



2024 07 22

Marc Morin
Secretary General
CRTC
Ottawa, ON K1A 0N2

Filed online

Dear Secretary General,

**Re: *Call for comments – Co-development of an Indigenous Broadcasting Policy, BNoC*
2024-67 (Ottawa, 22 March 2024)**

Please find attached the comments of the Forum for Research and Policy in Communications (FRPC) with respect to the above-noted matter.

The Forum looks forward to reviewing other participants' comments.

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***Call for comments –
Co-development of an Indigenous Broadcasting Policy,
Broadcasting Notice of Consultation CRTC 2024-67
(Ottawa, 22 March 2024)***

“Action may not always bring happiness,
but there is no happiness without action.”
— William James

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Acronyms

AMMSA	Aboriginal Multi-Media Society
APTN	Aboriginal People's Television Network (licensed to Television Northern Canada Incorporated in Decision CRTC 99-42)
BDU	Broadcasting Distribution Undertaking
BPF-FPR	Broadcasting Participation Fund – Fonds de la participation à la radiodiffusion
CAB	Canadian Association of Broadcasters
CAAB	Canadian Association of Aboriginal Broadcasters (Missinipi Broadcasting Corporation, Saskatchewan; Aboriginal Multi-Media Society, Alberta; and Native Communications Incorporated, Manitoba)
CBSC	Canadian Broadcast Standards Council
CRTC	Canadian Radio-television and Telecommunications Commission
FRPC	Forum for Research and Policy in Communications
ISO	Indigenous Screen Office
MBC	Missinipi Broadcasting Corporation
NCI	Native Communications Incorporated
TNC	Television Northern Canada Incorporated (licensed in Decision CRTC 99-42 to provide APTN)



Related CRTC documents and events – extract

- 1980 *Public Announcement* (Ottawa, 8 January 1980) of a Committee chaired by CRTC Vice-Chairman Réal Therrien to study problems involved with extending broadcasting service to northern and remote communities, and to submit recommendations about the most effective ways of serving underserved communities
- Committee on Extension of Service to Northern and Remote Communities, *Report: The 1980s - A Decade of Diversity*, (Ottawa, July 1980)
- Public Announcement* (16 October 1980): CRTC supports and endorses recommendations of *Report: The 1980s - A Decade of Diversity* that addressed funding, consultation, private-sector role and roles of different levels of government
- 1981 CRTC licenses Inuit Broadcasting Corporation (Decision CRTC 81-255) and Council of Yukon Indians and Dene Nation (Decision CRTC 81-256)
- CRTC licenses Canadian Satellite Communications Inc. (CANCOM) to provide a basic package of telecommunication and radio services to remote and underserved communities throughout Canada (Ottawa, 1 April 1981)
- 1984 *Northern Native Broadcasting*, [Public Notice CRTC 1984-310](#) (Ottawa, 14 December 1984)
- 1985 CRTC Task Force on Access to Television in Underserved Communities, *The Costs of Choice: Report*, (Ottawa, 22 March 1985)
- CRTC Response to the Report of the Task Force on Access to Television in Underserved Communities*, [Public Notice CRTC 1985-60](#) (Ottawa, 22 March 1985)
- Call for Comments Respecting Northern Native Broadcasting*, [Public Notice CRTC 1985-67](#) (Ottawa, 27 March 1985)
- Optional Canadian and Non-Canadian Satellite Services*, [Public Notice CRTC 1985-72](#) (Ottawa, 4 April 1985)
- Northern Native Broadcasting*, Public Notice CRTC [1985-274](#) (Ottawa, 19 December 1985)
- 1986 *CRTC Action Committee on Northern Native Broadcasting*, [Public Notice CRTC 1986-75](#) (Ottawa, 27 March 1986)
- Inuit Broadcasting Corporation*, Decision CRTC 86-804 (Ottawa, 28 August 1986)
- 1989 *Review of Northern Native Broadcasting: Call for Comments*, [Public Notice CRTC 1989-53](#) (Ottawa, 26 May 1989)
- 1990 *Review of Native Broadcasting - A Proposed Policy*, Public Notice CRTC [1990-12](#) (Ottawa, 2 February 1990)
- Inuit Broadcasting Corporation*, [Decision CRTC 90-360](#) (Ottawa, 18 April 1990) (administrative renewal)
- NATIVE BROADCASTING POLICY*, [Public Notice CRTC 1990-89](#) (Ottawa, 20 September 1990)
- 1991 *Television Northern Canada Incorporated*, [Decision CRTC 91-826](#) (Ottawa, 28 October 1991) [licenses TVNC to operate a television network to broadcast cultural, social, political and educational programming for the primary benefit of Indigenous people in the North]



- 1995 *CALL FOR COMMENTS ON A REQUEST TO ADD THE SERVICE OF TELEVISION NORTHERN CANADA INCORPORATED TO THE LISTS OF ELIGIBLE SATELLITE SERVICES*, [Public Notice CRTC 1995-129](#) (Ottawa, 28 July 1995)
- 1998 *ADDITIONAL NATIONAL TELEVISION NETWORKS - A REPORT TO THE GOVERNMENT OF CANADA PURSUANT TO ORDER IN COUNCIL P.C. 1997-592*, [Public Notice CRTC 1998-8](#) (Ottawa, 6 February 1998)
- 1999 *Television Northern Canada Incorporated*, [Decision CRTC 99-42](#) (Ottawa, 22 February 1999) [licenses national, satellite-to-cable television programming service]
New licence form for commercial radio stations, Public Notice CRTC [1999-137](#), 24 August 1999
- 2001 *Changes to conditions of licence for certain native radio undertakings*, [Public Notice CRTC 2001-70](#) (Ottawa, 15 June 2001)
- 2014 *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC [2014-444](#) and Broadcasting Orders CRTC [2014-445](#), [2014-446](#), [2014-447](#) and [2014-448](#) (Ottawa, 29 August 2014)
- 2017 *Renewal of licences for the television services of large French-language ownership groups – Introductory decision*, [Broadcasting Decision CRTC 2017-143](#) (Ottawa, 15 May 2017), at paragraphs 124-125 [footnotes omitted]:

... in light of the pressing need to serve the Indigenous community, the Commission considers it appropriate to adopt an incentive to encourage the reflection of Indigenous peoples within the system. Specifically, a designated group will receive a 50% credit towards their CPE requirements for expenditures on Canadian programming produced by Indigenous producers, up to a maximum (expenses plus credit) of 10% of the group's overall CPE requirement when combined with the credit discussed in the following section on OLMC reflection. Only programming costs counting towards CPE as defined in Public Notice 1993-93 will be considered eligible for the credit. Conditions of licence to this effect are set out in the licence renewal decisions for each group, also published today.

The Commission intends to monitor and assess the effectiveness these measures by requiring the groups to provide the following information on a yearly basis: the number of Indigenous producers they meet with each year, a list of projects commissioned from Indigenous producers that are in development, in production and completed, their budgets and the total CPE devoted to such projects. This additional data will also allow the Commission and the public to better gauge Indigenous production within the system.

Renewal of licences for the television services of large English-language ownership groups – Introductory decision, [Broadcasting Decision CRTC 2017-148](#) (Ottawa, 15 May 2017), at paragraphs 86-87 [footnotes omitted]:

Accordingly, in light of the pressing need to serve the Indigenous community, the Commission considers it appropriate to adopt an incentive to encourage the reflection of Indigenous peoples within the system. Specifically, the designated groups will receive a 50%



credit towards their CPE requirements for expenditures on Canadian programming produced by Indigenous producers, 5 up to a maximum (expenses plus credit) of 10% of the group's overall CPE requirement when combined with the credit discussed in the following section on OLMC reflection. Only programming costs counting towards CPE as defined in Public Notice 1993-93 will be considered eligible for the credit. Conditions of licence to this effect are set out in the licence renewal decisions for each group, also published today.

The Commission intends to monitor and assess the effectiveness of these measures by requiring the groups to provide the following information on a yearly basis: the number of Indigenous producers they meet with each year, a list of projects commissioned from Indigenous producers that are in development, in production and completed, their budgets and the total CPE devoted to such projects. This additional data will allow the Commission and the public to better gauge Indigenous production within the system.

- 2018 *Amendments to exemption orders from various types of radio programming undertakings*, Broadcasting Regulatory Policy CRTC [2018-137](#) (Ottawa, (27 April 2018) – requires all broadcasters to participate in Canada's National Public Alerting System (with some exceptions)
- 2019 *Co-development of a new Indigenous Broadcasting Policy*, [Broadcasting Notice of Proceeding CRTC 2019-217](#) (Ottawa, 20 June 2019) – announcement of three-phase proceeding
- 2021 *"What You Said" Report*, (Ottawa, 2021)
- 2023 Bill C-11, *An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts*, receives Royal Assent on 27 April 2023; among other things the statute amends the 1991 *Broadcasting Act* by updating the broadcasting policy for Canada to "provide opportunities to Indigenous persons, programming that reflects Indigenous cultures and that is in Indigenous languages, and programming that is accessible without barriers to persons with disabilities" and by specifying that the CRTC
- ... must regulate and supervise the Canadian broadcasting system in a manner that ...
 - (i) takes into account the different characteristics of English, French and Indigenous language broadcasting and the different conditions under which broadcasting undertakings that provide English, French or Indigenous language programming operate,
 - ...
 - (v) facilitates the provision to Canadians of Canadian programs in both official languages, including those created and produced by official language minority communities in Canada, as well as Canadian programs in Indigenous languages,
- 2024 *Call for comments – Co-development of an Indigenous Broadcasting Policy*, [Broadcasting Notice of Consultation CRTC 2024-67](#) (Ottawa, 22 March 2024)



Summary

Introduction

Summary 1 Since the CRTC established its current Indigenous broadcasting policy in 1990 the Forum welcomed its decision 29 years later – in 2019 – to review the policy. We supported and support the Commission’s efforts to engage Indigenous people in this important review by using a three-phase process consisting of engagement sessions in 2019/20, this review in 2024 and at some point in the hopefully near future, the publication of the Commission’s preliminary conclusions and determinations.

FRPC’s preliminary comments

Summary 2 As noted above, FRPC supported and supports the CRTC’s three-phase process to engage more Indigenous people to develop an Indigenous broadcasting policy for the 21st century. While somewhat disappointing that the CRTC’s 12 Engagement Sessions attracted just 120 people (an average of 10 people per session), the Forum found it very useful to read their perspectives in the CRTC’s 2021 *What You Said Report*.

Summary 3 FRPC notes, however, that while the CRTC specifically invited “Indigenous broadcasters, content creators and artists” to attend the sessions, a third of the 95 organizations that attended included non-Indigenous broadcasters, governments, funding agencies, consultants and universities. (As the names of participants were not linked to specific organizations, it is unknown how many of the participants represented Indigenous broadcasters, content creators and artists.)

Summary 4 The Forum was also concerned, given the Engagement-Sessions’ participants emphasis on ensuring an accurate depiction of the history of Indigenous broadcasting, that BNoC 2024-67 did not provide a historical overview of Indigenous broadcasting or the 1990-89 regulatory policy for Indigenous broadcasting. The Forum’s submission includes an appendix setting out a number of CRTC determinations or events related to Indigenous broadcasting, and extracts of this appendix just before this Summary and following the list of abbreviations and acronyms used in the documents. FRPC does not claim that its listing of related events is complete.

Summary 5 As if not more serious than the absence of historical context about Indigenous broadcasting in Canada is the complete absence of historical data describing this part of the broadcasting system. Parliament specifically empowered the CRTC to undertake research and gather information about broadcasting; it is unclear why the CRTC did not share any of this information in BNoC 2024-67. Even if interested parties looked for data about Indigenous broadcasting in the CRTC’s *Communications Monitoring Reports*, its annual *Statistical and Financial Summaries* and/or its *Communications Monitoring Reports* they would not find reliable data, or data set out in consistent presentations over time.

Summary 6 Moreover, despite the CRTC’s decision in 2017 to offer large English-language and French-language broadcast ownership groups an incentive to encourage Indigenous peoples’



reflection in broadcasting, it is unclear whether the CRTC followed through on its commitment to monitor and assess the effectiveness of this incentive because it did not publish any information on this point either in BNoC 2024-67 or on its website.

Summary 7 And while the CRTC has published *Statistical and Financial Summaries* for ‘Type B’ Indigenous radio stations since 2013, the reliability of these data is questionable – since in any of these years from 11% to 34% of the stations did not file the information the CRTC requires for these *Summaries*.

Summary 8 To facilitate all parties’ use of the data it collects to meet its responsibilities under the *Broadcasting Act* the CRTC should at a minimum publish long-term data series about the broadcasting services it regulates, should explain and correct errors when these occur and should update the data each year. Adopting a ‘best-practices’ approach to data collection and publication would help Canada to meet its obligations under the *Canada-United States-Mexico Agreement* on trade, and specifically the requirements in Article 28.

Indigenous broadcasting legislation

Summary 9 FRPC briefly described the provisions of the 1968, 1991 and 2023 *Broadcasting Acts*, noting the difference between discretionary and mandatory objectives (denoted by the use of “should” versus “shall”). The current *Broadcasting Act* does not mandate, but enables the CRTC to ensure, the provision of programming reflecting the Indigenous cultures and peoples of Canada. The April 2023 *Act* also does not require online broadcasters to make Indigenous programming available, but to promote, recommend and ensure this programming’s discoverability.

Indigenous broadcasting in Canada

Summary 10 FRPC has included information about Indigenous radio stations’ total and average revenues from 1991 to 2023 (Figures 6 and 7), and for the purposes of comparison has included commercial radio stations’ total revenues per station (from 1968 to 2023, in Figure 8).

Answers to CRTC questions

Summary 11 The Forum has answered 8 of the 79 questions set out in BNoC 2024-67 and our responses are set out in Section IV. In addition to concerns about the absence of relevant data concerning the questions posed by the CRTC, FRPC recommends that the Commission set out a more complete and up-to-date summary of the funding for Indigenous broadcasting to which the federal government has committed in the five years since the CRTC initiated this policy review in 2019.



I Introduction

- 1 The CRTC has not held a public review of its policy for Indigenous broadcasting since publishing the *Native Broadcasting Policy* in September 1990,¹ 34 years ago except for a consultation 24 years ago to change Indigenous radio broadcasters' conditions of licence so as to remove limits on advertising ([Public Notice CRTC 2000-105](#)).
- 2 Over the same period the CRTC has issued 28 revised policies for commercial and non-commercial radio: 16 for commercial radio and 12 for non-commercial or community radio: Table 1.

Table 1 CRTC policy consultations and policies for radio, 1990-2024

Commercial radio	Non-commercial radio: Community, campus, and low-power radio	Indigenous radio
1990: FM consultation [1990-20]	1991: consultation [1991-56]	
1990: FM policy [1990-111] – PH June 1990	1991: consultation [1991-118]	
1992: 90-day Radio Review Task Force	1992: consultation [1992-21]	
1992: Consultation [1992-72]	1992: regulatory policies [1992-38]	
1992: policy [1992-3]	1992: regulatory policy [1992-72]	
1993: policy [1993-38]	1993: policy [1993-38]	
1995: Consultation [1995-60]	1993: policy [1993-95]	
1995: policy [1995-184]	1997: consultation [1997-10]	
1997: consultation and hearing [1997-104]	1998: consultations	
1998: policy [1998-41]	1999: proposed policy [1999-30, -75]	
2006: public hearing [15 May]	2000: consultation [2000-44]	2000: consultation [2000-105]
2006: regulatory policy [2006-158]	2000: policy [2000-12]	
2006: regulatory policy [2006-159]	2000: policy [2000-13]	
2006: regulatory policy [2006-160]	2000: consultation [2000-44]	
2007: consultation [2007-79]	2000: regulatory policy [2000-93]	
2008: regulatory policy [2008-67]	2001: consultation [2001-19; 2001-129]	
2008: consultation [2008-1]	2002: regulatory policy [2002-61]	
2008: regulatory policy [2008-67]	2009: consultation [2009-418]	2001: licensing policy [2001-70] – removes advertising restrictions
2009: regulatory policy [2009-62]	2009: regulatory policy [2009-62]	
	2010: public hearing [26 Apr-4 May]	
	2010: regulatory policy [2010-499]	
2011: CCD consultation [2011-796]	2011: regulations [2011-173]	
2013: regulatory policy [2013-297]	2011: consultation [2011-174]	
2013: Consultation [2013-572]	2011: consultation [2011-797]	
2013: Consultation [2013-298]	2011: regulatory policy [2013-507]	
2014: regulatory policy [2014-554]	2015: consultation and hearing [2015-421]	
2015: regulatory policy [2015-524]	2016: regulatory policy [2016-224]	
2015: Consultation [2015-318]		
2020: Consultation [2020-374]		2024: 2024-67
2022: regulatory policy [2022-332, -333]		
Total policies: 16	12	1

¹ NATIVE BROADCASTING POLICY, [Public Notice CRTC 1990-89](#) (Ottawa, 20 September 1990).

- 3 The CRTC's announcement five years ago in 2019 of "*a proceeding to review its policy on Indigenous broadcasting*"² was therefore welcome.
- 4 The Commission explained that it would use "a phased approach to maximize Indigenous peoples' opportunities to shape the public participation process and their views known to the Commission."³ The June 2019 announcement said its proceeding "will include three phases:"
 - Phase One – Early engagement sessions
 - Phase Two – Public consultation
 - Phase Three – Preliminary conclusions and determinations⁴
- 5 The Commission's three-phase process for addressing Indigenous broadcasting was unfortunately interrupted in early 2020 by the global pandemic. (At roughly this time the CRTC began and completed a policy review of commercial radio, launching that proceeding in November 2020⁵ and published its revised *Commercial Radio Policy* just over a two years later, in early December 2022.⁶)
- 6 The CRTC launched Phase Two of its consultation in March 2024. *Call for comments – Co-development of an Indigenous Broadcasting Policy*, [Broadcasting Notice of Consultation CRTC 2024-67](#) mentioned that Phase Two would take into account "the views that were expressed by participants in Phase 1" further to the "co-development process" set out in the June 2019 [Broadcasting Notice of Proceeding 2019-217](#).
- 7 One serendipitous effect of the CRTC's half-decade delay between the launch of Phase One of its Indigenous broadcasting policy review and this Phase Two public consultation was that it enabled Parliament to consider two bills to revise the 1991 *Broadcasting Act*, and – following debates about Bills C-10 and C-11 – to implement new broadcasting legislation in April 2023. Parliament's 2023 legislative amendments provide the Commission with clearer guidance about legislators' position on Indigenous broadcasting.
- 8 Answers to the 78 questions in BNoC 2024-67⁷ should also provide the Commission with necessary and useful information. The Forum has, broadly speaking, limited its answers to the CRTC's 78 questions to those concerning regulation.
- 9 In the remainder of this submission FRPC sets out its concerns about procedural and evidentiary issues in this proceeding. Part III summarizes changes in legislation and regulation with respect to Indigenous broadcasting. Part IV sets out the Forum's responses to a number of the questions posed by BNoC 2024-67.

² *Co-development of a new Indigenous Broadcasting Policy*, Broadcasting Notice of Proceeding CRTC 2019-217 (Ottawa, 20 June 2019), unnumbered introductory text [italics in the original].

³ *Ibid.*, at paragraph 9.

⁴ *Ibid.*, at paragraph 10.

⁵ *Call for comments – Commercial radio policy framework review*, [Broadcasting Notice of Consultation CRTC 2020-374](#) (Ottawa, 12 November 2020).

⁶ *Revised Commercial Radio Policy*, [Broadcasting Regulatory Policy CRTC 2022-332](#) (Ottawa, 7 December 2022).

⁷ Section A: 14 questions; section B: 35 questions; section C: 23 questions and section D: 78 questions. (Sub-questions raise this total to 132 questions.)

II The Forum's preliminary comments

- 10 The Forum has some initial comments about the procedures adopted by the CRTC to review its 1990 Indigenous broadcasting policy for the first time in three and a half decades.

A Engagement sessions

1 Participants in the sessions

- 11 The CRTC's 20 June 2019 announcement invited "**Indigenous broadcasters, content creators and artists** within the Indigenous broadcasting creative community in Canada" [bold font added] who wished to participate in the early engagement sessions to contact the Indigenous Leadership Development Institute.⁸ The CRTC described the Phase One process as follows:

1. Phase One: Starting in the summer 2019, early engagement sessions were held across Canada, with Indigenous broadcasters, content creators and artists. The Commission gathered different perspectives and experiences from these Indigenous Peoples to understand what their current and future needs are for traditional and digital services within the Canadian broadcasting system, and to determine the specific issues to be addressed in the new policy.⁹

- 12 In explaining its decision to use the procedures set out in [Broadcasting Notice of Consultation CRTC 2019-217](#) the CRTC said it wanted to "maximize Indigenous peoples' opportunities to shape the public participation process and make their views known to the Commission" (paragraph 9). It added that these sessions would define the process used to develop its new Indigenous broadcasting policy:

The Commission will ask Indigenous broadcasters, content creators and artists within the Indigenous broadcasting creative community in Canada to participate in engagement sessions across Canada.

The Commission will gather different perspectives and experiences from Indigenous peoples within the Canadian broadcasting system through the engagement sessions to establish the conduct and scope of the public consultation process leading to the development of the policy. More specifically, these sessions will help to identify the needs of Indigenous peoples within the Canadian broadcasting system and determine the specific issues to be addressed in the new policy.

⁸ The CRTC awarded the Institute a \$276,794 contract "to manage public engagement sessions in relation to the Indigenous Broadcasting Policy" on 29 April 2019 (two months before issuing 2019-217) and subsequently amended the contract to add \$23,730 to it: see CRTC's "[Transparency](#)" page, go to "[Contracts awarded](#)" and search for 'CRTC Indigenous'.

⁹ 2021 *What You Said Report*, page 7.

- 13 In Spring 2021 the CRTC published the *“What You Said” Report*.¹⁰ It summarized comments made in 12 “early engagement sessions” held with 121 Indigenous participants “across Canada” from mid-2019 to early 2020.¹¹
- 14 The engagement sessions ran from June 2019 to February 2020, with 9 being attended in person and three – the “Western”, “Eastern” and “French” sessions – by teleconferences. The report described the timing and location of the session: Table 2. It is unclear which participants and organizations attended which sessions.

Table 2 12 Engagement sessions, 2019-2020

2019	2020
24-25 June – MA (Winnipeg)	23 January – NS (Halifax)
28 June – QC (Gatineau)	27 January – Western Teleconference
30 September – QC (Kahnawake)	30 January – Eastern Teleconference
17-18 October – AL (Edmonton)	4 February – French Teleconference
24 October – ON (Toronto)	7 February – BC (Vancouver)
15 November – NU (Iqaluit)	
27 November – YK (Whitehorse)	
2021 What You Said Report, page 7	

- 15 The *What You Said Report* listed the names of 121 individuals under the heading, “Acknowledgements”,¹² later described as a “list of participants”.¹³ Nine other individuals were listed as “Facilitators who helped guide this process” – one of the facilitators was also listed as a participant. Assuming this double-counting was unintentional, it appears that the CRTC’s 12 Engagement Sessions were attended by an average of 10 people for each session.
- 16 The *Report* also separately listed 96 “Attendees (by Organization/Industry)” on page 50. The Inuit Broadcasting Corporation appears twice on the list; if the organization were inadvertently double counted, 95 separate organizations were represented at the sessions.
- 17 The 2021 *What You Said Report* stated that participants in the sessions included “First Nations, Inuit and Métis peoples who play a role in the Indigenous broadcasting and content creation industries in Canada, including Indigenous radio and television broadcasters, audio and audio-visual producers, musicians, and others who support these groups”.¹⁴ While five organizations’ status (as a broadcaster, content creator or artist) could not readily be ascertained, identifiable Indigenous broadcasters, content creators and artists made up two-thirds (66 organizations or 64%) of the organizations that attended the CRTC’s engagements sessions: Figure 1.

¹⁰ CRTC, *“What You Said” Report: CRTC Early Engagement Sessions*, Phase One of the Co-development of a new Indigenous Broadcasting Policy (Ottawa, 2021) [*What You Said Report*]. According to its ‘document properties’ the 2021 *What You Said Report* was created “2021-03-23 11:46:43 AM and modified on “2021-06-01 12:09:07 PM”.

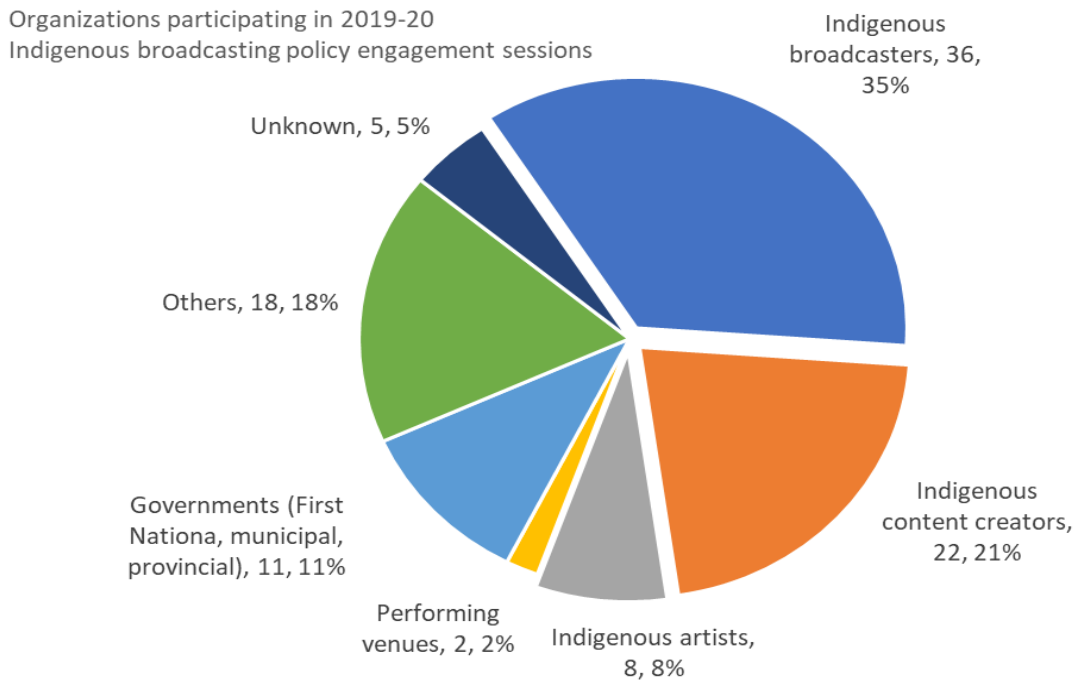
¹¹ 2021 *What You Said Report*, at page 7.

¹² 2021 *What You Said Report*, page 5.

¹³ 2021 *What You Said Report*, page 7.

¹⁴ 2021 *What You Said Report*, page 7; a list of participants was provided at page 5 of the report.

Figure 1 Organizations attending the CRTC's 2019-20 Engagement Sessions



18 Performing venues (3), Indigenous and non-Indigenous governments (11) and other non-Indigenous organizations made up a third (34%) of the remaining identifiable organizations attending the Engagement Sessions: Table 3. The basis for these non-Indigenous organizations' participation in the CRTC's Engagement Sessions was not explained in the 2021 *What You Said Report*.

Table 3 Non-Indigenous broadcasters, artists and content producers in the Engagement Sessions

Others:		
Performing venues	Festival	2
	Theatre	1
	Subtotal	3
Governments	First Nation	6
	Municipalities	2
	Government	3
	Subtotal	11
Others	Non-Canadian TV service	1
	Non-Indigenous broadcaster	2
	Industry association	6
	Funding agency	3
	Consultants	1
	Lawyer	1
	CMAC	1
	University	2
	Telecommunications	1
	Subtotal	18
Total, performing venues, governments and other organizations		32

Total organizations	95
As % of total organizations	34%

2 Purpose of the sessions

19 2019-217 explained that the purpose of the 2019-20 Engagement Sessions was to help the CRTC understand session participants' "current and future needs are for traditional and digital services" in Canada's broadcasting system.¹⁵ The "discussion guide" for the Sessions set out four – or, more precisely, 14 – questions:

1. How would you like to participate in the co-development of a new Indigenous Broadcasting Policy? How would you like to be consulted?
2. How can you (or your organization) be successful in the Indigenous broadcasting industry?
 - What do Indigenous broadcasters (i.e., radio, television, and online broadcasting services) need to succeed, both within Canada and to promote their services abroad?
 - What do Indigenous content creators (i.e., creators of music, news, film, television programming and any other audio or audio-visual programming created for traditional or online broadcast) need in order to succeed in Canada and abroad?
 - How can broadcasters (both traditional radio and television, and online broadcasting services) enable spoken-word, musical and performing artists to be successful in Canada and abroad?
3. In your view, to what extent is the broadcasting system in Canada serving the needs and interests of Indigenous Peoples (in particular, through programming and employment opportunities in this sector)?
 - What are the challenges in providing these needs?
 - How can this be addressed?
4. What is working well? What improvements could be made to the broadcasting system in Canada to provide programming that reflects the cultures and languages of Indigenous Peoples?
 - What is needed to better reflect the cultures and languages of Indigenous Peoples in this programming?
 - What are the challenges in reflecting the cultures and languages of Indigenous Peoples in programming content? What is working (what are the success stories)?
 - How might the challenges be addressed?

20 Given the detailed questions, it is unsurprising that participants in the Engagement Sessions emphasized the importance of historical context for the CRTC's policy for Indigenous broadcasting. The 2021 *What You Said Report* specifically noted that participants wanted the history of Indigenous broadcasting to be acknowledged and described to provide background and context:

Recognize Indigenous Broadcasting History, Language and Cultural Protocols
History of Indigenous Broadcasting

¹⁵

2021 *What You Said Report*, page 7.

Attendees noted that the history of Indigenous broadcasting must be acknowledged. They felt that a brief re-cap of the history would demonstrate how we arrived at the point we are at today, and this would provide some background and context. It should include how Indigenous broadcasting began, the importance of using broadcasting to help preserve Indigenous languages, and would also demonstrate how radio and television has evolved. It was noted that all history needs to be documented.

Based on past experiences, participants noted that the first rule of colonialism is to discredit or otherwise marginalize Indigenous institutions. This has occurred by establishing restrictive policies, ineffective government relations, excessive bureaucracy and creating situations where Indigenous views are not considered. This consultation is needed as it will provide a platform to allow Indigenous voices to be heard.¹⁶

- 21 Given participants' emphasis on historical context, it is surprising and unfortunate that BNoC 2024-67 did not set out any historical context, about the last 34 years of its Indigenous broadcasting policy. The Commission's longest comment about the history of Indigenous broadcasting is set out in paragraph 1 of the notice:
1. The Canadian Radio-television and Telecommunications Commission (CRTC) introduced the current Indigenous Broadcasting Policy [Footnote 3](#) in Public Notice [1990-89](#). Since then, the broadcasting environment in Canada has changed significantly. While traditional radio and television continue to play an important role in society, digital media and online platforms have created new opportunities for the creation and distribution of content. Although there have been some changes since Public Notice [1990-89](#), there has not been a significant review of the Indigenous Broadcasting Policy in over 30 years. A brief overview of the current Indigenous Broadcasting Policy can be found at [Appendix 2](#) of this notice.
- 22 Appendix 2 of BNoC 2024-67 offers two facts about Indigenous radio stations: : "... Currently, there are approximately 100 Type A exempt Indigenous radio stations in Canada...." and "Currently, there are more than 50 Type B Indigenous radio stations and numerous rebroadcasting transmitters throughout Canada. ..." Left unanswered are questions about whether all Indigenous radio broadcasters have remained on air, or whether some have chosen to withdraw from the system (and if so, why).
- 23 The lack of historical information and context in 2024-67 is surprising because the CRTC has been collecting financial, programming and other data from licensed Indigenous broadcasters since the 1970s. Its *Statistical and Financial Summaries* for non-commercial radio, which include several pages on Indigenous broadcasters, on the other hand, only date back to 2013 and are therefore silent about the first two decades of Indigenous radio broadcasting.
- 24 The absence of historical information and context is also unfortunate, as it leaves the impression that the Commission may have been unaware of the concerns expressed by the Indigenous participants in the Engagement Sessions about historical context. It also

suggests that the Commission no longer cleaves to statements it made in 2014, 2015 and 2016 about the importance of data:

Communications Monitoring Report: Chairman’s message	
2014	<p>...</p> <p>This report also serves as a useful indicator of emerging trends and issues in the communication sector. The CRTC regularly consults with the public and the industry as it works to ensure Canadians—as citizens, creators and consumers—have access to, and are at the centre of, a world-class communication system. All participants in the communication system are invited to use the information in this report to contribute to our public proceedings.</p> <p>...</p>
2015	<p>...</p> <p>The CRTC aims to ensure Canadians are at the centre of their communication system. To do so, it is important that they participate in our public consultations and at our public hearings. The data in this report can inform their comments and ideas and provide evidence to support their views.</p> <p>...</p>
2016	<p>...</p> <p>This report is an important tool to evaluate where we’ve been and to inform our choices moving forward. We continue our ongoing efforts to consult with Canadians on these important topics that have great impacts on their daily lives. We are proud to work on behalf of the public interest and to put Canadians at the centre of their world-class communications system.</p> <p>...</p>

- 25 FRPC has taken the liberty of setting out a summary of CRTC-related events and publications that have addressed Indigenous broadcasting, both in Appendix 1 and at the beginning of this submission (“Extract”). The Forum’s listing does not purport to be complete.

B Absence of relevant data

- 26 The absence of relevant data in BNoC 2024-67 might be inconsequential if interested parties could easily locate such information by themselves.

1 Limited range financial and statistical information

- 27 Even when the CRTC has published information about Indigenous broadcasting, the range of information is limited. Its *Financial and Statistical Summaries* for non-commercial radio stations include Indigenous ‘Type B’ radio station data that begin in 2013 – more than 20 years after the CRTC implemented its *Native Broadcasting Policy* in 1990.

- 28 A wider range of data might have enabled interested parties to respond more comprehensively to the question in BNoC 2024-67.

2 Shifting presentation

- 29 A second problem with data published by the CRTC has to do with unexplained changes in presentation. For instance, the CRTC for many years published *Monitoring Reports* about broadcasting, and some of these include data about Indigenous broadcasting.

- 30 Changes in the presentation of information from one year to the next impede substantive analysis of the data. In 2017, for instance, the CRTC set out a table that presented information about Indigenous radio stations' advertising revenues, other revenues and total revenues, their PBIT (profit before interest and taxes) margin and the number of stations on which the information was based (reporting units): Figure 2.

Figure 2 Presentation of information in 2017 Monitoring Report

CMR 2017, p. 107

Section 4.1 | CMR 2017

Table 4.1.5: 2012-2016

- Number of stations reporting
- Advertising revenues (\$000s)
- Other revenues (\$000s)
- Total revenues (\$000s)
- Advertising as % of total revenues
- PBIT margin (%)

Table 4.1.5 Financial summary (\$ thousands) of native, community, and campus radio stations

Type of station	Metric	2012	2013	2014	2015	2016
Native stations ¹³	Number of stations reporting	33	36	29	25	24
	Advertising revenues	5,397	4,647	5,043	4,512	4,286
	Other revenues	10,772	11,203	8,221	8,978	9,077
	Total revenues	16,168	15,850	13,264	13,490	13,363
	Advertising as a percent of total revenues (%)	33.4	29.3	38.0	33.4	32.1
	PBIT margin (%)	-4.7	-15.3	-3.8	-0.2	1.3
Community radio stations	Number of stations reporting	111	112	111	115	110
	Advertising revenues	15,545	15,223	14,973	16,194	16,136
	Other revenues	15,241	17,190	16,815	18,643	18,483
	Total revenues	30,786	32,412	31,787	34,838	34,618
	Advertising as a percent of total revenues (%)	50.5	47.0	47.1	46.5	46.6
	PBIT margin (%)	3.7	7.4	4.4	5.8	4.5
Campus radio stations	Number of stations reporting	49	47	47	47	46
	Advertising revenues	1,019	889	1,337	907	936
	Other revenues	7,814	8,323	8,440	8,839	9,112
	Total revenues	8,833	9,213	9,777	9,746	10,049
	Advertising as a percent of total revenues (%)	11.5	9.6	13.7	9.3	9.3
	PBIT margin (%)	10.5	8.5	7.9	4.8	3.6

Source: CRTC data collection

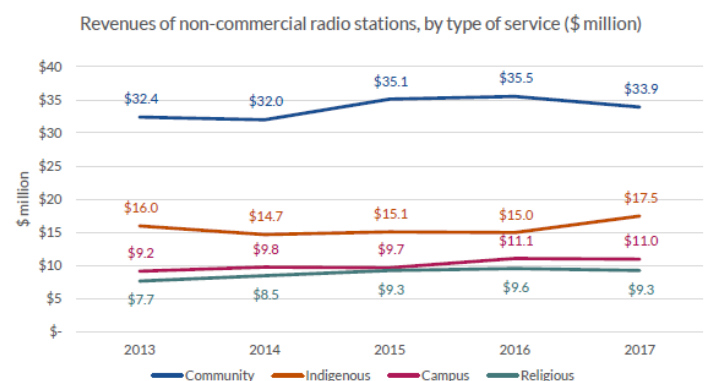
This table shows the number of stations reporting revenues and PBIT margins (PBIT divided by total revenues) for radio stations operating in the context of the Native Broadcasting Policy, as well as community and campus stations from 2012 to 2016.

For all three types of radio stations, "other revenues" include fundraising and other sources. For native radio stations only, "other revenues" also include band council grants and contributions.

- 31 In 2017, however, the CRTC not only changed the manner in which these data were presented, but also decided not to publish first, the same range of information about the stations' PBIT margin, and second, information about 'other' revenues: Figure 3.

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Figure 3 Presentation in 2018 Monitoring Report

CMR 2018, p. 212	Communications Monitoring Report 2018																																																
Figure 8.9 <ul style="list-style-type: none">Total revenues, 2013-17 (\$'000,000s)	<div>Revenues</div> <div>Figure 8.9 Revenues of non-commercial radio stations, by type of service (\$ million)</div> <div><p>Revenues of non-commercial radio stations, by type of service (\$ million)</p><table><caption>Revenues of non-commercial radio stations, by type of service (\$ million)</caption><tr><th>Year</th><th>Community</th><th>Indigenous</th><th>Campus</th><th>Religious</th></tr><tr><td>2013</td><td>\$32.4</td><td>\$16.0</td><td>\$9.2</td><td>\$7.7</td></tr><tr><td>2014</td><td>\$32.0</td><td>\$14.7</td><td>\$9.8</td><td>\$8.5</td></tr><tr><td>2015</td><td>\$35.1</td><td>\$15.1</td><td>\$9.7</td><td>\$9.3</td></tr><tr><td>2016</td><td>\$35.5</td><td>\$15.0</td><td>\$11.1</td><td>\$9.6</td></tr><tr><td>2017</td><td>\$33.9</td><td>\$17.5</td><td>\$11.0</td><td>\$9.3</td></tr></table><p>Source: CRTC data collection</p></div>	Year	Community	Indigenous	Campus	Religious	2013	\$32.4	\$16.0	\$9.2	\$7.7	2014	\$32.0	\$14.7	\$9.8	\$8.5	2015	\$35.1	\$15.1	\$9.7	\$9.3	2016	\$35.5	\$15.0	\$11.1	\$9.6	2017	\$33.9	\$17.5	\$11.0	\$9.3																		
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2017	\$33.9	\$17.5	\$11.0	\$9.3																																													
Infographic 8.1 <ul style="list-style-type: none">2017 PBIT margin	<div>➔ Indigenous radio stations revenues reached \$17.5 million in 2017, growing 16.8% over the previous year, while the reported PBIT margin stood at -1.5%.</div>																																																
Page 2010, Infographic 8.5 <ul style="list-style-type: none">2017 Reporting stations	<div>vi. Non-Commercial Radio</div> <div>Infographic 8.5</div> <div><table><tr><th>2017</th><th>Number of reporting stations</th><th>Revenues</th><th>Average revenues per station</th><th>2017</th><th>2016-2017 Revenue growth</th><th>2013-2017 Average annual revenue growth rate</th><th>Advertising revenues as a % of total</th></tr><tr><td>Campus</td><td>48</td><td>\$11.0 M</td><td>\$229,000</td><td>Campus</td><td>↓ 0.6%</td><td>4.5%</td><td>7%</td></tr><tr><td>Community</td><td>112</td><td>\$33.9 M</td><td>\$303,000</td><td>Community</td><td>↓ 4.5%</td><td>1.2%</td><td>46%</td></tr><tr><td>Indigenous</td><td>32</td><td>\$17.5 M</td><td>\$548,000</td><td>Indigenous</td><td>16.8%</td><td>2.3%</td><td>28%</td></tr><tr><td>Religious</td><td>29</td><td>\$9.3 M</td><td>\$321,000</td><td>Religious</td><td>↓ 3.1%</td><td>4.9%</td><td>32%</td></tr><tr><td>TOTAL</td><td>221</td><td>\$71.8 M</td><td>\$325,000</td><td>TOTAL</td><td>0.8%</td><td>2.4%</td><td>34%</td></tr></table></div>	2017	Number of reporting stations	Revenues	Average revenues per station	2017	2016-2017 Revenue growth	2013-2017 Average annual revenue growth rate	Advertising revenues as a % of total	Campus	48	\$11.0 M	\$229,000	Campus	↓ 0.6%	4.5%	7%	Community	112	\$33.9 M	\$303,000	Community	↓ 4.5%	1.2%	46%	Indigenous	32	\$17.5 M	\$548,000	Indigenous	16.8%	2.3%	28%	Religious	29	\$9.3 M	\$321,000	Religious	↓ 3.1%	4.9%	32%	TOTAL	221	\$71.8 M	\$325,000	TOTAL	0.8%	2.4%	34%
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Page 211 <ul style="list-style-type: none">2017 advertising as % of revenues	<div>Non-commercial radio stations play an important role in the communities they serve and in the broadcasting sector as a whole. In 2017, there were 221 reporting non-commercial radio stations, falling under four categories: campus, community, Indigenous and religious. Total reported revenues of these stations in 2017 was \$71.8 million, with community stations garnering almost half of those revenues (47%), while Indigenous stations garnered almost one quarter (24%).</div> <div>Over 50% of Indigenous radio station revenues are derived from alternative sources and fundraising activities. In 2017, advertising revenues represented 28% of total revenues (89% of which were from local advertising) and government grants represented 19% of total revenues. Based on average revenues per station, of all non-commercial radio stations, Indigenous radios generate the most revenues per station. Conversely, their profitability margin is the lowest of all non-commercial radio stations.</div>																																																

32 It goes without saying that it might be possible to infer the level of ‘other’ revenues by deducting advertising from total revenues – but the more important question is why the CRTC chose to stop publishing data it had previously provided. This decision hindered easy comparability over time.

3 Failure to report on impact of Indigenous audiovisual credit

33 FRPC is also concerned that, having created an incentive in 2017 for English-language and French-language private ownership groups “to encourage the reflection of Indigenous peoples within the broadcasting system”, BNoC 2024-67 does not address the incentive’s impact. CRTC Broadcasting Decisions 2017-143¹⁷ and -148¹⁸ said the Commission would

... monitor and assess the effectiveness these measures by requiring the groups to provide the following information on a yearly basis: the number of Indigenous producers they meet with each year, a list of projects commissioned from

¹⁷ *Renewal of licences for the television services of large French-language ownership groups – Introductory decision, Broadcasting Decision CRTC 2017-143* (Ottawa, 15 May 2017), at paragraphs 124-125:

Accordingly, in light of the pressing need to serve the Indigenous community, the Commission considers it appropriate to adopt an incentive to encourage the reflection of Indigenous peoples within the system. Specifically, a designated group will receive a 50% credit towards their CPE requirements for expenditures on Canadian programming produced by Indigenous producers,^{Footnote 7} up to a maximum (expenses plus credit) of 10% of the group’s overall CPE requirement when combined with the credit discussed in the following section on OLMC reflection. Only programming costs counting towards CPE as defined in Public Notice 1993-93 will be considered eligible for the credit. Conditions of licence to this effect are set out in the licence renewal decisions for each group, also published today.

The Commission intends to monitor and assess the effectiveness these measures by requiring the groups to provide the following information on a yearly basis: the number of Indigenous producers they meet with each year, a list of projects commissioned from Indigenous producers that are in development, in production and completed, their budgets and the total CPE devoted to such projects. This additional data will also allow the Commission and the public to better gauge Indigenous production within the system.

...

Footnote 7: “Indigenous producer” means an individual who self-identifies as Indigenous, which includes First Nations, Métis or Inuit, and is a Canadian citizen or resides in Canada, or an independent production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and are Canadian citizens or reside in Canada. In regard to the definition of “independent production company,” “Canadian” includes a person who self-identifies as Indigenous and resides in Canada, whereas “Canadian company” includes a production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and reside in Canada.

¹⁸ *Renewal of licences for the television services of large English-language ownership groups – Introductory decision, Broadcasting Decision CRTC 2017-148* (Ottawa, 15 May 2017), at paragraphs 86-87:

Accordingly, in light of the pressing need to serve the Indigenous community, the Commission considers it appropriate to adopt an incentive to encourage the reflection of Indigenous peoples within the system. Specifically, the designated groups will receive a 50% credit towards their CPE requirements for expenditures on Canadian programming produced by Indigenous producers,^{Footnote 5} up to a maximum (expenses plus credit) of 10% of the group’s overall CPE requirement when combined with the credit discussed in the following section on OLMC reflection. Only programming costs counting towards CPE as defined in Public Notice 1993-93 will be considered eligible for the credit. Conditions of licence to this effect are set out in the licence renewal decisions for each group, also published today.

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Indigenous producers that are in development, in production and completed, their budgets and the total CPE devoted to such projects. This additional data will also allow the Commission and the public to better gauge Indigenous production within the system.

- 34 BNoC 2024-67 does not set out information about private broadcasters' meetings with Indigenous producers, the productions they commissioned or the productions' budgets. The CRTC's open-data page on television provides limited information about the Indigenous Canadian programming expenditures available for credit: Table 4.
- 35 Unfortunately, the credit's actual impact on programming is unknown: FRPC was unable to find any documents in the [CRTC's list of reports from broadcasters](#) that set out the information the CRTC committed to collect about Indigenous program production.

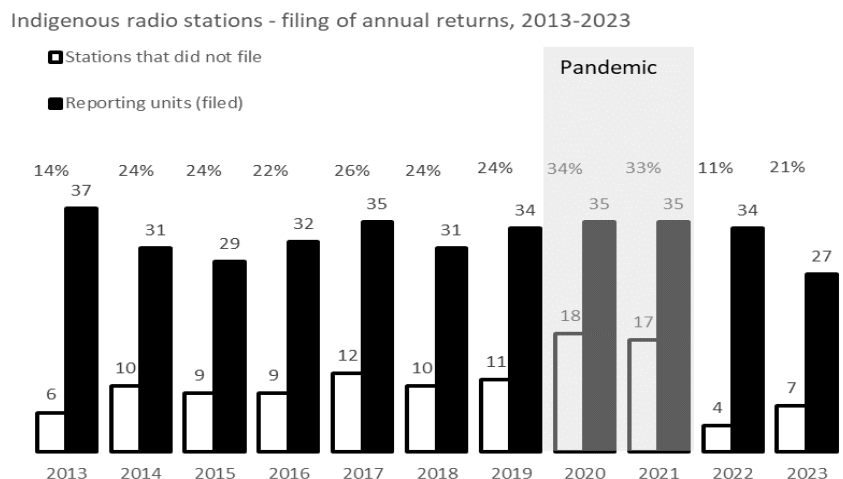
Table 4 CRTC data on Indigenous production credit: 2018-2022

data-television-sector.xlsx					
Table 42: Canadian production expenditure credit for Indigenous production, 2018-2022					
	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
Total Amount Reported	\$225,905	\$ 31,139,501	\$ 1,250,831	\$20,266,535	\$26,033,523
Less: Services not eligible for credit	\$15,800	\$ 30,149,211	\$107,000	\$19,121,945	\$24,123,382
Total - CPE Indigenous available for credit	\$210,105	\$990,290	\$1,143,831	\$1,144,590	\$1,910,141
Total - CPE Indigenous available for credit (English Services)	\$107,661	\$361,152	\$556,957	\$423,498	\$1,043,000
Total - CPE Indigenous available for credit (French Services)	\$102,444	\$629,138	\$586,874	\$721,092	\$867,141
Source: CRTC Data Collection					
Note:					
In their reporting for CPE Indigenous credit, licensees do not report on the language of individual productions.					
All figures reported are in actual dollars before any credit					

4 Potential unreliability of CRTC financial and statistical information

- 36 Finally, even though the CRTC has published several years of financial and statistical information about Indigenous broadcasters, it is unclear whether the data are generally accurate or generally inaccurate. This is because an average of 23% of licensed Indigenous 'Type B' radio undertakings did not file annual returns from 2013 to

Figure 4: Filing and non-filing Indigenous radio stations, 2013-2023

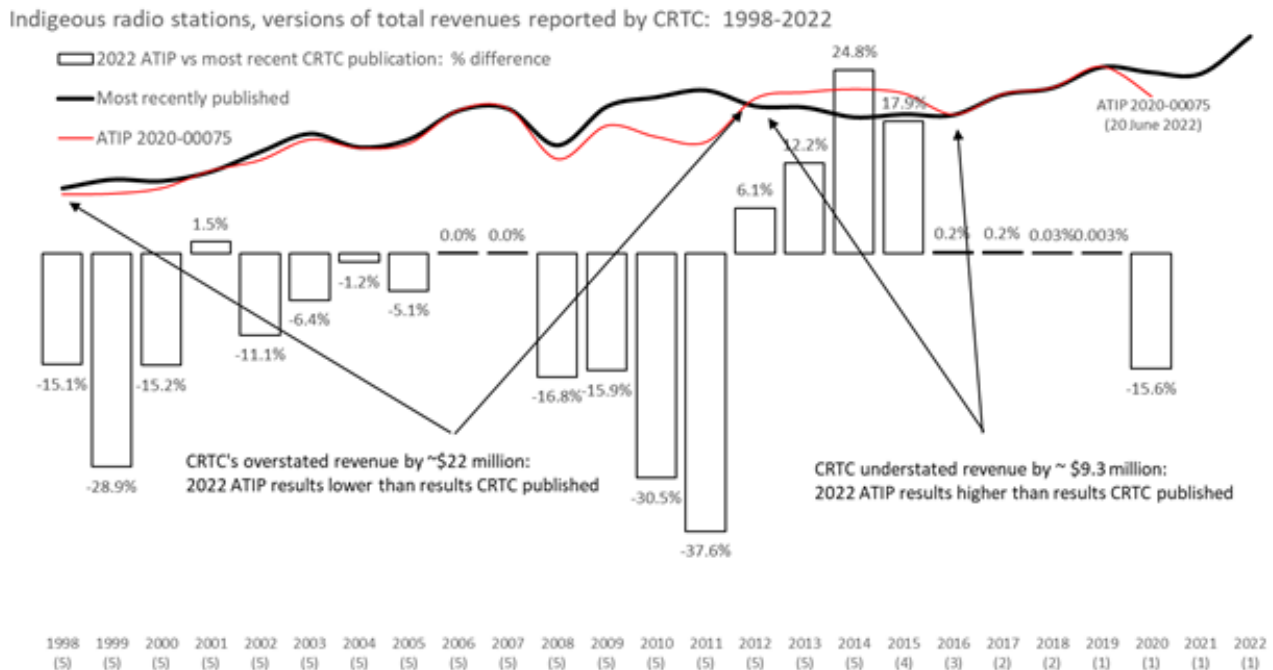


Source: CRTC, *Non-commercial Radio: Statistical and Financial Summaries, 2013-2017 to 2019-2023*, "Non-filers" and Tab 17 ("Indigenous (Type B Native) - Canada")

2023: **Error! Reference source not found..**

- 37 The absence of long-run datasets on the CRTC's website or through the federal Open Data initiative also leads to confusion. As noted earlier, the CRTC first published its *Financial and Statistical Summaries* for different categories of licensed broadcasters in the 1970s.¹⁹ From 1968 to 1990 the maximum licence term was five years; from 1991 to 2023 the maximum term was seven years – Parliament made the term for licences indefinite in April 2023.
- 38 Given that the maximum licence term increased from 5 to 7 years in 1991, why did the CRTC continue to publish data in five-year increments? Moreover, why does the CRTC not document changes from one year's *Summaries* to the next? The Forum compared the Indigenous 'Type B' radio revenues reported by the CRTC in its *Summaries* and its *Monitoring Reports* with information the Commission provided in response to an access-to-information request made in 2020: Figure 5. The data between the three sets of figures varied by up to 37.6%.

Figure 5 Changes in Indigenous radio station revenue, 1998-2022



- 39 As part of its review of its Indigenous broadcasting policy the CRTC should publish comprehensive financial, employment and programming data describing the Indigenous radio and television broadcasting sector.

C CRTC obligations under CUSMA

- 40 Finally, FRPC notes that Canada is a signatory to the [Canada-United States-Mexico Agreement](#) on trade (CUSMA), which includes a chapter on regulatory practices.

¹⁹ Broadcasters exempted from the requirement to hold a broadcasting licence would not necessarily be required to submit annual returns documenting their financial performance or employment statistics.

41 Among other things, Article 28 of the Agreement says that the three parties to the *Agreement* “should”

(a) seek the best, reasonably obtainable information, including scientific, technical, economic, or other information relevant to the regulation it is developing;

(b) rely on information that is appropriate for the context in which it is used; and

(c) identify sources of information in a transparent manner, as well as any significant assumptions and limitations.

(Article 28.5: Information Quality)

42 The same article says that when they make regulations, the parties to the Agreement “shall also make publicly available data, other information, and scientific and technical analyses it relied upon in support of the regulation, including any risk assessment” (Article 28.9: Transparent Development of Regulations).

43 Apart from the fact that participants in the CRTC’s commissioned Engagement Sessions specifically called on the CRTC to provide historical context and information about the Indigenous broadcasting policy, *CUSMA* arguably required the CRTC to set out this information – before introducing a new policy, not afterwards.

III Indigenous broadcasting in Canada

44 The 1991 *Broadcasting Act* was in force when the CRTC held these Engagement Sessions: Bill C-10 (*An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts*) was introduced in the House of Commons on 3 November 2020, while Bill C-11 (*Online Streaming Act*) was introduced on 2 February 2022.²⁰ Parliament’s new broadcasting statute entered into force in April 2023.

45 As a general matter, it should be noted that while the 1968, 1991 and 2023 *Acts* each permits the CRTC to issue ‘policies’, the Commission has clarified in the past that its policies are not binding – these statutes only ever empowered the CRTC to enforce sections of the *Act*, its regulations and conditions of licence (now known as conditions of service).

A Legislation and regulation

46 The 1968 *Broadcasting Act* was silent with respect to Indigenous audiences and broadcasters. In 1991, however, Parliament specified that the broadcasting system

... should ...through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society²¹

²⁰ Parliament of Canada, *LEGISinfo*, [C-10](#) (43rd Parl., 2nd Sess.); [C-11](#) (44th Parl., 1st Sess.).

²¹ S. 3(1)(d)(iii), italics and underlining added.

- 47 Parliament also said in the broadcasting policy for Canada that “programming that reflects the aboriginal cultures of Canada should be provided within the Canadian broadcasting system as resources become available for the purpose”.²²
- 48 The 1991 *Broadcasting Act*’s language regarding Indigenous broadcasting had two fatal flaws. First, it used the conditional tense – ‘should’ – rather than the mandatory ‘shall’. Using conditional tenses in statutes or words such as “may” do not create mandatory requirements, but rather confer discretion to the decision-makers operating on behalf of Parliament.
- 49 Second, the language used by Parliament was vague. What did “special place” mean? Who was to provide the programming? Who would provide the resources? Did the resources need to be specifically targeted for Indigenous programming? This vagueness made it unclear just how Parliament intended the CRTC to implement this part of Canada’s broadcasting policy, and also how Parliament was to determine whether the Commission was or was not implementing the legislature’s broadcasting policy.
- 50 Parliament clarified some aspects of the 1991 *Act*’s approach to Indigenous broadcasting in April 2023. For example, it defined “Indigenous peoples” in section 2:
- Indigenous peoples* has the meaning assigned by the definition aboriginal peoples of Canada in subsection 35(2) of the Constitution Act, 1982; (*peuples autochtones*)
- 51 Parliament elaborated on its general position that programming be available for Indigenous peoples in the broadcasting system, stating in section 3(1)(d) that the system’s programming should
- (ii.1) include programs produced by Canadians that cover news and current events — from the local and regional to the national and international — and that reflect the viewpoints of Canadians, including the viewpoints of Indigenous persons and of Canadians from Black or other racialized communities and diverse ethnocultural backgrounds,
- 52 Parliament also said in the same section that the broadcasting system’s programming – again - should
- ... reflect the importance of Indigenous language revitalization by supporting the production and broadcasting of Indigenous language programming, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and in response to the Truth and Reconciliation Commission of Canada’s Calls to Action,²³
- 53 Parliament clarified that programming provided by the broadcasting system as a whole should include programming reflecting Canada’s Indigenous culture, and – importantly – programming from broadcasting services provided by Indigenous peoples:

²² S. 3(1)(o), italics and underlining added.

²³ S. 3(1)(d)(ii.1).

... programming that reflects the Indigenous cultures of Canada and programming that is in Indigenous languages *should* be provided — including through broadcasting undertakings that are carried on by Indigenous persons — within community elements, which are positioned to serve smaller and remote communities, and other elements of the Canadian broadcasting system in order to serve Indigenous peoples where they live;²⁴

54 In each of these changes, however, Parliament decided to grant the CRTC discretion – by using the term, “should”, rather than shall. In fact, the only time Parliament made Indigenous broadcasting activity mandatory in law was in connection with online broadcasters (see Appendix 3, which sets out Parliament’s current Broadcasting Policy).

55 Notably, the current *Broadcasting Act* does not require online broadcasters to make Indigenous programming available – but rather to promote, recommend and ensure the discoverability of this programming:

3(1)(r) online undertakings **shall** clearly promote and recommend Canadian programming, in both official languages as well as in Indigenous languages, and ensure that any means of control of the programming generates results allowing its discovery ...

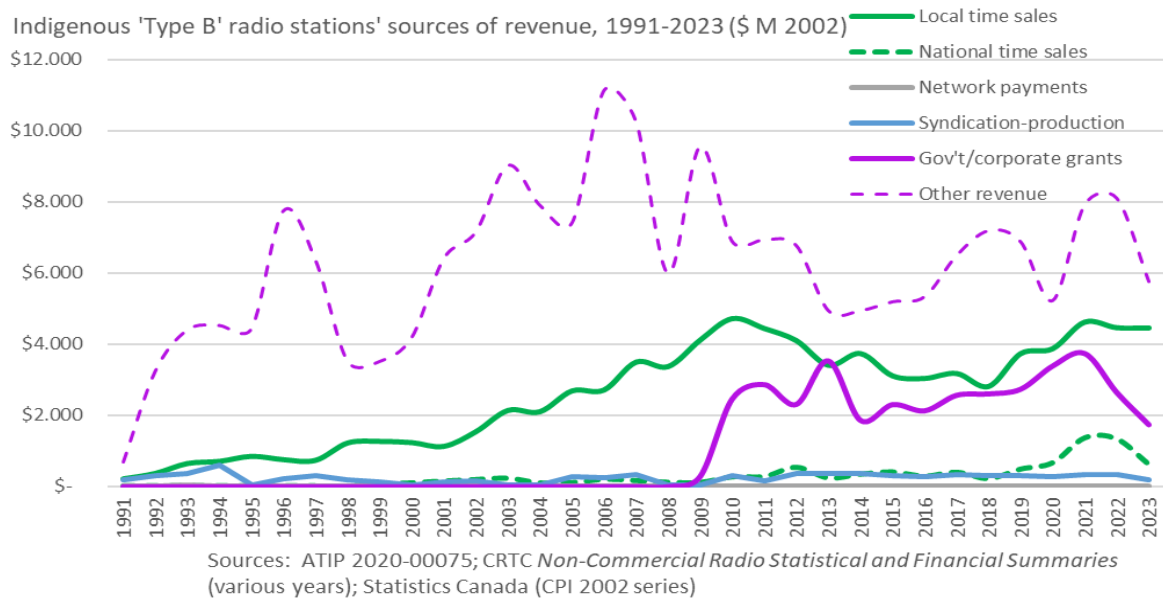
56 While Parliament’s new language about Indigenous programming offers guidance about Indigenous programming, it lacks the mandatory wording that would require the CRTC to act. It is therefore unclear (pending decisions about cases with respect to the CRTC’s jurisdiction now before the Federal Court of Appeal) whether the Commission has the authority to require online broadcasters, for example, to provide specified levels of Indigenous programming or programming in specified Indigenous languages.

57 One may speculate that Parliament may have decided not to make such requirements mandatory because of the overall absence of relevant CRTC evidence about Indigenous broadcasting. While the CRTC collects radio and television program logs from all licensed broadcasters, for instance, it publishes no information about the programming that has actually been broadcast, and in this proceeding has also not published any data about actual Indigenous programming broadcast by its licensees.

B *Licensed Indigenous broadcasting in Canada*

58 As stated above (Part Indigenous broadcasting policy, section B), the CRTC has published little information about Indigenous broadcasters. That said, CRTC data about licensed Indigenous radio stations from 1991 to 2023 (obtained in part from an access-to-information request) establish that its five main sources of income fluctuate significantly: Figure 6.

Figure 6 Indigenous 'Type B' radio station revenues, 1991-2023 (\$M2002)



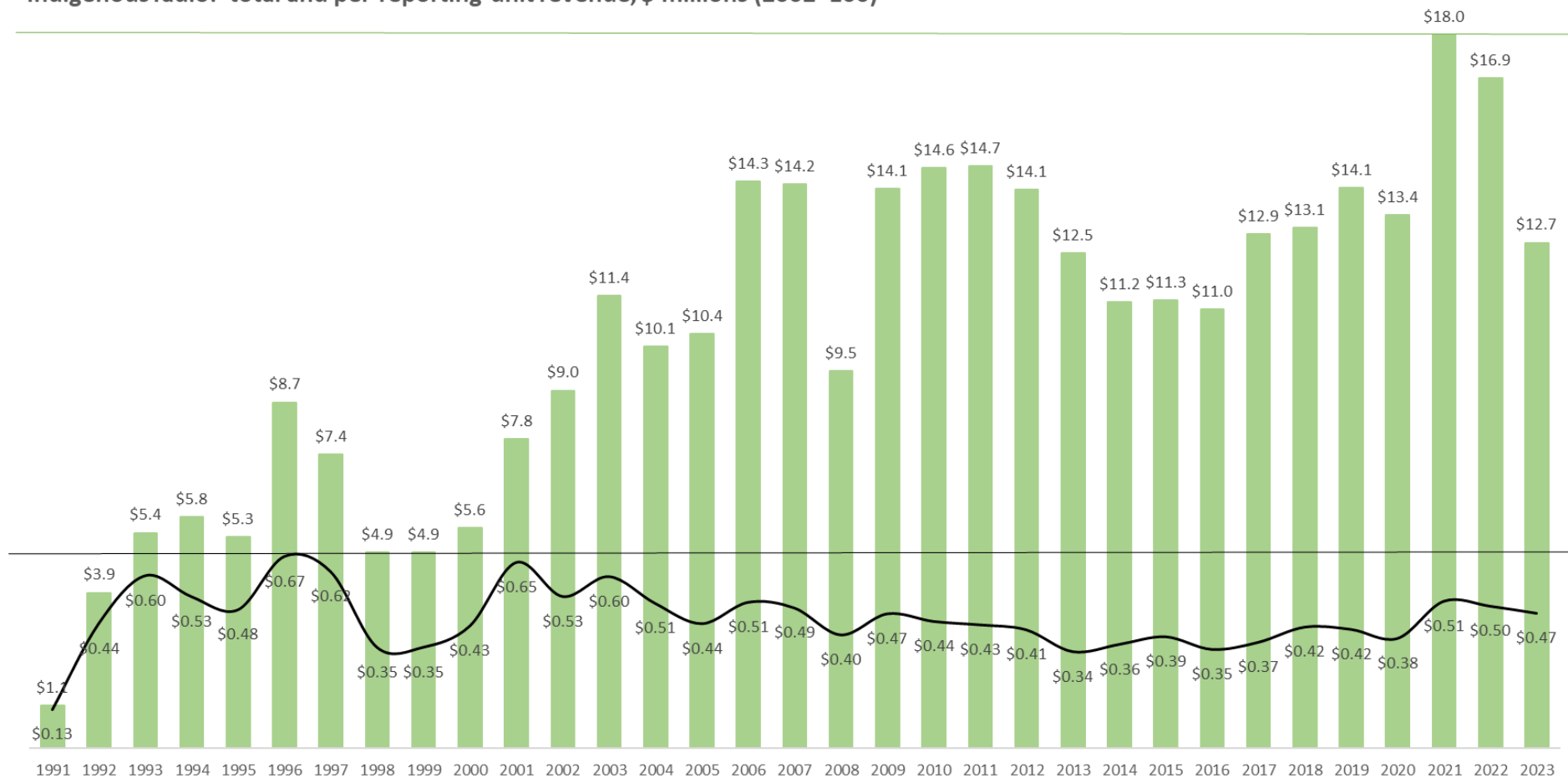
59 Even if total revenues for these services have increased over time, per-station revenues have remained flat in real terms since 2005: Figure 7. As Figure 8 shows, however, per-station revenues of commercial radio stations are not flat, but are in decline.

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Figure 7 Indigenous radio station revenue in total and per station (\$M 2002): 1991-2023

Indigenous radio: total and per-reporting-unit revenue, \$ millions (2002=100)



Sources: CRTC response to Access-to-information request A-2020-00075;
CRTC, *Non-Commercial Radio: Statistical and Financial Summaries* CRTC, (various years, 2017-2023)

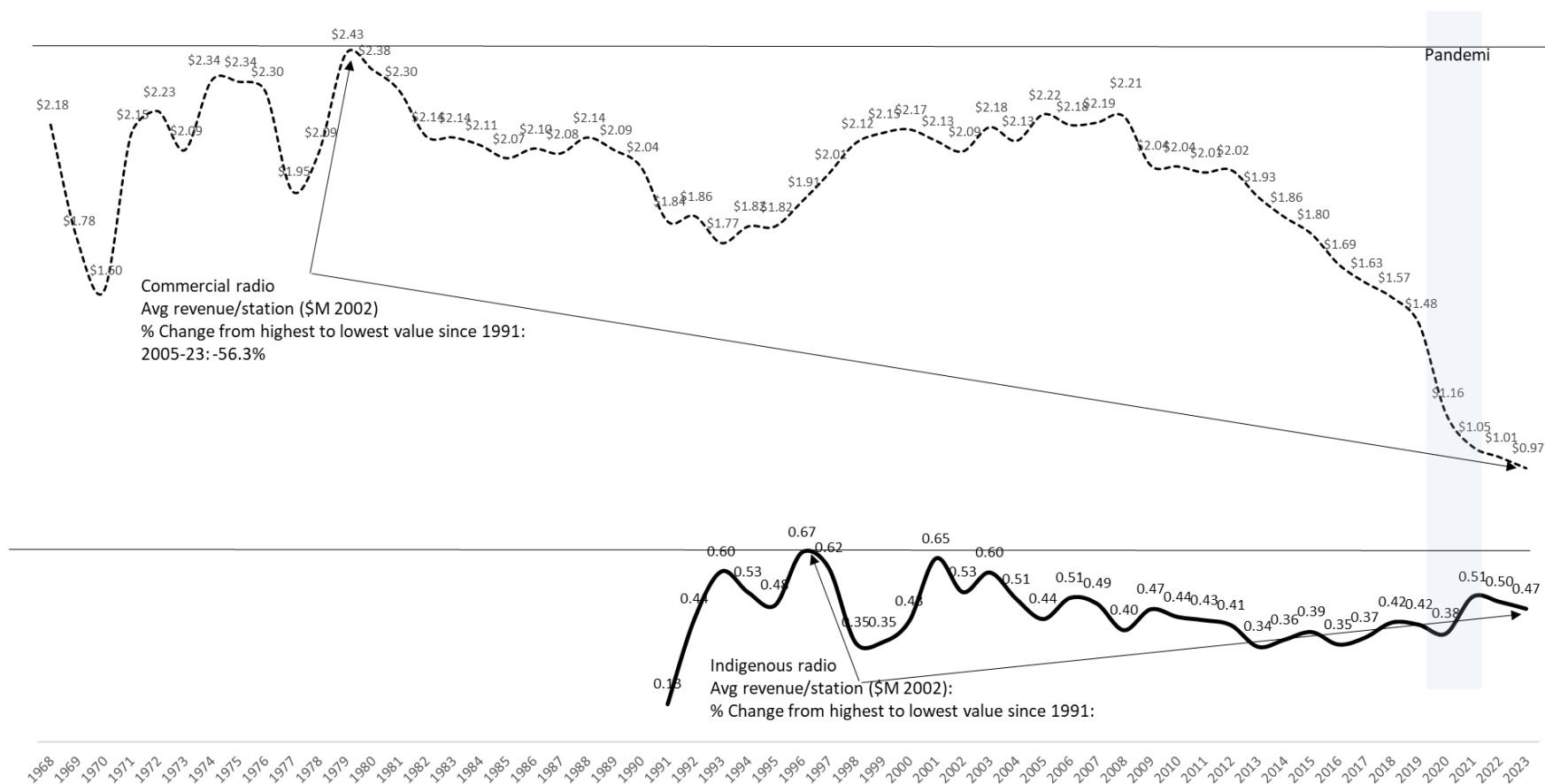


Figure 8 Commercial vs Indigenous radio-station revenue (\$ M 2002), 1968-2023

Commercial vs Indigenous radio station revenue, 1968-2023: per-station revenues (\$ millions 2002)

----- Commercial radio revenue/station

— Indigenous revenue / station



Source: CRTC data (Access to information request A-2020-00075); Statistics Canada (CPI=2002)

IV FRPC answers to CRTC questions

- 60 The CRTC launched the second phase of its co-development of the Indigenous Broadcasting Policy²⁵ nearly four years later, on 22 March 2024. CRTC Broadcasting Notice of Consultation CRTC 2024-67 invited interested parties to submit “comments for the co-development of an Indigenous Broadcasting Policy” to the CRTC by 22 July 2024. It did not state whether parties would be able to reply to others’ comments.
- 61 While the Notice lays out five categories of questions with 79 numbered questions, the many ‘sub-questions’ within the CRTC questions raises the total number of questions asked to 137:

BNoC 2024-67 – question categories	CRTC question numbers	Individual questions set out in Appendix 1 to BNoC 2024-67
Prefatory	6	16
A Audience members	8	23
B Broadcasters	35	56
C Support of Indigenous content	23	34
D Respecting relationships with Indigenous peoples	7	8
Total	79	137

- 62 Paragraphs 15 to 18 of BNoC 2024-67 explain that the four sets of questions posed in its Appendix may be answered by those who consider the questions to be relevant, and that the Commission “considers Indigenous individuals and groups to be key collaborators in this process”.
- 63 FRPC has generally confined itself to responding to questions related to regulation, as set out below. The CRTC’s questions are reproduced in bold font; the Forum’s responses follow each question.

QA6. Indigenous programming languages

Does the programming you receive (such as music, spoken word, and video content) serve your needs and interests?

(a) What could be improved?

(b) Should Indigenous programming be offered in one or multiple Indigenous languages? Please explain.

- 64 The CRTC has previously said that one purpose of its Indigenous broadcasting policy is to help maintain knowledge of Indigenous languages. Its *Broadcasting Policy Monitoring Report 2005* noted, for example, that Indigenous broadcasters play a role in “fostering the ... preservation of ancestral languages”: Figure 9.

²⁵ Call for comments – Co-development of an Indigenous Broadcasting Policy, [BNoC 2024-67](#) (Ottawa, 22 March 2024).

Figure 9: *Broadcasting Policy Monitoring Report 2005, page 27*

K. Native radio

- Native radio is governed by the Native broadcasting policy, Public Notice CRTC 1990-89, 20 September 1990. The policy framework is designed to improve the quality and quantity of access by aboriginal broadcasters to the Canadian broadcasting system.
- These undertakings play a distinct role in fostering the development of Aboriginal cultures and, where possible, the preservation of ancestral languages.
- The greatest concentration of activity in Aboriginal broadcasting involves community-based radio stations in small remote locations.
- There are two types of Native radio stations:

- Type A: A Native radio station is a Type A station if, at the time the licence is issued or renewed, no other commercial AM or FM radio licence to operate a station in all or any part of the same market is in force.

As a result of Exemption order respecting certain native radio undertakings, Public Notice CRTC 1998-62, 9 July 1998, Type A stations are no longer required to hold a broadcasting licence from the Commission.

- Type B: A Native radio station is a Type B station if, at the time the licence is issued or renewed, at least one other commercial AM or FM radio licence to operate a station in all or any part of the same market is in force. There are currently 45 Type B Native radio stations licensed.

- Advertising is not one of the principal sources of revenue for Native radio stations.

65 BNoC 2024-67 provides no information about Indigenous languages in Canada, or the languages in which Indigenous programming is being broadcast. In 2022 Statistics Canada Canada reported that 237,420 (or 13%) of Canada's 1.8 million Indigenous people "could speak an Indigenous language well enough to conduct a conversation."²⁶ StatsCan added that although "the number of people with an Indigenous mother tongue has been in decline, there has been growth in the number of Indigenous second-language speakers."²⁷ Unfortunately, as the CRTC has not published any data about the level of programming broadcast in Indigenous languages, it is unclear whether its Indigenous broadcasting policy has had any impact on the number of Indigenous second-language speakers.

66 As Indigenous people live and travel throughout Canada it would be ideal if they were able to access Indigenous languages of their choice dealing with the communities where they are – not only to hear their own language, but also to refresh their familiarity with it and to learn about the communities they are passing through or visiting. The Forum notes that some participants in the 2021 *What You Said Report* engagement sessions saw the use of Indigenous languages in broadcasting as a positive step:

²⁶ Statistics Canada, "[Indigenous population continues to grow and is much younger than the non-Indigenous population, although the pace of growth has slowed](#)" *The Daily* (21 September 2022).

²⁷ *Ibid.*

Attendees noted that APTN has a mandate to provide a specific percentage of programming in various Indigenous languages. One unique example was when a hockey game was recently called in the Plains Cree language on APTN; attendees also recalled times when the national anthem has been sung in different Indigenous languages at NHL games. However, this is not enough; they stated the importance of creating a policy that encourages the use of Indigenous languages throughout the Canadian broadcasting system. While it rarely happens in commercial broadcasting, when Indigenous languages are heard on mainstream radio or television, or when popular TV programs have been dubbed from English or French into an Indigenous language, these are the moments when participants feel that progress is starting to be made.²⁸

QA7. Implementing and supervising the Indigenous broadcasting policy

(a) What mechanisms should be put in place for implementation and supervision of the Indigenous Broadcasting Policy?

- 67 FRPC has in previous submissions recommended that the Commission review its data-collection instruments and processes with interested parties to strengthen reporting and accountability. One result of the CRTC's decision not to consider this proposal is that, in this proceeding, the only thing that is clear about the impact of its 1990 Indigenous broadcasting policy is that its impact is unknown. Specifically, the CRTC has not published any data in this proceeding (or any other) that the availability of Indigenous programming has increased due to its 1990 Indigenous broadcasting policy.
- 68 At least two mechanisms are needed to implement and supervise a new Indigenous broadcasting policy, therefore: the collection of reliable and relevant information, and the enforcement of existing and new regulatory requirements.
- 69 The CRTC has not published any statistics about broadcast Indigenous programming and, as indicated previously, its statistics about Indigenous radio broadcasters may be unreliable. It is not known why the CRTC has not published any programming statistics. As for data the CRTC does publish describing Indigenous radio broadcasters, the information may be unreliable due to the number of undertakings that the CRTC says did not file mandated annual returns.
- 70 Section 9(2) of the CRTC's *Radio Regulations, 1986* requires all licensees on or before November 30 of each year to submit to the Commission a statement of accounts, on the annual return of broadcasting licensee form, for the year ending on the previous August 31.
- 71 As noted previously in Figure 4, a significant number of licensed Type B Indigenous radio stations did not file annual returns as required by the CRTC's regulations. The CRTC published the callsigns of the radio stations that did not file the required annual returns (see Appendix 2) in specific years, making it possible to determine that half (15 or 54%) of the

non-filing reporting units did not submit the required information in 3 or more of the 11-year period: Table 5.

Table 5 Times Indigenous Type B stations did not file annual return from 2013-2022

Times a station did not file	Number	% of total (28)	Cumulative %
For 1 year	7	25%	25%
For 2 years	3	11%	36%
For 3 years	5	18%	54%
For 4 years	2	7%	61%
5 years	3	11%	71%
6 years	3	11%	82%
7 years	0	0%	82%
8 years	1	4%	86%
9 years	4	14%	100%
11-year total (2013-2023)	28	100.0%	

- 72** The CRTC did not describe the steps it took to notify the stations' licensees about the non-filing or to verify that the stations were in operation. If the stations were in operation, they might have been in breach of the CRTC's radio regulation requiring the submission of annual returns: yet while the 1991 and the April 2023 *Broadcasting Act* each made it an offence for anyone to contravene a CRTC regulation or order,²⁹ the CRTC does not appear to have initiated such prosecutions. The CRTC revoked the licences of one Indigenous radio broadcaster for, among other things, failure to file annual returns on time.
- 73** The challenge is not merely that the CRTC is declining to enforce its regulatory requirements – brining its administration of its responsibilities into disrepute – but that the data it publishes are likely highly unreliable due to the missing annual returns.
- 74** Rather than maintaining the status quo, the CRTC should initiate a proceeding – or more than one proceeding with different categories of broadcaster – to establish the ground rules, so to speak, for providing the CRTC with the data and evidence it requires to account to Parliament for the Commission's stewardship of its responsibilities under the *Broadcasting Act*.

Q A8 National Public Alerting System

QA8. Do you agree that public alerts and warnings need to be broadcast in Indigenous languages?

- 75** Yes. The Forum agrees that public alerts and warnings must be broadcast in Indigenous languages.

²⁹

S. 33:

33 Every person who contravenes any regulation or order made under this Part is guilty of an offence punishable on summary conviction and is liable

(a) in the case of an individual, to a fine of not more than \$25,000 for a first offence and of not more than \$50,000 for each subsequent offence; or

(b) in the case of a corporation, to a fine of not more than \$250,000 for a first offence and of not more than \$500,000 for each subsequent offence.



- 76 BNoC 2024-67 provides no information, however, about the languages in which broadcast alerts are now being broadcast. Nor does it provide information about whether alerts are being distributed to all communities in Canada, including to communities where Indigenous people predominate.
- 77 As the CRTC has not reviewed its approach to emergency alerts since 2014, however, it is not even known if all Indigenous communities receive alerts during emergencies. The CRTC's staff recently returned FRPC's Part 1 Application asking the Commission to review this approach, and it is therefore unclear when the Commission might do so.
- 78 The Forum submits that – for the sake of efficient regulatory process – the CRTC should undertake a review of its approach to emergency alerts in general, and include an assessment of the approach to be adopted for Indigenous communities within this review.

(a) Which Indigenous languages should be prioritized if the public alerts cannot be provided in all Indigenous languages?

- 79 Emergency management officials should consult with the communities they serve to determine individual communities' preferences. That said, given Statistics Canada's research indicating that 87% of Indigenous peoples may not be able to undertake a conversation in an Indigenous language, FRPC respectfully submits that alerts also be distributed in English and in French.³⁰

(b) Are any other changes needed to the way National Public Alerting System (NPAS) emergency alerts are communicated to better serve Indigenous communities?

- 80 Yes: the CRTC must launch a public consultation including public hearings across Canada including in the North to obtain the views of all those affected by emergency conditions, and their recommendations for updating, strengthening and improving the CRTC's 2014 approach to emergency alerting.

QB9. Regulatory categories, ownership and control of Indigenous radio stations

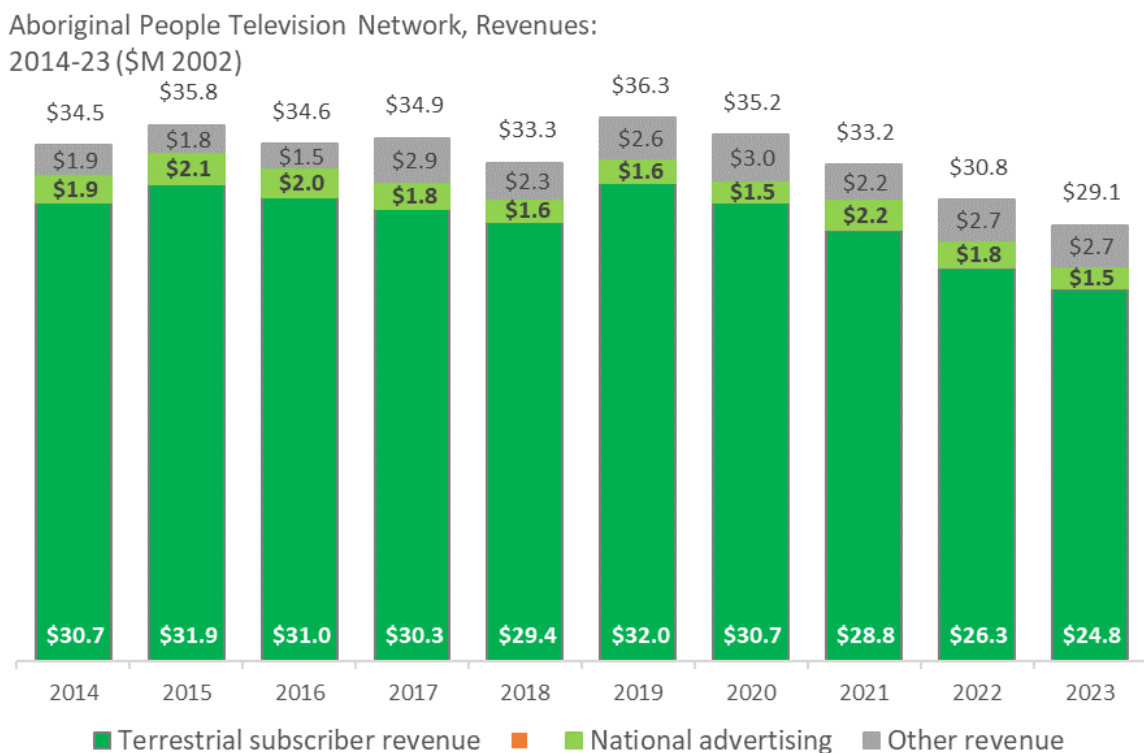
QB9. Other than advertising opportunities, what mechanisms could provide stable revenue sources for Indigenous radio stations?

- 81 BNoC 2024-67 provided no information about Indigenous broadcasters' current revenue sources.
- 82 Data from the CRTC's *Statistical and Financial Summaries* – as unreliable as they may be – suggest there are four sources: advertising, government grants, other grants and revenue from BDU subscribers.

³⁰ Statistics Canada, "[Indigenous population continues to grow and is much younger than the non-Indigenous population, although the pace of growth has slowed](#)" *The Daily* (21 September 2022): "237,420 (or 13%) of Canada's 1.8 million Indigenous people "could speak an Indigenous language well enough to conduct a conversation." StatsCan added that although "the number of people with an Indigenous mother tongue has been in decline, there has been growth in the number of Indigenous second-language speakers."

- 83 As noted previously, with the exception of BDU subscriber revenue – currently available only to APTN – Indigenous radio broadcasters’ revenues are unstable: Figure 6. The majority of Indigenous radio stations’ income comes from different levels of government (‘Other revenue’). While Indigenous radio stations’ local advertising revenues have grown over time stations in the North face strong competition from the CBC. The General Manager of Northern Native Broadcasting’s CHON-FM (in the Yukon) pointed out that “only the local CBC has the financial resources to reach all of the communities in the Yukon, and they have the national content as well” – and also that the push for advertising income means their station carries “so many advertisements on the air that it frustrates our listeners and our hosts”.
- 84 The majority of APTN’s income comes from BDU subscribers, as BDUs are required by the CRTC to carry the service at a mandated per-subscriber rate: Figure 10. Given the difficulties that non-Indigenous discretionary serves have for years routinely encountered into obtaining BDU carriage, let alone obtaining carriage that generates a reasonable margin of profit, there seems to be little basis for concluding that APTN would be able to survive without mandatory carriage.

Figure 10 APTN revenue sources, 2014-2023



Sources: CRTC Individual discretionary services Statistical and Financial Summaries (various years); Statistics Canada 2002 CPI series

- 85 Apart from the instability of government funding, government policies to support Indigenous broadcasting lack coherence. The General Manager of Northern Native



Broadcasting's CHON-FM (in the Yukon) described the process in their intervention (No. 6, 24 June 2024):

... The funding application processes (Heritage Canada) are very tedious as they require we count every minute of Indigenous language content. However, if we 'plan' for the future to provide double the content - as it is the mandate of our station to do so - we still do not receive more funding. So it encourages the stations to NOT provide more language content. We have so many advertisements on the air that it frustrates our listeners and our hosts. ...

QB33 Reporting on equitable portrayal of Indigenous peoples

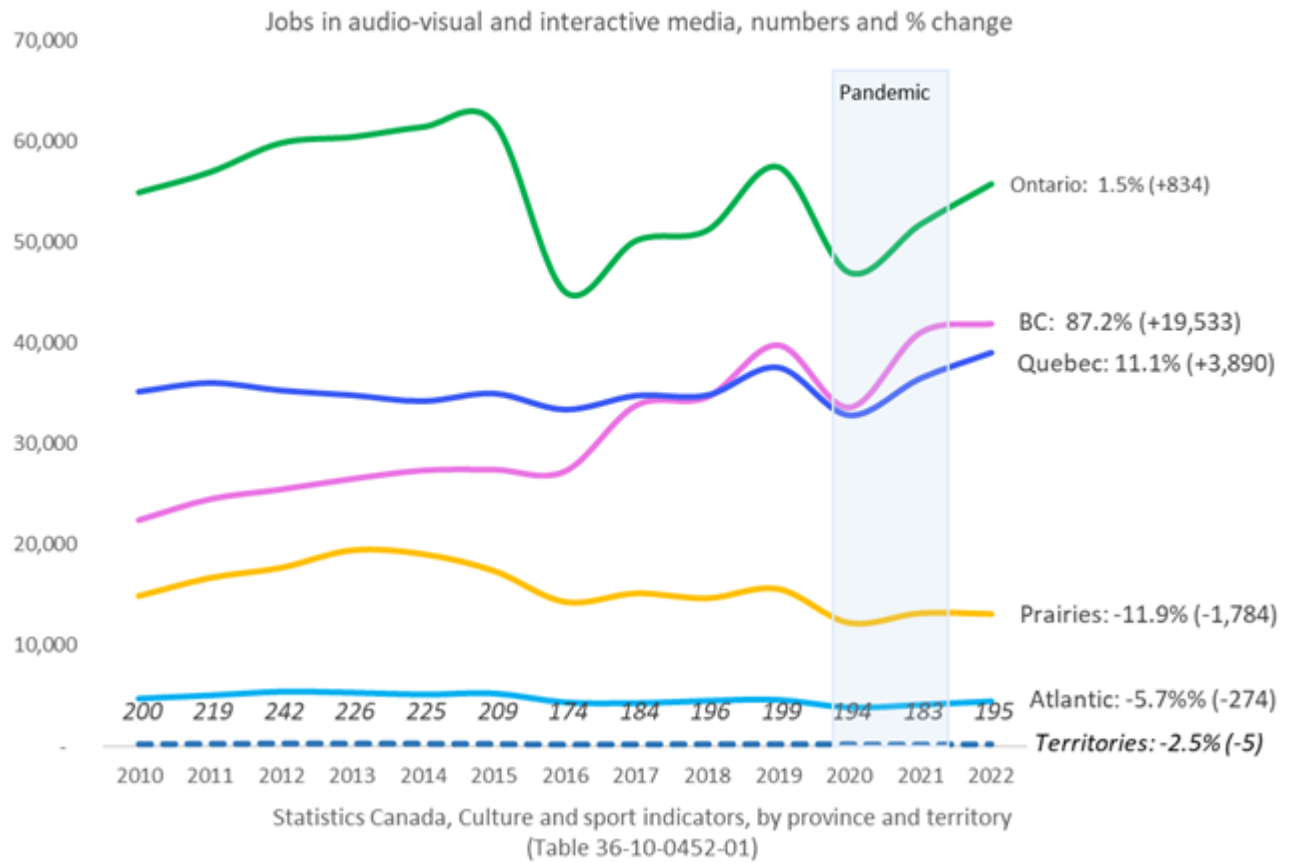
QB33. Are there reporting measures or other actions that could be applied to support anti-discriminatory, and culturally sensitive representation of Indigenous peoples in broadcasting, including but not limited to Indigenous women, girls, and 2SLGBTQI+ people, to be inclusive of diverse Indigenous cultural backgrounds?

86 The CRTC may apply any reporting measures it wishes, provided these comply with the *Broadcasting Act*.

87 The Forum notes that at present, limited information is publicly available about employment opportunities for Indigenous people in Canada's broadcasting system. Data from Statistics Canada – dealing with all of Canada – indicate that since 2010 Canada's territories have lost jobs in audio-visual and interactive media (Figure 11), in the performing arts (Figure 12) and in sound recording (Figure 13).

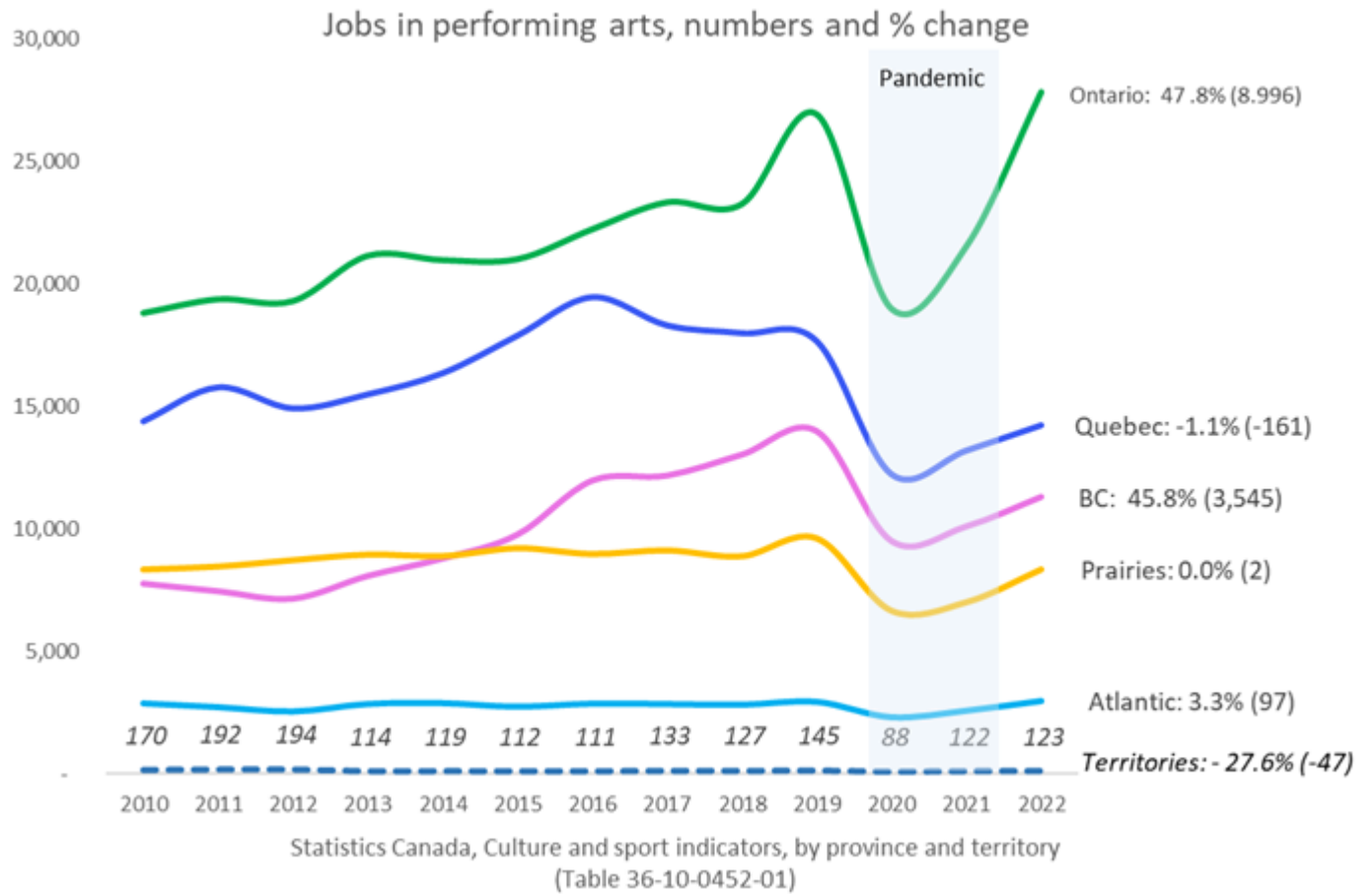
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Figure 11 Jobs in audio-visual and interactive media by region, 2010-2023



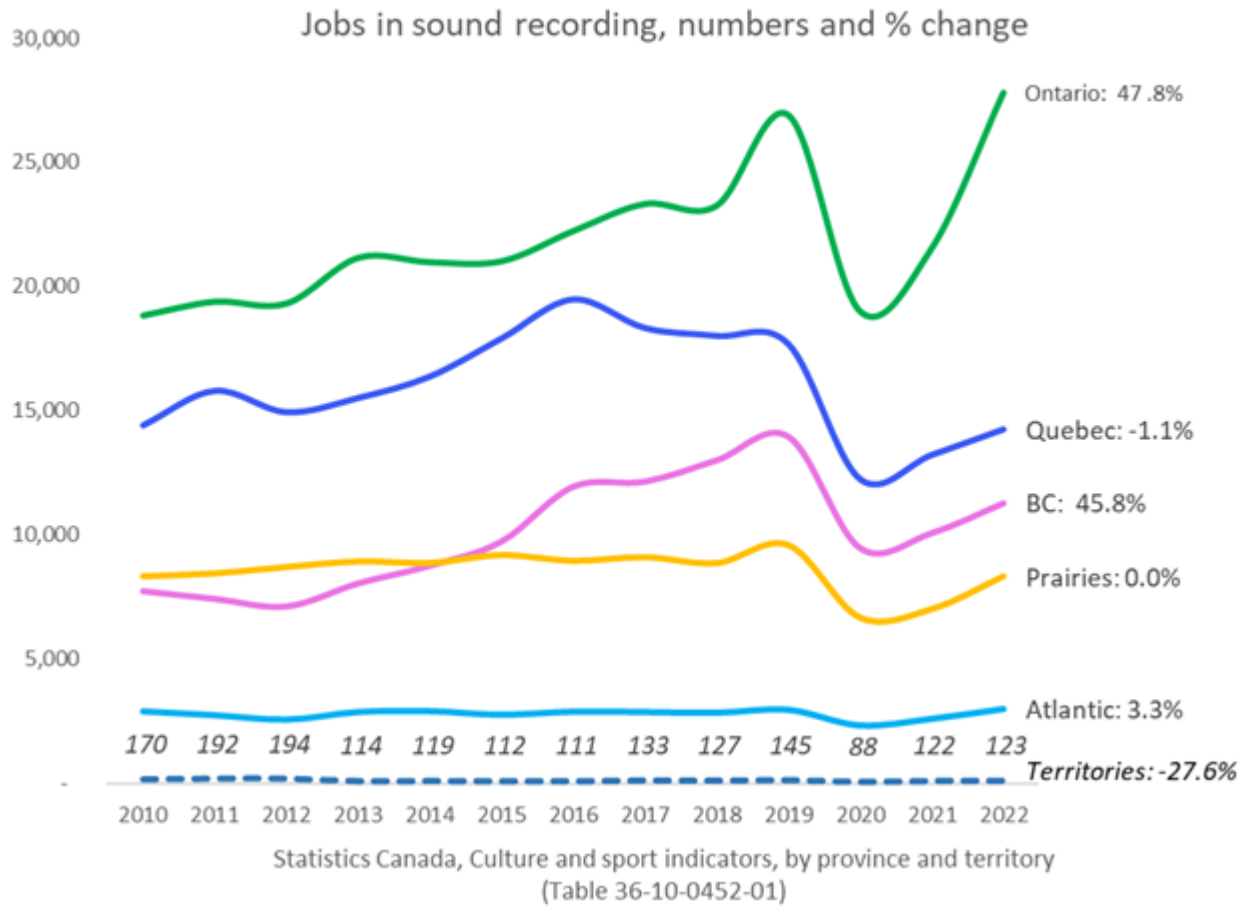
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Figure 12 Jobs in the performing arts by region, 2010-2023



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Figure 13 Jobs in sound recording by region, 2010-2023

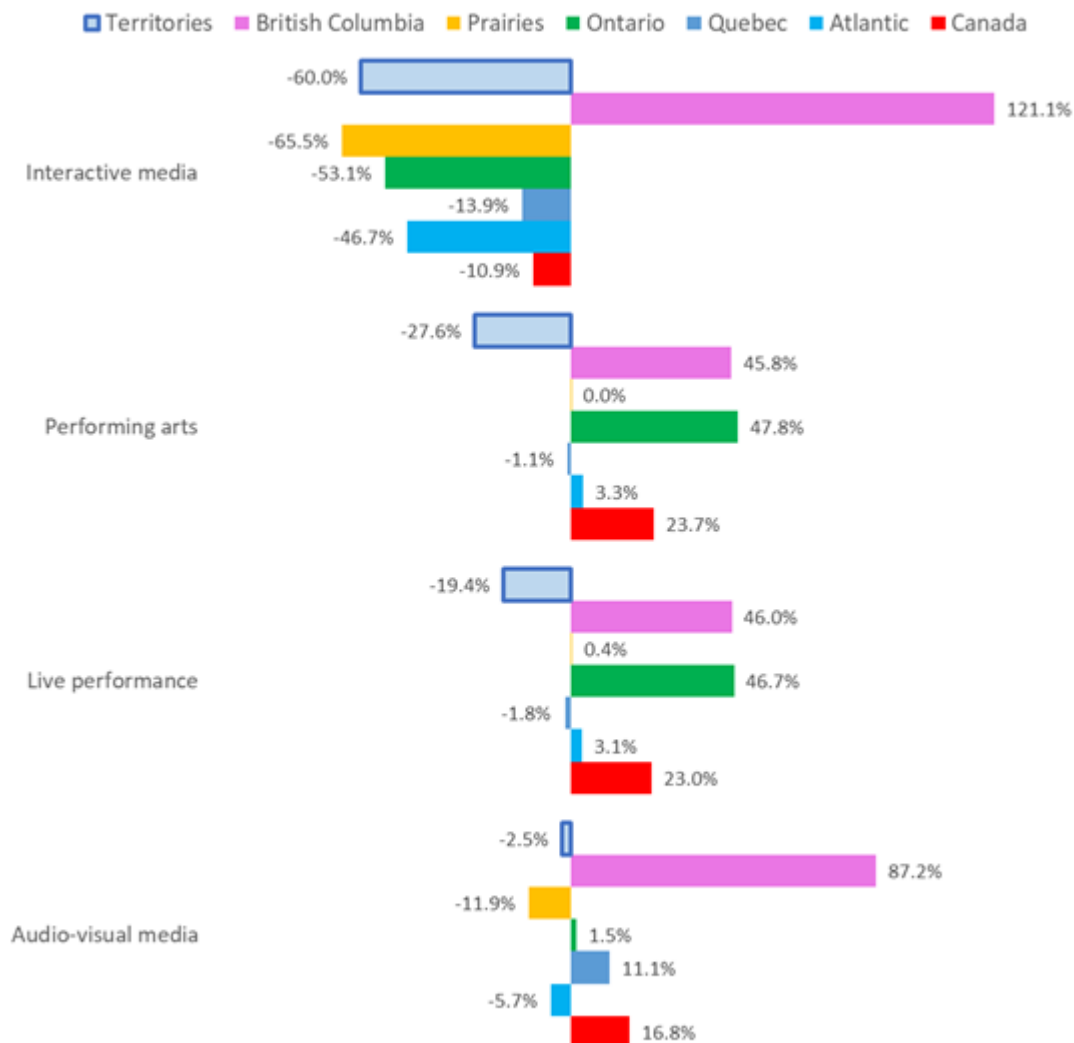


88 In fact, among the different regions of Canada the territories stand out with respect to employment in these sectors as theirs is the only region to lose jobs in all four sectors related to the programming content: Figure 14.

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Figure 14 Jobs in interactive media, performing arts, live performance and audio-visual media by region, 2010-2023

% change in jobs, by sector and region: 2010-2022



Source: Statistics Canada, Culture and sports indicators, by province and territory (Table 36-10-0452-01)

- 89 To avoid the mere appearance of regulatory action, however, the CRTC should ensure that it has the legal authority to propose reporting requirements before purporting to state that it has such authority.
- 90 For example, the CRTC application form to renew broadcasting radio licences addresses Employment equity/on-air presence. Form 310 states that radio station undertakings' plans for employment equity are "available upon request":³¹

³¹ Used for AM, FM, Commercial, Commercial (Ethnic), Campus, Community, Indigenous (Type B Native), Specialty Audio, Tourist, Religious (Church), Satellite subscription radio and Radio Network services [see 1.1 Type of station, in the form].

3. Employment equity / On-air presence

Information relating to employment equity is available in Implementation of an employment equity policy, Public Notice CRTC 1992-59, 1 September 1992, and Amendments to the Commission's Employment Equity Policy, Public Notice CRTC 1997-34, 2 April 1997.

The Commission requires that the applicant respond to questions regarding employment equity on behalf of the undertaking as a whole, with reference to all of its employees in aggregate; that is, employees of all undertakings for which it holds licences.

Information relating to on-air presence and voice-overs is set out in Consultations Regarding On-air Job Categories to be Included in the Employment Equity Plans of Broadcasters, Public Notice CRTC 1994-69, 10 June 1994, and Amendment to Reporting Requirements for Employment Equity in On-air Positions, Public Notice CRTC 1995-98, 19 June 1995.

* Please select one of the following:

() The licensee is subject to the Employment Equity Act (applicable to federally-regulated employers with 100 or more employees). The licensee keeps a record of the total number and percentage of on-air employees (full-time, part-time and temporary), including voice-overs, from each designated group, as well as the total number of all on-air employees who were employed in the last year. ***A copy of this record is available upon request.***

() The licensee has less than 100 employees and has in place an employment equity plan that includes policies and procedures relating to on-air presence and voice-overs. ***This plan is available upon request.***

[italics and bold font added]

91 The CRTC has meanwhile confirmed that the Commission “does not examine employment equity practices of licensees with 100 employees or more since these licences are subject to the *Employment Equity Act*, which falls under the jurisdiction of ESDC [Employment and Social Development Canada]” and that employment equity plans are not available upon request.³²

92 Before suggesting that the Commission will be able to report on broadcasters’ Indigenous hiring practices, it must ensure that it has the legal authority to do so.

QB35 Indigenous advisors

QB35. What are your views on broadcasting undertakings obtaining the services of an Indigenous advisor to explain traditions and protocols and to discuss cultural awareness to ensure that content is appropriate?

(a) How can this be implemented by broadcasting undertakings?

(b) How can this be monitored through the Indigenous Broadcasting Policy?

³² CHBN-FM Edmonton – Licence renewal and licence amendment, [Broadcasting Decision CRTC 2023-236](#) (Ottawa, 3 August 2023), at paragraphs 31-34.

(c) Are there other ways that this objective could be achieved?

- 93** The CRTC's 2021 *What You Said Report* noted participants' proposals regarding Indigenous programming advisers:

On the other hand, some attendees noted that increasing focus on Indigenous culture does not necessarily work all the time, especially if it is being done as a form of tokenism. A few participants stated that buzzwords like "Reconciliation" are often over-used and run the risk of becoming a meme. Attendees want to see real change with real intentions.

These issues can often lead to misunderstandings and bias. Several participants suggested the requirement for all productions that contain Indigenous subject matter or content to have Indigenous advisors appointed to the project. Having an Indigenous Cultural Expert on-set or in-studio to explain traditions and protocols and discuss cultural awareness will ensure that content is appropriate.

They also identified a need for an Indigenous advisor to be employed by each major broadcaster. This person could act as a resource within the company (for protocols, hiring practices, cultural sensitivity, etc.) but could also become the first point of contact for Indigenous producers who wish to present their Indigenous content for consideration to a mainstream broadcaster, program funder, or program developer.

...

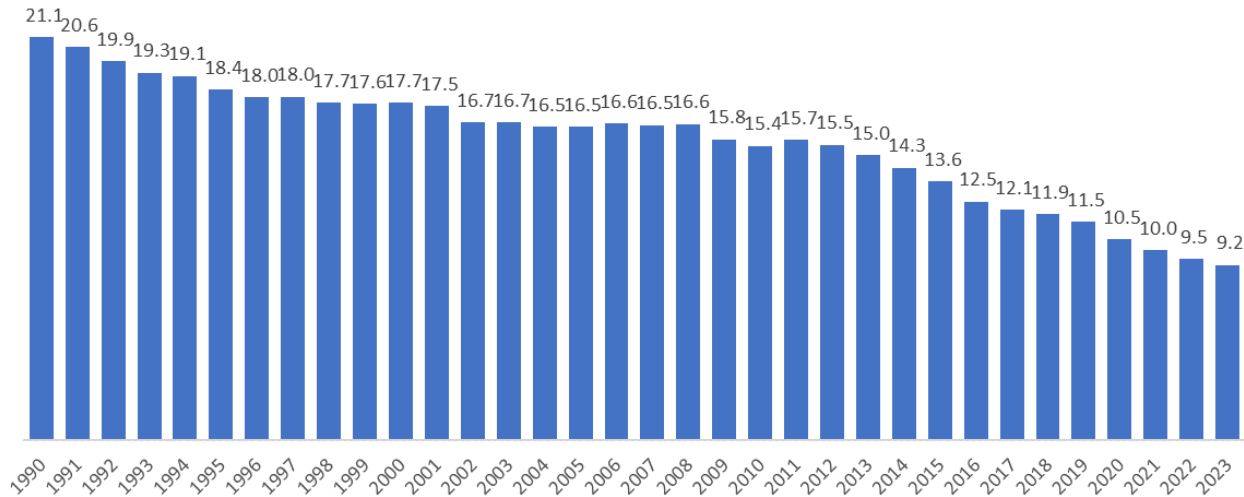
- 94** Nothing prevents broadcasters from employing Indigenous staff, from seeking advice about Indigenous traditions and protocols or from holding in-house discussions of cultural awareness. To this end the CRTC could – and perhaps should, following the determinations in this proceeding – include questions in all broadcasters' licence renewal application forms about their practices in these areas – provided, as explained in FRPC' response to QB33, it has the legal authority to do so.
- 95** As for online broadcasters – the CRTC has not yet explained how it intends to monitor their implementation of Parliament's broadcasting policy for Canada, perhaps making it premature for third parties to propose annual reporting systems to elicit the statistics needed to determine how online broadcasters will implement section 3(1).

Section C – Questions in support of Indigenous content**QC1 Supporting Indigenous content creators in their Indigenous languages****QC1. How can the CRTC encourage the inclusion of Indigenous-language content in the programming broadcast by non-Indigenous broadcasting undertakings?**

- 96** A basic challenge – one that is common to all broadcasters – is that even if online capacity enables them to offer many 'channels' of programming, they may lack the people needed to provide spoken-word content in a variety of languages. In fact, the average number of persons employed by commercial radio stations has decreased by 56% since 1990, from 21.1 persons to 9.2 persons in 2023: Figure 15.

Figure 15 Commercial radio station average staffing levels, 1990-2023

Commercial radio stations, average staff: 1990-2023



Sources: CRTC, *Statistical and Financial Summaries* for commercial radio, various years

- 97 FRPC acknowledges the views of participants set out in the 2021 *What You Said Report* to the effect that non-Indigenous broadcasters lack an understanding of Indigenous culture, and that the CRTC should host information sessions for Indigenous and non-Indigenous people. FRPC supports such an initiative:

2021 *What You Said Report*, p. 11

Participants emphasized the lack of understanding mainstream broadcasters have of Indigenous traditions, history, culture and people; they felt that this is why programming is sometimes seen as insensitive. Once the policy is created, information sessions should be hosted by the CRTC for both Indigenous and non-Indigenous people.

...

- 98 Were the CRTC to undertake this initiative, it should publish the dates of such information sessions, the materials presented at the session and post-session lists of attendees. (Attendance lists would enable verification of broadcasters' participation in such sessions.)

Accountability

QC13. How can the Indigenous Broadcasting Policy create space for monitoring by Indigenous peoples to ensure Indigenous narratives and stories are representative?

- 99 The CRTC has in the past undertaken content analyses of broadcast programming to review (in the 1980s) issues related to gender portrayal and violence). It could invite proposals from interested experts in the field of content analysis to undertaken analyses of a representative sample of broadcasting to evaluate the manner in which Indigenous content is presented in a representative manner.

Funding mechanisms

QC14. Apart from the measures contemplated in *Notice of hearing –The Path Forward – Working towards a modernized regulatory framework regarding contributions to support Canadian and Indigenous content*, Broadcasting Notice of Consultation CRTC [2023-138](#), 12 May 2023, what additional policy initiatives could ensure a stable financial base for the creation, production, promotion, and distribution of Indigenous content?

- 100** Before ensuring the stability of funding for Indigenous content, the CRTC should determine the total funding now available from different sources. For example, in 2023 Nordicity said that funding for Indigenous audiovisual productions increased from \$15.9 million in 2019/20, to \$30.9 million in 2021/22 (representing a 94% increase): Figure 16.

Figure 16 Funding for Indigenous audio-visual productions, 2019/20-2021/22

2.1 Distribution of Funding

Total funding for Indigenous productions increased considerably over the three-year period from approximately \$15,922,000 in 2019/20 to approximately \$30,973,000 in 2021/22 (Table 1).¹ The ISO was the main driver of this increase, with funding jumping from under \$300,000 to over \$12.5 million. However, Telefilm and the Bell Fund also had large increases in funding allocated to Indigenous production, and the CMF remained relatively consistent over the three-year period.

Table 1: Total Funding for Indigenous Productions (\$)

	2019/20	2020/21	2021/22
Total funding for Indigenous productions (\$)	15,922,000	22,191,000	30,973,000

Another major change across the industry is the proportion of funding going towards different formats of Indigenous production. In 2019/20, most of the funding (63%) went to television production, 35% went to film production, and only 2% went to other types of production (Chart 1). In 2021/22, the majority (approximately 51%) of funding was allocated to film production and an additional 13% allocated to "Other." This category included web series, short-form digital series, and VR/XR.

Source: Nordicity, [Indigenous Audiovisual Sector Economic Impact Assessment](#), Delivered to Department of Canadian Heritage (Broadcasting, Copyright, Creative Marketplace Branch) (March 2023)

- 101** The federal government's 2024 budget also set out \$285 million in funding to support Indigenous cultures, languages and the Indigenous Screen Office and another \$42 million for the CBC to serve different populations including Indigenous audiences – but it is unclear to what extent these amounts overlap or are independent of each other:

Supporting Indigenous Cultures

A better, fairer Canada is one where we are honest with our history. Where we can work to know ourselves and our stories, and enable creators to share them and be understood.

The federal government is committed to addressing the legacies of colonialism and racism, and an important part of that work is making sure to support Indigenous-led

efforts to reclaim, revitalize, and strengthen Indigenous cultures and languages. Restoring and promoting language and culture is an important part of healing, reconciliation, and fostering a strong sense of identity and community.

To ensure the vibrancy of Indigenous cultures and languages for generations to come, Budget 2024 proposes to provide:

→ \$225 million over five years, starting in 2024-25, with \$45 million per year ongoing to Canadian Heritage for Indigenous languages and cultures programs, in support of *Indigenous Languages Act*, which is set for its first five-year review in October 2025; and,

→ \$65 million over five years, starting in 2024-25, with \$13 million per year ongoing to Canadian Heritage to permanently support the Indigenous Screen Office and ensure Indigenous Peoples can tell their own stories and see themselves reflected on screen.

Budget 2024 also proposes to provide additional resources for the Canadian Radio-television and Telecommunications Commission to support Aboriginal People's Television Network. See Chapter 5 for additional details.³³

Investing in CBC/Radio-Canada

CBC/Radio-Canada is key to our democracy. As Canada's national public broadcaster, CBC/Radio-Canada ensures people in all parts of Canada, including rural, remote, and Indigenous communities, have access to local and Canadian news and entertainment, in their preferred official language. Like many media organizations, CBC/Radio-Canada has experienced declining advertising and subscription revenues that threaten its ability to fulfill its mandate of providing public television and radio programming.

Budget 2024 proposes to provide \$42 million in 2024-25 for CBC/Radio-Canada news and entertainment programming, ensuring Canadians across the country, including rural, remote, Indigenous, and minority language communities, have access to high-quality, independent journalism and entertainment.³⁴

Quotas and expenditures

QC15. What are your views on non-Indigenous radio broadcasters being required to devote a percentage of their broadcast time to Indigenous-created content, including music and spoken word in Indigenous languages?

102 An initial concern is whether Parliament has empowered the Commission to require individual broadcast undertakings to broadcast in Indigenous languages.

103 Analyzing each section of Parliament's current Broadcasting Policy for Canada which Parliament amended in the April 2023 Broadcasting Act shows that, simplistically speaking, the policy has 61 separate objectives. Of these objectives, only three are mandatory – and

³³ Finance Canada, [Budget 2024, Chapter 6](#) ("A Fair Future for Indigenous Peoples"), "Supporting Indigenous Cultures" [accessed 19 July 2024].

³⁴ Finance Canada, [Budget 2024, Chapter 5](#) ("Safer, Healthier Communities"), "Investing in CBC/Radio-Canada" [accessed 19 July 2024].

each creates challenges for mandating Indigenous programming requirements for all radio broadcasters.

- 104 Section 3(1)(a.1) says, for example that “**each broadcasting undertaking shall** contribute to the implementation of the objectives of the broadcasting policy set out in this subsection in a manner that is appropriate in consideration of the nature of the services provided by the undertaking”. Are commercial radio services – whether private English-language, French-language or ethnic commercial radio programming services – of a nature that would enable the CRTC to impose Indigenous language requirements?
- 105 Section 3(1)(f) then requires each broadcaster to employ people (“creative and other human resources”) that are predominantly Canadian to create, produce and present programming. As this section focusses on people rather than the languages spoken by ‘human resources’, it is unclear whether the CRTC could rely on this section as its authority to mandate the broadcast of Indigenous programming content for specific amounts of broadcast time.
- 106 Section 3(1)(f.1) next that “**each foreign online undertaking shall** make the greatest practicable use of Canadian creative and other human resources, and shall contribute in an equitable manner to strongly support the creation, production and presentation of Canadian programming, taking into account the linguistic duality of the market they serve”. In this case, Parliament’s use of the word, “duality” could lead to the conclusion that the legislature was referring to Canada’s official languages of English and French, and that it did not envisage the imposition of requirements for Indigenous languages either in place of or in addition to English and French.
- 107 The Forum considers that additional information would be required before this proposal is implemented to address related questions. For example – if Indigenous radio stations cannot attract advertising because of low audiences, how will these stations be assisted by requiring commercial radio stations to serve the same audiences? What is the estimated risk that commercial radio stations will begin to draw audiences away from Indigenous radio services, threatening their local advertising revenues?

QC16 Indigenous content and storytelling

QC16. What other regulatory mechanisms could help ensure the inclusion of Indigenous content and storytelling on non-Indigenous radio?

- 108 The CRTC has not defined ‘storytelling’, making it unclear what types of content it is envisaging. Moreover, the CRTC has not published any recent statistics on the type of programming now being broadcast by non-Indigenous radio programming services. That said, the CRTC has itself recognized that “spoken word content is heavily reliant on an availability of staff to research, produce and broadcast such content....”³⁵
- 109 In general, the Forum estimates that the schedule of a typical commercial radio station consists of two-thirds music and roughly a third that is spoken-word content, in turn consisting of news, surveillance (traffic and weather) and advertising. Apart from radio-host

ad-libbed commentary there appears to be little storytelling on these stations, suggesting that these stations do not believe their audiences desire this content. Moreover, as Figure 15 showed, average staffing levels in commercial radio have steadily declined.

- 110 The CBC, on the other hand, engages in substantial ‘storytelling’ on its main Radio One service. Nothing would preclude it from adding Indigenous content to its schedule – except that the content may not be readily available. The General Manager of Northern Native Broadcasting’s CHON-FM (in the Yukon) commented that radio stations “could be taking advantage of archival materials in order to share histories and stories from Elders. However there is also very little funding for this.” (underlining added). Would Parliament provide the CBC with additional funding to develop a frequently refreshed base of Indigenous spoken-word content?

QC18. What measures should the CRTC take to help ensure the broadcast of Indigenous content on non-Indigenous audio-visual services?

(a) Could other means be more appropriate than expenditure or exhibition requirements to meet this objective?

- 111 The Forum suggests that the Commission initiate a proceeding to determine whether its log-reporting requirements should be modified to ensure that data gathered through these requirements accurately reflect Indigenous content.

QD3 – Indigenous peoples’ participation in CRTC proceedings

QD3. How can the CRTC increase participation by Indigenous peoples in its proceedings?

- 112 The CRTC’s 2021 *What You Said Report* said at pages 12 to 13 that

... Different people need to be included in the consultations, i.e., those who did not participate in these early engagement sessions during Phase One. There should be meetings and forums organized in a similar way to these engagement sessions, so that input can be gathered that reflects the needs of communities. Attendees also noted that the consultation needs to be transparent and must be based on principles of consensus-building.

...

p. 13:

Attendees noted that the consultation process should be conducted in a fair and respectful way. Several participants felt that they, and others who will be consulted in future, should be compensated for their time, knowledge, and expertise. This would include all who attend, even those who are independent (i.e., representing themselves, rather than a broadcaster, community, organization or association), since this is taking time away from their other priorities. Compensation can be done through honorariums (cash), gift cards, gifts, tobacco for Elders, etc. This compensation should also apply to reviewing the draft of the final report or policy. ...

- 113 The establishment of an Indigenous media association – should this happen – may be an effective way of ensuring ongoing representation of Indigenous concerns before the CRTC.



- 114 That said, the BPF-FPR exists to reimburse (following receipt of applications) reimburse public- or consumer-interest organizations for the costs of their participation in CRTC broadcasting matters, and the CRTC also has a costs-reimbursement process in its telecom proceedings. These services exist to facilitate participation in the CRTC's regulatory processes (when the CRTC says these occur).

QD5. How often should the Indigenous Broadcasting Policy be reviewed collaboratively?

- 115 Every five years, in line with the CRTC's approach with respect to its commercial radio, television and BDU policies.

QD6. What are some best practices to ensure Indigenous data sovereignty is respected where data collection related to broadcasting may be requested (for example, through annual filing requirements or report submission)?

- 116 FRPC considers that the CRTC should use its well-recognized system for providing confidentiality for the majority of Individual broadcasters (the exception being individual discretionary television programming services).

QD7 Other issues not addressed

QD7. What other issues and concernsspecific [sic] to the Indigenous Broadcasting Policy need to be addressed? How would you like to be engaged to provide solutions?

- 117 The Forum notes that the CRTC's 2021 *What You Said Report* addressed the archival preservation of Indigenous programming:

Attendees expressed the need for mechanisms to preserve Indigenous audio and audio-visual content, especially content spoken or sung in Indigenous languages. Archiving and digitizing processes are necessary to capture and preserve this material so it can be studied by future generations, to learn about the history, culture and traditions of the people who came before. It should be retained in spaces that house cultural artefacts, always ensuring that it is readily available to the generations that came after.

Radio and television shows and films house some of the few remaining artefacts of traditional Indigenous languages and dialects. A suggestion was made that whenever cultural or language programs are created by communities (such as language training on radio; or when Elders are interviewed about culture and traditional knowledge; or when traditional music is performed and recorded by a radio station), a copy should also be submitted to a central source for preservation and so it can be easily discoverable and accessible. Participants noted that this is not widely practiced by most Indigenous broadcasters, who need an easy process to retain a copy of recordings. Attendees mentioned that in some Indigenous cultures, traditional knowledge is meant to be shared only amongst the community members, not outside a community. For this reason, it was felt that regulations are needed to address the preservation of archival broadcasting material, including how and where it is stored, how it can be accessed, and to whom it can be made available. Participants requested that this be a topic of discussion included in the new policy. There is also a need to protect film footage and to repatriate Indigenous stories and knowledge that have been acquired by non-Indigenous people.



Attendees noted that there are barriers to accessing archival film footage and recorded music, either due to complicated retrieval processes, lack of Internet access, or simply being unaware of what is available. Archiving is being done to a limited extent by Library and Archives Canada (including some Indigenous-created music) and to some extent by the National Film Board,³⁶ which provides access to its archival material,³⁷ although there are few films created in Indigenous languages that are preserved in its collection. ³⁶

Participants pointed out that various archives have been created for mainstream English- and French-language radio and television broadcasts (for example, by CBC and Library and Archives Canada), but no participants were aware of similar activities or projects focused on Indigenous audio or audio-visual media.

- 118** Despite the CRTC's decision in Broadcasting Regulatory Policy CRTC 2024-121 to disregard a proposal to fund what would be the first national archive for broadcasting content, the Forum continues to believe that the CRTC must play a role in ensuring that Canadian broadcast programming is preserved.

³⁶ 2021 *What You Said Report*, pages 37-38.



Appendices

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Appendix 1 Related events

- 1846 On December 19 the first telegraph company in Canada begins operations (Toronto, Hamilton & Niagara Electric Telegraph Co.)³⁷
- 1849 Beginning in January continuous telegraph service is available from Saint John, NB to New York City; continuous telegraph service from Halifax to New York becomes available in November³⁸
- 1886 Heinrich Hertz demonstrates that rapid variations of electric current can be projected into space, similar to those of light and heat: radiowaves are conceived³⁹
- 1895 In Italy, Guglielmo Marconi sends and receives first radio signal;⁴⁰ he apparently sees radio as a 'niche product' for ship-to-shore communication⁴¹
- 1901 After his Cape Cod, Massachusetts and Poldhu, Cornwall antenna arrays are destroyed by storms, Marconi moves to Newfoundland, the closest point in North America to the Cornwall station; Prime Minister Sir Robert Bond gives him an abandoned military hospital to use, located on Signal Hill 600 feet above St. John's harbour⁴²

On December 12th, Guglielmo Marconi transmits the letter "s" using Morse code from a station in Poldhu, Cornwall, to one on Signal Hill, Newfoundland⁴³

The Canadian government orders two Marconi telegraph sets to use at coastal points along the Strait of Belle Isle⁴⁴

³⁷ http://members.tripod.com/morse_telegraph_club/images/newpage1.htm

³⁸ "Nova Scotia Pony Express, 1849: History of the Halifax Express a.k.a, Nova Scotia Pony Express" <<http://www.newscotland1398.net/ponyexpress/ponyexclx.html>> (date accessed 24 February 2003):

In 1849 it was possible to transmit a message only 200 kilometres or so by electric telegraph. That was the limit of the technology available at that time. For longer distances, such as Saint John to New York, a message was sent by the Saint John operator and copied by the telegraph operator at the far end, say Calais. Then the Calais operator would resend the message to Bangor. Bangor would copy the message, and resend it to Portland. Portland would send it to Boston. And so on until it reached New York. It was this need for repeated copying and resending that accounted for the three to four hours minimum required to get an AP message — usually about 3,000 words (15,000 characters) from Saint John (later from Halifax) to New York.

³⁹ FCC, "May 1993: History of Wire and Broadcast Communication", <<http://www.fcc.gov/cgb/evol.html>>

⁴⁰ FCC, "May 1993: History of Wire and Broadcast Communication", <<http://www.fcc.gov/cgb/evol.html>>

⁴¹ Wade Rowland, *Spirit of the Web: The Age of Information from Telegraph to Internet*, (Toronto: Key Porter Books, 1999) at 59.

⁴² Wade Rowland, *Spirit of the Web: The Age of Information from Telegraph to Internet*, (Toronto: Key Porter Books, 1999), "Some Milestones in Communications Technology" (np.) at 121.

⁴³ Wade Rowland, *Spirit of the Web: The Age of Information from Telegraph to Internet*, (Toronto: Key Porter Books, 1999), "Some Milestones in Communications Technology" (np.) at 122.



- 1902 Based in part on a \$75,000 grant from the federal government, the Table Head, Nova Scotia wireless station is in routine communication with Poldhu, Cornwall - the world's first regular transatlantic radio link⁴⁵
- 1903 Regular commercial radio-telegraphed messages between North America and Europe begin on 30 March⁴⁶
- 1906 Reginald Fessenden broadcasts human voices and music from Massachusetts, to ships at sea⁴⁷
- 1914 When war breaks out, Britain disables most of the global undersea telegraph to keep it from falling into enemy hands;⁴⁸ the Canadian government terminates non-official use of radiotelegraphy from August 1914, to 1 May 1919⁴⁹
- 1918 Federal Department of Naval Service grants an experimental broadcast licence to XWA, a radio station in Montreal owned by G. Marconi⁵⁰
- 1920 XWA Montreal broadcasts world's first scheduled radio program (a concert) to a meeting of the Royal Society of Canada in Ottawa⁵¹
- 1922 The agricultural term "broadcasting", meaning to sow seeds, is first applied to the new communications medium of radio⁵²
- 1923 CNR installs radio transmitters and receivers on trains as part of a marketing campaign to attract passengers⁵³
- First experimental wireless television transmissions take place between Anacostia and Washington⁵⁴
- 1925 First commercial radio broadcasts take place in Canada when General Motors sponsors hockey games⁵⁵

⁴⁴ <http://www.si.edu/lemelson/dig/radioana/#timeline>

⁴⁵ Wade Rowland, *Spirit of the Web: The Age of Information from Telegraph to Internet*, (Toronto: Key Porter Books, 1999), "Some Milestones in Communications Technology" (np.) at 125.

⁴⁶ Frank Foster at 2.

⁴⁷ Media Awareness "radio in Canada: a timeline" <<http://www.media-awareness.ca/eng/indux/radio/timeline.htm#1800s>> (24 February 2003).

⁴⁸ Wade Rowland, *Spirit of the Web: The Age of Information from Telegraph to Internet*, (Toronto: Key Porter Books, 1999), "Some Milestones in Communications Technology" (np.) at 148.

⁴⁹ <http://earlyradiohistory.us/sec012.htm>

⁵⁰ Media Awareness "radio in Canada: a timeline" <<http://www.media-awareness.ca/eng/indux/radio/timeline.htm#1800s>> (24 February 2003).

⁵¹ Media Awareness "radio in Canada: a timeline" <<http://www.media-awareness.ca/eng/indux/radio/timeline.htm#1800s>> (24 February 2003).

⁵² Brian Winston, *Media Technology and Society A history: from the telegraph to the Internet*, (London: Routledge, 1998) at 77.

⁵³ Media Awareness "radio in Canada: a timeline" <<http://www.media-awareness.ca/eng/indux/radio/timeline.htm#1800s>> (24 February 2003).

⁵⁴ "History of Television" online: History of TV <<http://history.acusd.edu/gen/recording/television1.html>>



To raise broadcast revenues, networking is used to connect Canadian radio stations with the CBC or American radio networks⁵⁶

1928 On 11 May regular television broadcasting began in Schenectady, New York; over 15 television stations are licensed in the U.S. by the end of the year⁵⁷

1932 The United Kingdom's Privy Council's Judicial Committee determines that Parliament's jurisdiction over broadcasting extends to both transmission and reception of signals in the *Radio Reference*, [1932] AC 302, (1932) 2 D.L.R., 81-881.

On 18 May 1932 Conservative Prime Minister Bennett lays out three key principles concerning broadcasting to the House of Commons:

First of all, this country must be assured of complete control of broadcasting from Canadian sources, free from foreign interference or influence. Without such control, radio broadcasting can never become a great agency for communication of matters of national concern and for the diffusion of national thought and ideals, and without such control it can never be the agency by which national consciousness may be fostered and sustained and national unity still further strengthened

Secondly, no other scheme than that of public ownership can ensure to the people of this country, without regard to class or place, equal enjoyment of the benefits and pleasures of radio listening. Private ownership must necessarily discriminate between densely and sparsely populated areas. This is not a correctable fault in private ownership; it is an inescapable and inherent demerit of that system. It does not seem right that in Canada the towns should be preferred to the countryside or the prosperous communities to those less fortunate. ... Happily, however under this system [of broadcasting being proposed by the government], there is no need for discrimination; all may be served alike. ...

Then there is a third reason to which I might refer, and one which I believe must commend itself to every hon. Member in this chamber. The use of the air, or the air itself, ... is a natural resource over which we have complete jurisdiction under the recent decision of the privy council [and which] the crown holds ... in trust for all the people. ... I cannot think that any government would be warranted in leaving the air to private exploitation and not reserving it for development for the use of the people. ...

....

House of Commons Debates (18 May 1932) at 3035-3036 (Right Hon. R.B. Bennett).

⁵⁵ Media Awareness "radio in Canada: a timeline" <<http://www.media-awareness.ca/eng/indux/radio/timeline.htm#1800s>> (24 February 2003).

⁵⁶ Media Awareness "radio in Canada: a timeline" <<http://www.media-awareness.ca/eng/indux/radio/timeline.htm#1800s>> (24 February 2003).

⁵⁷ "History of Television" online: History of TV <<http://history.acusd.edu/gen/recording/television1.html>>



The *Canadian Radio Broadcasting Act*, SC 1932, c. 51 is enacted on 26 May 1932, creating the Canadian Radio Broadcasting Commission as the nation's first broadcast regulator, responsible for allocating frequencies, call signs and levels of Canadian programming;⁵⁸ the legislation establishes the Canadian Radio Broadcasting Commission (CRBC)

To fund the establishment of two national radio networks and pay for the cost of regulation, radio owners must pay a \$2 annual licence fee⁵⁹

- 1946 AT&T develops a coaxial cable that carries a television signal from New York to Washington⁶⁰
- 1952 CBC launches television in Canada
- 1958 The Federal government establishes the Board of Broadcast Governors to regulate broadcasting⁶¹
- 1960 "... the first indigenous language radio programme was broadcast in Inuktitut ... via shortwave that was rebroadcast to the North out of CBC's studios in Montreal."⁶²
- 1961 Federal Department of Indian Affairs supports community broadcasting in Fort Simpson and Pond Inlet, NWT, and Great Whale River/Kuujuarapik, Quebec (See *Northern Native Broadcasting*, Public Notice CRTC 1985-274, "Background")
- 1967 CBC introduces Frontier Coverage packages that provide videotaped programming for transient southern residents in 21 northern administrative communities and resource centres – these "generally had little impact on native culture and languages" (see Public Notice CRTC 1985-67)
- 1968 Canada enacts new *Broadcasting Act*, 1968-68, c. 25.
- 1969 CBC's Northern Service "... has six radio stations and twenty-five low power relay transmitters which serve approximately 80 to 90 per cent of the people of the Territories and the northern part of all the provinces except the Maritimes. All its stations except Frobisher Bay are connected to the national networks; It broadcasts nine hours daily in English French and Eskimo by shortwave to the people of the High Arctic who cannot receive medium-wave; it has television stations in three communities and plans for more; it broadcasts on radio in three Eskimo dialects and six Indian languages in addition to English and French; it produces more

⁵⁸ Media Awareness "radio in Canada: a timeline" <<http://www.media-awareness.ca/eng/indux/radio/timeline.htm#1800s>> (24 February 2003).

⁵⁹ Media Awareness "radio in Canada: a timeline" <<http://www.media-awareness.ca/eng/indux/radio/timeline.htm#1800s>> (24 February 2003).

⁶⁰ "Network TV" online: Network TV <<http://history.acusd.edu/gen/recording/television5.html>>

⁶¹ Media Awareness "radio in Canada: a timeline" <<http://www.media-awareness.ca/eng/indux/radio/timeline.htm#1800s>> (24 February 2003).

⁶² Valerie Alia, *Media Ethics and Social Change* (Routledge, New York: 2004) at 151.



radio programs than any other region of the CBC; it has on its staff ten people of Indian, Eskimo and Metis extraction and employs many more as freelance broadcasters.

....

“It is planned to have an Eskimo group produce its own dramatic series in 1969.”

CBC, *Annual Report 1968-1969*, at 53

- 1971 “NCI has been broadcasting in Northern Manitoba since September of 1971, providing Aboriginal language and cultural programming. The vision and initiative to create an Aboriginal radio station came from the grassroots. A group of people from Cross Lake, Wabowden, and South Indian Lake were instrumental in forming a committee which later evolved into NCI.” (Native Communications Inc., “About NCI” <http://www.ncifm.com/about_us.html>)
- Canada’s railway mail service ends;⁶³ first e-mail message is sent
- 1973 In February 1973, CBC begins to provide live television to the north using the Anik satellite (see *Call for Comments Respecting Northern Native Broadcasting*, [Public Notice CRTC 1985-67](#) (Ottawa, 27 March 1985); CBC, “Our History” <http://cbc.radio-canada.ca/history/1970s_details.shtml>)
- 1978 Under an experimental program sponsored by the federal Department of Communications, two Inuit projects provide pilot television services to the Eastern Arctic and Northern Quebec Inuit communities, using the Anik B satellite; these programs are sponsored by the Inuit Tapirisat of Canada and the Taqramiut Nipingat Inc. (*Call for Comments Respecting Northern Native Broadcasting*, [Public Notice CRTC 1985-67](#) (Ottawa, 27 March 1985))
- “A later project, NAALAKVIK II, introduced the first Inuit television service to Northern Quebec in 1978, while the INUKSHUK project, coordinated by the Inuit Tapirisat of Canada, introduced Inuit-produced television to the Eastern and Central Arctic.” (*Northern Native Broadcasting*, [Public Notice CRTC 1985-274](#) (Ottawa, 19 December 1985))
- 1979 “In late 1979, the CRTC established the Committee on Extension of Services to Northern and Remote Communities, which was chaired by CRTC Vice-chairman Réal Therrien, and which included representatives from the provinces, native communications societies and the Commission. The Committee held public meetings in several northern communities, received over 400 representations, and provided a public forum in which the broadcasting needs of numerous interest groups could be

⁶³ <http://www.civilization.ca/cpm/chrono/chs1841e.html>



examined and debated.” (*Northern Native Broadcasting*, [Public Notice CRTC 1985-274](#) (Ottawa, 19 December 1985), “CRTC Initiatives”)

1980 CRTC, Committee on Extension of Service to Northern and Remote Communities, *Report: The 1980s - A Decade of Diversity*, (Ottawa, July 1980)

The *Report* “...placed considerable emphasis on the concerns and needs of the native people of Canada's North. Their concerns focused primarily on the impact of southern television services on indigenous languages and cultures. Identified as the greatest need was the provision of native-produced broadcasting services to offset the intrusion of southern values and languages.”

1982 Canada’s new Constitution Act 1982 includes a Charter of Rights and Freedoms

1983 Northern Native Broadcast Access Program (NNBAP) established with nearly \$40 million over 4 years, to assist northern native communications societies to produce up to 5 hours/week of television and up to 20 hrs/week of radio programming (“The 5 and 20 benchmark is based on a model developed in Europe as the minimum requirement for maintaining language and culture.” Public Notice CRTC 1985-274)

1985 *Northern Native Broadcasting*, Public Notice CRTC [1985-274](#) (Ottawa, 19 December 1985)

Background

Following a series of public hearings in the fall of 1985, the Commission released Public Notice CRTC [1985-274](#) entitled “Northern Native Broadcasting”, in which it addressed a number of issues relating to the distribution of aboriginal radio and television services. This policy statement was based on the principles contained in the Report of the Committee on Extension of Service to Northern and Remote Communities (The Therrien Report) and, together, they have formed the foundation for Commission policy. In Public Notice CRTC [1989-53](#) entitled “Review of Northern Native Broadcasting: Call for Comments”, the Commission announced that it intended to update its regulatory approach to aboriginal broadcasting so as to reflect the evolving role of this important segment of the broadcasting system and to articulate and clarify the specific objectives related thereto.

Based on information gathered through that call for comments, the Commission released Public Notice CRTC [1990-12](#) dated 2 February 1990 and entitled “Review of Native Broadcasting - A Proposed Policy”. In that notice, the Commission set out its position with respect to what would constitute appropriate and workable definitions of a native undertaking, a native program and native music. It proposed classes of licence for aboriginal community radio stations, and provided a framework for advertising activity and Promises of Performance. It also addressed the development of native music and the resolution of conflicts between aboriginal and conventional broadcasters. Finally, the Commission indicated that it wished to move away from the “northern” focus present in the old policy, with a view to encouraging the continued development of native broadcasting in all regions of the country.

The deadline for public comment on the proposed policy was extended from 2 April 1990 to 1 June 1990 to allow native broadcasters sufficient time to adjust their submissions to reflect the



consequential effects of the reductions in government funding to aboriginal broadcasters resulting from the February federal budget.

“By 1985, 250 community radio stations were serving the North, many by local native communications societies.” (House of Commons Standing Committee on Canadian Heritage, *Our Cultural Sovereignty*, chapter 10))

1986 *CRTC Action Committee on Northern Native Broadcasting*, [Public Notice CRTC 1986-75](#) (Ottawa, 27 March 1986)

1990 *NATIVE BROADCASTING POLICY*, [Public Notice CRTC 1990-89](#) (Ottawa, 20 September 1990)

“Today, thirteen regional native communications societies funded by the NNBAP employ over 380 personnel and together produce an average of 315 hours per week of radio programming and 12 hours per week of television. In addition, dozens of community radio stations have been established to distribute the network programs of the regional societies while providing a complementary local service.”

“Native broadcasters are currently producing in excess of 92 hours a week of radio and 6.5 hours of television programming. It is anticipated that these levels will increase substantially in the near future. Unfortunately, as noted by the CBC at the public hearings, “the system is going to burst at the seams” if the distribution bottlenecks and scheduling problems aren't soon rectified.” (1990 *Native Broadcasting Policy*)

Federal government discontinues “its financial support (\$3.45 million) to the Native Communications Program it had created 16 years before”; the program supported 15 Indigenous newspapers: Joël Demay, *The Canadian Journal of Native Studies*, XI:1 (1991), pages 95-112 at 96.

In CERN, Tim Berners-Lee creates the protocols for the World Wide Web⁶⁴

1991 *Broadcasting Act*, S.C. 1991, c. 11 enacted

Native Communications Society of the Western N.W.T., Decision CRTC 91-281 (Ottawa, 13 May 1991)

In Public Notice CRTC 1990-87 dated 12 September 1990, the Commission announced that it had received an application from the Native Communications Society of the Western N.W.T. (the Society) to amend the licence for CKNM-FM Yellowknife, by deleting reference to the CBC's English-language FM radio network as a source of programming.



CKNM-FM is a predominantly Native-language community station which currently produces approximately 60 hours per week of local programming from studios located in Yellowknife with the remaining programs originating from the CBC's English-language FM radio network. The Society proposes to affiliate with "The Canadian Radio Networks Corporation" of St. Catharines, Ontario, which would provide a commercial country music service to the licensee from 6 p.m. to 6 a.m. daily.

In support of this application, the Society stated that reductions in federal funding for native undertakings have necessitated a re-evaluation of CKNM-FM's programming. The Society claimed that disaffiliating from the CBC and joining a commercial radio wrap-around service would enable CKNM-FM to insert commercials at network breaks, thereby increasing its potential to generate the advertising dollars needed to sustain the station's operations.

However, the Commission is of the opinion that the non-native programming orientation of the proposed commercial wrap-around service would not be consistent with the Native Broadcasting Policy outlined in Public Notice CRTC 1990-89. That Public Notice stated that a native undertaking:

"should be specifically oriented to the native population and reflect the interests and needs specific to the native audience it is licensed to serve. It has a distinct role in fostering the development of aboriginal cultures and, where possible, the preservation of ancestral languages".

The Commission therefore denies this proposal.

The Commission notes that, while the CBC's English-language FM radio network does not provide programming that is specifically oriented to the native population, CKNM-FM was authorized to rebroadcast this service prior to the implementation of the Native Broadcasting Policy. Accordingly, the Commission considers that the Society should continue its affiliation with the CBC until such time as a native wrap-around service is available. The Commission encourages the Society to communicate with other native broadcasters in an effort to establish a native wrap-around service which would be consistent with the interests and needs of the native community.

The Commission acknowledges the interventions by Margaret Dunn, Susan Lewis and Margaret Marshall opposing the deletion of the CBC's English-language FM radio network service from CKNM-FM as well as the licensee's replies thereto.

Television Northern Canada Incorporated, Decision CRTC 91-826 (Ottawa, 28 October 1991)

Following a Public Hearing in the National Capital Region beginning on 8 July 1991, the Commission approves the application by Television Northern Canada



Incorporated (TVNC) for a native television **network** licence **to serve northern Canada** for the purpose of broadcasting cultural, social, political and educational programming for the primary benefit of aboriginal people in the North.

The Commission will issue a network licence expiring 31 August 1998, subject to the conditions specified in this decision and in the licence to be issued.

TVNC is a **non-profit corporation**, without share capital and has two levels of membership: full membership and associate membership. Full members of TVNC are the Inuit Broadcasting Corporation (IBC); the Inuvialuit Communications Society; Northern Native Broadcasting, Yukon; the OKalaKatiget Society; Taqramiut Nipingat Inc.; the Native Communications Society of the Western N.W.T.; the Government of the Northwest Territories; Yukon College; and the National Aboriginal Communications Society.

TVNC represents the culmination of several years of planning and negotiations on the part of the consortium members. As a direct result of their considerable efforts, northern aboriginal peoples will finally have access to a native-controlled broadcasting service dedicated to meeting their specific linguistic and cultural needs. **TVNC will initially provide 100 hours per week of programming in as many as 12 languages or dialects to 94 transmitters spanning five time-zones.**

Noting that this non-profit corporation will be supported in part by government loans or grants, the Commission reminds the applicant that it must retain full control over all management and programming decisions at all times.

It is a condition of licence that the applicant adhere to the guidelines on sex-role portrayal set out in the Canadian Association of Broadcasters' (CAB) Sex-Role Portrayal Code for Television and Radio Programming, as amended from time to time and approved by the Commission.

It is also a condition of licence, that the licensee adhere to the provisions of the CAB's Broadcast Code for Advertising to Children, as amended from time to time and approved by the Commission.

In CRTC Notice of Public Hearing 1991-6 dated 10 May 1991, the Commission also announced applications by TVNC to acquire the assets and for licences to continue the operation of the television broadcasting transmitting undertakings serving the communities listed in Appendix I, upon surrender of the current licences issued to IBC, as well as applications for new licences to carry on television broadcasting transmitting undertakings at the communities listed in Appendix II.

The Commission notes that these applications were published in the Canada Gazette prior to the proclamation of the new *Broadcasting Act* (the Act) on 4 June 1991. Following proclamation of the Act, the Commission issued Public Notice CRTC 1991-



63 entitled *New Broadcasting Act - Amendments to Classes of Licence*, which outlined new definitions for broadcasting undertakings.

The Commission approves the applications by TVNC for authority to acquire the assets from IBC of the television distribution undertakings in the communities listed in Appendix I. In approving TVNC's applications to acquire the assets of IBC, the Commission has taken into account the fact that IBC is a full member of TVNC.

The Commission also approves the remaining applications. In accordance with Public Notice CRTC 1991-63, the Commission will issue a single licence, expiring 31 August 1998, for a distribution undertaking consisting of transmitters serving the communities listed in Appendices I and II, for the distribution of the programming of the TVNC network, received via satellite.

This approval is subject to the requirement that construction of the transmitting facilities be completed and that they be in operation within twelve months of the date of this decision or, where the licensee applies to the Commission and satisfies the Commission that it cannot complete implementation before the expiry of this period and that an extension is in the public interest, within such further periods of time as may be approved in writing by the Commission.

Should the Commission refuse to approve an extension of time requested by the licensee, the authority granted shall lapse and become null and void upon the termination of the last approved extension period.

The Commission acknowledges the interventions submitted in support of these applications by the Honourable Audrey McLaughlin, Leader of the New Democratic Party of Canada, Jack Anawak, M.P., Ethel Blondin, M.P., the Alberta Educational Communications Corporation, the Board of Governors of the Labrador Community College, Kativik Regional Government, TVOntario and the Yukon Government.

Renewal of licences to operate Native-language Television Networks, Decision CRTC 91-948 (Ottawa, 24 December 1991)

...

For administrative reasons, the Commission renews the licences for the native-language television networks listed below from 1 January 1992 to 30 June 1992, subject to the terms and conditions specified in the current licences.

Licensee/Titulaire Location/Endroit

Inuit Broadcasting Corporation Across Northern Canada/Dans tout le nord du Canada

Inuvialuit Communications Inuvik, Northwest Territories/Territoires Society du Nord-Ouest



Northern Native Broadcasting, Whitehorse, Yukon Territory/Territoire Yukon du Yukon

1993 World Wide Web established out of CERN along with universal addressing system⁶⁵

1994 Federal government reduces funding to Indigenous broadcasters

R. John Hayes "Federal funding to Native broadcasters" *Windspeaker*, Vol 12:1 (1994) at 16

...

Each of the corporations funded under the Northern Native Broadcast Access Program operated by Heritage Canada is to have its funding cut by 22 per cent over the next three years.

Plans are for a five-per-cent cut this fiscal year, followed by eight per cent and nine per cent, respectively.

"All of the government departments got a whack," says Bert Crowfoot, general Manger of CFWE, operated by the Aboriginal Multi Media Society of Alberta. "So we're not whining about the cuts, but they're a fact of life when you receive government funding and they are going to affect our programming."

CFWE, which broadcasts out of Edmonton to 48 communities across northern Alberta, and to perhaps 290 other communities across the country for part of the broadcast day, has made the dramatic cuts to its programming now, slicing away half of the station's on-air people.

In that way, some \$90,000 can absorb this year's cut and the balance will be utilized in expanding the stations' distribution as well as its marketing department.

A similar dollar amount will be lost to CFNR, Canada's First Nations Radio, out of Terrace, B.C. according to general manager Clarence Martin. The northern British Columbia broadcaster reaches 55 communities. Martin is concerned about where his station is going, and has been part of the planning process since becoming GM some two months ago.

"What we've done is trying to anticipate some of the impact," he says. "We've had to readjust, and we're going to have to take a very close look at the budget. But all is not doom and gloom; it's forced us to be more creative and to, for example, design a new format whereby we can attract new advertisers, particularly from the non-Native community."

Martin would like to modernize, but is concerned that the digitizing equipment, which he describes as "the new thing coming over the horizon," could be too expensive now.

"It's not a problem for us, per se," says Sytukie Joamie, director of network programming for the Inuit Broadcasting Corporation of Iqaluit. "It is a new beginning, and we know that. It is a challenge which we are going to meet."

Inuit Broadcasting Corporation is a television company which employes about 40 people in production. It has relied on government funding for about the same percentage of its revenues as have the radio networks - that is, 80 per cent.

⁶⁵ Wade Rowland, *Spirit of the Web: The Age of Information from Telegraph to Internet*, (Toronto: Key Porter Books, 1999), "Some Milestones in Communications Technology" at 308.



"IBC has been living on federal funds since day one," admits Joamie with candor. "But we know that federal funding will cease to be, sooner or later, and we are trying to tap into other sources of funding which are privately operated, including the international market." Joamie also notes the corporation must tap into the \$1 billion cash land-claims settlements in the eastern Arctic over the next 14 years.

"We are the forerunner head of other Inuktitut broadcasting and we are an essential service," he says. "We are the only regular Inuktitut broadcasting in the North, and we will be making a proposal to NTI (Nunavut Tungavik Inc.) to tap into their funds. They know, and people in the North know, that IBC is essential."

"We'll be putting the savings into revenue generation," Crowfoot says. "In the next year we will be increasing our marketing as well as trying to expand so that we reach more of the places in our backyard market - Northern Alberta."

The objective is to make CFWE financially independent of government, he says, remembering the 100-per-per cent cut to Native communications survived by the AMMSA newspaper operating five years ago.

"What we're looking at is doing less TV production less radio production," says Native Communications Inc. chief executive officer Ron Nadeau. "These cuts will include hours and programming both. To raise revenue, we are planning to do more in TV with commercial production."

Nadeau explains that his company has broadened its base to include gaming (raio and TV bingo), a Thompson, Man. cabaret and they are considering buying a Winnipeg FM station. They'd also like to convert to digital production; the cost is high but the technology would open up new possibilities for the stations.

Crowfoot is quick to point out that funding cuts are not responsible for the recent change in direction of his station's management.

He hopes to build a station that is "people friendly," where the community is involved with the radio station and vice versa.

"We have moved away from a national focus and have stated to look after our real audience in northern Alberta," says the station manager. "We've had incredibly successful tours of the station and remotes recently. There are some real success stories out there, such as NCI."

Native Communications Incorporated's initiatives are only some among many potential solutions to the fiscal realities facing Native broadcasters, but across the country, creativity in assuring funding will be key to insuring their survival.

1995 RealAudio allows people to hear sound on the Internet in real time⁶⁶

1996 The Ardicom, a consortium of predominantly indigenous-owned northern businesses, launches 2-year project to connect 58 of the communities in the Northwest Territories to the World Wide Web⁶⁷

Royal Commission on Aboriginal Peoples reports

...

⁶⁶ Robert H'obbes' Zakon "Hobbes' Internet Timeline v6.0" online: <http://www.zakon.org/robert/internet/timeline/#1990s>

⁶⁷ Valerie Alia, *Media Ethics and Social Change* (Routledge, New York: 2004) at 154.



Gathering Strength, Volume 3:

3.6.12 The Canadian Radio-Television and Telecommunications Commission [(CRTC)] include in licence conditions for public and commercial broadcasters, in regions with significant Aboriginal population concentrations, requirements for fair representation and distribution of Aboriginal programming, including Aboriginal language requirements. [Page 592]

3.6.17 The CRTC be mandated to establish fee structures and provisions for joint ventures as part of licensing conditions to ensure a stable financial base for the production and distribution of Aboriginal broadcast media products, particularly in southern Canada. [Page 597]

...

Volume 4

...

"Public opinion polls in the past few years have consistently shown broad sympathy for Aboriginal issues and concerns, but that support is not very deep. More recent events have brought a hardening of attitudes towards Aboriginal issues in many parts of the country.... is growing hostility can be traced in large part to recent negative publicity over land claims, Aboriginal hunting and fishing rights, and issues of taxation."

1997

TVNC's Board of Directors votes to establish a national Aboriginal television network (IBC, "History of the Inuit Broadcasting Corporation"
<http://www.inuitbroadcasting.ca/history_e.htm>)

An Agenda For Reviewing the Commission's Policies for Radio, Public Notice CRTC 1997-105 (Ottawa, 1 August 1997)

...

NATIVE RADIO

9. The Commission recognizes the importance of native radio stations in addressing the specific cultural and linguistic needs of their communities. The current policy for this sector is set out in Public Notice CRTC 1990-89 dated 20 September 1990 and entitled Native Broadcasting Policy. The Commission notes the suggestion made by the Royal Commission on Aboriginal Peoples, in its final report, that the CRTC "consider simplifying the application process" (vol. 3, p. 633) for these types of services. In response, the CRTC has decided to review the regulations, policies and processes applicable to these services with a view to identifying how these procedures could be streamlined or simplified. To this end, the CRTC will canvass a number of the major native communications societies. These consultations will take place over the summer of 1997 and the results will be announced in the fall of 1997. A public process to consider any changes to the current regulations, policies and procedures will be initiated at that time. The Commission expects that a final public notice will be published in the spring of 1998.



1998

All 58 of the communities in the Northwest Territories connected to the World Wide Web⁶⁸

Exemption order respecting certain native radio undertakings, Public Notice CRTC 1998-62 (Ottawa, 9 July 1998)

1. In Public Notice CRTC 1998-4 dated 28 January 1998, and pursuant to section 9(4) of the Broadcasting Act (the Act), the Commission proposed to exempt from licensing requirements persons carrying on certain native radio undertakings. The Commission received submissions from four interested parties in response to its proposal: the Association for Indigenous Radio (AIR), a native broadcasting society; Television Northern Canada (TVNC), a native broadcaster; the Canadian Broadcasting Corporation (CBC); and one individual.

...

3. This Order exempts native radio stations in remote areas from licensing and from most sections of the Radio Regulations, 1986 (the regulations). The Commission is satisfied that this exemption is the most efficient way to ensure that the broadcasting undertakings falling within the exempted class are able to devote the maximum amount of their limited resources to the provision of service, rather than to the fulfilment of administrative requirements.

4. At the same time, given the important role played by this sector within the Canadian broadcasting system, the Commission will wish to maintain a record of the number and location of native radio stations operating in Canada. It is satisfied that a simple registration process will enable it to do so. Accordingly, the Commission expects new native radio stations that meet the exemption criteria and wish to take advantage of the exemption order to fill in the registration form included as Appendix B to this notice and submit it to the Commission.

5. This registration is for information purposes only, and completion of the registration form does not constitute a Commission determination that the undertaking in question meets the exemption criteria. The registration process need only be completed once, when a new station in the exempted class begins operation. Native radio stations that have been licensed in the past need not register with the Commission.

Notice of Public Hearing CRTC 1998-6, (Ottawa, 31 August 1998)

...

2. ACROSS CANADA

Application (199804068) by TELEVISION NORTHERN CANADA INCORPORATED (TVNC) for a broadcasting licence to operate a national aboriginal television programming network, to be called Aboriginal Peoples Television Network, upon surrender of the current licences issued to TVNC. The network would broadcast programs in English and French as well as in Aboriginal languages, **directed to aboriginal and non-**

⁶⁸

Valerie Alia, *Media Ethics and Social Change* (Routledge, New York: 2004) at 154.



aboriginal persons in both the north and south of Canada and would be distributed by satellite.

The applicant also requests that its programming service be distributed on a mandatory basis as part of the basic service by Class 1 and 2 distribution licensees (such as cable) pursuant to subsection 17(5) of the Broadcasting Distribution Regulations (the Regulations) and by DTH distribution undertakings pursuant to subsection 37(b) of the Regulations. In the case of Class 3 terrestrial distribution undertakings, the applicant is proposing that the service be optional to basic.

The applicant is proposing a maximum monthly per-subscriber fee of \$0.15; and that the proposed service would continue to be free of charge in those 96 communities which currently receive TVNC via local low power transmitters.

Since the proposed service includes TVNC's existing services, approval of this application would eliminate the need to consider the renewal of TVNC's current licences.

1999

Television Northern Canada Incorporated Decision CRTC 99-42 Ottawa, 22 February 1999

CRTC licenses not-for-profit corporation Television Northern Canada Incorporated "to operate a national Aboriginal programming network, to be known as the Aboriginal Peoples Television Network (APTN). The Commission will issue a single licence for a satellite-to-cable programming undertaking, including existing television transmitters in Northern Canada, expiring 31 August 2005.

...

In approving this application, the Commission has taken into consideration the substantial support expressed by interveners for a national Aboriginal television service. APTN will offer a high-quality, general interest television service with a broad range of programming that reflects the diverse perspectives of Aboriginal peoples, their lives and cultures. APTN will, thus, provide a much-needed, positive window on Aboriginal life for all Canadians, whether living in the North or in the South. The schedule will include programming in English, French and up to 15 different Aboriginal languages.

Class 1 and Class 2 distribution undertakings (including multipoint distribution system (MDS) undertakings) and direct-to-home (DTH) distribution undertakings will be required to distribute APTN as part of the basic service. The Commission encourages Class 3 distribution undertakings to distribute APTN, when available, on the same basis.

The Commission authorizes APTN to charge a maximum monthly fee of \$0.15 per subscriber. APTN will be available free of charge in the 96 communities in the North that currently receive TVNC's service over the air.

2003

On 17 January the CRTC issues *Broadcasting Public Notice CRTC 2003-2* (Internet Retransmission)* in which it confirms its *New Media Policy* decision to exempt Internet broadcasters from licensing; it concludes that broadcasting services that are



retransmitted over the Internet need not be licensed⁶⁹ because they will not be substitutes for licensed broadcasting or distribution undertakings until they

Offer the same functions less expensively than conventional services (who now provide their services free over the air

Offer more convenience

Offer greater choice or higher quality

Offer content that cannot be provided by existing licensed undertakings

Demonstrate substantial interest by Canadian Internet users in accessing programming⁷⁰

2017

Renewal of licences for the television services of large French-language ownership groups – Introductory decision, [Broadcasting Decision CRTC 2017-143](#) (Ottawa, 15 May 2017), at paragraphs 124-125 [footnotes omitted]:

... in light of the pressing need to serve the Indigenous community, the Commission considers it appropriate to adopt an incentive to encourage the reflection of Indigenous peoples within the system. Specifically, a designated group will receive a 50% credit towards their CPE requirements for expenditures on Canadian programming produced by Indigenous producers, up to a maximum (expenses plus credit) of 10% of the group's overall CPE requirement when combined with the credit discussed in the following section on OLMC reflection. Only programming costs counting towards CPE as defined in Public Notice 1993-93 will be considered eligible for the credit. Conditions of licence to this effect are set out in the licence renewal decisions for each group, also published today.

The Commission intends to monitor and assess the effectiveness these measures by requiring the groups to provide the following information on a yearly basis: the number of Indigenous producers they meet with each year, a list of projects commissioned from Indigenous producers that are in development, in production and completed, their budgets and the total CPE devoted to such projects. This additional data will also allow the Commission and the public to better gauge Indigenous production within the system.

Renewal of licences for the television services of large English-language ownership groups – Introductory decision, [Broadcasting Decision CRTC 2017-148](#) (Ottawa, 15 May 2017), at paragraphs 86-87 [footnotes omitted]:

Accordingly, in light of the pressing need to serve the Indigenous community, the Commission considers it appropriate to adopt an incentive to encourage the reflection of Indigenous peoples within the system. Specifically, the designated groups will receive a 50% credit towards their CPE requirements for expenditures on Canadian programming produced by Indigenous producers,⁵ up to

⁶⁹ Broadcasting Public Notice CRTC 2003-2 at para. 79.

⁷⁰ Broadcasting Public Notice CRTC 2003-2 at paras 24-29.



a maximum (expenses plus credit) of 10% of the group's overall CPE requirement when combined with the credit discussed in the following section on OLMC reflection. Only programming costs counting towards CPE as defined in Public Notice 1993-93 will be considered eligible for the credit. Conditions of licence to this effect are set out in the licence renewal decisions for each group, also published today.

The Commission intends to monitor and assess the effectiveness of these measures by requiring the groups to provide the following information on a yearly basis: the number of Indigenous producers they meet with each year, a list of projects commissioned from Indigenous producers that are in development, in production and completed, their budgets and the total CPE devoted to such projects. This additional data will allow the Commission and the public to better gauge Indigenous production within the system.

Licensing of new radio stations to serve the urban Indigenous communities in Vancouver, Edmonton, Calgary, Ottawa and Toronto, Broadcasting Decision CRTC [2017-198](#), 14 June 2017, the CRTC required five new Indigenous radio stations to devote a certain percentage of their music selections to Indigenous-created content. That decision defined an Indigenous musical selection as “a musical selection written or performed by an individual who has Canadian citizenship and who self-identifies as Indigenous, which includes First Nations, Métis or Inuit.”

2021 “What You Said” Report, (Ottawa, 2021)

**Appendix 2 List of stations that CRTC says did not file annual returns, by year**

Note: dates in table identify the year of the CRTC *Financial and Statistical Summary* report in which the non-filing is identified; column heading identifies the year to which the non-filing applies

Stations listed in CRTC Summary reports	Financial reporting year and CRTC <i>Financial and Statistical Summary</i> reports in which CRTC identifies non-filing										
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
CFDM-FM	2013-14	2013-14	2013-14	2013-14	2013-14						
CFDM-FM				2014-18	2014-18	2014-18					
CFDM-FM				2015-19	2015-19	2015-19					
CFDM-FM				2016-20	2016-20	2016-20					
CFDM-FM					2017-21	2017-21					
CFDM-FM						2018-22					
CFDM-FM						2019-23					
CFPO-FM											2019-23
CFPT-FM											2019-23
CFRZ-FM	2013-14	2013-14	2013-14	2013-14	2013-14						
CFRZ-FM		2014-18	2014-18	2014-18	2014-18	2014-18					
CFRZ-FM			2015-19	2015-19	2015-19	2015-19	2015-19				
CFRZ-FM				2016-20	2016-20	2016-20	2016-20	2016-20			
CFRZ-FM					2017-21	2017-21	2017-21	2017-21	2017-21		
CFRZ-FM						2018-22	2018-22	2018-22	2018-22		
CFRZ-FM						2019-23	2019-23	2019-23	2019-23		
CHDH-FM	2013-14	2013-14	2013-14								
CHFN-FM		2013-14	2013-14	2013-14	2013-14						
CHFN-FM		2014-18	2014-18	2014-18	2014-18						
CHFN-FM			2015-19	2015-19	2015-19		2015-19				
CHFN-FM				2016-20	2016-20		2016-20	2016-20			
CHFN-FM					2017-21	2017-21	2017-21	2017-21	2017-21		
CHFN-FM						2018-22	2018-22	2018-22	2018-22		
CHFN-FM						2019-23	2019-23	2019-23	2019-23		
CHRQ-FM		2013-14	2013-14	2013-14	2013-14						
CHRQ-FM		2014-18	2014-18	2014-18	2014-18	2014-18					
CHRQ-FM			2015-19	2015-19	2015-19	2015-19	2015-19				
CHRQ-FM				2016-20	2016-20	2016-20	2016-20	2016-20			
CHRQ-FM					2017-21	2017-21	2017-21	2017-21	2017-21		
CHRQ-FM						2018-22	2018-22	2018-22	2018-22		
CHRQ-FM						2019-23	2019-23	2019-23	2019-23		
CHYF-FM					2013-14						
CHYF-FM								2016-20			
CHYF-FM								2017-21	2017-21		
CHYF-FM								2018-22	2018-22		
CHYF-FM								2019-23	2019-23		
CICN-FM						2014-18					



Stations listed in CRTC Summary reports	Financial reporting year and CRTC <i>Financial and Statistical Summary</i> reports in which CRTC identifies non-filing										
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
CICN-FM								2016-20			
CICN-FM								2017-21	2017-21		
CICN-FM								2018-22	2018-22		
CICN-FM								2019-23	2019-23		
CICU-FM	2013-14	2013-14									
CIDD-FM					2013-14						
CIDD-FM								2016-20			
CIDD-FM								2017-21	2017-21		
CIDD-FM								2018-22	2018-22	2018-22	
CIDD-FM								2019-23	2019-23	2019-23	2019-23
CIFN-FM	2013-14	2013-14	2013-14	2013-14	2013-14						
CIFN-FM				2014-18	2014-18	2014-18					
CIFN-FM											
CIFN-FM											
CIFN-FM				2015-19	2015-19	2015-19	2015-19				
CIFN-FM				2016-20	2016-20	2016-20	2016-20	2016-20			
CIFN-FM					2017-21	2017-21	2017-21	2017-21	2017-21		
CIFN-FM						2018-22	2018-22	2018-22	2018-22		
CIFN-FM						2019-23	2019-23	2019-23	2019-23		
CIHW-FM		2013-14			2013-14						
CIHW-FM		2014-18									
CIHW-FM								2016-20			
CIHW-FM								2017-21	2017-21		
CIHW-FM								2018-22	2018-22		
CIHW-FM								2019-23	2019-23		2019-23
CIPU-FM	2013-14	2013-14	2013-14	2013-14	2013-14						
CIPU-FM				2014-18	2014-18	2014-18					
CIPU-FM				2015-19	2015-19	2015-19	2015-19				
CIPU-FM				2016-20	2016-20	2016-20	2016-20	2016-20			
CIPU-FM					2017-21	2017-21	2017-21	2017-21	2017-21		
CIPU-FM						2018-22	2018-22	2018-22	2018-22		
CIPU-FM						2019-23	2019-23	2019-23	2019-23		
CIYR-FM								2016-20			
CIYR-FM								2017-21			
CIYR-FM								2018-22			
CIYR-FM								2019-23			
CJLJ-FM							2015-19				
CJLJ-FM							2016-20	2016-20			
CJLJ-FM							2017-21	2017-21	2017-21		
CJLJ-FM							2018-22	2018-22	2018-22	2018-22	
CJLJ-FM							2019-23	2019-23	2019-23	2019-23	
CJWT-FM				2013-14	2013-14						



Stations listed in CRTC Summary reports	Financial reporting year and CRTC <i>Financial and Statistical Summary</i> reports in which CRTC identifies non-filing										
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
CJWT-FM				2015-19	2015-19	2015-19	2015-19				
CJWT-FM				2016-20	2016-20	2016-20	2016-20	2016-20			
CJWT-FM					2017-21	2017-21	2017-21	2017-21	2017-21		
CJWT-FM						2018-22	2018-22	2018-22	2018-22		
CJWT-FM						2019-23	2019-23	2019-23	2019-23		
CKAG-FM						2014-18					
CKAG-FM						2015-19	2015-19				
CKAG-FM						2016-20	2016-20	2016-20			
CKAG-FM						2017-21	2017-21	2017-21	2017-21		
CKAG-FM						2018-22	2018-22	2018-22	2018-22		
CKAG-FM						2019-23	2019-23	2019-23	2019-23		
CKAU-FM								2016-20			
CKAU-FM								2017-21	2017-21		
CKAU-FM								2018-22	2018-22		
CKAU-FM								2019-23	2019-23		
CKBK-FM										2018-22	
CKBK-FM										2019-23	
CKHQ-FM		2013-14	2013-14	2013-14	2013-14						
CKHQ-FM		2014-18	2014-18	2014-18	2014-18						
CKHQ-FM			2015-19	2015-19	2015-19		2015-19				
CKHQ-FM				2016-20	2016-20						
CKHQ-FM					2017-21						
CKII-FM		2013-14	2013-14								
CKKI-FM								2016-20			
CKKI-FM								2017-21	2017-21		
CKKI-FM								2018-22	2018-22		
CKKI-FM								2019-23	2019-23		2019-23
CKOK-FM											2019-23
CKRZ-FM								2016-20			
CKRZ-FM								2017-21	2017-21		
CKRZ-FM								2018-22	2018-22		
CKRZ-FM								2019-23	2019-23		2019-23
CKTP-FM							2015-19				
CKTP-FM							2016-20	2016-20			
CKTP-FM							2017-21	2017-21	2017-21		
CKTP-FM							2018-22	2018-22	2018-22		
CKTP-FM							2019-23	2019-23	2019-23		
CKUN-FM										2018-22	
CKUN-FM										2019-23	
CKWT-FM				2013-14	2013-14						
CKWT-FM				2014-18	2014-18	2014-18					
CKWT-FM				2015-19	2015-19	2015-19	2015-19				



Stations listed in CRTC <i>Summary</i> reports	Financial reporting year and CRTC <i>Financial and Statistical Summary</i> reports in which CRTC identifies non-filing										
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
CKWT-FM				2016-20	2016-20	2016-20	2016-20	2016-20			
CKWT-FM					2017-21	2017-21	2017-21	2017-21	2017-21		
CKWT-FM						2018-22	2018-22	2018-22	2018-22		
CKWT-FM						2019-23	2019-23	2019-23	2019-23		
VF2065			2013-14								

**Appendix 3 Broadcasting Policy for Canada – breakdown of objectives**

3 (1) It is hereby declared as the broadcasting policy for Canada that

-
1. (a) the Canadian broadcasting **system** shall be effectively owned and controlled by Canadians, and it is recognized that it includes foreign broadcasting undertakings that provide programming to Canadians;
 2. **(a.1) each broadcasting undertaking shall contribute to the implementation of the objectives of the broadcasting policy set out in this subsection in a manner that is appropriate in consideration of the nature of the services provided by the undertaking;**
 3. **(b)** the Canadian broadcasting **system**, operating primarily in the English and French languages and comprising public, private and community elements, makes use of radio frequencies that are public property and provides, through its programming, a public service essential to the maintenance and enhancement of national identity and cultural sovereignty;
 4. **(c)** while sharing common aspects, English and French language broadcasting operate under different conditions — in particular, the minority context of French in North America — and may have different requirements;
(d) the Canadian broadcasting **system should**
 5. **(i)** serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada,
 6. **(ii)** encourage the development of Canadian expression by providing a wide range of programming that 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, and foster an environment that encourages the development and export of Canadian programs globally,
 7. **(iii) through its programming and the employment opportunities arising out of its operations**, serve the needs and interests of all Canadians — including Canadians from Black or other racialized communities and Canadians of diverse ethnocultural backgrounds, socio-economic statuses, abilities and disabilities, sexual orientations, gender identities and expressions, and ages — and **reflect** their circumstances and aspirations, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and **the special place of Indigenous peoples** and languages within that society,
 8. **(iii.1) provide opportunities to Indigenous persons to produce programming in Indigenous languages, English or French, or in any combination of them, and to carry on broadcasting undertakings,**
 9. **(iii.11)** provide opportunities to Black and other racialized persons in Canada by taking into account their specific needs and interests, namely, by supporting the production and broadcasting of original programs by and for Black and other racialized communities,



[3 (1) It is hereby declared as the broadcasting policy for Canada that ...]

10. (iii.2) support the production and broadcasting of original French language programs,
11. (iii.3) enhance the vitality of official language minority communities in Canada and support and assist their development by taking into account their specific needs and interests, including through supporting the production and broadcasting of original programs by and for those communities,
12. (iii.4) support community broadcasting that reflects both the diversity of the communities being served, including with respect to the languages in use within those communities and to their ethnocultural and Indigenous composition, and the high engagement and involvement in community broadcasting by members of those communities, including with respect to matters of public concern,
13. (iii.5) ensure that Canadian independent broadcasting undertakings continue to be able to play a vital role within that system,
14. (iii.6) support the production and broadcasting of programs in a diversity of languages that reflect Black and other racialized communities and the diversity of the ethnocultural composition of Canadian society, including through broadcasting undertakings that are carried on by Canadians from Black or other racialized communities and diverse ethnocultural backgrounds,
15. (iii.7) provide opportunities to Canadians from Black or other racialized communities and diverse ethnocultural backgrounds to produce and broadcast programs by and for those communities,
16. (iv) promote innovation and be readily adaptable to scientific and technological change,
17. (v) reflect and be responsive to the preferences and interests of various audiences, and
18. (vi) ensure freedom of expression and journalistic independence;
19. (e) each element of the Canadian broadcasting system shall contribute in an appropriate manner to the creation and presentation of Canadian programming;
20. (f) **each Canadian broadcasting undertaking shall** employ and make maximum use, and in no case less than predominant use, of Canadian creative and other human resources in the creation, production and presentation of programming, unless the nature of the service provided by the undertaking, such as specialized content or format or the use of languages other than French and English, renders that use impracticable, in which case the undertaking shall make the greatest practicable use of those resources;
21. (f.1) **each foreign online undertaking shall** make the greatest practicable use of Canadian creative and other human resources, and shall contribute in an equitable manner to strongly support the creation, production and presentation of Canadian programming, taking into account the linguistic duality of the market they serve;
22. (g) the programming over which a person who carries on a broadcasting undertaking has programming control should be of high standard;



[3 (1) It is hereby declared as the broadcasting policy for Canada that ...]

23. (h) all persons who carry on broadcasting undertakings have a responsibility for the programs that they broadcast and over which they have programming control;
24. (i) the programming provided by **the Canadian broadcasting system should**
25. (i) be varied and comprehensive, providing a balance of information, enlightenment and entertainment for people of all ages, interests and tastes,
26. (i.1) reflect and support Canada's linguistic duality by placing significant importance on the creation, production and broadcasting of original French language programs, including those from French linguistic minority communities,
27. (ii) be drawn from local, regional, national and international sources, including, at the local level, from community broadcasters who, through collaboration with local organizations and community members, are in the unique position of being able to provide varied programming to meet the needs of specific audiences,
28. (ii.1) **include programs produced by Canadians that cover news and current events** — from the local and regional to the national and international — and that reflect the viewpoints of Canadians, **including the viewpoints of Indigenous persons** and of Canadians from Black or other racialized communities and diverse ethnocultural backgrounds,
29. (ii.2) reflect the importance of Indigenous language revitalization by supporting the production and broadcasting of Indigenous language programming, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and in response to the Truth and Reconciliation Commission of Canada's Calls to Action,
30. (iii) include educational and community programs,
31. (iv) provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern and to directly participate in public dialogue on those matters including through the community element, and
32. (v) include a significant contribution from the Canadian independent production sector;
33. (j) educational programming, particularly where provided through the facilities of an independent educational authority, is an integral part of the Canadian broadcasting system;
34. (k) a range of broadcasting services in English and in French shall be extended to all Canadians;
35. (l) the Canadian Broadcasting Corporation, as the national public broadcaster, should provide broadcasting services incorporating a wide range of programming that informs, enlightens and entertains;
36. (m) the programming provided by the Corporation should
37. (i) be predominantly and distinctively Canadian,
38. (ii) reflect Canada and its regions to national and regional audiences, while serving the special needs of those regions,
39. (iii) actively contribute to the flow and exchange of cultural expression,
40. (iv) be in English and in French, reflecting the different needs and circumstances of each official language community, including the specific needs and interests of



[3 (1) It is hereby declared as the broadcasting policy for Canada that ...]

official language minority communities,

- 39. (v) strive to be of equivalent quality in English and in French,
- 40. (vi) contribute to shared national consciousness and identity,
- 41. (vii) be made available throughout Canada by the most appropriate and efficient means and as resources become available for the purpose, and
- 42. (viii) reflect the multicultural and multiracial nature of Canada;
- 43. (n) where any conflict arises between the objectives of the Corporation set out in paragraphs (l) and (m) and the interests of any other broadcasting undertaking of the Canadian broadcasting system, it shall be resolved in the public interest, and where the public interest would be equally served by resolving the conflict in favour of either, it shall be resolved in favour of the objectives set out in paragraphs (l) and (m);
- 44. (o) **programming that reflects the Indigenous cultures of Canada and programming that is in Indigenous languages *should* be provided — including through broadcasting undertakings that are carried on by Indigenous persons — within community elements**, which are positioned to serve smaller and remote communities, and other elements of the Canadian broadcasting system in order to serve Indigenous peoples where they live;
- 45. (p) programming that is accessible without barriers to persons with disabilities should be provided within the Canadian broadcasting system, including through community broadcasting, as well as the opportunity for them to develop their own content and voices;
- 46. (p.1) programming that is accessible without barriers to persons with disabilities should be provided within the Canadian broadcasting system, including without limitation, closed captioning services and described video services available to assist persons living with a visual or auditory impairment;
- (q) online undertakings that provide the programming services of other broadcasting undertakings should
- 47. (i) ensure the discoverability of Canadian programming services and original Canadian programs, including original French language programs, in an equitable proportion,
- 48. (ii) when programming services are supplied to them by other broadcasting undertakings under contractual arrangements, provide reasonable terms for the carriage, packaging and retailing of those programming services, and
- 49. (iii) ensure the delivery of programming at affordable rates;
- 50. (r) online undertakings **shall clearly promote and recommend Canadian programming**, in both official languages as well as **in Indigenous languages**, and ensure that any means of control of the programming generates results allowing its discovery;
- (s) the programming provided by the community element ***should***
- 51. (i) be innovative and complementary to the programming provided for mass audiences,



[3 (1) It is hereby declared as the broadcasting policy for Canada that ...]

- 52. (ii) cater to tastes and interests not adequately provided for by the programming provided for mass audiences and include programs devoted to culture, politics, history, health and public safety, local news and current events, local economy and the arts,
- 53. (iii) **reflect Canada's** communities, regions, **Indigenous** and multicultural **nature**, including through third-language programming,
- 54. (iv) support new and emerging Canadian creative talent, as a cost-effective venue for learning new skills, taking risks and exchanging ideas,
- 55. (v) through community participation, strengthen the democratic process and support local journalism, and
- 56. (vi) be available throughout Canada so that all Canadians can engage in dialogue on matters of public concern; and
(t) distribution undertakings
- 57. (i) should give priority to the carriage of Canadian programming services and, in particular, to the carriage of local Canadian stations,
- 58. (ii) should provide efficient delivery of programming at affordable rates, using the most effective technologies available at reasonable cost,
- 59. (iii) should, where programming services are supplied to them by broadcasting undertakings pursuant to contractual arrangements, provide reasonable terms for the carriage, packaging and retailing of those programming services, and
- 60. (iv) may, where the Commission considers it appropriate, originate programming, including local programming, on such terms as are conducive to the achievement of the objectives of the broadcasting policy set out in this subsection, and in particular provide access for underserved linguistic and cultural minority communities.

* * * End of document * * *