

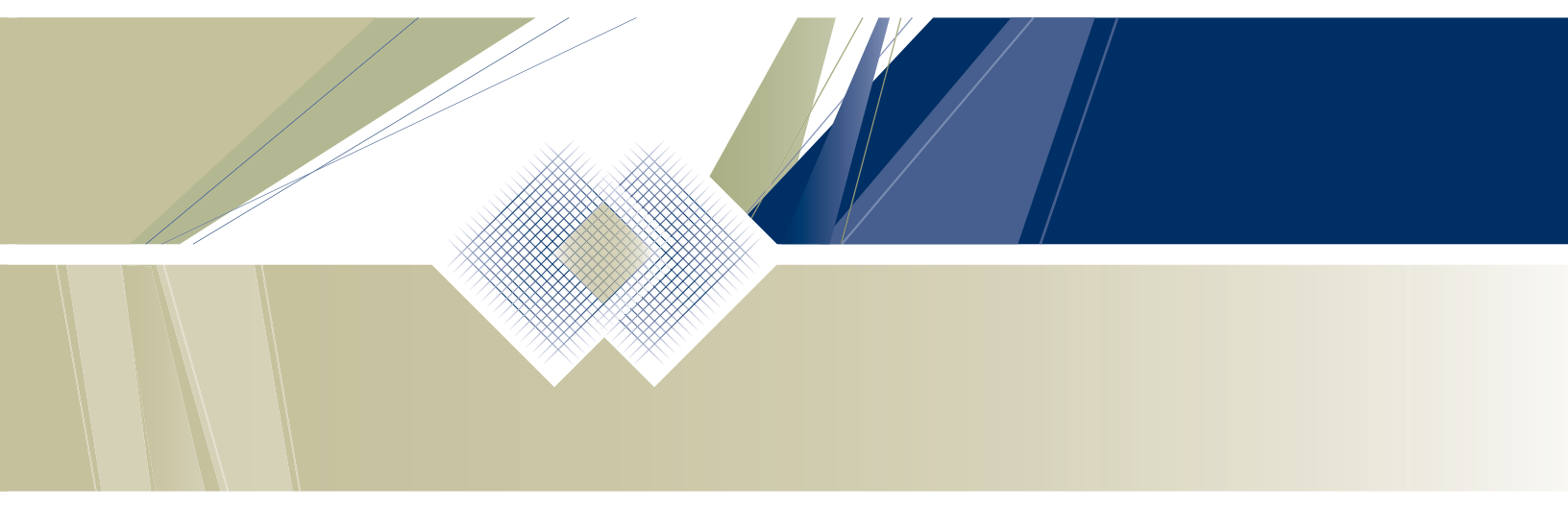


Office of the  
Commissioner of  
Official Languages

Commissariat  
aux langues  
officielles

# **SHADOWS OVER THE CANADIAN TELEVISION LANDSCAPE**

## The Place of French on the Air and Production in a Minority Context



January 2009

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## SUMMARY

This study focuses on the Canadian television production industry in relation to the *Official Languages Act*. It has three main objectives:

- Report on the production of television material—from conception to broadcasting—coming from the official language minority communities, both Anglophone and Francophone, and identify the main obstacles facing producers from these communities.
- Determine the place of French in the Canadian television production industry and on the air with regard to dubbing and children's and youth programming.
- Make recommendations to the federal government under Parts VII and IX of the *Official Languages Act*, in order to ensure the continued development of a television production industry in minority communities and the vitality of French on Canadian airwaves.

## METHODOLOGY

The data for drawing a portrait of Canadian television production were collected in two phases.

As a first step, we conducted a thorough literature review to obtain basic information on the regulations and various practices within the television industry, as well as on types of programs, funding and the requirements to which certain channels are subject.

The second step was to conduct some 15 interviews with key players in the area of Canadian television production who talked about the role of different organizations in television production in a minority context, their main policies and the legislative framework that governs their activities, as well as the issues and challenges of official language television production in a minority context.

The study mainly covers the period 2001–2002 to 2007–2008, where data were available.

## FRAMEWORK OF TELEVISION PRODUCTION

This study provides an overview of the parameters of television production and broadcasting in Canada and it presents the key decision makers, laws and policies that govern production activities as well as existing support and funding mechanisms.

The study examines the mandate and role of the Canadian Radio-television and Telecommunications Commission. It also takes a look at the *Broadcasting Act*, which stipulates that Canadian television should promote linguistic duality on the air and promote programming in English and French that reflects the particular needs of each official language community, including those of the linguistic minorities. As for the support mechanisms for television production, the study addresses tax credits and the Canadian Television Fund (CTF).

## CANADIAN TELEVISION PRODUCTION IN A MINORITY CONTEXT

Television production in minority communities, both the English-speaking community in Quebec and the French-speaking community outside Quebec, is a multifaceted reality that decision makers need to take into account. Despite some significant achievements in recent years, producers from these communities face a number of major challenges, such as the remoteness of decision makers, chronic underfunding, isolation, lack of development of the infrastructure and workforce, and the difficulty of access to the airwaves. The challenges affect Francophone producers in the regions in particular. Meanwhile, North American competition and an exodus of production companies to other major centres are significant challenges for the English-speaking community in Quebec.

The Commissioner has prepared a set of recommendations for key players with a view to ensuring that official language minority communities are properly reflected within the Canadian television landscape.

## FRENCH ON THE AIR, ANIMATION SERIES AND DUBBING

The study also looks at the various forms of expression of the French language on the air, with an examination of issues related to translation, dubbing and international co-production agreements. More specifically, the following issues are discussed: the production and broadcasting of original programming in French; the application of CTF funding envelopes to children's and youth programming; and more generally, the "Canadian" content of animation series.

On the whole, there has been a decline in the production of original children's programming in French for several years, as far as animation series are concerned. Programs aimed at children and youth are important for passing on language and culture at an early age. Francophone youth in particular need programs in which they can see themselves reflected.

The Government of Canada may not be able to meet its obligations and commitments under Part VII of the *Official Languages Act* if it allows the Canadian broadcasting

system to broadcast programs primarily in a language that does not pass on Canada's Francophone culture. The Commissioner of Official Languages is therefore proposing ways of improving the production and broadcasting of programs that reflect Francophone culture.

## CONCLUSION

The Commissioner of Official Languages is of the view that, in addition to enriching and diversifying the Canadian television landscape, the implementation of the proposed measures will allow federal institutions to comply with Part VII of the *Official Languages Act*, which, since 2005, has required them to take positive measures to implement the obligation of the Canadian government to Anglophone and Francophone communities in a minority context and to promote the two official languages. The Commissioner believes that federal stakeholders must step up their efforts to ensure that television production and broadcasting better support both the development of the two official language minority communities and the vitality of the French language.

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## LIST OF ACRONYMS

ACTRA: Alliance of Canadian Cinema, Television and Radio Artists  
ADPQ: Association des doubleurs professionnels du Québec [Quebec association of professional dubbers]  
APF: Association de la presse francophone [Francophone press association]  
APFC: Alliance des producteurs francophones du Canada [Alliance of French-language producers of Canada]  
APFTQ: Association des producteurs de films et de télévision du Québec [Alliance of film and television producers of Quebec]  
APTN: Aboriginal Peoples Television Network  
ARC: Alliance des radios communautaires [Community radio alliance]  
BDUs: Broadcasting distribution undertakings  
BPE: Broadcaster Performance Envelope stream  
CAVCO: Canadian Audio-Visual Certification Office  
CBC: Canadian Broadcasting Corporation  
CFTPA: Canadian Film and Television Production Association  
CMRI: Canadian Media Research Inc.  
CPTC: Canadian Film or Video Production Tax Credit  
CRA: Canada Revenue Agency  
CRTC: Canadian Radio-television and Telecommunications Commission  
CTF: Canadian Television Fund  
FLPOQ: French-language production outside Quebec  
INIS: Institut national de l'image et du son [National film and sound institute]  
IPOLC: Interdepartmental Partnership with the Official-Language Communities  
LPIF: Local Programming Improvement Fund  
NFB: National Film Board of Canada  
OLMCs: Official language minority communities  
PSTC: Film or Video Production Services Tax Credit  
RDI: Réseau de l'information  
SARTEC: Société des auteurs de radio, télévision et cinéma [Society of radio, television and film authors]  
SNA: Société Nationale de l'Acadie  
SODEC: Société de développement des entreprises culturelles [Quebec cultural industries development corporation]  
UDA: Union des artistes [Artists' union]  
UNESCO: United Nations Educational, Scientific and Cultural Organization

## SECTION I

### RATIONALE FOR THE STUDY

#### 1.1 Introduction

Even though some experts had predicted the end of traditional scheduled television, viewership is in fact increasing, even among the youngest viewers and despite the various parallel platforms. According to data collected in 2006, television remains the principal vehicle for passive entertainment.<sup>1</sup> In addition, the quality of this traditional supply of television has risen with the advent of high definition and digital television.

Given the proliferation of technology that provides access to a wide range of content, the question that arises, and will arise with increasing urgency, is the following: what counts as Canadian television content and how can its creation, production and broadcasting to Canadian households be encouraged in a world ruled by strong competition? Moreover, in the context of Canada's specific language situation, how can we ensure an adequate place for French and for the reflection of the official language minority communities (OLMCs), not only in terms of broadcasting to home television screens, but also with regard to the creation and production of Canadian television content?

This latter aspect is of particular interest to the Commissioner of Official Languages, who has sought to pursue the matter within the framework of his mandate to promote respect for the official languages in all areas of federal jurisdiction.

The Commissioner recognizes the changing television landscape and the influence of new kinds of media on Canadians, and especially among youth. He recognizes that these new types of broadcasting and distribution represent significant competition for traditional television and are prompting conventional television broadcasters to offer a wider range of products and services through new technologies. Youth, in particular, are major users of these services. That said, an analysis of the new platforms and their impact on the Canadian public are not part of this report's objectives.

#### 1.2 Legal framework and mandate of the Commissioner of Official Languages

To help readers understand the legislative framework within which this study was carried out, it is worth recalling the main features of the mandate of the Commissioner of Official Languages.

As an officer of Parliament, the Commissioner of Official Languages oversees the promotion and implementation of the objectives of the *Official Languages Act*. According to section 56 (Part IX) of the Act

It is the duty of the Commissioner to take all actions and measures within the authority of the Commissioner with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of this Act in the administration of the affairs of federal institutions, including any of their activities relating to the advancement of English and French in Canadian society.

Federal institutions are subject to the *Official Languages Act* and must comply with it, particularly section 41 (Part VII), as amended in 2005, which reads as follows:

41. (1) The Government of Canada is committed to (a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and (b) fostering the full recognition and use of both English and French in Canadian society.

(2) Every federal institution has the duty to ensure that positive measures are taken for the implementation of the commitments under subsection (1). For greater certainty, this implementation shall be carried out while respecting the jurisdiction and powers of the provinces.

In order to promote the vitality of the Canadian English-speaking and French-speaking OLMCs and to support their development, the Commissioner of Official Languages is of the opinion that the federal government must encourage the growth of television production in these communities, i.e., French-language production outside Quebec and English-language production in Quebec. This also means that, because French is a minority language outside Quebec, it is up to the federal government to promote

<sup>1</sup> Barry Kiefl, *Trends in Canadian Television Audiences, New Technologies, Advertising and Programming*, Appendix C in *Canadian Film and Television Production Association's Submission to Broadcasting Public Notice CRTC 2006-72, August 2006*, p. 17.

its full recognition and use, ensuring, through positive measures if necessary, its presence on Canadian television as a reflection of the minority communities. The same goes for the English-speaking community in Quebec.

The federal institutions examined in this study, with the exception of the Canadian Television Fund (CTF), are subject to the *Official Languages Act*. They are the following:

- Canadian Heritage (and the Canadian Audio-Visual Certification Office [CAVCO])
- the Canada Revenue Agency (CRA)
- the Canadian Radio-television and Telecommunications Commission (CRTC)
- CBC/Radio-Canada
- Telefilm Canada.

### 1.3 Objectives

This study examines the Canadian television production industry in relation to the *Official Languages Act*, and has three main objectives:

- Report on the production of television material—from conception to broadcasting—coming from Anglophone and Francophone OLMCs and identify the main obstacles facing producers from these communities;
- Determine the place of French in the Canadian television production industry and on the air, especially with regard to dubbing and children's and youth programming;
- Make recommendations to the federal government under Parts VII and IX of the *Official Languages Act*, in order to ensure the continued development of a television production industry in a minority context and the vitality of French on Canadian television airwaves.

### 1.4 Context of the study

Because of their importance as linguistic expressions of Canadian culture, and taking into account the new provisions of the *Official Languages Act* (Part VII, section 41) that took effect in 2005, the Office of the Commissioner took an interest in the dual problem

of television production in a minority context and the place of French on the air, specifically as they relate to programming for children and youth.

The Commissioner decided to conduct this study after having become aware of some changes in recent years as to how the CTF is administered and how it is used:

- The announcement of the Minister of Canadian Heritage's decision not to appoint a representative of the Alliance des producteurs francophones du Canada (APFC) to any of its five seats on the Board of Directors of the CTF;
- The publication of the report by the Société des auteurs de radio, télévision et cinéma (SARTEC) and the Union des artistes (UDA)<sup>2</sup> criticizing certain practices related to dubbing and the use of CTF funds for youth programming in French.

These two matters, which are discussed in more detail later in this report, raise important issues regarding the presence of the two official languages and the OLMCs on Canadian airwaves.

#### ***Representation and changes in funding allocations at the CTF***

In 2003, the Canadian television industry was facing changes in the criteria of the CTF's Licence Fee Program and the federal government's reduced contribution to the CTF. The matter came before the House of Commons Standing Committee on Official Languages, which recommended in its report to the government "to re-establish, indeed even increase, its contribution to Canadian television production and confirm it for the next five years."<sup>3</sup> The government of the day agreed to restore funding to the CTF for a maximum of two years, but did not increase it.

The Committee also recommended that the CTF set aside 15% of its French-language envelope for production outside Quebec. This proportion was intended to reflect "the relative weight of the francophone minority communities in the Canadian francophone population."<sup>4</sup> This position was justified, according to the Committee, by the fact that "[i]n cultural terms, [Francophone producers in minority communities] reinforce the socio-cultural identity of their community by giving it visibility and

2 SARTEC/UDA, *Séries jeunesse et animation : Le jeune public francophone dépossédé de sa culture et privé de ses artistes*, February 2005.

3 House of Commons, *Francophone Television Production in Minority Environments*, Eighth Report of the Standing Committee on Official Languages, November 2003, p. 4.

4 *Ibid.*, p. 4.

expression. In economic terms, they are synonymous with the creation of jobs for writers, actors, screenwriters and technicians in the audiovisual industry.”<sup>5</sup> In its response, the government committed to ensuring that the CTF set aside a minimum of 10% of its French-language envelope for French-language productions in minority contexts, and this percentage was mentioned in the funding agreement between the CTF and Canadian Heritage, with the specification that this type of production is also eligible for regional incentives and broadcasters’ envelopes.

Following publication of the Committee’s report, an agreement was reached to appoint an APFC representative to the CTF’s board of directors in one of Canadian Heritage’s five seats.<sup>6</sup> However, since 2006, after the publication of the *Report of the Auditor General of Canada to the House of Commons* (2005), the Department decided to appoint only outside directors to the CTF’s board of directors, including Canadian Heritage’s Assistant Deputy Minister of Cultural Affairs. In her report, the Auditor General noted that the composition of the Board “opens the door to potential conflicts of interest, because the majority of the Board directors are nominated by associations whose members receive CTF program funding or have direct or indirect interests in the broadcasting or production of television programs.”<sup>7</sup> It is worth noting, however, that the Assistant Deputy Minister has not sat on the Board since 2007. Canadian Heritage claims that the APFC no longer sits on the CTF’s board of directors because it does not meet the definition of an outside director. The APFC has been critical of the fact that other similar organizations are still on the Board.<sup>8</sup>

### **The SARTEC/UDA report**

In February 2005, SARTEC and the UDA made public a report<sup>9</sup> in which they criticized the fact that numerous English-language programs dubbed in French—most often abroad—are presented as French-language programs. This

situation applies more specifically to animated series, especially co-productions, which are usually written in English but dubbed and “presented” as French-language programs. For youth series, the SARTEC/UDA report also identifies another kind of problem. The French-language series are produced in French, but their place on the air is decreasing compared to original English-language series (Canadian or other) dubbed in French.

The writers of the report argued that the federal government has contributed to this situation and their points of contention are the following:

- the lack of a breakdown by language for the tax credits offered by Canadian Heritage;
- the lack of reference to the criterion of language in the CRTC’s definition of “Canadian content;”
- the funding, from the CTF French-language envelope, of several English-language series;
- the recycling of English works, often dubbed in French abroad, which has been made possible by an inadequate definition of “original broadcast.”

This study will focus on the changes in funding allocation and representation at the CTF, as well as on concerns raised regarding official language television production in a minority context and the place of the French language in the production and broadcasting of children and youth programming.

The field of television production is also one of rapid changes. Even though in some cases the situation has improved, if only since the study began, it is important to look at the situation as a whole in order to gain a better understanding of the issues.

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5 Ibid., p. 1.

6 APFC, *Letter to the Minister of Canadian Heritage, June 15, 2006*, p. 1. For information purposes, Canadian Heritage currently appoints five of the 20 directors of the CTF. However the CRTC Task Force states in its 2007 report that a reduced board would be more effective and it recommends that direct beneficiaries of the funds not sit on the Board. *Report of the CRTC Task Force on the Canadian Television Fund*, [www.crtc.gc.ca/eng/publications/reports/ctf2007.pdf](http://www.crtc.gc.ca/eng/publications/reports/ctf2007.pdf), June 29, 2007, p. 2. In the *CRTC Report to the Minister of Canadian Heritage on the Canadian Television Fund* (June 2008), the CRTC recommends creating two boards, one for each stream. The private sector stream would be composed of 11 members, with majority representation from contributing broadcasting distribution undertakings (BDUs) as well as representatives of broadcasters and independent producers, Francophone and Anglophone. For the public sector stream, the structure of the board is to be determined (paragraph 74). There is no mention of OLMC producers.

7 *Report of the Auditor General of Canada to the House of Commons*, November 2005, p. 17.

8 In particular, the Association des producteurs de films et de télévision du Québec and the Canadian Film and Television Production Association (CFTPA). It should be noted that they have their own seats on the Board and are not among the five seats held by Canadian Heritage.

9 SARTEC/UDA, op cit.

## 1.5 Methodology

The data required to achieve the objectives of the study were collected in two phases. First, we conducted a thorough literature review to obtain basic information on the regulations and on the various practices within the television industry, as well as on the types of programs, funding and the requirements to which certain channels are subject. The study mainly covers the period 2001–2002 to 2007–2008, where data were available.

Second, we contacted the leaders of Canadian television industry media associations and institutions in order to obtain their cooperation in identifying a contact person we could interview. All in all, we conducted 15 interviews based on this sample. The interviews, which were conducted in 2006 and were an hour and a half long, addressed issues regarding involvement in the development of television production in a minority context of the contact person's organization, the role and responsibilities of the various players, the main policies and the legislative framework governing their activities, as well as the issues and challenges of official language television production in a minority context.

In the interest of transparency, the organizations and institutions that participated in the interviews were also invited to comment on the main themes of the draft of this report, validate information and update recent data. We highly appreciate their feedback.

This diversified data collection helped us develop a portrait of Canadian television production. The institutions and associations that participated in the study are in List 1. The results are presented in sections 3 and 4 of the report.

## List 1

### INSTITUTIONS AND ASSOCIATIONS INTERVIEWED FOR THE STUDY<sup>10</sup>

#### *Representatives of institutions that govern and support the television medium*

- Canadian Radio-television and Telecommunications Commission
- Canadian Heritage
  - Canadian Audio-Visual Certification Office
- Canadian Television Fund<sup>11</sup>
- Telefilm Canada
- Société de développement des entreprises culturelles

#### *Producers and officials for television networks (whose licence conditions from the Canadian Radio-television and Telecommunications Commission require expenditure on production in a minority context)*

- CBC/Radio-Canada
- Quebecor Media, TVA Group
- TFO

#### *Associations representing the television industry or community associations<sup>12</sup>*

- Alliance des producteurs francophones du Canada
- Canadian Association of Broadcasters
- Association des producteurs de films et de télévision du Québec
- Société des auteurs de radio, télévision et cinéma
- Union des artistes
- Montreal Film Group
- English-Language Arts Network<sup>13</sup>

10 The names of the people interviewed remain confidential.

11 The CTF is not a federal public institution as such and is therefore not subject to the *Official Languages Act*. However, it does have an indirect relationship to the Act through contribution agreements it has made with Canadian Heritage, which has considerable influence over its governance.

12 The CFTPA, which represents Canada's independent Anglophone producers, did not follow up on our invitation to participate in this study.

13 The English-Language Arts Network provided valuable input on the first draft of this study.

## 1.6 Structure of the report

The report is divided into four sections. Section 1 sets out the objectives of the study, the overall and legislative context, and the methodology used.

Section 2 focuses on the Canadian television industry as a whole, and addresses broadcasting legislation, policy frameworks governing the licensing of the various channels and the mechanisms for supporting and funding television production.

Sections 3 and 4 present the results of the study in light of the initial objectives. Section 3 looks at television production in a minority context—that is, English-language production in Quebec and French-language production outside Quebec. It presents the

achievements of recent years as well as the difficulties faced by producers from these communities. Section 3 also discusses the confusion resulting from the failure to distinguish between production in a minority context and regional production, a failure that complicates the analysis of participation by OLMCs in Canadian television.

Finally, Section 4 addresses the use of French on the air in Canada, through an examination of issues related to translation, dubbing and co-production agreements. More specifically, it looks at the application of CTF funding envelopes to children’s and youth programming and at the Canadian content of animation series. Sections 3 and 4 also present the Commissioner’s recommendations to the appropriate bodies.

## SECTION II

### THE OPERATING FRAMEWORK OF THE CANADIAN TELEVISION PRODUCTION INDUSTRY

This section presents an overview of the main institutional players, laws and policies that govern the Canadian television industry, and of the mechanisms for supporting and funding production and broadcasting, in order to fully understand the scope of all the factors involved. The overview will highlight the various issues surrounding both the production of television content in a minority context and the factors affecting the presence and recognition of the French language in the production and broadcasting process in Canada. These two issues will be developed in the subsequent sections.

#### 2.1 Institutional players in broadcasting

In Canada, film and television are perceived as cultural resources and modes of artistic expression that can reach a wide audience. By establishing a regulatory framework and creating institutions to ensure compliance, the federal government seeks to foster an artistic, technical and economic environment where Canadian creative talent from across the country can express itself on screen in both official languages.

Several key federal institutions are responsible for regulating or enforcing the rules of the game, funding production or complying with the *Official Languages Act*. These institutions include the following: Canadian Heritage (and CAVCO), the Canada Revenue Agency (CRA), Telefilm Canada, the CRTC and CBC/Radio-Canada.

##### **Canadian Heritage**

The Broadcasting Policy, to be further described later in this report, provides a framework for the activities of Canada's broadcasting entities, such as CBC/Radio-Canada, the CRTC and the CTF. Canadian Heritage contributes to "the realization of Canadian social, cultural and economic objectives as defined by the *Broadcasting*

*Act*, and enhances the production and exhibition of Canadian television and radio programming and its availability to Canadians."<sup>14</sup> Through the Broadcasting Policy and Programs Branch, the Department works with a variety of stakeholders, including broadcasting companies and owners, industry associations, guilds, unions and the general public.

The Broadcasting Policy and Programs Branch formulates policies, proposes legislation and designs and administers programs in relation to the Canadian broadcasting system.

##### **CAVCO**

CAVCO was created in 1974 and administers two federal tax credit programs and a subsidiary audit program. CAVCO is part of the Cultural Affairs sector of Canadian Heritage and is under the responsibility of the Film, Video and Sound Recording Branch.

CAVCO administers tax credits along with the CRA. The program supports the creation of Canadian programming and the development of a domestic independent production sector.<sup>15</sup>

##### **The CRA**

The CRA administers taxes, benefits and related programs, and ensures compliance with tax rules across Canada. With regard to broadcasting specifically, the CRA verifies the qualified labour expenditures used in calculating the Canadian Film or Video Production Tax Credit (CPTC). The CRA is responsible for the following:

- helping CPTC claimants;
- interpreting and applying section 125.4 of the *Income Tax Act* and all other provisions of the Act and the *Income Tax Regulations* that may affect the CPTC;
- reviewing or auditing CPTC claims within a reasonable time frame;
- assessing corporations' T2 income tax returns; and
- issuing timely refund cheques.<sup>16</sup>

14 Canadian Heritage, *Broadcasting Policy and Programs*, [www.pch.gc.ca/progs/ac-ca/progs/ri-bpi/index\\_e.cfm](http://www.pch.gc.ca/progs/ac-ca/progs/ri-bpi/index_e.cfm) (consulted July 16, 2008).

15 CAVCO, *2004–2005 Activity Report*, p. 5-6.

16 See the CRA Web site at the following address: [www.cra-arc.gc.ca/tx/nrdsnts/flm/ftc-cip/menu-eng.html](http://www.cra-arc.gc.ca/tx/nrdsnts/flm/ftc-cip/menu-eng.html) (consulted July 16, 2008).

As co-administrator of the CPTC program, the CRA ensures that corporations claiming this tax credit are eligible for it and that the amounts claimed comply with the Act and the Regulations.

### **The CRTC**

The CRTC was established by Parliament in 1968 and is an independent public quasi-judicial authority. As an administrative tribunal, the CRTC, under its mandate, is vested with the authority to issue, amend, renew, suspend or revoke broadcasting licences. It is also responsible for establishing regulations and policies to regulate all aspects of the Canadian broadcasting system, through public processes leading to decisions. The CRTC reports to Parliament through the Minister of Canadian Heritage.

### **Telefilm Canada**

Telefilm Canada is a Crown corporation reporting to Parliament through Canadian Heritage. With headquarters in Montréal, Telefilm provides services to the Canadian audiovisual industry from four regional offices located in Vancouver, Toronto, Montréal and Halifax. Telefilm Canada is a federal cultural organization dedicated to the development and promotion of the Canadian audiovisual industry.

Telefilm provides strategic leverage to the private sector and “supplies the film, television and new media industries with financial and strategic support. Telefilm’s role is to foster the production of films, television programs and cultural products that reflect Canadian society, with its linguistic duality and cultural diversity, and to encourage their dissemination at home and abroad.”<sup>17</sup>

### **CBC/Radio-Canada**

CBC/Radio-Canada was created on January 23, 1936 as a Crown corporation under the *Broadcasting Act* and is subject to the *Official Languages Act*. Its mandate is to promote Canadian radio and television programming. It provides regular radio and television broadcasting in both official languages, a cable all-news channel in both languages and multilingual radio and television service across the North.

As a Crown corporation, CBC/Radio-Canada operates at arm’s length from government. It is financed from both public funds and commercial revenues. All the public funds it receives must be approved by Parliament. The Corporation reports to Parliament through the Minister of Canadian Heritage and operates under the administrative authority of the CRTC.

## **2.2 Regulatory framework and Canadian policies**

There are five main statutes governing the production and broadcasting of television programs in Canada:

1. The *Canadian Radio-television and Telecommunications Commission Act*, which created the CRTC in 1968 and established its modus operandi. This act was amended in 1958, 1968 and 1991.
2. The *Broadcasting Act*,<sup>18</sup> which gives the CRTC the authority to regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the policy set out in section 3 of the Act. As the powers given to the CRTC by the Act are very broad, it exerts a strong influence on television-related activities in Canada and more specifically on the protection of the official languages on the air.

The Broadcasting Policy for Canada states the following:

- (a) the Canadian broadcasting system shall be effectively owned and controlled by Canadians;
- (b) the Canadian broadcasting system [...] provides, through its programming, a public service essential to the maintenance and enhancement of national identity and cultural sovereignty; [...]
- (d) the Canadian broadcasting system should
  - (i) serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada;
  - (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 [...];

<sup>17</sup> Telefilm Canada’s mandate is available online at the following address: [www.telefilm.gc.ca/01/11.asp](http://www.telefilm.gc.ca/01/11.asp).

<sup>18</sup> *Broadcasting Act*, S.C. 1991, c. 11, <http://laws.justice.gc.ca/en/B-9.01/>.

- (iii) 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 society; [...]
  - (f) each broadcasting undertaking shall make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation and presentation of programming [...];
  - (l) the programming provided by the Canadian broadcasting system should [...]
    - (ii) be drawn from local, regional, national and international sources, [...]
    - (v) include a significant contribution from the Canadian independent production sector; [...]
  - (k) a range of broadcasting services in English and in French shall be extended to all Canadians as resources become available; [...]
  - (m) the programming provided by the Corporation [CBC/Radio-Canada] should
    - (i) be predominantly and distinctively Canadian,
    - (ii) reflect Canada and its regions to national and regional audiences, while serving the special needs of those regions, [...]
    - (iv) be in English and in French, reflecting the different needs and circumstances of each official language community, including the particular needs and circumstances of English and French linguistic minorities,
    - (v) strive to be of equivalent quality in English and in French,
    - (vi) contribute to shared national consciousness and identity, [...]
  - (s) private networks and programming undertakings should [...]
  - (i) contribute significantly to the creation and presentation of Canadian programming [...].<sup>19</sup>
3. The *Telefilm Canada Act*, which states in subsection 10(1) that “the mandate of the Corporation is to foster and promote the development of the audio-visual industry in Canada.” The Corporation may
    - 10(3)(a) invest in individual Canadian audio-visual productions in return for a share in the proceeds from those productions;
    - (b) make loans to producers of individual Canadian audio-visual productions and charge interest on those loans;
    - (c) make awards for outstanding accomplishments in Canadian audio-visual productions;
    - (d) make grants to audio-visual industry professionals resident in Canada to assist them in improving their craft; and
    - (e) advise and assist Canadian audio-visual producers in the distribution of their works and in the administrative functions of audio-visual production.<sup>20</sup>
  4. The *Copyright Act*, which governs sole right to produce or reproduce a work or any substantial part thereof, including a cinematographic work (i.e., any work expressed by any process analogous to cinematography, accompanied by a soundtrack or not).
  5. The *Income Tax Act* (section 125.4), which refers to the tax credit program.

Under the CPTC, CAVCO is responsible for estimating eligible labour expenditures as defined under section 125.4 of the *Income Tax Act*, and determining whether a production meets Canadian content requirements, as well as ownership and control requirements under section 1106 of the draft *Income Tax Regulations*. CAVCO may then recommend that the Minister of Canadian Heritage issue two mandatory certificates: the Canadian film or video production certificate (“Part A” certificate) and the certificate of completion (“Part B” certificate).

19 *Broadcasting Act*, S.C. 1991, c. 11, section 3, “Broadcasting policy for Canada,” <http://laws.justice.gc.ca/en/ShowFullDoc/cs/B-9.01//en>.

20 *Telefilm Canada Act*, R.S. 1985, c. C-16, [http://laws.justice.gc.ca/en/showdoc/cs/C-16/bo-ga:s\\_3::bo-ga:s\\_10//en?page=2](http://laws.justice.gc.ca/en/showdoc/cs/C-16/bo-ga:s_3::bo-ga:s_10//en?page=2).

### **Canadian content and priority programming designation**

Part of the regulatory framework's purpose is to ensure not only the presence of Canadian programming content on the airwaves, but also the airing of this Canadian content during peak hours. The rules also ensure that a certain number of programs are "made in Canada" by Canadians.

According to the CRTC, a broadcast is considered Canadian if the producer is Canadian, the members of the creative team are Canadian and 75% of the production and post-production costs are paid to Canadians.

With regard to air time dedicated to Canadian programming, private television stations and networks (e.g., Global, CTV, TVA) and ethnocultural television stations must achieve an annual level of Canadian content of at least the following:

- 60% of the programming over the course of one day, i.e., between 6 a.m. and midnight;
- 50% of the programming during the evening broadcasting period, i.e., between 6 p.m. and midnight.

For their part, the public broadcasters CBC and Radio-Canada must also devote at least 60% of their total daily schedule, between 6 a.m. and midnight, to Canadian programming.

The requirements for pay and specialty services and pay-per-view vary and are set in the licence conditions. Broadcasters can obtain time credits of 125% to 150% towards Canadian programming requirements for each drama aired during peak hours, i.e., from 7 p.m. to 11 p.m.

### **Canadian Content Points**

The Canadian Audio-Visual Certification Office uses the Canadian content points scale to certify films and television productions. A certified Canadian production qualifies as Canadian content; broadcasters can use it to meet their Canadian television exhibition requirements. It also allows the production to access the Canadian Film or Video Production Tax Credit. To be certified as Canadian content, the production must obtain six or more points on the ten-point scale. There are two separate point scales—one for live-action productions and the other for animation productions. For both scales, points are awarded for various key creative positions. In the case of animation, points are also awarded based on the location of certain animation functions. For more information on the Canadian content points scale, please visit: [www.canadianheritage.gc.ca/cavco](http://www.canadianheritage.gc.ca/cavco).

Source: Canadian Film and Television Production Association et al., *Profile 2008*, p. 44.

### **Designation of priority programs**

Given the accessibility of the large number of American entertainment and drama programs broadcast during peak hours in Canada, the CRTC has sought to promote the visibility of Canadian content and ensure the availability of a sufficiently broad range of Canadian programs to attract Canadian audiences during peak hours. To this end, it has given priority status to certain programs. The designation "priority programming" is an expansion of the previous definition of the "Canadian programs under-represented during peak hours" category.

Programs produced in the regions have the designation "priority programming," and, since September 1, 2000, the definition has included French-language programs produced in all areas outside Montréal.<sup>21</sup> In the same Notice, the CRTC ruled that, from then on, peak hours would be between 7 p.m. and 11 p.m., Monday through Sunday, for the purpose of its peak hour requirements.

21 CRTC, *Public Notice 1999-205*, [www.crtc.gc.ca/archive/eng/notices/1999/pb99-205.htm](http://www.crtc.gc.ca/archive/eng/notices/1999/pb99-205.htm).

The largest groups of stations must broadcast, over the course of one broadcasting year, an average of at least eight hours a week of Canadian priority programming during this time slot.

The types of programs designated as priorities for the purposes of the regulatory requirements applicable to peak hours are the following:<sup>22</sup>

- Canadian drama programs: usually works of fiction;
- Canadian music, dance and variety programs;
- Long-form documentary programs: original works of non-fiction, primarily designed to inform but that may also educate and entertain, providing an in-depth critical analysis of a specific subject or perspective over the course of at least 30 minutes;
- Canadian entertainment magazine programs: programs that devote at least two-thirds of their running time to the promotion of Canadian entertainment;
- Regionally produced Canadian programs: English-language programs in which the principal photography takes place in Canada at a distance of more than 150 kilometres from Montréal, Toronto or Vancouver (with the exception of Vancouver Island) and French-language programs in which the principal photography takes place in Canada at a distance of more than 150 kilometres from Montréal. News, analysis and interpretation, reporting and current events, and sports programs are excluded.

The policy of granting priority status to regionally produced programs in other categories, such as religion, education, game show, general entertainment and human interest, is meant as an incentive for smaller broadcasters and producers to stimulate production activity in parts of Canada where there is very little television production of any kind.<sup>23</sup>

### ***Children's and youth programming***

Regarding programs for children and youth, in *Public Notice 1999-97*, the CRTC abolished the time credits it once granted for broadcasting these programs during peak

hours. The rationale for this decision is the finding that the number of children's programs broadcast by private and public broadcasters is sufficient and that Canadian children have access to a wide range of Canadian and foreign programs without the need for regulations to ensure such access.

However, the CRTC has indicated that it is aware of the risk of a decline in the production and broadcasting of children's drama in the absence of an incentive such as time credits. For this reason, it has stated that it plans to "monitor the availability of Canadian children's programming in the broadcasting system and, if necessary, consider the introduction of exhibition requirements for children's programming for individual licensees at licence renewal."<sup>24</sup>

### ***Co-production agreements***

Since 1968, the Government of Canada has entered into 49 official co-production agreements with 53 countries.<sup>25</sup> These agreements are negotiated by Canadian Heritage, but Telefilm Canada's International Coproduction Sector receives and evaluates applications for certification of projects and recommends to the Canadian government either approval or denial of official co-production status. Official co-production agreements enable Canadian producers and their foreign counterparts to pool their resources to co-produce television programs that have national production status in each of the countries involved. Co-productions are therefore a favoured means of breaking into new markets and of facilitating project funding.

However, with co-productions, Canadian producers lose a certain degree of control and decision-making power to their foreign partners, especially when the partners are in the majority. The production will have non-Canadian features in proportion to the extent of external funding. That said, when an official co-production is accredited as Canadian, its content is recognized as Canadian for broadcasting purposes. As a result, there has been some criticism that the content is not necessarily produced mainly by Canadians nor recognizable as Canadian.

22 As set forth in Schedule 1 of the *Television Broadcasting Regulations, 1987*, [www.crtc.gc.ca/eng/legal/tvregs.htm](http://www.crtc.gc.ca/eng/legal/tvregs.htm).

23 CRTC, *Public Notice CRTC 1999-205*.

24 CRTC, *Public Notice CRTC 1999-97*, paragraph 67; *Public Notice CRTC 1999-205*, paragraph 45.

25 For a list of countries and agreements, see Telefilm Canada's Web site at the following address: [www.telefilm.gc.ca/04/43.asp](http://www.telefilm.gc.ca/04/43.asp) (consulted August 11, 2008).

## 2.3 Funding of the Canadian television industry

### *The CTF*

The CTF is a private, non-profit corporation governed by a board of directors comprised of 20 representatives from different sectors of production and broadcasting, as well as the government. Its objectives are established through a contribution agreement between Canadian Heritage and the CTF.

The objective of this public-private partnership is to “assist the creation and broadcast in peak viewing hours of high-quality and culturally significant Canadian television programs in both official languages”<sup>26</sup> as well as certain Aboriginal languages, and build audiences for these programs. The CTF focuses primarily on children’s and youth programming, dramas, documentaries and variety and performing arts programs.

Established in 1994 as the Cable Production Fund, the CTF was originally responsible for administering the contributions that the cable industry was required to pay to it under CRTC directives. In 1996, the federal government merged the Cable Production Fund and Telefilm Canada’s Canadian Broadcast Program Development Fund to create the CTF. During fiscal year 2006–2007, the CTF drew funding from two sources: the Government of Canada, which invested \$120.4 million, and the cable and satellite broadcasting companies, which provided \$150.6 million.<sup>27</sup> In 2007–2008, CTF granted a total of \$252.4 million through its funding streams.

The Contribution Agreement between the Department of Canadian Heritage and the CTF is an effective means of ensuring that government funding is used for the development of culturally significant Canadian programming and other special projects. Over the years, the CTF has funded programs across the country, including some that have been highly successful, such as *Da Vinci’s Inquest*, *Shattered City: The Halifax Explosion*, *Little Mosque on the Prairie*, *Atomic Betty*, *DeGrassi: The Next Generation*, *Le Négociateur*, *Ramdam* and *Minuit le soir*.

Telefilm Canada administers the CTF funds in accordance with a service agreement with CTF. The CTF funds producers directly through two streams:

### *The Broadcaster Performance Envelope stream (BPE)*

Over 90% of CTF funds are allocated to this stream, which is administered through broadcaster performance envelopes. The amounts allocated annually to the broadcasters are based on five calculation factors: the historic access, the above average licences, the leverage, the regional production licences and the audience success.<sup>28</sup> Financial assistance may take the form of licence fee top-ups or equity investments.<sup>29</sup>

### *The Special Initiatives Funding stream*

The remaining 10% goes to the Special Initiatives stream for French-language production outside Quebec (FLPOQ), Aboriginal-language productions and development projects, as well as dubbing and subtitling in the other official language. It is worth noting that 10% of the projected total funding for French-language production is set aside for FLPOQ. Aboriginal-language productions and FLPOQ are also eligible for the BPE, in addition to the Special Initiatives stream.<sup>30</sup>

Under the Special Initiatives stream, for the year 2007–2008, the CTF supported 31 FLPOQs that comprised 24 documentaries, one drama, two children’s and youth projects and four performing arts and variety programs. In 2007–2008, the total budget for FLPOQs was \$8.39 million, i.e., 10% of the \$82.6 million allocated to French-language projects. An amount of \$1,967,017 was also allocated to FLPOQs through the BPE, for a total of \$10,204,017, or 12%.<sup>31</sup>

The CTF has no permanent funding stream for English-language production in Quebec. English-language producers in the province received 8% of CTF funding in 2007–2008. This represents a 31% decline over the previous five years (12%).<sup>32</sup>

26 Canadian Heritage, *Arts and Culture*, [www.patrimoinecanadien.gc.ca/pc-ch/pubs/2007/2\\_e.cfm](http://www.patrimoinecanadien.gc.ca/pc-ch/pubs/2007/2_e.cfm).

27 CTF, *2006-2007 Annual Report*, p. 8, [www.ctf-ctc.ca/assets/annualreport0607.pdf](http://www.ctf-ctc.ca/assets/annualreport0607.pdf) (consulted June 18, 2008).

28 *Ibid.*, p. 13.

29 Canadian Heritage, *Arts and Culture*, [www.canadianheritage.gc.ca/pc-ch/pubs/2007/2\\_e.cfm#h5](http://www.canadianheritage.gc.ca/pc-ch/pubs/2007/2_e.cfm#h5) (consulted July 3, 2008).

30 In 2003, when the CTF Special Initiatives stream was being developed, the AFPC made a submission to the House of Commons Standing Committee on Official Languages in which the producers asked that funds be allocated to independent Francophone productions outside Quebec in proportion to the percentage of the target population, and that broadcasters, both public and private, be subject to a minimum of 15% outside-Quebec French content on all of their licenses for independent production.

31 See CTF, *Special Initiatives Funding Results in 2007–2008*, [http://ctf-ctc.ca/funding\\_special\\_en.html](http://ctf-ctc.ca/funding_special_en.html) (consulted June 18, 2008); CTF, *Approved Broadcaster Performance Envelope French-Language Applications 2007–2008*, [www.ctf-ctc.ca/assets/funding/BPE-French-0708.pdf](http://www.ctf-ctc.ca/assets/funding/BPE-French-0708.pdf) (consulted on June 18, 2008).

32 CTF, *Annual Report 2007–2008: Adjust Your Set*, [www.ctf-ctc.ca/assets/AR0708/en/pdf/ctf\\_annual\\_report\\_2007-2008\\_EN.pdf](http://www.ctf-ctc.ca/assets/AR0708/en/pdf/ctf_annual_report_2007-2008_EN.pdf) (consulted November 28, 2008).

As for CBC/Radio-Canada, “given its unique mandate as the public broadcaster and the CTF’s move to reward audience success, it was decided that CBC-triggered productions would have a guaranteed envelope from the CTF. This represents 37% of the Fund’s total contributions. Most of this funding goes towards drama productions.”<sup>33</sup>

### ***Crisis at the CTF***

In January 2007, a crisis shook the CTF. Concerns about its activities and governance expressed by Shaw Communications and Quebecor Inc. led these two licensees to suspend their monthly payments to the CTF. Payments by the major broadcasting distribution undertakings (BDUs) are required under sections 29 and 44 of the CRTC’s *Broadcasting Distribution Regulations*. To manage the crisis, the CRTC set up a task force in February 2007 to review issues related to the funding of Canadian programming and the governance of the CTF.

The Task Force released its report on June 29, 2007. Its key recommendation was to split the allocation of income in two: one component, targeting the portion set aside for the CBC and Radio-Canada and for the Special Initiatives Funding stream, would continue to conform to the Contribution Agreement with the Department of Canadian Heritage; the second, which would have a more commercial outlook, would use income from BDUs to fund profitable productions, in order to reflect the important role of the contributions of these undertakings in the funding of Canadian television productions.<sup>34</sup>

### ***Response to the report of the CRTC Task Force***

The APFC responded to the Task Force’s report by saying that it was reassured by the fact that the Task Force acknowledged the contribution of Francophones in a minority context to the expression of Canadian content. However, the APFC opposed the creation of a new private sector funding stream: “[translation] Up to this point, the coexistence of public policy objectives with the private sector’s profitability requirements has

led to hybrid management models, such as the CTF in television or MusicAction in sound recording.”<sup>35</sup> According to the APFC, Canada risks going against the principles it supported in the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* adopted by UNESCO in 2005, which states that the creation and dissemination of cultural works and products must not be treated as solely having commercial value. Finally, the APFC warned against the logic of ratings and profitability, which, if they come to carry more weight in the CTF’s choices, would deprive the Canadian public, “[translation] which will have access to fewer documentaries, fewer important series, fewer children’s and public affairs programs—genres that are more responsive to the logic of public policy objectives.”<sup>36</sup>

The Commissioner of Official Languages also expressed his views on the Task Force report. In a letter to the Secretary General of the CRTC, the Commissioner pointed out the vital role of the CTF in the development of quality programs in both official languages, as well as its role in regional production. He believes that the CRTC must look at ways to ensure stable funding for the CTF. He supported the recommendation of the Standing Committee on Official Languages that the minimum for French-language production in a minority context be increased to 15% of the total Francophone envelope in order to better reflect the demographic reality of the minority French-speaking community. As for the commercial outlook component, the Commissioner is of the view that clearly defined objectives that take into account the specific reality of OLMCs are essential, and he called for accountability mechanisms in this regard.<sup>37</sup>

### ***Follow-up on the Task Force findings***

The CRTC held public hearings from February 4 to 8, 2008, to study the Task Force’s recommendations regarding the creation of a two-stream (public and private) fund and the size and structure of the CTF’s board of directors. On June 5, 2008, the CRTC submitted its report to the Minister of Canadian Heritage.<sup>38</sup> The CRTC’s main recommendations were in line with those of the Task Force:

33 Canadian Heritage, *Canada’s New Government Supports Canadian Television Programming*, news release, January 26, 2007, [www.pch.gc.ca/newsroom/index\\_e.cfm?fuseaction=displayDocument&DocIDCd=CB0061311](http://www.pch.gc.ca/newsroom/index_e.cfm?fuseaction=displayDocument&DocIDCd=CB0061311) (consulted September 8, 2007).

34 CRTC, *The Task Force releases its report on the Canadian Television Fund*, News Release, June 29, 2007, [www.crtc.gc.ca/eng/news/releases/2007/r070629.htm](http://www.crtc.gc.ca/eng/news/releases/2007/r070629.htm).

35 APFC, *Rapport du groupe de travail du CRTC sur le modèle canadien de télévision : Le début de la fin du modèle canadien?* July 2007.

36 Ibid.

37 Letter from the Commissioner of Official Languages to the CRTC’s secretary general regarding *Public Notice CRTC 2007-70*, July 24, 2007.

38 CRTC, *CRTC Report to the Minister of Canadian Heritage on the Canadian Television Fund*, June 5, 2008.

- That the CTF's funding be split into two streams: a public sector stream, funded by contributions from Canadian Heritage, to support programming that fulfills cultural objectives; and a private sector stream, funded by BDUs, for private broadcasters. In the CRTC's view, the private sector stream, being market-oriented, would support the production of commercially successful programming and would be reserved for private commercial broadcasters. Ratings would be a determining factor in the selection. The public sector stream would be set aside for CBC/Radio-Canada, educational broadcasters and other not-for-profit broadcasters;
- That two boards of directors, one for each stream, be created but that they share the same administrative services;
- That the CTF create a new funding stream to support the production of Canadian programs for broadcast on new media platforms.

The CRTC also agreed with the Task Force's recommendation to make no changes to the BPE structure established by the CTF. The Minister of Canadian Heritage had not yet made his decision concerning the CTF public when this study went to print.

The APFC then reacted to the CRTC report. In a letter to the Minister of Canadian Heritage, it said that the failure to include a recommendation regarding French-language production in a minority context was unacceptable. It also said that "[translation] if the CRTC's recommendations were implemented, French-language producers would not be guaranteed funding" and that it was unacceptable for a federal institution such as the CRTC to disregard Canadian reality.<sup>39</sup>

At almost the same time, on June 20, 2008, pursuant to section 15 of the *Broadcasting Act*, the Government of Canada requested that the CRTC examine broadcasting services offered to OLMCs, hold hearings and draft a report. This report would be a follow-up to the 2001 report entitled *Achieving a Better Balance: Report on French-Language Broadcasting Services in a Minority Environment*.<sup>40</sup>

### ***Canadian Heritage and the Interdepartmental Partnership with the Official Language Communities (IPOLC)***

Funding for some television projects also came from Canadian Heritage through the IPOLC. The IPOLC was launched in June 2000 to provide additional funding to federal institutions wishing to support the development of OLMCs. Interested federal institutions signed an agreement with Canadian Heritage, submitted a strategy for supporting the OLMCs and received annual funding tailored to the strategy.

This initiative made it possible for Canadian independent producers in minority contexts to produce drama programs in the regions (outside Quebec in the case of French speakers and in Quebec in the case of English speakers) and for OLMCs to be included on a permanent basis as part of the regular clientele of federal institutions. Once the IPOLC funds were transferred to the partnered federal organization, the funds had to meet the requirements of the partner organization's programs, but did not have to meet the requirements of the Official Languages Support Program Branch at Canadian Heritage.

Component 1 of the IPOLC program (2001 to 2004), sponsored by Radio-Canada in association with Telefilm Canada, provided training workshops for writers and directors at the Institut national de l'image et du son (INIS).

Each year for three years, the partners put out a call to French-speaking communities outside Quebec to recruit writers and directors who wanted to upgrade their skills by attending two sets of workshops lasting a total of approximately one month, at the INIS in Montréal. In total, 29 individuals benefited from customized training given by professionals.

Component 2 of the IPOLC program (started in 2004) consisted of a partnership between Telefilm Canada, Radio-Canada and the National Film Board (NFB). The result was a competition for the development and production of short television dramas.<sup>41</sup> For this

39 APFC, *Letter to the Honourable Josée Verner – CRTC Report on the Canadian Television Fund: The CRTC must admit its mistake and amend its report*, Ottawa, June 12, 2008.

40 Canadian Heritage, *The Government of Canada asks CRTC to Report on Broadcasting Services to Francophones and Anglophones Living in Minority-Language Situation*, news release, Ottawa, June 20, 2008.

41 In 2004–2005, the partners asked the writers and directors who participated in the INIS training to develop and produce two short dramas that would be broadcast nationally by Radio-Canada. In the following two years, the competition was extended to the entire production community and there were two phases: pre-development, followed by the selection of two projects for production. During the development and production of the dramas, the writers, directors and producers received support from INIS professionals, and the projects were monitored by the partners throughout the various stages. Radio-Canada did not receive any money from Canadian Heritage for this program. Any money invested went to the INIS and to the independent producers who trained these aspiring producers.

component, Radio-Canada paid for the broadcast licences of the dramas that were produced, valued at a total of \$225,000.

Its initial objective was to have a lasting effect on the independent French-language production industry outside Quebec. The projects allowed producers to explore the drama genre and enhance their expertise. The majority of the artists who benefited from the IPOLC are active in the television production industry. By matching up writers, directors and producers from different regions, the Program seems to have opened the door to networking and fruitful cooperation in the television production industry outside Quebec.

As for the program's ongoing impact, a Radio-Canada spokesperson claims that it is reflected in the production of programs in a variety of genres in partnership with regional stations and Radio-Canada networks (Télévision, RDI, ARTV).

### **Telefilm Canada**

Telefilm Canada is a Crown corporation reporting to Parliament through Canadian Heritage. Headquartered in Montréal, Telefilm provides services to the Canadian audiovisual industry by means of four regional offices located in Vancouver, Toronto, Montréal and Halifax. It is a federal cultural agency dedicated to the development and promotion of the Canadian audiovisual industry.

The Corporation acts as one of the Canadian government's principal instruments for providing strategic leverage to the private sector, supplying the film, television and new media industries with financial and strategic support. Telefilm's role is to foster the production of films, television programs and cultural products that reflect Canadian society, its linguistic duality and cultural diversity, and to encourage their dissemination at home and abroad.<sup>42</sup>

In 2006–2007, Telefilm and its associates provided financial support through the IPOLC for the pre-development of eight short drama projects. In addition, support was provided for the development of four of these projects and the production of two of them. During the same period, nearly \$1.2 million in Telefilm funds were allocated to support projects in French outside Quebec

(43 projects, or 15% of all projects in French), and \$16.2 million was allocated for projects in English in Quebec (73 projects, or 17% of all projects in English).

In 2006, Telefilm conducted a detailed assessment of its participation in the IPOLC program and prepared a 2006–2009 action plan for the development of a new strategic framework with respect to OLMC-oriented initiatives.<sup>43</sup>

### **The Local Programming Improvement Fund (LPIF)**

Recently, on October 30, 2008, the new LPIF was established by the CRTC in *Broadcasting Public Notice 2008-100, Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services*. Under this regulation, the CRTC will increase the BDUs' contribution to Canadian programming by 1%, thereby increasing gross revenues derived from broadcasting activities from 5% to 6%.

The 1997 *Broadcasting Distribution Regulations* require that distribution undertakings contribute 5% of their gross broadcasting revenues to Canadian programming. The way in which this percentage is divided remains the same. In the case of large-scale terrestrial distribution undertakings (those with more than 6,000 subscribers), 2% of the 5% from this contribution may be used to support their community channel, while the remainder must either support Canadian programming through the CTF (at least 80%), or contribute to independent certified production funds (up to 20%).

According to the CRTC, the Vancouver, Calgary, Edmonton, Toronto and Montréal metropolitan markets and the Ottawa–Gatineau Anglophone market must be exempt from the LPIF since the additional percentage point is strictly meant to help improve the quality of local programming in non-metropolitan markets.

Nevertheless, the fact that the CRTC seems to have forgotten this criteria means that OLMCs living in these urban centres are unable to benefit from this extra financial support, estimated at around \$60 million over the course of the first year.

42 Telefilm Canada's mandate is available online at the following address: [www.telefilm.gc.ca/01/11.asp](http://www.telefilm.gc.ca/01/11.asp).

43 See Telefilm Canada's Web site at the following address: [www.telefilm.gc.ca/03/311.asp?lang=en&fond\\_id=6](http://www.telefilm.gc.ca/03/311.asp?lang=en&fond_id=6).

### **Production tax credits**

As mentioned previously, CAVCO administers two main programs in collaboration with the CRA:

#### ***The CPTC***

The objective of the CPTC is to encourage Canadian programming and to develop an active domestic production sector. This fully refundable tax credit is available at a rate of 25% of eligible wage and salary expenditures for a production. These expenditures may not exceed 60% of the costs of production and the tax credit itself may not exceed 15% of these costs.

Many provincial governments also offer this type of tax credit for television production carried out within their jurisdictions. To be eligible for the CPTC, a company has to obtain a Canadian film or video production certificate from the minister of Canadian Heritage (through CAVCO).

#### ***Film or Video Production Services Tax Credit (PSTC)***

The PSTC is designed to promote Canada as a location of choice for film and video productions that employ talented Canadians as well as to strengthen the industry and secure investment. The PSTC is available at a rate of 16% of eligible Canadian labour expenditures.

In 2004–2005, data from CAVCO showed that 92% of certified productions were for television, and specifically the production of documentaries, which represented 43% of all certified productions. The television market received 85% of the funding.

Although most of the productions are in English, Quebec is the province with the highest number of productions. In 2005–2006, CAVCO's activity report shows a 7% drop in television production. In 2006–2007, \$22,767,538 in federal tax credits were obtained for 89 English-language productions in Quebec, which is 16.9% of the tax credits granted to English-language production in Canada. As

for French-language productions in a minority context, 32 productions shared \$2,543,455 in tax credits, which is only 4.7% of the \$53,779,325 in tax credits for French-language television production, including production in Quebec.<sup>44</sup>

In 2007–2008, there were 63 English-language productions in Quebec receiving \$12,501,288 in federal credits, which is 14.7% of the \$85,260,697 in total allocated to English-language production. In that same period, 26 French-language productions in a minority context received \$1,571,817, only 3.8% of the \$41,376,006 in tax credits for French-language production in Canada.<sup>45</sup>

### ***Government support for educational channels and cultural enterprises***

The provincial governments of Ontario and Quebec own the French-language educational television channels TFO and Télé-Québec, respectively. In 2005–2006, the Quebec government handed out \$57.5 million in grants to Télé-Québec. In 2006–2007, the broadcaster received \$54.9 million.<sup>46</sup>

Formerly part of TVOntario, TFO, the French-language network in Ontario, became an independent organization on April 1, 2007. TFO is the only French-language Canadian broadcaster whose main operations are outside Quebec. Table 1 (see p.59) shows that, over the 2003–2007 period, TFO's share of broadcasting licences for the APFC was 38% (\$6,210,949 out of \$16,325,564). The Ontario government has committed to an annual subsidy to TFO of about \$15 million to ensure that it meets the specific cultural and educational needs of the Francophone community, and that it fulfills its broadcasting and communications mandate. The total annual budget of TFO was \$21 million in 2007 including federal funding and income from cable television subscribers.<sup>47</sup>

44 CAVCO, *2004–2005 Activity Report*, p. 8-9, [www.patrimoinecanadien.gc.ca/progs/ac-ca/progs/bcpac-cavco/pubs/2004-05/activ\\_04-05\\_e.pdf](http://www.patrimoinecanadien.gc.ca/progs/ac-ca/progs/bcpac-cavco/pubs/2004-05/activ_04-05_e.pdf); *2005–2006 Activity Report*, p. 19.

45 Information obtained from a senior policy analyst at CAVCO, Canadian Heritage, August 19, 2008. 2007–2008 data may be incomplete.

46 Télé-Québec, *Rapport annuel 2005-2006*, [www.telequebec.tv/documents/corporatif/rapportsannuels/rapport-annuel-2005-2006.pdf](http://www.telequebec.tv/documents/corporatif/rapportsannuels/rapport-annuel-2005-2006.pdf); *Rapport annuel 2006–2007*, [www.telequebec.tv/documents/corporatif/rapportsannuels/rapport-annuel-2006-2007.pdf](http://www.telequebec.tv/documents/corporatif/rapportsannuels/rapport-annuel-2006-2007.pdf).

47 Since 2002, TFO has been available to 75% of Francophone homes in Ontario. It has been provided as part of basic cable service in New Brunswick since September 1996, and one million households in Quebec receive it via cable, digital television service or satellite distribution systems. In other Canadian provinces, TFO is offered via satellite. In 1997, the broadcaster launched its Web site. The site provides information on television programming as well as many activities and educational resources for all ages. It has become a world leader in educational French-language Web sites. See TFO's Web site at the following address: [www.tfo.org/cfmx/tfoorg/tfo/a\\_propos\\_de\\_tfo/](http://www.tfo.org/cfmx/tfoorg/tfo/a_propos_de_tfo/).

***Independent production: An additional stakeholder***

While some Canadian broadcasters themselves produce a certain number of programs (notably sports and news), they turn to Canadian independent producers for a large portion of their programming, especially in the priority categories subsidized by governments.

Canadian independent production has arisen primarily from three government initiatives:

- The creation by the federal government in 1983 of Telefilm's Canadian Broadcast Program Development Fund to fund Canadian programs produced by independent companies in the priority categories. This fund became the CTF;
- The CRTC's imposition on Canadian broadcasters of specific obligations regarding priority programming categories, beginning in the 1980s;

- The 1991 amendment of the *Broadcasting Act*, which for the first time stipulated that programming provided by the Canadian broadcasting system should "include a significant contribution from the Canadian independent production sector."<sup>48</sup>

The *Broadcasting Distribution Regulations* support independent producers by requiring cable distribution undertakings, direct-to-home satellite distribution undertakings and multipoint distribution system undertakings to contribute to Canadian programming in an amount not less than 5% of annual gross revenue from their broadcasting activities. More specifically, at least 80% of this contribution must be paid to the CTF; the rest can be paid to one or more independent production funds.

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48 *Broadcasting Act*, S.C. 1991, c. 11, [www.crtc.gc.ca/eng/legal/broad.htm](http://www.crtc.gc.ca/eng/legal/broad.htm).

## Summary

From this brief overview of institutional stakeholders, the regulatory framework governing the Canadian television industry and the programs and mechanisms that support the industry, the following points are worth highlighting:

- The CRTC is the independent public body whose mandate is to regulate and supervise all aspects of the Canadian broadcasting system. It has created a set of measures, including designated priority programming, to promote the visibility of Canadian television material on the air in peak hours.
- The *Broadcasting Act* stipulates that Canadian television should promote linguistic duality on the airwaves and foster programming in English and French to reflect the specific situations and needs of both official language communities, including minority communities.
- The federal and provincial governments offer support for film and television production to give the Canadian public access to Canadian content.
- Broadcasters and tax credit programs are the main sources of funding for Canadian productions.
- CAVCO is responsible for estimating eligible labour expenditures and determining whether a production meets Canadian content requirements as well as ownership and control requirements under the draft *Income Tax Act Regulations*.

- The CTF is awaiting the Canadian Heritage decision on new ways of allocating public and private funds in the television industry.
- Canadian Heritage is requiring the CRTC to hold hearings to examine the broadcast services offered to OLMCs.

These points reveal that, with respect to the television industry, the regulatory framework, public policy and the various federal government programs do recognize linguistic duality and pay some attention to the OLMCs.

But what is the reality for Francophone producers outside Quebec, the recognition of English-language productions in Quebec and the place of television production from OLMCs when it comes to competition for resources and visibility?

What is being done to respect and preserve Canada's identity, especially in French, through high-quality television products with Canadian content, given the ever-growing trend toward profitability, the competition among the big television networks and the ease with which American products are available on Canadian airwaves? Also, should we not be worried that the distinct Anglophone culture in Quebec will become diluted and basically invisible in the North American English-speaking world? The Commissioner's interest in the production and broadcasting of Canadian television programs has arisen precisely from his awareness of the somewhat perilous situation of Canada's cultures and official languages.

## SECTION III

### CANADIAN TELEVISION PRODUCTION IN A MINORITY CONTEXT: A MULTIFACETED REALITY

#### 3.1 *The voice of OLMCs*

According to the 2006 census, there are just under one million people who have French as their mother-tongue outside Quebec. Numbers are similar for Anglophones in Quebec.<sup>49</sup> In Canada, the nature of the demand for television broadcasts in general, and Canadian programs in particular, differs between the English- and French-language sectors. In most priority categories, Canadian programs are often very popular with Francophone audiences, and much less so with Anglophone audiences.<sup>50</sup>

Despite the success of these programs, many stakeholders from minority Francophone communities criticize French-language Canadian content for either ignoring or poorly reflecting their reality. In a report issued in April 2007,<sup>51</sup> the Société Nationale de l'Acadie (SNA) criticized the decrease in the number of times Atlantic Canada—already scarcely represented, in their view—was mentioned on Radio-Canada's RDI news network since programming was overhauled in the fall of 2006, and *Atlantique en direct* was cancelled.

This criticism came after the changes initiated in 2006–2007 by Radio-Canada to create a new regional services structure. The stated purpose was to better meet the needs of the regions, ensure better coverage of OLMC events and improve regional and national visibility of these communities. The new structure was to foster the development of regional services by integrating the three media formats (radio, television and the Internet).<sup>52</sup>

Before the new programming was launched, some people were concerned that the new newscast format would primarily target a Quebec audience and that

there would only be a passing mention of the regions. Furthermore, given the higher costs incurred by this national newscast, some people, such as Roger Léveillé, a former Radio-Canada journalist, feared the end of other regional productions.<sup>53</sup> At the time, Léveillé stated that “[translation] the increased regional presence at the national level continues to be an illusion [...]. You can't serve the regions by developing television programming for the Quebec market.” Francophone Western Canada, he said, just like Acadia and French Ontario, is asking for only a few hours for its own programs, outside the ambit of the “so-called Quebec constraints.”<sup>54</sup>

In April 2008, Radio-Canada published its evaluation of the new format for the *Téléjournal* national newscast launched in January 2008, even though the new format had only recently been introduced. The survey of Francophone opinion leaders in Western Canada showed a high level of satisfaction regarding the new features and the new format, as well as the amount of time devoted to the newscast compared to the previous year.<sup>55</sup> The survey could be extended to all minority Francophone communities in Canada to find out their reactions.

Following the submission of its report on the place of Acadia on Radio-Canada's airwaves, the SNA, in an August 17, 2007 news release, commended the significant efforts by the broadcaster, across the Atlantic network and on RDI, to celebrate National Acadian Day on August 15, 2007. In addition, the news release states the following:

[translation] The SNA also notes Radio-Canada's efforts regarding equitable representation of Acadia over the last few months. We hope that this enthusiasm continues and that Acadia is covered on its networks, especially RDI, on an ongoing basis.<sup>56</sup>

In terms of the Anglophone minority in Quebec, two observations: first, producers face international competition as well as the dominant North American English-speaking culture; second, Anglo-Quebec production is very Montréal-centric. The vast majority

49 Statistics Canada, *The Evolving Linguistic Portrait, 2006 Census*, No. 97-555-XIE.

50 Statistics Canada, *Television Viewing*, Tables 2a and 2b, No. 87F0006XIE.

51 SNA, *La présence de l'Acadie de l'Atlantique au Réseau de l'information (RDI) de la Société Radio-Canada*, April 2007, [http://fane.networkcentrix.com/media\\_uploads/doc/4975.doc](http://fane.networkcentrix.com/media_uploads/doc/4975.doc).

52 CBC/Radio-Canada, *Radio/Canada-CBC : État des réalisations axé sur les résultats de la mise en œuvre de l'article 41 de la Loi sur les langues officielles, 2006-2007*.

53 *La Liberté*, “Radio-Canada : Roger Léveillé réplique,” July 4-10, 2007, p. 5.

54 Ibid.

55 Opinion-Impact, *Évaluation du nouveau format du téléjournal de Radio-Canada*, report presented to René Fontaine, Société Radio-Canada Winnipeg, Montréal, April 2008.

56 SNA, *L'Acadie très présente à Radio-Canada ce 15 août*, news release, August 17, 2007, p. 1.

of Quebec production houses are located in the Greater Montréal Area. Of the 132 members of the APFTQ,<sup>57</sup> only 17 are located outside Montréal, and only three of these production houses produce English-language programs in addition to their French-language programs.

To obtain a better picture of the scope of production and the extent of the problems experienced by producers, an overview of television production in a minority context is in order. Recommendations will also be made throughout the analysis.

### ***A young and growing industry***

Film and television production in Canada's Francophone minority communities is in a stage of growth in terms of volume, variety, quality and the economic impact it generates.

Yet, as already noted, Canadian television production in French is heavily concentrated in Montréal. Of the \$80.6 million that the CTF paid out in 2005–2006, 83.6% was used to fund productions shot in Montréal and 12% was used for productions shot outside Quebec (slightly more than the 10% required by the Canadian Heritage-CTF agreement). Ontario has received the majority of this funding, a total of \$5.6 million. Other provinces that have received funding are, in decreasing order, New Brunswick, Manitoba and British Columbia. In 2006–2007, the amount allocated to French-language production was approximately \$84.1 million and the proportion earmarked for production outside of Quebec remained steady at 12% of that amount. While Ontario remained in the lead with \$4.1 million, the decreasing order stayed approximately the same, except for Alberta, which ranked last with \$0.1 million.<sup>58</sup>

In 1999, in order to take their place in Canadian French-language production, independent Francophone producers outside Quebec created the APFC, which has a mandate to represent them in dealings with the Canadian decision makers in charge of funding projects and broadcasting programs.

Based in Ottawa, the APFC responds to the need expressed by its initial members, to work together in order to develop a film, television and multimedia industry in their respective communities outside Quebec. The APFC represents 15 producers and 13 French production companies established in five provinces.<sup>59</sup> Its members work mainly in French and produce films, television shows, multimedia projects and educational and corporate videos. They already have over 100 productions to their name, ranging from fiction to drama, from variety shows to series on science and technology, from sports shows to programs for children and youth, and documentaries on history, adventure or art.<sup>60</sup>

### ***The APFC and production volumes***

The APFC states that the volume of production in French outside Quebec rose from 46.5 hours in 2000–2001 to 105 hours in 2004 and from \$3.7 million to \$8.8 million in production cost estimates for the same period, if only CTF funding is counted. However, if broadcasters' licences, federal tax credits, provincial agencies' investments, provincial tax credits as well as contributions from various specialized funds are included, the APFC claims that, in 2004–2005, the total investment for the Francophone and Acadian communities was over \$16 million.<sup>61</sup>

Total production activity for APFC members, all contributions combined, was \$13,171,063 (for the 13 producers) in 2003–2004, \$16,797,200 in 2004–2005 and \$18,823,398 in 2005–2006; there was a small decline to \$17,688,540 in 2006–2007.<sup>62</sup> Between 2003 and 2007, the activity generated 316.5 hours of television programs in a variety of genres, including documentaries, a drama series, children's and youth programming and variety shows. If Statistics Canada's multipliers of 2.02 for direct impact and 1.6 for indirect impact are applied to these amounts, the result is a major increase in the economic impact in Francophone minority communities.<sup>63</sup>

57 APFTQ, *Membership Directory*, [www.apftq.qc.ca](http://www.apftq.qc.ca) (consulted on June 7, 2007).

58 CTF, *Stakeholders Report 2006*, p. 10A and 10B, [www.ctf-fct.ca/assets/Stakeholders\\_Report\\_2006.pdf](http://www.ctf-fct.ca/assets/Stakeholders_Report_2006.pdf); *Stakeholders Report 2007*, p. 32, [www.ctf-fct.ca/assets/Stakeholders\\_Report\\_2007.pdf](http://www.ctf-fct.ca/assets/Stakeholders_Report_2007.pdf) (consulted on June 18, 2008).

59 The members are the following: Balestra Productions, Ottawa; Bellefeuille Production, Moncton; Cinimage Productions, Moncton; Cojak Productions, Grande-Digue; Connections Productions, Moncton; Les Productions Rivard, Winnipeg; Médiatique, Toronto; Patenaude Communications, Edmonton; Prin International, Vancouver; Productions Mozus, Moncton; Productions Phare-Est, Moncton; Productions R. Charbonneau, Ottawa; and Red Letter Films, Vancouver.

60 APFC Web site, <http://franco.ca/apfc/index.cfm> (consulted on September 18, 2007).

61 APFC, *La production cinématographique et télévisuelle en milieu minoritaire francophone. Consolider les acquis*, a proposal by the APFC to the signatories of the Multiparty Collaboration Agreement, Fall 2006, p. 3.

62 APFC, *Portrait de l'activité de production des membres de l'APFC, données 2003/2004 à 2006/2007*, consultation with Point de Mire, January 2008, p. 3.

63 Fédération culturelle canadienne-française, *Rapport annuel 2006–2007*, p. 56, [www.fccf.ca/documents/739.pdf](http://www.fccf.ca/documents/739.pdf).

According to the APFC, this breakthrough of the Canadian Francophone minority into a space hitherto reserved for the major production centres of Vancouver, Toronto and Montréal is not a chance occurrence. It is largely due to the APFC's lobbying efforts, which have led to a requirement for the CTF to set aside a minimum of 10% of funding for Francophone production outside Quebec, as mentioned previously.<sup>64</sup> The APFC was also involved in the efforts that led to the establishment of several IPOLCs.

### Notable achievements

The Special Initiatives stream of the CTF was a turning point in the development of Francophone production in

a minority context. Thanks to the new funds available under this initiative, APFC members have been able to develop various partnerships, in particular with Radio-Canada, TFO, Telefilm and the NFB, and have been able to carry out projects under the IPOLC (see Section 2 of this report).

Regional television production at Radio-Canada has experienced steady growth since 2000, reflecting the commitments made by broadcasters at the time of their most recent licence renewals. In 10 years, the volume of regional programming outside of Quebec has doubled (see Table 2).

**Table 2**

#### REGIONAL BROADCASTING – RADIO-CANADA STATIONS OUTSIDE QUEBEC (IN HOURS)

	1998–1999	2007–2008
Regional news reports	1,245	2,463
<b>Other regional programming</b>		
In-house productions	183	406.5
Independent productions	52	200

Source: Regional Services Branch, Radio-Canada, June 17, 2008.

The following are some examples of drama programs that were funded by the CTF's Special Initiatives stream and nationally broadcast during peak hours on Radio-Canada.<sup>65</sup>

### 2004–2005

Radio-Canada had a banner year in terms of regional production,<sup>66</sup> both in-house and with independent producers, with programs such as *Territoire de l'autre* and *Le Garage* (Ottawa–Gatineau), *Pour l'amour du Country*

and *Brio* (Moncton), *L'accent* (Saskatchewan), *Samedi l'Ouest* (Alberta) and *Cliché* (Vancouver).<sup>67</sup>

**Un bon gars**—Scriptwriter: Éric Cormier (Moncton), Director: Laurence Véron (Winnipeg), Productions Phare-Est (Moncton). Broadcast on January 6, 2007, at 6:30 p.m.

**Vie de chien**—Scriptwriter: Pascal Boutroy (Winnipeg), Director: Sylvie Peltier (Vancouver), Productions Rivard (Winnipeg). Broadcast on June 17, 2007, at 9:30 p.m.

64 APFC, *La production cinématographique et télévisuelle en milieu minoritaire francophone. Consolider les acquis*, a proposal by the APFC to the signatories of the Multiparty Collaboration Agreement, Fall 2006, p. 3.

65 Canadian Heritage, "The Interdepartmental Partnership with the Official-Language Communities," *Bulletin 41-42*, [http://pch.gc.ca/progs/lo-ol/bulletin/vol13\\_no2/8\\_e.cfm](http://pch.gc.ca/progs/lo-ol/bulletin/vol13_no2/8_e.cfm) (consulted on September 9, 2007).

66 The distinction between production in a minority context and regional production will be discussed on the following pages.

67 CBC/Radio-Canada, *Status Report and Action Plan 2004–2005*, [www.cbc.radio-canada.ca/docs/languages/2005-2006/pdf/Report2004\\_e.pdf](http://www.cbc.radio-canada.ca/docs/languages/2005-2006/pdf/Report2004_e.pdf).

## 2005–2006

**Embargo**—Writer-Director: Jocelyn Forgues (Moose Creek, Ontario), Productions R. Charbonneau (Ottawa). Broadcast on April 5, 2007, at 9:30 p.m.

**Louez un mari**—Scriptwriter: Gracia Couturier (Moncton), Director: Jean-Claude Caprara (Ottawa), De Bellefeuille Productions (Moncton). Broadcast on October 8, 2007, at 6:30 p.m.

**FranCoeur**<sup>68</sup>—The first French-language television series for adults made outside Quebec was a collaboration between TFO and Productions R. Charbonneau Inc.<sup>69</sup>

## 2006–2007

**Ben voyons Camille!**— Filming location: Manitoba, Writer-Director: Carole Ducharme (Vancouver), Co-Production: Productions Rivard (Winnipeg) and Witness Productions (B.C.). Broadcast on April 19, 2008, at 9:30 p.m.

**Séquestrés**—A 90-minute drama written and adapted for television by Manitoban playwright Glen Joyal. Director: Pierre Houle (*Omerta*, *Tag*, *Monica la mitraille*, etc), Productions Rivard. Broadcast on June 17, 2007, at 8:00 p.m.

Other projects serve as proof of the IPOLC's success, including the television series *Belle-Baie* by Acadian writer Renée Blanchar, co-produced by Productions Phare-Est (Moncton) and Cirrus Productions (Montréal). This Acadian drama series, the first of its kind, was broadcast on the Radio-Canada network in the spring of 2008 and drew a weekly audience of 20% of the country's Francophones who watch television at that time of day. The second season will be broadcast next year and is currently being filmed in a number of towns in New Brunswick.

In addition to their recent breakthrough in drama, members of the APFC have for many years been carrying out significant production work in other genres, including documentaries, variety programs and children's and youth programming. All of these productions, according to the APFC, employ local creative resources, are broadcast on several television channels and reach a number of viewers in the regions where minority Francophones live.

The APFC has ambitious plans for the coming years. It has developed a strategic development plan for 2004–2009 that includes several elements, such as obtaining adequate and stable funding for Francophone producers; strengthening regional, national and international partnerships; and consolidating the position of minority Francophone production in the Canadian broadcasting system. The APFC also wants to make sure that its members' productions are broadcast and promoted, and it has plans for the training and development of its members. The organization aims to be financially self-sufficient with respect to its operating budget by 2010. This objective has been made possible through assistance from the Official Languages Support Program since 2000 as well as the growth in production volume arising from its lobbying work. In fact, since April 2007, the organization's professional and political lobbying work and its basic operating costs have been fully paid for out of a percentage taken from members' production volume.<sup>70</sup>

### **Overview of Anglophone production in a minority context**

Minority English-language production in Quebec is in a unique situation. North American competition and the exodus of production companies to centres outside Quebec present major challenges. While these factors do have real repercussions on this production, it is useful to look at them in the context of Canadian television production as a whole, which has experienced a decline over the past few years due to the transformation of the market. This transformation is characterized by increased international competition, the availability of inexpensive labour elsewhere in the world and the globalization of production work, especially in animation.

#### ***Decrease in English-language Quebec productions as a proportion of English-language production in the country as a whole***

A report submitted in June 2008 to the Quebec Council of the Directors Guild of Canada entitled *Going... Going... Gone: The Decline of English-language Production in Quebec*<sup>71</sup> reported that English-language film and television production in Quebec is at risk and that it has

68 *FranCoeur* received support from the CTF for cycles 1 to 4 (episodes 1 to 44) and from Telefilm Canada.

69 After its fourth year on TFO, the series was purchased by Radio-Canada and broadcast in 2005.

70 See Fédération culturelle canadienne-française, op. cit., p. 56.

71 Magnetic North Associates, *Going... Going... Gone: The Decline of English-language Production in Quebec*, report prepared for ACTRA Montréal and DGC Quebec Council, June 2008, unpublished.

decreased more, proportionately, than the rest of English-language production in Canada. According to the report, “the number of certified English-language productions in Quebec has been relatively stable but has declined as a share of the number of domestic productions in Canada.”<sup>72</sup>

In terms of production volume, the data presented in this report show a certain degree of variation during this period. In Quebec, while the number of productions increased over a ten-year period, the volume, as a proportion of national production, decreased. From 71 certified projects in 1996–1997 (12% of the total national production volume), production levels fluctuated several times, reaching 99 projects in 2005–2006 (9%), their highest level in terms of number but their lowest in terms of volume, before dropping back to 63 projects in 2007–2008. In Ontario, the number of English-language productions peaked at 337 projects in 2003–2004 (30% of the total volume), then dropped to 211 productions in 2006–2007 (24%). In contrast, British Columbia, the number of projects dropped by 16, from 112 in 2004–2005 (10%) to 96 in 2006–2007, but the volume remained virtually the same (11%). The same phenomenon can be observed in French-language productions in Quebec, where the number of certified projects reached 396 in 2005–2006 (36% of the total volume) and 339 in 2006–2007 (38%).<sup>73</sup> While these projects are not all in the television sector, the vast majority of them are.

#### *Factors affecting English-language producers in Quebec*

According to *Going... Going... Gone*, while Quebec’s French-language production industry benefits from a number of factors that are specific to the Quebec market, namely, the fact that the language barrier means producers are not competing directly with American producers,<sup>74</sup> English-language production in a minority context is vulnerable to

competition from American productions and English-language productions from the rest of Canada, especially Ontario and British Columbia. These factors have given rise to a lack of work, a shrinking infrastructure and a smaller labour pool.<sup>75</sup>

Some unfavourable factors include the Quebec tax credit’s lack of competitiveness (especially compared to Ontario’s), which results in production companies moving to Toronto and Ottawa.<sup>76</sup> The CAVCO data presented in *Going... Going... Gone* indicate that the most productive provinces have increased their tax credits. From 1996 to 2006, the credits granted by Quebec to English-language film and television productions in the province largely exceeded those granted by Ontario and British Columbia to productions in those provinces. However, since 2006, these two provinces have substantially increased their grants, making certified English-language Quebec productions the least subsidized English-language productions in the country. Moreover, French-language Quebec productions receive even less than English-language Quebec productions.<sup>77</sup>

In terms of the federal tax credit granted to productions by province, the variations over the past 10 years have been negligible, both from province to province and from year to year. They vary between 9% and 11% among English-language productions and between 7% and 10% among French-language productions.<sup>78</sup>

There have also been recent changes in Ontario, in December 2007, and in British Columbia, in February 2008, including an increase in the nominal base credit rate from 30% to 35%. In Ontario, this rate increased to 45% because of the 10% regional bonus.<sup>79</sup>

#### *Funding and concentration of English-language Quebec television production*

In 2002–2003, English-language television production in Quebec funded by the CTF was worth \$15.7 million. In 2006–2007, the figure was \$16.2 million. A peak of \$24.6 million in funding was reached in 2005–2006—a small increase over 2004–2005 (\$19.7 million).<sup>80</sup> This amount represents nearly 15% of the \$165.4 million granted by the CTF to all

72 Ibid., p. 6.

73 Ibid., Table 16 for the data from 1996–1997 to 2006–2007 and CAVCO for the data from 2007–2008. The global volume corresponds to the total number of certified projects in Canada in a given year. Only data on certified projects and only English-language productions have been included. The 2007–2008 data may be incomplete.

74 Ibid., p. 10.

75 Ibid., p. 3.

76 Ibid., p. 19.

77 Ibid., Table 14, source taken from CAVCO, November 2007. Only certified projects are mentioned, and the 2006–2007 data may be incomplete.

78 Ibid. Only data on certified English-language productions have been included. The 2006–2007 data may be incomplete.

79 Ibid., p. 11.

80 CTF, *2006–2007 Annual Report*, p. 47, [www.ctf-fct.ca/assets/annualreport0607.pdf](http://www.ctf-fct.ca/assets/annualreport0607.pdf) (consulted on June 18, 2008).

English-language production in Canada. However, despite this increase in funding, English-language Quebec production has been characterized by a loss in overall value;<sup>81</sup> there are fewer projects and production costs are increasing, especially in fiction and documentary productions.

A number of production houses, including those traditionally producing work in French (e.g., Ciné Télé Action and Sphère Média Plus) have successfully produced television programs for an English-speaking public. However, as already indicated, most of these companies are located in the Greater Montréal Area. As shown in Table 3, only a small amount of the money granted by the CTF was for productions outside Montréal. In 2003–2004 and 2004–2005, no funding was allocated by the CTF to such productions.<sup>82</sup>

**Table 3**

FUNDING OF ENGLISH-LANGUAGE TELEVISION PRODUCTION BY THE CTF IN QUEBEC (IN MILLIONS OF DOLLARS), 2002 TO 2007

	Outside Montréal	Montréal	Total
2002–2003	0.2	15.5	15.7
2003–2004	0	16.6	16.6
2004–2005	0	19.7	19.7
2005–2006	0.5	24.1	24.6
2006–2007	0.2	16	16.2

Source: CTF, *Stakeholders Report 2007*, p. 28.

Note: Funding varies according to the CTF fiscal year. For interprovincial co-productions, funding is provided to the lead region. The data exclude feature films.

In conclusion, English-language Quebec television production has declined over the past three years, in line with the overall decline in Canadian production. However, a variety of factors, such as the North American market, international competition and incentives in Ontario in particular, have worsened the impact of this decline when considering the fact that English-language production in Quebec takes place in a minority context.

### 3.2 Canadian television production in a minority context: A multifaceted reality

When we talk about production in a Francophone minority context, it most often involves production houses located in the regions that usually have more capacity to create documentaries, variety programs, children’s and youth programming, or one-time broadcasts, which are more

suited to the regions. These types of programming are easier to fund than series or mini-series because they do not require a significant and ongoing investment.

To better understand all the factors that affect production in a minority context, the knowledge of a variety of industry stakeholders and spokespersons was drawn on. Several recommendations are made during the course of the analysis.

#### *Viewpoints of stakeholders*

According to the Francophone associations consulted, even though production in a minority context has seen some notable successes since 2000, many considerable challenges remain. Representatives of these organizations identify such major barriers as the remoteness of decision

81 Magnetic North Associés, op. cit., p. 12.

82 See also CTF, *Stakeholders Report 2006: The Big Picture Behind the Small Screen*, p. 10A. The numbers are approximations because they were calculated based on rounded off data from the report.

makers, under-developed infrastructures, a smaller labour pool, the difficulty of keeping experienced actors and, above all, inadequate funding (see List 2). These difficulties are compounded by the lack of outlets, the most likely buyer being Radio-Canada, even though several productions are made for TFO.

Institutional stakeholders are aware of these major barriers and identified them during the interviews. CRTC officials mentioned a list of barriers similar to those mentioned by the associations: problems related to maintaining a quality labour force, infrastructure (such as technical staff), funding and the fact that the only major buyer of French-language productions outside Quebec is Radio-Canada and, in some cases, TFO (see List 2).

According to the CTF, in addition to these factors, some provinces, including Ontario, do not provide adequate production funding programs other than tax credits.

For Radio-Canada, the question of remoteness is central. According to its spokesperson, Francophone producers who are in remote locations suffer because of the absence of decision makers and the lack of contact with them. Two years ago, in order to partly address the isolation of producers outside Quebec from the network's decision-making centre in Montréal, Radio-Canada began to hold annual meetings with the APFC to give the executive and members of the APFC a chance to meet with Radio-Canada program directors.

CBC/Radio-Canada's relationship with regional independent production partners, and in particular Radio-Canada's relationship with Francophone producers in minority contexts, has apparently improved and contact has become more frequent since their integrated programming and management structure was implemented in 2007. However, other challenges remain. For instance, in a fiercely competitive industry, it is still difficult to find evening time slots during which regional productions by CBC/Radio-Canada or independent producers that are of national interest can be showcased.

Finally, another issue at CBC/Radio-Canada, and one that lies beyond its control, relates to the CRTC's June 5, 2008 recommendation on the CTF funding allocation rules, as outlined on page 17, suggesting that private and public broadcasters be funded separately. If Canadian Heritage decides to implement this recommendation, it would put CBC/Radio-Canada public television and the producers they work with at a significant disadvantage.

Representatives from TFO raise similar problems: distance and the costs associated with maintaining relationships with Montréal and Toronto, and the lack of access to certain infrastructure (production managers, directors, etc). TFO also criticized the broadcasters for showing little interest in anything that does not come from Montréal; according to TFO's spokesperson, other television channels do not want regional content. Nevertheless, TFO works on a number of projects with various partners, including RDI, ARTV, Canal Vie and APTN.

According to Telefilm Canada's spokesperson, the main problems are finding, and especially keeping, Francophone directors, actors and scriptwriters in the regions. Technicians are less difficult to keep, because they can also work on regional English-language productions. When producers in a minority context are competing with Quebec producers on an equal footing, experience and isolation work against them, said the spokesperson. However, some things are changing: "Five years ago, French productions from outside Quebec were mostly documentaries broadcast outside prime time," a situation that has apparently changed since then. He added that, unlike Francophone producers in Quebec outside Montréal, Francophone producers in a minority context are eligible for the CTF Special Initiatives stream—and these producers are very effective politically.

The view at SARTEC is the opposite: not only do producers outside Quebec face the same types of problems as regional producers in Quebec do, but these problems are also amplified. Often, the talent outside Quebec is not part of Quebec's "star system." Buyers are limited to Radio-Canada and TVA in Montréal and TFO in Toronto. SARTEC says that producers outside Quebec have had to specialize in one-time documentaries (which do not require actors), and that they consequently rarely make series in any category.

As for the UDA, they say that obstacles arise from the fact that Francophone artists outside Quebec have not had the chance to gain the experience they need to produce major dramas. According to the UDA's spokesperson, this at least partly explains why producers outside Quebec have long seen broadcasters give preference to documentaries over fiction. Fortunately, according to the spokesperson, "that has changed in recent years because of CRTC requirements vis-à-vis TVA and Radio-Canada and because the IPOLC has also promoted initiatives for Francophones outside Quebec."

## List 2

### SUMMARY OF BARRIERS TO PRODUCTION IN A MINORITY CONTEXT, ACCORDING TO STAKEHOLDERS INTERVIEWED

– No direct contribution to producers from provincial governments / Insufficient funding
– Costs associated with maintaining relationships with Toronto or Montréal / Limited opportunities for networking with decision makers / Isolation and distance from decision makers
– Difficulty retaining experienced actors / Difficulty maintaining labour pool
– Exclusion from the central / Quebec star system
– Inadequate infrastructure (including technical staff, production managers and directors)

#### ***Importance of better coordination among stakeholders***

As can be seen, producers must deal with a reality involving both structural and symbolic demands. Furthermore, obstacles to the production and distribution of their products exist at several different levels.

Already in its report issued in February 2001, *Achieving a Better Balance: Report on French-Language Broadcasting Services in a Minority Environment*, the CRTC was aware of the situation.<sup>83</sup> It said that, to adequately meet the needs of the French-speaking OLMCs and to better reflect their reality, “a number of elements must come together. These include access to more French-language broadcasting services, increased production of quality programming and better reflection in the programs aired by conventional television broadcasters—public and private, educational, specialty and community services—most of which serve the large Francophone market of Quebec.”<sup>84</sup>

In February 2007, an audit by the Office of the Commissioner of Official Languages recommended that the CRTC develop a policy and guidelines on official languages that would demonstrate its commitment to the OLMCs and to linguistic duality.<sup>85</sup>

On July 31, 2008, in a letter to the Commissioner, the Chairman of the CRTC stated that the Commission was about to adopt an internal policy on section 41 of the *Official Languages Act*. He said that the policy’s objectives would be reflected through measures such as the establishment of an OLMC-CRTC working group. This working group would allow the CRTC and the OLMCs to identify ways and means of maximizing the communities’ participation in public processes that have an impact on their vitality and development, and of taking community realities into account in CRTC decisions.

The CRTC is holding public hearings in January 2009 on the availability and quality of English- and French-language broadcasting services in Anglophone and Francophone minority communities in Canada, as well as the measures to be taken in order to encourage and facilitate access to the widest range of these services.

The Commissioner has submitted his comments as part of this process and believes that this public hearing is a step in the right direction towards ensuring that Canadians in these communities will see programs that reflect their reality.

83 CRTC, *Achieving a Better Balance: Report on French-Language Broadcasting Services in a Minority Environment*, 2001, [www.crtc.gc.ca/eng/NEWS/RELEASES/2001/010212.htm](http://www.crtc.gc.ca/eng/NEWS/RELEASES/2001/010212.htm).

84 Ibid., para. 111.

85 Office of the Commissioner of Official Languages, *Audit of the Implementation of Section 41 of Part VII of the Official Languages Act at the Canadian Radio-television and Telecommunications Commission*, February 2007.

The Commissioner of Official Languages believes that a number of elements need to come together in order to provide better coordination among institutional and private stakeholders, in order to promote television production in a minority context and ensure this market is not left out.

In this regard, a protocol for collaboration entitled the *Agreement for the Development of Francophone Arts and Culture in Canada* has been in place since 1998, and it is expected to be renewed shortly, following a thorough evaluation in which the signatories participated in 2008.<sup>86</sup> This agreement between Canadian Heritage and a number of stakeholders provides for bilateral meetings between the senior management of federal institutions and community association representatives.<sup>87</sup> Six interdepartmental working groups associated with the agreement are currently active in the following areas: media arts (producers and directors), visual arts, song and music, theatre, publishing and cultural development. The media arts working group serves as a forum for discussing emerging trends, challenges and major issues in television and film production and new media, and for reflecting on the needs of Francophone communities. It also provides a forum for coordinating action, and developing strategies. A number of projects and partnerships among federal institutions have been established at these meetings to assist producers and directors in minority contexts. The president of the APFC serves as co-chair of this working group along with a representative of a government department or agency.

In the Commissioner's opinion, the stakeholders should take advantage of the existing coordinated strategy in order to better support the production and broadcasting of television products from OLMCs.

#### **RECOMMENDATION 1**

The Commissioner of Official Languages recommends that the Department of Canadian Heritage, working with professional associations and federal departments and agencies that are responsible for television production, strengthen their coordinated strategy in order to better support the production and broadcasting of television products from official language minority communities and overcome the barriers that have been identified.

#### ***“Regional reflections”: An ambiguous concept***

Regional television production occurs within an environment that is regulated and supervised by the CRTC in order to implement the Broadcasting Policy for Canada. However, the CRTC has no policy in place to supervise production in a minority context, preferring to proceed on a case-by-case basis when renewing licences. The obligations imposed by the CRTC are limited to the “reflection” of Canada's regions in programs, and to regional production. This approach is problematic in several ways.

One difficulty lies in the ambiguity underlying the use of the concept of “region”, as mentioned previously. The CRTC identifies as regional those French-language programs in which the principal photography took place within Canada more than 150 km from Montréal, as well as those English-language programs in which the principal photography took place within Canada more than 150 km from Montréal, Toronto or Vancouver. Thus, regional French-language production can include programs shot in Quebec, while the shooting of English-language programs in Montréal is not considered regional production. It is worth bearing in mind that regional Canadian programs are seen by the CRTC as priority programming.

While this ambiguity does affect the public broadcasters, the Radio-Canada spokesperson who participated in our study said that the aforementioned structural changes within the Corporation aimed at meeting the requirements of two sets of clients, centralized and de-centralized, has encouraged producers outside Quebec to engage in more diversified production. As a result, regional production is more concentrated than it was before on the Radio-Canada network.

The criticism that was directed at Radio-Canada in terms of there being less space available in local time slots, and the slots remaining in Western Canada, for instance, often being available because of the time difference with Toronto or Montréal has already been described. However, Radio-Canada's spokesperson says that the structural changes have not affected the public broadcaster's commitment to regional independent production (in Quebec and elsewhere in Canada). As proof, the Corporation cites the ongoing increase in investment in independent production and in the number of hours produced.

<sup>86</sup> An equivalent agreement does not exist for the Anglophone community in Quebec.

<sup>87</sup> The community organizations include the APFC, the Fédération culturelle canadienne-française, the Association des théâtres francophones du Canada and the Alliance nationale de l'industrie musicale. The federal institutions are the NFB, the Canada Council for the Arts, the National Arts Centre, Telefilm Canada, Radio-Canada, etc. Some meetings are attended by representatives of specialized agencies, along with Canadian Heritage.

To give another example, in its 2006–2007 annual report to the CRTC, RDI said that one-third of the original programs and features that were broadcast came from the regions, but it did not provide details on whether these productions were made outside Quebec.<sup>88</sup>

Regarding English-language television, the same question arises, but in a different way. Besides the CBC, Quebec has two stations: one broadcasting Global network programs,<sup>89</sup> and the other broadcasting CTV network programs. Both stations are located in Montréal. Neither Global nor CTV has a licence condition relating to television production in a minority context. However, in their reports to the CRTC regarding independent production of priority programming in 2005–2006, Global said that it purchased 42.5 hours of programming produced in Quebec, whereas, in 2006–2007, it purchased only 39 hours. CTV, in 2005–2006, purchased only 6 hours of programming produced in Quebec, and 9.5 hours in 2006–2007.<sup>90</sup> All the Quebec production houses that made these programs are located in the Montréal area. The licence conditions for Global and CTV mention only the broadcasting of Canadian priority programming.<sup>91</sup> Thus some of the programs made by production houses located in Montréal may not be considered by the CRTC as priority programming, even though they are in the English language and in a minority context, because they are not regional programs.

A second difficulty stems from the question of who is responsible for producing regional programs or programs produced outside the major centres. In order to ensure that the regions are reflected, the CRTC states, in some decisions, that it expects licensees to broadcast programs that reflect all regions of Canada. It also expects producers working outside the major production centres to have an opportunity to produce programs that will be broadcast.<sup>92</sup> However, it does not clearly state whether these regionally reflective programs must be made by production houses located in the regions or even whether a certain percentage of these programs must be made by producers from minority Anglophone or Francophone communities.

A third and significantly more important problem arises from the fact that the expectations of the CRTC are generally not included in the licence conditions for broadcasters. As a result, the broadcasters have no obligation to comply, either financially or in terms of their broadcasting activity.

Lastly, it should be pointed out that additional effort is still required if consideration of official languages is to become a reflex and be fully integrated into all of the CRTC's practices and policies. It should be kept in mind, as was stated in the first section of this report, that, even very recently, in its public notice on new distribution regulations (2008-100), the CRTC did not take into account OLMCs in metropolitan areas when it created the LPIF.

### ***Need for a policy framework for production in a minority context***

In 2001, the CRTC recognized the importance of making more use of independent producers from outside Quebec. In *Notice 2001-25*, the CRTC encouraged “the various stakeholders to continue their efforts to increase the number of original productions originating in French-language minority communities and aired by Canadian broadcasters. The Commission encourages the licensees of French-language conventional services, and those of the new specialty services that are to be distributed across Canada in digital mode, to make greater use of independent producers from outside Quebec.”<sup>93</sup>

The Commissioner is of the opinion that the CRTC should clarify the concept of “regional reflection” by developing a clear policy to this end. The new policy should make a clear distinction between producing regional programs in the majority official language and producing regional programs in the minority official language. The licence conditions of the various Canadian broadcasting services should take into account this distinction.

In addition, the CRTC should encourage all Canadian broadcasting services to make commitments with respect to the development and acquisition of French-language programs produced outside Quebec and English-language programs produced in Quebec, including a certain percentage produced outside of Montréal.

88 See CBC/Radio-Canada, *Rapport annuel au CRTC, le Réseau de l'information, pour la période de radiodiffusion 2006-2007*, p. 1, [www.crtc.gc.ca/eng/bcasting/ann\\_rep/annualrp.htm](http://www.crtc.gc.ca/eng/bcasting/ann_rep/annualrp.htm).

89 The activities of Global Television, formerly in Québec City, returned to their Montréal studio in 2005-2006.

90 For CTV, see CTV Inc., *Priority Programming Independent Production Activity Report for 2005/06*, [www.crtc.gc.ca/eng/bcasting/ann\\_rep/ctv\\_r4.pdf](http://www.crtc.gc.ca/eng/bcasting/ann_rep/ctv_r4.pdf); CTV Inc., *Independent Production Activity Report for 2006/2007*, [www.crtc.gc.ca/eng/bcasting/ann\\_rep/annualrp.htm](http://www.crtc.gc.ca/eng/bcasting/ann_rep/annualrp.htm) (under “Licence Renewals” 2007) (consulted on June 18, 2008). For Global, see CanWest Global Communications Corp., *Independent Production Activity Report 2007*, [www.crtc.gc.ca/eng/bcasting/ann\\_rep/annualrp.htm#CanWest](http://www.crtc.gc.ca/eng/bcasting/ann_rep/annualrp.htm#CanWest) (consulted on June 18, 2008).

91 See broadcasting decisions CRTC 2001-457 (CTV) and 2001-458 (Global) on the CRTC's Web site at the following address: [www.crtc.gc.ca/eng/public/2001/8045/decisions02.htm](http://www.crtc.gc.ca/eng/public/2001/8045/decisions02.htm).

92 These expectations are expressed in CRTC decisions on the specialty channels Séries+, Ztélé, Historia, Canal D, Canal Évasion and VRAK-TV.

93 Op. cit., *Public Notice CRTC 2001-25*, par. 147.

## RECOMMENDATION 2

The Commissioner of Official Languages recommends to the Canadian Radio-television and Telecommunications Commission that it:

- a) develop a specific policy which will:
  - clarify the concept of regional reflection;
  - distinguish between the production of regional programs in the majority official language and the production of regional programs in the minority official language;
- b) encourage all Canadian broadcasting services to make commitments regarding the development and acquisition of French-language programs produced outside Quebec and English-language program produced in Quebec, including a certain percentage produced outside of Montréal.

### Compliance in licensing

The TVA, CTV and Global networks are subject to mandatory national distribution. According to the *Broadcasting Act*, a broadcasting licence is granted for a period of seven years, and it can only be amended during the first five years if the holder so requests. In addition, the CRTC may proceed with the administrative renewal of a licence for an additional period of one or two years, as was the case with the main general interest channels in 2006.<sup>94</sup> It may therefore be difficult to correct the deficiencies of certain television services during their licence period, unless they fail to comply with the conditions set forth in their licence.<sup>95</sup>

The Commissioner is of the opinion that when the CRTC approves the national distribution of a television service, the service should be subject to specific licence conditions on the broadcasting of programs produced in an official language minority context. He would like to point out that the Canadian broadcasting system makes use of frequencies that are public property and provides, through its programming, an essential public service.<sup>96</sup>

### TVA: Qualified commitments

In 1998, the CRTC approved the national distribution of TVA<sup>97</sup> and imposed licence conditions to reflect the Francophone communities outside Quebec. TVA was thus required to

- broadcast a minimum of six special events per year reflecting the Francophone reality outside Quebec;

- include a weekly 30-minute program on Francophone life outside Quebec in its programming;
- reinvest at least 43% of the excess of its revenues over expenses related to the expanded distribution of its service outside Quebec on the improvement of programming for Francophones outside Quebec (this commitment was over and above any other commitment made in connection with programming expenditures for the six special events and the weekly program mentioned above, or for the expanded news coverage discussed below);
- file with the CRTC, by no later than November 30 of each year, a detailed annual report showing revenues and expenditures related to the expanded distribution of its service outside Quebec for all or part of the broadcasting year ending on the preceding August 31;
- file with the CRTC, by no later than November 30 each year, the results of an audit performed by an independent external auditor for all or part of the broadcasting year ending on the preceding August 31, certifying that financial statements related to the expanded distribution of its service outside Quebec are accurate.

That same year, the CRTC asked TVA to expand its news coverage in order to better serve Francophones living outside Quebec. TVA said that it would be working with the Alliance des radios communautaires (ARC) and the Association de la presse francophone (APF) for this purpose. However, the APF has told us that, since 1998, TVA has never proactively sought opportunities to work with its organization. Since 2001, only Productions Rivard of Winnipeg has approached the APF once or twice in connection with setting up the Web site *Via TVA en ligne*. However, the APF says that it has never been consulted by TVA's advisory committee on programming. The ARC reports that it had established a worthwhile partnership with TVA in 1998 for a period of two years; however, this partnership was not renewed.

Three years later, in 2001, upon the renewal of TVA's licence, the CRTC maintained the first five conditions of TVA's national mandate without any further requirements.<sup>98</sup> In paragraphs 18 to 21 of its decision, the CRTC even noted that TVA was developing a strategy to

94 Before renewing general interest licences, the CRTC is required to review certain aspects of the television policy (*Broadcasting Notice of Public Hearing CRTC 2006-5*). For example, CBC/Radio-Canada obtained an administrative renewal of its licence until 2008.

95 According to section 24 of the *Broadcasting Act*, the CRTC may revoke or suspend a licence after a public hearing if the licensee has contravened or failed to comply with any condition of the licence.

96 *Broadcasting Act*, S.C. 1991, c. 11, paragraph 3(1)(b).

97 See *Broadcasting Decision CRTC 98-488*.

98 See *Broadcasting Decision CRTC 2001-385*.

appeal to more independent producers outside Quebec—something that should have already been done. The Commissioner feels that TVA's obligations to reflect the Francophone communities outside Quebec are minimal and that they should have been expanded in 2001.

In its report to the CRTC on tangible benefits<sup>99</sup> for the year 2004–2005, TVA lists all the priority programming it broadcast between August 30, 2004 and August 28, 2005, representing a value of \$18 million. None of these programs were produced outside the Montréal area.<sup>100</sup> Yet in this same report, TVA says that, since 2001, it has committed a total of \$1 million to support the development of concepts and scripts outside Quebec and that it has set aside \$4 million per year for creators and production companies outside Quebec.

The Commissioner is of the opinion that, when licensees make specific commitments to the development and acquisition of programs produced in a minority context, these commitments should be included in their licence conditions. He believes that, in the absence of clear commitments and specific licence conditions, there would be very little demand from broadcasters for independent productions coming from OLMCs.

The Commissioner maintains that the CRTC should more rigorously monitor the annual reports submitted by its licensees with respect to the development and acquisition of programming produced in a minority context.

### **RECOMMENDATION 3**

The Commissioner of Official Languages recommends that the Canadian Radio-television and Telecommunications Commission formulate a policy in order to define the minimum commitments to be made by major media conglomerates (those authorized to operate in several provinces with a potential reach of more than 70% of the audience in their language of operation) in order to reflect the reality of official language minority communities and meet their needs. These commitments should be included in licence conditions.

### **RECOMMENDATION 4**

The Commissioner of Official Languages recommends that, at the time of licence renewal, the Canadian Radio-television and Telecommunications Commission monitor licensees more rigorously when they have commitments or licence conditions with respect to developing and acquiring programs produced in the minority official language.

### **Radio-Canada: Unregulated commitments to reflecting OLMCs**

Under paragraph 3(1)(m) of the *Broadcasting Act*, CBC/Radio-Canada programming should

reflect Canada and its regions to national and regional audiences, while serving the special needs of those regions [and] be in English and in French, reflecting the different needs and circumstances of each official language community, including the particular needs and circumstances of English and French linguistic minorities.<sup>101</sup>

In 2000, as part of the renewal of its licence for French-language television,<sup>102</sup> Radio-Canada made certain commitments regarding the reflection of Francophone communities in its programming. In particular, it undertook to spend \$7 million over the licence period on independent regional productions for network broadcast.<sup>103</sup> As well, it proposed to increase the minimum time devoted to regional productions broadcast on the network from five to six hours per week in 2003–2004, and to seven hours per week in 2006–2007.

In its decision, the CRTC said that CBC/Radio-Canada, “like all national institutions [...] must forge links and create opportunities for dialogue and exchange between French-language communities.”<sup>104</sup> However, the CRTC decided not to impose regional production licence conditions on Radio-Canada. It justified this decision by recognizing “that the pool of expertise in program production is presently less extensive outside Montréal and Québec, where there are large concentrations of Francophones.”<sup>105</sup>

99 See [www.crtc.gc.ca/eng/bcasting/ann\\_rep/annualrp.htm](http://www.crtc.gc.ca/eng/bcasting/ann_rep/annualrp.htm).

100 TVA did mention that it had purchased the broadcasting rights for *Destination Nor'Ouest* for \$1.2 million. This is a program produced by Productions R. Charbonneau of Ottawa. The eight-episode documentary was broadcast by TVA in 2006.

101 *Broadcasting Act*, S.C. 1991, c. 11, sub-paragraphs 3(1)(m)(ii) and (iv).

102 See *Decision CRTC 2000-2*.

103 Added to this amount was a contribution from the CTF 2006–2007 English-language envelope. The volume of co-productions with the CBC is valued at \$1,031,672 for four programs: *Gofrette*, *Jim l'Astronaute*, *Ludovic* and *Mon PoiSon rouge*.

104 See *Decision CRTC 2000-2*, par.11.

105 See *Decision CRTC 2000-2*, par.16.

As was mentioned earlier, Radio-Canada has several achievements in producing and broadcasting products originating from OLMCs, mainly through joint productions. CBC/Radio-Canada's *Results-Based Status Report on the Implementation of Section 41 of the Official Languages Act, 2006–2007*<sup>106</sup> refers to the production of two short dramas in partnership with Telefilm Canada and the NFB, under the IPOLC: *Ben voyons Camille!* by Witness Productions of Vancouver and Productions Rivard of Winnipeg, and *La Voisine* by Productions Phare-Est of Moncton. For the last few years, Radio-Canada has been broadcasting the animated films of winners of the AnimAcadie competition, in partnership with the Acadia studio of the NFB.<sup>107</sup> Since 2004, the young winners have been asked to produce their works along with the NFB group and an independent producer. These productions are then presented at the Festival international du cinéma francophone en Acadie.<sup>108</sup>

Regarding RDI, the CRTC approved an increase in the subscription fee upon renewal of its licence.<sup>109</sup> RDI had indicated that it would use the proceeds from this increase to “better reflect the different regions of Canada [by] increasing live coverage of events in Northeastern Quebec, Southern Ontario and Western Canada.”<sup>110</sup> The CRTC has included these commitments in the licence conditions for RDI, stating that

RDI programming shall reflect the concerns of each of the principal Francophone regions in Canada identified by the CBC as: Atlantic Canada, Quebec, Ontario and Western Canada. To this end, the licensee shall ensure that at least one-third of all of the original programs distributed by RDI each broadcast year are regional productions either produced by the CBC's own stations in the regions or by RDI's regional associates. Each region concerned shall be identified in the program logs.<sup>111</sup>

However, RDI's annual reports to the CRTC do not contain the necessary information for tracking its programming and verifying the reflection of Francophone communities in Canada's regions.<sup>112</sup> One must look at various other reports by CBC/Radio-Canada and even the CTF, in order to identify production initiatives in a minority context, whether English or French.

### ***The CBC and minority Anglophone production***

At the time of renewal of the CBC's licence for English-language television,<sup>113</sup> the CRTC expressed concern about the predominance of programs from Toronto. The CRTC therefore imposed on the CBC, as a licence condition, a requirement to broadcast a weekly minimum average of six hours of regional programming in which the principal photography takes place over 150 km away from Toronto.<sup>114</sup> However, the decision made no reference to the production and broadcasting of English-language programs from Quebec.

For its 2004–2005 report to the CRTC, the CBC drew up a list of its achievements in regional programming for each province. In that regard, it mentioned that it had broadcast numerous English-language documentaries made in Quebec.<sup>115</sup>

The licence conditions for CBC Newsworld do not mention regional programming.<sup>116</sup> The decision does however signal CBC Newsworld's commitment to creating a weekly program about the lives of Canada's Francophones and to working with RDI to increase the number of episodes of *Culture Shock*.<sup>117</sup>

The CBC maintains that it produces, in Quebec, a combination of new English-language programs, documentaries, short films, television series and specials. Although some productions are aimed at regional viewers, others are for broadcast on the national network. For example, Townshippers' Day in the Eastern Townships is featured on programs on the national network (*Canada Now*).<sup>118</sup>

106 See [www.cbc.radio-canada.ca/docs/languages/index.shtml](http://www.cbc.radio-canada.ca/docs/languages/index.shtml).

107 Radio-Canada/CBC-Atlantic Region, Prince Edward Island, in relation to the implementation of section 41 of the *Official Languages Act, 2005–2006*.

108 Also refer to the CTF's report on Radio-Canada's contributions to French-language productions outside Quebec (\$3.1 million) for a list of projects that receive funding for each fiscal year. For 2006–2007, see [www.ctf-fct.ca/assets/archives/0607/fundingFLPOQ-SRC0607.pdf](http://www.ctf-fct.ca/assets/archives/0607/fundingFLPOQ-SRC0607.pdf) [available in French only] (consulted on June 6, 2008). Statistics as of April 24, 2007.

109 See *Decision CRTC 2000-3*.

110 See *Decision CRTC 2000-3*, par. 13–14.

111 See *Decision CRTC 2000-3*, Appendix, Part II, par. 3.

112 CBC/Radio-Canada, *Annual Report to the CRTC, 2005–2006*, p. 2, [www.crtc.gc.ca/eng/bcasting/ann\\_rep/annualrp.htm](http://www.crtc.gc.ca/eng/bcasting/ann_rep/annualrp.htm).

113 See *Decision CRTC 2000-1*.

114 See *Decision CRTC 2000-1*, Appendix, Part I, par. 1.

115 CBC/Radio-Canada, *Status Report and Action Plan 2004–2005*, p. 10.

116 See *Decision CRTC 2000-3*, Appendix, Part I.

117 See *Decision CRTC 2000-3*, par. 12.

118 Regional Services Branch, June 25, 2008.

As for English-language programming in Quebec, the CBC provides the following:

- Local news and public affairs programs that are produced locally and anchored from Montréal;
- Documentaries: the CBC is launching the sixth season of a development initiative with the NFB and communications faculties. Twenty-three short documentaries were produced by Montréal CEGEP and university students as part of an NFB-CBC training initiative called Doc Shop (supported by the CBC's Regional Program Development Fund);
- Non-news programming: *Living Montreal*, produced in Montréal and broadcast throughout Quebec, is a guide to living in Quebec's largest and most cosmopolitan city.

Since June 2003, English-language television has also been producing programming in Montréal for children and for the CBC Kids national programming schedule. The latest initiative is called *Kids Across Canada* and presents short documentaries featuring children from all parts of the country telling young viewers about their lives and communities. This series of 13-minute documentaries is coordinated from Montréal.

Finally, CBC Montréal uses its regional program development fund to support emerging filmmakers. Through initiatives such as the *Sprint For Your Script* competition and in partnership with the Société de développement des entreprises culturelles (SODEC), Télé-Québec and the Writers Guild of Canada, CBC offers a cash prize for the best English-language short film script. For the past two years, the CBC has also supported the development and authorized the broadcast on *Canadian Reflections* of the grand prize winner of the *Sprint For Your Script* competition.

### **Program development**

CBC Montréal works with independent Quebec producers on project development, pitch support and production. It makes use of its credits from the Regional Program Development Fund to develop a range of projects in the main CBC/Radio-Canada genres, such as documentaries and programs on arts and entertainment.

There is also an online CBC monthly newsletter, *i-Wire*, which provides information to the independent Quebec production community, highlighting programming news, personnel decisions, industry events and other pertinent information.<sup>119</sup>

That being said, it should be kept in mind that, in all the reports submitted by CBC/Radio-Canada to the CRTC, Canadian Heritage and Parliament, it is difficult, if not impossible, to identify specific expenditures on regional programs in the minority official language, including the \$7 million mentioned previously for independent regional productions.

As a result, the Commissioner is of the opinion that the public broadcaster should show greater transparency in order to fully meet its obligations under the *Official Languages Act*. CBC/Radio-Canada's reports on the implementation of section 41 of the *Official Languages Act* and its reports to the CRTC should include a breakdown of expenditures for official language programs in a minority context and include the number of hours of programming. CBC/Radio-Canada should also indicate whether these programs are broadcast during peak hours and identify those which are broadcast over the national network.

#### **RECOMMENDATION 5**

The Commissioner of Official Languages recommends that CBC/Radio-Canada provide a more detailed report to the Canadian Radio-television and Telecommunications Commission on its expenditures for official language programming in a minority context.

The report should include a breakdown of expenditures for official language programs in a minority context, the number of hours of programming and information on whether these programs are broadcast during peak hours and whether they are broadcast over the national network. This information could be repeated in its report to Canadian Heritage on the implementation of section 41 of the *Official Languages Act*.

119 The newsletter is available at the following address: [www.cbc.ca/montreal/features/independentproducers/newsletter.html](http://www.cbc.ca/montreal/features/independentproducers/newsletter.html).

### ***Production in a minority context: An equitable place within the CTF***

As mentioned in the first section of this report, in 2006, Canadian Heritage eliminated the seat it had reserved for an APFC representative on the CTF's board of directors, in order to avoid possible conflicts of interest.

In the eyes of the APFC, this situation is unfair, given that other organizations with a similar mandate were able to keep their seats on the Board. One wonders why associations representing the producers in one region or from the entire country can participate in the meetings of the CTF's board of directors, while an association with a similar mandate and objectives regarding producers outside Quebec is excluded. The absence of representatives from OLMCs deprives the Board not only of important information about production conditions in minority communities, but also of a broader vision of Canada's Francophone reality. It would seem obvious that producers from OLMCs should have adequate visibility within a key organization that supports Canadian television production. According to the APFC, their exclusion from the CTF's board of directors has resulted in decisions that have made their situation more difficult.<sup>120</sup> The Commissioner is aware of the APFC's concerns and he is of the view that the special situation of official language producers in a minority context needs to be taken into account.

#### **RECOMMENDATION 6**

The Commissioner of Official Languages recommends that the Department of Canadian Heritage ensure there are members who understand the unique issues of production in a minority context on the Canadian Television Fund's board of directors.

### **Summary**

Television production in a minority context is a multifaceted reality that must be taken into account by decision makers.

Francophone producers have made real progress in recent years thanks to the financial support of the CTF and Canadian Heritage. It is important that they be able to build on this momentum.

In order for the television landscape to give the expression of OLMCs its rightful place, the Commissioner is proposing that certain key players take a variety of actions. He recommends the following:

That the Department of Canadian Heritage

- Review its coordinated strategy in order to better support the production and broadcasting of television products produced by OLMCs. This review should be carried out in cooperation with the other federal stakeholders and producer representatives.
- Ensure the CTF's board of directors includes members who understand the issues involved in official language production in a minority context.

That the CRTC

- Develop a policy aimed at better defining the minimum commitments that the major media conglomerates should make in order to adequately reflect OLMCs and meet their needs. These commitments should be included in licence conditions.
- Develop a clear policy that clarifies the distinction between the production of regional programs in the majority official language and production from the OLMCs.
- Monitor licensees more rigorously when renewing their licences if these licensees have commitments or licence conditions related to the development and acquisition of programs produced in the minority official language.

That CBC/Radio-Canada

- More clearly present the expenditures that are related to regional official language programs in a minority context.

The Commissioner believes that the implementation of these recommendations would increase the production and broadcasting of television products and provide a better overview of productions from OLMCs, allowing them to fully contribute to the Canadian television landscape.

<sup>120</sup> The APFC claims that, ever since 37% of the CTF's envelope has been reserved for CBC/Radio-Canada, the latter has not followed the same genre rules as those governing the production envelope for French-language production outside Quebec. This, they say, allowed the national public broadcaster, for example, to stop investing in independently-produced youth programs produced in a minority context between 2003 and 2007.

## SECTION IV

### FRENCH EXPRESSION ON CANADIAN TELEVISION: ORIGINAL PRODUCTION AND DUBBING

#### 4.1 Shadows over French-language programming

It would be easy, when reading data from the CTF, to think that Canadian television in French is generally doing well. In most priority categories, the Francophone public shows a greater appetite for Canadian programming than Anglophones do. According to 2004 data from Statistics Canada, the former devote 65.2% of their television viewing to Canadian programming, regardless of language, compared with 27.6% of their Anglophone counterparts.<sup>121</sup> Data from Canadian Media Research Inc. (CMRI) paint the same picture: between 2000 and 2006, ratings from Quebec Francophones for programs in French remained high, ranging from 86.7% to 87.8%.<sup>122</sup>

However, if we move beyond appearances, we find some problems with French-language programming. According to the previously mentioned report by SARTEC and the UDA,<sup>123</sup> the situation is particularly alarming for children's and youth programming, particularly when it comes to animation.<sup>124</sup> The SARTEC/UDA report shows the following:

- The proportion of projects scripted in English is on the rise;
- English is still predominant when the majority co-producer is Canadian;
- More and more projects are being scripted in English when the majority co-producer is French-speaking.<sup>125</sup>

The report's criticisms include the following:

- Of \$1.4 billion (for "national" productions and co-productions) devoted to animation from 1994 to 2004, French-language series represented only 10.9%, and most often they were co-productions scripted in France, not Quebec;

- The greater the Canadian control over an animation production, the smaller the Francophone presence (2.5% of \$692 million);
- In the case of so-called 100% Canadian programs, if the usual ratio of 30% Francophone/70% Anglophone had been observed, the industry would have received \$207 million instead of a meagre \$17 million.<sup>126</sup>

An overview of all programming aimed at children and youth on Télétoon, VRAK-TV, Radio-Canada and Télé-Québec in the fall of 2004 revealed the following:

- Nearly nine in 10 youth series were written abroad or in English;
- Over two-thirds (68%) used no Canadian Francophone actors;
- The majority of Canadian programs were dubbed abroad;
- Even among programs supported by the CTF, 40% were dubbed abroad.<sup>127</sup>

Finally, the SARTEC/UDA report states that many programs for children and youth broadcast in French are in fact recycled English-language works. In fact, the programming of French-language channels is made up in large part of dubbed English-language works. This practice "[translation] allows these channels to meet their original broadcasting quotas by recycling English-language works into French-language versions, which are often dubbed abroad."<sup>128</sup> According to SARTEC and the UDA, there are several explanations for this state of affairs, and they claim that "[translation] federal institutions are often at the heart of the problem and its solution." For example, in animation

[translation] [g]enerally speaking [...], public funding has been granted through tax credits, which, except in rare cases, do not provide a breakdown by language for investments. All audio-visual production could

121 Statistics Canada, *Television Viewing*, Tables 2a, 2b, No. 87F0006XIE.

122 Barry Kiefl, op. cit., p. 22.

123 SARTEC/UDA, *Séries jeunesse et animation*, 2005.

124 Likewise, in *Profile 2007*, the CFTPA states that most works for children and youth target the Anglophone market.

125 SARTEC/UDA, *Séries jeunesse et animation*, 2005, p. 3.

126 SARTEC/UDA, *Séries jeunesse : Le jeune public francophone dépossédé de sa culture et privé de ses artistes*, news release, Montréal, February 15, 2005, p. 1.

127 Ibid.

128 SARTEC/UDA, *Séries jeunesse et animation*, 2005, p. 23.

be in English, and this would have no effect on the structure of this mode of funding, which is based on expenditures and purports to be completely “objective” and automatic.<sup>129</sup>

According to Canadian Heritage, fiscal measures and tax credit programs are intended to be objective financial tools, not subjective funding mechanisms. SARTEC and the UDA believe that objective funding mechanisms, weighted by some selective mechanism, would be necessary to ensure equitable treatment of French-language programming in terms of investments. In this regard, the SARTEC/UDA report is critical of certain CRTC rules and certain CTF and Canadian Heritage policies.<sup>130</sup>

In light of the remarks made by SARTEC and the UDA, as well as other concerns expressed by Francophone communities on the subject, the Commissioner felt that it was appropriate to further analyze the matter. The following sections present a brief analysis of these issues and their impact on the production of original programming for children. The topics covered include production (i.e., the fact that few original Canadian works are produced in French for children and youth), broadcasting (specifically the use of English-Canadian products that are dubbed in French, often abroad) and funding (specifically, the use of a portion of the CTF's French-language envelope to defray the cost of animation series in English).

Along the way, recommendations are made to help Canadian television industry organizations develop solutions aimed at improving French-language programming for Francophone children.

## 4.2 Production and co-production of youth and children's programming in French

### ***Success of Canadian programs for children***

Television is an important component of young people's lives in Canada. According to data from BBM-PPM (spring 2007), those aged 2 to 17 spend 24.5 hours per week watching television.<sup>131</sup> These numbers, according to *The Case for Kids Programming* along with data from CMRI, have been growing for at least the past 10 years.<sup>132</sup>

The Canadian Film and Television Production Association (CFTPA) report praised Canadian children's and youth programming, especially its success both domestically and internationally. Programs such as *6Teen*, *Caillou*, *Atomic Betty*, *Franklin*, *Life with Derek* and *Radio Free Roscoe* are some of the Canadian productions being watched around the globe.

As for the domestic market, in 2004–2005, youth programming produced in Canada accounted for four out of the 10 most popular programs in English, for all audiences combined. In the case of Francophones, this success is even greater, with these programs occupying six of the top 10 positions, including the first three spots.<sup>133</sup>

### ***Decreased production of original programming in French***

Between 1999–2000 and 2005–2006, the production of Canadian works for children, regardless of language, dropped steadily from \$380 million to \$275 million (see Figure 1). In contrast, in 2006–2007, production increased slightly, by \$69 million compared to the previous year, climbing to \$344 million. This rise is the result of a significant increase in English-language animation production, which represents 94% of the genre.

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129 Ibid., p. 21.

130 Ibid.

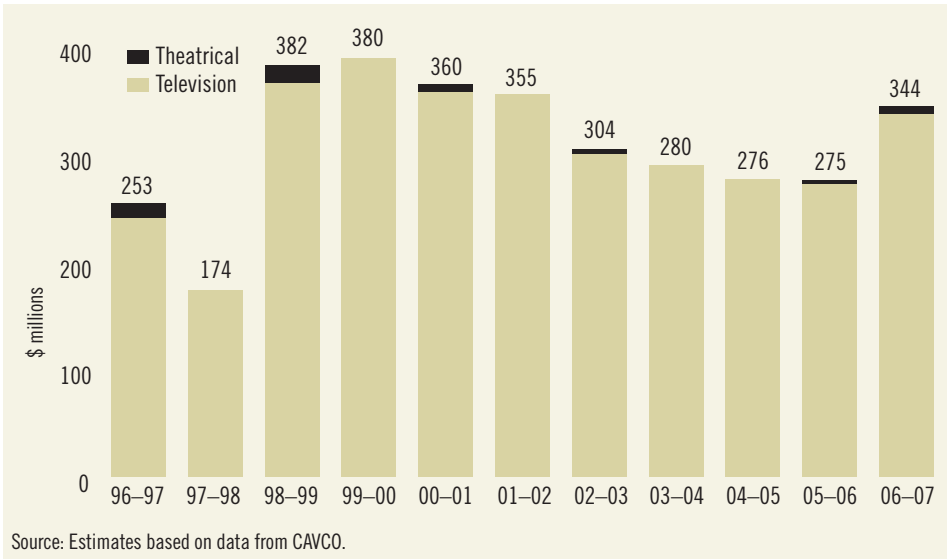
131 Alliance for Children and Television, *Oral presentation to the CRTC Regarding the Proceedings on the Canadian Television Fund (CTF) Task Force Report*, Ottawa, February 6, 2008, p. 4.

132 Nordicity Group Ltd., *The Case for Kids Programming: Children's and Youth Audio-Visual Production in Canada*, February 2007, p.18, [www.act-aet.tv/pdf/the\\_case.pdf](http://www.act-aet.tv/pdf/the_case.pdf); See also Barry Kiefl, op. cit., p. 18.

133 Nordicity Group Ltd., *The Case for Kids Programming*, 2007. Note also that according to the BBM-PPM data, the programs most watched by 2–11 year olds in the fall of 2007 were *Kaboom*, *Toc toc toc* and *Ramdam*, all on Télé-Québec.

**Figure 1**

TOTAL VOLUME OF CHILDREN'S AND YOUTH PRODUCTION



Source: Estimates based on data from CAVCO.

Source: CFTPA et al., *Profile 2008*, p. 25.

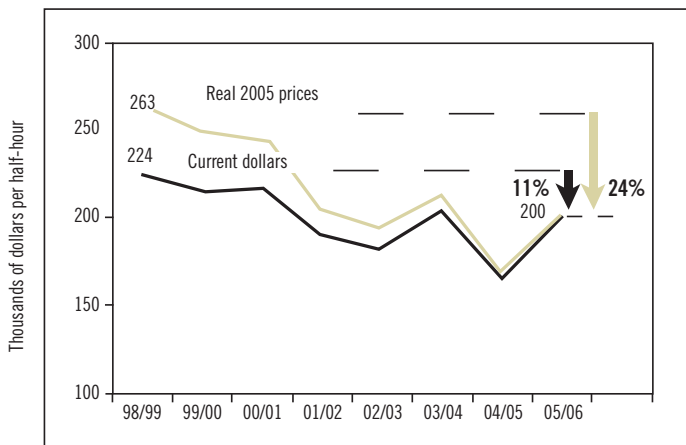
A closer look at the figures for 2006–2007 shows that 85% of youth programming was produced in English, in contrast to 15% in French. In 2005–2006, the proportion according to language was 80% in English, 15% in French and the remaining 5% in other languages.<sup>134</sup>

Overall budgets for programming have decreased. The CFTPA report states that between 1998–1999 and 2005–2006, the average half-hour budget for producing

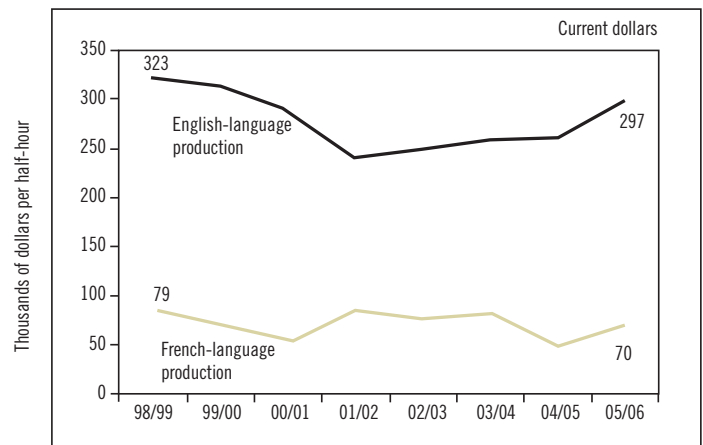
both children's and youth programming dropped by 11% in current dollars. Based on 2005 prices, it dropped by 24% (see figures 2 and 3). The report also notes that the budgets for children's and youth programming in French are significantly less than those for programming in English, which makes it difficult to develop original French-language programming that can be exported.

**Figures 2 and 3**

AVERAGE BUDGETS FOR PRODUCTION OF TELEVISION PROGRAMS IN ENGLISH AND FRENCH FOR AUDIENCES UNDER 18 IN CANADA BETWEEN 1998 AND 2006



Source: Nordicity Group Ltd., *The Case for Kids Programming*, 2007, p. 8.



134 CFTPA et al., *Profile 2008*, p. 26.

An examination of children’s and youth programming by language and format shows that English-language works account for a very large proportion of animation works. Between 2005–2006 and 2006–2007, the volume of English-language animation works rose from \$146 million to \$209 million, up from 67.3% to 74.3% of the amount allocated to the genre for English-language productions (see Table 4). French-language works for children and

youth consist mainly of live-action programs.<sup>135</sup> In 2006–2007, this genre represented close to three-quarters of French-language children’s production, representing \$38 million compared with \$14 million for animation. Even though the proportion of animation in French remained low in 2006–2007, it is still double the \$7 million it represented in 2005–2006.

**Table 4**

VOLUME OF CHILDREN’S AND YOUTH PRODUCTION, BY LANGUAGE AND FORMAT

(\$ millions)	05–06			06–07		
	Live Action	Animation	Total	Live Action	Animation	Total
English	70	146	217	84	209	292
French	40	7	46	38	14	52
Total	110	153	263	122	223	344

Source: Estimates based on data from CAVCO.  
 Note: Totals exclude production in bilingual format or other languages.

Source: CFTPA, *Profile 2008*, p. 26.

Thus, it can be seen that, despite their popularity, the production of Canadian programs for youth has significantly declined since 1999. However, in 2006–2007, the situation had nearly turned around. It remains to be seen whether the recent increase in production will continue. Moreover, Canadian French-language productions receive only a small share of budgets. And while works in English consist mainly of animation, this genre is virtually absent on the French side.

**Reasons for concern**

Despite the slight increase in 2006–2007, the decline in the production of French-language programs between 1998 and 2006 is a source of concern for SARTEC and the UDA. They have indicated that any decrease, no matter how small, in the already low level of production of French-language programs creates a “[translation] scarcity of original productions that capture and reflect the imagination and culture of Francophones [...]. The decline

in original French-language programs in the areas of animation and youth programming does not bode well for the future of our French-language television system.”<sup>136</sup>

According to SARTEC and the UDA, the decline is partly attributable to the CRTC’s 1999 television policy.<sup>137</sup> As noted previously, the CRTC had removed the time credits for programs broadcast during children’s peak hours. Thus, in the absence of incentives from the CRTC, the private general interest channels have abandoned children’s programming, which is now left to public and specialty channels.

According to the APFTQ, in order to better understand the reasons for the low level of Francophone production in this genre in Canada, the economics of animation production has to be put into context. Firstly, the APFTQ states that close to 95% of Quebec animation production is carried out via international co-productions because the Canadian market is too small and the production costs are too high. Also, due to its lower capacity for funding, Canada often becomes a minority partner in international

135 Live-action programs are productions that present real actions.  
 136 SARTEC/UDA, *Séries jeunesse et animation*, 2005, p. 7.  
 137 See *Public Notice CRTC 1999-97*.

co-productions, and therefore has less decision-making power. Lastly, because of the costs incurred with this genre, it is necessary to export productions to make them profitable; however, the international market is largely Anglophone.

The lack of interest in producing children's programs may also be linked, at least in part, to Quebec's *Consumer Protection Act* of 1980, which prohibits any commercial advertising directed at children under 13. The lack of advertising income puts downward pressure on the production of original programming in French for children and youth. The private general-interest French-language channels TVA and TQS, whose income is derived solely from the sale of advertising, have stopped broadcasting original programming for children. However, the Quebec legislation is not the sole cause of this phenomenon because the private general-interest English-language channels elsewhere in Canada are hardly making any programs for children either.

According to the APFTQ, another reason for the scarcity of original French-language animation productions is the previous UDA-APFTQ collective agreement that was in effect until 2007. The agreement did not include any provisions for animation and was considered to be very disadvantageous for French-language animation production, compared to the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA) agreement for English-speaking actors. The residual rights required for the exploitation of works were much more expensive in French, which could have influenced a producer's decision to produce in English instead. The UDA has apparently accepted certain amendments to the agreement in order to promote original French-language production. The APFTQ maintains that the new collective agreement, in effect since 2008, is more favourable to this genre, since it has eliminated any significant differences between Anglophone and Francophone production. Radio-Canada agrees, saying that the rates are better suited to the realities of animation work and allow, for example, for discounts during the filming of several programs and shorter sessions.

It should also be noted that, in 2005, in connection with the introduction of incentives for French-language dramas, the CRTC recognized the importance of original Canadian drama for young people and tried to remedy the situation through the following measure:

In light of the interventions, and based on French-language market considerations, the Commission agrees to include drama programming directed to the 13 to 17 age group in original Canadian drama programs directed to children and youth that are eligible for additional advertising minute rewards, despite the fact that they are not broadcast during peak hours, provided that the programs meet the following criteria:

- they reflect and address the realities of this age group;
- the lead performers are from this same age group; and
- the programs are aired at times appropriate to this audience.<sup>138</sup>

The question remains whether this incentive will be sufficient to correct the situation, since the new rules do not require more original programming to be produced in French and they require no change with regard to programs directed at children under 13. It should be added that, at present, most live-action programs are directed at children over 13. Younger children are mostly provided with animation series and little or no access to programs that represent them.

The Commissioner is of the view that television programming that relates to the lives of children and youth is important for their development. It serves to convey culture and group values, while at the same time stimulating their imagination. It is both a medium of education and a cultural showcase. The Commissioner is therefore asking the CRTC to establish incentives to encourage the production and broadcasting of original Canadian French-language programs—both live-action and animation—for children and youth.

#### **RECOMMENDATION 7**

The Commissioner of Official Languages recommends that the Canadian Radio-television and Telecommunications Commission establish incentives for the production of Canadian live-action and animation programs in French for children and youth.

#### **International co-production issues**

Official co-production with foreign countries is an important aspect of the Canadian film and television industry. It allows Canadian producers to make their work

138 *Broadcasting Public Notice CRTC 2005-8*, para. 94.

known in the international arena, and pool financial and human resources.<sup>139</sup> In the last 10 years, Canada has co-produced more than 800 film and television productions. The CFTPA's *Profile 2008* states that "as co-production treaties are founded on the principle of reciprocity, the

Canadian producer is responsible for approximately one-half of the total treaty co-production budget."<sup>140</sup> The data in Table 5 show the extent of all co-productions, as well as the Canadian share (2002 to 2007) by language.<sup>141</sup>

**Table 5**

CO-PRODUCTION PROJECTS BY LANGUAGE, TOTAL BUDGET AND CANADIAN DOLLAR SHARE (2002–2007)

Year	Number of Projects N (%)		Total Budget (\$)		Canadian Share (\$)	
	English	French	English	French	English	French
2002	65 (65.7)	34 (34.4)	370,238,247	174,714,379	211,959,136	69,001,927
2003	63 (73.3)	23 (26.8)	550,126,811	86,947,312	295,440,585	27,401,216
2004	49 (69.0)	21 (29.6)	346,607,994	79,080,312	174,579,481	23,764,159
2005	46 (67.7)	22 (32.4)	287,402,643	83,321,309	155,039,526	24,839,123
2006	40 (63.5)	23 (36.5)	349,649,241	91,215,525	142,258,754	36,102,373
2007	48 (76.2)	15 (23.8)	401,210,774	90,217,285	176,165,178	26,269,801

Source: Telefilm Canada, *Statistics on Coproduction*, [www.telefilm.gc.ca/04/42.asp](http://www.telefilm.gc.ca/04/42.asp) (consulted on July 10, 2008).

Note: The numbers are approximations because they were calculated based on rounded off data.

France is Canada's biggest partner for official co-productions. In 2007, the total volume of co-production with France accounted for \$202 million, or 21 co-productions. The United Kingdom ranks second with \$106 million. However, partnerships vary greatly from one year to another, depending on what projects are under way.<sup>142</sup> With regard to television co-productions by genre, the production of dramas (fiction) accounts for 46.1% of a total \$178 million, followed by productions for children and youth (35.4%) and documentaries (18%).<sup>143</sup>

Table 6 shows the steady fluctuations in co-production agreements over the past decade, in the direction of an overall decline. This decrease is due to a number of factors, including changes in the European Union rules and incentives that have encouraged intra-European productions, as well as changes affecting international co-production with the United Kingdom.

As for children's programs, 2007 figures from Telefilm Canada show a substantial decline in such co-productions between 1996 and 2002, which fell from 56% to 24% of total co-productions. In 2005, in contrast, this genre rose to 36%.<sup>144</sup>

139 See Telefilm Canada, *Official Coproductions - Mandate, policies and requirements*, 2000–2001, latest update on January 25, 2007, [www.telefilm.gc.ca/04/41.asp?lang=en](http://www.telefilm.gc.ca/04/41.asp?lang=en).

140 CFTPA, *Profile 2008*, p. 33.

141 Television co-production accounted for 78% (N=78) of the projects in 2002, 64% (N=55) in 2003, 76% (N=54) in 2004, 76% (N=52) in 2005, 68% in 2006 (N=43) and 59% (N=37) in 2007. The remaining proportion was film co-production. Telefilm Canada, *Statistics on Coproduction*, [www.telefilm.gc.ca/04/42.asp?lang=en&](http://www.telefilm.gc.ca/04/42.asp?lang=en&) (consulted on July 10, 2008).

142 The partnership with France works under the terms and conditions of the 1985 Agreement between the Government of Canada and the Government of the French Republic concerning the Promotion of Film and Video Co-Production in the Field of Animation. French investors saw Canada as an ideal partner because of the tax credits available and the proximity of the United States. See Nordicity Group Ltd., *The Case for Kids Programming*, 2007, p. 37.

143 CFTPA, *Profile 2008*, p. 55.

144 See CFTPA, *Profile 2007*, p. 77.

**Table 6**

## INTERNATIONAL TELEVISION CO-PRODUCTIONS, BY GENRE

	2001	2002	2003	2004	2005	2006	2007
<b>Total volume of production (\$ millions)</b>							
Drama fiction	267	171	30	51	42	66	82
Documentary	39	57	28	43	51	34	32
Children's & Youth	280	138	211	124	133	116	63
Other	----	2	----	3	2	----	----
Total	587	368	268	221	228	216	178
<b>Number of projects</b>							
Drama fiction	14	12	5	4	3	5	8
Documentary	32	47	27	31	29	20	20
Children's & Youth	36	18	23	18	19	16	10
Other	----	1	----	2	1	----	----
Total	82	78	55	55	52	41	35
<b>Average project budgets (\$ millions)</b>							
Drama fiction	19.1	14.3	6.0	12.8	14.0	13.2	16.4
Documentary	1.2	1.2	1.0	1.4	1.8	1.7	1.6
Children's & Youth	7.8	7.7	9.2	6.9	7.0	7.3	6.3
Other	----	2.0	----	1.5	2.0	----	----
Total	7.2	4.7	4.9	4.0	4.4	5.3	5.1
Source: Telefilm Canada.							

Source: CFTPA, *Profile 2008*, p. 55.

Note: The numbers are approximations because they were calculated based on rounded off data.

As for television co-production for children, animation accounts for a much larger share of the budget than live action (Table 7). And as can be seen, in 2004–2005 and 2005–2006, no budget was allocated to live action,

while animation received \$143 million and \$73 million respectively in these years. Also, the overall budget, both in Canada and abroad, decreased significantly between 1998 and 2006, both for animation and for live action.<sup>145</sup>

**Table 7**

VOLUME OF CANADA'S INTERNATIONAL TREATY CO-PRODUCTION IN THE CHILDREN'S GENRE (\$ MILLION)

	1998–1999	1999–2000	2000–2001	2001–2002	2002–2003	2003–2004	2004–2005	2005–2006
<b>Animation</b>								
Canadian budget	123	111	106	115	69	79	68	37
Foreign budget	101	98	84	106	83	94	75	35
Total budget	225	210	190	221	152	174	143	73
<b>Live action</b>								
Canadian budget	3	11	17	25	26	10	0	0
Foreign budget	3	10	9	24	24	14	0	0
Total budget	6	21	26	49	50	24	0	0

Source: Nordicity estimates based on data from CAVCO.

Source: Nordicity Group Ltd., *The Case for Kids Programming*, p. 37.

Note: The numbers are approximations because they were calculated based on rounded off data.

According to the figures in *Profile 2007* and in Table 5, a large proportion of official television and film co-productions of all genres were made in English. Between 2002 and 2007, English-language works accounted for more than 70% of all international co-productions.<sup>146</sup>

In summary, international co-production contributes greatly to film and television production in Canada. However, since 1996, the agreements (including those for children's and youth co-productions) have experienced large fluctuations. Moreover, Canada is often involved as a minority partner only. Therefore, although France is Canada's biggest partner, a large proportion of official co-productions are made in English. Animated series for children are not produced in French either in Canada or through co-production agreements. Young French-speaking children must therefore make do with translations or adaptations of works originally produced in English.

#### **Review of the co-production agreement with France**

In their report, SARTEC and the UDA emphasized that, in the vast majority of animation series co-produced with France, the terms and conditions of the 1985 agreement result in these series being scripted in French in France and in English in Quebec or elsewhere in Canada.<sup>147</sup> This leaves little room for the creation, through co-productions, of original works produced in French in Quebec or elsewhere in the country.

This state of affairs may be explained by a number of factors:

- Animation productions sold on international markets (as with most other types of programs) are overwhelmingly in English.
- Programs that need to be translated into English require additional expenditures for translation and thus do not sell as well on international markets as the original English-language versions.

146 CFTPA, *Profile 2007*, p. 72. See also Telefilm Canada, *Statistics on Coproduction*, [www.telefilm.gc.ca/04/42.asp?lang=EN&](http://www.telefilm.gc.ca/04/42.asp?lang=EN&) (consulted on July 10, 2008). Unfortunately, *Profile 2008* does not provide data by language.

147 SARTEC/UDA, *Séries jeunesse et animation*, 2005, p. 9.

- Producing animation in a foreign country such as China, Taiwan, Korea, India or the Philippines (which is common practice) requires that all instructions be written in English.
- The foreign producer, as a majority partner, can often impose its will regarding the language of production.

Given the special place of France as the major partner in co-production agreements, the production language is becoming an important issue. In France, translations and adaptations are eligible for royalties. This situation encourages French producers to write the Canadian episodes of a co-production in English, so as to receive royalties for French translation and adaptation. This is made possible by the absence of any reference to the production language in the 1985 Agreement between the Government of Canada and the Government of the French Republic concerning the Promotion of Film and Video Co-Production in the Field of Animation.

Canadian Heritage has pledged to review Canada's co-production agreements in order to modernize them. This would be a good opportunity to revisit the issue of original French-language production of animations and to find ways, particularly financial, of providing the necessary boost to ensure that Canada remains a valuable partner at the international level.

#### **RECOMMENDATION 8**

The Commissioner of Official Languages recommends that the Department of Canadian Heritage review its policy of international co-production with a view to promoting original French-language production, particularly in animation.

### **4.3 Broadcasting in French: State of affairs**

#### ***Few original Canadian series in French***

In 2006–2007, the CTF provided \$13 million for the production of French-language programs for children and youth. The biggest envelopes are held by five public and specialty services: VRAK-TV, Radio-Canada, Télé-Québec, Télétoon and TFO. Since 2001, however, the proportion of funding provided by the CTF for children's

and youth programming (in both English and French) has fallen by 18%.<sup>148</sup> The CTF says in its defence that, since the introduction of the BPE system, funding for every genre of programming, including children's and youth programming, is much more stable than it was in the past because a total expenditure by genre is established at the beginning of each fiscal year.

As a public educational and cultural channel, Télé-Québec pledged, as part of its latest licence renewal (in 2001), to broadcast 21 hours a week of Canadian programming for children aged 2 to 11. However, the licence conditions do not specify whether these programs must be original French-language productions.<sup>149</sup> As for the French-language educational television channel in Ontario, TFO, it said at the time of its licence renewal, also in 2001, that it intended to broadcast at least 29 hours a week of Canadian television programs for children 2 to 11 and at least 10 hours a week of programs for youth (12 to 17).<sup>150</sup> The CRTC, however, has not included these commitments in the licence conditions, nor has it specified conditions pertaining to original French-language production.

More recently, when the CRTC became aware of the problem of a decline in the production of children's and youth programming, it decided that it would be in the interest of the broadcasting system, and more specifically of Francophone children and teenagers, that the requirements placed on VRAK-TV be amended. During VRAK-TV's licence renewal in 2006, the CRTC said that VRAK-TV had to broadcast "not less than 104 hours [per year] of original first-run Canadian French-language programs."<sup>151</sup>

With regard to the requirements for public broadcasters, at the time of the CBC and Radio-Canada's licence renewal in 2000, the CRTC indicated that it expected them to fulfil their commitment to broadcast 20 hours per week of programming (Canadian and foreign) for children and youth, and it even encouraged them to exceed this commitment where possible.<sup>152</sup> The CBC and Radio-Canada committed to ensuring that 60% of these programs were Canadian, a proportion that remained steady for the duration of the licences.

148 See CTF, *2006–2007 Annual Report; Stakeholders Report 2007*, p. 20 and 30.

149 See *Appendix to Decision CRTC 2001-256*.

150 *Public Notice CRTC 2001-38*, para. 14.

151 See *Decision CRTC 2006-382*.

152 See *Decision CRTC 2000-2*.

However, in the licence conditions as such, the CRTC imposed only four hours a week of original Canadian programming for children 2 to 11 years of age, without specifying the language of production of these programs. It should be noted that almost all the youth programs on Radio-Canada are outside productions.

That said, Radio-Canada did invest \$3.85 million that it received from the CTF in the production of French-language programs for children and youth in 2006–2007 and \$3.3 million in 2007–2008.<sup>153</sup> The CBC also funded French-language projects valued at \$1.4 million in 2006–2007. The total investment made by CBC/Radio-Canada in 2006–2007 is therefore \$5.3 million.

As a national broadcaster, CBC/Radio-Canada must ensure the preservation of our common heritage and strengthen Canadian identity and values. The Commissioner believes that the Corporation should reaffirm its commitment to programming for children and youth. The Commissioner therefore encourages Radio-Canada to produce and broadcast programs that reflect the lives of young Canadian Francophones. For example, the *Franc-Ouest* project, created by the NFB in 1990, gave children a chance to find out about the lives of Francophones in Western Canada.<sup>154</sup>

### ***Produced in English, dubbed in French***

In their report,<sup>155</sup> SARTEC and the UDA criticize the practice of broadcasters, particularly public broadcasters such as Radio-Canada and Télé-Québec, of buying animation series that are scripted and filmed in Canada in English and then translating them into French, to satisfy the licence conditions related to the broadcast of original Canadian programming.

For example, Table 9 shows that the schedule for animation programs broadcast on Radio-Canada in 2007 amounted to a total of 13 series. However, only one series was an original Canadian production in French (and it was co-produced with France). These data also show that half of the programs were produced over five years ago and that Radio-Canada had not contributed to any of them. The three other Canadian animation series broadcast by Radio-Canada were originally produced for the English-language channel YTV. Since 1998–1999, Radio-Canada has thus contributed very little to the production of animation series. Previously, it contributed to the *Franklin* series produced by Nelvana with the participation of the CBC and the Family Channel.<sup>156</sup>

In 2004–2005, Radio-Canada participated in a French animation series. The *Bali* project (26 episodes), produced by Divertissement Subséquence Inc. and co-produced with France, had a Canadian budget of \$1.46 million. In 2006–2007, Radio-Canada decided to become more involved in the production of children's programs. Thanks to a contribution from the CTF, six pilots of programs for children and youth were developed. However, all six programs were live-action broadcasts, not animations.<sup>157</sup>

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153 See the CTF's Web site at the following address: [www.ctf-fct.ca/assets/archives/0607/fundingBPE0607.pdf](http://www.ctf-fct.ca/assets/archives/0607/fundingBPE0607.pdf).

154 NFB, *Franc-Ouest – Comment je vis, qui je suis*, <http://www3.onfca/collection/films/fiche/?id=4810>.

155 SARTEC/UDA, *Séries jeunesse et animation*, 2005.

156 See CTF, *Annual Report 1998-1999*.

157 See CTF, *Broadcaster Performance Envelope Stream*, [www.ctf-fct.ca/assets/archives/0607/fundingBPE0607.pdf](http://www.ctf-fct.ca/assets/archives/0607/fundingBPE0607.pdf).

**Table 9**

COUNTRY OF PRODUCTION AND ORIGINAL LANGUAGE OF ANIMATION PROGRAMS  
BROADCAST BY RADIO-CANADA (2007)

Title	Country of production	Original language	Year of production
<i>Les 101 dalmatiens</i>	United States	English	1997–1998
<i>Rémi</i>	Japan	Japanese	1977–1978
<i>Les Schtroumpfs</i>	United States–Belgium	English	1981–1989
<i>Code Lyoko</i>	France	French	2003–
<i>Kong</i>	United States	English	2005–
<i>Le projet Zeta</i>	United States	English	2001–2002
<i>Chasseurs de dragons</i>	France	French	2005
<i>Les mystères de Moville</i>	Canada	English	2002–2006
<i>Hôtel bordemer</i>	France–Australia	English	2002–2005
<i>L'île à Lili</i>	Canada–France	French	2003–2006
<i>Twipsy le cybermessenger</i>	Germany–Spain	Spanish	1999
<i>Winchell et compagnie</i>	Canada	English	2005
<i>Mona le vampire</i>	Canada	English	1999–2002

Source: Based on Radio-Canada television listings at the following address: [www.radio-canada.ca/jeunesse/series\\_dessinsanimes/index.shtml](http://www.radio-canada.ca/jeunesse/series_dessinsanimes/index.shtml) (in French only) (consulted on June 26, 2007).

#### **RECOMMENDATION 9**

The Commissioner of Official Languages recommends that the Canadian Radio-television and Telecommunications Commission

- a) establish incentives to encourage the broadcasting of Canadian animation and live-action programs in French for children and youth;
- b) clearly indicate, in the licence conditions, the language of production of original Canadian programs.

#### **RECOMMENDATION 10**

The Commissioner of Official Languages recommends that Radio-Canada increase its efforts to broadcast original French-language Canadian series for children and youth.

#### ***The CTF and the issue of dubbing***

The issue of production opens up the issue of dubbing. In Canada, the dubbing in whole or in part of Canadian products remains a thorny issue. According to SARTEC and the UDA, the dubbing problem is related to the lax application of co-production policies.<sup>158</sup> The authors of the

158 SARTEC/UDA, *Séries jeunesse et animation*, 2005, p. 28.

report raised several examples of Canadian programming supported by the CTF that had been dubbed in French abroad, such as the popular series *Degrassi: The Next Generation*, produced by the CBC. The problem is that the CTF contract wording does not exclude the possibility that programs funded by the CTF will be dubbed into French abroad and then redistributed at a later stage in Canada, in cases where the dubbing is undertaken after the project has been completed. In the case of *Degrassi Junior High*, for example, the episodes were produced between 1987 and 1991. At the time, broadcasting them on Canadian channels in French was not an option. The episodes were then picked up by European channels, which dubbed them into French. Today, it is this dubbed version that is being broadcast by VRAK-TV, since there is no Canadian soundtrack in French.

Several associations, including the Association des doubleurs professionnels du Québec (ADPQ) and the UDA, have made representations to governments with a view to preventing Canadian television productions from being dubbed into French abroad.<sup>159</sup>

The CTF has an envelope of \$1.5 million annually to support dubbing and subtitling of projects that were originally produced with its assistance. In 2004–2005, 16 productions benefited from this funding. Only four of these were translated into English, including three documentaries and the hit drama series *Fortier V*.<sup>160</sup> In 2006–2007, the CTF contributed nearly \$700,000 to support dubbing and subtitling. According to its guidelines, the CTF funds eligible projects on a first-come, first-served basis until funds are exhausted.<sup>161</sup> In order to regulate this matter with respect to official languages and Canadian companies, the CTF introduced the following wording into all production contracts in 2005–2006:

In the event the Project has been licensed or will be licensed for Canadian broadcast in the other official language (English or French as applicable) prior to delivery of the Project to the first window Canadian broadcaster, the Applicant will ensure that all

versioning (i.e. dubbing or subtitling) of the Project will be performed by a Canadian-owned and controlled company using Canadian artists, actors, employees and technicians (as applicable). Exceptions to the foregoing requirement may be made in the case of official treaty co-productions.

It should be noted that, in a paper published in December 2007 entitled *Summary of Changes in the 2008-2009 Guidelines*, the CTF withdraws the requirement that the company be “Canadian owned and controlled” with regard to dubbing and subtitling: “Now, such services need only be performed in Canada using Canadian artists, actors, employees and technicians.”<sup>162</sup>

One solution proposed by SARTEC and the UDA is to use tax credits similar to those offered in Quebec,<sup>163</sup> with certain accommodations. The Quebec government is apparently alone in offering this type of support for dubbing. Incentives such as tax credits and preferential rates on certificates issued by the Régie du cinéma may have contributed to the tripling in the number of films dubbed in Quebec since 1990.<sup>164</sup>

At the federal level, the CPTC is automatically applied to all eligible projects. No reference is made to language. In Quebec, the refundable tax credit for film and television production, administered by SODEC, promotes certain program categories and puts a ceiling on projects in a language other than French.

The Commissioner acknowledges that some measures are needed, and not only for the CTF. CAVCO at Canadian Heritage also has a role to play.

#### **RECOMMENDATION 11**

The Commissioner of Official Languages recommends that the Department of Canadian Heritage take steps to ensure that new television productions that have benefited from the Canadian Film or Video Production Tax Credit and the support of the Canadian Television Fund be dubbed in Canada when they will be broadcast on Canadian television in either of the official languages.

159 See “La voix du Québec” in *Qui Fait Quoi*, No. 228, December 2003, p. 20-26.

160 CTF, *2004–2005 Annual Report*, p. 40.

161 CTF, *Versioning Assistance Guidelines 2007–2008*, p. 7, [www.ctf-fct.ca/assets/versioning0708.pdf](http://www.ctf-fct.ca/assets/versioning0708.pdf) (consulted on June, 2008).

162 CTF, *Guidelines 2008–2009*, p. 4.

163 SARTEC/UDA, *Séries jeunesse et animation*, 2005.

164 Ministère de la Culture, des Communications et de la Condition féminine du Québec, *La ministre Christine St-Pierre annonce des mesures visant à consolider le développement de l'industrie du doublage de films au Québec*, news release, Montréal, April 29, 2008. In 2006–2007, contracts to Quebec dubbing firms were valued at \$20 million.

### **Recycling of English-language broadcasts**

As mentioned previously, the CRTC requires, as a licence condition, that a certain percentage of Canadian programming be broadcast. However, this condition does not specify the original language. The CRTC decisions reviewed in the previous sections make no mention of the term “original broadcast,” which, in the eyes of SARTEC and the UDA, influences what is broadcast on our airwaves.

For SARTEC and the UDA, the amendment, in 1999, of the CRTC’s definition of “first run” to include “programs previously broadcast by a Canadian discretionary service [...] and programs broadcast for the first time by a Canadian specialty or pay television service, **in a language other than the language in which it was originally distributed by another broadcaster**” allows channels to “**meet their quotas for original broadcasts by recycling old English-language broadcasts into French, often dubbed overseas.**”<sup>165</sup>

In *Broadcasting Public Notice CRTC 2005-8* concerning the creation of incentives for French-language drama, the CRTC finally opts for the term “original program”, which is defined as the following:

[...] a program that, at the time of its broadcast by a licensee, has not been previously broadcast by the licensee or, subject to the exceptions set out below, by any other licensee.

A licensee may also count a program as an original program for the purpose of the drama incentive program where:

- a) the licensee contributed to the program’s pre-production financing [...];
- b) the program has only been previously broadcast by a licensee of a pay television, pay-per-view or video-on-demand undertaking; [...]
- d) the program has been previously broadcast in English by a licensee, but was produced originally in both English and French and otherwise satisfies the definition of original program; a program that was originally produced in English only will not qualify as an original program even when it is broadcast with a French-language sound track or with French-language captioning.

The Commissioner is of the opinion that if the steps taken by the CRTC in recent years are not enough by themselves to stop program recycling, the implementation of the recommendations in this report could help achieve a better balance, by fostering the creation of original French-language programming together with the dubbing of English-Canadian programs into French here in Canada.

### **4.4 Funding for the production of English-language series: Use of French-language funds from BDUs**

Animation programs in French are broadcast primarily by five channels: Télétoon, VRAK-TV, Radio-Canada, Télé-Québec and TFO. Télétoon broadcasts nothing but animation, and 60% of its programs have to be Canadian. As a licence condition, Télétoon must direct a minimum of one-third of all script and concept expenditures to Canadian French-language producers and acquire, when available, all Canadian-created French-language audio tracks for non-Canadian productions or co-productions that it broadcasts.<sup>166</sup>

SARTEC and the UDA claim that the CTF allows the funding of animation series in English from Télétoon’s French-language envelope.<sup>167</sup> Indeed, CTF data for 2006–2007 confirm this practice (see Table 10). The CTF indicates that, to determine which language envelope a project will be considered for, it bases its decision on the language of the broadcasting rights, not the production language of the program. This practice, they add, is also used for the opposite language combination: French-language projects are supported by English-language BPEs and, over the last few years, French projects have benefited from this practice because they have received more from English BPEs than English projects received from French BPEs.

Table 10 shows that the original language of four projects was French, while four others were in English. Even though the original English-language projects received a French-language BPE contribution of \$711,000, original French-language projects received a contribution of \$2.1 million from English-language BPEs. While these data seem to indicate that French-language projects have an advantage in terms of funding, there is no evidence this is the case since the determining factor when funding is provided is broadcast rights of a giving project.

165 SARTEC/UDA, *Séries jeunesse et animation*, 2005, p. 23; emphasis is SARTEC and the UDA’s. See also *Public Notice CRTC 1999-97*, para. 100.

166 See *Broadcasting Decision CRTC 2004-12*.

167 SARTEC/UDA, *Séries jeunesse et animation*, 2005.

**Table 10**

## TÉLÉTOON TELEVISION PROGRAMS FUNDED BY THE CTF ENVELOPE

Project Title	Studio	Contributions from French-Language Envelope	Contributions from English-Language Envelope	Region (Language)
<b>Children's and youth programming category</b>				
Atomic Betty III (53-78)	A Betty 3 Productions Inc.	\$204,620	\$1,159,519	Toronto (English)
Blaise le blasé I (1-26)	Spectra Animation I Inc.	\$172,500	\$977,500	Montréal (French)
Class of the Titans II (27-52)	Studio B (Titans II) Productions Inc.	\$187,644	\$1,245,195	British Columbia (English)
Delilah and Julius II (27-52)	Big AI Spy Productions II Inc. & Decode/Delilah Productions 2 Inc.	\$205,200	\$1,162,800	Nova Scotia (English)
Planet Sketch II (14-39)	Decode/Sketch Productions 2 Inc.	\$113,360	\$642,372	Toronto (English)
Poussière d'étoiles	PVP Animation Inc.	\$25,500	\$144,500	Quebec-Regional (French)
W II (53-104)	9145-8083 Québec Inc.	\$13,388	\$92,862	Quebec-Regional (French)
<b>Drama category</b>				
Punch ! I (1-20)	Grenadine Productions Inc.	\$127,473	\$881,950	Montréal (French)

Source: CTF, *Broadcaster Performance Envelope Stream 2006–2007*, p. 15 and 24, [www.ctf-fct.ca/assets/archives/0607/fundingBPE0607.pdf](http://www.ctf-fct.ca/assets/archives/0607/fundingBPE0607.pdf) (consulted on June 6, 2008).

For the CTF, there is no fixed objective or requirement that has to be met for the language of animation series. It is therefore difficult to insist on the use of funding from BDUs for the French-language production of animation series. The APFTQ states that it would be difficult to

require the CTF to fund only original French-language animation projects from the Télétoon French envelope, especially in the context of international co-production, where Canada is often a minority partner.

## Summary

Canadian programs are highly prized by the French-speaking public, but they do not necessarily provide access to Francophone culture.

In 2005, SARTEC and the UDA warned about this situation, especially with respect to programs aimed at children and youth, by publishing a report on this matter.

A thorough analysis sheds light on the context of production and broadcasting for children's and youth programming, dubbing practices for Canadian television products and the use of contributions from the major BDUs.

It has been found that, for many years now, there has been a decrease in the production of original programming in French for children, including animation series. This can be attributed in part to the television policy established by the CRTC in 1999, which removes time credits for broadcasts during children's peak hours, in part because of Quebec's *Consumer Protection Act*, which prohibits commercial advertising directed at children under 13, and in part because of the higher costs of production in French.

In addition, many programs broadcast in French as "original productions" are in fact dubbed English productions, and the dubbing often takes place abroad.

With regard to the dubbing of Canadian official language programming, there is no specific rule requiring broadcasters to routinely use Canadian professionals for this purpose, especially in the context of international co-productions.

Co-production agreements usually contain no provision concerning dubbing. In the case of the 1985 agreement with France, it has been noted that productions are made in English in Canada because this allows producers to access royalties for the adaptation and translation of the products.

The Commissioner believes that the Government of Canada cannot meet its commitments under Part VII of the *Official Languages Act* if it allows the Canadian broadcasting system to mostly broadcast programs in a language that fails to convey Canada's Francophone culture.

With this in mind, he suggests that stakeholders take a variety of actions to foster the production and broadcast of original French-language programs, especially for children.

In summary, the Commissioner of Official Languages recommends

That the Department of Canadian Heritage

- Review its policy on international co-production in order to promote the production of original French-language animation;
- Establish tax credits for dubbing productions in Canada in the other official language.

That Radio-Canada

- Increase its efforts to broadcast more original French-language animation series for children and youth.

That the CRTC

- Establish necessary measures to promote production and broadcasting of Canadian French-language programs for children and youth.

## CONCLUSION

The Commissioner of Official Languages undertook this study in accordance with his mandate under the *Official Languages Act* to enhance the vitality of the English and French linguistic minority communities in Canada (section 41) and to take all actions and measures with a view to ensuring recognition of the status of each of the official languages in Canada (section 56).

By looking at the place of the French language on the airwaves as well as OLMC television production, the study identified progress in television production from Francophone minority communities in Canada, in terms of volume, variety and quality of the productions and the economic impact they have.

These gains by Francophone producers are partly attributable to the fact that 10% of the CTF funds for French-language production are reserved for French-language production outside Quebec, and they are partly attributable to partnerships with a number of federal institutions and industry stakeholders. However, producers from the minority communities are faced on a day-to-day basis with major challenges, such as the remoteness of decision-making centres, the underdevelopment of infrastructure and a lack of funds. Even though it is not only OLMC producers who face these challenges, their situation is more difficult to resolve.

For Anglophones in Quebec, this study shows that their production issues are not the same as those faced by French speakers in OLMCs. Their specific challenges include fierce North American competition, lower international labour costs and the exodus of producers to other provinces that offer more attractive tax credits.

In order to encourage federal institutions to contribute fully to the development of OLMCs in the field of television production, the Commissioner has made recommendations to the Department of Canadian Heritage, the CRTC and CBC/Radio-Canada. Of prime importance is the recommendation encouraging Canadian Heritage to consider the value of having a member on the CTF's board of directors who understands the situation of independent producers in a minority context and the specific issues they must deal with.

The Commissioner also points to the importance of Canadian Heritage enhancing, in collaboration with its partners, the existing coordination strategy. He believes that the importance of partnerships between the OLMCs, independent producers from these communities, licensees and institutional stakeholders cannot be overestimated when it comes to supporting the production and broadcasting on Canadian airwaves of television products from OLMCs, and thus fostering their vitality.

With regard to the place of French in television production for children and youth, the Commissioner concludes that the federal institutions concerned should take various measures to facilitate the production of original French-language animation and live-action series, and to support the broadcasting of such programs. He makes a set of recommendations in this regard, stressing the importance of ensuring that dubbing is carried out by Canadian professionals in Canada.

The Commissioner believes it is necessary to pass on a love of the French language to children at an early age. Original television production that reflects the reality of Francophone children and youth in Canada would without a doubt strengthen Canadian identity and values.

Regarding the long-term effects of exposure to culture, access to quality programming for children can serve as an important educational tool for language learning and cultural transmission, and help enhance a child's sense of belonging to the community and to the Francophonie. Taking pride in a language contributes to the vitality of the community that speaks the language. In terms of broadcasting programs in the language of the minority, it may be necessary, in the future, to examine the geographic isolation of certain OLMCs and the problems they experience in obtaining access to programming produced in their region or, at the very least, broadcast in the minority language.

The Commissioner therefore calls on the various federal stakeholders concerned to increase their efforts to ensure that the production and broadcasting of original Canadian television programs can fully contribute to the development of OLMCs and to the vitality of French on the air.

## LIST OF RECOMMENDATIONS

### **RECOMMENDATION 1**

The Commissioner of Official Languages recommends that the Department of Canadian Heritage, working with professional associations and federal departments and agencies that are responsible for television production, strengthen their coordinated strategy in order to better support the production and broadcasting of television products from official language minority communities and overcome the barriers that have been identified.

### **RECOMMENDATION 2**

The Commissioner of Official Languages recommends to the Canadian Radio-television and Telecommunications Commission that it:

- a) develop a specific policy which will:
  - clarify the concept of regional reflection;
  - distinguish between the production of regional programs in the majority official language and the production of regional programs in the minority official language;
- b) encourage all Canadian broadcasting services to make commitments regarding the development and acquisition of French-language programs produced outside Quebec and English-language programs produced in Quebec, including a certain percentage produced outside of Montréal.

### **RECOMMENDATION 3**

The Commissioner of Official Languages recommends that the Canadian Radio-television and Telecommunications Commission formulate a policy in order to define the minimum commitments to be made by major media conglomerates (those authorized to operate in several provinces with a potential reach of more than 70% of the audience in their language of operation) in order to reflect the reality of official language minority communities and meet their needs. These commitments should be included in licence conditions.

### **RECOMMENDATION 4**

The Commissioner of Official Languages recommends that, at the time of licence renewal, the Canadian Radio-television and Telecommunications Commission monitor licensees more rigorously when they have commitments or licence conditions with respect to developing and acquiring programs produced in the minority official language.

### **RECOMMENDATION 5**

The Commissioner of Official Languages recommends that CBC/ Radio-Canada provide a more detailed report to the Canadian Radio-television and Telecommunications Commission on its expenditures for official language programming in a minority context.

The report should include a breakdown of expenditures for official language programs in a minority context, the number of hours of programming and information on whether these programs are broadcast during peak hours and whether they are broadcast over the national network. This information could be repeated in its report to Canadian Heritage on the implementation of section 41 of the *Official Languages Act*.

### **RECOMMENDATION 6**

The Commissioner of Official Languages recommends that the Department of Canadian Heritage ensure there are members who understand the unique issues of production in a minority context on the Canadian Television Fund's board of directors.

### **RECOMMENDATION 7**

The Commissioner of Official Languages recommends that the Canadian Radio-television and Telecommunications Commission establish incentives for the production of Canadian live-action and animation programs in French for children and youth.

### **RECOMMENDATION 8**

The Commissioner of Official Languages recommends that the Department of Canadian Heritage review its policy of international co-production with a view to promoting original French-language production, particularly in animation.

### **RECOMMENDATION 9**

- The Commissioner of Official Languages recommends that the Canadian Radio-television and Telecommunications Commission
- a) establish incentives to encourage the broadcasting of Canadian animation and live-action programs in French for children and youth;
  - b) clearly indicate, in the licence conditions, the language of production of original Canadian programs.

### **RECOMMENDATION 10**

The Commissioner of Official Languages recommends that Radio-Canada increase its efforts to broadcast original French-language Canadian series for children and youth.

### **RECOMMENDATION 11**

The Commissioner of Official Languages recommends that the Department of Canadian Heritage take steps to ensure that new television productions that have benefited from the Canadian Film or Video Production Tax Credit and the support of the Canadian Television Fund be dubbed in Canada when they will be broadcast on Canadian television in either of the official languages.

## LIST OF WORKS AND DOCUMENTS CITED

Alliance des producteurs francophones du Canada. *État de la situation pour les producteurs francophones en situation minoritaire*, submission to the Standing Committee on Official Languages, June 3, 2003.

Alliance des producteurs francophones du Canada. *La production cinématographique et télévisuelle en milieu minoritaire francophone. Consolider les acquis*, a proposal by the APFC to the signatories of the Multiparty Collaboration Agreement in support of the cultural and artistic development of Francophone minority communities, Fall 2006.

Alliance des producteurs francophones du Canada. *Lettre à la ministre du Patrimoine canadien*, June 5, 2006.

Alliance des producteurs francophones du Canada. *Portrait de l'activité de production des membres de l'APFC, données 2003/2004 à 2006/2007*, consultation with Point de Mire, January 2008.

Alliance des producteurs francophones du Canada. *Rapport du groupe de travail du CRTC sur le modèle canadien de télévision : Le début de la fin du modèle canadien?* July 2007.

Alliance for Children and Television. *Oral Presentation to the CRTC Regarding the Proceedings on the Canadian Television Fund (CTF) Task Force Report*, Ottawa, February 6, 2008.

Association des producteurs de films et de télévision du Québec. *Membership Directory*. [www.apftq.qc.ca](http://www.apftq.qc.ca)

Association québécoise de l'industrie du disque, du spectacle et de la vidéo, Association des producteurs de films et de télévision du Québec, Association des réalisateurs et réalisatrices du Québec, Société des auteurs de radio, télévision et cinéma and Union des artistes. *Réglementer les entreprises regroupées pour assurer la diversité des voix*, submission to the Diversity of Voices Proceeding, Broadcasting Notice of Public Hearing CRTC 2007-5, July 18, 2007.

*Broadcasting Act*, S.C. 1991, c. 11.  
<http://laws.justice.gc.ca/en/B-9.01/>

Canada. House of Commons. *Francophone Television Production in Minority Environments*, Eighth Report of the Standing Committee on Official Languages, November 2003.  
<http://cmte.parl.gc.ca/cmte/CommitteePublication.aspx?COM=3458&SourceId=37602&SwitchLanguage=1>

Canada. Office of the Auditor General of Canada. "Support to Cultural Industries," *Report of the Auditor General of Canada to the House of Commons*, Chapter 5, November 2005.  
[http://www.oag-bvg.gc.ca/internet/English/parl\\_oag\\_200511\\_05\\_e\\_14943.html](http://www.oag-bvg.gc.ca/internet/English/parl_oag_200511_05_e_14943.html)

Canada. Office of the Commissioner of Official Languages. *Audit of the Implementation of Section 41 of the Official Languages Act at the Canadian Radio-television and Telecommunications Commission*, February 2007.

Canadian Audio-Visual Certification Office. *2004–2005 Activity Report*.  
[www.patrimoinecanadien.gc.ca/progs/ac-ca/progs/bcpac-cavco/pubs/2004-05/activ\\_04-05\\_e.pdf](http://www.patrimoinecanadien.gc.ca/progs/ac-ca/progs/bcpac-cavco/pubs/2004-05/activ_04-05_e.pdf)

Canadian Audio-Visual Certification Office. *2005–2006 Activity Report*.

Canadian Film and Television Production Association. *2007 Profile: An Economic Report on the Canadian Film and Television Production Industry*. The report is the result of a collaboration between the CFTPA, the Association des producteurs de films et de télévision du Québec and the Department of Canadian Heritage, February 2007.  
[www.cftpa.ca/PDFs/Profile07\\_CLEAN.pdf](http://www.cftpa.ca/PDFs/Profile07_CLEAN.pdf)

Canadian Film and Television Production Association. *2008 Profile: An Economic Report on the Canadian Film and Television Production Industry*, produced by the Canadian Film and Television Production Association, the report is the result of a collaboration between the CFTPA, the Association des producteurs de films et de télévision du Québec and the Department of Canadian Heritage, the Association des producteurs de films et de télévision du Québec in conjunction with the Department of Canadian Heritage, 2008.  
[www.cftpa.ca/news/pdf/profile/profile2008-english.pdf](http://www.cftpa.ca/news/pdf/profile/profile2008-english.pdf)

Canadian Heritage. *Bulletin 41-42*, vol. 13, no 2, Spring/Summer 2007.  
[http://www.pch.gc.ca/pgm/lo-ol/bulletin/vol13\\_no2/108-eng.cfm](http://www.pch.gc.ca/pgm/lo-ol/bulletin/vol13_no2/108-eng.cfm)

Canadian Heritage. *Canada's New Government Supports Canadian Television Programming*, news release, January 26, 2007.  
[www.pch.gc.ca/newsroom/index\\_e.cfm?fuseaction=displayDocument&DocIDCd=CBO061311](http://www.pch.gc.ca/newsroom/index_e.cfm?fuseaction=displayDocument&DocIDCd=CBO061311)

Canadian Television Fund. *1998–1999 Annual Report*.

Canadian Television Fund. *2004–2005 Annual Report: The Big Picture Behind the Small Screen*.  
[www.ctf-fct.ca/assets/annualreport0405.pdf](http://www.ctf-fct.ca/assets/annualreport0405.pdf)

- Canadian Television Fund. *2006–2007 Annual Report*.  
[www.ctf-fct.ca/assets/annualreport0607.pdf](http://www.ctf-fct.ca/assets/annualreport0607.pdf)
- Canadian Television Fund. *2007–2008 Special Initiative Funding Results*.  
[http://ctf-fct.ca/funding\\_special\\_en.html](http://ctf-fct.ca/funding_special_en.html)
- Canadian Television Fund. *Annual Report 2007–2008: Adjust Your Set*.  
[www.ctf-fct.ca/assets/AR0708/en/pdf/CTF\\_annual\\_report\\_2007-2008\\_EN.pdf](http://www.ctf-fct.ca/assets/AR0708/en/pdf/CTF_annual_report_2007-2008_EN.pdf)
- Canadian Television Fund. *Approved Broadcaster Performance Envelope French-Language Applications 2007–2008*.  
[www.ctf-fct.ca/assets/funding/BPE-French-0708.pdf](http://www.ctf-fct.ca/assets/funding/BPE-French-0708.pdf)
- Canadian Television Fund. *Broadcaster Performance Envelope Stream 2006–2007*, April 24, 2007.  
[www.ctf-fct.ca/assets/archives/0607/fundingBPE0607.pdf](http://www.ctf-fct.ca/assets/archives/0607/fundingBPE0607.pdf)
- Canadian Television Fund. *French-language Projects Outside Quebec Funding Results*.  
[http://ctf-fct.ca/funding\\_special\\_en.html](http://ctf-fct.ca/funding_special_en.html)
- Canadian Television Fund. *Official Languages Activities (OLA) Program*, 2008.  
[www.telefilm.gc.ca/03/311.asp?lang=en&fond\\_id=6](http://www.telefilm.gc.ca/03/311.asp?lang=en&fond_id=6)
- Canadian Television Fund. *Special Initiative: SRC French-Language Productions Outside Quebec (FLPOQ) Envelope*, April 24, 2007.  
[www.ctf-fct.ca/assets/archives/0607/fundingFLPOQ-SRC0607.pdf](http://www.ctf-fct.ca/assets/archives/0607/fundingFLPOQ-SRC0607.pdf)
- Canadian Television Fund. *Stakeholders Report 2006: The Big Picture Behind the Small Screen*.  
[www.ctf-fct.ca/assets/Stakeholders\\_Report\\_2006.pdf](http://www.ctf-fct.ca/assets/Stakeholders_Report_2006.pdf)
- Canadian Television Fund. *Stakeholders Report 2007*.  
[www.ctf-fct.ca/assets/Stakeholders\\_Report\\_2007.pdf](http://www.ctf-fct.ca/assets/Stakeholders_Report_2007.pdf)
- Canadian Television Fund. *Summary of Changes in the 2008-2009 Guidelines*.  
[www.ctf-fct.ca/assets/summarychanges0809.pdf](http://www.ctf-fct.ca/assets/summarychanges0809.pdf)
- Canadian Television Fund. *Versioning Assistance Guidelines 2007–2008*.  
[www.ctf-fct.ca/assets/versioning0708.pdf](http://www.ctf-fct.ca/assets/versioning0708.pdf)
- CanWest Global Communications Corp. *Independent Production Activity Report 2007*.  
[www.crtc.gc.ca/frn/BCASTING/ann\\_rep/annualrp.htm#CanWest](http://www.crtc.gc.ca/frn/BCASTING/ann_rep/annualrp.htm#CanWest)
- CBC/Radio-Canada. *Action Plan for the Implementation of Section 41 of the Official Languages Act, 2004–2005*.  
[www.cbc.radio-canada.ca/docs/languages/2004-2005/pdf/PLANNAT04-eng.pdf](http://www.cbc.radio-canada.ca/docs/languages/2004-2005/pdf/PLANNAT04-eng.pdf)
- CBC/Radio-Canada. *Radio-Canada : État des réalisations axé sur les résultats de la mise en œuvre de l'article 41 de la Loi sur les langues officielles, 2006–2007*.
- CBC/Radio-Canada. *Rapport annuel au CRTC, le Réseau de l'information, pour la période de radiodiffusion 2005–2006*.  
[www.crtc.gc.ca/eng/bcasting/ann\\_rep/annualrp.htm](http://www.crtc.gc.ca/eng/bcasting/ann_rep/annualrp.htm)
- CBC/Radio-Canada. *Rapport annuel au CRTC, le Réseau de l'information, pour la période de radiodiffusion 2006–2007*.  
[www.crtc.gc.ca/eng/bcasting/ann\\_rep/annualrp.htm](http://www.crtc.gc.ca/eng/bcasting/ann_rep/annualrp.htm)
- CBC/Radio-Canada. *Results-Based Status Report on the Implementation of Section 41 of the Official Languages Act, 2005–06*.  
[www.cbc.radio-canada.ca/docs/languages/2006-2007/pdfs/Status-report-2005-06.pdf](http://www.cbc.radio-canada.ca/docs/languages/2006-2007/pdfs/Status-report-2005-06.pdf)
- CBC/Radio-Canada. *Status Report and Action Plan 2004–2005*.  
[http://cbc.radio-canada.ca/docs/languages/2005-2006/pdf/Report2004\\_e.pdf](http://cbc.radio-canada.ca/docs/languages/2005-2006/pdf/Report2004_e.pdf)
- Communications Médias Inc. *Documentary Policy Environmental Scan*, July 2005.  
[www.nfb.ca/about/publications/](http://www.nfb.ca/about/publications/)
- CRTC. *Achieving a Better Balance: Report on French-Language Broadcasting Services in a Minority Environment*, news release, 2001.  
[www.crtc.gc.ca/eng/news/releases/2001/i010212.htm](http://www.crtc.gc.ca/eng/news/releases/2001/i010212.htm)
- CRTC. Annual reports filed by licensees.  
[www.crtc.gc.ca/eng/bcasting/ann\\_rep/annualrp.htm](http://www.crtc.gc.ca/eng/bcasting/ann_rep/annualrp.htm)
- CRTC. *Application No. 2006-1065: Astral Broadcasting Group Inc.*  
[www.crtc.gc.ca/public/broad/applications/2006/2006-1065-1.zip](http://www.crtc.gc.ca/public/broad/applications/2006/2006-1065-1.zip) [in French only]
- CRTC. *Application No. 2006-1073-4: TV5 Québec Canada*.  
<http://www.crtc.gc.ca/archive/ENG/Hearings/2007/n2007-1.htm#13>

- CRTC. *Broadcasting Decision CRTC 2001-385: Licence renewals for the French-language national television network TVA and for the French-language television programming undertaking CFTM-TV Montréal.*  
www.crtc.gc.ca/archive/ENG/Decisions/2001/DB2001-385.htm
- CRTC. *Broadcasting Notice of Public Hearing CRTC 2005-8.*  
www.crtc.gc.ca/archive/eng/hearings/2005/n2005-8.htm
- CRTC. *Broadcasting Notice of Public Hearing CRTC 2007-1 – Digital Basic Carriage*, electronic document from the Commissioner of Official Languages to Ms. Diane Rhéaume, March 10, 2007.  
http://support.crtc.gc.ca/applicant/docs.aspx?pn\_ph\_no=2007-1&call\_id=52188&lang=e&defaultname=offic  
e%20of%20the%20commissioner%20of%20official%20  
languages&replyonly=&addinfo=&addtcmmt=&fnlsub
- CRTC. *Broadcasting Policy Monitoring Report, 2006*, June 30, 2006.  
www.crtc.gc.ca/eng/publications/reports.htm
- CRTC. *Broadcasting Public Notice 2008-100, Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services*, October 30, 2008.  
http://crtc.gc.ca/archive/eng/notices/2008/pb2008-100.htm
- CRTC. *CRTC Report to the Minister of Canadian Heritage on the Canadian Television Fund*, June 5, 2008.
- CRTC. *Decision CRTC 2000-1: Licences for CBC English-language television and radio renewed for a seven-year term.*  
www.crtc.gc.ca/archive/eng/decisions/2000/db2000-1.htm
- CRTC. *Decision CRTC 2000-2: Licences for CBC French-language television and radio renewed for a seven-year term.*  
www.crtc.gc.ca/archive/eng/decisions/2000/db2000-2.htm
- CRTC. *Decision CRTC 2000-3: Licences for Newsworld and RDI renewed for a seven-year term.*  
www.crtc.gc.ca/archive/eng/decisions/2000/db2000-3.htm
- CRTC. *Decision CRTC 2001-256: Licence renewals for the television network Télé-Québec and for CIVM-TV Montréal and its transmitters.*  
www.crtc.gc.ca/archive/eng/decisions/2001/db2001-256.htm
- CRTC. *Decision CRTC 2001-457: Licence renewals for the television stations controlled by CTV.*  
www.crtc.gc.ca/archive/ENG/Decisions/2001/DB2001-457.htm
- CRTC. *Decision CRTC 2001-458: Licence renewals for the television stations controlled by Global.*  
www.crtc.gc.ca/archive/ENG/Decisions/2001/DB2001-458.htm
- CRTC. *Decision CRTC 2003-77: TELUS' application for forbearance from section 29 of the Telecommunications Act with respect to forborne interexchange private line and long distance services.*  
www.crtc.gc.ca/archive/eng/decisions/2003/dt2003-77.htm
- CRTC. *Decision CRTC 2006-382: Astral Broadcasting Group Inc.*  
www.crtc.gc.ca/archive/eng/decisions/2006/db2006-382-1.htm
- CRTC. *Decision CRTC 98-488: TVA Group Inc.*  
www.crtc.gc.ca/archive/eng/decisions/1998/db98-488.htm
- CRTC. *Public Notice CRTC 1999-97: Building on success – a policy framework for Canadian television*, 1999.  
www.crtc.gc.ca/archive/eng/notices/1999/pb99-97.htm
- CRTC. *Public Notice CRTC, 1999-205: Definitions for new types of priority programs; revisions to the definitions of television content categories; definitions of Canadian dramatic programs that will qualify for time credits towards priority programming requirements.*  
www.crtc.gc.ca/archive/eng/notices/1999/pb99-205.htm
- CRTC. *Public Notice CRTC 2001-25: Achieving a better balance: Report on French-language broadcasting services in a minority environment*, 2001.  
www.crtc.gc.ca/archive/eng/notices/2001/pb2001-25.htm
- CRTC. *Public Notice CRTC 2001-38: Application by TELEMEDIA RADIO INC. relating to CIMF-FM.*  
www.crtc.gc.ca/archive/eng/notices/2001/pb2001-38.htm
- CRTC. *Public Notice 2007-70*, electronic document from the Commissioner of Official Languages.
- CRTC. *Report of the CRTC Task Force on the Canadian Television Fund*, presented to the Department of Canadian Heritage, June 29, 2007.  
www.crtc.gc.ca/eng/publications/reports/ctf2007.pdf
- CRTC. *Television: Financial and Statistical Summaries, 2001-2005.*  
www.crtc.gc.ca/eng/stats.htm
- CRTC. *Television: Financial and Statistical Summaries, 2006.*  
www.crtc.gc.ca/eng/stats.htm

- CRTC. *Television Broadcasting Regulations*, 1987.  
[www.crtc.gc.ca/eng/legal/tvregs.htm](http://www.crtc.gc.ca/eng/legal/tvregs.htm)
- CRTC. *The Future Environment Facing the Canadian Broadcasting System*, report prepared pursuant to section 15 of the *Broadcasting Act*, December 14, 2006.  
[www.crtc.gc.ca/eng/publications/reports/broadcast/rep061214.htm](http://www.crtc.gc.ca/eng/publications/reports/broadcast/rep061214.htm)
- CRTC. *The Task Force releases its report on the Canadian Television Fund*, news release, June 29, 2007.  
[www.crtc.gc.ca/eng/news/releases/2007/r070629.htm](http://www.crtc.gc.ca/eng/news/releases/2007/r070629.htm)
- CTV Inc. *Independent Production Activity Report for 2006/2007*.  
[www.crtc.gc.ca/frn/BCASTING/ann\\_rep/annualrp.htm#CTV](http://www.crtc.gc.ca/frn/BCASTING/ann_rep/annualrp.htm#CTV).
- CTV Inc. *Priority Programming Independent Production Activity Report for 2005/06*.  
[www.crtc.gc.ca/eng/bcasting/ann\\_rep/ctv\\_r4.pdf](http://www.crtc.gc.ca/eng/bcasting/ann_rep/ctv_r4.pdf)
- Fédération culturelle canadienne-française. *Rapport annuel 2006-2007*.  
[www.fccf.ca/documents/739.pdf](http://www.fccf.ca/documents/739.pdf)
- Grant, Peter and Chris Wood. *Blockbusters and Trade Wars: Popular Culture in a Globalized World*, Vancouver, Toronto: Douglas & McIntyre, 2004.
- Grant, Peter, Monique Lafontaine and Grant Buchanan. *Canadian Broadcasting Regulatory Handbook 2006*, 8th Edition, Toronto: McCarthy Tétrault LLP, 2006.
- Groupe TVA. *Rapport au CRTC sur les avantages tangibles : Décision CRTC 2001-384, année 2004-2005*.  
[www.crtc.gc.ca/eng/BCASTING/ann\\_rep/tva\\_a4.zip](http://www.crtc.gc.ca/eng/BCASTING/ann_rep/tva_a4.zip)
- Heenan, Roy L., O.C. *Doublage et renouvellement des ententes de distribution*, presented to the Ministre de la Culture, des Communications et de la Condition féminine du Québec, Heenan Blaikie, April 29, 2008.
- Kiefl, Barry. "Trends in Canadian Television Audiences, New Technologies, Advertising and Programming," *Canadian Film and Television Production Association's Submission to Broadcasting Public Notice CRTC 2006-72*, Appendix C, Canadian Media Research Inc., August 2006.
- "La voix du Québec," *Qui Fait Quoi*, No. 228, December 2003, p. 20–26.
- Le Groupe de radiodiffusion Astral Inc. *Demande de distribution obligatoire au service numérique de base de VRAK-TV en vertu de l'article 9(1)h de la Loi sur la radiodiffusion*, application number 2006-1065-1, August 25, 2006.
- Les Chaînes Télé Astral Inc. *Réaction de VRAK-TV à l'étude de la SARTEC et de l'UDA*, document attached to letter from Pierre Roy to Dyane Adam, March 30, 2003.
- Magnetic North Associates. *Going... Going... Gone: The Decline of English-language Production in Quebec*, a report prepared for ACTRA Montréal and DGC Quebec Council, unpublished, June 2008.
- Mahe v. Alberta*, [1990] 1 S.C.R. 342, at par. 31 and 32.
- Morissette, Nathaëlle. "Line Beauchamp refuse de légiférer," *La Presse*, December 7, 2006.
- Nordicity Group Ltd. *The Case for Kids Programming: Children's and Youth Audio-Visual Production in Canada*, prepared for the Canadian Film and Television Production Association in association with Shaw Rocket Fund, the Alliance for Children and Television and the National Film Board of Canada, February 2007.  
[www.act-aet.tv/pdf/the\\_case.pdf](http://www.act-aet.tv/pdf/the_case.pdf)
- Ontario. Ministry of Education of Ontario. *McGuinty Government Enriching Francophone Community*, news release, March 23, 2007.  
[http://logov.newswire.ca/ontario/GPOE/2007/03/23/c5956.html?lmatch=&lang=\\_e.html](http://logov.newswire.ca/ontario/GPOE/2007/03/23/c5956.html?lmatch=&lang=_e.html)
- Opinion-Impact. *Évaluation du nouveau format du téléjournal de Radio-Canada*, report to René Fontaine, Société Radio-Canada Winnipeg, Montréal, April 2008.
- Quebec. Ministère de la Culture, des Communications et de la Condition féminine. *La ministre Christine St-Pierre annonce des mesures visant à consolider le développement de l'industrie du doublage de films au Québec*, news release, Montréal, April 29, 2008.
- "Radio-Canada : Roger Léveillé réplique," *La Liberté*, July 4–10, 2007, p. 5.
- Rioux Soucy, Louise-Maude. "Forcer ou encourager le doublage des films au Québec?" *Le Devoir*, December 7, 2006.
- SARTEC and the UDA. *Séries jeunesse et animation : Le jeune public francophone dépossédé de sa culture et privé de ses artistes*, February 2005.

SARTEC and the UDA. *Séries jeunesse et animation : Le jeune public francophone dépossédé de sa culture et privé de ses artistes*, news release, Montréal, February 15, 2005. [www.sartec.qc.ca/commu/commu\\_15\\_02\\_05.pdf](http://www.sartec.qc.ca/commu/commu_15_02_05.pdf)

Société Nationale de l'Acadie. *L'Acadie très présente à Radio-Canada ce 15 août*, news release, August 17, 2007.

Société Nationale de l'Acadie. *La présence de l'Acadie de l'Atlantique au Réseau de l'information (RDI) de la Société Radio-Canada*, April 2007. [http://fane.networkcentrix.com/media\\_uploads/doc/4975.doc](http://fane.networkcentrix.com/media_uploads/doc/4975.doc)

Statistics Canada. *Television Viewing*, No. 87F0006XIE.

Statistics Canada. *The Evolving Linguistic Portrait, 2006 Census*, No. 97-555-XIE.

Telefilm Canada. *2005–2006 Annual Report*. [www.telefilm.gc.ca/01/172.asp](http://www.telefilm.gc.ca/01/172.asp)

Telefilm Canada. *Official Coproductions – Mandate policies and requirements, 2000–2001*. [www.telefilm.gc.ca/04/41.asp?lang=en](http://www.telefilm.gc.ca/04/41.asp?lang=en)

*Telefilm Canada Act*, R.S., 1985 c. C-16. <http://laws.justice.gc.ca/en/showtdm/cs/C-16>

Télé-Québec. *Rapport annuel 2005–2006*. <http://www.telequebec.tv/documents/corporatif/rapportsannuels/rapport-annuel-2005-2006.pdf>

Télé-Québec. *Rapport annuel 2006–2007*. [www.telequebec.tv/documents/corporatif/rapportsannuels/rapport-annuel-2006-2007.pdf](http://www.telequebec.tv/documents/corporatif/rapportsannuels/rapport-annuel-2006-2007.pdf)

Télétoon. *Réaction de Télétoon à l'étude de la SARTEC et de l'UDA*, document attached to letter from Carole Bonneau to Dyane Adam, March 30, 2003.

Télévision francophone de l'Ontario. Web site: [www.tfo.org/cfmx/tfoorg/tfo/a\\_propos\\_de\\_tfo/](http://www.tfo.org/cfmx/tfoorg/tfo/a_propos_de_tfo/)

Université Laval. Centre d'études sur les médias. *Portrait de la propriété dans le secteur de la télévision au Québec et au Canada*, January 2006. [www.cem.ulaval.ca/concentration.html](http://www.cem.ulaval.ca/concentration.html)

Vlessing, Etan and Mark Dillon. "Cheap programs surge," *Playback*, May 15, 2006.

## APPENDIX

TABLE 1  
APFC - VALUE OF LICENCES BY GENRE FOR EACH BROADCASTER

National	Genre	No. of projects by genre	Total no. of hours	Total no. of episodes	Total Budget	SRC	RDI	TFO	TV5	ARTV	TÉLÉ-QUEBEC	TVA	CANAL D	HISTORIA	CANAL FAMILLE	OTHERS	Total number of contributions per licence	Percentage of licences	
2003-2007	DOC	47	53.5	66	\$15,196,274	\$1,202,817	\$240,226	\$635,930	\$251,660	\$125,000	\$79,700	\$57,000	\$42,000			\$49,702	\$2,684,035	16.44%	
	DOC S	19	71.5	108	\$14,228,531	\$1,095,016	\$44,000	\$821,757	\$414,500	\$120,000		\$625,000	\$169,524				\$3,289,815	20.15%	
	DRA	7	5.5	6.5	\$2,832,780	\$351,810	\$5,000	\$36,000									\$392,810	2.41%	
	DRA S	9	37.5	70	\$16,285,777	\$1,924,906		\$1,769,000				\$166,940					\$3,860,846	23.65%	
	YP	5	38.5	78	\$5,020,957			\$1,428,401									\$1,428,401	8.75%	
	CP	4	39.5	92	\$4,797,230			\$1,483,861									\$300,440	9.09%	
	VAR	5	5	5	\$924,466	\$131,940	\$40,000	\$36,000	\$57,500	\$35,000							\$300,440	1.84%	
	VAR S	6	65.5	90	\$6,858,827	\$1,195,356					\$1,690,000						\$2,885,356	17.67%	
	Totals	102	316.5	515.5	\$66,144,842	\$5,901,845	\$329,226	\$6,210,949	\$723,660	\$1,970,000	\$848,940	\$211,524	\$49,702	\$16,325,564					

DOC: Documentary (stand-alone)  
 DOC S: Documentary series  
 DRA: Drama (stand-alone)  
 DRA S: Drama series  
 YP: Youth programming  
 CP: Children's programming  
 VAR: Variety (stand-alone)  
 VAR S: Variety series

