émissions qui ont été nominées et même récipiendaire de prix. Le Manitoba ne fait pas l'exception, il n'est pas difficile de trouver des sociétés de production expérimentées qui produisent en langue française à l'extérieur du Québec, et à l'extérieur de Toronto.*
- 22. Par ailleurs, Radio-Canada confirme qu'il consacra 6 % des dépenses totales d'émissions indépendantes du réseau anglais à de véritables émissions indépendantes des « producteurs des CLOSM », c'est-à-dire produites en anglais au Québec, mais seulement 3 % des dépenses totales d'émissions indépendantes du réseau français à de véritables émissions indépendantes des « producteurs des CLOSM », c'est-à-dire produites en français hors Québec. Tout comme l'APFC, nous nous appuyons sur les données les plus récentes de Statistique Canada pour souligner que cette approche n'est pas acceptable par rapport aux obligations de service public pour les populations des deux langues officielles. Les données sur la Population selon la langue maternelle, 1951 à 2016<sup>1</sup> démontre que la population au Québec dont la langue maternelle est l'anglais représente 3,3 % de la population canadienne totale de langue anglaise maternelle alors que la population canadienne en dehors du Québec dont la langue maternelle est le français représente 13,8 % de la population canadienne totale de langue française maternelle.*
- 23. Ces pour les raisons notées ci-dessus que nous appuyons sans réserve l'APFC en demandant au Conseil d'imposer au réseau français une condition de licence à l'effet de consacrer aux émissions indépendantes produites au Québec hors Montréal et hors Québec, au moins 9 % de ses dépenses totales d'émissions indépendantes, et qu'au moins 60 % de ces dépenses soient allouées à des « producteurs des CLOSM », tels que définis dans le Bulletin d'information CRTC 2019-304.*
- 24. De plus nous constatons que Radio-Canada, dans sa lettre du 3 février confirme qu'elle n'a pas l'intention d'investir dans des émissions des producteurs des CLOSMs destinées en exclusivité sur ces plateformes numériques, se limitant à distribuer des émissions des producteurs des CLOSMs produites pour le réseau. Le public canadien partout au Canada cherche à accéder à de la programmation distribuée sur des plateformes numériques. Le CRTC a mis en place des politiques et même un fonds de soutien pour assurer un minimum de service de large bande partout au Canada. Les créateurs et les producteurs indépendants des CLOSMs contribuent déjà depuis plusieurs décennies à la diversité des voix sur les ondes canadiennes. Il faut s'assurer que leurs voix continuent à être présentes sur les plateformes numériques en les incluant dans les opportunités de produire du contenu original pour des plateformes numériques.*

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<sup>1</sup> <https://www150.statcan.gc.ca/t1/tbl1/fr/tv.action?pid=1510000301>

25. *Nous appuyons sans réserve la demande de l'APFC d'une attente à l'effet de consacrer au moins 9 % des dépenses totales d'émissions indépendantes du réseau et des plateformes audiovisuelles à des émissions indépendantes produites au Québec hors Montréal et hors Québec, et qu'au moins 60 % de ces dépenses soient allouées à des « producteurs des CLOSM », tels que définis dans le Bulletin d'information CRTC 2019-304.*
26. In regard to independent producers in the English language market, we agree with the CMPA that either expenditure or exhibition requirements provide an effective means for establishing a COL in regard to independent production. Independent producers in Canada provide the vast majority of CBC/Radio-Canada programming with the exception of news, sports and current affairs programming. Should the Commission determine an expenditure-based COL for independent production, then On Screen Manitoba agrees with the CMPA's suggested approach to set expenditure requirements based on Canadian programming (not including news, sports and current affairs) as opposed to PNI alone, and using the Commission's policy of basing historical spend on the average of expenditure over the last three years.
27. As we stated in our initial intervention, and considering both the English and the French language markets, On Screen Manitoba supports CBC/Radio-Canada's proposal for new formal consultations with Indigenous communities and producers, based on its current obligation to meet with OLMC communities and producers. In addition, On Screen Manitoba supports the proposal to include expenditure requirements for Indigenous producers as discussed with the Indigenous Screen Office and Eagle Vision during the hearing. These measures modeled on CBC/Radio-Canada's commitments to OLMCs have the potential to ensure CBC/Radio-Canada can better meet its responsibility to include Indigenous people in programming and employment opportunities<sup>2</sup>.
28. On Screen Manitoba has seen the valuable impact of formal consultation accompanied by expenditure requirements with OLMCs. We believe that a similar model of formal consultations and expenditure requirements in both English and French language markets are essential for Indigenous communities and producers and urge the CRTC to put in place such COLs.
29. We also believe that formal consultations along with expenditure expectations for English-language, regionally-based communities and producers are required to ensure opportunity for creators and producers across Canada to share their stories nationally.
30. *Maintes fois, On Screen Manitoba a exprimé au CRTC l'importance des rapports transparent, conséquent, et régulier. Dans sa soumission finale au CRTC date du 1 mars 2021, l'APFC fait la démonstration concrète de l'importance de fournir de l'information conséquent sur plusieurs années. Nous appuyons sans réserve la demande de l'APFC à maintenir les rapports sur les CLOSMs, idéalement avec les bonifications suggérées dans son intervention initiales.*
31. *Nous soutenons la proposition de CBC/Radio Canada d'inclure un rapport sur la parité et la diversité dans ses obligations annuelles. Toutefois, afin que ce rapport soit utile, nous suggérons au CRTC de mettre en place un rapport qui collectionne de l'information sur la participation des autochtones, des personnes noires et de couleur ainsi que ceux/celles représentant la diversité*

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<sup>2</sup> Broadcasting Act 3(1)(d)(iii)

*d'identité sexuelle et de genre. De plus nous demandons au CRTC de s'assurer que ce rapport inclut également les productions en région (aussi bien par rapport à la conception de l'émission que par rapport au tournage).*

32. The current production report used by private broadcasters provides a useful model for CBC/Radio-Canada with the continued and potentially enhanced reporting on CLOSMs and the additional reporting in regard to diversity noted above. It provides a clear definition for original, first-run programs, and is consistent with reporting and data collection by Canadian broadcasters.
33. On Screen Manitoba also agrees with the CMPA's recommendations to include a feature film report; and a report on its digital media activities, including basic aggregate financial information on digital services such as: spending and revenues on programming vs. non-programming expenses; spending and revenues as between English- and French-language markets; expenditures on Canadian programming and non-programming content, including expenditures on PNI, children's and youth programming, and independent productions; and expenditures on Canadian audio-visual vs audio content.
34. On Screen Manitoba supports, in addition to expenditure requirements:
  - a. That the PNI COL requiring 2 hours be devoted to each of category 2(b) long-form documentary and 7 drama and comedy per week should be maintained.
  - b. That a COL for at least 80 hours of original Canadian programming for children and youth per year be imposed and the expectation to reasonably allocate hours between preschool and school-age.
35. The Manitoba media production industry includes numerous highly talented documentary filmmakers and producers. Documentary is considered priority programming within the definition of PNI and for these reasons On Screen Manitoba requests that the Commission maintain CBC's COL that the Documentary Channel devote at least 75% of the evening broadcast period to Canadian programs.
36. In addition, we agree with the CMPA that the CPE for the Documentary Channel be changed to 46% of the previous year's gross revenues based on the updated financial information filed by CBC.
37. Feature film production in both English- and French- language markets remains a critical means of expression for regionally-based creators both as a genre in and of itself and as a means to develop and showcase storytelling talents for scripted series. On Screen Manitoba supports maintaining the COL to broadcast a minimum of one Canadian feature drawn from category 7(d) theatrical feature films aired on TV.
38. Finally, in order to ensure that the independent production community can effectively work with CBC/Radio-Canada to achieve its mandate to provide Canadians with high quality original independent programming that is discoverable in Canada, and abroad, we request that the Commission maintain the COL, which requires CBC to enter into a Terms of Trade agreement with the CMPA, and for Radio-Canada to enter a similar agreement with the Association Québécoise de la production médiatique (AQPM) that includes the members of the APFC.

39. On Screen Manitoba thanks the Commission for this opportunity to share the views of our membership which includes individual industry professionals, production companies, service suppliers, unions, film festivals and various service organizations involved in the media production industry in Manitoba. Our members work in both official languages and reflect the diversity of Canadian society including Indigenous, Black and people of colour and the broad spectrum of human gender and sexual expression.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Matiation". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Nicole Matiation,  
Executive Director / *Directrice générale*

cc. Bev Kirshenblatt, Executive Director, Corporate and Regulatory Affairs, CBC,  
regulatoryaffairs@cbc.ca

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